INDIGENOUS PEOPLES

IN VOLUNTARY ISOLATION
AND INITIAL CONTACT
INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION AND INITIAL CONTACT

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Even in the second decade of the 21st century, groups of people still live detached from all contact with the so-called “modernity” of the contemporary world. These groups of people live in voluntary isolation, maintaining essentially the same lifestyle that they have had since before Europeans crossed the Atlantic.

Estimates indicate that there are approximately 200 indigenous groups in isolation in the Americas. Although there is no universally-accepted definition of this status, indigenous peoples in isolation are, in general, indigenous peoples or segments of indigenous peoples who do not maintain or have never had regular contacts with the population outside their own group, and who tend to refuse contact with such outside persons. Indigenous peoples in voluntary isolation can also be groups or part of a group who, after an intermittent contact with the mainstream society, go back to their isolation and break all relations they may have had with society.

Given that they live in isolation, it is difficult to know with certainty how many people belong to these groups and where they live. According to some estimates, there are about 10,000 people living in voluntary isolation, and they are known to exist in Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru and Venezuela, especially in parts of the Amazon and tropical forests where access is difficult.

Even though some people have questioned the existence of indigenous peoples in isolation, there is evidence to confirm their existence, such as reports of occasional sightings and traces of temporary occupation. There have also been sporadic violent incidents, including aggressions by and against peoples in isolation. It is precisely due to their confirmed existence that countries such as Peru, for instance, have enacted legislation to protect indigenous peoples in voluntary isolation.

Indigenous peoples in isolation generally inhabit and move around areas that are very difficult to access and rich in natural resources such as precious woods, hydrocarbons and minerals, in addition to ecosystems, water sources, and flora and fauna that are essential for their survival. These peoples have inhabited their territories since long before the existence of modern nations. The sightings and encounters between peoples in isolation and members of the general population have often taken place with loggers (both legal and illegal) or hydrocarbon company workers, who, deliberately or not, damage the ecosystem on which these groups depend. Acts which to the general population may seem unimportant—such as cutting down some trees or altering the course of a river—can be determinative for the survival of these groups.

Peoples in isolation also face the risk of being infected with illnesses and diseases. Any contact between peoples living in isolation and people from the general population exposes the former to many diseases that may turn into deadly epidemics, since they do not have the immunological defenses that the general population has developed over the years. A notorious example took place in Peru in the mid 1980’s. After a brief encounter between some loggers and members of the Nahua community, the Nahua returned to their villages after having caught a cough from the loggers, infected the other members of the village, and this caused the death of approximately 60% of the community. Any contact can also alter the conduct patterns, culture, and lifestyle of peoples in isolation, since any insertion of the “modern” population in their lives can be traumatic.

To avoid this type of tragedies, countries like Brazil, Ecuador and Peru have established protected areas to try to protect the life and lifestyle of indigenous peoples in isolation or initial contact. Such territorial limitations in theory prohibit access to everyone from the outside, but in practice they are rarely respected as they should be. Given these circumstances, and the precarious situation in which they live, indigenous peoples in isolation are of special concern for defenders of the rights of indigenous peoples.

In the international legal arena, the rights of indigenous peoples are recognized, though they have only received attention in recent years. The UN Declaration on the Rights of Indigenous Peoples, approved on September 13, 2007, guarantees the Rights of indigenous peoples to “live in freedom… as distinct peoples” (Article 7), and requires States to establish effective mechanisms to prevent and redress “[a]ny action which has
the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities, and “[a]ny form of forced assimilation or integration” of indigenous peoples (Article 8.2). These rights, by applying to all indigenous peoples in general, also apply to peoples in voluntary isolation in particular.

In the Inter-American system, the Inter-American Commission on Human Rights (IACHR), a principal and autonomous organ of the Organization of American States, has addressed the subject of the rights of indigenous peoples in isolation through its various mechanisms. The IACHR has granted two precautionary measures for the protection of indigenous peoples in isolation: precautionary measure 91-06 regarding the Tagaeri and Taromenani indigenous peoples in Ecuador, and precautionary measure 262-05 regarding the indigenous peoples of Mashco Piro, Yora and Amahuaca in voluntary isolation in Peru.

In the case of precautionary measure 91-06, on May 10, 2006, the IACHR granted precautionary measures in favor of the Tagaeri and Taromenani, who live in isolation in the Amazonian jungle of Ecuador, near the border with Peru. After reports of the death of members of the Taromenani group related to illegal logging, the IACHR requested the State of Ecuador to adopt the measures necessary to protect the territory inhabited by the beneficiaries from the presence of third parties.

In the case of Peru, on March 22, 2007, the IACHR granted precautionary measures in favor of the Mashco Piro, Yora and Amahuaca peoples, who inhabit the area of the Las Piedras river, department of Madre de Dios. The IACHR was notified of illegal logging in the territories that were legally protected and designated to these communities in Madre de Dios, exposing them to potential extinction. In light of the situation, the IACHR requested the Peruvian State to adopt all measures necessary to guarantee the life and personal integrity of the members of the Mashco Piro, Yora, and Amahuaca indigenous peoples, especially the adoption of measures aimed at preventing irreparable harm resulting from the activities of third parties in their territory. In October 2007, during its 130th regular period of sessions, the IACHR held a public hearing during which it received information from the State and from the representatives of the beneficiaries on the implementation of the precautionary measures. These precautionary measures remain active.

The IACHR has also held thematic hearings regarding the rights of peoples in isolation. On March 25, 2011, a thematic hearing took place regarding the situation of peoples in voluntary isolation in the Amazon Region and the Gran Chaco, with the participation of representatives of the International Indigenous Committee for the Protection of Peoples in Isolation and Initial Contact in the Amazon, the Gran Chaco, and the Eastern Region of Paraguay (CIPIACI). Similarly, as mentioned above, a hearing took place on October 12, 2007 in connection with the situation of indigenous peoples in isolation in Peru, precautionary measure 262-05 (Mashco Piro, Yora and Arahua), and the Requests for Information 102/07 (Kugapakori, Nahua, Nanti and others), and 129/07. This hearing was attended by the petitioners, as well as representatives of the State of Peru. The granting of precautionary measures and the holding of these hearings reflects the commitment of the IACHR to continue strengthening the protection of the rights of indigenous peoples in isolation.

Unlike other rights-holders, indigenous peoples living in isolation by definition cannot advocate for their own rights before national or international fora. Therefore, the protection of their life and culture become particularly relevant for the Inter-American system of human rights.

This book offers a detailed panoramic of the situation of indigenous peoples in voluntary isolation in South America, as well as of the threats and challenges that they face. With a journey from the Brazilian Amazon, to the Paraguayan and Bolivian Gran Chaco, to the Peruvian and Ecuadorian jungle, it presents perspectives ranging from their confirmed existence in Peru—to the point that they have been recognized in Peruvian domestic law—to the controversy and disagreements regarding their existence (or lack thereof) in Venezuela.

Upon reading each one of the contributions to this compilation, it is remarkable to see the degree of similarities among indigenous peoples in isolation in the continent, irrespective of current national borders. The challenges and dangers also tend to be the same: the gradual but persistent invasion of their territories; legal and illegal exploitation of the natural resources found in their territories (from the times of the rubber tree rush, to precious woods and hydrocarbons of today); and illnesses and epidemics that all this carries with it. Even people with the best of intentions, such as missionaries and other religious workers, can cause great damage inadvertently if they manage to contact isolated groups. The responses from the various governments also tend to be markedly similar: nominal recognition of their existence and their rights, alongside a notable lack of enforcement in practice.
This compilation presents the valuable perspectives of experts who have dedicated many years to studying this topic. It also offers a rich source of demographic and ethnographic information regarding indigenous peoples in voluntary isolation and initial contact. A their recommendations also reveal a common denominator: respect for the right to self-determination of all peoples, and greater compliance, in theory but especially in practice, of their ancestral rights over their lands, territories, and natural resources.

The diffusion of information regarding peoples in isolation, and the creation of conscience regarding their situation and their rights, is an area of responsibility for all defenders of human rights. For this reason, the Rapporteurship on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights celebrates and is grateful for the efforts of IWGIA and IPES to bring together all the contributors to this publication.

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Notes


2 In her book “Indigenous Peoples in Isolation: Their Struggle for Survival and Freedom” (2002) (“Los Pueblos Indígenas en Aislamiento: Su lucha por la sobrevivencia y la libertad”), Beatriz Huertas Castillo explains that any term used to refer to these groups is necessarily artificial, given that, precisely because of the lack of contact with the general population, it is not known how these peoples refer to themselves. Among the terms used to refer to them are “not contacted,” “isolated,” “in voluntary isolation,” “free peoples,” “in initial contact,” “hidden,” “invisible,” “maskos,” “cachatos,” “brave Indians,” “savages,” among others, but they all refer to the same concept. In the international context, the term most frequently used is “indigenous peoples in isolation.” The qualifier “voluntary” can also be controversial because, although it can be said the indigenous peoples in isolation choose by their own will to be isolated, it is also true that they have been pushed to this choice by a long history of tragic contacts with the general population.

3 OHCHR Guidelines, par. 8.

4 OHCHR Guidelines, par. 6 and 8.


6 Huerta Castillo, 89-94 (summarizing various incidents of violent encounters, primarily in Peru and Brazil).


8 Id., 97-98.


10 This precautionary measure can be accessed at the IACHR website, page at: http://www.oas.org/es/cidh/indigenas/proteccion/cautelares.asp.

11 This precautionary measure can be accessed at the IACHR website, at: http://www.oas.org/es/cidh/indigenas/proteccion/cautelares.asp.


13 See http://www.oas.org/es/cidh/indigenas/proteccion/cautelares.asp. Despite this precautionary measure, there are reports that suggest that the Ecuadorian State has granted a concession over
several oil blocks in the Amazon, including the block known as "Armadillo," where various indigenous groups in isolation are known to live. Reports indicate that the bidding process, as well as the granting of the concession, was done regardless of the fact that the Ecuadoran government has acknowledged the presence of peoples in isolation in the Armadillo Block, particularly the Tagaeri and Taromenane peoples.


15 In Spanish: Comité Indígena Internacional para la Protección de los Pueblos en Aislamiento y en Contacto Inicial de la Amazonía, el Gran Chaco y la Región Oriental del Paraguay.


17 Dinah Shelton is a citizen of the United States. She was elected during the 39th regular period of sessions of the OAS General Assembly in June 2009 for the standard four-year term, which began on January 1, 2010. Commissioner Shelton is the Manatt/Ahn Professor of International Law at the George Washington University Law School. Previously, she was Professor of Law at the University of Notre Dame Law School. She has also been a Visiting Professor at various universities in the United States and France. Commissioner Shelton also directed the Office of Staff Attorneys at the United States Court of Appeals of the Ninth Circuit and was Director of Studies at the International Institute of Human Rights. She studied law at the University of California, Berkeley, and at the University of Edinburgh, Scotland. She has been an international law consultant for the World Health Organization, the United Nations Environment Programme, the UN Food and Agriculture Organization, and the UN Institute for Training and Research, among others. She has written, co-written, or edited 19 books and authored dozens of book chapters and articles on human rights and international law.
STATE POLICY: FROM CUSTOM TO THE POLICY OF RIGHTS – A SOLVED ISSUE?

Introduction

What is there to write about indigenous groups living in remote regions and who, for whatever reason, have decided to “live in isolation”? How can you write about people you cannot interview? What can you say about isolated indigenous societies that survive independent of industrialised society? What do they think, what do they believe, what technologies are they developing? What is their political structure, their social organisation? Why do they remain in isolation? What consequences would introducing them to our technological culture have? Who are they? How do they live? From whom and from what are they isolated?

By taking a detailed look at the relationships that have been established between Brazilian society and the country’s isolated peoples during the 20th century, this article hopes to provide a way of discovering the true meaning of these questions. The aim is to reflect on how the state and Brazilian society design and implement contact policies and, in particular, what it was that led those involved in these processes to reconsider their actions and, in 1987, to propose avoiding contact in order to protect these peoples.

Concepts will be presented throughout the text, along with the working methodologies, legal frameworks, directives and public policies that the state and Brazilian society have drawn up and followed over the last 22 years of application of the Public Policy for Protecting Isolated Indians. It is this state policy that has made Brazil a driving force in this regard, being the only such experience in South America.

The analysis in this report will first look at the state’s and civil society’s vision of, and practice with regard to, the isolated and recently-contacted Indians before questioning the place the state and other modern societies gives these cultures. We will need to consider the extent to which Western societies and states, on the basis of an economic liberalism aimed at privatising all goods and resources, tolerate social groups with opposing paradigms of collective ownership.

THE INDIGENOUS PEOPLES OF BRAZIL

It is estimated that there were more than one thousand different peoples on Brazilian territory in the year 1500, totalling between two and four million individuals. Five centuries later, Brazil’s indigenous population is somewhere in excess of just 460,000, or 0.25% of the total population. Indigenous peoples can be found across nearly all of the country but live in greater density in the North and Centre-West regions.

These days, Brazil’s indigenous population comprises more than 220 listed peoples speaking over 180 different languages. Around 400,000 indigenous individuals live on disconnected indigenous lands totalling 107 million hectares, equivalent to 12.5% of the national territory. In this context there are seven groups of recently contacted indians, 23 isolated indigenous groups has been confirmed and there are a further 47 references for which information is currently being gathered by the Brazilian state institution, the National Indian Foundation (FUNAI). The 2000 demographic census, published by the Brazilian Institute for Geography and Statistics (IBGE), revealed that 734,000 people identify themselves as indigenous, or 0.4% of the Brazilian population.

In the debate on indigenous demographics, the researchers Nilza de Oliveira Martins Pereira and Marta Maria Azevedo note the following:

(...) on the one hand, there are those who are descended from indigenous peoples but who do not recognise themselves as belonging to a specific
ethnic group; this group increased substantially in the 2000 census and they mostly live in urban areas. On the other, there are those belonging to the some 220 indigenous peoples that live on the indigenous lands and who maintain their traditions, social organisations, specific languages and cultures. Each of these sociological categories is noteworthy regionally in Brazil and, through the demographic analyses that the censuses offer, it will be possible to improve the public policies aimed at them, making them more effective.3

There are currently few indigenous groups actually living on their historic territories. Where this is the case, the lands provided for them are mere fragments of their former territories. Other groups have more recently, following a long process of flight, achieved small territories. Different indigenous groups have, since colonial times, been repeatedly expelled from their traditional lands, with state collusion.

Those who have survived and who have resisted the violence of the economic frontier over the course of more than 500 years of colonisation, still manage to live according to their traditions. Many Indigenous Lands4 have been identified, demarcated and regularised over the last 30 years although there are still more than 160 claims for the regularisation of new indigenous lands outstanding.

The latter decades of the last century were marked by important events for indigenous rights, including the emergence of a large number of indigenous organisations.5-6 This has been the motivation for many of the demands for land regularisation.

These new forms of political representation demonstrate that some peoples have now taken on board mechanisms by which it is possible to do battle with the institutional world of national and international society. What’s more, they enable territorial (land demarcation and control of natural resources), social (health, education, transport and communication) and commercial (product placement on the market) demands to be addressed.7

Another important achievement was the promulgation of Brazil’s 1988 Constitution, particularly Article 231, which establishes a new legal basis for recognising the rights of Brazil’s indigenous peoples, with their own distinct cultural identity (social organisation, customs, languages, beliefs and traditions). It guarantees them the right to continue to be indigenous, and specifies their use of the lands they have occupied since time immemorial as an aboriginal right, i.e. one that preceded the creation of the state. It is the state’s responsibility to ensure that society recognises these rights. Its role has thus changed from one of protecting individuals to one of protecting peoples’ rights.

**Isolated and recently-contacted indigenous peoples: the state’s protection policy and civil society’s involvement**

The history of indigenism in Brazil is one of different policies and practices of conquest or contact established by European settlers, travellers, religious missionaries, the colonial state institutions and the Brazilian Republic, along with some sectors of civil society.

For centuries, most of these contact strategies had a disastrous effect on the indigenous peoples. Not only did their populations decline but their territories were invaded and occupied, and new forms of labour were introduced. Such actions created huge socio-economic and cultural imbalances within these groups.

The Brazilian state has been responsible for organising and implementing indigenist policy since the start of the 20th century and, consequently, for attracting, pacifying and protecting these peoples.8 The Indian Protection Service (SPI) was first created in 19109 and then, to replace this, the National Indian Foundation (FUNAI) in 1967.10 Based on the premise that contact was an essential prerequisite for protection, both the SPI and FUNAI designed policies to attract and then integrate11 the indigenous people into the national community.

As Brazil began to open up politically during the 1980s, following 20 years of military dictatorship, and organised sectors of civil society were mobilising forcefully in defence of their rights, the Indigenist Missionary Council (CIMI) and the Anchieta Operation (OPAN)12 held a meeting in Cuiabá (Mato Grosso state, Brazil) to discuss issues relating to the isolated Indians. Various non-governmental organisations participated in this meeting, including the Union of Indigenous Nations (UNI), the Ecumenical Centre for Indigenous Documentation (CEDI), the Indigenist Work Centre (CTI), the San Pablo Pro-Indian Commission (CPI-SP) and members of FUNAI. The Socio-environmental Institute (ISA) had this to say about the meeting:
The severity of the situation led indigenists, anthropologists, missionaries, lawyers and representatives of the Union of Indigenous Nations (UNI) to hold a meeting aimed at establishing ways of defending the physical and cultural survival of these threatened peoples. The document also refers to the opening of roads from 1970 on and to other infrastructure projects, in addition to mineral exploration and exploitation, all factors that led to the suffering and demographic decline of these groups as a consequence of their contact with these expansion fronts.

With their population dramatically reduced through disease, some peoples were moved from their territories; such peoples included the Tapayuna, taken from the Arinos River to the Xingú River, and the Panará, on the Peixoto Azevedo River, contacted in 1973 to enable construction of the BR-163 highway. The last survivors of this people – 87 out of a total population of 4,000 – were taken to the Xingú Indigenous Park. The Cinta-Larga, from the states of Mato Grosso and Rondônia, still numbered around 5,000 in the 1960s but, by the time of the meeting, there were no more than 1,000 of them remaining. The Waimiri Atroari, forced into contact with the opening of the BR-174, which crosses their lands, suffered a severe decline from around 3,000 individuals to only 500.

The press release also criticised FUNAI’s actions in abandoning these Indians: “It is therefore hardly surprising that FUNAI is announcing its Special Plan to attract the last groups of isolated indigenous groups, which we believe is with the aim of facilitating the implementation of new government plans (PDA, Calha Norte, etc.). We hereby make known our legitimate concern for the fate of the indigenous peoples who are still valiantly putting up resistance in the Amazon.”

At this meeting, a map was produced plotting the isolated groups in Brazil, along with a summary and conclusions of the meeting to be circulated among the indigenist bodies.13

In June 1987,14 20 years after the creation of FUNAI, the sertanistas, also concerned at the results of the attraction policy being implemented by Brazil, organised the 1st Meeting of Sertanistas, sponsored by FUNAI with the participation of 15 sertanistas and four guests: two anthropologists, one linguist and an indigenist technician.

The meeting was coordinated by the explorer, Sydney F. Possuelo.

The term sertanista has been used since colonial times, since the 17th century, to denote people involved in expeditions to capture Indians, the main aim of which was originally to decimate and enslave them. The term sertanista was common in the press in the early 20th century, used to identify, among others, Col. Cândido Mariano da Silva Rondon and his activities. The term sertanista did not refer to any formal position when the SPI was created. Even when a protectionist policy was established that indicated an intention to train and maintain a group of indigenists, the career or role of sertanista never existed within the SPI. It was only from the 1960s on, with FUNAI now established, that the position of sertanista came about to denote employees who were working to attract indigenous peoples. They came from different branches of the institutional career ladder. The position is currently regulated by FUNAI Regulation 3628/87 (06/11/1987).15

Given the importance of this event, as it was to result in a complete change in paradigm for the Brazilian state’s indigenist intervention, from one of “contact” to one of “no contact” as the basis for action, a significant section of the report from this event16 is reproduced below:

We have learned, over all these years of official indigenism in Brazil, that attracting isolated Indians usually takes place for two reasons: one, when these Indians are living in territories coveted by some private economic project, and are preventing its full implementation; or two, when they are occupying areas of interest to government projects. In both cases, SPI and later FUNAI made huge efforts to place their sertanistas with the aim of contacting these Indians, both to save them from the threats of the expansion front and to provide the developmental conditions that would enable government and private projects to continue without hindrance.

(...) Although we are aware of the heroism and sacrifice of many of our colleagues, we can never forget that, when we are in the process of attracting these people, what we are actually doing is forming the spearhead of a complex, cold and determined society that does not excuse adversaries with inferior technology. We are invading the lands they live on
without being invited, without their agreement. We are introducing needs they have never had. We are destroying extremely rich social organisations. We are taking their peace and tranquillity away from them. We are launching them into a different, cruel and hard world. Often, we are leading them to their death.

(…) This meeting of old colleagues, some of whom have not seen each other for many years, these exchanges of experience that this meeting has enabled, make us certain that it is necessary and urgent to establish a change of strategy in our work and, above all, to undertake a review of its concepts, causes and consequences.

(…) At the end of the meeting, the sertanistas concluded that:

- The experience of contact is damaging for the Indians. Their whole social, cultural and economic structure changes in line with the new reality. This rearrangement is painful.

- There is a need to reconsider the concept of protecting the isolated Indians. We agree that if they are happier, living better and are not threatened then we should avoid destroying this. FUNAI should implement protection measures for isolated Indians whose territories are not threatened or for which threats can be avoided.

These protection measures, which should be prioritised above all others, and which are aimed at maintaining the Indians in their prime, will cause FUNAI to take a position in relation to the isolated Indians and, we are sure of it, will have the full support of the educated public and academic circles.

- Contact must only occur when we are sure that the isolated group can no longer survive the encroaching ranches, the invasions of their territory, etc. Only when uncontrollable constraints are occurring will the act of contact be an essential measure of protection. We do not see the any reason for contacting groups in isolation for the sole reason of contacting them.

- An immediate mapping of all isolated groups in Brazil is necessary.

- On this basis, FUNAI will need to immediately prohibit entry onto the territories in which they are living so that a monitoring and protection system can be put in place, with the strict aim of protecting the isolated group living there.

- If it is clear that contact is the only possible way of saving an isolated group as a society, FUNAI will need to carry out this work as an absolute priority. After all, this relates to a people threatened with extinction for whom we have a legal and moral obligation to save and maintain intact.

- We believe that isolated groups are a part of the cultural, human and historic heritage not only of Brazil but of the whole of humanity. FUNAI must therefore make all efforts to maintain them in this position.

- If contact is inevitable, this act must, regardless of all the difficulties, occur naturally. History and our experience has shown us that the resulting effects are always frustrating for these Indians: they become ill with what are - for us - the most minor of ailments and, with no antibodies, they die easily. There are thousands of examples of entire groups that have been wiped out in the recent past due to influenza, measles, whooping cough, etc. When contacting these groups, the issue of health must therefore be of the utmost priority, and FUNAI must never deny resources for this purpose.

- Once contact has occurred, our work must be essentially one of education, in the sense of making the Indians self-sufficient from the outset, and free from any paternalism which, if introduced indiscriminately, could lead to decadence, degradation and complete breakdown.

- The work of protecting, monitoring, locating and contacting the isolated Indians is a highly responsible job requiring specialist knowledge, and it can only be implemented by duly trained staff with appropriate teams and all necessary equipment to ensure the safety of the team and the isolated Indians. It is not a job for beginners. FUNAI must consider revitalising its teams of sertanistas.

- We also believe that FUNAI, as the institution responsible for protecting all Indians, isolated or not, must be given all necessary strength and powers to
do a good job; this strength relates to aspects of a political and financial nature. Given the specific features of the work it implements, the immense territorial heritage it has under its responsibility and the immense wealth for which it is responsible, FUNAI must enjoy greater public and official recognition. This is a task for each and every one of us.

- We also understand that the Indians, in isolation or not, are, essentially, guardians of the country’s immense forest, water, flora and fauna resources. The day will come when we will lament the damage caused by a form of progress that has failed to prioritise the human aspect.

- As the protection of the isolated Indians, whatever it is carried out, is of importance to the whole of Brazilian society and not just FUNAI, we will always be ready to listen, to cooperate and learn, provided our decision-making authority is not questioned. And we must involve the academic world in our work.

The state management structure for Indians in isolation

In 1987, by means of two regulations, the president of FUNAI established Coordinating Guidelines for Isolated Indians and the System for Protecting Isolated Indians. The following year, in 1988, the Regulations governing the System for Protecting Isolated Indians (SPII) were approved.

To implement this policy, a specific department was created within FUNAI, the Coordination Unit for Isolated Indians (CII), with responsibility for planning, supervising and regulating activities related to locating, protecting and contacting these indigenous groups.

In line with the policy and guidelines set by FUNAI, it was established that implementation of the policy for locating, protecting and contacting indigenous groups would be conducted through the System for Protecting Isolated Indians. This system is divided into three subsystems, each with a different task and composition: the Locating Sub-system, the Monitoring Sub-system and the Contact Sub-system. We shall return to these later, in the section on methodology.

The CII is divided into decentralised units known as the Locating Team, the Protection Team and the Contact Team. The aim of each team is to protect the environment of the area inhabited by isolated groups and to monitor events and threats. In addition, these teams have to systematise the information gathered in the field on the area occupied by isolated indigenous groups with the aim of being able to consider it prior to the identification and demarcation studies for these lands. These latter activities are the responsibility of FUNAI’s Territorial Department. These three teams currently form what is called an Ethno-environmental Protection Front (FPE), and this will be explained in more detail in Chapter 5.

Taking Brazil’s 1988 Constitution and the principle of the peoples’ self-determination as reference points, the official indigenist institution establishes that one of its guidelines guarantees “the isolated Indians and groups the right to remain as such, maintaining the integrity of their territory, intervening immediately if any factor should place their survival and socio-cultural organisation at risk.” Work aimed at protecting them should therefore be conducted from a distance, identifying events that could pose a risk to the lives of the indigenous peoples or their territory. The physical and territorial integrity of the isolated Indians is, in this way, guaranteed.

In 1996, the Brazilian government issued Decree No. 1,775 of 8/01/1996 regulating and establishing the procedures governing the process of regularising indigenous lands. In this decree, the government explains the need to guarantee ways of conducting the surveys prior to identifying the territories inhabited by isolated Indians:

Art. 7. The federal body for assisting the Indians may, in exercising the policing power anticipated in para. VII of Art. 1 of Law No. 5,371 of 5 December 1967, control the entry and transit of third parties into and across areas in which there is a confirmed presence of isolated Indians, as well as take the necessary precautions for their protection.

FUNAI’s presidency has resorted to such means, via a regulation restricting third-party use, as a disciplinary instrument in territories occupied by isolated Indians, thus ensuring that the Ethno-environmental Protection Fronts are able to conduct their work of locating these Indians and their territories so that measures for their protection and the subsequent regularisation of their territory can be promoted.

During the commemorations for the 500th anniversary of the discovery of Brazil, FUNAI reiterated the guidelines already established at the end of the 1980s during the 1st Meeting of Sertanistas, as follows:
1. Guarantee the isolated Indians full exercise of their freedom and of their traditional activities.
2. Verifying the existence of isolated Indians does not necessarily imply an obligation to contact them.
3. Promote systematic actions in the field aimed at locating the isolated Indians geographically and obtaining information on them.
4. The lands inhabited by isolated Indians must be guaranteed, ensured and protected with regard to their physical boundaries, natural wealth, fauna, flora and springs.
5. The health of the isolated Indians, considered a priority, must form a special focus of attention, given its specific nature.
6. The culture of the isolated Indians, in all its different expressions, must be protected and preserved.
7. There must be a ban on any and all economic and commercial activity in areas inhabited by isolated Indians.
8. Establish that the specific policy for isolated Indians must be produced, implemented and regulated by FUNAI, regardless of its source of funding.

These guidelines are important because they legitimise the change in the Brazilian state’s action, which had previously conceived of contact as forming the basis for protection. In the current model, the state has a duty to guarantee the isolated groups the option to remain in isolation, in accordance with the provisions of Article 231 of the Brazilian Constitution.

Contrary to the progress made in the 1988 Constitution, the Indian Statute – promulgated in 1973 (Law No. 6001/73) – reflects an archaic position on the part of the Brazilian state, by which Indians are not recognised their full civic capacity, being considered incapable and in need of guardianship until they have become “civilised”.

Twenty-two years on from promulgation of the Constitution, however, the legislature has still not revised this statute to bring it into line with the new constitutional text. In August 2009, the Ministry of Justice presented the new proposed Indigenous Peoples’ Statute to the Chamber of Deputies, joining the proposed Indigenous Societies’ Statute – Draft Bill of Law 2057/91 – that was already being considered by Congress.

In view of the state’s recognition of the existence of contacted indigenous groups with specific features that make them vulnerable in relation to the wider society, FUNAI created the General Coordination Unit for Recently-contacted Peoples.23

In December 2009, the President of the Republic issued a decree establishing FUNAI’s new statutes. The CII thus became known as the General Coordination Unit for Isolated and Recently-contacted Indians (CGIRC), and also took over responsibility for implementing the policy for protecting and promoting the rights of recently-contacted peoples.

To implement this protection policy, the previous six Ethno-environmental Protection Fronts (FPEs) now became 12, located in the following states: FPE Javari (Amazonas - AM), FPE Purus (Amazonas - AM), FPE Juruenas Amazonas - AM, Pará - PA, Mato Grosso - MT), FPE Envira (Acre - AC), FPE Yanomami (Roraima - RR), FPE Madeira (Amazonas - AM, Rondônia - RO), FPE Guaporé (Rondônia - RO), FPE Uru-Eu-Wau-Wau (Rondônia - RO), FPE Cuminapanema (Pará - PA, Amapá - AP), FPE Medio Xingu (Pará - PA), FPE Madeiriña (Mato Grosso - MT) and FPE Awa-Guajá (Maranhão - MA).

CONCEPTS AND NOMENCLATURE

Reference versus information on isolated and recently-contacted Indians

The information databases on isolated and recently-contacted Indians in Brazil were designed on the basis of data obtained via social networks made up of public institutions and civil society. In general, all information gathered goes through a process of verification, comparing it with other informants or field work, thus making it possible to validate it as a reference or to refute it. A reference is each and every piece of information on the presence of isolated Indians in a particular area of the Brazilian territory that has been correctly recorded in the CGIRC’s database. The information comes from different sources and may refer to sightings, conflicts, different signs and even the location of settlements seen in over-flights. In December 2006, a Planning Workshop was held in Brasilia, sponsored by the CGIRC, involving the coordinators and a technician from each of the Ethno-environmental Protection Fronts, along with representatives invited from CIMI, CTI, Kanindé and ISA.

The objective was to define action strategies for the coming years. Part of the reference nomenclature was also defined at this event, and is reproduced below:
MAP 1: REFERENCES FOR ISOLATED AND RECENTLY-CONTACTED INDIANS IN BRAZIL AND THOSE UNDER STUDY

Source: FUNAI/2010
BRAZIL: STATE POLICY: FROM CUSTODY TO THE POLICY OF RIGHTS, A SOLVED ISSUE?

MAP 1: REFERENCES FOR ISOLATED AND RECENTLY-CONTACTED INDIANS IN BRAZIL AND THOSE UNDER STUDY

CONVENÇÕES CARTOGRÁFICAS

Confirmando
Recente Contato
Em Estudo

Cidades
Ros
Limites Estaduais do Brasil
Museus de Índios
T.I. sem Isolamento
Terras Indígenas

BRASIL

REFERÊNCIAS DE ÍNDIOS ISOLADOS E RECENTEMENTE CONTATADOS

NOVEMBRO DE 2010
<table>
<thead>
<tr>
<th>SITUATION</th>
<th>ACTION PHASE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>STUDIED REFERENCE</td>
<td>No work conducted</td>
<td>Scarce or one-off unconfirmed reference. Not yet considered by CGIRC/FUNAI.</td>
</tr>
<tr>
<td>Data on the existence of isolated Indians</td>
<td>Documented</td>
<td>Reference with data and documents provided by more than one source and/or a source with ongoing local work.</td>
</tr>
<tr>
<td>Study data on isolated Indians</td>
<td>Investigation</td>
<td>Gathering, investigation and field work with the aim of establishing the origin of the information.</td>
</tr>
<tr>
<td>CONFIRMED REFERENCE</td>
<td>Locating</td>
<td>Locating isolated Indians requires conducting a number of activities by means of field expeditions that seek to identify their geographic position (areas of occupation) plus any information and signs that might contribute to protecting and describing the ethnic group (physical, linguistic, cultural and cosmological, ethno-historical features); also the possible dangers to which the groups may be exposed.</td>
</tr>
<tr>
<td>Confirmed presence of isolated Indians</td>
<td>Monitoring</td>
<td>Monitoring consists of following, through the FPE’s work and/or that of different sources, the group's territorial occupation dynamic, increase/decrease in population, and possible risks (direct or indirect) to which the group is exposed.</td>
</tr>
<tr>
<td></td>
<td>Surveillance and protection</td>
<td>Protection: set of actions, implemented by means of location and monitoring, surveillance, environmental education and socio-environmental management, focusing on the physical and cultural integrity of the group.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Surveillance: routine actions related to surveillance of the indigenous territory and its environment, bearing in mind the prevention of invasions and activities that may compromise the physical and cultural survival of the isolated and recently-contacted Indians.</td>
</tr>
<tr>
<td></td>
<td>Socio-environmental management</td>
<td>Activity forming part of the ethno-environmental focus implemented in the Indigenous Lands inhabited by isolated and recently-contacted Indians, with the aim of determining the actual availability of resources in their territories, in the medium to long term, that will ensure the survival of the Indians.</td>
</tr>
<tr>
<td></td>
<td>In contact phase</td>
<td>The Ethno-environmental Protection Front follows the contact methodology once the action has been approved by the Management Committee (Regulation 230/FUNAI/2006).</td>
</tr>
<tr>
<td>RECENTLY-CONTACTED REFERENCE</td>
<td>Contact established</td>
<td>Contact is established with the structure of the System for Protecting Isolated and Recently-contacted Indians and the General Coordination Unit for Isolated and Recently-contacted Indians (CGIRC).</td>
</tr>
<tr>
<td>Recently contacted Indians supported by CGIRC</td>
<td>Contact established/Not supported</td>
<td>Contact is established but the CGIRC or other institution is not carrying out permanent work. This is an existing situation that should not be considered within the work phases.</td>
</tr>
<tr>
<td>CONTACTED REFERENCE</td>
<td>Transferred</td>
<td>The CGIRC transfers responsibility for the work with the Indians to another FUNAI body as they are no longer considered in recent contact.</td>
</tr>
<tr>
<td>REJECTED</td>
<td>Rejected</td>
<td>Following an evaluation by the Management Committee, based on the FPE’s data gathering work, the conclusion is reached that the information is groundless.</td>
</tr>
</tbody>
</table>
All work of systematising and updating the CGIRC/FUNAI database uses the “reference” as the unit of registration. Each protection front is therefore responsible for a particular number of references which, in turn, correspond to a particular geographical region.

**Isolated indigenous peoples: who they are**

There are few ethnographic studies or investigations into the history of the isolated or recently-contacted peoples in Brazil. The discussion almost always falls back on conceptual aspects, the relevance and scope of the terms: irreducible, indigenous, autonomous, hidden, isolated, etc.

In 1994, the anthropologist Dominique Tilkin Gallois published a report entitled “De arredios a isolados: perspectivas de autonomia para os povos indígenas recém contatados” (“From irreducible to isolated: prospects for autonomy on the part of recently-contacted indigenous peoples”), where she questions some of the obstacles facing the policy for isolated Indians on a conceptual level. The report reflects on the ambiguity of the very construction of the category “isolated”. The author asks what borders surround the isolated groups and when they stop being isolated.

The persistence of ambiguous representations of notions of isolation, authenticity or purity, combined with those of fragility, innocence and marginality, predetermine the relations that our society historically maintains with these groups. Widening the debate around these concepts, going beyond a restricted circle of specialists, is a constant challenge for anthropology and, above all, for ethnology.

The discussion has moved up a step or two recently insofar as academic and government sectors and civil society are now involved in thematic fora, contributing ideas that help to consolidate the conceptual meaning of isolated Indians and also those in recent contact. In any case, the terms isolated and recently-contacted are insufficient as categories that include groups or individuals united by specific processes. To this discussion can be added the diversity of practices implemented by sectors of organised civil society in Colombia, Bolivia, Peru, Paraguay, Venezuela, Brazil and Ecuador.

The discussion on the use of the term isolated covers issues relating to the impossibility of there having been human societies that have never established relations with anyone else. The reflection thus points to the need to add parameters to the discussion that put “isolation from others” into perspective.

With the aim of analysing relations between indigenous societies and the expansion fronts of Brazilian society over the period 1900 to 1950, Darcy Ribeiro (1970) defines four stages (between assimilation and integration): isolated, in intermittent contact, in permanent contact and integrated. Despite the fact that whether one is indigenous or not forms the reference point for defining these stages of classification, it is still an interesting analysis.

Some indigenous groups establish selective contact or even, following a disastrous experience of contact, decide to return to a situation of isolation. The risk established by contact is the *sine qua non* condition for isolation.

Given the lack of any academic consensus, or even of a term that represents the diversity of each of these categories, the official indigenist institution pragmatically decided to use the term *isolated Indians*, giving this the following meaning: “Indigenous groups that have not established permanent contact with the national population are considered isolated, distinguishing them from already contacted indigenous societies”.

**Recently-contacted indigenous peoples: who they are**

The cumulative experience of inter-ethnic contact over the 22 years of implementing public policies for isolated Indians in Brazil forms an important reference point for reflecting on and perfecting these policies, as well as supporting the formulation of guidelines and policies for those recently contacted.

The contributions of academia, indigenist and indigenous NGOs and, recently, the systematisation of experiences with indigenous groups considered recently contacted in Brazil, has led to the establishment of a number of principles aimed at supporting the formulation of a “Public Policy for Recently-contacted Indians”. Let’s take a look at some of these principles:

- Principle of self-determination:

The self-determination of these peoples means respect for their strategies of physical and cultural survival, according to their customs and traditions,
which may include isolation, as well as contact and selective forms of co-existence.

- Principle of free access to, movement around and use of their territory:

The right to a territory free from threats, and free from prohibitions on access, mobility and use, is fundamental for the exercise of the right to self-determination. This means that indigenous peoples’ exercise of their territorial rights must be guaranteed and respected, given that any environmental aggression that occurs against their ecosystem would directly affect these peoples, as their survival depends solely on the natural resources.

- Principle of full health:

The physical and psychological health and social well-being of isolated and recently-contacted groups in the face of factors of vulnerability is directly related to a balanced environment, along with the conditions for the health of the populations therein and of the contacted indigenous groups with whom they share the territory.

Given their isolation from or scarce contact with the regional community, along with their lack of immunity to infectious/contagious diseases and the speed with which these spread, it is essential that the state provides a “Special Healthcare Service for Isolated and Recently-contacted Indians”, with appropriate equipment and trained health professionals who can deal with the specific needs of these ethnic groups.

- Principle of full communication:

The relationship with pre-literate societies, in which oral communication plays a predominant role in the communication process, must - as a priority - take place in the indigenous language with the aim of dignifying the inter-ethnic relationship, characterised by contrasting methods and different visions. There is therefore a need for all the teams who conduct work with isolated and recently-contacted groups to have linguistic training, focused on minimising the negative impacts of situations of involuntary or planned contact, along with the possibility of full communication with those recently contacted.

- Principle of “otherness”:

This is a fundamental principle that recognises the other as a subject of rights within his or her culture and cosmovision. By recognising the existence of isolated and/or recently-contacted groups, the state must guarantee their social organisation, customs, language, beliefs and traditions, as well as their native rights to the lands they traditionally occupy and their condition of voluntary isolation.

- Principle of precaution:

To define this principle, the reference point taken is the UN Conference on Environment and Development (Rio de Janeiro, 1992) which described a precautionary approach thus:

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

The document that was produced as a result of the Consultation on Guidelines for Protecting Indigenous Peoples living in Isolation and Initial Contact in the Amazon and Gran Chaco Regions observes: “For this principle to be effective, it is necessary to implement preventive and precautionary policies.”

Despite the fact that no agreed definition yet exists in Brazil, nor any public policy for recently-contacted groups, various fora held in South America with the involvement of different social actors and representatives from various countries have reached an understanding that, in addition to the temporal aspect, a number of other aspects have to be taken into consideration when defining who is recently contacted.

In the following definition of recently-contacted Indians, one of the important aspects is their vulnerability:

Vulnerability is the consequence of an historical relationship between different social sectors, and may be individual or collective. The status of reduced autonomy may be transitory but, in order to eliminate vulnerability, there is a need for the consequences of the deprivations suffered by the person or social group to be overcome and for drastic changes to oc-
cur in the relationship they have with the wider social
group within which they are found.

(...) Who, then, can be considered vulnerable? It is those
people who, due to their social, cultural, ethnic, po-
itical, economic, educational or health conditions
find the differences established between themselves
and the wider society transformed into inequalities.

Inequality, among other things, makes them in-
capable of freely expressing their will, or at least
makes it very difficult for them to do so.32

With this situation of vulnerability highlighted, and with-
out any intention to produce a set of Cartesian indicators,
there now follows, as a reference, a number of differ-
ent aspects that require consideration when producing
a methodology that establishes whether an indigenous
group can be considered recently contacted or not:

1. Post-contact: indigenous groups immediately after in-
termittent or permanent contact has been established.

2. Temporal: indigenous groups with an “x” period of
contact established (intermittent or permanent).

3. History and context of contact: the different pro-
cesses experienced by the indigenous groups be-
fore, during and after the contact have a formative
influence on the collective conscience and trigger
cultural desires and patterns.

   a. Already existing information and records: who
      were the informants, how did they obtain the in-
      formation (fly overs, analysis of satellite images,
      river or land expeditions).
   b. Form, frequency and intensity of contact (inter-
      ethnic, sighting, etc.).
   c. Capacity for communication in a second language.
   d. Use of and/or dependency on clothes, industrial-
      ised goods.
   e. New production methods.
   f. Organisation of work.
   g. Relationship to the territory: (re)occupation of
      their territory.
   h. Volume and forms of ownership of industrialised
      goods or goods manufactured by other already
      contacted indigenous peoples.

4. Vulnerability:

   a. Understanding of the guidelines governing the
      social, economic and political relations of the na-
      tional (majority, surrounding, etc.) society.
   b. Risk of loss of language.
   c. Loss of or serious threat to their free access to,
      mobility around or use of their territory (invasions,
      illicit appropriation of heritage, degradation of the
      water resources, flora and fauna in their territory).
   d. Loss of or threat to the free exercise of their cul-
      ture due to external decisions/impositions.
   e. Exposure to situations of extreme threat to their
      physical, social or psychological integrity.

The term “recently” in the strict sense leads one to think
along a chronological timescale but, in many cases, it is a
matter of the indigenous group’s own strategy for relating to
the outside world, in which time is not a defining element.33

Taking the previous points into consideration, we

   can give the following definition of indigenous groups
considered as being in recent contact:

Indigenous peoples or segments of indigenous peoples
who have established recent contact with segments of na-
tional society will be considered recently contacted, along
with indigenous groups that have a limited understanding
of the codes and values of the majority national society with
which to confront the situations of vulnerability that threaten
their physical, social or psychological integrity.34

With a view to producing public policies and methodolo-
gies for working with isolated and recently-contacted groups,
the movements/transitions between isolated, recently-con-
tacted and contacted (intermittent or permanent) need further
clarification. This issue will be considered later on.

ISOLATED INDIGENOUS PEOPLES AND
THEIR RESPECTIVE LOCATIONS

Current situation:
22 years of the System for Protecting Isolated Indians

After 24 years of implementing the Public Policy for Isolated
Indians, the CGI/RC/FUNAI has accumulated a set of ex-
periences and reflections that place new challenges before
us. There are currently eight Indigenous Lands demarcated
solely for isolated and/or recently-contacted Indians, and
this makes it possible to monitor indigenous groups living in
Isolated Indians at the headwaters of the Humanitá River – Photo: Gleyson Miranda, 2008 – FUNAI archives
isolation without pressure from outside invaders. We shall return to this issue in the section on “Challenges”.

Below can be found a number of tables and maps with the references for isolated and recently-contacted

<table>
<thead>
<tr>
<th>Cod.</th>
<th>Reference</th>
<th>State</th>
<th>Ethnic group</th>
<th>Action phase</th>
<th>Indigenous Land</th>
<th>Front</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Hi-Merimã</td>
<td>AM</td>
<td>Hi-Merimã</td>
<td>Monitored</td>
<td>Hi-Merimã - Authorised</td>
<td>Purús</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>linguistic family</td>
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<td></td>
<td></td>
<td></td>
<td>Arawá</td>
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<tr>
<td>15</td>
<td>Igarapé Nauá</td>
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<td>Unknown</td>
<td>Monitored</td>
<td>Valle del Javari – Regularised</td>
<td>Javari</td>
</tr>
<tr>
<td>16</td>
<td>Rio Itaquai</td>
<td>AM</td>
<td>Unknown</td>
<td>Monitored</td>
<td>Valle del Javari – Regularised</td>
<td>Javari</td>
</tr>
<tr>
<td>17</td>
<td>Igarapé Urucubaca</td>
<td>AM</td>
<td>Japá</td>
<td>Monitored</td>
<td>Valle del Javari – Regularised</td>
<td>Javari</td>
</tr>
<tr>
<td>18</td>
<td>Igarapé Alerta</td>
<td>AM</td>
<td>Unknown, possibly Kulina from the Arawá linguistic family</td>
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<td>Valle del Javari – Regularised</td>
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<td>20</td>
<td>Rio Bóia</td>
<td>AM</td>
<td>Unknown</td>
<td>Monitored</td>
<td>----------------------</td>
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<td>22</td>
<td>Rio Itui</td>
<td>AM</td>
<td>Korubó (isolated) Pano language</td>
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<td>Javari</td>
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<td>Unknown</td>
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<td>Javari</td>
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<td>26</td>
<td>Igarapé Cravo</td>
<td>AM</td>
<td>Unknown</td>
<td>Monitored</td>
<td>Valle del Javari – Regularised</td>
<td>Javari</td>
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<tr>
<td>27</td>
<td>Igarapé Xixi e Igarapé do Douro</td>
<td>AC</td>
<td>Unknown, possibly Janinawá-Pano</td>
<td>Monitored</td>
<td>Alto Tarauacá - Authorised</td>
<td>Envira</td>
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<td>Kampa y Aislados del Río Envira - Regularised</td>
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<td>do Douro</td>
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<td>31</td>
<td>Igarapé Xinane e</td>
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<td>Mamoadate - Regularised</td>
<td>Envira</td>
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<td>Imbula</td>
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<td>Rio Jamina</td>
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<td>Monitored</td>
<td>Riozinho do Alto Envira Delimitada</td>
<td>Envira</td>
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<td>Cabeçoeira do Rio</td>
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<td>Masco</td>
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<td></td>
<td>Chandles</td>
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<td>Ti Araribóia</td>
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<td>Cautário</td>
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<tr>
<td>50</td>
<td>Serra da Onça</td>
<td>RO</td>
<td>Jururei, Tupi Kawahiv</td>
<td>Monitored</td>
<td>Uru-Eu-Wau-Wau Regularised</td>
<td>Uru-Eu-Wau-Wau</td>
</tr>
<tr>
<td>51</td>
<td>Massaco</td>
<td>RO</td>
<td>Unknown, A survey of the maternal culture suggests Sirionó</td>
<td>Monitored</td>
<td>Massaco - Regularised</td>
<td>Guaporé</td>
</tr>
<tr>
<td>53</td>
<td>Indio do buraco/</td>
<td>RO</td>
<td>Unknown</td>
<td>Monitored</td>
<td>Tanaru - Restricted Use</td>
<td>Guaporé</td>
</tr>
<tr>
<td></td>
<td>Tanaru</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Kawahiva del Rio Pardo</td>
<td>MT</td>
<td>Tupi Kawahiv</td>
<td>Monitored</td>
<td>Rio Pardo - Under study</td>
<td>Madeirinha</td>
</tr>
</tbody>
</table>

**TOTAL CONFIRMED REFERENCES FOR ISOLATED INDIANS** 23
indigenous groups in Brazil, the aim being to illustrate the analysis undertaken to date.

There are 23 confirmed references for isolated indigenous groups, under the responsibility of seven Ethno-environmental Protection Fronts, which are implementing the Protection System. Eleven references are located in Amazonas state (AM); five in Rondônia (RO); four in Acre (AC); two in Maranhão (MA); and one in Mato Grosso (MT). Of these 23 references, 12 correspond to unknown ethnic groups.

In terms of peoples considered recently contacted, there are seven groups of indigenous peoples from the following ethnic groups: Korubo, Zo’ë, Akuntsu, Tupi Kawahiv, Kanoe, Suruwahá and Awa Guajá, under the responsibility of six Ethno-environmental Fronts, which are implementing the System for Protecting and Promoting Rights. They are located in the following states of Brazil: two ethnic groups in Amazonas state (AM); two in Rondônia (RO); one in Pará (PA); one in Maranhão (MA); and one in Mato Grosso (MT).

### TABLE III – RECENTLY CONTACTED INDIGENOUS PEOPLES

<table>
<thead>
<tr>
<th>Cod.</th>
<th>Reference</th>
<th>State</th>
<th>Ethnic group</th>
<th>Action phase</th>
<th>Indigenous Land</th>
<th>Front</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Korubo from the Igarapé River</td>
<td>AM</td>
<td>Korubo, Lenga pano</td>
<td>Contact established</td>
<td>Valle del Javari Regularised</td>
<td>Javari</td>
</tr>
<tr>
<td>38</td>
<td>Zo’ë</td>
<td>PA</td>
<td>Zo’ë</td>
<td>Contact established</td>
<td>Zo’ë - Declared</td>
<td>Cuminapanema</td>
</tr>
<tr>
<td>52</td>
<td>Akuntsu from the Omerê River valley</td>
<td>RO</td>
<td>Akuntsu</td>
<td>Contact established</td>
<td>Rio Omerê - Declared</td>
<td>Guaporé</td>
</tr>
<tr>
<td>55</td>
<td>Igarapé dos Indios</td>
<td>MT</td>
<td>Tupi Kawahiv, denominado por los Gavião de Piripkura</td>
<td>Contact established / Not supported</td>
<td>Piripkura - Restricted Use</td>
<td>Madeirinha</td>
</tr>
<tr>
<td>62</td>
<td>Kanoe from the Omerê River valley</td>
<td>RO</td>
<td>Kanoe</td>
<td>Contact established</td>
<td>Rio Omerê Declared</td>
<td>Guaporé</td>
</tr>
<tr>
<td>69</td>
<td>Zuruahá</td>
<td>AM</td>
<td>Zuruahá</td>
<td>Contact established</td>
<td>Zuruahá Regularised</td>
<td>Purús</td>
</tr>
<tr>
<td>77</td>
<td>Awá Guajá / Recently-contacted</td>
<td>AM</td>
<td>Awá Guajá</td>
<td>Contact established</td>
<td>Awá-Authorised</td>
<td>Awá-Guajá</td>
</tr>
</tbody>
</table>

**TOTAL RECENTLY CONTACTED REFERENCES** 07

There are a further 47 references for isolated groups in Brazil that are in the process of or undergoing preliminary data gathering, under the responsibility of 12 Ethno-environmental Protection Fronts, which are implementing the Locating Sub-system. Nineteen references are in Amazonas state (AM); five in Rondônia (RO); two in Acre (AC); two in Maranhão (MA); seven in Mato Grosso (MT); nine in Pará (PA); one in Goiás (GO); and one in Amapá (AP).

### TABLE IV – REFERENCES UNDER STUDY

<table>
<thead>
<tr>
<th>Cod.</th>
<th>Reference</th>
<th>State</th>
<th>Ethnic group</th>
<th>Action phase</th>
<th>Indigenous Land</th>
<th>Front</th>
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<tr>
<td>1</td>
<td>Igarapé Waranaçu</td>
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<td>Probably Makú</td>
<td>No work conducted</td>
<td>Alto Rio Negro - Regularised</td>
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<tr>
<td>2</td>
<td>Rio Usuapes</td>
<td>AM</td>
<td>Probably Makú</td>
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<tr>
<td>3</td>
<td>Rio Curicuiri</td>
<td>AM</td>
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<td>No work conducted</td>
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</tr>
<tr>
<td>4</td>
<td>Igarapé do Natal</td>
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</tr>
<tr>
<td>5</td>
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<td>6</td>
<td>Bajo Rio Cauaburi</td>
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<td>7</td>
<td>Alto Rio Alalau</td>
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<td>Pintitt (Known as Waimiri-Atroari)</td>
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<tr>
<td>8</td>
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<td>Rio Parauari</td>
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<td>No.</td>
<td>Place Name</td>
<td>Language</td>
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<td>10</td>
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<td>Javari</td>
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<td>Igarapé Amburús</td>
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<tr>
<td>34</td>
<td>Alto Rio Mapuera</td>
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<td>Trombetas/Mapuera Declared</td>
<td></td>
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<td>37</td>
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<td>(under consideration)</td>
<td>Medio Xingu</td>
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<td>43</td>
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<td>Unknown, probably Kaiapó</td>
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<td>Kayapó</td>
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<td>44</td>
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<td>46</td>
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<td>Uru-Eu-Wau-Wau</td>
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<tr>
<td>54</td>
<td>Rio Tenente Marques</td>
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<td>Parque del Aripuanã</td>
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<td></td>
<td>Regularised</td>
<td></td>
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<tr>
<td>56</td>
<td>Igarapé Boca da Mata</td>
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<td>Aripuanã</td>
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<td></td>
<td></td>
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<td></td>
<td>- Regularised</td>
<td></td>
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<tr>
<td>58</td>
<td>Arara do Rio Branco</td>
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<td>Arara do Rio Branco</td>
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<td></td>
<td>Regularised</td>
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<tr>
<td>60</td>
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<td>61</td>
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<td>Serra do Cipó</td>
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<td>Avá-caneiro</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Igarapé Mão de Onça</td>
<td>Awá-Guajá</td>
<td>No work conducted</td>
<td>Awá Authorised</td>
<td></td>
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<td>Awá-Guajá</td>
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<td>70</td>
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<td>Tenharim Marmelos</td>
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<td></td>
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<td>Madeira</td>
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<td>71</td>
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<td>Envira</td>
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<td>Enawené-Nawé</td>
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<td></td>
<td>Guaporé</td>
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</table>
Who is responsible for the action

As already stated, the production and implementation of the specific policy for isolated and recently-contacted Indians in Brazil is the sole responsibility of the state. There now follows an explanation of the methodology used by the official indigenist organisation – FUNAI.35

FUNAI has a specific coordination unit that implements policies for protecting and promoting the rights of isolated and recently-contacted Indians: the General Coordination Unit for Isolated and Recently-contacted Indians, within the Department for Territorial Protection (DPT). Its mission is to ensure the physical and cultural protection of isolated and recently-contacted Indians through actions to locate, monitor and audit their territories, respecting the self-determination of these peoples.36

Through the Coordination Unit for Isolated Indians and the Coordination Unit for Recently-contacted Indians, the CGIRC coordinates the work of 12 Ethno-environmental Protection Fronts (FPEs),37 established in eight states, with more than 240 technicians working in the field.

Each FPE is established according to regional characteristics, complexity, number of references under its responsibility and available infrastructure, and comprises one coordinator, one assistant coordinator, field workers and a health team.38 In addition, each FPE establishes as many Ethno-environmental Protection Services (SEPE) as necessary for its work on references for isolated and/or recently-contacted Indians, comprising teams that report to the Head of the Ethno-environmental Service.

The ethno-environmental component noted in the name of each protection front illustrates the need to understand the relationship between ethnic group and environment. It is within their territory that the isolated and recently-contacted Indians find all the food and raw materials they need for the material culture on which they depend. It is also in their territory that the indigenous groups relate to their ancestors and cosmology.

System of Protection for the Isolated and Recently-contacted Indians: Brazilian Public Policy

The implementation of a specific policy for these peoples, defined on the basis of locating, protection and contact guidelines, is conducted via the System for Protecting Isolated and Recently-contacted Indians. This is divided into three sub-systems, distinguished by their actions and composition:

- Locating sub-system
- Surveillance sub-system
- Contact sub-system

These sub-systems are implemented by the FPEs, who report to the CGIRC which, as previously noted, is the FUNAI department responsible for the policy of protecting and promoting the rights of isolated and recently-contacted Indians. Each FPE is responsible for a set of references corresponding to a particular geographic region. On an administrative level, the FPEs are linked to the Regional Coordination Units.39

Protection System Methodology

An Ethno-environmental Protection Front is created to implement a set of actions that will contribute to promoting the CGIRC’s mission.40 It is for the coordinator of each FPE, under the guidance of the CGIRC, to supervise and coordinate the activities in that front’s particular
area of intervention. Depending on the context and the
stage each reference is at, the FPE defines a plan of
action that includes the following areas of activity: man-
agement and planning; locating and monitoring; protec-
tion and surveillance; ethno-environmental education;
educational process and exchange; infrastructure; pro-
motion of the rights of isolated and recently-contacted
Indians; communication and systematisation; training;
and health and co-existence agreements. These are ex-
plained in more detail below.

Public management
Once the Protection Front’s actions have been harmo-
nised with the public administration context, its manage-
ment comprises the coordination of activities in the fol-
lowing dimensions:

- **Administrative**: actions related to the isolated and
  recently-contacted Indians are coordinated by the
  CGIRC which, through the Ethno-Environmental
  Fronts, Regional Coordination Units (CRs) and Eth-
  no-environmental Protection Services, implements
  administrative actions.

- **Institutional**: actions deployed by the CGIRC and
  the FPEs, along with other institutions, aimed at pro-
moting the CGIRC’s mission.

- **Personal**: actions deployed by the CGIRC and the
  Fronts, along with the team members, aimed at en-
suring the quality of the work and the well-being of
  the group. The need to agree “conduct agreements”
  with the FPE members is noteworthy, particularly
  with those fronts working with recently-contacted
  Indians, in order to give direction to the relationship
  of the staff from FUNAI and FUNASA, visitors, re-
searchers and teams from the print, radio and TV
  media, both among themselves and with the Indians
  in question.

- **Planning**: in line with the Policy for Isolated and
  Recently-contacted Indians, each FPE promotes
  annual participatory planning, contributing to the
  strengthening of a collaborative and proactive spirit.

- **Budget**: each FPE follows a detailed quarterly
  budget proposal aimed at implementing the planned
  activities.

- **Infrastructure**: the team members are responsible
  for taking care of all equipment and infrastructure
  belonging to the SEPE.

- **Systematisation**: this comprises recording all of the
  Front’s work, bearing in mind the public administra-
tion management and the instruction of processes
that may result in the promotion of indigenous rights,
such as: the action of other public bodies, such as
the Brazilian Institute for the Environment and
Natural Renewable Resources (IBAMA), the Fed-
eral Police, the Office of the Attorney-General, state
health institutions and so on, as well as establishing
processes to guarantee the land regularisation of
the indigenous territory.

Localisation and monitoring
Locating, as an integral part of the locating sub-system,
consists of gathering information by means of research
and field work aimed at identifying not only the group’s
geographical position (areas of occupation) but also any
information and signs that might contribute to protect-
ning and describing the ethnic group (physical, linguistic,
cultural, cosmological, ethno-historical aspects) and the
territory occupied, as well as identifying possible dan-
gers to which the group may be exposed.

The Fronts act in regions where there are references
for isolated Indians, conducting field research expedi-
tions to identify signs and obtain knowledge of the areas
in which the indigenous group moves and ethno-histor-
cal records, along with actions to protect and monitor
the territory occupied by the Indians, with the aim of
providing a basis for the whole process of defining the
indigenous land in question.

The work is slow, taking no less than three years
per reference, and requires the involvement of specialist
teams to identify indigenous signs in the forest as they
often try to conceal these from anyone invading their
lands. Actions in the field must be undertaken with ex-
reme precaution and be conditional upon records that
guarantee that the region to be visited is not being used
by the groups in isolation at the time of the expedition.
Recording of information by all means possible is essen-
tial for verifying and defining an Indigenous Land.

The use of geo-technological solutions is proving
highly effective in obtaining such information; these in-
clude remote sensing, geographic information systems
(GIS), and so on.

Locating work consists of actions conducted by ex-
perienced teams and is undertaken with extreme cau-
tion. To obtain any information on a group in isolation,
field expeditions need to be undertaken with the aim of
mapping the network of paths used by the indigenous
group when moving between villages, travelling to their
hunting and gathering areas (for food and the materials with which to make necessary items), finding places to sow crops, etc. As for the strategy, it is of fundamental importance that the locating team understands the dynamics of the group’s seasonal movements, so that they can conduct an expedition to a particular region that has been recently abandoned by the isolated indigenous group. It is in this way possible to obtain up-to-date information.

Once the work to locate a group has commenced, it becomes possible to identify possible dangers or factors of vulnerability to which the indigenous group may be exposed (if necessary, a surveillance team is activated). At the same time, remote monitoring of the information gathered commences, such as, for example: use of the land for crops, use of bases (network of roads and paths), construction and architecture of settlements (number of homes), hunting posts, land occupation, use of appropriate technology, etc. The information obtained through monitoring adds value to the information obtained in the work of locating and offers further understanding of the culture and cosmovision of the isolated group in question.

Still as a component of the locating sub-system, and in addition to the isolated and recently-contacted Indians, monitoring also includes monitoring their dynamic of territorial occupation, demographic density, etc., as well as assessing the possible risks (direct or indirect) to which the group may be exposed.

It is thus possible to evaluate whether the FPE’s work is contributing to ensuring the necessary conditions for the physical and cultural survival of the isolated or recently-contacted group.

Below are listed some of the necessary stages for the good implementation of work to locate and monitor isolated indigenous groups. Completion of all these stages depends on the urgency and the availability of resources with which to conduct them.

A. Before commencing location work in the field, a record of the region’s references needs to be produced, including:

1. Ethno-history
2. The region’s cultural complex
3. Linguistic complex
4. Material culture
5. Maps, satellite images and others
6. Record of occupation by non-indigenous groups
7. Economic frontiers (extractivism, public and private projects)

B. It is important to gather information on the history of relations between the region’s Indians and non-Indians.

C. The gathering of the above data will lead us to regional or indigenous informants. Primary sources need to be sought in order to confirm or refute such information. The suggested process for this work is as follows:

1. Plan the interview (record, film, write notes, etc.)
2. Do not ask questions that may elicit a certain response (For example: Were the Indians you saw naked? Were they big? Were they using bows and arrows? etc. It would be better to ask: What were the Indians that you saw like? What caught your attention? Were they carrying anything?).
3. Arrange a visit to the place where the signs were found with the interviewee/informant:
   a. If the sign is in a recently-occupied area, cautious prior planning will be necessary.
   b. Keep interference at the place where the sign was found to a minimum.
   c. Leave nothing, such as rubbish, behind.
   d. Be careful with objects that could transmit disease.
   e. Take as many records as possible (photos, videos, notes, etc.)
4. Indigenous settlements:
   a. Places where traces of human occupation are found represent archaeological sites. The area should not be interfered with as information may be found there that will help gain a better understanding the group. Therefore:
      1. Do not move any objects around. Observing how they are placed will provide important information:
         • Observe the use and place of fire.
         • Places for night-time rest.
         • Remnants of food and materials used for making objects.
      2. Do not remove any materials from the archaeological site, simply film or photograph them.
      3. There must be an attempt to register and even locate:
         • Material culture
         • Architecture
         • Food culture
MAP 2: LOCATION AND AREAS OF INTERVENTION OF BRAZIL’S ETHNO_ENVIRONMENTAL PROTECTION FRONTS
BRAZIL: STATE POLICY: FROM CUSTODY TO THE POLICY OF RIGHTS, A SOLVED ISSUE?

MAP 2: LOCATION AND AREAS OF INTERVENTION OF BRAZIL'S ENVIRONMENTAL PROTECTION FRONTS

Source: FUNAI/2010
• Road network (posts/paths) and its
direction
• Location of the camp: give a refer-
ence, preferably using GPS

4. It is important to search over a radius of
at least 1 km, with the aim of discovering
information on the gathering of materials
for house construction, fruit and honey
gathering, food remains, tracks (paths),
the location of bathing area and water
supply, paths to crops (if they farm), etc.

5. Obtain information on the technology they
use for cutting wood, building houses, pre-
paring food, collecting honey, making tools
(bows, arrows, nets, pots), feathering and
insetting (encrusting) arrow tips, etc.

**Protection and surveillance**

Protection and surveillance, as an integral part of the
Surveillance Sub-system, comprise actions that will
guarantee “the isolated and recently-contacted Indians
the right to remain thus, preserving the integrity of their
territory, intervening only when any factor places their
survival and socio-cultural organisation at risk.”

Actions aimed at protecting the groups are linked to
those undertaken during locating and monitoring, during
ethno-environmental education, ethno-environmental
monitoring and so on, and focus on preserving the In-
dians’ quality of life. Surveillance actions, however, are
aimed at protecting the indigenous territory and its envi-
ronment, dealing with obstacles such as invasions and
activities that may compromise the necessary conditions
for the physical and cultural survival of the isolated and
recently-contacted Indians.

The work implemented in the locating and/or moni-
toring phase establishes the objective conditions to
which the isolated group is subjected. The advance of
economic and missionary frontiers into the regions in
which the isolated Indians live is forcing the FPEs to
work faster to record the locations of these Indians. It is
in this way possible to create a barrier and to protect the
isolated and recently-contacted Indians and their habi-
tat from the impacts cause by those unskilled in contact
(missionaries, loggers, miners, land grabbers, hunters,
fishers, large projects, etc.).

The methodology used in surveillance and pro-
tection actions must be in accordance with Brazilian
indigenist and environmental legislation, and above
all with the rules and procedures governing the ac-
tions of public officials. All institutions that cooperate
with the protection fronts must follow the directions
of the Front’s Coordinator, in line with the relevant
legislation.

**Promoting the rights of isolated and
recently-contacted Indians**

This is the result of a number of initiatives aimed at
improving the quality of life of the indigenous groups
by taking actions in areas such as health and ethno-
environmental education with a view to eliminating
factors that create vulnerability, whether in relation to
their territories, their hydrographic basins or the sur-
rounding population, etc.

**Ethno-environmental education**

As an integral part of the action aimed at promot-
ing the isolated and recently-contacted Indians, this
component includes initiatives in the field of socio-
environmental management aimed at promoting cer-
tain behaviour on the part of the FPE team members,
collaborating teams and indigenous groups that are
sharing the same territory or living in the vicinity of
the Indigenous Land. Ethno-environmental education
also needs to be extended to the non-indigenous
population living on or near the lands occupied by iso-
lated or recently-contacted groups.

The effects of the imbalance caused by models
aimed at commoditising nature and human beings are
increasingly encroaching onto the territories occupied
by isolated or recently-contacted groups. A solely ter-
ritorial guarantee is insufficient to ensure the protec-
tion of isolated and recently-contacted Indians.

**Educational and exchange process**

As an integral part of the initiatives aimed at promot-
ing recently-contacted groups, the educational and
exchange process comprises actions designed to
respond to issues that arise in the day-to-day rela-
tionship between the team and recently-contacted
groups. Activities aimed at responding to the indig-
eneous peoples’ demands are included here, as well
as those necessary to help overcome the effects of the factors of vulnerability that compromise the physical and cultural survival of the indigenous peoples.

The day-to-day relationship between the FPE teams and recently-contacted groups triggers an exchange of material and non-material goods, and forms an informal educational process in which new patterns of behaviour are defined. These changes very often go unnoticed by the team and managers.

The FPEs have rules of co-existence governing the teams’ relations with recently-contacted groups but, as the years have passed, these have increasingly failed to keep up with the needs arising from new contexts of relations between Indian and non-Indian. Consequently, these rules were already being ignored long before the managers realised there was a need to review them and establish new agreements with regard to conduct.

A review of the practices used with recently-contacted groups highlights the need to establish, educational and exchange processes from the very first point of contact, initially with the FPEs’ teams. Part of this educational process also needs to include establishing relations between recently-contacted Indians and other already-settled groups with a history of contact, as well as with the non-indigenous population in the area. This educational and exchange process must be established in line with principles of indigenous self-determination, sustainability and precaution.

Communication

Each FPE has to produce a communication plan presenting information on and publicising the protection policy for isolated and recently-contacted Indians. This work must be done in cooperation with already-contacted indigenous communities and with non-indigenous groups. In terms of its communication work, the FPE must have a strategic goal of learning the language of the isolated and/or recently-contacted group, with the aim of establishing full communication whilst avoiding the imposition of a non-indigenous language.

Training

This consists of implementing ongoing training programmes across a wide range of subjects by means of courses and exchanges that provide training for the FPEs’ workers.

Health

Since the 1990s, the Ministry of Health has been responsible for defining health policy and actions for Brazil’s indigenous population, while it has been FUNAI’s role to support policy implementation. In 2010, the Special Indigenous Health Department (SESAI) was created within this ministry. This body will also be responsible for basic sanitation and environmental health actions on indigenous lands.

Given the specific and unique features and vulnerabilities of the isolated and recently-contacted indigenous groups, a specific and distinct policy for preventing illness and promoting health is needed for them.

In this regard, the CGIRC has asked the Intersectoral Commission for Indigenous Health (CISE), along with SESAI, to take the necessary steps to institutionalise a policy of health promotion for recently-contacted Indians and of health protection for isolated Indians, according to the following criteria:

a. The creation of a Special Health Service for Isolated and Recently-contacted Indians, with all necessary equipment and appropriately trained health staff in order to work in line with the specific features of the ethnic group, in all Indigenous Lands where there are indigenous peoples in a situation of contact.

b. Regulate the actions and procedures for healthcare and disease prevention for isolated and recently-contacted indigenous peoples, as well as neighbouring indigenous and non-indigenous populations, in order to identify possible risks created by people living in the vicinity of the lands of the isolated and recently-contacted indigenous peoples, adopting necessary measures in addition to the Single Health System (SUS).

c. Training with the technical health team, ethnologists and indigenists to define procedures that reconcile indigenous traditional medicine, shamanism, medicine men (payés), food restrictions (resguardos), dietary prohibitions, etc., with allopathic medicine.

d. Immunisation of health team members and checks to ensure they are in perfect health.

e. Designation of one permanent allocated health team comprising one representative from the Special Indigenous Health Department – SESAI - and from
Indigenous Peoples in Voluntary Isolation and Initial Contact

Isolated Indians at the headwaters of the Humanitá River – Photo: Gleyson Miranda, 2010 – FUNAI archives

Isolated Indians from the Korubo ethnic group – Photo: José Moises Rocha, 2010 – FUNAI archives
the Coordination Unit of the Ethno-environmental Protection Front to communicate with the recently-contacted groups.

f. Training of the health team in basic anthropology, linguistics, ethno-history, the policy on isolated and recently contacted Indians, and other issues as necessary.

g. Prioritise epidemics and sources of infection that arise among the isolated and recently-contacted groups as medical emergencies, bearing in mind their high rate of incidence and the rapidity with which these illnesses spread.

h. Where a group is removed from its land, importance must be placed on providing them with support for specific dietary requirements in the place of relocation and, above all, a rapid process of transfer and care.

i. Health workers should remain with the indigenous community for a minimum of 48 hours after conducting immunisation campaigns, to check for possible side-effects.

j. Depending on issues of access, distance and difficulty of communication, the Ethno-environmental Protection Fronts’ health teams must have a sufficient supply of appropriate medicines to provide first aid, particularly in situations of epidemics.

k. Prohibit team members working with isolated and recently-contacted Indians from making donations or exchanging objects or goods of any kind with them, in particular food and clothing, as these could form vectors of contamination, spreading illness and creating dependency and/or causing changes in dietary habits.

l. All direct interference in the habits, practices and customs of the indigenous culture of the isolated or recently-contacted groups, in particular with regard to their bodily exposure, their language, their family relations, their aesthetic patterns and their worldview, must be avoided as this could negatively impact on the indigenous community.

Contact sub-system

Inter-ethnic contact is necessarily formed of a relationship between one individual or group and another that does not belong to (or is not recognised as) its own. This relationship, whether intermittent, frequent or even permanent, assumes that at least one of the parties wants this contact to take place. The reasons for and forms of this contact are diverse; however, an Ethno-environmental Protection Front has a duty to be prepared for any of the following eventualities:

- The isolated group may decide to make contact, either with the protection front team or with the local population, whether previously-contacted indigenous groups or segments of the expansion front, etc.;
- Forced contact may be effected by non-indigenous or previously-contacted indigenous groups, or;
- The state may decide to make contact, once an isolated group has become irreversibly exposed to a risk that places its members in imminent danger of genocide.47

The state has a duty to intervene in all of these situations, through the Ethno-environmental Protection Fronts, mobilising contact teams to implement the measures necessary under the circumstances.

These necessary actions require a distinct methodology, and teams experienced in handling indigenous groups in a situation of initial contact; a team specialised in the health of recently-contacted peoples; people with the skill to negotiate and find their way around the forest (mateiros48); communication experts (interpreters); and all infrastructure necessary for emergency situations.

Ethno-environmental Protection Fronts

The table below gives information on the twelve Ethno-environmental Protection Fronts, their areas of intervention, administrative location and references for the isolated and/or recently-contacted Indian groups under their responsibility.

Participation of organised civil society

Establishing a methodology for and implementing the System for Protecting Isolated and Recently-contacted Indians is a highly complex task. Difficulties in terms of establishing trained staff, enforcing indigenous rights in a plural and competitive society, distributing public budgetary resources and mobilising government institutions have meant that this has proved a complex and difficult issue to manage.

In order to strengthen and speed up actions to protect the isolated indigenous groups and their territories, FUNAI has chosen to establish Cooperation Agreements with non-governmental organisations (NGOs), within a context aimed at coordinating indigenist policy with environmental protection policy.
At the end of the 1990s, CGII/FUNAI signed an agreement with the Indigenous Work Centre (CTI) to work together to protect the isolated Indians of Valle del Javari/AM. This joint cooperation was financed by the European Union.53

Civil society’s actions in relation to isolated and recently-contacted Indians are set out in a Cooperation Agreement signed between FUNAI and the NGO. The term “joint participation” defines the role of the bodies involved in the cooperation, as well as the joint management of actions and the work plan with their respective partners. Coordination of all actions related to isolated and recently-contacted Indians is solely the responsibility of the official indigenist body.

In addition to the state, there are two civil society organisations in Brazil that provide information on isolated and recently-contacted indigenous groups: the Socio-Environmental Institute (ISA) and the Missionary Indigenist Council (CIMI). Despite civil society’s efforts to contribute information on isolated and recently-contacted groups, FUNAI continues to have the most complete and full overview of the groups in question. Its most recent report (October 2010) gives 23 references for isolated groups, along with 7 groups considered to be of recent contact and 47 references for isolated groups that are under study.

Legal instruments for their promotion and protection (Legal Framework)54

To gain a better understanding of the context given in this report, an analysis of some of the legal instruments governing relations between the Brazilian state and the country’s indigenous societies is necessary.

In view of the large number of such acts and regulations governing Brazilian indigenist policy, a brief overview now follows with regard to isolated and recently-contacted Indians, in relation to their citizenship, territorial regulation, ethno-development, defence and investigation. Legislative acts are sensitive to social change and thus could be revised in the future. For this reason, it would be advisable to consult updated information following the printing and publication of this report.

Key Legislation

- UN Declaration on the Rights of Indigenous Peoples, 13 September 2007;
- Constitution of the Federal Republic of Brazil (1988);
- Indian Statute (Law 6,001 of 19 December 1973), regulating the legal situation of Indians or forest peoples and indigenous communities with the aim of preserving their culture and gradually and harmoniously integrating them into national society;
- Decree 5,051/04, enacting ILO Convention 169 on Indigenous and Tribal Peoples. Right to free, prior and informed consent;
- Decree 592 of 6 July 1992, enacting the International Covenant on Civil and Political Rights;
- Decree 591 of 6 July 1992, enacting the International Covenant on Economic, Social and Cultural Rights;
- Decree 678 of 6 November 1992, enacting the “American Convention on Human Rights (OAS) - Pact of San José de Costa Rica”.

On Citizenship

- Decree 65,810 of 8 December 1969, enacting the International Convention on the Elimination of All Forms of Racial Discrimination;
- Decree 58,821 of 14 July 1966, enacting Convention 104 on the Abolition of Penal Sanctions (Indigenous Workers);
- Law 2,889 of 1 October 1956, defining and punishing the crime of genocide.

On Territorial Regulation

- Decree 1,775 of 8 January 1996, regulating the administrative procedure for surveying indigenous lands and other instructions;
- FUNAI Regulation 14 of 9 January 1996, laying down rules for the production of the localised report for identifying and demarcating Indigenous Lands, with reference to paragraph 6 of report 2, of Decree 1,775 of 8 January 1996;
- PRESI/FUNAI Regulation 1,154 of 30 September 2008;55
- Decree Law 227 of 28 February 1967, establishing the Mining Code;
- Decree 88,985 of 10 November 1983, governing the exploitation of mineral wealth on indigenous lands.
### Awa Guajá Ethno-environmental Front

**ACRONYM:** Awa Guajá FPE  
**DESCRIPTION:** Located in the west of Marañón state (MA), it is responsible for protecting the Caru Indigenous Land, with a regularised area of 172,667.38 ha; the Araribóia Indigenous Land with a regularised area of 750,649.27 ha; and the Awá Indigenous Land with a regularised area of 116,582.92 ha.

**SERVICES/DEPARTMENTS:** SEPE Juriti

**ISOLATED REFERENCES:** 39 (Awá-Guajá), 41 (Araribóia), 68 (Igarapé Mão de Onça) and 66 (Serra do Cipó)

**RECENTLY CONTACTED REFERENCES:** 77 (Awá-Guajá-Juriti, Aure-aurá, Tiracambu Awá)

**TEAM:** 1 (one) FPE Coordinator, 1 (one) Head of Service, 5 (five) Indigenist Assistants

**STATE:** Marañón (MA)

### Cuminapanema Ethno-environmental Front

**ACRONYM:** Cuminapanema FPE  
**DESCRIPTION:** Located in Pará state (PA), it is responsible for protecting reference 35, located adjacent to the Trombeta Mapuera Indigenous Land (PA), which has a declared area of 3,970,898.04 ha; and also reference 44 located on the Rio Parú del Oeste/PA Indigenous Land, regularised as one area of 1,195,785.79 ha. In addition, references 36, 65 and 37, which are not located on Indigenous Lands. In addition, the Cuminapanema FPE is responsible for actions to promote the rights of the Zo‘é Indigenous Land, with a declared area of 668,565.63 ha.

**SERVICES/DEPARTMENTS:** SEPE Cuminapanema

**ISOLATED REFERENCES:** 35 (Trombetas Mapuera/PA), 36 (Rio Mapari/PA), 44 (Alto Rio Ipitinga/PA), 65 (Jarí/PA) and 37 (Alto Amapari/PA)

**RECENTLY CONTACTED REFERENCES:** 38 (Zo‘é/PA Indigenous Land)

**TEAM:** 1 (one) FPE Coordinator, 3 (three) Indigenist Assistants, 1 (one) Coordination Assistant and 3 (three) mateiros

**STATE:** Pará (PA) and Amapá (AP)

### Envira Ethno-environmental Front

**ACRONYM:** Envira FPE  
**DESCRIPTION:** Located in the far south of Acre state (AC), on the border with Peru, it is responsible for protecting the Kampa Indigenous Land and Isolated People of the Envira River, with one regularised area of 232,795 ha; for the Alto Tarauacá Indigenous Land, with one regularised area of 142,619 ha; the Riozinho do Alto Envira Land, with one declared area of 260,970 ha; and the Mamoadate Land one regularised area of 313,646 Ha.

**SERVICES/DEPARTMENTS:** Recently created FPE

**ISOLATED REFERENCES:** 30 (Igarapé Xinane and Igarapé D’Ouro on the Alto Tarauacá Indigenous Land), 31 (Igarapé Xinane and Igarapé Embuia on the Riozinho do Alto Envira Indigenous Land), 32 (Rio Jaminawá on the Kampa and Aslados del Rio Envira Indigenous Land), 33 (Cabecera del Rio Iaco and Chandlles on the Mamoadarte Indigenous Land), 64 (Igarapé Tapada) and 71 (Mascko Piro).

**RECENTLY CONTACTED REFERENCES:** No recently-contacted references in its area of intervention.

**TEAM:** 1 (one) FPE Coordinator; 10 (ten) Indigenist Assistants; 10 (ten) external professionals paid by Monte Sinai: 2 (two) cooks and 8 (eight) mateiros

**STATE:** Acre (AC)

### Guaporé Ethno-environmental Front

**ACRONYM:** Guaporé FPE  
**DESCRIPTION:** Located in the west of Rondônia state (RO), it is responsible for protecting the Rio Omerê Indigenous Land, approved with an area of 26,177.19 ha; the Massaco Indigenous Land, regularised with an area of 421,895.08 ha on the border with Bolivia; the Tanaru Indigenous Land demarcated as a restricted use area with 8,070.00 ha.
<table>
<thead>
<tr>
<th>SERVICES/DEPARTMENTS</th>
<th>It has three different Ethno-environmental Protection Services (SEPE): SEPE Massaco, SEPE Omerê and SEPE Tanaru. It has both the material and human infrastructure with which to conduct its work in addition to the necessary communication, health and transport services etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISOLATED REFERENCES</td>
<td>Nº 51 (Massaco/RO), Nº 53 (Tanaru/RO), Nº 54 (Rio Tenente Marques/MT) and Nº 72 (Rio Iquê/MT)</td>
</tr>
<tr>
<td>RECENTLY CONTACTED REFERENCES</td>
<td>Nº 52 (Akuntsu/RO) and Nº 62 (Kanoê/RO)</td>
</tr>
<tr>
<td>TEAM</td>
<td>01 (one) FPE Coordinator, 02 (two) Coordination Assistants, 03 (three) Indigenist Assistants and 10 (ten) matesiros</td>
</tr>
<tr>
<td>STATE</td>
<td>Rondônia (RO) and Mato Grosso (MT)</td>
</tr>
<tr>
<td>NAME</td>
<td>Juruena Ethno-environmental Front</td>
</tr>
<tr>
<td>ACRONYM</td>
<td>Juruena FPE</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>Located in the far north-east of Mato Grosso state (MT), it is responsible for protecting references Nº 09 (Rio Parauari - AM/PA), Nº 10 (Alto Rio Carumã/AM), Nº 60 (Igarapé Pacutinga/MT) and Nº 73 (Serra do Cachimbo/PA), which are not located within Indigenous Lands. Reference Nº 61 (Pontal/MT) is inside the Indigenous Land. The region for which this protection front is responsible is one of intense economic development. Such pressure, particularly from logging companies, means that the five references for which this Front is responsible are considered of high priority.</td>
</tr>
<tr>
<td>SERVICES/DEPARTMENTS</td>
<td>SEPE Juruena</td>
</tr>
<tr>
<td>ISOLATED REFERENCES</td>
<td>Nº 09 (Rio Parauari - AM/PA), Nº 10 (Alto Rio Carumã/AM), Nº 60 (Igarapé Pacutinga/MT), Nº 61 (Pontal/MT) and Nº 73 (Serra do Cachimbo/PA).</td>
</tr>
<tr>
<td>RECENTLY CONTACTED REFERENCES</td>
<td>No references of recently-contacted Indians</td>
</tr>
<tr>
<td>TEAM</td>
<td>01 (one) FPE Coordinator, 04 (four) Indigenist Assistants, 01 (one) Coordination Assistant.</td>
</tr>
<tr>
<td>STATE</td>
<td>Amazonas (AM), Pará (PA) and Mato Grosso (MT).</td>
</tr>
<tr>
<td>NAME</td>
<td>Javari Ethno-environmental Front</td>
</tr>
<tr>
<td>ACRONYM</td>
<td>Javari FPE</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>Located in Amazonas state (AM), on the border with Peru and Colombia, it is responsible for protecting isolated and recently-contacted groups living in the regions bordering the Valle del Javari Indigenous Land, which has one regularised area of 8,544,482.27 ha. In this area, there are 14 references for isolated Indians. It should be noted that five (05) ethnic groups of more longstanding contact co-exist in the Valle del Javari Indigenous Land, being: Kanamari, Kulina Pano, Kulina Arawa, Marubo, Matís and Mayoruna, plus one sub-group of the Korubo ethnic group which recently established contact. There are a total of 4,915 Indians (FUNASA/2010) in this area. The Javari FPE also acts to protect references Nº 20 and Nº 29, which are not on the Indigenous Land.</td>
</tr>
<tr>
<td>SERVICES/DEPARTMENTS</td>
<td>It has an administrative structure in the town of Tabatinga/AM and 03 (three) Ethno-environmental Protection Services (SEPE): SEPE Quixito, SEPE Intuí/Itaquaí and SEPE Jandiatuba.</td>
</tr>
<tr>
<td>ISOLATED REFERENCES</td>
<td>Nº 15 (Igarapé Nauli), Nº 16 (Rio Itaquaí), Nº 17 (Igarapé Urcubaca/Tsohorn Djapa), Nº 18 (Igarapé Alerta), Nº 19 (Igarapé Inferno), Nº 20 (Rio Bória), Nº 21 (Igarapé Lambança), Nº 22 (Rio Pedra), Nº 23 (Rio Ituí), Nº 25 (Rio Quixito), Nº 26 (Igarapé São Salvador), Nº 27 (Igarapé Cravo), Nº 28 (Igarapé Amburus) and Nº 29 (Igarapé Flecheira).</td>
</tr>
<tr>
<td>RECENTLY CONTACTED REFERENCES</td>
<td>Nº 24 (Korubo do Igarapé Quebrado).</td>
</tr>
<tr>
<td>TEAM</td>
<td>01 (one) FPE Coordinator, 03 (three) Heads of Service, 16 (sixteen) Indigenist Assistants, 20 (twenty) Field Assistants paid by FUNAI/Monte Sinaí, 05 (five) Coordination Assistants hired through the FUNAI/CTI agreement and 11 (eleven) indigenous workers also hired through the FUNAI/CTI agreement.</td>
</tr>
<tr>
<td>STATE</td>
<td>Amazonas (AM)</td>
</tr>
<tr>
<td>NAME</td>
<td>Madeira Ethno-environmental Front</td>
</tr>
<tr>
<td>ACRONYM</td>
<td>Madeira FPE</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>Located in Amazonas state (AM), this FPE is responsible for protecting the Jacareúba y Katauí/AM Indigenous Land with an area of restricted use spanning 453,400.00 ha; and the Tenharim do Marmelo Indigenous Land with a regularised area of 497.522 ha.</td>
</tr>
</tbody>
</table>
The Madeira FPE is also responsible for references Nº 11, Nº 45, Nº 47 and Nº 75, which are not on an Indigenous Land.

**SERVICES/DEPARTMENTS**  
It currently only has the FPE structure but is in the process of establishing 02 (two) Ethno-environmental Protection Services (SEPE).

**ISOLATED REFERENCES**  
Nº 12 (Jacaréu e Katauí/AM), Nº 11 (Rio Mucuim/AM), Nº 45 (Bom Futuro/RO), Nº 47 (Rio Preto do Jacundá Extraction Reserve and Cachoeira do Remo/RO), Nº 70 (Kaidjuwa/AM) and Nº 75 (Rio Coi/AM).

**RECENTLY CONTACTED REFERENCES**  
There are no recently-contacted groups in its area of activity.

**TEAM**  
Administrative support office in Porto Velho/RO: 02 (two) Administrative Assistants and 01 (one) Financial Officer. Jacaréu/Katauí Indigenous Land in Labrea/AM municipality: 01 FPE Coordinator; 02 (two) Sertanista Assistants; 01 (one) General Services Assistant; 01 (one) Head of Service and 02 (two) Indigenist Assistants.

**STATE**  
Amazonas (AM) and Rondônia (RO)

**NAME**  
Madeirinha Ethno-environmental Front

**ACRONYM**  
Madeirinha FPE

**DESCRIPTION**  
Located in the north of Mato Grosso (MT) state, this FPE is responsible for protecting and promoting the rights of recently-contacted indigenous groups on the Pirip'kura Indigenous Land, with an area of restricted use measuring 242,500.00 ha; the isolated Indians of the Rio Pardo Indigenous Land, with a demarcated area of 411,848.00 ha; the Zoro Indigenous Land, with a regularised area of 355,789.55 ha; and the Aripuana Indigenous Land, with a regularised area of 750,649.27 ha. Finally, the FPE is responsible for locating work with regard to references Nº 55 (Igarapé dos Índios), Nº 56 (Igarapé Boca da Mata), Nº 58 (Arara do Rio Branco), Nº 59 (Kawahiva do Rio Pardo), which are not on Indigenous Lands.

**SERVICES/DEPARTMENTS**  
SEPE Piripkura and SEPE Kawahiv

**ISOLATED REFERENCES**  
Nº 56 (Igarapé Boca da Mata), Nº 57 (Medio Rio Branco), Nº 58 (Arara do Rio Branco), Nº 59 (Kawahiva do Rio Pardo) and Nº 63 (North of Zoró Indigenous Land)

**RECENTLY CONTACTED REFERENCES**  
Nº 55 (Igarapé Dos Indios Piripkura)

**TEAM**  
01 (one) FPE Coordinator, 02 (two) Coordination Assistants, 15 (fifteen) mateiros, 06 (six) Indigenist Assistants

**ESTADO DE LA FEDERACION**  
Mato Grosso (MT)

**NAME**  
Medio Xingu Ethno-environmental Front

**ACRONYM**  
Medio Xingu FPE

**DESCRIPTION**  
Located in the north of Mato Grosso (MT) state, this FPE is responsible for protecting the Cachoeira Seca Indigenous Land with a declared area of 734,027 ha; the Menkragnoti Indigenous Land, with a regularised area of 4,914,254.82 ha; and the Kayapo Indigenous Land, with a regularised area of 3,284,004.97 ha. The FPE has the following Indigenous Lands within its jurisdiction: Apyterewa, with a regularised area of 773,470.03 ha; Arara, with a regularised area of 274,010.02 ha; Arara da Volta do Xingu, with a declared area of 25,500.00 ha; Arashwe Igarape Ipixuna, with a regularised area of 940,900.80 ha; Cachoeira Seca, with a declared area of 734,027 ha; Juruna, with a territory under study; Kararao, with a regularised area of 330,837.54 ha; Koaímen, with a regularised area of 387,834.25 ha; Kuruyaya, with a regularised area of 168,784.25 ha; Paucicamba, with a regularised area of 4,348.27 ha; Trincheira Bacajá, with a regularised area of 1,650,939.26 ha; and Xipaya, with a declared area of 178,723.02 ha.

**SERVICES/DEPARTMENTS**  
SEPE Altamira

**ISOLATED REFERENCES**  
Nº 40 (Riozinho do Anfrizo), Nº 42 (Iriri Novo) and Nº 43 (Rio Fresco)

**RECENTLY CONTACTED REFERENCES**  
No references for recently-contacted Indians.

**TEAM**  
01 (one) FPE Coordinator; 01 (one) Coordination Assistant, 03 (three) Indigenist Assistants

**STATE**  
Pará (PA)

**NAME**  
Punús Ethno-environmental Front

**ACRONYM**  
Punús FPE

**DESCRIPTION**  
Located in the south of Amazonas (AM) state, in the Purús River basin, this FPE is responsible for protecting the Hi-merima Indigenous Land with a demarcated area of 677,840 ha, reference 13; the Suruwaha Zuruaha...
Indigenous Land, with a regularised area of 239,069.74 ha, reference 69; and reference Nº 14 (Igarape Maburruá) and Nº 11 (Tapauá), which are not within the Indigenous Land.

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<tr>
<th>SERVICES/DEPARTMENTS</th>
<th>It only has the FPE structure</th>
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<td>ISOLATED REFERENCES</td>
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<tr>
<td>RECENTLY CONTACTED REFERENCES</td>
<td>Nº 69 (Suruwahá)</td>
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**TEAM**

01 (one) FPE Coordinator, 02 (two) Heads of Service, 05 (five) Indigenist Assistants and 17 staff paid by organisations associated with FUNAI, being: 10 (ten) Monte Sinai Field Assistants; 05 (five) OPAN Field Assistants; 02 (two) CTI Coordination Assistants.

**STATE**

Amazonas (AM)

**NAME**

Uru-Eu-Wau-Wau Ethno-environmental Front

**ACRONYM**

Uru-Eu-Wau-Wau FPE

**DESCRIPTION**

Located in Rondônia (RO) state, this FPE is responsible for references Nº 48, Nº 49 and Nº 50, located in the Uru-Eu-Wau-Wau Indigenous Land, with a regularised area of 1,867,117.80 ha; along with reference Nº 46, which is not on an Indigenous Land. The Uru-Eu-Wau-Wau FPE also has responsibility for promoting the rights of the Uru-eu-wau-wau, Amondowa and Oro in indigenous peoples.

**SERVICES/DEPARTMENTS**

The Uru-eu-wau-wau FPE has 04 (four) Local Technical Coordination Teams (CTLs) within its structure, two for monitoring and territorial protection, located in Seringueiras and Governador Jorge Teixeira municipalities. The other two CTLs are responsible for social promotion and ethno-development, and are located in Mirante da Serra and Campo Novo de Rondônia municipalities. In addition, there is 01 (one) Ethno-environmental Protection Service (SEPE) in Cautário.

**ISOLATED REFERENCES**

Nº 46 (Igarapé Oriente), Nº 48 (Cautário), Nº 49 (Bananeira) and Nº 50 (Serra da Onça)

**RECENTLY CONTACTED REFERENCES**

There are no recently-contacted groups within the Uru-eu-wauwau FPE’s area of responsibility.

**TEAM**

01 (one) FPE Coordinator, 04 (four) CTL Coordinators, 01 (one) Head of Service, 05 (five) Indigenist Assistants, 11 (eleven) officials contracted by the DNIT/ Ricardo Franco’s Fundation (compensation for the laying of the BR429), exercising the duties of Team Coordinator, Head of Team and Field Assistants.

**STATE**

Rondônia (RO)

**NAME**

Yanomami Ethno-environmental Front

**ACRONYM**

Yanomami FPE

**DESCRIPTION**

Located in Roraima (RR) and Amazonas (AM) states, it is responsible for references Nº 6 and Nº 76 on the Yanomami Indigenous Land, with a regularised area of 9,664,975.48 ha; also for reference Nº 7 on the Waimiri Atroari Indigenous Land, with a regularised area of 2,585,911.57 ha. In addition, references Nº 8 (Alto Rio Jatapu – RR/PA) and Nº 34 (Alto Mapuera/PA), which are not on Indigenous Lands. The Yanomami FPE also has responsibility for actions to promote the rights of the indigenous Yanomami and Yekuana peoples.

**SERVICES/DEPARTMENTS**

It has the FPE and 09 (nine) Local Technical Coordination Units (CTLs) in its area, 06 (six) in Roraima and 03 (three) in Amazonas.

**ISOLATED REFERENCES**

Nº 6 (Baixo Rio Cauburi/AM); Nº 7 (Alto Rio Alalaú – RR/AM); nº 8 (Alto Rio Jatapu – RR/PA); Nº 34 (Alto Mapuera/PA).

**RECENTLY CONTACTED REFERENCES**

There are 240 already contacted villages on the Yanomami indigenous Land comprising approx. 19,500 Indians, and in which the FPE is undertaking promotional activities.

**TEAM**

01 (one) FPE Coordinator, 01 (one) Indigenist Specialist, (01) Indigenist Officer, 10 (ten) Indigenist Assistants, 01 (one) Interpreter.

**STATE**

Roraima (RR) and Amazonas (AM)
On the Environment

- CGEN Resolution 11/04, establishing guidelines for producing and analysing contracts for the use of genetic heritage and participating in the benefits deriving from access to genetic components or to associated traditional knowledge provided by indigenous or local communities.

On Health

- Decree 7,336 of 19 October 2010, creating the Special Indigenous Health Department (SESAI) under the Ministry of Health, with the aim of coordinating and implementing the process of managing the Indigenous Healthcare Sub-system throughout the whole of Brazil.

On research into, and entry onto, indigenous land

- Regulatory Instruction 01/95/President of FUNAI of 29 November 1995, approving the rules governing entry onto indigenous lands with the aim of conducting scientific research.
- Regulatory Instruction 002/President of FUNAI of 08 April 1994, approving the rules defining the limits of action of Missions/Religious Institutions in indigenous areas, in accordance with the annexed document.
- Regulation 177/President of FUNAI of 16 February 2006, governing FUNAI’s administrative authorisation procedures for entry onto indigenous lands on the part of people interested in using, buying and/ or selling indigenous authorship or image rights; also aimed at related procedures with the purpose of respecting the values, artistic creations and other means of indigenous cultural expression and of protecting their social organisation, customs, language, beliefs and traditions.

Isolated Indians are found in seven countries of South America: Brazil, Bolivia, Colombia, Ecuador, Peru, Paraguay and Venezuela. Only Brazil and Ecuador, however, officially recognise the existence of these peoples and have specific institutions to implement public policies for them, with an allocated budget and legislation in this regard. Despite incontrovertible evidence, five states therefore do not officially recognise indigenous groups living in isolation. Information and work in these countries is thus conducted by NGOs which, in most cases, are indigenous organisations. This official neglect on the part of these countries may result in these isolated Indians suffering a most cruel process of genocide.

The Bolivian case needs to be mentioned as its Constitution does recognise rights to isolated and recently-contacted Indians (Article 31) but does not provide for the implementation of state-promoted public policies or actions in this regard.

This situation is set against the backdrop of a global consumer society in which the countries of South America, through local and regional policies, are implementing macro-developmental projects under the influence of the Common Southern Market (MERCOSUR), the North American Free Trade Agreement (NAFTA), the Initiative for the Integration of Regional Infrastructure in South America (IIRSA), the Growth Acceleration Programme (PAC/Brazil), etc., which all have a direct cross-border impact on forest heritage, socio-cultural heritage, on contacted indigenous groups and, particularly, on isolated and/or recently-contacted groups.

In addition to development programmes related to oil and gas, transnational highways and hydro-electric plants, numerous illegal activities of logging, small or large-scale mining, agricultural and livestock farming, missionary work and drugs trafficking are also now emerging.

These activities, a constant feature of the Amazon basin countries, are simply exacerbating the situation of already victimised isolated and recently-contacted indigenous groups, propelling them into a permanent state of forced migration.

Regional initiatives have been launched to promote debate and revitalise efforts aimed at protecting and promoting the rights of isolated and recently-contacted peoples. These include the International Alliance for the Protection of Isolated Peoples; the International Indigenous Committee for the Protection of Peoples in Vol...
untary Isolation and Initial Contact in the Amazon, Gran Chaco and Eastern Region of Paraguay (CIPIACI); the Peru/Brazil Binational Action Group for the Protection of Isolated Indians; and the Cross-border Working Group for the Protection of the Sierra del Divisor and Alto Juruá (GTT).

In order to encourage a discussion on Ecuador’s isolated Indians, the Ecuadorian Ministry of the Environment promoted an initiative to invite a group of consultant specialists from different countries of South America with the aim of creating an International Consultative Committee on Isolated Indian Affairs. Since then, this committee has continued its work independently and currently has an established group that contributes to producing public policies in support of isolated and recently-contacted Indians. It is also involved in advocacy work in the countries of the Amazon Basin and Gran Chaco.

The map gives the location of the references for isolated and recently-contacted Indians in seven countries of South America. It should be noted that, in some countries, the points indicated represent information sets on the presence of isolated and/or recently-contacted Indians in a particular region.

CONCLUSIONS

It seems unthinkable that despite five years of Eurocentric colonisation, a country such as Brazil, almost the size of a continent, is still home to social, political, cultural and economic structures based on slavery and servitude, social systems thought relegated to previous centuries.

It is difficult to talk about isolated and recently-contacted Indians in the middle of the 21st century, when most of the Brazilian population is agreed that progress and evolution will lead a society along the path from savagery to civilisation. Supporters of this view argue that the contact is a means of protection and a help for the Indians to reach a stage of civilization.

By breaking with this line of thought, the Brazilian state has rightly opted for the path of recognising ethnic diversity and respecting the decision of groups to remain in isolation, as an expression of their determination. It has created institutions and legal frameworks that make implementing the System for Protecting Isolated and Recently-contacted Indians possible.

Given such a complex outlook, in which different interests are at odds in terms of their ideologies and institutions, a summary of the achievements of the last 22 years of implementing the System for Protecting Isolated and Recently-contacted Indians now follows, along with the obstacles being placed in its path by sectors of society, by the state’s economic policy and by government programmes, regardless of the fundamental and aboriginal rights of these peoples, above all in terms of property concessions and natural exploitation rights being granted to third parties.

Achievements

a) The fact that the Brazilian state has recognised the existence of isolated indigenous groups and established a public policy for isolated Indians, and created bodies with human, material and budgetary resources allocated to them and consolidated over the last 22 years.

b) There has been definite progress in the protection of isolated Indians since the System for Protecting Isolated Indians was created in 1987. There are now 29 Indigenous Lands either for isolated or recently-contacted Indians and/or shared with contacted Indians, covering a total of 52,228,583 ha, under the responsibility of CGIIRC/FUNAI. The developments in this land regularisation process and the current state of each of the Indigenous Lands is given in Tables VI, VII and VIII, available in the Appendix.

c) With a staff of more than 240 professionals plus FUNAI’s administrative network, the Territorial Protection Department (DPT), through the CGIIRC and the 12 Ethno-environmental Protection Fronts, is implementing activities in seven of the country’s states, in regions that are difficult to access, with poor travelling and living conditions, and exposure to people involved in illegal activities.

d) The actions of locating, monitoring, surveillance and ethno-environmental protection, both on the part of FUNAI and the participating organisations and indigenous and indigenist NGOs, now represent a great asset in the form of individuals and organisations committed to promoting the rights and protecting the territories of isolated and recently-contacted Indians.

High-impact projects resulting from private initiatives, the state’s economic policy and government programmes are granting property concessions and
rights of use over mineral resources, forests, oil and gas and hydro-electricity to third parties, incentives are being offered to settle and farm the region, hydroelectric dams are being built, mineral exploitation and road building permits are being granted and incentives are being offered to plant biofuel crops, all of which directly or indirectly impacts on the indigenous territories, particularly those occupied by isolated or recently-contacted peoples.

The main obstacles facing the different government and non-government bodies when implementing the System for Protecting Isolated and Recently-contacted Indians are given below.

**Obstacles**

The Brazilian state began its official action with regard to indigenous societies in the 20th century. It was in 1988, through the official indigenist institution, that it established a policy for isolated Indians in which the premise of “no contact” was defined as necessary for protection. Despite this achievement in the state sphere, and the contribution of organised civil society, there are different factors, some of them described throughout the pages of this article, that are threatening the isolated and recently-contacted indigenous groups.

Below are listed some of the threats that create vulnerability on the part of the isolated and recently-contacted Indians, along with their associated challenges, in the form of proposals for overcoming them:

1. **Threat**: isolated and recently-contacted Indians with little immunity to withstand diseases transmitted by external agents.
   **Challenge**: define and establish a specific health policy for isolated and recently-contacted indigenous groups, bearing in mind the public health plans aimed at the indigenous and non-indigenous population living in the vicinity of these groups.

2. **Threat**: in most cases, recently-contacted groups are forced to learn Portuguese if they are to communicate with state workers. This is the start of a process of absorption into the majority culture, triggering processes of imposed learning.
   **Challenge**: establish cooperation agreements with academic centres with the aim of helping the FPE teams to learn the indigenous language of the groups with which they are working.

3. **Threat**: large number of references for isolated and recently-contacted Indians are not receiving the necessary assistance from the state, which may lead to their extinction and/or the loss of the territories and natural resources necessary for their survival.
   **Challenge**: increase, train and establish new Ethno-environmental Protection Fronts so that they can cover all necessary demands for implementation of the Protection System for the references already registered but which are receiving little or no state protection; and provide FUNAI/CGIIIRC with support and management capacity.

4. **Threat**: insufficient public financial resources destined to implementing the Public Policy for Isolated and Recently-contacted Indians;
   **Challenge**: in consultation with the legislative and executive powers (municipal, state and federal), define a strategy for sustainability and establish new Cooperation Agreements with NGOs.

5. **Threat**: the action of individuals and/or organisations with economic, evangelising, research or exploratory interests, who illegally enter the territories occupied by isolated and recently-contacted Indians.
   **Challenge**: establish contingency plans by which to respond to emergencies, particularly health crises, endowed with appropriate human, material and economic resources.

6. **Threat**: illegal actions on the part of gold prospectors, loggers, fishers, hunters, drugs traffickers, etc; who, apart from depleting the natural resources (the sole source of survival of the isolated and recently-contacted Indians), form agents for the transmission of infectious and contagious diseases.
   **Challenge**: establish an institutional cooperation plan among other government bodies in order to ensure an increased state presence with the aim of combating crime and consolidating actions of surveillance and the actions of FUNAI/CGIIIRC’s Ethno-environmental Protection Fronts.

7. **Threat**: lack of a public policy for recently-contacted indigenous groups.
   **Challenge**: promote meetings with government sectors and organised civil society aimed at formulating the Public Policy for Protecting and Promoting Recently-contacted Indians.
8. **Threat**: lack of a cross-border policy on isolated and recently-contacted Indians amongst the countries that constitute the Amazon Basin and the Gran Chaco; the absence of the state in these regions has allowed illegal actions to take place in areas occupied by isolated groups, causing conflicts between the parties. The situation on the Brazil-Peru border will be given as an example further on.

**Challenge**: FUNAI/CGIIRC needs, via its international consultants, to reach agreements with countries that share a border with Brazil in areas in which isolated Indians are located, in order to take cross-border actions of environmental protection as well as to promote exchanges with regard to the working methodologies adopted by the states in question, aimed at protecting and promoting the rights of isolated and recently-contacted Indians.

9. **Threat**: high-impact projects resulting from state economic policies and government programmes that grant property concessions and rights of use over mineral resources, forests, oil, gas and hydroelectricity to third parties and promote settlement projects (farming, hydroelectric, mineral exploitation, biofuels, roads) with a direct or indirect impact on the territories of isolated and recently-contacted Indians.

**Challenge**: give FUNAI/CGIIRC the necessary means to promote dialogue and intervention with the legislative, judicial and executive powers and national society in general so that they are aware of and take into consideration the Public Policy for Isolated and Recently-contacted Indians.

**Challenge**: give FUNAI/CGIIRC the necessary means to promote dialogue and intervention with the legislative, judicial and executive powers and national society in general so that they are aware of and take into consideration the Public Policy for Isolated and Recently-contacted Indians when defining national, state and municipal strategic planning.

There is a need for a communication plan that enables Brazilian society to be informed of the existence of isolated groups, their vulnerability and the respect required from the state with regard to their decision to remain thus.

Following the example of the Growth Acceleration Programme (PAC), government programmes have focused on a number of large infrastructure projects. Designed from a developmentalist point of view and largely linked to regional economic interests, these have a direct or indirect impact on a number of indigenous lands. In the North and Centre West regions, the various interventions of the PAC are affecting the Indigenous Lands or areas occupied by isolated or recently-contacted Indians.

Organised and academic civil society has generally not been very outspoken with regard to hydroelectric power stations. They argue that these ventures are justified by capital interests and that the end destination for the (cheap) energy will benefit electro-intensive industry, enabling it to export at a competitive price, thereby obtaining more profit. From an environmental point of view, academics and indigenous and indigenist organisations are agreed in stating that, in general, hydroelectric power stations and all their infrastructure (power lines, access roads, etc.) result in environmental impacts that cause irreversible damage to indigenous and local populations. The indigenous organisations complain that there has been a lack of consultation of their communities.

The important place given to the PAC by the federal government makes it necessary for the environmental bodies and those that are linked to them, in particular FUNAI, to be given effective tools for protecting the biodiversity of the Indigenous Lands and/or the areas occupied by isolated and/or recently-contacted indigenous groups.

Other challenges arise as a consequence of the 24 years of implementing the Public Policy for Isolated Indians and the experience with seven recently-contacted indigenous groups. In Brazil, there are 2,402,819 hectares, and 17 Indigenous Lands inhabited jointly by isolated, recently-contacted and/or contacted Indians. Although the vast majority of these indigenous lands have been free from invaders for more than 15 years, the FPEs’ monitoring work has noted a gradual influx of people, an increase in settlements and sown fields, and changes in the behaviour of the isolated and/or recently-contacted indigenous group in relation to the surrounding society. Accounts from the Ethno-environmental Protection Fronts can be summarised as follows:

- Isolated Indians are taking objects from plantations of contacted Indians, industrialised objects such as: pots, machetes, rope, clothes, plastic containers, etc. If they suffer no reprisals in this regard, they will increase the frequency of visits and number of objects they take;
- The appearance of Indians (considered) isolated and asking for industrialised objects is becoming more frequent along the river banks;
- There has been a considerable increase in recently-contacted groups asking for high-value industrialised products: guns, motorboats, etc.; in some cases, small segments of these groups are making incursions onto land inhabited by other people outside the Indigenous Land, asking for such objects;
- The expansion front (timber, gold prospectors, etc.) is beginning to compete for the territories occupied...
MAP 3: REFERENCES ON INDIGENOUS GROUPS IN ISOLATION IN THE BORDER AREA

Fonte: FUNAI/2010
by isolated Indians; one example is on the border between Peru and the Brazilian state of Acre (AC), where 10 years of monitoring work has noted the migration of isolated Indians from Peru to Brazilian territory, fleeing the expansion front. This action has brought about a forced territorial reorganisation, which is pushing the isolated Brazilians to move onto the territory of contacted Brazilian groups;

- Contacted Indians that share territory with isolated groups are beginning to occupy the traditional regions of the isolated Indians (hunting, fishing, farming zones, etc.), while also expressing an intention to promote contact;
- Evangelised Indians (guided and financed by missionaries) are penetrating the territories of recently-contacted Indians with a view to evangelising them and promoting trade in industrialised objects;

Given all the above, the CGIIRC’s work, through the Ethno-environmental Protection Fronts, faces the following challenges:

10. **Challenge**: to promote meetings with contacted indigenous groups and the non-indigenous population aimed at bringing them on board as allies in implementing the Protection Policy and also so that they can be informed of the dangers related to exchanging material items with isolated groups, given the possibility of disease transmission. Coexistence agreements need to be signed with regard to the use of the territory;

11. **Challenge**: Through its international consultants and jointly with the CGIIRC and the state diplomatic body, FUNAI needs to promote diplomatic agreements with other South American countries that have isolated Indians living on their territory aimed at producing joint concrete environmental protection actions and promoting an exchange of policies and methodologies for protecting isolated and recently-contacted Indians in border regions.

12. **Challenge**: to promote socio-environmental studies on the Indigenous Lands occupied by isolated and recently-contacted Indians with a view to monitoring the plant and wildlife potential to see if these resources are sufficient for these groups’ medium to long-term needs, given their population increase.

**And finally: have we now moved from a protection to a rights-based policy?**

Despite an increase in the number of Ethno-environmental Protection Fronts from six to twelve and the cooperation agreements established with NGOs, which will make it possible to obtain more human and material resources, it is impossible to meet all the needs that have been noted. In view of this, we have to agree with the secretary of the Pastoral Land Commission (CPT), Antonio Canuto, when he states in his article61 “Amazonia: Colonia do Brasil” (“The Amazon: Brazilian Colony”) that the same development model adopted in our country since colonial times is now being replicated in the Amazon region: a model based on the pillaging of natural resources, the plundering of its people, and the concentration of ownership and violence.

Unless the Brazilian state, through its established powers (executive, legislative and judicial), re-organises its economic policy and government programmes to take account of and fulfil the provisions of the Brazilian Constitution, FUNAI (through the CGIIRC) will no longer be able to continue its historic role of mitigating the harmful effects of the wider society on isolated and recently-contacted indigenous groups.

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**Notes**

1 Data from the National Indian Foundation (FUNAI): www.funai.gov.br consulted on 23/11/2010. However, it should be noted that FUNAI only includes indigenous individuals living in villages in its data and it is estimated that there are a further 100,000 to 190,000 living outside of the indigenous lands, including in urban areas.

2 The Brazilian Institute for Geography and Statistics (IBGE) is a federal public administrative institution reporting to the Ministry of Planning, Budgets and Management, and it is the main source of the country’s statistical data and information, with regard to providing care for the widest segments of civil society, as well as bodies within the federal, state and municipal spheres. For more information, see: www.ibge.gov.br

The indigenous territories in Brazil are regularised as Indigenous Lands. The regularisation process is set out in the Brazilian Constitution and regulated by Decree 1,775/96 and Regulation 14/96, which can be consulted at: www.funai.gov.br/ptc/legislacao/pdf/Decree_1775.pdf and www.funai.gov.br/ptc/legislacao/pdf/Portaria_MI_n14_de_09_01_1996.pdf.

The process of recognising Indigenous Lands in Brazil is organised into stages. As such, once an isolated indigenous group has been located, FUNAI’s General Coordination Unit for Isolated and Recently-contacted Indians (CGIR/C/FUNAI) classifies this as a reference and declares it to be “under study”. Once the existence of this group is confirmed, the administrative procedure entitled Restriction on Use is followed, with the approval of FUNAI’s president as necessary. This limits the right of outsiders to enter, cross or remain in the indigenous territory only to FUNAI staff for a specific period. Following this procedure, there are the stages of Demarcated, Declared, Authorised and Regularised, this being the final stage approved by the highest competent authority with the aim of legalising the area. This therefore needs to be conducted by the President of the Republic.

More than 550 indigenous organisations have been registered since the 1998 Federal Constitution was enacted. It is important, however, to differentiate between an indigenous organisation and an indigenist organisation. The former comprises a non-profit organisation under private law, composed of indigenous people, while the latter is made up of non-indigenous people working on indigenous issues.

Following the creation of the Brazilian Republic (1889) some activities that were previously the prerogative of the Catholic Church were taken up by the state, including indigenist action. The state did, however, allow some religious missions to remain, working alongside a number of indigenous groups and many of these missions even established the first contact with indigenous groups, enabling them to remain, for long periods of time, the most powerful institution in relation to the groups they had contacted.

When the Indian Protection Service (SPI) was created in 1910, Colonel Cândido Mariano Rondon tried to implement a policy of contacting the indigenous peoples, based on a premise of the need to integrate indigenous societies into the wider Brazilian society. The work of locating and contacting isolated groups of Indians was done through Indigenous Pacification Bases. (Report of the Ministry of Agriculture, Industry and Trade, 1924, p. 260-270).

In the midst of a crisis related to complaints of corruption, and in a context of a bureaucratic reorganisation of the state, the army dissolved the SPI and created the National Indian Foundation (FUNAI) by means of Law No. 5.371/1967. This left the broad principles unaltered, namely that a policy of contact was the central precept of protecting isolated indigenous peoples.

The Indian Protection Service (SPI) or Service for the Protection of Indians and Location of National Workers, a constituent part of the Ministry of Agriculture, Industry and Trade (MAIC), was a public body created during the government of President Nilo Peçanha, in 1910, with the aim of providing assistance to Brazil’s indigenous population. The Service was organised by Mariscal Rondon, its first director who, under the influence of positivism, aspired to pacifying the Indians with a view to transforming them into rural workers. This naturally developmentalist model was based on the assumption that the indigenous groups would easily integrate into the region’s labour force.

BRAZIL: STATE POLICY: FROM CUSTODY TO THE POLICY OF RIGHTS, A SOLVED ISSUE?

14 Brazil was at a preconstitutional moment, after more than 20 years of military government, when there was a huge mobilisation of the organised sectors of civil society in defence of their rights.

15 FREIRE, Sagas Sertanistas, 2005.


17 Regulations of FUNAI’s President Nos. 1900 and 1901 of 06 July 1987.


19 In 1987, a new FUNAI Internal Regulation was approved (Prov. 99, of 31/03/1987) which created the Coordination Unit for Irreducible Indians under FUNAI’s General Superintendence, with responsibility for “coordinating actions related to attracting and contacting irreducible indigenous groups to be developed by the Regional Executive Superintendencies” (Official Journal, 06/04/1987, p. 4920). The sertanista Sydney Possuelo was appointed the first Irreducible Indians Coordinator. With the passing of the years, changes were made both to its name and its objectives. The latest change, in 2009, was published by means of Decree No. 7.056, of 28 December 2009, by which it became known as the General Coordination Unit for Isolated and Recently-contacted Indians (CGIR/C), under the Department for Territorial Protection, bringing within its scope the work with recently-contacted Indians. (FREIRE, Sagas Sertanistas, 2005).

20 We will consider the principles for establishing guidelines and public policies for isolated and recently-contacted Indians on page 11.

21 FUNAI Regulation of 21 December 1993, bulletin 2°, item III.

22 Decree No. 281/PRESI/FUNAI of 20 April 2000.


25 The Indian Statute, Law No. 6,001/93, classifies Indians as isolated, on the path to integration and integrated. This latter category is considered as those “incorporated in the national communion and recognised full exercise of their civil rights, although they may preserve habits, customs and traditions that are characteristic of their culture”. This distinction lost its instrumentality after the 1988 Constitution.


27 Ibidem, 15.


29 Report of the Consultation meeting on Guidelines for protecting indigenous peoples living in isolation and initial contact in the Amazon and Gran Chaco Regions. National Indian Foundation FUNAI. General Coordination Unit for Isolated and Recently-contacted Indians - CGIR/C. Brazil 24 to 25 May 2010.


31 Ibidem, 28.

32 Prof. Maria Carolina S. Guimaraes (USP) and Prof. Sylvia Caiuby Novaes (USP), taken on 25/11/2010 from: http://www.ufrgs.br/bioetica/vulnera.htm
The Massaco Indigenous Land was the first area demarcated, with an experienced person with knowledge of travelling around and protecting isolated indigenous groups. Ibídem, 37.

FUNAI Regulation, of 21 December 1993, bulletin 2º, item III. In general terms, the indigenous groups move around their territories in line with two clearly defined seasons, namely: the rainy season (when the lowlands are flooded and they move to higher regions); and the dry season (when the groups return to the lower regions of the river valleys).

Decree No. 7.336 of 19 October 2010 creating the Special Indigenous Health Department (SESAI) within the Ministry of Health, with the aim of coordinating and implementing the process of managing the Sub-system for Indigenous Healthcare throughout the national territory, previously implemented by the National Health Foundation (FUNASA). http://www.jusbrasil.com.br/legislacao/126520/Decree-7336-10

The Regional Coordination Units are administrative units of FUNAI that provide technical and administrative supervision of the local technical coordination units and other local management mechanisms within their areas of jurisdiction, as well representing FUNAI's President both politically and socially.

To ensure the physical and cultural protection of isolated and recently-contacted Indians by means of actions to locate, monitor, watch over and protect their territories and ecosystems, respecting their right to voluntary isolation.

IBAMA is the federal government's central body, subordinate to the Ministry for the Environment, aimed at coordinating and implementing national policy and government directives for the environment, conservation and rational use, supervision, control and promotion of natural resources.

Actions related to the locating sub-system need to be planned and executed with extreme caution given that they are taking place in regions occupied by isolated groups and an assumption of no contact must be observed as the premise for their protection.

In general terms, the indigenous groups move around their territories in line with two clearly defined seasons, namely: the rainy season (when the lowlands are flooded and they move to higher areas); and the dry season (when the groups return to the lower regions of the river valleys).

Law No. 5.371/1967 stipulates that FUNAI staff's surveillance work in relation to protecting the territory and isolated and recently-contacted Indians can be exercised through police powers in reserved areas and for aspects relevant to protecting the Indians; however, even today, given the lack of a specific instrument regulating this power, FUNAI staff are only authorised to ask the security services, particularly the Federal Police, Armed Forces and auxiliaries, for the necessary cooperation to protect indigenous communities, their physical and moral integrity and their heritage.

FUNAI Regulation, of 21 December 1995, bulletin 2º, item III. FUNAI, 08 February 2007, instituting the Management Committee for the policy on isolated Indians: “with the aim of supporting, coordinating and advising on national-level activities relevant to locating and protecting isolated and recently-contacted indigenous groups”.

An experienced person with knowledge of travelling around and surviving in the forest, etc.

The Massaco Indigenous Land was the first area demarcated, in 1998, for the exclusive use of one isolated indigenous people, who live there without maintaining any contact with national society to this day.

Monte Sinal is a company enlisted by means of a public contract to provide the services of field assistants within the FPEs, under the coordination of FUNAI.

Operation Native Amazon (OPAN) is a non-governmental organisation which, through the cooperation agreement signed between FUNAI and USAID, is involved in the work of the FPE Purús.

The Indigenist Work Centre (CTI) is a non-governmental organisation which, through the cooperation agreement signed between FUNAI and USAID, is involved in the work of the following FPEs: Javari, Madeirinha and Purús.

FUNAI/CGIRC currently has cooperation agreements with the following NGOs: Ethno-environmental Defence Association (Kanindé), Operation Native Amazon (OPAN), Indigenist Work Centre (CTI) and, in a voluntary form, with the Pro-Indian Commission of Acre (CPI-Acre), Salud y Alegria, Indigenist Missionary Council (CIMI) and the Indigenous Languages Laboratory of Brasilia University (LALI).

The book Coletanea da Legislaçao Indigenista Brasileira can be downloaded from: www.funai.gov.br.

This Regulation is mentioned as an example of a prerogative used by the President of FUNAI to establish restrictions on the right of people other than FUNAI staff to enter, cross and remain in the area described in this Regulation, with a view to creating the conditions for implementing the work referred to in the Isolated Indian Protection System by FPE members. This Regulation can be found at the following address: www.jusbrasil.com.br/diarios/851534/dou-secao-1-06-10-2008-pg-32/pdf.

The bibliography provides information on the existence of isolated and/or recently-contacted Indians in the Amazon Basin, Gran Chaco Region, Oriental Region of Paraguay, Indian Ocean Region (Andamán and Nicobar Islands), Malaysia and the Central African forests.

More can be found on the situation of isolated and recently-contacted groups in Bolivia, Colombia, Ecuador, Paraguay, Peru and Venezuela in recent publications of the Indigenous Work Group for International Affairs (IWGIA).

Faced with protests from Peruvian society and international support, sectors of the Peruvian government publicly acknowledged the existence of one indigenous group in isolation in a recent interview for local TV. This interview can be found at: www.youtube.com/watch?v=U05cof2ptu0

Energy generation, transfer stations, railways, waterways, ports, transport, airports, energy transmission, production and distribution of natural gas.

PACs I and II anticipate the construction, in the North and Centre West Regions, of around 50 hydro-electric stations and small electricity power plants in 19 hydrographic basins.


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Brazilian NGOs http://www.coiab.com.br
YouTube http://www.youtube.com/watch?v=045cof2ptu062

This publication has been produced in cooperation with the Universidad de Brasilia (UnB), Laboratorio de Lenguas Indígenas de la Universidad de Brasilia (LALI) and Núcleo de Estudios de la Amazonia (CEAM).

ABOUT THE AUTHOR

Antenor Vaz is a physicist, educator and sertanista. He is a specialist in educational physics laboratories and has also developed work in the areas of popular education, methodologies for working with young people and social project management. His most extensive experience is in indigenous education and coordinating the work of locating isolated Indians.

In Brazil, he implemented the Policy for Isolated Indians in the Amazon Region, a policy that was to make the creation of the first Indigenous Land (Massaco) to be recognised by the Brazilian government exclusively for isolated Indians possible. He is a member of the International Consultative Committee for Isolated Indian Affairs. He is currently the Coordinator for Recently-contacted Indians in the General Coordination Unit of Isolated and Recently-contacted Indians (CGIIRC) of the National Indian Foundation (FUNAI).
## APPENDIX

### TABLE VI – INDIGENOUS LANDS EXCLUSIVELY FOR ISOLATED INDIANS

<table>
<thead>
<tr>
<th>Ethno-environmental Protection Front (FPE)</th>
<th>Indigenous Land</th>
<th>Legal status</th>
<th>Area in ha.</th>
</tr>
</thead>
<tbody>
<tr>
<td>FPE Purus - AM</td>
<td>T.I. HI-MERIMÃ</td>
<td>Demarcation finalised on 7/02/2004</td>
<td>677,840</td>
</tr>
<tr>
<td></td>
<td>T.I. JACAREUBA/KATAWIXI</td>
<td>Prohibited (Restriction on use)</td>
<td>453,400</td>
</tr>
<tr>
<td>FPE Guaporé – RO</td>
<td>T.I. RIO OMERÉ</td>
<td>Demarcated</td>
<td>26,177</td>
</tr>
<tr>
<td></td>
<td>T.I. MASSACO</td>
<td>Demarcated - Regularised</td>
<td>421,895</td>
</tr>
<tr>
<td></td>
<td>T.I. Tanaru</td>
<td>Prohibited (Restriction on use)</td>
<td>8,070</td>
</tr>
<tr>
<td>FPE Envira – AC</td>
<td>T.I. RIOZINHO DO ALTO ENVIRA (Xinane)</td>
<td>Published on 02/09/2005 (Awaiting Declaratory Regulation)</td>
<td>260,970</td>
</tr>
<tr>
<td></td>
<td>T.I. ALTO TARAUACA</td>
<td>(Demarcation concluded 29/07/2003)</td>
<td>142,619</td>
</tr>
<tr>
<td>FPE Madeirinha – MT</td>
<td>T.I. KAWAHIVA DO RIO PARDO</td>
<td>With restriction on use</td>
<td>411,848</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8 Indigenous Lands</strong></td>
<td></td>
<td><strong>2,402,819</strong></td>
</tr>
</tbody>
</table>

### TABLE VII – INDIGENOUS LANDS WITH INFORMATION ON ISOLATED INDIANS UNDER STUDY

<table>
<thead>
<tr>
<th>Ethno-environmental Protection Front (FPE)</th>
<th>Indigenous Land</th>
<th>Legal status</th>
<th>Area in ha.</th>
</tr>
</thead>
<tbody>
<tr>
<td>FPE Yanomami</td>
<td>T.I. YANOMAMI</td>
<td>Regularised</td>
<td>9,664,975</td>
</tr>
<tr>
<td></td>
<td>T.I. WAIMIRI-ATROARI</td>
<td>Regularised</td>
<td>2,585,911</td>
</tr>
<tr>
<td></td>
<td>T.I. TROMBETAS/MAPUERA</td>
<td>Declared</td>
<td>3,970,898</td>
</tr>
<tr>
<td>FPE Cuminapanema</td>
<td>T.I. TROMBETAS/MAPUERA</td>
<td>Declared</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>T.I. RIO PARU D’ESTE</td>
<td>Regularised</td>
<td>1,195,785</td>
</tr>
<tr>
<td>FPE Médio Xingu</td>
<td>T.I. CACHOEIRA SECA</td>
<td>Declared</td>
<td>734,027</td>
</tr>
<tr>
<td></td>
<td>T.I. KAYAPÓ</td>
<td>Regularised</td>
<td>3,284,004</td>
</tr>
<tr>
<td></td>
<td>T.I. MENKRAGNOTÍ</td>
<td>Regularised</td>
<td>4,914,254</td>
</tr>
<tr>
<td>FPE Madeirinha</td>
<td>T.I. ZORO</td>
<td>Regularised</td>
<td>355,789</td>
</tr>
<tr>
<td></td>
<td>T.I. ARIPUANÁ</td>
<td>Regularised</td>
<td>750,649</td>
</tr>
<tr>
<td>FPE Madeira</td>
<td>T.I. JACAREUBA/KATAWIXI</td>
<td>Restricted Use</td>
<td>453,400</td>
</tr>
<tr>
<td>FPE Guaporé</td>
<td>T.I. PARQUE DO ARIPUANÁ</td>
<td>Regularised</td>
<td>1,603,245</td>
</tr>
<tr>
<td>FPE Awá Guaja</td>
<td>T.I. AWÁ</td>
<td>Regularised</td>
<td>116,582</td>
</tr>
<tr>
<td>Sem FPE</td>
<td>T.I. ALTO RIO NEGRO</td>
<td>Regularised</td>
<td>7,999,381</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>13 Indigenous Lands</strong></td>
<td></td>
<td><strong>37,628,900</strong></td>
</tr>
</tbody>
</table>
TABLE VIII  –  INDIGENOUS LANDS WITH THE PRESENCE OF CONFIRMED ISOLATED INDIANS AND/OR INDIANS RECENTLY CONTACTED THROUGH THE ACTION OF THE CGIRC

<table>
<thead>
<tr>
<th>Ethno-environmental Protection Front (FPE)</th>
<th>Indigenous Land</th>
<th>Legal status</th>
<th>Area in ha.</th>
</tr>
</thead>
<tbody>
<tr>
<td>FPE Javari – AM</td>
<td>T.I. VALE DO JAVARI</td>
<td>Demarcation concluded 07/12/2000</td>
<td>8,544,482</td>
</tr>
<tr>
<td></td>
<td>T.I. ZO’É</td>
<td>(Demarcation not concluded. Statement of Demarcation issued on 26/07/2002, so a new tender will be held to set the southern boundary of the Indigenous Land)</td>
<td>624,700</td>
</tr>
<tr>
<td>FPE Uru-Eu-Wau-Wau - RO</td>
<td>T.I. URU-EU-WAU-WAU</td>
<td>Demarcated. In the Uru-eu-wau-wau Indigenous Land, in addition to isolated Indians, there are already contacted Uru-eu-wau-wau Indians, Uro-in Indians and Amondawa Indians living.</td>
<td>1,867,117</td>
</tr>
<tr>
<td>FPE Guaporé – RO</td>
<td>T.I. MASSACO</td>
<td>Demarcated - Regularised</td>
<td>421,895</td>
</tr>
<tr>
<td></td>
<td>T.I. TANARU</td>
<td>Prohibited (Restriction on use)</td>
<td>8,070</td>
</tr>
<tr>
<td></td>
<td>T.I. RIO OMERÉ</td>
<td>Demarcated</td>
<td>26,117</td>
</tr>
<tr>
<td>FPE Madeirinha – MT</td>
<td>T.I. KAWAHIVA DO RIO PARDO</td>
<td>With restriction on use</td>
<td>411,848</td>
</tr>
<tr>
<td></td>
<td>T.I. PIRIPKURA (prohibición)</td>
<td>Prohibited (Restriction on use)</td>
<td>242,500</td>
</tr>
<tr>
<td>FPE Envira - AC</td>
<td>T.I. KAMPA E ISOLADOS DO ENVIRA</td>
<td>Demarcation concluded 25/05/1999</td>
<td>232,795</td>
</tr>
<tr>
<td></td>
<td>T.I. ALTO TARAJACÁ</td>
<td>(Demarcation concluded 29/07/2003)</td>
<td>142,619</td>
</tr>
<tr>
<td></td>
<td>T.I. RIOZINHO DO ALTO ENVIRA</td>
<td>Published on 02/09/2005 (Awaiting Declaratory Regulation)</td>
<td>260,970</td>
</tr>
<tr>
<td></td>
<td>T.I. MAMOADATE</td>
<td>Demarcated - Regularised</td>
<td>313,646</td>
</tr>
<tr>
<td></td>
<td>T.I. HI-MERIMÁ</td>
<td>Demarcated - Regularised</td>
<td>677,840</td>
</tr>
<tr>
<td>FPE Purus – AM</td>
<td>T.I. ZURUHÁ</td>
<td>Demarcated - Regularised</td>
<td>239,069</td>
</tr>
<tr>
<td></td>
<td>T.I. CARU</td>
<td>Regularised</td>
<td>172,667</td>
</tr>
<tr>
<td>FPE Awá Guajá – MA</td>
<td>T.I. ARARIBÓIA</td>
<td>Regularised</td>
<td>413,288</td>
</tr>
<tr>
<td></td>
<td>T.I. AWÁ</td>
<td>Regularised</td>
<td>116,582</td>
</tr>
<tr>
<td>TOTAL</td>
<td>17 Indigenous Lands</td>
<td></td>
<td>14,716,205</td>
</tr>
</tbody>
</table>
Introduction

Peru is one of seven countries in South America where there are indigenous people living in ‘isolation’ and ‘initial contact.’ Some people try to establish contact with them, others deny they exist, yet their isolation is a clear expression of their opposition to the social injustices, the theft and plundering of land, the loss of culture and demographic collapse that they and so many other indigenous people have experienced in the past. This is the Peruvian state’s responsibility more than anything. Just as it has imposed an economic model of development dating from the colonial era and placing financial value on indigenous territories and natural resources without taking into account their importance to the people living there, it has failed to address the very serious situation facing isolated indigenous peoples due to the persistent violation of their rights by outsiders who plunder their territories and force contact or clash violently with them. In general, the state’s involvement in this process has been not an ‘informal’ one. On the contrary, its intention is to strengthen its policies opening up indigenous land to investment by undermining the laws and weakening the institutions that are supposed to protect indigenous peoples’ rights.

Perpetual fear, the loss of their territories, decreasing resources, food scarcity, forced relocations, intra- and inter-ethnic conflict, the spread of epidemics, deaths. . . These are the consequences of invading isolated peoples’ territories or forcing contact with them. For those in initial or sporadic contact, the most severe problems are epidemics, large numbers of people dying, economic dependency, and the loss of their land and culture.

Seen in this context, the need to respect peoples’ rights to self-determination and their territories becomes a matter of life and death, of ethnocide and extinction. The first can be achieved by understanding their isolation as a way of life that they themselves have chosen, and by allowing them to decide freely and voluntarily how much contact to have with outsiders while, in the meantime, making the necessary preparations should they decide to establish contact in the future. The second can be achieved by recognizing their land rights, by banning any outsiders or any kind of economic, scientific, religious or indeed any kind of activity on their territories, and by implementing effective measures to stop outsiders from invading and allowing them to live in peace.

Protecting Peru’s isolated peoples can be understood in many ways. On one hand, it is an act of justice and a form of historical compensation. On the other, more importantly, it is an urgent, humanitarian response to the extreme vulnerability and very real prospect of extinction facing some of them, a demonstration of respect for their rights to identity and cultural diversity, and, finally, an opportunity for Peru to demonstrate that it is a genuine democracy and a truly multi-cultural country.

I. INDIGENOUS PEOPLES IN ISOLATION, ‘SPORADIC CONTACT’ AND ‘INITIAL CONTACT’

The majority of the indigenous peoples, or groups within such peoples, living in isolation in the Peruvian Amazon speak languages from two ‘linguistic families’: Arawak and Pano. In addition, there are numerous groups in the vast headwaters region of the R. Tahuamanu, R. Yaco, R. Chandless, R. Las Piedras, R. Mishagua, R. Inuya, R. Sepahua and R. Mapuya, in the south-east of the country, whose languages have not yet been identified. Likewise, recent research indicates the existence of isolated people in Loreto, near the border with Ecuador, possibly speaking languages from the Zaparo and Waorani ‘linguistic families’ and others near the border with Bolivia in the south of Madre de Dios.
The information about the isolated peoples’ existence is based mainly on statements from members of these same peoples now in initial contact, or other indigenous and non-indigenous people who live in neighbouring regions and often see them or come across evidence of them, or oil company workers, loggers, hunters, fishermen, missionaries, anthropologists, adventurers, soldiers at checkpoints along the borders, and officials and rangers from Peru’s ‘protected natural areas’ who enter or venture near their territories. This evidence includes houses, fire and food remains, clothing, tools, arrows, pathways and footprints.

There are also plenty of past references to them. Some historical and ethnographical sources record how numerous indigenous groups sought refuge in more remote, inaccessible and comparatively inhospitable region safer violent clashes with outsiders invading their land. These sources include reports by cauche-ros (‘rubber tappers’), missionaries, geographers, scientists, soldiers, state officials and various others who travelled in the Amazon in the late 19th century and the early 20th when there was an exponential increase in the global demand for rubber, a period known as the ‘rubber boom’, and which led to the biggest ever invasion of the Amazon and systematic attacks on and abuses against the people living there.

Anthropological research on Peru’s isolated peoples has been done too, mostly in the course of preparing a series of ‘territorial demarcation reports’ which are required by Peruvian law in order for their land to be officially recognised. These reports have been prepared by civil society organizations, particularly indigenous organizations and to a lesser extent other non-governmental organizations (NGOs), rather than the government. In order to respect their rights to self-determination, as well as taking into account the risks posed by direct contact because of the isolated peoples’ extreme vulnerability to outsiders’ diseases or the possibility of violence, a sui generis research method has been adopted based on the documentation of information from villages and settlements in neighbouring regions. This has meant interviewing members of these same peoples now in initial contact, or others who have seen or know something about them, and by collecting physical evidence of them. This research, as required by law, has proved they exist, the extent of their territories, and how they use them. In addition, where possible, exceeding the legal requirements at the time these reports were prepared, various theories about their ‘ethnic affiliation’ have been put forward and analyses of a series of ‘socio-cultural’ issues have been done.

This research has turned up many confusing names for the isolated peoples. Often, one name is used to refer to different groups within the same ‘linguistic family’, or, sometimes, groups from the same ‘linguistic family’ have different names. In general, these names are highly pejorative and in no way could be used by the people themselves nor should they be by anyone else. In this book, we will try to use the names people call themselves, as far as they are known, and if they aren’t known, we will say so.

Arawak peoples

The Mashco-Piro

The Mashco-Piro are divided into at least three different groups. One group lives in the R. Purus basin in south Ucayali, and the other two in the R. Las Piedras basin, which includes the R. Tahuamanu and the R. Los Amigos, in northern Madre de Dios and in the Manu region in Madre de Dios’s west. People in initial contact on the upper R. Yurua, north of Purus, have said they share that region with what could be a fourth Mashco-Piro group, but more research is needed to confirm that.

Each Mashco-Piro group is composed of ‘subgroups’ living dispersed throughout the forest. They hunt game, gather nuts and berries, and possibly cultivate crops. According to the anthropologist Glenn Shepard (1999), the Mashco-Piro practised agriculture until the late 19th and early 20th centuries when the ‘rubber boom’ hit the region and they were forced to abandon their crops and gardens so they could move more quickly through the forest and avoid contact with the ‘cauche-ros’ or other outsiders. Yine from ‘native communities’ in the region can understand what the Mashco-Piro say. In the course of a number of brief, tense encounters over the years, the Mashco-Piro have been heard to use certain words the Yine now call ‘ancient.’

There are numerous theories about their past. Before the ‘rubber boom’, it is clear there were Yine families in the R. Manu basin who were in contact with neighbouring peoples like the Matsigenka. Subsequently, after entering the R. Manu basin from the R. Urubamba, a cauchero named Carlos Fermín Fitzcarrald came across settlements belonging to the ‘Piro Mashco’ or ‘Mashco’ (Valdez & Lozano, 1944; Alvarez Lobo, 1996), as they were known, and who urged him to travel no further into Manu because he and his men ‘would scare away the
monkeys they needed to hunt and spread colds.' The *caucheros* launched a series of attacks on them. The ‘Piro Mashco’ fought back, but many were killed due to the *caucheros* superior weapons. A system of ‘correrías’, which meant hunting indigenous people to sell them to the *caucheros* as cheap labour, was established in that region. They were described by an English woman travelling down the R. Manu and the R. Madre de Dios in 1897: ‘There is a large slave trade carried on in these parts, a strong healthy girl costs $50. All your servants you have to buy, they are all kidnapped children, people bring them up and when they are about 14 years, sell them for enormous prices. When you buy them they are your own property and have to work as hard as you like to make them, and if they don’t work well they are beaten dreadfully. . .' (Morrison, 1985, cited by Townsley 1994:260).

The abuses committed during the ‘rubber boom’, the violence and the diseases spread by the *caucheros* decimated many indigenous peoples in the Amazon. Some survivors ended up settling in the areas where the *caucheros* established their bases and trading posts, while others retreated to the headwaters of the rivers or other remote, inaccessible areas. That explains anthropologist William Farabee’s experience (1922:77-78): ‘I made a long trip to visit the (Mashco) tribe but, on arriving at their river, I found they had gone, nobody knew where.’

Indeed, the Yine from ‘native communities’ on the R. Las Piedras claim to share the same ancestors as the Mashco-Piro, who they say initially came from the R. Urubamba and R. Manu before seeking refuge in inhos-pitable regions to avoid the same fate as their relatives working for the *caucheros*. As one state institution put it in the early 20th century, ‘There used to be savages (sic) along this river (the Las Piedras) until recently. Not any more. Now all that exists are some abandoned gardens, known as ‘purmas.’ The savages have now gone about a mile into the forest, away from the river, and made new gardens (Perú’s Waterways Board, 1902:73).

In the 1960s isolated people, probably the Mashco-Piro, along the R. Manu and R. Los Amigos were attacked with explosives by employees of the International Petroleum Company and its subcontractors who were exploring for oil. Later, in the 1980s, three women were abandoned by the Mashco-Piro group from the lower R. Manu and started living in a house that rangers from the Manu National Park fitted out for them, before the Yine living in the region heard about them and moved them to a ‘native community’ nearby. In the mid-1990s, when Mobil was conducting seismic tests in the R. Las Piedras basin, company workers found evidence of the Mashco-Piro on repeated occasions, later recorded in a report titled, ‘Risk prevention and assessment in the upper Las Piedras, Madre de Dios’ (Davila and Montoya, 1999). Between 1999 and 2006, when demand for mahogany in Madre de Dios soared, there were repeated clashes between loggers and the Mashco-Piro, which led to numerous complaints to the government and demands for their protection by the regional indigenous organization, Federación Nativa del Río Madre de Dios y Afluentes (FENAMAD).

Between 1999 and 2001 FENAMAD prepared a ‘ter-ritorial demarcation report’ on the Mashco-Piro and other isolated people in Madre de Dios. As a result, in April 2002, the government established a reserve for them in part of their territory, with the rest divided between ‘protected natural areas’ like the Alto Purus National Park, the Purus Communal Reserve and the Manu National Park, and ‘permanent production forests. donde el gobierno ha otorgado concesiones forestales.

**The Matsigenka**

The majority of the Matsigenka live in ‘native commu-nities’ and have had contact with national society for 100s of years, living between the right bank of the lower R. Urubamba, in Cusco, and the right bank of the R. Manu and the upper R. Madre de Dios in Madre de Dios. How-ever, there are also some Matsigenka living in varying degrees of isolation dispersed throughout the forest. Some of these groups refuse contact of any kind, while others trade with their relatives or neighbouring ‘native communities’ on a sporadic basis.

Some of these Matsigenka groups are known locally as the ‘Kugapakori’, a name that anthropologist Dan Rosengren says means ‘the people who do what they want’ in the Matsigenka language and is highly pejorative implying irresponsible and amoral behaviour. According to the anthropologist and priest Ricardo Alvarez Lobo (1996:195), this term was used during the ‘rubber boom’ to refer to the people targeted by the *caucheros’ correrías* along the R. Ticumpinia, a tributary of the R. Urubamba. There are also Matsigenka on the R. Paquiriva, another R. Urubamba tributary, known as the ‘Kirineri’, the ‘peach palm people’, given the apparent similarity between the beards worn by the Kirineri men to the hair protruding from the trunks of peach palm trees.

According to some Matsigenka in initial contact, one reason why other Matsigenka live in isolation is, in addi-
MAIN AREAS IN WHICH INDIGENOUS PEOPLES AND SEGMENTS OF INDIGENOUS PEOPLES IN ISOLATION, SPORADIC CONTACT OR INITIAL CONTACT ARE FOUND
tion to their fear of disease and epidemics, they are concerned they will be taken prisoner and later sold (Santos, personal communication, 2003), clearly a reference to the ‘rubber boom.’ Indeed, they even mention the names of some of their most notorious persecutors during the correrias. For the Matsigenka, that period meant slavery, disease and epidemics, large numbers of people dying, forced relocations and many kinds of internal problems. As Rosengren (2004) has pointed out, it wasn’t trade and incursions made by the Yine into Matsigenka territory that determined the way the latter lived, but the demand for rubber. This had two quite different outcomes. Some Matsigenka escaped the correrias by flee into areas particularly difficult for the caucheros to reach, like the watershed between the R. Urubamba and R. Madre de Dios, which Rosengren says is ‘the region now inhabited by the groups known as the Kugapakori and Nahua’ (29). The other, quite different outcome was that the Matsigenka settled right in, or near, the regions where the rubber was being harvested. According to Shepard (2003: 117), ‘para sobrevivir estos tiempos difíciles, las poblaciones Matsiguena más remotas se aislaron del contacto con otros pueblos y de la economía regional, permaneciendo algunas de ellas en esa situación hasta la fecha’.

In the 1950s an American missionary organization, the Summer Institute of Linguistics (SIL), established contact with a number of isolated Matsigenka families in the R. Manu basin and brought them together at a village, Tayacome. But the village soon split up. Diseases spread rapidly, and there was a series of internal problems. Subsequently, conflict between the Matsigenka and the Yora, which was exacerbated by the arrival of oil companies in the region, led to the Matsigenka moving into a number of different regions and establishing contact with other people, the spread of more diseases, people dying, and the foundation of settlements like Yomybato on a tributary of the R. Manu (Shepard, 2003).

In the early 1970s the Manu National Park was established. This included all the territory inhabited by the Matsigenka in isolation or initial contact in the R. Manu basin. The spread of diseases caught by the Matsigenka from visitors to the park and the subsequent deaths continue today, despite repeated demands by civil society organizations to protect them.

For the Matsigenka in isolation or initial contact on the upper R. Paquiria, in the R. Urubamba basin, there has been a similar history of abuses, deaths, epidemics and invasion of their territories, in this case by loggers. As one man from the region, Barrientos, has said, ‘The loggers don’t have to get very close to the Kirineri to spread diseases to them. Even if they stop at the entrances to their settlements on the river banks, which could be several kilometres away from their villages, the Kirineri can still catch diseases’ (personal communication, 2002). In the 1990s, disease led one Matsigenka family in initial contact to return to isolation after attempts by other, contacted Matsigenka to integrate them into their communities. Today, the territory inhabited by the isolated and initially-contacted Matsigenka is included within the Kugapakori, Nahua and Nanti Territorial Reserve, established in 1990, the Manu National Park and its buffer zone, the Matsigenka Communal Reserve, the Megantoni National Sanctuary, and ‘permanent production forests’ on the R. Pilipiri.

The Nanti
The Nanti live along the R. Camisea, R. Timpia and R. Ticumpina between the R. Urubamba and R. Manu basins in Cusco and Madre de Dios. Although there are cultural and linguistic differences between them and the Matsigenka, and although the Nanti see themselves as a distinct people, the Matsigenka think of them as Matsigenka. According to the anthropologist Chris Beier (2008), the name Nanti was established by a Matsigenka evangelical missionary, Angel Diaz, around 1997, as an alternative to the offensive ‘Kugapakori’, as they were called up to that point.

There are an unknown number of Nanti groups in isolation in the headwaters of the rivers in this region. The rest of the Nanti live in initial contact in villages on the R. Camisea and R. Timpia following a series of forced contacts largely instigated by missionaries from the 1970s onwards, and which loggers and oil company workers joined in the 1980s and 1990s. Between 2000 and 2009, these attempts to force contact continued, but now with the logistical support of the companies, which leant their helicopters, involved in exploiting gas fields in the Camisea region. The most significant impact of all this has been the repeated spread of diseases and epidemics, including acute respiratory infections and severe diarrhoea. In 2003 the regional indigenous organization, Consejo Matsiguene del Río Urubamba (COMARU), reported that a number of Nanti had died. This was confirmed by the General Epidemiology Office (OGE) (2003: 197) within Peru’s Ministry of Health which reported that, between 2002 and June 2003, twenty-two Nanti had died following at least six epidemics. Most were children under five years old and adults over fifty.
The OGE noted that these diseases had come from the lower R. Camisea and R. Urubamba where the Camisea gas project companies had assembled huge numbers of people.

According to Beier (2008), between 30% and 50% of the Nanti have died since first contact. As we have seen, awareness of the impacts of diseases and epidemics on isolated people has not stopped attempts to contact them. This quote from a representative of the Catholic mission in the region about approaching the Nanti on the upper R. Timpia is revealing: ‘We told them we weren’t going to kill them or take their children away or mistreat the girls. What we told them was the priests were going to give them things’ (Espinoza et al, 2003). In addition to the diseases, the Nanti living in initial contact in the villages of Montetoni and Malanksiari, on the upper R. Camisea, have been sexually harassed and exploited by a teacher running the school in Montetoni that was founded following contact. Furthermore, the impacts of the Camisea gas project on the natural resources that the Nanti need to survive have been devastating. As the OGE (2003) has pointed out, ‘the potential threats to the Nanti are disproportionate to the size of their population. These threats are from the extraction process in the Camisea gas fields, increased economic activity in the region, increased movement of company personnel and local people, and the deterioration of their food resources downstream. The current threats to them concern their physical integrity, their basic rights, and the predictable, immediate impacts on their culture and social organization’ (193-193). Today, the Nanti’s territory falls within the Kugapakori, Nahua and Nanti Territorial Reserve, the Manu National Park and the Megantoni National Sanctuary.

The Ashaninka
The rugged forests of the Cordillera Vilcabamba in Junin and Cusco, in central Peru, are the ancestral territory of the Ashaninka and the current refuge of numerous groups in varying degrees of isolation. These include groups refusing to have contact with anyone at all, including other Ashaninka, to those having sporadic contact with neighbouring villages inhabited by their relatives who are, in turn, in contact with surrounding society. These exchanges usually happen every year, in the dry season, and the aim of the isolated people is mainly to obtain salt, clothing and metal goods in return for things like parrots, traps, ornaments and game (Sandro Seattone, personal communication, 2010).

In 2010 Peru’s National Natural Protected Areas Service (SERNANP) and a regional indigenous organization, Central Ashaninka del Rio Ene (CARE), did overflights of the Cordillera Vilcabamba and spotted a number of isolated groups in the foothills, mainly in the R. Ene basin. More than ninety families are estimated to live there, although it is possible that some of these people are refugees from the armed conflict that engulfed Ashaninka territory in the 1980s and 1990s. These overflights were done as part of the monitoring work of two ‘protected natural areas’ in the region: the Otishi National Park and the Ashaninka Communal Reserve.

The summit of the cordillera is the watershed between the R. Ene, or R. Apurimac, to the west, the ancestral territory of the Ashaninka, and the R. Urubamba to the east, the ancestral territory of the Matsigenka. These two indigenous peoples have maintained contact with one another since before the first Europeans arrived by using paths and tracks connecting the two river systems. In the colonial period, a series of attempts to penetrate this region were made by outsiders, but the Ashaninka kept them out and it wasn’t until the late 19th century that their isolation came to an end when, like so many other parts of the Amazon, the ‘rubber boom’ arrived. The cordillera went from being a region of peaceful exchange to one of refuge for families escaping the large-scale, violent invasion of their territories, the correrias, slavery, murder and diseases introduced by the caucheros. ‘From the second decade of the 19th century onwards, numerous indigenous families started fleeing their homes for the highest reaches of the cordillera to escape the colonists’ rapid advance and the correrias. That was when the trade route iconically used to obtain salt, running from the Alto Perene to Satipo-Anapate-Ene-Vilcabamba-Apurimac/Urubamba, became an escape route for people going west to east’ (op. cit: 12).

Slavery continued after the ‘rubber boom’ into the 1980s, when more and more ‘native communities’ were formed. But it wasn’t long before a new, major problem hit the Ashaninka: the internal conflict between Peru’s army and left-wing guerrillas. Between the end of the 1980s and the mid-1990s, the western part of the Cordillera Vilcabamba was one of the guerrillas’ strongholds. 100s of people living in the ‘native communities’ on the slopes of the cordillera were kidnapped or murdered during attacks or clashes between the guerrillas and the army. In response, many families from the R. Ene moved higher into the cordillera to survive, but the guerrillas still managed to reach them, even though it was so inaccessible, and establish control over some of the peo-
ple living there. ‘Many Ashaninka fled their homes and sought refuge in the highest reaches of the Cordillera Vilcabamba, which is where the Ashaninka Communal Reserve is now. The old trade routes were used as escape routes to communities like Poyeni on the R. Ene or Matsiguenka communities on the R. Urubamba’ (op.cit).

According to Peru’s Ashaninka Emergency Commission (1996, in Garcia et al 1998), 3,500 Ashaninka died and more than 10,000 people from more than fifty ‘native communities’ were forced to abandon their homes and move elsewhere. More than 5,000 Ashaninka were held in captivity, some of whom are still held captive today.

Today, the Ashaninka in isolation and initial contact live in the Otishi National Park and the Ashaninka Communal Reserve.

The Pano-speaking peoples of the Sierra del Divisor
The narrow strip of land between the headwaters of the tributaries running into the right bank of the lower R. Ucayali and the R. Yavari, or R. Yaquerana, is inhabited by isolated peoples, or groups with insuch peoples, probably belonging to the Pano ‘linguistic family.’ This region borders the Yavari Valley Indigenous Reserve, a huge area across the frontier in Brazil which was established for many different indigenous groups, including a number in isolation or initial contact of Mayoruna, Korubo, Marubo and Katukina ‘ethnolinguistic’ affiliation, and is known as the Sierra del Divisor, noted for its rugged terrain, steep hills and such great biodiversity that ‘protected natural areas’ have been created on both sides of the border. It is part of a vast area stretching south as far as Madre de Dios and Acre and is home to the largest concentration of peoples or groups in isolation or initial contact anywhere in Peru or Brazil.

a. R. Yavari and R. Tapiche
The evidence for the existence of isolated people in this region comes from various sources. First, from the Matses living in neighbouring ‘native communities’ who have met or found signs of them during hunting, gathering and fishing expeditions. Second, from the anthropologist Lukasz Krokozyński et al (2007) who researched this issue between 2005 and 2007. Third, from national indigenous organization Asociacion Interetnica de Desarrollo de la Selva Peruana (AIDESEP, 2004), which says the region is inhabited by two different peoples: the Matses in the north and the Izconawa (or Remo) in the south.

In terms of their ‘ethnolinguistic’ affiliation, the anthropologist Philippe Erikson (1994) puts the Matses into a group he calls the northern Mayoruna, along with the Matis and the Korubo, and the Izconawa into a southern Mayoruna group with the Capanahua and the Marubo. In the 1990s Erikson, citing two other anthropologists, Alberto Chirif and Carlos Mora (1977), estimated the Matses to number 1,700 people: 1,000 in Peru, 500 in Brazil, and another 200, approximately, in Brazil in isolation (op. cit: 19).

En el año 2012, la población Matsés de Perú y Brasil sobrepasaría los 3,000 miembros, sin manejarse estimados demográficos de la población en aislamiento.

The isolated people in this region move across the border between the two countries. The Brazilian government’s indigenous affairs department, Fundação Nacional do Índio (FUNAI) (1998), and FUNAI representative Fabricio Amorim (2008) have documented the presence of isolated people on the R. Bata, a tributary of the R. Yaquerana, very close to the border, while the history of Mayoruna settlement indicates their occupation of both sides of the border too. FUNAI (1998:34) states that the territory inhabited by the Mayoruna in the early 20th century included both the R. Yaquerana and R. Galvez, which join to form the R. Yavari, and extended all the way from the R. Tapiche and R. Blanco in Peru to the upper R. Curuca in Brazil. ‘There are a number of abandoned gardens between the R. Lobo and the R. Bata, tributaries joining the R. Yaquerana’s right bank,’ FUNAI says, ‘which demonstrate that the Mayoruna were living in that region in the early and mid-20th century’ (op.cit, originally in Portuguese).

These movements have not always been peaceful. According to FUNAI research in 2010 following an increase in sightings of isolated people by the Marubo on the R. Curuca on the Brazilian side of the border, and the extreme fear the Marubo felt as a result, it was revealed that they were afraid that a group of isolated Mayoruna from the Peruvian side might seek revenge on them for violent clashes between the two groups in the past following attempts to kidnap women. At the same time, it is also possible that the Mayoruna were being pushed over the border into Brazil by loggers invading on the Peruvian side.
Sick Matsiguenka women in initial contact during a visit to a health post in CN Yomibato - Photo: Daniel Rodríguez Fernández, Fenamad
The presence of the Mayoruna in the R. Yavari region was documented by the Spanish during the early years of the colonial era. Their fierce response to anyone trying to enter their territories struck fear into outsiders and meant they maintained their isolation for several 100 years, an attitude they extended to Peruvian and Brazilian diplomatic commissions in 1866, 1874 and 1897 which tried to explore the R. Yavari and R. Yaquerana to demarcate the international border and were tracked or attacked by the Mayoruna from the riverbanks (FUNAI, 1998). However, as has so often been the case, the Mayoruna’s control of the region was severely challenged during the ‘rubber boom’ when huge numbers of caucheros arrived and established trading posts right in Mayoruna territory. Erikson (1994) states that it was this period that a put a temporary end to the Mayoruna’s ‘frustrating resistance’ when the caucheros exploited their enemies, the Capanahua, and promoted conflict between them. Once the ‘boom’ was over, the caucheros abandoned the region and numerous Mayoruna families returned to living in isolation.

Some Matses from a ‘native community’, called Matses, on the Peruvian side of the border think that today’s isolated groups are some of the survivors of what was one of the biggest slaughters ever committed against Peru’s indigenous people by the government. As Erikson (1994) has pointed out, attempts to integrate this region into the rest of the country, together with fear of the isolated Mayoruna, led to a series of attacks on them by Peru’s armed forces, as well as Brazil’s, and which culminated in the tragic, infamous episode in 1964 when a Peruvian expedition of soldiers and civilians clashed with the Matses and ‘ended with a call for helicopters from the USA’s Southern Command stationed in Panama to intervene and to evacuate the wounded, before bombing a number of Matses houses with napalm, as was so fashionable at that time’ (94). It is believed about fifty Matses families were killed and the survivors retreated even further into isolation, although now, following the construction of highways and attempts to evangelise them by the Summer Institute of Linguistics (SIL), the majority have since been contacted. AIDESEP has prepared a ‘territorial demarcation report’ for this region and requested the government to establish a reserve for them.

b. Iskobakebu

The Iskobakebu are also known as the Izconawa (or Isconahua). They live in north Ucayali near the border with Brazil in the region between the upper R. Calleria, the R. Uruquini and the R. Abujo and their tributaries. In 1998 the state established a reserve for them, following a ‘territorial demarcation report’ by AIDESEP which demonstrated their existence and was based on statements by Iskobakebu who were contacted in the 1960s and lived in a ‘native community’, Chachi Bai, on the lower R. Calleria.

The contacted Iskobakebu’s presence at Chachi Bai was the result of a long history of persecution, forced contact and displacement at the hands of local people, missionaries and loggers. In 1959 missionaries from South American Mission established the whereabouts of a group of more than twenty Iskobakebu after two and a half years looking for them. This information came from the Shipibo living on the R. Calleria who had had various kinds of exchanges with them over the years, and had even attacked one group and taken several of them to a town near Pucallpa, Ucayali’s largest town. The anthropologist Louis Whiton et al (1964) pointed out that although the Izconawa contacted by the missionaries had not had any direct, personal contact with whites, they would have seen them travelling on the rivers and had some experience with the caucheros and people exploring for oil, and they understood the advantages of their metal goods and weapons (88). After locating them and establishing contact, the missionaries moved the Iskobakebu to the lower R. Calleria where they founded a village and began to study their language and culture. Their numbers plummeted, mainly due to the elderly people dying. “The old people in their 70’s to 80’s apparently were psychologically disturbed by the abrupt impact with civilization” (op.cit 89).

Shortly afterwards, Whiton et al arrived and carried out ethnographical research working on the theory that the Iskobakebu were once part of the numerous, well-known ‘Remos’ mentioned in the 17th century in missionaries’ and explorers’ chronicles. They compared the two groups and confirmed what they initially suspected: “One can reasonably postulate that the Isko are one of the last remanents of a tribe or Association known to the Spaniards as Remo” (op cit. p. 111). According to Braulino de Carvalho, they called themselves ‘Nucuini’, the ‘good people'
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In addition, Whiton et al recorded information about ten other ‘tribes’ or groups previously from that region who were related to the Isonahua. Some were annihilated by Brazilian caucheros and the survivors joined other groups, while other groups disappeared without anyone knowing why. Whiton et al also made mention of inter-ethnic conflict incited by the ‘Michinahua’, from the north (Mayoruna). In 2011, as part of the work preparing a protection plan for the Isconahua Territorial Reserve established in 1998, the NGO Instituto del Bien Comun, based in Lima, researched the region and recorded new evidence of isolated people in the reserve and its surroundings.

The Iskobakebu’s territory has been severely affected by logging and mining, and in the late 1990s there were seismic explorations (Zarzar, 1999), las cuales actualmente se ubicen en the southern part of the reserve. There are drugs traffickers in the region too. Although there is no detailed information about how this is affecting the isolated peoples, it is feared that it is violating their rights. Moreover, there are also plans to connect Cruzeiro del Sur, a city in Brazil, with Pucallpa by a railway line and a highway. Initially, it was suggested that both of these would run right through the Isconahua’s reserve, but appeals by various civil society organizations to the authorities regarding the potential impacts on the isolated people meant the routes were changed. However, the new routes are still close enough to the reserve for its inhabitants to be inevitably affected by the arrival of the large numbers of people that both projects would entail, and by the increase in illegal activities and pressure on the reserve’s natural resources which the Iskobakebu rely on to survive.

c. R. Calleria and R. Maquia
The isolated peoples living between the R. Calleria and the R. Maquia, both tributaries of the lower R. Ucayali, are known as the ‘Kapanawa.’ They have often been seen, or evidence of them has been found, by indigenous and non-indigenous people living in the region. In 2004 the leaders of a local indigenous organization Federacion de Comunidades Nativas del Bajo Ucayali (FECONBU) asked AIDESEP to research the ‘Kapanawa’ and request their territories to be recognised officially by the state. This research was done between 2005 and 2007 by a team of anthropologists contracted by AIDESEP, which documented and analysed many types of evidence, including abandoned houses, footprints, tracks and direct encounters with them, as well as various historical and ethnographical sources, and concluded they speak Pano languages and established the extent of their territories. According to the anthropologists, ‘the huge region bounded by the R. Maquia, R. Tapiche, R. Blanco, R. Yaquerana, R. Ipiuxna, R. Moa, R. Azul, R. Yurua Mirim, R. Abuiao, R. Calleria and the Sierra de Contamana must be seen as a kind of theatre of trade and displacement for isolated groups’ (Krokoszynski et al 2007:105).

The presence of indigenous peoples in this vast region goes back 100s of years, as does attempts to establish contact with them. Today, the region they live in falls within a ‘protected natural area’ called the Sierra del Divisor Reserved Zone, and borders the Isconahua Territorial Reserve, to the south-east, and the proposed R. Yavari-R. Tapiche Reserve to the north-east.

The Pano-speaking peoples of the Madre de Dios-Ucayali and Acre border
The huge region along the Peru-Brazil border in Ucayali between the R. Yurua, to the north, and the R. Purus, to the south, is inhabited by numerous isolated peoples or groups. They call themselves ‘Yora’, the ‘real people’, but others call them the Murunahua, Chitonahua, Curanjenos and Mastanahua, names that have been used for decades and refer to a particular characteristic of each group. It is also possible there are other isolated groups in the R. Curanja region, and that the isolated people living along the upper R. Yaco and upper R. Tahuamanu, in Madre de Dios, are Yora too.

According to the anthropologist Graham Townsley (1994:247), these Yora groups, including the Yaminahua, all belong to the same Pano language sub-group, part of a classificatory system established by the linguist Marcel D’Ans (cited by Townsley, 1994: 251). They live in small groups dispersed throughout the region and maintain different kinds of relationships with each other, sometimes friendly, sometimes hostile. As Townsley argues, they were forced to spread out and move apart by the ‘rubber boom’ and later acquired distinct names after moving into different areas at different times (op.cit 253). According to the anthropologist Klaus Rummenhoeller, there are references to more than 100 different Nahua (or Yora) groups in the R. Yurua-R. Purus region (personal communication, 2010). Given their linguistic
and cultural similarities, these different groups probably used to exchange women, and after the correrías and the ‘rubber boom’ many of them merged. The Marina-hua, for example, almost don’t exist anymore. Their descendants now live in a Sharanahua community, and the same can be said for a group of Yaminahua from the R. Tahuamanu headwaters (op cit).

The missionary and linguist Mary Wise (1983:825) has written that members of the isolated groups in the R. Yurua and R. Purus region fled from the caucheros and remained in isolation for about forty years until they wore out their metal axes and machetes. That prompted them to start appearing on the large riverbanks again, looking for the tools they knew the whites had. Other groups, such as the ‘Moronahua’ and Yaminahua, remained isolated.

The Murunahua and the Chitonahua
The Murunahua and the Chitonahua live in the upper R. Yurua basin and may also move north-east from there, to the R. Envira, towards Brazil. In 1994 Townsley described the Murunahua (‘people with the shaven heads’) as ‘a supposedly still uncontacted group living in the upper R. Yurua’ and the Chitonahua (‘the belt people’) as ‘an old group from the R. Embira decimated by epidemics and attacks by the Bashonahua and Sharanahua’ (248-249). The Ashaninka and Yaminahua living in this region have seen or found evidence of them, and have also participated in attempts promoted by loggers to establish contact and taken in groups in initial contact to live with them. Given the long-term, continued presence of loggers on their land, some of whom have organized and actively encouraged attacking and killing them, the Murunahua and Chitonahua are probably some of today’s most severely impacted isolated people. According to Chitonahua groups in ‘initial contact’, they have been making contact in different ways with people living nearby, although the most common has been loggers capturing them and then forcing them to seek medical help after diseases spread among them. In 1997 the state established the Murunahua Territorial Reserve, but this has failed to protect both them and their land.

The Mastanahua
The Mastanahua live in the R. Purus and R. Curanja basins. In 2006 one of them y otras tres mujeres en aislamiento de un pueblo no identificado were contacted by American missionaries from Pioneer Mission which had established a village on land belonging to a Cashinahua community, on the upper R. Curanja, on the edge of their territory. This was called Puerto Paz. A group of Shipibo from the R. Ucayali moved to Puerto Paz because they spoke a Pano language and would make communicating with the Mastanahua easier. The missionaries cleared paths in the surrounding forest and left presents for them, and planted gardens and made camps as ‘bait’ to attract them. The contacted Mastanahua now live under the Shipibo’s control at Puerto Paz, and have been attacked by another, larger, isolated group in the region and which also raided the gardens belonging to the ‘native communities’ on the R. Curanja. Today, the Mastanahua’s territory is included in the Alto Purus National Park.

Kakataibo
The isolated Kakataibo live in the upper reaches of the R. Pisqui, R. Aguaytia, R. San Alejandro, R. Sungoroyacu and R. Pozuzo in Loreto, Ucayali and Huanuco. The majority of the Kakataibo have been contacted and live in ‘native communities’, and together with some Shipibo, loggers and rangers from the Cordillera Azul National Park they are the main sources of information about the isolated Kakataibo. They say that on the chance occasions they have run into the isolated people and talked to them, brief and tense as such encounters usually have been, communicating with them has been difficult because of differences in the way they speak. This is common with isolated groups, given their lack of interaction with outsiders and therefore fewer opportunities to incorporate elements of other peoples’ languages into their own. The isolated Kakataibo’s territory is large, and they live off it by hunting, fishing and gathering. Today, there are numerous mixed families of Shipibo men and Kakataibo women, who used to live in isolation until they were captured during clashes between the two groups decades ago.

According to the missionary and linguist Mary Wise (1983:824), first contact with the Kakataibo was made in the 18th century, but they were quick to expel outsiders and remained isolated or in sporadic contact until the early 20th century. Gradually, most of the Kakataibo established permanent contact: this led to a large influx of mestizos into their territory and a series of tuberculosis epidemics.

In 1999 and 2005 AIDESEP and the IBC proposed the establishment of reserves for the isolated Kakataibo, accompanied by the necessary ‘territorial demarcation
reports’, but these have been ignored by the state. For several decades now, their territory has been invaded by loggers and oil and gas companies, while currently one of the biggest threats facing them is increasing numbers of coca farmers along the R. Aguaytia. A rise in the number of sightings by local people and rangers from the Cordillera Azul National Park has led the park’s authorities and an NGO, CIMA Cordillera Azul, contracted by the park, to hold workshops about how to avoid contact with them. In addition, both institutions have taken the lead in preparing an ‘anthropological plan’ to protect the isolated people in the national park and its buffer zone.

The Peru-Ecuador border

Loggers, hunters, soldiers based in military checkpoints, people living in ‘native communities’ and other settlements, and even, in the last few years, people connected to the oil companies operating in this region have all confirmed the existence of isolated groups between the R. Napo, R. Aushiri, R. Nashino, R. Curaray, R. Arabela, R. Tangarana and R. Pucacuro, in north Loreto, near the border with Ecuador. Some of this information has been recorded during field trips and included in reports by experts from the Peruvian Amazon Research Institute (IIAP) (2002), officials from Peru’s Defensoria del Pueblo (2003), AIDESEP (2005), a regional indigenous organization, ORPIO (2008), and employees of a company, Global de Consultoria e Ingenieria Poyri (2008), among others.

Although the names for the isolated people in this region vary and generate considerable confusion, the belief that they speak languages from the Waorani and Zaparo ‘linguistic families’ is widespread. According to AIDESEP (2005), the isolated groups in the R. Nashino, R. Conanaco and R. Curaray region, closest to the Ecuador border, could be Waorani, a claim that tallies with the existence of isolated Waorani in the neighbouring region in Ecuador where the government has established the ‘Tagaeri Taromenani Intangible Zone’ (ZITT), off-limits to outsiders, following demands from various civil society organizations.

The oil companies’ Environmental Impact Assessments (EIA) for this region, in what Peru’s oil sector calls Lot 67 and Lot 39, mention the isolated people too. ‘There are references to the existence of uncontacted indigenous people, or indigenous people in voluntary isolation, as they’re currently known,’ stated one EIA, written by a consultancy, GEMA. ‘There are reports from local inhabitants as well as professionals pointing to the existence of various groups of uncontacted indigenous people in the headwaters of the R. Curaray, R. Tigre and other rivers on Peru’s side of the border with Ecuador. In Peru in particular, the existence of two groups has been established: the ‘Feromenami’ and the ‘Tagaeri’ (GEMA, 2007). As is well-known, national borders do not correspond with indigenous territories: it is very likely that the isolated people consider this one region and move from one side of the border to the other.

Meanwhile, another isolated group, called the ‘Pananujuri’, from the Zaparo linguistic family, is located in the south of this region between the R. Aleman, R. Arabela, R. Cashana, R. Baratillo, R. Pucacuro and R. Tangarana (AIDESEP, 2005). According to historical research, there were Abirijas and Zaparo groups along the R. Curaray and R. Arabela in the middle of the 18th century, but as a result of the ‘rubber boom’ and the invasions of their territory some of these peoples ought to have sought refuge in more remote areas, i.e. in the headwaters of the tributaries of these rivers, while others chose permanent contact with the caucheros and died out or merged with the Kichwa (op.cit). ‘The Pananujuri stayed in the monte. They’re like us, Arabelas, they have the same way of doing things,’ one Arabela from the Buena Vista ‘native community’ told an official from the Defensoria del Pueblo. ‘The people we’ve seen are the Pananujuri. They don’t use canoes. They’re on the right bank between the R. Arabela and the R. Curaray... They go about naked and wear read body-paint... We’ve never seen their camps: just them on the river-banks... anthropologists have come and tried to establish contact with them by leaving out tools for them, but we made a complaint and they didn’t come back again...’ (2003:5). A man called Rosero, a local resident, has said, ‘They’re the Pananujuri. That’s what we call them in our language, the ‘people of the sunset’, from the west, because that’s where the headwaters are and the sun sets... In the past, the Arabela lived along the R. Arabela... and the Pananujuri lived in the headwaters of the R. Arabela... My grand-parents were always talking about them. My father knows very well that the Pananujuri still exist. My mother is a Pananujuri who my grand-
father kidnapped...’ (op.cit: 7). More recently, a report by the Defensoria del Pueblo (2006) stated, ‘According to statements recorded in the Buena Vista and Flor de Coco ‘native communities’, an isolated group of Arabela, known as the ‘Pananujuri’, continues to exist today. They have had some kind of visual contact with these people, especially when they go hunting’ (op.cit: 18).

The anthropologists who tried to establish contact with the Pananujuri were Russians. Their actions were reported by missionaries from the Summer Institute of Linguistics in 2002 and recorded by IIAP researchers in their ‘Report on the presence of uncontacted indigenous people in the R. Tigre, R. Curaray and R. Napo region’ (Alvarez and Trigoso, 2002). The Defensoria del Pueblo referred to this incident too: ‘a visit to the communities on the R. Arabela, Buena Vista and Flor de Coco, enabled us to confirm these reports. Although the alleged activities did not have negative consequences, the anthropologists’ entrance into this region without any permission or under any kind of control is concerning.’

In 2005, in an attempt to protect the isolated people and their territories, AIDESEP submitted a ‘territorial demarcation report’ to the state and requested the establishment of a reserve. However, the determination of the government and companies like Repsol-YPF and Perenco to exploit the oil deposits in this region has led to AIDESEP’s request being ignored, and even attempts by the government to undermine it.

In addition to the Waorani and Zaparo, it is also suggested that there is another, unidentified isolated group in the extreme east of this region (AIDESEP, 2005).

The Peru-Bolivia border

Since 2000 Ese Eja leaders from the R. Tambopata in south-east Peru have been reporting the existence of isolated people in the headwaters of the R. Tambopata and in the Pampas del Heath ‘national sanctuary’, a protected natural area, near the border with Bolivia. As a result, indigenous organization FENAMAD interviewed a number of local people, and in 2007 in-depth research involving long periods of time in the field took place. This involved recording information from key witnesses, most of them indigenous, mestizo settlers and miners from ‘native communities’, farmsteads and mining settlements in the region around the Bahuaja Sonene National Park and the Tambopata National Reserve, between Madre de Dios and Puno, as well as rangers and ex-rangers working for the park and reserve. In total, more than 100 people were interviewed, on tape and video, and many different types of evidence of the isolated people were recorded, including direct sightings, huts, footprints, turtle eggs, and tracks marked with bent branches warning people to ‘Keep out’ (FENAMAD, 2010).

Most of this evidence is from the upper reaches of the R. Malinowski, R. Tambopata and R. Heath, the latter acting as the border with Bolivia. According to FENAMAD (op. cit.), it is possible that the isolated people in this region had contact with national society in the past, since there are stories of people living at a Dominican Mission on Lake Valencia in the mid-20th

The appearance of the Mashco-Piro on the upper R. Madre de Dios

In May 2011 a group of Mashco-Piro from the R. Manu turned up on the beaches along the upper R. Madre de Dios and stayed there and in the surrounding region for the rest of the year. This was very unusual. Their appearance in such a visible place meant they attracted the attention of local residents, travellers using the river, and tour companies and tourists, some of whom stopped when they saw them, filmed them, took photos, and, approaching them recklessly, even gave them things, without taking into account the fact that these ‘presents’ could spread diseases among the Mashco-Piro or lead to conflict. By the end of the year, the situation had got worse. The Mashco-Piro fired an arrow at a Manu National Park ranger and injured him. This was at one of the park’s check-points near where the Mashco-Piro had turned up. Several weeks later, they fired another arrow at a man from one of the ‘native communities’ nearby, a man they had had some contact with over the years, and killed him. Why they acted like this isn’t clear, but several theories have been suggested. On the one hand, as in the past, pressure from loggers and oil and gas companies, to the west of the R. Manu region, could be forcing isolated peoples to alter their movements. On the other hand, it could be the result of internal divisions, or because the Mashco-Piro wanted to obtain metal goods. What is clear, however, is that the attacks were intended to clear the surrounding region of anyone outside their group.
century who later disappeared into the forest and were never heard from again. Abandoning mission stations was often due to the epidemics they encouraged, the deaths that followed, and increased inter-ethnic conflict, among other reasons. The possible presence of isolated people along the R. Heath tallies with the evidence for isolated people on Bolivia’s side of the border, which led to the establishment of an ‘intangible’ reserve for them by the Bolivian government in August 2006.

The management plan for the Tambopata National Reserve 2004-2008 (INRENA/IANP 2003) reports evidence of isolated people in this region too. This information comes from miners. The plan states: ‘It should be noted that during the fieldwork for this report in February and March 2003 one member of the technical team recorded information from miners from AMAYTUS (a miners’ association) about footprints belonging to indigenous people, apparently isolated, and plantain gardens between the mouth of the R. Malinowski (R. Malinowski on the national map) and the upper R. Tambopata’ (quoted by FENAMAD, 2010).

The region where this evidence has been reported is the ancestral territory of the Ese Eja, from the Takana ‘linguistic family’, but this doesn’t mean the isolated people are Takana. It is important to remember that for most of the 20th century, as a result of the ‘rubber boom’ and epidemics in the mission stations, indigenous peoples in Peru’s Amazon have often had to move into different regions and, probably, inter-marry with different groups, like the Ese Eja and the Harakmbut have done.

Most of the region where the evidence for the isolated people has been found is in the Bahuaja Sonene National Park, although a lot of it is outside the park, on the western side.

The R. Manu, R. Urubamba and R. Purus watershed
It is possible that the isolated people living in this rugged, inaccessible region, near where the boundaries of Ucayali, Cusco and Madre de Dios meet, are from the Pano ‘linguistic family’. The presence of Pano-speakers in this region is not particularly surprising given that the Yora on the R. Serjali, now in regular contact with outsiders, lived there until contact was forced on them in the mid-1980s, and the anthropologists Heinrich Helberg (1986), Shepard and Rummenhoeller (2000) have all reported statements by the Yora about other settlements, also Yora, in the R. Piedras, R. Condeja and R. Cashpajali headwaters. This same claim was expressed in reports on a workshop in 1998 organized by the oil company Shell about isolated people in the R. Urubamba region (Bernales and Zarzar, 1998).

The descriptions of the isolated people by members of ‘native communities’ in the region is very similar to the descriptions of isolated people on the middle R. Manu and R. Las Piedras. They are described as extremely mobile and having few gardens. Although, in general, this region has seen few outside interruptions since the ‘rubber boom’, the people living there have still been considerably impacted. At the end of the 1960s, for example, when the International Petroleum Company was exploring for oil and a canal was being built on the Fitzcarrald Isthmus, about twenty indigenous people were killed (Varese, 1967). Later, in 1982, the Peruvian navy attacked and killed an unknown number of isolated people in the R. Manu region, and in the mid-1980s the Yora were decimated following ‘first contact’ (Huertas, 2002). Today, the north-eastern part of this region is unprotected and vulnerable to loggers, but most of it is included within the Manu National Park, the Alto Purus National Park, and the Kugapakori, Nahua and Nanti Territorial Reserve.

The R. Yaco
The presence of isolated people along the upper R. Yaco in both Peruvian and Brazilian territory has been reported for several decades by the Yaminahua and Manchineri living in the Mamoade Indigenous Reserve, in Brazil, as a result of their hunting, fishing and gathering trips into the forest. In the 1980s FUNAI officials had dramatic encounters with these people, known as the ‘Masko’, and between 1999 and 2000 FENAMAD carried out anthropological research and recorded numerous statements about them, their movements in the region, historical references and their interaction with outsiders. Descriptions of their clothing, body adornments and body-paint suggest they are a Yora group, but the fact that the neighbouring Yaminahua have not been able to understand them, during the occasional, chance encounters between the two groups, means it is impossible to confirm this (Huertas, 2002). As one FUNAI official has said, ‘There are groups of wild and nomadic Indians in the headwaters of the R. Yaco, R. Chandless, R. Purus and R. Tahuamanu, according to the oldest Yaminahua... They call them ‘Masko.’ I myself have come across camps belonging to them in the headwaters of the R. Yaco...’ (Meirelles in Aquino and Iglesias, 1995, originally in Portuguese).
II. KEY ISSUES

The ‘other’

The research into Peru’s isolated peoples and the numerous meetings and conferences that have been held about them have revealed a series of common perceptions about who they are and how they live. These perceptions are reflected in the names used for them. For example, there is the widely-used term ‘uncontacted’, with anachronistic and idealistic connotations implying a supposed cultural ‘purity’ and historical stasis, and which is far removed from reality and exaggerates their exoticism. In contrast, there are terms like ‘wild’ and ‘savage’, used in a pejorative sense by some of the people in neighbouring regions as a means of disparaging their way of life and justifying establishing contact with them and introducing them to so-called ‘civilization.’ However, some of the people living closest to them take the opposite tack and call them names emphasising their superiority: their knowledge and mastery of the forest, their physical strength, and their shamanic powers based on their deep understanding of the forest’s plants and the general sharpness of their senses which enable them to spot their ‘enemies’ from afar, evade them without being detected, or make themselves ‘invisible.’

Some religious groups use the terms ‘excluded’ or ‘unreached peoples’, referring dogmatically and disapprovingly to their lack of Christian faith and, by implication, encouraging attempts to force contact and evangelise them. On the other hand, some indigenous organizations have chosen to use the term ‘free peoples’, on the idea that they have escaped the globalised economy and live in dignity and free of the abuses this has brought indigenous people so often in the past. The expression ‘peoples in voluntary isolation’ is also common. This is intended to specifically refer to their rights to self-determination, i.e. their capacity to decide voluntarily how they want to live, and their choice to do so in isolation.

Ideas about the ‘other’ vary greatly and depend on many factors, including cultural perceptions, past events and ideologies. The isolated peoples’ understanding of us, members of the surrounding society with whom they refuse to have contact, is very different to our understanding of them. In their eyes, we are seen in negative terms as their persecutors and murderers who live ‘where the diseases are’ and spread them, killing large numbers of people and generating a whole series of related, devastating problems. Add to this their awareness of their failure to understand or live in the forest, which makes us inferior to them. At the same time, however, they recognise the importance of our metal tools. They want these tools because they make their lives much easier, and as a result they sometimes visit villages or settlements in neighbouring regions to obtain them.

Isolation as a survival strategy

Considering the reasons why today’s isolated peoples choose to live in isolation explodes any myths about their supposed cultural ‘purity’ or historical stasis. There has never been any society living completely cut-off from others or ‘stuck in time’, and the isolated peoples in Peru are no exception.

Their history shows how previous contact with outsiders has contributed directly to their decision to live in isolation. As has been seen, sometimes it is whole peoples who have made that choice, but in the majority of cases it is groups within, or surviving fragments of, such peoples. Although the initial explorations by the Spanish into the Peruvian Amazon led to contact with its inhabitants in the more accessible regions, it wasn’t until the end of the 19th century and the ‘rubber boom’ that most of it was explored and the majority of the indigenous people in the Amazon first met ‘whites’. The consequences were appalling: the slaughter of anyone who opposed the caucheros, the correrias, people sold as slaves, women raped, epidemics, huge numbers of people dying, and resulting inter- and intra-ethnic conflict.

If the Spanish conquest brought the first demographic catastrophe for Peru’s indigenous peoples, the ‘rubber boom’ brought the second. The ‘ethnolinguistic’ landscape of the Amazon was severely altered as the caucheros moved into new areas, re-settled people, and forced others to seek refuge elsewhere.

Although some of today’s isolated peoples seem to have made their decision to live in isolation about roughly the same time, it is difficult to generalize about the degrees of isolation that now involves. These include the refusal to have any contact at all, like the Mashco-Piro who, apart from very occasional approaches, have nothing to do with neighbouring ‘native communities’, despite speaking a similar language to them, or the Matsigenka of the R. Manu and R. Urubamba region, or the Ashaninka who sporadically visit relatives in ‘native communities’ and trade metal objects and tools. In other words, the term ‘isolation’ doesn’t express the complexity of what is really going on. Neither does it say anything about the isolated peoples’ own societies, cultures and ways.
of life, and instead is based only on the kind of relationships they have with the people living nearby or invading their territories.

Living in ‘isolation’ does not mean total isolation. It is clear that isolated people are aware of what happens in the forest around them and that some are attracted to the metal goods owned by outsiders, yet they avoid direct contact for their own safety. They see these outsiders as potentially hostile and as threats to their children, who they fear they could kidnap, or as infected with diseases that have caused them much tragedy in the past. In some cases, it is possible that in adapting to their new way of life of avoiding contact, they have had to abandon certain cultural practices, like agriculture or ceramics. In other words, this is a way of life defined by its history of contact with other people.

Health

Isolated or initially-contacted people are extremely vulnerable to outsiders’ diseases because they have not developed sufficient immunological defences. This is why diseases that are common or harmless to us, such as the flu, can trigger deadly epidemics among them. Numerous authors agree that whatever the explanation for this, indigenous people who have been vulnerable to newly-introduced diseases in the past need between three and five generations, i.e. between 90 and 150 years, to stabilise their response (OGE, 2003). The frequency and recurrence of these diseases don’t allow them sufficient time to recover and face new epidemics should they break out, thereby making things even worse. The deadly impact of disease on indigenous peoples has been well-known since the Spanish conquest, which led to the greatest demographic catastrophe in the Americas. Although people gradually began to immune themselves and diseases like smallpox and measles were later eradicated, today’s isolated or initially-contacted people, some of whom have already been seriously affected by acute respiratory infections and severe diarrhoea, remain extremely vulnerable.

However, seeing their vulnerability in predominantly medical terms dangerously limits our understanding of the problems facing the isolated peoples, their perceptions about their health, and what kind of policies and actions the authorities should adopt in order to protect them (Huertas, 2010b). While it is clear that unknown viruses have been devastating in the past, it is no less clear that forcing contact with isolated peoples has ‘psycho-social’ impacts too, which directly affect their health and, in turn, make them more vulnerable to disease (op. cit).

The huge number of deaths caused by disease have severe emotional and psychological effects on those who manage to survive. The extremes to which this can reach, following contact, is illustrated by the anthropologist Erikson writing about the Matis or Matses in eastern Peru: ‘It’s easy to imagine the demoralization felt by the Matis. For a few years while they were mourning, they abandoned most of their rituals and even the desire to have children.’ Shepard has made the same point about the Yora from the R. Manu-R. Mishagua: “Los Yora tradicionalmente enterraban a sus morts adultos bajo sus viviendas y luego se trasladaban hacia otros asentamientos ubicados a cierta distancia para evitar el contacto con los espiritus. Debido a que el número de muertes fue tan grande a fines de los años 1980, muchos cadáveres simplemente fueron abandonados en el bosque o arrojados al río para ser devorados por los animales de carroña. Se piensa que el área está intensamente poblada por espiritus y ahora los Yora han abandonado la región”.

The isolated peoples’ lack of understanding of the world they come into contact with also makes them highly vulnerable, as they tend to submit themselves to whoever established contact with them or lives nearby. This submission is often reflected in the establishment of relationships of servitude or slavery which, in addition to the loss of their territories and the decrease in the natural resource they rely on, makes life for any recently-contacted group even more difficult (Huertas, 2010b).

The risk of extinction

‘We are sad because there are so few of us left’
Alicia, a Chitonahua woman, 2008

Although some isolated peoples are very numerous, like the Mashco-Piro or Matsigenka numbering in the 100s, others have already been decimated by disease, slavers and the internal conflict that these have generated. The Chitonahua, who probably do not number more than fifty, are one example. Those now in ‘initial contact’ have experienced such a severe fall in numbers, with families breaking up and a high number of orphaned children and widows, that they could be made extinct. As the anthropologist Alonso Zarzar (1999) has pointed out, no indigenous group in the Amazon numbering less than 225 people at the turn of the 20th century survived more
than another three generations, according to research by scholars. Given their vulnerability and the constant attacks on them, some of today’s isolated or initially-contacted groups could have crossed what Zarzar calls ‘the threshold of their existence’, or will do so in the next few years.

In 1997 the Global Environment Fund (GEF), together with the United Nations Development Program (UNDP) and the UN’s Office for Project Services (UNOPS), published an atlas about indigenous peoples in the Peruvian Amazon stating that since the mid-20th century eleven ethnic groups from seven different language families had disappeared physically or culturally, and that another eighteen groups and sub-groups from five language families were at risk of extinction.

Subsistence, territory and relocations

‘We weren’t causing problems for the loggers. We were just looking for food.’
Alicia, a Chitonahua woman, 2008

Isolated peoples are highly dependent on their natural surroundings, living exclusively on the resources in the forest and its rivers by hunting, fishing, gathering and some cultivation. This makes it essential that the regions they use and the resources they exploit remain in a condition that allows them to do so, both in the present and the future.

Meeting their subsistence needs means following the logic and dynamics of the forest. Although there is a wide variety of resources available, they are dispersed across huge areas, in different eco-systems, and make large territories necessary so they can obtain the variety of food they require to maintain a balanced diet (Huertas, 2002). For example, during the rainy season, when the lower parts of the forest are flooded, the isolated peoples keep to higher ground in the headwaters of the rivers, hunting the animals seeking refuge there and gathering fruits, but in the dry season they move downstream to lower ground where they fish and gather a variety of products, including turtle eggs. What this means is the invasion of particular parts of their territory will directly affect their access to particular resources, triggering conflict or forcing them to move into new areas which will generate further problems, including inter- or intra-ethnic conflict.

No doubt, given these differences within their territories, pressure from outsiders can lead to abrupt changes in the isolated peoples’ movements. Indeed, the regions currently inhabited by them should be seen as ‘refuge zones’ in which they have had to adapt the way they live and which they now use for everything, while the regions previously used by them are now occupied by other indigenous people and mestizo settlers. Anything affecting their territories makes it difficult for them to meet their subsistence needs and could lead to conflict with the people living nearest them.

III. THE THREATS AGAINST THEM AND THE VIOLATION OF THEIR RIGHTS

The presence of outsiders in isolated or initially-contacted peoples’ territories severely impacts and threatens their lives, whether the outsiders are settlers, missionaries, researchers, loggers or working for oil and gas companies. These impacts are numerous. Groups of, say, oil or gas company workers can lead the isolated people to raid the latter’s camps to frighten them off, or violent clashes between them, exposure to disease and epidemics, huge numbers of people dying, forced relocations and inter- and intra-ethnic conflict. Meanwhile, loggers felling trees means fragmenting or clearing the forest the isolated people rely on to survive, and the aeroplanes, helicopters, trucks, lorries and boats on the rivers used by the companies or the loggers make so much noise they scare away the game they hunt, the fish they catch, and destroy the forest’s biodiversity. These operations contaminate the air, the soil and the water, causing severe health problems and deaths due to the toxins that make their way into peoples’ bodies, as has been happening along the R. Corrientes in Peru’s north since the 1970s and in the region affected by the Camisea gas project since 2003.

Illegal logging

a. The Chitonahua’s experience

‘All the wood from this region comes from the Murunahua Reserve.’
Ashaninka from the Dulce Gloria ‘native community’, 2008
"Everyone in my family has been contacted. Some of them were killed by the loggers. My brother was killed by a man called Papito."

Alicia, a Chitonahua woman, 2008

For decades the upper R. Yurua, in Ucayali, has been controlled by loggers taking advantage of the region’s remoteness, lawlessness and corruption by illegally cutting down highly valuable trees from the Murunahua Territorial Reserve, the Alto Purus National Park and surrounding regions. From there, the wood is transported to Pucallpa, down the R. Mapuya past state check-points.

The isolated Murunahua and Chitonahua in this region instil considerable fear in the loggers by raiding their camps. The loggers have responded extremely aggressively by systematically killing the isolated people, forcing contact, enslaving and integrating them into ‘native communities’ on the R. Mapuya, to the south of the reserve, and on the R. Yurua to the north. Their aim is to remove any obstacle to the valuable trees they are after.

Although the Murunahua Territorial Reserve was established in 1997, following considerable efforts by indigenous organizations, the government has failed to implement the mechanisms necessary to protect the people living there. On the contrary, it has permitted logging companies which obtained concessions before the reserve was established, now inside the reserve, to continue operating, with tragic consequences. There were a series of killings in the 1980s and 1990s, and then an incident towards the end of 2000 when five members of one isolated Chitonahua family were killed. This was denounced by a local indigenous organization, Organización Regional Indigena Atalaya (OIRA). ‘Loggers have been illegally invading the Murunahua Reserve, inhabited by our brothers in voluntary isolation (uncontacted), known as the ‘Chitonahua’, under the authority of or in complicity with corrupt officials,’ OIRA stated. ‘One example of how this territorial pressure affects the uncontacted people is the violence on 19 November when five of our Chitonahua brothers were killed’ (2000).

In 2003, there were yet more killings. Several organizations denounced these events at the time, but the state didn’t investigate or take action of any kind. According to later research, (CIPIACI, 2008), a group of loggers had attacked some isolated people on the R. Mapuya, to the south of the reserve, who were forced to flee northwards and came across an Ashaninka woman and her children. This was the Chitonahua’s territory. Badly shaken by their clash with the loggers, they attacked. When the Ashaninka woman’s husband and other relatives heard, they decided to take revenge and went looking for the Chitonahua, found them not far away, and killed between ten and thirty of them using ammunition provided by the loggers. As Ashaninka leader Isaac Piyako (personal communication, 2008) has said, ‘the Chitonahua weren’t using one of their usual routes when they came across the woman and her children. We know that before killing her they had been attacked by loggers and a number of them had been killed. That was why they reacted so violently.’

In addition to all this, the loggers have also transmitted diseases to the isolated people in the reserve. This kind of statement about the Chitonahua after first contact is common: ‘My sister-in-law’s grandfather brought them from the other side of the R. Mapuya when they had fevers and coughs. Some of them were dying. That was why my uncle brought them to live here with my family. It was my uncle Chino who brought them. He brought them from the R. Mapuya, when they were dying of fevers and coughing’ (Yaminahua, personal communication, 2008). Even if there is a new epidemic, the medical post in the Dulce Gloria ‘native community’, on the reserve’s northern side, doesn’t have the logistical resources, equipment or technical expertise to deal with it.

b. Loggers, relocations and cross-border conflict

It is likely that the invasion of the Murunahua Territorial Reserve and the western part of the Alto Purus National Park by loggers is causing isolated people to migrate across the border to Brazil and leading to clashes with other indigenous people such as the Manchineri, the Ashaninka, the Kashinawa, the Culina and the Yaminahua, all of whom live in permanent contact in Brazil’s Acre state. This had led to protests from various Brazilian indigenous organizations, as well as concern from FUNAI, and demands for joint action by both Brazilian and Peruvian governments to stop the loggers and the cross-border movements they are causing. According to Nilson Kaxinawa (personal communication, 2007), from Brazil, ‘In the past there was a lot of conflict between the Kaxinawa and the isolated people. We’re still concerned about it today. One family has been robbed three times. In 2004 they went looking for turtle eggs. There are always isolated people there in the summer. I went too and saw them. They had long hair, but the part at the front was cut very short. They were all naked. . . That summer we found evidence of them, very close to the village. They went into one of our gardens and stole..."
papaya etc. Some families are now looking for them to revenge the thefts. It could lead to people dying.’

In mid-2008 FUNAI officials did an overflight of this region and identified a group of isolated peoples’ houses very close to the Peru-Brazil border where previously there had been no sign of them. They also saw recently-cut planks of wood and supplies used by loggers floating down the R. Envira, which has its headwaters in Peru but flows across the border into Brazil. That clearly indicated there were loggers in the region. Their advance into these last, hitherto unexplored regions, which involves overcoming many difficulties, illustrates just how far the loggers can reach, as well as the serious risk they pose to the isolated people who have survived previous attacks and are now seeking refuge in the most remote parts of their territories.

In July 2010 an American NGO, the Upper Amazon Conservancy (UAC), published a report showing that mahogany loggers were operating in the Murunahua Territorial Reserve. According to the report (2010:1), ‘A large logging operation is based in the headwaters of the Mapuya River near the border of the Alto Purus National Park. Originally discovered by UAC in March 2009, an April overflight observed two large rafts of recently cut mahogany boards, indicating the settlement continues to be used as a transport centre for mahogany illegally removed from the Reserve and Park.’ As the UAC’s report emphasized, its investigations demonstrated that the Peruvian government is failing to meet its ‘environmental and forestry obligations’ stipulated in the forestry annex of its 2009 ‘free trade agreement’ with the USA, and that it is violating the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which applies to mahogany. The loggers don’t just extract mahogany when they are in the reserve: they hunt game and fish using shotguns too, placing more and more pressure on the resources that the isolated people need to survive.

To the north, in the R. Yavari region inhabited by isolated Pano-speaking people, the situation is similar. According to FUNAI (2010:11), ‘It is important to consider the possibility that isolated people are migrating from Peru to Brazil because of loggers and oil companies on the Peruvian side of the border, similar to what is happening in Acre’ (originally in Portuguese).

The government’s development policies

‘All this began in the ‘rubber boom.’ What’s happening today is the same: European investors wanting to gain access to natural resources, extracting what they need, and killing anyone who gets in their way.’

Isaac Piyako, 2007

Between 2005 and 2010 Peru’s government approved numerous projects and ‘mega-projects’ exploiting natural resources and developing the country’s infrastructure, including a series of hydroelectric power stations and highways. This was done very rapidly, and impacts both directly and indirectly on indigenous people in the Amazon and particularly those in isolation or initial contact. This prompts the question: what is their future? Will the isolated peoples survive this new, aggressive wave of investment? In 2010 the Defensoria del Pueblo documented more than 250 cases of ‘social conflict’ in Peru, almost 50% of which concern the environment (Defensoria del Pueblo, 2010).

a. Oil and gas exploitation

In 2000 Peru had signed twenty-nine contracts for oil and gas exploration and exploitation, but by 2010 that number rose to eighty-seven, with the country’s energy sector announcing its intention to sign 100 contracts by the end of that year. The number of wells ‘in development’ drilled rose too, from thirty-one to 116, and investment in exploration and exploitation increased from $120.4 million to $502.4 million by June 2010 (Perupetro, 2010).

This general trend is reflected in the extent of Peru’s Amazon included in these oil and gas concessions, which increased from 15% in early 2000 to 70% by 2010 (Sevillano, personal communication, 2010). The government’s aggressive contract-signing is a direct response to its need to find new, large oil and gas deposits enabling Peru to overcome its trade deficit and, at the same time, meet its obligations to the consortium of companies involved in the Camisea gas project, after it was forced to strike a deal aimed at satisfying Peru’s own gas demands following a domestic supply crisis.

This last problem stems from the priority given to exporting gas in the contract signed with the consortium, operating in a region known as Lot 88, over internal supply. As one Peruvian civil society organi-
PERU: PlUNDERed Land, Conflict and Extinction

Source: Perupetro, Map of oil and gas exploration and exploitation contracts, July 2010.

SUPERIMPOSED GAS AND OIL FIELDS IN AREAS IN WHICH INDIGENOUS PEOPLES AND SEGMENTS OF INDIGENOUS PEOPLES IN ISOLATION, SPORADIC CONTACT OR INITIAL CONTACT ARE FOUND
zation, the Grupo Propuesta Cuidadana, pointed out, ‘the seriousness of the problem was recognised in June 2009 when a report by Gaffney, Cline and Associates, commissioned by the Camisea project’s leader, Pluspetrol, was made public (El Comercio, 18 June, 2009). This revealed that the deposits in Lot 88 and Lot 56 in the Camisea region were too small to meet the internal demand for natural gas. At the same time, Peru’s Ministry of Energy and Mines, which maintains it was pressured into committing more gas for exportation, reported that the government had been in conversation with the Camisea consortium since May in an attempt to reach an agreement to ensure there was enough gas for the internal market.’ In addition to the benefits granted by the government to the consortium to export the gas, the revision of the contract uncovered numerous other benefits granted to the consortium: the availability of gas reserves, royalties, control over the buying and selling of gas and lowered bank guarantees. Pressure to favour companies in which senior government officials were involved, as partners or consultants, was also revealed.

The areas within the oil and gas lots in the Amazon include territory belonging to many ‘native communities’, isolated peoples and others in initial contact. Demands made by Peruvian and international civil society organizations to exclude the latter from these lots has met with some response from the government, with three of the five reserves for isolated peoples now excluded. However, the Izconawa Territorial Reserve, in Ucayali, and the Kugapakori, Nahua and Nanti Territorial Reserve, in Camisea, and all five of the proposed reserves for isolated people are affected by oil and gas lots: Napo-Tigre, Yavari-Tapiche, Yavari-Mirim, Maquia-Calleria and Kakataibo. Likewise, some ‘protected natural areas’ inhabited by isolated people are affected too. These include the Ashaninka Communal Reserve and the Matsigenka Communal Reserve, while in the Ba-ahuaja Sonene National Park, in Madre de Dios, feasibility studies for exploiting oil and gas have been announced. Moreover, the existence of isolated people has also been documented in a conservation concession granted to an NGO, Asociación para la Conservación de la Cuenca Amazónica (ACCA), in another part of Madre de Dios, which falls within Lot 76 and Lot 157. The contract for the latter was signed by a Norwegian company, Discover Petroleum International, amid a corruption scandal involving officials close to the highest circles of government and which led to a much-talked-about crisis in Peru’s cabinet.

The demands by Peruvian and international organizations for the isolated peoples to be protected, which included media campaigns and lawsuits, has been met with another response by the government. This was from the president himself, Alan Garcia Perez, in a now infamous article published in Peru’s El Comercio newspaper under the headline ‘The dog in the manger syndrome.’ ‘In opposition to oil, [environmentalists] have created this idea of an “unconnected” Amazon native, that’s to say, unknown but presumed to exist,’ Garcia wrote. ‘As a result, millions of hectares should not be explored, and Peruvian oil should be left underground while the cost of a barrel on the world market is $90’ (originally in Spanish).

The government’s position on oil and gas operations in isolated people’s territory is further reflected in the ‘Law for the Protection of Indigenous or Native People in Isolation or Initial Contact’, no 28736, which was promulgated in 2006. In Article 5, Clause C, it is stated that isolated peoples’ reserves are ‘intangible’ except when exploitable natural resources have been found and declared to be in the ‘public interest’, meaning that a law supposedly protecting extremely vulnerable people at risk of extinction does the exact opposite. In addition, Peru’s Constitution, in Article 66, states that natural resources, both renewable and non-renewable, belong to the nation. The state has sovereign rights over their exploitation. At the same time, a law on oil and gas operations, no 26221, in Article 8, states that oil and gas ‘in situ’ is the property of the state, but Perupetro has the rights to any oil and gas extracted and can sign contracts with companies to that effect.

b. Oil lots and the proposed Napo-Tigre reserve

In 2003 AIDESEP requested that the state establish a reserve for isolated peoples between the R. Napo and R. Tigre in northern Peru near the border with Ecuador. In support of this request, it carried out anthropological research and prepared a ‘territorial delimitation report.’

Initially the state ignored the proposal, but after further pressure from AIDESEP, officials from the government’s indigenous affairs department, Instituto Nacional de Desarrollo de Pueblos Andinos Amazónicos y Afroperuanos (INDEPA), met with
the organization’s leaders and other state officials to discuss it, with no positive results. Shortly afterwards, officials from the oil and gas sector publicly expressed their opinions on AIDESEP’s proposal, ridiculing it and accusing the organization of inventing the isolated people and comparing them to the mythical Loch Ness monster in the United Kingdom.

The reason for this reaction is the government’s determination for oil operations in the R. Napo and R. Tigre region, in two lots called Lot 39 and Lot 67, to continue smoothly. In December 2006 it was announced that Lot 67 contains approximately 300 million barrels of oil, and there are now plans to extend the north Peruvian pipeline in order to help transport the oil from the Amazon to Peru’s Pacific coast. In total, the two lots cover almost one million hectares. Oil companies have been operating in this region since the mid-1990s, when the North American company Barrett Resources worked there. Today, it is the Spanish company Repsol-YPF, in Lot 39, and Anglo-French company, Perenco, in Lot 67. Their contracts run for thirty years. As Peru’s National Oil and Mining Society (SNMPE)6 has stated, ‘It is expected that, by mid-2013, Lot 67 will produce 100,000 barrels of oil every day. Currently, the project is in the engineering phase and in the process of obtaining the necessary environmental clearance, as in accordance with the current regulations. It is estimated that the development of the project will mean investment between $1,500 billion and $2,000 billion. This includes drilling approximately 150 wells in three fields called Paiche, Dorado and Pirana, as well as constructing processing facilities and installing a pipeline that will connect Lot 67 to the north Peruvian pipeline, 200 kms to the west. That way, the oil will be transported to the port of Bayovar on the Piura coast.’

In 2007 Perupetro contracted an anthropologist to consider AIDESEP’s ‘territorial demarcation report’ supporting the reserve’s proposal. Without visiting the region in question, the anthropologist concluded that AIDESEP’s report could not be used, from an anthropological point of view, to support the reserve’s establishment (Mora, 2007). Shortly afterwards, Perenco, operating in Lot 67, contracted a consultancy, Daimi Services, specialists in working for oil companies, to research the existence of isolated people in the region. Daimi’s research team included an INDEPA official, academics from different universities, and Daimi consultants, and its report, like Perupetro’s, concluded that AIDESEP’s could not be used to support the establishment of a reserve (Daimi, 2009). The SNMPE reinforced this conclusion: ‘… an important multi-disciplinary report into the existence or non-existence of indigenous peoples in isolation or initial contact in the Lot 67 region has been written by an environmental consultancy, Daimi Services. The research included the participation of experts from INDEPA, the National University of the Peruvian Amazon (UNAP), and the National University of San Marcos. During operations in that region over the last 15 years, including an overflight, the collection of seismic data and drilling, as well as the fieldwork by the researchers, no signs of, nor evidence of, isolated peoples in the Lot 67 region has ever been found’ (Panorama s/f ).7

However, contrary to what Perenco, Repsol-YPF, Daimi, the government and other pro-oil and gas bodies claimed, anthropologists and other professionals who were involved in Daimi’s research and later interviewed by a journalist, Rory Carroll, from the British newspaper The Guardian (4 July, 2009) say that evidence of isolated peoples was found. Asked if she thought there were isolated peoples in Lot 67, the anthropologist Virginia Montoya said, ‘Yes, yes, I do… There is no doubt in my mind that there are uncontacted groups there.’ Montoya went on to say that she had documented evidence of them, especially pathways, and expressed her indignation when she read the final report. Carroll put the same question to anthropologist Teudilio Grandez, from UNAP, who was also part of Daimi’s research team. ‘Yes. Certain nomadic groups are there,’ said Grandez. ‘Our conclusion is that there are.’ Carroll also interviewed a third Daimi ex-employee, Lino Noriega: ‘They said there were no uncontacted groups. But there were footprints, signs of dwellings.’

Employees from subcontractors in the region have also confirmed that evidence of isolated people has been found. This includes direct sightings of them. For example, Gepson Mosquera Angulo has said, under oath, ‘In 2008 I worked as a chainsaw operator for a company called Global. During my trips into the field on the R. Curaray, about six hours in peke-peke upriver from the mouth of the R. Nashino, we were laying out some cables for seismic testing. There were about seventy of us, in different groups. We saw a clearing where there were rows of huts that each had an entrance. They
were tiny. There was smoke in the air. There were people there, walking. We told the foreman, but he paid no attention. On the third day, about an hour away, we found footprints, barefeet, some of them very big. Some of our colleagues found footprints on other seismic lines nearby. You could see it from the helicopter. I asked the pilot and he couldn’t explain it. When we talked to the foreman about it, he told us we shouldn’t tell anyone about what we had seen because we would be sacked immediately. We also saw old gardens and some deforested areas. I believe that what I saw were the uncontacted indigenous people. That was why we were very careful and a little scared. None of us had ever been in that sort of situation before (ORPIO, 2008).

Other Daimi employees who prefer to remain unnamed have confirmed that they have been told by the oil companies to say nothing about the isolated peoples, or risk losing their jobs. Worse still, as the members of the research team interviewed by Carroll have said, is the manipulation of the consultancy’s report by excluding the information showing the isolated peoples exist.

This report is now being used by the companies and the government to deny the existence of isolated peoples between the R. Napo and R. Tigre. It has even been submitted to regional courts and the Constitutional Tribunal in Lima, Peru’s highest court, to defend a lawsuit filed by AIDESEP in 2007 against the Ministry of Energy and Mines, Perupetro, Perenco, Repsol-YPF and Burlington, Repsol-YPF’s partner in Lot 39, given the risk that these companies’ operations in Lot 67 and Lot 39 pose for the isolated people. In 2010 the Constitutional Tribunal declared AIDESEP’s lawsuit ‘inadmissible’ ‘because the existence of the community in voluntary isolation or uncontacted has not been proven.’

AIDESEP has also appealed to the Inter-American Commission on Human Rights. In an initial statement (Acosta, 2010), the commission requested Peru’s government to report on the ‘current state of oil exploration and exploitation in Lot 67 and Lot 39’ and the impact these operations ‘could have on the lives, the personal integrity, the land, the health, the environment and the culture of the indigenous people in voluntary isolation.’ It also requested the government to report on the ‘measures adopted, or that it will adopt, to protect the lives, the personal integrity, the health, the land, the environment and the culture of the indigenous people in voluntary isolation’ (op. cit).

In addition, an INDEPA official, the ‘technical secretary’ of a Multisector Commission protecting isolated or initially-contacted peoples, submitted a report to INDEPA’s head which questioned the methodology used by AIDESEP in its ‘territorial demarcation report’ for the reserve and stated that it failed to meet the standards required by the 2006 law, despite the fact this law was promulgated a year after AIDESEP’s report was submitted. It concluded: ‘There are no reasonable indications nor consistent evidence corroborated by anthropologists, linguists or reports which confirm the existence of people in voluntary isolation’ (Valer, 2009).

However, contrary to all this, a number of Peruvian institutions, including the Defensoria del Pueblo, the Ministry of Health and the National Institute for Natural Resources (INRENA), have recommended that the Ministry of Energy and Mines protect the isolated people in the R. Napo and R. Tigre region. Their recommendations have been based on the information showing there are isolated peoples in this region and the efforts of civil society organizations, both national and international, whose role in protecting their rights has been extremely important. In response, the Director-General of Environmental and Energy Affairs within the Ministry of Energy and Mines refused to approve the EIAs initially submitted by Repsol-YPF for failing to consider the impacts its operations could have on the isolated people’s lives and health. Subsequently, following intense international pressure, the EIAs submitted by both Repsol-YPF and Perenco were rejected again by the Ministry because, although they now acknowledged the isolated people, neither included an ‘Anthropological Contingency Plan’, as required by Peruvian law. According to Supreme Decree 015-2006-EM, titled ‘Regulations for the Environmental Protection of Oil and Gas Operations’, Article 61, these contingency plans ‘will contain information about the measures that the company will take in case evidence of people in isolation or initial contact is found. The procedures regarding contact with these people must follow the guidelines established in the ‘Protocol on Isolated Peoples’ written by INDEPA, or something that modifies it or replaces it.”

Eventually, both companies included ‘Anthropological Contingency Plans’ in their EIAs, but they were superficially written and didn’t take into ac-
### Areas naturales protegidas

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<th>Area</th>
<th>Lot</th>
<th>Operator</th>
<th>Start date</th>
<th>Size of lot (ha)</th>
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<td>Pozo</td>
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<td>Candamo</td>
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<td>En estudio</td>
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### Conservation concessions

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<tr>
<td>157</td>
<td></td>
<td>Out to tender</td>
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<td></td>
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</tr>
</tbody>
</table>

count the different kinds of contact situations that could arise nor the extent to which the isolated people could be impacted. Indeed, the procedures outlined in both EIAs are designed to affect their rights and wellbeing. Perenco’s 2010 plan is particularly striking. Once again it claimed the isolated people don’t exist, it referred to AIDESEP’s proposal for a reserve as an ‘ex-proposal’, and the procedures about what to do if contact is made are the most inadequate to have been seen in a document of this type to date. Significantly, the process by which these EIAs and contingency plans were re-written and then approved by the Ministry of Energy and Mines was a very quick one, something which could explain their considerable inadequacies.

In general, these contingency plans have tended to force isolated people to move into other regions. For example, although company representatives in the Camisea region claim publicly their policy is to avoid contact in the Kugapakori, Nahua, Nanti Territorial Reserve, Matsigenka working in seismic teams have confirmed taking mattresses, knives and clothing, among other things, to give to the isolated people and improve the chances of establishing contact with them. Indeed, the UN’s former Special Rapporteur on the Rights of Indigenous Peoples, Rodolfo Stavenhagen, mentioned in a report in 2003 that indigenous people in the Camisea region had been forcibly displaced by a company, as just one example of how indigenous peoples’ rights are violated by ‘development.’ ‘According to a recent report,’ Stavenhagen wrote, ‘oil company employees in the R. Paquiria region, in the south-east of Peru, forced the Kugapakori to move deeper into the forest and threatened to detain them and decimate them by spreading diseases if they refused to abandon their homes (2003:13-14).

c. The other side of the border

Across the border in Ecuador, immediately adjacent to AIDESEP’s proposed reserve in the R. Napo and R. Tigre region, is the Yasuni National Park. This is also inhabited by isolated people, some of them Waorani, others from unidentified groups. In the eastern part of the park, Ecuador’s government has established the Tagaeri Taromenane Intangible Zone (ZITT) where outsiders are strictly prohibited from entering. The decision to establish ZITT was made in response to a demand for ‘precautionary measures’ issued by the Inter-American Commission on Human Rights (IACHR) in 2006 following an appeal made by Ecuadorian citizens against the systematic violation of the Tagaeri’s and Taromenane’s rights by loggers who have invaded their land and killed them on repeated occasions. The IACHR urged Ecuador’s state to adopt measures to protect the lives and personal integrity of the Tagaeri and Taromenane, and in particular to adopt the measures to protect their land, which include stopping outsiders entering (process of precautionary measures, no. MC-96-06).

Ecuador responded by drawing up a plan to put such ‘precautionary measures’ into practice. One of its main objectives was to promote bi-national agreements with Peru to protect the isolated peoples and it suggested numerous ways to do so: hold bi-lateral meetings to discuss the current situation in their territories, assess the two countries’ previous experiences in attempting to protect them, establish joint initiatives to protect them in the future, prepare a plan to put those initiatives into practice, and agree for the government institutions responsible for isolated peoples in both countries to co-operate and strengthen their technical capacities.

The need for bi-national action has also been emphasized by Rodolfo Stavenhagen, the UN’s former Special Rapporteur on the Rights of Indigenous Peoples. In a 2006 report, Stavenhagen mentioned the Tagaeri and Taromenane and stressed the need for Ecuador to work together with Peru. This need was again demonstrated in July 2009 when, following the arrest of Peruvian loggers on the Ecuadorian side of the border, two of Ecuador’s government ministers expressed their concern about the risk that this type of activity posed to the survival of the ‘isolated peoples living in the border region.’

To the north of ZITT, also adjacent to AIDESEP’s proposed reserve, is an oil lot known as Ishpingo Tamboococha Tiputini (ITT). In 2007 various civil society organizations proposed what has now become known as the ‘Yasuni Initiative’, which consists of not exploiting the oil deposits in this region, considered to be one of the most biodiverse in the world, and seeking financial compensation from other countries instead. Three years later, on 2 August 2010, Ecuador’s government signed an agreement with the United Nations Development Program (UNDP) to act as an international guarantor and secure the offers made by various countries to provide the compensation in exchange for foregoing the oil (Acosta, 2010). In light of this, it has been suggested
that Peru’s government should adopt a similar strategy in order to protect the isolated people between the R. Napo and R. Tigre, as well as other regions where there are isolated peoples, like the Bahuaja Sonene National Park.

d. The Bahuaja Sonene National Park and the Candamo well

Oil and gas operations are not permitted in national parks, ‘national sanctuaries’ or ‘historic sanctuaries’, according to Peru’s ‘Law on Protected Natural Areas’, no 26834. However, both the government and the state’s oil and gas sector have publicly expressed interest in exploring one of these ‘protected natural areas’, the Bahuaja Sonene National Park, in the south-east of Peru in Madre de Dios and Puno. In August 2010 the director of Perupetro, the company responsible for creating the lots and contracting companies to operate in them, announced that feasibility studies for exploiting oil and gas in Bahuaja would be carried out. This region is not only one of Peru’s most iconic protected areas, given its tremendous biodiversity and its location within an internationally-recognised ‘conservation corridor’, but research by FENAMAD over a two year period has revealed considerable recent evidence suggesting isolated people could live there too.

Three years before Perupetro’s director’s announcement, the government’s Executive Branch proposed a bill reducing the size of the Bahuaja Sonene National Park and annexing part of it for oil and gas. The bill stated the park must be ‘exploited in order to meet the country’s interests and contribute to its development’ and suggested annexing 209,782.537 hectares, reducing the park’s total area to 881,633.463 hectares. The area targeted by the government is in the west of the park. In the late 1990s Mobil explored this region, then called Lot 78, and drilled an exploratory well 3,888 metres deep and discovered what are now known as the Candamo gas fields (op. cit). Proven reserves are estimated at 3 trillion cubic feet.

Forestry concessions

In 2000 the ‘Law on Forestry and Wild Animals’, no 27308, was promulgated. As part of its implementation, the Ministry of Agriculture issued a series of ‘resolutions’ creating twenty-five million hectares of forestry concessions, known as ‘permanent production forests’ (Pulgar Vidal, s.f.). In Madre de Dios FENAMAD stressed to the government that these concessions should not include territory inhabited by isolated peoples, but despite their efforts some of the isolated peoples’ land along the R. Las Piedras, R. Tahuamanu and R. Acre was included. As FENAMAD predicted at the time (2001), this has led to repeated encounters between isolated people and the loggers working in the concessions, some of which have been violent and led to people being wounded. In August 2006 a group of workers from the ‘Mayorga’ concession on the R. Las Piedras were attacked by a group of isolated people. FENAMAD (2009) has verified the details. These isolated people were previously identified in 1996 by Mobil, which featured this area, along with three others, on one of its maps and called it an ‘Epidemiological High Risk Zone.’ Evidence of the isolated peoples, including houses and tracks, is extremely common in that region.

More recently, in November 2009, there was another incident involving isolated peoples and loggers, this time from a company called CORPMAD, which took over from Mayorga. In a letter to a local government forestry official, CORPMAD’s manager wrote, ‘Yesterday we received a call from our technician in the field working on the procedures for our ‘Annual Operations Plan’ and ‘General Management Plan’ who reported that the control post near the (isolated peoples’) reserve has been destroyed and our employees are being followed and harassed by numerous natives and people in the concession area. They have asked us for help and for more workers. Six members of the team have already fled because they’re scared and defenceless against the attacks and obstacles which they may have to face and will restrict their work (FENAMAD, 2009). Clearly, these kinds of incidents are the isolated peoples’ way of saying they don’t want contact with outsiders, and it is likely they will continue until the logging company leaves the region. FENAMAD has documented all of these incidents and has urged the government to create a buffer zone around the isolated peoples’ territories where forestry concessions, or indeed any kind of operation or activity, are prohibited. The five proposed reserves for the isolated peoples are all affected by ‘permanent production forests’ (IBC, 2008).
**The Izconawa’s future: a highway and a railway**

The aggression against the Izconawa, already decimated by past contact, appears to have no end. Loggers, miners and drugs traffickers continue to operate in their reserve, and the problems facing them have now taken on a specifically international dimension since 2010 and efforts of both Peruvian and Brazilian governments, at both local and national levels, to promote a policy of bi-national integration involving a series of trade, energy and highway projects. A series of meetings between officials from both countries have been held, and a ‘Bi-National Work-Group on Amazon Co-Operation and the Development of the Peru-Brazil border’ and a ‘Bi-National Forum for the Sustainable Development of the Acre-Ucayali region’ have been created with the aim of putting the bi-national agenda into practice.

Top of the priorities list is transport: the construction of a railway and a highway between Cruzeiro del Sur in Brazil and Pucallpa in Peru, both of which would run right through the Isconahua Reserve, have already been proposed. On 24 March 2008 Peru’s president promulgated a law, no. 29207, declaring the construction of the Peruvian part of the ‘Transcontinental Brazil-Peru Atlantic-Pacific Railway’ (FETAB), spanning Ucayali, Huanuco, Pasco, San Martin, Amazonas, Cajamarca and Piura, a public necessity and in the national interest. According to the law’s Article 1, ‘FETAB will begin in Boqueirao da Esperanca in Cruzeiro del Sur in Acre in Brazil and end at the ports of Paita and Bayovar, in Piata and Sechura provinces, in Piura.’

Over a year and a half later, on 11 December 2009, the highway was approved too, in a joint statement by the presidents of Peru and Brazil and supported by the regional governments of Ucayali and Acre. This would be built as part of the ‘Initiative for the Regional Integration of South America (IIRSA), a massive, continent-wide initiative involving twelve South American countries and aimed at developing the transport, energy and communications infrastructure in South America as a whole. It includes the governments of all these countries and the region’s three multilateral financial institutions, the Banco Interamericano de Desarrollo (BID), the Corporación Andina de Fomento (CAF) and the Fondo Financiero para el Desarrollo de la Cuenca del Plata (FONPLATA), co-ordinating actions and sharing information.

Given the potential impacts of both these projects on isolated peoples, indigenous leaders in Peru and Brazil have publicly expressed their opposition to them. Luis Nukini, from Acre, has said, ‘No kind of conversation has ever been held with indigenous organizations about these projects. Both highway and railway should be abandoned, given how they would affect the isolated peoples in the Izconawa Reserve in Ucayali, the Sierra del Divisor National Park in Acre, the native communities in the region, and an immensely large, biodiverse region spanning both countries.’ In November 2008, representatives from a number of indigenous organizations and NGOs signed the ‘Declaration of Pucallpa’ in which they demanded that the Peruvian and Brazilian governments implement common policies in the border region, and for the ‘Bi-National Work-Group on Amazon Co-Operation and the Development of the Peru-Brazil border’ and the ‘Bi-National Forum for the Sustainable Development of the Acre-Ucayali region’ to prioritize protecting the isolated peoples’ territories, indigenous peoples’ rights, and the environment and biodiversity, all with the effective participation of the relevant indigenous organizations (Declaration of Pucallpa, 2009).

**Hydroelectric power stations**

One of the clearest expressions of the government’s policy to promote investment is its Energy Agreement with Brazil, signed on 16 June 2010, which established the legal framework to construct a series of hydroelectric power stations in the Peruvian Amazon to supply Brazil with electricity permanently for thirty years. These power stations would be Inambari in Madre de Dios, Puno and Cusco, Paquitzapango, Tambo 40 and Tambo 60 in Junin, and Mainique 1 in Cusco. The companies responsible for the feasibility studies, construction and operation are Brazilian, and they are being financed by Brazil’s National Bank for Social and Economic Development (BNDES). According to the USA’s Bank Information Centre (BIC), while Peru has the capacity to produce more than 6000 megawatts to meet its current demand for electricity, Brazil, an emerging power, will have a projected demand of 174,000 megawatts by 2030 (BIC, 2010). Under its June 2010 Energy Agreement, that new demand would be met by Peru.

If these plans go ahead, 1000s of indigenous people and others will have to abandon their land, homes, farms and crops and other possessions in Junin, Cusco, Madre de Dios and Puno. The Inambari power station alone would mean flooding 40,000 hectares. According to the BIC, ‘The reservoirs required by the power stations could force 4,000 people at Inambari, including both in-
indigenous people and mestizos, and up to 10,000 people at Paquitzapango to abandon their homes. The majority at Paquitzapango would be Ashaninka, who were forcibly displaced during Peru’s internal armed conflict (in the 1980s and 1990s) (2010). No doubt, these upheavals would force people into new, neighboring regions like the Cordillera Vilcabamba, the Kugapakori, Nahua and Nanti Territorial Reserve, and the Bahuaja Sonene National Park, and put pressure on the people already there, some of whom live in isolation or initial contact.

There would be other effects too. One, an increase in diseases like malaria, yellow fever, dengue, leishmaniasis, schistosomiasis and blindness (Arce, 2009, citing the World Commission on Dams, 2000). Two, environmental impacts including changes in river systems, changes in water temperature, changes in the availability and distribution of forest species seeds, interruptions in fish migration and reproduction, significant volumes of greenhouse gases, wildlife loss, and the deforestation and/or destruction of the eco-systems along the flooded rivers (Dourojeanni et al, 2009).

As Peru’s Rural Education Services et al (2010) have pointed out, Peru doesn’t have a national energy policy, nor the capacity to regulate investment or the impacts the power stations will have. Moreover, the existing power stations in Peru’s sierra produce enough electricity to supply the country’s domestic needs, making it clear that there is no reason to pursue projects that would have such severe impacts. This tendency to put the needs and interests of others ahead of Peru’s own population and the Amazon in particular is evident in other sectors of the economy, like the oil and gas sector.

**Land available for investment**

On 5 June 2009 world attention turned to Peru. From six o’clock that morning news began to circulate about a violent clash following an operation by the police, acting on the orders of the highest government circles, to clear a large group of indigenous protesters blocking roads and bridges on the outskirts of a town called Bagua, in Amazonas, in Peru’s northern Amazon. The result was thirty-three people dead, more than 100 injured, scores of people arrested, and one man ‘disappeared’, plus huge impacts on the families who lost relatives and the country in general. Given the severity of the situation, the UN became involved, with officials and UN bodies, such as the Special Rapporteur on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues, visiting Peru or making public statements.

Over two years before, on 20 December 2007, Congress had passed a law, n° 29157, giving the Executive Branch temporary powers to create a legal framework for Peru to meet its obligations under a ‘free trade agreement’ signed with the USA, and as a result, between March and June 2008, the president promulgated ninety-nine ‘legislative decrees.’ The protests at Bagua, which had lasted for more than fifty days, were a direct response to these decrees. Not only did several of them have nothing to do with the trade agreement, meaning the Executive Branch had exceeded its authority, but some of them promoting investment, productivity and agriculture had serious consequences for indigenous peoples’ rights. One of the key issues for the protesters was how these decrees would impact on the collective rights of ‘native communities’, as well as campesino communities, and thereby violate both Peru’s Constitution and the ILO’s Convention 169. Furthermore, some of the ‘legislative decrees’ contained ‘articles’ from a series of bills known as the ‘Law of the Jungle’ which had also been aimed at promoting investment in the Amazon and which months before had been submitted to Congress but then abandoned because of their inconsistencies, violation of current law, and the massive social upheaval they might generate.

These ‘legislative decrees’ also affected isolated peoples whose territories had not been officially recognised by the state and therefore could be made available to companies or others wanting to invest in them. This was the case with the five proposed reserves. For example, ‘legislative decree’ no. 994 specifically threatened isolated peoples. Published on 13 March 2008, it promoted private investment in irrigation projects as part of a plan to expand the agricultural frontier and stated that all ‘fallow land’, i.e. land that could be exploited for agricultural purposes but hadn’t been because of lack of or too much water, belonged to the state, with the exception of land held privately or communally and registered publicly. There is no doubt that this definition of ‘fallow land’ would include ‘aguajales’, i.e. large swathes of aguaje palm trees, which form a key part of isolated peoples’ territories and are valued and used by them in various ways (Cross-Party Commission, Peruvian Congress, 2008).

Other examples were ‘legislative decrees’ n° 1064 and n° 1089. Both were published on 28 June 2008 and aimed at promoting individual land titling and investment in the Amazon without guaranteeing the land rights of ‘native communities’ nor the isolated peoples. As the Peruvian NGO Derecho, Ambiente y Recursos Naturales
(DAR) pointed out, the delay in considering or approving the proposed reserves could violate the isolated peoples’ rights if they decide, in the future, to make contact. ‘given that those areas, thanks to the legislative decrees, could already have been allocated to investors or others. Once given the rights, those third persons would face no obstacle in exploiting the resources in these areas and would reduce the size of the region where the isolated people could choose to settle in the future.’

On the day before the violence at Bagua, 4 June 2009, the Defensoría del Pueblo filed a lawsuit with the Constitutional Tribunal, Peru’s highest court, claiming ‘legislative decree’ nº 1064 was unconstitutional. This claim was based on numerous grounds. One, it violated the principle of the separation of powers and/or the division of functions. Two, it violated the constitutional principle of law regarding the granting of basic rights, a power that applies to ordinary laws and not to any legal norms promulgated by the Executive Branch on the special authority of Congress. Three, it violated Article 104 of Peru’s Constitution by exceeding the authority delegated to it by Congress and violating basic rights to land ownership, prior consultation and cultural identity (Defensoría del Pueblo, 2009). N° 1064 has since been repealed, but nº 994 is still in force and so too is nº 1089.

‘Protected Natural Areas’ and the Spread of Epidemics
Peru’s law on ‘protected natural areas’, Supreme Decree 038-2001-AG, specifically acknowledges indigenous people in isolation, ‘sporadic contact’ and ‘initial contact.’ Although this acknowledgement is very brief and superficial, it states that in all these areas the isolated peoples’ ancestral uses of the land should be respected and mechanisms to make them compatible with such uses should be adopted. Indeed, the regulations regarding particular protected areas, such as the Alto Purus National Park, have dealt in detail with the isolated peoples’ rights, and the rangers responsible for protecting such areas frequently find evidence of them and record it, when possible, in reports, photos and video footage that are sent to each ‘protected area’s headquarters.

However, despite this, not one ‘anthropological plan’, ‘contingency plan’ or any kind of protection measure has been approved to date in any of Peru’s ‘protected natural areas.’ This is especially serious in places like the Manu National Park where epidemics have been repeatedly introduced by visitors permitted to enter the park by INRENA and killing Matsigenka in isolation or initial contact. In the Alto Purus National Park, the risk of disease comes mainly from Pioneers Mission, which has founded two villages to make contact with the isolated people in that region. One of these is on the R. Purus and the other on the R. Curanja, bordering the park.

IV. THE ROLE OF THE STATE

INDEPA
The Instituto Nacional de Desarrollo de los Pueblos Andinos, Amazónicos y Afroperuano (INDEPA) was established in April 2005 by law nº 28495 as the leading state institution for national policies regarding Andean, Amazonian and Afro-Peruvian peoples. It was a decentralized, multi-sector, autonomous institution responsible for promoting, asserting and defending Andean, Amazonian and Afro-Peruvian peoples’ rights, with ministerial status and legal status under public law, and it was attached to Peru’s cabinet. According to the law’s Article 13, ‘priority is given to the Andean, Amazonian and Afro-Peruvian people living in border regions and in voluntary isolation.’

However, in February 2007, only a few months after Alan Garcia Perez became president, INDEPA was absorbed into the Ministry of Women and Social Development (MIMDES). This reduced its powers and resources significantly, and rode rough-shod over the efforts of indigenous Andean and Amazonian organizations between 2001 and 2005 to establish a state institution specifically responsible for indigenous peoples. Protests by these organizations led to the absorption being annulled, but INDEPA remained attached to MIMDES rather than the cabinet. These changes were highlighted by a number of civil society organizations in an ‘Alternative Report’ sent to the ILO in 2008 about the ILO’s Convention 169. Reference was made to ‘INDEPA’s lack of any real power. It is part of the Ministry of Women and Social Development, which inhibits the way it functions and undermines indigenous participation in the decision-making process’ (Commission of Experts on the Application of ILO Conventions and Recommendations, [CEACR], 2008). In response to this report, the ILO’s Commission of Experts stated, ‘The Commission urges the (Peruvian) government to continue with establishing the institutions and mechanisms stipulated in Article 33 of the Convention, with the participation of and in consultation with indigenous peoples, in order to ensure that these institutions or mechanisms can meet their ob-
Group of Mashco Piro in Yanayaco sector, photographed on the banks of the Upper Madre de Dios River in May 2011 - Photo: Karina Achahuanca

Matsiguena child from Tayakome community showing Mashco Piro arrows shot at a community member in warning - Photo: Daniel Rodriguez, 2010
lignations, and that the government provides information about the measures taken in order to do this’ (op.cit.).

INDEPA’s impotence became even more notorious in 2008 and 2009 when there were massive indigenous protests across Peru. The culmination was the violence at Bagua, which led to the resignation of the Minister of Women and Social Development and then, in July 2009, the following month, an announcement that INDEPA would be reorganized again. It was in this context that the CEACR, in its 79th session, made further recommendations to Peru’s government, urging it to ensure the participation of indigenous peoples’ representative organizations in the design and implementation of its policies regarding indigenous peoples, which included reforming INDEPA. It urged the government to ensure that INDEPA had the necessary means to function, and that it could do so independently and with genuine influence in the decision-making process (CEACR, 2009).

On 10 February 2010 INDEPA was re-attached to the cabinet by Supreme Decree 022-2010-PCM. It was acknowledged that as a result of its position within the Peruvian state INDEPA had not been able to fulfil the responsibilities stipulated in Article 33 of the ILO’s Convention 169, and it stated that under MIMDES INDEPA was limited in its dealings with other Executive Branch institutions and other levels of government. Finally, the law justified INDEPA’s re-attachment to the cabinet on the grounds that the regions where Andean and Amazonian communities live are generally the least developed in the country; regions where social conflict is common and very often there are mining or energy projects, or where there could be in the future, all or national protection plan been designed despite being required by the law passed in 2006. Meanwhile, the violation of the isolated peoples’ rights continues, principally due to outsiders, both legal and illegal, in their territories. In public meetings, officials from the Ministry of Health and the Defensoria del Pueblo have said that INDEPA’s lack of capacity is impeding their own attempts to protect the isolated peoples, since it is INDEPA that should be leading and coordinating other state institutions (Huertas, 2010). Given all this, it is clear that Ollanta Humala’s government, which came to power in 2011, faces a huge challenge in overcoming INDEPA’s chronic mismanagement and in recognizing, in practice, the rights of indigenous peoples in isolation and initial contact to their land by establishing reserves for them, protecting them, and adopting mechanisms aimed at guaranteeing their basic rights.

**Legislation**

The process of writing legislation specifically for isolated or initially-contacted peoples was begun in 2003 by AIDESEP when its president was Antonio Iviche, a Harakmbut man. Shortly afterwards, a group of NGOs joined AIDESEP’s initiative and after six months they had drafted a series of legislative proposals under the title ‘Special Regime for Indigenous Peoples in Voluntary Isolation and Initial Contact’, presented to Congress in 2004. Its aims were to guarantee their rights to self-determination, ownership and ‘intangibility’ of their land, to implement mechanisms to protect it, and to punish those who violated their rights, among other things.

In March 2005, in response to civil society pressure, the cabinet issued Supreme Decree 024-2005PCM establishing a Multisector Commission aimed at drafting a law to protect the isolated peoples and composed of indigenous representatives and officials from the relevant state sectors. The organizations who had participated in drafting the ‘Special Regime’, now participating in the Multisector Commission, tried to incorporate the majority of their proposals into the Commission’s. Indeed, in December 2005, the Defensoria del Pueblo published a report, *Informe Defensorial n° 101*, recommending that Congress pass legislation making the reserves ‘intangible’, i.e. off-limits to outsiders like oil and gas companies, although while the law was being written the Commission was under constant pressure from the oil and gas sector, both public and
private, to permit oil and gas operations to continue in these reserves.

Eventually, in May 2006, Congress passed the law, no. 28736, titled, ‘Law for the Protection of Indigenous or Native People in Isolation or Initial Contact.’ It was full of contradictions and loopholes. At the same time as acknowledging that isolated or initially-contacted people need protection, it weakened the ‘intangibility’ of their reserves and permitted oil and gas operations in their territories. This decision is totally incompatible with their right to live in isolation and extremely dangerous given their vulnerability to outsiders’ diseases.

Another questionable aspect of law no. 28736 is its invention of the legal concept ‘Indigenous Reserve’, which is defined as an area of land demarcated by the state for isolated people without clearly recognizing their land rights to it. At the same time, it states that their land rights can only be guaranteed if they adopt a sedentary way of life, without taking into account that Peru’s Constitution recognizes communities’ rights to autonomy in the way they use their land. Moreover, it dangerously lengthens the process required to categorize people living in isolation and initial contact and to establish reserves for them, stating that a ‘human group’ must be classified in isolation or initial contact before a reserve can be established but not specifying how this should be done or what precautions should be taken to do so. On the contrary, it stipulates gathering the kind of information, such as demographic statistics, which could put the isolated peoples’ lives at risk and violate their rights to self-determination. Neither does the law consider ways to protect the isolated peoples’ land, neither during the long process required to classify them as such or to establish reserve, nor once the reserves have actually been established. All in all, it can be said that the legislation dealing specifically with isolated or initially-contacted people has not fulfilled and will not fulfill, if things continue as they are, its declared intention to protect them and their land.

### The Territorial Reserves currently in existence

<table>
<thead>
<tr>
<th>Territorial Reserve</th>
<th>Resolution</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Mashco-Piro Territorial Reserve</td>
<td>Regional Departmental Resolution N° 000190-97-CTARU/DRA, 1 de April 1997.</td>
<td>The district of Purús in Atalaya province, in Ucayali.</td>
</tr>
</tbody>
</table>

Source: Defensoría del Pueblo, 2006
**The Multisector Commission:**
**Territorial Reserves and Indigenous Reserves**

In March 2009 the government established the ‘Multisector Commission for the Protection of Indigenous Peoples in Isolation and Initial Contact.’ This was amid unprecedented media pressure on the government following extensive criticism of its failure to address the problems facing isolated peoples on the Peru-Brazil border whose territories were being invaded by loggers.

The Commission consists of: a) a representative of INDEPA b) a representative of the Defensoria del Pueblo c) a representative of the Ministry of Education e) a representative of the Ministry of Health d) a representative of the provincial government in the region the isolated or initially-contacted people live f) a representative of the regional government in the region the isolated or initially-contacted people live g) a member of an anthropology department at a public university chosen by the National Assembly of Rectors and h) a representative of a private university also chosen by the National Assembly of Rectors. Its role is to implement Law no. 28736: to establish new ‘indigenous reserves’ and adapt the ‘territorial reserves’ already established. Despite the fact that it was indigenous organizations who were primarily responsible for the establishment of all five of these reserves, not one of them has a representative on the commission, and nor do any of the other civil society organizations which have been working to protect isolated peoples’ rights.

According to Article 3 of Law no. 28736, the Multisector Commission must carry out research or conduct fieldwork to consider any proposal to define people in isolation or initial contact, or to establish an ‘indigenous reserve’ for them. However, since it was created, the commission has only met twice. The second meeting took place in January 2010 to discuss a report prepared by the commission’s secretary and recommending it reject AIDESEP’s proposal to establish a reserve in the R. Napo and R. Tigre region. This recommendation was based largely on questions of ‘form’ in AIDESEP’s ‘territorial demarcation report’ and cited the requirements for such reports as stipulated by Law no. 28736, without appearing to take into account that AIDESEP’s report was submitted before the law came into effect.

Between 1997 and 2002 the government established five reserves for isolated or initially-contacted peoples. These are the Kugapakori, Nahua and Nanti Territorial Reserve, the Murunahua Territorial Reserve, the Isconahua Territorial Reserve, the Mashco-Piro Territorial Reserve, and the Territorial Reserve for the Mashco-Piro and Inapari, the latter in Madre de Dios. Only one of these, the Kugapakori, Nahua and Nanti Territorial Reserve, is recognised legally by a Supreme Decree. In addition, there are also the five proposed reserves: the Kakataibo Territorial Reserve, supported by AIDESEP and the IBC, and the Napo-Tigre Territorial Reserve, the Yavari-Tapiche Territorial Reserve, the Maquila-Calleria Territorial Reserve (formerly the Kapanawa Territorial Reserve) and the Yavari-Mirim Territorial Reserve, supported by AIDESEP and one of its regional affiliates, ORPIO. None of these proposals have been dealt with by the commission.

**Conclusions**

The Peruvian Amazon is home to a large number of indigenous peoples, or groups of such peoples, in isolation or initial contact. They are the survivors of attacks and abuses mostly committed between the end of the 19th century and the early 20th century who have chosen to limit their interaction with surrounding society as a specific survival strategy. They are extremely vulnerable to outsiders’ diseases and to invasion of their territories by outsiders.

The violation of the isolated peoples’ rights has continued for 100s of years with total impunity. This is as much the fault of the Peruvian state as it is the fault of the people who invade their territories and force contact with them. The ‘mega-projects’ and investment projects that are being rapidly approved as a result of the government’s economic policy, most of which involve the extractive industries, highway-building, hydro-electric power and agriculture, constitute a new wave of threats to them and their territories.

To date, five reserves have been created for the isolated and initially-contacted peoples following the efforts of numerous civil society organizations, most of them indigenous. In addition, there are proposals for the establishment of five more reserves, one of which was made in 1999 and, like the other four, have been ignored by the state.

The government’s failure to respond to demands to protect the isolated peoples has meant resorting to legal means, with lawsuits filed in Peru and appeals to the Inter-American Commission on Human Rights.

The territories of the isolated and initially-contacted peoples are not protected. The law supposedly intended to do so contains contradictions and loopholes which permit operations dangerous to them to take place in their reserves.
INDEPA has been subject to permanent re-structuring since its foundation in 2005. This, in addition to its lack of autonomy and resources, has significantly impeded its ability to fulfil its responsibilities to protect the isolated and initially-contacted peoples. Its participation in one oil company’s multidisciplinary research team investigating the existence of isolated peoples near the border with Ecuador contradicts its supposed impartiality and suggests its bias in favour of oil and gas operations over the isolated peoples. As for the Multisector Commission, it has made absolutely no effort to establish new reserves even though it was founded two years ago.

The law on ‘protected natural areas’ states that isolated peoples’ ancestral uses of their land to meet their subsistence needs should be respected and promotes mechanisms to make those uses compatible with the ‘protected natural areas’, but nothing has been done to meet the requirements of that law or in other national and international law about isolated peoples.

There has been no bilateral coordination with other countries despite the presence of isolated and initially-contacted peoples in cross-border regions with Brazil, Ecuador and possibly Bolivia, and the invasion of their territories by outsiders.

**Recommendations to the government**

Declare the protection of people in isolation and initial contact a high priority.

Recognize and then ratify all their territories and grant them legal security.

Establish a special legal system guaranteeing the ‘intangibility’ of their territories and implement mechanisms to protect them. As part of this, modify Article 5 of Law n° 28736 in order to prohibit any kind of activity that involves entering their territories.

Establish the mechanisms necessary to guarantee respect for their rights to their own way of life, identity, culture, economic practices and self-determination.

Ensure that the laws on ‘protected natural areas’ guarantee their rights and that the authorities responsible for these areas adopt mechanisms to protect them and which are prepared with the participation of the local population, indigenous organizations, park rangers and other officials involved.

Remove, urgently and discreetly, loggers in reserves, proposed reserves or any other regions inhabited by them.

Prioritize the design and implementation of laws and mechanisms to prevent, contain and mitigate the diseases which could spread to them.

Impose stricter punishments for people who put them at risk, especially considering the threat of extinction facing them.

Abandon any actions or mechanisms intended to prove their existence but which put them at risk or violate their right to self-determination.

Prepare in case they decide to establish contact so this doesn’t lead to them dying, ethnocide or their exploitation by others.

Make known, among all the relevant state sectors, the preparation and implementation of plans to prevent, contain and mitigate the impacts of contact in case it happens.

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**Notes**

1. All the ‘territorial demarcation reports’ (in Spanish, estudios técnicos de delimitación territorial) about isolated peoples have been prepared according to the ‘Law on Native Communities and Agricultural Development in the Forest and High Forest regions’ (Decree Law no. 22175).
3. Rosengren (2004) points out there are also rumours of isolated Matsigenka on the left bank of the R. Urubamba.
4. Some of the names used include Aucas, Pata Roja, Pananujiri, Aushiri, and Abirija.
5. Álvarez Alonso, José and Marcial Trigoso Pinedo, unpublished manuscript.
8. For more information see the Ucayali regional government’s website: www.regionucayali.gob.pe

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“I sing to remember the time when we were free, free from illness, free from pollution; I remember when there was mutual respect, the children, the youth, respected us. We elders were highly respected and so, with this song, I want to remember the time when we used to live well, without borders. But one day some coñones2 arrived and that was our ruin. They took everything from us, even our women, they exploited us, we worked for them for free, they lied to us, telling us that we should leave the countryside because the cities had everything and there was nothing bad there, they lied. What can we do? Our children are becoming more like them. It brings us great sadness. This song ends here but let us continue to fight for the lives of our brothers in the bush.”

Song by Imeseane, a Paraguayan Ayoreo

For the indigenous peoples who live in the Bolivian lowlands, the wider society – whether of colonial or indigenous origin - represents a threat to their cultural survival. These minority peoples, in initial contact, living in isolation or in intermittent contact, are suffering the plundering of their forest, the pollution of their water, the construction of highways across their lands, oil and gas exploration and exploitation concessions, logging, the colonisation of their lands and monocropping of soya and coca, along with acts of extreme violence aimed at divesting them of their livelihoods and identities. Across the different geographical zones, from the Amazon rainforests to the dry woodlands of the Chaco region, violence and ethnocide are the daily experience of the physical, cultural and social lives of thousands of indigenous peoples, belonging to dozens of different and unique peoples. It is to these processes and the resistance of these indigenous peoples that this text refers.

Background

The situation of indigenous peoples minorities is a longstanding concern in Bolivia. Various institutional initiatives have focused on this issue since the 1990s, although most of them have ended in failure.

“In 1995, for the first time in the country’s indigenous history, officials from what was then the Ministry of Human Rights, through the Vice-Ministry of Ethnic Affairs and the President of CIDOB, produced a project entitled Protection Programme for Highly Vulnerable Indigenous Peoples (PAPIAV), which was submitted to the Belgian government’s development agency; this initiative was followed by a number of projects submitted to UNDP: in the end, none of them went ahead and they all came to nothing.”

In 2005, the First International Meeting on Indigenous Peoples Living in Isolation in the Amazon and Gran Chaco Region took place in Belem do Para, with Bolivian participation. It was at this meeting that it was decided to establish the International Alliance for the Protection of Indigenous Peoples in Isolation and at which the Belem Declaration on indigenous peoples living in isolation was adopted. The following year, the Bolivian state, along with other social organizations, sponsored a Regional Seminar on Indigenous Peoples in Isolation and Initial Contact in the Amazon and Gran Chaco Region.

Following this event, an Inter-institutional Commission on Highly Vulnerable Indigenous Peoples was established with the aim of implementing the recommendations, and this functioned, until 2009, with the technical and financial support of Danish cooperation. The commission comprised: i) the Vice-Ministry of Community Justice, ii) the Vice-Ministry of Traditional Medicine and Intercultural Health, iii) the Ministry of the Presidency, iv) the Vice-Ministry of Land, v) the Ombudsman, vi) the
Ministry of Cultures and vii) the Ministry of Foreign Affairs. Unfortunately, their participation was never formally agreed via a signed document and so the commission never enjoyed the necessary institutional legitimacy. During the time that it was operational, the commission organised and was involved in various important activities, for example, a national symposium on the health of highly vulnerable indigenous peoples in 2008 and a bi-national meeting of the Ayoreo people in 2009. In addition, a proposal to conduct a census of the Ayoreo people was jointly produced with the Central Ayoreo del Oriente Boliviano (CANOB) and funding received from international cooperation, although the Ministry of the Presidency blocked its implementation.

The Commission folded in 2009 but the issue continued to be discussed within the Ministry of Justice which, in 2011, prepared a “Draft bill of law proposal on the protection of native indigenous nations and peoples in danger of extinction, in voluntary isolation and un-contacted”. This bill forms an excellent basis around which to launch a process of indigenous consultation and thus produce a text that has been agreed with the representative organizations of these peoples.

Also of concern is the situation of high-risk vulnerable communities, such as the Yuki and Ayoreo peoples, who were until recently living in voluntary isolation.

The gradual invasion of the lowlands indigenous territories due to the expansion of agri-business, natural resource exploitation and settlers from other parts of the country has left some indigenous peoples in a particularly vulnerable situation. The Yuki and Ayoreo, and other recently contacted people, are experiencing serious social and cultural restructuring, and are frequently the victims of discriminatory treatment on the part of other social sectors.

As a civil society organization, the Confederación de Pueblos Indígenas de Bolivia (CIDOB) has, since 2006, specifically tasked a person to work on this issue. Various activities have been conducted with the support of the International Work Group for Indigenous Affairs (IWGIA), including an in-depth investigation into the legal aspects of protecting peoples in isolation. CIDOB has also maintained a presence within the International Indigenous Committee for the Protection of Peoples in Isolation and Initial Contact in the Amazon, Gran Chaco and Eastern Region of Paraguay (CIPIACI).

While the state institutions were reflecting on the issue, various texts were being published in this regard and, during the debates in the Constituent Assembly, an article specifically referring to the rights of un-contacted peoples was included in the new constitution, making Bolivia the second country in the world, after Ecuador, to establish constitutional protection for these peoples.

### Article 31

I. The native indigenous nations and peoples in danger of extinction, in a situation of voluntary isolation or un-contacted, shall have their individual and collective ways of life protected and respected.

II. The indigenous nations and peoples in isolation or un-contacted shall enjoy the right to remain in this situation, and to the demarcation and legal consolidation of the territory they occupy and inhabit.

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Political Constitution of the Plurinational State of Bolivia.

In September 2008, the Bolivian state sent a representative to the First Regional Meeting of Government Authorities on Indigenous Affairs organised by the member countries of the Amazonian Cooperation Treaty Organization, in Georgetown, Guyana. One of the items on the agenda was the protection of indigenous peoples in isolation. The Georgetown Declaration contains the following points of relevance:

The importance of strengthening an exchange of experiences and information on these peoples and on their characteristic mobility, along with methodologies for taking care of them, was noted.

The creation of a permanent sub-committee to focus on indigenous peoples in voluntary isolation or initial contact was suggested, in which representatives from the Amazonian Parliament (PARLAMAZ), the Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA) and the As...
The creation of a Regional Observatory on indigenous peoples in voluntary isolation was also proposed, which would enable an early warning system to be established.

In 2009, while the Inter-institutional Commission was still operational, a process was commenced to jointly define, with the Paraguayan government, measures to protect the Ayoreo living in isolation around the borderland. The Ayoreo organizations in Paraguay and Bolivia were behind this initiative. Largely because of the region’s natural gas and oil potential, however, the Bolivian government was unwilling to implement territorial protection actions in areas where the presence of peoples living in isolation was proven.

The Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) is considering visiting Bolivia to study the complaints made to the 141st ordinary session of this body by the Central Ayoreo Nativa del Oriente Boliviano (CANOB) and the International Indigenous Committee for the Protection of Peoples in Isolation and Initial Contact in the Amazon, Gran Chaco and Eastern Region of Paraguay (CIPIACI).

(...), during the hearing held on 25 March 2011 in Washington, the IACHR listened to the information presented by Teresa Nominé, Ayoreo Congress Member (MAS) and the President of CIPIACI, Jaime Corisepa (...). The thematic hearing was requested by CIPIACI (...). Corisepa indicated that it was becoming increasingly difficult to defend and protect isolated peoples because of the increased pressure being placed on their territories and the growing harassment of the organizations that were speaking out in defense of these peoples (...). He informed the commission that there were common patterns of behavior amongst the region’s states that were facilitating the violation and defenselessness of indigenous peoples in isolation.

Ms Nominé illustrated how groups of isolated Ayoreo were being deprived of special protection measures for their territory. She stated that the signing of a jointly agreed supreme decree had been rejected despite the fact that this was based on Article 31 of the Political State Constitution. The decree had anticipated establishing an “untouchable zone” (“zona intangible”) covering 3.4 million hectares along the Bolivian-Paraguayan border, a large part of it in the Kaa Yya National Park in the Chaco region. The government observed that the stated area included areas of oil exploitation under the state’s responsibility and owned by the Bolivian people.

Although Bolivia has enacted a fundamental law protecting peoples in isolation, it has not yet designed or implemented the necessary measures to protect their right to isolation. On the contrary, threats against these peoples and their territories have intensified.

Every day, coca growers and settlers advance further into the tropical forests, destroying them and depriving the Amazonian indigenous peoples of their ancestral territories and means of subsistence. Alongside this, highways and oil wells are the visible signs of a state policy that rejects the right to free, prior and informed consultation, as established in Bolivian legislation and international commitments made by the country. Given this critical reality, the organizations representing the most vulnerable indigenous peoples have intensified their activities to defend their territories, their right to consultation and to protect their brothers in isolation. The approval of a relevant legal framework has thus become a priority.

Indigenous peoples from the Bolivian Amazon call on the Legislative Assembly to approve a law defending the rights of un-contacted peoples and those in danger of extinction in the Amazon.

This was the main conclusion to emerge from the “First Meeting for the Defense of Highly Vulnerable Indigenous Peoples in Isolation and Initial Contact in the Amazon and Gran Chaco Region” (...). The meeting, held in the north of the country, enjoyed the participation of representatives from the Vice-Ministry of Peasant, Native and Indigenous Justice, the Confederación de Pueblos Indígenas del Oriente Boliviano (CIDOB), the Central Indígenas de la
The fact that the Confederación de Pueblos Indígenas de Bolivia called a national meeting about isolated indigenous peoples indicates the importance and the urgency of the issue for the indigenous peoples of the lowlands.

“Holding a meeting (...) to analyse and evaluate the problem and establish an action plan to defend the rights of highly vulnerable indigenous peoples in isolation in the Amazon and Gran Chaco is of unusual historical significance given that it is now the time for these rights to become known, to be taken on board and to be respected by all; otherwise they will form the paradoxical epitaph of more than a dozen peoples currently living on the national territory and who form – as the inherent cornerstone and origin of - what is today known as the Plurinational State (...) The meeting took place in the presence of (nearly) all stakeholders involved in the issue of highly vulnerable peoples (...) For two intensive days, different speeches were made and the situations of highly vulnerable peoples in isolation and initial contact denounced but, above all, a minimum action plan was debated in some depth, as something that could be immediately implemented with permanent effect in order to establish, for the first time in the country’s democratic life, a visible and proactive agenda to defend the rights of the most forgotten indigenous peoples. I am adamant that this agenda marks an historic inflection point as it defines precisely what we are talking about in Bolivia when we talk of indigenous peoples in isolation and highly vulnerable indigenous peoples.”

The main conclusions from this congress are given in the following table.

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First Meeting for the Defense of Highly Vulnerable Indigenous Peoples in Isolation and Initial Contact in the Amazon and Gran Chaco

Cobija, 7 and 8 December 2011

We confirm our belief that the defense of the right of highly vulnerable indigenous peoples in isolation and initial contact involves strict compliance with and observance of historic Article 31 and all of the Political Constitution of the Plurinational State, the principle of no contact, the UN Declaration on Indigenous Rights, full respect for human rights and strict respect for peoples’ right of self-determination.

Within this framework, it is urgent and necessary to approve a framework law defending and protecting Highly Vulnerable Indigenous Peoples in Isolation and Initial Contact and, in this respect, we welcome the draft bill being produced by the Vice-Ministry of Justice to protect these peoples. However, we feel that this text should be revised, adapted and agreed with CIDOB and all the indigenous organizations until its final approval to ensure that it forms the best guarantee of complying with the spirit of Article 31.

At the same time, it is essential to begin a process of land “immobilisation”, followed by a technical process of demarcation and indigenous territorial control of all indigenous territories, but particularly those which are inhabited by Highly Vulnerable Indigenous Peoples in Isolation and Initial Contact. This process of immobilisation, demarcation and territorial control is the only guarantee that effective
action will commence to defend and protect these peoples, whose territories are being constantly invaded by outsiders, whether loggers, settlers, drugs traffickers, traders, miners, oil companies or others. Given this situation, we protest at the development model and the large infrastructure works for extraction projects and agro-industry that continue to demand victims, devouring peoples and promoting ethnocide and genocide. The common good, and Living Well cannot be understood, far less implemented, without respect for the rights of these peoples.

Because of its urgent nature, in addition to work to develop this bill of law, we call on the different institutions of the Plurinational State, the Ombudsman, the Armed Forces and all relevant national and UN organizations to facilitate, contribute to, ensure fulfilment of and/or safeguard the following tasks, which form a minimum action plan as emerging from the discussions and presentations of the meeting organised by CIDOB in Cobija, namely:

**Toromona Absolute Reserve Zone**
Proceed to its demarcation, urging the Armed Forces, in coordination with the National Service for Protected Areas and other bodies responsible for safeguarding borders, to intervene in said process to safeguard and protect the territory of the Toromona Absolute Reserve Zone from third party threats, particularly from international drugs trafficking, which may be affecting the life and integrity of the indigenous people living in isolation there. This protection must in particular be verified in the areas of the Lanza-Tambopata, Colorado, Heath and Enajewa rivers and the Alto Madidi settlement area. The administrative resolution issued on 15 August 2006 must be raised to the status of State Law, thus giving greater force to the protective actions. In turn, Madidi Oil Block Concession must be cancelled as this is superimposed not only on the Toromona Absolute Reserve Zone but also on other indigenous territories and on the National Park of the same name.

**Pacahuara Absolute Reserve Zone**
Urge all responsible State bodies to immediately establish a high-level national commission headed by the Ministry of Justice and also comprising the indigenous organizations, the human rights bodies, the Ombudsman and the UN High Commission, in line with their mandates, in order to systematise the information, conduct studies and make the corresponding complaints regarding the situation of the Pacahuara indigenous people in terms of establishing an Absolute Reserve Zone for their strict protection and the untouchability of their territory, and cancel all logging concessions that affect the indigenous territories in accordance with the eighth transitory provision of the Political Constitution of the State.

**T’simane Indigenous Territory**
Given the work that is being carried out, on the one hand, by the Ombudsman of Beni Department and, on the other, by CIDOB in coordination with the T’simane Grand Council and support institutions for the recognition of a special refuge zone for highly vulnerable segments of the T’simane people located in the headwaters and upper courses of the Maniqui River, there is a need to prioritise the protection of these segments by implementing the project for physical and effective territorial control that is being spearheaded by the T’simane Grand Council itself. For this, the Bolivian Navy, the Military Geographic Institute, the Forests and Lands Authority and other relevant bodies need to be urged to coordinate the necessary and sufficient actions to make the stated territorial control project effective.

**Refuge Zones**
In the light of all of the above, but especially the draft bill of law of the Vice-Ministry of Justice and the work being done by CIDOB, the T’simane Grand Council and support organizations in the T’simane Indigenous Territory, we call for multidisciplinary and interinstitutional work commissions headed by CIDOB to be established to identify other refuge zones for indigenous peoples or segments of indigenous peoples living on the national territory, such as segments of the Araona, Chacobo, Yuki, Mosetén Ese Eja, Yuracaré and other peoples to be determined. These refuge zones will need to be safeguarded through the implementation of physical and effective territorial control projects such as that being promoted in the T’simane Indigenous Territory.
Ayoreo Absolute Reserve Zone

On the basis of the studies and conclusions already reached in the production of the so-called Ayoreo Supreme Decree, immobilise and subsequently create the stated Absolute Reserve Zones, excluding any possibility of allowing any kind of hydrocarbon and/or mining activity within their territories. An area located 120 km south of Pailón must be immobilised with particular urgency, as it is threatened by the advance of agroindustry. This immobilisation can be based on preliminary testimonies, gathered and published. Once complete, it will need to be published in Santa Cruz and particularly in the stated region.

Final Statement:

Almost three decades ago, it was stated that Bolivia could no longer live without its indigenous peoples and so we proclaim today, with the same force and the same conviction, that Bolivia and its Plurinational State will only be able to exist, to form a dignified whole, if it defends and protects the last highly vulnerable indigenous peoples in isolation and initial contact in the Amazon and Gran Chaco.

There can be no Bolivia without its highly vulnerable indigenous peoples in isolation.

Source: Servindi, 2011

In Bolivia, as elsewhere, indigenous minorities in danger of extinction, or in initial contact or isolation, are in a critical situation. The country’s main indigenous organizations are all agreed in this regard. Most of these peoples live in tropical forests that are being pillaged by settlers, loggers, coca growers and public and private oil and mining companies. Highways and large infrastructure projects are also threatening them. The effects of climate change now also represent a new factor of risk for the survival of these peoples. Floods, exacerbated by deforestation, have devastated the forests in which isolated and minority peoples live, requiring special mitigation measures and risk management procedures to protect them.13

If the law protecting these peoples were approved, it would thus form a significant milestone in the exercise of their human, cultural, economic, political and social rights and with regard to implementation of Article 31 of the Political Constitution of the State.

The vulnerability of the indigenous peoples of Bolivia’s lowlands

A number of Bolivia’s indigenous peoples and segments of indigenous peoples, primarily in the Amazon and Gran Chaco regions, are in a situation of extreme risk both in terms of their physical and their cultural survival. These peoples find themselves in a structural asymmetry with the wider national society, both indigenous and non-indigenous, because of their lack of resources, their small demographic numbers, the aggression they have suffered and continue to suffer, the loss of their territories and their relegation to marginal areas, among other factors.14 In terms of the country’s total population, Bolivia’s highly vulnerable indigenous peoples represent less than 0.2%, and scarcely 0.3% of the country’s total indigenous population. Nonetheless, they account for almost 20 of the more than 30 indigenous peoples that inhabit Bolivia. In other words, when talking of the peoples at risk of ethnocide and extinction, we are referring only to a small sector of the population with specific problems. As a whole, however, they represent more than half of the country’s indigenous cultures. Like all indigenous populations, they have suffered constant aggression since their contact with the dominant cultures, in all spheres of their social and spiritual life. This is why they are on the verge of extinction, a concept that implies the systematic destruction of their means of subsistence, their production systems and their worldviews.15

Ethnocide is a process by which cultures are stigmatized and their symbolic universe, social relations and economy replaced with systems imposed by socially and culturally sectors. The San José Declaration16 defines it as follows: “Ethnocide means that an ethnic group is denied the right to enjoy, develop and pass on its own culture and its own language, whether individually or collectively. This is an extreme form of a mass violation of human rights, in particular the right of ethnic groups to have their cultural identity respected.” The aggression from which these peoples suffer has been denounced time and again since the beginning of the continent’s colonial period. Such complaints have been systematic since the 1960s.17
Barbados I Declaration

We hereby reaffirm the right of indigenous populations to experiment with their own ideas of self-government, development and defense, without these experiments having to be adapted or subjected to the economic and socio-political systems predominant at any given time. The transformation of national society is impossible if these populations do not feel that they have their destiny in their own hands. Moreover, by affirming the particular socio-cultural features of their indigenous peoples, despite their small numerical size, they are clearly presenting alternatives to the paths already walked by national society.

Inter-American Institute of Human Right (IIHR)

Ethnocide consists of the repression, delegitimization or extermination of the cultural features of indigenous and Afro-descendant peoples even though their members may survive as individuals. It leads to the death of cultural diversity, and involves the gradual disappearance of the specific features of individuals and peoples.

When a dominant society considers that other peoples living on its national territory are at an inferior stage in their social development, they justify and legitimize the frequently forced and violent introduction of civilizing processes. As in the case of Bolivia, these are often implemented by religious missions. Some peoples in the Bolivian Amazon and Chaco regions have been subjected to processes of forced integration and evangelization that have either totally or partially destroyed their social structures, their production systems and their worldview.

“Since the discovery of America, in 1492, a machine for the destruction of the Indians has been put in place. This machine continues to operate where the last ‘savage’ tribes remain in the Amazon forest.”

This process of cultural invasion has gone hand in hand with a decline in their population as a result of the reduction of their lands, the loss of their territorial management system, illnesses, the imposition of a belief system and the presence of settlements on their lands, which restrict their territorial rights. Their traditional power structures, and hence legitimization of decision-making, have been affected by the imposition of foreign systems, thus accelerating the destruction of their societies.

ILO Convention 169 on indigenous and tribal peoples in independent countries was ratified by the Bolivian Congress by means of Law 1257 dated 11 July 1991. With this ratification, its text is enforceable in the country and its provisions form an obligation for the state, hence the importance of its articles in relation to the aggression being suffered by these peoples.

It is noteworthy that its third article establishes that: “Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.” Article Five of the same Convention refers more specifically to cultural rights and identity: “The social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals. The integrity of the values, practices and institutions of these peoples shall be respected.” This, as we know, has not been the case across much of the continent and, indeed, contrasting and hence ethnocidal processes have been the norm in relationships between the dominant and subordinate cultures. The aggression that these minority peoples have suffered at the hands of fundamentalist North American sects is particularly noteworthy, especially the New Tribes Mission (NMT) and the Summer Institute of Linguistics (SIL) which, apart from forcing these peoples into concentration camps, have tried to destroy their symbolic values by imposing an alien religion based on evangelical fundamentalism.19

By bringing the indigenous peoples together in concentrated areas, they exposed them to unknown diseases, forced them to abandon their social and material reproduction systems, delegitimized their authorities and their systems of social cohesion and were partially successful in destroying the specific features of their cultures. Forced evangelisation and the concentration of nomadic peoples in missions under foreign control constitutes a serious violation of these peoples’ human rights. ILO Convention 169 establishes sanctions20
against the unauthorised intervention of outside agents into indigenous territories and societies.\textsuperscript{21}

The contact these sects had with the indigenous peoples of the Bolivian lowlands took place mostly during the 20th century, particularly the second half. Some of these peoples had already had contact with Catholic missions in the colonial period and the Republican era.

\textbf{Introduction of sects among some of Bolivia’s indigenous peoples in the 20th century}

The SIL, the NTM and other sects work in a coordinated manner as they hold similar ideological principles based on the belief “that the coming of the Kingdom of God will arrive when all peoples are evangelized, so they want to evangelize right down to the last tribe as soon as possible in order to speed up this coming.”\textsuperscript{22}

“New Tribes seeks to impose its beliefs on the community, fighting fiercely against ‘bad indigenous customs and traditions’ which, on a theological level, are related to Satan (...) I myself had the opportunity to observe a New Tribes missionary threatening a group of Ayoreo who were talking to me. He ordered them to break off this contact; if not they would be punished by God. This shows the threatening, terrifying, imposition of a group of fundamentalist missionaries.”\textsuperscript{23}

Wherever they have been, and indeed where they continue to be, active the New Tribes missionaries enforce a regime of terror that is in violation of both the indigenous peoples’ individual and collective human rights. According to Miguel Bartolomé:\textsuperscript{24} “The issue is very serious because it forms part of one of the most tragic processes experienced by humanity: the extinction of a way of life, of a civilising experience…”

The extent of this mission’s aggression, along with that of the Summer Institute of Linguists, to name but one other sect, is all the greater given that it is aimed at peoples whose structures for assimilating and controlling social change are destroyed by the forced evangelization. Esteban Mosonyi\textsuperscript{25} indicates in this respect that, in Venezuela, as in the rest of America, “The missionaries consider it a personal triumph if all indigenous cultural references are quashed, given that these are linked to a life system that is considered contemptible.”

Bolivia is a country in which the majority of the population is indigenous. The minority peoples’ vulnerability to ethnocide thus takes on a far greater complexity here than in societies where there is only a dominant Western society in opposition to subordinate indigenous societies. The asymmetries are transformed into a universe in which different ethnic and cultural groups, with different historical and regional features, establish opposing relationships. The migration of Andean peoples to the lowlands has often been directed towards territories occupied by minority peoples, spaces that form their areas of hunting, gathering and shifting agriculture. These settlers have thus contributed to restricting the minority peoples’ territorial space and have increased their vulnerability. Alongside this, a process has been created in the lowlands whereby the native cultures from the country’s Andean region, Western culture and, in a subordinate position, the cultures of the indigenous peoples of these lands, all converge. The geography of vulnerability thus acquires a highly heterogeneous aspect and depends, among other factors, on the processes of colonization, the kind of colonizers and the production systems they establish. Although the colonizing Andean farmers do not have the same impact on indigenous cultures as the logging companies, they have a differ-

\begin{table}[h]
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\begin{tabular}{|l|l|l|}
\hline
\textbf{People} & \textbf{Sect} & \textbf{Period/year} \\
\hline
Araona & SIL & 1964 \\
Chacobo & SIL & 1955 \\
Ayoreo & NTM & 1947 \\
Ayoreo (Zapocó) & South American Mission & 1950 \\
T’simane & NTM & No data \\
Ese Eja & SIL & 1956 \\
Yaminahua & SIL & 1950-1960 \\
Yaminahua & Swiss Evangelical Mission & 1984 \\
Pacahuara & SIL & No data \\
Baure & SIL & 1960-1964 \\
Guarayo & SIL & 1961 \\
Sirionó & Foursquare Church+SIL & 1932 \\
Yuqui & NTM & 1967 \\
Yuracaré & SIL & 1950’s \\
Guaraní simba & NTM & No data \\
\hline
\end{tabular}
\caption{Introduction of sects among some of Bolivia’s indigenous peoples in the 20th century}
\end{table}

ent concept of natural resource use and this affects the sustainability, the environmental balance that tropical production systems require. The minority peoples may therefore be subjected to processes of cultural change and intervention in their sources of social and material reproduction on the part of not only a society representing the country’s colonial heritage but also other indigenous peoples displaced from their native regions and who colonize their territories.

The peoples who risk ethnocide and physical extinction in Bolivia can be classified into the following categories:26 i) peoples or segments of peoples in isolation ii) peoples or segments of peoples in initial contact, iii) minority peoples in intermittent or permanent contact.

Some of these peoples, both contacted and in isolation, are located across international borders.27 This means that international borders now cut through their living spaces, restricting their movements and their shifting production systems. This cross-border situation only heightens their vulnerability by placing political restrictions on their movement around their ancestral territory.28 In addition, it raises problems of citizenship and their legal position in the countries. The border itself also forms a threat to their physical survival because smuggling, drugs trafficking and other illegal activities take place along their nomadic routes. Among the uncontacted peoples and groups, the Ayoreo, the Pacahuara, the Ese Eja and the Toromona live straddled across the border with Paraguay, Peru and Brazil. The Confederación de Pueblos Indígenas de Bolivia (CIDOB)29 has published information on the murders of at least two un-contacted Pacahuara in 2008 by loggers or other external agents in the border area. Peoples and segments of peoples that are in contact along the border are the Ayoreo, the Yaminahua, the Machineri, the Pacahuara, the Ese Eja, the Chacobo, the Moré, the Tapiete and the Weenhayek.

<table>
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<th>Bolivian Law 1257</th>
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<td>Part VII. Cross-border contact and cooperation</td>
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<td>Article 32</td>
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Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and cooperation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural and environmental spheres.

By what criteria can the risk of ethnocide be assessed?

Ethnocide is a highly complex conceptual category that cannot be completely objectively measured. It combines quantitative variables such as the size of the population or territorial area with qualitative variables such as a loss of cosmogony, of systems of social organization and local power structures. It is a specific process of social change because it refers to forced situations and great asymmetries, characterised by aggression and a lack of control over the change on the part of cultures that do not have mechanisms with which to resist the transformations facing them. The decision to take on board cultural change is not in the hands of the people that are suffering the phenomenon. It is imposed on them by a society that is stronger in all aspects. In Bolivia, researchers such as Álvaro Diez Astete30 have developed specific criteria for assessing the risk of ethnocide suffered by indigenous peoples. The following criteria can be used to estimate levels of vulnerability:

- The demographic dimension (minority peoples are at the limits of their possibilities for biological reproduction).
- The availability of living space (lack of territory for their material reproduction and aggression onto their territories).
- Exclusion from basic services (lack of public services such as education, health, drinking water, electricity and so on).
- The presence of serious health indicators among the population, expressed as high rates of preventable mortality. This is particularly important among peoples in isolation or initial contact, who do not have the antibodies to protect them from the diseases of wider society. These peoples are particularly vulnerable to serious illnesses, frequently as a result of their social marginalisation (HIV/AIDS, TB, malaria, pulmonary mycoses).
- Physical and cultural aggression (on the part of logging companies, coca growers, chestnut sellers, miners, etc; Pentecostal churches, settlers, fishers and hunters, among others).
- Geopolitical factors (peoples in border areas with Peru, Brazil and Paraguay).
• The availability of food, frequently associated with having sufficient living space to maintain shifting production systems.

• Displacement of their culture and the destruction of their social fabric (loss of social structures and culture expressed, among other ways, in the partial or total loss of their language, their social cohesion, power structures and cosmogony).

• Environmental contamination, which places their survival at risk by affecting the balance of their natural resources. For example, pollution of the rivers due to mining, coca processing, oil exploitation and agrochemicals.

• Relationships of captivity or servitude (peoples or segments of peoples that are suffering under systems of servitude, captivity or similar).

Location of peoples at risk in Bolivia

Most of these peoples are located in the lowlands of the East, the Amazon and the Chaco regions, in the departments of Pando, Bení, Santa Cruz and Tarija. These peoples have, at different times in their history, been forced off their territories and systematically attacked by miners, loggers, chestnut sellers, rubber workers, cattle farmers and coca growers. Some have been used as forced labour, others moved into urban areas once they had lost their lands, yet others found themselves relegated to marginal parts of what used to be their ancestral territories. In all cases, because of this unequal contact, they have suffered illnesses, food insecurity, discrimination and exploitation of their labour to levels that have depleted their physical strength. Women were also physically ill-treated in this process, and now form the most vulnerable sector of the population. Although most of these peoples now have their own territories, the diminished size of their populations and the persistence of the aggression mean that special measures are needed to protect them and their lands. The actual size of the populations of these minority peoples is not very clear as the census seems to have higher levels of under-recording in the territories inhabited by these peoples, as demonstrated by CIDOB’s Indigenous Territorial Management Unit. Appendix 2 to this document gives further demographic data. The location of these peoples according to the current territorial/administrative divisions is given in the following table.

The peoples and segments of peoples in isolation

With the exception of the Toromona, the segments of peoples living in isolation in Bolivia are formed of groups or families belonging to minority indigenous peoples. In other words, they are groups that have chosen to remain in the forests even though most of the rest of their people are in intermittent or permanent contact with national society. In some cases, they have chosen this option to avoid being moved into rural or urban settlements by religious missions. Often they are members of the very same peoples who report sightings or sporadic encounters, and who are also the ones protecting their decision to remain in isolation. For Darcy Ribeiro, those living in isolation in all cases represent segments of larger peoples that have undergone changes to their original culture due to the advance of more aggressive majority cultures, relegating them to a position of constant flight.

“These indigenous groups, categorised as uncontacted, are different from the virgin contact tribes of long ago. None of them retain their original features. Their way of life can only be explained by the needs of a life of flight, incursions and struggles imposed on them and the functioning of their institutions. It is unlikely that there remains today a single group that is completely unscathed by the influences of civilisation, for even those still not reached by national society have already suffered its indirect influences, caused by evicted tribes forced onto them and the bacteria, viruses or artefacts which, passing from tribe to tribe, have even reached as far as their refuges.”

There are, however, also “many peoples who can still be deemed to be ‘unexposed to contact’. The criterion (…) is that of still firmly seeking refuge in the consistency of their own cosmological conceptions, which enables them to find all the explanations they need to the phenomena they encounter, without losing its coherence…” This perspective means that even the entry of foreign features such as artefacts and techniques and socio-political changes caused by their ancestral flight can be integrated into the framework of a cosmological legitimization specific to each people.
### Location of indigenous peoples at risk in the Bolivian lowlands

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<th>People</th>
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<td>Canichana</td>
<td>San Javier</td>
<td>Cercado</td>
<td>Beni</td>
</tr>
<tr>
<td>Sirionó</td>
<td>San Javier</td>
<td>Cercado</td>
<td>Beni</td>
</tr>
<tr>
<td>Yaminawa</td>
<td>Bolpedra</td>
<td>Nicolás Suárez</td>
<td>Pando</td>
</tr>
<tr>
<td>Machineri</td>
<td>Bolpedra</td>
<td>Nicolás Suárez</td>
<td>Pando</td>
</tr>
<tr>
<td>Yuki (Mbya)</td>
<td>Chimorré</td>
<td>Carrasco</td>
<td>Cochabamba</td>
</tr>
<tr>
<td>Moré o Itenez</td>
<td>Puerto Siles</td>
<td>Mamoré</td>
<td>Beni</td>
</tr>
<tr>
<td>Araona</td>
<td>Ixiamas</td>
<td>Iturralde</td>
<td>La Paz</td>
</tr>
<tr>
<td>Tapieté</td>
<td></td>
<td></td>
<td>Tarija</td>
</tr>
<tr>
<td>Pacahuara</td>
<td>Riberalta</td>
<td>Vaca Diez</td>
<td>Beni</td>
</tr>
<tr>
<td></td>
<td>Victoria</td>
<td>Manuripi</td>
<td>Pando</td>
</tr>
<tr>
<td>Guarasugwe</td>
<td></td>
<td>Velasco</td>
<td>Santa Cruz</td>
</tr>
</tbody>
</table>

### Peoples and segments of peoples in isolation

<table>
<thead>
<tr>
<th>People</th>
<th>Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toromona</td>
<td>La Paz</td>
</tr>
<tr>
<td>Araona</td>
<td>La Paz</td>
</tr>
<tr>
<td>Ese Eja</td>
<td></td>
</tr>
<tr>
<td>Yuqui</td>
<td>Cochabamba, Santa Cruz</td>
</tr>
<tr>
<td>Ayoreo</td>
<td>Santa Cruz</td>
</tr>
<tr>
<td>Pacahuara</td>
<td>Federico Román</td>
</tr>
<tr>
<td>Yuracará</td>
<td>Santa Cruz, Beni, Cochabamba</td>
</tr>
</tbody>
</table>

In Bolivia, information on these peoples is scarce and no in-depth investigations have been carried out into their existence with the exception of a recent study conducted by the *Iniciativa Amotocodie* and *Unión de Nativos Ayoreo del Paraguay*, in coordination with the *Central Ayorea del Oriente Boliviano*. This demonstrates the presence of various Ayoreo groups in isolation along the border between Paraguay and Bolivia. The information gathered on the Toromona by the Madidi Expedition formed the basis for administrative resolution number 48/2006 defining an area into which entry is banned in order to protect this people within the Madidi National Park. This resolution was enacted on 15 August 2006 by the National Protected Areas Department.

Indigenous Peoples in Bolivia

It is possible to list at least six areas where the presence of these peoples is indicated; it should be noted that three of them are within national parks: 1) the Bolivian Chaco (...) groups of Ayoreo (...) on the Bolivian border with Paraguay; 2) Santa Cruz department, in the Yuki Native Community Land (Tierra Comunitaria de Origen - TCO) which borders the Amboró National Park (180,000 hectares) and Carrasco National Park (622,600 hectares): Bia-Yuki groups (...) of some four families. With little protection, they are in imminent contact with the Yuki who form part of the New Tribes Mission; 3) in the Isiboro Secure National Park Indigenous Territory, on the border between the departments of Santa Cruz, Beni and Cochabamba: some uncontacted Yuracaré families may also be living there; 4) in the north of Pando department, on the Bolivian border with Brazil, there are likely to exist up to five Pacahuara family groups in the municipality of Santa Rosa de Abuná. Little protected, and with contact imminent as the Chacobo-Pacahuara Captaincy was seeking contact in 2005; 5) Madidi National Park (1,895,740 hectares) north of La Paz department, on the Bolivian border with Peru: possible Toromona and Nahua groups. Protected by the park but, above all, by the remoteness of their territory, the area is little known. On the Bolivia-Peru border there may also be uncontacted Ese Eja groups; 6) Araona Native Community Land in the north of La Paz department: this TCO could have a number of uncontacted families living in the forest.


These peoples form a social universe that requires specific policies distinct from those implemented for indigenous peoples as a whole. As mentioned above, information on them is scarce in Bolivia and no national public policies aimed at protecting them have yet been enacted, with the exception of the resolution declaring an “untouchable” zone in the Madidi National Park to protect the Toromona in isolation.

First administrative resolution on a people in isolation in Bolivia

One. To declare the Zone delimited by the following boundaries: P1 North-east International Border. P19 Headwaters of un-named stream, tributary of the Río Cocos, to the north of Tortugas lake. P20 Un-named stream, tributary of the Río Herida. P27 Confluence of the Río Herida with the Río Tambopata as far as the mouth downstream Río Colorado, water course upstream Río Colorado international border as far as P1, found within the territories of the Madidi National Park as “untouchable zone and area of integral protection of absolute reserve”, zonation that will need to be included in the Management Plan duly approved by the Ministry of Rural Development, Agriculture and Livestock and Environment.

Two. The Executive Management of SERNAP, through its four central units, will handle and immediately implement the relevant legal technical actions to validate and certify the situation of the native indigenous group through a prior study that will need to contain an historical, anthropological, geographic, environmental and legal analysis of the situation of the native ethnic group existing in the Madidi protected area. An action plan will then need to be produced stating the technical conclusions and intervention strategies for all sectors involved.
PROPOSED TOROMONA RESERVE
Source: Servicio Nacional de Areas Protegidas, Bolivia, 2006

ANCESTRAL TERRITORY AND CURRENT SETTLEMENTS OF THE EJA PEOPLE IN PERU AND BOLIVIA
Source: FENAMAD, 2009
Three. The Protected Areas National Department, through the Area Head, the protection body and the agreements signed with the Armed Forces will need to safeguard and protect the habitat of these peoples by implementing relevant actions to guarantee the untouched nature of these territories, ensuring their isolation and respect for their decision regarding their relationship with the rest of national society.

Four. The Area Head and the protection body shall not permit any kind of human settlements other than those of the indigenous peoples who live therein, nor any people-to-people contact, each having to respect their own territory and habitat.

Five. Any activities of prospecting, exploitation and extraction of any natural resource remain absolutely prohibited within the boundaries established above.

Six. The entry of any external agent is strictly prohibited, in order to preserve the health of the population in isolation, avoiding risk to the life of the indigenous group.

As already mentioned, in all cases, with the exception of the Toromona, the groups in isolation form part of a larger people that has already been contacted. These are segments of those peoples that have chosen to remain in voluntary isolation. Such is the case of the Araona, the Ese Eja, the Yuki, the Pacahuara, the Ayoreo and the Yuracaré and they are all found in adjacent territories. For this reason, the strategies aimed at these peoples have to take into account the context of the strategies established for the wider groups of these same peoples who are integrated, albeit unequally, into national society. Although it is difficult to quantify the population in isolation, Vincent Brackelaire’s 2006 study provides some estimates obtained through interviews.

Peoples and groups in voluntary isolation and total size of their population

<table>
<thead>
<tr>
<th>People</th>
<th>Population contacted*</th>
<th>In isolation**</th>
<th>Area of TCO (km²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Araona</td>
<td>171</td>
<td>No data</td>
<td>950</td>
</tr>
<tr>
<td>Ese Eja</td>
<td>761</td>
<td>No data</td>
<td>4,414</td>
</tr>
<tr>
<td>Yuqui</td>
<td>208</td>
<td>No data</td>
<td>1,272</td>
</tr>
<tr>
<td>Ayoreo</td>
<td>Between less than 1,000 and 4,000³⁸</td>
<td>No data</td>
<td>2,447</td>
</tr>
<tr>
<td>Pacahuara</td>
<td>60</td>
<td>5 families</td>
<td>5,108</td>
</tr>
<tr>
<td>Yuracaré</td>
<td>2,136</td>
<td>No data</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,937</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** Estimated in Vincent Brackelaire. Los últimos pueblos indígenas aislados del planeta. Pueblos indígenas no contactados de Bolivia, un tesoro cultural sin protección, Brasilia, no editor or date.

In 2011, Álvaro Díez-Astete systematised the available information on populations in isolation or intermittent isolation in more detail, indicating their possible areas of habitation and movement.
<table>
<thead>
<tr>
<th>People</th>
<th>Department</th>
<th>Province</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Araona (self-separated from the TCO)</td>
<td></td>
<td></td>
<td>Río Manurimi near to Alto Manupare. Municipality of Ixiamas.</td>
</tr>
<tr>
<td>Ese Eja (nomads with intermittent cross-border contact)</td>
<td>Sud Yungas</td>
<td></td>
<td>Río Heath: Peru/Bolivia border zone. Area of Sonene (Peru) and right bank of Río Heath (Bolivia). Municipality of Ixiamas.</td>
</tr>
<tr>
<td>T’simanes (intermittent isolation)</td>
<td></td>
<td></td>
<td>Pilón Lajas, Río San Luis, tributary of Río Quiquibey. Dispersed families near the Mosetene community of San Luis. Municipality of Palos Blancos. People in isolation on the Río Pachena in the municipality of San Borja.</td>
</tr>
<tr>
<td>Ayoréode (total isolation)</td>
<td>Santa Cruz</td>
<td>Cordillera</td>
<td>Kaa Iya del Gran Chaco National Park and Natural Integrated Management Area and its surrounding area, Médanos del Chaco, Palmar, Chovoreca, Patrimonio.*</td>
</tr>
<tr>
<td>Yora (Ese Eja)</td>
<td>Manuripi</td>
<td></td>
<td>Arroyo Biyuyo in the municipality of Arroyo Grande.</td>
</tr>
<tr>
<td>Yuracaré (intermittent isolation)</td>
<td>Cochabamba</td>
<td>Carrasco</td>
<td>Río Chapare, municipality of Chimoré.</td>
</tr>
<tr>
<td>Yuki (move around the north-east of the Yuki TCO)</td>
<td></td>
<td></td>
<td>Río Usehuta, municipality of Puerto Villarroel.</td>
</tr>
<tr>
<td>Chacobo (self-separated from the TCO)</td>
<td>Beni</td>
<td>Vaca Díez</td>
<td>TCO Chacobo-Pacahuara, municipality of Riberalta.</td>
</tr>
</tbody>
</table>

* For the Ayoreo, Díez-Astete’s information has been updated following a consultation with the Iniciativa Amotocodie in January 2012.
In general, the groups or families in voluntary isolation live in an area surrounded by other members of their own people who can act as a buffer to external aggression. This is because they are, at least partially, located on territories held by their own people. This means, of course, that they also run the risk of being contacted by members of their own peoples who are in intermittent or permanent contact with national society, exposing them to illnesses (among other things) for which they have no resistance. This is why, if their right to isolation is to be protected, work also has to be done with the members of the wider peoples to which they belong and who already have another kind of social organization resulting from their social integration into the dominant society.

It should be clarified that the peoples in isolation are aware of the existence of the wider society and the threat that contact represents for them. This, among other reasons, is probably why they have taken the decision to remain apart, exercising their right to self-determination. The political organizations that represent the indigenous peoples of the Bolivian lowlands, who have become lead players in the protection of these isolated groups, as demonstrated by the congress on isolated peoples organised by the Confederación de Pueblos Indígenas de Bolivia (CIDOB) in December 2011, realize this.

The situation of these indigenous peoples and segments of them is described in detail in the following pages. A general overview of the process of the wider people to whom they are related is given as these are two facets of the same reality. It is not possible to separate the issue of groups living in isolation from the situation of members of the same people who are in contact and who, as already noted, often protect their brothers and respect their decision to remain in the forest. Some of their cultural features, which have been watered down until almost irretrievably lost, may also still be found among the segment of their population living in isolation. This is the case for the Araona and Yuki, whose cultures have been almost totally destroyed by fundamentalist Christian congregations.

**Toromona**

This people are found in the north of La Paz department, in the heart of the Madidi National Park (1,895,740 has). Different sources indicate that the Toromona move around the area between the headwaters of the Río Colorado (Pukamayu) and the headwaters of the Río Heath (Sonene). It is assumed that the Toromona were largely decimated during the rubber boom and the survivors withdrew to this forest where they have been sighted by Araona and other indigenous peoples. If this is the case, it would be the same process that was suffered by the Araona, who also suffered serious losses during the rubber boom. Some researchers believe it is possible that this group broke away from the Araona or is very closely related to them, or forms a group of isolated Ese Ejas.

According to the Araona, the Toromona are relatives who, over time, separated from them. There is no reliable data on their existence. According to anthropologist Michael Brohan, the Araona have been in peaceful contact with a group of Toromona or Araona on the eastern banks of the Río Manuriní. Only with great difficulty were the Araona able to understand something of what the forest people were saying.

Historical sources give the Toromona as a segment of the current Ese Eja people, and it is likely that they represent uncontacted members of this indigenous people, present in Bolivia and in Peru. Clear signs of their presence have been reported by park guards form the Madidi National Park and by researchers from the Peruvian side.


There is further evidence of Toromona in the area. Álvaro Diez Astete notes testimony given to Pablo Cingolani on the presence of uncontacted peoples in the area.

“On 27 January 2007, an anthropologist from the University of Kent, Miguel Alexiades, who had been working with the Ese Eja in the Peruvian department of Madre de Dios for two decades, told me: “[the story] took place in 1995, but not in the headwaters, downstream, [referring to the Rio Heath] At that time, on the Bolivian side of Heath, in a place known as San Ignacio (where a settlement project is now taking place, which he mentions further on), there was a logging company (BOLITAL) the operational centre of a large concession logging mahogany (the Madidi National Park did not exist then). The administrator was an Italian, whose...
name I don’t remember, but with whom the Ese Eja from Sonene community were in close contact. On this occasion, I accompanied an old man, the last traditional healer now unfortunately passed away, and his wife on a visit to this place; they wanted to buy some sugar. While the couple were talking to an employee about the sugar, I talked to the administrator, who told me that some trackers had recently returned from the Toromonas stream in a fright because they had come across some signs in their path, on the way back. There were some broken branches and a small artefact, placed in a cross on the path. The trackers brought these things back and the administrator showed them to me: a chain made out of pieces of carap (spadix flowerhead) from a palm (cashapona in the regional Spanish of Peru; I forget its name in Bolivia – the genus is Socratea), from which small pieces had been cut and joined to form something crude but ingenious. On approaching the couple, the administrator showed them the chain and asked them: “What’s this, Robert?” The couple spoke amongst themselves (I still didn’t speak Ese Eja sufficiently well to understand them), after which Raquel, - the old man’s wife, said; “It says don’t come this way”. Unfortunately, I didn’t have my camera with me and the artefact remained there. According to the administrator, that area has immense wetlands and, in any case, they decided not to continue seeking wood there – at least that’s what they told me. (...) Although it is clear that the Ese Eja have never seen signs around the Heath, two things should be said: first, never venture more than one hour into the countryside from the river bank, nor navigate its tributaries. Second, only navigate one way, upstream of the Río Blanco, on the Peruvian side, given the difficult navigability of the river”.

Mr. Chávez lived in the Río Heath area some years before the Park was created. His parents always ventured as far as they could because the river was very low for fishing. Via the Paujil stream it is around 45 minutes to the pampas (of Palma Real). The earth in this area is coloured. The pampas could be seen some five or ten minutes away.

“There are footprints, in July/August they leave Bolivia when the river is low. They got out looking for charapa turtle eggs that have been laid. They return at night. They don’t appear the rest of the year, only at this time. I saw them 20 years ago. When I came to live here (in Puerto Maldonado), I didn’t see them any more, and now INRENA doesn’t let us go there. One tribe is called Toyeri. They live in part of Bolivia. In Peru there were the Huarayos but they are now civilised. My grandfather was working in the fields with large numbers of them. The others leave footprints; they come as far as the Río Heath in search of charapa turtles but they don’t let themselves be seen. Perhaps they travel by night. There were at least 10 or 15 footprints. Every summer they leave. On the Bolivian side along the heights of Platanillo or Paujil (between these areas). One day in a dugout from Puerto Pardo. No-one else travels this area. There are no other vessels.”

“Talking to the Bolivians they say that on the Bolivian side there is a place called Toromonas, there is a stream and there are Indians there. When they were returning to their camp, they found everything burned... there are the people’s chestnut trees in this area. They are Toyeri. There will be some who come close to the Heath from the Toromonas stream.”

Research by Chantelle Murtagh and others cites yet more evidence of the Toromona in Bolivia.

Although this people have an absolute territorial reserve decreed in 2006, threats to their physical and cultural integrity are commonplace. Álvaro Díez-Astete indicates in this regard that “…in 2010 the regulation was for some reason ignored and violated when a huge territorial concession was approved (known as the Madidi Oil
Araona

The Araona people suffered what was possibly one of the worst ethnicides in America from the mid-19th to the mid-20th centuries. Travellers around the time of the 1850s estimated this people’s population at between 20,000 and 30,000. Then came the rubber boom and, with it, the plundering of their territories, illnesses and forced labour. The rubber economy led to their mass extermination, but the surviving Araona escaped to the forest where eight members of the Cavina and Araona clans met during the first quarter of the last century, culminating in an ethnogenesis based on a minimum demographic and cultural basis. It is important to note that this initial group was not made up of indigenous peoples in isolation. On the contrary, they were survivors fleeing the “rubber civilisation”. Eight people representing a society with clan and lineage specialisations cannot preserve all of their culture. Consequently, a part of the Araona cosmogony, their knowledge on the use of the forest and their social norms, to name but a few areas, was lost without any possibility of recovery. The Araona ethnocide is now an established and undeniable fact, even though some members of the people survived and now identify themselves as Araona. Their language and some of their cultural features have managed to survive the aggression from evangelical missionaries.

The survivors settled in the forest, moving around the area between the Madre de Dios and Manurimi rivers and avoiding contact with the wider society, which is why they could have been confused with a people living in isolation. On 23 October 1963, a new tragedy occurred: contact with the Summer School of Linguistics (SIL). This sect had been trying to contact the Toromona for years and, by 1958, they had located the Araona settlement. Many of the cultural features they had managed to preserve were destroyed by the forced evangelisation carried out by the SIL, in a process of ethnocide that New Tribes Mission continued. Both of these US fundamentalist sects demonized their traditional medicine, their music, their dance and their cosmogony, imposing an intolerant biblical perception of the world and social relations on them. Wherever they work, the missionaries from these sects impose a terrifying regime that violates the indigenous peoples’ individual and collective human rights. They banned Araona music, dance, their cosmogony and even their traditional medicine because, to them, they represented demonic manifestations. This aggression was all the more serious given that it was aimed at a people that had already suffered an ethnocide and whose structures for assimilating and controlling social change were already badly disintegrated.

More recently, New Tribes Mission has coordinated its activities with Envoy, a non-denominational Christian organization working in Latin America, with emphasis on the Amazon region, and which uses the strategy of small local development projects through which to evangelize.

The Araona were on the verge of physical and cultural extinction by the start of the 20th century. Between 1850 and the first quarter of the 20th century, they had been reduced demographically to some 0.05% of their original population. Forced assimilation, pillaging, massacres, exploitation of their labour, hunger and illness had almost exterminated the Araona as a culture. Wigberto Rivero indicates that, in 1984, the Araona population totalled 65 individuals (36 men and 29 women). Subsequently, Tami Johnson estimated that, in 1999, there were 92 Araona (50 men and 42 women). Sources giving the current population of the Araona people agree that there are now in the region of...
100 members. In 1994, the Indigenous Census gave a population of 90; in 2011 the Bolivian National Statistics Institute (INE) estimated a population aged 15 years of age or over of 92 people and, in 2006, the Directorate-General for Native Community Lands of the Vice-Ministry of Lands estimated that there could be 171 Araona. In 2007, the Centre for Social and Legal Studies (Cejis) provided a basic breakdown of information (population by sex and age, place of residence and possession of documentation). This census, which records 101 people, forms the closest estimate available and enables us to obtain, albeit in very general terms, an idea of their demographic structure and spatial settlement pattern. The breakdown of the population by sex and age indicates a critical demographic situation: more than 60% of the population are men (in a position of relative geographic isolation), thus affecting this people’s opportunities for biological reproduction.

In 1992, this people managed to obtain the allocation of 92,000 hectares but, in 2007, there were scarcely more than 100 people. The Araona’s current territory is being exploited by various external agents, significantly affecting their natural resources and their territorial integrity, and there are frequent incursions by outsiders onto sectors peripheral to their forest areas. Control of the internal border is difficult given its length and their limited population (100 inhabitants cannot control almost 100,000 has).

Different sources note the existence of a segment of the Araona people living in isolation in the forests to the south of the titled territory. There are no quantitative indications that would enable their likely population to be estimated but there have been sightings, including some close to the settlement of Puerto Araona. In 2007, the author of this text interviewed a number of Araona leaders in the town of Riberalta who confirmed that the sightings were not just unfounded rumours. Some members of the group who assisted the cartographers that demarcated the Araona reserve and who were interviewed the same year confirmed seeing signs of movement of peoples in isolation.

Apart from the 90 Araona living on their Native Community Land, it is possible that there are some isolated families in the forest, in the area around Puerto Araona, who did not want to come under the supervision of the North American New Tribes missionaries. This assertion was made to the author of this work by the Araona themselves in 1986 and 1994. The French anthropologist, Michael Brohan, who is currently studying the Araona, also agrees that there is the likelihood of “uncontacted families in the region, probably in the proximity of the Río Manurimi”, and the Mosetén Indigenous People’s Organization indicates the same.

In addition, “the text for the zonification of the Madidi Plan conducted by the Wildlife Conservation Society (WCS) mentions information on an uncontacted group in the headwaters of the Río Colorado, in the area of strict protection... probably groups coming and going between Bolivia and Peru, because this is an area of dense forest and nobody knows the region well.”

It is highly likely that, in the case of the Araona, this is a group which, just like the two groups that gave rise to the contacted Araona population, fled the aggression of the rubber, logging and chestnut industries. These are Araona who reject contact because of the negative consequences history has shown them this will have on their people.

Destre confirmed the presence of a people in isolation in the territory adjacent to the Native Community Land (...). The testimonies on the presence of uncontacted peoples reported by Destre cover more than a decade, the last corresponding to two years ago. They include testimony from members of the Araona people, who insist on the apparent aggressiveness of the group in isolation and the kidnapping of women.

The Araona in isolation were pursued by the Summer Institute of Linguistics and the New Tribes Mission but these were, fortunately, unable to contact them. It is probable that a large part of the knowledge that has been lost by the contacted Araona in terms of their cosmogony, social organization, history, traditional medicine, etc.
still survives among the uncontacted people, who reject contact even with members of their own people.

The 100 or so Araona belong to the Takana linguistic family. Their TCO covers an area of tropical forest in the northern part of La Paz department, in Iturralde province. According to information from the French anthropologist, Michael Brohan, who is studying the Araona culture, there are uncontacted families in the forest nearby but outside the Araona TCO. This information is confirmed by the former President of the Mosetén Indigenous People’s Organization, Orlando Morales, and other witnesses. It seems that this is a larger group whose decision to remain in isolation has been respected by the Araona living on the Araona TCO.

The Araona are a people in initial contact that are still suffering the consequences of an ethnocide that led them to the brink of physical extermination. Only with difficulty have they managed to preserve some of their cultural features and they now have a territory that enables them to reproduce their ancestral identity in both material and cultural terms. Part of this people live in isolation in the forest and refuse to become a part of the dominant “civilisation”, their only experience of which is aggression. This is one of the most important features of this people (which it shares with others in Bolivia), namely that two segments of the same people co-exist separately, one in isolation and the other in an unequal relationship with the wider society.

Ese Eja

The Ese Eja are an indigenous people that live around the basins of various Bolivian and Peruvian rivers. Both the contacted and uncontacted segments are therefore cross-border peoples. The groups living in isolation possibly run less risk of contact than elsewhere because some of them live within the territory of the Madidi National Park in Bolivia where, moreover, there is a protected area for the Toromona that is likely to act as a buffer zone for other segments of peoples in isolation.

“It is important to specify the ancestral territories of the Harakmbut and Ese Eja peoples on the basis of areas of use, areas of settlement, history and myths. Thus defined, the ancestral territory of the Ese Eja people comprises the current border region between Peru (Puno and Madre de Dios departments) and Bolivia (La Paz department). More specifically, the geographical area bounded by the basins and tributaries of three main rivers: the Madidi (Bolivia), the Baawaja or Tambopata (Peru) and the Sonene or Heath (current natural border between Peru and Bolivia). These rivers form an essential part of the identity of the Ese Eja people, who continue to identify with the Río Bahuaja, part of their ancestral territory from whence their family originates. The following image shows the Ese Eja territory and the current location of the native Ese Eja communities in both countries.”

The Ese Eja move around the area’s rivers, fishing in the brooks and growing crops nearby. Given that their economy is so closely based on the water courses, any changes in these obviously affect them. River pollution in Bolivia due to mining in the highlands has led to a decline in the quantity of fish and, as has been indicated to the author, in its quality as a food. This has led, among many other factors, to the marginalization of a sector of the Ese Eja in urban areas such as Riberalta, where they roam the town looking for low paid work and begging. Up until 2007, they lived on the streets but, that year, the local municipality allocated them accommodation near the river where a number of families now live in terribly overcrowded conditions. Along with the Yuki and the Ayoreo, the urban Ese Eja live the most impoverished life imaginable. Living in a society for which their culture does not provide them with the necessary survival strategies, they move in small social and spatial areas and suffer the effects of continued contact, namely exclusion and extreme poverty.

On the existence of uncontacted Ese Eja in Bolivia, testimony has been gathered that indicates possible sightings close to the border but no systematic work has been undertaken to demonstrate their existence empirically. This needs to be done jointly with Peruvian specialists and indigenous organizations. The Federación Nativa del Río Madre de Dios y Afluentes (FENAMAD) recently published a study on peoples in isolation in the border region with Bolivia: “Estudio técnico sobre la presencia de pueblos indígenas en aislamiento voluntario entre las cuencas altas de los ríos Tam-
Diez Astete, Álvaro. Sobre Antropología de urgencia en Bolivia: Pueblos étnicos en situación de vulnerabilidad y aislamiento. La Paz, 2004

The Yuki were forcibly settled by New Tribes Mission during the 1960s, and concentrated in the village of Bia Recuate on the Río Chimoré in the Carrasco National Park in the department of Cochabamba. They are an indigenous group in a situation of initial contact and highly vulnerable, primarily due to serious endemic health problems resulting from contact, poverty and social exclusion. Local sources indicate the existence of some families in voluntary isolation; they note sightings and even give loggers and other colonisers who have invaded the Yuki territory as a reference in this regard. No systematic work has been conducted to verify this evidence, however.

The Yuki people, who call themselves Bia (people) live in the Native Community Land of the same name and are in a highly vulnerable position, both in ethnocultural terms and in terms of their physical survival. The Yuki currently number around 300 people grouped into 49 families (35 settled in Bia Recuate and 14 nomadic). This people was subjugated by the New Tribes Mission, which contacted them during the 1960s, moving them from their original territory and settling them in a concentrated area that has increased the process of culture loss.

Since this contact, the Yuki have experienced a gradual process of ethnocide along with a decline in their population, the result of the loss of their territorial management system, illnesses, the imposition of a belief system and the presence of settlements on their lands, which limit their territorial rights. Their traditional power structures, and thus the legitimisation of their decision making, has been affected by the impositions of the Evangelical mission whose aim is to wipe out their culture and replace it with a fundamentalist and ethnocentric religious ideology. Changes in their production and settlement systems, and in their social and cultural organization, imposed without any prior in-depth applied research, have increased their vulnerability to ethnocide. The Yuki are on the verge of disappearing as a society and culture. Illnesses such as pulmonary mycosis, which affects all of their population and for which their traditional medicine has no answers, are placing their survival in serious danger. There is no information on whether this illness has infected the people in isolation, who would run an even greater risk.

The Yuki belong to the Tupí-Guaraní linguistic family and are hunter-gatherers from the rainforests to the north of Santa Cruz de la Sierra. Their language and culture are very similar to those of the Mbya-
Sirionó, with whom they possibly formed a unit in times gone by. There are around 150 Yuki. The most recent groups of Yuki left the forest in 1989 and 1992 to join the existing New Tribes Mission. According to the French biologist, David Jabin, there now remain four families in the forest. All the Yuki from the mission live in Bia Recuáte on the Río Chimoré. The forest Yuki families travel the banks and areas around the Río Usurinta, which runs through the centre of the Yuki Native Community Land, itself bounded by the Chapare and Chimoré rivers. The settled Yuki respect their uncontacted family members and avoid entering this area.

In 2004, the Yuki community caught sight of the families living in isolation on the Río Chimoré. The Yuki from the mission want to go and find their brothers because they are afraid that outsiders might enter the TCO and kill them. This fear is not unfounded given that the Yuki from the mission themselves have suffered death and war at the hands of settlers entering their habitat. Moreover, they are afraid because they know that the Yuki in isolation are excellent chasers. It seems that the New Tribes missionaries have no desire to seek out the families in isolation, however. One reason for this may be substantial differences between the North American missionaries and the current head of the mission, a Mojeño indigenous man. Thanks to the intervention of the Vice-Minister of Lands, it has been possible to stop the loggers who were beginning to open a path into the area inhabited by the uncontacted Yuki families.

The Yuracaré are a river people with around 3,000 members, farmers, fishers and hunters who live in small groups along the upper banks of the rivers that cross their TCO. Some time ago, they changed their place of settlement. Their communities are located in the departments of Beni and Cochabamba, in Chapare, Carrasco and Moxos provinces...

David Jabin and the German anthropologist, Eva König, report the existence of uncontacted Yuracaré. This latter reported the existence of Yuracaré living in isolation or in virtual isolation in the western part of their TCO, where drugs traffickers and illegal alligator looters prevent the entry of others.

Álvaro Diez Astete gives further evidence of the existence of Yuracaré in isolation.

From an isolated linguistic family (with no scientific classification), their habitat (3,600) is the Isidoro-Sécure National Park Indigenous Territory (TIPNIS) in Beni department, where they live in small dispersed communities. Conversations with members of the ethnic group and with different travellers suggest the existence of some groups of uncontacted Yucaré who live freely in the forest but who, as in other cases, are under potential threat, particularly from the known presence of drugs traffickers.

The Ayoreo live in a vast territory that includes part of the departments of Alto Paraguay and Boquerón in Paraguay and the department of Santa Cruz in Bolivia. They are a hunter/gatherer people who were very partially contacted during the colonial period, probably in passing, and whose survival strategy was to reject the contact and move deeper into the Chaco forests.
The risk of contact increased for the Ayoreo in the 20th century, for example due to the Chaco War, which may have meant the end of isolation for some segments of this people. Subsequently, primarily during the latter half of the 20th century, both the Catholic and Pentecostal missions began to initiate contact and commenced the forced evangelisation of the Ayoreo, resulting in a drastic decline in their population and the perpetration of a targeted and planned ethnocide. Their cosmogony, their systems of production, their medicine, their power structures and all other features of their culture were interpreted, then as now, as satanic manifestations that had to be destroyed, and they work in both countries with the blessing of the government.

It is a culture with a horizontal social organisation, very little hierarchy, and constantly changing dynamism/multiplicity of local and almost totally autonomous leadership. The same can be said of their territory: 32 million ha, with no focal point or centre anywhere. – This explains how it is that the external impact of non-indigenous society has not easily affected this cultural system as it would have done if it were centralised, with a vertical and hierarchical organization (today you would talk of a high degree of “resilience”). It seems that the external impacts, such as the Chaco War and, prior to this, the construction of the railway from Santa Cruz to Corumbá, instead had a more indirect impact on them. They forced the groups, without coming into contact with them, to withdraw onto the territories of other groups. In this way, a historical trend of internal pressure on the territory can clearly be seen, from north to south, which probably began with the building of the railway and ended only some 15 years ago, following the end of the Chaco War.

Source: Benno Glauser. Personal communication. 22 December 2011.

This people used to maintain a nomadic lifestyle, with their system of hunting, fishing, gathering and shifting agriculture, over almost 300,000 square kilometres of territory. With this system, the effects of settlement in and exploitation of the space were minimised and the natural resources were able to regenerate naturally. The expansion of livestock rearing and industrial logging over Bolivia and Paraguay led to the depredation of thousands of hectares of forest and, with this, the loss of the Ayoreo’s habitat and the plundering of their limited resources. Now, those Ayoreo that have left their natural habitat behind suffer some of the highest levels of social exclusion on either side of the border, and wider society has attempted to bring about their ethnocide with the greatest brutality.

Most of these people live in rural areas or in small urban settlements, some in the slum areas of large cities or in border posts where their living conditions are tragic. Others still continue to live in isolation in a small area that straddles the borders and which is increasingly restricted by the invasion of loggers, livestock farmers and settlers. The Ayoréode’s experience of the national societies of Bolivia and Paraguay has been one of immense violence and aggression against their society and culture, one of marginalisation, exclusion, discrimination, racism and gender violence. All these forms of aggression have been justified by a civilizing and evangelizing zeal the sole result of which has been the ethnocide and physical destruction of a people whose lives, cosmogony and future have been torn from them.

Bernd Fischermann cites some news on the Ayoreo in isolation in Bolivia, indicating that “the news on groups in isolation is focused around four local groups. There are two groups whose name is known and probably two groups of uncontacted families, expelled in the past by their original local groups (...) With regard to the two groups whose names are known, these are in the first case the local group Atétadiegosode.53 This group travels the border region between Bolivia and Paraguay, the Médanos and Kaa Iya parks. Part of this group were in the past in contact with the surrounding society but they have chosen to live outside of it (...) In the second case it relates to the local group of Tachel-gosode, “The people from the region of abundant agouti”, who came out of the forest in 1972, although some families remained behind. Their traditional habitat was the region to the south of the railway line, between San José de Chiquitos and Roboré. Data gathered by the Iniciativa Amotocodie places them in the border region to the east of Palmar de las Islas (...) The Atétadiegosode frequently appear on the Bolivian side of the border, in the Kaa Iya Park. The park guards and other groups entering the park often come across footprints (...) The Ayoréode of Zapocó (Bolivia) tell of attempts by this group to cross the Chaco Boreal to seek contact with them, the Dìquebudéñai-gosode, “The people who arrived the other day”, possibly through fear of the Guldaj-gosode, “The people from the region where the town was”, traditional enemies of the Totobié-gosode who came from
the mission equipped with firearms and committed various massacres of them (...) Apart from these groups two more are known, probably segments of extended families who were once expelled by their local group. One of these groups travels the area from Salinas to Palmar de las Islas and the other the region to the north of the Kaa Iya Park, some 120 km to the south of Pailón, threatened by advancing agro-industry.

Although the existence of Ayoreo living in isolation in Paraguay and Bolivia seems undeniable, no full monitoring had ever previously been conducted in Bolivia, unlike in Paraguay. In March 2009, the Iniciativa Amotocodie and the Unión de Nativos Ayoreos de Paraguay, with support from the Central Ayoreo del Nororiente Boliviano (CANOB), conducted an in-depth study into the issue in Bolivia\(^5\) concluding, by means of proven empirical evidence, that there were at least five areas in which the existence of groups living in isolation could be demonstrated. The following map indicates their location.

Once the studies on the Ayoreo in isolation in Bolivia had been completed, their representative organizations in Paraguay and Bolivia initiated a joint movement to defend their rights and to protect the legitimate right of their brothers in isolation to continue living in this way. They met various times and, with the technical assistance of the Iniciativa Amotocodie, designed a system for monitoring the groups living in isolation. This system was to be located within the Central Ayoreo del Oriente Boliviano (CANOB) with the aim of defending their rights while at the same time being in a position to take immediate measures to mitigate the negative effects of contact should it occur.

Resolution
Unión Nativo Ayoreo del Paraguay (UNAP)
Central Ayoreo del Oriente Boliviano (CANOB)
3 March 2009

First:
We call upon the governments of Paraguay and Bolivia to offer physical protection to our Ayoreo brothers living on their ancestral territory on the borders between the two countries.

Second:
We call on the governments of Bolivia and Paraguay to immediately title the land and territory on which our uncontacted Ayoreo brothers live in both countries, in line with the assessment conducted by our Ayoreo brothers in Paraguay, which notes the existence of uncontacted Ayoreo on both sides of the border.

Third:
We call upon our governments in Bolivia and Paraguay to recognise our ancestral territory in which our cross-border Ayoreo nation is located, being as it is in two countries, and that they recognise our rights to this territory in terms of its control, access and use.

Fourth:
We emphasise that our territories have ancestrally only been inhabited by the Ayoreo people, according to our ancient knowledge, which states that no other indigenous people have lived on our ancestral territory.

Fifth:
We call upon the governments of Bolivia and Paraguay to prohibit contact with our Ayoreo brothers who are still living on our ancestral territory or in the natural forests on the part of Evangelical or Catholic missionaries or other kinds of contact with them using other Ayoreo.

Sixth:
We call upon the government of Bolivia to create and recognise the Ayoreo Pachaminone Integrated Management Natural Areas, Nupedogosode in Di-tiode zone on the Bolivian side and Tiegosode Du-codegodosode on the Paraguayan side, which is for us the cultural and natural heritage of the Ayoreo (...)

Seventh:
An inter-institutional commission is hereby created to protect, defend and monitor the uncontacted Ayoreo of Paraguay and Bolivia. The Commission shall comprise representatives of UNAP and CANOB.

In 2009, talks commenced between the governments of Paraguay and Bolivia with regard to the Ayoreo living in isolation in the border zone between the two countries. This initiative culminated in a specific article on the issue
being included in the Declaration signed by both presidents on 12 June 2009. This has not, however, materialized in any concrete public policy actions.

"[The Presidents] were agreed on the need to include the issue of indigenous peoples as one of the focal points of the bilateral agenda in order to protect their intrinsic rights, particularly with regard to their culture (...), with a view to developing joint projects in complementary areas. They were also agreed that in the case of Ayoreo communities living in voluntary isolation, whose ancestral lands are located on both sides of the border, the two States should act jointly to ensure respect for their way of life."

CANOB and CIDOB jointly proposed creating an absolute territorial reserve that would protect their brothers in isolation. Their proposal was rejected by the government, however, with the argument that there was a national need to exploit oil and gas deposits in the area in which the presence of uncontacted Ayoreo had been noted. CANOB mobilised to claim the right to isolation of a part of its people and took its complaint to the Inter-American Commission on Human Rights, as already mentioned. At its congress in December 2011, CIDOB issued a specific resolution on the issue: "On the basis of the studies and conclusions already reached in the production of the so-called Ayoreo Supreme Decree, immobilise and subsequently create the stated Absolute Reserve Zones, excluding any possibility of allowing any kind of hydrocarbon and/or mining activity within their territories. An area located 120 km to the south of Pailón must be immobilised with particular urgency, as it is threatened by the advance of agroindustry. This immobilisation can be based on preliminary testimonies, gathered and published. Once complete, it will need to be published in Santa Cruz and particularly in the stated region."

Pacahuara

The Pacahuara inhabit an indigenous territory that they share with the Chacobo and there are no more than six families that are in permanent contact with the wider society. Various sources note the existence of a group of uncontacted Pacahuara families between the Negro and Pacahuara rivers, in the municipality of Santa Rosa de Abuná, Federico Román province, but there are no recently verified records. Pablo Cingolani states:56

"José Destre Postigo, former Mayor of Riberalta (...) works in permanent contact with the Chacobo people, in the Yata, Benicito and Ivón rivers, in whose territory live the last members of the Pacahuara people, moved there by the Summer Institute of Linguists (now New Tribes Mission). They dismiss the existence of groups of uncontacted Pacahuara in the territory adjacent to Pando department; however, they do not rule out the possibility that a group, whose fate is completely uncertain, may have crossed to Brazil. In turn, Destre supports this testimony with expeditions led in Pando department from Riberalta, through the Río Negro sector, as far as the Río Abuná..."

The Pacahuara belong to the Pano linguistic family. The 24 Pacahuara in contact with national society live alongside the Chacobo in the TCO shared by these two indigenous peoples. Their live in the extreme north of Beni department and parts of Pando department. The existence of Pacahuara in the forest is frequently mentioned but there is little concrete information. There are, however, rumours of Pacahuara in isolation being killed by illegal loggers.

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The Pacahura Expedition took place in September 2009 with the aim of systematising and verifying information on the Pacahuara people living in isolation, and this culminated in various testimonies confirming this supposition.

Given the presence of a large number of people in the stated community, various testimonies were recorded on the presence of Pacahuara in the forest. In short, these testimonies all point in the same direction: each annual chestnut harvest in the bush, which takes place during the rainy season from November to February, hundreds of people enter nominally uninhabited and empty territories to do this work. Each time, findings are reported: foot-
The production of a baseline assessment on the situation of indigenous communities in Pando department and an assessment of the situation of the indigenous peoples living in isolation.

- The establishment of local, national and transnational strategic alliances.
- The design and implementation of an indigenous rights training plan alongside the production of communication materials, the provision of work placements in the protection of indigenous peoples in isolation, the recovery of cultural identity and advocacy work.
- The organization of workshops for leaders in advocacy work on the promotion and defense of indigenous peoples in isolation.

Some of the achievements of this initiative are as follows:

- The establishment of a strategic alliance\(^1\) between CIPOAP and indigenous organizations from Brazil and Peru, notably the Federación Nativa del Río Madre de Dios y Afluentes (Fenamad), with the aim of coordinating action in the face of common problems and challenges, primarily related to the investment projects on the agenda of the Initiative for the Integration of Regional South American Infrastructure (IIRSA).
- The production of a study on the uncontacted Pacahuara in Pando, under the responsibility of Álvaro Diez Astete from the Foro Boliviano sobre Medio Ambiente y Desarrollo (Fobomade), the aim of which was to organise information prior to conducting an expedition to verify the location of uncontacted Pacahuara in Federico Román province, Pando department. Two hypotheses were considered: i) that the people living in isolation were living on border lands in the extreme north-east Amazon of Pando or, ii) that the people living in isolation had moved to Brazil, fleeing the logging concessions. Should their presence in Bolivia be proven, a strategy would be designed to declare an untouchable zone and absolute Pacahuara reserve. Although to date no physical evidence of Pacahuara in isolation has been found, most of those interviewed were convinced of their existence in the area.

CIPOAP’s studies identified the threats that Bolivian, Brazilian and Peruvian loggers, smugglers, drugs traffickers and miners represent to the un-contacted groups. The Bolivian government’s promotion of peasant farmer

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settlements in the area is particularly worthy of note, as their presence puts local indigenous peoples at risk and limits their territories and their access to natural resources, plundered as they are by coca farming. CIPOAP has planned two expeditions to identify the presence of uncontacted indigenous groups, one comprising its own members and the other involving representatives of the government, local councils and other authorities.

CIPOAP is proposing a status known as natural indigenous reserve within the system of protected areas, with the aim of protecting their right to isolation. External persons would be prohibited from entering this reserve. This proposal has been made because of the lack of a legal concept with which to recognise this people’s territory. CIPOAP therefore asked the Bolivian state to recognise 375,000 ha as a protected zone for the uncontacted groups. This figure was subsequently reduced to 185,000 ha because of the superimposition of logging concessions and, in the end, the National Agrarian Reform Institute (INRA) proposed reducing it to 60,000 ha because of the superimposition of peasant communities.

CIDOB’s Congress on peoples in isolation in December 2011 contains a specific resolution on the Pacahuara, which proposes creating a “Pacahuara Absolute Reserve Zone and urging all responsible State bodies to immediately establish a high-level national commission headed by the Ministry of Justice and also comprising the indigenous organizations, the human rights bodies, the Ombudsman and the UN High Commission, in line with their mandates, in order to systematise the information, conduct studies and issue the corresponding reports regarding the situation of the Pacahuara indigenous people in terms of establishing an Absolute Reserve Zone for their strict protection and the untouchability of their territory, and cancelling all logging concessions that affect the indigenous territories in accordance with the eighth transitory provision of the Political Constitution of the State.”

Chacobo

News on the existence of Chacobo in isolation is even less concrete. Bernd Fischermann indicates in this regard that: “The Chacobo belong to the Pano linguistic family. They live alongside the Pacahuara in a TCO in the north of Beni department. According to sources among the Chacobo themselves, footprints were found in an isolated region of the TCO belonging to a subgroup of their people in voluntary isolation. The Chacobo took the decision to respect their relatives' desire to remain in isolation.”

Conclusions

The situation of all these peoples is critical and their right to remain out of contact with national societies must be respected. Nonetheless, the constant threat of aggressive and forced contact on the part of religious sects and other external agents, particularly Andean settlers, loggers and coca growers, is hanging over them. In 2006, New Tribes Mission stated that “in Bolivia our aim is to establish churches among the uncontacted peoples.” In 2011, the Bolivian government announced the construction of a highway through the Isiboro Secure National Park Indigenous Territory (Tipnis), the path of which, in addition to the environmental destruction it would cause, would put the survival of various Amazonian peoples at risk by creating a favourable environment for agricultural settlement, coca expansion and thus the dispossession of indigenous lands. In reaction to these initiatives, the organizations representing the indigenous peoples of the lowlands organised a long march to La Paz, suffering police repression and aggression from the coca growers on the way. The result of this mobilization, which obtained massive support from within the country, was the cancellation of the highway project. And yet just a few weeks later, the government had begun to change its mind in favour of the coca growers, and thus reiterated its desire to build the highway through the indigenous territory. For the Bolivian indigenous organizations, this is representative of the persistent discrimination and aggression that takes place against minority peoples, some of them highly vulnerable. In the case of the groups in isolation, the inexorable advance of Andean settlers and coca growers onto their lands means their extermination and signals an end to their cultures, which will be extinguished for good.

The segments of people in isolation have a contacted population within their own people that can act as a buffer to external aggression and they are located partially on their territories. However this also means they run the risk of being contacted by members of their own peoples who are in intermittent or permanent contact with national society, exposing them to illnesses for which they have no antibodies. For this reason, protection of their right to isolation also means working with each of the peoples to which they belong, given that social integration means that these people now have another form of
social organization. The representative organizations of these peoples will thus form priority players in the work of protecting the groups in isolation, as will the organizations of neighbouring indigenous peoples and the local authorities, particularly the municipalities.

As already mentioned, concern for the situation of peoples living in isolation and initial contact is already a longstanding one in Bolivia and various initiatives have been established aimed at producing specific public policies to protect these peoples and mitigate the negative consequences of contact. The state has still not established clear guidelines with regard to protecting the rights of these peoples but recent statements with regard to protecting the Ayoreo on the border with Paraguay, the Pacahuara and the peoples who live in Tipnis would not seem to indicate an institutional interest in taking responsibility for their rights. The Madidi Expedition\(^{59}\) has conducted investigations that support the 2006 resolution of Bolivia’s National Protected Areas Department which safeguards the right of the Toromona in the Madidi National Park to isolation. This signifies a very important step forward and, together with Article 31 of the 2009 Political Constitution of the Plurinational State,\(^{60}\) which specifically establishes a right to isolation, and the 2011 draft bill of law on the protection of groups in isolation, these form the most relevant recent actions in this regard. And yet the aggression continues. Loggers, smugglers, coca growers, settlers and others are invading the territories of peoples in isolation and initial contact, putting their culture and their physical existence at risk. Urgent action must therefore be taken to formulate public policies and provide the state with a specialist body to deal with these issues.

As we have seen, the information available on the peoples in isolation is frequently fragmentary and, with the exception of the recent study conducted by the Iniciativa Amotocodie and UNAP on the Ayoreo in isolation, has not been gathered using adequate, empirically verifiable methodologies. Studies of this kind urgently need to be conducted in all areas where there are reports of possible groups living in isolation and, until these are complete, precautionary measures must be put in place to avoid aggression and to preserve these peoples’ right to maintain the kind of contact they want with the wider society, indigenous or not.

By ratifying ILO Convention 169, states undertake to enact public policies for and with indigenous peoples.\(^{61}\) Apart from ensuring that there is consultation in this regard, these policies need to consider their specific needs and these people’s vulnerability to ethnocide. The situation is more complex with regard to the specific case of peoples or segments of peoples in isolation. Clearly their right to remain outside of the surrounding society must be respected but it is also clear that it is the indigenous organizations of their own peoples that must represent them (when it relates to regional and national segments of peoples). This was one of the principles agreed in the Santa Cruz de la Sierra seminar in 2006 and is one of the working themes of the International Indigenous Committee for the Protection of Peoples in Voluntary Isolation and Initial Contact in the Amazon, Gran Chaco and Eastern Region of Paraguay (CIPIACI), of which CIDOB is an active member. In Bolivia, CIDOB and its member organizations represent the peoples in isolation and initial contact and so it is important that all state and civil society initiatives aimed at these groups are carried out in direct consultation with this Confederation, which must provide guidelines for protecting those it represents. Since 2006, CIDOB has been increasing its awareness and its lobbying capacity in this regard. The conclusions of the meeting held in December 2011 highlight a long-term agenda for the protection of these peoples that links the legal dimension (by calling for legislative enactment of the law protecting these peoples) with socio-political, institutional and territorial dimensions by demanding the establishment of territorial reserves so that these peoples can exercise their right to isolation and thus defend their cultures, which are unique on the planet.

In Bolivia, the enactment of specific policies for each indigenous people according to its own special features is in line with the decolonizing intention of the Bolivian state. It is clear that the risk of ethnocide and physical disappearance currently facing these peoples has not come about by chance. It is the direct result of the development of an exclusive and discriminatory state that was established from the 16th century onwards and which, with different nuances and structures, persists to this day. If the development of these peoples can be ensured within a framework of equity and inclusion, this will contribute to the dismantling of the structures that led to their oppression and the daily violence they are experiencing, all of which is leading irreversibly to their disappearance as cultures.
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ANNEX

Some demographic and territorial data on indigenous peoples at risk in the Bolivian lowlands

The aim of this annex is to provide a quantitative dimension to the problem considered in the text. It is clear that there are significant levels of under-recording and that population movements have occurred over the last decade but we do at least have a relevant approximate demography that enables population analyses to be made.

The population data available on these peoples comes primarily from the Indigenous Census of the Lowlands of Bolivia (1994), the 2001 National Population Census and estimates made by Mario Haibara in 2006. These are given below.

Population of peoples at risk, by source

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</tr>
<tr>
<td>Baure</td>
<td>631</td>
<td>496</td>
<td>923</td>
</tr>
<tr>
<td>Ese Eja</td>
<td>584</td>
<td>409</td>
<td>761</td>
</tr>
<tr>
<td>Canichana</td>
<td>583</td>
<td>213</td>
<td>396</td>
</tr>
<tr>
<td>Sirionó</td>
<td>419</td>
<td>134</td>
<td>249</td>
</tr>
<tr>
<td>Yaminawa</td>
<td>161</td>
<td>45</td>
<td>84</td>
</tr>
<tr>
<td>Machineri</td>
<td>155</td>
<td>15</td>
<td>28</td>
</tr>
<tr>
<td>Yuki (Mbya)</td>
<td>138</td>
<td>112</td>
<td>208</td>
</tr>
<tr>
<td>Moré o Itenez</td>
<td>108</td>
<td>44</td>
<td>82</td>
</tr>
<tr>
<td>Araona</td>
<td>90</td>
<td>92</td>
<td>171</td>
</tr>
<tr>
<td>Tapiete</td>
<td>74</td>
<td>19</td>
<td>35</td>
</tr>
<tr>
<td>Pacahuara</td>
<td>18</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Guarasug’we</td>
<td>9</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>


One important piece of information when considering the demographic vulnerability of these peoples is the predominance of men in their population. This puts their possibilities of biological reproduction at risk, as can be seen from the following table. Estimates by Mario Haibara on the basis of the National Population Census 2001, Vice-Ministry of Lands, 2006

Population of peoples at risk, by source

<table>
<thead>
<tr>
<th>People</th>
<th>Total population</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weenhayek</td>
<td>1,902</td>
<td>978</td>
<td>924</td>
</tr>
<tr>
<td>Ayoreo</td>
<td>1,601</td>
<td>822</td>
<td>779</td>
</tr>
<tr>
<td>Cavineño</td>
<td>1,586</td>
<td>871</td>
<td>715</td>
</tr>
<tr>
<td>Mosetén</td>
<td>1,513</td>
<td>837</td>
<td>676</td>
</tr>
<tr>
<td>Cayubaba</td>
<td>610</td>
<td>366</td>
<td>244</td>
</tr>
<tr>
<td>Chacobo</td>
<td>475</td>
<td>251</td>
<td>224</td>
</tr>
<tr>
<td>Baure</td>
<td>923</td>
<td>545</td>
<td>378</td>
</tr>
<tr>
<td>Ese Eja</td>
<td>761</td>
<td>405</td>
<td>356</td>
</tr>
<tr>
<td>Canichana</td>
<td>396</td>
<td>236</td>
<td>160</td>
</tr>
<tr>
<td>Sirionó</td>
<td>249</td>
<td>135</td>
<td>114</td>
</tr>
<tr>
<td>Yaminawa</td>
<td>84</td>
<td>46</td>
<td>37</td>
</tr>
<tr>
<td>Machineri</td>
<td>28</td>
<td>15</td>
<td>13</td>
</tr>
<tr>
<td>Yuki (Mbya)</td>
<td>208</td>
<td>117</td>
<td>91</td>
</tr>
<tr>
<td>Moré o Itenez</td>
<td>82</td>
<td>41</td>
<td>41</td>
</tr>
<tr>
<td>Araona</td>
<td>171</td>
<td>100</td>
<td>71</td>
</tr>
<tr>
<td>Tapiete</td>
<td>35</td>
<td>24</td>
<td>11</td>
</tr>
<tr>
<td>Pacahuara</td>
<td>60</td>
<td>39</td>
<td>21</td>
</tr>
<tr>
<td>Guarasug’we</td>
<td>17</td>
<td>9</td>
<td>8</td>
</tr>
</tbody>
</table>


The territorial aspect

One of the main focal demands of the mass mobilisations organised by lowlands indigenous organizations since the 1990s has been the demand for territory. Most of these peoples at risk have obtained the legalisa-
tion of part of their ancestral territories, whether individually or linked to the territory of a larger people (as in the case of the Chacobo-Pacahuara territory).

Peoples at risk:

<table>
<thead>
<tr>
<th>People</th>
<th>Area (km²)</th>
<th>Population</th>
<th>Population density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weenhayek</td>
<td>1,978</td>
<td>1,902</td>
<td>1,0</td>
</tr>
<tr>
<td>Ayoreo</td>
<td>2,447</td>
<td>1,601</td>
<td>0,7</td>
</tr>
<tr>
<td>Cavineño</td>
<td>5,232</td>
<td>1,586</td>
<td>0,3</td>
</tr>
<tr>
<td>Mosetén</td>
<td>3,962</td>
<td>1,513</td>
<td>0,4</td>
</tr>
<tr>
<td>Cayubaba</td>
<td>6,518</td>
<td>610</td>
<td>0,1</td>
</tr>
<tr>
<td>Chacobo/Pacahuara</td>
<td>5,108</td>
<td>535</td>
<td>0,1</td>
</tr>
<tr>
<td>Baure</td>
<td>5,057</td>
<td>923</td>
<td>0,2</td>
</tr>
<tr>
<td>Ese Eja</td>
<td>4,414</td>
<td>761</td>
<td>*</td>
</tr>
<tr>
<td>Canichana</td>
<td>334</td>
<td>396</td>
<td>1,2</td>
</tr>
<tr>
<td>Sirionó</td>
<td>629</td>
<td>249</td>
<td>0,4</td>
</tr>
<tr>
<td>Yaminawa/Machineri</td>
<td>419</td>
<td>112</td>
<td>0,3</td>
</tr>
<tr>
<td>Bia yuki</td>
<td>1,272</td>
<td>208</td>
<td>0,2</td>
</tr>
<tr>
<td>Moré o Itenez</td>
<td>819</td>
<td>82</td>
<td>0,1</td>
</tr>
<tr>
<td>Ararona</td>
<td>950</td>
<td>171</td>
<td>0,2</td>
</tr>
<tr>
<td>Tapieté</td>
<td>513</td>
<td>35</td>
<td>0,1</td>
</tr>
<tr>
<td>Guarasugwe</td>
<td>3,594</td>
<td>17</td>
<td>0,0</td>
</tr>
</tbody>
</table>


Notes
2. Arturo Villanueva Imaña attended on behalf that institution. Bernd Fischermann, independent specialist living in Bolivia, was also present.
3. The meeting was held in 2006 in Santa Cruz de la Sierra and organised by CIDOB, the Bolivian Vice-Ministry of Lands, IWGIA and the Office of the UN High Commissioner for Human Rights.
4. This commission produced an emergency plan for the Yuki people. It also closely coordinated its activities with the Confederación de Pueblos Indígenas de Bolivia (CIDOB) and the Comité Indígena Internacional para la Protección de los Pueblos en Aislamiento Voluntario y Contacto Inicial de la Amazonía y el Gran Chaco (CIPIACI) which CIDOB participates in.
5. Annex 1 contains the text of the draft bill of law.
6. Valencia, María del Pilar. El derecho de los invisibles, un reto para el Estado plurinacional. Marco jurídico aplicable y bases para una definición de política pública. Santa Cruz de la Sierra, CIDOB, CIPIACI, IWGIA. This excellent text was presented in 2009 to the Bolivian Ministry of the Office of the President for its publication in the journal Tiempo de los Pueblos but was censored with the argument that it contained concepts that could affect the rights of the coca growers and settlers who were advancing onto the lands of the Amazonian indigenous peoples.
7. In CIDOB, María Saravia Paredes, Communications Officer, was responsible for indigenous peoples in isolation and initial contact, also participating in the Governing Board of the Comité Indígena Internacional para la Protección de los Pueblos en Aislamiento Voluntario y Contacto Inicial de la Amazonía y el Gran Chaco (CIPIACI). CIDOB has attended most of the international meetings on the issue and is a signatory to their declarations.
8. For example, in 2008, Pablo Cingolani, Álvaro Díez-Astete and Vincent Brackelaire “Toromonas. La lucha por la defensa de los pueblos indígenas aislados en Bolivia”. La Paz, FODOMADE, Rainforest Foundation Norway and in 2010 the book by Pablo Cingolani, “Amazonia blues. Denuncia y poética para salvar a la selva”. La Paz, Fobomade, Rainforest Foundation Norway. This latter text contains a passionate and well-argued defense of the indigenous peoples of the Bolivian Amazon who are threatened by agricultural settlement, the expansion of coca growing, oil exploration and exploitation and mining.
Fort further information on the effects of climate change and the loss of forest, check out Mauricio Carasco’s text: Tribus no contactadas, bajo amenaza por la destrucción del Amazonas boliviano. La Paz, Siete Días Journal, Cambio newspaper, May 2009.

On this issue, the following are recommended: the works of Beatriz Huertas on Peru (Los pueblos indígenas en aislamiento. Su lucha por la sobrevivencia y la libertad, Lima, IWGIA, 2002), the reports from the regional seminar in Santa Cruz de la Sierra (Alejandro Parellada (ed.). Pueblos Indígenas en aislamiento voluntario y contacto inicial en la Amazonia y el Gran Chaco. Actas del Seminario Regional de Santa Cruz de la Sierra 20-22 de noviembre de 2006. Copenhagen, IWGIA, 2007) and the website of the Iniciativa Amotocodie in Paraguay (http://www.iniciativa-amotocodie.org), among others.


The Declarations of Barbados I in 1971 and Barbados II in 1978 are noteworthy, which also form the starting point for the involvement of indigenous peoples in their struggle for self-determination, recognition of their specific features and their right to conserve their culture and develop as they desire.

Pierre Castles (quoted in http://www.universalis.fr) uses the term “savage” (sauvage in French) also in the sense of “wild” (undo-mesticated). For Castles, the Amazonian peoples represented the highest state of human freedom.


Article 18 of the Convention states that: “Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.”

It is noteworthy that on the New Tribes Mission website (http://www.ntm.org) in June 2010 there were 43 posts vacant in Bolivia, including founders of churches and pastors for the T’simane, Sirionó, Simba Guarani, Weenhayek and Ese Eja, among others.


The categories proposed for Bolivia have been constructed using, among others, the following sources: Darcy Ribeiro. “Fronteras indígenas de la civilización.” Mexico, Siglo XXI Editores, 1971 and Vincent Brackelaire. “Situación de los últimos pueblos indígenas asilados en América Latina” (Bolivia, Brasil, Colombia, Ecuador, Paraguay, Perú, Venezuela). Diagnóstico regional para facilitar estrategias de protección. Brasilia, no editor, 2006.

Article 32 of ILO Convention 169 (Law 1257 in Bolivia), establishes that: “Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and cooperation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.”

The problems of these peoples make cooperation necessary between countries on this important issue. An excellent text by Vincent Brackelaire on the issue indicates some guidelines for the discussion: Vincent Brackelaire ¿Es posible proteger entre todos a los últimos pueblos indígenas asilados? Teoría y práctica de la cooperación regional amazónica y su facilitación. Río de Janeiro, 2009. Unpublished.

María Saravia Paredes, CIDOB Communications Officer. Personal communication, 2009.

Álvaro Diez Astete in his text: “Sobre Antropología de urgencia en Bolivia: Pueblos étnicos en situación de vulnerabilidad y aislamiento”. La Paz, proposes the following criteria: i) Low population density, with a high risk of biological/plant reproduction, in which all families are suffering massive hunger and malnutrition, constant infant mortality and a general lack of defense to illness; ii) lack of natural resources for subsistence, through lack of minimum land, or because they live on unproductive wastelands, poor in natural life; iii) ethnic groups who are under outside protection, not requested by the natives, which even though this was carried out through humanitarian concern, led to forced changes of habitat and led to the immobilisation and artificial isolation of these peoples; iv) ethnic groups pursued by religious sects; v) victims of violent evictions on the part of hired gunmen, when the indigenous peoples were settled on their own traditional lands, now held by large ranch owners; vi) victims of pressure from Andean settlers, loggers, agricultural firms, cattle farmers, oil and mining companies; drugs traffickers and unscrupulous traders; vii) the existence to date of captive families in conditions of constant servitude because of absurd debts, without monetary pay and subject to payment in kind, and held in working relationships of semi-slavery; viii) difficult access to centres of medical help or schooling, living in a state of abandonment, which is not the same as voluntary isolation as they are already contaminated with important illnesses by white and mestizo populations, while those in isolation are not; ix) loss of socio-cultural cohesion, in the worst cases resulting in the need for begging and prostitution to survive, as uprooted individuals.

Jorge Salgado Moreno. pers. comm., 2008.


El TCO de los Araona es el primero que fue reconocido por el Estado boliviano y la Organización de los Estados Americanos (OEA) en 1990. El territorio, que se encuentra en el sur de la región de los selva, es de importancia ecológica y cultural para la población indígena.

El territorio es un lugar de difícil acceso, con una flora y fauna única y diversa. La vivienda tradicional es una casa de adobe con techo de hojas de palma. La economía es principalmente de subsistencia, con la pesca, la caza y la recolección de productos silvestres. Los idiomas oficiales son el Araona y el español.

El territorio ha sido objeto de disputas y conflictos con otros grupos indígenas y con comunidades locales. Ha habido casos de violencia y discriminación. Sin embargo, también ha habido avances importantes en la protección y el reconocimiento de los derechos de los pueblos indígenas en Bolivia.

57 This alliance was formed in Puerto Maldonado in October 2010 during the Trinational Meeting of Indigenous Peoples of Peru, Brazil and Bolivia “Uniendo esfuerzos para consolidar la defensa territorial de los pueblos indígenas de Madre de Dios-Acre y Pando”.


59 The Madidi Expedition is a private project funded by state and private support. Created in La Paz, Bolivia, it has been working since 2000, particularly in the Madidi and Apolobamba national parks and their areas of influence, in the forested and mountainous north of La Paz department, one of the most isolated regions of the country. It is being implemented in coordination with some twenty indigenous communities, the expedition itself is multietnic and comprises people of Leco, Tacana, T’siman, Quechua and Western origin, of Bolivian nationals and foreigners living in Bolivia. In 2001, the Chamber of Deputies declared the Madidi Expedition to be of national interest (D.C. Nº 003/2000-2001 of 31 May 2001). From 2000 to date, the Madidi Expedition has implemented missions and undertaken tasks with two main aims: i) The geographical exploration of unknown territories in the area already indicated (three official expeditions, with the support of the Bolivian state (Apolobamba-Madidi 2000, Madidi XXI (2001) and Santos Parario (2003) and three private expeditions (Upper Basin of the Río Madidi (2002) and North Apolobamba Mountains I and II (2003-2004), all within the Madidi National park; ii) office-based work of an anthropological, ethnographic and ethnohistoric nature aimed at proving the existence of uncontacted peoples in the Bolivian Amazon forest.

60 Article 31 of the Political Constitution of the Bolivian State says that: “i) the native indigenous nations and peoples in danger of extinction, in a situation of voluntary isolation or uncontacted, shall have their individual and collective way of life protected and respected; ii) the indigenous nations and peoples in isolation and uncontacted shall enjoy the right to remain in that situation, and to the demarcation and legal consolidation of the territory that they occupy and live in.”

61 Article 6 of this Convention establishes that governments will need to: i) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly; ii) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them; iii) establish means for the full development of these peoples’ own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.


63 The following achievements of these struggles are noteworthy: i) the signing of ILO Convention 169, which contains important commitments with regard to rights to territory and its management by indigenous peoples, ii) the allocation by presidential decree of native community lands prior to enactment of the INRA law, iii) enactment of the INRA law in 1996 establishing the procedure for claiming native community lands.

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ABOUT THE AUTHOR

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Introduction

This book is intended to provide a general overview of indigenous people in Venezuela who have little contact with national, criollo society and live in 'relative isolation', drawing on the main, previously dispersed sources of information about them in order to demonstrate there really are such people alive today. It is also intended to highlight the particular problems facing them so that the Venezuelan state adopts the necessary policies and measures to protect their land and lives.

The book starts by identifying where exactly the indigenous people in 'relative isolation' live. That is followed by a brief history of their contact with other, non-indigenous people, the problems facing them, and, finally, a number of proposals to protect them.

According to the most widely-understood definitions of 'isolated indigenous people', a term that has been used increasingly frequently in recent years, there are, strictly, no such people in Venezuela. For example, the United Nations' Office of the High Commissioner for Human Rights describes 'indigenous peoples in isolation' as peoples, or groups within such peoples, who live in tropical forests and regions that are difficult to access and not normally used by others, and who refuse to have regular contact with national society as a deliberate survival strategy against the threats and problems that contact brings with it.1

Going by this definition, it is obvious that there are no such whole peoples in Venezuela. However, the most recent, official censuses of the country’s indigenous population, together with research by social scientists, has revealed the existence of groups or communities within at least three different indigenous peoples who, although they are not in total isolation, live in relative isolation or are what the UN calls ‘initially contacted’, i.e. people who have only recently come into contact with national society, or who have had contact in the past but have never come to understand non-indigenous society in any depth. These people are the Hoti, or Jodi, Yanomami and Piaroa, and live in various regions in two states, Amazonas and Bolivar, in southern Venezuela.

‘In Venezuela it’s difficult to use the term ‘isolated’ for any indigenous people if it means a total lack of contact with national society,’ write Fernandez and Kelly. ‘As is well-known, trade between different indigenous communities has meant manufactured goods and germs have managed to reach areas where the state, missionaries, colonists or people working in extractive industries have never been. We don’t think, therefore, that there is anyone in Venezuela without some experience of goods or germs from the non-indigenous world... It is clear, however, that there are some Piaroa communities from Cano Colorado and the R. Sipapo (Freire & Zent, 2007), in Amazonas, as well as some Jodi communities in the Sierra de Maigualida, also in Amazonas, who, having initially established permanent or regular contact with non-indigenous people like missionaries or state officials, have since chosen to keep their distance, even though they may not actually be very far away in geographical terms. Among both the Piaroa and the Jodi, this is just a minority. The rest have chosen, or been forced, to establish and maintain contact with national society, with all the advantages and disadvantages that brings with it.’2

The Sape, an indigenous people from the upper R. Paragua, in Bolivar, have also been described as ‘in isolation’: ‘In Venezuela it appears that there are now no truly hidden peoples, but there are some isolated Yanomami, Hoti and Sape families and clans near the border with Brazil,’ writes Rivas Toledo (my highlights).3 However, according to official indigenous censuses and the most recent anthropological research, the Sape are now practically extinct. In 1992 a census by the Central Office of Statistics and Information put the number of Sape at 28, living in approximately three communities in Bolivar, and 10 years later another census, by the National Statistics Institute, said there were only six Sape. This suggests that in just 10 years, according
to official records, the Sape have almost disappeared completely. What seems to have happened is that in the last few decades of the 20th century the Sape integrated into other indigenous peoples in the region, and were decimated by a series of diseases and epidemics introduced by illegal miners and other outsiders invading their land. This is confirmed by the limited research that has been done on the Sape and, above all, by one of the most well-known experts in Venezuela, the anthropologist Walter Coppens, in a book published in 1983. ‘The few Sape alive today form three small groups, all of them living in the basin of the R. Paragua,’ Coppens writes. ‘Very little ethnographic research has ever been done on them... In 1940 Capuchin missionaries... explored the R. Paragua. They found two Sape communities along the R. Karun and counted 37 people living there, and recorded some of their language and other ethnographic data... In October 1970 we did two weeks fieldwork in a mixed community on the left bank of the middle R. Karun, near the mouth of Cano Kamu. That community was called Oroytepe. It consisted of just one extended family, numbering 18 people.4

It is clear that, for a good part of the last century, the few surviving Sape lived in ‘relative isolation’ in the basins of the rivers mentioned earlier, seeking refuge from criollos who were invading their land and contact with other indigenous groups in the region, like the Pemon, Uruak and the Yanam, a Yanomami sub-group. ‘If our informants are correct, it is possible that the R. Karun served as a refuge zone for the Sape,’ Coppens writes. ‘They emphasize the fact that the headwaters of the R. Paure-Muran and R. Karun are right next to each other, just two or three days walk away. One of the last serious problems for the Sape was probably Yanam groups entering the upper R. Paragua region... The few published references to the Sape always describe them as a demographically reduced group... Our informants put this down to several reasons: numerous epidemics of contagious diseases, measles in particular, and the Yanam shamans’ black magic which killed lots of Sape.6... The few surviving Sape have now mixed with three neighbouring tribes: the Pemon, the Uruak (Arutani), and the Yanam. The Sape are particularly influenced by the Pemon, whose culture they have adopted almost completely.5

In an up-to-date version of Coppens’ 1983 book, published in 2008, the anthropologist Francia Medina, from the Linguistics Department in the School of Anthropology at the Central University of Venezuela, states that the Sape are now practically extinct. ‘Everything suggests that the Sape, the original inhabitants of the headwaters of the R. Karun, a tributary of the R. Paragua, have disappeared. After several decades being assimilated by the Arekuna, a Pemon sub-group, and the Shirian, a Yanomami sub-group, and being decimated by epidemics, the survivors lost their cultural identity and language. Currently, there are very few people who call themselves Sape and none of them speak the language.7... According to the censuses, the Sape numbered 28 people in 1992 and lived in three different communities.8 The first is a Pemon community and the other two Shirian communities, where the last remaining Sape survive on the margins.9

One of the main reasons why some Hoti, Yanomami and Piaroa groups have managed to maintain their ‘relative isolation’ is because they live in forested, difficult-to-access regions, usually in the upper reaches, towards the headwaters, of the rivers in Amazonas and Bolivar. This part of the world is very little explored, with many unnavigable rivers and other natural obstacles, all of which enables them ‘to live in isolation and makes them particularly vulnerable to frequent outbreaks of disease and epidemics, especially malaria.’

However, such remoteness hasn’t stopped groups of illegal gold-miners from invading their territories. These miners, mainly from Colombia and Brazil, permanently move from place to place and are extremely dangerous to the isolated people, not just because they contaminate and destroy the territories which they rely on for traditional subsistence activities like hunting, gathering, fishing and agriculture, but because of their vulnerability to diseases and epidemics. It is clear that Venezuela’s indigenous people in ‘relative isolation’ face major threats to their survival.

Location of isolated indigenous people

The Hoti

The Hoti’s territory is in the north-east of Amazonas and the boundary region with Bolivar. It is a large area, stretching from the R. Kaima in the north to the Sierra de Maipualida in the east, to the R. Asita and Cano Majagua in the south and the R. Parucito and R. Cuchivero to the west. According to the most reliable research, ‘The Jodi were the last indigenous people in Venezuela to establish contact with the non-indigenous world and, as a result, are considered one of the least known. They number about 900, living in flexible, scattered settlements in different kinds of environments, including foothills and
inter-mountain valleys, in the Sierra de Maigualida in the far north-east of Amazonas and south-east Bolivar. This mountainous region, about 7000 kms squared, extends for 300 kilometres and is covered by tall, dense forests.8

The last two indigenous censuses refer to a total of approximately 900 Hoti living in 25 communities. Two of these communities are very big, both founded as mission stations. One is called San Jose de Kayama, in Bolivar, in the north of Hoti territory, and the other Cano Iguana, ‘caino’ meaning small river or stream, in Amazonas in the south. The other communities, including the most isolated, little-contacted groups, are scattered throughout the rest of their territory. The 1992 census put the number of Hoti at 683, with 257 in Amazonas and 386 in Bolivar,4 but according to more accurate data from the 2001 census, they number 767.10

In addition to these official statistics, there is also very reliable information from experts on the Hoti who say they number about 900 people and live in 25 communities. According to Eglee L. Zent and Stanford Zent, two researchers from the Venezuelan Institute of Scientific Research, ‘The 25 Jodi communities in the census have experienced different degrees of contact, which in turn has led to different degrees of cultural change. However, the majority continue to live in a way that is very similar to what is described here. 40% of the Jodi live in small, dispersed communities numbering between five and 25 people, while the remaining 60% have joined together, over the last two decades, in two communities founded by missionaries. They are divided into flexible, highly mobile bands with little social structure. However, they possess a strong sense of belonging that transcends blood relations and is reinforced by the constant circulation of food, materials, goods and services, all of which is part of the socializing process and creates a sense of identity... The Jodi don’t acknowledge a clear division of labour. They have a limited number of social roles, no social segmentation, and, notably, no personal names. They do have, however, a great sense of ceremony that celebrates life’s vital cycles and permanently re-enacts primordial, cosmological time... The Jodi economy is based on hunting, fishing, agriculture and gathering wild food. They spend about 80% of their working time hunting and gathering, and about 20% on agricultural work’ (my highlights).11

Going by the sources cited above, it is possible to estimate that about 40% of the Hoti live in ‘relative isolation.’ They are semi-nomadic and live in communities scattered throughout the forest, the majority of them in the Sierra de Maigualida, the upper R. Parucito and its tributaries, and Cano Majagua. According to the Zents, ‘we believe there are some Jodi communities, in the upper R. Cuchiveri region, the upper R. Parucito and R. Caura, who have still not had contact with any westerner’ (my highlights).12 In 2008 a Piaroa man who speaks the Hoti language said there are a number of small Hoti communities numbering between seven and 10 people in the Sierra de Maigualida, in the upper R. Parucito, in Cano Majagua and Cano Mosquito, called Cano Majagua, Cano Majaguita, Banderito, Cano Mosquito 1 and 2, iye Cajeto and Tawi Bojotu. This man, believed to know the dispersed, isolated Hoti communities extremely well, emphasized that they tend to be flexible, move often, spend numerous months in the forest hunting and gathering, and don’t have contact with the criollo settlement at San Juan de Manapiare or with other indigenous peoples.13

The Yanomami

The Yanomami live in a large, forested region along the frontier between Venezuela and Brazil. On the Venezuelan side, their territory is approximately 83,000 kms squared, consisting of the headwaters of the R. Orinoco and its tributaries, the R. Mavaca, the R. Ocarno, the R. Padamo, the R. Matacuni, the upper R. Siapa and the Sierra Parima in Amazonas, and the R. Caura, the R. Erebato and the R. Paragua in Bolivar. On the Brazilian side, their territory is in Amazonas and Roraima states, in the basins of the R. Negro and R. Branco.

According to the most recent statistics, the total number of Yanomami in both Venezuela and Brazil is 25,000 people, with between 12,000 and 14,000 on the Venezuelan side living in approximately 250 communities scattered across a large, geographically diverse region and with some language differences between them. Prior to that, the 1992 census put the number of Yanomami in Venezuela at 15,012: 13,347 in Amazonas and 1,665 in Bolivar. The later census, in 2001, numbers the Yanomami at 12,234, lower than in 1992, although this was due to the Sanema being registered separately as a Yanomami sub-group numbering 3,035, bringing the total number of Yanomami in Venezuela to 15,269. The Sanema are just one of four sub-groups into which the Yanomami can now be divided: the Yanomami living mainly in the R. Orinoco basin in Amazonas in Venezuela, the Sanema in both Amazonas and Bolivar in Venezuela, the Yanoman in Brazil, and the Yamam, or Shirian, in Bolivar in Venezuela, some of whom also live across the border in Brazil.
VENEZUELA: INDIGENOUS PEOPLES IN RELATIVE ISOLATION

Yanomami kids
Despite the fact that contact with the Yanomami was only in the last decades of the 20th century, comparatively late, since then large parts of their territories have been invaded and settled by non-indigenous people. These people include Christian missionaries and soldiers settling in Parima ‘B’ and the Cerro Delgado Chalbaud, and illegal miners, ‘garimpeiros’, coming mainly from Brazil. However, there are some Yanomami communities who live in ‘relative isolation’ in difficult-to-access regions, remain extremely vulnerable in environmental and health terms, and in general have little contact with national society, although they do have access to some western, industrialized goods through trade with other indigenous people. ‘The majority of their territory is very difficult to reach. This has probably contributed to the fact that they have been so little changed in cultural terms by national society, until recently. Today, many of their communities don’t have steady contact with the criollo world, yet in recent years they have increasingly tended to settle in large, more permanent communities, near mission stations or navigable rivers where they can obtain western goods and services.’

In total, there are approximately five different regions where Yanomami living in ‘relative isolation’ have been identified. These are scattered right across their territories: the upper R. Siapa in south-east Amazonas; between the Sierra Parima and the Cerro Delgado Chalbaud in Amazonas, Venezuela, on both sides of the border; between the upper R. Ocama and the R. Mutucini in Amazonas; the upper R. Caura in Bolivar; and the upper R. Paragua in Bolivar.

The Piaroa

The Piaroa are one of the most numerous indigenous peoples in Venezuela. Their territory includes parts of both Amazonas and Bolivar in the south-east of the country, in the extreme west of the Guiana Shield, and consists of the R. Sipapo, R. Cuaru, R. Autana, R. Marieta, R. Camani, R. Pahuaza, R. Cataniapo, R. Samariapo, R. Pari Grande, R. Pari Chiquito, R. Parhuena, the right bank of the R. Manapiare, from Guavarita to Wanay, R. Suapure and R. Chivapure. For several decades, there have also been Piaroa settled along the roads running north and south of Puerto Ayacucho in Amazonas, on the right bank of the R. Orinoco, between the mouths of the R. Ventuari and R. Samariapo, and in the upper R. Orinoco in the Tama-Tama region, and there are also some Piaroa in Colombian territory too, in Vichada, in the R. Zama, R. Inirida, R. Mataven and R. Guaviare regions.

What this suggests is that, in the last few decades, the Piaroa have expanded their territories considerably. In a key study, professor Alexander Mansutti Rodríguez, from the Universidad Nacional Experimental de Guayas (UNEG), points out that, ‘The Piaroa (or Uwothuha) possess a vast mythology about primordial times. This mythology includes geographical information which can help us trace the places they have occupied the longest. We are working on the principle that the geographical references in Piaroa origin myths could indicate their pre-contact territories... The Piaroa say that their place of origin is Joto Kiyu, a name which refers to the mountain ranges and foothills in the Macizo del Cuao, just where the mythical hills are said to be... In summary, it is generally accepted by the Piaroa that the basins of the R. Marieta and R. Cuao form part of their place of origin.’

Mansutti argues that the expansion of Piaroa territory happened for several reasons. ‘A review of the historical sources enables us to conclude that, in contrast to what happened to other ethnic groups in the country, Piaroa territory has grown over the last 300 years... This expansion was the result of the following: 1) the opening up of large, scarcely-populated regions due to the disappearance of other indigenous groups, following contact, who used to live there; 2) the disruption of inter-indigenous trade and loss of their technological autonomy, both of which encouraged greater trade between the Piaroa and outsiders; 3) 60 years of peace, following periods of violence and conflict with other indigenous groups, which enabled them to make the largest territorial expansion in their history; 4) policies by the Venezuelan state, both aggressive and more peaceful, aimed at integrating indigenous peoples into the rest of the nation... and which helped to define the limits of Piaroa territory; and 5) other inter-indigenous factors such as the Carib-speaking peoples’ slaving operations, trade and marriages.’

According to current statistics, the number of Piaroa is about 15,000, the majority living in Amazonas and Bolivar. The 1992 census said there were approximately 11,539 Piaroa, with 9,368 in Amazonas and 2,165 in Bolivar, but the most recent census, from 2001, estimated them to number 14,494, although that did not include the Mako, numbering 1,130, who live along the lower R. Venturi and the R. Guapuchi, and are considered to be a Piaroa sub-group. In just 10 years, this is a considerable increase. In addition, there are also approximately 800
Plarao living on the Colombian side of the R. Orinoco, between the R. Vichada and R. Guaviare.

Contact between the Plarao and national society came extremely late. In fact, many Plarao communities remained in ‘relative isolation’ for a good part of the last century. ‘The relative isolation in which they took refuge until towards the end of the 20th century was also a way of trying to avoid the diseases introduced by the Europeans, which they probably saw as yet another form of external aggression,’ write German and Zent.17

However, although the majority of the Plarao were living in regions near criollo settlements or had easy access to western goods and services by the end of the 20th century, there are still many communities in ‘relative isolation’ in difficult-to-access regions which have little contact with national society. The decision to live in this way must be respected as their own, and one that is intended to maintain their ancestral way of life and to protect themselves against certain aspects of the western way of life and the diseases often brought by it.

For example, according to Plarao leaders and experts in anthropology, it is well-known that there are small Plarao communities or family groups in the headwaters and along the upper R. Cuao who continue to live traditionally and have very little contact with other, acculturated Plarao as well as national, criollo society. This is backed up by a recent study of Plarao health by an anthropologist who has worked in some difficult-to-access regions which have little contact with national society. The decision to live in this way must be respected as their own, and one that is intended to maintain their ancestral way of life and to protect themselves against certain aspects of the western way of life and the diseases often brought by it.

In his 1983 book cited above Walter Coppens points out that research about the Hoti is limited and recent, and as a result there is much about their history and lives that isn’t known. Coppens remarks that they have had very little contact because of the inaccessibility of

nowadays they make up less than 10% of the total Plarao population. In general, they have no access to, or only very sporadic access to, western medicine, and they depend totally, or almost totally, on their own, traditional shamanism for healing. The inhabitants rarely speak Spanish and are reluctant to have any kind of contact with non-Plarao people’ (my highlights).18

In a recent interview, one of the most prominent Plarao leaders, Guillermo Arana, confirmed the existence of Plarao communities or groups in isolation in the upper R. Cuao region, between the R. Cuao, R. Wanay and R. Camani mountains.19 Arana, from the Cano Grulla community in the Autana municipality, a former coordinator of Venezuela’s National Indian Council and former indigenous representative in Amazonas’s Legislative Council, listed the locations of some of these communities, including Cano Venado, Cano Vera, Cano Gavilan, Cano Agua Dulce, Cano Achoito and Hanakome. Arana said that they live in a traditional way in communal houses with practically no contact with criollos in an attempt to preserve their ancestral way of life, although he acknowledged that they sometimes trade for manufactured goods with other Plarao living in the communities on the ‘periphery’ of their territories. This information was based on Arana’s participation in the 1992 indigenous census, and various visits to the region coordinated by the United Plarao Indigenous Organization of Sipapo.

The threats to these isolated Plarao, which could include illegal miners or other outsiders, are currently unknown. This is probably because the regions they live in, like the R. Cuao and its tributaries, where there are numerous rapids and waterfalls, are so difficult to access.

History of contact with isolated indigenous people

The Hoti
The Hoti were one of the last indigenous peoples in Venezuela to establish contact with national society, particularly with officials working for the state. It was only in the second half of the 20th century, from the 1960s onwards, that some Hoti groups began to have sporadic contact with non-indigenous people.

In his 1983 book cited above Walter Coppens points out that research about the Hoti is limited and recent, and as a result there is much about their history and lives that isn’t known. Coppens remarks that they have
the region they live in. ‘We know that the Hoti’s territory is forested and there is no way to access it by river,’ he writes. ‘This may have impeded criollos intent on exploiting the region’s natural resources from invading it on a large scale… The areas adjacent to the Hoti’s territory about which we have direct information belong to the E’niepa from the upper R. Cuchivero region and the Yawarana from the R. Parucito. In the first half of this century, the rubber on E’niepa territory was intensely exploited by criollos… From the beginning of this century, numerous groups of caucheros made their presence felt in Yawarana territory… Despite how close this was to the Hoti, they were probably not affected, and neither does it appear that there was any direct, frequent contact between them and caucheros… As for the southern Hoti, there are some references to occasional, relatively recent encounters with criollos.136

Here Coppens is referring to the sporadic contact that some Hoti groups had with people living at San Juan de Manapiare, which was founded in 1945 by a criollo, Melicio Perez, and a group of indigenous people. Until that year there had been no permanent criollo settlements in the Manapiare-Parucito basin, but with the foundation of San Juan the Hoti from the upper R. Parucito-R.Majagua region, called the ‘southern Hoti’ by Coppens, began to have occasional contact with non-indigenous people. This may have been encouraged by the Yawarana, from the R. Parucito, who had some contact with the Hoti as well as the criollos in San Juan. Nowadays, this contact is ongoing, due to the relationship the Hoti from the R. Parucito-R.Majagua have with the Yawarana and, in turn, the relationship the Yawarana have with the criollos. According to some informants, some small Hoti groups travel directly to San Juan, where they trade honey, wild animals and other products for manufactured goods.

Coppens says that the Hoti’s almost total isolation ended dramatically in 1969 when a Protestant missionary organization, the New Tribes Mission (NTM), founded a settlement in the Cano Iguana region in order to evangelize and convert them to Christianity. This had a major impact and led to considerable cultural changes among the different Hoti groups and bands who settled at the mission, mainly to obtain western goods and services. The role played by trade and goods in the Hoti’s history has been fundamental. As Coppens has written, ‘The way the Hoti obtain goods from outsiders differs considerably between the north and the south. In the north, the only group with whom the Hoti have established any kind of trading relationship, in this case a barter system, are the E’niepa from the upper R. Cuchivero… In exchange for blowpipes, the Hoti want axes, machetes and knives – items for which the E’niepa act as exclusive intermediaries… The southern Hoti have two main sources of imported goods. The less-used source is the Yawarana/Dearuwa from the R. Majagua, near the confluence of the R. Parucito and R. Majagua, who the Hoti occasionally visit if conditions permit. From 1969 onwards, the year that the NTM founded its settlement at Cano Iguana, some Hoti bands have established more regular contact with the missionaries… Contact between the missionaries and the Hoti living beyond the mission’s reach is sometimes direct or sometimes through other Hoti living closer to the mission, acting as intermediaries… These Hoti visit the mission fairly regularly, and the more isolated Hoti take advantage of these visits by then trading with them when they have left… The missionaries offer them metal tools (e.g. axes, machetes, knives, scissors, spear-heads, files and fish-hooks), cooking utensils, clothing and soap.137

Catholic missionaries have had a role to play in the Hoti’s contact too. By 1983 the Misioneras de la Madre Laura had established a mission station, San Jose de Kayama, on the upper R. Cuchivero. Initially this was to work with the E’niepa living in the region, but later the Hoti, called the ‘northern Hoti’ by Coppens, became involved after being attracted to the mission by the goods and services on offer. This relationship continues to this day.

The history of the Hoti’s contact is very clearly described, by Eggle L Zent and Stanford Zent, in a recent publication by Venezuela’s Ministry of Health, called Indigenous Health in Venezuela. ‘There are reports of the Jodi about the time that San Juan de Manapiare was founded, then the only criollo frontier settlement in Jodi territory,’ the Zents write. ‘The region’s oral history tells of occasional encounters with groups of unknown indigenous people presumed to be the Jodi. . . However, it wasn’t until 1961 that the first definite encounter between the Jodi and the west was recorded, when a group of 14 Jodi from the lower R. Kayama, a tributary of the R. Cuchivero, split into two. In those days, the Jodi used stone axes and made fire by rubbing sticks together… Their only known contact with other indigenous people consisted of occasional encounters with the E’napa who lived nearby… In the 1970s it was reported that the Jodi were still using bamboo knives… and metal tools were considered a relatively recent introduction… In early 1969 a group of North American missionaries affiliated to the New Tribes Mission (NTM), aided by Pi-
aroa guides, made contact with some Jodi communities in the Cano Iguana region in Amazonas. The following year, the NTM built a base and established a permanent western presence in the region... In the 1970s the Jodi were visited by various scientific explorers who recorded the first ethnographic material about them, their subsistence and settlement patterns, technology, social organization and language... In 1983 a mission station was established in the north of the Hoti’s territory by the Catholic order Hermanas de la Madre Laura, who founded a settlement on the banks of the R. Kayama... Like at Cano Iguana, the healthcare offered by the missionaries was the key factor for some Hoti communities to settle at the mission... People continue to move to the mission to this day... In addition, from the end of the 1980s onwards and throughout the 1990s, the Hoti’s territory in Amazonas was increasingly invaded by miners and tourists, some Venezuelan, some foreign. This provided them with more opportunities to obtain western goods and services.”

The Protestants continued operating in Hoti territory until 2005 when Venezuela’s president announced he would expel the NTM from the country. As a result, the missionaries at Cano Iguana were forced to leave the region and in 2006 a ‘civic-military centre’ was established in the mission’s place, coordinated by Venezuela’s navy and part of a Ministry of Defence plan to impose a state presence in the regions left by the NTM named the ‘National Strategic Plan for the Defence, Development and Consolidation of the South.’ That meant soldiers, doctors and officials from other state institutions, like the Ministry of Education and the National Land Institute, settled at Cano Iguana, leading the Hoti to develop yet new kinds of relationships with the outside world.

The Yanomami

Experts on the Yanomami agree that despite the fact contact between them and non-indigenous people, particularly the Portuguese, goes back more than 200 years, they remained relatively isolated until the 1950s when more direct, more permanent contact began. ‘Linguistic research suggests that the R. Apiau is a tributary of the R. Branco in Brazil, and this is where the word ‘Yanomami’ comes from,’ write Kelly and Carrera. ‘(The anthropologist Jacques) Lizot takes this as ‘evidence’... for the Yanomami’s territory extending, roughly, from the tributaries feeding into the R. Branco’s right bank until it meets the R. Negro... According to this theory, this is where the Yanomami had contact with Portuguese colonists in the 18th century and suffered as a result... It is very likely that the Yanomami found themselves exposed to the same kind of problems as other indigenous peoples elsewhere in the Amazon as a result of European colonialism. The consequences were probably two-fold: 1) contact with aggressive Arawak-speaking peoples who entered the region looking to capture slaves to sell to the Portuguese and 2) the disease and epidemics that increased contact brought with it. [23]’

Assuming this theory is correct, some of the main ethnographers of the Yanomami, such as Lizot, argue that the Yanomami later migrated from the region between the R. Branco and R. Negro and sought refuge in safer territory, like the Sierra Parima, a mountain range in the Venezuela and Brazil border region. This would also explain why the Yanomami population increased, given that they had moved into a region where they could avoid epidemics and there was plenty of food, and then expanded into parts of the upper R. Orinoco and its tributaries, including the R. Ocamo, R. Mavaca, R. Manaviiche, R. Padamo and R. Orinoquito. ‘This isolation, however, did not last long,’ Kelly and Carrera continue. ‘After a number of sporadic encounters, they began to establish more permanent contact with non-Yanomami people in the mid-20th century... Before that, during the height of the rubber exploitation, there had been some intermittent encounters that didn’t turn out well... They kidnapped a young Brazilian girl... a rubber tapper was killed following a clash between seringueiros and a group of Yanomami along the upper R. Manaviiche... and it is likely that there were other, unreported clashes.’ [24]

There is no doubt that, in the first half of the 20th century, the Yanomami had plenty of tense, unfriendly encounters with criollos, from both Venezuela and Brazil, who entered their territory looking for rubber and which led to a number of violent confrontations, some people being killed, and others kidnapped. Subsequently, in the second half of the 20th century, a Franco-Venezuelan expedition to discover the source of the R. Orinoco, in the Cerro Delgado Chalbaud, on Venezuela’s southeast frontier with Brazil, right in the middle of Yanomami territory, meant the arrival of yet more outsiders, and a group of missionaries founded the first, permanent non-indigenous settlement. As a result of all this, contact between the Yanomami living in difficult-to-access regions and other people began to increase gradually.

The Franco-Venezuelan expedition to discover the source of the R. Orinoco took place in 1951 and the reports of it reveal a great deal about the Yanomami. In his book Shailili-ko, Pablo Anduze, a participant in the
expedition, a well-known naturalist, researcher and ex-governor of Amazonas, describes the contact that expedition members had with the Yanomami, known as the ‘Waikas’, in the R. Orinoco’s headwaters. ‘The next day,’ Anduze writes, ‘we went back upriver. Three hours later, we stopped on the right bank and made camp, guided by the Mahedokodi-teri leader. Next morning, we climbed the Wanidi mountains... We realised we were getting close to the Wanidi-teri people... Soon we heard a group of people rushing towards us. They weren’t scared. Our guide had been shouting out to them that we were friendly. They were delighted to meet us and led us to their camp... As soon as we arrived, without giving us time to rest, they made it clear that they wanted to start trading. They brought me bows and arrows, loincloths for men and women, plantains, bananas, and items made from animal skins and feathers. We were haggling until it was dark. The tribes the expedition made contact with were: the Piaroa, the Wahibo, the Dekuana and the Shiriana... The Shiriana, although not classified exactly, belong to the same nation as the Waika. It was these people with whom we had the most contact... Various expeditions have previously had contact with the Shiriana... and recently some boundary commissions have had contact with them... Hamilton Rice’s expedition made contact with them and led to people thinking that the indigenous people beyond La Esmeralda were man-eating savages who fled from any kind of contact’ (my highlights).25

In the early 1950s the first Protestant mission was established in the upper R. Orinoco by the New Tribes Mission. This was called Platanal, near a group of Yanomami called the Mahedokodi-teri, and from there the missionaries expanded into the Mavaca, Parima, Koyowe, Koshirowe and Yanahama regions in the R. Padamo basin.

By 1957 the first Catholic missionaries, Salesian priests, had arrived in the upper R. Orinoco too and established a mission station at the mouth of the R. Ocama, a R. Orinoco tributary. Subsequently, the priests, together with members of the Hijas de María Auxiliadora, established missions in the Mavaca and Platanal regions which the Protestants had now left. Father Luis Cocco, the founder of the mission at Santa Maria de las Waikas, at the mouth of the R. Ocama, described the history of first contact between Catholic missionaries and the Yanomami on the Venezuelan side of the border in his well-known book Iyewi-teri: 15 years among the Yanomami. ‘The Yanomamas (or Yanoamos), so reluctant to have any kind of contact in the mid-18th century, have opened the doors to their world to us two centuries later,’ Cocco writes. ‘Only now do they consider us mature and responsible enough and able to accept their attempt, made for 1000s of years, to survive as a culturally autonomous tribe... Yanomamo groups had come down from the headwaters to make contact with us before we could even cross the rapids and contact them... The iyewi-teri were in the vanguard. Father Bonvecchio and I found them settled at the mouth of the R. Ocama in 1957 almost as if they were waiting for us.’26

The anthropologist Marcus Colchester has also written about the Yanomami’s contact history, both in past centuries and more recently. ‘Their survival has mainly been the result of their relative isolation from the rest of the Amazon, in comparison to other indigenous peoples who have been decimated by the impact of western society. . . However, their isolation has not been total. The Yanomami were probably affected by the slave wars of the 17th and 18th centuries, and new crops were introduced to South America by the Spanish and Portuguese which seem to have found their way into their territory in the 17th century. In 1930 they made contact with various caucheros. Metal tools began to replace stone axes in the mid-19th century. From that period onwards, the Yanomami entered a period of rapid and dynamic geographic expansion, mainly as a result of a dramatic population increase... and their relentless search for industrial goods... Since the 1950s, the Yanomami have been in regular contact with white, western society. Missionaries and anthropologists, as well as gold and diamond miners, have penetrated deep into their territories since the second half of the 1960s, and in Yanomami territory over the border in Brazil since the 1970s.’27

The presence of Catholic and Protestant missionaries among the Yanomami meant the introduction of western healthcare and education, unknown until then, and the arrival of a reliable source of goods which the missionaries traded with the Yanomami communities nearby and often found their way to other, more remote communities. At first, the Catholics focused on healthcare, e.g. establishing clinics and training the Yanomami, and education, gradually implementing, with the help of experts in anthropology, an ‘intercultural’, bi-lingual program which strengthened the Yanomami language and enabled them to learn Spanish but which at the same time took their own culture into account and didn’t involve any explicit religious teaching. In addition, the Catholics encouraged the Yanomami in some of their socio-economic activities, like making handicrafts and collecting honey and wild fruit, which they sold through a
co-operative, the Shapono Unidos Yanomami del Alto Orinoco, which brought together numerous Yanomami communities from the upper R. Orinoco.

The Protestants, in this case the NTM, operated very differently. They taught literacy and provided healthcare in some communities, but they also performed explicit evangelical work and trained the Yanomami to be ministers. Some of the ways in which they did this were questioned, and some experts and state institutions felt the Yanomami were forced into doing things they didn’t want to. For example, certain things fundamental to Yanomami culture, like shamanism and the use of certain plants like tobacco and yopo, were banned.

With the arrival of the missionaries came various state institutions. The Ministry of Health has had a presence in Yanomami territory since the 1950s, in the form of its Malaria Office, and towards the end of the 1980s a medical program involving the Central University of Venezuela was established to provide healthcare to the indigenous people living in the region. Following that, in the 1990s, the Ministry of Health and Social Development established a Health District in the upper R. Orinoco in order to provide permanent healthcare. From the very start, the Yanomami interacted openly with the healthcare personnel, who not only operated out of their bases at Ocamos, Mavaca, Platanal and Parima ‘B’, but also organized expeditions to the communities in the difficult-to-access regions. Since 2000, the upper R. Orinoco Health District has been improved by the opening of new bases, and special health programs including immunizing isolated Yanomami communities have been implemented, with logistical support from Venezuelan soldiers and a key role played by the Ministry of Health’s Amazon Centre for Tropical Disease Research and Control.

The late 1980s was a particularly significant period in the Yanomami’s history of contact with non-indigenous people, or the ‘napé’, as they call them. That period saw large parts of Yanomami territory in both Venezuela and Brazil being overrun by illegal gold miners coming from Brazil’s Roraima state who destroyed vast areas of the forest, contaminated the rivers, attacked the Yanomami, and introduced previously unknown diseases. The miners’ invasion was widely reported by the Venezuelan and international press, and in numerous TV documentaries. Their operations were so environmentally devastating that by 1989 the headwaters of the R. Orinoco in the Cerro Delgado Chalbaud were almost entirely deforested and contaminated, and in response the Venezuelan state took drastic steps and sent soldiers to the region permanently to evict the miners who were destroying not only the Yanomami’s home but also the source of the country’s most important river.

The gold fever meant more and more contact between the Yanomami in the entire upper R. Orinoco region, the Sierra Parima and the Cerro Delgado Chalbaud, and outsiders. Most of it wasn’t friendly. There are many reports of violent confrontations and Yanomami being killed by Brazilian miners. The slaughter at Haximuerti, an isolated shabono between the source of the R. Orinoco and the Sierra Parima, is the most notorious. It occurred in July-August 1983. 16 Yanomami, mostly women, children and the elderly, were savagely killed by a group of illegal gold miners settled in a region that was very important to the community. In direct response, as well as the more general need to protect Venezuelan territory from Brazilians, the armed forces moved into the region and established bases in the R. Orinoco’s headwaters in the Cerro Delgado Chalbaud (the National Guard), in the Sierra Parima (the army), and in La Esmeralda, which acted as the main base for logistics and supplies (the National Guard).

In 2006, when the NTM was expelled from Venezuela and forced to leave places like Tama-Tama, Kio-owe, Parima ‘B’ and Yahanama in the upper R. Orinoco which they had occupied for decades, there was a major change in Yanomami relationships with non-Yanomami. The missionaries’ former bases were taken over by soldiers and various state institutions, the stated aim being, like in Honti territory, to create ‘civic-military’ centres and establish the state’s presence in the country’s remotest regions.

However, despite all this, some Yanomami groups continue to live in forested, difficult-to-access regions along the Venezuela-Brazil border. Although they are not in total isolation, due to the miners who have invaded or the sporadic contact they have with healthcare personnel, they don’t have any direct, permanent contact with national society. The majority of these groups in ‘relative isolation’ live in the upper R. Siapa, in the large area between the Sierra Parima and the Cerro Delgado Chalbaud, between the upper R. Ocamo and the Sierra Parima, between the upper R. Caura and the upper R. Paragua.

The Piaroa
It isn’t clear at what point during the Spanish conquest and later colonization that the first reports of the Piaroa were received, or when contact between them and non-
indigenous people first took place. One early reference is cited in an article by the anthropologists Overing and Kaplan about the ‘Wothuha’, i.e. the Piaroa, in a book titled The Aborigines of Venezuela. 'The Wothuha did not have contact with criollos until the 19th and 20th centuries when the middle and upper R. Orinoco was opened up to trade, scientific exploration and colonization.' Overing and Kaplan write. ‘This relative isolation was due to the fact that they were probably living on the right bank of the middle R. Orinoco in the early stages of the Spanish conquest and missionary activity. This region, the setting for their creation myths, includes the Atures and Maipures rapids... and steep mountains. For a long time, the vast area on the right bank of the R. Orinoco remained unexplored due to the topography of the region, which marked the limits that the Spanish and the missionaries could go.'

Overing and Kaplan insist that post-1756, when the R. Orinoco upstream from the Atures and Maipures rapids began to be opened up, people began to hear about an indigenous group called the ‘Piaroa’ on the right bank. For example, reports on the Jesuits operating along the R. Orinoco begin to refer to the Piaroa regularly. Particular mention was made of Piaroa communities on the upper R. Cataniapo, upriver from the Atures mission, in Amazonas, which today is Puerto Ayacucho. ‘The Wothuha settlements on the upper R. Cataniapo were only two or three days from Atures, and the people living there frequently visited the mission to trade,’ write Overing and Kaplan. ‘However, it was difficult to evangelize them. According to Humboldt, once they had obtained what they were looking for, e.g. knives, fish-hooks and beads, they quickly grew fed up with the rules the missionaries tried to impose on them and returned to the forest. Humboldt also noticed that another reason they abandoned the missions at Atures and Maipures was due to the epidemics that struck them in the wet season. When he visited, he only met a few Wothuha in Atures, most of whom were living with the Hiwi, otherwise known as the Guahibo. According to the missionaries, it would seem that the Wothuha managed to almost completely avoid attempts to evangelise them during the colonial period.’

Another key source is Alexander Mansutti, who refers to earlier contact with the Piaroa between the 17th and 18th centuries. ‘Where were the Piaroa in these changing times?’ Mansutti asks. ‘The oldest reference suggests that there were Yaruros, Caribes... Salivas... Piaroa... Atures etc living near the mission at the mouth of the R. Vichada which was run by Father Fiol between 1681 and 1684... Later, there is another reference to them, by Father Poeck, a contemporary of Fiol’s, who mentions the Planagoras when discussing the various indigenous nations living in the R. Orinoco region... These early references confirm the existence of a group known as the ‘Piaroa’, or ‘Planagora’, who were obviously significant enough to be mentioned by the first chroniclers... After Rivero, who wrote in 1736... there is no reference to the Piaroa until Father Manuel Roman mentions them in a report, written in 1749, about the missions in the R. Orinoco. He says that in addition to the six villages where the Jesuits are working... there is another, belonging to the Piaroa, who are also asking for a priest to instruct them.‘

However, from the beginning of the 19th century there are many sources referring to contact between the Piaroa and western society. Some refer to the Piaroa temporarily settled at the missions to obtain western goods before then leaving, or their marriages to people at the missions, or their participation in the trade that took off in this period. ‘The information available to us suggests that young Piaroa women were marrying Maypure Indians from Atures and La Urbana,’ Mansutti writes. ‘That enabled them to establish economic relationships guaranteeing they could supply their in-laws with western goods... The development of manufacturing and extractive industries defined the Piaroa’s economy: politically powerful criollos arrived from Apure, Ciudad Bolivar and the centre of the country, and established, together with other criollos, native or immigrant, brutal systems of value and exchange which enabled them to monopolise the trade in western goods.’

In the second half of the 19th century the lives of the indigenous peoples in the R. Orinoco and across much of the Amazon were dramatically impacted by rubber exploitation. Initially, they participated fully in the rubber-gathering process, but in time they were exploited, enslaved and subject to appalling abuses. ‘The Piaroa oral tradition suggests that the early relationships between the caucheros and indigenous communities were excellent, and this encouraged some of the latter to participate in production,’ writes Mansutti. ‘But as time went by those relationships began to deteriorate... The commercial exploitation of rubber was based on the same system and involved the same kind of conditions as the corrupt capitalism that had reined during the first half of the century... The Piaroa say that people frequently fled from the criollos, fed up of the terrible working conditions and terrified by the way they were being treated.’
The rubber exploitation, particularly from 1870 onwards, created huge social pressures in the Amazon and encouraged, or forced, many indigenous peoples to move into new regions. This, in turn, led to an increase in demand for western goods as well as trade in locally-produced food, in which the Piaroa, given their largely agricultural way of life, played a key role by supplying others. For example, in the Atures region, where Puerto Ayacucho is now, ‘(life went on) thanks to the food provided by the Piaroa from the R. Cataniapo... In 1854, Simon Garcia reports that there were Piaroa settled in Majupares and Marano... which proved their intention to settle along the banks of the R. Orinoco.’33 Mansutti also reports that the Piaroa expanded their territory considerably during this period, and as a result their contact with criollos increased significantly, mainly through trading food and other goods.

In the very early 20th century many indigenous peoples in the Amazon, the Piaroa among them, sought refuge in the headwaters of the main rivers in their territories. This was intended to isolate and protect themselves from the rubber exploitation imposed on them and the violence and abuses that came with it. Mansutti describes the Piaroa’s experience very well: ‘The increase in violence in the first three decades of the 20th century meant that people moved away from the regions where the caucheros were. In the Orinoco, the only people who stayed behind were the Piaroa from Mataveni. The rest returned to the inaccessible, upper reaches of the R. Sipapo and R. Cataniapo, or stayed in the headwaters of the canos feeding into those rivers...’34 Once rubber had started to be produced in Asia and production in the Amazon declined, the indigenous population began to move and migrate into new regions again, increasing contact and trade. In the Orinoco, for example, Puerto Ayacucho was founded near to what was once the Atures mission.

From the 1940s and 1950s onwards, Puerto Ayacucho grew considerably and became the main centre in the region supplying western goods and services. As a result, the local indigenous population began to visit, establish permanent trading contacts with the criollos living there, and settle in areas nearby. ‘The 1950s was also a period of great territorial movement among the Piaroa, despite the fact that the memory of the rubber industry’s violence still terrified them,’ Mansutti writes. ‘There were various reasons for this: Puerto Ayacucho became a small but booming town with a growing demand for western goods and services; the New Tribes Mission, which had established itself in the region in the previous decade, began evangelising near Puerto Ayacucho and in the R. Sipapo basin; the Apostolic Vicariate in Puerto Ayacucho founded the Salesian mission at the Isla de Raton; and previous relationships between the various indigenous peoples was disrupted and the exploitation of rubber enjoyed a brief revival... All this pressured the Piaroa into altering their settlement patterns and the regions they used... For example, the importance of the paths in the R. Cuao, R. Autana and R. Marieta headwaters used to trade with the Ye’ kuana declined...This encouraged certain communities to move closer to Puerto Ayacucho and/or Colombia in order to participate more actively in the changing economy.’35

These changes led to the establishment of permanent contact between the Piaroa and criollos. Some Piaroa settled along the main canos near Puerto Ayacucho, like Paria Grande and Paria Chiquito, Parhuena, and the lower R. Cataniapo, and they also established direct relationships with the Protestant and Catholic missions. The Salesians at Isla de Raton began to teach the Piaroa and Jivi, or Guahibo, and implement socio-productive programs, which included founding a boarding school for young indigenous people, while the Protestants, from the NTM, began direct evangelical work. This led to contact with Piaroa from the R. Sipapo, who were moved to the Tama-Tama region in the upper R. Orinoco. All this had a major impact on the Piaroa which can still be seen today. In the next few decades they consolidated their relationships with the criollos, their settlement in the R. Orinoco region and Puerto Ayacucho, which later led to problems and conflicts when tourists entered Piaroa territory in the 1980s and 1990s and further invasions near Puerto Ayacucho and Manapiare.

Another important source of information about the Piaroa is the naturalist Pablo Anduze. ‘Of all the indigenous people in Venezuela who have had contact with civilization, the Dearuwa have been the most reluctant to change, the most stuck in their traditional ways,’ writes Anduze in Dearuwa: The Owners of the Forest, using the name the Piaroa called themselves and the language of his day. ‘Of course, there have been some changes. Living where they do, they have found themselves at a kind of crossroads of past, primitive migrations. Initially, they absorbed something of the Arawak culture, then from the Caribs, then the first colonists and missionaries who arrived with the Spanish, and then the criollos following independence. They have been the victims of abuse, plunder and slavery. Nowadays it is the criollos who influence them, in material terms as much as moral, but only those who live closest and who have developed needs they didn’t have previously. The most
INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION AND INITIAL CONTACT

Hotis in Cano Iguana - Photos: Eglee López de Zent and Stanford Zent
Traditional Piaora house in Alto Cuao

Dwellings in the headwaters of the river Parucito
remote remain much less influenced. Their environment and self-imposed segregation has affected the majority of them incalculably.  

It is clear from these sources that it wasn’t until the 1960s that the Piaroa established permanent, frequent contact with national society, and began to live near the main criollo settlements in Amazonas, such as Puerto Ayacucho, Isla El Carmen de Raton and San Fernando de Atabapo. The reasons for their isolation until then are outlined very clearly by Friere and Zent: ‘The Piaroa’s voluntary isolation, going back at least 300 years before first contact, was mainly because their society is a peaceful one whose main defences against attacks by outsiders were evasion and shamanism. The first centuries of the R. Orinoco’s colonisation brought violence, epidemics of new lethal diseases, missionaries and a slave trade, among other things, which the Piaroa tried to avoid by minimising contact with the outside world and seeking refuge in the forested, difficult-to-access regions mainly between the Cuao, Autana and R. Marieta’ (my highlights).

All of this makes it clear that it was the colonization of the R. Orinoco as much as the rubber exploitation that led the Piaroa to isolate themselves in the headwaters of rivers like the R. Cuao and R. Autana, before later moving downstream again and to the R. Orinoco. Some Piaroa, however, have decided not to move downstream, nor make contact with criollos. These are the small groups who live in ‘relative isolation’ today.

The current situation facing indigenous people in ‘relative isolation’

The Hoti

The Hoti’s situation varies according to the region. The northern Hoti have permanent contact with the Catholic mission at San Jose de Kayama in Bolivar, run by the Hermanas Lauritas, where they have permanent access to health-care and ‘inter-cultural’, bilingual education which includes training the Hoti to teach in their own language and within their own worldview. However, for the southern Hoti, in Amazonas, things are very different. Some live in what used to be the Protestant mission at Cano Iguana, now serving as a ‘civic-military’ centre and the base for personnel from institutions like the Ministry of Health and National Land Institute, which have provided healthcare and implemented a series of socio-productive programs. Others live in the upper R. Parucito region and the Sierra de Maigualida, which is being increasingly invaded by illegal gold miners coming from Brazil, Colombia and other parts of Venezuela and who are operating in various R. Parucito tributaries, such as Cano Majagua and Cano Mosquito, which until now have been the territory of the Hoti in ‘relative isolation.’ Moreover, there are also reports of illegal miners along another cano south of the Cano Iguana community. This is a tributary of the R. Ventuari named Cano Asita where, in the headwaters, there are groups of Hoti in ‘relative isolation’ too.

In sum, the Hoti’s current situation is defined by three main factors: 1 the Catholic mission with its social programs and the previous influence of the Protestant mission run by the NTM; 2 the presence of the army and officials from other state institutions; and 3 the settlement and invasion of their ancestral territories by illegal miners who are contaminating the environment, introducing diseases and epidemics, and exploiting them as manual labour in return for manufactured goods. This has meant important changes for the Hoti, including the groups or communities in ‘relative isolation’, whose territory has been affected too. According to Friere and Zent, ‘the Jodi’s social, economic and cultural outlook in the 1990s is different to what it was 20 years before. In only one generation the Jodi have experienced considerable change, although it is important to emphasize that different Jodi communities have been affected in different ways. There has been a wide variety of experiences, depending on the type of contact with other indigenous people they have had, their access to western technologies, their economic practices, settlement patterns and the environment in which they live.’

• The alleged abuses against the Hoti at Cano Iguana

Despite the ‘civic-military’ centre at Cano Iguana, as well as the ‘National Strategic Plan for the Defence, Development and Consolidation of the South’ run by the Venezuelan navy, no serious cases of forced intervention into the Hoti’s lives by the military or other state institutions have been reported. However, in early 2008, a ‘denuncia’ was made of alleged abuses by military officials against the Hoti and the lack of available transport for healthcare emergencies. This denuncia led to the Defensoria del Pueblo in Amazonas and the State Prosecution office for Indigenous Affairs to intervene and travel to the region to investigate. On 11 February 2008 the Defensoria received a document signed by two people saying that sol-
diers from the ‘civic-military’ centre had committed various abuses against the Hoti at Cano Iguana, as well as a group of doctors and state officials. The alleged abuses were: 1 the failure to provide transport which led to a number of children dying; 2 the failure to provide food to doctors and state officials; 3 abuses relating to forcing the Hoti to smoke; 4 the rape of women; and 5 disrespect shown to women and young girls, among other things. On that same day, 11 February, the Defensoría officially opened a case on the issue and a meeting was held with the commanding officer of the army’s 52nd infantry brigade, Puerto Ayacucho’s military garrison, and members of the Frontier River Brigade ‘General Franz Risquez Iribarren’, which was running the ‘civic-military’ centre. The alleged claims were outlined and an investigation was requested. Finding transport to travel to the region to investigate the claims was also discussed, as was adopting measures to resolve the situation and, if the claims were verified, determining who was responsible and administering the necessary punishments.

The Defensoría del Pueblo initiated preliminary proceedings to investigate the claims and urged the Attorney-General’s Office, through the Senior State Prosecutor and the State Prosecutor’s Office for Human Rights, to investigate the alleged sexual abuses and abuses of authority. The Defensoría also held a meeting with the Hoti from Cano Iguana in order to determine the truth of the claims. Its conclusion was that although there was no evidence of serious human rights violations or physical abuses against the Hoti, there had been some abuses of authority and the soldiers had introduced alcohol to the community. The Defensoría documented its findings in a report, which included various recommendations to the military authorities and which was sent to the Ministry of Defence. The Defensoría also took action at a central, national level by urging the coordinators of the ‘National Strategic Plan for the Defence, Development and Consolidation of the South’ to investigate the denuncia, determine who was responsible, and take the necessary measures to stop it happening again. The Defensoría also held a meeting, in April 2008, with the Plan’s coordinators to discuss the case, make recommendations, and reach agreements about military conduct in indigenous territories. That same month it received the State Prosecutor’s Office for Human Rights’ report on the case, which agreed with the Defensoría’s Amazonas office that although there had been some abuses of authority, there were no serious human rights abuses or sexual crimes.

Later that year, in October, the Defensoría in Amazonas paid another visit to Cano Iguana, together with officials from the State Prosecutor’s Office for Human Rights and the State Prosecutor’s Office for the Environment, the navy, the army’s 52nd Infantry Brigade and the garrison in Puerto Ayacucho, and the Ministry of Indigenous Peoples. The aim was to see if there had been any new incidents involving abuses by soldiers. The Defensoría concluded not, but some Hoti pointed out they were opposed to the military being in their community due to the lack of healthcare and socio-economic opportunities associated with it, and they were able to reach an agreement with the navy and the Ministry of Indigenous Peoples to provide food and other supplies and implement a social help programme, which began in late 2008. The following year, in May 2009, the Defensoría went to the State Prosecutor’s Office for Human Rights’ in Puerto Ayacucho to find out how the investigation was going. It confirmed that the year before, in May 2008, the Prosecutor’s Office had recommended that the case be dismissed by the court, in accordance with Article 318, number 1, of the Criminal Code. This happened on 18 March 2009 (XP01-P0208-000969), on the grounds that it was not a criminal case, and put an end to the investigation (02-f5-742-08).

- Illegal mining in Hoti territory
There are at least three main regions in Hoti territory where miners are operating: 1 Cano Majagua 2 Cano Mosquito, both of which are tributaries of the R. Parucito and 3 Cano Asita, a tributary of the R. Ventuari. These are all in the south of Hoti territory.

There are no reports of violence committed by the miners against the Hoti, but denuncias have been made against them for contaminating and destroying the environment. These claims have been confirmed by later research. One example is the Hoti settlement at Cano Mosquito. ‘It’s a very small group numbering 12 people, semi-nomadic, living in an inter-fluvial region in the upper basin of Cano Mosquito, a tributary of the R. Parucito, in Amazonas,’ write the Zents. ‘The terrain is very mountainous and covered by high, dense, always green forests. They have very sporadic contact with the Yabarana from
the R. Parucito and with itinerant miners who give them western clothing and tools, usually of a poor quality."

One denuncia about the miners was made by a Yabarana organization, the Yabarana Indigenous Organization of the middle R. Parucito (OYAPAM). In September 2008 a group of Yabarana from Cano Majagua reported to the Defensoria that representatives from indigenous communities in the Manapiari municipality had spotted Colombian gold-miners on territory belonging to two Hoti communities, Cano Mosquito 1 and Cano Mosquito 2. The Yabarana pointed out that this was happening without any kind of control or the involvement of Venezuelan authorities, and that the miners were using machinery which was causing serious environmental damage to the canos and having serious socio-cultural impacts on the Hoti who used them. In response, the Defensoria officially opened a case and urged the 9th Regional Command of Amazonas’s National Guard, the State Prosecutor’s Office for Human Rights, and the Ministry of the Environment to investigate and adopt measures to control the situation. The Prosecutor’s Office replied that it had been officially investigating the situation since 2006, but due to the remoteness of the region, it had not been able to visit, although the National Guard had managed to do so and it was now waiting to hear from it. Meanwhile, in November 2008, the Ministry of the Environment responded by saying it had not been able deal with the Defensoria’s request. It didn’t have enough resources to send a commission to the region, the Ministry said, although it had contacted military authorities and local officials from the Manapiari municipality to do so instead. Both responses reveal how the authorities have failed to take appropriate action, solve the problem, remove the miners, and exercise greater control over other miners entering the R. Parucito region and its tributaries, where there are Hoti, Yabarana and Panare communities. This situation is extremely serious, considering the two Hoti groups in this region. As the experts cited above have made clear, they have had little contact, they are semi-nomadic, and very vulnerable to diseases. The Defensoria has been monitoring the situation and has demanded action on numerous occasions.

It is clear that the outsiders invading Hoti territory are not only changing their society and culture significantly in the long-term, but causing problems on a daily basis. These problems, particularly the miners and soldiers, may sooner or later affect the Hoti in ‘relative isolation’ in the upper R. Parucito and the Sierra de Maigualida. If the Venezuelan state does not quickly adopt measures to protect them, this could become a major threat to their survival.

The Yanomami

Over the last 25 years contact between the Yanomami and national Venezuelan society has increased significantly. The impact has been truly overwhelming: 1 the repeated invasion of their territories by 1000s of illegal miners coming from Brazil, ‘garimpeiros’, who have attacked the Yanomami and destroyed their environment; 2 the establishment of military bases and the presence of soldiers on their land; 3 the political exploitation of Yanomami communities following the creation of the upper Orinoco municipality in 1994 and subsequent partypoliticking; 4 the introduction of policies and measures foreign to the Yanomami, such as the construction of urban-style houses and food hand-outs which has encouraged dependency and the abandonment of traditional agriculture; 5 an increase in health problems and the numbers of people, particularly children, dying from new diseases and the failures of the regional healthcare system; 6 large numbers of people moving to certain communities in order to access western services and goods; 7 regular visits by Yanomami groups to Puerto Ayacucho and other cities, leading to new consumption habits and the transmission of diseases; and 8 confrontations over the Protestant fundamentalism adopted by some communities connected to the NTM and the Padamo Mission, e.g. the prohibition of shamanism, funerary rituals and the use of tobacco and yopo. All of this, together with the arrival of various state institutions, particularly the military, has introduced real cultural change and new patterns of behaviour in Yanomami communities, particularly those in the difficult-to-access regions.

Some of the most recent research on the Yanomami emphasises how the way they live now is connected to the different kinds of contact they have had with national society in the past, or continue to have today. ‘For example, different Yanomami communities have, or have had, different kinds of relationships with the schools and the missionaries who are usually in charge of them,’ write Kelly and Carrera. ‘Other differences include the range of literacy levels among them and their understanding of Spanish, or the variety of relationships established between them and healthcare personnel... The Yanomami’s general situation is far from ideal. As we
have pointed out, there is a wide variety of socio-political contexts which, although related, are very different and have led to different responses from the Yanomami, and which must be considered in order to develop an informed opinion on their lives. For example, there are communities who live with Catholic missionaries, such as Ocamo, Mavaca and Platanal, or Protestants, and there are others who live with soldiers, such as Parima B, or the National Guard, such as Delgado Chalbaud, and there are even some Yanomami who have become soldiers themselves. As for healthcare, a wide range of relationships has been established between the Yanomami and healthcare personnel, including doctors and medical students. Meanwhile, other Yanomami have, or have had, contact with garimpeiros, tourists, scientists, specialists in indigenous cultures, filmmakers and a wide range of other people... Finally, it should be remembered that contact between the Yanomami and criollos doesn’t only take place on their territory. Over the last few years, there has been a rapid increase in the numbers of Yanomami travelling to places like La Esmeralda, Puerto Ayacucho and Caracas.‘

The Yanomami have been educated to different levels too, depending on the missions. For example, in the communities where the NTM was influential, like Rio Padamo, Parima B and Koyowe-teri, the education was informal and mainly aimed at teaching them to read the Bible and engaging in evangelical activities. However, in the R. Orinoco region, in Ocamo, Mavaca, Platanal and Mavaquita, Catholic missionaries developed a formal, ‘inter-cultural’ bi-lingual education program, which was taught in the ‘Upper R. Orinoco Yanomami School’ in numerous shabonos and had no religious focus. This has been an extremely positive experience in terms of understanding western culture and strengthening their own. A Salesian missionary, Maria Isabel Eguiller, has described it very well: ‘... what puts the Yanomami in the best position to deal with contact, in terms of inculcating respect and equality, is inter-cultural, bilingual education based on principles recognising the strengths of both cultures... The inter-cultural, bilingual education among the Yanomami tries to put these principles into practice, but at the same time take into account the Yanomami’s own way of doing things and adapt accordingly: the time to hold classes, the time to take holidays, and the whole system in general... This doesn’t just apply to the school, but to agricultural labour, the training of leaders etc... This has required the creation of various self-run institutions which have grown into the United Yanomami...

- Illegal Brazilian miners in Yanomami territory
The fact that there are illegal Brazilian miners, garimpeiros, on Yanomami territory demonstrates both the Venezuelan and Brazilian government’s inability to control what is a very serious issue, either because they lack the capacity, or fail to take the necessary action, or fail to coordinate with each other. The same can be said about the miners’ violence against the Yanomami and the destruction they are causing to their environment. Their operations contaminate the Yanomami’s sources of water, encourages disease transmission, and threatens their survival in the region. Indeed, in the last few years, and still today, there are reports of miners on both sides of the Venezuela-Brazil border, near the upper R. Siapa, the Cerro Chalbaud Delgado-Parima and the upper R. Ocamo-R. Putaco-R. Matacuni in Amazonas, and the upper R. Caura and upper R. Paragua in Bolivar, which are the regions where some Yanomami live in ‘relative isolation’. It is this mining presence that led directly to the attacks on the Yanomami at Haximu in 1993 when 16 people were killed: the inquest was abandoned halfway through and no permanent control of the miners has ever been adopted.

In 2010 there were further reports of miners attacking the Yanomami, this time in the northern part of Parima. These reports alleged that nine people from the Momoi-Teri community had died: three of the nine were children, two mothers, two recently-born babies, one adult and one teenager. Apparently, eight died of nose-bleeds following mercury contamination, one from violence. In addition, in April 2010 a group of Yanomami from Parima B made denuncias to various institutions in Puerto Ayacucho claiming a group of Yanomami from the Momoi community, living in ‘relative isolation’, had died because of garimpeiros operating nearby. In response, state institutions from Amazonas, coordinated by the military, visited the region to investigate, arriving about a month later. According to one member of this commission, ‘In total there are nine alleged deaths, one of them unproven by the Yanomani, possibly violent. The Yanomami say that the river running through their community is very contaminated. Whether the other deaths happened because of acute mercury poisoning would have to be confirmed. Given when...
all this happened, it will probably be difficult to prove there was an epidemic, although given that they don’t say everybody had symptoms, it seems unlikely... It is noteworthy that this information comes from third parties. The second eldest son of Momoi’s leader visited Purupi at the same time that two people from Parima B were visiting the communities... That’s how the people at Parima found out what was happening and wrote a letter to the army asking for help... Bearing in mind everything that has been said, I understand that the garimpeiros are coming from Brazil and they have been in the region for several years, possibly five. Like at Haximu, there was initially no problem. It was only later that tension between the Yanomami and miners began to mount and the first people were killed, which, once avenged by the Yanomami, led to further retaliation from the garimpeiros. The descriptions of their weapons suggest they were very well-equipped... The Yanomami from Momoi and nearby regions are still at risk from mercury poisoning and homicide, even though these incidents probably took place in January.46

Although the investigation into this case is still ongoing, initial information suggests that the state authorities, i.e. the army and the Attorney-General’s Office, have not been able to confirm the deaths or who might have been responsible. However, what is clear is that miners are permanently operating near Momoi and the surrounding region, and that they pose serious environmental dangers to the Yanomami. This is in addition to the risk they run of being attacked by the miners. Their survival is in jeopardy. The Defensoría del Pueblo in Amazonas continues to monitor the case, and the military has proposed establishing a base in the region to control the situation.

• The Yanomami’s health problems

The other serious issue facing the Yanomami over the last few decades has been the problems they have had with their health. Diseases and epidemics have hit many communities and led to higher death rates, particularly in the difficult-to-access regions. Malaria, for example, has become ‘hyper-endemic’ in some parts of the upper R. Orinoco, and there has also been an increase in acute respiratory diseases, different types of hepatitis, onchocerciasis, child diarrhoea, skin diseases, and severe malnutrition in both children and adults.

In addition to this, there have been problems with the way the upper Orinoco Health District has been functioning. These problems have involved infrastructure, equipment, medicine and logistical support (e.g. aeroplanes and fuel for river transport), meaning, among other things, that it has been difficult to access remote Yanomami communities and carry out vaccinations. This has meant that, at certain periods, only 20% of the Yanomami, usually living in the easiest-to-reach communities, have had access to medical services and healthcare, while the remaining 80% have been left without. ‘There are two fundamental problems with the Yanomami’s healthcare,’ Kelly and Carrera write. ‘The first is that it leaves approximately 41% of the population almost totally unattended. The second is its failure to operate within the existing healthcare network and coordinate with the Regional Health Department. For example, there is a chronic lack of logistical resources, medical supplies and qualified personnel. The Yanomami health-workers are constantly changing and poorly supervised. Mistakes have been made collecting and analysing epidemiological information, and little capacity has been shown to maintain medical and logistical teams, or recruit and train future health professionals.47 However, in the last few years notable attempts have been made to improve Health District no. 4 and expand the reach of its services by visiting the difficult-to-access communities, meaning that about 60% of the Yanomami have now had access to healthcare, albeit not permanently.

• The Yanomami Health Plan

The Yanomami Health Plan resulted from an agreement made by Venezuela with the Inter-American Commission on Human Rights in 1999 as a kind of compensation for the massacre at Haximu. It began in 2005. Its general aim is to fulfil the Yanomami’s rights to good health, with particular focus on the communities or groups in ‘relative isolation’ in the regions that are difficult to access.

Since 2005 the plan has extended its range of operations, thanks to a special arrangement regarding resources with the Ministry of Health. Once those resources were exhausted, the Ministry’s Indigenous Health Office ensured that money for the Yanomami Health Plan would be included in its annual budget, meaning that in the last few years a permanent
source of money has been guaranteed, although the amount has since decreased. According to the Indigenous Health Office, *The Yanomami Health Plan is a Ministry of Health initiative aiming to provide healthcare to 80% of the Yanomami population in a sustainable and culturally appropriate way. In the past the Yanomami have been either poorly serviced or ignored totally...* In 2004 the Ministry of Health set up the Indigenous Health Coordinating Body to design and implement healthcare programs for indigenous peoples, and to make the intercultural focus mainstream to all the Ministry’s operations involving indigenous peoples. In January 2005 an office to coordinate the Yanomami Health Plan was set up in Puerto Ayacucho, which placed greater emphasis was on the aims outlined in the 2000 document and four distinct strategies were proposed... This office is multidisciplinary. It employs qualified people knowledgeable in anthropology, public health and the Yanomami, particularly their way of understanding their health and the history of their problems...” (my highlights).48

The *specific aims* of the Yanomami Health Plan are to reduce mortality rates, particularly among children, to reduce the main causes of poor health, to improve the way the Yanomami’s health is monitored, to establish a permanent ‘inter-cultural’ relationship with the Yanomami, to increase their participation in both designing and implementing their healthcare, and to establish a reference system guaranteeing prompt, sufficient attention. It has *three main lines of action*: 1 improving and expanding Yanomami healthcare in general, particularly among those living in difficult-to-access regions; 2 improving Health District no. 4 in particular; and 3 training local healthcare personnel and non-indigenous “professionals” to attend to the Yanomami, particularly those in ‘relative isolation.’

The upper Orinoco Health District has been hugely improved as a result of the Yanomami Health Plan. It has meant *better epidemiological control*, the *presence of healthcare personnel in remote Yanomami areas for the first time*, such as Koyowetheri, Watamo and Mavaquita, and greater, improved presence in areas where there were clinics already, such as La Esmeralda, Ocamo, Mavaqua, Platanal and Parima B. Moreover, the plan has also meant vaccinating Yanomami living in difficult-to-access regions, aided by armed forces’ helicopters. In 2006, for the first time, the plan reached as far as Haximu, the site of the 1993 massacre. In subsequent years, 2007, 2008 and 2009, these kinds of visits continued, and in April and May 2010 the Momoi community was visited too. One key aspect of the plan is *training local people* in basic healthcare techniques, particularly in the most remote, difficult-to-access regions. *25 Yanomami participated in the first training course*, consisting of various modules of both theory and practice and was held in Puerto Ayacucho and the upper Orinoco Health District. The support of the armed forces in all this has been decisive, particularly when aeroplanes have been used to transport equipment, medicine and personnel, and helicopters to travel to remote communities.

In La Esmeralda, the capital of the Upper Orinoco municipality, a Diagnostics Centre has been built. This is to provide medical care to the local indigenous population, and to avoid moving them to the hospital in Puerto Ayacucho. In addition, the Ministry of Health’s National Office for Indigenous Health has established an Indigenous Health Office in a house in Puerto Ayacucho which serves as a base for the Yanomami Health Plan and for Yanomami patients discharged from the hospital. This house is also used for the Yanomami health training. The *Defensoría del Pueblo* has been involved in the plan from the beginning, participating in its initial design and, currently, collaborating in training the Yanomami, which includes workshops on human rights, indigenous peoples’ rights, and rights to good health, and coordinating with the Regional Health Council to ensure the plan works as effectively as possible.

- **New state presence in Yanomami territory**

In recent years, particularly since the expulsion of the New Tribes Mission in 2005, the Venezuelan state has increased its presence significantly throughout the country. This has been the case in Yanomami territory in particular, with the arrival of increasing numbers of the armed forces, which has made it easier to reach remote regions to provide healthcare and keep watch and permanent control over the miners entering Venezuela from Brazil. Less positive, however, has been the impact on the Yanomami of people from so many different institutions, particularly the army, who have not been trained to interact with indigenous peoples in a culturally respectful way. This has led to a num-
ber of violent clashes or confrontations in several communities. As Kelly and Carrera have written, ‘The Venezuelan state is currently expanding into its interior. This is particularly obvious in Amazonas, where there are now schools, medical posts, military border squads, and social programs. We predict that this will increase in Yanomami territory, particularly in the communities who have less to do with the criollo world... It’s difficult to know if this will lead to new forms of internal colonialism, or social inclusion in which cultural differences are properly respected.’

The Piaroa

The Piaroa are in permanent contact with national Venezuelan society, but retain a strong sense of their own ethnic and cultural identity. The majority of their communities are on the ‘periphery’ of their territory near criollo towns and villages in Amazonas, like Puerto Ayacucho, Isla Ratón, Manapiare and Atabapo, and in Bolivar, like Pijiguaos and Caicara. This has allowed them to assume a clear role in the life of the country, yet preserve their communal life and the main aspects of their culture. This is despite the fact they have experienced many changes over the last 40 years, particularly following the introduction of western education, Christianity, new socio-economic patterns, paid work, and the increasing presence of the Venezuelan state.

However, for the Piaroa living ‘inland’ in ‘relative isolation’, the situation is very different. In general, these communities have been protected by their isolation and the inaccessibility of the regions they live in, and as a result they have managed to maintain totally their cultural and material lives, including their communal organization, shamanism and religion, subsistence economy, and spiritual relationships with the environment. This contrasts with the majority on the ‘periphery’ where, according to German and Zent, ‘The tendency is to live in communities that get bigger and bigger every time, more than 100 people, where various extended families, or groups, can cooperate and get more work done than nuclear families. These communities tend to become long-term settlements, many of them now over 30 years old, generally because they’re near criollo settlements or a mission, where the Piaroa can obtain the western goods or services, particularly healthcare and education, that have become an essential part of their lives.’

In the last few decades many Piaroa have also become involved in Amazonas politics. In some cases this has created dependency and ‘clientism’, but it has also brought many positive experiences in terms of social and communal participation. This politicization goes back to the Piaroa youths, both male and female, who were taught in the Salesian schools in Isla de Ratón, Manapiare and Puerto Ayacucho, and in some evangelistic schools run by the NTM, and who later emerged as leaders. Subsequently, the Piaroa organized a series of meetings of the ‘Piaroa Congress’, the first of which was held in Cano Grulla in 1984 and included debate about different aspects of their lives and the invasion of their territories in the early 1980s. These meetings, together with the emergence of several organizations focused on rights, such as the Consejo de Sectores Uóthuha (CONSEU), Organización Indígena Piaroas Unidos del Sipapo (OIPUS) and a Piaroa parliament, and co-operatives for cocoa (APIPROCA) and honey (EPIAMEL), laid the groundwork for the subsequent foundation in 1993 of a regional, Amazonas-wide indigenous organization, Organización Regional de Pueblos Indígenas de Amazonas (ORPIA), and in 1998 a regional indigenous political movement, Pueblo Indígena Multitético de Amazonas (PUAMA), aimed at defending collective indigenous rights and the rights enshrined in Venezuela’s 1999 constitution, and participating directly in Venezuelan politics.

In the last few years the main threat to the Piaroa has been ‘landowners’ and ‘farmers’ invading their land, hoping to acquire and exploit it for commercial ends. This has led to a number of serious conflicts, for example, in the Guanay-Cano Santo valley, Manapiare, in 1984 and 1985, where huge areas of Piaroa land were taken over and the Piaroa were attacked trying to defend it. There were also conflicts following the invasion and desecration of Piaroa sacred places in the Cerro Autana by various expeditions of scientists and tourists, north of which live various communities in ‘relative isolation.’ There have also been reports of people invading Piaroa communities on the ‘periphery’, in the Manuare region, the R. Cataniapo (1996) and Montana Fria (2006).

Although there have been some reports of miners operating near Piaroa communities, there is no evidence suggesting it is happening on a grand scale or that serious environmental damage is being caused. These miners are in small groups, consisting of both criollos and indigenous people, and are in the upper R. Guayapo region, in the Autana municipality, and in the Yapacana National Park (in the Atabapo/upper R. Orinoco region), and the lower R. Ventuari (Manapiare). However, there are no reports at all of miners in or near the Piaroa communities ‘inland’, or those living in ‘relative isolation’, particularly in the upper R. Cuao and the upper R. Cataniapo.
In terms of health, the Piaroa suffer from diseases common to the Amazon, particularly malaria. Like the Yanomami, they also have problems accessing health care, and there are no detailed, reliable reports on the main causes of poor health and mortality among the Piaroa as a whole. The only reports that have been done have focused on specific regions, distinguishing between the communities ‘inland’ and on the ‘periphery’, e.g. the reports comparing the relatively isolated communities from the upper R. Cuao with communities from the R. Cataniapo on the outskirts of Puerto Ayacucho. According to these reports, ‘there are important differences in poor health in the communities on the periphery and those inland and they are directly related to the differences they have in access to healthcare. In 1987 Zent found that in Cataniapo there was an average of 2.15 diseases ‘recorded’ per individual, while in Cuao the average was 3.12, i.e. 45% higher than in Cataniapo...’. Zent suggested this was probably due to an increase in the number of people entering and exiting the Cuao region over the last 10 to 30 years. This would have made it easier for diseases to be transmitted. Meanwhile, the absence of modern medical services meant that illnesses could reach very advanced stages, making it less likely that people would survive... This impacted the population growth in both regions... However, the new living pattern in the communities on the periphery and the growing number of people based in them encouraged other problems: parasites, colds, flu, malaria... The data on malaria in Cataniapo is similar to the rest of Amazonas. The Piaroa currently have the highest rates of malaria in the state... The endemic diseases inland, less common on the periphery, include leishmaniasis, tuberculosis, skin spots, the infection of lymph glands, and chronic weakness, which especially affects the elderly. In general, the Piaroa on the periphery have better health than those inland because they can access medical centres.\textsuperscript{51}

Proposals to protect indigenous people in ‘relative isolation’

Implementing the law

In Venezuela there are no laws specifically protecting indigenous peoples in isolation or ‘initial contact’, as there are in other Latin American countries. However, there are a number of laws protecting indigenous peoples in general, and these can, and should, be used to protect the relatively isolated Hoti, Yanomami and Piaroa. Here are some of the main laws and relevant articles:

- **The Constitution**
  Article 119: The state will recognise the existence of indigenous peoples and communities, their social, political and economic organization, their culture, customs, languages and religion, as well as their environment and native rights to the land they have occupied traditionally and which is necessary for their way of life. With the participation of indigenous people themselves, it is the National Executive’s responsibility to demarcate and guarantee their rights to the collective ownership of their land. These rights will be inalienable and non-transferable, as in accordance with this Constitution and the law.

  Article 120: The exploitation of natural resources on indigenous peoples’ land by the state will be done without negatively impacting their society, culture and economy, and requires previously informing and consulting with them.

  Article 121: Indigenous peoples have the right to their own ethnic and cultural identity, cosmovision, values, spirituality and sacred places, and the right to their own, indigenous form of education and intercultural, bilingual education paying particular attention to their society, culture, values and traditions. The state will promote the appreciation and wider understanding of indigenous cultures.

  Article 122: Indigenous peoples have the right to healthcare which takes into account their culture and ways of doing things. The state will acknowledge the existence of their own medicines and therapies and the ethical framework within which they operate.

  Article 123: Indigenous peoples have the right to continue and develop their own economic practices based on reciprocity, solidarity and exchange, their traditional productive activities, their participation in the national economy, and to define their own economic priorities.

- **Law for Indigenous Peoples and Communities**
  Article 5: Indigenous peoples and communities have the right to choose and run their own institutions,
ways of living, economic practices, identity, culture, law, customs, education, healthcare, cosmovision, the protection of their traditional knowledge, the use and protection of their land, and, in general, the daily running of their lives in order to maintain and strengthen their cultural identity.

Indigenous peoples and communities have the right to participate in the administration, conservation and use of their land, and the exploitation of its natural resources.

Article 11: Indigenous peoples and communities likely to be affected by any activity, either directly or indirectly, must be consulted. Consultations will be in good faith and take into account their language and spirituality and respect their organization, their authorities, and their means of communication.

Any activity involving the exploitation of natural resources, or any kind of development project, on indigenous land will require informing and consulting the people affected.

Article 12. Activities on indigenous peoples’ or communities’ land which seriously or irreparably impacts their society, culture, economy or environment, or seriously or irreparably impacts them in some other way, is prohibited.

Article 23. The state acknowledges and guarantees the native right of indigenous peoples and communities to their environment and the collective ownership of the land that they have traditionally occupied. The Executive Power, together with indigenous peoples’ participation, will demarcate their territories in order to give them title. The demarcation and titling process must acknowledge the cultural, ethnological, ecological, geographical and historical realities of the indigenous people involved, including the names they give to places, and must be reflected in the relevant documents.

Article 28. Indigenous peoples and communities have the right to use, enjoy, exploit and participate in the administration of their environment and land, in order to maintain their way of life, to encourage their economic practices, and to enable them to participate in the national economy.

Article 53. Indigenous peoples and communities have the right to use, to sustainably exploit, and to administer and conserve the environment and biodiversity. The water, flora, fauna and all the natural resources on their land can be exploited by indigenous peoples and communities for their development and traditional activities.

Article 61. If their environment and land is invaded, illegally occupied or impacted in some way by outsiders, indigenous peoples and communities will proceed according to the law in order to regain control of their land. The state, through the relevant body, will ensure that indigenous peoples’ and communities’ rights to their environment and land are protected.

Article 74. The state guarantees indigenous peoples and communities the right to their own form of education, and an intercultural, bilingual education paying particular attention to their society, culture, values, traditions and needs.

Article 86. The state acknowledges and guarantees the right of each indigenous people and community to their own culture, freely expressing, practicing and developing their ways of life, strengthening their own identity, encouraging vitality in their languages, preserving their own vision of the world, expressing their religious beliefs and practices, and conserving and protecting their sacred sites and places of worship.

Article 113. Healthcare is planned, organized and controlled with the direct participation of indigenous peoples and communities and their representative organizations, and will take into account their society, culture, economy and geography.

- **Law Demarcating and Protecting Indigenous Peoples’ Environment and Land**
  Article 4. The process demarcating indigenous peoples’ and communities’ environment and land will be carried out by the National Executive and the Ministry of the Environment and Natural Resources, together with legally constituted indigenous peoples, communities and organizations.

Article 8. In order to guarantee the native rights of indigenous peoples and communities to their environ-
ment and land, the National Demarcation Process will include directly consulting with, and the direct participation of, indigenous peoples and communities, and will take into account their society, culture, ecology, geography, population, place names, religion, politics and history.

Policies to protect the lives of indigenous people in ‘relative isolation’

In 2007 Venezuela established a Ministry of Indigenous Peoples with the specific aim of designing policies to promote and protect indigenous peoples’ rights. However, the Ministry, headed by Nicia Maldonado, a Ye’kuana woman from Amazonas, has not designed any clear and effective policies and, as a result, it has been strongly criticised by many indigenous people and experts in indigenous issues, particularly for its paternalism and its ‘clientist’, political exploitation of indigenous people which has increased dependency and their submission to non-indigenous ways of thinking. For example, huge sums of money have been spent on food, clothing, building materials, short-term medical services and the distribution of medicine, but without coordinating with the Ministry of Health. This has meant, among other things, the construction of houses different to how indigenous people usually build them, and ‘shamanic centres’ without any real use or purpose.

Given this, it is no surprise that the Ministry of Indigenous Peoples doesn’t have any policies designed to protect indigenous people living in ‘relative isolation’ specifically. In fact, it remains completely ignorant of them. In 2009, in a letter to the Ministry of Foreign Affairs, it denied the existence of isolated indigenous peoples in Venezuela on the basis that they had already been integrated into the life of the country. ‘It is important to make clear that the concept of Indigenous Peoples in Voluntary Isolation doesn’t appear in the constitution of the Bolivarian Republic of Venezuela because there aren’t any indigenous people classified that way,’ the Ministry wrote. ‘Although there are indigenous peoples living in regions that are difficult to access, they have contact with people who don’t belong to their group, they leave their communities from time to time, and they have had some kind of involvement with national society. Similarly, the term Indigenous Peoples in Initial Contact is not used in our country because there are no indigenous peoples who have only recently had contact with national society. Indeed, over the last 10 years indigenous people in our country have actively participated in our social, cultural and political life. This is the result of the social inclusion and reorganization that is part of the Bolivarian revolution, but which has allowed indigenous people to maintain their traditional social structures.’

Proposed policies

Given that the Ministry of Indigenous Peoples doesn’t have any specific policies to protect indigenous peoples in ‘relative isolation’, and the fact that Venezuelan law doesn’t take them into account either, we must propose a few of our own:

- **Health.** Healthcare professionals based permanently in the regions inhabited by the Hoti, Yanomami and Piaroa in ‘relative isolation’, with ‘inter-cultural’ health plans on an ongoing basis. The aim is to prevent diseases from breaking out by administering vaccinations, or monitoring serious health scares, like epidemics, and intervening punctually. The Yanomami Health Plan, in the upper Orinoco, has had a positive impact and its example should be followed elsewhere, although it needs to be extended to communities in difficult-to-access regions. In the Hoti’s case, the clinics in Cano Iguana in Amazonas and San Jose de Kayama in Bolivar must be improved, their health must be researched in more detail, and preventive measures for the relatively isolated communities or groups in the Sierra de Maigualida and the upper R. Parucito must be adopted. More up-to-date information is required about the Piaroa too, particularly in the upper R. Cuao region, as well as plans to control epidemics if they break out.

- **Territory.** The complete demarcation and protection of the Hoti’s, Yanomami’s and Piaroa’s territories, a process already begun by the state at the request of indigenous organizations. The Hoti applied to have their land demarcated in 2007 and the Piaroa did the same in 2008. These applications are being handled by Amazonas’s Regional Demarcation Commission and coordinated by the Ministry of the Environment. In the Yanomami’s case, some steps forward have been taken, but there has still not been any specific application or formal file opened to demarcate their land, as is required by the Law for Indigenous Peoples and Communities and the Law Demarcating
and Protecting Indigenous Peoples’ Environment and Land. Regarding the Piaroa from the R. Cuao, efforts to stop tourists and scientific expeditions from entering their land must be increased, given the decision the Piaroa themselves have made against such incursions.

- **Mining.** The armed forces based permanently in the region to monitor the situation, remove the miners currently operating, stop others from doing the same, and curb attacks on indigenous communities and the serious environmental impact of the miners’ operations. This needs to be coordinated with Brazil, given that is where the miners are coming from. Regarding the Hoti in particular, permanent monitoring by the National Guard is required in Manapiare in Amazonas and in the upper R. Cuchivero in Bolivar in order to stop miners from entering the upper R. Parucito and its tributaries. In the Piaroa’s case, miners must continue to be prohibited from entering their land.

### Keeping the state informed

Given the lack of understanding of the vulnerability of indigenous peoples in relative isolation, together with the lack of policies and law to protect them, meetings should be organized with various state institutions so information and experiences can be shared and what needs to be done can be discussed. These meetings could involve the Defensoria del Pueblo as well as state institutions from other countries working on the problem. Only when there is sufficient, well-researched information will Venezuela be able to adopt clear, efficient, systematic, inter-institutional measures to protect the indigenous people in ‘relative isolation’ and, in so doing, guarantee their survival into the future.

### Notes

1. This refers to a draft document titled ‘Guidelines for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact in the Amazon and Gran Chaco’, written by the United Nations’ Office of the High Commissioner for Human Rights.
7. Ibid. P. 741.
12. Ibid. P. 85.
18. Ibid. P. 139-140.
24. Ibid. P. 327.


29 Ibid. P. 323


32 Ibid. P. 29-30.

33 Ibid. P. 31.

34 Ibid. P. 35.


43 Statement by the Ministerio del Ambiente en el Estado Amazonas. 28/11/2008. Expediente Nº P-08-00265


46 Source to remain confidential.


49 Ibid. P. 376.


51 Ibid. P. 179-181-182


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In the Ecuadorian Amazon, between the Napo and Curaray rivers, there are two isolated indigenous peoples: the Tagaeiri and the Taromenane. These peoples are linguistically and culturally related to the Waorani; however, unlike the Waorani, they refused contact with the outside world during the 1970s with the expansion of the oil frontier and the work of the Summer Institute of Linguistics (SIL), activities that initiated a process of pacification and relocation of the Waorani, as well as a reduction of their territory. While most Waorani were contacted, some families and groups known as the Tagaeiri, along with the culturally and linguistically related group known as the Taromenane, ventured deeper into the rainforest, fleeing from colonization and remaining in a vulnerable state of isolation until present day. Extractive activities in the territories of isolated peoples, driven by the state, currently represent the greatest danger to the survival of these groups.

The isolated peoples of Yasuní National Park, like the Waorani before contact, are characterized by their organization in small groups scattered in interfluvial areas and semi-nomadic lifestyle, with a subsistence economy based on gathering, hunting, and their itinerant horticulture. Their political organization is based on (inbred) kinship ties resulting from extended families living together in longhouses.

In wao tededo (Waorani language), Tagaeiri means “Tagae people.” Tagae was a leader within the group that settled in the basin of the Tiputini and Tivacuno rivers (the Niwairi, Niwa people), in the headwaters of the Yasuní River, in the province of Orellana. Tagae and his people separated from their clan and isolated themselves in the rainforest. Thus, Tagaeiri refers to various groups organized in communal houses (nanicaboïn), led by descendents of Tagae. The Tagaeiri may also be composed of other Waorani descendants who refused contact and maintain, even to this day, kinship relations with the Waorani.

The definition of the Taromenane group is more controversial because it comes from the way in which some Waorani call them, although groups in other locales use different names. According to the Waorani, they are a distinct but similar people, “other but equal.” It is possible to treat the Taromenane as a Waorani group that remained separated from other Wao clans at the beginning of the XXth century when the majority of the Waoranis left their traditional territory along the Ecuador-Perú border to follow the headwaters of the Yasuní and Tiputini rivers. Thus, the so-called Taromenane are culturally and linguistically related to the Waorani, maintaining features of the material culture (e.g., the size and shape of the spears and blowguns) and language (the endings of words) that differentiate the Tagaeiri-Waorani group.

Ever since their isolation, the presence of these groups has manifested itself at times through confrontations that have arisen due to the advance of the extractive frontier and the arrival of settlers. These confrontations have involved oil workers, settlers, indigenous peoples, and missionaries. In 1999, as a result of evidence of the presence of some isolated villages and settlements and the imminent advance of new oil blocks in the area, the Ecuadorian state established a protected area called Untouchable Zone Tagaeiri-Taromenane (Zona Intangible Tagaeiri-Taromenane – ZITT). The Inter-American Commission on Human Rights (IACHR) had also called this for in their recommendation for the implementation of precautionary measures to be taken to protect isolated peoples due. Within the limits of this zone extractive activities are prohibited with the aim of guaranteeing the life and existence of the uncontacted indigenous Taromenane and Tagaeiri peoples. Unfortunately, while such a delimitation represented the first attempt to respond to the need to secure an exclusive territory for the survival of these people, it has proven to insufficient as these groups have been displaced and forced to resettle beyond the delimited area. At present, the territoriality of isolated villages overlaps with national
parks, oil exploration blocks, indigenous territories, and lands of campesinos (peasant settlers). It is for this reason that, in these territories, one may find confrontations, killings, and harassment, which are a threat to the integrity and survival of these groups, as well as to the co-existence between different actors who occupy this space. An effective policy for the protection of these people would require taking into account the complex territorial situation; however, we are far from effectively achieving the respect for human rights and territory that are guaranteed domestically in the new constitution and in various international treaties ratified by Ecuador.

Recent times have been characterized by episodic clashes between indigenous peoples in isolation and the different actors involved in colonization and/or extraction. It should be mentioned that there were attacks on the logging camps which swept through the territory of Yasuní National Park (2003, 2007, 2008), killing about ten people, and a more recent attack in 2009 on a family settlers that, following the expansion of the oil routes and delivery of public lands by the state, had ventured into the territory of the peoples in isolation. This unfortunate incident occurred in the vicinity of South Hormiguero oil well, during which a campesino mother and two of her children were killed.

**Uncontacted peoples: hidden, free, or isolated**

It has been mostly since the nineties that isolated peoples have emerged in discourse as a “problem” for the state and public and private institutions (especially the oil industry) operating in the Ecuadorian Amazon. In the early days of oil extraction (1960), the peoples who we now refer to as being in “isolation” or in “initial contact”, were referred to in terms of the divide between savagery and civilization, and there was no doubt with regard to the “civilizing duty” of society and the need to establish contact with these groups. The State delegated the contacting and “civilizing” work to religious missionaries – mainly to North American Protestants – in order to achieve full national integration of both the individuals and the territories where they lived which proved to be very rich in natural resources.

In Ecuador, the increased visibility of the “problem” of isolated peoples has generated a discussion on how to refer to groups in the Amazon region that have kept away from the process of national integration. The most commonly used names for these peoples are “uncontacted peoples,” “hidden peoples,” “free peoples,” and “indigenous peoples in isolation.” The first name, “uncontacted peoples,” emphasizes the accidental nature of isolation, as if these groups have found themselves accidentally “lost” in the forest at the margins of time and development. The second term, “hidden peoples,” not only refers to the fact that these peoples are hidden in the forest, but also emphasizes the concealment of this issue, on which most of the national and international public opinion remains silent. The third phrase, “free people,” is used by the Confederation of Indigenous Nationalities of Ecuador (CONAIE) to underline the autonomous character of these peoples with respect to the processes of civilization and colonization. The fourth term, which is used by the United Nations and in the present work, refers to these groups as “indigenous peoples in isolation.” It is a conscious decision not to use the word “voluntary” to characterize the isolation, because while the decision to be isolated has been made by these groups in response to the expansion of the settlement frontier of toward their territories, at the same time it has signified and involved violence and harassment. In other words, far from being a casual and contingent phenomenon, the isolation of these peoples is primarily the result of social processes and the willingness to keep their distance from the advance of the settler frontier and resource extraction in their territories. However, at the same time, their isolation it is marked by displacement and instances of violence and traumas that have resulted in the fleeing of some clans to more remote zones of the forest, called “areas of refuge.”

A particular feature of the Taromenane and Tagaerí peoples in Yasuní Park between the Napo and Curaray rivers is the aggression that they have repeatedly been subject to since the oil boom and with the intrusions of the outside world into their territory. However, while there is record of some attacks since the arrival of oil companies in the area, the situation has worsened in recent years with the increased pressure on the territory of these peoples caused by illegal logging, the legal issues surrounding oil, and the expansion of the agricultural frontier.

The conflicts that have arisen are related to demographic characteristics and ideological social structure of these hunter-gatherer-horticulturalists who are culturally related to the Waorani. These isolated groups were historically characterized by an aggressive relationship with the “non-people” (outsiders, others), cow-
Campo Cononaco, and within Yasuní National Park, 16, 17, and 14, Campo Armadillo, Campo Tiwino, touchable zone and within the limits of the oil Blocks they have been displaced, is actually outside of the un
say the space in which they exist, survive, and to which and Cuchiyaku rivers. Part of their territory, that is to
Yasuni Nashiño, Cononaco, Cononaco Chico, Tiwino, rivers, and particularly in the basins of the Tivacuno, the area around the Rumiyaku, Tiputini, and Curaray
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At present, according to information gathered since
Approximate location of

Approximate location of the Tagaeiri-Taromenane groups
At present, according to information gathered since 2008 by the authors and the Ministry of Environment, the Taromenane and Tagaeiri peoples are settled in the area around the Rumiyaku, Tiputini, and Curaray rivers, and particularly in the basins of the Tivacuno, Yasuni Nashiño, Cononaco, Cononaco Chico, Tiwino, and Cuchiyaku rivers. Part of their territory, that is to say the space in which they exist, survive, and to which they have been displaced, is actually outside of the untouchable zone and within the limits of the oil Blocks 16, 17, and 14, Campo Armadillo, Campo Tiwino, Campo Cononaco, and within Yasuni National Park, within the legal territory of the Waorani, and in areas with settler populations.

At the time that these people were isolated, this strip of land was their refuge area, allowing them to get away from the border and escape contact with outsiders. For example, we know that in the sixties and seventies some groups of Tagaeiri went away from the Tiputini River basin and moved to the Cononaco River basin in order to avoid contact with missionaries from the SIL and oil companies. It has been shown that Taromenane groups have been living in the Curaray headwaters during the past two decades, space that was previously Waorani territory. In addition, this area abuts the Ecuador-Peru border where there are other groups living, such as the Arabela, Pananujuri, and some Sápara families (Rogalsky and Wodolodzko: 2003). Today, what was once a refuge area has been invaded by the extractive frontier and eroded by these overlapping but distinct regimes of space usage. As warned (Proaño-Colleoni: 2008), this complex situation is causing inter-ethnic problems and an increase of conflicts with actors surrounding the territory of the isolated groups. Currently no precautionary measures have been taken or appropriate plans made.

So far, we have identified three groups of isolated peoples located in the area bordered by the Yasuní to the north and the Curaray to the south.

The Cuchiyaku Group – The Cuchiyaku group is located on the southwestern side of the untouchable zone and extends its territory on both banks of Curaray to the border between Ecuador and Peru. To the south, their territory borders with that of Kichwa indigenous communities. However, there have not been confrontations between these groups. The Cuchiyaku have been harassed and decimated by several attacks by one Waorani group, known as the Babeiri (People of Babe). In recent times, the Babeiri have been influenced by oil companies and illegal loggers and have staged several raids to try to establish relations with the Cuchiyaku, somehow chasing the dream of civilizing the isolated group. Consequently, the Babeiri continue to receive rewards from companies that are desperately trying to continue drilling for oil in the area. There have been several incidents that occurred between these groups during which some people have lost their lives, thereby generating a spiral of revenge, kidnapping, and violence. Finally, in 2003, a group of Waorani, funded and motivated by loggers, took revenge, executing 15 iso-
lated indigenous with shotguns and beheading them. Their heads were taken as an example and proof of the revenge taken. Since this slaughter, the national and international communities have paid more attention to the fragile situation of the Tagaeri and Taromenane, and the Inter-American Commission of Human Rights recommended that the Ecuadorian State should take preventative measures to protect these isolated peoples. According to the testimony of the Waorani attackers, a group of Taromenane had experienced confrontations with the Tagaeri years ago. It is possible that the group living in this area is composed of the relatives of those killed in 2003 and who have lived there since the 80’s when they were identified by both oil companies and by Catholic missionaries. The missionaries had tried to make peaceful contact in anticipation of the imminent entry of the military to assassinate the isolated groups due to the effective lobbying of the state by the oil companies to end the problem of the Aucas. During this new attempt of pacification, the Archbishop of Aguarico, Alejandro Labaka, was assassinated, as well as the nun Inés Arango, who had accompanied him for a decade when he managed to make contact with clans located in the Yasuní who had not been previously been forced to relocate to Tiweno.

Tivacuno Group – Yasuni – The presence of the Tivacuno group has been recorded since the opening of the “Maxus” oil route in Yasuní Park at the end of the eighties. The group is found within the limits of Yasuní National Park, the untouchable area, in Block 16, and between the south of the Tivacuno River basin and the Nashiño River basin. The Waorani of the zone maintain a relationship of exchange and sporadic visits from the isolated peoples. According to information gathered, this is a Tagaeri group that identifies one of its elders as a Nankamo, one of the brother groups to the Tagaeri. There is no linguistic difference between this group and the contacted Waorani living in settled villages in Block 16. Contact is through visits from an ancient warrior who spends long periods hunting, away from the town center where they live naked and have the same as the traditional culture and life of the Wao. The visits by the Tagaeri have increased in the past two years; they usually come to ask for food like cassava and banana from the traditional chacras (farms). The young Waorani dare not speak to this isolated group due to fears of “not speaking the correct word” or being offensive, and thereby running the risk of provoking a new attack.

Chico Cononaco Group – Tiwino Road – The Chico Cononaco Group is the most vulnerable group and is involved in conflicts due to its proximity to Camp Armadillo and to the settler populations. Members of the Waorani communities of Noneno,Yawepare, Miwagu-no, and Tobeta have identified this group. This group is almost certainly responsible for the deaths of loggers by spears in the areas close to Camp Armadillo in March 2008 and August 2009. They maintain relations with individuals in the Wao community Noneno, and according to the Wao, they are a group composed of Taromenane men and Tagaeri women. We know that the isolated Tagaeri clan predates the Niwa (Niwairi) group that broke off before contact with the SIL missionaries (See Cabodevilla: 1999).

As far as we can tell, this Tagaeri group migrated from the Tivacuno River south toward the Tiputini River. Various testimonies collected from Wao elders from other clans within Yasuní Park as well as in the Cononaco suggest that the clashes are caused by this migration. It is known that in 1987 this group was in what is now Block 17, near the Cononaco Chico River in what is currently part of the untouchable area. In all likelihood, what has since happened is that the Tagaeri group entered into conflict with Taromenane from the east on the border with Peru, and that these encounters and conflicts caused the melting and/or assimilation between the two groups, resulting in mixed clans.

So far, the information gathered indicates that there is an isolated group that has moved definitively to the Tivacuno-Tiputini river basin. Through the ethnohistorical reconstruction we have sketched, this displacement reflects the logic of territorial occupation by which a generation of grandchildren tends to return to the areas inhabited by their grandparents, i.e., the Niwairi or Niwa people. The contacted Waorani are doing the same, returning to various parts of their ancestral territories from which they had been forced to vacate. The Niwairi precisely returned to the Tiputini and Tivacuno rivers in the Tobeta, Miwagunon, and recently created Yawepare communities. This is the same clan from whence came the Tagaeri, as we have already explained above.

Our hypothesis is that some individuals from the Tagaeri group (possibly women), mixed with Taromenane individuals, all of whom then returned to their old
terrain. In their testimonies, the contacted brothers of
the Tagaeiri group recognize that the area between the
oil fields known as Armadillo and Hormiguero are their
birthplaces and where they have lived for the last 40
years (see one of the testimonies collected on the fol-
lowing pages).

This group is found within bounds of Camp Armadillo
and is closer to the border with civilization. They
have incorporated materials such as bags, plastic fibers,
and metal tools in the manufacturing of their spears.
They maintain contact with the Waorani through conver-
sations in the forest and the shared use of their territory
for subsistence. In 2009, the Ministry of Environment
conducted flyovers and even took aerial photographs,
recording the coordinates of communal houses. Addition-
ally, footprints and the remnants from their gathering
activities have been recorded, as well as chance en-
counters between isolated peoples and Waorani.

History of Waorani Contact

In the 1950s, fanatical sectors of North American evan-
gelical churches carried out an intensive effort to con-
tact the indigenous peoples who remained free in the
rainforests of South America. In the case of Ecuador,
the missionaries concentrated their efforts to pacify,
civilize, and integrate on the indigenous known as the
Waorani. The Waorani’s traditional territory extended
throughout the provinces of Orellana, Pastaza, and
Napo, from the border with Peru to the headwaters of
the Napo River. Before contact, the Waorani clan re-
mained between rivers, but did not cross them; thee
Napo River, called the Doroboro (great water) by the
Waorani, was the natural boundary of their territory.

At the moment of contact, the Waorani clans were
divided into four main groups: Guiquitairi, Piyemori, Bai-
wa’iri, and Wepeiri (Cabodevilla: 1999). These groups
were scattered over an immense territory in which they
decided who would have the intermediary with the
cowori. Dayuma acquired power in the Wao society as
a chief in the Wao (large farm) as a slave. With Dayuma’s
help, Saint had learned the Wao language managed to
make contact with her clan, the Guiquitairi, which had
been decimated by war.

From 1958 until the beginning of the 70s, Saint
managed to group together most of the clans, about
500 people, in the Tiweno area.

To not kill, have only one wife, and to eat the food of
the cowori were the basic rules that SIL imposed
on the Waorani living in the mission. The missionar-
ies opened a school, began to evangelize, and car-
died out a census. They arrived weekly in Tiweno with
planeloads of food, utensils (clothing, combs, pots,
machetes, axes, matches, candles, lamps), and medi-
cines. Dayuma acquired power in the Wao society as
the intermediary with the cowori world, deciding who
could get what objects.

The Texaco and Cepe companies opened trails
that in a few years would become known in the 112km
Auca road when started doing oil exploration in Wao
territory. This road left from the city of Coca and cut the
traditional Waorani territory in two. Not all clans had
been relocated to the Tiweno village.

In the early seventies, there were numerous inci-
dents between oil workers and the Aucas. The Aucas
attacked the camps, killed company personnel, and
created a difficult situation to the point that they could
not find workers willing to work because of the ter-
ror the Auca were spreading in the camps during the
nights. The company began to arm their hired workers and the indigenous Kichwa who supposedly knew the rainforest better than anyone. They also used the rivalry between the two ethnic groups to their advantage; the Waorani had previously attacked the Kichwa settlement along the banks of Napo.

The work to relocate the Auca to permanent settlements became urgent. The state and companies thus viewed the civilizing of the Auca (SIL) as the only alternative to a military resolution of the problem. Cabodevilla (1999) describes the network of relationships that were established during these years between the companies, the military, and the ever-present Rachel Saint.

Thus, while the evangelicals initially acted alone, against the backdrop of the need to expand the oil frontier into Waorani territory, there was a convergence of interests between the missionaries and the oil companies. Already by the end of the 1970s, the missionaries were finishing their work in gaining control of the Waorani and of relocating them to protectorates (settlements), while the oil companies provided the means to search for more uncontacted even clans scattered throughout their vast traditional territories.

The oil companies offered logistical support and transportation to Rachel Saint so that she could conclude her work to relocate and civilize the Waorani populations as soon as possible. Helicopters and small planes began to ride through the heavens over the rainforest. Loudspeakers with recordings inviting the people to go to Tiweno, gifts, and relatives of the still uncontested clans were delivered from the air to the Auca villages. In 1971, as part of the work to forcibly relocate the Waorani, the Ecuadorian Institute of Agrarian Reform and Colonization (Instituto Ecuatoriano de Reforma Agraria y Colonización - IERAC) conceded 16,000 hectares to the SIL to legalize Tiweno as the “Waorani Protectorate” (“Protectorado Waorani”).

Once the Waorani were effectively relocated to Tiweno, the free Auca clans that were still attacking the oil workers in what is now the province of Pastaza acquired the status of belonging to the Waorani people, with rights over territory. The surface area of the territory was extremely limited and responded to the necessity of “cleaning” the space for the development of oil activity. By 1975, 90% of the Waorani population had been relocated and the work to create the Waorani people could begin. The Waorani who resisted contact retreated further into the zones where they had lived for decades. Two of these were the warrior groups the Tagae and the Tagaeiri. It is likely that in addition to these Waorani who went into the rainforest, there were other Waorani who refused contact with the national society and maintain a state of concealment and aggression against strangers in their territories even today. By using the term Tagaeiri, we are referring to the possibly diverse groups led by descendants of the founder of the group and his brothers. We can be sure it is the name by which the clans today refer to themselves. The definition of the Taromenane group is, on the other hand, more controversial due to the fact that for the Waorani, this is a group unlike themselves.

Cabodevilla (1990) affirms that there was a Waorani group that separated from the rest in XX, when the majority of the Waorani clans had left their traditional territories in the area that is now the border with Peru to return to the headwaters of the Yasuní and Tiputini rivers, seizing territory from the indigenous Sápara. The Sápara had disappeared due to rubber activity, captivity, and the associated sicknesses. According to this hypothesis, the Taromenane stayed in the areas along the current border with Peru. The relative isolation of the Taromenane from the other Wao clans would explain the linguistic differences and certain features of their material culture. The hypothesis regarding the relationship between the two groups is supported by the testimony of a Tagaeiri girl who was captured by a Wao clan from the Tiwino community(15) in 2001. She claimed that the Tagaeiri had been assimilated into the Taromenane when the latter had killed the Tagaeiri men and taken the women from this group. This fact would explain the Taromenane’s assumed abandoning of their frontier territory (perhaps due to the pressure caused by the oil frontier on the Peruvian side) and the consequent confrontation with the Tagaeiri located in the Cononaco and Curaray basin.
Waorani, civilization, and oil

Speech of Ewenguime Enkeri, Leader of the Waorani Nationality,
to the tribunal with respect to the dispute and administration

Members of the Tribunal,

We know that we, the Waorani, are defenders of our territory. I do not speak in favor of oil and I would not ever. I only speak in defense of our territory. Because, the Waorani have been for much time, and are to this day, and want to continue to be, defenders of our territory.

But the civilization has arrived to the Waorani, and it seizes us. Surely the missionaries had contact with the oil companies. CEPE, the Ecuadorian State Oil Corporation, doing business along with Texaco. Piling us up there in order to exterminate the Waorani, to kill the Waorani. They do this so that this land will be free, free for the oil companies and others, like the mining companies that want to do damage.

And they came, and they eliminated the majority of the Waorani, with them came sicknesses, one called poliomyelitis, why did the missionaries kill us. They took all of my family, and after my family they went and then they came back where they were born, to where they defended their territory. But they could not defend it any longer because the majority had died and because while they were caged in one place the CEPE and Texaco had taken advantage of their land for colonization.

Because the Waorani territory used to be to the Napo River, the Waorani called it the Doroboro, and we were in charge of all of this territory. Now, we have lost more than half of our territory and we cannot defend it because behind the oil companies, who arrived? Everyone came, like the CGG, which was a French prospecting company. Exactly when I was in school, they let us study Spanish, which is not my language, but at least we could defend ourselves and be understood.

Since then, Texaco arrived in Tiwino, where the majority of the Waorani live. There they got sick, they could not drink the water, and they still cannot and never will be able to. And the Waorani, we always talked about how the Yasuni was the only clean river for me and for my whole nationality.

In the year 1989 Conoco arrived. We sent Conoco out; we did not want any more death. After, Conoco sold to Maxus. Damn Maxus. Yes, I can say that. There were anthropologists who called us children for speaking like this against Maxus. They allied themselves with the Waorani; they were able to convince everyone, friends, even me. They said that we were going to live well, that the oil company would help all of us Waorani. And that Maxus would help the 32 Wao communities. Because they were going to begin to help with education, health, the university, and that the Waorani would have their own hospital. Absurdities and lies, all of it. I am a witness. They brought me to speak with Sixto Duran Ballén, president of the republic, and the Waorani, we signed an agreement. The Waorani blindly signed. And later, what has happened? What could happen? Today, in this moment, what is happening? After they had been made godmothers and godfathers, all of it. But after five years the company did not want anything to do with the Waorani. The Waorani were nothing more than beggars, and we will continue to be beggars if we do not defend ourselves today. Because we have to be Waorani, today, yesterday, and tomorrow.

Maxus left, and Repsol YPF arrived. It is the moment for a new history of a free Wao. Defense of our territory. Today the Waorani cry, they die, they are trampled, they are jailed. So, what can we do? Let’s talk about the Waorani! Let’s talk about the free, prior, informed consent of the Waorani! That’s where I’m going with this. We are the legitimate representatives of the Tagaeri and Taromenane nationalities. They are my family. They are the family of my own mother. It is because of this that my father and my mother always told me, do it, defend it. This is why we send you to study. It can be stopped, if you can make the authorities and the judges and the other worlds that are waiting understand that they have to help save the Wao way of life. Because we know that soon the Waorani will be terminated. Who
would finish with the Waorani? The oil companies, the loggers. Tranquilly the loggers are there in our land. Yes, we Wao take them and we kill them. And then what do you say? The Waorani assassins. Yes or no? That's how it is. And if we kill someone from Petrobras tomorrow, what would happen? The Waorani killed them, the Waorani assassins. Petrobras entered by force. If the Waorani-Tagaeri enter there, they get a bullet in them. Why do the Waorani come to the “house of Petrobras,” the “house of Repsol,” and the seven other oil companies that are in our territory without permission? And where are our collective rights and institutions? And where is the guarantee that the Ecuadorian state gave to the Waorani? Because there is not another world for the Waorani, there just isn’t there is only here in Ecuador where we have defended a million hectares, just so that someone else can come and violate us, like they want to violate us now. Now we are in the middle of it all.

In the present moment we are here, worried, that we have already had many appointments and we have already gone to the Ministry of Environment, we have spoken, papers and more papers, but they have never decided. The only thing that remains is the defense of our rights. The only thing that remains is to use our laws. Nothing else. The reason is that we don’t want to lose what the other nationalities have already lost, the Waorani don’t want to lose this. Because we have only one language and we live in three provinces.

The authorities say please, that they see the signed agreement between the Waorani and Maxus. Where is the functioning hospital and potable water for the Waorani?

While we are dumped to the side, where is Petrobras? It is dividing in this moment. Pardon me, excuse me, but today I want to see the representative of Petrobras here. Because today, on this day, they are dividing the Waorani people. Today, in this moment, Petrobras is giving money so that we divide and Fight. Against whom? Against Me. Because the people - and not the oil companies - choose a government to govern. Today, Petrobras is giving money to those opposed to my government. Today I received a call, they were calling me to say, “Enkeri, you are not the Waorani government.” Who said this? He who has money from the oil companies in his pocket, and it doesn’t bother him that his families are dying, that a Wao died from drinking water, from bathing there. And who defends them? Excuse me, but our Waorani don’t need them, we will never need them. What I ask is, in the name of my nationality: judges, ministers, let us live. I know that in this territory and in the national park the Waorani have lived for thousands of years. My father lived there, and my mother is there. My family is there. I know that this patrimony isn’t only Wao; it is the future of our children. It can be studied, but we can’t destroy it. We can’t get into destroying the rainforest, the only riches that we have. It is the lung of us all. Possibly even the President of the republic, Rafael Correa, and his children will go to visit this patrimony. Why does the President want to destroy it?

The permit has been given, but whom of the Waorani has Petrobras consulted? I already know that the assistants of Petrobras have come many ties, but now we Waorani aren’t blind. They say that the world is warming, and we Waorani are also eating up, and it is enough already. Enough lies, enough of it all.

Ministers, justices, I hope that you will ask Repsol: what happened with the agreement with the Waorani people? What happened? Did you meet the agreement, or not? How much money do the Waorani administer? Who manages the money of the Waorani people? I hope you’ll ask them. You have to ask in order to know. You must read the agreement to know how it is for the Waorani people, while the Waorani are dying. I signed the agreement, and possibly it would be better to annul the agreement, because it has been totally violated and we have nothing. Today, when we are calling Repsol to ask them how are things going with the Waorani people, they send us to talk with other institutions. I choose this example: they tell me that we have to ask the Entrix company17 for resources with 15-30 days anticipation. So, we are going to ask that they ask if they can enter our territories with 15 days anticipation.

So compañeros, the permit that was granted to Petrobras is illegal, because it was given without free, prior, and informed consent of the Waorani nationality. Our culture is to not lie and to not cheat. He who lies has to die, today. And so, until now we have maintained, and I will continue to maintain,
my culture. Possibly we will go to the Constituent Assembly to say that they also have to take the Waorani law into account, for the future of conservation of our biodiversity and of ourselves.

So, judges, With respect to the businesses that operate in our territory: Petrobras, Perenco, Repsol, Petrobell, Agip, Petrooriental, to them, we express our total rejection. Because they have to consult with us. Today, their operations are illegal. For this reason, please justices, ministers, we are Waorani, and we reject them. If you all want to consult with us, we are at the ready. Because today, at this moment, we need to review the agreements with these businesses. If we have to sue them, we will sue them.

Because you all have your laws, as Ecuadorians. I am Ecuadorian, and we Waorani have defended Ecuador, there against the Peruvians, we defended Ecuador, and now we are being exterminated. This means that we are not Ecuadorians. It means that we don’t deserve respect, that the Waorani are little animals, that you can be done with us. I think this should end. This epoch is over, it’s done. But we are here at the table now, talking, strengthening ourselves so that you will understand, because we don’t speak much Spanish, because it is not my language but it is necessary for you to understand.

And I, as the maximum representative and maximum authority of the Waorani people and of NAWE, as you all respect the decisions of the president of the republic you must respect my decisions, because I am the only representative of the Waorani nationality. For this reason, I express my rejection, my round rejection, and we reject as the Waorani nationality, Petrobras and the exploitation of the ITT. Minister, justices, save the life of the Waorani people.

Thank you very much

THE THREAT OF THE EXTRACTIVE FRONTIER

The actual territory of the isolated peoples of Yasuní National Park is involved in a complex web of legal and illegal situations, both permitted and prohibited, all derived from the expansion of the extractive frontier. Some of the most threatening activities are oil extraction, illegal logging, the expansion of the agricultural frontier, roadways, energy, tourism, journalists, scientists, photographers, and flyovers of their homes.

Oil and spears

The oil frontier zones are characterized by access roads that were opened through the primary forest, provoking deforestation and altering the ecosystem; the survival or isolated groups depends upon this ecological equilibrium. The opening of oil roadways induced colonization by settlers and members of other indigenous nationalities such as the Kichwa and Shuar, causing situations that provoked permanent tension with the Waorani communities and the territory of the isolated peoples.

The presence of oil activity poses the risk of contamination and constant impoverishment of the forests; furthermore, it brings about the permanent presence of outsiders such as the oil workers, the noise from their machines and generators, contamination of water sources, and contamination of the air by machines that burn and emit gas.

This means the development of new forms of spatial utilization and ordering results in a definitive and permanent alteration of the territory that is marked by increased pressure on the forests’ resources, generating an extremely risky environment for the isolated peoples in terms of the continuity of their society and culture, for example, health, food sovereignty, and spaces for recreation and rituals.

The permanent presence of actors related to extractive activity and the frontier of colonization undermines the space of the isolated groups and is creating a situation of permanent conflict. According to the testimonies collected in conversations between the Waorani and isolated groups, the group of the Tiwino-Cononaco road, which was most involved in the latest confrontations, claims that it is at war with “those from outside” in order to defend their territory. According to Waorani culture, in war cycles the chacras (farms) are abandoned in order to
enter into a period of permanent alert and high mobility, and it is for this reason that this group asks the Waorani communities for food. The internal perception of this group in relation to the surrounding society is extremely important for the maintenance of the group identity. Also, the closeness with the contacted Waoraní is worrisome, as this contact could generate sicknesses and trigger conflicts within the same contacted communities.

The groups of Yasuní Park are dramatically exposed to contact due to the expansion of the oil frontier, and they already find themselves inside the limits of Blocks 14, 17, and 16, and in the Armadillo, Tiwino, and Cononaco camps, all of which are operated by transnational companies and the state-run Petroecuador.

The presence of external agents related to extractive activity is a very important factor that alters the relationship of these isolated groups with their territory insofar as the presence of outsiders in the zones of refuge provokes alterations with their natural environment on which they depend to subsist and which could result in the disappearance of these groups. In this sense, the close proximity of the oil installations is worrisome, as are, for example, the potential impacts of the oil spills that occurred within Block 18, contaminating water in the zone that is likely utilized by these groups. It is also alarming that these oil companies know of the presence of isolated peoples in their areas of operation and that they refuse to share this information.

The extractive economy can be found within the territory of isolated peoples, in the form of armed actors, private security of the businesses, and the military that have agreements with them. The Ecuadorian state, due to the fact that oil is a strategic resource for the nation, provides military security to the oil installations in the zone as has been evidenced and denounced by the Waorani and the campesinos. These armed actors are there to defend the oil activities, but they don’t have knowledge or awareness about the type of territory where they are operating, nor about the presence of isolated indigenous groups.

**Camp Armadillo**

Even though the presence of peoples in isolation had been detected in the camp, by the end of 2008 the Ministry of Environment had awarded an environmental permit to a Venezuelan-Colombian consortium, the Grand Colombia Energy Consortium, Petrotesting S.A., headquartered in Ecuador, to dig wells and continue with the seismic prospecting. After this failed bidding process, Camp Armadillo returned under state control in August 2012. It is the state business, PetroAmazonas, which has begun the operations to extract the crude oil. It should be mentioned that due to limited reserves and the risks associated with the presence of the peoples in isolation within the limits of Camp Armadillo, the bidding processes of the private businesses was truncated on three distinct occasions and by different companies. One of these, by the name of Cantárida whose associates were mostly indigenous Waorani, participated in the bidding, and in statements those involved in this company alleged that because it was a Waorani company they should know how to fight the problem of the Tagaeiri and Taromenane in case there was a run in so that they could continue their work within the oil camp. As can be seen, the positions of the Waorani with regard to their isolated “relatives” are complex and differ according to the community, age, and the relationship that they have maintained with economic interests in the area.

In sum, while there have been various technical reports and worries expressed since the Plan of Preventative Measures over the restarting of oil activities in the zone, the state has not made clear its interests with regard to Camp Armadillo.

All of this is despite the evidence of the presence of a group of isolated indigenous in the area, a presence proven by the same Environment Ministry through flyovers. Herein enters the contradiction between the same state policies of protection of isolated peoples, which would impede all extractive activities in the areas in which these groups are located, displacement, and survival. The decision to exploit Camp Armadillo relies upon a presidential decree, which allows, in practice, the bypassing of the law.

A more grave fact is that in the latest recommendations of the Ministry of Environment to operate in Camp Armadillo (February 2010), it mentions that the workers of the companies will enter escorted by police and military personnel to protect their lives in case of an attack by the Tagaeiri or the Taromenane. In February 2010, the head of PetroAmazonas, a filial of Petroecuador, publicly declared, “the development of the country cannot be compromised due to the presence of a handful of indigenous whose existence cannot even be proven.” This is an alarming statement, not only because it does not recognize the national policies regarding isolated peoples (which will be later discussed), but also because it legitimizes actions that could threaten lives, human rights, and territories. These declarations and
MAP 2 – Current location of the Tagaeiri Taromenane groups

Produced on the basis of a map of EcoCiencia 2002

Spears gathered following attacks by indigenous groups in isolation
AUTHORIZED DEMONSTRATIONS DEMONSTRATE THE DIFFICULTY ASSOCIATED WITH THE APPLICATION OF EFFECTIVE POLICIES OF PROTECTION DUE TO ECUADOR’S DEPENDENCE ON OIL EXPORTATION, WHICH ORIENTS AND CONDITIONS ANY OTHER STATE POLICY, BECOMING A GRAND CONTRADICTION IN CONSTITUTIONAL RIGHTS AND THE REALITY OF THE PRACTICES IN THE CAMP THAT CONTRADICT THE LAW.

**Cedrelinga cateniformis**

The illegal logging of wood in Yasuni Park was a practice that began at the end of the 1990s, principally focused on the extraction of one of the most precious and scarce woods on earth, cedar, locally known as chuncho (**Cedrelinga Cateniformis**). Entire crews of workers entered the rainforest to be preyed upon by mosquitoes, fevers, abandonment, and on many occasions, to die in the middle of a rain of spears that fell over their camps and sawmills. The loggers entered in enormous canoes filled with chainsaws, gasoline, and foodstuffs, while they left in boats filled with cut boards to later sell – including across the border in Colombia. The majority of the loggers entered the untouchable zone, and many entered the deepest territory where the Tagaeri and the Taromenane can be found. Since the year 2002, those who managed to escape ambushes by the isolated groups have reported casualties and fatalities of loggers. It is not known how many isolated indigenous have lost their lives in these confrontations, and as there were more attacks and less cedar to cut down, the invaders entered further and further and with more arms.

During those years, there was very little attention given to the illegal extraction and trafficking of wood, much less to the families of killed loggers, and almost no attention to the lives of the isolated peoples. Many Waorani of the Shiripuno, Cononaco, and Tiwino river zones were involved in some manner in the business of cedar, in some cases charging for each board that left their territory, while in other cases entering themselves as workers. In recent times, at least once a year, the press reports that there had been a new attack by the isolated peoples. The situation became unsustainable for the illegal wood trade, until in May 2003, a Wao group involved in logging decided to attack a Taromenane group within the untouchable zone. It was under these circumstances that the killing of 2003 occurred during which around fifteen isolated indigenous died. The extraction of cedar continued until 2008 when the state finally responded to the “Precautionary measures in favor of Indigenous Peoples in Isolation Tagaeri Taromenane” and implemented a forest control plan and kicked the loggers out of the area. Paradoxically, no legal action was taken and no one gave explanations with regard to the illegal activities that had taken place during almost a decade in the area. But, since then, logging has been controlled and the situation of the Wao communities has been monitored. Furthermore, there have been approximate identifications of the isolated groups of Yasuni.

The presence of loggers in the territories of the isolated peoples has generated a clear response on the part of the indigenous: war against those who invade what they consider to be their territory. And it is with this understanding that we have to conceive of the deaths of loggers in recent years. On March 1, 2008 a logger died in an attack in Camp Armadillo, and in August 2009 three others lost their lives.

**Legal Incursions**

The majority of the incursions in the territory of isolated peoples are “legal,” and are eminently as a result of tourist activity carried out with no controls on or of the private operators and local guides, as well as on many occasions flyovers where there are homes and farms that are in the middle of the forest just for the satisfaction of the tourists. It is worth noting that this happens in the untouchable zone of the Tagaeri and Taromenane, constituting a constant danger at an epidemiological level due to the risk of contagion of sicknesses as well as attacks and accidents that could occur. The majority of these activities convert the isolated peoples into a tourist attraction without worrying about the grave consequences that could occur.

Before the delimiting of the zone, the oil companies that bordered Yasuni Park gathered information about the presence of isolated peoples, and on many occasions they carried out seismic exploratory work. These activities were legal due to a lack of legislation protecting the Tagaeri and Taromenane. However, these efforts by the oil companies to try to bring forth their findings with regard to evidence of the presence if isolate peoples was only a portion of their greater interventionist strategies in the zone. The contents of the reports written by the companies in recent decades are still unknown, as well as the treatment they have given the situation; oil activity within Yasuni Park remains legal.

Within the untouchable zone, there also exist two military camps that serve as checkpoints of the border between Ecuador and Peru and one “Frontier Security
Zone,” which extends for 20 km from the limit of the national frontier to the interior of the country, permitting the armed forces to carry out distinct monitoring activities. Additionally, there are five military detachments throughout the buffer zone. The fact that these military personnel have no knowledge or awareness regarding contact with isolated indigenous is worrisome.

THE GENERATION OF INTERETHNIC CONFLICTS

Savages and Civilized

Another worrisome element of the zone in question is the conflicts, both active and latent, between the Waorani and the isolated groups. For the Waorani, to be “civilized” means literally being “tamed” through inclusion in social relations with the powerful and benevolent “foreigners” (Colleoni 2012), as they had done with the missionaries in the past and today with the oil companies that provide them with many services, food, and work. Contrarily, they see the isolated groups as “rough,” and they use a series of eloquent metaphors and images to underline the groups’ aggressiveness and potential dangerousness. They say that isolated groups “go around thinking like tigers,” or that they are “like wasps that sting for no reason.” Subsequently, many Waorani have expressed their desire to “civilize” the isolated indigenous, trying “to tame them” little by little with food, the same way the missionaries did with the Waorani in the 1960s. On the other hand, the “civilized” Waorani identity is complex and for the Waorani there always exists the possibility of recuperating the point of view of ancient times, the “durani bai,” meaning the threat to kill or be killed; this happened during the 2003 attack by the Taromenane group of Cuchiyacu. In this way, the social organization of the isolated peoples of Yasuní, the same as those of the Waorani, are based on a centrifugal logic and a social organization of autonomous and self-sufficient groups that extract resources from exclusive spaces, defined by their territoriality and established according to the logic of the autonomy of the group. It is the violation of these said spaces that generates interethnic conflicts and confrontations.

For this purpose the concerns expressed by different Waorani of Block 16 regarding the territorial competition generated by the presence of loggers that pushes the isolated peoples toward the territories of Wao communities are very revealing. Some Wao have made contact with Tagaeiri and Taromenane individuals through shouting or conversations in the forest during days of hunting. Furthermore, they know the paths to access the isolated communities, which could create an unexpected situation. It should be noted that in 2008, some Waorani from the Nono community visited the communal house of a Taromenane group here called “Tiwino-Cononaco Chico Road,” which is found only a few hours walk from the Wao community. This shows that there is a situation of latent conflict with respect to the conservation of autonomous territories between the isolated groups and Wao communities, and a related disputing to control territory. However, the situation becomes even more complex due to the relationships that the Waorani maintain with the national society, as well as because of their market linkages. Among the Waorani there are overlapping ways of perceiving the issue and presence of the Tagaeiri and the Taromenane. On the one hand, there is the desire to maintain their own sovereign territorial spaces, which can create conflict and confrontation in accordance with the traditional understanding of relationships amongst enemy groups. On the other hand, the Waorani have incorporated a commercial logic that involves the economic benefits of extractive activities for Wao communities; however, the presence of peoples in isolation, either due to protective measures which may prohibit market activities in their territory or to possible attacks of isolated groups against the actors of the extractive industry, in some manner put the Wao’s benefits at risk.

Finally, there also exists an official discourse, adopted by the organizations of the Waorani Nationality of Ecuador (NAWE) according to the perspective of the organizations of which it is a member, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) and the International Indigenous Committee for the Protection of Peoples in Isolation and in Initial Contact of the Amazon, the Grand Chaco, and the Eastern Region of Paraguay (CIPIACI), which treats the question of isolated peoples in terms of human rights and territorial rights that have to be guaranteed. These positions coexist and overlap in the actions of the contacted Waorani, so the outcome of their relationships with the isolated groups is an issue that needs much attention and care.
Land and territories: conflicts with the campesinos

The area of Yasuní Park is characterized by conflicts between the isolated groups and the campesino (peasant farmer) populations located on the frontier of the park’s territories. These conflicts have a high probability of intensifying.

On August 10, 2009, three members of a campesino family located in the colony Los Reyes in the province of Orellana died as a result of an attack with spears that surprised the Ecuadorian society. On this occasion, for the first time the three campesinos were attacked on a road; they were four members of the Duche family, a mother and her three sons. Never before had campesinos been exposed to such an attack outside of the forest on a roadway. The Provincial Council of Orellana had recently opened this particular road in order to carry out an electrification project.

First, there are concerns about the identity of the victims: on this occasion they weren’t illegal loggers who had entered the territories of isolated indigenous. These deaths were of a family of settlers that had lived in the area of the attack for more than twenty years without knowing that their farms were in areas that before the arrival of oil companies had belonged to Wao groups who were displaced from their homes by force. Why was this new attack so distinct from those before it? During the last decade, there were various attacks against loggers who had entered the untouchable zone, violating the law, where they were torn between life and death, the spears of the isolated finishing with the lives of more than five people. But the case of Los Reyes dealt with a family that had nothing to do with the illegal business of wood or anything that had happened in the untouchable zone. Besides the attack took place in a new context in which there already exists a national policy that requires the state to protect the lives and territories of isolated peoples. It is clear that the area of Los Reyes is in dispute between distinct protagonists that claim it as their own. The majority of the settlers has property titles and demand more attention and basic services. The contacted Waorani assert that the territories occupied by the settlers are part of their ancestral territory that should be returned to them and, accordingly, they have created new settlements there. The isolated peoples also are demanding something and this event introduces a new scenario and provides new clues regarding the territoriality of this Amazonian indigenous group that resists integration.

Spears and plastic

There are very important clues and evidence that allow us to conclude that Taromenane indigenous of the Cononaco Chico -Tiwino Road group carried out the attack that occurred in the community of Los Reyes. It is important to remember that there were rumors in the campesino sector and among some local authorities that Waoranis had perpetrated the attacks, paid off by oil companies. This was due to the fact that during recent years the relationship of the settlers with the oil company had been very tense and conflicted, while the Waorani had accepted the companies in their territories as a form of subsistence. The concern is that there was once again an attempt to ignore on the existence of isolated villages outside the untouchable zone area, as their presence is uncomfortable for all parties.

The type of spears, their decorations, and their making

The spears found in the bodies of the dead community members of Los Reyes are very similar to those that were found in the bodies of dead illegal loggers in the earlier attacks (2008, 2009) that were previously mentioned. Furthermore, the spears were similar to those of the Waorani who carried out attacks against the Taromenane group of the Cuchiyaku River in 2003. The different decorations used are of natural fibers like the Cham-bira, long feathers from red and blue parrots, and small feathers of the harpy eagle and the rainforest condor. In addition, plastic fibers are used both in the spears and used to make pouches to store rice, and different plastic bags are used to pack noodles, refreshments, condiments, and finally, scraps of fabric or clothing, which is to say, products that you can find in the city of Coca along the Tiwino Road, in the oil and logging camps, and also in the tourist cabañas present in the protected area.

The isolated indigenous have adopted fibers and materials of the cowori world, and with all probability these materials have acquired special symbolic value with respect to the fibers and materials normally available in the forest, symbolizing the appropriation of foreign objects. Additionally, these were newly manufactured spears; the fibers were fresh and the feathers weren’t powdery nor did they show sings of wear or aging. For this reason, they couldn’t be spears stored over time by the Waorani. At least two different types of spears have been recovered, those that have two teeth from 2 to 3 cm in length, each separated by 2 cm, and others having smaller saw-shaped teeth, from 1 to 1.5cm,
whose toothed side is much longer than the other. After the teeth there is a much longer toothed side for puncturing. The decorations of fiber, odds and ends of fabric, plastic bags, and of Chambira are found at the end of the sharp teeth and occupy a length of about 60 cm of the body of the spear. It should be noted that in previous attacks on loggers, similar spears were found, striking for being serrated to the tip. This indicates that it is the work of a warrior belonging to the same group, as each individual tends to distinguish his spears in his personal manner, as if to leave his own “signature” on the attack.

The measures of the length and width of the spears, as with the teeth, are more profound and long than the Waorani spears (and those of the Tagaeiri) and they indicate that the spears were made in the style of the Taromenane.

There are other elements that confirm that an isolated indigenous group was responsible for the attack. First, the testimonies gathered in the Waorani and settler communities recognize the presence of isolated groups in the area (report Proaño – Colleoni, 2008). Second, there is the story of the raid by an indigenous Wao from the Nono community on a house identified as the home of a Waorani leader. The Wao raid was part of a larger conflict between the Waorani and the settlers, and it was a response to perceived threats to their land and culture.

The Tagaeiri live together with the Taromenane. It’s been a long time since they went away from civilization. It was here, in this site where we are presently, where my brother Tagae was born. Tagae is older. His sons are Wanari, Nare, and someone else. Tagae had many children. I know the children of Tagae. I can easily speak with them and they can understand me. Tagae’s children could go far from here to where they live, they can go to Peru, they can go to Curaray in a few years. But their intention is to return here, their lives are here, their territory is here. They live close by and if someone goes there they might kill them. They could die here in this site, because they don’t live far and they can’t go far. I want to be able to talk with the nieces and nephews of Tagae. I could tell them that I now live with the Cowori and that if they want they could come, or if not, they can stay here without killing. Because everything is now invaded, we are at the limit because the settlers are advancing toward their territory and they already passed the territory where we were born. For this reason, they had the right to kill the settlers. If I were one of these men I would kill them the same, because I was born there. And the territory of my birth is my property. Here I was born, and here I will live with everyone, and when I married, I married with another group, and then my brother (Tagae) told me, “Go to your mother-in-law.” So there we parted, and in less than a month a plane flew over to bring us.

So the land of the Tagaeiri, that has been called “Bobohuito” is the area defended by them, because here they collect the fruits that no longer exist there.
Motives for the attack in Los Reyes

The information gathered by the Waorani relatives of the Tagaeiri demonstrates that the attack was related to the fact that it was their territory before contact had been made with the majority of Waorani and the national society and the subsequent separation of the Tagaeiri group. From this territorial point of view, it is an area vital for hunting, gathering, chonta harvesting, and the planting of farms. The settlement patterns of the Waorani have maintained an intergenerational logic and there exists a tendency to return to the territory of “the grandparents,” which fits perfectly with the tendency of this Tagaeiri group to return to the territory of their forefathers where they lived as children in the great maloka of the head Waorani named Niwa.

On the one hand, the appropriation of foreign objects and, on the other hand, the “predation” on others and the rejection of exchange as ways to address the relationship with “outsiders,” are critical factors for understanding the relationships these groups establish with the “frontier.” Attracted to objects from the outside, the isolated peoples of today approach and appropriate objects from tourist cabañas, from the camps, and possibly from settlers’ homes, like the Waorani of yesterday other neighboring peoples (such as the Jíbaros, for example) did with the oil camps and the Kichwa communities, without ever having known about exchange or commercial transactions. Objects that have some symbolic or ritual value are already used in the fabrication of necklaces and spears. The traditional Waorani logic of relations with strangers is based on war and the exclusive use of territory for hunting and gathering for between 5 and 20 km around the communal houses (Rival, 1993: 645). Effectively, in their attacks the isolated groups have shown the same logic of the Waorani before contact where the only socially admissible relationship with the cowori is reciprocal preying and war (Colleoni, 2012). The cowori, the strangers, the non-humans, are dangerous cannibals, and at the same time, is the prey of the strong fearless Waorani warriors. The war and the attacks are part of the way in which these groups conserve and maintain their identity, guaranteeing their reproduction as a distinct group. In the Waorani culture the strongest warriors are considered to be the “defenders” of the territory, and their job is to protect the space of the group from the presence of the cowori. The great warriors are treated as jaguars, their spears pointed like the teeth of this great predator of the rainforest, the red color of the achiote with which they decorate their spears representing the blood of their enemies. The transformational force of anger and bravery, called “pii” in their language, converts them into fearless beings, ready to kill their enemies. Thus, attacks should be considered as a response to the presence of foreigners and to activities that interfere with the space of social and cultural reproduction, and in particular with a group territory that has belonged to them for generations and that is an area “marked and demarcated” by the history and the actions of the group over time. The deaths in recent years are part of what these indigenous consider to be a war in defense of their group territory. The worrying part of the news of the attack against the campesino family is that it occurred for the first time within the boundaries of the frontier of settlements and not in the rainforest as had been the case with the speared loggers in recent years and of the oil workers in the 70s and 80s. The changing location of the attacks indicates a worrisome and dangerous closeness of populations that are located within the territory that was previously of uncontacted peoples. We advance the hypothesis that this is a strong reaction to what this group has come to perceive as a loss of their space for social reproduction, the encroachment of extractive activities threatening their existence more and more: logging, oil extraction like the Armadillo and Hormiguero camps, and other operations present in the area such as the recent opening of a trail for the electrification project for the community of Los Reyes. But, at the same time, it is important to signal that the attack can’t be explained by a linear cause and effect logic.
other words, the citizens aren’t necessarily involved in activities that interfere directly with the group’s territory, but rather were attacked for being perceived as part of that outside world that violates their life space.

The possibility, not often taken seriously, is that there could be new conflicts between the actors present in the area, as actually happened in Camp Armadillo. This unexpected situation is a result of the Plan of Precautionary Measures and demonstrates the complete misunderstanding of the state and of public institutions with regard to the logics of these peoples. It is clear that as long as the state does not adopt measures to mitigate the encroachment of the extractive frontier toward refuge areas, the violent encounters between distinct populations will be dominated by panic and ignorance. We cannot know whether the isolated peoples will seek contact motivated by very different reasons than need or desire. Therefore, when situations occur like that in Los Reyes, we can expect the clashes to be violent, as declared by the settlers themselves and by the way in which the isolated peoples have responded in encounters with strangers. All of these facts lead us to try to understand comprehensively the impacts of the extractive activities and the presence of external actors in the refuge areas of isolated peoples. In other words, it is necessary to take into account the chain of effects with regard to territoriality and social responses, which lead to serious conflicts (including interethnic) and the danger of genocide of isolated peoples.

STATE POLICY

Oil vs. Human Rights

Ecuador’s response to the presence of isolate peoples has changed over time. During the middle of the last century, in order to resolve the problem of the presence of aggressive Waorani in the areas of future oil exploitation, the government opted to pacify the majority of the clans and managed to confine them to a small geographical space. The proposed objective was the integration of the indigenous and their territories into the rest of the Ecuadorian nation. Later, in accordance with the development of a discourse of the rights of indigenous peoples on the part of international indigenous organizations, the extractive industry saw that they were obligated to accept the delimiting of areas in which extraction was forbidden. In order to guarantee exploitation within Yasuni the state began to adopt a series of policies that responded to the changing demands of the various actors.

These facts, along with the clamor generated by the Taromenane massacre in 2003, gave rise to state policies with regard to people in isolation that delimited a protected area for the Tagaeri and Taromenane people and implemented the Plan of Precautionary Measures to protect isolated peoples. On January 29, 1999, the Ecuadorian government modified the limits of Yasuní National Park, legalized the territory of the Waorani through presidential decree no. 552, and created the untouchable zone within the Yasuní National Park with an extension of 700 thousand hectares between the Yasuní and Curaray rivers. All types of exploitation were prohibited in this zone, with the goal of protecting the indigenous people in isolation.

In 2003, the existence of the isolated peoples in the Amazon abruptly burst into the public consciousness due to the news of the earlier mentioned massacre in a Taromenane house. Pictures of mutilated corpses and of the burned communal house, along with the tools and spears of the isolated peoples, were seen by the whole country. In May of 2006, during a visit to Ecuador of the Special Rapporteur on Indigenous Peoples of the United Nations, there was a new attack against isolated peoples. This time two Taromenane women were assassinated by bullets shot by loggers, an event that gave rise to the rumor that up to 40 indigenous could have been executed. Before this, a human rights lawyer and three people concerned about the unbridled genocide of indigenous peoples in isolation asked the Inter-American Commission on Human Rights to consider taking preventative measures to protect the life and integrity of the people in voluntary isolation of the Ecuadorian Amazon. In May 2006, the national Ecuadorian indigenous organization, the CONAIE, delivered a detailed report regarding the situation of isolated peoples in the country to the Special Rapporteur of the UN, emphasizing the vulnerable situation in which they found themselves. At the same time, the Rapporteur delivered a series of recommendations to the government regarding the precautionary measures that the government should take in order to protect these peoples.

On May 10, 2006, the Inter-American Commission dictated precautionary measures in favor of the isolated peoples in Ecuador and began a process that continues today. In this context, the state is obligated to implement a plan of precautionary measures to protect these peoples, requiring that the necessary measures be taken in
order to avoid the presence of third party actors in the territory where the beneficiaries [indigenous peoples in isolation] live.

In 2007, the limits of the untouchable zone were established, covering 758,051 hectares. It is significant that the delimitation process, implemented by the Ministry of Environment, was strongly conditioned by the requests made by the oil companies, principally that their operations were being hampered by the presence of isolated peoples. An investigation was carried out by the Wildlife Conservation Society to assist in this process, and information was also collected by the Encana business, the ex-operators of Blocks 14 and 17, the same company that did flyovers in this territory and managed to locate the communal houses of the isolated communities. The business Repsol was also involved in the delimitation in order to maintain operation plans for their well Wati 1, including a 3 km roadway at the edge of Block 16.(29)

The Ministry of Environment did not carry out a study regarding the location or territoriality of the isolated peoples in Yasuni National Park. If you look at a map of the protected area, it is clear that the limits of Blocks 16 and 31 and the ITT (Ishpingo, Tiputini, Tambococha) are barely cut off at their southern limit. The northern part of the protected area is curved toward the north, arriving at the Tivacuno River, but at the limit of Block 16 there is a drastic dip that respects the limits of the concessions to oil companies. Any anthropological insight or criteria used to explain the current demarcation are unknown.

Along with the creation of the untouchable zone are there were special rules established that permit the oil operators to enter the buffer zone, which extends 10 km around the space. As was already mentioned, the other principal problem of the delimitation of the untouchable zone is that its limits don’t coincide with the territory of the isolated peoples and it ignores the incidents that happen outside of its borders outside of the Plan of Precautionary Measures and of the national policy of people in isolation, as happened in Block 14 with the death of an illegal logger and with the deaths of the Los Reyes settlers in Camp Hormiguero in 2009.

The Plan of Precautionary Measures, its scope and limits

As was already mentioned, due to the resolution of the Inter-American Commission of Human Rights, the Ecuadorian state had to implement a Plan of Precautionary Measures in order to protect the life of indigenous peoples in isolation. The implementation of this plan began in March 2008 under the Minister of Environment, even though the implementation of the plan should be coordinated by different ministries (government, environment, health, external relations, defense, cultural patrimony).

To date, the results of this plan include the installation of a scientific forest control station by the Shiripuno River, the principal port where illegally logged wood from the protected area circulates and is traded, and they have managed to stop illegal loggers from entering via this river. The measures also include military surveillance of the roads where timber is trafficked and a control of the entering of persons that are headed toward the protected area, principally indigenous Wao and tourists. Additionally, the Plan of Precautionary Measures hires indigenous people living in the interior of the area to be monitors and forest rangers who advise the Ministry of Justice if there is a presence of illegal loggers or strangers in the indigenous communities within the zone.

Nonetheless, there are some difficulties associated in the implementation of the plan. One of the fundamental problems stems from the fact that this is basically an emergency plan that does not put forth a sustainable policy to protect the people in isolation and linked with human rights. They haven’t come far since the design of the health contingency plan in case of contact, nor in designing emergency protocols for confrontations between isolated peoples and outsiders who enter their territories. Furthermore, the plan treats the protection of people in isolation as if it were an environmental question derived from illegal logging, and so the problem has principally been conceived of as a forest control plan rather than as a mechanism for protecting human rights. Similarly, neither the CONAIE nor the indigenous of the area have participated in the process, and their critiques have not been included. The CONAIE has rejected the delimitation of the untouchable zone because it says that this new legal framework ignores the territory of the Waorani nationality, and that it divides their ancestral territory. Furthermore, the CONAIE argue that it was not created and delimited through a serious process of consultation with the indigenous nationalities and organizations. Additionally, they consider the delimitation of the untouchable zone as a threat to the life of the isolated peoples as it does not respect their free circulation within their ancestral territories due to the fact that extractive activities are permitted outside the zone’s limits. While the organization recognized the need to adopt precautionary measures, such as a protected zone in areas with isolated peoples, their principal concern is that the
isolated peoples do not know about the limits and thus there is the possibility that there will be new violent situations outside of the demarcated areas.

The delimitation of the untouchable zone has caused unhappiness in the communities of the area and increased the tension between the state and the indigenous organizations. The indigenous Kichwa and Waorani communities within the untouchable zone weren’t adequately involved in the demarcation process or the implementation of the precautionary measures, nor has their territoriality been taken into account.

To the south of the protected zone there are Kichwa communities that know little to nothing about the delimitation process. The Plan of Precautionary Measures has not included the sharing of information with regard to the situation of peoples in isolation, representing a threat due to historical differences between these indigenous groups. On the other hand, some Wao communities (Bwanamo, Bameno, and Gabaron) are found within the untouchable zone, a fact that the Ministry of Environment did not know at the moment of delimitation of the area. While these three communities are in favor of the protective measures for the Tagaeri and Taromenane, they have also expressed their concern because their territoriality and property haven’t been taken into account and they were not given the opportunity for free, prior, informed consent during the process to create the untouchable zone through the application of the Plan of Precautionary Measures. They are also worried that the limits of the area will subject the development projects of their communities to special rules.

There is not a date of legal recognition by the Council on Development of the Peoples and Nationalities of Ecuador (CODENPE) with regard to the Tagaeri and Taromenane as peoples that form part of the Waorani nationality or as their own people. Beyond this there is the problem of a juridical definition of non-contacted individuals, which seems to be the only solution to guarantee their territorial rights, but who would define and push through this recognition? And who has the right to represent them? The Waorani? The national indigenous organization? This is an issue that even the CONAIE has not addressed. The Waorani organization, NAWE, has insisted that the Tagaeri be recognized as part of the Waorani and suggests that they shouldn’t be referred to as another people, but rather as Waorani that live in isolation. NAWE is worried about the risk of limiting the possibility of recuperating their traditional territory due to the recognition of Tagaeri territory as a specific and exclusive space.

Finally, while the untouchable zone has been instituted, there are actually eight different legal frameworks that rule the territory to where peoples in isolation have been displaced and are now located:

- The legal territory adjudicated to the Waorani nationality
- The Yasuni National Park
- The biosphere reserve
- The untouchable zone
- The 10km buffer zone around the untouchable zone
- The oil blocks
- The security corridor along the frontier with Peru where there are two military camps within the protected zone
- The farms that form the settler communities

This shows, once again, that at the moment of addressing the issue of policies of protection of peoples in isolation it is impossible to limit the interventions to categories of protection without linking them to the complex social reality of the area. In doing this, the social and economic dynamics are not included, and it is actually necessary to take all of these elements into account in every moment to create effective protective measures.

Actually, there is much tension between the Plan of Precautionary Measures and the NAWE due to the nearly non-existent inter-institutional communication even though the NAWE has designated a representative to the team monitoring the plan. The critiques of the plan principally come from the presence security forces in the area and the lack of confidence on the part of the technical employees of the ministry with regard to the indigenous. Obviously it cannot be expected that the Waorani will abandon their cultural identity and adopt an institutional position with regard to their own communities as some of them are involved in complex relationships with oil companies and many Waorani work together with illegal loggers. Furthermore, they don’t understand the responsibilities of being a salaried worker. The issue of work and subsistence continues through strong cultural interpretations of what we in the west would call “how to make a living” (el cómo ganarse la vida).

The poor management of the last crisis in 2009, which resulted in settler victims, resulted in a strong criticism of the Ministry of Environment. The state opted to give responsibility for what had happened to local authorities and practically blamed the attacked settlers because the Municipality of Orellana had solicited the
opening of a new road. In addition, there was a poor political and practical management of the crisis; there was no contingency plan with regard to this type of episode of encounter with the Tagaeiri and Taromenane; neither did they organize a search for the child that was taken by the isolated indigenous that should have been ordered within a framework of human rights. They didn’t act sensitively with the affected family. There is a long list of errors with the Plan of Precautionary Measures, and a lack of confidence and credibility between the local communities and a lack of a serious and sustained explanation of what had occurred. This act of violence created space for many doubts in the local dwellers with respect to those who carried out the attack and their motives.

The presence of isolated peoples and the encroachment of the settler frontier has been a problem that has been a concern for the Ministry of Environment and with the military detachments near the Peruvian border, which provide logistic help to the monitors of the Ministry of Justice. Lately, they have captured workers from different oil companies for operating in areas with peoples in isolation and in Yasuní Park.

However, there is a lack of budget to get more personnel trained in the protection of isolated peoples; the scarce presence and knowledge of this ministry, which has existed for less than three years as an institution, has made work difficult at the monitoring station. Furthermore, they have carried out work with little geographic knowledge of the Yasuní area and there is a lack of confidence of the actors present in the zone with regard to the new institution. Another question to tackle is that the Ministry of Justice is under pressure by the demands of the Ministry of Environment to advance with the oil projects, taking advantage of the forest and infrastructure in zones where some type of group in isolation has been identified.

The technical work of recognizing the signs of presence of isolated peoples has failed to appropriate methodologies to create a database with regard to the presence of isolated peoples and does not go further than georeferencing and a description of the features found. Furthermore, the monitors who have arrived at the areas where they encountered the possible presence of peoples in isolation, with Waorani, and with other actors that live in the area did not have a protocol for action.

Through this description of the progress of the Plan of Precautionary Measures it is clear that there are still some questions to answer. Why has a National Policy on Isolated Peoples still not been made official? Under what normative framework and related laws should the work of protecting peoples in isolation be carried out? Is technical work to identify signs of the presence of peoples in isolation and some capacity building sufficient
Wao watching a helicopter from the oil company in Cawimeno community - Photo: Lucia Stacey - 2000

Photo: José Proaño 2008-09
to respond to the IACHR? It is unknown what has been achieved within national human rights policy with regard to the protection of peoples in isolation. Since article 57 of the constitution has not been put into a secondary law, which would recognize their territory, the protection of the life of the Tagaeri and Taromenane continues in limbo.

Is it sufficient implement technical monitoring plan as a response to the Precautionary Measures? As understood by the Precautionary Measures dictated by an international organism, they should respond to and inform the IACHR, as the petitioners and co-petitioners, and to civil society, of the advances in political and practical terms in order to guarantee the human rights of the peoples in isolation. The Ministry of Justice and Human Rights should supervise and encourage the necessary measures that state institutions should take up with regard to this problem and to comply with the Plan of Precautionary Measures. It is not possible that the precautionary measures are only the technical following of footprints, spears, and other signs of presence. To maintain this situation, it is doing nothing more than to trivialize and disorient the clear meaning expressed in the text of the IACHR, and the actual achievements of the plan don’t respond effectively to the demands dictated by the Inter-American Commission. Enough time has passed since the plan began it is still consistently lacks the budget to be fully executed and their workspace has been restricted.

The complaints presented in the Attorney General (fiscalía) have not advanced, no one has given formal testimony over the violent acts that have occurred, the illegal loggers and cedar traders were never called before the Ministry of Justice to follow the legal repercussions. This lack of judiciary functioning allows for impunity and the violation of rights of various actors affected, converting certain areas where isolated peoples live into areas of permanent risk and illegality. The national Attorney General, the maximum judicial authority of Ecuador, has visited the area of Camp Armadillo on two occasions between 2011 and 2012 and had meetings with some Waorani. They presented their concerns with regard to the encroachment of the oil frontier toward the territories of the peoples in isolation, specifically in Camp Armadillo, the situation of territorial limits between the Wao communities and Yasuní National park and with the settler communities, and furthermore, the management of the Plan of Precautionary Measures that is causing discontent among the Waorani in as far as their demand to participate in the monitoring programs since they consider that the plan is being carried out in their territory.

Who has the right to what?

It should be that the state respects the rights of its citizens, and it seems to us that the violent occurrences in the settler frontier call for a reflection with regard to the three levels of legal frameworks: that of indigenous groups in isolation, that of the indigenous that border the protected zone (Waorani and Kichwa), and that of the campesinos.

The Rights of the Isolated Indigenous

The isolated peoples enjoy rights established at both the international and national levels. As previously mentioned, at the international level there exists the 2006 request of the Inter-American Commission that the Ecuadorian state adopt the Plan of Precautionary Measures in favor of the Tagaeri and Taromenane peoples.

Furthermore, Convention 169 of the ILO, ratified by Ecuador, recognizes specific territorial, health, and free, prior, informed consent rights of indigenous peoples and recommends the adoption of special measures to safeguard indigenous peoples and institutions.

The rights of isolated peoples are also laid out in the United Nations Declaration on the Rights of Indigenous Peoples, approved on September 13, 2007, pushed through and ratified by Ecuador, guaranteeing, among other things, the right to land, territories, and resources that they had traditionally possessed, occupied, or otherwise utilized or acquired (Art. 25), and to possess, utilize, develop, and control the lands, territories, and resources that they possess according to the reason of traditional property or other form of traditional occupation or utilization, as they had acquired the right of autonomy or self-government (Art. 26). The declaration constitutes a normative framework important with regard to the rights of self-determination, autonomy, life and physical integrity, the security of peoples, and to live collectively in liberty, peace, and security. The declaration guarantees that indigenous peoples do not suffer processes of forced assimilation and their right to maintain their customs and traditions.

Ecuador is also involved in the process of creating guidelines for the Protection of Indigenous Peoples in Isolation and in Initial Contact of the High Commission of the United Nations. The guidelines recommend state recognition of the existence of peoples in isolation, and also consider that the state should assume its national and international obligations in relation to the rights of
indigenous peoples, particularly those which refer to territory, health, food sovereignty, systems of life, and culture. Finally, according to the guidelines, the state should take into account the situation of extreme vulnerability of these peoples in front of the rest of the national society.

**The National Constitution: Between Rights and Contradictions**

At the national level, isolated peoples enjoy the same collective rights of the indigenous nationalities established in the national constitution. The fundamental human rights that help indigenous in a situation of isolation and initial contact are the same for all of society and for this reason the Ecuadorian state must guarantee their fundamental rights in an effective manner, such as the right to life and to health. There are pending questions with regard to the real implementation of policies to protect peoples in isolation in the Ecuadorian Amazon. On the one hand, the absence of state institutionalities has permitted an enormous and shameful history of violations committed primarily against indigenous peoples at the expense of the laws and constitutional mandates that protect indigenous territories. On the other hand, the new patterns of understanding and recognition to include human rights in Ecuador’s new constitution (2008) collide with a lack of real application, especially when regulations and laws about extractive activities in fact negate these.

As the constitution clearly expresses in Art. 11, numerals 2 and 3, “All people are equal and enjoy the same rights, responsibilities, and opportunities. No one shall be discriminated against due to their ethnicity, birthplace, age, sex, gender identity, cultural identity, civil status, language, religion, ideology, political affiliation, judicial history, socio-economic condition, immigration status, sexual orientation, health status, carrier of HIV, handi-capped, physical difference (...) The state will adopt affirmative action measures to promote real equality in favor of rights holders that find themselves in situations of inequality. The rights and guarantees established in the constitution and in international human rights instruments will be directly and immediately applied by and for all public servants, administrative or judicial, ex-officio, or on request.” With this made clear, the national authorities should understand the situation of the isolated indigenous as a situation of inequality before the law due to their particular situation of isolation and cultural and biological vulnerability, and above all, initiate the protection of these people within the framework of human rights and abandon the distorted practice of treating this issue from the Ministry of Environment which carried out the measures adopted up until now without any rules. It is necessary that the measures adopted respond to the framework of the constitution, based on the articles that refer to isolated peoples and to human rights, and not in the same way in which they have been addressing the issue, which has resulted in a situation in which rights are not in play, but rather the environmental permits of extraction of renewable and non-renewable resources that the Ministry of Environment chooses to hand out.

With respect to the territorial rights of the Tagaeri and Taromenane there is also a constitutional mandate saying that the state should initiate a serious and participative process, outlines both in their national rights and in international rights to achieve an effective application of Art. 57 (2nd numeral) of the collective rights of the constitution where it is expressed that “The territories of the peoples in voluntary isolation are of irreducible and protected ancestral possession, and in these territories all type of extractive activity is prohibited. The state will adopt measures to guarantee their lives, respect their self-determination and desire to remain in isolation, and the observation of their rights. The violation of these rights will constitute an act of ethnocide, which will be typified by the law. The state will guarantee the application of these collective rights without any discrimination.” It should be noted that the constitution is clear in referring to the “territories” of these peoples and does not make reference to an untouchable zone, but rather to the possession that they maintain. The possession and utilization that determine ownership of a territory remain to be determined, but some studies and the collective memory of the Waorani can be used to begin the process to legalize their lands. This article furthermore demands the legal recognition of a territory for these peoples due to the fact that constitution cannot be applied if they don’t know and legalize a territorial space for the Tagaeri and Taromenane. Art. 57 is fundamental because is makes clear that the violation of the rights of peoples in isolation constitutes a crime of ethnocide. The article has been codified by the law amending the penal code, which typifies the crimes of genocide and ethnocide, adding article 441 of the penal code, which sanctions with imprisonment anyone who murders, gravely injures, submits intentionally to conditions that provoke physical destruction, or that does not respect
the self-determination and provokes the alteration and destruction of the culture of an ethnic group.

Article 407 says, “Activities to extract non-renewable resources in protected areas and in the areas declared as untouchable, including forest exploitation, are prohibited. Exceptionally, said recourses can be exploited by a petition made by the President of the Republic and previously declared to be of national interest by the National Assembly, which, to deem convenient, could convolve a popular consultation.” In this case, the juridical contradiction that exists in the case of isolated peoples is clearly evidenced. That is, an untouchable zone results in a space of environmental conservation, where its recourses can be exploited in the case of a popular consultation. In this situation, where are the rights of the isolated peoples? It is in this misrepresentation and poor understanding of environmental and human rights that the conflict of the untouchable zone of the Tagaeiri and Taromenane enters. In the logic of the state, the untouchable zone was delimited to protect these peoples, but the constitution permits the extraction of resources. Thus, this area is not be understood as territory for isolated peoples due to the fact that juridically it is not, but instead as a conservation area; an indigenous territory legally obeys a different type of natural law and is ordered by the material and spiritual utilization of the peoples that live there [not by a logic of environmental conservation]. The problem comes from the contradiction and lack of respect by the state for the rights of indigenous peoples. In order to truly recognize a territory with characteristics of untouchability would signify, firstly, to define new areas that are currently owned by the state, under the guise of national parks, and to deliver the ownership of these lands to their original owners (casi no entiendo en español este parte – no tiene sentido me parece). As oil blocks exist that overlap with the territories of ancestral peoples, a part of the principal economic resource of the country also runs the risk of not being exploited, in which case the country would lose economically. But, from the other perspective, not only the state but also the entire society could gain much more not by converting itself into a country where human and constitutional rights leave the paper to become a reality. Recognition of these rights would, in some manner, repay part of the debt that the state and its model of development owe to indigenous peoples.

While these legal contradictions and practices don’t leave space for a true practice of respect for Amazonian life and territories, the scene of death and violence will continue marking the pages of the daily newspapers, and worse than anything, it will convert us along with the humanity into accomplices of a new genocide that happens behind the curtain of rights and the blind gaze of development.

The National Isolated Peoples Policy

Since April 2007, as mandated by the constitutional, there has been a national policy on peoples in voluntary isolation. This document is an extremely advanced policy, based in the principles of:

- Untouchability, which is to say the protection of land and territories in favor of indigenous peoples in isolation, which signifies the promise of the state to avoid all activities that could put their survival in danger; self-determination, which recognizes that indigenous peoples in isolation have the right to self-determination; precaution, as an central axis of environmental policy, that safeguards peoples in voluntary isolation;

- equality, in the sense that peoples in voluntary isolation should enjoy equal rights in the same conditions as any other people;

- no contact, so that their right to self-determination as peoples and their desire to remain isolated is respected.

The important thing to highlight is that the national policy is challenged with guaranteeing the ancestral possession of the territories where they live and use for their subsistence activities in accordance with their cultures and, at the same time, their untouchability. In other words, the application of the policy should bring, principally, the recognition and legalization of a territory that covers all their territoriality, and the latest facts show that their territory reaches outside of what the state considers as their territory, referred to as the untouchable zone. Without a legalized territory no national policy nor the constitutional articles can be applies; nor can the principle of no contact or self-determination be applied, for the same reason they cannot self-determine if they are not the bosses of their own territory. Any outsider can enter in their homes and provoke unwanted contact because legally there is no delimitation that impedes the entering to determined areas occupied by the Tagaeiri and Taromenane.
The other legal framework toward the isolated peoples is Inter-ministerial Accord 120, which establishes a Code of Conduct that applies to the oil companies that operate in areas bordering the untouchable zone of the Tagaeiri and Taromenane and its buffer zone. The code demands that public decisions be made in an opportune and adequate manner. There is a principle of precaution that demands that preventative measures be taken in cases of uncertainty or doubt with regard to political actions or activities that could affect the life, physical integrity, culture, and territory of the peoples in isolation. Within the related agreements of the code of conduct there is establishes, for example, in Article 3, the protection of the environment, which is to say, there is an obligation to ensure that the environmental components of the border areas of the untouchable zone operated by oil companies maintain the conditions of quality environment unaltered by hydrocarbon activities. Article 6 establishes that the oil companies bordering the untouchable zone elaborate methodologies that permit the application of the code of conduct. Finally, Article 8 allows popular action to denounce violations or incompleteness of this code of conduct.

Even though the constitutional mandate is very clear and there is a national policy included in the constitution that defines, unequivocally, the measures to take to protect the rights of isolated peoples a process to recognize the territory of the Tagaeiri and Taromenane has not begun and they have not managed to stop the oil activities in their territories. Even the Ministry of Environment maintains coordinates of some locations and the discussion should center on whether to begin to regulate a territory, the argument used by the national and local authorities that refuse to recognized the territoriality of the Tagaeiri and Taromenane, that is characteristic of semi-nomads and makes it difficult to recognize or delimit, but nothing is farther from the truth than their ignorance. There is historical evidence and ethnographies that sustain, in the past as in the present, a territoriality that these people maintain. A very important step is for the state to recognize, principally, the spaces with the presence of isolated peoples that are outside of the untouchable zones and take urgent measures to protect them, as demanded by the National Policy of Isolated Peoples and the law that typifies this crime as ethnocide and genocide.

In actuality, the gravest fact is that regardless of the constitutional mandate and the said national policy, a presidential decree can still permit oil operations in the territories of isolated peoples. This is the case of Camp Armadillo where, even though the presence of an isolated group has been detected time and again and the most recent tragic events in which some settlers died in an attack by isolated peoples and even though the Ministry of the Environment had suspended the environmental licence of the camp operator, the executive power insists on exploitation. The current president has put forth a demagogic discourse on various occasions saying that for a small group of isolated indigenous we can’t renounce the economic benefits derived from oil for the rest of Ecuadorians. This contention does not recognize the will of Ecuadorians who voted for the new constitution where protection of isolated peoples was included and where this mandate should be completed: the same President imposes the dynamic of Human Rights vs. Oil. With this antecedent the situation becomes very complex and the state foments the vulnerability of human rights. There is a presidential disposition to exploit Camp Armadillo, which generates much confusion in the environmental authority, due to the fact that the Ministry of the Environment prohibited exploitation in this oil reserve in the face of evidence of the presence of indigenous Tagaeiri and Taromenane within the limits of the camp. This demonstrates a question in the level of institutional authority of the ministry, which puts the protection of isolated peoples and their rights at grave risk.

In a series of documents elaborated by the President of the Republic, the business Petrotesting S.A., and the ministries of non-renewable resources and environment show the complicated situation that questions the proven presence of these peoples. On the one side, while the president and the business pressure for hurried exploitation, the Ministry of the Environment advocates to complete special rules of some kind to protect the isolated indigenous (an audit), and the Ministry of Non-Renewable Resources defends their pocketbook and institutional logic by permitting oil exploitation to fill the fiscal coffers. None of the documents reviewed for this report mention human rights, Art. 57 of the Ecuadorian constitution, and much less the recommendations of the IACHR. The issue revolves around the question of whether it is legal or if they should suspend the environmental permits when a business denies an audit of isolated peoples. This time, the game of the environmental permits “gives one more breath” to the isolated peoples. But, wouldn’t the entering of business staff be the committing of a crime of genocide as typified in the reformed penal code? If outsiders enter in the territories, wouldn’t this violate national policy and the constitution? Then, why does the executive demand the exploitation of resources in places where the law would sanction this activity?
The Rights of the Waorani and of Indigenous Communities

The Wao and indigenous communities in the zone enjoy the collective rights of the indigenous nationalities established in the national constitution. Among these rights are the rights to maintain, develop, and strengthen their identity and traditions in the spiritual, cultural, linguistic, social, political, and economic; conserve the ownership of communal lands and to maintain possession of ancestral lands of the communities; preserve and develop their traditional forms of lifestyle and social organization, to generate and exercise authority, the right to not be displaced, as peoples, from their lands. To this is added their claim to legalize the new locations outside of the limits of the legalized territories of this nationality. Some of the new communities are within what was their ancestral territory, but was not recognized as legalized territory.

Also, recognized rights are established in Convention 169 of the ILO and the Declaration on the Rights of Indigenous Peoples of the United Nations. Principally, this document recognizes that the right to the free, prior, and informed consent should be respected in the moment of creation of laws and policies. The Waorani should be consulted over the design of a law on isolated peoples, the demarcation of territory, the Plan of Precautionary Measures, and the protocols of acting so that their participation can be included in the design of these policies; otherwise, grave errors may be committed as already happened with the delimitation of the untouchable zone. Finally, they have the right to exercise their collective rights. It is essential that the application of the right adopts a collective perspective from the legality that they maintain as a nationality, in particular what is referred to as collective territory; and that understands the particularity of the socio-cultural organization of this indigenous people at the moment of dealing with the issue of the Tagaeri and Taromenane with the Waorani. It must be remembered that many Waornai are related to the isolated peoples, and distinct Wao groups claim this relation in function of the implementation of public policy.

The Ordinary Justice System

And the settlers? Of course here enters in the discussion in the framework of the ordinary justice system and of the fundamental human rights guaranteed to each individual as a citizen of Ecuador. The state has to ensure the life of its citizens and guarantee that the judicial and political authority intervenes rightly, applying the laws and criminal justice. It is not surprising that the complaints and concerns of the settler population with regard to what has happened in their communities make reference to this justice framework, treating the deaths that have occurred in the zone as murders. More surprising is how the police and local authorities have acted with regard to the recent happenings, showing scarce knowledge of the legal framework that ensure the rights of indigenous peoples, and particularly of peoples in isolation.

This lack of knowledge is illustrated, for example, in their incapacity to carry out holistic investigations that include different categories of rights that are in force in Ecuador and that respond to distinct cultural logics and forms. There needs to be a more complex understanding of the occurrences adopted which would include the essential cultural questions that cross over the juridical frameworks, territories, and the conflicts that characterize the zone.

Finally, the lack of knowledge of the legal frameworks and the incapacity of the authorities to respond in an adequate manner provoke the campesinos to look for responses outside of all legal framework and to begin to organize themselves in a punitive expedition. Given this situation, there should be an action protocol for these types of emergencies that could happen again in order to avoid an increase in violence.

What right carries the most weight?

Is it even possible to guarantee the rights of all groups in this scenario? Can rights be guaranteed while there is also extractive activity in the Amazon? Which is the legal framework that has to be applied in a situation like that of the border of colonization and through what authorities? Who sets the priorities?

The issue off rights and justice cannot be separate from a more profound reflection on human rights that have not managed to be guaranteed in the context of human and social development that was planted in the Amazonian region and the right reserved by the state to extract non-renewable resources. As suggested by the text of the guidelines of the High Commission on Human Rights, when there exists a collision of rights between different subjects, “the rights of those actors who suffer the worst consequences must be guaranteed, for the lack of exercise of rights.” This clash of rights refers to, in the case of indigenous peoples, the right to exercise
their territorial rights and the right to exploit natural resources by non-indigenous actors. The most vulnerable actor in this conflict are the peoples in isolation. This situation can only be resolved if the international and regional obligations of the governments are applied. In particular, it is necessary and essential that their territories are clearly defined, and that all extractive activities are prohibited in these areas.

The Ecuadorian state policy, even though it has created an untouchable zone and policies of protection of isolated peoples, has proven to be insufficient. In recent years their condition of vulnerability has worsened; the inefficiency of said measures is demonstrated by the deaths and violent attacks that have occurred since the creation of the untouchable zone, because this zone does not take into account the real dynamic of territoriality and displacement at the moment in which the area was delimited, nor were there in-depth studies carried out to this effect. The principle problem that affects them isn’t resolved; if effective and urgent measures aren’t adopted to halt the advance of the extractive frontier and to guarantee a territory for their self-determination, then rights on paper serve for naught.

Proposals for Protection

To date, the state has maintained a double discourse with regard to the protection of peoples in voluntary isolation. On the one hand, it creates laws and protection programs, while on the other hand, it does not revise its policy with regard to the extraction of natural resources. It needs to delimit and legalize a territory, based on the identified presence, the use, and the displacement in the area, which implies the questioning of the process of delimitation of the untouchable zone for not recognizing the whole of the territories occupied and needed for social and biological reproduction of them and to revoke the operating permits of the oil companies. The state should act in good faith and make the necessary effort to achieve an effective protection policy of isolated peoples in the Ecuadorian Amazon as is demanded by state policy and different international agreements ratified by Ecuador, like Convention 169 of the ILO, the Inter-American System of Human Rights, the Declaration of the Rights of Indigenous Peoples of the United Nations, and the guidelines for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact of the High Commission of the United Nations.

**RECOMMENDATIONS**

- In order to protect fundamental human rights, in accordance with the national constitution and international conventions ratified by the Republic of Ecuador, the state should create a territory for isolated peoples, within which all extractive activities are prohibited. Also, all oil operations in the areas where the presence of these peoples has been detected should be immediately suspended, like in Camp Armadillo.

- The state must effectively apply the guidelines of the High Commission of the United Nations for human rights within a framework of a participative process that includes indigenous organizations, local governments, the executive, and the completion of the Plan of Precautionary Measures dictated by the IACHR in the framework of human rights. For this it is necessary that the state formally adopt the guidelines once the document has been consulted with the indigenous organizations and the states of the region. At the same time, it is the duty of the indigenous organizations to promote that the guidelines be the new framework of guarantees in which the future state initiatives are based. The document should be introduced and understood at the level of the organizations and with the neighboring communities of the territories of isolated peoples. In this manner, real actions to protect these peoples and their human rights would be achieved at both the national and international levels.

- To protect the lives of the settlers, which means to recognize their human rights and their right to work, and to propose plans of relocation and compensation that would be participative. The state should implement an integral plan which, through different measures such as the making known of the situation of the isolated peoples and their territorial recognition, would manage to relocate some campesino families and that should be applied through compensations for work, homes, and land. These zones should then stay free from all types of exploitation as part of the territory of the isolated peoples.

- To guarantee the right to participation and free, prior, and informed consent of the settlers and the Waorani alike. To design a contingency plan in this
area which should apply the right of prior consultation, principally with some settlers who are owners of farms bordering with the territories occupied and used by the Tagaerirí and Taromenane and with the Waorani, mostly in the area of Armadillo (Noneo, Tiwino, and Yawepare communities). The right of prior consultation obliges the state to achieve high levels of participation where they collect the demands and critiques of the affected parties in order to achieve a satisfactory compensation and not deepen the actual differences between the indigenous and the campesinos. In this framework, the ancestral rights of the Wao communities in these areas should be recognized and protected, and a dialogue should begin between the bordering communities of isolated peoples with regard to the delimitation and overlapping of the Wao territory, settler farms, and the Yasuní National Park and the areas used for the isolated peoples.

• Regulate legal activities (investigation, tourism, military incursions in the border area), as well as illegal activities that are responsible for the majority of the attacks. It is necessary that the state implement action protocols to normalize the activities permitted and prohibited to public and private actors that work inside the untouchable zone (tourist operators, military, NGOs, religious groups medical personnel, professors) as well as in the buffer zone (the same actors present in the untouchable zone as well as oil workers, scientific stations, journalists).

• Demand that the oil companies make their information transparent and apply the code of conduct that imposes the paralysis of activities in case of a doubt and/or the presence of indigenous isolated peoples, principally in Blocks 14, 16, and 17 and in Camps Tiwino and Cononaco. This information should be delivered to the Ministry of Justice as input relevant at the moment of writing the different action protocols. The lack of collaboration by business should be analyzed from a penal point of view based on the legislation regarding ethnocide.

• Deliver opportune information about isolated peoples to the distinct actors of the zone such as the military detachments, health points, schools, scientific stations, oil companies, indigenous communities, and settlers within the untouchable zone and the buffer zone and include these actors in the protection of isolate peoples.

• Urgently carry out the National Policy on Protection of Isolated Peoples that outlines the creation of a competent authority framed with respect to human rights and has the capacity to coordinate contingency plans, investigations, and appropriate policies. This authority should put forth a law regarding isolated indigenous peoples and guarantee a budget for its elaboration with the consultation of indigenous organizations. Furthermore, the law should guarantee the functioning of the authority created economically as well as politically.

• Elaborate a contingency plan with regard to the possible contact situations, from the point of view of isolated peoples, which includes a health plan and guarantees the exercise of their self-determination. This plan should be elaborated based in human rights and the constitutional articles related to indigenous peoples and isolated peoples and should include the participation and consultation of the local, national, and international indigenous organizations such as NAWE, AMWAE, CONAIE, and CIPACI.
Notes

1 For example, we have registered terms such as “Iwene,” “Taromenga,” and “Awene.”
2 Precautionary Measures of 10/05/2006, case number MC-91/06.
3 As happened with the attack and deaths of August 11, 2009, that involved the community of Los Reyes. See text for greater detail and description of the incident.
4 The group of the Babeiri went in search of isolated peoples in order to reckon with their former enemies, the Tagaeri. Twelve people were killed and their communal home was completely burned. One of the principal motivations for the organization of this killing was the necessity to get revenge for the death of one of the habitants of the Wao community of Tiweno; ten years ago there was another death with a violent encounter with the Tagaeri. However, in no way can we ignore the role played by economic interests linked with the illegal logging of wood in the untouchable zone and in Yasuní National Park and the needs of the oil companies that operate in the area to extend their operations.
5 Aucu is the name by which the Waorani were known before contact. This name derived from the way in which the indigenous Kichwa referred to the Waorani. In Kichwa, Aucu means “savage.”
6 This contention comes from the testimonies of the Waorani who attacked the Taromenane communal house in 2003. Moments before the attack, they had a conversation with the victims who admitted that in previous attacks they had attacked Tagaeri and robbed them of various women.
7 As noted by Rival (1996), the Waorani did not engage in slash and burn agriculture; rather they slashed the forest and left it to rot. Gathering and agriculture were intertwined productive forms because the Waorani favored growing some plants in the rainforest and they often they cultivated directly in the forest, while sometimes they did so on small farms. The farms had a fundamental symbolic significance because they were related to periods of peace. On the contrary, war led to displacement and more hunting.
8 In the Waorani language, cowori means cannibal. This is how they view and call all non-Waorani, the “non-people.”
9 The Kichwa of the Ecuadorian Amazon are the result of a complex process of mixing between ethnic groups. The process of “kichwagon” happened on the haciendas (plantation style farms) and in the missions where the Spanish introduced the Incan language. The Kichwa from the Napo River were pushed toward the Wao territory while working on rubber plantations, and later for oil companies.
10 Palm Beach was named by the four missionaries who were killed by Waorani in 1956. Tiweno was the location Rachel Saint and the other missionaries from the SIL chose for the relocation of the Waorani and for their evangelization.
11 IERAC was legalized in 1969 through the granting of 16000 hectares denominated as reserve (Rival 1996).
12 IERAC was legalized in 1969 through the granting of 16000 hectares denominated as reserve (Rival 1996).
13 IERAC was legalized in 1969 through the granting of 16000 hectares denominated as reserve (Rival 1996).
14 The control of the missionaries was not total. During these years, Waorani dressed in underpants attacked oil camps. It is very probably that these Waorani left the protectorate because, according to Rachel Saint, the Wao would leave the relocation area for days at a time to go hunting.
16 Audience granted before the approval of the environmental permit given to Petrobras to operate in Wao territory (2009).
17 Entrix is the business service that manages the “social responsibility” budget that Respol-YPF gives to the Waorani communities each year.
18 The Waorani Nationality of Ecuador is the political organization that represents the Waorani.
19 The camps Ishpingo, Tamboococha, and Tiputini are part of the “Compensation Proposal for the Dammed Crude.” The objective of the proposal is to creative resolve the threat of crude extraction in the ITT project, which is located in a site of high biological vulnerability in Yasuní National Park, in order to have a positive impact on the conservation of biodiversity, the reduction of CO2 emissions, and respect for the rights of indigenous peoples. The state is selling crude and encourages national and international society to buy the oil with the double commitment to never extract the oil and to protect the national park. The proposal is in the development phase.
20 It is an area which is around the untouchable zone where extractive activities are permitted, but under special rules.
21 The infrastructures, medical attention, and educational help to the Wao communities located in oil blocks depend upon the social responsibility programs of the oil companies. Furthermore, the communities involved in illegal logging charged a toll to the loggers and charged a few cents for each board taken from the forest.
22 Natural fiber that comes from a wild palm.
23 In the communal house, the nancaboa, where a group of Niwa lived.
24 The missionaries’ planes looked to contact and force groups to relocate to the Tiweno protectorate.
25 Above all the chonta, the palm fruit from which they make their spears. The Waorani planted chonta in order to use its fruit and wood and also to demarcate their group territory.
26 The roadmap in the community of Los Reyes where there was an attack.
27 The Yawepare community.
28 Tivacuno-Tiputini River.
29 The concern of the oil companies for a quick delimitation of the untouchable zone is recounted in the text of Aguirre (2007).

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Introduction

The recent history of the Nükak, the last traditionally nomadic people officially contacted in Colombia, in 1988, illustrates the problems that arise when a previously isolated group establishes permanent contact with national society without adequate support. The Colombian state’s lack of experience in dealing with such situations meant it failed to take measures to prevent and contain the arrival of new diseases among the Nükak that killed approximately 39% of them, and that it failed to anticipate the impact of their entry into the market economy, their declining mobility, and the gradual abandonment of various cultural practices on the structure of the different, ‘local’ Nükak groups, their families and their political and economic organization (Cabrera et al. 1999, Franky et al. 1995).

Similar experiences following ‘first’ permanent contact have been recorded many times in the past (cf. Bartolomé 1995, Gajdusek 1977, Lewis 1977, Lightman 1977, Neel 1977, Ribeiro 1971, among others), but in the Nükak’s case certain specific factors made its impact even greater. First, the Nükak did not have relations with the indigenous peoples living in adjacent territories who were more experienced with the ‘white man’s world’, and who usually, in these ‘first’ contact situations, support those who have been recently-contacted and play a major role in facilitating communication between them and the ‘whites’. However, in this case the only people who could speak the Nükak’s language were missionaries from the New Tribes Mission (NTM). Second, the Nükak’s territory is 12 hours from Bogotá by road, between the River Guaviare and River Inírida, and on the frontier of a rapidly-advancing colonization involving the illegal cultivation of coca. Despite the fact that their ancestral territory is protected by a ‘resguardo’, it remains extremely vulnerable to invasion by outsiders. Third, the Nükak were greatly outnumbered by campesinos – estimated to number 10,000 around their territory when ‘official’ contact was made – and by the arrival of the Revolutionary Armed Forces of Colombia (FARC), who were in the region since at least 1985, and paramilitary groups, by 1997, calling themselves the United Self-Defence Forces of Colombia (AUC), who between 2002 and 2004 together waged an intense war for control of the middle River Guaviare. Currently, the number of Nükak is estimated at 600, 25% of whom have been forcibly displaced and live in the vicinity of a town called San José del Guaviare.

Another factor which made the impact of contact even greater was the idea, at least initially, that the Nükak were ‘uncontacted’ indigenous people living in a bountiful forest with whom any interaction would destroy their ‘authenticity’ and physical and cultural integrity. This not only ignored the Nükak’s right to act and decide things for themselves, but the reality of the situation. The fact is, every ‘local’ Nükak group, numbering 13 in total, had established contact with colonos and campesinos by 1995 (Cabrera et al. 1994 y 1999, Franky et al. 1995). However, for the first 10 years after contact, the government tended to avoid dealing seriously with the issue and focused on short-term, interim measures only, partly justifying this on the grounds that any policy or program supporting the Nükak should be very carefully considered in order to avoid negatively impacting them further, despite the fact that no proper effort was made to discuss such ideas with the Nükak themselves.

One of the government’s most obvious failures was not providing socially and culturally appropriate medical attention for the Nükak. This was especially critical following the closure of the NTM’s base in the east of Nükak territory in 1996, and it had serious consequences. The medical attention offered by the missionaries was not replaced, leading to the highest mortality rate reported among the Nükak after the first five years of contact (A. Jiménez pers. comm., 1998).
Another obvious failure was not spending any of the money allocated to the Nükak by the Colombian state, currently standing at more than 1.7 billion pesos.\(^4\) Attempts to discuss consulting the Nükak about this money were stepped up between 1998 and 2001, but dropped when the first forced displacements took place in 2002 and the focus switched to providing basic humanitarian aid (S. Mahecha, 2010). It was only in 2006, following a directive from the Attorney-General’s Office ordering the National Council for Displaced People (CNAIP) to design a plan for the Nükak, that institutional space for consulting them – about anything at all, not just this money – was created.\(^5\)

We would like to draw your attention to two documents resulting from an agreement between the National University of Colombia (UNAL) and the United Nations Development Programme (UNDP) to coordinate with the Colombian government and the Nükak and design a ‘Plan de Atención Integral Diferencial’ (PAID),\(^6\) outlining key policies and programs to support them. This plan was developed in 2009 and 2010 with the technical and financial support of the UNDP, the UN Refugee Agency (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR) and the UN Office for the Coordination of Humanitarian Affairs (OCHA), as well as further support from San José’s Mayor’s Office, the president’s Human Rights Office, the Ministry of the Interior and Justice, and the Ministry of Health and Social Protection, among others.\(^7\)

The first document, titled ‘Contact, Forced Displacement and Changes among the Nükak’, describes the key events in their contact history, forced displacement following increased armed conflict, and the consequences for them. The second document is titled ‘Guidelines for the development of a ‘Plan de Atención Integral Diferencial’ (PAID) for the wayari muno (‘people of the River Guaviare’) and meu muno (‘people of the headwaters’) Nükak in Agua Bonita and Villa Leonor (in the Barranquilla part of the El Refugio Resguardo’). It includes relevant background information, describes various characteristics of the Nükak’s society and culture, and details the results of meetings in Agua Bonita and Villa Leonor when the Nükak made a number of decisions about the support they would like from the Colombian state.

Since then, in 2011 and 2012, there have been further initiatives supporting the Nükak which have heeded the key guidelines outlined in the PAID and acknowledged the Nükak’s right to ‘free, prior and informed consultation’.\(^8\) The first of these was the ‘Plan de Atención Integral para el pueblo nükak’ (‘Nükak Comprehensive Care Plan’), implemented by the government’s Corporation for the Sustainable Development of the Northern and Eastern Amazon (CDA) with money provided by the European Union (see Cabrera et al, 2011). The second was the development of a ‘Plan de Salvaguarda Étnico’ (‘Ethnic Safeguard Plan’) by the Office of Indigenous Issues, Minorities and Roma within the Ministry of Justice and the Interior, as had been ordered by Colombia’s Constitutional Court’s ruling ‘Auto 004’ in 2009.\(^9\) The third was the design of a ‘Plan Especial de Salvaguarda de Urgencia’ (PESU) (‘Urgent Special Safeguards Plan’) by the Ministry of Culture, which was implemented by the Erigai Foundation (see Barbero et al, 2010; Cabrera et al, 2011). The fourth, the most recent, was the Constitutional Court’s ruling ‘Auto 173’ in July 2012, which was issued following the Colombian state’s failure to act on ‘Auto 004’ and ordered it to take immediate ‘precautionary measures’ to protect the Nükak’s rights,\(^10\) one of which was implementing a ‘Plan Provisional Urgente de Reacción y Contingencia’ (‘Urgent Provisional Contingency and Response Plan’).

With the exception of ‘Auto 173’, the leaders of almost all the ‘local’ Nükak groups participated in these initiatives. This meant them travelling to San José on numerous occasions to attend workshops held by the various institutions involved, where they were able to discuss their problems, familiarize themselves with the Colombian legislation relevant to indigenous peoples, familiarize themselves with the kind of services the Colombian state can provide, and begin to find solutions to their problems. Throughout all this, the institutions responsible were able to argue more convincingly for the urgent need to adopt a ‘differential’ focus in any policy or program intended to support the Nükak.

However, obstacles to implement these initiatives remain. The two main ones are: a) increased armed conflict in Nükak territory and surrounding areas which has meant that, among other things, no one’s safety can be guaranteed, the forcibly displaced groups haven’t been able to return to their territories for seven years, and the Colombian state’s capacity to provide basic services like medical attention has been seriously impeded; and b) the lack of coordination between the national and local institutions.

We hope that this book can contribute to future policies and programs involving the Nükak and that any such initiatives fully recognize that they are subjects of law. We also hope that it can contribute to the design and implementation of policies and programs that look beyond the immediate, short-term and consider the me-
‘CONTACT, FORCED DISPLACEMENT AND CHANGES AMONG THE NÜKAK’

Dany Mahecha, Carlos Eduardo Franky, Ruth Gutiérrez, Luis Olmedo Martínez.

1.1 Interaction with other people

The language spoken by the Nükak is intelligible to that spoken by the Cacua (also known as the Bará) living between the River Papurí and River Querarí in Colombia’s Vaupés department. Initially, it was considered affiliated to the Makú-Puinave linguistic family (Mason, 1950; Ortiz, 1965; Rivet and Tastevin, 1920), but recent research is changing that view. While some researchers continue to agree that the Hup (Epps, 2005, 2008), Yujup (Ospina, 2002), Dáw (S. Martins, 2004) and Nadeb (V. Martins, 2005) languages – all of them in the Makú-Puinave family – are related to one another, Girón argues that the Cacua, Nükak and Wánsöhöt (also known as the Puinave) languages are distinct (2006:16-17), and Epps even questions whether Nükak belongs to the Makú-Puinave family at all (2005: 6-7, 2008) (cf. Mahecha 2009). All of these groups, with the exception of the Wánsöhöt, are traditionally nomadic and live in north-west Amazonia.

The intelligibility between the Nükak and Cacua languages is convincing proof that the Nükak were once part of a larger Cacua population who migrated northwards, although it is not clear how, why and when that migration was made. The most widely-accepted theory is the arrival of caucheros (rubber-tappers) in the early 20th century (Mahecha 2007; Mondragón 1991), and since then Nükak territory has been between the River Guaviare and River Inírida. However, like in so many other parts of the world, the first to establish permanent, peaceful contact with them were missionaries from the NTM who had arrived at the River Guaviare, at a place called Charco Caimán in the eastern part of their territory, in 1971. They established a base there, Laguna Pabon, and began to make approaches to the Nükak groups living nearby. At first, they left tools in the forest, but little by little established a direct, permanent relationship with them (Cabrera et al. 1999: cf. Cabrera 2007). Later, in 1985, following threats from FARC, the NTM moved its base to a very isolated place only known by the Nükak, which they called Laguna Pabon II (see map 1), right in the middle of the region between the River Guaviare and River Inírida.

As time went by, the NTM’s base became an important point of reference and meeting point for various Nükak groups, especially those whose territories were closest to it. Given the degree of trust between them and the missionaries, the medical attention provided, the tools traded, and the fact that the missionaries learnt the Nükak’s language, Laguna Pabon II came to act as a kind of ‘centripetal force’ around which the Nükak groups moved (Franky et al. 1995).

However, in the west of Nükak territory the situation was very different. The colonial frontier was expanding rapidly, particularly as a result of the high price of coca in the 1980s, and encounters with newly-arrived colonos became increasingly inevitable. There are reports of

2. Meeting the kawene, the ‘whites’

The first official report of an encounter between the Nükak and colonos was in 1965 when a Nükak group from the western part of their territory tried to establish peaceful relations at a recently-founded colono settlement, called Charras, on the banks of the River Guaviare (Cabrera et al. 1999). This led to several encounters, but subsequently ended in violent conflict in which various people were killed, others were captured and, according to the Nükak, three people never returned (see photo 1). The campesino involved, Ambrosio Gonzalez, admitted capturing a Nükak couple, but, according to him, after taking them to Villavicencio, they were freed. The Nükak say they never saw them again.

This experience partly explains why the Nükak remained isolated for so long and didn’t have ‘official’ contact until the late 1980s. However, like in so many other parts of the world, the first to establish permanent, peaceful contact with them were missionaries from the NTM who had arrived at the River Guaviare, at a place called Charco Caimán in the eastern part of their territory, in 1971. They established a base there, Laguna Pabon, and began to make approaches to the Nükak groups living nearby. At first, they left tools in the forest, but little by little established a direct, permanent relationship with them (Cabrera et al. 1999: cf. Cabrera 2007). Later, in 1985, following threats from FARC, the NTM moved its base to a very isolated place only known by the Nükak, which they called Laguna Pabon II (see map 1), right in the middle of the region between the River Guaviare and River Inírida.

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MAP 1

LOCATION OF THE INDIGENOUS NUKAK
1990-1996

MAP 2

LOCATION OF THE INDIGENOUS NUKAK
1997-2002
peaceful contact from 1986 onwards, and, later, longer, more frequent visits paid to the colonos by the Nükak seeking medical attention, useful tools and other industrially-produced goods. These encounters became more common as the frontier advanced, particularly because this involved the colonos destroying places that were important to the Nükak – their gardens, fruit trees and areas with particularly high numbers of palm trees – to make way for their fincas13 (Franky et al. 1995, Cabrera et al. 1999; cf. Politis 1996).

The arrival of various Nükak families at Calamar in 1988 was the definitive event marking the clash between Nükak territory and the colonial frontier, sparking the arrival of respiratory diseases and the first social conflict between them and the colonos. That said, some researchers argue that one reason the Nükak visited Calamar was to receive medical help because the kawene, the ‘whites’, had sent the Nükak ‘la gripa’ (‘flu’) to punish them for stealing a white child – a punishment that affected various Nükak families and killed at least 10 people (Cabrera et al. 1994 y 1999, Franky et al. 1995, Mondragón 1991, Wirpsa 1988).

Following that visit to Calamar, the Nükak established permanent relations with the colonos. This involved revising their opinion of them: the colonos went from being ‘dangerous cannibals’ to generous, trustworthy people who could provide food, useful tools, clothing and medicine.

The visit to Calamar also marked the entry of various Colombian institutions into the Nükak’s lives, mainly providing medical attention in the more urban areas and, by 1993, in rural areas too. From that date onwards, the Nükak groups near colono settlements like Barranco Colorado, Charras, Charrasquera, Guanapalo, Caño Makú and Tomachipán began to travel occasionally to San José or El Retorno, a village, seeking medical attention, clothing and tools, among other things, and often stayed at the Casa Indígena (‘Indigenous House’) in San José or near the road to El Retorno before returning to wherever they had come from (Franky et al. 1995).

Although approximately 40% of the Nükak died during the first five years after contact, the survivors continued living in their respective territories. Map 1 shows two particularly important regions: one in the west where they mainly had contact with the colonos and more people died, and one in the east where they mainly had contact with the NTM (Franky et al. 1995).

The missionaries’ presence tended to discourage the Nükak from gravitating towards the colonos, whether in fincas, in settlements or more urban centres like Mocuare, Puerto Alvira and Laguna Araguato (Franky et al. 1995). However, this changed completely in 1996 when Laguna Pabon II was forced to close following the government’s refusal to permit any further flights there, meaning that the missionaries lost their only means of communication and access to supplies.14 This provoked a veritable Nükak ‘diaspora’: some went to the lower River Guaviare and others to Tomachipán where, nearby, at a place called Cheka Müh, the missionaries re-established themselves in 1998 with the agreement of local colonos and state institutions interested in improving medical attention in rural areas. Map 2 shows where the Nükak lived between 1997 and 2002, and makes it clear they had abandoned the central part of their eastern territory.

1.3 Chronology of the forced displacement

The situation facing the Nükak, and indeed the entire indigenous and non-indigenous population in the Guaviare department, became critical when paramilitary groups, the AUC, arrived and began to challenge FARC’s control of the middle River Guaviare, committing massacres in Mapiripán, in 1997, and in Caño Jabón, in 1998, and many human rights abuses. Four years later, in 2002, clashes between the AUC and FARC at Puerto Ospina and Charrasquera, now known as Pueblo Quemado, made the AUC’s territorial advance clear (see map 2).15 Ever since then, indigenous peoples in the region have found themselves forcibly displaced and sought refuge in San José and other urban centres. The Nükak, together with the Hiw, have been among the most seriously affected (See Maldonado 2006, Henao 2007, Vicepresidencia de la República 2007 y 2009, Mendoza 2008).

Between 1997 and 2000 there were reports of young Nükak men and women working for FARC and there have also been reports of two young men connected to the paramilitaries. To date, at least 13 Nükak16 have become involved with the guerillas, eight of whom subsequently left, four remain active, and one is dead, and two men with the paramilitaries, one of whom died, the other left. The majority of these recruits were orphaned by la gripa in the first five years following contact, and some had lived for a long time with colonos before becoming involved. According to their relatives, some of those with FARC were recruited against their will, although the fact that so many of them later left suggests that, from
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FARC’s point of view, this strategy has not been a successful one. Nevertheless, the possibility of the Nükak being recruited by the AUC has increased in the last two years, partly because they are spending more and more time nearer the urban centres and partly because of the Colombian state’s continuing failure to guarantee them any kind of security enabling them to return home.

The first forced displacement of the Nükak was in October 2002, although they were not officially declared ‘displaced’ at this point.17 28 people arrived at San José citing clashes between FARC and the AUC as the reason. The majority were from Charras and Charrasquera, some from Caño Makú too, and had fled from bombs and violence (see Ruiz, 2003 y Ecogente, 2005).

These Nükak were in San José for about a month and received support from various state institutions including the Guaviare department’s Health Office, Acción Social and the Colombian Institute for Family Welfare (ICBF). Later, they were moved by the Health Office back to their territory, but not one family could remain there permanently and as a result they were forced into areas bordering other Nükak groups’ territory or other intermediate regions.

The second displacement was in early 2003, involving the same families as the first and for the same reason. On 24 January 16 people arrived at San José, and three days after that another 15 arrived, and later another eight. This brought the total number of displaced people to 40: 19 adults and 21 children, all of them from the meu muno and mipa muno groups (see the ICBF’s census from 29 September, 2003).

This time, the ‘Committee for Displaced People’, composed of officials from San José’s Mayor’s Office, ICBF, Acción Social and Guaviare’s Health Office, among others, arranged for the Nükak to be moved to the ‘Guayabero La María Indigenous Resguardo’, about six kms from San José. However, in February and March the winter deepened, the Nükak’s settlements began to flood, and tension between them and the Hiw already living in the resguardo mounted. This led to the Nükak being moved again, this time near to a settlement called Villa Leonor in the Barrancón part of the ‘El Refugio Indigenous Resguardo’, about 20 kms from San José. Some of the Nükak visited both places before moving, knowing that it would be temporary. However, the conflict in the middle Guaviare escalated over the next few years, 2003 to 2007, after the arrival of the Colombian army which drove FARC eastwards. This led to yet more displacements which are illustrated in map 3 and described below.

The third displacement was in April 2005 when two wayari muno families, 14 people, from Caño Hormiga, arrived at San José. They gave numerous reasons for doing so, one of which was that Jimbu, a Nukak man, also called Monicaro, had had an altercation with FARC, was bound to a tree by his hands and feet, threatened and ordered to leave, together with his father-in-law, Ju-puyi, and head for the River Inírida. Knowing that they could obtain food and tools in San José, they decided to travel there, but the state institutions did not understand the differences between the Nükak groups and moved the latest arrivals to Villa Leonor where the displaced meu muno were living, which led to further problems later.

In November 2005 there was a fourth displacement when other wayari muno families, from around Mocuare, Laguna Araguato and Caño Makú in the east of Nükak territory, arrived at San José. According to the Nükak, the colonos living in the region had made a series of complaints against them – thefts from their fincas, children behaving badly around the settlements and health posts, and the supposed appearance of Mawbe, a Nükak man, also called Bellisario, in military clothing – and FARC was now determined to expel them towards the River Inirida. Some displaced Nükak also said that FARC took four of their shotguns, and that the lack of medicine and medical attention concerned them too.18

In March 2006 another wayari muno group, 97 people, arrived at San José. This group, like the previous one, had set out from Laguna Araguato and Caño Blanco in November 2005 for the same reasons. Initially it had headed for the River Inirida, arriving at Cerro Moyano, a Curripaco and Puinave settlement, before being moved to Tomachipán to receive medical attention and other support where they stayed, possibly, until February 2006. Eventually, after conflict with other Nükak in the region, they decided to travel to San José where both wayari muno groups were moved to a finca belonging to San José’s Mayor’s Office in a village called Agua Bonita.

1.4 Life in the displacement settlements

By mid-2006 215 Nükak – 35% of the entire population – were forcibly displaced and living near San José. 65 people were living in Villa Leonor and 150 in Agua Bonita. Both these settlements were a long way from the early 1990s idea of the Nükak as ‘little contacted
TABLE 1 – SUMMARY OF THE NÜKAK’S FORCED DISPLACEMENT BY COLOMBIA’S ARMED CONFLICT

<table>
<thead>
<tr>
<th>Date</th>
<th>Displaced group(s)</th>
<th>No. of people displaced</th>
<th>Armed group(s) responsible</th>
<th>Possible cause</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct 2002</td>
<td><em>meu muno</em> and <em>mipa muno</em> ('local' groups 'B' and 'K') from the Charras-Caño Makú region</td>
<td>28</td>
<td>FARC and AUC</td>
<td>Fear of the fighting</td>
</tr>
<tr>
<td>Jan 2003</td>
<td><em>meu muno</em> and <em>mipa muno</em>, ('local' groups 'B4', 'K' and 'H2') from the Charras-Caño Makú region</td>
<td>51</td>
<td>FARC y AUC</td>
<td>Fear of the fighting. Ordered to leave by AUC.</td>
</tr>
<tr>
<td>Apr 2005</td>
<td><em>wayari muno</em> ('segment' of 'local' group 'D1') from Caño Hormiga</td>
<td>14</td>
<td>FARC (Frente 44)</td>
<td>Fear of the guerillas.</td>
</tr>
<tr>
<td>Oct 2005</td>
<td><em>wayari muno</em> ('local' groups 'F' and 'segment' 'C1') from La Rompida – Araguato</td>
<td>53</td>
<td>FARC (Frente 44)</td>
<td>Ordered by the guerillas to leave their territories and head for the River Inírida.</td>
</tr>
<tr>
<td>Nov 2005</td>
<td><em>wayari muno</em> ('local' groups 'G' and 'segment' 'C2') from Caño Blanco – Araguato</td>
<td>97</td>
<td>FARC (Frente 44)</td>
<td>Ordered by the guerillas to leave their territories and head for the River Inírida.</td>
</tr>
<tr>
<td>Nov 2006</td>
<td><em>mipa muno</em> and <em>meu muno</em> ('local' groups 'K' and 'segment' B14) from Puerto Ospina</td>
<td>25</td>
<td>FARC (Frente 7)</td>
<td>Request better medical attention in San José</td>
</tr>
<tr>
<td>Apr 2008</td>
<td><em>wayari muno</em> ('segment' of 'local' group 'D2'), from Caño Hormiga</td>
<td>36</td>
<td>FARC (Frente 44)</td>
<td>Fear of the guerillas after they killed two Nükak</td>
</tr>
</tbody>
</table>

natives’ living in a ‘bountiful’ forest. Neither settlement had a supply of drinking water, nor anywhere where the Nükak could clear and plant gardens, and it was clear that, from the state of hygiene in both settlements, the Nükak had not yet got used to living a sedentary lifestyle.

The conditions in Villa Leonor were better than Agua Bonita. This was for several reasons. The size of the first group that had arrived varied between 35 and 40 people only, and they had been there since 2003. That meant they already knew where to hunt, gather and fish – they were just 200 metres from the River Guaviare – and they had established good working relationships with the colonos in the surrounding area.

However, the *finca* in Agua Bonita is barely 16 hectares and close enough to San José to be visited on a daily basis by all kinds of people, even journalists and tourists. The resources available happen to be near the neighbouring fincas belonging to colonos onto which the Nükak have occasionally ventured to cut down palm trees, steal from gardens, gather fruits or fish with *barbasco*. This has led to serious conflict between them and the colonos, threats, shots fired in the air, and various state institutions having to intervene.

The Nükak have often turned to begging for food, clothing and money. Indeed, this has become a *modus vivendi* for the majority of the children in San José,
where they explore as much of the shops, parks and houses as they can. These children are often unsupervised by adults and on many occasions have been sexually harassed. In 2008 the UN reported to the Colombian state that Nükak, Hw and Tukano children living in displacement settlements had been raped, as well as that FARC and AUC representatives had been visiting and scouting for recruits. As a result, many fathers choose to work near the urban centres to make it less likely that their children are recruited.

This is not to say that the Nükak do not try and take advantage of their proximity to the urban centres. The women make bracelets, baskets and hammocks out of moriche palm (mauritia flexuosa) and tucuma palm (astrocaryum aculeatum) which they sell to craft shops and visitors, while the men sometimes breed and sell animals and have obtained work picking cocoa leaves in local settlements like El Capricho, Viejo Tolima, Cerro Azul where, depending on the situation, the whole group, or a family, or just the men, move there. They combine this with hunting, gathering and fishing expeditions, depending on the time of year and what is available. Hunting requires travelling increasingly long distances — more than 16 kms, at least four hours on foot — and there is never any guarantee of success.

The money earned enables the Nükak to buy western goods: food, clothing, soap, toilet paper and, occasionally, alcohol. Although the food hand-outs provided by Acción Social and the ICBF are extremely regular, they are only intended to complement the Nükak’s diet and there is never enough of things like peas, beans and lentils which the Nükak particularly like. As a result, there are sometimes days in Agua Bonita when many people go hungry.

Of course, making bracelets or picking coca means the Nükak are spending less time with their children hunting, fishing and gathering. Growing up in permanent contact with Spanish speakers has enabled the younger Nükak to speak it better and acquire other skills, like handling money and using bicycles and tape recorders. This has often meant them acting as ‘go-betweens’ between their parents and other Nükak adults, giving them a status they didn’t have previously and which has sometimes led to arguments, between the different generations, about who speaks for who, the Nükak’s relations with the ‘whites’ in general, and alcohol, among other things.

All these factors have undermined the Nükak’s traditional social cohesion. There is now a serious problem of social control which is beginning to manifest itself in isolated cases of prostitution, drug abuse and petty theft.

However, it should be made clear that ever since arriving in Agua Bonita the Nükak have used it as a kind of ‘base camp’ from which they have moved to other, remoter places where more resources are available. One of the main reasons for repeatedly returning to Agua Bonita is the medical attention — a permanent ‘promotor’ and, since 2009, a small health post — as well as food, tools and other things provided by various institutions. This is not a new strategy. Ever since establishing relationships with the colonos, the Nükak have planted gardens and built houses close to their settlements and from there moved to other parts of the forest.

This wish to remain mobile is a key characteristic of the Nükak’s way of life and it continues to this day, despite the claims made by various local institutions that they have become used to living near San José and don’t want to return to their territory. This mobility presents a big challenge to medical workers and any other attempts to provide support, and explains why some officials have encouraged them to become sedentary. What this means is having to find the Nükak before being able to support them, which in turn makes it difficult to monitor patients, makes transport more expensive, and requires better organization and coordination.

### 1.5 Attempts to return home

The Nükak’s return to their territory has been constantly discussed and attempts were made in 2003 and 2005, none of which were successful. In 2006, on 15 August, a ‘compromise’ was made when the Nükak were moved to a colonos’ settlement, Puerto Ospina, approximately 14 kms east of San José — a move that was supported by a number of local and national Colombian institutions and involved consulting young wayari muno men beforehand. However, several weeks later, for a variety of reasons, one of which was a child dying, the vast majority of the Nükak abandoned Puerto Ospina and returned to Agua Bonita and Villa Leonor, while a few continued on to Caño Seco and Caño Cumare in their own territories. Although some meu muno families tried to remain at Puerto Ospina, FARC later forced them back to San José. During all this, Mawbe, or Belisario, committed suicide, further increasing the Nükak’s uncertainty and frustration. Mawbe had spoken Spanish and had considerable experience of the ‘white world’, and had become a ‘go-between’ between the Nükak, the government, indigenous organizations and other institutions.
In January and February 2007 the Nükak in Agua Bonita and Villa Leonor were consulted about the prospect of returning home by various state institutions, including the Ministry of Culture, Guaviare's 'Mixed Culture Fund' and Guaviare's 'Municipal Committee for Displaced People'. This had mixed results: a few *meu muno* families in Villa Leonor did manage to return, but the *wayari muno* were blocked by FARC. This was particularly frustrating as a return home now seemed impossible, and the state's lack of control in the region was made obvious.

By mid-May 2007 the *wayari muno* in Agua Bonita had begun to explore their own options, partly because of increasing conflict with *colonos* but mainly because of the dwindling resources available to them. This return was their own, highly risky and meant they had no guarantee of any state support if they succeeded, and various state institutions were opposed to the route chosen – to Aragüato, via Charras – because they didn’t think it was safe. However, some of the Nükak had previously discussed it with relatives in Tomachipán and Charras, during a trip there for materials to make blow-pipes which had been exhausted in Agua Bonita, and they were adamant that they would rather take the risk than continue living near San José. But this attempt failed too. FARC barred the *wayari muno* from their territory in the lower River Guaviare between Charco Caimán, La Rompida, Caño Blanco and Aragüato, and only allowed them as far as Caño Makú, in the north-west of the Nükak’s territory, which belonged to other Nükak groups.

Guaviare’s Health Office and a doctor contracted temporarily by Colombia’s National Indigenous Organization (ONIC) had reported that the Nükak’s health in some of these settlements in Nükak territory, like Caño Makú, Guanapalo, Charras, Tomachipán and La Costeña, was critically bad, highlighting the fact that malnutrition, malaria and tuberculosis were on the increase and several people had died (see Riaño 2007a, 2007b and 2008). These reports led the Health Office and other institutions to re-focus on improving immediate, short-term support for the Nükak still living in their own territory, an issue which had cropped up again and again during the consultation process in early 2007 without any real progress. Moreover, these reports also made it clear that part of the reasons for these health problems was that they had abandoned their subsistence lifestyle, entered the labour market, and switched from a diet rich in proteins, sourced from the forest, to a diet full of carbohydrates from western, agro-industrially-produced food. By the end of 2007 the Nükak were concentrated in the western part of their traditional territory, as illustrated in map 4.

In December 2007 two *wayari muno* families appeared at Agua Bonita again, saying it was only temporary and they planned to return to Caño Makú. However, in January 2008 they heard that Monicaro, who had played such a key role in the decision to move to San José in 2005 before returning home in 2006 following the move to Puerto Ospina, had been killed by FARC near Caño Cumare after accusations that he was an informant for the Colombian army. There were also reports around this time of an increase in the armed conflict, including bombing, in Tomachipán, Mocuare and Aragüato, which led to rumours that other Nükak groups might leave and turn up at San José too.

By late 2007 and early 2008 there were members of three different ‘territorial’ groups – the *wayari muno*, *mipa muno* and *meu muno* – living together in the Caño Makú, Charras and Guanapalo region. This intensified existing intra- and inter-group conflict over work, access to resources and even boyfriend/girlfriend/sexual relationships. A critical point was reached in February 2008 when the *maryi a muno* (*people from Caño Veneno*), in Caño Makú, fought with some of the *wayari muno* who had arrived from San José a few months earlier, leading one *maryi a muno* to be killed and other *wayari muno* to gradually move to Agua Bonita following threats of revenge.

In April 2008 the Nükak heard that FARC had killed someone else, another young man, for the same reasons they killed Monicaro. 36 *wayari muno* from Caño Hormiga moved to Villa Leonor, but by late June they had returned to Nükak territory and settled at Caño Seco where they remain to this day.

In 2008 some *wayari muno* in Agua Bonita tried to find other routes to return to Aragüato, but FARC was alerted and blocked them. Later that year, in October, it was reported that other indigenous peoples like the Sikuani and Hiw had been forcibly displaced too.

In January and February 2009 there was further consultation between the Nükak and the Colombian state. This was organized by the National University of Colombia (UNAL) and the UNDP, and supported by the Vice-President’s office, San José’s Mayor’s Office and Guaviare’s ‘Municipal Committee for Displaced People.’ The *meu muno* and *wayari muno* living near San José confirmed that they wanted to return home, but only if the state could guarantee that it would provide medical attention, food hand-outs and access to education, among other things, when they arrived there. In addi-
tion, it was agreed that two ‘exploratory visits’ would be made, by representatives of each group, to their respective territories.

The first of these visits was made to the Trocha Ganadera region between 5-7 March 2009 and established that the *meu muno* could return to their territory at any time, but only if they received the state support proposed by them in the PAID. The second visit, along the River Guaviare to Mocuare, was made between 14-16 March and concluded that the *wayari muno* could not return. FARC representatives in the area made it clear they were opposed to any such prospect, not only if it involved the Nükak but other displaced indigenous peoples too. FARC’s argument was that the presence of indigenous people in such a strategically important region put their security at risk and said the Nükak might collaborate with the Colombian army by acting as informants or guides (see reports by Gabriel Muyuy Jacanamejoy and John Henri Moreno in 2009). It is absolutely vital, in light of all this, that the Colombian state continues supporting the *wayari muno* in Agua Bonita and all the other forcibly displaced indigenous people in the region.

### 1.6 Conclusion

There is currently one *meu muno* family living in Villa Leonor, but the rest have returned to Nükak territory to an area near where they used to live. By contrast, almost all of the *wayari muno* who were displaced in late 2005 and early 2006 remain in Agua Bonita (see map 5), although occasionally they travel in small groups to work on fincas near El Capricho, El Caracol, El Dorado, La Fuga and El Retorno. The state support in Agua Bonita provides a measure of relief to the Nükak who miss their territories and have had to learn quickly how to survive on the margins of western urban life. Reports of prostitution, sexually-abused children and petty theft continue, and there is a veritable ‘generational crisis’ as many children and young men and women are growing up caught between most Nükak adults wanting to return home to a forest rich in natural resources to which they are spiritually and emotionally connected, and their own fascination with the novelties of life in San José and other urban centres, access to western goods, the possibility of marrying a ‘white’, feeling safe from the armed conflict, and not having to worry about being forcibly recruited by FARC or the AUC.

Saying that the Nükak now live in a ‘diaspora’ would not be an exaggeration. It is extended every time an individual loses his/her connection to his/her group, which is precisely what happened in the years immediately after contact when many children whose parents died chose to live with ‘whites’ (see Franky et al. 1995). Since then, the number of Nükak women living with campesinos has been increasing, and to date at least 16 have done so for more than three years, all of whom have had children together. As the Nükak men have remarked, these women ‘miss out’ because the campesinos do not assume the reciprocal marital obligations that the Nükak themselves do.

Since ‘official’ contact in 1988, interaction between the ‘local’ Nükak groups has declined. This is partly due to the time they have spent working for the colonos and partly due to the restrictions imposed on their mobility by FARC. If attempts to encourage more interaction are not made, certain aspects of their culture, like their language and collective rituals, will be seriously affected. That said, the dramatic consequences of displacement, living together in Agua Bonita and Villa Leonor, and the regular contact with the various institutions, indigenous organizations and journalists, among others, has forged a new ethnic identity among the displaced Nükak who see themselves sharing one territory and speaking one language.

As far as the *meu muno* in Villa Leonor are concerned, they have decided to stay where they are and *not return* home. This is despite the fact that a return to their territory near Charras and Caño Danta is possible, that other *meu muno* have proved that to be the case, and reports suggesting there are no armed forces in the region.

By contrast, the *wayari muno* in Agua Bonita want to return home and have not lost hope of eventually doing so, despite the disappointments of previous attempts. Occasionally they travel to the region to try and find out what is going on, but a number of men doing so, on the pretext of visiting old gardens, have been scared off by FARC and the AUC *en route*. This has left them feeling helpless, unhappy and angry. Another strategy has been to marry into other Nükak groups from the western part of their territory, which has meant some families moving near settlements in the Trocha Ganadera region.

Meanwhile, Colombia’s state institutions are developing proposals for further consultation with the Nükak to design ‘safeguard plans’, as ordered by the Constitutional Court’s ruling ‘Auto 2009’, on the understanding they will have access to the money allocated to them by the state since the mid-1990s. However, the local institutions continue to find it seriously difficult to provide basic services in regions where there are armed groups. The conflict is ongoing and the advancing Colombian army continues in its attempt to regain control of national
territory from FARC, including areas around Barranco Colorado, Mocuare and La Rompida, which are mined. As long as the armed conflict persists, it will remain extremely difficult to ensure any kind of permanent support in Nükak territory, and the need for medical attention will continue to be one of the main reasons for them moving to San José.

In light of all of the above, we urge that the Nükak are recognized as subjects of law fully capable of speaking for themselves with whom the Colombian state must coordinate when considering their current situation and making any decisions that could affect them either directly or indirectly in the future.

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For the Wayari Muno (‘people of the river Guaviare’) and Meu Muno (‘people of the headwaters’) Nükak in Agua Bonita and Villa Leonor (in the barrancón part of the El Refugio Resguardo) 24

2.1 Introduction

Over the last 25 years the middle River Guaviare region has seen an increase in the illegal cultivation of coca and the subsequent appearance, and expansion, of illegal armed groups, such as FARC and paramilitaries, and the Colombian police and armed forces. This has brought conflict seriously affecting the indigenous peoples living in the region, like the Nükak, the Híw and the Sikuani, among others, many of whom have been forcibly displaced. Despite attempts by various institutions – mainly the national, regional and municipal governments – the situation in some indigenous communities has not improved at all. This has left people defenseless...
against the invasion of their territories, constant health problems and not enough food, forcing them to abandon their homes for urban centres and further affecting their collective rights, society and culture.

Some of these indigenous peoples were officially categorized as ‘vulnerable peoples or at risk of extinction’ by the Constitutional Court’s ruling ‘Auto 004’ in 2009. This ordered the Colombian state to urgently ensure the survival and physical and cultural integrity of 34 indigenous peoples in Colombia, as in accordance with Articles 1, 7, 8, 63 and 70 of the country’s political constitution. Similarly, specialist UN agencies, various international conferences and indigenous organizations like ONIC have repeatedly urged states to adopt ‘comprehensive’, ‘differential’ policies and programs for indigenous peoples, especially those at very high risk like the Nükak.

This document does two things: i) it lists a series of guidelines to design a ‘Plan de Atención Integral Diferencial’ (PAID) for the meu muno in Villa Leonor and the wayari muno in Agua Bonita; and ii) it includes the proposed PAID itself. It is the result of i) direct consultation with Nükak families in both displacement settlements and ii) coordination with a number of regional and national institutions.

Consultation began in January 2009 and included a meeting between the Nükak and municipal, regional and national state institutions on 18 February in San José.25 It also involved three meeting-cum-workshops for the institutions only, one in Bogotá on 10-11 June, another in San José on 30 June, and the last in Bogotá again on 20 October, all of which were organized by the President’s Human Rights and International Humanitarian Law Program, the Vice-President’s Office and San José’s Mayor’s Office. Agreements were reached on implementing a PAID during these meeting-cum-workshops, but certain details like the budget and a timetable were not finalized.

In a general sense, this consultation process has enabled the Nükak to strengthen their political voice as a people. This was barely heard in the past due to other plans being developed at the same time and the communication difficulties that often arose, since not all of the Nükak speak functional Spanish. However, this round of consultation was held in their language, with Nükak translators used where possible, meaning that they were able to participate fully and effectively, reach agreements and make various decisions about their future.

These guidelines acknowledge that there has been some consultation in the past – mainly with those who speak Spanish well and were thought to be ‘leaders’ by the various institutions involved – but this ‘leadership’ has not always been accepted by other members of their groups and some of the decisions made were not considered legitimate. In general, the strategy implemented by the Colombian state has been an emergency one focused on certain Nükak groups only, despite all the guidelines and legislation that emphasize the need to combine short-term emergency initiatives with long-term programs involving all the Nükak. One reason such long-term programs haven’t been properly implemented has been the difficulty ensuring the Nükak themselves participate, which is partly why the Colombian government subsequently turned to the UN for support proposing other alternatives. These are discussed in detail below.

2.2 Background

Since 1988, the year that the Nükak’s existence in the Guaviare department first came to national and international attention, they have faced countless problems resulting from contact with, and subsequent integration into, regional and national society. These problems have been studied and debated locally, nationally and internationally, and the Colombian state has responded to various Nükak demands that have helped to protect them. One example is the creation of a ‘resguardo’ covering the majority of the Nükak’s ‘ethnic territory’26 (see map 6).27 Another is the medical attention which it provided, contributing significantly to the Nükak’s demographic recovery following the initial, dramatic decline in numbers after the first few years of contact.28 Currently, the number of Nükak is estimated to be 612 (see table 2).

However, over the last 10 years the armed conflict and lack of the Colombian state’s control in Guaviare has made things even worse for the Nükak and brought new, damaging changes to their way of life. The clearest example of this is that the vast majority of the ‘local’ Nükak groups, since 2002, have been forced to abandon their territories: some have moved to regions belonging to other groups – inside the Nükak resguardo or near its borders – or to San José and its outskirts. Only a few people have ever been able to return home again. To date, one meu muno group and three wayari muno groups continue living in two settlements near San José:
the first in Villa Leonor and the others in Agua Bonita (see map 6).

These conditions have severely restricted the Nükak’s traditional mobility and subsistence lifestyle. They have been forced to abandon obtaining food and other materials from the forest and replace them with western goods supplied by colonos or the institutions supporting them, and because the displacement settlements have been so overcrowded they have encouraged high rates of disease. Meanwhile, the Nükak groups who have managed to remain in their territories in the Charras, Guanapalo, Caño Makú, Mocuare and Tomachipán regions have seen their quality of life and well-being diminish too, largely as a result of working as manual labour on the colonos’ fincas for more than a decade.

The situation facing the displaced meu muno and wayari muno is extremely complex and requires a multi-institutional, ‘comprehensive, differential’ approach addressing the immediate, short-term emergency and the medium- and long-term. These are some of their main problems:

- **Lack of resources near San José.** This means the Nükak don’t have enough to eat, despite attempts by state institutions like the ICBF, Acción Social and the Corporation for the Sustainable Development of the Northern and Eastern Amazon (CDA), and non-governmental organizations like the Pastoral Social del Guaviare, to ensure otherwise.

- **Conflicts with large landowners, campesinos and other indigenous peoples living near San José.** This is mainly over the Nükak accessing the forest, their gardens and the way they exploit some of the resources there, e.g. using barbasco to fish.

- **Difficulties in adjusting to their new way of life.** This is made particularly clear in the long, frequent conversations that the Nükak have, at night, expressing concern about their future.29

- **Changes in the way the children are growing up.** Instead of learning about their territory, the location of key resources, sites of cultural importance and how to look after them, they visit urban centres like San José to sell crafts, get to know the ‘whites’ better and, sometimes, beg for food, or do little jobs for it, or eat someone else’s leftovers in the restaurants.

Given this extremely critical situation, a significant number of people and institutions have spoken out and/or made statements about the Nükak, including indigenous leaders and Colombian and international human rights organizations. These include:

- **Recommendations by the UN’s Special Rapporteur on Indigenous Peoples, Rodolfo Stavenhagen, following his visit to Colombia in 2004.**

- **A declaration by the Ministry of Culture in late 2004 that ‘The Nükak’s Oral Tradition and Knowledge of the Natural World’ is of ‘National Cultural Interest.’** This declaration requested the ‘authorities responsible’ to design a plan, within six months, to protect the Nükak.

- **A ruling by the Constitutional Court, no. T-025-2004, to adopt a ‘differential’ approach to supporting displaced indigenous peoples.**


- **A directive issued by the Attorney-General’s Office, no. 0005, on 18 April 2006.**

- **‘Guidelines for the Comprehensive Care of Indigenous People who are Displaced or at Risk, with a Differential Focus’, by the Ministry of Justice and the Interior in 2006.**

- **A decision by the ‘National Council for Displaced People’, Agreement no. 5 in 2006, requesting a PAID for the Nükak.**

- **Law 1151 in 2007 (Article 115) ordering municipal, regional and national state institutions to consult the Nükak and design a PAID for them.**

- **Recommendations by the National Human Rights Commission and Indigenous Roundtable, during its session in March 2008, to form a multi-institutional work-group drafting a bill creating a PAID for the Nükak.**

- **A ruling by the Constitutional Court in 2009, ‘Auto 004’, to design an ‘ethnic safeguards plan’ for highly vulnerable indigenous peoples.**
There have also been a significant number of local initiatives supporting the Nükak and other forcibly displaced indigenous peoples, mainly involving working with them directly. These include:

- Consulting the Nükak about moving temporarily from San José. Examples are the relocation to Puerto Ospina and the returns the Nükak made by themselves in 2006 and 2007 when they received help from the Guaviare department’s ‘Mixed Cultural Fund’ and the Ministry of Culture (see Mondragón 2007a and 2007b).

- Meetings since 2006 of Guaviare’s ‘Municipal Committee for Displaced People’ specifically focusing on indigenous peoples. These were followed by the establishment of a ‘Municipal Indigenous Roundtable’ by San José’s Mayor’s Office which first met in January 2008 and was made official by Decree no. 110 on 30 September 2008. One of its responsibilities is to design and implement programs providing comprehensive, ‘differential’ support to the municipality’s indigenous peoples.

- Consultation by the ICBF with the Nükak in 2008 to decide on the contents of the food hand-outs. The ICBF initially said that a Unidad Movil (a mobile, multi-disciplinary team) supporting forcibly displaced people would work with the Nükak, but later, in 2007, it established a Unidad Movil to support indigenous peoples specifically.

- Support from the CDA, in 2008, clearing new gardens and recovering old gardens in Nükak territory.

- Support from the President’s Human Rights and International Humanitarian Law Program.


In addition, since 2005 the Vice-President’s Office has appealed to UN agencies in Colombia for support providing emergency attention to the displaced Nükak and finding ways for them to return to their territories. It was partly in response to such appeals that these agencies, together with the National University of Colombia (UNAL), formed an ‘equipo técnico’ (‘technical team’) to help design the guidelines for the PAID outlined in this document.

2.3 Conceptual framework

This document understands ‘atención integral diferencial’ (‘comprehensive, differential care’) to mean the design and implementation of policies and programs intended to ensure the ethnic and cultural survival of indigenous peoples, protecting their collective rights to autonomy, territory and culture as well as their rights enshrined by Colombia’s constitution. This means, among other things, that any such policies and programs should be based on the particular society and culture of each indigenous people.

Indigenous peoples’ right to decide their own development priorities based on their own societies and cultures has been acknowledged at an international level by Article 7 of the UN’s Convention 169 of the UN’s International Labour Organization. Similarly, Article 27 of the International Covenant on Civil and Political Rights (1974) recognizes indigenous peoples’ rights to ‘enjoy their own culture, to profess and practice their own religion, or to use their own language.’ Indeed, Colombia’s Constitutional Court has issued a series of rulings stressing the importance of respecting ethnic and cultural diversity, emphasizing indigenous peoples’ rights to ‘differential’ policies and programs (see the court’s T-380-1993, T-496-1996 and T-523-1997 sentences).

2.4 Cultural considerations

Any truly comprehensive, ‘differential’ policies or programs involving the Nükak must consider the following:

A. Although the Nükak’s mobility has significantly decreased in recent years, they are traditionally nomadic. This way of life requires a large territory enabling them to hunt game and gather nuts, berries and other food and materials from the forest – in addition to what they cultivate – as well as ensuring that each ‘local’ group retains a high degree of autonomy. From an environmental perspective, a nomadic way of life makes high concentrations of people – e.g. more than 60 – living in the same place for long periods of time – e.g. more than a week – extremely difficult.
In practical terms, what this means is designing programs that provide services from a network of fixed, permanent locations combined with a variety of ‘mobile’ services. These fixed, permanent locations could offer different levels of specialization: some focusing on the Nükak, others for both the Nükak and their neighbours. The former should be in places agreed on by the different Nükak groups (see point 3 below: ‘What the Nükak think and want’) and ‘fixed’ should be considered relative, with the institutions involved prepared to change their locations at some point in the future.37

In fact, to some extent this has already been happening. A promotor has been posted to each settlement of displaced people; the health posts in Nükak territory or nearby have been improved with more money allocated to them, better infrastructure and more qualified staff; mobile medical teams have been established and a series of health promotion activities have been carried out38; and ONIC has contracted a doctor, Albeiro Riaño, who has provided his own form of mobile care by visiting the Nükak wherever they are, sometimes Agua Bonita, Villa Leonor or deep in the forest in their territories (Riaño 2007a, 2007b y 2007-2008).39

The lessons learnt from these initiatives and the Nükak’s reactions to them can be drawn on for future policies and programs, and contribute to identifying some of the advantages of the Nükak’s traditionally nomadic way of life, like food sovereignty,

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<th>Locals groups</th>
<th>Location</th>
<th>Leader**</th>
<th>Estimated number of people</th>
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<td>Caño Cumare</td>
<td>Íbei</td>
<td>Carlos</td>
</tr>
<tr>
<td><strong>Meu muno</strong> (‘people of the headwaters’)</td>
<td>2 – B</td>
<td>Charras, La Esperanza</td>
<td>Kunkú</td>
<td>Martín</td>
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<td>Agua Bonita</td>
<td>Dugue¹</td>
<td>Guayabo</td>
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<tr>
<td></td>
<td>4 – D</td>
<td>Caño Seco</td>
<td>Korobe¹</td>
<td>Javier</td>
</tr>
<tr>
<td></td>
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<td>Guanapalo</td>
<td>Zacarías</td>
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<td>Between Caño Makú and Guanapalo</td>
<td>Yuma</td>
<td>Miguellito</td>
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<tr>
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<td>Caño Macú upriver from La Lindosa</td>
<td>Nihinin</td>
<td>Manuel</td>
</tr>
<tr>
<td><strong>juu muno</strong> (‘people from the south-east’) &amp; **muabe’ muno (‘people from the big lake’)</td>
<td>11 - J y L</td>
<td>Cheka müh near Tomachipán</td>
<td>Merube¹</td>
<td>Albeiro</td>
</tr>
</tbody>
</table>

| Total population                          |               |                              |          |                            | 612                          |

* These figures are based on Cabrera, Franky and Mahecha’s database from 1997 together with more recent research by Albeiro Riaño, Lida Aguillón, ICBF and, between 2009-2010, the UNDP and the National University of Colombia (UNAL).
** The residential groups in Cheka müh and Agua Bonita consist of members of various ‘local’ groups. This should be taken into account when consulting these settlements because each ‘local’ group has its own leader.
*** Residential groups who participated in the consultation process in 2009.
**** The leader of this group died in 2011. We do not know who took over.
good nutrition and the reduced risks of certain diseases spreading among them. At the same time, health policies and medical attention must acknowledge the fact that the Nükak, despite being nomadic, do cultivate gardens. In other words, providing support to the Nükak in clearing or planting gardens in their territories, as the Nükak themselves have requested, is not contrary to their way of life (see point 3: ‘What the Nükak think and want’). Finally, it should be remembered that the Nükak have regularly visited colonos settlements in the middle Guaviare, like San José, Mapiripán and Puerto Alvira, since 1988, seeking medical attention, western goods or simply to satisfy their own curiosity. Although it is important to distinguish between the Nükak groups who have been forcibly displaced or may or will be in the future, and those who visit San José or other urban centres because they want to, some of the policies and programs in the PAID are relevant to both.

B The Nükak have their own ideas and practices regarding health, disease and the human body. These ideas and practices are based on the Nükak’s cosmos and play a fundamental role in many aspects of their daily and ritual life. Each person, for example, must respect particular restrictions on what he/she can eat and how he/she can behave depending on his/her gender, age or other factors, like diseases. That is why a Nükak man or woman can become ill if he/she eats food prepared by a menstruating woman, or women who are breast-feeding or who have small children can’t eat animals like white-lipped or collared peccary, but they can eat small fish usually caught with barbasco. There are also some Nükak men and women with special, shamanic knowledge enabling them to cure or induce diseases in other people, direct relationships with the spirits within a person’s body. One either deals with the dead by dreaming and/or ingesting hallucinogens. However, a person must be buried where he/she dies, even if it is outside Nükak territory. Indeed, they destroy all the possessions and property of the deceased, including their gardens, to avoid encouraging him/her to return and kill his/her relations to reclaim them, which is why, when someone dies, the Nükak immediately move somewhere else.

It is important to highlight that suicide is common among the Nükak and usually follows some personal problem like the death of a close relative, infidelity, gossip or accusations of a lack of generosity. In the past, men drank barbasco and the women raw manioc water, but now they tend to use industrial goods such as metavin, soap powder and petrol. Threats to commit suicide are common in marital or local conflicts, and, indeed, a number of adults have tried to do so and failed. Usually, the person who is considering it makes it public, thereby giving his/her relatives the opportunity to talk him/her out of it.

C The Nükak do have a form of socio-political organization, even if it does not include formal ‘captains’ or ‘cabildos’. This organization is based on kinship relationships that structure the different ‘local’ groups, each one associated with a specific territory which together form the ethnic territory of the Nükak as a whole. Each group is autonomous and has a leader (‘we’ baka, ‘true leader’) who must be male, an adult, a good hunter, a father in a stable
marriage, and born in the territory belonging to his group and about which he possesses ‘special knowledge’. These groups maintain a certain ‘social and shamanic distance’ between them which means that various rituals and formalities are required when they encounter one another.

The Nükak’s social organization also includes hierarchies based on age, gender and the contribution each person makes to domestic, collective work. It is this that determines the weight given to a person’s opinion when group decisions are made or the order and amount when food is distributed among the group. Mature widows and married men with sons enjoy the highest status, and as a result they participate actively in Nükak social life and are always given food by other families. Unmarried adolescents and orphans, on the other hand, have the lowest status, tending to only participate actively in the life of the family they’re living with.

In practical terms, what this means is that designing a PAID must respect each ‘local’ group’s autonomy and its way of making decisions (see point 3.1, ‘Government’). Indeed, it is crucial that the Colombian state takes the Nükak’s social organization and hierarchies into consideration when providing support to them, particularly when it is distributing food hand-outs or other goods. Some state officials working specifically with the Nükak children have found it difficult to do their jobs, discovering that some of the younger ones, especially the orphans, in their opinion, don’t receive sufficient care. This is a particularly complex issue because it involves, at base, two very different ways of thinking about children and their rights. Our recommendation is that a specific children’s policy must be developed, together with the Nükak, drawing on the prior experience of state institutions like the ICBF and taking each child on a case-by-case basis.

Another key aspect of the Nükak’s social life is the way that relatives in the same ‘local’ group share food and other goods, usually giving some of the food they prepare to others on a daily basis. This is fundamental in establishing and consolidating kinship relations. As the Nükak understand it, one reason for being alive is to spend time with, and share things with, their relatives, and, indeed, any breakdown in these reciprocal obligations can lead to disputes, groups splitting up, or suicide attempts. Large numbers of people living in any one settlement makes it more difficult to meet these obligations, especially if they are not relatives, which is one of the reasons why they prefer living in relatively small groups.

D Each ‘local’ group has its own specific territory, demarcated by the journeys and experiences of its mythical ancestors who are commemorated today in the Nükak’s stories and the place-names of old gardens, hills, streams and rivers. The identity of each group is intimately linked to its territory. Anyone who dies and whose spirit travels to the world below, for example, enters a hiwi müü, or ‘House of the Tapir’ (tapirus terrestris), which is always located in that person’s group’s territory. As the Nükak understand it, tapirs and certain other animals like jaguars and deer are human beings too, despite their animal appearance, and there are other ‘animal houses’ inлагoons, hills and in the middle of the ‘terra firme’, i.e. the land between the larger rivers that is dry all year round. That is why the Nükak don’t eat animals like tapir or jaguar, nor hunt in areas where they often roam. The men with special, ‘shamanic’ knowledge travel to the world ‘below’, see the tapirs in their human form and are given ‘eoro’, a substance which they inhale and enables them to travel to other worlds. During these voyages they acquire further knowledge and powers that enable them to fertilise the cosmos, thereby ensuring the continued reproduction of certain species, and cure the sick.

It needs to be highlighted, in this context, that even the majority of the Nükak groups still in Nükak territory have been forced to leave their own, specific group territories, tending to concentrate in the western, most colonized region or near Tomachipán in the south, which has sometimes lead to conflict between them. Although the reasons for displacement are multiple, one has been the continued weak state presence in Nükak territory and the Nükak’s wish to obtain access to better services, particularly medical attention, as recent experiences with the missionaries at Cheka müh illustrate.

Indeed, one of the fears made explicit by the forcibly displaced Nükak about returning to their territories was that they would not have the kind of medical attention that they have been receiving near San José.

These displacements have caused different problems for different groups and this should be taken into account when policies and programs supporting them are designed and implemented. For example, the two forcibly displaced groups living near...
San José face certain problems that are entirely unique to them. One is the scarcity of resources, but this affects the wayarí muno in Agua Bonita much more than the meu muno in Villa Leonor because of the different numbers of people living there: in January 2009 there were about 132 people in Agua Bonita, but just 22 in Villa Leonor.

Another example is that the meu muno in Villa Leonor have better nutrition than the Nükak groups near Caño Makú, despite the fact the latter remain in Nükak territory. Two reasons for this are that the Nükak in Villa Leonor complement their traditional diet with food hand-outs from the state, whereas the Nükak in Caño Makú spend so much time working for the colonos that they are not able to hunt, gather or fish as much as they need to (Dr. A. Riaño, personal communication, 2008). It is also a result of the colonos' pejorative, false beliefs about the Nükak's traditional diet, one example being that eating monkeys 'is a way of contracting tuberculosis.'

In practical terms, all this means several key things. First, it must be the Colombian state's ultimate aim to return the displaced Nükak to their territories, as the Nükak themselves have said they want (see point 3 below: 'What the Nükak think and want'). In other words, the PAID must be designed to be temporary and not lose sight of this ultimate aim, and the state must not do anything that encourages the Nükak to be further uprooted from their territories. Second, the PAID must include educational, awareness-raising programs for anyone living near the Nükak, focusing on issues like the positive, nutritional qualities of the Nükak's traditional diet, respect for cultural diversity, and the limits of the Nükak resguardo and their territory. Third, the PAID for the forcibly displaced Nükak should be complemented by the improvement of basic state services in their territory and its immediate surroundings, even in areas where there are no Nükak currently living because the colonos could benefit from it too. Indeed, focusing attention on the displaced Nükak around San José and neglecting Nükak territory itself would only mean encouraging yet more Nükak to leave and enter the most marginal sectors of our society.

3. WHAT THE NÜKAK THINK AND WANT

The wayarí muno in Agua Bonita and the meu muno in Villa Leonor have made it clear they want to return to their territories and suggested that they receive medical attention, education and support obtaining tools, seeds and food hand-outs – before their gardens can be cleared or recovered, planted and harvested – when they arrive there. These suggestions have been made by the Nükak several times in the past, and any decision they make about returning will largely depend on them being heeded. What follows are key points about certain key issues, detailed suggestions by the Nükak, and a series of suggestions by the equipo técnico.

3.1 ‘Government’ (we’ baka’: group leader, müüyi bu: house owner)

- It is the leader and the owners of the houses in each settlement who make the decisions on behalf of each group, and it is they who must be consulted. The younger men who speak Spanish can help with translation and explanations, but can't be considered leaders nor make decisions.

- Each group makes its decisions autonomously and consultation must be done independently with each one, or its representatives, in a place previously agreed on.

The Nükak's suggestions

- Give prior notice about meetings so the group leaders and house owners can attend.

- Hold meetings that are short, to-the-point and in the early morning or late afternoon so the majority of the adults can attend.

The equipo técnico's suggestions

- Take into account the ‘cultural considerations’ outlined in point 2.4 above.

- Identify the leaders in each group and clarify the role of the younger men.

- Put the needs of each group ahead of the institutions supporting them, drawing on the experience and rec-
ommendations of officials who have worked directly with the Nükak in the past and help them to raise awareness of the state's responsibility to provide 'differential' attention. Consultation must be, above all, a genuine dialogue consisting of various meetings that begin with a clear outline of the agenda, provide enough time for discussion and doubts to be resolved, and conclude with specific agreements. It is important to remember that the Nükak were only contacted in 1988, and that the majority of the adult population does not speak Spanish nor understand the Colombian state or its institutions very well.

3.2 Territory (mũũyi yee: ‘forest house/home’, wi’ yee: ‘our forest’)

• The wayari muno in Agua Bonita have said they want to live at Ñupat inbe (‘the Big Lake where you can fish with bow and arrows’), near La Rompida on the River Guaviare, where resources are abundant.
  – The meu muno in Barrancón have said they want to live near Caño Danta and at another place fairly close to Caño Seco, La Charrasquera and Guanapalo near the Trocha Ganadera.
  – Both wayari muno and meu muno have requested that medical attention, education, tools, seeds and food hand-outs are provided. This is absolutely central to the Nükak’s plan to return to their territories.
• Both the wayari muno and meu muno have said they will only return to their territories after visiting the region and assessing how safe it is.
• The wayari muno have said they would like to live between Cerro Azul, El Caracol and Agua Bonita, in the short- or medium-term, until their return is possible. They have requested support to discuss this with the colonos living in the region in order to avoid potential problems accessing resources.

Agreements made on 18 February 2009

On 18 February 2009 a meeting was held between the meu muno, wayari muno and various state institutions in San José. It was agreed that the leaders from both groups, accompanied by members of the equipo técnico and officials from the Defensoría del Pueblo, would make ‘exploratory visits’ to their territories in March to assess the situation.

The Nükak’s suggestions

• That the state institutions should ‘not forget’ the groups continuing to live in Nükak territory and pay regular visits to them. This includes implementing projects based on consultation and agreements reached with them, similar to the 18 February 2009 meeting.
• That they receive help dealing with members of other Nükak groups who, sometimes when drunk, use firearms or items with sharp points/edges like knives, machetes and broken glass bottles.

The equipo tecnico’s suggestions

• Decide how to support the Nükak after their ‘exploratory visits’ in March: finalize the meu muno’s short-term return and continue to monitor the wayari muno’s situation.
• Establish permanent coordination with the various ‘juntas de acción comunal’ (‘communal action boards’) formed by the colonos whose authority extends to any of the areas where the meu muno and wayari muno are living, in order to avoid potential conflict over access to resources, monitor any new developments, and clarify who owns what land. Coordination with these juntas is also recommended in the short-term regarding the wayari muno families who want to move temporarily to Cerro Azul and El Caracol, and the Nükak should be involved too, represented by the group leaders, the house owners and the translators. Indeed, it is also recommended that the institutions sitting on San José’s Municipal Indigenous Roundtable form a permanent commission which deals with any complaints and protests that may be made by the juntas about the Nükak.48
• Heed the recommendations made in 2004 by the UN’s Special Rapporteur on Indigenous Peoples, Rodoño Stavenhagen, to ‘give priority to indigenous
peoples’ demands that all armed groups respect their territories as neutral. Peace zones need to be urgently created, under international supervision, that are free of any kind of military operation.’ One way to do this is to seek a municipal, national and international humanitarian agreement that the Nükak will be excluded from Colombia’s armed conflict, specifically requesting that FARC allow them and other displaced indigenous peoples to return to their territories in the Middle Guaviare and that they respect their autonomy and way of life. This agreement could include helping the Nükak to establish their own dialogue with FARC so they can explain their problems and request that the guerrillas ‘leave them in peace.’

- Remember that demarcating the boundaries of the Nükak’s resguardos has been talked about for many years, but never done. Doing so would not mean ‘imprisoning’ the Nükak – a point that should be made clear to the colonos.

- Take into consideration the fact that the Nükak will sometimes express doubt, uncertainty and change their minds about things. For example, during meetings prior to the one on 18 February 2009 a meu muno family in Barrancón was reluctant to return to its territory, saying that their final decision would depend on the ‘exploratory visit’ in the first week of March. However, by the time of the meeting on 18 February they had changed their minds and wanted to return.

- Monitor the inter-group conflict near Caño Makú to stop it escalating further and retain the possibility of a move there by some wayari muno families. This is particularly important given the equipo técnico’s suggestion to the wayari muno in Agua Bonita that they could move temporarily to somewhere in the west of their territory if an agreement could be reached with the other Nükak groups living there, but when Caño Makú was suggested it was rejected due to concerns it would ignite latent conflict between the wayari muno and the meu muno and mipa muno already living there.

Following up on the agreements made on 18 February 2009

Both ‘exploratory visits’ were made as agreed, one by the meu muno to the Trocha Ganadera region between 5-7 March 2009 and the other by the wayari muno along the R. Guaviare to Mocuare between 14-16 March.\(^9\)

The meu muno’s conclusion was that they could return to their territory whenever they wanted and that they would do so if the Colombian state provided adequate support. Indeed, a more general conclusion was that the state needed to significantly improve its capacity in the region in order to provide medical attention, or access to drinking water and food security – not just to the Nükak, but to other indigenous peoples too.

The second ‘exploratory visit’ met with very different results. The wayari muno concluded that they could not return to their territory, mainly because of FARC, who argued that the presence of any indigenous peoples in what they consider a strategically important region constituted a security risk for them because the Nükak might collaborate with the Colombian army.

However, by April 2009 the situation had changed:

- The meu muno in Barrancón still hadn’t returned to their territory and were expressing no wish to do so. Despite that, they were interested in knowing what kind of state support they would receive if they returned at some point in the future.

- The wayari muno had proposed moving to an area that was free of any irregular armed group – ‘we want to live peacefully and have nothing more to do with those kinds of people’ – and didn’t belong to any other Nükak group, whether they were the meu muno at Charras, Charrasquera or Guanapalo, or the mipa muno at Caño Makú, or the takayudn muno at Tomachipán, following recent conflict with them over territory. By mid-March 2009 approximately 90% of the wayari muno had begun to move away from San José towards El Capricho, two hours by road, but this quickly led to problems with local campesinos.

In light of all this, it is recommended that establishing permanent coordination with the colonos’ juntas de acción communal is made a priority. Indeed, the meeting between, and subsequent measures taken by, the commission composed of the Defensoría de Pueblo, the ICBF and the UNDP during its visit to El Capricho on 25 April 2009 is a good example of the advantages of this kind of coordination.
3.3 Health  (*tükuchañuat*: literally, ‘being well-cur-ing-being’, meaning ‘how to be well and how to cure diseases with medicine’)

- Request for mobile medical teams and small health posts similar to the ones in Barrancón and Agua Bonita at i) Nupat inbe for the *wayari muno*. Access is particularly difficult in the summer so the medical teams must always consider the time of year before visiting. One proposal was to build a *bodega* easily accessible from the air so supplies can be dropped there or patients can be picked up; and ii) Guanapalo for the *meu muno* where they would be close to other *meu muno* in Caño Seco and the medical attention would complement that already provided to Caño Maku and scheduled for Charras.

- Train the Nükak to be health *promotores*: e.g. Pedro from the *wayari muno* and Daniel from the *meu muno*.

- Ensure there is an adequate supply of drinking water in both Agua Bonita and Barrancón. That means fixing the wind-mill.

- Continue efforts to contain certain diseases among the Nükak and educate them about the risks involved. In 2006, for example, workshops were held by the ICBF, Pastoral Social and two anthropologists about sexually transmitted diseases, basic sanitation and scabies, known as ‘*dodo yore*’ by the Nükak. These workshops were successful: they were held in the Nükak language, included theatre and puppets, and made real communication with them possible.

- Fumigate every house in the overcrowded settlements to control the spread of cockroaches and mosquitoes.

- The Nükak agree to continue with their own medical practices and teach them to their children.

- The Nükak agree to cultivate gardens in their territories and obtain their own food for their children, but request support to clear and plant them, with seeds that are in good condition, and that they receive food hand-outs from the state until their own is ready to be harvested.

Agreements reached at the meeting on 18 February 2009

- San José’s Health Office will resolve the water problem in Agua Bonita and Barrancón.

- The ESE-SJG and Acción Social, supported by the Ministry for Social Protection, will help complete building and/or begin repairing the health posts at Charras, Caño Makú, Mocuare, Arawato and Tomachipán.

- The ICBF will continue providing food hand-outs after agreeing with the Nükak on their contents.

- The mobile medical teams will make regular visits to Nükak territory. (But it was not decided which institutions would be responsible for this).

- A program will be developed to train the Nükak to become health *promotores* and contain the spread of disease. (Again, it was not decided which institutions would be responsible for this).

The Nukak’s suggestions

- Some women said that their husbands don’t provide enough food for their families because they are too busy working for the ‘whites’ or drinking alcohol with their employers and colleagues. They requested support to ensure that their husbands’ employers allow them enough time to obtain food for their families.

The equipo tecnico’s suggestions

- The establishment of specific programs to increase medical understanding, prevent diseases spreading and provide ongoing monitoring of the Nükak’s health. According to Dr. Albeiro Riaño, who has worked with the majority of the Nükak groups, the main diseases and health threats facing them are diarrhea, acute respiratory infections, malaria, tuberculosis, mycosis, scabies, malnutrition, and sexually transmitted diseases, as well as cuts, injuries or bruises from fights, hunting or work. These findings were discussed and confirmed by the Nükak during the consultation process and with others still living in
Nükak territory. It was found that the majority of the Nükak between 15 and 25 years old, both male and female, had had sexual relations with ‘whites’, and that some had syphilis and gonorrhea.

- That the two micro health posts to be established in Guanapalo and Ñupat inbe should complement the other health posts planned by local and national institutions rather than replace them. It must be remembered that some Nükak continue living in their own territories, and that this proposed network of health posts and micro health posts will reach more Nükak than ever before. Many of them could provide support to non-Nükak too, i.e. to other indigenous peoples or colonos.

- Improve urgently the medical attention between Caño Maku and Charras by putting the health posts in both places into operation as soon as possible and sending mobile medical teams there more regularly. The need for this was confirmed by the equipo técnico’s visit to the Trocha Ganadera region in March 2009 with some of the meu muno, which also found that a regular supply of drinking water needed to be provided in both places too. The later visit by the Defensoría del Pueblo, the ICBF and the UNDP to El Capricho, a colono settlement, on 25 April 2009 found the health post there didn’t have enough medicine.

- Support every Nükak group with their gardens. This could be coordinated by institutions like the CDA, the ICBF and Acción Social, but it is important to be aware that the Nükak already have their own horticultural ideas and practices even though they are traditionally nomadic, not sedentary. That said, new plant species could be introduced to them, combined with species with which they are already familiar using seeds recovered from their old gardens. It is also important to be aware that there has been conflict between the Nükak over the ownership of, and thefts from, some of their gardens. Although they tend to share their gardens with the other families living with them – which they clear and burn collectively – each family is considered to be the owner of the crops planted in specific areas within such gardens. In other words, ideas about ‘collective property’ do not exist, and there is no ‘free access’ to the crops growing there. In practical terms, what this means is that any program involving the Nükak’s gardens must be agreed by, planned and implemented with all the families living in any one particular settlement, and not just those who are there when the gardens are cleared and planted.

- Include raising awareness about the Nükak’s diet, personal hygiene and aesthetic, cosmetic ideas – like how they wear their hair and paint their faces – in coordination with the colonos’ juntas de acción communal mentioned above, given that these ideas and practices play an important role in the way the Nükak think about health and well-being.

- Educate staff at the health posts about the Nükak’s culture and how to deal with cultural difference in general. In some cases the staff talk in ways that undermine cultural diversity.

3.4 Education (tüijeyahat, literally, ‘being well-thinking-doing’, translated as ‘giving advice’; dakat müüyi, ‘the house of writing and drawing’, translated as ‘school’)

- Request for schools in Ñupat inbe for the wayari muno and in Guanapalo for the meu muno, where they can learn to read, write, tell stories and improve their Spanish. These would be for both adults and children.

- Train the Nükak to be their own teachers: e.g. Wembe from the wayari muno and Mauricio from the meu muno.

- The Nükak agree to continue teaching their children how to manage the forest: how to hunt game, fish, gather wild food and materials, and look after their gardens.

- The Nükak agree to continue advising their children about how to share things and ‘live well’ without annoying other people. But they admit that sometimes the children don’t listen and that they don’t know what to do about it.

The equipo técnico’s suggestions

- That the education strategy for the Nükak should involve at least three different, but complementary,
programs: i) for the Nükak exclusively providing a ‘differential’ approach in places suggested by them, including Agua Bonita, where a temporary program could be implemented until they return to their territory; ii) for the Nükak attending schools for the colono population in places like Caño Makú and Charras which provides a ‘differential’ focus and strengthens Nükak culture and identity; and iii) for the Nükak at schools catering mainly for colonos or other indigenous peoples living within or near the boundaries of Nükak territory which focuses on improving understanding of, and respect for, human rights and ethnic, linguistic and cultural diversity. It is a priority to make sure that the staff teaching in these schools is suitably qualified.

• That educational programs involving the Nükak should respect their ‘cosmovision’ and encourage the use of their language and traditional ways of managing natural resources, taking their traditional nomadism as a fundamental starting point. One previous attempt to do this was a project called ‘Differential Education for forcibly displaced indigenous people in the Guaviare department’, implemented by the Ministry of National Education and Guaviare’s Education Office in 2007, which was intended to support the forcibly displaced Nükak, Hiw, Sikuani and Eastern Tukanoans. This was abandoned for various reasons, but the equipo técnico recommends it is re-started.

• That educational programs involving the Nükak should include an ‘intercultural learning’ phase which develops their ‘intercultural literacy’ and, in turn, enables the officials working with them to learn about the Nükak’s culture. This ‘intercultural learning’ phase must also be extended to the Nükak’s neighbours – campesinos or otherwise – through their own school programs, radio adverts, and other appropriate methods.

• That the infrastructure and quality of teaching staff at the schools are improved urgently. During the two visits in March 2009, for example, it was found that the school in Charras had serious problems with its infrastructure and the one in Mocuare with its teaching staff.

• That the municipal and regional Education Offices participate more actively in San José’s Municipal Indigenous Round-Table, thereby keeping the other institutions informed about the schools in the middle Guaviare region and helping to develop multi-institutional actions.

3.5 Trade and access to goods

Selling crafts is one reason the Nükak live near San José because it provides them with a way of making money with which they can buy food, clothes and other personal items. What the Nükak propose is replicating the evangelical missionaries in Tomachipán who used to take their crafts to Guaviare’s ‘Mixed Cultural Fund’ in San José and sell them on their behalf: that’s to say, the Nükak want to send their products to San José or elsewhere with an official of some kind and receive payment in return, without having to leave their territory. However, they also make it clear that, from time to time, they would like to visit urban centres like San José themselves to spend time there and sell their crafts at a better price.

This is a list of what the Nükak have requested: tools (axes, machetes, knives, files, spades and a chainsaw, for loan only, to clear gardens when they return to their territory), cooking utensils (large pots, small pots, knives and cigarette lighters), hammocks, mosquito nets, blankets, soap, toilet paper, nylon, fish-hooks and items to wash clothing.

The equipo técnico’s suggestions

• At the meeting on 18 February 2009 in San José it was suggested that support for the trade and commercialization of the Nükak’s crafts shouldn’t be based solely on economic criteria, given that this could undermine the Nükak’s culture and sense of identity.

3.6 Final suggestions

• That all programs must have flexibility as a key principle and the Nükak’s safe return to their territories as the ultimate aim. It is essential to understand that they are traditionally nomadic and therefore that medical attention or food hand-outs should not encourage them to become sedentary.
• That all programs are the result of consultations that respect the autonomy of each Nükak group and are held with the correct authorities. This is the only way that the institutions involved will accept that the Nükak are subjects of law and fully capable of making their own decisions.

• That all programs must be coordinated with other programs supporting the Nükak’s colonos or indigenous neighbours, like the Hiw and Sikuani, who are also highly vulnerable and at risk of extinction.

• That the roles of the institutions at the municipal, regional, national and international level are clarified so that coordination between them is improved. Indeed, it is essential that these institutions try to implement policies and programs for displaced indigenous peoples as well as those who continue living on their land, especially those living in rural areas that are difficult to access, and that complement each other effectively. This last point is particularly important because the Nükak believe the medical attention provided by the state is better when they are displaced, in spite of all its faults, than that provided in their own territories – a fact which indirectly led to the displacement of some of them.

• That the creation of a multi-disciplinary, multi-institutional ‘work-group’ composed of institutions associated with San José’s Municipal Indigenous Round-Table is a priority. This ‘work-group’ could design each of the PAID’s components.

• That the possibility of talking to, or establishing some other form of contact with, the illegal armed groups in Nükak territory is considered. The aim is to ensure that the armed groups respect the Nükak’s lives, human rights, culture, territory, mobility and determination to have nothing to do with the conflict, and it will require yet more support from the state as well as the national indigenous organizations, particularly when human rights are violated and condemnatory public statements need to be made. It is also requested that truth, justice and reparation procedures are established, and that the armed groups stop laying anti-personnel mines and remove those already laid more quickly.

• That programs teaching or training the Nükak in healthcare, new plant species, legislation concerning indigenous peoples, and protecting themselves from anti-personnel mines and unexploded devices are established or, if they already exist, modified. Although these issues are very different, it is recommended that a number of different institutions work on this together so that a consensus can be achieved regarding the inclusion of certain cultural and linguistic factors, the development of teaching materials specifically for the Nükak, and synergies between particular programs.

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MORAN, Emilio

ONIC
The relatively recent establishment of permanent contact between the Nükak and the rest of Colombian society – together with armed conflict, forced displacement, forced recruitment, occasional killings, and the expansion of the colonial frontier into Nükak territory by colonos illegally cultivating coca – means that they currently face an unprecedented challenge to their survival, well-being, society and culture.56

This challenge is shared by the various institutions, especially those belonging to the Colombian state, that support indigenous peoples. These institutions must design and implement policies and programs with a comprehensive, ‘differential’ approach that protect the Nükak’s collective rights to autonomy, territory and culture as well as their rights enshrined in the Colombian constitution – rights which have been recognized at the international level too.

A key part of the challenge for these institutions has been how to implement policies and programs in the face of the political situation in the region and the Nükak’s particular society and culture. The most significant characteristics of the latter are: i) their nomadism, although they have moved settlements less frequently in recent years; ii) the flexibility in the make-up of the different groups, an issue directly linked to their nomadism; iii) the basic level of Spanish-speaking among the vast majority of the population; iv) their lack of ‘cultural competence’ regarding the rest of Colombian society, which is itself, in turn, equally lacking in ‘cultural competence’ regarding the Nukak’s own society; and, finally, v) their political organization and notions of authority which give considerable autonomy to people, families and the different ‘local’ groups but mean that although decisions affecting a group are taken collectively, those who don’t agree with them don’t have to accept them.

In response, the National University of Colombia (UNAL) and the UNDP signed an agreement in 2008 to support the Colombian state in designing a ‘Plan de Atención Integral Diferencial’ (PAID) (‘Comprehensive Differential Care Plan’) for the Nükak.58 This agreement was one part of a wider strategy with the same aim directed by the UNDP and involving coordination with other UN agencies, Colombia’s national government, Guaviare’s regional government and San José’s Mayor’s Office. An equipo técnico was formed to implement this strategy and consult the Nükak.59

One of UNAL’s responsibilities, as part of its agreement with the UNDP, was to design and implement a consultation procedure that would enable policies and programs for the forcibly displaced Nükak, or Nükak who haven’t been forcibly displaced, or other indigenous peoples who are similarly vulnerable and at high risk, especially those who are traditionally nomadic and have been contacted only recently, to be developed. This resulted in:

1. A meeting between the representatives of the forcibly displaced Nükak groups and various state institutions on 18 February 2009 in San José.60

2. Guidelines written by the equipo técnico to design and implement a PAID for the Nükak, eventually to be approved and implemented by the appropriate state institutions.61
3. A meeting between traditionally nomadic indigenous peoples from the Amazon and Orinoco basins on 1-3 July 2009 in San José. This involved representatives from the Nükak, Hitnű, Macaguane, Sikuani, Jiwi and Inga — some of whom have been forcibly displaced — from the Guaviare, Meta, Vichada and Arauca departments.62

What follows is the methodology that we used to consult the Nükak about designing a PAID. We hope it will further understanding of their current situation and support initiatives to design programs for short-term emergency care, for the medium-term, and for the long-term.

4.1 Methodology

Our guiding principle is that the Nükak are subjects of law who must be consulted about any policies and programs affecting them, and are provided with sufficient information to enable them to make effective decisions about how they want to live. That is why our focus is on creating opportunities to consult with the Nükak that fully acknowledge their autonomy and attempt to ensure their effective participation in every phase of any policy or program intended to support them, even if communication problems or cultural difficulties arise. Our vision is for a participation based 'on what the Nükak themselves think' and identifies their problems, doubts, hopes, proposals and concrete initiatives, but that includes coordination with the appropriate state institutions too.

A second guiding principle is that the Nükak and the institutions involved already have considerable experience of attempting to deal with these issues, although it is true that it has been a novel experience for both parties given the fact that the Nükak are traditionally nomadic, only recently contacted, and have been seriously affected by an armed conflict involving guerrillas, paramilitaries and the Colombian army. It is important to reflect on these past experiences, to identify successes and failures, strengths and weaknesses, and to consider these for future policies and programs.

One of the central tenets of our methodology is developing a ‘common language’ identifying key concepts ('consultation', 'plan', 'government', 'resguardo' etc) and establishing shared meanings so the Nükak and the institutions involved can ‘think along the same lines.’ Drawing on indigenous concepts similar to ours is crucial. For example, for many indigenous peoples ‘health’ is directly associated with ‘living well’, which in turn includes other elements like getting on well with your family, looking after the environment, observing certain food restrictions and holding ceremonies celebrating the fertilization of the cosmos, among other things. In other words, ‘health’ is not simply a matter of ‘medical attention’, which is how the institutions, and even the Nükak themselves, have tended to understand it.

Our starting point is choosing a 'work-team' to liaise directly with the Nükak. In our particular case this initially consisted of two anthropologists who had worked with them before and who were both members of the equipo técnico mentioned above. Subsequently, several young Nükak men and women who spoke Spanish well joined this team too, selected by other Nükak as ‘translators’, given the lack of competence of the institution officials in the Nükak language and, in turn, most of the Nükak’s lack of competence in Spanish. This selection took place during the first meeting with each ‘local’ group, when they chose translators from each of the various settlements.63

We should point out here that our methodology was presented to, discussed and modified with the appropriate municipal, regional and national institutions before the first meeting with the Nükak. Indeed, it was agreed that officials from these institutions could accompany the anthropologists while they worked with the Nükak, and that the anthropologists, in turn, would attend meetings held by these institutions to provide updates about their work or contribute to discussions about the support the Nükak were receiving.

After the first meeting, the next step is to make sure the translators are qualified. This means starting the ‘inter-cultural literacy’ program training them to fulfill their responsibilities. Key issues to focus on:

- What we are going to do. In other words, what we mean by ‘consultation’ or ‘work-team’. What do we hope to achieve?
- Which people and institutions are involved. Which Nükak groups? What exactly is the ‘mayor’s office’, the ‘department’, the ‘national government’, the ‘president’, the ‘UN’ and the ‘National University of Colombia’?
- What the translators’ roles are. Make it clear that they are there to make communication easier, not make decisions themselves.
Colombia: The Nukak, the last nomadic people officially contacted

Marín, Catalina and their children trying to return home in 1997

Erika in Agua Bonita, 2007
It should be pointed out that the successful training of these translators is in itself an expected outcome of this methodology. It should also be pointed out that the two anthropologists in the ‘work-team’ possess a certain understanding of the Nükak language which enables them to monitor what is being said to and by the translators, and to help with clarification or explanations if any difficulties arise. In addition, in parallel, the equipo técnico from the UNDP-UNAL agreement, has been working with officials from the various state institutions too, explaining how things are proceeding, supporting them in their roles and resolving any doubts. In this sense, the ‘work-team’ is encouraging both formal and informal dialogue with the state institutions, providing them with opportunities to understand and reflect on what is going on and take decisions about the support provided.

We propose five ‘priority issues’ for the training of the translators, the fieldwork with the different Nükak groups, and the meeting with the appropriate institutions to follow. These are based on past experience and what is known about the Nükak and other indigenous peoples, as well as what the Nükak and other indigenous peoples know themselves. More details are provided in 4.3 below:

- ‘Government’: leadership, ways of making decisions, conflict resolution.
- Territory: the reserve, how they see their territory, how they manage the environment.
- Health: ‘living well’, getting ill, food security, medical attention.
- Education: how people are ‘socialized’, ‘advice’, school and literacy.
- The market: access to western goods, trade, sale of crafts.

Three questions must be asked about each ‘priority issue’: How did you live before contact? How do you live now? How do you want to live? Bearing these questions in mind will make it easier to discuss the Nükak’s situation with them, as will drawing on existing ethnographic information about these issues and the experiences of other indigenous peoples which can be used to help the Nükak understand their own situation better.

Once the translators have been successfully trained, the fieldwork with each ‘local’ group can begin. The first stage is to hold general meetings with everyone in each settlement when proposals are presented and discussed. The second stage is to hold meetings with individual families (or domestic groups) when the ‘priority issues’ and questions, outlined above, are addressed, with the aim of creating a more intimate environment where the Nükak feel more comfortable, are more likely to participate, and are better able to understand what is involved. The third, last stage is to hold another general meeting and discuss and finalize their proposals.

It is important to highlight that the responsibilities of the Nükak and the institutions during the implementation of the PAID, the ongoing monitoring process and the subsequent evaluation should be clearly defined. It is also important to highlight that the different groups will emphasize different issues and identify different priorities, depending on their history and past experience, which is not surprising given the fact that support provided by the state has caused rivalries and territorial conflicts between different Nükak groups and the Nükak and other indigenous peoples. Given this, officials from different institutions can attend these meetings as observers. This could contribute to the development of the ‘common language’, enabling them to better understand the Nükak’s perspectives and support and assess the role of the ‘work-team’.

Once each ‘local’ group has listed its proposals for the PAID, the best way to present and explain them to the appropriate state institutions can be discussed. In our case, the groups chose to hold their own, internal meeting to design an overall joint proposal. In addition, this meeting can be used to discuss the concepts introduced previously like ‘translators’, ‘consultation’, ‘the Mayor’s office’ etc, and which can include basic modes of operation like how to act during meetings with the various institutions.

Finally, the meeting between the Nükak and the appropriate state institutions is held when their proposals are discussed and agreements are reached about what will be done, who is responsible, and how it will be monitored. After this meeting another stage begins in which the results are systematized and disseminated, and should act as a useful tool for the various institutions in the future. What follows is a summary of the proposed methodology, organized in three phases.
4.2 Summary of the proposal

1 First phase: Fieldwork preparation

1.1 Discussion and modification of the proposal between the UNDP-UNAL equipo técnico and the appropriate institutions.
1.2 Preparation of materials for the fieldwork: print maps, questionnaires, ecological calendar, kinship diagrams.

2 Second phase: Fieldwork

2.1 Presentation and discussion of the proposal with the appropriate Mayor’s Offices. Make modifications and clarify how their representatives will participate: who, how and when?
2.1.1 ‘Work-team’ to attend meetings with the appropriate institutions.
2.2 In the Nükak settlements and designing the proposal.
2.2.1 General meeting in each settlement to a) discuss and agree on the proposed methodology and b) choose the translators.
2.2.2 Train the translators.
2.2.3 General meeting in each settlement to establish a schedule and work-plan.
2.2.4 Specific meetings with each family in the settlements.
2.2.5 Final, general meeting in each settlement to finalize their proposals.
2.2.6 Meeting between representatives of the different groups to finalize their proposal to put to the institutions.
2.3 Meeting between the Nükak representatives and state officials to agree on the plan of action in the short- and long-term.

3. Third phase: Systematization and dissemination

3.1 Systematization of the information recorded: e.g. the transcription and translation of the interviews held in Nükak during the fieldwork.
3.2 Presentation and dissemination of the results to local and national institutions.
3.3 Meeting with traditionally nomadic indigenous peoples from the Amazon and Orinoco basins.
3.4 Presentation of the final report.

4.3 Issues to discuss

Territory

• Where they were living before they were forcibly displaced in 2002, what happened and where they are living now.
  – How do they agree to share territories that border one another?
  – How was it at Laguna Pabon?

• What a ‘resguardo’ is and what its limits are.
  – The problems caused by colonization and the armed conflict.
  – The legal advantages of living inside a resguardo.

• The differences between territory and a resguardo.

• What are the advantages and disadvantages of living close to San José or the larger settlements?

• What are the advantages and disadvantages of living in their own territory?

• Investigate their relationships with the colonos who employ them and which could tie them to a region a long way away.

Government

• How do the Nükak ‘govern’ themselves?

• Who are the current leaders?

• How do they take decisions and reach agreements within and between groups?

• How do they resolve conflicts?

• What are their expectations of the Colombian government and the ‘whites’ with regard to solving their problems? What can they do?
– What do they think of the humanitarian aid they have received? Do they have any suggestions for the future or for dealing with emergencies?

• Support the Nükak to prepare for meetings with state institutions or others.
  – How to ensure the Nükak make themselves heard by the state.
  – How to ensure they speak up at meetings or workshops.

• What armed groups are they aware of: the Colombian army and police, guerillas, paramilitaries? What do they know about them? What do they call them? How do they identify them? What have their relationships been with them? How can they relate to them in the future?

• What do they know about Colombia’s indigenous organizations? How do they identify them? What have their relationships been with them and how could they relate to them in the future?

Health (‘living well’)

• What is being ill or healthy?
  – Consider how they understand disease from a cultural perspective.
  – What are the risks involved? And in the long-term?

• What are the main diseases they are aware of?

• Food security
  – What is eating ‘well’?
  – What did they eat before they were forcibly displaced in 2002, what do they eat now and what do they like to eat?
    – Consider how they classify different types of food: ‘Food that nourishes you, food that fills you up.’
    – Consider their gardens.
  – Why do groups continuing to live in their own territory suffer from malnutrition?
  – Resources and mobility. How have these changed and what does the future look like?
    – Consult the ecological calendar.
  – Advantages and disadvantages of working for money.

• Hygiene (basic sanitation)
  – Wearing clothes.
  – Handling food, donated food.
  – Using water and personal hygiene
  – Dealing with rubbish and excrement

• What is their opinion of the colonos’ recommendations to abandon their eating habits, how they cut their hair, how they paint their faces?

Education:

• Advice and ‘socialization’
  – Fathers’ authority, controlling the children
  – What they have learnt in the past and what they are learning now
  – The empowerment of the younger generation in comparison to the older (e.g. because they speak Spanish better). Is this a problem? What have they thought about it? What have they said to the missionaries about it?

• What do they think of mestizo children, children of single mothers and children who live with colonos?

• The importance of school and learning to read and write. Establish and assess who can do so.

Access to western goods, trade and the sale of crafts

• How did they obtain items from the whites when they had less contact? How do they obtain them now? What are the alternatives?

• The advantages and disadvantages: theft, working in the fincas, selling crafts

• Do they think that the time they invest in these activities is worth it? How do they benefits compare with the problems they have generated?
  – Less attention given to the children.
In 1989 it was established that the Nükak spoke a language intelligible to that spoken by the Cacua in Colombia’s Vaupés department. One group of Nükak were moved to a Cacua settlement, Wacara, on the River Querarí, but the Nükak did not consider them ‘allies’ and, following conflict, they returned to their own territory (cf. Reina 1990 y Jackson 1991).

These ‘local’ groups were identified between 1991-1995 and based on detailed research of the Nükak’s kinship relations. For the Nükak, the ‘ideal’ group used to be patrilineal – a man and his wife, their sons, and their sons’ wives – but since contact the most badly affected groups have consisted of ‘segments’ of at least two patrilineages (see Cabrera et al. 1999).

A Colombian missionary from Nuevos Horizontes, a Colombian missionary organization, who did pioneering work with the Nükak.

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A Colombian missionary from Nuevos Horizontes, a Colombian missionary organization, who did pioneering work with the Nükak.
31 State institution providing medical attention.
32 Articles 8, 7, and 70 of Colombia's constitution, promulgated in 1991, commit to promoting and protecting 'ethnic and cultural diversity', while Articles 10, 246 and 330 recognise indigenous languages as 'official' in their territories and indigenous peoples' rights to autonomous decision-making through their own forms of government and systems of justice (see also 'Guidelines for the Comprehensive Care of Indigenous People who are Displaced or at Risk, with a Differential Focus' by the Ministry of Justice and the Interior in 2006.
33 These figures are based on quantitative research done between 1991 and 1995 (see Cabrera et al. 1999, Pollis 1996). It should be made clear that the meu muno and wayari muno have only been able to continue living in Agua Bonita and Villa Leonor because of the food hand-outs provided by the state.
34 Two other points worth highlighting: the 'buildings' constructed at these locations should be made from natural materials so they can be easily moved, and the contracts for the staff working in them should permit them to move from one location to another and avoid any potential administrative problems.
35 Two of the institutions involved were Pastoral Social del Guaviare and Tropenbos International (Maldonado 2006).
36 For a summary of previous discussions about providing services to the Nükak, particularly medical attention, see Cabrera et al. 1999: 344-354 and Mondragón, 2007c.
37 This is a key point to always take into account. We suggest that ill Nükak travelling to cities other than San José to receive medical treatment are accompanied, in case he/she dies and his/her companions can be consulted immediately about the burial.
38 According to Dany Mahecha, both 'capital' and 'cabildo' are common forms of indigenous authority, both terms appropriated from European colonists.
39 For an earlier discussion about the specific residential mobility of the Nükak, see 1.5 Attempts to return home above.
40 Research shows that 'residential mobility' reduces the risks of certain diseases spreading. These include Chagas, typhus (Morán, 1989: 6-9) and those with a long latency period (Kroeger y Barbira 1984: 21).
41 It is a poison used by some colonos to kill fish.
42 The names meu muno, 'people of the headwaters', and wayari muno, 'people of the River Guaviare', originate from the Nükak’s kinship system. They refer to two specific regions in the Nükak’s ethnic territory, meu muno to the north-west and wayari to the north-east, both of them mainly in the River Guaviare basin, as well as specific patrilineal groups and their specific territories. In terms of residential location, the meu muno in Barrancón and the wayari muno in Agua Bonita were the people who lived in the meu and wayari regions before being forcibly displaced. However, in terms of patrilineal descent, the people living in Agua Bonita are wayari muno, meu muno, mpia muno, takayud muno or jiu muno, depending on the region within the Nükak’s ethnic territory associated with each person’s unilineal group.
43 The characteristics of these places, in terms of how they are managed and understood by the Nükak, correspond to what are often called, in Spanish, 'sacred sites.'
44 Chaka múj is the name of a Nükak settlement near Tomachipán which owes its existence to the evangelical missionaries settling there permanently, possibly since 1998, after their previous base, Laguna Pabón II, was closed in 1996. In addition to their evangelical work, these missionaries, previously from the NTM and now Nuevos Horizontes, provided a variety of services to the Nükak including medical attention, help with their gardens, and trading schemes which gave the Nükak access to industrial goods. One of the effects of the missionaries’ work was to attract the local groups to their bases; good relationships were built, trust between them grew, and the Nükak liked the services on offer.
45 It is suggested that this commission is directed by San José’s Mayor’s Office and composed of, at the very least, directors or officials with decision-making power from Acción Social, the ICBF, the Defensoría del Pueblo and the Red de Servicios de Salud de Primer Nivel del Guaviare (‘Guaviare’s Basic Healthcare Network’). These institutions have supported the forcibly displaced Nükak for years and therefore have the requisite experience and knowledge.
46 See the reports by Gabriel Muyuy Jacanamejoy and John Henri Moreno. Their observations and recommendations make it clear that some of the suggestions made by the meu muno in Barrancón and wayari muno in Agua Bonita could be extended to the rest of the Nükak and therefore to the PAID. These include medical attention, support establishing new gardens, and ‘inter-cultural’ education and awareness-raising among the colonos.
47 The services provided to displaced indigenous peoples should not be limited to protecting their individual rights: it is only by protecting their individual and collective rights that will ensure their survival.
48 During the meu muno’s visit to the Trocha Ganadera region in March 2009, for example, the Nükak living there requested support establishing new gardens.
49 For example, in 2006 there was conflict between the Nükak settled in Cheka múj, near Tomachipán, and the wayari muno who turned up there after being forcibly displaced from their own territory and robbed some of the gardens. This kind of conflict was one of the reasons the wayari muno later decided to move to San José, despite being welcomed by the colonos there and invited by them to stay. There was similar conflict in 2008 within the wayari muno in Agua Bonita, after some families moved temporarily away, lost the chance to plant their own crops, and tried to claim other peoples’ when they returned. In March 2009, during the visit to Charras, further internal conflict over gardens was reported.
50 The visit to the Trocha Ganadera region with the meu muno in 2009 found that some Nükak children had been attending schools in Caño Makú and Charras, but that the education there did not have a ‘differential’ focus and therefore they had started turning up at other schools instead.
51 ‘Inter-cultural literacy’ is understood here as learning and understanding basic social and cultural aspects of Colombian national society. This includes issues like: what the Colombian state is, how it functions and who it consists of; what the rights and duties are of Colombian citizens, particularly indigenous peoples; how property is understood and natural resources managed; what an indigenous resguardo is; what a meeting is, what the different types are (‘institutional’, ‘consultation’), and how they work, etc.
52 Anthropologist, Amazon Research Institute (IMANI), National University of Colombia (UNAL), Amazon campus.
53 Anthropologist, National University of Colombia (UNAL), Amazon campus.
54 See 1. ‘Contact, forced displacement and changes among the Nükak’ for more about the Nükak’s history and current situation.
55 ‘Cultural competence’ is understood here as a person’s capacity to live in, and relate to, a particular society adequately and knowledgeably. This capacity implies a certain level of knowledge, understanding and the correct use of ‘symbolic codes’, including those that are para-verbal (gestures, mimicry etc), and almost always implies a basic linguistic competence. This concept is analogous to ‘communicative competence’ proposed by Hymes (1972), cited by Gabriel Cabrera, Carlos Frankey and Dany Mahecha. 1989. Los nukak. Nómadas de la Amazonia Colombiana: Bogotá: Unibiblos).
At the time this agreement was signed Colombian law already stipulated that the state should develop PAIDs for indigenous people who were at risk or forcibly displaced. However, on 26 January 2009 the Constitutional Court issued ruling ‘Auto 004’ ordering the state to design and implement a ‘Program to Protect the Rights of Indigenous Peoples Affected by Displacement’ and ‘Ethnic Safeguards Plans’ for a number of different indigenous peoples. The Nükak were one of them. Subsequently, in July 2012, following the state’s failure to heed ‘Auto 004’, the court issued ruling ‘Auto 173,’ ordering the urgent adoption of precautionary measures to protect the fundamental rights of the Nükak and Jiw (or Guayabero) by implementing a ‘Provisional, Urgent Contingency Plan’ which could function until the measures ordered by ‘Auto 004’ have been put in place.

One of the anthropologists, Dany Mahecha, is currently writing a grammar of the Nükak language. What we are ultimately trying to highlight here is the essential role, in any program involving the Nükak, of learning their language.

‘Culture’ is not considered a priority issue in itself because it is integral to all the others. Indeed, it is important to understand that these issues are all intimately connected anyway.

Another alternative discussed with the Nükak was that each ‘local’ group would agree on its proposals and present them to the state institutions separately. However, they chose to work together, but in a way that respected the specificities of each settlement as well the unity of the Nükak as a whole.

In our case this included a ‘rehearsal’ of the meeting with the institutions, involving agreements on the order in which people would speak, the role of the translators etc. It must be remembered that this was the first time the Nükak and the institutions had had this kind of meeting before. Two of the things agreed in advance were: that someone in a position of authority would speak first, followed by a translator, and that only one person would speak at any one time. This last agreement was particularly important given the Nükak’s way of discussing something or making decisions is for someone in a position of authority to speak first, followed by a translator, and that only one person would speak at any one time. This last agreement was particularly important given the Nükak’s way of discussing something or making decisions is for various people to speak loudly at the same time.

This meeting was intended to provide an opportunity for different indigenous peoples to get to know each other better, exchange information and reflect on their current conditions, experiences and expectations. For more information see Carlos Franky, Dany Mahecha and María Colino (eds), 2010, Pueblos de tradición nó-mada de la Amazonia y la Orinoquia. Aprendizajes y proyecciones para afrontar el futuro. Memorias de un Encuentro, Bogotá: Guadalupe.

One of the alternatives discussed but then rejected by the Nükak was creating one team of translators which would work with each of the different ‘local’ groups. This decision was based on the existing ‘social distances’ between the groups which is integral to their form of social organization. Each group said it would feel more ‘comfortable’ with its own translators.

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THE AYOREO CASE

By way of introduction

Non-indigenous society began to invade the vast territory of the Ayoreo only 50 years ago, with the goal of taking possession of the land.

From that time forward, group by group, the Ayoreo were deported to mission stations and sedentarized by force. Today, there are still Ayoreo living in the forest, in six or seven group territories that have always belonged to them. During the Paraguayan dictatorship, most of the northern Chaco region was divided into lots, and what was once Ayoreo territory was turned into a commodity for the benefit and profit of a few hundred private landowners. Until today, they are permitted to deforest or otherwise transform their landholdings as they wish, to pursue productive activities that – under close scrutiny – serve exclusively their own interests. The future of the Chaco forest, of the groups who continue to live in voluntary isolation there, and of a territory that is still the territory of the Ayoreo people, now depends on these landowners: Paraguayan citizens, Mennonites, foreigners, agro-industrial and cattle ranching companies, and oil prospecting firms. They are responsible for determining the future of the only significant continuous forested area left standing in Paraguay.

The state, until now, has not intervened in this matter in any meaningful way, and has failed to assume its responsibility: to protect the public good and public interest, to enforce the country’s laws, and to protect human rights and the rights of indigenous peoples.

Non-indigenous society is not even aware of what is happening in and with the northern Chaco. “Public opinion” has no opinion on the matter. The international community is only very slowly beginning to recognize the Chaco, the Gran Chaco, as a vital ecosystem not only for the Ayoreo and other indigenous peoples, but also for the future of non-indigenous peoples and for humanity as a whole.

Today, the Ayoreo people are watching what is happening to their territory, which is their home and the foundation for both their way of life and their livelihood.

They do so in a state of poverty, uprooted from their land, precariously clinging to the margins of the society of their invaders and a culture that is not theirs and never will be. Today, through this publication, the Ayoreo people are speaking out to those who are in charge of the state, and to all non-indigenous people in Paraguay and the rest of the world.

They are speaking out because they need to be seen, and because they need the injustices and human rights violations of which they have been and continue to be victims to be seen, recognized and reparated. They need non-indigenous people to assume their role and to accept their responsibility in this very recent colonial
history, open to everyone’s view. They are speaking out
to voice a call for the justice that has yet to be extended
to peoples and cases like theirs.

Today the Ayoreo people are standing up and reaching-
out. They are not reaching out to beg or ask for favours. They are taking a stand and demanding to be
heard and respected, reaffirming their dignity and their
right to their own distinct way of life.

Benno Glauser

The Ayoreo people and their territory

Our territory, the territory of the Ayoreo people, stretches
across the entire northern Chaco, from Paraguay to Bo-

livia.

We, the Ayoreo people, as is the way of our culture,
lived in different local groups that each had their own
leaders, and that moved within their own areas. Each
of the groups knew their territory. Ayoreo territory is
the sum of all of the territories where the different local
groups lived.

Our territory, Eami, is a living being that shelters us
and which is illuminated when we are present. We ex-
press ourselves through our territory, and our history is
etched in every stream, in every waterhole, on the trees,
in the forest clearings and on the salt flats. Our territory,
Eami, also expresses itself through our history, because
the Ayoreo people and our territory are a single being.

But sadly, up until now, the Paraguayan government
seems to be unaware of where we lived, where we came
from, and where our uncontacted brothers and sisters
continue to live today. Uprooting us from our territory,
they ignore who we really are.

We can locate on a map the territories and areas
where we the Ayoreo people used to live, and where the
uncontacted Ayoreo continue to live. It is like a map of
Paraguay, but it is an Ayoreo map. On the white men’s
maps, no one has ever mentioned the Ayoreo territories.
It is as if they had erased our history, as if the Ayoreo
people had never been there, and as if no Ayoreo con-
tinued to live there.

The white men say that we merely claim that these
are our territories, that there is no way of knowing if they
are ours. Or they say that these were Ayoreo territories,
but they stress that they “were”, and that now the situa-
tion is different because there are new owners, or be-
cause they are national parks. We cannot show a land
title, but there in our territory there are still signs of our

presence from the past and from today, which prove that
it is our territory. For example, there in our territory are
our huts, our paths, our crops planted in the forest and
the holes carved in the trees from where we harvested
the honey. The white men can see them with their own
eyes; these are our property documents. And in addi-
tion, we have the living memory of our history; as soon
as we come near our territory, it comes alive. Our elders
continue to tell our children and our grandchildren where
we lived, where we came from, and how we communi-
cated with our Eami.

For us, our territory is suffering, but it is still alive,
even now, in this moment.

Mateo Sobode Chiquenoi
President of the UNAP (2007-2009)

The Ayoreo people and their territory
in Paraguay

The Ayoreo are a people of hunters and gatherers whose
vast territory of more than 30 million hectares (300,000
km²) encompasses almost the entire northern portion of
the Gran Chaco region of South America, bordered by
the Paraguay, Pilcomayo, Parapetí and Río Grande Riv-
ers. Their territory does not extend, however, to the areas
along the banks of these rivers, which are the territories
of other indigenous peoples. From north to south, the
Ayoreo’s territory stretches from the mountain ranges of
Chiquitania in Bolivia to the area now occupied by the
Mennonite colonies in the Central Paraguayan Chaco.

In the times of their traditional way of life, before
contact, the Ayoreo were politically organized into more
than 50 local groups. Their territory was divided up and
shared by these different groups, who each moved
around within extensive territories of their own.

Each local group enjoyed a high degree of political
autonomy and independent leadership in relation to the
other groups. In accordance with the needs and circum-
cestances of a nomadic life in constant movement, these
local groups could divide into sub-groups and temporar-
ily separate, joining together again at a later time.

Local groups and group territories were not per-
manently established, but rather flexible and subject to
change, based on divisions that sometimes led to the
disappearance of one group or the creation of a new
one, mergers between different groups, and changes in
name, with the consequent changes and redefinitions of
the group territories.
This political organization conveys a sense of dynamism, of constant social mobility, an absence of concepts such as hierarchical order and a centralizing principle, and an extraordinary capacity to adapt to changing circumstances in life.

Today, these local groups continue to exist, mixed together in the various settlements of those Ayoreo who no longer live in the forest.

HISTORY OF THE AYOREO PEOPLE IN THE LAST 50 YEARS

“The spirit came in the form of a crow, it carried me up and said to me:

‘Look at Eami tonight. You can see many fires burning. They are the fires lit by your people, the Ayoreo, illuminating everything.’

We continued to fly and the lights went out one by one.

‘This is the future of your people. The forest is growing dark because the Ayoreo do not live there anymore. Everything is turning to darkness.’

My grandfather sang this to me when I was a boy. And I, Oji, remember his song. And now my people know that my grandfather sang the truth.’

OJI ETACORE, elder from the village of Ijnapui

We Ayoreo are like the trunk of a tree that used to grow in the Chaco. But the missionaries came and took our territory from us. That was like cutting down the life of our people. Our people are that tree that was cut down and is dying.

But the wind had already carried off the seed of that tree, and in the sandy soil of the northern Chaco the seed grew into a new tree with branches and new fruit. That tree is our people in the forest, and the new generations born among us.

It was the missionaries who made it impossible for us to continue living in our territory. Beginning in the late 1950s, Mennonite missionaries, evangelical missionar-ies from the United States and Catholic missionaries moved all of the Ayoreo off of the lands where we used to live. It was as if the missionaries used their evangelization to clear the territory that belonged to the Ayoreo people. That made it easy for the cattle ranchers to buy up almost all of our land, and a few powerful white men took over our territory just like that. They say there are no longer any Ayoreo living there. Today they continue to sell our territory over and over again even though our uncontacted Ayoreo brothers and sisters are still living there. They are still illuminating our Eami. Eami is our mother. Eami is our forest.

The missionaries wanted to do away with all of Ayoreo culture and our beliefs. The missionaries wanted the Ayoreo to accept their God, the God of the white men. Even today the Mennonite missionaries and the missionaries from the United States continue to pursue this goal, but we think it is a bad idea, because believing in their God means we must feel ashamed of speaking our language and being the way that we Ayoreo are. They prohibited our songs and our vision of the world. They say that all we need is to believe in their God, and that we do not need our territory, but they do not realize that emptying out our territory meant emptying out our very way of being. They still think that they are the masters of the Ayoreo, they want to tell us what to do and how to live.

The missionaries continue pressuring us, saying that we have to go out and look for our brothers and sisters in the forest, who are living in sin because they do not know their God. They also say that they have the right to live a better life and enjoy everything that the white people have to offer them. But now we know what the white people offer us. Why should they leave the forest to come and live in poverty and in fear of being themselves?

We are repeatedly calling on the government authorities to stop allowing the ongoing manhunt against our uncontacted brothers and sisters who are living in their own territory and their own culture. We do not want their culture, our culture, to die.

Mateo Sobode Chiquenoi
President of the UNAP (2007-2009)
Footprints of Ayoreo living in isolation in the area of Chovoreca, on the Chaco’s north-eastern border with Bolivia.

**TERRITORY OF THE AYOREO PEOPLE IN PARAGUAY**

- The Ayoreo territory is in Bolivia and Paraguay.
- The total area is 33 million hectares.
- In Paraguay it covers around 11 million hectares.
- It includes the departments of Alto Paraguay and Boquerón.
- Very few people live in this region of the country.
- It has the lowest population density in Paraguay.
- The Ayoreo living in isolation are not used to living near rivers.
- They keep their distance from the Paraguay, Pilcomayo and Parapiti rivers.
- Elderly Ayoreo who were contacted and removed from the 1960s onwards are beginning to forget the layout of their territory.

**REFERENCES ACCORDING TO TEXT COLOUR**
- Department
- Towns and Settlements
- Military and Police checkpoints
- National Park checkpoints
The usurpation of Ayoreo territory in Paraguay

The usurpation of the vast territory historically occupied by the Ayoreo by non-indigenous colonizers and the surrounding society has led to major transformations and obvious deterioration, not only of the natural environment in the Chaco region but also the quality of life of the Ayoreo. Ancestral practices based on a balanced coexistence with nature were abruptly interrupted when local Ayoreo groups who inhabited and gave life to a vast area of forest in the Gran Chaco were taken from their habitat, deported to missionary settlements, and forced to adopt a sedentary lifestyle.

The Ayoreo people today

The total number of members of the Ayoreo people is currently around 5,600, made up of roughly 3,000 people living in Bolivia and 2,600 in what is now Paraguay.

Approximately 100 Ayoreo continue to live in the forest without contact with the outside world. In Paraguay they are referred to as “forest dwellers” or “uncontacted”, while internationally they are known as peoples or groups “in voluntary isolation”.

The majority of the Ayoreo in Paraguay were contacted and deported from their territory in the forest over the last 50 years. Today they live in fixed and permanent settlements. There are currently 19 Ayoreo settlements in Paraguay.

Six of these settlements are on the banks of the Paraguayan River, to the south and west of the Carmelo Peralta Colony, on land that was formerly occupied by the Maria Auxiliadora Salesian Mission. These settlements are Cucaani, Isla Alta, Guidai Ichai, Tiogai, Punta and Atapi.

Thirteen settlements are located in the area of the Central Chaco: Campo Loro, Ebetogue, Tunucojnai, Gaai, Esquina, Jesudi, Jogasui Km 32, Ijenapui, 10 de Febrero, 10 de Junio, 2 de Septiembre, Arocojnadí and Chaidi. The last two are Ayoreo settlements made up of members of the local group Totobiegosode, whose contact with non-indigenous society is more recent, and who are therefore still in a state of initial contact.

The number of settlements has tended to grow, increasingly reflecting a return to the traditional social organization typical of Ayoreo culture: that of small, dynamic and variable groups.

Current situation of sedentarism and survival of Ayoreo culture

Lured into leaving their life in the forest with false promises and deported to live in large, permanent settlements established by missionaries, under a non-indigenous economic model that was totally alien to their culture and way of life until then, the Ayoreo people’s close and unique relationship with the forest and with nature gradually began to diminish and change.

Today, the current situation of the Ayoreo reflects the results of an accelerated process of impoverishment, a growing loss of autonomy, and a growing dependence on the system of life of the surrounding society. At the same time, they lack the opportunities needed to achieve a standard of living through means that are different but at least compatible with the principles of their own culture and the continued integrity of the environment. A significant number of Ayoreo currently live near the centres of the greatest concentration of non-indigenous population, in severely disadvantaged conditions, seeking precarious occasional employment as day labourers in an insecure, irrational and discriminatory labour market. Many young Ayoreo see no prospects for the future and lack any sort of constructive opportunities.

The cultural expressions, attitudes and philosophy of traditional Ayoreo culture are still practiced and fully alive among the uncontacted groups. Among the majority of the Ayoreo, those who have been taken from the forest and sedentarized, while coexistence with society around them may have changed their external and material ways of life, their basic attitudes and positions continue to reflect, in each situation encountered in their new lives, the essence of their traditional culture and way of life: a high degree of mobility; a lack of interest in the accumulation of material possessions; a deep trust in nature, in the world and in themselves; a high degree of personal autonomy within the structures of collective organization; and an attitude of equality – not superiority – towards the world and nature, among other aspects.

Testimony of Mateo Sobode Chiqueno

We came from Cerro León, we came down from there. They had already taken my brother to the Salesian Catholic Mission run by Father Bruno.
Stella. My brother was already living in the civilization camp, and this missionary sent my brother with Iquebi to look for my father, and so they came as if they were messengers of civilization. They went to look for our mother and our father. When he found my father and his group, Iquebi told my father that the missionaries wanted to gather all the forest people and make a mission. He said, ‘If you come out and live with the white people, they will take care of you, they will give you what you need, they will build you houses to teach you about their god, the god of the white people.’ My father and his group said, ‘We want to try it out. We want to try it out to see if it is true, and if anything happens, we can come back.’

But when my father went to where the white people were, that was the end of him. Another 85 Ayoreo died of measles along with my father just after that first contact.

Testimony of Yacamái Chiquenoi

This is the first time I have ever told this story. It happened here, in Cerro León.

I remember my mother’s frantic screams. I remember how I ran to see what was happening. I told my wife to wait for me, I dropped everything and ran to the road. And I saw them there, sitting on their horses. The four missionaries. Cojñones blocking the road. I kept running forward, without thinking. I didn’t feel anything, I could only think of attacking them. I saw my brother Pojone running towards them as well. But then we heard some words in Ayoreo, which said:

‘The missionaries have come to look for you and to ask you to leave your area, your territory, because cojñones are going to come and they are going to kill all of the Ayoreo who are still living in Eamone [the plural of Eami, which means the entire territory as a whole], but they won’t kill you if you decide to come with us.’

It was an Ayoreo that the missionaries had brought to persuade us. He continued, saying, ‘We want to kill the Ayoreo-Totobiegosode, they have killed a lot of our people, we need you to join us to go and attack them. We want to attack them all together, with your group and with Jonoine’s group.’

I told the men in my group to go and tell my people to stop running. I said we would go and talk to the missionaries to try to understand what they were talking about. This is the first time I have been back to visit my territory, 40 years later.

Political organization

The Ayoreo people have their natural and traditional form of organization, but today they also have a number of new political organizations in Paraguay, created to defend their interests when dealing with non-indigenous society:

- Unión de Nativos Ayoreo de Paraguay (UNAP), the Union of Ayoreo Natives of Paraguay, which represents 17 of the 19 Ayoreo settlements or communities.

- Organización Payipie Ichadie Totobiegosode (OPIT), the Payipie Ichadie Totobiegosode Organization, which represents the two Ayoreo-Totobiegosode communities.

- Consejo de Líderes de Alto Paraguay, Council of Leaders of Alto Paraguay, which represents the six Ayoreo communities on the banks of the Paraguay River.

AYOREO GROUPS IN VOLUNTARY ISOLATION (“FOREST DWELLERS”)

There are still Ayoreo who shun all contact with the outside world. They live in the territories where all of us used to live. You white people call them indigenous peoples or groups in voluntary isolation. They have maintained the same way of life that they have always followed, which is our traditional culture.

Since 2005, the Union of Ayoreo Natives of Paraguay has been working for the protection of our uncontacted Ayoreo brothers and sisters, with the support of Iniciativa Amotocodie, which has been active as an institution since 2002, protecting the territory used by our brothers and sisters in the forest.
We know that there are at least six uncontacted groups of Ayoreo living in Paraguay. One of these groups is the Ayoreo-Totobiegosode.

Three or four of the groups are in the southern part of the Ayoreo territory. The other three groups are in the north, in areas bordering on Bolivia, living on both sides of the border. One is in the area of Médanos del Chaco (Chaco Dunes) National Park, another is in the area north of Defensores del Chaco National Park, between Agua Dulce and Palmar de las Islas, and the last for which we have confirmed data is in the area of Chovoreca; this is a large group, with more than 25 members.

We have no doubt that they are Ayoreo, because they move within our territory and the signs that they leave show that they are Ayoreo. In addition, with the beginning of our monitoring work, the elders have begun to share their memories about the groups or families who stayed in the forest because they did not want to go and live with the white people.

These groups are in great danger. Ever larger areas of forest are being cleared for cattle ranching throughout the northern Chaco. Those responsible are Brazilians, Dutch, Uruguayans, Germans, Mennonites and also Paraguayans who are buying up all of our territory, with no consideration whatsoever for the lives of our brothers and sisters in the forest. Another serious problem that we are very concerned about is all of the lines that are being cut in the forest in the area of Gabino Mendoza, by white men looking for oil. Evidence of the presence of our people is constantly turning up in this area.

In order for our uncontacted Ayoreo brothers and sisters to live peacefully in the areas they inhabit, there are laws, regulations and international agreements which protect indigenous peoples in voluntary isolation. These groups have the right to legal ownership of the territories where they are living. The right to self-determination of our people in the forest should also be respected. And in order to ensure that they are left in peace, the laws must be enforced, for example, the prohibition to enter or work in these areas, and to sell the land where they are living.

They are not interested in living with any missionaries or white people. All they want is to live in their own habitat, with the gods who are known only to the Ayoreo, and they have the right to decide how they want to live. If they want to come out they will come out, but in the meantime they must not be pressured. They have their way of life in harmony with the forest. The forest, Eami, gives them what they need and protects them, and they take care of the forest. Before the white men came, we Ayoreo lived in our territory without changing the face of our mother, the forest, Eami.

We are deeply concerned about what could happen to our people in the forest. We do not want them to suffer what we went through, dying like flies because of contact with the outside world, living without freedom and without respect, living in poverty.

Mateo Sobode Chiquenoi
President of the UNAP

Ayoreo groups in voluntary isolation:
general situation and geographic location

The totality of the territories/habitats in use by Ayoreo groups living in voluntary isolation are occupied by private properties (a considerable number of which were illegally acquired) and by National Parks or Public Protected Areas.

The Unión de Nativos Ayoreo de Paraguay (UNAP) has been carrying out surveillance of these groups and their territories since May 2005, with constant visits to the areas to collect data and monitor the situation. UNAP also uses these visits to implement local protection measures in cooperation with the NGO Iniciativa Amotocodie (IA), which has been carrying out monitoring and protection efforts since January 2002. This monitoring makes it possible to record and certify signs of the presence of uncontacted groups. As of mid-2009, some 150 signs of Ayoreo presence had been registered and certified by UNAP/IA.

One of these uncontacted groups belongs to the Ayoreo-Totobiegosode local group, while the others belong to unidentified local groups, but they all form part of the Ayoreo people.

They continue to practice their traditional nomadic way of life, based on hunting and the gathering of wild fruit and honey, as well as fishing and growing small crops of food planted “along the way” during the rainy season. They form a single, inseparable unit with their habitat – high and low forests, palm groves, open fields, dry riverbeds, streams and lagoons – with which they live together in close communion.

All of these uncontacted groups live and move within the traditional territory of the Ayoreo people. While no one has direct contact with them, their presence can be felt and confirmed through signs such as footprints and
Ayoreo making holes in a quebracho tree to collect honey

With thanks to the Philadelphia Archives

Deforestation advancing onto Ayoreo territory

**AREAS OF PRESENCE OF AYOREO GROUPS LIVING IN ISOLATION AND CRITICAL ZONES**

1. Amotocodie/ Chunguperedatei
2. Cuyabia
3. Gaaijane
4. Ingome
5. Dacajne/ Erui
6. Erampepai
7. Garai
8. PNC Ayoreo Totobiegosode
9. Yojamui
10. Inamai
holes carved in trees to extract honey. In some cases, they have also been sighted from a distance.

**Threats from the non-indigenous world**

- The expansion of **cattle farming**, accompanied by extensive and irrational **deforestation**, often in contravention of the country’s laws or with environmental permits granted without fulfilling the necessary legal requirements. The last years show a tendency towards increased corporate ownership and much bigger properties. Consequences: constant decrease in the size of territories in use and growing pressure on these territories and on the uncontacted groups who use them; destruction of lagoons and waterways, with negative impacts for vast ecosystems; loss of migration routes; increasing difficulty in access, and loss of access to vital resources, and loss of such resources and food sovereignty; increased risk of involuntary contact; growing loss of self-determination.

- **Land speculation**: **large-scale sale and illegal allocation of land** in Agrarian Reform colonies, i.e. land which should only be allocated to legally defined beneficiaries of land reform, and which instead has been and continues being illegally allocated by the government to the military, cattle ranchers, Mennonites (institutionally and individually), foreign investors (many of them from Brazil, but also from the Netherlands, Uruguay, Germany etc.), and agro-industrial companies. This situation affects more than 8 million hectares of the Ayoreo territory in Paraguay. Presently, the continuous re-sales of such land to new owners seem to be mainly due to land speculation and not productive interests. Consequences: exposure of natural resources to irrational exploitation and destruction, thereby eliminating vital means of survival for groups living in voluntary isolation; loss of access and life sovereignty; increasing land prices diminish the real possibilities for the land / territories to be secured for the isolated groups, and given back to the Ayoreo as a peoples.

- **Oil prospecting and seismic testing** by companies granted concessions by the government without prior consultation with the indigenous peoples affected, the Ayoreo and Guarani-Ñandeva. Consequences: for seismic testing, a large number of lines are cut through the forest in the affected indigenous territories, sometimes every 500 metres. This leads to profound alterations in the forest’s biodiversity, and leaves the territories open and exposed to subsequent predatory incursions, as well as increasing the risk of involuntary contact; increased risk of involuntary contact; loss of life resources and food sovereignty.

- **Clandestine activities by missionaries promoting and seeking to force contact**. Such activities are led by U.S. evangelical as well as Mennonite missionaries, sometimes with the support of ranch owners eager to free themselves of the legal impediments that could be posed by the presence of indigenous peoples in voluntary isolation. Such activities – illegal under Paraguayan law – constitute a clear attempt to “cleanse” the territories under the guise of evangelization. Consequences: risk of forced contact, with potentially violent and even fatal results; threats to the life and physical integrity of the isolated.

- **Illegal harvesting and sale of precious wood and wild animals**. Consequences: decrease in biodiversity and alteration of natural ecosystems; risk of involuntary contact.

- **Violation of Ayoreo territories by institutions promoting academic research, disrespectful scientists, adventurers and sports enthusiasts** – sport hunters, car rally participants and their fans – and others. Consequence: risk of involuntary contact, destruction of natural resources; interference and disruption of life cycles of the isolated groups, forced displacements.

**Situation of the areas of presence of isolated Ayoreo groups**

**Initial considerations**

Over the course of 2009 and 2010, it had been possible to establish a reasonably global and complete overview of the situation of the isolated Ayoreo groups in the north of the Chaco region. During 2011, however, it became more difficult to keep all this information up to date as, for various reasons, **Iniciativa Amotocodie (IA)**, was not in a condition to cover all the areas it had covered with
On December 1st, 2011, this persecution shifted to the isolated groups and the Ayoreo territory as a whole. The campaign affecting both the isolated groups and the Ayoreo territory as a whole. The campaign had, in fact, started before, spurred on by different sectors affected by the organisation’s work to protect both the isolated groups and the Ayoreo territory as a whole. On December 1st, 2011, this persecution shifted to the judicial sphere, commencing with a raid on IA’s offices and the confiscation of much of its documentation and work equipment. Since then, the members of Iniciativa Amotocodie have had to spend a good part of their time and efforts defending themselves against both political as well as legal accusations; in 2011, their protecting work of the Ayoreo groups living in isolation has been affected considerably by this. This process of criminalisation and legal persecution is specifically brought to mention here as it is highly relevant to the issue of isolated indigenous peoples itself. Adequate protection of indigenous peoples and groups living in isolation confronts non-indigenous society with enormous challenges. In the case of Paraguay, instead of accepting the presence of isolated groups as a fact and taking up the defence of their rights as an important task for the future of all, non-indigenous society has thus far avoided the issue, and has even gone as far as to act with repression against those human rights defenders whose work has come to represent a serious threat to the plans and interests of the country’s dominant economic sectors.

In spite this limiting factor, this report still provides a valid comprehensive overview of the current situation in the territories of the isolated groups, and shows what an enormous impact the Western world’s actions have on the Ayoreo world. Many of the uncontacted groups must be feeling the growing impact of these actions, along with a growing external pressure which probably forces them in certain cases to change their usual life patterns and movements. It is impossible to know how they take the vital decisions as a group in order to make adjustments, how they interpret what is going on in their territory and what strategies they may be following in order to be able to continue their daily life in a context of diminishing spaces and resources caused by deforestation, and with many of their usual places of refuge and migration routes having disappeared over the last few years and also the last few months.

General characteristics of the situation

The information published by Iniciativa Amotocodie and the Unión de Nativos Ayoreo de Paraguay in 2009¹ had already described the situation of six areas in which the presence of isolated groups had been registered in recent years, confirming that there were at least six groups of Ayoreo living in isolation in the north of the Chaco region. The mentioned descriptions surge as the result of a careful analysis of the spatial distribution of the signs of presence, of the time these appeared in each area, and of more factors (such as the knowledge concerning the use of migration routes and territories provided by Ayoreo elders who lived in the forest when they were young) which are combined so the areas of presence of the isolated groups can become visible.

The territories of the isolated groups

Two years later, by the end of 2011, there is confirmation about the existence of at least eight groups living in isolation in the north of the Paraguayan Chaco. In fact, as a consequence of increased deforestation in areas that had only recently suffered severe transformations, the presence of isolated Ayoreo has been registered and confirmed in another two additional areas in the north of the Chaco. The special feature of this new and additional data is that they were found in areas known to be part of territories linked to other neighbouring ethnic groups, and which are not part of what the Ayoreo record in their collective memory as being their territory as of the mid-20th century, when the first contacts took place. For the same reason, until now no monitoring activities had been taking place in these areas, nor had any signs of presence been registered. The records of presence registered in these two new areas in 2010 and 2011 leave no margin for doubt that both are being used by isolated groups and that, in both cases, these groups belong to the Ayoreo.

The new areas are situated 1) south-east of Toro Pampa, to the east of the Ayoreo territory, in areas attributed as belonging to the territory of the Ishir and Tomarajo indigenous peoples;² 2) north of Infante Rivarola, on the border with Bolivia, around 60 kilometres west of what the Ayoreo people consider to be their territory; this is probably a group living on both sides of the border.

The following table shows the areas of presence of isolated groups, as well as, for each of them, the most recent registered and certified sign of presence of isolated groups:

<table>
<thead>
<tr>
<th>Area</th>
<th>Year</th>
<th>Sign of Presence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toro Pampa</td>
<td>2010</td>
<td></td>
</tr>
<tr>
<td>Infante Rivarola</td>
<td>2011</td>
<td></td>
</tr>
</tbody>
</table>

1. Information published by Iniciativa Amotocodie and the Unión de Nativos Ayoreo de Paraguay in 2009
2. Data from Ayoreo elders who lived in the forest when they were young.
Cross-border nature of the territories

Another striking feature of the isolated Ayoreo groups living in the north of the Gran Chaco is the cross-border nature of their territories. In fact, at least four of the groups listed above live in both Paraguay and Bolivia, within their traditional group territories which in turn are part of the enormous Ayoreo territory as such (see also satellite map below). This situation obliges the governments of both countries to jointly define and implement measures for protecting and consolidating the territories of the isolated groups.

Aware of the importance of defending their territory and the groups living in isolation within it, the Ayoreo peoples, through their organisations from both countries, UNAP (Unión de Nativos Ayoreo de Paraguay) and CANOB (Central Ayorea Nativa del Oriente Boliviano), held joint binational meetings in May 2011 and January 2012. Among others, at these meetings it was agreed to get the governments of both countries to understand the importance of recognising the presence of Ayoreo groups living in isolation, and to foster the adoption of joint policies and measures, such as, for instance, the creation “intangible” areas (cross-border where appropriate). The Ayoreo organisations also agreed that in the future they themselves will monitor the situation and territories of the isolated groups.

Situation by area of presence

Amotocodie Area
This area of the Paraguayan Chaco experienced the highest rate of land clearance in the entire, areas which are fast disappearing. It contains places and zones vital to life and survival of the isolated groups under menace

<table>
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<tr>
<th>Zona</th>
<th>Sign</th>
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<td>(contacted) Ayoreo from Cuyabia settlement</td>
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<td>Bulldozer operators and employed Ayoreo</td>
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<td>Paraguayan workers from various farms, farm owners and Ayoreo employed as farm workers</td>
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<tr>
<td>Chovoreca</td>
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</table>
of disappearing. The area is located in the western part of the territory of the Ayoreo-Totobiegosode local group (the eastern part corresponding to the area called “Patrimonio Totobiegosode”).

In the middle of 2006, UNAP and Iniciativa Amotocodie, seeking to prevent a collapse of the way of life of the isolated groups, warned the government repeatedly through reports and requests about the delicate situation in the area. The responsible government departments have, however, failed up to this date to take charge of the situation. Because of deforestation, migration routes used by the groups in this area have suffered irreversible disruptions. Only two years ago there was still forest left that could serve as a corridor enabling the Amotocodie region to be connected to the area the Ayoreo call Cucana (Cerro León), within the Defensores del Chaco National Park, and from there to other regions of the Chaco, and to Echoi (the salt flats on the Bolivian side of the border).

Deforestations, new roads into the forest that have been opened, and many kilometres of new fencing to the north of the Amotocodie region have created a kind of barrier that makes it very difficult for the groups living in isolation there to move to other regions. Given the rapid reduction in living space, if this rate of deforestation continues space throughout 2012 then the uncontacted Ayoreo in this area could see themselves under pressure to consider other alternatives, including the decision to seek contact.

The image accompanying this page illustrates the situation: the geometrically shaped areas are deforested areas. The white ones correspond to older, the black ones to more recently deforested areas in the Chunguperedate area. Many of the more recently deforested areas are superimposed to places of significance in the life of the isolated groups, or to migration routes used to travel from one region to another. In many cases, given their intimate knowledge of the resources available and of the foods they would find there, the deforested areas also imply reduction and loss of areas in which to move around safely. Their movements are, of course, not mere aimless wanderings; the routes are defined according to river courses, lagoons, and dried up river beds, as well as the existence of palm groves, open fields, areas with fruits and edible roots, and areas with sandy soils appropriate for the seasonal summer plantations.

With the vital spaces diminishing, and the constant presence of bulldozers used for deforestation, it becomes more difficult to access water, particularly in the dry season. In addition, many farms alter the natural water resources for their use, modifying them or disrupting them altogether. Tensions are likely to increase given the danger posed by the constant presence of strangers in the isolated groups’ territories, and the growing difficulties they experience in accessing and using their traditional migration routes.

The most recent signs of the presence of isolated groups in the area date from June 2011, in the centre of the Amotocodie area.

Cuyabia Area

In previous reports, the Cuyabia area did not yet have its own name but appeared as part of Amotocodie. In August 2010, a group of 13 families belonging to the Ate tadiegosode Ayoreo local group decided to return to their ancestral territory, more than 40 years after having been forced out of the bush. After searching the whole of the local group’s ancestral territory for nearly three years, they finally settled in a place with the ancestral name of ‘Cuyabia’ (name of a young Ayoreo woman). They had scarcely settled in the area when they began to notice signs of the presence of isolated groups. On their property there is a lagoon which the elders immediately recognised and which is situated on one of the old migration routes they used to use prior to contact with non-indigenous society; this ancient route led towards the coveted area of Chunguperedatei (within the Amotocodie area). And the very first time the Ayoreo from the new settlement went to that migration route of old, on 7 of August 2011, they noticed there were footprints of the isolated people.

The most recent sign registered in the Cuyabia zone is a very fresh honey hollow found in the trunk of a quebracho tree; in other words, this group had very recently been taking honey from it. This sign of presence dates from the beginning of July 2011.

A large part of the Cuyabia area corresponds to the same area as an Agrarian Reform settlement known as “Tte. Américo Picco”, the plots of which measure an average 4,000 hectares each. These privately-owned plots belong today primarily to foreign companies, mostly Uruguayan or Dutch corporations. In the first half of the last decade, many of the individual owners of that time knew of the monitoring activities being undertaken by Iniciativa Amotocodie/UNAP, and quite a few of them used to help protect the groups living in isolation by providing information on their presence whenever they could. With Fernando Lugo’s rise to power in the middle of 2008, the fear of a possible review of their legal situation and
the announcement of a real Agrarian Reform had as a consequence that many of these plots were sold to new and more anonymous owners, including corporations.

In fact, only a very few of either the original owners who had these plots assigned to themselves, or of the subsequent purchasers who are the owners today, can be considered the legal owners, given that none of them fit the definition of an Agrarian Reform subject as stipulated in the corresponding law. Lugo’s government, however, never carried out the much hoped for and necessary legal revision of these lands, nor of other vast extensions of land in the same condition in other parts of the north of the Chaco. Quite to the contrary, instead of become clearer, the situation became more complex, and still today there are officials belonging to the Institute for Rural Land Development (INDERT) who, exploiting their public office and the exclusive knowledge of each plot that their position gives them access to, negotiate and sell Agrarian Reform plots such as those in the Cuyabia area for their own personal benefit.

It should be noted that a high percentage of the lands included in the Agrarian Reform projects, which cover almost all of the north of the Paraguayan Chaco, are at the same time lands belonging to the the territory in use by groups in isolation, and lands belonging to the Ayoreo territory as a whole. An Agrarian Reform would resolve not only the distressing situation of the Ayoreo groups living in isolation but also that of the indigenous peoples, Ayoreo and others, to whose territories large portions of “ill-gotten lands” (“tierras malhabidas”, as illegal landholdings like the mentioned Agrarian Reform settlements are called) have been superimposed. These ill-gotten lands in the north of the Paraguayan Chaco are estimated to cover more than eight million hectares. Even lands purchased by the state or third parties with the objective to return them to the indigenous peoples, either for new settlements as in the case of Cuyabia, where the lands were purchased by the Paraguayan Indigenous Institute (INDI, government agency) towards the end of the 1990s, or to ensure the protection of Ayoreo groups in isolation, are affected by the lack of legality and corruption.

This situation of illegality and illegal speculation, combined with a complete absence of state control, makes an effective protection of the territories of the isolated groups throughout the whole northern Chaco very difficult. Given the prevailing situation of legal insecurity, it is not uncommon that landowners clear land or open up roads merely to “mark” their legal right to the land by making a visible investment, even when they have no intention of using their land productively in the modern sense; they do so without considering that such marks may destroy the habitat and life chances of some isolated group.

The Ayoreo Ateadiagosode that settled on their traditional territories in the new settlement of Cuyabia are also at present joining the efforts to protect of the Ayoreo in isolation. It is highly probable that the isolated Ayoreo of the Cuyabia zone are members of their same local group; in fact, the contacting activities in the 1960s did not succeed to force all of them out of the forest. Among those remaining in the forest and in their local group territory, one group remained in the area, while another group migrated northwards later in the 60ies and was later contacted in Cerro León.

It is not impossible to think that contacted and isolated indigenous groups in the Cuyabia area could at some point meet by chance, given that both are sharing the same territory and its resources, food resources (hunting, gathering) in particular. Seeking to do everything in order to avoid a contact situation, or any situation that might result in the collapse of the isolated group and in their leaving the forest, Iniciativa Amotocodie and Ayoreo experts have for the last two years been conducting a process of reflection with the Ayoreo settled in the new village of Cuyabia. In the course of this process, appropriate alternatives for action have been discussed and agreed on with regard to the different possible scenarios of an involuntary meeting with individuals or groups living in isolation in the area. One immediate measure consisted in consolidating a permanent system of communication between the village of Cuyabia and the Ayoreo experts in other settlements, via HF radio. During radio contacts in this now permanently established communication, observations by the Ayoreo of Cuyabia regarding the movements of the isolated group in the area are analysed, and the necessary measures and actions for their protection agreed.

Although land speculation and the advance of the cattle frontier are the main threats endangering the way of life of the isolated Ayoreo group in this zone, they are not the only ones. In the north-west of the area, charcoal is being produced for sale in Europe. Apart from its long-term environmental impacts, this activity runs directly counter to the basic needs of the Ayoreo in isolation given that the main raw material for producing charcoal is the white quebracho tree. This is the tree most commonly used by bees to construct their honeycombs and produce honey, as the centre of the trunk is generally hollow and is an excellent refuge for them.
The honey that the isolated groups take from the tree hollows – primarily from white *quebracho* – is one of their main sources of food in the springtime, when the later summer crops do not produce yet. The charcoal industry is therefore threatening the production of honey and is leading to a decline in the number of bees, with consequences for food, health and pollination. The bees are also driven farther away by the smoke produced in this process. The lack of honey is a problem because, like the destruction of the forest, it affects the quality of life of peoples living in isolation.

**Médanos del Chaco Area**

This is one of the areas targeted by the Chaco Seco 2010 expedition, at the end of 2010, which, in the end, was called off by the government. Until recently, this area had the lowest rate of deforestation in the Paraguayan Chaco, primarily because a large part of the area and of the territory used by the isolated group is covered by two national parks, the northern part of the Médanos del Chaco National Park, with its buffer zones, and the Cabrera Timane Public Protected Area.

Between October and November 2010, in preparation for the arrival of the Chaco Seco 2010 expedition, existing roads were cleared and additional new roads were opened in the Cabrera Timane Natural Reserve in order to facilitate access by the expedition’s scientists. This work was conducted by park guards from the Defensores del Chaco National Park who reported that, while conducting this work, they had noted the existence of various tracks evidently in constant use by human groups.

There are frequent reports about signs of presence of isolated people in this area. The most recent report dates from July 2011; this was a sighting of two persons belonging to an isolated Ayoreo group, by a group of workers who were travelling by van along the road between Lagerenzañi and Gabino Mendoza.

Back in October 2010, *Iniciativa Amotocodie* had already provided the national authorities with details of the presence of groups in isolation, accompanied by the following satellite map (which in the east shows another area with isolated groups, Chovoreca, which was also one of the destinations targeted by the scientific expedition).

Less than a year later, a rapid occupation process of the area can be observed, with the opening of trails and a beginning of deforestation, all within the buffer area of the northern boundaries of the Médanos del Chaco National Park, and the Cerro Cabrera Timane natural reserve. It is striking that these anthropic actions are taking place not long after UNAP and IA took measures to protect a property purchased in favour of the Ayoreo living in isolation, and which was titled in the name of UNAP. In August 2011, during a monitoring visit to the area, two signposts indicating the property were put up. This was aimed at avoiding any situation that might threaten its integrity, such as the sale of the property under a false title, or its occupation by speculators.

In recent years, oil prospection has also taken place in the Médanos del Chaco area, both inside and outside the Médanos del Chaco National Park. There are currently two gas wells operating in the area. More prospection activities are planned. Frequent statements from the Vice-Ministry of Mining and Energy declare interest in extracting oil from the Chaco subsoil; to date, however, more detailed plans for the region are not known. Apparently, the prospecting that has taken place so far has been done without previous environmental impact assessments which could have taken into account the existence and needs of the Ayoreo groups in isolation. Prior, free and informed consultation rights were not applied (in the case of isolated indigenous people or groups, the lack of clear expressions from their side indicating an interest to establish contact must be considered a rejection of any external venture on their group territory). Nor were the already contacted Ayoreo, to whom the Ayoreo territory as a whole belongs, consulted. The right to consultation as stipulated in national laws and in ILO Convention 169 is constantly infringed; meanwhile, the authorities responsible for applying the law do not take any notice of this fact.

The Médanos del Chaco area is used by isolated Ayoreo as a cross-border group territory. Scarcely 5 km from the border, isolated groups were seen two years ago travelling north-westwards, when they were crossing fields which are being patrolled by the Paraguayan military. Towards the end of 2010, in the area of Hito (milestone) V, at Cabrera Timane hill, the park guards also noticed tracks in frequent use heading to the north and west of the hill and into Bolivia. The corresponding information is based on duly registered and certified statements. Further important information has been provided by elders from the Ijnapuigosode, a local group who used to live in the area, who identified sites ideal for summer crops in the area and which, in their opinion, are still being used by the isolated Ayoreo to this day.
Palmar de las Islas Area
This is yet another area used by isolated groups as their cross-border territory. The region is one of more dense and taller vegetation, offering innumerable resources for the Ayoreo in general, and for those living in isolation in particular. Most of the area is sandy soil.

Various Ayoreo groups used to live in this area until the mid-1960s. With the process of contact in the north of the Chaco, the members of various local groups were forced to leave the area, among them the Ñanapuigosode, Tiegosode, Namocodegosode, Erampepaigosode and other small groups. At the start of the 20th century, these, together with other groups, had formed an alliance known as Guidaigosode. Several of these groups know of group members who remained behind to live in the bush, and who were not subsequently contacted, either in Paraguay or in Bolivia. It is probably these people and their descendants who are living in and around this whole area.

The region is also of strategic importance because historically, a number of migration routes belonging to different local groups converge here, all heading in the direction of Echoi, the salt marshes located on the Bolivian side of the border (now known as San Miguel and Santiago salt marshes, a few kilometres to the west of the San Miguel mountain). This information is vital because, every year or two, each group would send a delegation to the salt marshes, some 40 kms to the north-west of Hito V, Palmar de las Islas, to obtain their supplies of mineral salt. It is possible that some still do so. However, the assault on the area in the form of properties, deforestation, roads and non-indigenous settlers grouped into new settlements on the Paraguayan side may be severely affecting the procurement of salt by the uncontacted groups, in case they still follow this practice.

In addition, the destruction of this area, according to the Ayoreo elders, is going to seriously affect the existence and availability of tortoise eggs, because this is where they reproduce and where the greatest concentrations of this animal are to be found. The tortoise is a basic food of the Ayoreo in isolation, and is still now considered the most precious by those Ayoreo who are living in contact.

During the most recent trip through the zone, the opening of a number of new roads leading into the forest was noted, along with the presence of surveillance posts manned by private guards; these are ways in which some owners, sometimes concerned with the superimposition of property titles, mark their rights to a certain plot, so that they can show proof of “improvements” (alterations) introduced by them.

Likewise, large artificial retention ponds to collect water are another of such improvements aimed at demonstrating that investments have been made in a plot. Such retention ponds, designed to store rainwater are frequently installed on top of natural river beds that carry water during the rainy season; this means that the water flowing naturally along these courses comes up against a kind of barrier that cuts its path and intervenes its natural flow, leaving it to stagnate. The water is then used for the benefit of the farms or cattle ranches mainly. It is a way of privatising a vital resource of the Chaco population and, in this case, of the groups living in isolation. In the medium to long-term, this practice ends up drying up and destroying the natural riverbed and course of the river, and will gradually also affect the environmental coherence of the whole zone.

The most recent records of presence documented in this zone date from October 2011 when sightings were recorded, along with new holes in trunks for extracting honey, and recently emptied tortoise nests. These signs were found in places to the south of the border with Bolivia, between Hitos VI and VII. In December 2011, there was also information confirming the existence of recently built Ayoreo huts, in the area of Hito VII, in a place where new tracks and roads were being opened. People working in the area state that the isolated groups living in these huts have very probably gone to Bolivia because of all the activity on the Paraguayan side.

Area Chavoreca
The Chavoreca region is also part of the cross-border territory of at least one group of Ayoreo living in isolation. It is suffering, like in the other cases, from increased deforestation activities carried out by Paraguayans, Mennonites from the Paraguayan Central Chaco, and foreigners.

The Dry Chaco 2010 Expedition also intended to visit this area (like that of Médanos). The expedition, which was subsequently suspended, ran a very high risk of involuntary encounters with isolated groups in this area too. In 2008 there was a sighting of a group of 35 people in this area.

The most recent record of presence of isolated people here dates from the end of September 2011; this information was provided by a commission formed by Ayoreo from the local group of the Garaygosode, which was conducting environmental studies on a 20,000 ha property in the area titled in the name of UNAP.
Area of the Patrimonio Totobiegosode
This zone refers to the eastern part of the territory of the local Ayoreo Totobiegosode group, a large part of which has, since the early 1990s, formed the object of a territorial claim made by members of the Ayoreo Totobiegosode local group who had been contacted by force and removed from the forests by Evangelical missionaries – some at the end of the 1970s and the rest in the mid-1980s; they were joined later by a group of 16 people contacted in March 2004, now in “initial contact”, the most recent group to have been induced to leave the Paraguayan forests to date. Grouped into their own organisation, OPIT, since 2005, they are trying to obtain legal recognition and the title for the whole of the area; meanwhile, as a precautionary measure, and with the help of a support NGO (GAT/“Gente, Ambiente y Territorio”, previously the “Grupo de Apoyo a los Totobiegosode”), they have managed to get the area recognised by the Paraguayan state as “Natural and Cultural Ayoreo Totobiegosode Heritage”. The territorial claim itself is aimed at handing the territory over to groups that have already been contacted, and is at the same time thought to constitute a refuge for those still living in isolation. In fact, there is confirmed presence of an isolated group in the area.

The efforts of the Organización Payipie Ichadie Totobiegosode (OPIT) to recover and protect its territory and to protect its brothers and sisters in isolation are coming up against and clashing with the large cattle companies – primarily Brazilian – who are operating freely within the area of the claim and the zone declared “Cultural Heritage”. The territorial claim itself is aimed at handing the territory over to groups that have already been contacted, and is at the same time thought to constitute a refuge for those still living in isolation. In fact, there is confirmed presence of an isolated group in the area.

Toro Pampa Area
There have been records of the presence of isolated groups in this area since 2010. The area is suffering from an increased level of deforestation, particularly with the expansion of properties of Brazilian cattle ranchers, who enter the country from the east, crossing the Paraguay River, in order to buy up lands. Larger parts of this area are palm groves and wetlands.

The zone is not generally identified as belonging to the Ayoreo territory; however, it seems to have become the refuge of one isolated group that has had to flee from other areas because of anthropic pressure. This area borders the declared Natural and Cultural Heritage zone of the Ayoreo Totobiegosode, which has been suffering harassment from Brazilian companies in recent years, who are deforesting the areas used by groups of Ayoreo Totobiegosode in isolation and initial contact.

Infante Rivarola Area
One uncontacted group has been living in this zone – most commonly attributed to the territory of the Guarani-Ñandeva indigenous people – for a number of years now. The Guarani-Ñandeva of the Syrakua, 3 Trincheras and Pykasu communities had been noting its presence for some time, although they first did not realise that it was a group of isolated people. Hunters and workers from these Guarani communities found footprints of people walking in areas where there was only forest, as well as honey hollows in the trees with cut in ways characteristic of the Ayoreo. In 2008 and 2009, the leaders of these communities reported finding footprints and signs of presence on a number of occasions. In 2009, there were also reports about non-indigenous workers stating that they had seen naked people walking in the forest, but without stating the exact place.

In 2010, reports of such signs in this area increased. Workers contracted to do work in stated they had seen signs similar to those of the publication “The case of the Ayoreo” (which also reached the hands of some of the Chaco’s inhabitants). In mid July 2010, IA and UNAP undertook a monitoring trip to the area and talked with informants and eye witnesses. This confirmed the presence of people living in isolation, clearly identified as Ayoreo. More monitoring trips are now needed to obtain more detail.

A study of satellite images shows that the area began to suffer deforestation some three years back. Long kilometres of opened tracks can be seen, many to conduct seismic tests in search of oil, and others to measure properties. It is thus yet again the process of deforestation that has brought evidence of groups living in isolation to light, groups that only a few years ago no-one thought even existed. It is not difficult to imagine that they were able to survive fairly well in this region just a few years back, given that the forest was still of a size and consistency that enabled them to follow their traditional Ayoreo way of life. However, as has been seen in other areas, when farms start to become estab-
lished in an area, signs of the presence of uncontacted groups begin to appear, although they are not always recognised as such by the settlers, who are not skilled or informed in this regard. The groups living in isolation then begin a “life of flight”, seeking residual forest areas, in a state of constant alert as to any alien movement, particularly if they are unable to find ways of reaching other regions that offer greater tranquillity and safety.

As in other regions, the location of a hut along with the references gathered, added to the already noted study of satellite images, suggests that this group lives a cross-border existence.

**Measures for the protection of isolated Ayoreo groups**

A number of legal instruments are needed to affirm the obligation of each state, several states together, and society, to protect the basic rights of indigenous peoples and groups living in voluntary isolation. The following aspects have to be considered:

- **Respect for self-determination**
  In the case of indigenous peoples living in isolation, their right to self-determination will be guaranteed by respecting and giving full validity to their right to remain in isolation if they so choose, and to live freely and in accordance with their cultures.

  Only if an isolated people or group decides otherwise, and unequivocal expressions of this have been registered, shall the right to self-determination also extend to the right to determine freely the degree of initial contact in which they will live, as well as its particular conditions.

  Any attempt at contact that is not in line with the above constitutes a violation of the right to self-determination.

- **Respect for the territory in which they live**
  States must respect, and ensure respect for, the territory in which an isolated group or people lives, and must guarantee its integrity and inviolability.

  States must establish the area and the boundaries of the territory, demarcate it and issue the corresponding land title.

  In no case will contact that may be established with the surrounding non-indigenous society be interpreted as an abandonment of their territory, regardless of where such contact may take place.

- **Considerations for the protection of their health**
  The best way of guaranteeing their health is to ensure full validity of their rights to self-determination, their rights to live in isolation, their rights to their territory, as well as the integrity of the territory, which in turn is the guarantee for their food sovereignty.

  Once contact is established, whether transitory or not, the risk to their health is particularly high and requires special guarantees and measures: protection of their self-determination, respect for their own beliefs and practices with regard to health, and a subsidiary and cautious use of the medicinal practices of the surrounding non-indigenous society.

- **The protective task of the state**
  Each state has the responsibility to implement a regulatory framework and to formulate specific policies aimed at the protection of these peoples or groups.

  In the case of peoples with a cross-border territory, this responsibility falls both separately to each of the states within which the territory falls, as well as jointly to the concerned states together, through joint policies and actions.

- **Right to consultation**
  Both the explicit expressions of these peoples when rejecting an external presence in their territories or when rejecting to take part in the surrounding, non-indigenous society, as well as the lack of such explicit expressions such as it is given by the simple fact of avoiding contact, will be considered by Governments as affirmative statements of their will to remain isolated, and recognized as unequivocal responses by means of which their right to consultation will be considered as fulfilled.

- **Validity of a precautionary principle**
  Given the extremely high vulnerability of the indigenous peoples in isolation, and the magnitude of the consequences that would immediately befall them should the most minimal violation of their rights occur, a precautionary principle must be applied at all times; this principle of precaution means that in case of doubts, or in the presence of yet insufficiently confirmed information, actions by the surrounding, non-indigenous society must always be aimed at the alternative which is the most favourable in the interest to ensure fulfilment of the rights of these groups or peoples.
The following legal instruments apply in the case of Paraguay

National Constitution of Paraguay

Convention 169 of the International Labour Organization (ILO) / National Paraguayan Law 234/93

Paraguayan law 904/81 – Statute of Indigenous Communities

United Nations Declaration on the Rights of Indigenous Peoples


Resolutions and recommendations adopted at international conferences (conferences of the parties to international UN. Conventions, IUCN World Congresses, etc.)

Policies or government measures

Paraguay has yet to adopt a public policy that addresses the protection of indigenous peoples living in voluntary isolation, as well as of contacted groups living in a state of initial contact (Ayoreo-Totobiegosode contacted in 1986, 1998 and 2004), and of groups returning into voluntary isolation after having established contact (such as the Mby’a in San Rafael).

In the 1990s, the Attorney General’s Office played an active preventative role through protective measures in specific concrete cases, in both the Totobiegosode Heritage Zone and the eastern part of the Amotocodie area. Today, the Attorney General’s Office limits its role to the supervision of eventual government measures and to intervention in the case of legal violations that have already taken place, with no preventative role whatsoever. Other state entities have only intervened in specific cases in certain areas, or have been virtually absent.

UNAP’s, and also OPIT-s - warnings about the existence of these groups and the dangers they face have been ignored.

LOSS AND DESTRUCTION OF THE AYOREO TERRITORY

Our most serious concern today is when we see how the cattle ranchers are destroying our whole territory. Every day we see them changing the face of our forest, of the forest we know.

The cattle ranchers with their land use plans, and the government that gives them the necessary environmental permits, do not consult with the Ayoreo. Nor do they think about our brothers and sisters who are still living in the forest.

If they cut down the whole forest and all of the trees, what will happen to the Ayoreo who are still living there? Where will they find their food, for example, the honey they find inside the tree trunks, and the wild animals that eat the roots of certain plants? If those plants are no longer there, they will die. All of the other animals will die too, and the people will die. They will die of thirst, because everything is being cut down and burned.

Every day we watch with great sadness how the white men are destroying the forest, and along with it, how they are destroying our future.

Mateo Sobode Chiquenoi
President of the UNAP

RECOVERY OF THE TERRITORY AND OF THE AYOREO PEOPLE’S FUTURE

We need to recover and to protect our territory. We want it to be protected for our brothers and sisters who still live in Eami, and we want to recover it for the Ayoreo elders who were taken away from it and are still alive, and also for the future generations.

We, the Ayoreo people, suffered a great injustice when they moved us from our territories and took away everything that was ours. Now our territories have strange names and signs that say they are not ours.

The Paraguayan government authorities must realize that now is the time to do justice and to give back what was taken from us. In this way they will give us back the possibility to have a future and to continue to grow like Ayoreo, not like the white people who want to have too much and end up destroying everything. We can see that if they continue destroying our Eami, no one will be able to live in the Chaco anymore, neither we Ayoreo nor the white people.
We see our territory that has been turned into national parks, without anyone ever asking us if we wanted this. We see that the white people are not even able to take care of the parks. In the meantime, they say that they are afraid of the indigenous people because we are going to loot the parks, but nobody comes to us to ask how we would like to and be able to take care of them.

The recovery of the territories that were stolen from us means that we, the Ayoreo, will once again have access to the foodstuffs that we know and are familiar with and that give us strength. Our people will recover their strength. Our Eami, together with the Ayoreo people, will also recover and be filled with our aliveness.

Without our territory it is difficult to continue being Ayoreo. We want development, too, but a development that will allow us to grow within our own way of life, our culture, within our Eami.

Today, the Ayoreo elders, our traditional leaders, weary of living among the white people, have begun again to teach our youth about our way of life, our beliefs, our ways of eating, growing food and moving through the forest. And the Ayoreo youth are learning how to live in accordance with our identity, which will grow and become stronger living on our territory.

Today there is a strong desire awakening in our people, led by these traditional leaders who want to go back to their territories with all the members of their groups. Among them are the Tiegosode, the Atetadiegosode and the Garaigosode.

What is happening now reminds us of a shaman who had a vision more than 150 years ago, before we Ayoreo were taken from our territory:

‘I see our people; our people are walking with their hands covering their eyes. They come to where the white people are, and when they open their eyes, they no longer recognize themselves as Ayoreo. The children begin to play the white people’s games. Our people do what the king of the white people tells them to do. After two generations, the Ayoreo will want to go back and live in their grandparents’ territory.’

Mateo Sobode Chiquenoi
President of the UNAP

Because of everything we have expressed, denounced and explained in this publication:

- We need the Paraguayan government and Paraguayan society to learn to perceive and see the injustices that they have committed against our people, and also against all other indigenous peoples of Paraguay:

They have stripped us of our forest and our territory and taken over what is ours, turning our territory into their own private property and into state-owned national parks.

Stripping us of our territory, they have deported us with misleading and false promises and against our will to missionary stations; in order to deport us, they have often forced our own Ayoreo brothers to act as their accomplices and to serve as the agents of contact to move us out of the forest.

Many of our fathers, mothers, brothers, sisters, sons and daughters have died in the process of contact itself or during deportation; others fled into the forest and we never heard from them again; we have lost important leaders who died from exposure to contagious diseases.

They have forced us to live a sedentary life and to break with our culture and way of life; they have forced us to keep silent and to forget what is ours, our culture, our beliefs, our knowledge and wisdom.

Today, they force us to witness the destruction of our forests and our territories, in the name of the right to private property, and they deny us the right to defend them.

- We need the government and society to publicly and officially recognize the injustices that have been committed, and to take responsibility for compensation and reparations through punitive, corrective and compensatory measures, as the case may be, including among such measures the restitution of our territory, bearing in mind that the Ayoreo people cannot live without their territory.
• We need the government and society to recognize the human rights violations committed against the Ayoreo people, and to actively accept the consequences, taking responsibility for the reparatory measures.

• We demand that the government recognize our territory as indigenous territory, in existence before any other subsequent forms of land use, and that it recognize that the theft of our territory does not mean that it has ceased to be ours, or that we have surrendered our right to it.

• We demand that the government recognize us as an indigenous people in all our diversity, and that it enforce the fulfilment of our corresponding constitutional and legal rights, in particular our right to self-determination and our right to choose our own way of life and development as a people.

• We demand that the government and society respect our organization, the Union of Ayoreo Natives of Paraguay (UNAP), and all other Ayoreo organizations.

• With regard to policies, projects or measures that involve or affect our people, our interests or our territory, we demand that the government enforce the fulfilment of our right to consultation and prior, free and informed consent, and that it respect and ensure respect for our own way of making decisions.

• We demand that the government guarantee the Ayoreo people’s right to the protagonism and role that duly correspond to them in the administration and protection of their territory and its resources and wealth.

• We demand that the government itself without delay fulfil its duty to effectively protect our Ayoreo territory against the depredation, destruction and commercialization of its natural resources, flora, fauna, water resources and biodiversity, whether as a result of massive, irrational deforestation for cattle ranching, agro-industrial monoculture plantations, oil prospecting and exploitation, or any other causes.

At the same time, with regard to our brothers and sisters in voluntary isolation:

• We demand respect for the right to self-determination of our Ayoreo brothers and sisters living in voluntary isolation, and in particular their right to remain in their territories and with no contact with non-indigenous society.

• We demand that the government provide them with the necessary protection to ensure the fulfilment of the above-stated demand, by delimiting and legalizing their ownership of the territories that they use and inhabit.

• We demand that the government effectively enforce the prohibition of any efforts to pursue contact with our brothers and sisters living in voluntary isolation, whether it be the efforts of missionaries for the purpose of “evangelization” or any others.

Territory is much more than the physical land: it is the map sketched by the history of peoples who have lived there since time was the ally of their origins and their own destiny. Territory is not merely soil or physical land, but rather the place shaped and marked by deeply symbolic interventions that draft the cartography of habitat and effectively prepare a site for the development of particular ways of living, creating, believing and growing collectively. Territory is the area that protects the remains of ancestors, provides the exact foodstuffs that a people needs, and shapes the habitat where different communities recognize themselves in one another, linked not only by bloodlines but by constellations of meaning.

Ticio Escobar

Notes
1 In 2009, the document “Paraguay. The case of the Ayoreo” IWGIA Report 4 was published and widely distributed. In 2010, a second, updated edition as well as an English version were published. These documents can be accessed through IWGIA’s website at http://www.iwgia.org/publicaciones/buscar-publicaciones?publication_id=287

2 Both belong, along with the Ayoreo, to the Zamuco linguistic family.
GUIDELINES FOR THE PROTECTION OF INDIGENOUS PEOPLES

(only available in Spanish)

Resultado de las consultas realizadas por OACNUDH en la región:
Bolivia, Brasil, Colombia, Ecuador, Paraguay, Perú y Venezuela

I. INTRODUCCION

1. El 16 de diciembre de 2005, la Asamblea General aprobó el Programa de Acción para el Segundo Decenio Internacional de los Pueblos Indígenas del Mundo, en el cual se hacen dos recomendaciones específicas relativas a pueblos indígenas en aislamiento y en contacto inicial. A nivel internacional se recomienda “el establecimiento de un mecanismo mundial encargado de supervisar la situación de los pueblos indígenas que viven aislados voluntariamente y corren peligro de extinción”. 1 Y a nivel nacional se recomienda la adopción “de un marco de protección especial para los pueblos indígenas que viven aislados voluntariamente y que los gobiernos establezcan políticas especiales para asegurar la protección y los derechos de los pueblos indígenas que tienen pequeñas poblaciones y corren riesgo de extinción”. 2

2. Siguiendo las recomendaciones de la Asamblea General, en noviembre de 2006 la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos organizó, junto al Gobierno de Bolivia, la Confederación de Pueblos Indígenas de Bolivia (CIDOB) y el Grupo Internacional de Trabajo sobre Asuntos Indígenas un seminario regional sobre pueblos indígenas en aislamiento voluntario y en contacto inicial de la Amazonía y el Gran Chaco en Santa Cruz de la Sierra (Bolivia). Como resultado de este seminario se obtuvo el Llamamiento de Santa Cruz. 3

3. En 2007, el Foro Permanente para las Cuestiones Indígenas, reconociendo el valor del Llamamiento de Santa Cruz, estableció varias recomendaciones al respecto: en primer lugar, recomendó que la Oficina del Alto Comisionado, “otros organismos internacionales y Estados, en colaboración con las organizaciones de pueblos indígenas y organizaciones no gubernamentales (ONG), repliquen y hagan un seguimiento de iniciativas similares para elaborar y consolidar políticas, mecanismos y procedimientos mantenidos a largo plazo que puedan garantizar la seguridad de estos pueblos y los medios de vida que han elegido, incluida la garantía de la inviolabilidad de sus territorios y recursos naturales”; 4 se recomendó igualmente que la Oficina del Alto Comisionado “aborde en 2007, en consulta con organizaciones de pueblos indígenas, ONG, expertos, Estados y organismos bilaterales y multilaterales, la elaboración de directrices dirigidas a todos los agentes gubernamentales y no gubernamentales, en las que se establezca el respeto y la protección de los derechos de los pueblos indígenas en aislamiento voluntario y en contacto inicial”. 5

4. En 2007, la Oficina del Alto Comisionado comenzó a trabajar en la elaboración de estas directrices de protección. Para lograr concretar su contenido se recabó información de los siete países de la región amazónica y el Gran Chaco, gracias a una consulta que se organizó y realizó conjuntamente con el Comité Indígena Internacional para la Protección de los Pueblos en Aislamiento Voluntario y Contacto Inicial de la Amazonia, el Gran Chaco y la Región...
Oriental del Paraguay (CIPIACI). Adicionalmente, se realizó un segundo seminario regional en octubre de 2007 en Quito, Ecuador, cuyo eje temático fue el diseño de políticas públicas y los planes de acción necesarios para garantizar el derecho a la salud de los pueblos indígenas en aislamiento voluntario y contacto inicial. Un primer borrador de las directrices fue revisado en la reunión de consulta que la Oficina del Alto Comisionado de la ONU para los derechos humanos organizó en marzo de 2009 en Ginebra, Suiza, a la que fueron invitados a participar los siete gobiernos de la región, organizaciones indígenas, ONG, organismos bilaterales y multilaterales, y expertos. En 2010 se realizaron varias consultas para la revisión de las directrices en Ecuador, Brasil, Colombia y Paraguay. El presente documento es por tanto resultado de un trabajo conjunto entre los diferentes actores.

5. Las directrices tienen como objetivo servir como guía de referencia para los diferentes actores que trabajan con pueblos indígenas en aislamiento y en contacto inicial en América del Sur. Estas directrices pretenden ser un instrumento que ayude a una mejor contextualización del derecho internacional de los derechos humanos para proteger a estos pueblos ante su situación de extremada vulnerabilidad y el elevado riesgo de desaparición a que están expuestos.

6. La Oficina presentó las directrices al Mecanismo de Expertos sobre los Derechos de los Pueblos Indígenas como ejemplo de aplicación de la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas en el contexto de protección de los derechos de los pueblos indígenas aislados y en contacto inicial.

II. LOS PUEBLOS INDÍGENAS EN AISLAMIENTO Y EN CONTACTO INICIAL

7. Si bien las estimaciones varían, según una de ellas los pueblos indígenas en aislamiento y en contacto inicial de la Amazonía y el Gran Chaco constituyen unos 200 pueblos y alrededor de 10.000 personas. Se tiene conocimiento de su existencia en Bolivia, Brasil, Colombia, Ecuador, Paraguay, Perú y Venezuela.

8. Los pueblos en aislamiento son pueblos o segmentos de pueblos indígenas que no mantienen contactos regulares con la población mayoritaria, y que además suelen rehuir todo tipo de contacto con personas ajenas a su grupo. También pueden ser grupos pertenecientes a diversos pueblos ya contactados que tras una relación intermitente con las sociedades envolventes deciden volver a una situación de aislamiento como estrategia de supervivencia y rompen voluntariamente todas las relaciones que pudieran tener con dichas sociedades. En su mayoría, los pueblos aislados viven en bosques tropicales y/o zonas de difícil acceso no transitadas, lugares que muy a menudo cuentan con grandes recursos naturales. Para estos pueblos el aislamiento no ha sido una opción voluntaria sino una estrategia de supervivencia. Es preciso establecer una distinción entre ambos grupos; el nivel de vulnerabilidad de los grupos que no han sido nunca contactados es mayor al de aquéllos que si bien han desarrollado relaciones sociales con la sociedad mayoritaria, han decidido volver a su situación de aislamiento. Asimismo, y por dicha razón, la necesidad de protección es mayor en el caso de los no contactados.

9. Si bien no existe consenso sobre el término que debe utilizarse para denominar a estos pueblos, en el ámbito internacional el concepto más utilizado es el de "pueblos en aislamiento". En algunos países se los conoce como, inter alia, pueblos libres, no contactados, ocultos, invisibles, en aislamiento voluntario. A pesar de las formulaciones diferentes, todas ellas hacen referencia al mismo concepto.

10. En aquellas situaciones en las que se requiera identificar la existencia de estos pueblos, como por ejemplo la demarcación de tierras o la delimitación de zonas de amortiguamiento, las únicas acciones que deben ser emprendidas para su identificación son las acciones indirectas. Los Estados deberán realizar estudios previos de reconocimiento, que incluirán un análisis antropológico que contenga estudios sobre la tradición oral en la zona de influencia, las relaciones de parentesco con posibles comunidades cercanas y
las evidencias físicas con un período de registro no mayor de tres años encontradas por un equipo técnico de trabajo de campo que sustenten la existencia de un pueblo en situación de aislamiento o en situación de contacto inicial. Asimismo, el estudio previo de reconocimiento debe identificar al pueblo e indicar un estimado de su población y de las tierras que habitan. Para la realización de estos estudios previos de reconocimiento, los Estados deberán contar con la participación de las organizaciones indígenas nacionales y regionales y locales y de las organizaciones de la sociedad civil que trabajan por la protección de los pueblos en aislamiento. El principio de no contacto ha de ser siempre asumido como una condición fundamental al realizar estas acciones.

11. El no contacto no deberá ser en ningún caso considerado como prueba de la inexistencia de estos pueblos.

C. ¿Qué es un pueblo indígena en contacto inicial?

12. Los pueblos en contacto inicial son pueblos que mantienen un contacto reciente con la población mayoritaria; pueden ser también pueblos que a pesar de mantener contacto desde tiempo atrás, nunca han llegado a conocer con exactitud los patrones y códigos de relación de la población mayoritaria. Esto puede deberse a que estos pueblos mantienen una situación de semi aislamiento, o a que las relaciones con la población mayoritaria no son permanentes, sino intermitentes. Los pueblos “en contacto inicial” son pueblos que previamente permanecían “en aislamiento” y que bien forzados por agentes externos, bien por decisión del grupo, o por factores de otro tipo entran en contacto con la población mayoritaria. De esta manera podríamos hablar bajo la categorización de pueblos en contacto inicial de pueblos en contacto intermitente, en contacto permanente, en peligro de extinción y pueblos extinguidos. Dado que no existe un consenso a nivel internacional sobre cuestiones tales como cuáles son los criterios para dar por terminada una situación de aislamiento y cuándo comienza la de contacto inicial o cuándo se da por terminada la situación de contacto inicial, es necesario dar mayor peso a criterios adicionales relacionados con la situación de alta vulnerabilidad (enfermedades, reducción territorial, etc.), en que se encuentran los indígenas en mención. Esa situación puede persistir aún después de muchos años de contactos sostenidos con miembros de la sociedad mayoritaria y mientras persista el riesgo de extinción debido a los problemas generados por dicha sociedad y las consecuencias generadas desde el momento del contacto.

13. El primer contacto es un momento de especial relevancia para estos pueblos, puesto que de ello dependerá en gran medida su interacción posterior con la población mayoritaria. De este primer contacto dependerán también las posibilidades de supervivencia del pueblo recién contactado, ya que los niveles de mortalidad y enfermedades en los primeros contactos suelen ser muy elevados si no se adoptan medidas especiales de protección previas y durante el contacto.

D. ¿Cuáles son las características de estos pueblos?

14. A pesar de la gran diversidad y heterogeneidad que presentan estos pueblos, se pueden identificar algunas características generales comunes a todos ellos:

a. Son pueblos altamente integrados en los ecosistemas en los que habitan y de los cuales forman parte, manteniendo una estrecha relación de interdependencia con el medio ambiente en el que desarrollan sus vidas y su cultura. Poseen un profundo conocimiento de su medio ambiente lo que les permite vivir de manera autosuficiente generación tras generación, razón por la cual el mantenimiento de sus territorios es de vital importancia para todos ellos.

b. Son pueblos que no conocen el funcionamiento de la sociedad mayoritaria, y que por lo tanto se encuentran en una situación de indefensión y extrema vulnerabilidad ante los diversos actores que tratan de acercarse a ellos, o que tratan de acompañar su proceso de relación con el resto de la sociedad, como en el caso de los pueblos en contacto inicial.

c. Son pueblos altamente vulnerables, que en la mayoría de los casos se encuentran en grave peligro de extinción. Su extremada vulnerabilidad se agrava ante las amenazas y agresiones que sufren sus territorios que ponen en peligro directamente el mantenimiento de sus culturas.
y de sus formas de vida, debido a que, generalmente, los procesos de contacto vienen acompañados de impactos drásticos en sus territorios que alteran irremediablemente sus relaciones con su medio ambiente y modifican, a menudo radicalmente, las formas de vida y las prácticas culturales de estos pueblos. La vulnerabilidad se agrava, aún más, ante las violaciones de derechos humanos que sufren habitualmente por actores que buscan explotar los recursos naturales presentes en sus territorios y ante la impunidad que generalmente rodea a las agresiones que sufren estos pueblos y sus ecosistemas.

E. ¿Por qué los gobiernos deben adoptar medidas especiales de protección para estos pueblos?

15. Los gobiernos, en tanto que garantes de los derechos humanos de todas las personas que habitan al interior de sus territorios, tienen igualmente la obligación de garantizar los derechos individuales y colectivos de los pueblos indígenas en su totalidad. Derechos reconocidos en el Convenio Nº 169 de la Organización Internacional del Trabajo (OIT) sobre pueblos indígenas y tribales en países independientes, de 1989, y en la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas de 2007, entre otros instrumentos internacionales de protección de los derechos humanos.

16. La razón por la cual se precisa que los gobiernos otorguen una especial atención a los pueblos en aislamiento y en contacto inicial es por la condición de extremada vulnerabilidad que les caracteriza. Esta situación exige de los gobiernos acciones concretas que refuercen los mecanismos de protección de sus derechos humanos.

F. ¿Cómo identificar a estos pueblos en cada país?

17. En el caso particular de los pueblos en contacto inicial, una manera de identificar a estos pueblos sería analizar su realidad en función de las características que han sido descritas anteriormente. Para identificar a los pueblos en aislamiento el Estado, a través de sus organismos públicos especializados, deberá partir del respeto a su decisión de mantenerse en aislamiento voluntario, teniendo en cuenta también las características mencionadas y otros elementos que nos permitan determinar su existencia y el territorio en el que habitan. Para realizar estas acciones será muy importante contar con la colaboración de otros pueblos indígenas ya contactados y de las organizaciones locales, regionales o nacionales que hayan creado. También será importante contar con la colaboración de universidades, centros de estudio y ONG que trabajen directamente en relación a la protección de los pueblos en aislamiento.

III. DERECHOS HUMANOS DE LOS PUEBLOS INDÍGENAS EN AISLAMIENTO Y EN CONTACTO INICIAL: MARCO NORMATIVO

A. ¿Qué derechos humanos deben ser tenidos en cuenta para la protección de estos pueblos?

20. Al hablar de los derechos humanos de los pueblos en aislamiento y en contacto inicial un primer factor primordial a tener en cuenta es que se trata de personas que deben gozar de todos los derechos humanos contenidos en los estándares internacionales.

21. Los derechos humanos han de ser leídos atendiendo a la particularidad del no contacto o del contacto reciente de estos pueblos, sin olvidar las amenazas o problemas que enfrentan, desde el punto de vista del ejercicio de los derechos humanos y su situación de particular vulnerabilidad. En esta lectura se pueden mencionar algunos derechos como el derecho a la vida, a la integridad física, psíquica y moral, a la autodeterminación, a las tierras, territorios y recursos, a la cultura, al mantenimiento de sus prácticas tradicionales y ancestrales, a definir sus modelos de desarrollo, y al consentimiento previo, libre e informado. Y sobre todo a una interpretación que asegure la implementación de los derechos de estos pueblos, tales como autodeterminación, derecho al territorio y derecho al manteniendo de sus propias culturas.
22. El derecho de autodeterminación contenido en los artículos 1 de los Pactos Internacionales de derechos civiles y políticos y económicos, sociales y culturales; y en los artículos 3, 4 y 5 de la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas, significa el respeto a sus estrategias de sobrevivencia física y cultural, según sus usos y costumbres, que puede comprender el aislamiento, como contactos y formas selectivas de convivencia. La decisión de mantener su aislamiento puede ser entendida como una de las diversas formas de expresar el ejercicio del derecho a la autodeterminación, que puede contribuir al respeto de otros derechos. Respetando la decisión de mantenerse en aislamiento y garantizando dicha opción a través del desarrollo de políticas públicas y normativa dirigidas a la consecución de tal fin, se está protegiendo a estos pueblos de cualquier contacto.

23. El derecho al territorio, referido en los artículos 10, 26, 27, 28, 29, 30 y 32 de la Declaración de la ONU sobre los Derechos de los Pueblos Indígenas resulta fundamental, ya que en el caso de los pueblos indígenas en aislamiento y en contacto inicial la interdependencia con el medio ambiente es total y esta les permite mantener sus vidas y culturas, gracias a los conocimientos profundos que tienen sobre los usos, aplicaciones y cuidados de su entorno. Esto significa que el respeto de su decisión de mantenerse en aislamiento requiere que se garantice y respete el ejercicio de sus derechos territoriales, ya que cualquier agresión ambiental que sufra significaría una agresión a sus culturas y la puesta en riesgo del mantenimiento de su aislamiento.

24. El derecho a la cultura, referido en el artículo 15 del Pacto Internacional de derechos económicos, sociales y culturales y artículos 8, 9, 11, 12, 13, 14, 15 y 16 de la mencionada Declaración, contribuye a preservar y a practicar sus tradiciones y costumbres culturales. Son pueblos muy vulnerables, cuyas culturas están en permanente riesgo de desaparecer, por lo que su protección resulta fundamental. No obstante no debemos olvidar que la condición fundamental para preservar las culturas de estos pueblos se encuentra precisamente en garantizar la supervivencia física de los mismos.

25. El derecho de los pueblos indígenas, incluidos los pueblos en aislamiento y en contacto inicial, son objeto de protección por parte los instrumentos internacionales de derechos humanos. Por lo tanto se cuenta con un primer marco jurídico de derechos humanos genérico, centrado en los instrumentos internacionales aprobados por las Naciones Unidas. En este contexto, el artículo 27 del Pacto Internacional de Derechos Civiles y Políticos establece que en los Estados en que existan minorías étnicas, religiosas o lingüísticas, no se negará a las personas que pertenezcan a dichas minorías el derecho que les corresponda, en común con los demás miembros de su grupo, a tener su propia vida cultural, a profesarlo y practicarlo como religión y a emplear su propio idioma.

26. Además de los derechos establecidos en el artículo 27 del Pacto, aplicables a los pueblos indígenas, incluidos los pueblos indígenas en aislamiento y en contacto inicial, existen otros derechos como el derecho a la vida, a la salud o la autodeterminación igualmente reconocidos por el derecho internacional de los derechos humanos.

27. Los derechos de los pueblos indígenas han sido desarrollados por la jurisprudencia emanada de los diferentes órganos de vigilancia de los tratados internacionales, fundamentalmente del Comité de Derechos Humanos y el Comité contra la Discriminación Racial. El Comité de Derechos Humanos, sobre la base del artículo 27 del Pacto Internacional de Derechos Civiles y Políticos ha desarrollado la interdependencia entre los derechos culturales de los pueblos indígenas y otros derechos como el derecho a la autodeterminación, a los territorios y recursos naturales, a la cultura y a las prácticas religiosas.

28. Por último ha de prestarse una especial atención a las recomendaciones emitidas por estos Comités en relación a los derechos que establecen los tratados internacionales, y para garantizar el reconocimiento de diversos derechos importantes para los pueblos indígenas, y más concretamente los pueblos en aislamiento...
lamiento y contacto inicial como los derechos territo-
riales, culturales o a la salud.  

C. ¿Qué marcos específicos del derecho
internacional se deben considerar para
establecer los derechos de los pueblos
indígenas?

29. Entre los instrumentos internacionales relativos a
los derechos de los pueblos indígenas, destacan el
Convenio Nº 169 de la OIT de 1989 y la Declaración
de las Naciones Unidas sobre los derechos de los
pueblos indígenas de 2007.

30. El Convenio Nº 169 de la OIT es aplicable y de inte-
rés en el presente informe, ya que todos los países
que forman parte de la región para la que se están
elaborando las presentes directrices han firmado
y ratificado el Convenio. Brasil, Colombia, Perú,
Ecuador, Venezuela, Bolivia y Paraguay han ratifi-
cado el Convenio y lo han integrado en sus marcos
normativos. El Convenio reconoce derechos es-
pécíficos a la consulta, la participación, las tierras
y territorios y la protección de la salud. Además
establece obligaciones concretas para los Estados
con el fin de garantizar los derechos reconocidos
en el Convenio, en relación al respeto a las cultu-
ras y las formas de vida de los pueblos indígenas,
a la adopción de las medidas especiales necesarias
para salvaguardar a las personas y a las institucio-
nes indígenas.

31. Por su parte, la Declaración de la ONU sobre los
derechos de los pueblos indígenas constituye un
referente normativo importante, ya que los derechos
reconocidos en ella son de relevancia para los pue-
blos objeto de estas directrices. Si bien la decla-
ration no es un tratado legalmente vinculante,
se considera que su contenido representa el con-
senso internacional sobre los derechos recono-
cidos a los pueblos indígenas. En este sentido,
la Declaración debe guiar e informar a todos los
actores, especialmente a los Estados, sobre las
políticas que deban llevarse a cabo para garanti-
zar su supervivencia.

32. Además de estas fuentes de derecho, el sistema in-
ternacional ha establecido una serie de mecanismos
especializados entre los que destacan el Foro Per-
manente para las Cuestiones Indígenas, el Relator
Especial sobre la situación de los derechos huma-
nos y las libertades fundamentales de los pueblos
indígenas, el Mecanismo de Expertos sobre los de-
rechos de los pueblos indígenas y el extinto Grupo
de Trabajo sobre las Poblaciones Indígenas. Estos
mecanismos han elaborado una serie de documen-
tos, estudios e informes que son de gran relevancia
para los pueblos indígenas, convirtiéndose en textos
autorizados sobre aspectos y derechos específicos
reconocidos a los pueblos indígenas.

D. Sistema regional de protección de los derechos
humanos

33. Teniendo en cuenta el ámbito de trabajo de apli-
cación de las presentes directrices, no es posible
obviar el sistema regional de protección de los dere-
chos humanos, establecido dentro de la Organiza-
ción de los Estados Americanos (OEA), el Sistema
Interamericano de Derechos Humanos, a partir de
un cuerpo jurídico normativo regional que reconoce
y protege los derechos humanos.

34. En el marco de la jurisprudencia de la Comisión y de
la Corte Interamericanas de Derechos Humanos, y
pensando en su aplicación con los pueblos en aisl-
amiento y contacto inicial vale la pena mencionar
las medidas cautelares decretadas por la Comisión
Interamericana (CIDH) para la protección de los
pueblos en aislamiento en Perú y en Ecuador. El
22 de Marzo de 2007 medidas cautelares fueron
otorgadas en favor de los pueblos indígenas de
Mashco Piro, Yora y Amahuaca, pueblos en aislam-
iento voluntario del área del Río de Las Piedras
Departamento de Madre de Dios, en Perú; y el 10
Mayo de 2006 a favor de los pueblos indígenas Ta-
gari y Taromenani, quienes viven en la jungla de
la Amazonía Ecuatoriana, en el área fronteriza con
Perú, y quienes en la actualidad se encuentran es
aislamiento voluntario u ocultos.

35. Por otro lado, es importante tener en cuenta los
principios internacionales del derecho internacional
de los pueblos indígenas como ha sido afirmado
por CIDH, entre los que incluye el derecho de los
pueblos indígenas a la propiedad, control y gestión
sobre sus territorios y los recursos naturales que en ellos se encuentran.

36. Igualmente es importante tener en cuenta la jurisprudencia de la Corte Interamericana de Derechos Humanos en relación con el reconocimiento de los derechos territoriales de los pueblos indígenas. Fundamentalmente las sentencias de los casos Comunidad Mayagna (Sumo) Awas Tingni vs. Nicaragua, Comunidad Yakye Axa vs. Paraguay, Sawhoyamaxa vs Paraguay, Comunidades Moiwana vs. Suriname y Pueblo Saramaka c. Suriname.22

37. La jurisprudencia de la Corte resulta doblemente relevante porque sus sentencias conciernen la aplicación o interpretación de la Convención Americana de Derechos Humanos (todas las sentencias enumeradas en el párrafo anterior). Primero, porque sus sentencias resultan de aplicación en todos los Estados de la OEA que han ratificado la Convención de la Corte Interamericana y que además hayan reconocido de manera expresa la competencia de la Corte para que sus sentencias interpretativas o de aplicación sean vinculantes23. En segundo lugar, y relacionado con el párrafo anterior, la jurisprudencia de la Corte en el caso Saramaka c. Suriname resulta muy importante más allá de los Estados que han ratificado la Convención ya que la Corte utiliza la Declaración de la ONU sobre los derechos de los pueblos indígenas, junto con el Convenio Nº 169 de la OIT, como parte del marco jurídico para establecer los fundamentos de derecho de la sentencia. Esto supone el reconocimiento del valor de la Declaración como fuente de derecho en el sistema interamericano, particularmente en relación a la cuestión del consentimiento libre, previo e informado, lo cual es de gran importancia para los pueblos indígenas en aislamiento voluntario y contacto inicial.24

E. ¿Se debe prestar atención a alguna otra disciplina jurídica?

38. Durante los últimos años se ha asistido a nuevos problemas que amenazan seriamente la supervivencia de estos pueblos, como la amenaza a sus ecosistemas y por tanto a sus formas de vida, debido a las alteraciones medioambientales que se están produciendo por impactos que el cambio climático está generando en el medio ambiente, particularmente en sus hábitats naturales, generándoles problemas serios para mantener sus formas de vida y sus formas de interactuar con su medio ambiente.

39. Por todo esto resulta muy importante tener en cuenta la existencia de los pueblos indígenas en aislamiento y en contacto inicial y de sus problemas en el desarrollo y aplicación de los marcos normativos internacionales medioambientales, fundamentalmente, del Convenio sobre la Diversidad Biológica de 1992.

40. Los Estados parte deberían igualmente cumplir con sus obligaciones en materia de derechos humanos y las necesidades de los pueblos indígenas en aislamiento y contacto inicial ya que estos Estados entraron en inversiones bilaterales y acuerdos comerciales.

F. ¿Cómo se deben respetar estos derechos cuando no son compatibles con los intereses de otros actores o con intereses económicos?

41. Existe un amplio debate sobre los casos en los que el ejercicio de los derechos de los pueblos indígenas colisiona con derechos de otros sujetos o incluso con intereses económicos. Este debate ha sido analizado en diversas ocasiones por, entre otros, la Corte Interamericana de Derechos Humanos25 o el Relator Especial sobre la Situación de los Derechos Humanos y las Libertades Fundamentales de los Indígenas.26 Parece que un consenso internacional radica en que en primer lugar es necesario averiguar los portadores de derechos y las implicaciones que las diferentes opciones pueden tener en caso de que se priorice el ejercicio de un titular sobre el resto. Y en segundo lugar se tiene que garantizar el ejercicio del derecho a aquel de los actores que sufra peores consecuencias por la falta de ejercicio del derecho y que las medidas compensatorias o indemnizatorias no satisfagan plenamente el derecho no ejercido.

42. En el caso de los pueblos indígenas, uno de los principales casos en los que se produce este tipo de conflictos es en relación con el ejercicio de sus derechos territoriales en contraposición con los derechos de explotación de recursos naturales que puedan presentar actores no indígenas. En relación con los pueblos indígenas en aislamiento este es el
mayor conflicto al que se tienen que enfrentar en la actualidad, causante de muchos de los problemas y agresiones que sufren con actores de la sociedad envolvente. Y en relación con los pueblos en contacto inicial, la situación es similar, ya que unos de sus principales problemas, es la delimitación y titularización de sus tierras y el respeto de estos derechos territoriales por parte de otros actores. Las tierras de los pueblos indígenas en aislamiento y en contacto inicial suelen ser ricas en recursos naturales, lo que puede llevar a agudizar la confrontación de derechos. Las tierras delimitadas por los Estados a favor de los pueblos en aislamiento o en contacto inicial, deben ser intangibles en tanto mantengan la calidad de tales. En ese sentido no se deberán establecer asentamientos poblacionales distintos a los de los pueblos indígenas que habitan en su interior; no deberán realizarse actividades distintas a los de los usos y costumbres ancestrales de los habitantes indígenas y no deberán otorgarse derechos que impliquen el aprovechamiento de recursos naturales, salvo el que con fines de subsistencia realicen los pueblos que las habiten y aquellos que permitan su aprovechamiento mediante métodos que no afecten los derechos de los pueblos indígenas en situación de aislamiento y en contacto inicial, y siempre que lo permita el correspondiente estudio ambiental. En caso de ubicarse un recurso natural susceptible de aprovechamiento, se deberá intentar armonizar los derechos territoriales de los pueblos indígenas con las necesidades públicas de los estados.

43. En los casos en los que se produzcan estos conflictos es importante guíarse y respetar las obligaciones internacionales y regionales asumidas por los gobiernos de la región, y aplicar como mecanismo de resolución de conflictos los parámetros establecidos por la Corte Interamericana de Derechos Humanos en diversas sentencias mencionadas anteriormente.

44. Partiendo del fin último de garantizar la vida de las personas y los pueblos, así como sus culturas, existe una obligación general de respeto y garantía de los derechos humanos. Teniendo en cuenta las diferentes realidades que viven los pueblos indígenas en aislamiento y en contacto inicial, hay que considerar una serie de cuestiones especialmente importantes en relación con los pueblos en aislamiento y contacto inicial: se debe respetar y garantizar el derecho a la autodeterminación, el derecho a sus tierras, territorios y recursos, el derecho a la salud y el derecho a la participación, consulta y consentimiento previo, libre e informado de los pueblos afectados.

45. La obligación de respeto y garantía de los derechos humanos deriva de uno de los principios fundamentales del derecho internacional de los derechos humanos como es el principio Pro Homine, que debe entenderse como la aplicación preferente de la norma más favorable a la persona humana. Pero resulta evidente que los Estados no pueden actuar al margen de las obligaciones internacionales asumidas en materia de derechos humanos y que tanto éstos, tanto los generales como los específicos de los pueblos indígenas, forman una unidad inquebrantable que debe condicionar y dirigir cualquier actuación que se vaya a realizar de manera concreta con los pueblos en aislamiento y en contacto inicial.

46. Teniendo en cuenta la extremada vulnerabilidad de los pueblos en aislamiento y en contacto inicial y las irreparables consecuencias que sufren estos pueblos cuando son afectados por violaciones de sus derechos humanos, los Estados deben establecer marcos normativos de protección a estos pueblos incorporando un criterio de precaución, que constituye garantía para la supervivencia física y cultural de los pueblos indígenas en aislamiento y contacto inicial. A través de este principio de precaución los Estados deben comprometerse a desarrollar políticas públicas preventivas y de cautela para garantizar en todo momento la supervivencia de estos pueblos.

A. Respeto y garantía del derecho a la autodeterminación

47. El respeto y la garantía del derecho a la autodeterminación debe interpretarse de manera diferente para los pueblos indígenas en aislamiento y para los pueblos indígenas en contacto inicial que lo que significa en el contexto de los derechos de los pueblos en aislamiento.
blos indígenas, a la vista de la situación específica de estos pueblos. Para los pueblos indígenas en aislamiento la garantía del derecho a la autodeterminación se traduce en el respeto a su decisión de mantenerse en aislamiento, sin que esto haga presuponer que la situación de estos pueblos no pueda evolucionar en lo que se refiere a su deseo o necesidad de establecer contacto en el tiempo.

48. El respeto a su decisión de mantenerse en aislamiento conlleva la toma de medidas efectivas para evitar que personas ajenas o las acciones de éstas puedan afectar o influir, ya sea accidental o intencionalmente, a personas pertenecientes a grupos indígenas en aislamiento. Este principio no significa que no se puedan establecer mecanismos de monitoreo indirecto sobre su situación. Este monitoreo debe ser permanente a través de metodologías que no impliquen el contacto y que de hecho ya han empleado algunos Estados de la región (entre ellas destacan la fotografía de altura o fotos satelitales, entre otros). En cualquier caso se debe evitar siempre el contacto cuando se pueblos aislados se trate.

49. Cualquier contacto que se pudiera llevar a cabo con los pueblos indígenas en aislamiento que no haya partido de su iniciativa, es decir, cuando éstos deseen permanecer en aislamiento, podría constituir una vulneración de ciertos derechos, tales como el contenido en el artículo 8 de la Declaración de Pueblos Indígenas donde se establece que los pueblos y las personas indígenas tienen derecho a no sufrir la asimilación forzada o la destrucción de su cultura. Asimismo, dicho artículo establece que los Estados establecerán mecanismos eícaces para la prevención y el resarcimiento de, inter alia, todo acto que tenga por objeto o consecuencia privar a los pueblos y las personas indígenas de su integridad como pueblos distintos o de sus valores culturales o su identidad étnica o toda forma de asimilación o integración forzada. Los contactos forzados o no deseados deben perseguirse por las legislaciones penales de cada Estado como forma de garantizar los derechos de los pueblos indígenas en aislamiento.

50. Por su parte, en lo que se refiere a los pueblos indígenas en contacto inicial, este principio hay que entenderlo además de en relación al ya mencionado artículo 8 de la Declaración, siguiendo las disposiciones que establece la Declaración en sus artículos 3, 4 y 5, es decir, como el principio que garantiza el mantenimiento de sus estructuras políticas e institucionales, de sus formas de organización y de sus culturas y costumbres.

51. El contacto inicial es un momento clave y especialmente complejo para los pueblos indígenas en aislamiento. La forma en que se realice dicho contacto y la progresividad de su interacción con la sociedad envolvente marcarán decisivamente su futuro, tanto individual como colectivamente.

52. La garantía del derecho a la autodeterminación requiere de los Estados la adopción de políticas preventivas que permitan garantizar este derecho y todos los derechos humanos que se derivan de él. Estas políticas preventivas, usuales en el contexto del derecho medioambiental a través del principio de precaución, significa un cambio de paradigma importante en la garantía y protección de los derechos humanos. Exigen actuar siempre en relación con los pueblos indígenas y en contacto inicial con carácter preventivo, asumiendo las consecuencias catastróficas de la actuación con posterioridad a la vulneración de sus derechos humanos. Es importante asumir que la justicia además de reparadora debe ser, preventiva con el fin de garantizar la aplicación del derecho a la autodeterminación.

B. El respeto y la garantía del derecho a sus tierras, territorios y recursos

53. El respeto y la garantía del derecho a las tierras, territorios y recursos naturales de los pueblos indígenas en aislamiento y en contacto inicial significa respetar los derechos territoriales que el derecho internacional de los derechos humanos ha reconocido para los pueblos indígenas. Esto conlleva la protección máxima del territorio con el fin de que se evite cualquier acción que pueda alterar o modificar las características de las tierras donde habitan. En el marco de aplicación de estas directrices partimos de la existencia de unos derechos territoriales que deben disfrutar los pueblos indígenas., desarrollados por del Convenio No. 169 de la OIT, la Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas y por la jurisprudencia de diversos mecanismos regionales de protección como la Comisión y Corte Interamericanas de Derechos Humanos.
54. Los Estados deben delimitar las áreas que ocupan y a las que han tenido acceso tradicional los pueblos indígenas en aislamiento y en contacto inicial. Estas áreas deben ser declaradas de intangibilidad transitoria a favor de estos pueblos hasta que decidan su titulación en forma voluntaria. En las zonas colindantes a éstas áreas deben establecerse medidas específicas de protección, con el fin de evitar contactos accidentales. La definición legal y los límites de dichas tierras y territorios de los pueblos indígenas en aislamiento y en contacto inicial son las cuestiones que plantean más controversia. Al desconocerse tanto el nombre como el número de personas o grupos pertenecientes a pueblos indígenas en aislamiento que habitan en las mismas tierras, algunos Estados han declarado esas tierras de propiedad pública y no reconocen la extensión completa de las tierras utilizadas por estos pueblos. La delimitación, de acuerdo con los instrumentos internacionales, debe basarse en el concepto de uso que de ella hacen, siendo este concepto mucho más amplio que el de posesión.

55. Ante esta situación, se establecen una doble relación del tipo de tierras que deben gozar de una especial protección para los pueblos indígenas en aislamiento y en contacto inicial:

a) Tierras y territorios de los pueblos indígenas en aislamiento y en contacto inicial: aquellas tierras donde viven y donde tienen asegurado el mantenimiento de sus formas de vida y que han utilizado o transitado históricamente. En estas tierras, debe establecerse una prohibición de entrada así como de realizar cualquier tipo de acto. El conjunto de estas tierras y territorios podrían denominarse territorios intangibles o reservas territoriales protegidas. Deben ser establecidas a partir de la identificación de las tierras y territorios por los que se mueven los pueblos en aislamiento.

b) Tierras de amortiguamiento: tierras que rodean las de los pueblos indígenas en aislamiento y en contacto inicial. Con el fin de evitar contactos accidentales, se deben establecer medidas específicas de protección que limiten dichas posibilidades de contacto. Estas zonas deben tener acceso limitado, las actividades económicas deben establecer mecanismos y barreras físicas para evitar contacto y deben controlarse las actividades que se lleven a cabo en su interior.

56. La garantía de la protección del derecho a sus tierras, territorios y recursos naturales incluye varios componentes fundamentales:

a) Delimitación y titulación legal de las tierras necesarias para la supervivencia de los pueblos indígenas en aislamiento y en contacto inicial y el establecimiento de los límites de las zonas de amortiguamiento.

b) Prohibición de implementar cualquier tipo de actividad no autorizada, económica o no, en sus tierras.

c) Prohibición de acceso a personas ajenas a los pueblos indígenas en aislamiento y en contacto inicial a sus tierras y territorios, salvo en situaciones de excepción que estarán debidamente reguladas por el organismo técnico especializado. En los casos de pueblos indígenas en contacto inicial, estos pueblos son los que deben determinar qué personas pueden entrar en sus tierras o territorios.

d) Limitación del acceso y protección especial a las tierras de amortiguamiento que permitan evitar el contacto directo con los pueblos indígenas en aislamiento o la intromisión en los procesos de acercamiento de los pueblos indígenas en contacto inicial.

e) Establecimiento de mecanismos efectivos para garantizar las prohibiciones anteriormente mencionadas; estos mecanismos deben incluir la tipificación penal del delito de contacto forzado con pueblos indígenas en aislamiento. Mecanismos que instauren también sistemas efectivos de monitoreo que no puedan forzar contactos, y en los que se impliquen activamente los pueblos indígenas que vivan alrededor de las tierras de los aislados.

57. El establecimiento de áreas naturales protegidas en algunas partes de los territorios habitados por pueblos indígenas en aislamiento no debe, en ningún caso, suponer una limitación al principio de intangibilidad anteriormente mencionado ni desconocer sus derechos de propiedad sobre la tierra y los territorios.

58. Debe señalarse que, en algunos casos, los pueblos indígenas en aislamiento comparten tradicionalmente sus tierras con otros pueblos indígenas.
En estos casos, la intangibilidad de sus tierras no debe conllevar la salida de estos pueblos indígenas, si bien deben tomarse medidas para fomentar que la relación de estos pueblos con los grupos en aislamiento sea lo más pacífica y respetuosa con sus derechos. Para ello los Estados deben implementar políticas de prevención en diversas materias como la salud o la seguridad para garantizar la convivencia.

59. En los casos en los que existan asentamientos de personas ajenas que utilicen o habiten tierras que sean consideradas fundamentales para los pueblos indígenas en aislamiento o en contacto inicial, debe establecerse el reasentamiento de estas personas ajenas a los pueblos indígenas en aislamiento en zonas que no les afecten y prohíbise la utilización de dichas tierras fundamentales.

60. En relación con los pueblos indígenas en contacto inicial hay que tener muy presente que los procesos de contacto no deben ser considerados como un momento en el que se pierden los derechos sobre las tierras y los territorios.

61. En el caso de los pueblos indígenas en contacto inicial, el Estado tiene la obligación de garantizar que éstos mantengan sus derechos sobre sus tierras y territorios en el tiempo, evitando que puedan desprenderse de las mismas como consecuencia de un primer contacto. La supervivencia de estos pueblos implica necesariamente la protección de sus tierras y territorios. En ocasiones, el primer contacto ha sido aprovechado por diferentes actores (empresas, misioneros o ganaderos) para conseguir acuerdos que han podido llegar a limitar sus derechos sobre sus tierras. Es necesario señalar que para que puedan considerarse válidos dichos acuerdos, especialmente cuando estos implican sus tierras y territorios, los pueblos indígenas implicados deben acceder a toda la información necesaria para poder tomar la decisión. Los pueblos indígenas en contacto inicial tienen el derecho de participar en cualquier decisión que pueda afectarles y debe contarse con su consentimiento previo, libre e informado.

62. El derecho a la salud es un derecho reconocido internacionalmente en diversos instrumentos. El respeto y garantía del derecho a la salud de las personas y pueblos presenta complejidades de aplicación en relación con los pueblos indígenas tanto en aislamiento voluntario como en contacto inicial. En el caso de los pueblos indígenas en aislamiento voluntario, la garantía del derecho a la salud debe ser interpretada de manera que tome en cuenta el deseo de estos pueblos de mantenerse en aislamiento y la necesidad de mayor protección de estos pueblos dada su situación de vulnerabilidad. El derecho a la salud de los pueblos indígenas en aislamiento se garantiza adoptando medidas relacionadas con su situación de especial vulnerabilidad en que se encuentran, (i.e. enfermedades que podrían amenazar su existencia) y respetando los tratados internacionales que reconocen los sistemas tradicionales de salud indígenas y el uso de sus medicinas tradicionales. Aún así resulta importante desarrollar programas preventivos en materia de salud que sirvan como planes de protección de la salud. En este sentido se deben controlar los niveles de contamina- ción de los ríos y de vertidos tóxicos que llegan a los mismos y controlar la caza furtiva que pueda realizarse en los territorios de los pueblos en aislamiento, ya que la soberanía alimentaria es una de las claves para el mantenimiento de la salud. Asimismo se debe dar atento seguimiento a la salud de todos los actores que viven cerca de los territorios de los pueblos aislados, ya sean colonos, misioneros, trabajadores de empresas, miembros de las fuerzas de seguridad o del ejercito...etc. En este sentido es importante trabajar a partir de la creación de “cordones de protección sanitaria” para garantizar la salud de los pueblos en aislamiento y que no sufran las consecuencias de las eventuales epidemias y enfermedades de los pueblos de alrededor.

63. En el caso de los pueblos indígenas en contacto inicial, la garantía del derecho a la salud de sus miembros conlleva necesariamente tanto la garantía del derecho a la vida como el establecimiento de medidas que permitan obtener el mayor nivel posible de salud. En este sentido es importante referirse al principio de acción sin daño como argumento central para el trabajo con los pueblos en contacto...
inicial. Los riesgos de las relaciones y su impacto sobre la salud tienen que estar muy determinados y clarificados. A partir de este principio es importante tener claras una serie de pautas que inciden directamente en la salud de los pueblos en contacto inicial; recuperar la territorialidad de los pueblos y garantizar sus territorios; contar con medios de trabajo seguros y siempre supervisados por los mismos pueblos; que sean ellos mismos quienes decidan quienes entran o quienes no; y que el Estado garantice ese protagonismo.

64. Todos los programas para la protección de la salud de los pueblos en contacto inicial deben responder a dos finalidades claras: evitar la transmisión de enfermedades a las personas pertenecientes a pueblos indígenas en contacto inicial y garantizar su acceso y uso tanto de sus medicinas tradicionales como del sistema biomédico. Los Estados deberían definir e implementar sus programas de protección de la salud teniendo en cuenta los siguientes criterios:

a. Tratamiento de salud diferenciado, dentro del propio territorio de los grupos de contacto inicial, con disponibilidad de recursos humanos, materiales y de comunicación específicos;

b. Promover y tratar la salud de grupos aislados y de contacto inicial, llevándose en consideración cada cultura de forma particularizada y contextualizada.

c. Considerar la conservación ambiental como factor esencial para promover la salud de estos grupos. Considerar un medio ambiente preservado y equilibrado, presta un servicio valioso e inestimable de manutención de la salud;

d. Realizar programas activos y permanentes de la promoción de la salud del entorno con articulación interinstitucional, en el sentido de controlar factores epidemiológicos, sociales, ambientales y económicos que puedan traer daños físicos y mentales;

e. Definir políticas públicas específicas de salud para grupos aislados y en contacto inicial.

65. Es importante que toda la atención en ámbito de la salud sea prestada siempre por personal especializado tanto en cuestiones de salud como en cuestiones indígenas y que puedan establecer una relación culturalmente apropiada. Solo un personal con conocimientos especializados en salud para pueblos indígenas en contacto inicial y en el establecimiento de relaciones interculturales con pueblos indígenas puede garantizar la salud de sus miembros al tiempo que garantizar el respeto de los demás derechos de los que son titulares los pueblos indígenas en contacto inicial. Este personal requiere de una formación específica y exigente en cuestiones diversas relacionadas con la interculturalidad, la medicina tradicional y las prácticas culturales de los pueblos con los que se va a trabajar.

D. El derecho a la participación, consulta y consentimiento previo, libre e informado de los pueblos afectados

66. La Declaración de la ONU sobre los derechos de los pueblos indígenas contiene más de 30 provisiones generales relativas a los pueblos indígenas y la toma de decisiones. Estos derechos van desde el derecho a la autodeterminación como a los derechos de participar y estar activamente involucrados en procesos de toma de decisiones externos. Otras provisiones establecen obligacio-
nes específicas para que los Estados garanticen la participación de los pueblos indígenas en la toma de decisiones, inter alia, con el fin de obtener su consentimiento previo, libre e informado; consultar y cooperar con los pueblos indígenas y tomar medidas en conjunto con ellos.

67. Tanto el Convenio 169 de la OIT como la Declaración de la ONU establecen que las consultas debe ser llevadas a cabo a través de instituciones representativas de los pueblos indígenas. Además se requiere que las consultas se realicen a través de procedimientos adecuados, considerándose que las audiencias públicas generales no son suficientes para este propósito. Las consultas deben ser realizadas de buena fe y deben permitir que los pueblos indígenas expresen sus opiniones, basadas en el entendimiento total de las cuestiones tratadas, de tal manera que puedan influenciar el resultado y que se logre un consenso.

68. En el caso de los pueblos indígenas en aislamiento voluntario, el derecho de consulta con el fin de obtener su consentimiento previo, libre e informado debe interpretarse teniendo en cuenta su decisión de mantenerse en aislamiento y la necesidad de mayor protección de los pueblos indígenas en aislamiento voluntario dada su situación de vulnerabilidad, lo que se puede ver reflejado en su decisión de no usar este tipo de mecanismos de participación y consulta. Por su parte los pueblos indígenas en contacto inicial utilizan estos mecanismos como parte de su derecho de autodeterminación y como forma de legitimar procesos de interacción con relación a la garantía fundamental de los derechos humanos. Para garantizar el acceso a la información de los pueblos indígenas en contacto inicial es necesario que todos los equipos que hacen trabajos con grupos aislados y con los recién contactados tengan formación lingüística, esperando minimizar impactos negativos en situaciones de contacto involuntario, o bien mantener una comunicación plena con los recién contactados.

69. En el caso de los pueblos indígenas en contacto inicial, la participación hace referencia a que se les considere como sujetos activos en todas las acciones que puedan llevarse en las relaciones con la sociedad envolvente. En tanto que sujetos activos y titulares de derechos, y en tanto que pueblos con el derecho a decidir por sí mismos su presente y su futuro, deben tener la capacidad de decidir las acciones que se llevarán a cabo y la forma en que debe hacerse su participación. Si no, existe el riesgo de implementar medidas o realizar actividades que no sean respetuosas con sus derechos.

V. HACIA LA CONCRECION DE POLITICAS PUBLICAS Y PROGRAMAS DE ACCION: PROPUESTA DE ACTUACION

70. En la región amazónica, del Gran Chaco y la región oriental de Paraguay existen algunos ejemplos de medidas específicas para la protección de estos pueblos, tales como el establecimiento de áreas protegidas mediante el establecimiento de una zona intangible o de reservas. Sin embargo, sigue siendo fundamental que los gobiernos de la región adopten más políticas públicas y programas de acción adicionales dirigidos a garantizar la protección de estos pueblos. La primera cuestión importante radica en el reconocimiento que los Estados deben realizar de la existencia de pueblos indígenas en aislamiento y el establecimiento de una voluntad por parte de todos los actores sobre la necesidad de tomar medidas en la protección de sus derechos. En el análisis de la situación de los pueblos indígenas en aislamiento y/o contacto inicial, debe primar la apreciación objetiva y debidamente sustentada sobre la existencia de estos pueblos.

71. El Estado, a través de sus organismos técnicos especializados, deberán implementar los mecanismos necesarios para que a través de estudios multidisciplinarios y de rigor científico se trate y adopte las decisiones concernientes a la identificación de pueblos indígenas en aislamiento y/o contacto inicial, así como el establecimiento de reservas indígenas a su favor. Es una obligación indelegable de los Estados, a través de sus organismos técnicos especializados, garantizar el respeto del derecho a la vida, salud e integridad socio cultural de estos pueblos, debiendo implementar regímenes de protección especial debidamente legislados; así como programas de capacitación especializados para funcionarios públicos que
participen en la gestión del régimen de protección especial para pueblos indígenas en aislamiento y/o contacto inicial, en sus distintos ámbitos local, regional y nacional en materia de salud, educación, seguridad. En la realización de todas estas acciones los Estados deberán contar con la participación directa de las organizaciones indígenas nacionales y regionales así como de la sociedad civil.

72. A continuación se presenta una propuesta sobre las áreas que deben contemplar las políticas públicas y los programas de acción.

A. Marco legal y sistema de justicia

73. La formulación de un marco normativo y jurídico que regule el principio de no contacto y la decisión de estos pueblos a mantenerse en aislamiento, y la no intromisión de personas ajenas a sus territorios, es fundamental. Además es importante definir mecanismos de aplicación para poder terminar con la impunidad en casos de agresión a estos pueblos. Entre estos mecanismos hay que incluir la tipificación penal de las acciones de contacto forzado con cualquiera de estos grupos y la protección jurídica del patrimonio indígena. Es muy importante que estos marcos legales contemplen la posibilidad de realizar acciones de protección preventivas ante las posibles amenazas que pueden sufrir estos pueblos. Igualmente es necesario que estos marcos legales establezcan mecanismos de acción y protección ágiles y rápidos. Para esto es importante implicar a los sistemas de justicia, especialmente a los Ministerios Públicos, Fiscales y jueces en la protección de estos pueblos y dotarles de acciones urgentes de protección que puedan implementar con rapidez.

B. Tierras, territorios y planes de contingencia

74. El reconocimiento del derecho de estos pueblos a sus tierras y territorios es fundamental. La protección territorial es una condición esencial para garantizar su supervivencia, tanto física como cultural. Por lo tanto la determinación de sus territorios y el establecimiento de marcos jurídicos que protejan esos territorios resulta crucial. Igualmente importante es la realización de planes de contingencia para prevenir las intrisiones en los territorios de los pueblos en aislamiento y contacto inicial. Con estos planes de contingencia se tiene que prestar atención a los pueblos y comunidades de colonos que viven en las fronteras de los territorios de los aislados y se les tienen que ofrecer alternativas de desarrollo económico que les permita vivir sin necesitar entrar en los territorios de los aislados. Estos planes de contingencia tienen que controlar, además, las actividades extractivas que se puedan desarrollar cerca de los territorios de los pueblos indígenas en aislamiento y en contacto inicial. Estos planes de contingencia deben partir de los marcos jurídicos nacionales e internacionales que reconocen y garantizan los derechos de los pueblos indígenas.

C. Rol de las instituciones públicas y de otros actores

75. La creación de instituciones apropiadas para la implementación de los programas de protección de los pueblos en aislamiento y en contacto inicial, así como la adaptación de las instituciones existentes a las necesidades y características de estos pueblos, es un deber de Estado. Estas instituciones deben disponer de recursos económicos y humanos apropiados para implementar todas las políticas de protección. Además deben ser instituciones fuertemente fortalecidas con compromisos políticos de alto nivel. Dentro de las instituciones que se deben crear es importante destacar la necesidad de instituciones independientes del poder político, que actúen a modo de veedurías u observatorios sociales y que asuman funciones de monitorear las actuaciones del Estado y de asesorar sobre las mejores acciones a realizar.

76. Además de las instituciones que se puedan o deban crear es muy importante establecer sistemas de coordinación entre los diferentes ministerios que pueden tener competencias en la protección de los pueblos en aislamiento y en contacto inicial. Estos sistemas de coordinación puede ser mesas de concertación, comisiones interministeriales, grupos de trabajo…etc.

77. Igualmente importante es potenciar y fortalecer el papel de determinadas instituciones del Estado que deben asumir un rol importante en la protección de los pueblos en aislamiento o en contacto inicial. Mi-
nisterios Fiscales y Jueces deben tener capacidad para actuar con rapidez y eficacia en la protección de estos pueblos. Las autoridades locales, municipales y departamentales deben implicarse de manera co-responsable en la protección de estos pueblos, toda vez que se suelen encontrar en sus municipios o provincias.

78. Asimismo, deberá establecerse claramente las obligaciones de las fuerzas de seguridad del Estado (cuerpos policiales y ejército) en la protección de estos pueblos cuando trabajan o viven en los territorios fronteros del territorio de los pueblos en aislamiento. Las fuerzas de seguridad también deberán asumir un compromiso fuerte en la protección de estos pueblos, de tal forma que solo se permita su presencia en los territorios de los pueblos aislados cuando sea imprescindible y siempre bajo estrictas medidas de control de todos los soldados que participen en las acciones presenciales en sus territorios.

79. Existe la necesidad de generar marcos de coordinación entre los diversos Estados que comparten fronteras y que en muchos casos los pueblos en aislamiento habitan a uno y otro lado de la frontera de manera indistinta. Los Estados, a través de sus instituciones públicas responsables de la protección de estos pueblos, deben generar programas bilaterales o multilaterales para establecer programas de coordinación y actuaciones conjuntas entre diferentes Gobiernos.

80. Por otro lado, es importante reflexionar sobre las responsabilidades de los diferentes actores no públicos que inciden, afectan o protegen a los pueblos indígenas en aislamiento y en contacto inicial, tales como organizaciones indígenas, cooperación internacional, los colonos, las empresas turísticas, las empresas extractivas de recursos naturales y las misiones religiosas, quienes deben asumir su responsabilidad en la protección de estos pueblos cuando trabajan o viven en los territorios de los pueblos en aislamiento. Para lograr una correcta protección de sus derechos resulta fundamental implicar a los diferentes actores privados, donde las organizaciones indígenas y los pueblos indígenas ya contactados son cruciales, dado que son ellos los que viven en los territorios colindantes y en muchos casos tienen relaciones de parentesco con los grupos aislados o en contacto inicial. Igualmente, la cooperación internacional debe asumir una responsabilidad que les implique en la concreción y financiación de los programas de protección y de control que se establezcan.

81. Además de estos actores, hay que tener también en cuenta a otros actores que inciden o afectan a los pueblos en aislamiento y en contacto inicial. De entre estos otros actores hay que prestar especial atención al papel de las empresas extractivas que inciden en los territorios de los pueblos indígenas en aislamiento y en contacto inicial y que en muchos casos establecen relaciones con estos pueblos. Estas empresas deben asumir sus responsabilidades así como las obligaciones que se derivan de la aplicación del derecho internacional de los derechos humanos, y resulta también importante su implicación en la elaboración de los programas de acción, exigiendo a sus trabajadores programas de capacitación para saber actuar en caso de establecer contactos no deseados y auto regulándose de manera estricta para respetar los estándares internacionales que protegen a los pueblos indígenas. Las empresas turísticas también deben asumir su responsabilidad ante los riesgos que sus acciones pueden generar en la supervivencia de los pueblos en aislamiento y contacto inicial. Y consecuentemente el turismo se debería regular de manera estricta para no utilizar la presencia de los aislados como reclamo turístico y exigiendo la realización de un turismo no invasivo.

D. Sensibilización, Monitoreo y Capacitación

82. Se considera relevante una mayor implicación de los Estados en la protección y garantía de los derechos humanos de los pueblos indígenas en aislamiento y en contacto inicial, así como una sensibilidad más proactiva y comprometida con el destino de estos pueblos en el ámbito de sus soberanías territoriales.

83. El diálogo fluido entre gobiernos locales, municipales, regionales y nacionales, organizaciones indígenas y ONG sobre las situaciones que viven estos pueblos, sus problemáticas y necesidades, será sin duda una excelente herramienta de gestión para implementar las acciones y medidas concretas de pro-
tección, a través de mesas de diálogo permanentes que permitan participar a todos los actores.

84. Es fundamental establecer un mecanismo o sistema de monitoreo constante sobre la situación y las condiciones de vida de los pueblos indígenas en aislamiento y en contacto inicial. Dicho monitoreo podría estar basado en la realización y actualización de estudios e informes sobre la situación de los pueblos indígenas en aislamiento y en contacto inicial en cuestiones relacionadas con el ejercicio de los derechos humanos y las amenazas y agresiones que sufren, así como el seguimiento permanente de los avances o retrocesos de los procesos de contacto de los pueblos en contacto inicial. El monitoreo es una herramienta muy importante para proteger los territorios de los pueblos aislados. Este monitoreo nunca debe ser invasivo, no debe molestar a los aislados. Entre las diversas herramientas que se deben fomentar en los sistemas de monitoreo podemos destacar el acceso a información obtenida por medio de entrevistas; imágenes de satélite y georeferenciales; sobrevuelos; expediciones terrestres y fluviales; observación de vestigios dejados por los indígenas (artefactos, alimentos consumidos, habita
tación, etc.); documentación histórica; aprendizaje de la lengua indígena; registro y sistematización de las informaciones recolectadas, con datos oficiales por parte del Estado, con referencia de las áreas ocupadas por indios aislados y de contacto inicial.

85. Los sistemas de monitoreo deben ser eficaces y capaces de manejar y sistematizar los resultados y las evidencias que se obtienen. Debe de existir un sistema de información rápido y de acceso a la información a quien tenga interés en la temática. El monitoreo debe incluir personal local, a ser posible de las comunidades indígenas que viven en la región.

86. El monitoreo debe ser integral, analizando todos aquellos elementos que pueden afectar a los pueblos en aislamiento o contacto inicial. Entre los elementos que deben integrarse en un plan de monitoreo podemos destacar la ocupación territorial (conocer el territorio ocupado por los pueblos indígenas o grupo que utiliza el territorio, por ejemplo, podrán desenvolverse en las diversas épocas del año); condiciones del medio ambiente en el lugar, con inventario de fauna, flora y recursos hídricos; padrones culturales, habitacionales y alimentarios; artefactos utilizados; la situación de sustentabilidad de estos pueblos indígenas (se está consiguiendo sustentar con recursos ambientales disponibles y realizar sus prácticas culturales; condiciones de salud de los indígenas contactados que compartirán el mismo territorio de los pueblos aislados y en contacto inicial, así como la población indígena y no indígena que viven en el entorno del territorio de aquellos pueblos; el entorno (situación socio – económico del entorno de los territorios de los pueblos aislados y en contacto inicial, incluyendo condiciones ambientales, de salud, actividades económicas y emprendimientos públicos y privados, como por ejemplo proyectos de colonización, estaciones de buses, proyectos hidroeléctricos, emprendimientos agroindustriales y de explotación minera – se ve como histórica la ocupación indígena y no indígena de la región); monitoreo de los territorios sobre los procesos de demarcación de los territorios ocupados por pueblos aislados y en contacto inicial, inclusive en la región de las fronteras internacionales de los países; y monitoreo de los recursos hídricos y ambientales de modo general en las esferas internacionales. Al margen de estas cuestiones, el monitoreo también debe incluir los planes gubernamentales y de las actividades de las autoridades públicas. El monitoreo debe alcanzar otras cuestiones además de las evidencias sobre los aislados. Están las actividades extractivas, las actividades del turismo, todas las actividades ilegales que se realizan en la región que también hay que monitorear. Con las actividades extractivas el monitoreo suele ser problemático porque muchas veces las empresas se niegan a ser monitoreadas y ponen muchas trabas (tienen que dar permisos), incluso cuando son las instituciones del Estado las que tratan de realizar estas acciones de monitoreo.

87. En las actividades de monitoreo hay que saber establecer programas de coordinación y trabajo conjunto entre las acciones que se desarrollen desde el Estado, como consecuencia de sus obligaciones, y las acciones de monitoreo que se desarrollen desde la sociedad civil y las organizaciones indígenas. La coordinación y el intercambio de información entre todos estos actores son fundamentales.

88. Al margen de los sistemas de monitoreo nacionales que se puedan establecer, es importante generar...
un sistema de monitoreo regional con implicación directa de Naciones Unidas, a través de las presencías de terreno de la OACNUDH y de otras agencias de Naciones Unidas presentes en la región.

89. Por otro lado, la capacitación y sensibilización es fundamental para la protección de los pueblos en aislamiento y en contacto inicial. Hay que desarrollar programas de formación de profesionales que puedan actuar en los diferentes programas de protección. Bien de los pueblos indígenas en aislamiento, en los programas de monitoreo y control de los territorios, o bien de los pueblos indígenas en contacto inicial en los programas de contacto que se gestionen. Estos programas de formación deben contener un apartado sustantivo centrado en la salud y la prevención de enfermedades, la seguridad y el rol de las fuerzas armadas, los actores privados que operan en los territorios, el turismo, etc. Hay que desarrollar programas de capacitación y sensibilización para la sociedad en general, adaptando estos programas a los grupos sociales específicos con los que se vaya a trabajar. Especial importancia hay que otorgar en este apartado a los programas educativos para la infancia.

90. La capacitación es muy importante y se debe potenciar mucho desde las directrices. Capacitación a funcionarios a todos los niveles (nacional, regional, local) con contenidos multidisciplinarios en donde participaran de manera coordinada los diferentes entes estatales con competencias en estos ámbitos. En este contexto, también sería muy importante potenciar intercambios de experiencias y conocimientos técnicos con otros países de la región que han avanzado más en todo lo que tiene que ver con la protección de los aislados. Debe existir una formación permanente para los funcionarios públicos, teniendo en cuenta la rotación interna. Estos procesos de capacitación deben incluir de manera muy especial a los poderes judicial y legislativo, así como a aquellos ministerios que puedan tener implicaciones directas en la protección de estos pueblos como por ejemplo los ministerios de cultura, salud o educación. Es importante que en estas capacitaciones participen los funcionarios que tienen capacidad de decisión además de los técnicos que implementan las políticas. Las organizaciones indígenas deben participar de manera importante en estas capacitaciones.

E. Participación y diálogo permanente

91. Para fomentar la coordinación entre los diferentes actores públicos y privados se podría promover la conformación de comisiones nacionales de concurrencia dirigidas a la protección de los pueblos indígenas en aislamiento y en contacto inicial. Estas comisiones deben ser operativas, eficaces y agiles en sus metodologías de trabajo y deben tener capacidad para debatir y analizar en profundidad las acciones y medidas de protección que se deban implementar. Estas comisiones deben promover un diálogo fluido entre gobiernos locales, municipales, regionales y nacionales, organizaciones indígenas y organizaciones no gubernamentales sobre las situaciones que viven estos pueblos, sus problemáticas y necesidades, ya que el diálogo será sin duda una excelente herramienta de gestión para implementar las acciones y medidas concretas de protección. Estos diálogos se estructurarían a través de mesas de diálogo permanente que permitan participar a todos los actores que quieran implicarse en la protección de estos pueblos.

92. Estas comisiones deben promover especialmente la participación de aquellas organizaciones indígenas que se estén implicando en la protección de los pueblos en aislamiento y en contacto inicial. Igualmente deben promover la participación de las comunidades indígenas y de colonos que viven en los territorios de frontera con los territorios de los pueblos indígenas en aislamiento o en contacto inicial. Y por último también es importante contar con las organizaciones de la sociedad civil que trabajan por la protección de estos pueblos.

F. Desarrollo de protocolos de protección y protocolos de contacto

93. Resulta muy importante que Estados estén preparados ante la eventualidad de un contacto no deseado o de una amenaza que surja en los territorios de los pueblos en aislamiento o en contacto inicial. La finalidad de estos protocolos será que los diferentes actores que se impliquen en su protección tengan claras las reglas de actuación y los pasos a seguir. Todos estos protocolos deben tener como eje central la protección de las tierras y territorios de los pueblos indígenas en aislamiento y en contacto.
inicial y las coordinaciones que se deben establecer. Estos protocolos serán multidisciplinares, afectando a todas las instituciones que vayan a tener responsabilidades directas o indirectas en las acciones de protección.

94. Estos protocolos deben realizarse siempre desde la necesidad de generar políticas preventivas para garantizar la protección de sus derechos humanos y sobre todo el respeto de su derecho de autodeterminación.

95. Los protocolos de contacto servirán para aquellas situaciones en las que por razones de fuerza mayor el contacto sea necesario. Estos protocolos deberán ser una garantía para minimizar las consecuencias del primer contacto, asegurando que los procedimientos de actuación garanticen las vidas y las culturas de estos pueblos. Estos protocolos deben basarse en los principios planteados en estas directrices y deberían utilizar las mismas como guía para su establecimiento. Además estos protocolos deben basarse en el derecho de los pueblos indígenas a no ser sometidos a procesos de aculturación o de desaparición que recogen los artículos 7 y 8 de la Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas.

Notas

1 A/60/270, párr. 45.
2 Ibíd., párr. 51.
3 Véase anexo.
5 Ibíd., párr. 40.
7 En este contexto se puede interpretar el aislamiento como aquella situación en la que un pueblo indígena o parte de él no ha desarrollado relaciones sociales sostenidas con los demás integrantes de la sociedad nacional o que habiéndolas desarrollado, han optado por descontinuarlas, Perú, Ley 28736, Ley para la protección de los Pueblos Indígenas en Aislamiento y en Contacto Inicial, Artículo 2b.
8 Los países de la región amazónica, el Gran Chaco y la región Oriental de Paraguay utilizan, en algunos casos, terminologías diferentes a las empleadas en estas guías; no obstante, el contenido de las diferentes denominaciones hace referencia a una misma realidad.
9 Por acción indirecta se entiende diversos tipos de acciones, entre las que podemos destacar: fotografías aéreas de sus campamentos, visitas a campamentos abandonados, pruebas de pasos, artículos abandonados, relatos de contactos contados por pueblos cercanos y/o testimonios de indígenas que por una u otra razón abandonaron la condición de aislamiento o las series históricas de informaciones georeferenciales.
10 El derecho a la vida se reconoce en la Declaración Universal de Derechos Humanos (art. 3) y el Pacto Internacional de Derechos Civiles y Políticos (art. 6). El derecho a la salud está recogido en la Declaración Universal de Derechos Humanos (art. 25) el Pacto Internacional de Derechos Económicos, Sociales y Culturales (art. 12). El derecho a mantener sus formas de vida está recogido en diversos instrumentos internacionales, como la Declaración Universal de Derechos Humanos o el Pacto Internacional de Derechos Civiles y Políticos (art. 27). El derecho a la autodeterminación está recogido en el artículo 1 de ambos Pactos Internacionales de derechos humanos.
11 Estos marcos internacionales deben tenerse en cuenta sin desmercere el jurisprudencia o normativa nacional que pueda existir para la protección de los pueblos en aislamiento y en contacto inicial, siempre y cuando se muestren coherentes con los estándares internacionales.
12 Entre todas estas recomendaciones que han sido planteadas por los diversos Comités podemos destacar las Observaciones generales del Comité de Derechos Humanos N° 23, sobre el derecho de las minorías (artículo 27 del Pacto), y N° 27 sobre la libertad de circulación (artículo 12 del Pacto). También es importante la Observación general N° 14 del Comité de Derechos Económicos, Sociales y Culturales sobre el derecho al más alto nivel posible de salud (artículo 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales) y la Recomendación general N° 23 del Comité para la Eliminación de la Discriminación Racial (CERD) relativa a los derechos de los pueblos indígenas, El CERD resulta doblemente importante, ya que además de los planteamientos que dejan claros en dicha Recomendación General, se ha posicionado de manera reiterada exigiendo el respeto de los derechos de los pueblos indígenas, especialmente de sus derechos territoriales y exigiendo a los Gobiernos que adopten medidas de presión para exigir a sus corporaciones transnacionales que respeten los derechos de los pueblos indígenas. Ya en el año 1997 el CERD requirió a los Gobiernos de Canada y EEUU que adoptaran medidas para exigir a sus empresas transnacionales el respeto de los derechos de los pueblos indígenas, aun cuando operan en terceros países.
14 Artículo 6 del Convenio.
15 Artículo 7 del Convenio.
16 Artículos 13 a 19 del Convenio.
17 Artículo 25 del Convenio.
18 Artículos 2 a 5 del Convenio.
19 El derecho a la autodeterminación (art. 3), a la autonomía y el autogobierno (art. 4), a mantener sus propias instituciones (art. 5), a la vida, la integridad física, la libertad, la seguridad de las personas y a vivir colectivamente en libertad, paz y seguridad (art. 7), a que no se destruyan las culturas y sufran procesos de asimilación forzosa.
(art. 8), a mantener sus costumbres y tradiciones (art. 11), a desarrollar, practicar y enseñar sus tradiciones y costumbres (art. 12), a transmitir sus culturas y creencias a las generaciones futuras (art. 13), el derecho de participación (arts. 18, 27, 30 y 31), a la consulta y el consentimiento previo, libre e informado (art. 19), el derecho a mantener sus prácticas de salud y a sus medicinas tradicionales (art. 24), los derechos sobre las tierras, territorios y recursos (arts. 25 a 32). Incluso las obligaciones que establece para los Estados y para los órganos y organismos especializados de las Naciones Unidas (arts. 38 y 42) para hacer posible la implementación de los derechos de la Declaración. De todos estos derechos, quizás los más relevantes desde el punto de vista de los pueblos en aislamiento voluntario y contacto inicial puedan situarse alrededor de los artículos 3, 7 y 8 de la Declaración, ya que sin estos, el ejercicio de los demás resulta imposible.


21 Hasta la fecha de publicación de estas Directrices la CIDH ha otorgado medidas cautelares a pueblos en aislamiento en dos ocasiones. Por un lado decreto medidas cautelares el 22 de marzo de 2007 a favor de los pueblos indígenas en situación de aislamiento voluntario Mashco Piro, Yora y Amahuaca que habitan la zona del río Las Piedras, departamento de Madre de Dios, en el Perú. Y por otro lado decreto medidas cautelares el 10 de mayo de 2006 a favor de los pueblos indígenas Tagaeri y Taromenani que habitan en la selva amazónica ecuatoriana situada en la zona fronteriza con el Perú y se encuentran en aislamiento voluntario u “ocultos”.

22 Corte Interamericana de Derechos Humanos, Caso Comunidad Mayagna de Awas Tingni vs. Nicaragua, Sentencia del 31 de agosto de 2001; Corte Interamericana de Derechos Humanos, Caso Comunidad Indígena Yakye Axa vs. Paraguay, Sentencia del 17 de junio del 2005; Corte Interamericana de Derechos Humanos, Caso Comunidad Indígena Sawhoyamaxa vs. Paraguay, Sentencia del 29 de marzo de 2006; Corte Interamericana de Derechos Humanos, Caso de la Comunidad Moiwana vs. Surinam, Sentencia del 15 de junio de 2005; Corte Interamericana de Derechos Humanos, Caso del Pueblo Saramaka vs. Surinam, Sentencia del 28 de noviembre de 2007; Y Corte Interamericana de Derechos Humanos, Caso Comunidad Indígena Xákumok Kásek vs. Paraguay, Sentencia del 24 de agosto de 2010.

23 Este reconocimiento se realiza a través de la Cláusula de Competencia que establece el artículo 62 de la Convención Americana de Derechos Humanos.

24 En dicho caso la Corte Interamericana utiliza la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas para fundamentar los derechos de participación y el derecho al consentimiento previo, libre e informado. Corte Interamericana de Derechos Humanos, caso del Pueblo Saramaka c. Suriname, sentencia de 28 de noviembre de 2007, párr. 132.

25 Ver las sentencias de los casos Yakye Axa y Sawhoyamxa vs. Paraguay

26 Ver Informe del Relator Especial sobre la Situación de los Derechos Humanos y las Libertades Fundamentales de los Indígenas, S. James Anaya, A/HRC/15/37 de 19 de julio de 2010

27 La autodeterminación se da en el contexto de un marco constitucional que la delimita. No debe comprenderse como un derecho que autoriza la creación de zonas exentas a la regulación legal por parte del Estado, o como un territorio de control judicial. La autodeterminación tampoco puede ser confundida “con pretensiones autárquicas, separatistas o antisistémicas, puesto que deben considerarse junto con el principio de unidad de gobierno e integridad territorial del Estado.

28 Un listado completo de dichos instrumentos puede encontrarse en la Observación general Nº 14 del Comité de Derechos Económicos, Sociales y Culturales.

29 Artículo 25 del Convenio nº 169 de la OIT, artículos 23 y 24 de la Declaración de Naciones Unidas sobre los derechos de los pueblos indígenas.