

INDIGENOUS AFFAIRS

RACISM



IWGIA

CONTENTS

editorial

4

Suhas Chakma

international

RACIAL DISCRIMINATION AGAINST
INDIGENOUS PEOPLES

8

A GLOBAL PERSPECTIVE

Chandra Roy

america

RACIAL DISCRIMINATION AGAINST
INDIGENOUS PEOPLES IN THE UNITED STATES

16

Alberto Saldamando

RACISM AND DISCRIMINATION AGAINST
THE DAUGHTERS OF MOTHER EARTH

24

Tarcila Rivera Zea

DECLARATION OF THE INDIGENOUS PEOPLES
OF THE AMERICAS IN SANTIAGO DE CHILE

32

WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED INTOLERANCE

oceania

AUSTRALIA & RACE:
STOP THE WORLD, WE WANT TO GET OFF!

34

Peter Jull and Kathryn Bennett

THE PINTUPI LOSE A HERO

41

OBITUARY FOR KUMANTJAYI ZIMRAN 1949-2000

David Ross



contents



asia

THE RESISTANCE OF THE INDIGENOUS PEOPLES OF ASIA AGAINST RACISM AND RACIAL DISCRIMINATION

42

Victoria Tauli-Corpuz

THE ADIVASIS OF INDIA - A HISTORY OF DISCRIMINATION, CONFLICT AND RESISTANCE

54

C.R. Bijoy



africa

EVOLVING DISCRIMINATION AGAINST THE FOREST PEOPLE ('PYGMIES') OF CENTRAL AFRICA

62

Justin Kenrick and Jerome Lewis



Cover:
Pygmy man, the Democratic Republic of Congo. Photo: Espen Wæhle
Dao woman, Lao Cai Province, Vietnam. Photo: Christian Erni
Young man from Jharkhand, India. Photo: Roger Begrich

Indigenous Affairs is published 4 times per year



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Editor: Marianne Jensen
Price: Single copies US\$ 5.00 + postage - (ISSN 1024-3283)
Subscription rate:
US\$ 40.00 (individuals) US\$ 70.00 (institutions)

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LOOKING
BEYOND
APARTHEID

By Suhas Chakma

"Notwithstanding the commitments made by the international community, especially at the World Conference on Human Rights (Vienna, June 1993) at which the rapid and complete elimination of all forms of racism and racial discrimination was declared to be a priority task of the international community, contributions to the Fund have remained below the levels hoped for. On 2 June 1995 it was reported that no contributions had been received for 1995... It is therefore certain that, unless a supplementary financing effort is made, very few of the activities planned for the period 1994-1997 will be carried out." – The Office of the High Commissioner for Human Rights on the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (<http://www.unhcr.ch/html/menu2/9/vfracism.htm>).

The Economic and Social Council (ECOSOC), in its resolution no. 1993/8 stated that *"voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation"* of the programmes. In numerous resolutions, various United Nations bodies called for "generous contributions". The Trust Fund has received no generous contributions and neither has the Office of the High Commissioner for Human Rights (OHCHR) felt the need to update the website noted above. The state of the Trust Fund to Combat Racism does not bode well for the forthcoming *"World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance"* (WCAR) to be held in Durban, South Africa from 31st August to 7th September this year.

Background

Since 1973, the General Assembly has designated three decades of action to combat racism and racial discrimination. The UN has also organized two World Conferences Against Racism in 1978 and 1983 respectively. The First and Second World Conferences primarily focused on apartheid. But the scourge of racism continues to plague all societies.

In 1993, the General Assembly, in its resolution (A/RES/132 of 23 February 1993), proclaimed the *"Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance"*. The General Assembly resolution acknowledged that *"indigenous peoples are at times victims of particular form of racism and racial discrimination"* and urged *"The Secretary General, the United Nations bodies, the Specialised agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, to pay particular attention to the situation of indigenous people"*.

Young girl from the Andean area of Peru. Photo: The International Labour Office

In 1997, as part of the Third Decade to Combat Racism and Racial Discrimination, the General Assembly decided (resolution 52/111) to convene the Third World Conference Against Racism no later than 2001. The Commission on Human Rights, in its resolution 2000/14, requested the preparatory processes for the WCAR “to identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest”.

Indigenous perspectives

The forthcoming WCAR is potentially of great significance to the indigenous peoples of the world. Indigenous peoples face all kinds of racial discrimination on the basis of their race, colour, descent, national or ethnic origin. Many states in Asia, Africa and South America not only deny equal rights for indigenous peoples through racially motivated laws but also legally sanction summary executions to silence all forms of opposition on the part of indigenous peoples against domination and assimilation. Racial discrimination against the aborigines in Australia and Native Americans in North America requires little introduction. Although many national constitutions prohibit racial discrimination, there is a yawning gap between rhetoric and reality. Institutionalised, pervasive and rampant societal discrimination against indigenous peoples impairs the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Although the First and Second World Conferences recognised indigenous peoples' rights, only a few programmes of action for indigenous peoples have in fact been implemented.

The Final Declaration and Programme of Action of the WCAR will be a statement of intent. The right to self-determination, the right to the ownership, exploitation, control and utilisation of their land and territories, the recognition of indigenous peoples' special relationship with land, the right to determine their own pace of development, compensation for all forms of racial discrimination and, most importantly, the right to be recognised as “peoples” are some of the critical issues of concern to indigenous peoples.

The preparatory process

The preparatory process leading up to the WCAR is crucial to the final outcome of the World Conference, namely the “Declaration and Programme of Action” – a highly important document by which international standards will be set.

The preparatory processes have so far consisted of a number of regional Expert Seminars, Regional Govern-

mental Preparatory Conferences held in France, Chile, Senegal and Iran, NGO fora prior to the Regional Preparatory Conferences and NGO Networking Meetings in Poland, Botswana, Jordan, Nepal, and Ecuador. A cursory scrutiny of the preparatory processes reveals that there has been little introspection as to why the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination has failed to make any progress.

The Regional Expert Seminars were organised on thematic issues. None of the Regional Expert Seminars focused exclusively on indigenous peoples. In the European region, indigenous peoples' representatives were not included – not even in the NGO Steering Committee.

Among the Governmental Regional Preparatory Conferences, only the Regional Preparatory Conference for the Americas – held in Santiago de Chile – addressed indigenous issues with any substance, as the large group of indigenous representatives successfully managed to influence the governments. The European Regional Conference failed to refer to indigenous peoples. The African, East European and Asian Regional Conferences referred only obliquely to indigenous peoples.

Most of the NGO Fora had little influence on the Regional Governmental Declarations and the participation of NGOs was restricted. In the Tehran Asian Regional Preparatory Conference, Ambassador Ali Khorram of Iran, Chairman of the Drafting Committee publicly regretted that the contributions of the NGOs could not be accommodated. Even the “Elements for a Draft Declaration and Programme of Action” of the Secretary General of the WCAR, which was presented for the Inter-sessional Open-ended Working Group meeting in Geneva in the beginning of March 2001, did not include a single paragraph from any of the Declarations of the NGO Fora facilitated by the Secretariat. This fact alone seems to make a farce of NGO participation altogether.

Apart from participating in the various preparatory meetings around the world in order to try to influence the texts in terms of addressing indigenous issues, indigenous peoples have also organized their own conferences in order to make a substantial input to the process. One such major meeting was a preparatory meeting on indigenous peoples and racism in Australia, New Zealand, Canada, Hawaii and the United States, held in Sydney, Australia. Also, the indigenous peoples from Nunavut, the Northwest Territories and the Yukon in Canada have recently held a regional consultation. There rests a strong obligation on the Secretary General of the WCAR to make sure that the preparatory efforts of the indigenous peoples – as well as of civil society as a whole – are seriously taken into consideration in the remaining preparatory processes for elaboration of a Draft Declaration and Programme of Action.

Before the Inter-sessional Open-ended Working Group on the WCAR held in Geneva in March 2001, the Secretary General of the WCAR released the “Elements for a Draft Declaration and Programme of Action for the World Con-

ference” based on the reports from the various preparatory conferences. In an attempt to exclude the “politically controversial issues”, the “Elements” included only the lowest common denominators. It was not just the “political judgement” – deciding which paragraphs from different regional declarations were “politically controversial” – that tainted the “Elements” but also the casual approach to the preparation of the “Elements”.

Racial discrimination towards indigenous peoples is far from satisfactorily addressed in the “Elements” and the terms indigenous people, indigenous peoples and indigenous populations are used inconsistently. During the Inter-sessional Open-ended Working Group in March in Geneva, the Indigenous Caucus made concerted efforts to improve the text. However, as the meeting was extensively delayed due to backdoor political negotiations, only limited progress was made.

It is disconcerting that very little has so far been achieved in the Working Group on the WCAR. When it meets again on 7-11 May 2001, it will discuss the Draft Durban Declaration and Programme of Action that is to be drawn from six sources: the four Regional Declarations, the Elements for a Draft Declaration and Programme of Action for the World Conference, and a compendium of the four regional declarations - a messy affair by any yardstick.

As there was widespread dissatisfaction with the Elements for a Draft Declaration during the Inter-sessional Open-ended Working Group meeting, it was decided that a compendium be made of the four regional declarations to make sure that all important aspects will be included in the Draft Declaration and Programme of Action. However, the status of the compendium vis-à-vis the Elements for a Draft Declaration and Programme of Action remains unresolved. If the compendium is not to replace the Elements for a Draft Declaration and if the discussion is to continue on the basis of the Elements for a Draft Declaration, the question remains as to why there was a need to prepare a compendium at all. While the states were beating around the bush on two politically controversial issues – compensation and reference to Israel – there is no doubt that the Secretariat’s weak draft has contributed to the game of political brinkmanship being played by the states.

Global phenomenon of racism

The word “racism” spontaneously conjures up the image of discrimination by whites against non-whites. Although monotheistic religions, in their archaic form, contributed to the origins of racism, the stereotypical notion of racism is intrinsically intertwined with European colonialism with particular reference to the Americas, Australasia and Africa. African, Asian and Latin American countries have, during the preparatory process, consistently focused their attention on stereotypical notions of racism, such as enslavement of Africans, the Nazi holocaust and the atti-

tudes and practices caused by the misconceived superiority of the Western countries, their policies and practices of colonialism and the expansionism of structures with built-in forms of discrimination.

The African, Asian and Latin American countries have raised racism, racial discrimination, apartheid and similar forms of segregation as if they only existed in the colonial context in their own regions, and in the present day West. Racism is undoubtedly more explicitly manifested in the West but it does not preclude the existence of racism in Asia, Africa and Latin America.

There is no doubt that the pervasive nature of racial discrimination in both the domestic sphere and the foreign policy of Western states deserves attention in the forthcoming Third WCAR. The official treatment of coloured immigrants and refugees, police violence against racial minorities and the continued denial of the enduring effects of colonialism and slavery in Africa by the West are often highlighted by the countries of the South.

And yet, no-one denies the fact that immigrants and migrant workers in the Western countries are subjected to more judicial scrutiny. Asia, Africa and Latin America can boast of no such scrutiny. With regard to migrant workers, the 1963 Vienna Convention on Consular Relations is not even respected. Problems such as *de jure* discrimination against Koreans in Japan, against the Chinese in Indonesia; the disastrous transmigration policies of Indonesia and Bangladesh for indigenous peoples; the deaths of migrant workers in Malaysian detention centers and the discrimination against indigenous peoples in a whole range of countries in the South – are generally disregarded by the offending states even if they point the moral finger at other countries. These are the kinds of issues that may be glossed over in a WCAR that gives unbalanced attention to one geographic or geopolitical area of the world.

Contextualising the local issues in a global conference

Like any other World Conference, the challenge for the victims of racism and for NGOs supporting them is to contextualise the local issues in a global conference. Many governments refuse to acknowledge that racial discrimination exists in their countries, in some cases by denying the existence of racial minorities.

Bangladesh, for example, claimed to the CERD Committee (Committee on the Elimination of Racial Discrimination) that it is a “racially homogeneous” and “post-racial discriminatory” society. Describing itself as a “melting pot” of different races, Bangladesh claimed that the “categorical distinction of ‘race’ or ‘ethnic origin’ per se has ceased to exist and that race itself as an issue does not impinge on the consciousness or outlook of the Bangladeshi people”. Yet, Bangladesh refers to a “five per cent quota for tribal peoples” and the need to promote respect

for diversity and to undertake affirmative action policies, which makes the Government's claim of "racial homogeneity" erroneous and misleading. India tried to assert that Article 1 of the ICERD (The International Convention on the Elimination of All Forms of Racial Discrimination) is not applicable to India but it was firmly rebuked by the CERD Committee. In fact, the CERD Committee noted, in reviewing Mexico's periodic report, that Mexico, "does not seem to perceive that pervasive discrimination being suffered by the 56 indigenous groups living in Mexico falls under the definition given to racial discrimination in article 1 of the Convention."

Even when a state acknowledges the existence of racial discrimination, there are no legal mechanisms or systems for addressing such abuses. In the case of Costa Rica, the CERD Committee stated that, "few cases of racial discrimination have reached the courts or administrative bodies, the Committee is concerned about the effective access to protection and remedies against any acts of racial discrimination of, in particular, the indigenous population, the black minority, refugees and immigrants." In Peru, it is reported that there have been "allegations of forced sterilization of women belonging to indigenous communities." In Guatemala it is reported that "a climate of violence and intimidation still exists in the State party and that the detrimental effects of that climate are mostly borne by the indigenous population."

But there are many states that never implement the Concluding Observations and Recommendations of the CERD Committee. Australia has, for example, refused to implement the CERD Committee recommendations on the Native Title Amendment Act.

Many states have neither signed nor ratified the International Convention on the Elimination of All Forms of Racial Discrimination and have thereby escaped international scrutiny. The challenge is how to contextualise these local issues at a global conference in the face of the opposition and denial of the states involved in relation to the existence of racism and racial discrimination in their own backyards.

Conclusion

Whether the Declaration and Programme of Action of the WCAR will translate into action at national and international level depends on the political will of the states. The Final Declaration and Programme of Action will most likely be one of "less action and more rhetoric". But, it does not prevent the UN from making concrete programmes of action regarding indigenous peoples. The WCAR should recommend the Secretary General of the UN to develop *Guidelines on the Integration of Indigenous Peoples' Rights into the United Nations Programmes and Practices* and to invite financial and development institutions and the operational programmes and specialised agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies:

- a) to assign greater priority and allocate more funding, within their areas of competence, to improving the status of indigenous peoples including, *inter alia*, the preparation of specific programmes of action with a view to achieving the objectives of the International Decade of the World's Indigenous Peoples; and
- b) to carry out special projects, in collaboration with indigenous peoples, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between indigenous peoples and experts in these areas;

Moreover, a "World Conference on Indigenous Peoples" before the end of the International Decade of the World's Indigenous Peoples would be the appropriate way to make progress towards advancement of indigenous peoples' rights within the United Nations system.

The post-apartheid era has witnessed the emergence and proliferation of NGOs and other civil society actors. Government delegates who (rightly) targeted the apartheid regime of South Africa and its Western allies now (rightly) find themselves the targets of their own failure to address racism and discrimination in their own backyard, including racism and discrimination towards their indigenous populations. It is unlikely that the WCAR will be able to address the full scope of the problems of racism, racial discrimination, xenophobia and related intolerance. But it will certainly provide an opportunity to address issues of racism and racial discrimination beyond apartheid.

This issue of *Indigenous Affairs* focuses on the racism and discrimination faced by indigenous peoples around the world. The first article focuses on global perspectives and international developments. There then follow articles on the situation of indigenous peoples in the United States, in Australia, in Asia in general and in India in particular. We furthermore provide articles on the particular discrimination suffered by indigenous women in Latin America and by the indigenous Forest Peoples of Central Africa. It is our hope that the documentation and recommendations contained in these articles may be of use for those indigenous peoples, human rights activists and others who are active in the preparations for the WCAR at various levels, and that the articles will be a useful source of information for all those interested in the issue in general.

Suhas Chakma is Director of the New Delhi-based Asian Indigenous and Tribal Peoples Network. □

RACIAL DISCRIMINATION AGAINST INDIGENOUS PEOPLES:

A GLOBAL PERSPECTIVE

By Chandra Roy

The United Nations will convene the Third World Conference to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance from 31 August to 7 September 2001 in Durban, South Africa. This will provide the global community with an opportunity to examine discrimination and xenophobia, with its myriad manifestations and complex connotations in more depth as we commence the twenty-first century.

No country in the world is exempted from this practice. However, what is of grave concern is the increase in the number of racially-motivated acts that occur in both developing and industrialized countries. The rise of neo-nationalist groups in Europe, the continuing existence of white supremacist organizations in the US such as the Ku Klux Klan, the Barbri mosque debacle in India, and the ethnic conflicts in the Balkans, Indonesia and Rwanda all serve to demonstrate that the scourge of racism and xenophobia persists in our world. The holding of the World Conference in South Africa, a country which has successfully come to terms with its past as an apartheid state, brings a much needed reminder that racism, racial discrimination, xenophobia and related intolerance can be overcome and a process of peace and reconciliation employed as a useful tool to heal past wounds.

The gravity of this problem is demonstrated by the organizing of a conference to address the issue of racism and intolerance at the global level, the third such event. Two previous world conferences, held in 1978 and 1983, discussed this problem and identified strategies for action, yet twenty years later the scourge of racism and racial discrimination continues. Many people face racism in their daily lives - when looking for jobs, for a place to live, for entrance to a college or university, etc. - sometimes openly, but more often in a covert manner. For many people, this is a new experience they face when they arrive in a new country as migrant workers, or as political and





*Tampuen grandmother and child, Ratanakiri Province, Cambodia.
Photo: Christian Erni*

economic refugees. However, indigenous peoples have been discriminated against for centuries, from the arrival of the first colonizers in their lands to the current successors of these colonizers.

There are an estimated 300 million indigenous peoples in the world yet, wherever they may live, in an industrialized country or a developing one, from the Aborigines in Australia to the Ayoreo in Bolivia, from the Cree in Canada to the Chin in Burma, the Jummas in Bangladesh to the Jarai in Cambodia and the San in Southern Africa to the Saami in northern Scandinavia and Russia, indigenous peoples encounter intolerance and prejudice in their struggle for survival. A unique element inherent in the discrimination indigenous peoples face is double discrimination - individually, for being an indigenous person, and collectively, for belonging to a peoples different to the more homogeneous national population, and for striving to retain their separate identity and culture.

Major issues

Historically, discrimination against indigenous peoples began with the arrival of the first European colonizers. When they landed in “uncharted” lands, these explorer-entrepreneurs either ignored or denied the existence of the peoples already living on those lands. Rejecting them as “savages”, and in their arrogance and ignorance believing themselves to be “superior”, the new arrivals dominated the first peoples by force, trickery and/or coercion, or through a combination of these and other measures. By fair means or foul, they divested the indigenous peoples of their lands and territories, and thus began a process of discrimination perpetrated by their successor-states to this day. Colonization of indigenous peoples took place from overseas, as in the case of the Americas, Australia and Greenland; over land e.g. Botswana, Finland, Kenya, Nepal, Norway, Russia and Sweden; or a combination e.g. Bangladesh, India, Indonesia and Philippines, to mention a few.

This process of colonization provided the foundation for State discrimination against indigenous peoples, which continues to this day and is manifested in different ways. A key element in this process is land. Indigenous peoples have a strong relationship with their land, a bond shared by all indigenous peoples. They are dependent on their lands for their spiritual and economic survival; without their lands they cannot survive. This is evidenced by the near extinction of some indigenous peoples such as the Uwa people in Colombia, and the Atel and Mlengbrou in Laos, who have lost their ancestral lands due to a government policy of resettlement. One can also witness

the devastating effects of land dispossession and the resulting loss of identity and self-worth in the reservation system imposed on the First Nations of North America. Different mechanisms and tools have been devised to take the land away from the indigenous peoples. They include, but are not limited to the following, and all are inherently discriminatory against the indigenous peoples:

- population transfer programmes, which are a combination of moving indigenous peoples away from their ancestral lands and allocating these lands to settler populations;
- militarization whereby the armed forces occupy indigenous areas and take over lands for army camps, training fields, shooting ranges, air force bases etc.;
- development projects including roads and dams; and
- afforestation programmes and natural parks.

What is apparent is that all these and other such programmes are ostensibly aimed at national development yet carried out to the detriment of indigenous peoples. It is seldom if ever that indigenous peoples have benefited from any of these programmes, yet they have always had to pay the costs, which have been high in both economic and social terms. Does this, too, not constitute a discriminatory application of national development whereby one segment of the population is marked out to pay the price, while seldom having an opportunity to share in the benefits that accrue? For instance, one has only to analyze how many indigenous peoples have electricity in their houses when they are forced to relocate for the construction of a dam; and what has been their involvement, if any, in the creation of natural parks, which are now closed to them and they can no longer use and access the forests that are often their only resource base, to see the discriminatory aspect of these programmes and policies.

As land is their main source of income and livelihood, this continuing erosion of their land rights is the major cause of the current impoverishment of indigenous peoples. In all countries with indigenous peoples, they are among the poorest segments of the national population, with the lowest levels of income and education, and high levels of malnutrition, with problems in health and sanitation etc.

The number of hospitals and health centres in indigenous areas is often lower than in other areas in the country e.g. Cambodia, Chittagong Hill Tracts, Laos, Russia and Peru. In addition, many of the health carers do

not wish to stay in these areas as they do not speak the language and find the living conditions too harsh for them. Another aspect of this problem is that many of the indigenous peoples are exposed to new diseases brought in by outsiders, diseases of which they have no experience such as, cholera, malaria, and diarrhoeal illnesses with often fatal consequences, such as that experienced by the indigenous peoples in Brazil when the *garimpeiros* (gold miners) brought disease in with them.

Another area in which indigenous peoples face discrimination is education. This has two components, one being that indigenous peoples often face discrimination in access to educational facilities, and the other being that most national educational programmes and curricula are devised without taking into account the special characteristics of the indigenous peoples. The medium of instruction is often the national language, and in some countries the use of indigenous languages was prohibited e.g. Bolivia and Norway. In addition, as a general rule, school textbooks do not include any references to the indigenous peoples of the country, or to their culture and traditions, and the focus is on an interpretation of history that may differ from theirs. This has the effect of making indigenous children feel that they are not part of the national society, a factor compounded by teachers who are themselves ignorant of indigenous cultures and thus do not attempt to incorporate this element into their methodology, with the end result that many indigenous children feel marginalized, and leave school prematurely without completing their studies. Those that do continue often face discrimination in accessing institutions of higher education.

Another element is the prejudice they face when applying for jobs, and the problems of gaining access to higher positions. As is the case for women, indigenous peoples too often encounter the glass ceiling when it comes to promotion, and remain among the workers in the lower levels of the enterprise. In most countries, when assessing the number of indigenous peoples employed in private or State enterprises, their numbers are often largest among menial and day labourers, with little prospect of promotion or a more responsible and higher paid job. This is exacerbated by the discrimination they face in the job market, including in the recruitment process. All these factors contribute to the high unemployment rates among indigenous peoples when measured against the national aggregate. Many, if not most, indigenous peoples are often self-employed, or engaged in a variety of occupations including traditional occupations such as hunting and fishing, weaving, basketry, animal husbandry and subsistence agriculture.

Young Marma woman. Rangamati District, Chittagong Hill Tracts, Bangladesh. Photo: Christian Erni





Indigenous people from Salta, Argentina. Photo: Nicolás Geller

Another question that is often asked is – why should indigenous peoples receive treatment different from others, e.g. affirmative action policies, quota systems etc. as this is in itself seen as discriminatory against the majority population? However, one has to place this into context, and view this from the perspective of past injustices and efforts to ensure such practices do not occur, and examine affirmative action policies for indigenous peoples in the same manner as those for women or for ethnic minorities in some countries. Just as these proactive measures are undertaken in order to ensure these vulnerable groups have equal representation and are protected from aggressive policies that overlook their special characteristics, in the same way, affirmative policies aimed at securing the effective participation of indigenous peoples also seek to achieve racial equality and to ensure indigenous peoples are placed on the same level of advancement as all others in the country.

International developments

Since its inception in 1945, the United Nations has stressed the need for the protection and promotion of fundamental freedoms and human rights for everyone, irrespective of race, colour or creed and these principles are enshrined in UN human rights instruments including the Universal Declaration for Human Rights and the International Covenant on Economic, Social and Cultural Rights.

Studies and reports of the UN highlighted racial discrimination as a world-wide problem and, to specifically address this issue, in 1963 the UN adopted the UN Declaration on the Elimination of Racial Discrimination and subsequently, the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in 1965. Article 1 of ICERD defines racial discrimination as:

“any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

The UN Committee on the Elimination of Racial Discrimination is responsible for monitoring the implementation of the Convention and holds regular sessions to examine developments in this field. During the course of its work, it has looked into the situation of many countries and, in doing so, has also looked into the plight of indigenous peoples living in those states. On 18 August 1997, the Committee adopted General Recommendation XXIII (51) stating its concern at the continuing discrimination against indigenous peoples: *“The Committee is conscious of the fact that in many regions of the world indigenous peoples have been, and are still being, discriminated against, deprived of their human rights and fundamental freedoms, and in particular that they have lost their land and resources to colonists, commercial companies and State enterprises. Consequently the preservation*

of their culture and their historical identity has been and still is jeopardized.” The Committee called for restitution of the lands and territories of the indigenous peoples and, where this is not possible, for just, fair and prompt compensation including comparable lands. It has examined the situation of the indigenous peoples when examining reports from countries such as, but not limited to, Australia, Bangladesh, Canada, Denmark, Guatemala, Mexico and Norway and has stressed the need for a non-discriminatory approach when protecting human rights and fundamental freedoms.

Other UN bodies have also looked at the question of indigenous peoples and discrimination, including a study commissioned by the UN to examine this question in more depth: *Study of the Problem of Discrimination Against Indigenous Populations* by Mr. J. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add. 1-4). Known as the Cobo report, this was a contributory factor to the establishment of the UN Working Group on Indigenous Populations (WGIP). The WGIP is mandated to study developments in this field and standard-setting activities, among other matters, and has met regularly at the UN in Geneva since its inception in 1982.

In 1994, after ten years of intensive deliberations, the WGIP adopted a Declaration on the Rights of Indigenous Peoples (DDIP). This draft instrument was elaborated with the active participation of indigenous peoples from all over the world. At present, the draft declaration is

under consideration by a working group of the UN Commission on Human Rights. The draft declaration, as it currently stands, has a number of articles relating to discrimination including Article 2 which states: “*Indigenous individuals and peoples are free and equal to all other individuals and peoples in dignity and rights, and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin and identity.*” The working group on the DDIP has met on six occasions so far, without much substantive progress - two articles adopted out of a total of 45 - and these two on individual rights. Collective rights, in particular the right to self-determination, are opposed by state parties, who perceive this as a threat.

However, the adoption process of the DDIP has met with opposition from state parties most of whom refuse to agree a text that refers to “indigenous peoples”. Indigenous peoples, on the other hand, are vehemently opposed to accepting a declaration that states otherwise. And this controversy around the use of the term “peoples” has drawn further attention to the discriminatory orientation of state parties during the drafting process - all peoples are recognized as peoples, with the exception of indigenous peoples. Dr. Erica-Irene Daes, who has been the chairperson-rapporteur of the WGIP for a number of years, has confirmed this approach in her working paper on *The concept of “indigenous people”*: “*Nor is she persuaded that*

Kreung girl in the market. Ratanakiri, Cambodia. Photo: Christian Erni



there is any distinction between 'indigenous' peoples and 'peoples' generally, other than the fact that the groups typically identified as 'indigenous' have been unable to exercise the right of self-determination by participating in the construction of a contemporary nation-state." (E/CN.4/Sub.2/AC.4/1996/2).

As clarified by Dr. Daes, inherent within any discussion on indigenous rights is the controversy around the rights of indigenous peoples to self-determination. All major UN Instruments, including the Universal Declaration and the two Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, enshrine the rights of all peoples to freely determine their future. Why should indigenous peoples, of all peoples, be excluded from enjoying this right if it were not for discrimination on the basis of race alone?

Since the early 1920s, the International Labour Organization, the UN agency specializing in labour issues, has also been studying the situation of indigenous peoples, from the perspective of their participation in the labour market. As a result of the findings of a study on *Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries* (1953), the ILO adopted the first international instrument exclusive to indigenous peoples, the ILO Convention on Indigenous and Tribal Populations, 1957 (No. 107). This convention was adopted in response to the challenge to protect indigenous peoples against discrimination and to ensure their continued existence. Some thirty years later, the ILO adopted a more progressive instrument to replace the earlier Convention No. 107 which was coming under increasing criticism as promoting integration, and being outdated in its approach. It remains valid in many of the countries that ratified it, including Bangladesh, Brazil, India etc., and the ILO supervisory system regularly examines the problems faced by indigenous peoples in these countries, including discriminatory aspects.

In 1989, the ILO adopted the Convention on Indigenous and Tribal Peoples, 1989 (No. 169) based on the premise that indigenous peoples have the right to survive as separate peoples with their own cultures and traditions. It also highlights the need for special measures to protect these peoples and, as stated by a recent publication, *ILO Convention on Indigenous and Tribal Peoples, 1989 (No. 169): A Manual*: "The cultures and ways of life of indigenous and tribal peoples are often different from the rest of the national population, and they may be discriminated against because of their specific cultures, traditions and values. As a result, many indigenous and tribal peoples face cultural extinction."

However, the main ILO instrument relating to discrimination is the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). This instrument relates specifically to discrimination in the workplace on the basis of race, and thus is a very useful tool in combating discrimination in employment-related situations, including in access to recruitment and advancement opportuni-

ties, as well as in the educational field. Many countries have ratified this Convention, and the ILO Committee of Experts has regularly examined discrimination against indigenous peoples in this context in a number of countries that have adhered to this instrument.

Conclusion and recommendations

The World Conference on Racism is to adopt a Declaration and a Platform for Action. The challenge ahead is not only to ensure that indigenous peoples are included specifically in these two documents but also to ensure that the systematic discrimination against them does not continue. A first step in this direction would be the recognition of indigenous peoples as "peoples" with the right to freely determine their own future themselves, a future free of discrimination on the basis of race and one where all peoples are equal. In this context, the WCAR should reiterate the right of all peoples, including indigenous peoples to self-determination. And within this context, the WCAR should call for the protection of the land rights of indigenous peoples to their lands and territories and their resources. It should also specifically urge states to adopt the draft UN Declaration on the Rights of Indigenous Peoples.

Another challenge for the WCAR will be not only to adopt a Declaration and a Platform for Action that is comprehensive and practical, and includes the rights of indigenous peoples within its framework, but also to ensure there is monitoring of the implementation of the commitments undertaken at this meeting so that this, too, does not share the fate of its predecessors. Indigenous peoples, like all peoples, share the hope of a world free from discrimination for all peoples, irrespective of race, culture and creed. Let us strive for equality for all in the new millennium.

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Right: Turkana people from Northern Kenya. Photo: Frans Welman/WIP



By Alberto Saldamando



RACIAL DISCRIMINATION AGAINST INDIGENOUS PEOPLES IN THE UNITED STATES

*"Somewhere in this world I want my Indian People
to be heard no matter how small a group they are.
Everyone has a right to be who they are."*

Phillip Deere
Muskogee Creek Spiritual Leader





Images of the American Indian are known all over the world, made popular by the cinema. Most of the world knows of the expansion of the United States, and the “cowboys” (in reality often mobs of racist psychopaths) who “conquered” the west. Few are aware that the westward expansion was begun by a genocide decreed by President Andrew Jackson in 1826. Jackson’s policy, called “Relocation,” required the forced relocation of Native Americans from their traditional lands and territories to west of the Mississippi River. Pushed on by settlers and the military, thousands died in their forced march, now known as the “Trail of Tears.”

Although images of the Indian in popular culture have remained constant, United States policy toward Native Americans has changed several times. Fifty years after Jackson’s Decree and his genocide, a different policy was adopted. It was called “Allotment and Assimilation.” This policy, begun in 1887, forced the allotment of communally-owned land to individual tribal members and the forced assimilation of the Native American. Additional millions of acres were lost to United States expansion and countless thousands were driven off their lands, massacred or starved to death.

The policy of “Allotment and Assimilation” ended, in 1934, with the recognition of Indian Tribes as self-governing nations, through the Indian Reorganization Act of 1935. Although fraudulent in many respects, and imposing a system of self-government alien to traditional Peoples, it was a promise of better times. But the inhumanity of the Allotment Policy did not end there. The kidnapping of Indian children to be sent to boarding schools, alienating them from their families, communities and cultures, in the words of a Congressman of the 19th century, “to kill the Indian and save the man,” continued well into the 20th century. It persists in the living memory of many Native Americans, their parents and grandparents, themselves and their families victims of this crime.

In 1953, the United States again returned to assimilation (and ethnocide) with a new policy called “Termination.” This policy called for an end to certain economic assistance to Indian Tribes, and forced the dissolution of their reservations. Among 109 Indigenous Nations terminated or partially terminated by Congress were well established Tribes, such as the Menominee of Wisconsin, the Klamath of Oregon, the Alabama and Coushatta of Texas, and the Wyandotte, Ottawa and Peoria of Oklahoma. Many smaller Nations of Oregon and California were also terminated. These Tribes’ communal lands were again allotted to individual tribal members and their governments dissolved.

In furtherance of this policy of assimilation, Congress adopted the Relocation Act of 1956, substantially reducing essential economic support to Tribes, subjecting Indians to even greater poverty. This Act also provided funds for moving expenses and the establishment of new resi-

Left: Gilbert Blacksmith and other dancers on a recent trip to Cuba.
Photo: communities.msn.com/BayAreaIndianCalendar



Alcatraz during the takeover by Native Americans. Photo: Michelle Vignes



dences for any Native American, whether from a terminated or unterminated Tribe, willing to relocate to approved urban centers. Virtually half of all American Indians accounted for in the 1989 census, over 880,000 people, were forced off the reservation and into urban centers through deprivation and economic necessity, to be assimilated¹.

Images of the happy savage persist in American dominant culture even now. They are found not only in movies but in the logos of sports teams, such as Yahoo, the grinning buck toothed Indian wearing a feather of the Cleveland Indians, and Chief Illiniwac, of the University of Illinois, deriding Plains Indian dress and dance². These images are a daily painful reality for Native Americans in the United States, as is their poverty.

On September 30, 2000, the United States filed its first Periodic Report under the Convention on the Elimination of all Forms of Racial Discrimination – CERD - (the Report)³. The International Indian Treaty Council wrote to the CERD Committee in response. We referred particularly to the CERD Committee’s call upon “the States parties with Indigenous peoples in their territories to include in their periodic reports full information on the situation of such peoples, taking into account all relevant provisions of the Convention,”⁴ which the United States did not do.

The Report recognizes the presence of Indigenous Peoples and the fact of racial discrimination directed against them. But it makes no connection between racial discrimination and US policy and law, nor does it describe the rights of Native Americans that are diminished or annulled thereby. Given the definition of racial discrimination in the CERD Convention, that of discrimination that annuls or impairs the enjoyment of a right, then if no Indigenous rights are recognized there can be no discrimination against them.

And even more telling, if Indigenous Peoples do not exist, there is no duty toward them under the convention or any other human rights standard.

Although in 1966, the US government adopted its present “Government to Government” relationship with Indian Tribes, approximately 60 to 70 terminated Tribes have not been reinstated, requiring an act of Congress for their reinstatement. Since 1978, 221 tribes not terminated but never formally recognized have applied for recognition under US Bureau of Indian Affairs procedures. Only 41 of these petitions had been resolved by the year 2000. And the policy of assimilation of Indian Tribes through the theft of lands and territories and massacre is now a policy of assimilation by data.

A persistent history

Many non-Indigenous Americans continue to feel that the Indian should be assimilated. The US CERD Report itself is blind to its own reflection of this attitude. For example, by its own account, the Report states that, outside the 550 recognized tribes, all other Native Americans have been “assimilated.”⁵

There are Indigenous Peoples and persons in the United States that know they are Indians but who are not considered Indians by the State. One example is Darryl Young Elk Rich, a Native American who was denied the Sweat Lodge as last rites, executed in California in 2000, and listed by prison officials as “White.” In fact, the California Department of Corrections has no racial category for Native Peoples of the United States in its death row statistics⁶. As Amnesty International observed:

“It has not been possible to obtain the exact number of American Indians under sentence of death in all states owing to the failure of some to maintain accurate records of defendants’ race of origin. In California, for example, there may be more Indians under death sentence than the 13 listed in appendix I. Much depends on the ethnic classifications given them at the time of indictment; in some instances American Indians have been incorrectly classified as ‘Hispanic’ or ‘other.’ It has not been possible to verify how many American Indians are under sentence of death in Texas.”⁷

There are various ways in which the Report to the CERD Committee reflects the United States unstated and unwritten policy of assimilation towards Native Americans and the “disappearing Indians.” It is not the Indian that is disappearing but the data. If there is no data, there are no Indians.

Census data - Indians who are no longer Indians

The Report states that in the year 2050, American Indians, Eskimos and Aleuts (the category reserved for Native or Indigenous Peoples), will be 1.1% of the US population. Previous census data suggested that 2½% of the US population would fall within this category.

Pacific Islanders, such as Native Hawai’ians and Samoans, are listed in the census under a separate category. Native Hawai’ians are the Indigenous Peoples of Hawai’i but, as reflected in the US Report and the separate census classification of “Asians and Pacific Islanders,” these Indigenous persons are not counted as Indigenous.

American Indians, Aleuts and Eskimos who checked more than one “race” in the 1990 census, and included white, black or Hispanic, as they are asked to do on the census form, will not be counted as “American Indian, Eskimo or Aleut.” These persons of mixed heritage will be counted as the other race, or as “two or more races.”⁸ And, according to the Census Bureau, after the Census 2000 tabulations, there will be 63 possible combinations, 57 categories for those who report 2 or more races in their origin, who will, “for some presentations” be collapsed into a category of “Two or More Races,” and not be counted as American Indian, Aleut or Eskimo.⁹

As reported by the Daily Oklahoman, the US 1999 Census estimates that the state of Oklahoma’s Native

American Population rose from 258,000 people in 1990, to 263,000 in 1999, a net gain of 6,000 Indians. In that same period of time, the Oklahoma Health Department recorded 56,000 Indigenous live births. Even subtracting 11,000 Indigenous deaths also recorded for that same period, there remain 45,000 Indians born in Oklahoma, 39,000 of whom were not counted by the census¹⁰.

The US Report cites great “Hispanic” immigration, particularly from Mexico, yet avoids identifying the numerous Indigenous persons in this immigration from the South. The Executive Director of the IITC is married to a Yaqui man, a traditional healer by profession, who was born and raised in the Indigenous Yaqui Community of Potam, in Rio Yaqui, in the state of Sonora, Mexico. A native speaker of the Yaqui language, his petition for permanent residence did not include any questions as to his Indigenous heritage. He is now counted as one of those many “Hispanic” immigrants from Mexico. According to this data, he is no longer an Indian.

Federal recognition - peoples who are no longer peoples

Although the United States policy of “Termination” was officially ended, the existence of Indigenous Nations and Peoples in the United States is now denied in a more subtle manner. The current US policy of “Recognition” of Indian Tribes essentially means that if an Indigenous group is not “recognized” by the US then they are not Indigenous Peoples.

The BIA is now revising the rules on blood lines that are used to determine American Indian status. Even though Tribes themselves are ostensibly allowed to set their own membership standards, the BIA will use these new blood quantum standards to determine the federal benefits, (some of which are proudly listed in the US Report) to which Indian Tribes and Indigenous individuals are entitled, such as health, housing, food, and other “reservation benefits.”¹¹

These rules would require that an individual whose blood quantum is less than 50% of a federally recognized tribal blood line, would not be counted for the purposes of these federal programs. Only Indian populations stand to lose by these racial standards, as no other federal benefits are premised on race alone. Leonard Bruguier, a Yankton Sioux and college professor was quoted as saying, “*What the hell’s going to happen then? It’s potentially disastrous for Indian Tribes.*” “*Its kind of scary the way they can terminate us,*” said Joe Marrival, an Oglala Sioux who ranches on the Pine Ridge Reservation. “*What they did to us in the past, they’re still doing it now.*”¹²

The federal recognition process set by the federal government, in order that “groups of Indian descendants petition for Federal acknowledgment as an Indian Tribe,” instructs: “*BIA researchers assume that people marry those they associate with. So, if succeeding generations marry non-*

Indians, it suggests that they are no longer bound to an Indian community.”¹³

*“Because the United States uses an acknowledgment process through which Native American tribes are given federal recognition (making them eligible to receive services and benefits provided to Native Americans) the figures may not reflect the number of people of Native American ancestry who do not belong to a federally recognized tribe.”*¹⁴

Given the extreme poverty and marginalization of Indian Tribes in the United States, without these meager federal benefits, more and more Indians are again pushed off their reservations out of economic necessity, to be assimilated in urban centers.

The reality of racism, poverty and marginalization

This failure to acknowledge the very existence of Indians leads to some of the results actually reported as the condition of Native Americans in the United States. Although no data is reported for college completion by Native Americans (this statistic is not officially kept) the report does cite Presidential Executive Order 13096 of 6 August 1998, recognizing the educational and culturally-related academic needs of American Indian and Alaska Natives.¹⁵ The culturally-related academic needs of Pacific Islanders (few of whom graduate from secondary school) and immigrant Indigenous persons (many of whom speak neither Spanish nor English) are ignored.

The US candidly states that economic, social and cultural rights are not recognized in the United States, although the CERD Convention specifically lists these rights as rights that cannot be nullified or impaired. Some of the data that is reported indicates severe impairment or nullification of these critical rights.

For example, child poverty with regard to Native American children is reported only for 1989. According to these figures, 38.6% of all American Indian, Aleut and Eskimo children live in poverty¹⁶. And although the Report cites an “unprecedented economic growth and employment in the United States,” the highest rate of unemployment is reported for Native Americans, in some cases over 50% of reservation adults¹⁷. (No unemployment rates are cited for Native Hawai’ians and Pacific Islanders, who are also Indigenous and also marginalized and highly disproportionately unemployed or under-employed.)

Diabetes is likely to affect Native Americans at twice the rate of the general population, and they are 579% more likely to die from alcoholism, 475% more likely to die from tuberculosis and 231% more likely to die from diabetes, than Americans as a whole¹⁸.

South Dakota activist at Wounded Knee 1973 during the takeover by Native Americans. Photo: Michelle Vignes



AIM leaders singing during AIM convention in South Dakota. Photo: Michelle Vignes



The case of the Lakota, an example of indigenous marginalization

In the state of South Dakota, during the past two years, several Indian men have been found dead, six of them drowned in the shallow waters of Rapid Creek, in Rapid City. Rapid City police found no evidence of foul play in any of these deaths. Several other questionable deaths of Indian men also occurred in this area, including the acquittal of a white teenager who ran over and killed a drunken Indian man who lay on a road. This teenager justified his killing of the defenseless man on the basis that “it is illegal to swerve on a public road.”

In another case, an 18-year-old Indian, who was drunk, ran over a non-Indian, was charged with vehicular homicide, convicted and sent to prison. Two Lakota men were found just inside the Pine Ridge Lakota Reservation, beaten to death, but no-one has been charged for this crime. Another Lakota man was found dead, stuffed into a garbage can. The Advisory Committee to the United States Commission on Civil Rights conducted hearings on these deaths, and made several recommendations to the Attorney General of the United States¹⁹.

This Advisory Committee found that the issues facing the Lakota cannot be understood fully without reference to South Dakota’s history and the historical relationship between Indians and non-Indians²⁰. This history includes, for the Lakota, the history of the Fort Laramie Treaties, the Land Claims Commission, and the loss of 7 million acres, or 80% of the land base promised by Treaty. It includes the assassination of Sitting Bull in 1880, the Wounded Knee Creek massacre, by General George Custer, of between 150 and 370 Lakota Sioux men, women and children, and the fact that Custer’s regiment received 20 medals of honor for this massacre of innocents²¹.

Native Americans make up 8% of the population of the state, and whites 90.6%. Despite booming economic times, the Advisory Committee, citing BIA statistics, outlined unemployment by Indian Reservations in 1997: 40% in Lower Brule, 58% in Lake Traverse, 68% for Crow Creek, 71% for Flandreau, 73% for Pine Ridge, 74% for Rosebud and Standing Rock, 80% for Cheyenne River and 85% for the Yankton Reservation²².

Citing statistics on the health of Native Americans in South Dakota, the Advisory Committee found that “men in Bangladesh can expect to live longer than Native American men in South Dakota.”²³

“In 1993, age-adjusted death rates for the following causes were considerably higher for American Indians [throughout the United States]: alcoholism, 579 percent greater; tuberculosis, 475 percent; diabetes mellitus, 231 percent; accidents, 212 percent; suicide, 70 percent; pneumonia and influenza, 61 percent; and homicide, 41 percent. Further, infant mortality in Indian Country is double the national average, and Pine Ridge Reservation has the highest infant mortality rate in the Nation.”²⁴

Citing US Department of Justice statistics, the Advisory Committee found that American Indians experience per capita rates of violence twice the national average, at 124 per 1000 population for Indians 12 years or older, with women experiencing violence 50 percent higher than that reported for black males, or 122 percent higher than the general population. Pointedly, for American Indian victims of rape/sexual assault, the offender was found to be white in 82 percent of cases²⁵.

Incarceration rates for American Indians, who generally make up 8% of the population of the state, were also high: in South Dakota’s prisons, Indians make up 31% of both men and women’s prison populations; Indigenous juvenile inmates make up 31% of that inmate population²⁶.

Based upon this and other data demonstrating the extreme marginalization of Indigenous Peoples generally in the United States, and the State of South Dakota, as well as testimonies by state and federal, and tribal officials and interested parties, the Advisory Committee recommended, among other things, that the US federal government set up a task force to study these inequities, including the disparities between whites and Indians in terms of rates of arrest, criminal prosecutions, incarcerations and sentencing.

“Information was received by the Advisory Committee suggesting disparities in many aspects of the criminal justice system, including law enforcement stops and racial profiling, arrests, prosecutions, legal representation, and sentencing. The belief that systematic and institutionalized discrimination pervades the justice system in South Dakota cannot be ignored or lightly dismissed. Indeed, this belief is pervasive throughout Indian Country.”²⁷

Then Attorney General of the United States, Ms. Janet Reno, rejected these recommendations. As merely recommendations from an advisory body, they are not enforceable and will be ignored. Unfortunately, the extreme marginalization of the Lakota is a reality for most other Indian Tribes.

Conclusion

It was not possible in this brief article to address Treaty violations, the Indian Land Claims Commission and the loss of Aboriginal Title, the continuing loss of Indigenous lands, the case of Alaska and Hawai’i, and environmental racism, all fit subjects of inquiry under the CERD Convention and the CERD Committee’s General Recommendation XXIII, as racial discrimination against Indigenous Peoples. Neither was it possible to address the legalized religious intolerance toward Native American spiritual practice, upheld by the United States Supreme Court²⁸ and condemned by Mr. Abdelfattah Amor, UN Special Rapporteur on the question of Religious Intolerance²⁹.

Racial discrimination against Indigenous Peoples is structural in the United States. Racism is engraved in the very synapses of the dominant culture. From popular culture that denigrates traditional cultures, customs, dress and beliefs, to governmental policy that wishes Indians away, it permeates even the United States Report to the CERD Committee, which essentially states that Indians are disappearing and are no longer counted.

We are as invisible to the dominant culture as human rights. Our lands and natural resources continue to be poisoned, stolen, and abandoned out of economic necessity. Our children live in extreme poverty, are imprisoned at rates highly disproportionate to their numbers in the general population, and all of our people suffer extremely high rates of poverty and disease, including alcoholism. Yet in spite of all of this, we abide. We continue to reconstruct memory, destroyed by many long years of repression. We practice ceremony as Creator taught us, on this our Mother Earth. Like Indigenous Peoples the world over, we grow in numbers, commitment and solidarity in our struggle to be who we are.

The United Nations is now planning a World Conference Against Racism (WCAR), to be held in Durban, South Africa, in September of 2001. For Indigenous Peoples and their Organizations, this World Conference and its preparatory meetings are an important opportunity to raise the reality of racism and the machine that drives it, the Western, United States' vision of "development," the unquenchable thirst for lands and resources. Although there can be much justified cynicism as to the results, the WCAR will raise a great deal of awareness throughout the world, both Indigenous and non-Indigenous, including in the United States.

The World Health Organization (WHO) recently published a report containing data on health indicators of the world's Indigenous Peoples, surprisingly consistent with statistics for Indigenous Peoples in the United States³⁰. The WHO cited the lack of opportunity to participate in the decision-making process as a key element in Indigenous Peoples' profound vulnerability to macro-economics and Western development policies.

"Furthermore, the colonial experience, assimilatory policies and discriminatory attitudes place indigenous peoples in a condition of greater social and political marginality than other poor populations. Thus, there is a need for indigenous decision-making and self-determination."³¹

At the WCAR, as well as all other international fora, this is our demand. This is the road that we walk. This is our struggle.

Notes

¹ This brief article cannot do justice to the political history of Native Americans in the United States. For a recent and well documented

description of this history, see, Rebecca L. Robbins, "Self Determination and Subordination," found in *The State of Native America*, Ed. M. Annette James (Boston, Massachusetts, South End Press, 1992).

² For a more thorough discussion of the denigration of Indigenous cultures by sports team logos, see: <http://www.earnestman.tripod.com/index1.htm>

³ The Convention on the Elimination of all Forms of Racial Discrimination, Initial Report of the United States of America to the United Nations Committee on the Elimination of Racial Discrimination, September, 2000, found at http://www.state.gov/www/global/human_rights/cerd_report/cerd_toc.html visited 9/25/00.

⁴ General Recommendations adopted by the Committee on the Elimination of Racial Discrimination (Hereinafter, "General Recommendations") CERD/C/365 11 February 1999, para. 6.

⁵ US Report, Part 1, General, page 6.

⁶ Data from the California Department of Corrections Web Page, <<http://www.state.ca.us/issues/captial7.htm>> visited 3/21/00, lists only "White," "Black," "Hispanic" and "Other."

⁷ See, USA: Amnesty International, *Human Rights and Native Americans*, AI Index: AMR 51/31/92 (1992), Part II, Cases of Concern to American Indians, the Death Penalty and American Indians, p. 9.

⁸ Census 2000:LA American Indian Complete Count Committee, <<http://www.adproweb.com/censustab.htm>> visited 11/7/00.

⁹ Id.

¹⁰ "State tribes population in dispute," Daily Oklahoman, Oklahoma City, Oklahoma, September 10, 2000, <http://www.oklahoman.com>, visited 11 September, 2000.

¹¹ Associated Press, *BIA Preparing to tighten Rules on American Indian Status*, November 7, 2000.

¹² Id.

¹³ Endnote 27, above, BIA Branch of Acknowledgement and Research, Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.

¹⁴ US Report, Part I – General, p. 17.

¹⁵ US Report, Part II – INFORMATION RELATING TO ARTICLES 1 TO 17, p. 14.

¹⁶ PART II – INFORMATION RELATING TO ARTICLES 2 TO 7, PART C, SPECIFIC ARTICLES, p. 43.

¹⁷ Id, at p. 43.

¹⁸ Id.

¹⁹ *Native Americans in South Dakota: An Erosion of Confidence in the Justice System*, South Dakota Advisory Committee to the United States Commission on Civil Rights, US Commission on Civil Rights, Rocky Mountain Regional Office, Denver, Colorado, March 2000.

²⁰ Id, at p. 3.

²¹ Id, at p. 4.

²² Id, at p. 6.

²³ Id, at p. 6.

²⁴ Id, at pp. 6-7.

²⁵ Id, at p. 7.

²⁶ Id, at p. 9.

²⁷ Id, at p3, Concerns, Conclusions and Recommendations.

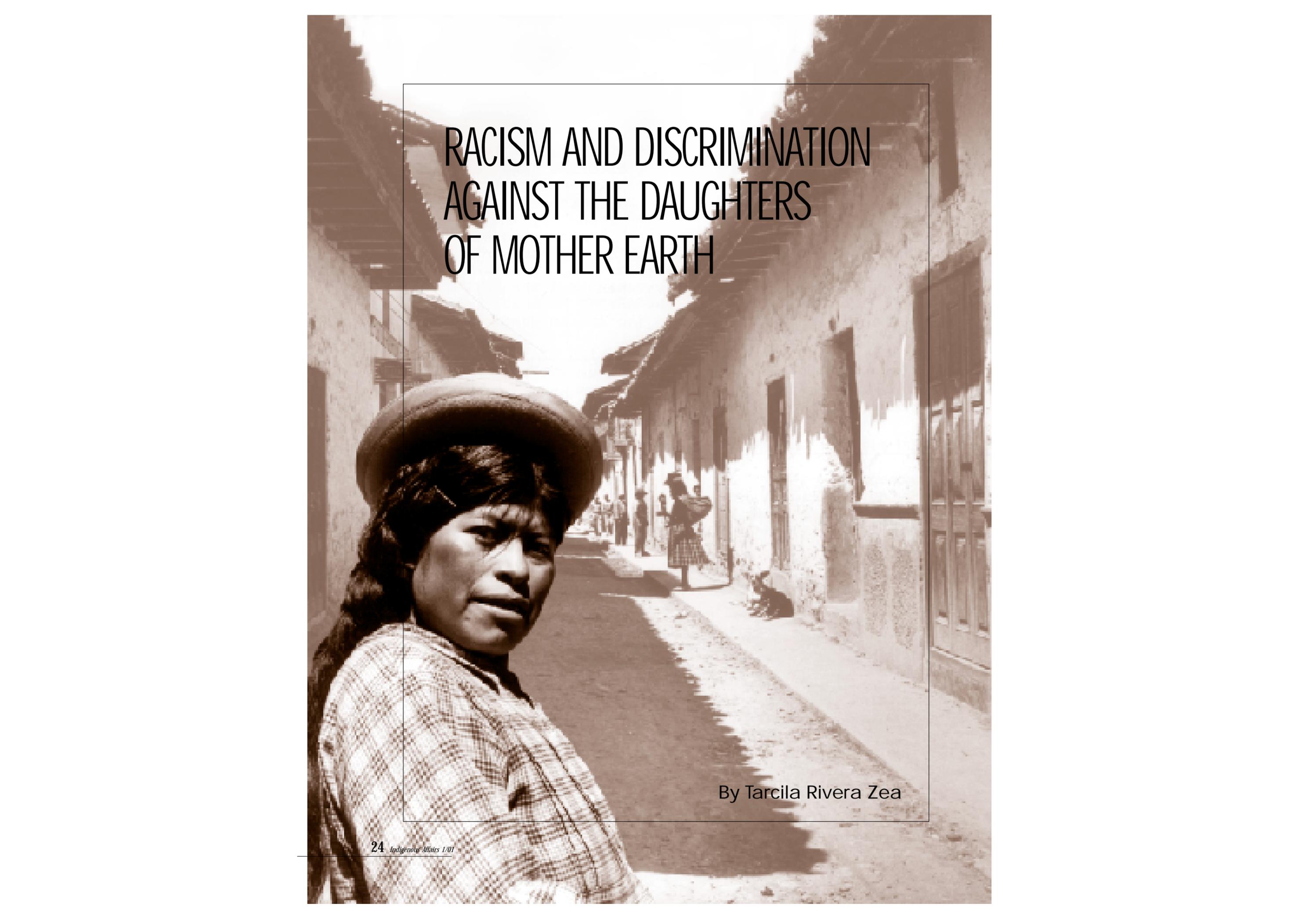
²⁸ *Lyng v. Northwest Indian Cemetery Protective Association*, 485 US 439 (1988); *Employment Division v. Smith*, 494 US 972 (1990).

²⁹ Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights Resolution 1998/18, E/CN.4/1999/58/Add.1, 9 December, 1998.

³⁰ *The Health of Indigenous Peoples*, WHO/SDE/HSD/99.1.

³¹ id, at p. 8. (emphasis in the original)

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RACISM AND DISCRIMINATION AGAINST THE DAUGHTERS OF MOTHER EARTH

By Tarcila Rivera Zea

DISCRIMINATION DAUGHTERS EARTH



The reflections in this article are inspired by the Universal Declaration of Human Rights, which establishes that all people are born free and equal in dignity and rights; by the International Convention on the Elimination of all Forms of Racial Discrimination; by the International Convention on the Elimination of all Forms of Discrimination against

Women, and by the Draft Declaration on the Rights of Indigenous Peoples. All these instruments are aimed at guaranteeing a fairer, more egalitarian and more human co-existence between the members of societies living in the world's States, and they are coordinated within the framework of the United Nations.

A little history

From an indigenous point of view and, of course, from an indigenous woman's point of view, we have to ask how and why racism and related forms of discrimination and oppression suffered by us, the daughters of Mother Earth, originated. According to our oral history, we are part of nature, the mountains, water, air, earth, moon, animals and minerals.

Between the 15th and 17th centuries, colonial expansion and the domination of one race over another became the norm, linked to the imposition of European power over the peoples who were invaded and colonised.

It was in this context that, in the year 1400, a relationship of domination and subjugation of our native peoples of America was put in place on the part of the invaders. This colonial situation commercialised the work force, organising it hierarchically in terms of race and gender. According to history written by the Europeans themselves: Don Ginés de Sepúlveda *denied the Indians the status of human beings*. Later, in 1513, the Papal Bull tried to correct this, without being overwhelmingly successful. It is since then that domination and - along with this - racism have become institutionalised, affecting subsequent generations of the heirs to the *Maya* and *Inca* civilisations - and others, including our sisters in what is today known as the United States and Canada - in different ways and at different levels.

When independence was achieved and the former colonies became Republics, few changes occurred for our peoples, for to overcome racist and discriminatory practices would take more than the mere granting of political independence. Our peoples thus became subjected to domination on the part of the descendants of the colonisers. The Universal Declaration of Human Rights, an international effort to prevent violations from going unpunished that was approved in 1948, has only really become known in the last twenty years.

In the Americas, in spite of the fact that the nation states are signatories to this Declaration, its application, dissemination and respect did not gain the political support necessary for it to move from theory into day to day practice on the part of the people.

Indigenous women and the effects of historic racism

In an historic context, indigenous women have been violated in the most denigrating of ways, from violation of our Mother Earth to being the forced objects of sexual satisfaction; internalising the idea of being a mere appendage to man and not human beings in our own right with a voice, feelings, skills and decisions to make.

During colonial and evangelising times, patriarchy and chauvinism were also brought by the European colonisers. When we talk of the situation of indigenous women and how 'lucky' our grandmothers were to have children by the invaders, some studies console us by telling us that at least the invaders mixed with us, which was not the case with the British or French. Should we thus feel grateful for having been saved from a continuing life as the descendants of the "ignorant soulless Indians"?

The International Convention on the Elimination of all Forms of Racial Discrimination of March 1966 is the cornerstone of the United Nations' international mechanism against racism and racial discrimination and imposes a series of very precise obligations on the States Parties to take measures to eradicate racism and racial discrimination, as they are punishable acts by any standards.

In the Americas, the countries with the largest indigenous populations are Mexico with approximately 10 million, Peru with 8 million, Bolivia with more than 4 million and Ecuador with 5 million. There is also the United States, with more than 2 million. If we calculate that almost 50% of these official figures are women, we have around 20 million indigenous women who are the victims of contemporary forms of racism and discrimination, as we shall see further on when we look at examples from daily life and first-hand testimonies.

Ethnic, cultural and gender racism

Our reflections date back to the World Conference on Women, which was held in Mexico in 1975, at which Domitila Chungara (a Bolivian miner) spoke of the fact that discrimination against women occurs not only because of our gender but also because of our ethnic, cultural and economic condition. From this point, we can move on to the Economic Commission for Latin America and the Caribbean (ECLAC) studies, in whose latest analyses on the progress of women it was concluded that there was a need to include issues of ethnicity and racism. (*The Challenge of Gender Equity and Human Rights on the Threshold of*

the 21st Century. Women and Development Unit, series 27, Santiago de Chile, 2000).

Many indigenous women who have learnt to recognise their identity and have subsequently taken a stand with regard to ethnicity, gender and culture have been branded antifeminist, reactionary, lacking in women's consciousness and, more recently (since Beijing 1995), have been accused of not contributing to the movement for women's progress because the specific demands of women have been lost or hidden within the demands we indigenous women make on behalf of our peoples. We do not care what they say or how they verbally attack us; but the non-indigenous sector is beginning to become concerned because we indigenous women are now having a greater impact on specific demands as women, poor and indigenous, we who are the objects of discrimination not only because we are women but also because we are different. These differences are not taken into account in the platforms of demands that emanate from the women's movement.

Education

Whilst women in general have still not achieved access to a full education and have not overcome high levels of illiteracy, according to the Economic Commission for Latin America and the Caribbean, ECLAC, the literacy rate amongst indigenous women is the lowest in Latin America, there is a marked difference between the education of indigenous and non-indigenous girls, and also a difference between girls and boys of the same ethnic group. In Guatemala, indigenous girls study for an average of only one year, as compared to 1.8 years for indigenous boys, 4 years for non-indigenous girls and 4.5 years for non-indigenous boys, according to 1998 figures.

In the case of Peru, illiteracy in the country as a whole is still 11.4% (of a total population of 25 million) and, according to the Summary of Socio-Demographic Statistics 1998-99, in rural areas this is 25% among women and 8.8% among men.

In indigenous communities, due to the lack of economic resources and the chauvinist mentality, when a decision has to be made as to who can go to school, the boy is chosen because, when we women are born, they say we are born only to cook and care for the menfolk. Girls are valued little, in spite of the fact that our mothers hold responsible roles in the areas of food production and contributing to household subsistence.

For these reasons, the school attendance levels for girls in rural areas are low and school drop-out rates are high in relation to boys from the same family and culture.

The other reason why indigenous girls cut short their schooling is because they start school late, at around ten years of age, and many of them, primarily in the Amazonia, become pregnant at a young age and are hence withdrawn from school.

During adulthood, the majority of indigenous women are mistreated, marginalised and discriminated against for not having studied, for having no education, not only in job opportunities but also in married life. Mistreatment ranges from verbal to physical aggression, even our husbands tell us we are "stupid, dumb, thick".

One migrant indigenous woman recounts: *"I fell in love with a boy from my area who was living in Lima and studying at university and I was working as a shop assistant. When he used to introduce me to his friends he would say that I was a university student too. It also bothered him that I was very short in height. I never told him that it upset me a lot when he treated me like this, I said nothing and just listened, as I was afraid to tell him what the matter was."*

The discrimination we suffer as indigenous women in State schools includes being ostracised by the teachers because we do not know how to speak Spanish well or because we do not learn quickly. Classmates discriminate against us because we are *mountainfolk* or *chunchas* (a pejorative term referring to indigenous people from the Amazon), laughing at us because our lunch is toasted maize instead of a chicken or ham sandwich.

Economic discrimination

Of the 50 million indigenous people in the Americas, on average 50% are women and, if we consider the indicators of poverty and extreme poverty in Peru, for example, we find indigenous people figure high in these indicators, exclusion from basic services also being a form of racism. This is because the ethnic or cultural variable in the population is not considered when it comes to the distribution of economic resources, social investment and public policies, and there is no legislation that can contribute to overcoming this gap by reducing the effects of ethnic and cultural discrimination.

Economic discrimination is reflected in a lack of access to enjoyment of basic needs, for example health. The quality of care in the health service depends upon the money one has to obtain medicines; proper treatment in a health centre depends upon how much money you have and what you look like.

Racism and discrimination in employment

The situation of indigenous women in Latin America, primarily in the countries of greatest indigenous population such as Mexico, Peru, Guatemala, Ecuador and Bolivia, is marked by the consequences of exclusion from education and training together with poverty, denying them the possibility of proper personal and professional development.

Those of us who have some education and training have to compete for posts alongside other women whose

western physical features are more accepted than our own; so when we look for a job we do not generally fulfil the necessary requirements: good height, pretty, self-assured, of good appearance (white, tall, well-dressed). We only manage to get the sorts of jobs that pretty women, who have other opportunities, do not want. Take the example of a migrant indigenous woman with university-level education: she will not be accepted because of her appearance, or because she comes from a State university where she studied during the evenings and thus her education is not the same as that of a private university.

For this reason, there is increasing unemployment amongst migrant indigenous women, obliging them to seek alternatives outside the country.

As someone who had returned to see her family after three years in Italy said: *“I am a graduate from the University of San Marcos. There was no work for me here, so I went to Italy where I prefer to take employment in domestic service than be a cheap prostitute here.”*

Indigenous women who work on farms for a living earn half of that earned by the men. Poverty and lack of support in our home areas mean that our daughters leave their communities with their only possibility being that of domestic service in the house of some family in the city or capital. In other cases, older daughters have to help with the family income, and so a woman will come and take them to help around the house, calling them “protégés” or “goddaughters”.

According to the 1999 National Survey of Households, there are in Peru more than 100,000 indigenous girls between the ages of 14 and 17 years in domestic service, earning half the basic wage. Those under 14 are ill-treated and humiliated, with no possibility of defending themselves because they are under age and do not know their rights.

The testimony of an indigenous woman who is now able to relate her experience told us:

“My mum told me to go with this woman because she would give me an education and food, because here I would just continue tending the animals. And I went with my godmoth-

Andean indigenous woman with her children, Peru. Photo: The International Labour Office



Indigenous women from Bolivia. Photo: Diana Vinding



Aymara woman from Bolivia. Photo: IWGIA archive





Indigenous youth from Peru. Photo: Henrik Lund

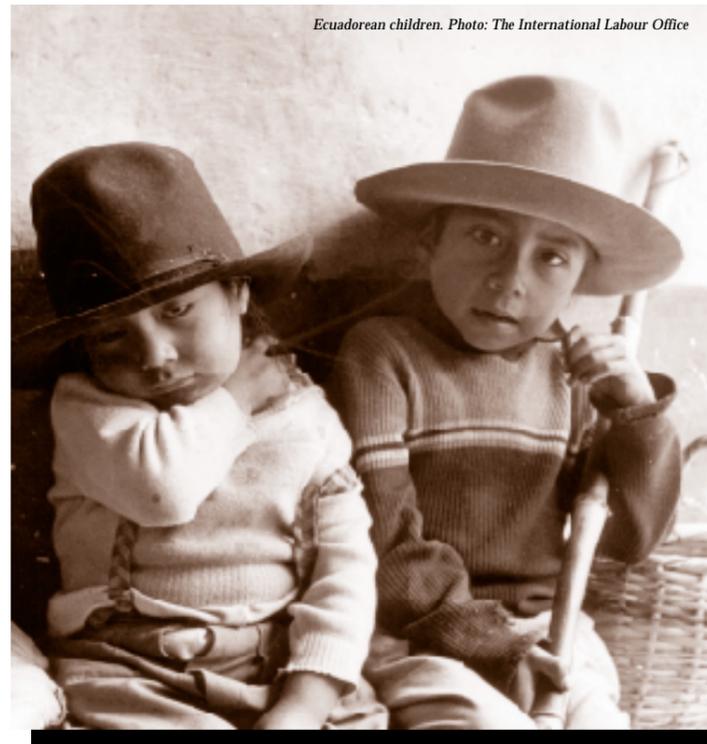


er. But I was never able to tell her that I would have preferred to continue being a shepherd because she humiliated me in all sorts of ways. Sometimes she would give me nothing to eat or send me shopping just when I was about to go to school, because I went in the afternoons, when I had finished the chores.”

Indigenous migrant women from the union of house-workers illustrate the point for us:

“Humiliation and racial discrimination are common, no matter whether you are ugly or pretty. They insult us by calling us *cholas*¹ or Indians, even pulling our hair, and the bosses’ sons make fun of us. In extreme cases this even includes sexual abuse on the part of the bosses or their sons, but if we complain they say that it was we who encouraged them. The truth is that we do not fall for our bosses, we are - on the contrary - very shy when it comes to sexual matters. Within the organisation, we have several children who were fathered by the bosses. They in no way acknowledge their paternity.

When the boss’s wife finds out, she humiliates the girl even more saying that neither the ‘child’ (referring to the bosses’ son) nor the ‘man’ (the boss) would be capable of getting involved with a ‘chola’.”



Ecuadorean children. Photo: The International Labour Office

Indigenous women in Peru and the identification of forms of racism and discrimination

In our training and exchange of experience, which involves 17 organisations from different parts of Peru, we have reflected on the daily forms of racism that affect us and our indigenous peoples.

Discrimination due to race and colour: Because we are not white.

Ethnic and cultural discrimination: Because of our own language and because we do not speak Spanish well. Because of our clothes, which are different and in many cases very shabby. Because of our food: indigenous food is despised (when we want to offend each other, amongst indigenous people ourselves, we call each other *motecachu*,

which means ‘boiled maize eater’ – a substitute for bread for us). Because of our names: when people want to mock indigenous people, they tell us where the surname comes from, for example, Huamani, Echajaya, Quispe.

Indigenous women do not escape other forms of discrimination, in addition to those caused by their condition of being women: it is upsetting when we are discriminated against or contemptuously looked upon for being *single mothers* or because we are not *married* “in God’s way” (civil or religious wedding).

Our boys and girls are discriminated against if they are not legally recognised or if they are born outside of formal wedlock.

Some schools will not accept them unless they have proof of christening or proof that their parents are married.

Social discrimination and economic position: When an indigenous woman has money, she is called, “a loaded llama”; even though we have money or have climbed socially, they always make us feel that it is not our place.

We are acutely aware of how employees in government offices or health services treat us badly because they do not want to deal with us and we often just lower our heads because we

do not want to be humiliated. They make us feel they are doing us a favour.

Another issue worth considering is how we are portrayed in the media, and on television in particular: indigenous women are represented as maids in commercials for washing powder or in comedy programmes such as “Chola Jacinta”, where a dirty indigenous woman is depicted, with no teeth and her hair uncombed, displaying all kinds of native wit and cunning. We have protested and we are told that this is what we look like begging on the streets. This may be so, but what is the reason for this? What is more, it is neither a natural nor a representative image, as malnutrition, lack of access to water, to health and sanitary conditions is neither natural nor exclusive to indigenous people.

“They call us *chutos*”

Testimony of Virginia Egoavil, a Quechua displaced by the violence.

“When we became displaced towards Huancayo due to the violence, the Wankas (indigenous people from the central mountains) did not want to take us in, we had different customs, we could not make ourselves understood in our own language. They did not want to give us work on their farms. They said we were terrorists, that we should go back to our village, that this was their village.

*They did not even give us food to eat, they said we were *chutos* (indigenous Andeans from the mountain zone where llamas are bred). The authorities in charge of the area discriminated against us. We felt embarrassed, we could not show our faces because we were unable to speak Spanish, we were humiliated because we had nowhere to go and we had to accept the treatment we were given.*

Slowly, we formed the organisation of displaced people from the Mantaro valley and we became stronger and now we do not let ourselves be mistreated. Our work has become valued because they have farms and we are good workers, although they always tell us that we know only how to tend llamas, goats and sheep...”

“They made fun of me because I wanted to be a candidate”

Testimony of Vilma Ortega, a Quechua, and current President of the Fedecma de Ayacucho (groups together 100,000 women of the department).

“... I was discriminated by my husband and other men because I decided to put myself forward as a candidate for local government. They said I was ignorant, that I hadn't even finished my secondary education, that I had married at 14. One day, my husband had been drinking and he began to make fun of me in the street shouting ... this woman is a candidate, can you believe it! She sells fruit! She's my cholo, my girl, and she says she's going to be mayoress!

I competed against 14 male candidates, all of them professionals, and I was the only woman; it was the first time a grassroots leader had stood. The radio stations just treated me like an idiot – what was I going to be able to do?

I began to feel stronger, because I felt I was in the public eye and that many people supported me. I didn't win but it was a good experience for me.”

“Our own parents discriminate against us”

Testimony of Tereza Antazú, a Yanasha and AIDSESEP (Amazonia) leader.

“In terms of discrimination against women, it is our own parents who discriminate against us; I come from a family of 15 children, most of whom were girls and we have always been discriminated for being women. At times, I felt this so strongly that I wanted to

be a man so at least my dad would be happy then. I have also felt discrimination between one people and another, because I work more with Asháninka and Machiguenga and yet I am a Yanasha and they say to me, ‘What's a Yanasha doing here?!’ Sometimes we are discriminated by other sisters: an old woman said to me, ‘you are white, you don't look indigenous’ and I said, ‘I may look like a foreigner but cut my hand and the same Yanasha blood will run from my hand as from yours’. So I think that it is also very important to define cultural issues.

We also suffer discrimination within the organisations; they sideline us because of our ignorance but I think that, united, we indigenous women are just one step away.”

The 3rd World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa, is the framework for action that will contribute to the eradication of these forms of racism, intolerance, exclusion and discrimination against the sons and daughters of Mother Earth.

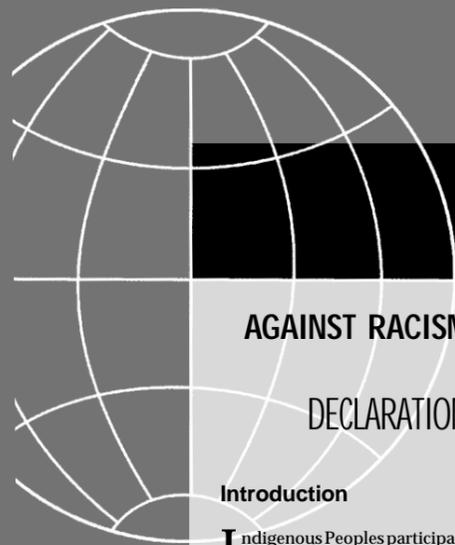
Note

¹ *Cholo* – Andean term denoting person of mixed race, often used pejoratively – trans. note.

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WORLD CONFERENCE

AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

DECLARATION OF THE INDIGENOUS PEOPLES OF THE AMERICAS IN SANTIAGO DE CHILE

Introduction

Indigenous Peoples participants in the People's Preparatory Conference to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, meeting in Santiago de Chile on 3rd and 4th December 2000, adopt the proposals contained in the following declaration as they are the reflections and contributions of the participants. By these proposals we demand an end to racism against our peoples and the full recognition of our rights.

These proposals constitute our demands to the States based on the historic debt they owe to our peoples, and will be presented for their inclusion into the American Regional Preparatory Conference of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held on 5th, 6th and 7th December 2000. They should be included in the proposals to be discussed at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will be held in Durban, South Africa in 2001.

These demands should be fulfilled before the end of the International Decade of the World's Indigenous Peoples in 2004.

CONSIDERING:

That racism, discrimination, xenophobia and related forms of intolerance are characteristics of dominant Western ideology and are reflected in the relationship Western society has maintained with the Indigenous Peoples of America, constituting an historic problem with deep roots in colonialism and the enslavement of entire peoples, a problem that began with the invasion of 1492 and which continues to this very day, denying Indigenous Peoples their self-determination;

That we Indigenous Peoples are the holders of a great and valuable cultural and spiritual wealth based on our cosmovision, which accepts, respects and values all cultures and peoples, by which we consider it necessary to contribute to unity through diversity and to continue developing processes that harmonise the individual with the universal through an intercultural dialogue;

That the consolidation of democracy in our countries such as the eradication of poverty and progress towards more just and equitable societies with full observance of political, economic, social and cultural rights, has not taken into account support for originary peoples, excluding us and marginalizing us;

That economic globalization and contemporary neoliberal systems are re-imposing and intensifying institutionalised and systematic discrimination against our peoples, condemning us to a perpetual intensification of poverty and marginalization and denying us the right to life;

That the phenomenon of globalization threatens the very survival of Indigenous Peoples in all aspects: our lands and territories, our individual and collective integrity, our cosmovision, our forms of organisation and our cultural, spiritual and traditional values; that the dispossession of our lands and territories results in great numbers of indigenous populations forced to migrate to urban centres, thus increasing their poverty;

That manifestations of racism and discrimination are included, among others, in the following:

1. We Indigenous Peoples have been the victims of, and continue to suffer from, acts of genocide, ethnocide and ecocide.

2. The extension of colonialism in all its expressions continues to rob us of our ancestral knowledge, of our cultural and spiritual practices, of our traditional economies and way of life of our peoples, as well as our cultural and intellectual heritage which form a part of our spirituality, our sacred places and areas of historical significance, our health practices and significant pharmacological knowledge, and now also our human, animal and vegetable genetic codes.
3. Practices based on an ideology of superiority of one group or one culture over another seek to erase the distinct indigenous identity, considering it inferior, and include processes of trans-migration that transform indigenous majorities into minorities on our own territories.
4. The displacement and forced relocations of Indigenous Peoples outside our territories due to armed conflict or militarization with the pretext of combating drug traffic and for construction and implementation of mega-projects, without consultation and against the will of our peoples, threaten our life and integrity of our peoples.
5. The exclusion of our Indigenous Peoples from social rights to health care, to education, access to housing and to training at all levels, as well as to employment, results in the frustration of our basic means of life and to greater impoverishment.
6. The imposition of the hegemony of colonial and neo-colonial legal systems that deny and destroy the legal systems of our peoples, aggravated by a lack of adequate access to the courts and a denial of the principle of due process, result in the denial of justice.
7. The education and communication systems are the transmitters and generators of racism, discrimination and detriment against Indigenous Peoples because they exclude our thought, language, spirituality, science and technology, and end in damaging the identity and development of our peoples.

FOR THESE REASONS,

We Indigenous Peoples call for a new type of relationship with the States and their governments which coexist on our territories under conditions of equality. This new relationship must respect the social, cultural, spiritual, linguistic, legal and organisational diversity both amongst Indigenous Peoples and between Indigenous Peoples and the States.

We Indigenous Peoples of the Americas call upon the international organisations, the States and their governments to take the following measures, that should be effected with our most ample and effective participation:

A. Legal actions:

1. We call upon the international community, the UN and the OAS to recognise that we Indigenous Peoples are **PEOPLES** in the full sense that this term is understood under international norms;
2. We call upon the UN to create a body that exclusively addresses the issue of the rights and development of Indigenous Peoples, with the power to watch over and penalise lack of compliance of international treaties and agreements signed by all States in favour of Indigenous Peoples.
3. We call upon all States to recognise the rights of Indigenous Peoples within their respective political constitutions and other norms. This recognition must include the right to lands, territories and natural resources, the right to exercise and develop our own legal systems and jurisdictional powers and the right to decide our own political, economic, social, educational and cultural development, and our own indigenous institutions and authorities.

4. We call upon the States to promote the necessary legal and constitutional reforms and to define policies that guarantee the self-determination of our peoples along with the right to define our own priorities and strategies for the exercise of our right to sustainable development.
5. We demand that the States incorporate the collective rights of Indigenous Peoples into their legal systems and to ensure their full application, defining and criminally punishing all offensive, discriminatory and racist conduct against Indigenous Peoples collectively.
6. We call upon the States to incorporate legal standards that promote truly multicultural and plurilingual policies, with full recognition and respect for diversity, that promotion intercultural relations within the framework of individual and collective rights.
7. We demand the States ratify and implement ILO Convention 169, overcoming its deficiencies in future processes, ensuring its permanent evaluation by Indigenous Peoples.
8. We call upon the governments to sign, ratify and /or fully apply the following international conventions and treaties: "The International Convention on the Elimination of all Forms of Racial Discrimination, and the Declaration provided for in Article 14"; "The International Convention on the Protection of the Rights of All Migrant Workers and their Families", "The Convention on the Rights of the Child", "The Convention on the Elimination of all Forms of Discrimination against Women" and "The Convention for the Prevention, Punishment and Elimination of Violence against Women (Belém do Pará Convention)".
9. We demand the formulation, revision and implementation of policies and legislation governing indigenous migrant workers by the States, with wide participation of their own organisations and of other entities linked to the issue, that the full recognition of the fundamental human rights of migrant populations and that corresponding migratory services within this context be established.

B. Political and social participation

1. We demand that the States initiate and assure political reforms that permit a real representation of Indigenous Peoples in the structure of a new State model.
2. We demand that the States guarantee the full exercise and development of indigenous institutions and authorities, respecting the Indigenous People's own form of social and territorial organisation, and that their opinions be the determining factors when adopting decisions relating to policies that affect them.
3. We demand that policies and public actions be adopted that take into account the cultural specificity of the Indigenous Peoples they are directed towards, that these include policies in favour of developing the indigenous family, women, children, youth, the elderly and all other distinct groups, designed with the involvement of the population they are directed towards.
4. We demand that the States assign and redirect the investment of sufficient resources from the respective national budgets for the strengthening of Indigenous People's communities and representative organisations in the struggle for the eradication of all forms of racism and for the assertion of their inalienable rights, at the local, national, regional and international level with the effective participation of Indigenous Peoples themselves.

C. Education and culture

1. We demand that Spain and Europe return the records and historic sources of the Americas, and channel resources in the form of indemnization (reparation for damages caused) for the development of Indigenous Peoples and programs that combat racism.
2. Education and interculturality are the affirmation of identity and, at the same time, indispensable tools in the Americas because they are the path to peace, to coexistence in diversity and to the development of Indigenous Peoples. For this reason, it is essential that all American universities from which homogenisation and eurocentrism emerge, be intercultural, and indigenous universities should be created.
3. Educational systems must adopt policies that guarantee the conservation of the environmental and permit us the right to live in a world free of contamination.
4. We demand that international organisations and State governments to permit indigenous organisations and peoples to have their own means of communication.

D. Final conclusions

1. We reaffirm our willingness and commitment to work jointly with other peoples and sectors affected by these same phenomena, aware of the fact that only the joining and alliance amongst the affected actors can they contribute to forging an international community free from racism.
2. We demand that the States, international organisations and the private sector restructure all their institutional programs in order to detect the elements of discrimination against Indigenous Peoples and to take measures for their elimination.
3. We demand that the States promote, within regional organisations, the formulation of plans of action against racism and discrimination that incorporate the programs that may emerge from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001.
4. As a positive sign, the United Nations and member states should promote the advancement and approval of the draft Declaration of the Rights of Indigenous Peoples approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its Resolution 1994/45, with neither abandonment nor weakening of the main criteria, such as the right to self-determination contained within the text.
5. The Permanent Forum for Indigenous Issues within the United Nations system must be implemented with adequate resources.
6. We affirm our decision that crimes against humanity committed against Indigenous Peoples throughout the world should not go unpunished but that there should be recourse to competent tribunals in each case.
7. Governments should facilitate and guarantee the effective participation of Indigenous Peoples, through delegates recognised by their respective communities in all the events of the preparatory process and in the World Conference itself.
8. The States must guarantee the right of decolonization to all Indigenous Peoples in non-self governing territories.

E. As Indigenous Peoples we condemn:

The Chilean State and its power structure, which is one of the most racist and discriminatory in its treatment of Indigenous Peoples who live there, inasmuch as:

- The National Congress of this country has refused the constitutional recognition of Indigenous Peoples, the only State, together with Uruguay, in South America, to do so.
- It has spent almost a decade processing the ratification of ILO Convention 169.
- No laws exist that criminally punish racism, discrimination or xenophobia.
- It has undertaken various megaprojects, such as the Ralco Hydroelectric Power Station, the "Xuf - Xuf" bypass, has misappropriated lands for transnational forestry companies against the will of the Indigenous Peoples living in these regions, and permitted the usurpation of Indigenous Peoples' waters.

That the Peace Agreements in Guatemala and San Andrés de Chiapas (Mexico) have been only promises of justice for Indigenous Peoples. Repression against indigenous leaders continues in Honduras, Chile, Mexico, Peru, Bolivia and Guatemala.

The "Plan Colombia", the zero cocaine policies in Bolivia, Peru and Ecuador supported by the United States of America, bring with it more repression, militarization and suffering for Indigenous Peoples and non-indigenous, bringing with it aggravating circumstances that could result in a regional problem of unforeseeable consequence.

In Argentina, there are violent racist groups that are attacking and sowing terror amongst immigrants, many of them Indigenous People from different countries, going so far as to attack families and assassinate people. These events occur in other countries and continue to occur without the authorities investigating and punishing those guilty.

Santiago de Chile, 4th December 2000

AUSTRALIA & RACE:

STOP THE WORLD, WE WANT TO GET OFF!

By Peter Jull and Kathryn Bennett



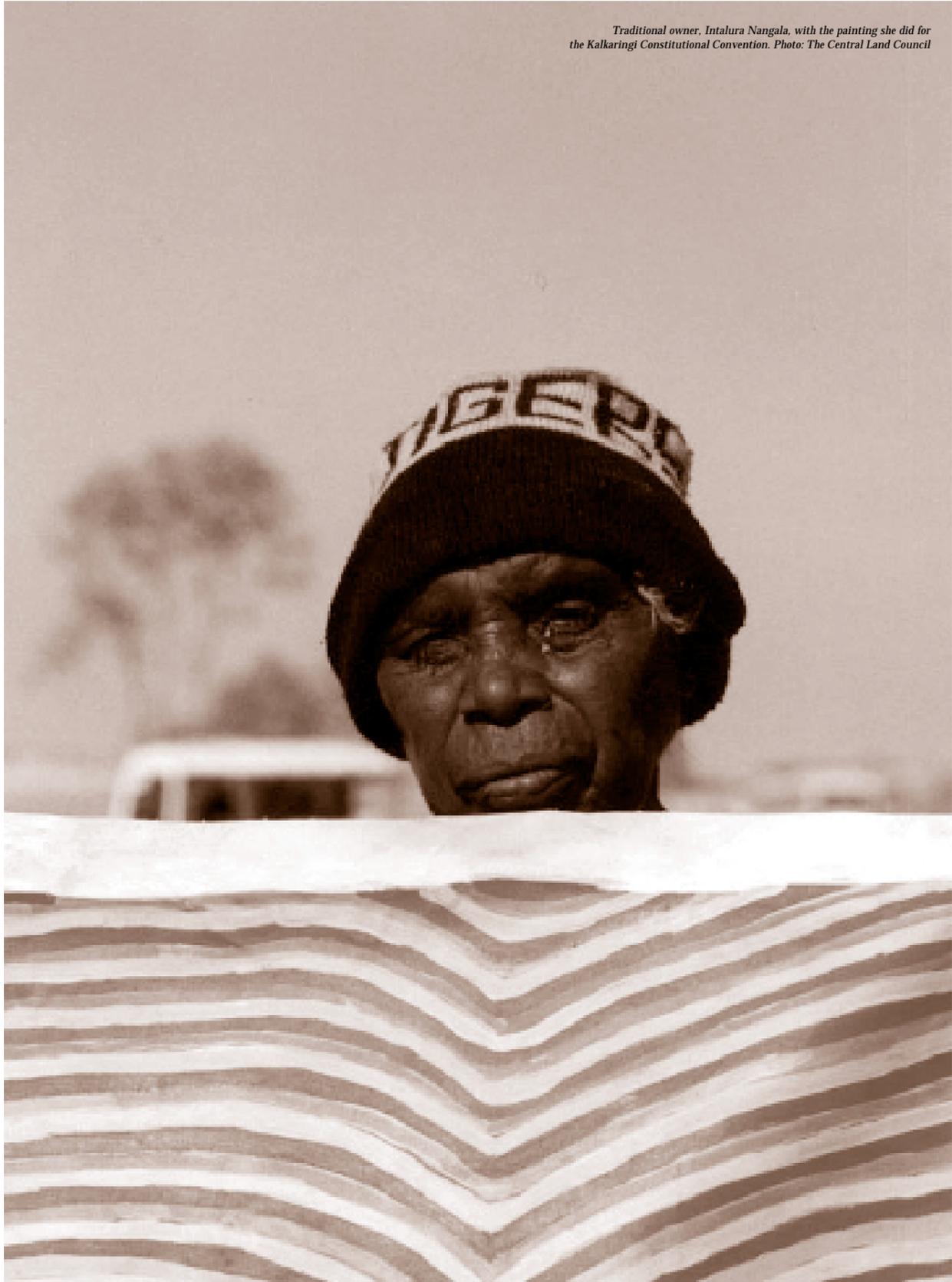
In 2001, as Australia commemorates its 100 years as a single nation-state made up of six former colonies, *racism* is the unwanted ghost at the party. Racial anxiety about the dark-skinned Aboriginal peoples and Torres Strait Islanders of the continent and its adjacent islands; the many peoples of the Pacific to east and north; and peoples to the north and west in Asia, was a major feature and virtually a national purpose of the white people who created one country under one Constitution on January 1, 1901. A readable one-volume history, *Claiming a Continent* by David Day, surveys the white presence in Australia from 1788 to the present in terms of that anxiety.

In 1988, when Australians marked 200 years of white 'settlement' (or 'invasion' as it is called by a growing number of Australians), the party fell rather flat because of Aboriginal protests about celebrating their subjugation, dispossession, and many deaths. However, the flood of new books, conferences, exhibitions, and performing arts subsidised or occasioned by that event provided much new information and stimulated much new thinking, especially about previously under-reported groups such as Aborigines, women, and immigrants. That awakening of consciousness was rich and rewarding. It provided a more profound sense of the past than red-coated troops marching up and down in straight lines when not flogging or hanging the prisoners who had been sent out with them. Australia was the largest of prison islands.

Another popular version of history is how simple folk with nothing but jail or poverty behind them found riches and became a social and political élite. As for the Aborigines, we were told that they were occasional nuisances, frequent victims of misunderstanding or white violence, pathetic figures hanging around the edge of town, or ghostly figures who mostly kept out of sight in the surrounding forests. A world-renowned novel, *Remembering Babylon* by David Malouf, captures the intense 'presence' of the Aborigines among new coastal settlers who rarely see them.

But this broadening view was not for all tastes. Many in Australia, notably white males who were securely in charge at the office or farm, and others who were in charge in pub or worker cottage, felt their simple certainties under threat. The more confident, and many of the less so, voted in 1996 for John Howard and his Liberal-National parties' Coalition. As Prime Minister, he has felt it a sacred duty to restore old certainties. Some of us dimly recall such outlooks in remote British Empire lumber towns in the 1940s, surely an outlook far removed from today's dynamic multicultural urban-centred Australia. Even Howard spent most of the year before winning office in Chinese restaurants, or so it appeared on TV news, trying to win back Asian businesspeople in light of his earlier career as party leader dismissed for remarks deemed anti-Asian and anti-Aborigine.

Traditional owner, Intalura Nangala, with the painting she did for the Kalkaringi Constitutional Convention. Photo: The Central Land Council



White populism

At the same February 1996 election, one of his candidates threatened to upset his smooth campaign by making strong comments about Aborigines and Islanders in a letter to a Queensland newspaper. Those comments, which led to Pauline Hanson, a hard-working take-away fish and chip vendor in the old industrial town of Ipswich, Queensland, being forced to run as an independent candidate. In hindsight, her views seem to reflect the Howard circle's real views, but they made Hanson an instant celebrity. She won her seat from Labor and the media followed her with interest thereafter. In her first speech in Parliament, September 10, 1996, she lashed out in all directions and continued to scapegoat Aborigines and Islanders, making her more than a Queensland curiosity – she now became an Australian wonder. She went on to found her own party, One Nation, and to provide endless joy for the media with her flaming red hair, shrill demotic speech, angry denunciations, and simple fairy-tale solutions. The Establishment she railed against apparently had one person who took her seriously: John Howard. When she wanted Australia to quit the United Nations, we all laughed, but now Howard has withdrawn Australia from UN human rights scrutiny. She scapegoated Aborigines, and Howard has made that a constant theme of his government. When she targeted immigrants, he and his immigration minister became positively brutal, setting up prison camps in remote hot areas of the continent to punish refugees for wanting to come here. (The immigration minister is now in charge of Aborigines as well, so cartoonists have shown him imprisoning them in the Outback, too.)

Howard has tactical motives, of course. He wants to scoop up the disaffected and humble and deal a blow to Labor's base. However, he has alienated many Liberals en route. When he and other Liberals and Nationals supported Queensland party deals with Hanson in the 1998 state election, the result was defeat of the state Coalition government. Now he has learned the lesson himself, although the Queensland election now underway sees Hanson wreaking havoc among Coalition voters again, dividing them and increasing Labor's chances. (A study of the Hanson phenomenon in social and political context relevant to all 'first world' countries is *The Rise and Fall* [sic] of *One Nation*, ed. Leach et al.)

Howard has endured constant controversy since his election in March 1996 on Aboriginal and Torres Strait Islander issues because of his actions and words – and inaction and lack of other words like 'Sorry' (see below). He has never shown the slightest understanding or interest in learning what the fuss is all about. His former chief of staff warned in a 1995 book, *A Howard Government?* (by Gerard Henderson), that Howard would be unable to understand or accept social and cultural difference, and he was correct.

While Howard and Hanson pretend to represent an Australia with a proud and confident culture and society, they do not. Rather, theirs is a frightened uninformed

country in a big scary world, a country which can only withdraw into a semi-mythical past and blame those who are different for whatever disappoints them. This defeatism holds a dynamic and outward-looking country and its people back but, like static on the radio, will leave nothing behind in the national memory except temporary inconvenience. The alternative, that Australia may yet become a funny little fascistic country and a joke for more sophisticated cultural kin in North America and Europe, is too painful to consider.

Recent government policy has been very inconsistent on the surface, but consistent underneath. Howard's government was re-elected in 1998, despite Labor winning more votes. In the excitement, Howard surprised everyone by saying he would work hard for black-white racial *Reconciliation*. More recently, he has said variously that black problems cannot be solved for another one or two hundred years because they have taken that long to develop; that there is no problem and we are already reconciled (because the crowds cheered the Aboriginal runner Cathy Freeman at the Olympics); that Reconciliation will happen by itself, a spiritual dawning someday; that other countries including Greenland and Canada still have indigenous problems despite policy reforms; and that such countries still debate indigenous issues. No country has debated them as furiously as John Howard's Australia, however.

The consistent elements in the above 'policy' positions are a trivialisation of problems and an apparent desire to remove indigenous peoples from sight, sound, or consideration. When first elected, Howard said he hoped to remove indigenous people from the front pages. But, as Prime Minister, he has kept Aboriginal responsibility in cabinet for himself, assisted by other ministers, while his words and actions have kept indigenous peoples on the front page.

Repudiating the UN

Criticised on indigenous policy by a succession of UN bodies, notably human rights bodies, Howard has announced that Australia will cease to cooperate. In an August 30, 2000, TV interview (ABC's *The 7:30 Report*) before departing for New York to address the UN's Millennium Summit, he said:

... the point has to be made that it is irritating to a lot of Australians when the political process in Australia is fully exhausted, throws up a result, which is accepted through the democratic process, and then groups go off to another country, into meetings of the UN committee and criticise outcomes and prevail upon those committees in turn to echo their criticisms back to this country.

I think a lot of Australians take the view that these issues should be resolved by Australians through Australian institutions in Australia.

And further,

The question of whether the current state of native title [indigenous rights] law in Australia is fair to all Australian people, that's a matter that I think should be resolved in Australia by the representatives of the Australian people, democratically elected, and that is what has happened.

It isn't really the business of a UN committee when we clearly have a democratic system in this Government and everybody's given an opportunity to put their view.

If Howard were right, one would hardly need courts or other problem-solving bodies because democratic countries, or at least those political systems of which conservative and xenophobic Anglophone politicians approve, are *ipso facto* morally perfect. Of course, most alert high school students will see the flaws in his arguments.

Unlike other British Empire countries such as the USA and Canada, in Australia the state and territory governments have had the main responsibility for indigenous affairs. This has meant that white settlement and development interests were priorities and Aboriginal peoples an obstacle in their path. The last massacres occurred while Hitler was beginning his march in Europe.

Only in 1967 did a national referendum give Australia's federal government paramount power *if it chose to use it*. The story of one state's Aboriginal policies, Queensland, has been documented from the government's previously secret files by Rosalind Kidd in two recent books, *The Way We Civilise* and *Black Lives, Government Lies*. Governments of both Left and Right moved Aborigines around, kept them half-famished and enslaved in prison camps, controlled all aspects of their personal lives and personal relations, and used them as cheap labour. What is remarkable about this story, which only ended in very recent decades, is that most Queenslanders and Australians do not know it, and if they know, do not care, while few are prepared to do much about remedying the human destruction it has left behind. Instead, Queenslanders and many other Australians look to 'law and order' policies – tough policing and jailing practices. The federal Race Discrimination Commissioner's 1991 report, *Racist Violence*, found that the degree of continual control and over-policing by whites of Aborigines was the epicentre of racial violence in Australia. As we write these pages, the political parties in NT, Queensland and Western Australia, the latter two with election campaigns in progress and the first to follow soon, have been competing to have the toughest 'law and order' policies. The Royal Commission on black deaths in custody made its final report in 1991, but now the rates of black deaths at police and prison hands are even higher. In such a painful and poisoned climate, some Australian governments, nonetheless, have made positive contributions. The trouble is that when there is no national legal or political framework, or any reason for development-minded state and territory governments to continue occasionally positive indigenous policies on resource frontiers – Australia being largely a resource frontier – episodes of decency are short-lived and leave no trace. The history of Australia is full of such brief interludes quickly superseded. Valuable



Francis Kelly from Yuendumu with the fighting boomerangs that have become an enduring symbol of the Kalkaringi Constitutional Convention and the struggle of Aboriginal people in Central Australia to have issues of governance and service delivery addressed. Photo: The Central Land Council

insights have been provided by Inga Clendinnen in her national radio lectures, *True Stories*, and in 'Reading Mr Robinson', pp 191-218 of her *Tiger's Eye*.

Reconciliation – not yet?

It was hoped and assumed by many that the 10-year work of the Council for Aboriginal Reconciliation would result in some sort of framework document which would provide a context for healing the nation, something beyond platitudes. The hostility of the Howard government has made that impossible for now. However, indigenous leaders and many non-indigenous supporters have been moving towards a consensus. The founding Reconciliation chairman, Patrick Dodson, made perhaps the most clear case for such an outcome in August 1999 (Vincent Lingiari Memorial Lecture: *Until The Chains Are Broken*) or online: <http://www.acfoa.asn.au/Indigenous/Lingiari.PDF>). He called for a framework agreement – that is, a formalised political accord – and negotiation process through which to build a new relationship between indigenous and non-indigenous Australians secured in constitutional arrangements and law.

Patrick Dodson chaired the first of the two great Reconciliation events, a Convention in May 1997 in Melbourne. This brought together about two thousand notables, both indigenous and non-indigenous, in a powerful symbol-laden event, much of it carried live on television. The Prime Minister, one of the first speakers, began appropriately and then started shouting at the audience who, for their part,

responded with jeering and derision. It was a remarkable performance for a head of government. Howard then rushed back to Canberra and stonewalled calls for sympathy or an apology for the Stolen Generations.

These were the Aboriginal children removed from their mothers for generation after generation in an attempt to assimilate them as a menial class of servants and cheap labour, and to bring to an end the Aboriginal race. The sufferings of the individuals separated, in most cases forever, and the families from whom they were taken, have been the subject of documentaries and books, and of much media coverage during and after the Human Rights Commission inquiry whose report appeared at that time (*Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, see also 'Australia's Stolen Children & Lost Conscience', *Indigenous Affairs*, 1/1998). By failing to show compassion for the grimmest social stories in the country, and responding with various spurious excuses for not doing so, the Howard government defined itself as nasty, brutish and, one could only hope, short.

Then, in May 2000 came the final Reconciliation event, Corroboree 2000. This time the speeches were even more powerful, and the entire political élite of the country was present in the Sydney Opera House to hear them. Aboriginal leaders reached out to Howard who would not respond, but this time he behaved himself (perhaps out of security fears). Mick Dodson, the barrister and former indigenous rights ombudsman, made a powerful speech to show that the Stolen Generations were alive and well, and by no means a mythical or past problem (<http://www.austlii.edu.au/au/orgs/car/c2000event/speeches/Mick%20Dodson.htm>). The following day, 250,000 people walked for Reconciliation across the Sydney harbour bridge, with similar proportionally huge walks in the other main cities of Australia later. The Prime Minister, who likes being photographed walking everywhere he goes in Australia or the world, did not walk.

The last two years in indigenous affairs have been tragi-comic. They have focused almost entirely on symbolic and verbal issues. How sorry, or not at all sorry, is the government? Is a treaty the same as an agreement? Apparently not, according to some of the loudest voices. What about a statement or declaration? The Prime Minister made a great public display of writing a Preamble to the national Constitution with the country's leading poet, including Aboriginal references, but the outcome was in part so absurd that it was laughed out of use. Then it was rewritten with a single Aboriginal senator, and came out well enough for most people, but the Prime Minister ensured that it meant nothing by attaching a clause to say that it meant nothing!

Even the hanging suicide of a black teenager in Darwin's jail, which created a furore in the media that has not yet settled 12 months later, produced quibblings over words and degrees of concern. The Prime Minister warned UN Secretary-general Kofi Annan, then visiting Darwin to thank Australia for aid to East Timor, crudely and publicly not to speak on Australian human rights issues. With

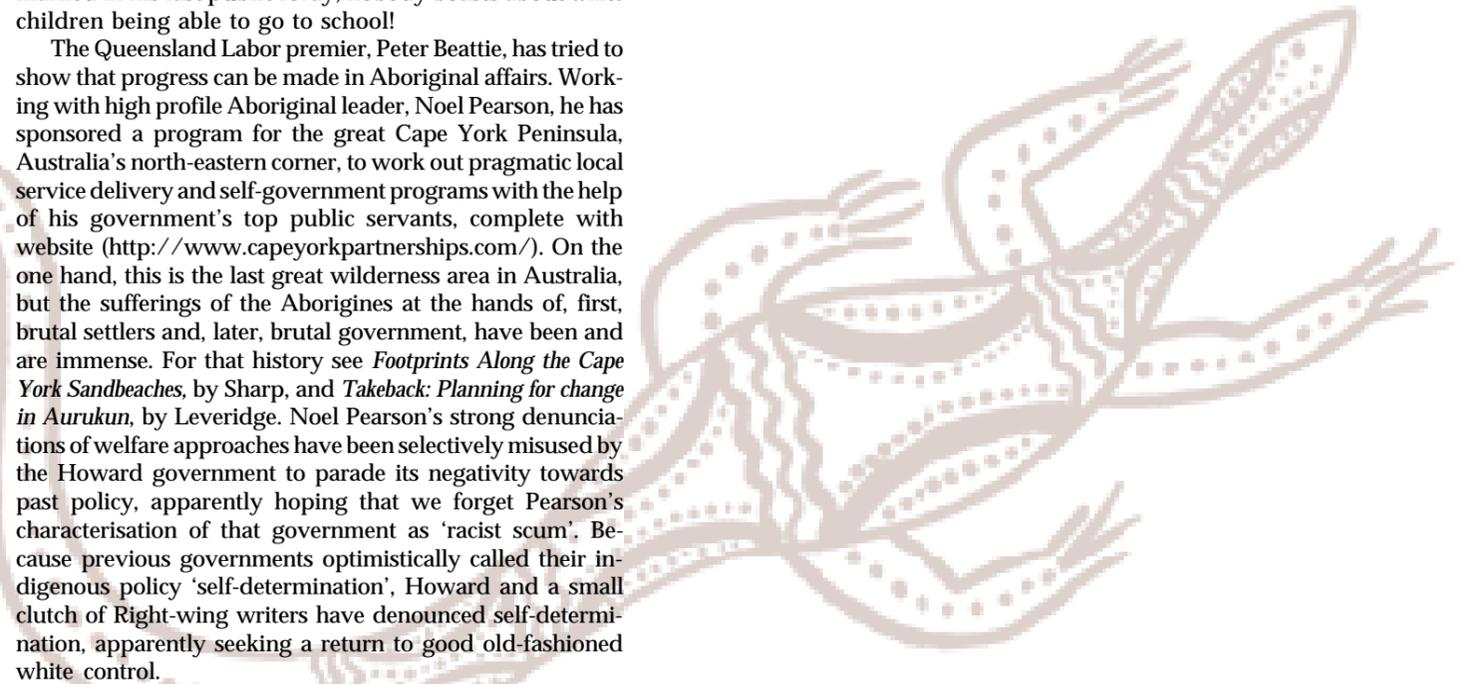
more and more United Nations bodies finding fault with Australia's conduct of indigenous affairs in particular, the stage was set for Howard's abandonment of world citizenship. Nevertheless, he has worded this differently for different audiences, pretending when it suits him that it is all very reasonable and harmless. A good insight is given in Prime Minister Howard's official portrait – a man with a 'passive aggressive' look but otherwise ordinary in his backyard, shirt open at the neck, beside his wife.

Government by one-liner

The Howard government has avoided any indigenous policy deeper than oral one-liners. The main slogan now is 'practical reconciliation'. This, say Howard and his associates, means delivering services like clean water, schools, and clinics. Of course, Australian governments have been doing this in bits and pieces for decades, although never with enough money or political persistence to do the job properly in the way that, say, was done in North Norway after 1945. As the late Charles Perkins, the first and archetypal modern Aboriginal activist, remarked in his last public foray, nobody boasts about *white* children being able to go to school!

The Queensland Labor premier, Peter Beattie, has tried to show that progress can be made in Aboriginal affairs. Working with high profile Aboriginal leader, Noel Pearson, he has sponsored a program for the great Cape York Peninsula, Australia's north-eastern corner, to work out pragmatic local service delivery and self-government programs with the help of his government's top public servants, complete with website (<http://www.capeyorkpartnerships.com/>). On the one hand, this is the last great wilderness area in Australia, but the sufferings of the Aborigines at the hands of, first, brutal settlers and, later, brutal government, have been and are immense. For that history see *Footprints Along the Cape York Sandbeaches*, by Sharp, and *Takeback: Planning for change in Aurukun*, by Leveridge. Noel Pearson's strong denunciations of welfare approaches have been selectively misused by the Howard government to parade its negativity towards past policy, apparently hoping that we forget Pearson's characterisation of that government as 'racist scum'. Because previous governments optimistically called their indigenous policy 'self-determination', Howard and a small clutch of Right-wing writers have denounced self-determination, apparently seeking a return to good old-fashioned white control.

Elsewhere in Queensland the Torres Strait Islanders are working towards a combined model for political autonomy and regional sea claims. An important document in this process is expected from their leaders in February 2001 (<http://www.tsra.gov.au/>). The Islanders have won an important court case supporting their rights to marine resources after they controversially took fish away from non-Islander fishermen at sea (ABC News, 1-Feb-2001). Murrandoo Yanner, a young Aboriginal leader from north-west Queensland who won a landmark indigenous wildlife case in October 1999, is hopeful that Australia will at



last recognise such indigenous rights. Unfortunately, Australia has a penchant for legislating to override court decisions which recognise such indigenous common law rights, unlike other 'common law countries'. Another north-west Queensland Aborigine, Alexis Wright, is now taking the situation of her Waanyi people to the world in her powerful novel or 'faction', *Plains of Promise*. Published in 1997, it is now appearing in other European languages and will have a great future, we may be sure. There is an explosion of indigenous writing – fiction, memoirs, essays, and other non-fiction – in Australia today.

Police-Aboriginal relations are an enduring theme in Queensland and all Australia. Although laws are no longer overtly racist, official attitudes in implementing these laws are often discriminatory. Two recent incidents involved excessive force on the part of the Queensland police. But change is occurring, however slowly, because both cases were front page news in Brisbane's *Courier-Mail*. While there are many cases of such 'enthusiastic' law enforcement, prominent people make them 'news'. In the first incident, the Aboriginal health expert and government advisor, Professor Gracelyn Smallwood, was arrested in Townsville, North Queensland, for insulting police (by accusing them of acting like the Ku Klux Klan). She had intervened to help an Aboriginal youth and an elder who were being roughly treated. At the time of her arrest, the women had 'adopted their usual practice of going to the Sovereign Hotel to drive intoxicated people home', it being their daily habit to help persons from closing bars to reach their homes safely. She suffered spinal injuries after being thrown in the back of a police van, was strip-searched, was refused legal help, refused medication, and held overnight in filthy conditions. The police accused her of stealing a purse after finding credit cards and a professor's identity documents. Professor Smallwood later said that the experience was 'the most demeaning conduct I have had to endure. Yet my black brothers and sisters cop ['endure'] it all the time'. (*Courier-Mail*, Koch & Lawlor, 22 & 23-2-2000)

In a more recent incident, Kargun Fogarty, 19, the son of a senior Queensland government Aboriginal advisor and a member of the highly acclaimed Jagera Jarjum dance group, was 'held at gunpoint, handcuffed and strip searched after police mistook his Walkman stereoplayer for a gun'. When police realised it was not a gun, they accused him of stealing it. Mr Fogarty was surrounded, ordered to lie on his stomach, marched through the Brisbane city centre, and strip-searched, before being released without being charged. His mother, Cheryl Buchanan, commented: 'What is appalling is that my children can go to any country in the world and perform, and they are welcomed and never questioned – certainly never harassed by cops because of their skin colour. No, that happens only in Queensland.' (*Courier-Mail*, Koch, 31-10-2000) A new Aboriginal novel, *Hard Yards*, by Melissa Lucashenko, dissects the fraught and sometimes incestuous relations between police and Aborigines in Brisbane, inspired by a case involving another young member of this same family and his death in 1993.



Federal politicians and traditional owners look at paintings done especially for the Kalkaringi Constitutional Convention organised by Kumanjayi Zimran to discuss issues of governance in the Northern Territory. Photo: The Central Land Council

Authority – not so funny

Recent reflections on Australian culture and identity, including the Prime Minister's various set-pieces for national days and occasions, have highlighted scepticism and irreverence as the archetypal Australian trait under its local name, 'larrikinism', or 'being a larrikin'. The carefully constructed film *Crocodile Dundee* was perhaps the world's clearest view of this image of the rude but warm-hearted 'simple Aussie bloke'. Howard's Australia Day speech attributed this irreverent character to 'the Celtic deposit' – a remarkable characterisation of many of us! – in Australia's population. Australia had ten times as many Irish immigrants as, e.g., Canada.

But self-indulgent images of delightful roguery are not the whole story. Australia's European history began as a brutal prison colony. That was the bitter time of an Old World culture which, we are supposed to believe, Australia has escaped, rejected, and replaced. It should therefore be especially painful that at both Australia's January 1988 bicentenary of permanent white settlement and January 2001 centenary of federation of six colonies under one Australian federal constitution, the news reports have been full of troubling prison stories. In 1988, the Aboriginal deaths at police and jailers' hands were causing outrage as well as horrid conditions in a number of the country's prisons. In 2001, two prison stories occupy the media, cartoonists, and politicians. One is the story of the troubled Aboriginal teenager who hanged himself in jail in Darwin in February 2000 after insensitive handling by courts and jail workers, thanks to a month's sentence for stealing some cheap marker pens. This has focused na-

tional and international outrage, and raised deep questions about the competence and integrity of the Northern Territory government and its relations with its judges.

The issue has wider importance, however, because in Australia's system the states and Northern Territory establish their own criminal law. The Coalition parties in Queensland are promising to introduce the same system there if they win the February 17 election. In Queensland and Western Australia (WA) as in the Northern Territory, 'law and order' issues are a code for getting tough with Aborigines. The effects of such brutality in times past, including Queensland's labour and punishment camps in which most Aborigines were confined until recent years, are the subject of powerful and fully documented studies noted above. It is said that Queensland provided the model for the *Apartheid* system of South Africa. There is a direct cause and effect link between such white policies and the dismal socio-economic outcomes among Aborigines today, of course.

Aboriginal policy involves too much control and interest on the one hand, and disdain and neglect on the other. Unless governments accept the offer of moderate and negotiated progress proposed by most Aboriginal leaders, and stop using race relations as electoral entertainment and economic distraction, Australia's sunny and fun image may soon be permanently clouded over.

Summing-up

The response of Aborigines and Torres Strait Islanders to the racism which shapes their daily lives, or has shaped policies and practices which create their context today, takes many forms. Some are moving acts of selfless commitment which, when they occasionally reach the wider community (see for example the Central Australia obituary notice following this article), shame us all as individuals, as communities, and as persons complicit through our taxes and votes in the institutions which control indigenous and other disadvantaged persons' lives. Most, of course, are merely left with 'homely joys, and destiny obscure, ... The short and simple annals of the poor.'

There are many protests, and countless books written, as well as some confronting graphic and performance art. There is no question that young non-indigenous people growing up today will know more and understand better the problems of indigenous peoples. The acts and words of various state, territory, and federal political leaders – some on both sides of politics, Left and Right – will seem astounding to them, surely.

However the critical indices are, first of all, the alarming health and social statistics – and their all-too-visible reality in TV news images. Australia has not even enjoyed the recent improvements seen in other English-speaking 'first world' countries – not to mention the post-war material and social improvements in Greenland and Sápmi (Lapland). The critical item may be the clashes between black and white culture in relation to the law – in 'justice', prisons, and official violence. White Australians regard

with contempt the British who jailed their ancestors for being poor or desperate in other ways and sent them as convicts in chains to Australia. Yet today, a mere 213 years later, the same history-conscious people can think of nothing to do about Aborigines but have their uniformed representatives rough them up and toss them in jail. The problem is getting worse, not better, as TV allows politicians to ape and mow in advertisements between crime stories on the evening news, promising more policing, more jailing, etc. Australians seem to have forgotten nothing and learned nothing. Perhaps the international community can help them think anew.

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THE PINTUPI LOSE A HERO

"The Old Man Tjilpi left me at Tjilkamarta where I turned into a porcupine. In the Dreaming I fell off a rock at Tjiturrur after having been left there. Then I grew sulky and took off north of Tjiturrur across the sandhill. My mother then tracked me down, she caught me – a real porcupine – that was me. She then killed me and ate me. Eventually my parents went to Pinarri where I was born." Kumantjayi Zimran 1997

By David Ross

Just before Christmas in 1956, Kumantjayi Zimran walked into the Haasts Bluff Ration Depot, 250 kilometres west of Alice Springs with his parents and brothers and sisters, as part of a small group of Pintupi from the Western Desert. They were, with about 200 Pintupi remaining in the desert, the last indigenous Australians yet to make contact with white people. Forty four years later, Mr Zimran's extraordinary life ended as one of the most revered and influential Aboriginal political leaders in Central Australia. The work of this Pintupi intellectual, philosopher, visionary, educator, one time pastor, politician and community leader reached far beyond his homelands in the Western Desert.

Guided by his vision and leadership, the Western Desert Dialysis Appeal recently raised \$1 million towards the purchase of kidney dialysis machines to assist the many sufferers of renal disease in his country. He longed for his homeland and family but, like many Aboriginal people from bush communities, was forced to tolerate living in Alice Springs in order to receive regular dialysis. Others have chosen death in their own country over separation from land and family. For Kumantjayi Zimran, this right of choice and control over his life and land became the motivating force in his political activity. Unfortunately, in the end, he was only able to express them in his decision to release himself from the entrapment of a dialysis machine.

As a Pintupi, Kumantjayi's life was, in a sense, an eternal exile and a relentless and endless adaptation to the forces of change. The Pintupi started moving out of their homelands in the 1940s to clear the way for the rockets fired across their country from the Woomera rocket range and, over the next 30 years, the Pintupi gradually emerged to be assembled on the ration stations set up by missionaries. The lack of water at the Haasts Bluff Ration Depot prompted government authorities to relocate the groups of Arrernte, Luritja, Pitjantjatjara and Pintupi people to Papunya in 1959. It became a place of misery, disease, desperation and longing for country. Despite this, it was here that Mr Zimran, through his intellect and efforts, gained the skills and knowledge he later cleverly exploited to bridge the cultural gap between his world and that of non-Aboriginal Australia.

Mr Zimran joined the exodus from Papunya, Haasts Bluff and other settlements back to the Pintupi homelands to establish the community of Kintore in the early eighties. Political change, as well as cultural longing, facilitated the move when the Aboriginal Land Rights Act had in 1976 returned some autonomy to the Pintupi for the first time since contact with white Australia.

He provided leadership to many Aboriginal organisations such as the Walungurru Outstation movement, the Haasts Bluff Association, the Pintupi Homelands Health Service, the Walungurru (Kintore) Community Council and the Combined Aboriginal Nations of Central Australia (CANCA). He had a worldliness and political astuteness which was outstanding for someone who had spent their childhood in the desert and it enabled him to translate the complexities of the new white dominant culture to his people. It also enabled him to communicate the aspirations and desires of his community back to the advisers and bureaucrats, many of whom were entirely ignorant of the culture with which they were dealing.

Aboriginal self-government, and more specifically Pintupi autonomy, was his dream. His leadership of CANCA resulted in the Kalkaringi Statement in 1998, which set out the conditions of governance required by Central Australian Aboriginal people prior to any agreement to statehood for the Northern Territory. It became a political landmark and influenced the almost unanimous 'no' vote by Aboriginal people at a statehood referendum later that year.

His speeches were often moving and always eloquent. He told the 800 people at the end of the two day Kalkaringi Convention: *"This is the start of a new era. You have been scattered all over the Territory and you have not been as one voice. This statement has made you one group as the indigenous people of this country. You are signing this as one. We got east mob, west mob, south mob and north mob. Pitjantjatjara people, Pintupi, Luritja, Warlpiri, Arrernte, Gurindji, Warrungu, Alywarre, everybody - you are now one. We go into the future as one tribe and one family."*

It was not all politics. Kumantjayi Zimran was also busy with family, and with friends from all walks of life. He featured in almost every book and film about the Western Desert in the last twenty years and many sought out his superb translation skills. As a young man he was preoccupied with the typical pursuits of a Pintupi youth – hunting, ceremony, marriage and music. His recording made with the Central Australian Aboriginal Media Association in the 1980s remains as one of the benchmarks of Aboriginal gospel.

Demanding, maddeningly persistent, brave, generous, forgiving and funny, he was a friend and inspiration to many. Kumantjayi Zimran is rightly regarded as a hero for his people by all who knew him well.

Note: In accordance with Aboriginal custom in Central Australia, photos of the deceased and use of their first names are prohibited. The Pintupi use the term Kumantjayi as a substitute for the person's first name.

*David Ross is the Director of the Central Land Council, Alice Springs
This obituary was written for The Age (Melbourne) and The Sydney Morning Herald.*

By Victoria Tauli-Corpuz

THE RESISTANCE OF THE INDIGENOUS PEOPLES OF ASIA AGAINST RACISM AND RACIAL DISCRIMINATION



The resistance waged by indigenous peoples since the colonial era up to present times is basically a resistance to racism, racial discrimination and various forms of intolerance. It is tragic to see that in this day and age, where race as a construct is found to have no biological basis at all, racism and racial discrimination still remain the major scourge of indigenous peoples, not only in Asia and the Pacific but in the rest of the world. Stories of our indigenous sisters and brothers from the Asian part of Russia to Aotearoa attest to this. The three international decades for action to combat racism and racial discrimination and the past two World Conferences are, in effect, an admission that these problems are still all-pervasive. What is needed is more decisive and comprehensive action. As the UN Secretary General has said, "Racism can, will, and must be defeated."

It augurs well that this World Conference on Racism, Racial Discrimination and Related Forms of Intolerance (WCAR) is the first world conference for the new millennium. This is important because we begin the millennium by defining and acknowledging that racism and racial discrimination, and related intolerance, are still prevalent in all societies. The denial of the existence of this disease, and the refusal to address its root causes, has allowed racism and racial discrimination to evolve into new forms. The perpetuation of the global capitalist market economy and the interests of the international and national elite are supported by the institutionalization of racism and discrimination. Laws, popular media, education and even mainstream religions have been channels of racist concepts. Even now, major efforts are still needed to purge many institutions of racism and discrimination.

Racism and discrimination clearly underpinned the invasion, colonization, the oppression and marginalization of indigenous peoples. Colonizers start with the fundamental assumption that their ways are inherently superior to those of the colonized. The histories of indigenous peoples show how colonizers used a racist ideology to maintain their dominance and hegemony. In the name of God, civilization, progress and development, colonizers justified the most barbaric acts they did to those they colonized.

The Benevolent Assimilation policy of the American government towards the Philippines is a classic example of a racist justification for colonization. On November 21, 1899 President McKinley explained to a delegation of the Methodist church why he colonized the Philippines, and he said:

... The truth is I didn't want the Philippines, and when they came to us, as a gift from the gods, I did not know what to do with them... and I am not ashamed to tell you, gentlemen, that I went down on my knees and prayed Almighty God for light and guidance more than one night. And one night late it came to me this way... 1) that we could not give them back to Spain – that would be cowardly and dishonorable; 2) that we could not turn them over to France and Germany – our

commercial rivals in the Orient – that would be bad business and discreditable; 3) that we could not leave them to themselves – they were unfit for self-government – and they would soon have anarchy and misrule over there worse than Spain's was; and 4) that there was nothing left for us to do but to take them all, and to educate the Filipinos, and uplift and civilize and Christianize them, ... and the next morning I sent for the chief engineer of the War Department and told him to put the Philippines on the map of the United States...¹

Senator Beveridge, a senator from Indiana, made his first speech in Senate in January 1900 and he reiterated Pres. McKinley's position:

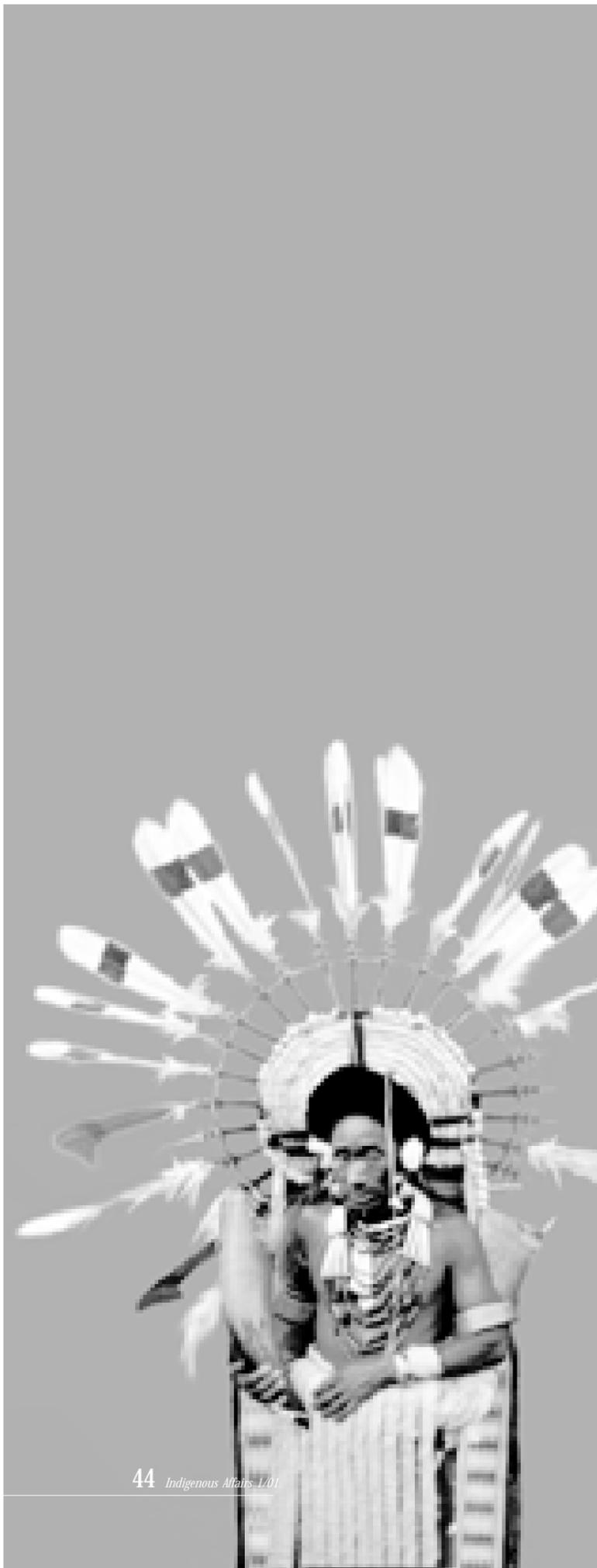
Mr. President, the times call for candor. The Philippines are ours forever, ... We will not renounce our part in the mission of our race, trustee under God, of the civilization of the world... And we will move forward to our work ... with gratitude for a task worthy of our strength, and thanksgiving to Almighty God that He has marked us as His chosen people, henceforth to lead in the regeneration of the world.²

In 1904, the United States government brought around one hundred Igorots and Tingguians from the Cordillera to the St. Louis Exposition in Missouri. They were exhibited as "rare specimens of savage peoples".

This is the kind of mindset and barbarism that shaped the histories of many indigenous peoples all over the world. Racist men are put into positions of power where they are expected to promote, first and foremost, the economic and political interests of the nation-state's elites. The genocide and ethnocide committed by the colonizers from Western Europe and North America are meant to eradicate peoples and cultures who are deemed to be backward and therefore do not have a place in their concept of a civilized world. Even after colonies gained independence, some of the discriminatory and racist aspects of laws, development approaches and programs - and even the education system - were not rectified. This is especially true when we talk of laws, policies and programs directly affecting indigenous peoples.

Carving up the ancestral homelands

The classic divide-and-rule tactic was employed fully by the colonizers to subjugate and weaken the resistance of indigenous peoples. One method used was the carving up of indigenous homelands and distributing them within several states or between state boundaries. The case of the Nagas is one example of this. Their homeland was divided between India and Burma, or the so-called Indo-Burma boundary, by the 1826 Treaty of Handabo. Within India, they were divided between Nagaland, Manipur, Assam and Arunachal Pradesh. In Burma, they were divided between Kachin State, Saga in Division and Naga Hills³. The creation of the nation-states following the colonial era



has led to internal colonization and national oppression of indigenous peoples. They continue to be subjugated and marginalized by the states, the dominant populations and classes. Again artificial borders were drawn, which separated indigenous peoples into two or more nation-states and states or regional divisions within a country. In the Philippines, for instance, the Cordillera people were divided between Region 1 (Ilocos Region) and Region 2 (Cagayan-Isabela Region). It was only in 1988 that a Cordillera Region was created as a result of the indigenous peoples' movement.

The Chittagong Hill Tracts, which is home to various hill tribes now collectively known as Jumma peoples, assumed a separate identity when the British annexed it to India in 1860. However, when the British rule ended in 1947 and India and Pakistan divided, it was awarded to Pakistan. Then when Bangladesh gained independence from Pakistan in 1971, it ended up in Bangladesh.

Denigration and denial of indigenous identities and cultures

Indigenous peoples in Asia and Pacific are known by many labels. These labels are used to distort or deny their identities and existence as distinct peoples. Indigenous peoples are also known as tribals, hill tribes, scheduled tribes, aboriginal people, backward tribes, hill or mountain people, cultural minorities, indigenous cultural communities and national minorities or minority nationalities. These labels are attempts to diminish the assertion that we are peoples with the right to self-determination. This is one reason why the indigenous peoples are firm that the United Nations should adopt and use the term *indigenous peoples*.

We have common histories of colonization, discrimination and marginalization. We trace our ancestries to the original or prior inhabitants of territories that have been lost, diminished or divided through conquest or oppressive and discriminatory laws. We consider ourselves distinct from the dominant societies we find ourselves in. Our lands and territories define our identities as peoples and are the basis of our social and political organizations, our economic and cultural systems, and our spirituality. We would like to transmit to the future generations aspects of our cultures and traditions that strengthen our links with our lands and affirm our diverse and distinct identities.

Integrationist and assimilationist policies are underpinned by discriminatory attitudes that believe that the way to civilize backward indigenous peoples is to integrate them into more 'superior' or more 'civilized' societies.

Globalization as a new form of racism, discrimination and intolerance

The challenge for us is how to make the broader society accept diversities in cultures, cosmologies, and economic,

political and social systems. One root cause of the conflicts between indigenous peoples and the colonizers is the appropriation of indigenous lands and resources. Indigenous peoples' land tenure and land use systems were ignored and the colonizers' concept of individual private property prevailed. Conflicts also evolve because of the intolerance over the existence of other cultures and systems that do not promote the agenda of those who hold economic and political power.

Present day globalization is basically the imposition of the culture and system of the global capitalist market economy. This has become the New World Order and its main proponents are ex-colonial powers such as the United States of America, and some countries within the European Union.

The re-colonization of the South and indigenous peoples is being done not through crass gunboat diplomacy but through so-called global rules and policies. These are created in trading bodies like the World Trade Organization, the North American Free Trade Agreement and multilateral financing bodies such as the World Bank and the International Monetary Fund. If a country is caught in the debt trap then its chances of forging a more independent path to development is diminished. Indigenous peoples' development concepts and practices will have less chances of survival if the nation-states they find themselves in fully adhere to globalized trade, investment and financing rules.

This is why I believe that globalization, as we are witnessing now, is a new form of racism. It promotes the global capitalist market economy, including its ethos and values, as the way forward for the whole world. It is intolerant of policies and practices that give protection to local economies, small farmers and livelihood systems. For example, the practice of protecting local agricultural production through laws that control the importation of similar products is unacceptable.

The ethos of global competitiveness says that if you cannot be efficient in producing specific goods, like corn for example, then you should not produce this. It is better for you to shift your production to goods that will allow you to compete in the global market. For indigenous peoples who have corn as a traditional and ritual crop, globalization states that they either have to convert to mechanized, wide-scale corn production or change to a more competitive crop.

Globalization will push you to conform to the development paradigm of a globalizing market economy. This is what is considered superior because it will lead to more economic growth. It does not matter if this kills small and sustainable economic and productive systems such as those found among indigenous peoples.

In this context, our continuing survival, as indigenous peoples and cultures, depends on how strong we are in resisting homogenization through globalization. This means a sustained struggle against racism, discrimination and development aggression.

Globalization, which is further driving us away from our lands and territories and depriving us of control over our natural resources, is the contemporary manifestation of racism and discrimination.

Development aggression: another face of discrimination

Development aggression is defined as the violation of basic human rights in the development process. This has been a central problem for indigenous peoples in the past right up to the present day. Development aggression violates the fundamental right of peoples to self-determination and deprives indigenous communities of their very means of subsistence and sustenance as distinct peoples and cultures. The right to self-determination of peoples is enshrined in Article 1 of both the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Political and Civil Rights (ICPCR). This Article states:

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

Development aggression is also a form of discrimination and racism because it denigrates and destroys indigenous development practices and systems. Again, it starts with the assumption that the economies, societies, and technologies of the colonizers and the dominant populations are superior to those of indigenous peoples. Undermining and destroying indigenous economies and cultures is therefore justified.

Development aggression is usually accompanied by militarization. Since the imposition of development projects destroying indigenous lands are, more often than not, resisted by local communities, force has to be used to push these through.

The question "whom is development for?" is still a relevant and crucial question to ask. The answers vary depending on one's perspective. Indigenous peoples are sacrificed in the name of national interest or national development. Indira Gandhi, the former Prime Minister of India, was quoted as saying:

I am most unhappy that development projects displace tribal people from their habitat, especially as project authorities do not always take care to properly rehabilitate the affected population. But sometimes there is no alternative and we have to go ahead in the larger interest.⁴

President Marcos also uttered a similar statement when he was confronted by the elders of the Kalinga and Bontoc, who will be affected by the Chico River Basin Dam Project in the Philippines. He said, that "... you should sacrifice

yourself for the sake of the nation". Discrimination is still the name of the game if the interests of indigenous peoples are sacrificed in the name of another collectivity called the nation-state. Who is to determine which form of development is more superior? Is economic growth the only measure of the superiority of a system? Economic growth does not factor in the just and equitable sharing of wealth nor does it integrate the cost of destruction to nature in generating growth.

For the New World Order, development means being able to generate economic growth, no matter where this comes from and how it is generated and distributed. For indigenous peoples, it is basically the capacity to feed one's own community, engage in local trade for necessary products that one cannot produce, and to use, develop and conserve mother earth's wealth so the needs of future generations will not be compromised.

Contemporary forms of racism and racial discrimination

In Asia and the Pacific, some of the pervasive and contemporary manifestations of racism and racial discrimination, which in turn are facilitated by rules of globalization, are as follows:

Continuing plunder, expropriation, and destruction of indigenous territories

Giant transnational and national mining corporations; construction of mega hydroelectric dams; oil and natural gas extraction; deforestation; overfishing in our traditional waters; and conversion of our lands into industrial plantations for export crops and into agribusinesses that use toxic chemical inputs and which undertake field trials of genetically-modified (GMOs) seeds. Except for the use of GMOs, most of these activities were also carried out during colonization and immediate post-colonization. The difference lies in the expanse and breadth of the operations of corporations. New technologies that are more efficient (from the perspective of corporations) and laws that are more liberal, are created and used, allow for faster recovery of investments. However, these also allow for greater destruction of the environment and people's health.

The enactment of the Mining Act of 1995 in the Philippines has further liberalized the entry of foreign mining corporations in the ancestral lands of indigenous peoples. This provides the most attractive incentives such as 5 to 10 year tax holidays; lease over lands of areas not more than 81,000 hectares for 50 to 25 years; full ownership and full repatriation of profits and capital; rights over the surface, water, timber as well as the right to ease the inhabitants off areas that are to be mined. Before this law, foreign capitalization was allowed only up to 40 percent.

Since the law came into being, many mining companies, such as Newmont of the USA, Rio Tinto Zinc of the United Kingdom, Newcrest and Western Mining Corporation of Australia, Climax of Canada, etc., entered into FTAA's (Financial and Technical Assistance Agreements) with the Philippine government. Because of the resistance of indigenous peoples, such as the Subanen against Rio Tinto Zinc, and the B'laans against Western Mining Corporation, these companies temporarily pulled out of the communities. However, they still retain their mining claims, awaiting better times in the future.

The building of hydroelectric dams continues to be a bane to indigenous peoples. In spite of the massive resistance from indigenous peoples against mega-dam projects, the construction of these still continue. In India, it is estimated that 14-40 million people will be displaced by dam construction and 60 percent of these are Adivasis (original peoples) and Dalits (untouchables)⁵. Dam building has been a battle between two worldviews and economic systems in which the dam builders always have the upper hand. Harnessing the potentials of water for energy and irrigation for the sake of the majority provides the justification for these projects.

The displacement of peoples who have forged relationships over thousands of years with the part of the earth to be harnessed is a minor social impact. To add insult to injury, no satisfactory resettlement schemes have been granted to indigenous peoples. In fact, some people, such as the Ibalois in the Cordillera in the Philippines, have still not been resettled, although 50 years have passed since the Ambuklao and Binga dams were built in the 1950s. The 40,000 Jumma peoples of the Chittagong Hill Tracts who were likewise displaced because of the US-funded Kaptai Dam Project are still refugees⁶. Forty years after the construction of the Nagarjunsagar Dam in India, the Adivasis who were evicted now live in resettlement areas that still have no roads, no electricity, and no water pumps or faucets⁷. The dam project is one of the country's largest irrigation and hydropower facilities.

Displacement of indigenous peoples because of so-called conservation programs

The creation of national parks or integrated protected area systems (IPAS) is another example of discrimination. Again, this is not a new development. Conservationists from the colonizing countries had a strong influence in shaping the conservation programs pushed by their governments. The main critiques against the ideology and practice of these projects are as follows:

Firstly, that the indigenous forest management practices of indigenous peoples are not recognized as viable practices for forest and wildlife conservation. Since, indigenous peoples were regarded as backward their resource management systems and land use and land tenure systems were not appreciated and recognized. How can

people who are half-clothed or naked, illiterate and pagan, possess a scientific way of conserving forests and biodiversity?

Secondly, the western model of conservation gives more importance to wildlife than to forest dwellers, most of which are indigenous peoples. Therefore, a major component of this program is the displacement of forest dwellers. They were regarded as agents causing the destruction of the forests and biodiversity. Hundreds of thousands of forest dwellers have been displaced from the forests that form part of their ancestral homelands because of this discriminatory disregard for them. Their right to self-determination and right to their identities and cultures, among others were blatantly violated in the name of conservation.

Thirdly, the management of forests and biodiversity is transferred from the forest dwellers to the state agencies who, more often than not, have very little understanding of indigenous peoples' cosmologies and cultures. In many cases, because governments use logging concessions for political patronage, even if areas are declared protected they are still deforested by loggers. Presently, especially since the UN Conference on Environment and Development (UNCED) and the Convention on Biological Diversity, indigenous resource management practices are finally being recognized. However, IPAS programs and projects still regard indigenous peoples in a utilitarian and discriminatory fashion. They will agree that indigenous peoples are important but the thrust is still to keep indigenous peoples away from so-called strict protection areas.

Minoritization of indigenous peoples in their territories

Population transfer schemes have been used since colonization to the present day to minoritize indigenous peoples in their own homelands. The infamous transmigration programs funded by the World Bank and ODA which were carried out in the Chittagong Hill Tracts, in Indonesia among the West Papuans, East Timorese, are classic examples. To ease the population pressures in overpopulated areas and thereby prevent potential conflicts, the people were brought in as settlers on indigenous peoples' lands.

These measures also served the dual purposes of making the indigenous peoples a minority on their own lands and to divide and rule those who are marginalized (the landless peasants from the lowlands and indigenous peoples in the uplands). The question of how to deal with the Bengali settlers who were brought into the CHT still remains unresolved, even if there is now a peace agreement between the Bangladeshi government and the PCJSS. The conflict erupting in Indonesia between the Dayaks of Kalimantan and the Madurese, who were brought into their lands, is another issue. The expropriation of the lands of the Lumads and Moros in Mindanao by Christian settlers brought in by the Philippine government is a root cause of the Mindanao conflict.

Such measures are discriminatory in nature. The land rights of indigenous peoples are not recognized and respected, while the settlers are given tracts of land to till. When conflicts erupt, these are immediately identified as ethnic conflicts and the blame laid on the indigenous



peoples who are not willing to share their lands. The governments get absolved of blame, even if they created the problem in the first place.

Worsening violence against women and trafficking of indigenous women and children

The trafficking of indigenous women and children is a recent phenomenon. This can be seen among the indigenous women in Nepal, Thailand, Burma, India, Indonesia and, more recently, among those in Cambodia. In the Philippines, there is an increasing outmigration of indigenous women to work in foreign lands as domestic helpers. In Indonesia, there is a village called Nusa Tenggara Timur (NTT) that was submerged because of the Kabaniru Dam. A report written by Arimbi Heroepoetri, the deputy director of WALHI, an environment NGO in Indonesia, states that most of the prostituted women in Indonesia come from NTT. The loss of their lands pushed them to look for employment elsewhere but, since their skills are mostly in farming, they cannot find jobs and therefore end up as prostitutes.

She also has this to say of the Dayak women whose lands were expropriated by the Himpunan Perkembangan Hutan (HPH) lumber companies and Hutan Tanaman Industries (HTI), an industrial tree plantation:

In a lot of HPH areas in Kalimantan, many Dayak women are 'temporarily married', a euphemism for prostitution: they are married to company workers and abandoned as soon as the latter's work contract is finished. The numerous children from these marriages are called anak ASEAN in Kalimantan. Before HPH came to Kalimantan, there was no prostitution, but now it is spreading.⁸

The trafficking of indigenous children is occurring in areas where poverty is abysmal. In India, in the area where the Nagarjunsagar Dam was built, the Adivasi sell their children to earn money. Marcus Colchester, a British anthropologist says that:^x

According to reports in the Indian Express, ninety percent of children being sold for adoption in Andhra Pradesh came from the hamlets occupied by the Nagarjunsagar oustees: with boys valued more highly, female infanticide is common, with every family in 60 hamlets surveyed reporting at least two cases of girl deaths.⁹

Militarization in various parts of Asia has also increased the incidence of violence against indigenous women, whether this be rape, sexual slavery or sexual trafficking. In 1993, when I was Director of the Cordillera Women's Education and Resource Center, we sponsored the First Asian Indigenous Women's Conference. In this conference, several indigenous women spoke about militarization and rape in their communities. Naw Esther Saw Lone, a

Karen woman from Burma, told of the way the military of the SLORC (State Law and Order Restoration Council) used indigenous women as porters during the day and sex slaves at night.

Kabita Chakma, an indigenous woman from the Chittagong Hill Tracts, spoke of how rape is used by the military to degrade indigenous women and quell the peoples' resistance. The Chittagong Hill Tracts Commission, which listened to the women's testimonies, reported:

Rape is a recurring characteristic of attacks by the military and by Bengali settlers on tribal villages. Rape is used systematically as a weapon against the women in the Chittagong Hill Tracts. Women live in continuous fear of rape. Some women told the Commission that they are no longer able to wear their traditional dress. If they do, they run the risk of being raped. For their own safety they are forced to hide their tribal identity as much as possible.¹⁰

In Nepal, Makwanpur district has a reputation for being the source of women who are trafficked to the brothels of Bombay, Delhi and Calcutta in India. A total of 5,000 to 7,000 women from Nepal are trafficked annually to India. Most of them come from Makwanpur, which is 200 kilometers from Kathmandu¹¹. Makwanpur is the ancestral land of indigenous peoples called the Chepang.

The appropriation of indigenous knowledge

With the development of modern biotechnology, particularly genetic engineering, it is now easy for biotechnology and pharmaceutical corporations to claim that they carried out innovation on indigenous seeds and medicinal plants. This can be through the insertion of a gene from a microbe, animal, or another plant to enhance the medicinal properties of the end product. They can then apply for a patent over this innovation, which means their intellectual property right (IPR) should be protected. For human genetic material, they can just collect this and discover a particular genetic trait that will enable them to apply for patents over these so-called discoveries.

These developments have led to Ron Browne, the US Secretary of Trade, applying for patent rights over the genetic material of a Hagahai man from Papua New Guinea. Patent applications on *ayahuasca* and *quinoa* in Latin America, *kava* in the Pacific, neem, turmeric, *sambong* and bitter gourd (*ampalaya*) in Asia, are just a few examples of biopiracy. The collection of human genetic materials from indigenous peoples is done through the Human Genome Diversity Project. Indigenous peoples are strongly protesting against the patenting of life-forms and the trade-related intellectual property rights agreement (TRIPs) of the World Trade Organization (WTO), which gives the legal justification for patenting of life.

The discrimination against indigenous knowledge systems can be illustrated with these developments. There

is no single person who can claim that he or she discovered and developed traditional medicinal plants and indigenous seeds. This knowledge is a result of social practice and collective endeavours. It has developed over generations and is freely shared with others. The imposition of a system that allows for the privatization or monopoly of control over knowledge, and resources in which such knowledge has been applied, is discriminatory.

The western system of intellectual property rights protection is touted as the way to develop. It is claimed that one cannot expect scientists to innovate if they are not given IPRs to their inventions and discoveries. But what about the indigenous peoples who discovered and developed seeds and medicinal plants? They are not asking to be granted IPRs over these. In the same manner, they do not think that scientists who tampered with the genes of such seeds and plants should be granted IPRs. This is because that knowledge is the result of years of socially developed and accumulated knowledge. Granting IPRs to the scientist who learned about the use of these from indigenous peoples and just used genetic engineering to shift a gene or insert a gene is immoral and unfair.

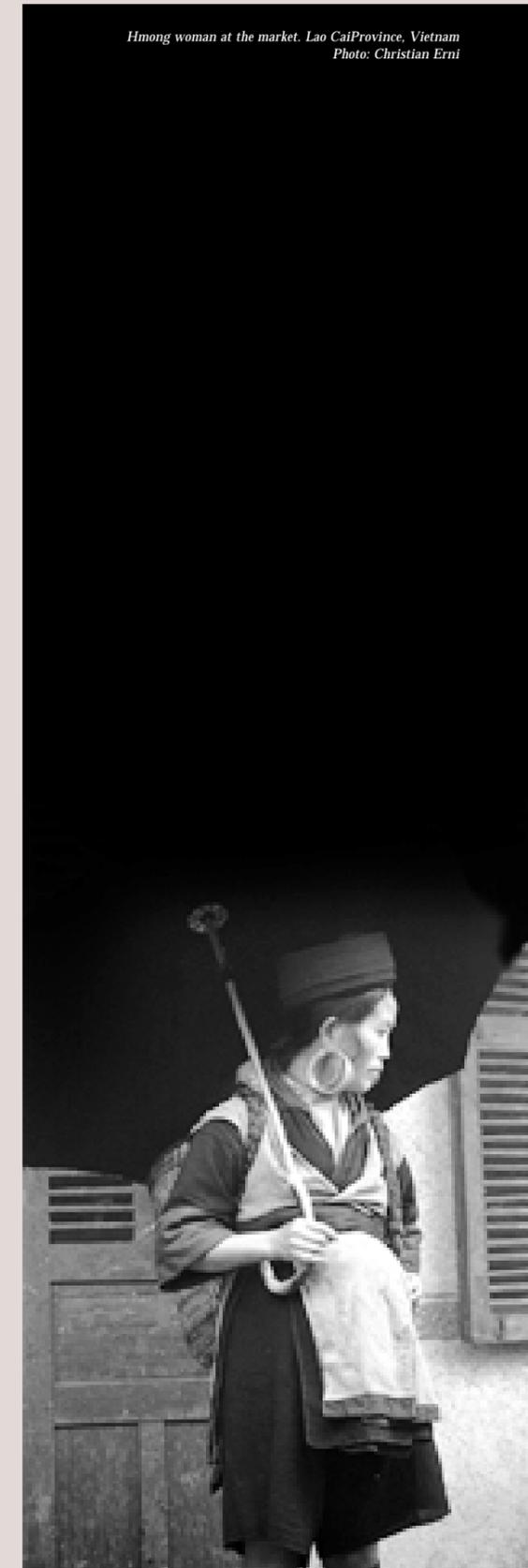
Now indigenous peoples are forced to think of how to protect their knowledge against those who would like to pirate this for selfish commercial purposes.

Intolerance of traditional religions and spirituality

Intolerance of traditional religions and spirituality through direct or indirect policies of assimilating indigenous peoples into the dominant religions by means of processes such as Hinduization, Islamization or Christianization is very much related to the items discussed earlier. Religious intolerance is inherent in colonization and, at present, there are nation-states that are highly influenced by institutionalized religions. The name of God, Allah, Yahweh, etc. is invoked to justify the destruction of smaller or indigenous religions and spirituality. In India, the Adivasis, who still practice their indigenous religions, are being pushed to become Hindus. In Indonesia and Malaysia, the indigenous peoples are also pressured to become Muslims. If they do not convert then they are not entitled to receive funds for small-scale projects.

Denial of our identities as indigenous peoples

Many indigenous peoples who are still considered ethnic minorities are denied citizenship rights in the states they find themselves in. This is the case with the hill tribes in Thailand – the Lahu, Akha, Lisu, Mong, Karens, etc. Their mobility is highly restricted because they have to obtain permission from the Public Welfare officials before they can travel. They cannot obtain land titles or business permits neither can they vote or enter university, unless



*Hmong woman at the market. Lao Cai Province, Vietnam
Photo: Christian Erni*

Buhid boy from Mindoro Island, the Philippines. Photo: Christian Erni



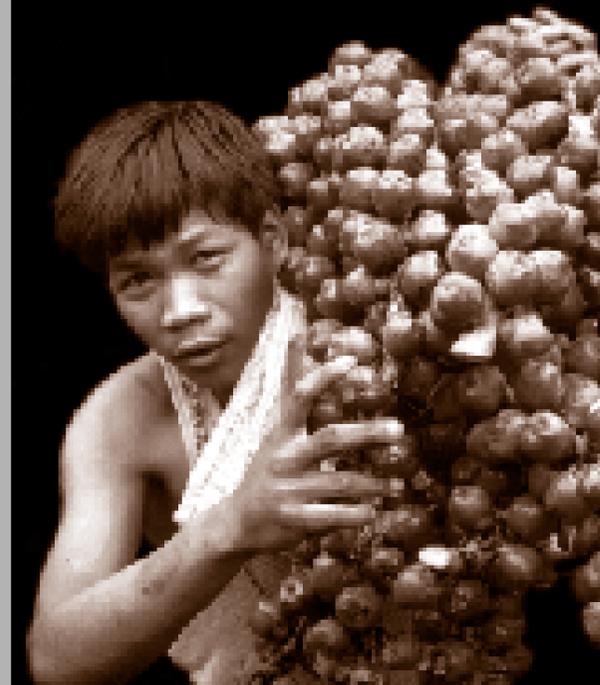
Indigenous mother and child. Rangamati District, Chittagong Hill Tract, Bangladesh. Photo: Raja Devasish Roy



Buhid man from Mindoro Island, the Philippines. Photo: Christian Erni



Adivasi man from Jharkhand, India. Photo: Roger Begrich



they show citizenship cards. This results in social exclusion and marginalization of the hill tribes. They are subjected to the worst forms of discrimination, as they are regarded as a menace to Thai society.¹²

The labels given to indigenous peoples also betray racist and discriminatory attitudes on the part of the colonizers and the governments, as well as those belonging to the dominant populations. The term *Mangyan*, for example, the name of the indigenous peoples in Mindoro, comes from the Tagalog phrase *mangmang yan*, which means 'that person is stupid'.

Because of the discriminatory and racist treatment of indigenous peoples, some prefer to assimilate and deny their identity.

Challenges and recommendations

These new manifestations, discussed above, do not cover all the kinds of discrimination, intolerance and racism confronting indigenous peoples in Asia. There are certainly many more. The continuing existence of indigenous peoples, in spite of the worst forms of racism and discrimination to which they have been subjected, can be credited to their sustained resistance against this. Indigenous ancestors totally surrendered to neither the colonizers nor the new rulers that emerged in the post-colonial era. The present generation has continued and persisted in the fight against the new forms of racism, discrimination and recolonization.

Many indigenous peoples did not accept that their survival as peoples was contingent upon their integration and participation in the global market economy. Many resisted assimilation and integration into the colonial government and the nation-states that came after them. What has allowed many of us to survive is not our participation in the market economy, much less the global one, but our indigenous economic systems, which provided for our basic needs and necessities and which are mindful of maintaining ecological balance. Many indigenous peoples still know and practise their indigenous cosmologies, spirituality and religions. While many of our indigenous cultures, governance, social, and knowledge systems are threatened by modernization and globalization, some aspects of these still persist.

Our assertion of our right to self-determination carries the seeds of hope that one day the world will accept difference, diversity and solidarity not only with humanity but with the rest of creation as basic principles for creating a sustainable and peaceful world.

We will not surrender our identity as indigenous peoples nor the integrity of our cultures and worldviews, our economic, political and social systems.

The participation of indigenous peoples in the Asia-Pacific NGO Forum and Asia Preparatory Meeting for the World Conference Against Racism (WCAR) in Tehran in February 2001 was one step to try to ensure that indig-

enous peoples' issues are brought to the NGO and government tables. The recommendations that were presented by the indigenous peoples echoed those presented by other indigenous peoples in Latin America and in Africa.

Our indigenous sisters and brothers in other parts of the world have proposed similar recommendations and we would like to reinforce and add to these:

1. The Declaration and Programme of Action of the WCAR should specifically recognize that Indigenous Peoples are "peoples" and should use this word instead of "populations" or "people". As Indigenous Peoples we have the right to self-determination, which is accorded by the United Nations to all peoples and nations. The denial of this right and the refusal to use the phrase "indigenous peoples" by some States is an outright form of racism and racial discrimination. According to some States, this term applies to all peoples except indigenous peoples.

The first World Conference on Racism (WCR) did use the term "peoples" when referring to indigenous peoples without any qualification. The CERD Committee also uses "peoples" and has used the term in reviewing Australia's discriminatory laws and practices towards the Australian indigenous peoples.

2. The Declaration and Programme of Action should acknowledge and lament the fact that most of the declarations and programmes for action of the previous world conferences have not been implemented and Indigenous Peoples continue to suffer massive losses of territories, lands and resources. It should call upon States to immediately take effective measures to protect the rights of indigenous peoples to these territories, lands and resources.

The first and second WCR acknowledged the special relationship between indigenous peoples and their land and stressed that their land, land rights, and natural resources should not be taken away from them. The CERD Committee also states, in its General Recommendation XX111, that indigenous loss of lands to colonialists' commercial companies and State enterprises is a violation of the CERD Convention.

In spite of these provisions, as was mentioned earlier, indigenous peoples in Asia and the Pacific are still being deprived of their natural resources and means of subsistence.

3. The WCAR should call upon States to provide effective remedies, recourses, redress and other measures for the loss and destruction of indigenous lands, natural resources, and environment, resulting from exploration and exploitation and extractive activities and programmes.

4. The WCAR Declaration and Programme of Action should call upon the States to immediately begin the process of demilitarization of indigenous lands and territories. WCAR should call for an immediate cessation of impunity of military, paramilitary and police towards indigenous peoples. It should promote and encourage the formal establishment of traditional indigenous legal systems and administration of justice to be encouraged and supported by the States.
5. The WCAR should call upon States, intergovernmental organizations, the World Bank, IMF, regional banks, and the World Trade Organization to review with indigenous peoples the impacts of their laws, policies and programmes with the goal of revising those that are racist and discriminatory.
6. The WCAR should call upon States to adopt the Sub-Commission's Draft Declaration on the Rights of Indigenous Peoples and to fully support the immediate setting up of the Permanent Forum on Indigenous Issues within the United Nations.
7. The Declaration and Programme for Action should specifically note the requirements of existing international standards, particularly the CERD General Recommendation XX111 and ILO Convention No. 169 that free, prior informed consent of Indigenous Peoples be obtained in all matters and developments that affect them.
8. The Declaration and Programme of Action should cite the depth and persistence of racial discrimination against Indigenous Peoples and ensure the following:
 - a. Devote a chapter in both the Declaration and Programme of Action to Indigenous Peoples
 - b. Invite Indigenous representatives to address the plenary sessions
 - c. Allow for full and effective participation of indigenous peoples
 - d. Hold a seminar on Indigenous peoples
 - e. Conduct parallel activities at the conference focusing on Indigenous peoples and measures aimed to end discrimination against them.

The resistance of indigenous peoples against colonization and globalization is no doubt the main reason for the remaining cultural and biological diversity in the world today. But the very survival of this diversity is seriously threatened by the institutionalization and pervasiveness of present-day racism and racial discrimination.

We owe it to ourselves, the rest of creation, and future generations to step up our vigilance against racism and discrimination and to pressure the States to do their share. If we do not speak out now and act against projects that humiliate and degrade peoples, especially those who are already marginalized and excluded, we are surrendering our birth right to help bring about a humane, just and peaceful world.

Notes

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- ² *Ibid.* p.23.
- ³ Muivah, Apam, 1996. *Nagaland: The Continuing Quest for Sovereignty, Indigenous Peoples Of Asia* (eds. Colin Nicholas and Raajen Singh), Asia Indigenous Peoples' Pact, Bangkok Thailand, 1996, p.109.
- ⁴ Quoted from Colchester, Marcus.1999. Sharing Power: Dams, Indigenous Peoples and Ethnic Minorities. *Indigenous Affairs*, No.3-4, June/Dec. 1999. IWGIA, Copenhagen. p. 13
- ⁵ *Ibid.*, p. 16.
- ⁶ The Chittagong Hill Tracts, *The Road to a Lasting Peace*. Tebtebba Foundation.2000. Baguio City
- ⁷ Colchester, 1999. p.27.
- ⁸ Heroepetri, Arimbi, 1998. Indigenous Women in Indonesia, A Portrait. *Indigenous Women: The Right to a Voice*. IWGIA Document No. 88. Copenhagen. p 146.
- ⁹ Colchester. 1999. *Indigenous Affairs*. 3-4/99. p.27.
- ¹⁰ Chakma, Kabita, 1998. *Violation of Human Rights in the Chittagong Hill Tracts, Bangladesh, Implications for Indigenous Women*. Proceedings of the First Asian Indigenous Women's Conference. Cordillera Women's Education and Resource Center, Baguio City, Philippines. P.
- ¹¹ Limbu, Ramyata, 2001. *Fighting Sex-Traffickers with Skills Training*, World News and Inter Press Service.
- ¹² Nicholas, Colin and Raajen Singh, 1996. *Indigenous Peoples of Asia*, p.154.

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By C.R. Bijoy

THE ADIVASIS OF INDIA - A HISTORY OF DISCRIMINATION, CONFLICT AND RESISTANCE



Tangkhul Naga Women



Santal women carrying goods near the Subernarekha Dam, India. Photo: Roger Begrich



Van Gujar children at school, India. Photo: Christian Erni



Munda people, Tarub, India. Photo: Roger Begrich



Kui children, Kuldina/Orissa, India. Photo: Roger Begrich



Kui elder, India. Photo: Roger Begrich

The 67.7 million people belonging to 'Scheduled Tribes' in India are generally considered to be 'Adivasis', literally meaning 'indigenous people' or 'original inhabitants', although the term 'Scheduled Tribes' (STs) is not coterminous with the term 'Adivasis'. 'Scheduled Tribes' is an administrative term used for the purposes of 'administering' certain specific constitutional privileges, protection and benefits for specific sections of peoples considered historically disadvantaged and 'backward'. However, this administrative term does not precisely match all the peoples called 'Adivasis'. Out of the 5,653 distinct communities in India, 635 are considered to be 'tribes' or 'Adivasis'. In comparison, one finds that the estimated number of STs varies from 250 to 593. For practical purposes, the United Nations and multilateral agencies generally consider the STs as 'indigenous peoples'. With the ST population making up 8.08% (as of 1991) of the total population of India, it is the nation with the highest concentration of 'indigenous peoples' in the world!

The Constitution of India, which came into existence on 26 January 1950, prohibits discrimination on the grounds of religion, race, caste, sex or place of birth (Article 15) and it provides the right to equality (Article 14), to freedom of religion (Articles 25-28) and to culture and education (Articles 29-30). STs are supposedly addressed by as many as 209 Articles and 2 special schedules of the Constitution – Articles and special schedules that are protective and paternalistic. Articles 341 and 342 provide for classification of Scheduled Castes (the untouchable lower castes) and STs, while Articles 330, 332 and 334 provide for the reservation of seats in Parliament and Assemblies. In order to focus specifically on the development of STs, the government has adopted a package of programmes, which is administered in specific geographical areas with considerable ST population, and it covers 69% of the tribal population.

Despite this, and after more than half a century of existence of the largest "modern democracy" in the world, the struggle for survival of the Adivasis - for their livelihood and existence as peoples - has today intensified and spread as never before in history.

Over the centuries, the Adivasis have evolved an intricate convivial-custodial mode of living. Adivasis belong to their territories, which are the essence of their existence; the abode of the spirits and their dead and the source of their science, technology, way of life, their religion and culture.

Back in history, the Adivasis were in effect self-governing 'first nations'. In general, and in most parts of the pre-colonial period, they were notionally part of the 'unknown frontier' of the respective states where the rule of the reign in fact did not extend, and the Adivasis governed themselves outside of the influence of the particular ruler. The introduction of the alien concept of private property began with the Permanent Settlement of the British in 1793 and the establishment of the "Zamindari" system that conferred control over vast territories, including Adivasi

territories, to designated feudal lords for the purpose of revenue collection by the British. This commenced the drastic and forced restructuring of the relationship of Adivasis to their territories as well as the power relationship between Adivasis and 'others'. The predominant external caste-based religion sanctioned and practiced a rigid and highly discriminatory hierarchical ordering with a strong cultural basis. This became the natural basis for the altered perception of Adivasis on the part of the 'others' in determining their social, and hence, economic and political space in the emerging wider society that is the Indian diaspora. Relegating the Adivasis to the lowest rung of the social ladder was only natural and formed the basis of social and political decision-making by the largely upper caste-controlled mainstream. The ancient Indian scriptures, written by the upper castes, only too well served to further this legitimacy.

Indian epics and Adivasis

In Asia, migrations have been taking place for more than fifty thousand years. The subjugated peoples have been relegated to low status and isolated, instead of either being eliminated or absorbed. The entry of Europeans and the subsequent colonisation of Asia transformed the relationship between the mainstream communities and tribal communities of this region. The introduction of capitalism, private property and the creation of a countrywide market broke the traditional economy based on use value and hereditary professions.

Not all the tribal communities are alike. They are products of different historical and social conditions. They belong to four different language families, and several different racial stocks and religious moulds. They have kept themselves apart from feudal states and brahminical hierarchies for thousands of years.

In the Indian epics, such as *Ramayana*, *Mahabharata* and *Puranas* (folklore) there are many references to interactions and wars between the forest or hill tribes and the Hindus. Eminent historians who have undertaken detailed research into the epic *Ramayana* (200 B.C to 500 B.C) have concluded that 'Lanka', the kingdom of the demonic king Ravana and 'Kishkinda', the homeland of the *Vanaras* (depicted as monkeys) were places situated south of Chitrakuta hill and north of Narmada river in middle India. Accordingly, Ravana and his demons were an aboriginal tribe, most probably the Gond, and the *Vanaras*, like Hanuman in the epic, belonged to the Savara and Korku tribes whose descendants still inhabit the central Indian forest belt. Even today, the Gond hold Ravana, the villain of *Ramayana*, in high esteem as a chief. Rama, the hero of *Ramayana*, is also known for slaughtering the *Rakshasas* (demons) in the forests!

The epic of *Mahabharata* refers to the death of Krishna at the hands of a Bhil Jaratha. In the ancient scriptures,

considered to be sacred by the upper castes, various terms are used to depict Adivasis as almost non-humans. The epics of *Ramayana* and *Mahabharata*, the *Puranas*, *Samhitas* and other so-called 'sacred books' refer to Adivasis as *Rakshasa* (demons), *Vanara* (monkeys), *Jambuvan* (boar men), *Naga* (serpents), *Bhusundi Kaka* (crow), *Garuda* (King of Eagles) etc. In medieval India, they were derogatorily called *Kolla*, *Villa*, *Kirata*, *Nishada*, those who surrendered or were subjugated were termed *Dasa* (slave) and those who refused to accept the bondage of slavery were termed *Dasyu* (a hostile robber).

Ekalavya, one of their archers, was so skillful that the hero of the Aryans, Arjuna, could not stand before him. But they assaulted him, cutting his thumb and destroying his ability to fight - and then fashioned a story in which he accepted Drona as his Guru and surrendered his thumb as an offering to the master! The renowned writer Maheshwata Devi points out that Adivasis predated Hinduism and Aryanism, that Siva was not an Aryan god and that in the 8th century, the tribal forest goddess or harvest goddess was absorbed and adapted as Siva's wife. Goddess Kali, the goddess of hunters, definitely had a tribal origin.

History of the Adivasis

Little is known about the relationship between the Adivasis and non-Adivasi communities during the Hindu and Muslim rules. There are stray references to wars and alliances between the Rajput kings and tribal chieftains in middle India and in the North-East between the Ahom Kings of Brahmaputra valley and the hill Nagas. They are considered to be *atisudra* meaning lower than the untouchable castes. Even today, the upper caste people refer to these peoples as *jangli*, a derogatory term meaning "those who are like wild animals" - uncivilised or sub-human.

The Adivasis have few food taboos, rather fluid cultural practices and minimal occupational specialization while, on the other hand, the mainstream population of the plains have extensive food taboos, more rigid cultural practices and considerable caste-based occupational specialisation. The Adivasis have no place in the Hindu caste system. The so-called mainstream society of India has evolved as an agglomeration of thousands of small-scale social groups whose identities within the larger society are preserved by not allowing them to marry outside their social groups. The subjugated groups became castes forced to perform less desirable menial jobs such as sweeping, cleaning of excreta, removal of dead bodies, leather work etc - the untouchables. Some of the earliest small-scale societies dependent on hunting and gathering, and traditional agriculture, seem to have remained outside this process of agglomeration. These are the present day Adivasis. Their autonomous existence outside the mainstream led to the preservation of their socio-religious and cultural practices, most of them also retaining their dis-

tinutive languages. Widow burning, enslavement, occupational differentiation, hierarchical social ordering etc are generally not found. Although there was trade between the Adivasis and the mainstream society, any form of social intercourse was discouraged. Caste India did not consciously attempt to draw them into the orbit of caste society.

However, in the process of economic, cultural and ecological change, Adivasis have attached themselves to caste groups in a peripheral manner, and the process of detribalisation is a continuous one. Many of the Hindu communities have absorbed the cultural practices of the Adivasis. Although Hinduism could be seen as one unifying thread running through the country as a whole, it is not homogenous but in reality a conglomeration of centuries old traditions and shaped by several religious and social traditions that are more cultural in their essence (and including elements of Adivasi socio-religious culture).

Adivasis at the lowest rung of the ladder

Adivasis are not, as a general rule, regarded as unclean by caste Hindus in the same way as Dalits are. However, they continue to face prejudice (as lesser humans), they are socially distanced and often face violence from society. They are at the lowest point in every socio-economic indicator. Today, the majority of the population regards them as primitive and aims to decimate them as peoples or at best to integrate them into the mainstream at the lowest rung of the ladder. This is particularly so with the rise of the fascist Hindutva forces.

None of the brave Adivasi fights against the British have been treated as part of the "national" struggle for independence. From the Malpahariya uprising in 1772 to Lakshman Naik's revolt in Orissa in 1942, the Adivasis repeatedly rebelled against the British in the north-eastern, eastern and central Indian belt. In many of the rebellions, the Adivasis could not be subdued but ended the struggle only because the British acceded to their immediate demands, as in the case of the Bhil revolt of 1809 and the Naik revolt of 1838 in Gujarat. Heroes like Birsa Munda, Kanhu Santhal, Khazya Naik, Tantya Bhil, Lakshman Naik, Kuvar Vasava, Rupa Naik, Thamal Dora, Ambul Reddi, Thalakkal Chandu etc. are remembered in the songs and stories of the Adivasis but ignored in the official text books.

The British Crown's dominions in India consisted of four political arrangements: 1. the Presidency Areas where the Crown was supreme, 2. the Residency Areas where the British Crown was present through the Resident and the Ruler of the realm was subservient to the Crown, 3. the Agency (Tribal) areas where the Agent governed in the name of the Crown but left the local self-governing institutions untouched and 4. the Excluded Areas (north-east) where the representatives of the Crown were a figurehead. After the transfer of power, the rulers of the Residency Areas signed the "Deed of Accession" on behalf of the



ruled and in exchange they were offered privy purse. No deed was signed, however, with most of the independent Adivasi states. They were assumed to have joined the Union. The government rode rough shod over independent Adivasi nations and they were merged with the Indian Union. This even happened by means of State violence, as in the case of the Adivasi uprising in the Nizam's State of Hyderabad and Nagalim.

While this aspect did not enter the consciousness of the Adivasis at large in the central part of India where they were preoccupied with their own survival, the picture was different in the north-east because of their historic and material conditions. Historically, the north-east was never a part of mainland India. The colonial incorporation of the north-east took place much later than the rest of the Indian subcontinent. While Assam, ruled by the Ahoms came under the control of the British in 1826, neighbouring Bengal was annexed in 1765. Garo Hills were annexed in 1873, Naga Hills in 1879 and Mizoram under the Chin-Lushai Expeditions in 1881-90. Consequently, the struggles for self-determination took various forms from independence to greater autonomy.

A process of marginalisation

Today, the total forest cover in India is reported to be 765.21 thousand sq. kms., of which 71% are Adivasi areas. Of these 416.52 and 223.30 thousand sq. kms. are categorised as reserved and protected forests respectively. About 23% of these are furthermore declared as Wildlife Sanctuaries and National Parks, which have displaced some half a million Adivasis alone. Through the process of colonisa-

tion of the forests that formally began with the Forest Act of 1864 and finally the Indian Forest Act of 1927, the rights of Adivasis were reduced to mere privileges conferred by the State. This was in acknowledgement of their dependence on the forests for survival and it was politically forced upon the rulers by the glorious struggles that the Adivasis waged persistently against the British. The Forest Policy of 1952, the Wildlife Protection Act of 1972 and the Forest Conservation Act of 1980 downgraded these people's privileges to State concessions in the post-colonial period. With globalisation, there are now further attempts to exclude these paternalistic concessions as indicated by the draft "Conservation of Forests and Natural Ecosystems Act" that is to replace the forest act and the amendments proposed to the Land Acquisition Act and the V Schedule to the constitution.

In 1991, 23.03% of STs were literate as opposed to 42.83% of the general population. The Government's Eighth Plan document mentions that nearly 52% of STs live below the poverty line as opposed to 30% of the general population. A study on Kerala, a state considered to be unique for having developed a more egalitarian society with a high quality of life index comparable only to that of the 'developed' countries, paradoxically shows that, for STs, the percentage of population below the poverty line was 64.5% while for Scheduled Castes it was 47% and others 41%. Approximately 95% of Adivasis live in rural areas; less than 10% are itinerant hunter-gatherers but more than half depend upon forest produce. Very commonly, police, forest guards and officials bully and intimidate Adivasis and large numbers are routinely arrested and jailed, often for petty offences.

Only a few Adivasi communities of forest dwellers have not been displaced and continue to live in forests, away from the mainstream development activities, as is the case in parts of Bastar in Madhya Pradesh, Koraput, Phulbani and Mayurbanj in Orissa and the Andaman Islands.



Tangkul Naga children. Photo: Christian Erni

Thousands of Korku children below the age of six died in the 1990s through malnutrition and starvation in the Melghat Tiger Reserve of Maharashtra due to denied access to their life-sustaining resource base. Adivasis of Kalahandi-Bolangir in Orissa and of Palamu in south Bihar have reported severe food shortages. According to the Central Planning Committee of the Government of India, almost 41 districts with significant Adivasi populations are prone to deaths caused by starvation, but which are not normally reported as such.

Invasion of Adivasi territories

The "Land Acquisition Act" of 1894 concretised the supremacy of the sovereign in order to allow for the total colonisation of any territory in the name of 'public interest' which, in most cases, is not the community notion of the common good. This is especially so for the Adivasis. The colonial legal concept of *res nullius* (that which has not been conferred by the sovereign belongs to the sovereign) and *terra nullius* (land that belongs to none) bulldozed traditional political and social entities, beginning the wanton destruction of traditional forms of self-governance.

The invasion of Adivasi territories which, for the most part, commenced during colonial times, intensified in the post-colonial period. Most of the Adivasi territories were claimed by the State. Over 10 million Adivasis have been displaced to make way for development projects such as dams, mining, industries, roads, protected areas etc. Although most of the dams (over 3,000) are located in Adivasi areas, only 19.9% (1980-81) of Adivasi landholdings are irrigated as compared to 45.9% of all holdings of the general population. India produces as many as 52 principal, 3 fuel, 11 metallic, 38 non-metallic and a number of minor minerals. Of these, 45 major minerals (coal, iron ore, magnetite, manganese, bauxite, graphite, limestone, dolomite, uranium etc) are found in Adivasi areas, contributing some 56% of the national total mineral earnings in terms of value. Of the 4,175 working mines reported by the Indian Bureau of Mines in 1991-92, approximately 3,500 could be assumed to be in Adivasi areas. Income to the government from forests rose from Rs.5.6 million in 1869-70 to more than Rs.13 billions in the 1970s. The bulk of the nation's productive wealth lay in the Adivasi territories. Yet the Adivasi have been driven out, marginalised and robbed of dignity by the very process of 'national development'.

The systematic opening up of Adivasi territories, the development projects and the 'tribal development projects' make them conducive to waves of immigrants. In the rich mineral belt of Jharkhand, the Adivasi population has dropped from around 60% in 1911 to 27.67% in 1991. These developments have in turn, driven out vast numbers of Adivasis to eke out a living in the urban areas and in far-flung slums. According to a rough estimate, there are more than 40,000 tribal domestic working women in Delhi alone!

In some places, development-induced migration of Adivasis to other Adivasi areas has also led to fierce conflicts, such as between the Santhali and the Bodo in Assam.

Internal colonialism

Constitutional privileges and welfare measures benefit only a small minority of the Adivasis. These privileges and welfare measures are denied the majority of the Adivasis and they are appropriated by more powerful groups in the caste order. The sharp increase of STs in Maharashtra by 148% in real terms in the two decades since 1971 is largely due to the questionable inclusion, for political gain, of a number of economically advanced groups among the less advantaged in the list of STs. This increase in numbers, while it distorts the demographic picture, has more disastrous effects. The real tribes are inevitably pushed down the 'access or claim ladder' with these new entrants cornering the lion's share of both resources and opportunities for education, social and economic advancement.

Despite the Bonded Labour Abolition Act of 1976, Adivasis still form a substantial percentage of bonded labour in the country.

Despite positive political, institutional and financial commitment to tribal development, there is currently a large-scale displacement and biological decline of Adivasi communities, a growing loss of genetic and cultural diversity and destruction of a rich resource base leading to rising trends of shrinking forests, crumbling fisheries, increasing unemployment, hunger and conflicts. The Adivasis have preserved 90% of the country's biocultural diversity, protecting the polyvalent, precolonial, biodiversity-friendly Indian identity from biocultural pathogens. Excessive and indiscriminate demands of the urban market have reduced Adivasis to raw material collectors and providers.

It is a cruel joke that people who can produce some of India's most exquisite handicrafts, who can distinguish hundreds of species of plants and animals, who can survive off the forests, the lands and the streams sustainably with no need to go to the market to buy food, are labeled as 'unskilled'. Important are the paths of resistance that many Adivasi areas are following: Koel Karo, Bodh Ghat, Inchampalli, Bhopalpatnam, Rathong Chu ... large-scale dams that were proposed by the enlightened planners and which were halted by mass movements.

Such a situation has arisen because of the discriminatory and predatory approach of the mainstream society to Adivasis and their territories. The moral legitimacy for the process of internal colonisation of Adivasi territories and the deliberate disregard and violation of constitutional protection of STs has its basis in the culturally ingrained hierarchical caste social order and consciousness that pervades the entire politico-administrative and judicial systems. This pervasive mindset is also an historical construct that became reinforced during colonial and post-colonial India.



A Kui man, Kuidina/Orissa, India. Photo: Roger Begrich



A Tangkhul Naga man with a traditional violin. Photo: Christian Erni



*A young Oraon man, Bhagitoli, India
Photo: Roger Begrich*

The term 'Criminal Tribe' was concocted by the British rulers and entered into the public vocabulary through the Criminal Tribes Act of 1871, under which a list of some 150 communities, including Adivasis, were mischievously declared as being (naturally) 'criminal'. Although this shameful act was itself repealed in 1952, the specter of the so-called 'criminal tribes' continue to haunt these 'denotified tribes' - the Sansi, Pardhi, Kanjar, Gujjar, Bawaria, Banjara and others. They are considered as the first natural suspects of all petty and sundry crimes, except that they are now hauled up under the Habitual Offenders Act, which replaced the British Act! Stereotyping of numerous communities has reinforced past discriminatory attitudes on the part of the dominant mainstream in an institutionalised form.

There is a whole history of legislation, both during the pre-independence as well as post-independence period, which was supposed to protect the rights of the Adivasis. As early as 1879, the "Bombay Province Land Revenue Code" prohibited transfer of land from a tribal to a non-tribal without the permission of the authorities. The 1908 "Chotanagpur Tenancy Act" in Bihar, the 1949 "Santhal Pargana Tenancy (Supplementary) Act", the 1969 "Bihar Scheduled Areas Regulations", the 1955 "Rajasthan Tenancy Act" as amended in 1956, the 1959 "MPLP Code of Madhya Pradesh", the 1959 "Andhra Pradesh Scheduled Areas Land Transfer Regulation" and amendment of 1970, the 1960 "Tripura Land Revenue Regulation Act", the 1970 "Assam Land and Revenue Act", the 1975 "Kerala Scheduled Tribes (Restriction of Transfer of Lands and Restoration of Alienated Lands) Act" etc. are state legislations to protect Adivasi land rights.

In Andhra, for example, inquiries about land transfer violations were made in 57,150 cases involving 245,581 acres of land, but only about 28% of lands were restored despite persistent militant struggles. While in the case of Kerala, out of a total claim for 9909.4522 hectares made by 8,754 applicants, only 5.5% of the claims were restored. And this is happening in spite of favourable judicial orders - orders which the state governments are circumventing by attempting to dismantle the very protective legislation itself. The callous and casual manner in which mainstream India approaches the fulfillment of the constitutional obligations with reference to the tribes, and the persistent attempts by the politico-administrative system to subvert the constitution by deliberate acts of omission and commission, and the enormous judicial tolerance towards this speaks volumes about the discriminatory approach that permeates society with regard to the legal rights of the Adivasis.

Race, religion and language

The absence of a neat classification of Adivasis as a homogenous social-cultural category and the intensely fluid nature of non-Adivasis is evident in the insuperable

difficulty of arriving at a clear anthropological definition of a tribal in India, be it in terms of ethnicity, race, language, social forms or means of livelihood.

The major waves of ingress into India divide the tribal communities into Veddis, similar to the Australian aborigines, and the Paleamongoloid Austro-Asiatic from the north-east. The third were the Greco-Indians who spread across Gujarat, Rajasthan and Pakistan from Central Asia. The fourth is the negrito group of the Andaman islands - the Great Andamanese, the Onge, the Jarawa and the Sentinelese who flourished in these parts for some 20,000 years but who could well become extinct soon. The Great Andamanese have been wiped out as a viable community with about only 30 people now alive, as is the case with the Onges, who now number less than 100.

In the mid-Indian region the Gond, who number more than 5 million, are the descendants of the dark-skinned Kolarian or Dravidian tribes and speak dialects of the Austric language family, as are the Santhal, who number 4 million. The Negrito and Austroloid people belong to the Mundari family of Munda, Santhal, Ho, Ashur, Kharia, Paniya, Saora etc. The Dravidian groups include the Gond, Oraon, Khond, Malto, Bhil, Mina, Garasia, Pradhan etc. and speak the Austric or Dravidian family of languages. The Gujjar and Bakarwal descend from the Greco Indians and are interrelated with the Gujjar of Gujarat and the tribes settled around Gujranwala in Pakistan.

There are some 200 indigenous peoples in the north-east. The Boro, Khasi, Jantia, Naga, Garo and Tripiri belong to the Mongoloid stock as do the Naga, Mikir, Apatani, Boro, Khasi, Garo, Kuki, Karbi etc. and speak languages of the Tibeto-Burman language groups and the Mon Khmer. The Adi, Aka, Apatani, Dafla, Gallong, Khamti, Monpa, Nocte, Sherdukpen, Singpho, Tangsa, Wancho etc. of Arunachal Pradesh and the Garo of Meghalaya are of Tibeto-Burman stock while the Khasi of Meghalaya belong to the Mon Khmer group. In the southern region, the Malayali, Irula, Paniya, Adiya, Sholaga, Kurumba etc. belong to the proto-Australoid racial stock speaking dialects of the Dravidian family.

For more than 5.7 million people, the Census of India 1991 records 63 different denominations as "other", of which most are Adivasi religions. Although the Constitution recognises them as a distinct cultural group, when it comes to religion those who do not identify as Christians, Muslims or Buddhists are compelled to register themselves as Hindus. Hindus and Christians have interacted with Adivasis to civilize them, which has been defined as sanscritisation and westernisation. However, as reflected during the 1981 census, it is significant that approximately 5% of the Adivasis registered their religion according to the names of their respective tribes or the names adopted by them. In 1991, the corresponding figure rose to around 10%, indicating the rising consciousness and assertion of identity!

Although Article 350A of the Constitution requires primary education to be imparted in the mother tongue,

this has generally only occurred in areas where the Adivasis have been assertive. NCERT, the State-owned premier education research centre has not shown any interest. With the neglect of Adivasi languages, the State and the dominant social order aspire to culturally and socially emasculate the Adivasis, subdued by the dominant cultures. The Anthropological Survey of India reported a loss of more than two-thirds of the spoken languages, most of them tribal.

Fragmentation

Some of the ST peoples of Himachal Pradesh, Uttar Pradesh, W. Bengal, Sikkim, Arunachal Pradesh, Nagaland, Manipur and Mizoram have their counterparts across the border in China (including Tibet), Bhutan, Myanmar and Bangladesh. The political aspirations of these transborder tribes who find themselves living in different countries as a result of the artificial demarcation of boundaries by erstwhile colonial rulers continue to be ignored despite the spread and proliferation of militancy, especially in the north east, making it a conflict zone.

The Adivasi territories have been divided amongst states formed primarily on the basis of the languages of the mainstream caste society, ignoring the validity of applying the same principle of language for the Adivasis during the formation of states. Jharkhand has been divided between Bihar, West Bengal, Madhya Pradesh and Orissa, although the Bihar part of Jharkhand has now become a separate state after decades of struggle. The Gond region has been divided between Orissa, Andhra, Maharashtra and Madhya Pradesh. Similarly the Bhil region has been divided between Maharashtra, Madhya Pradesh, Gujarat and Rajasthan. In the north-east, for example, the Naga are furthermore divided between Nagaland, Manipur, Assam and Arunachal Pradesh. Further administrative sub-divisions within the states, into districts, *talukas* and *panchayats* have been organised in such a way that the tribal concentration is broken up, increasing their marginalisation both physically and politically.

The 1874 "Scheduled District Act", the 1919 "Government of India Act" and later the "Government of India Act" of 1935 classified the hill areas as excluded and partially excluded areas where the provincial legislature had no jurisdiction. These formed the basis for Article 244, under which two separate schedules, namely the V Schedule and the VI Schedule, were incorporated for provision of a certain degree of self-governance in designated tribal majority areas. However, in effect this remained a non-starter. However, the recent legislation of the Panchayat Raj (Extension to the Scheduled Areas) Act of 1996 has raised hopes for a radical redefinition of self-governance. By not applying the same yardstick and norms to Adivasis as to the upper caste-dominated mainstream, by not genuinely recognizing the Adivasis' traditional self-governing systems and by not being serious about de-

volving autonomy, the Indian State and society demonstrate a racist and imperialist attitude.

The call for a socially homogenous country, particularly in the hindi-hindu paradigm, has suppressed tribal languages, defiled cultures and destroyed civilisations. The creation of a unified, albeit centralised polity, and the extension of the formal system of governance have emasculated the self-governing institutions of the Adivasis and with it their internal cohesiveness.

The struggle for the future

The conceptual vocabulary used to understand the place of Adivasis in the modern world has been constructed on feudal, colonial and imperialistic notions that combine traditional and historical constructs with the modern construct based on notions of linear scientific and technological progress.

Historically, the Adivasis, as explained earlier, are at best perceived as sub-humans to be kept in isolation, or as "primitives" living in remote and backward regions who should be "civilized". None of them has a rational basis. Consequently, the official and popular perception of Adivasis is merely that of forest isolation, tribal dialect, animism, primitive occupation, carnivorous diet, naked or semi-naked, nomadic habits, with a love of drinking and dancing. Contrast this with the self-perception of Adivasis as casteless, classless and egalitarian in nature, with community-based economic systems, symbiotic with nature, democratic according to the demands of the times, an accommodative history and people-oriented art and literature.

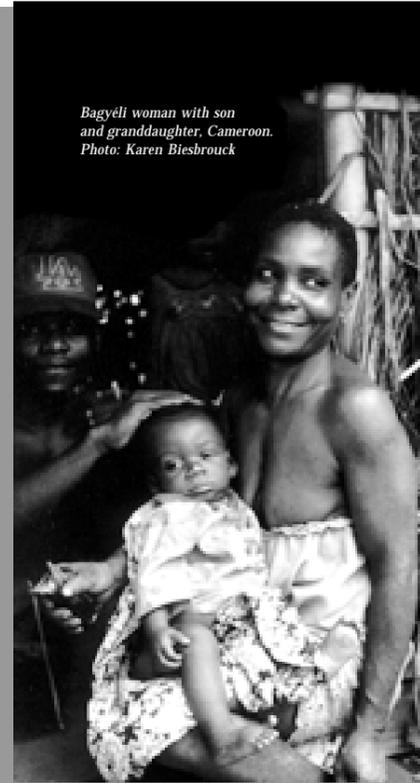
The significance of their sustainable subsistence economy in the midst of a profit-oriented economy is not recognised in the political discourse, and the negative stereotyping of the sustainable subsistence economy of Adivasi societies is based on the false premise that the production of surplus is more progressive than the process of social reproduction in co-existence with nature. The source of the conflicts arises from these unresolved contradictions. With globalisation, the hitherto expropriation of rights as an outcome of development has developed into expropriation of rights as a precondition for development. In response, the struggles for the rights of the Adivasis have moved towards struggles for power and a redefinition of the contours of state, governance and progress.

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EVOLVING DISCRIMINATION AGAINST THE FOREST PEOPLE (‘PYGMIES’) OF CENTRAL AFRICA

By Justin Kewrick and Jerome Lewis

Bagyéli woman with son
and granddaughter. Cameroon.
Photo: Karen Biesbrouck



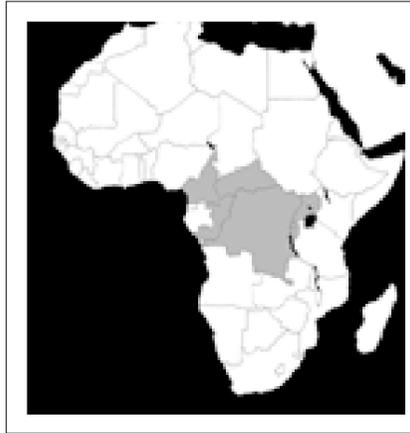
The Forest People' (or 'Pygmies') of Central Africa continue to experience daily discrimination against them by their farming neighbours. When governments and other organisations intervene to help Forest People, it is almost always to continue this discrimination in other ways. This experience points to the evolving nature of discrimination and discriminatory attitudes and stereotypes. In situations where discrimination against a category of people is entrenched in a dominant society, it is often to be observed that those who think they are opposing the discrimination are very often actually reinforcing it in what would appear to be a more benign but actually equally destructive way.

To highlight this process, this article briefly outlines examples from indigenous peoples in South America and colonised Africa, and from gender relations in Europe and America. The article then examines James Woodburn's excellent analysis of discrimination against hunter-gatherers in Africa, before going on to look in more detail at the discrimination suffered by the Forest People of Central Africa.

The 'Catch 22' of discrimination

In the conquest of South America, the majority of the conquerors perceived the indigenous peoples of the continent to be creatures who deserved no moral consideration and could be treated in much the same way that Europeans today treat animals. They should be subjugated and could even be slaughtered without consideration. It was in opposition to this that the ruling Pope decreed that Amerindian people should not be treated in this way since they had souls that could be converted and 'saved' (Bennett 1978: 29). Consequently, those who claimed to care about indigenous peoples' souls made great efforts to ensure that such individuals were 'saved' rather than simply annihilated. The extermination of their culture and way of life was, however, often a consequence of both approaches. Both approaches were based on a fundamentally discriminatory attitude that saw no value in indigenous peoples' culture and sought to either crush it beneath, or convert it into, the dominant culture.

A similar evolving process can be seen in many situations of discrimination - for example, in the actions of European colonialists in Africa, or enduring responses to the position of women in the West. In the context of the slave trade and colonization of Africa, a great number of European traders and colonists saw Africans as a raw material to be exploited like any other, not as people with equal rights to themselves. Missionaries and humanists reacted to this and sought to curb the barbaric excesses of



colonialism, but in its place would normally embark with great zealotry on the 'civilizing mission'. This was often more benign than military conquest and subjugation, but the results were similar. The ways of life of the cultures they encountered were ultimately seen as an obstacle to 'civilisation', to native peoples' adoption of Christianity and becoming as similar as possible to Europeans.

In relation to the position of women in the West, there is a similar process. Where formerly the values associated with men included, for example, the public realm, being rational, and going out to work, the values associated with women included staying at home, being emotional, bringing up children (see Jordanova 1980). This provided the justification for confining women to the home, for resisting giving women the vote, for unequal pay and promotion prospects at work. The reaction to this has tended to involve increasing the possibilities for women to work, providing childcare², and equal rights legislation seeking to ensure equal pay and promotion prospects. However, although this can obviously be of enormous benefit to women individually, it fails to question the fundamentally discriminatory attitudes that value the world of work, the public domain, and the intellect above the home, childcare and the emotions. In fact, it does far more than continue this process: it evolves, turning the recognition of discrimination of one realm by another into a new attempt to absorb and continue the devaluation of the values identified with the discriminated realm. Rather than giving equal status and value to the different domains of 'men's' and 'women's' work, women are simply given better access to the dominant 'male' domain, whilst the 'female' domain remains discriminated against. It is often in this manner that discrimination evolves as a reaction to criticism.

These examples show the importance of fully recognizing the ways in which discrimination evolves. Where discrimination against a certain category is firmly entrenched, those who claim they are opposing it may simply transform the paradigm of discrimination into new forms. By seeking to alleviate the suffering individuals endure from the dominant group's perspective, rather than by respecting and learning from the values of the discriminated group, efforts are made to 'liberate' them from their former way of life and, in the process, the alternative value system is often attacked. Although this may be presented as humane paternalism, it remains a form of discrimination that can be equally effective at discriminating against, and potentially destroying a way of life. This happens because the basis of the discrimination is not questioned by those attempting to counter it. Thus those being discriminated against are offered 'help'

Thus those being discriminated against are offered 'help'



Left: Efe Pygmies from the Democratic Republic of Congo. Photo: Espen Wæhle

that simply reinforces the basis for their discrimination by transforming it into more acceptable forms.

This article hopes to use this understanding of the 'Catch 22' experience of discrimination to illuminate the enduring and severe discrimination experienced by the Forest People of Central Africa. They not only continue to experience discrimination at the hands of their agriculturalist and capitalist neighbours, but also as a result of national and international policies and actions aimed at 'helping' them.

James Woodburn's analysis of discrimination against hunter-gatherers in Africa

So what is the nature of the discrimination suffered by Central African hunter-gatherers? James Woodburn, writing about 'Indigenous discrimination: the ideological basis for local discrimination against hunter-gatherer minorities in sub-Saharan Africa', summarises the forms of discrimination experienced by hunter-gatherers as involving negative stereotyping, a denial of their rights and segregation. He argues that all over sub-Saharan Africa there is a tendency for differences in modes of subsistence to be represented as ethnic differences and, conversely, that people who consider themselves ethnically distinct often present this as a difference in mode of subsistence. Thus, in Burundi or Rwanda for instance, Tutsi and Hutu may both be mixed agriculturalists and pastoralists yet will identify themselves as one or the other. Likewise, even where hunter-gatherers are no longer hunting and gathering and are effectively excluded from their forests (as with the Twa in Uganda), they continue to view themselves, and are seen by others, as primarily hunter-gatherers.

Woodburn points out that ethnic identity in Africa is very flexible, people of different groups expect to eat together, drink together, intermarry; "in total contrast to India, group identities for most Africans are not rigid and exclusive but tend to stress the mixed origins of groups" (1997: 348). He points out that the situation of hunter-gatherers in Central Africa is very unusual for Africa, since although there has always been rivalry and conflict between different ethnic groups in Africa, the situation of people such as the Twa of Rwanda has not been like this since they are numerically such a small minority, posing no political threat to anybody, and yet rigid barriers have been drawn up against them excluding them from normal dealings with other people.

The Twa of Rwanda and Burundi are treated by both Hutu and Tutsi as completely inferior. Eating, drinking and intermarrying with the Twa is unacceptable to the vast majority of Hutu and Tutsi; even sitting and talking with them is often forbidden, and they have frequently been dispossessed of whatever land they held without this being seen as theft. The 1994 Genocide in Rwanda resulted in the death of around 14 per cent of the total

Bagyéli man prepares net-hunting, Cameroon. Photo: Karen Biesbrouck



Three generations of Bagyéli, Cameroon. Photo: Karen Biesbrouck

Right: Mbuti people of the Ituri Forest dancing. Photo: Justin Kenrick





Rwandan population. The Twa make up between 0.3 and 0.4 per cent of this total yet it is estimated that around 30 per cent of the Rwandan Twa died as a result of this war (Lewis and Knight 1995:93).

Woodburn's description of the discrimination suffered by the Twa of Rwanda and Burundi, although extreme, is equally applicable to much of the discrimination suffered by other Forest People throughout the Central African rainforest region. He describes the negative stereotyping as involving open and publicly-asserted stigmatizing characterizations of hunter-gatherers as ignorant, stupid, primitive, lacking in proper culture and not fully human. From this perspective, any denial of hunter-gatherer rights by non hunter-gatherers is justified since they are not properly human nor living as people should. This denial of rights, widely contested by Forest People themselves, often takes the form of claiming that Forest People should not have control over their own labour, their lands or their marriages. They are denied rights to the land they hunt and gather over and "are freely, even casually, dispossessed of the land by agricultural and pastoral people" (Woodburn 1997: 350).

Actions like these are based on the highly discriminatory notion, often supported by national governments and international agencies, that agriculture constitutes legitimate land-use and confers some level of rights to land, whereas hunter-gatherer usage confers no such rights. This can easily lead to hunter-gatherers being denied the right to hunt and gather and to their being excluded from their forests without adequate consultation or compensation, if any is even offered. If compensation is offered, Forest People are given much less than their farming neighbours. Forest People are also frequently denied the right to represent themselves. They are frequently not granted any rights or sustained support from governments, missionaries and development agencies, unless they are willing to give up their way of life, settle by the road, engage in agriculture and send their children to school.

When such changes are carried out forcefully, they continue to embody a fundamentally discriminatory attitude that denies, and can potentially destroy, a people's way of life in a similar manner to the way in which Europeans sought to destroy indigenous cultures in North America and Australasia. Similarly, the agencies and people engaged in such fundamentally discriminatory activities towards the Forest People of Central Africa often believe that their assimilationist attitudes and practices are generous and paternal rather than recognising that they are shocking to outsiders and a denial of hunter-gatherers' fundamental human rights.

In looking at the reasons for this discrimination by their neighbours, Woodburn suggests that these hunter-gatherers are politically weak since, more than in any other human societies, they stress egalitarianism and work hard to minimize social differentiation of power, wealth and status. Their lack of property and wealth

accumulation means that they appear poor by the standards of their farming neighbours, neighbours whose security lies in accumulating resources. For Forest People, their security lies in high mobility and a rich natural environment, in a social system where people share with others what they have hunted, gathered or bartered for, in the ritual forms through which Forest People ensure that relationships between themselves, and those with their forest environment, are based on co-operation, harmony and abundance. The processes that ensure equality - demand sharing, nomadism, the high valuation of personal autonomy, equalizing rituals and practices which can involve much hilarity, ridicule, shouting and improvised singing, storytelling and music - are in sharp contrast to farmers' values of authority, politeness and deference to seniors. This can mean that farmers are unable to understand the values and strengths of Forest Peoples' cultures, and see them instead as uncivilized or threatening.

There are two key points here. One is that Forest People can be willing to participate in (everyday and ritual) relations with their farming neighbours in which they appear to be destitute, subservient or clients. Forest People do this in order to gain access to goods that farmers have and often describe such behaviour in idioms normally used in hunting. The difficulty and suffering they may experience as a consequence of discrimination during interactions with farmers is equated with the hardships of the hunt. However, wherever Forest People retain their forests and sufficient wild resources, they have little difficulty in maintaining their autonomy and also exerting control over their neighbours. Forest Peoples' central rituals are ones that celebrate their knowledge of and relationship with the forest and, as such, are at variance with the values of their neighbours. Such central rituals include the Ejengi ritual of the Baka and Aka, and the Molimo ritual of the Mbuti (Kenrick 1999, 2002).

The second key point is that Forest People are seen as the first inhabitants of the Central African forests. Farming groups' origin stories are all about arriving from non-forest areas into the forest and then clearing forest for their villages. In contrast Forest Peoples' origin stories begin in the forest and remain there. They see themselves, and are seen by their neighbours, as the autochthons or 'First People' in the Central African forests. Their neighbours commonly see them as the custodians of fertility, whether it is to make crops grow, animals multiply or women conceive and give birth. These aspects of Forest Peoples' identities are recognised in certain farmers' rituals. However, often during these rituals this recognition is subverted by the ritual dispossession of the Forest Peoples' rights over their land through portrayals of their forest-oriented lifestyle as animalistic and debauched, and the investment of rights over the forest in the real people - the farming group³. Despite this history, these widely recognised aspects of their identity are today becoming a potent way for Forest People to assert their rights through the international Indigenous Peoples' movement.



Efe Pygmy woman and child gathering roots, the Democratic Republic of Congo. Photo: Espen Wæhle

Discrimination suffered by Central African Forest People

The opposition between colonised and coloniser, which has informed notions of who is indigenous in South America and Australasia and formerly informed such notions in pre-independence Africa is, in Central Africa today, equivalent to the enduring opposition between Forest People and farmers or village people.

This is nowhere more evident than in relation to their land rights. Throughout most of the Central African region, both under colonialism and since independence, traditional territories became State lands unless they had permanent buildings on them or were in active exploitation as farms. This definition of land ownership has remained in place today and effectively discriminates against Forest Peoples' land-use and claims over land, since the majority of their lands will appear unoccupied at any given time (see Barume 2000). The official alienation of Forest Peoples' rights over forest has been further compounded since the eighties as the forests in Congo, Central African Republic, Cameroon and DRC have been divided into large forestry concessions in order to attract investment from foreign companies wishing to exploit forest resources.

Today, almost all the forestry concessions in these countries have been attributed to multinational logging companies. Others, such as Nouabale-Ndoki in Congo, have been given to conservationist organisations such as the Wildlife Conservation Society and been turned into National Parks. Like the logging companies they replace, the wildlife protectionists often impose their presence on local people without meaningful consultations. It is villagers rather than Forest Peoples' communities who are approached for their agreement and also occasionally to receive compensation. This is the broader context which exacerbates and deepens the pre-existing discrimination experienced by Forest People (Lewis 2001: 2-3).

The stigmatisation and discrimination of Forest People by other local people is endorsed and reinforced by official attitudes to these 'Pygmy' peoples that tend to perceive of their hunter-gatherer way of life as primitive and shameful to the national heritage, yet celebrate their extensive knowledge of plants for healing and magic, and their incomparable skills as singers and dancers (Lewis 2001: 3). Similarly, conservation organisations make use of their forest skills whilst often enforcing policies of exclusion and control that will destroy the very relationship with their forest that enabled the knowledge to be passed down (See Kenrick 2001a for the case of the Ugan-

dan Twa). Logging companies make use of Forest Peoples' forest knowledge to identify trees whilst destroying the biodiversity of their forest, such as is happening to the Baka in south-eastern Cameroon (Kenrick 2000) which, in the extreme makes nomadic hunter-gathering unsustainable.

The contradictory perception of Forest People as backward people who need to be controlled, civilised and developed, and yet who are seen as possessing extraordinary skills and knowledge, effectively devalues the very process by which they maintain the celebrated and special knowledge derived from a forest lifestyle. On the rare occasions that governments have taken an interest in Pygmy people, it has been to enforce sedentarisation programmes and assimilationist policies that discriminate against and, if effectively enforced, can render ineffective a Forest People's culture.

The example of the Bagyeli of Cameroon

During the enforced 'villagisation' programmes of the 1960s and 1970s throughout Central Africa, many Forest People were obliged to comply with government enforcement agencies or the demands of missionaries and settle by roads for a time. Most soon moved back to a lifestyle that involved spending some part of the year working in the village fields of other local people and the rest moving through the forest hunting, gathering and occasionally trading forest produce for villagers' garden produce and other materials. However, to date, almost all interventions by governments, missionaries or development organisations have been directed at settling Forest People and stopping their hunter-gatherer lifestyle in favour of farming. This is presented as a benevolent attitude and charitable activity rather than one that is fundamentally discriminatory and a denial of Forest Peoples' culture and right to self-determination. Regardless of how far a group of Forest People follow the plans of their 'developers', they are rarely considered the equals of their neighbours. This is most apparent when officials arriving in Forest Peoples' areas will invariably seek out and deal with farmer communities rather than the Forest People. When these visits are offering benefits to the population, they are easily monopolised by the villagers.

A good example of this during the last few months has been the experience of the Bagyeli hunter-gatherers in south-western Cameroon. Here, the consequence of the preliminary cutting through of the pathway to mark where the World Bank-funded Chad-Cameroon oil pipeline is going to run has led not to the alleviation of poverty, as claimed by the World Bank, but to the entrenchment of inequality. Bagyeli land, which they have been cultivating for years, as well as places where they live, have been formally claimed by literate villagers in order that the villagers can obtain the compensation due for its damage by the pipeline (Kenrick 2001b).

This small example of discrimination needs to be seen in its wider context. The Bagyeli have been dispossessed of these lands only because they have created fields there. In contrast, there is no legal way of framing as dispossession the way in which the construction of the pipeline will disrupt their forest and their ability to hunt and gather in it because Bagyeli rights to the forest are not even recognised in the first place. The daily discrimination they experience at the hands of their neighbours is made possible because the ongoing discrimination by the colonial and now post-colonial State against their way of life is so firmly established and accepted that it is almost invisible.

Thus, when consultations with the Bagyeli were held (as required by the World Bank Indigenous Peoples' policy) to determine what measures should be taken to safeguard Bagyeli welfare in the context of the pipeline being established, the Bagyeli were shocked that it was being carried out by academics who belong to those very same farmers' groups they experience as dominating and discriminating against them. Furthermore, what the survey concluded was not that the Bagyeli needed land rights and their forest, but rather it sought to establish various inadequate forms of compensation which (as the earlier example shows) have easily been siphoned off by farmers. For example, the survey still stresses the need for the Bagyeli to become fully sedentarised in order to 'benefit' from the development opportunities it appears to offer. This, even though it acknowledges that Bagyeli nutrition in the forest is very good and that it deteriorates rapidly with sedentarisation. The survey failed to take into account Bagyeli wishes and needs. Rather it assumed to know what these were (Kenrick 2001b).

In these and other ways, there is tacit acceptance and support by outside agencies and local authorities of the discrimination and denial of basic rights of the Forest People by their villager neighbours. The lack of representation of Forest People at the local and regional levels in Central Africa shows how effectively the discrimination they experience prevents effective representation. The villagers' traditional structures that justify and encourage this situation are rarely questioned or criticised by regional authorities; often they are supported since many officials come from local villages.

The example of the Mbendjele of Congo

The situation of the Mbendjele hunter-gatherers of northern Congo fits James Woodburn's analysis of discrimination against African hunter-gatherers clearly. Mbendjele are considered by the villagers to be: chimpanzee-like, backward, impoverished, lazy, gluttonous, disgusting, dirty, stupid, childish, and uninterested in change. They may not eat or drink together with their neighbours, have sexual relations or marry, or sleep in the same houses, and many villagers deny that Mbendjele have any basic hu-

man rights, frequently describing them as their 'slaves'. The Mbendjele oppose these derogatory characterisations of themselves by village people, and reject the fictional kinship links that underpin the villagers' claims to authority over them (Lewis 2001: 4).

When village people claim they own areas of forest or rivers or Mbendjele, it is viewed like the noise gorillas make – it is meaningless, self-deluding nonsense. From the Mbendjele point of view Komba (god) created the forest for Forest People to share with his creatures (Lewis 2001: 5). Where the villagers see the forest as a dangerous place inhabited by bad spirits, and the opposite of the safe village and farms, the Mbendjele see the forest as safe, peaceful, cool and clean. This opposition between village people and Forest People is widespread among the people of Central Africa. Even when Forest People no longer have access to forest, these oppositions do not easily break down, and can even become more entrenched, as has happened to the Twa of the Great Lakes Region (Lewis 2000).

Like other Central African hunter-gatherer peoples, the Mbendjele act in an inclusive way towards each other, and also extend this to other peoples. Their egalitarian ethic does not focus on excluding others by asserting individual or group property rights, but focuses on ensuring equality of access and ensuring that whatever there is shared. However, despite the Mbendjele always being tolerant and sharing their forest with outsiders, they are outraged that no one is in the least bit concerned to respect their rights. Mbendjele strongly resent this lack of reciprocity, but know that no one cares or ever listens to them. Most Mbendjele simply adapt, by hunting in different areas, or by seeking employment with the loggers and the communities that spring up around their activities, or by working with commercial hunters and so on, but even here they are aware of being severely discriminated against when, for example, they attempt to secure work with logging companies. Although in national law the Mbendjele are supposed to be equal to other Congolese citizens, in practice, this is not the case. The discrimination they are subjected to by village people, their lack of northern-style education, their attachment to an 'immediate-return' economy and lifestyle within the forest, their mobility, egalitarianism and small social groups all contribute to make effective representation or protest difficult (Lewis 2001: 7).

The example of the Baka of Cameroon

The Baka in south-eastern Cameroon have a similar story. Here, the pre-existing discriminatory attitudes of their farming neighbours towards them have not mattered too much, as long as they have had the forest to return to. Like the other Forest Peoples of Central Africa such as the Mbuti of the Ituri Forest (Kenrick 1999), over the centuries since the farmers moved into the forest, the Baka have been able

to benefit from social and economic exchange with the farmers. From the Baka point of view, these relations have been on an equal basis because however much villagers have chosen to believe they are controlling the relationship, the Baka can get up and leave to go into the forest whenever they wish. However, as the forest is destroyed, the villagers' attempts to control the relationship become effective, and discrimination against the Baka becomes less of a rhetorical device used by villagers and more of a daily reality for the Baka.

As first colonial governments and subsequently post-colonial governments, missionaries and multinationals seek to exploit and, in the process, damage the forest, they have been destroying Forest Peoples' independent resource base. The destruction of forest is mostly a consequence of the activities of European, and increasingly Asian, logging companies. As their forest becomes more and more intensively exploited by outsiders, government, missionaries and development agencies tend to increase efforts to settle Baka along roadsides, to make them take up agriculture and become involved in the wage economy. Among the Baka, the social support mechanism of sharing visible excesses, which works well within the day to day world of hunting and gathering in the forest or when working on their neighbours' farms, comes under intense pressure and may even break down within the wage economy of the logging concessions and amid the accumulation and structured planning necessary for successful farming (Kenrick 2000a).

Put in conflict with their neighbours, denied access to their independent resource base - which is the context for the spiritual beliefs and practices that underpin their economy of sharing - they are marginalised from a way of life in which they are the experts. Many attempt to put whatever remains of their expertise to use in working for loggers, safari hunters and bushmeat traders. Thus, the underlying pressures of resource appropriation and forest destruction gradually remove both the economic and experiential resources that provide the basis for their forest-oriented culture and lifestyle (Kenrick 2000a).

Their experience of discrimination is usually compounded by the 'awareness raising' activities of those agencies who believe they are helping the Baka by turning them into farmers. Like most Mbuti, Baaka and Bagyeli, Baka were forced to settle by the roadside in the 1960s. Whereas most of the other groups have since moved back some distance into the forest, the intense activity of missionaries and Northern NGOs attempting to 'help' the Baka to become independent by assisting them to turn to agriculture, has meant that in some places many Baka remain centred on a roadside existence. They suffer far more from discrimination by their neighbours when they can no longer flee them. Often those instigating such projects have sought to justify their actions as an effort to combat discrimination.

Conclusion

The intention of this article has been to show some of the ways in which discrimination evolves and reacts to new values and norms. For those being discriminated against, this is a 'Catch 22' situation, as we hope we have shown in the description of the severe and ongoing discrimination experienced by the Forest People of Central Africa. The article has sought to convey their experience of discrimination, and explain its context. Using our own research, we have focused on examples from situations where Forest People still have access to their forests (Bagyeli, Mbendjele and Baka) rather than on situations where their forests have been destroyed by farmers (as, for instance, among the Twa of Rwanda and Burundi) or where they have been forcibly excluded by Western conservationists from their forests (Twa of south-west Uganda and Kahuzi-Biega in DRC).

Where their forests have been destroyed, or where they are forcibly excluded from them, this can often be presented as if it is to the Forest Peoples' benefit, as if it will oblige them to benefit from 'modernisation' and 'development'. In reality, however, there is no such benefit: the process simply subjects them to increasingly severe poverty and continued discrimination at the hands of their neighbours and locally active institutions. The article has sought to highlight the way in which many government, missionary and development-focused attempts to help the Forest People have not addressed the fundamental need for their rights to their lands, culture and way of life to be recognised. Instead they have continued the pre-existing process of discrimination evident in the attitude and behaviour of farmers towards hunter-gatherers.

This article has argued that, for those of us in positions of relative power who are seeking to support the disenfranchised, just as for those belonging to disenfranchised groups, our habitual response to discrimination may in fact make matters worse. Asserting that the discriminated group must be enabled to become like the discriminating group fails to address the fundamental basis of the discrimination and simply changes its paradigm. Discrimination can only be subverted and dissolved by dismantling the process by which one category or realm is made to be inferior to another. If, instead, members of the dominated group are given help to become like those who dominate them, this does not alleviate the discrimination suffered, it intensifies it.

Notes

- ¹ The use of 'Forest People' rather than 'Pygmy' is a direct translation of the label many Pygmy peoples in Central Africa prefer to give themselves.
- ² Unemployed single mothers in the USA are obliged to put their children into childcare so that they are available for work.
- ³ See for instance Kagabo and Mudandagizi 1974:77, or Woodburn 1997:354-5.

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IWGIA and A.I.T.P.N., 2001
ISBN 87-90730-46-1, ISSN 0105-4503. US \$ 16.00. £ 11.20, DKK 120.00 (price subject to change)



Albert Kwokwo Barume

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IWGIA and Forest Peoples Programme (FPP) 2000
ISBN: 87-90730-31-3, ISSN 0105-4503, 142 pages, US\$ 14.00; GBP 9.80; DKK 105.00



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