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The most important processes IWGIA has been involved in at an international level over the past few decades have been the meeting of the Working Group on Indigenous Populations, which takes place in Geneva in July every year, and the meeting of the Working Group on the Draft Declaration, which took place in Geneva in September. As on previous occasions, IWGIA closely followed the discussions that took place in these important UN bodies dealing with indigenous peoples' rights. Moreover, through the Human Rights Fund for Indigenous Peoples, IWGIA funded the participation of a significant number of indigenous representatives at both meetings. On October 7, the UN Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples visited our Secretariat in Copenhagen. We took the opportunity to discuss how his reports are being used, and how indigenous peoples' organizations can play a role in terms of lobbying for implementation of his recommendations.

At regional level, we are supporting a number of ongoing projects in Africa, Central and South America, the Pacific, Asia, and Russia. In Africa, the projects focus mainly on human rights issues and land rights. A process worth mentioning is that of the constitutional reform in Kenya, which is coming to an end. IWGIA has supported different indigenous organizations in their lobbying to have indigenous peoples' rights incorporated into the constitution. The 31st session of the African Commission on Human and Peoples' Rights, which was to take place in Gambia at the beginning of October, has been postponed and is now scheduled to start on November 8. The report of the African Commission's Working Group on Indigenous Populations/Communities has been finalized and was submitted to the African Commission during the Niger session in May 2003. It will hopefully be discussed and approved at the November session of the Commission.

In Central and South America we support ongoing projects on self-organization, land titling, information dissemination, human rights and legal assistance. The Lhuaka Honbat land rights case, which has been filed with the Inter-American Commission on Human Rights is ongoing, and with support from IWGIA Lhuaka Honbat is lobbying for a successful outcome. In September, IWGIA attended the IVth Assembly of the Amazonian Indigenous Organization ORINIO in Venezuela. The event is documented in an article in Articulo: Indigenous 3/03, the Spanish edition of Indigenous Affairs.

Our project partners in Asia work mainly on natural resource management, land rights, self-organization, networking and lobbying. At the moment, we are developing a working methodology for experience sharing among our different partners in the region, with particular focus on community organizing and leadership training. In late October, we will have a strategy meeting on the future of our Asia Programme in the Philippines. The project support to partners in Russia has led to the establishment of a number of information centres and capacity building activities. A publication on indigenous peoples' involvement in regional and federal political decision-making has been published in Russian in August. Our Arctic Coordinator has just returned from a networking trip to Canada, where she held meetings with different organizations, individuals and institutions in the Northwest Territories and in the Yukon.

Publishing documentation and analyses of indigenous peoples' situations continues to be a top priority in our work. Due to continued high demand, our book on the indigenous movement in Russia 'Towards a New Millennium' has been reprinted and is now available once more from the Secretariat and from our distributors. As usual, our annual book 'The Indigenous World' came out in July this year. The first steps towards producing next year's issue have already been taken. It has been decided that, from now on, The Indigenous World will cover one calendar year and will be published in April.

Cover: Bontok women, Mountain Province, Cordillera, Philippines. Photo: Christian Erni

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What is wrong with wanting to influence the government? This is the question raised by Wim del Boltinga, one of the contributors to this issue of Indigenous Affairs. In his article, he describes how the space for political expression is being reduced in the present context of counter-terrorism measures in the Philippines. In the name of the war on terrorism, the state is tightening its grasp on the people to the extent that there is now an atmosphere of political repression whereby even legitimate forms of dissent are being branded acts of terrorism. The definition of terrorism that forms the basis of the state's anti-terrorism measures is so broad that even peaceful protest actions, demonstration, strikes and other collective action could be branded acts of terrorism and thus be treated with serious counter-measures from the authorities.

With the vagueness and broadness of the definition of terrorism under the Anti-Terrorism Act, one cannot differentiate a rebel, an activist or an ordinary criminal from a terrorist, he writes. In other words, this is a serious threat to democracy and to peoples' space for expressing political demands as well as defending their basic rights. For indigenous peoples, who have so many reasons to want to influence the government, this is a serious problem.

As Shubha Chakma's article shows, the situation Boltinga describes is not unique to the Philippines. On the contrary, it is quite common for states around the world these days to use September 11 and the ensuing tightened security measures as an excuse to reinstate (....) draconian laws; and to justify many of their unfair actions, which were hitherto condemned as illegal and violations of human rights. In his article, Chakma shows how indigenous peoples around the world fall victim to this. In India, the Prevention of Terrorism Act (POTA) was passed in 2002 with the primary aim of preventing terrorist activities in Jammu and Kashmir, which are the central focus of India's war against terror. The review committee that was given the task of looking into the way in which the Act was being used has found, however, that so far (up to July 2003) the majority of detainees under the Act are from Jharkhand, the heartland of India's indigenous peoples. POTA gives immense powers to the police to arrest and detain suspects without trial. It has obviously caused serious limitations to freedom of expression and political mobilization and protest in Jharkhand.

There is no evidence that unlawful measures such as the various post-September 11 anti-terror laws could have prevented terrorist attacks, says Chakma. Then why is it that states the world over have been so persistent in passing anti-terrorism legislation? The closer one looks, the more it seems like an excuse to limit the room for manoeuvre of various unwanted groups fighting unpopular fights. Among these are indigenous peoples' organizations and their struggle for self-determination. This issue of Indigenous Affairs carries a number of articles documenting and analysing specific problems indigenous peoples around the world face right now. They bear witness to the fact that indigenous peoples do have many reasons for wanting to influence governments - to assert themselves and demand their basic rights to be recognized and respected.

A major problem indigenous peoples the world over are confronted with is the greedy hunt for resources on the part of corporate business, which destroys the lands and livelihoods of indigenous peoples along the way. In Ogoni in Nigeria, oil extraction brings in more than 80% of the country's hard currency. Yet the people who have lived there for generations, the indigenous Ogoni, are among the poorest in the country. Their crop yields and fish catches are decreasing and, in some cases, entire farms have been destroyed as a result of the oil drilling operations and the ensuing contamination. The environmental impact of Shell's activities has been extensive. In his article on the multinational oil company Shell's activities in Ogoni and the Ogoni people's struggle against it, Dr. Vincent Idenyo documents the situation and draws our attention to the fact that those Ogoni who have fought for the survival of their people and, using peaceful and non-violent means, have driven Shell out of the region have been punished severely by the Nigerian state apparatus. Ken Saro-Wiwa who led the movement at the beginning of the nineties was brutally executed by the Nigerian dictatorship, along with eight other men, in 1995.
In Peru, indigenous peoples who live in voluntary isolation in the Amazon forest are being driven away from their hunting and gathering territories. Or, worse still, they are forcibly contacted by oil company workers who try to attract them with tools, blankets, and other goods from civilization as they know it. This forced contact all too often results in illness and death. The Peruvian government does not fulfill its obligations in terms of ensuring respect for the rights of the indigenous peoples affected by the oil and gas extraction. The isolated indigenous peoples do not want contact with the surrounding society. For generations they have protected their lifestyle by avoiding contact with the outside world, hiding deeper in the forest whenever anybody came close to their hunting-gathering areas. They do not therefore come forward to demand their rights be respected now that the oil and gas companies are encroaching on their land and threatening their continued survival. In solidarity with them and recognizing the fact that they are not in a position to choose their own spokespeople, the national Amazonian indigenous peoples’ organization, AIDESEP, has taken up the struggle to defend their rights. IWGIA supports AIDESEP in carrying out this important work. In her article, Beatriz Huertas de Castillo describes the background to the struggle and presents the strategy chosen and the demands put forward.

In British Colombia in Canada, too, business interests are encroaching on indigenous territory and threatening to destroy it before future generations set their foot upon it. In her article The Olympic Land Grab, Naomi Klein describes how First Nation peoples’ protests have been ignored and political and economic forces have won the first victory of the 2010 Olympic Winter Games - they have won the bidding process. As a result of this, land that is claimed by British Colombia’s First Nations (affirmed in a Supreme Court of Canada decision in 1997) will be turned into massively developed ski resorts. The promise of jobs and money will last only for a few days and our land will be destroyed for hundreds of years. I look at the future for the next seven generations, the genes lock only to 2010, seven years from now, for a three week party says Rosalin Sam, spokesperson for the movement against the Games. In Canada, as elsewhere, indigenous peoples’ political actions and attempts to have a say in decision-making regarding the future of their land have been met with brutal police force. Road blockades have been clamped down on and indigenous leaders have been arrested.

Even though the articles in this issue of Indigenous Affairs cover a wide range of topics, a common theme in each and every one of them is conflict. Various conflicts are described which, in one way or another, jeopardize indigenous peoples from the encroachment of corporate business into indigenous territory and the ensuing destruction of their future livelihoods to the bloody warfare between different groups in the Democratic Republic of Congo, which has claimed an unknown number of Pygmy lives. As described in Ilundu Bulambo Stephen’s article, indigenous Pygmies in the Congo have suffered one of the most unthinkable human rights violations, namely that of cannibalism. This was part of a military operation called ‘Operation Wipe the Slate Clean’, and there is cause to question whether these acts did not, in fact, constitute genocide, writes Ilundu.

There is still a long way to go before the indigenous peoples’ movements around the world have their basic rights to self-determination and to their traditional lands and territories recognized. In Finland, the struggle is now materializing in the form of a legal process towards ratification of B.D.O Convention No. 169, and thus official recognition of the indigenous Saamis’ right to land. Tarja Joons describes the process and the complex land rights issues that need to be dealt with before ratification. Hopefully, these processes will produce concrete results for the Saamis of Finnish Lapland.

Lastly, we should mention that, whereas Indigenous Affairs normally focuses on one specific theme in each issue, this one is what we call an ‘open issue’. It is our intention to publish one open issue every year in order to give room for articles of current interest. To keep up this practice, we encourage you, our readers, to submit articles to us whenever you have something that is of general interest to your fellow Indigenous Affairs readers.
SHORT-CIRCUITING JUSTICE
IN THE NAME OF TERROR

SUHAS CHAKMA

"It is a delusion to think that the nation's security is advanced by the sacrifice of the individual's basic liberty. The fears and doubts of the moment may seem large, but we bore more than we gain if not counter with a resort to alien procedures or with a denial of essential constitutional guarantees." - Judge Stanley H. Field of the New York Court of Appeals.

There is no doubt that states have legitimate reasons, the right and duty to take all the measures to eliminate terrorism in order to protect their nationals, human rights, democracy and the rule of law and to be the perpetrators of such acts to justice. However, counter-terrorism measures adopted in the post September 11 period have often been taken without any respect for due process of law or the rule of law. In the name of the War Against Terror, the state terrorism witnessed against communist movements in the 1960s and 1970s across the world and against the pro-democracy activists in Latin America in the 1970s and 1980s is presently being replicated world over.

Former UN High Commissioner for Human Rights, Ms Mary Robinson, was not given another term after she earned the annoyance of the Bush administration because of her call for a halt to bombing in Afghanistan to allow humanitarian aid reach civilians, her call for an inquiry into the massacre of the Taliban soldiers in Mazar-e-Sharif, her vocal stand against the treatment of Al-Qaeda prisoners in Guantanamo Bay, Cuba and for raising the alarm over a rise in discrimination against Arabs and Muslims in Western countries. While Robinson lost her job for standing up for human rights, her successor, Mr. Sergio Vieira de Mello, who also unapologetically called for "upholding the rule of law and respecting human rights" in the War against terror, lost his life in a terrorist attack on the UN building in Baghdad on 19 August 2003. Terrorism is as complex as the political history of humankind and the political landscapes of the world. September 11 failed to resolve the apartheid - "one man's terrorist is another man's freedom fighter". The complexity of terrorism is reflected in the failure of the United Nations to reach a commonly agreed definition after adopting twelve international conventions relating to terrorism. The General Assembly, which is drafting a comprehensive convention on terrorism, is seemingly grappling with the issue. The UN Declaration on Measures to Eliminate International Terrorism, however, provides the elements of terrorism, which include "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes", which are "in any circumstances unjustifiable, whatever the consideration of a political, philosophical, ideological, racial, ethnic, religious, or other nature that may be invoked to justify them". As the reasons that breed terrorism in the first place are swept under the carpet, a loose and broad definition of terrorism is used to silence even peaceful dissent.

A large number of conflicts across the world, whether in Chechnya or West Papua, involve indigenous peoples. Irrespective of geographical boundaries or political ideologies, governments have taken draconian measures to silence indigenous peoples' resistance, including legally permitting extrajudicial executions. Post September 11 has not worsened the situation of indigenous peoples dramatically. It was already bad enough. They have been confronted with draconian national security laws and human rights violations since the formation of the modern nation states. But September 11 provided an excuse for governments to reinforce such draconian laws and to justify many of their unlawful actions, which were hitherto condemned as illegal and violations of human rights.

Opportunists States

The government of India, which earlier failed to ram through the draconian Terrorist and Disruptive Activities Prevention Act, 1985, through the Prevention of Terrorism Bill, 2000, proscribed the Prevention of Terrorist Ordinance (POTO) on 24 October 2003. September 11 and the attack on the Indian parliament on 15 December 2001 served to boost opposition to the ordinance. Yet the Rajya Sabha, the upper house of the Indian parliament, rejected POTO. This prompted the desperate government to call an extraordinary joint session of parliament, thereby way
the government could muster the majority required to pass the Prevention of Terrorism Bill. The bill was eventually passed as the Prevention of Terrorism Act (POTA) on 26 March 2002.

Given the widespread misuse of POTA, the government of India set up a review committee. As of July 2003, approximately 700 persons have been detained under the Act. Yet the highest numbers of detainees are not from Jammu and Kashmir, the central focus of India’s war against terror. The majority of detainees are from Jharkhand, the heartland of India’s indigenous peoples, the Adivasis. Around 234 persons have been arrested; many of them are children as young as 12 and elderly as old as 81.

Seventeen-year-old Mansi Bopani Kharwa from Tila Manori Toli village under Palodi police station of Gumla district was arrested under POTA. She is the only woman in the village to have passed the high school final examination and had reportedly been educating the women of the village on resisting patriarchal oppression. Some of the men in the village accused her of being a member of the Maoists Communist Centre, a radical left wing group, and informed the police. The police searched her home several times but did not find any incriminating documents. The police also beat her father and other men in her family. She was arrested under the POTA, allegedly without any concrete evidence of her involvement with the banned group.

Does India need the POTA? Not so, opined India’s National Human Rights Commission. "There was no need for enactment of the Prevention of Terrorism Bill, 2000 or similar law... the existing laws were sufficient to deal with any eventuality, including terrorism. The real need is to strengthen the machinery for implementation and enforcement of the existing laws and further for this purpose, the working of the criminal justice system requires to be strengthened"—asserted the NHRC.

The government of India has a long history of draconian national security laws. Not surprisingly, the NHRC stated: "The proposed Bill (POTA), if enacted, would have the ill effect of providing intentionally a strong weapon capable of gross misuse and violation of human rights which must be avoided particularly in view of the experience of misuse in the recent past of Terrorist and Disruptive Activities (Prevention) Act and earlier Maintenance of Internal Security Act of the Emergency days."

In 1958, the government of India introduced the draconian Armed Forces Special Powers Act (AFSPA) to deal with the Naga insurgency. The Act was supposed to have been in the statute book for over one year. Forty-six years on, the Act is still in place and the Naga insurgency remains alive and kicking. But section 4 (g) of the AFSPA, which empowers non-commissioned officers to “fire upon or otherwise use force, even to the causing of death” in the name of maintaining law and order, gave a “license to extrajudicially execute” innocent and suspected persons.
Post September 11 has legitimised such unlawful actions of the government in India and across the world. In Colombia, indigenous peoples are presently caught in a conflict between the Revolutionary Armed Forces of Colombia-People’s Army (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP) and the Colombian security forces. On 13 August 2002, President Pastrana signed the Security and National Defense Law to redress impunity for human rights abuses. The law gives the security forces judicial police powers under certain circumstances and severely restricts the ability of civilian investigators to initiate disciplinary investigations against security force personnel for human rights violations committed during operations. Also, the law limits the obligation of the armed forces to inform judicial authorities about the detention of suspects, increasing the risk of torture. The Kangaroo courts across Latin American are not new. They are a legacy of the military dictators. The nascent democracies of the region have not replaced these Kangaroo courts as yet. Under Mexican law, cases involving army abuses are subject to military rather than civilian jurisdiction. The military justice system, however, does not adequately investigate and prosecute alleged abuses by the army. Its operations generally lack transparency and accountability.

Since September 11, states you would not invite for dinner have joined the bandwagon of those allegedly combating terrorism and have been fed by the free world. These pariah states have, in the process, legitimised the repression of their populations something that, in most scenarios, breeds terrorism and violence in the first place. China immediately launched Operation Strike Hard in Xinjiang, and amended its Criminal Procedure Code. Yet it was Malaysian Prime Minister, Mahathir Mohammed, who used the draconian Internal Security Act to silence peaceful dissent, who articulated the relief of the authoritarian regimes during his visit to the United States in May 2002. "The United States now appreciates some of the things we have done as being in the national interest."

Even Tonga, a tiny kingdom in the Pacific, amended the Criminal Offences Act ( Chap 18) on 16 October 2002. The amendment made "terrorism" an indictable offence and punishable by imprisonment for a period not exceeding 15 years. Section 798B(ii) of the Amendment Act defines "terrorism" as "an act which is intended or can reasonably be regarded as having been intended to seriously destabilize or destroy the fundamental, political, constitutional, economic or social structures of a country..." This is contrary to Article 8 of the Constitution, which states, "All people shall be free to send letters or petitions to the King or Legislative Assembly to pass or repeal enactments provided that they meet peacefully without arms or disorder." The amendment has more to do with stifling the pro-democracy movement than confronting so-called terrorism.

**Draconian features of the anti-terror laws**

Adoption of anti-terror laws has been one of the key measures taken by governments in the post-South 11 period. These measures suppress or restrict individual rights, including freedom of thought, presumption of innocence, fair trial, the right to seek asylum, political participation, freedom of expression and peaceful assembly.

The Prevention of Terrorism Act 2002 of India empowers law enforcement officers to hold the accused for a prolonged period of detention (180 days) beyond the permissible limits under the normal criminal procedure code without charging him/her. Furthermore, it effectively subverts the cardinal principle of the criminal justice system—the presumption of innocence—by putting the burden of proof on the accused, withholding the identity of witnesses, making confessions made to the police officer admissible as evidence, and giving the public prosecutor the power to veto bail. The anti-terror laws cannot be repealed until the term of the present government expires. It is worth noting that Indonesian Minister for Justice and Human Rights, Yuseil Isha Mahendra, in an interview with the author, stated that the Indonesian anti-terror law was one of the models Indonesia had been looking into.

**Human rights law and anti-terror measures**

Article 4 of the International Covenant on Civil and Political Rights requires that certain rights may not be derogated from under any circumstances. These rights include the right to life, freedom of thought, conscience and religion, freedom from torture or cruel, inhuman or degrading treatment, and the principles of precision and of non-retroactivity of criminal law, except where a later law imposes a lighter penalty. Derogation from other rights is only permitted in the special circumstances defined in international human rights law: any such measures must be of an exceptional character, strictly limited in time and to the extent required by the demands of the situation, subject to regular review, consistent with other obligations under international law and not involving discrimination. Where derogation is invoked, there is an obligation to notify other state parties through the Secretary-General and to indicate the provisions from which a state has derogated and the reasons for such derogation. Most state parties to the Covenant do not inform the other state parties through the Secretary General.

Even during an armed conflict, measures derogating from provisions of treaties such as the ICPPC are permit-
ted only if and to the extent that the situation constitutes a threat to the life of the nation. In its General Comment No. 20, the Human Rights Committee identified the elements that cannot be subject to lawful derogation.

On 22 November 2001, the United Nations Committee agreed to the draft of article 3 (prohibition of torture under all circumstances), article 15 (prohibiting confessions extorted by torture being admitted in evidence, except against the torturer) and article 16 (prohibiting cruel, inhuman or degrading treatment or ill-treatment) of the Convention were not open to derogation under any circumstances. In addition, Article 3 of the Convention also provides an absolute prohibition on expelling, returning or extraditing a person to another state where there is risk of torture. In several instances, the Committee against Torture noted that most allegations of torture relate to individuals who have been accrued or convicted of terrorist acts. The Committee has identified a number of measures that commonly contribute to the practice of torture. These include the wide scope of arrest and detention powers granted to the police; overlapping of jurisdiction of various police and security agencies; secret detention; lack of adequate legal infrastructure to deal with allegations of torture; the existence of excessive pre-trial detention powers; the use of administrative or preventative detention for prolonged periods of time; the lack of a central registry of detainees; interference with the prosecutor's powers to investigate allegations of torture; and the denial of access to lawyers, family and medical personnel.

The Convention on the Rights of the Child does not allow any derogation of rights and the Convention is applicable even in emergency situations under Article 38. Therefore, persons under 18 years of age enjoy the full range of rights provided in the Convention. Yet, until the Madras High Court upheld the supremacy of the Juvenile Justice (Care and Protection) Act 2000 over the POTA in the case of the arrest of G. Prabhakaran (15 years under the POTA, many children were being arrested as terrorists in India.

While the Office of the High Commissioner for Human Rights and Treaty Bodies is repeatedly called for respect for the rule of law and due process of law in the war against terror, the Security Council has not paid adequate attention to human rights issues. The Security Council Resolution 1373 established a Counter Terrorism Committee, consisting of all the Council members, to monitor implementation of the resolution "with the assistance of an appropriate expertise." Former High Commissioner for Human Rights Mary Robinson proposed the inclusion of human rights experts in the Counter Terrorism Committee. This was not accepted. Although, the Counter Terrorism Committee held dialogue with the OHCHR and the Human Rights Committee, nothing substantive has been achieved. The Commission on Human Rights continues with generic resolutions on human rights and terrorism.

Conclusions

There is no evidence that such unlawful measures could have prevented many of the terrorist attacks, whether September 11 or subsequent incidents. There is no substitute for intelligence gathering. Just as good legislation is no substitute for political will and ownership in the struggle against terrorism, legislative protections are no substitute for the efficient and accountable enforcement of these laws. Short-circuiting of justice has blurred the distinction between those who are contemptuous of the law and those who preach the values of democracy, rule of law and due process of law. Consequently, the world is gradually regressing into the Middle Ages, Indigenous peoples: Be Aware.

Notes

1 http://pfdf.cpm.org/2002/jan06/b116000302 мнбр_pgen.htm
2 http://www.hrw.net/as/abkh/6k/issue2.htm
5 In Jharkhand all the laws of the land are replaced by POTA.
6 Preliminary fact finding on POTA cases in Jharkhand by an all India team, Delhi, 05/02/2003.
7 The Hindu, New Delhi, 15 July 2000.
8 Ibid.
12 "TERROR FEELS THREATENED BY DEFINITION OF "TERRORISM" PASSED BY LEGISLATIVE ASSEMBLY, Human Rights & Democracy Movement in Yogy, 20 October 2002."
13 http://www.3tv.int/MISIONS/Indonesia/news/20020120.htm
15 CCPR/C/31/Rev. 1/Add. 11
16 (CAS/C/XXXII/1) Bhic.-7
18 The Hindu, New Delhi, 19 March 2000.

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ASSERTING INDIGENOUS PEOPLES' RIGHTS IS NOT AN ACT OF TERRORISM
Despite widespread protests by the Filipino people, the Philippine government declared its all-out support for the United States (US)-led "war against terrorism." For her part, President Gloria Macapagal-Arroyo embarked on a campaign that intensified her own "all-out war against terrorism" and increased US military presence in the country.

The joint US-Philippine military exercises codenamed Balikatan, which were launched last year, continue up to the present with the deployment of thousands of US troops in Mindanao. The signing of the Mutual Logistics Support Arrangement (MLSA) restored US military bases and legitimized the prolonged presence of US forces in the Philippines. Given the growing opposition to US military intervention in the country, as demonstrated by a series of mass protests, the government suddenly issued a policy of "no permit, no rally." This development led to violent dispersals of protest actions by the police, which is a violation of the peoples' right to peaceful assembly and freedom of speech.

On August 9, 2002, the US declared the New Peoples Army (NPA) and the Communist Party of the Philippines (CPP) as Foreign Terrorist Organizations (FTO). This move was immediately praised by the Philippine government, which then ordered the freezing of bank accounts of members of the CPP-NPA. In the President's State of the Nation Address in July this year, President Macapagal Arroyo reiterated her call for a "Strong Republic," which is no less than a package of state terrorism and rising political repression in the Philippines — "to counter terrorism." To legitimate this war and the campaign against terrorism, draconian legislations are being railroaded through the Philippine Congress before the arrival of US President Bush in October, or at the latest before the year ends. This is the proposed Anti-Terrorism Act of 2003, which has earned the wrath of civil libertarians, human rights advocates and people's organizations.

This is not the first time the Filipino people have been faced with such a controversial measure. There have been past legislative attempts, such as the national ID system and other anti-terrorism bills during the Ramos regime (1992-1998), that were similarly opposed. But upon President Bush's declaration of an "all out war against terrorism" shortly after the September 11 attack, the Philippine government had an excuse to resurrect the anti-terrorism bills, just as President Bush found a "reason" to launch wars of aggression and military intervention. The Philippine government further used the 9-11 attack and the military-instigated bombings in Mindanao and Manila, as exposed by junior officers of the Armed Forces of the Philippines in the Oakwood Mutiny, to whip up anti-terrorist hysteria.

These developments have created an atmosphere of political repression such that even legitimate and legal forms of dissent are now being branded as acts of terrorism. Militarization in the countryside has intensified due to extensive military operations and troop deployments.
in so-called rebel infested areas, while activists and advocates are monitored and subjected to harassment and witch hunting.

Who are the real terrorists?

The two chambers of the Philippine Congress have approved several versions of the anti-terrorism bill. The version of the House of Representatives, Section 3 defines "Terrorism [as being] committed when any person or group of persons uses, or threatens to use violence principally to intimidate civilians or non-combatant persons, or causes damage or destruction against properties with the intent of creating a common danger, terror, panic or chaos to the public or a segment thereof."

The more draconian Senate version defines "terrorism or terrorist acts" as "the use or threatened use of violence, force or harm involving, among other things, "serious violence" against persons, "serious damage" to property, creating a "serious risk" to the health and safety of "indigenous people," serious interference or disruption of public or private services or facilities." The Senate version further defines that "the use or threat is designed to influence the government or to intimidate the public" and "is made for the purpose of advancing a political, religious or ideological cause."

With this broad concept and definition, people's legitimate actions against unjust government policies and programs could easily be charged as crimes of terrorism. The people's defense of their basic rights and welfare through marches, rallies, strikes, demonstrations, protest actions and other collective actions could be interpreted as terrorism. Authorities could easily accuse leaders of protest actions of intimidation to attain their political objectives. In this case, legitimate actions universally recognized as a democratic means of informing and mobilizing the public to influence or change any decision, policy or program of the government could be considered as terrorist acts.

Actions of indigenous peoples to defend their ancestral territories and resources against so-called "development" projects such as mining, dams, logging and the like could be interpreted as terrorism. Protest actions such as barricades, dismantling camps of mining prospectors or dam builders and other assertive actions on the part of indigenous and tribal communities could be considered as use of violence against persons and serious damage to property. On this basis, the government would have the license and justification to deploy more military forces to quell these "terrorists" or "terrorist communities" asserting their rights over the ancestral lands and livelihood. This has been the case since the martial law period in the 1970s up to the present, even without such a law. What will happen if this bill is enacted and implemented?

The vagueness and breadth of the definition of terrorism under the Anti-Terrorism Act, one cannot differentiate a rebel, an activist or an ordinary criminal from a terrorist. What or who is the real terrorist? What really constitutes violence? What constitutes terrorism and "creating a common danger, terror, panic or chaos?" How different is this from other crimes? What is the distinctive or crucial element to qualify it as "terrorism?" And what is wrong with wanting to "influence the government"?

The vagueness that consistently runs through the proposed versions of the Anti-Terrorism Act in Congress leaves the law wide open to misinterpretation, misapplication and grievous abuse by agents of the State. For example, an indigenous or tribal community that sets up a barricade to defend their community and resources against mining or another unwanted project, perhaps resulting in a clash with the authorities, could now be considered as being engaged in terrorist acts. If passed, martial law is as good as declared by virtue of this law. The democratic rights of the people, even those guaranteed by the Philippine Constitution, will be set aside. Rights to free speech, assembly and association, right to privacy, guarantee of the presumption of innocence, due process and equal protection of the law, and freedom against unreasonable searches and seizures will be systematically and grossly violated. It will further institutionalize the impunity of State agents, long known to be the primary violator of indigenous peoples' rights and human rights in the Philippines.

Under the bill, it is easy to be branded and accused a terrorist. Anybody could also be accused of such crimes as "Conspiracy or Propaganda to Commit Terrorism," "Materially Supporting or Financing Terrorism," "Membership of a Terrorist Organization," "Facilitating Terrorist Activities" and "Instructing the Carrying Out of Activity for a Terrorist Organization." For example, in the provision concerning the crime of membership of a terrorist organization, organizations and its members branded as terrorists are judged by mere legislation and not by judicial means. By making it a crime to be a "terrorist" or a member of a "terrorist organization" or its "front," the law in fact punishes a person through guilt by association.
Soldier guarding the Sre Kopor Dam. All photos: CPA
By considering all members of "terrorist organizations" guilty of terrorism, allowing wiretaps, electronic surveillance, seizures and arrests on the mere basis of suspicion, the Act undermines the basic principle that all persons are presumed innocent unless otherwise proven by a competent court of law.

This anti-terrorism bill is not about fighting terrorism. It is about taking away people’s rights and civil liberties. It is disguised as a measure to "counter terrorism" but is actually a tool of repression to terrorize the people into passivity. It will be a license for state terrorism akin to the martial law declaration of the Marcos dictatorship.

Moreover, the law is superfluous and not the solution to terrorism. In fact, the Revised Penal Code (RPC) and other existing special laws already cover all crimes listed in the anti-terrorism bill except for the production of "weapons of mass destruction" - which could be resolved through home amendments to the RPC. Moreover, alleged perpetrators of terrorist bombings or "terrorist acts" are now being pursued, arrested and charged on the basis of these existing laws.

There are more than enough laws. Lack of laws is not the problem. Existing laws do not prevent authorities from going after so-called terrorists and criminals. The real problem is weak, incompetent law enforcement and the corrupt criminal justice system. No amount of legislation can cure the fundamental flaws in the Philippine justice system, nor can it solve the power and influence of organized crimes into law enforcement agencies and the Armed Forces of the Philippines (AFP).

Another big question is President Arroyo’s lack of political will to hunt down the real perpetrators of so-called terrorist bombings and criminal syndicates. The President and top authorities must be aware that, with proper investigation, the trail will eventually lead to agents of law enforcement agencies and the AFP themselves. Collusion between the top AFP brass and the terrorist Abu Sayyaf Group is an open secret, this latter being a creation of no other than the Central Intelligence
Agency (CIA) and AFP. Another case is the miraculous escape of terrorist leader Al-Qaoud from Camp Crame, the national police headquarters, as well as the involvement of active and former AFP and police officers and men in criminal syndicates. And take note of the AFP mallycod-
dling the terrorist Cordillera Peoples Liberation Army (CPLA), which brutally killed several indigenous com-

munity leaders and officers of the Cordillera Peoples Alliance. The CPLA was eventually integrated into the

AFP and formalized by President Arroyo in 2003. As the

saying goes, "birds of a feather flock together". Now, we

ask: who then are the real terrorists?

Intensified militarization and repression of

indigenous peoples

The dark years of martial law are still the Filipino people's

most vivid reminder of their vulnerability to state terror-

ism. Even today, the situation remains basically un-

changed. Thousands of civilians, especially in the far-

flung areas of the countryside, fall victim to the brutal
counter-insurgency campaigns of the military. Human

rights violations such as massacres, indiscriminate bomb-
ing and strafing, forced evacuation and so on are still

happening in the countryside, just as squatter communi-
ties are violently demolished, peaceful demonstrations

are brutally dispersed, and striking workers are harassed

and illegally arrested in the urban areas.

In the Cordillera, the military and the CPLA continue to

be involved in fomenting tribal wars. Just last August

(2003), Edrew Chaduya, a member of the tribal village of

Belwag, Sadanga, Mountain Province and a father of 8

children, was tortured and summarily executed by ele-

ments of the 54th Infantry Battalion of the AFP on mere

suspicion of being an NPA member. This is identical to the

case of Johnny Camareg of Betwagan, Sadanga who was

murdered in August 2001 by a unit of the 3rd Special Forces

Battalion. Both were civilians on their way to attend to

their farms.
Since August 2003, troops continue to be deployed in the villages of Mountain Province. Villagers were prohibited by the military from going to harvest their rice and swidden farms while sustained aerial bombings and massive military operations continued against suspected rebel camps. Military detentions were set up within the communities. Various cases of human rights violations were reported. Indigenous communities engaged in dialogues with the military authorities and called for a stop to military operations and bombings. They asked to be allowed to go to their fields, pastureries and livelihood activities but to no avail. On September 10, 2003, the people held a protest action in the military headquarters in Mountain Province.

Likewise, in Tubo, Abra, an indigenous farmer was shot by elements of the 17th Infantry Battalion in July 2003. Cost of 15 pesos. The Cordillera face similar cases of militarization and its concomitant human rights violations, aggravating the problem of ethnocide.

Violations of indigenous peoples' rights and human rights are expected to escalate as the government intensifies its counter-insurgency campaigns against the growing strength of the rebel movement. At the same time, indigenous leaders and legitimate organizations are not spared from being the open targets of harassment and assault on the basis of their being suspected as "supporters", "sympathizers" or "fronts" of the revolutionary movement.

Ironically, in the Senate version of the Anti-Terrorism Bill, under the Declaration of Policy (Sec.2), terrorism only comes from individuals, groups or organizations outside the State apparatus. The proposed law is completely silent on terrorist acts and atrocities usually committed by the military and police forces in the course of their anti-insurgency and law enforcement operations.

**Fighting for Indigenous peoples' rights is not terrorism**

Indigenous peoples in the Philippines comprise almost 10% of the country’s total population of 60 million. In the Cordillera, roughly 1.3 million are indigenous peoples comprising the overwhelming majority of the region’s total population. While the majority of indigenous people remain poor and marginalized, their territories are rich in natural resources such as forests, biodiversity, minerals and water. In line with the government's development program, local and foreign corporations have targeted these resources for exploitation. But because of the indigenous peoples' resistance and opposition to the plunder of their resources, militarization and political repression have been the government’s response. Thus, militarization of indigenous territories is not simply for counter-insurgency purposes but also to suppress the indigenous peoples' legitimate defense of their land and resources. Militarization is a means to secure the peoples' resources for exploitation by government and private corporations in the name of national development and progress.

Given the aggressive implementation of the government’s globalization agenda, more and more foreign multinational companies are interested in exploiting the remaining resources of the indigenous peoples. Large-scale mining, mega-dams and energy projects, commercial log-ging and privatization of ancestral lands for commercial and tourism purposes are among the incursions by multinational companies into the Cordillera. However, this development aggression is being met with spontaneous and organized resistance by indigenous communities asserting their rights over their land and resources.

The government has branded the people’s legitimate actions in defense of their land and resources as the handiwork of the NPA and the communists, thus warranting military action. In fact, many leaders and members of indigenous peoples’ organizations in different parts of the country were killed by the military because of their active opposition to destructive projects. Last year, Nicano de los Santos, a 45-year-old Mangan leader leading the protest against the Kaliwat-Kanam Dam; Budbud Uting, a 65-year-old Mangan woman beheaded by Scout Rangers; Ligawan Andang, a 60-year-old Subanen woman; Alay Anlaga, a 30-year-old Subanen woman; Gurmilin Malid, a Blaan leader against mining; and Fenshing Galang, another leader opposing mining were all killed.

In the Ilocos Sur area, the people were terrorized and militarized from October 2002 to July 2003 because of their unwavering opposition to the destructive mining operation and expansion of the Lepanto Consolidated Mining Company. In December 2003, 300 + soldiers, backed by helicopters, and the police searched for weapons in the community of Lamag, Quirino on suspicion of being NPA members or supporters but not a single firearm was found.

Likewise, leaders and members of indigenous peoples’ organizations who are perceived to be “anti-government” are immediately branded “rebels” or “terrorists.” These false accusations are being used to justify surveillance, harassment, intimidation, intrigue, arrest and detention, physical and mental torture and other attacks, which are clear violations of civil and political rights especially of those active in the people’s mass movement.

There is now a calculated move and sustained campaign by the military to destroy certain legal organizations such as the Cordillera Peoples Alliance (CPA). The CPA has been branded by the military as “NPA” or “terrorists” in a desperate attempt to isolate the organization and to discredit its legitimate activities and programs. But this attempt has failed to undermine the CPA and the respect it has earned through its long struggle for the recognition of indigenous peoples’ rights over the past two decades.

It is a common Philippine experience that organizations advocating a noble cause of the people and nation, such as the rights and welfare of indigenous peoples, are maligned as “front” organizations of the rebel movement.
or as terrorist organizations. Last year, some leaders and members of the CPA were branded local disidents in the counter-insurgency report of the AFP based in Mountain Province. In fact, the persons concerned were merely consulting a local organization on their socio-economic projects to be implemented in the community. CPA organizers and leaders have been labelled as NPA members every time they visit their member organizations and communities, especially in far-flung areas where the people are protesting against development projects that violate their right to their land and resources. Worse still, the name of a staff member of the CPA regional secretariat was recently included on a charge sheet filed by the military against suspected NPA members who ambushed a military unit in Mountain Province in July 2003. On the day of the ambush, the CPA staff member was innocently going about his work at the CPA regional office in Baguio City. The longstanding armed conflict between the government and the CPP/NPA is really in the Philippines and the Cordillera. It is also a fact that, since indigenous peoples occupy most of the hinterlands of the country, there is a relative concentration of revolutionary forces such as the NPA in indigenous territories due to the favorable terrain for the conduct of their revolutionary guerrilla warfare. Thus, several indigenous communities, historically marginalized and neglected, have been labelled by the military as the mass base of the New Peoples Army.

The founding of the Cordillera Peoples Alliance in June 1984 provided an organizational framework for the historical mass movement of indigenous peoples in the Cordillera. Since the early protests against the Chico Dam and Cellypho Resources Corporation in the 1970s and the successful struggle against the Marcos dictatorship, the mass movement of the Cordilleran indigenous people has steadily grown. The CPA is the concrete expression of this movement: an alliance of various organizations and sectors fighting for indigenous peoples’ rights, democracy, justice, peace, self-determination and progress.

In the successful struggle against the Chico Dam and Cellypho, it is an historic fact that the tribal villages in Kalinga and Benguet, given their warrior-society characteristics, employed both legal and armed means. And while it happens that some member organizations of the CPA are found in communities where revolutionary groups are present, it is a fact the Cordillera Peoples Alliance, its member organizations and sectoral federations are engaged in non-violent, legal and legitimate activities. The CPA has launched numerous campaigns to educate, organize and mobilize the Cordilleran peoples. It also carries out research and advocacy on indigenous peoples’ rights. It is registered with Philippine government’s Securities and Exchange Commission (SEC) as a non-stock, non-profit organization.

Once the Anti-Terrorism Bill is passed, the indigenous peoples’ mass movement will surely be among those targeted in the crackdown on so-called “terrorists” and their “front” organizations. Furthermore, “countering terrorism” will be used as the justification to secure the indigenous peoples’ resources for plunder by local and foreign multinational companies.

In conclusion, to advocate and struggle for indigenous peoples’ rights, peace and justice is a just cause. The Cordillera peoples’ struggle for self-determination and democracy is a noble cause. This is not terrorism. In fact, the Cordillera Peoples Alliance is simply committed to the people’s cause. We cannot afford to remain passive in the face of the oppression of our people. We cannot merely be blinded by anti-terrorism hysteria and believe that fighting for indigenous peoples’ rights is terrorism. Indigenous peoples’ rights are worth fighting for.

Notes
1 During the administration of President Fidel V. Ramos from 1992 to 1998, there were attempts to produce legislation for an expanded law on warrantless arrests, lifting of book se- curity and a national identification system. These were sponsor- ed by Congressmen Raul Gocol (now the National Security Adviser), Senator Celso Miyar, General Pantaleon Lacson (presently a Senator) and the Secretary of the Department of Justice (now the Vice-President of the Republic of the Philip- pines). Due to overwhelming pressure by the Filipino people, the Philippine government under President Ramos was forced not to pursue enactment of these bills.
2 The Osmoork Mining took place on July 27th 2000 at Osmoork Hotel in Misliq City. The incident exploded when 70 officers and more than 250 soldiers of the Armed Forces of the Philippines held Osmoork Hotel under siege and broke away from the chains of command. They expressed the military- sponsored terrorism connected with the Davao bombings in Mindanao and terrorist threats in Manila in order to gain US funds, the apparent Napantawan in the military bureaucracy, and the alleged plan to declare martial law in August so that the present administration could perpetuate itself beyond the 2004 election and raised their legitimate demands as junior officers and subordinates.
3 In the Philippines, Congress is the legislative branch of govern- ment. Congress is divided into two houses or chambers: the lower house referred to as the House of Representatives and led by the Speaker of the House; and the upper house, which is the Senate and chaired by the Senate President. When considering legislation, each house or chamber has its own draft version of a particular bill written by their own authors. After deliberations from the committee levels to the plenary sessions in both houses, the two separate versions of the bill are consolidated as one for approval as a law by the President of the Republic of the Philippines. In the case of the Anti- Terrorism Bill, however, an earlier Senate Bill No. 250 was vetoed by the House of Representatives in House Bill No. 5923.

Mr. Windele Bolingot has been a student leader. He finished his Bachelor of Science in Secondary Education in 1996. Upon graduation, he joined the regional secretariat of the Cordillera Peoples Alliance in 1997 and headed the Education Commis- sion. In August 2003, the 8th Congress elected him as the Secretary-General of the Cordillera Peoples Alliance.
THE IMPACT OF THE CONGOLESE CONFLICT ON THE INDIGENOUS PYGMY POPULATION
The Democratic Republic of Congo (DRC) has, since 1996, been torn apart by armed conflict. Instigated by the Alliance des Forces de Libération (Alliance of Liberation Forces - AFDL) and supported by the Rwandese and Ugandan governments, this Congolese war is now acknowledged as being one of the bloodiest on the continent, with more than 5 million civilian lives lost. Thousands of people have been forced to abandon their homes to live in distressing humanitarian conditions.

This conflict, like so many others, affects the most vulnerable groups, particularly women, children, and indigenous peoples, disproportionately. The aim of this article is to analyse the impact of the Congolese conflict specifically on the indigenous Pygmy population of the east of the DRC. In order to do so, we will first look at the Pygmy people as a distinct cultural entity and then consider the discrimination and serious human rights violations to which they are so often victim.

The Pygmies as a distinct cultural entity

Many researchers have, in the past, defined the Pygmies on the basis of morphological criteria relating particularly to their size, complexion and bodily limbs. This understanding is becoming increasingly outdated and has been replaced by an understanding based on the culture, way of life and social and political organisation of these people, who are recognised as being the first inhabitants of the Congo basin. 

In fact, the Pygmies are considered to be one of the last hunter-gatherer groups on earth. They live in central Africa and their economy is based on hunting, gathering and collecting of forest and other resources.

It should be noted that the term 'Pygmy', which this article has chosen to use, is sometimes used in a pejorative manner that is disrespectful to the majority of members of this indigenous people. In the DRC, the various groups of Pygmies are known by names like Lole, Awa, Mbuti, Mongolo and Kena. Elsewhere, terms such as Baka, Bagyeli, Khom, Batwa, Chau, Bayandu, Impunyu are all used to denote them.

In organisational terms, Pygmy society is based on encampments of no more than ten to twenty group members. The idea of responsibility plays a driving force in terms of the way in which these groups function. Each individual is materially and morally responsible for the well-being of the whole group. The Pygmies live in symbiosis with nature, and their perfect knowledge of their natural environment enables them to protect that environment or, better said, to use the forest sustainably.

Pygmy culture gives certain plants and animals a traditional value linked, particularly, to the treatment of illnesses, the conservation of nature or food. The pango, for example, is a totem animal. Some tree roots and leaves play similar roles, whilst others are used as food stuffs. The people also play an important cultural role in their relationship with other non-Pygmy communities. Such is the case, for example, of the essential role of the Pygmies during the enforcement ceremony of the Bantu or kings of the Bushi tribes.

Women hold a special place in Pygmy society. They are responsible for building and maintaining the family home, and for collecting non-woody forest products while the men are out hunting. In addition, women take responsibility for educating their young children, before the boys begin to take part in hunting small game.

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Discrimination

The Pygmies of the DRC are subjected to some of the worst discrimination and human rights violations. To give but one example, they are not included within the national census or other methods of identifying the country’s nationals. Because they live a nomadic lifestyle, they are denied their right to national identity and, consequently, to exercise their civic rights, such as participating in elections. For this very same reason, the DRC cannot give even an estimate of the number of Pygmies living in the country.

Evictions of Pygmies from their ancestral lands is another violation characterising the daily lives of these people. Often, lands belonging to the Pygmies are considered to be uninhabited or vacant and consequently allocated to other people or turned into protected areas. Such was the case during the 1970s, when more than 1,000 Pygmy families from South Kivu were evicted from the Kahuzi and Biega forests with neither compensation nor any other manner to guarantee continuity of their way of life. These forests were turned into a national park and are now part of the country’s world heritage. Some areas of these forests have now become training camps for the various armed factions involved in the Congolese conflict. Consequently, only 10% of the park area is actually under the control of the national park authorities. The Pygmies who live in what is now the Virunga national park and the Sura-Lave gorilla reserve (in North Kivu province) in eastern DRC have suffered a similar fate to that of their brothers and sisters in Kahuzi-Biega.

As if lack of recognition as a full citizen and dispensation of their lands were not discrimination enough, the Pygmies living in the DRC have now fallen victim to another category of human rights violation, in this case, cannibalism.

The events took place in the districts of Ituri (Mambasa territory) and Tshopo (Bafwasende territory) in the Eastern Province of the DRC. According to a recent UN Security Council report, these inhumane acts were perpetrated by various soldiers, including those of the Movement for the Liberation of the Congo - ML.C, led by Jean Pierre Bemba. The NGO ‘Programme d’Intégration et de Développement du Peuple Pygmée de Kivu’ (Programme for the Integration and Development of the Pygmy People of Kivu - PIDP-KIVU) visited the areas in order to provide support to their Pygmy brothers and sisters and to carry out investigations into the situation.

A cross-checking of information collected in relation to these disgusting acts confirms that the events or, better said, the acts of cannibalism, in Ituri took place within the context of a military operation known as ‘Operation wipe the Pygmies from the face of Ituri or eliminate the Pygmy race’. There is also a cause to question whether these acts did not, in fact, constitute genocide. We Pygmies consider these events were an attempt to exterminate us and wipe out our race.

The Pygmies were hunted down with guns. Those unable to escape were killed, cut into pieces, cooked and finally eaten. Some Pygmies were even forced to eat the...
flesh of their fellow brothers. In addition, graves were desecrated, bodies disinterred and the objects with which they were buried removed.

The fate of a number of Pygmies hunted to the edges of the Ituri forest remains unknown. It is highly probable that several of them also fell victim to cannibalism. It is more than likely that, through lack of humanitarian aid, some members of this community died of starvation, illness, wounds, or quite simply were devoured by wild animals.

The Pygmies who escaped, and those forced to flee their homes, are living in a very vulnerable situation, essentially because they are located in an area that is accessible to humanitarian organisations only with difficulty and because there are recurrent clashes between the different armed factions operating in these forests.

Pygmy women and children have been - and continue to be - particularly affected by this conflict, which is tearing the Democratic Republic of Congo apart. Rapes, inhuman, cruel and degrading treatment, forced recruitment are all practices to which the Pygmies are commonly subjected. Many combatants force the Pygmies to play the roles of porter, guide or healer. This environment renders the education, health and food supply systems inoperative. Consequently, malnutrition, an absence of health care and the non-vaccination of Pygmy children are just some of the features that characterise the living conditions of the Congolese Pygmies in general, but those of Ituri in particular.

The acts committed against the Pygmy people in Ituri have gone unpunished. Even worse, some of the people suspected of having been involved in these serious crimes now hold high-level posts and are involved in running the public affairs of our country.

The rights of indigenous peoples are not positively protected in the DRC. The recent National Human Rights Conference (CNDH) held in the Congo set up a commission to deal with cultural issues and yet did not explicitly raise the issue of indigenous rights. Nor did the conference report include indigenous peoples among the most disadvantaged groups, mentioning instead women, the disabled and all blacks. And nor did the Congolese Human Rights Charter or the National Human Rights Plan, both
also emanating from the same conference, even mention indigenous issues.

The DRC’s disregard for the rights of indigenous peoples is, however, in contradiction to a number of international standards that are binding on this country. These include the International Covenant on Civil and Political Rights which, in its article 27, as clarified by the Human Rights Committee, prescribes that the right to culture includes, in certain circumstances, the particular 4 link that some communities have with their native lands,4 and the right not to be displaced from lands and territories on which they depend for activities such as hunting, gathering and fishing.4 The Human Rights Committee took the same line of argument during a communication initiated by an indigenous people from Finland.5

Still in the east of the DRC, the Pygmies living in the territories of South Kivu and Ituri, North Kivu Province, are living in a state of slavery. They are often employed by their non-Pygmie neighbours without any kind of remuneration. The masters of a Pygmy subject will not hesitate to say, “It is his Pygmy service.” As if he were an object or a thing of some kind that can be owned. Pygmies are, in fact, considered as sub-human and consequently subjected to all kinds of inhuman and degrading treatment.

Recommendations

In view of the current situation of the Pygmies, which has been exacerbated by the armed conflict that has been raging in the DRC for more than ten years, it is recommended that:

• The cultural rights of the Pygmies should be recognised in the Constitution, in particular, the name, language, religion and traditional knowledge of the Pygmies;

• Access to education and health care on the part of Pygmy children should be free;

• Employment and decent housing should be guaranteed to Pygmies;

• Access to justice to freedom of all kinds of discrimination should be legally recognised and protected for all Pygmies;

• The different organisations working for the Pygmy cause should work in harmony, underpinned by a logic of complementarity;

• A framework for consultation should be established between the Congolese government and the Pygmy people with a view to channeling the aspirations of this people towards the centres of political decision-making and guaranteeing their participation in the running of Congolese public affairs. This approach could, among other things, remedy the interethnic rifts within the Congolese indigenous movement.

Notes

1 Figures from a report by the NGO International Rescue Committee.

2 It is generally accepted that the Pygmies are the first inhabitants of the tropical forests of the Congo basin, comprising the Democratic Republic of Congo, Congo Brazzaville, Cameroun and Angola.

3 The situation of marginalisation, exhibited by prejudice and stigmatising of Pygmy people, led to the increased awareness of some Pygmies who created, in 1991, an association called SINSOKA, LA BAMBUZI and the Programme for the Integration and Development of the Pygmy People of North Kivu (Programme d’intégration et de Développement du Peuple Pygmée du Kivu). The main aim of this structure is to defend and protect the belongings, interests and rights of the Pygmies. Pygmies are no longer being to be seen merely as “those dwarfs.” The Pygmies are gradually learning to take care of themselves.

4 Simmen, M., Court likely to take up Congo first. New York Times, 17 July 2003.

5 General Comment No.33 of the Human Rights Committee.


7 There is an obligation on States not to authorise any industrial exploitation on lands occupied by an indigenous people without taking the necessary precautionary measures, kast Lassman et al. in: Federal (Commissioners No. 670/1993), CCPR/C/8/Add/ 671/1993. Lassman et al. vs. Finland (communication No.311/ 1992) CCPR/C/32/D/311/1992. At the Group of Friends from Finland accused this letter of violating the provisions of article 27 by authorising a company to quarry for stone in the Kosmossa mountain, which the form contains to be sacred.

Handa Bulaambio Stephen is a Burundian, born in Bubanza, South- Kivu Province in the Democratic Republic of Congo in 1962. He has studied Social Sciences and Rural Development at the "Institut Superieur de Development Rural de Bulanza" (ISDR-BULAV), Handa has considerable experience in indigenous issues and has been working with the Pygmy organisation "Programme d'Intégration et de Développement du Peuple Pygmée du Kivu" (PDPK-Kivu) since 1985. He has participated in many seminars and conferences on the situation of indigenous peoples at both national, regional and international levels. He was co-organiser of exchange visits between Bafun Pygmies of the Great Lakes region of the Democratic Republic of Congo and Bwingu people in Tanzania, and recently he has been participating in the 23rd (Bangui-Gambit) and 33rd ordinary sessions (Numba-Niger) of the African Commission on Human and Peoples Rights.
THE MARTYRDOM OF KEN SARO-WIWA
AND THE ACTIVITIES OF
MULTINATIONAL OIL COMPANIES IN
THE OGONI REGION OF NIGERIA

Ogoni children. Photo: Anna Higgs Stevenson
In Nigeria, a novel written by the Nigerian author and environmentalist, Ken Saro-Wiwa, there is initially great expectation that everyone will be happy following the preparation of a new national regime. This hope is not borne out and a young soldier's life is devastated by war. Similarly, following the 1999 elections in Nigeria, there was anticipation of significant change throughout the nation and in particular in Ogoni, the Niger River delta region that was the birthplace of Ken Saro-Wiwa. But as a New York Times editorial put it, "So far, civilian rule has not changed the government's habitual use of harsh repression directed the delta's suffering poverty. Although delta oil brings in more than 80 percent of Nigeria's hard currency, the delta's seven million residents are among the poorest in the nation."

The relationships with multinational oil companies that provide money for the Nigerian dictators have changed little, if at all, in the transition from dictatorship to nominal democracy. These multinational companies still have the mechanism by which state power is maintained. And yet, in the mysteries of a nation that affects the majority world view, these companies seem rarely to share in the consequent blame for the excesses and failings of the governments they fund. That is, the very governments that make enormous revenues possible for these companies and their executives and, occasionally, their stockholders.

The situation is hardly new or unique, yet the hangings of Ken Saro-Wiwa and eight Ogoni men in 1995 by the Nigerian government seems, for a time, to focus the world's attention on an environmental struggle that has grown decades previously and continued to this day. Even 45 years after the discovery of oil in Ogoni, the benefits of this mineral wealth have yet to reach the residents of the area. Meanwhile, their land and forests have been devastated environmentally by extremely high levels of petrochemical pollution and thousands have been slaughtered in an attempt to quell dissent.

Shell Oil (Royal Dutch/Shell group), driven out of Ogoni by non-violent protests in 1993, refused to clean up spills from its operations or to pay adequate compensation for land taken or irreparably contaminated. Shell also seeks to perpetuate the fiction that they did not participate, hand-in-glove, with the brutal dictator that ruled Nigeria from 1993 to 1998. During this time thousands of murders were committed by the military in Ogoni and scores of villages destroyed in an attempt to pacify the region.

A mutual cooperation

Wole Soyinka, a Nigerian Nobel laureate in literature, wrote a scathing history of some of the historical events that led to Nigeria's plight, including the muderous cooperation between Shell Oil and the government. In his book, The Open Sore of a Continent, Soyinka refers to the Nigerian government's plan under dictator General Sani Abacha as an experiment in ethnic cleansing in Ogoni: "Ogoniland is the first Nigerian experiment with ethnic cleansing," authorized and sustained by the Nigerian despotic General Sani Abacha! ... Abacha is resolved to spread the Ogoni solution throughout southern Nigeria."

Shell Oil shared in the blame for these actions. According to Soyinka, "There is no way Shell can avoid culpability. They are guilty of calling the military to pacify the Ogoni region instead of negotiating with the Ogoni movement. Shell wanted the protection of Abacha's butcher..."

The Ogoni region of Nigeria, sometimes referred to as Ogoniland but more often simply as Ogoni, is on the west coast of Africa, located in the north east plains terraces of the Niger River delta in Rivers State. The Ogoni inhabited this area for nearly 1,000 years before the British came to Nigeria in 1861. The Ogoni people are mostly farmers and fishermen. Before Shell Oil came to Ogoni in 1958, the Ogoni people had beautiful streams from which they could drink water and the land was fertile. Historically, Ogoni was the food basket of the people of Rivers State. Shortly after Shell started their drilling operations in 1958, the Ogoni observed that agricultural production and fishing catches were starting to decline. A series of complaints were made to Shell and to the government authorities. However, there was no response. Over the years, as Shell increased its operations, increased oil spillages ensued and the environmental pollution problems intensified.

In 1990, the Ogoni people held a series of meetings, out of which came the Ogoni Bill of Rights. This document was submitted to the Federal Government of Nigeria. The cardinal point in the Bill of Rights was a denunciation of the environmental devastation of the land. It also denounced the economic strangulation and social denigration of the Ogoni people. The Federal government of Nigeria ignored the Ogoni Bill of Rights.

In January 1993, three hundred thousand Ogoni people protested at the excessive pollution in Ogoni, while marking the International Year of Indigenous People. The protest was totally peaceful and focused on Shell Oil. Shortly after this peaceful protest, the Nigerian military sent troops into Ogoni to ensure that there would be no more protests. Shell Oil, as they have admitted, paid the armed forces of some of these troops. On September 15, 1993, the Nigerian military, acting under orders from General Sani Abacha and without any provocation, attacked ten Ogoni villages. Seven hundred and fifty people were killed and thirty thousand made homeless. Some of this was documented on video tape and can be seen in "The Drilling Fields" by the British company, Catsma Films. During the next two years, more than two thousand Ogoni people were killed by federal troops. An estimated 20% of the population of Ogoni became internally displaced. Thirty-seven Ogoni villages were sacked - destroyed completely - all in an attempt to silence the Ogoni
people. Human Rights Watch in the United States has documented the extent of the killing and destruction. Essentially, the Ogoni were denouncing the government, asking that the environmental damage be cleaned up and that there be an end to the pervasive corruption that surrounded the entire oil operation. This was the overall sequence of events that led to a crisis and the complete military occupation of Ogoni.

**Military occupation**

During the subsequent five years of military occupation in Ogoni, the situation remained tense. The Ogoni people were not able to move around freely in order to trade, a critical component of their livelihood. There were instances of people being shot to death for attempting to evade a road toll equivalent to 25 cents. The Abacha approach to the Ogoni was viewed by many as a genocidal ethnic cleansing approach designed to terrify other Nigerian groups who might contemplate standing up for their environmental and human rights. Abacha and the military junta, as well as Shell Oil and other multinational oil corporations, were particularly concerned with other groups in the oil-rich Niger River delta. All of this led to the events of November 10, 1995, when Ken Saro-Wiwa, the foremost Ogoni leader, and Baribor Beria, Sunday Dokpo, Nordu Enwosie, Daniel Gbobo, Barinem Kibiab, John Kpaumen, Paul Lekwuma and Felix Nusse were hanged by the Abacha dictatorship. The British Prime Minister, John Major, called it "judicial murder." By the end of September 1998, the military had markedly reduced its ground patrols but remained there as a force quartered in its barracks.

**Unfulfilled promises and a sense of death**

When Shell came to Ogoni in 1958, the oil company promised to do many things for the Ogoni. They promised to pay royalties for land use and purchase, and promised to use modern and environmentally sound techniques while drilling for oil. All of these promises went unfulfilled. The Shell drilling operation was substandard from an environmental point of view, and whatever royalties were paid were only a fraction of fair rates. A comparison of Shell's drilling methods used in the western world to those used in Ogoni shows clear double standards. Additionally, Shell used a negligent approach throughout the Niger River delta, not just Ogoni. According to Shell Oil's own statements, the oil that Shell obtains from Nigeria represents 14 percent of Shell's worldwide production yet oil spills in Nigeria represent about 40 percent of Shell Oil's total worldwide spillage. There have been thousands of spills in the Ogoni region and to date none has been cleaned up.

Gas flaring, a process whereby the gaseous by-products of oil extraction are burned openly, is another flagrant example of double standards. A World Bank study, published in 1995, stated that 76 percent of the natural gas by-product was being flared in the Niger delta compared to 6.4 percent in the United States and 4.3 percent in the United Kingdom. In other words, about 20 to 100 times more natural gas was being openly burned in Niger delta operations than in similar operations in the West. Today, millions of tons of natural gas continue to be openly burned in the Niger delta.
Water sampling has shown extreme levels of petroleum contamination. A study by the U.S. Central Intelligence Agency concluded that the equivalent of more than 10 Exxon Valdez spills, the oil tanker disaster on the Alaskan coast, have occurred in the Niger River delta. Three of the four oil refineries operating in Nigeria today are in the Niger River delta, with two of the four located at Eleme in Ogini. In addition, the only petrochemical processing plant in Nigeria is also located at Eleme. These large refineries, operated by the Nigerian government, and the petrochemical processing plant, are enormous sources of ongoing environmental pollution. The refineries handle petroleum processing from all the oil companies in Nigeria.

The environmental impact on Ogini has been extensive. In addition to reduced crop yields and fishing catches, wildlife has become non-existent. In some cases, entire farms have been destroyed with no compensation paid. A sense of death pervades the Ogini region. More Ogini die than are being born, according to an unpublished study carried out in selected villages by some Ogini physicians. The study concludes that petrochemical pollution is the major causative factor in the death rates. Twenty percent of Nigerian children die before the age of five years, according to World Health Organization data. A significant percentage of Nigerians are living in poverty, a great mass as a result of the policies during the Abacha regime; but also because of the dependency of the government on oil revenues and the concurrent neglect of other sectors of the economy.

One gain, at least on paper, was the change made prior to the elections in 1999 to increase the percentage of oil revenues due to the states, from 3 percent to 13 percent of the gross from that state. Not much of this money has found its way to the local level. Nigeria is still rife with corruption, habitually scoring at the very low-end for transparency in the financial dealings that occur there. A recent court ruling in Nigeria declared all offshore drilling revenues to be exclusively federal, further reducing funds that states had hoped to get. Another theoretical bright spot has been the creation in the last few years of the Federal Ministry of the Environment, although no real gains have trickled down to devastated regions such as Ogini.

Corporate environmental racism

One and a half years after Ken Saro-Wiwa and the eight Ogini activists were hanged, Nadine Gordimer, a 1991 South African Nobel laureate in Literature, wrote an opinion piece that appeared in the New York Times on May 25, 1997, entitled, "In Nigeria, the Price for Oil is Blood." Gordimer wrote, "To buy Nigeria's oil under the conditions that prevail is to buy oil in exchange for blood—other people's blood; the exaction of the death penalty on Nigerians." Gordimer points out that there was a lot of rhetoric in the U.S. following the hangings in 1995, but when it came to Congress passing sanctions, the legislation never got to a vote. Gordimer concludes the piece by writing, "When the world changes the oil in the luxury vehicle of democratic freedom, it must make sure that oil does not come from the Ogoni of Nigeria at the price of their exploitation, and at the price of the lives of people like Ken Saro-Wiwa and Wolfe Soyinka."

There is currently a democratically-elected president in Nigeria, although there were charges of massive vote fraud. As in America, the sub-text of the entire election process seemed to be "the man with access to the most money wins." There is no happy ending to the story about the Ogini, in addition to all the murders, the environmental and compensation issues are very far from having ended well.

It is instructive to look at some of the root causes as to why a multinational such as Shell Oil should cooperate with a regime such as Abacha's. What would have happened if Shell had attempted to do business in a similar way in England, the Netherlands or the United States? It would seem self-evident that the environmental, compensation and human rights standards applied by Shell in Ogini would have resulted in long prison sentences for company executives if they had been applied equally in these countries. It is perhaps grim, but Shell's actions must be analyzed from the perspective of racism. Abacha's actions derived from a desire to suppress all dissent and were fueled by the fact that he is from a different ethnic group than the Ogini. Shell's participation for the sake of profit, in a way totally inimical to the ways of European countries, leaves little doubt as to what made their actions so easy for them. The recipients of the environmental devastation and military terror were not Europeans.

The result in Nigeria was lynching, the hallmark of racism just as it was for years in the southern United States. The racism of corporate invaders from another country who came to Nigeria, segregated themselves into exclusive and luxurious compounds apart from the Nigerian people, openly flared their gas and spilled oil throughout the Niger delta and formed alliances with a government known around the world to practise murder. The United Nations World Conference Against Racism in 2001, held in Durban, South Africa, pointed out that a disproportionate amount of environmental pollution is borne by communities of color around the world. Tim Weisnel, in his article entitled "Environmental Racism: An Interpretation," at africana.com, writes that, "The process of excluding communities of color from discussions of environmental policy came to be known as a form of environmental racism." Or as Sierra Club's website said, "Shell's continuing practice of environmental racism gives no reason for the Ogoni people to trust them now; as before, obsolete equipment has still not been replaced as promised, and the pipelines which cross Ogoni still cause blow-outs on to farmlands. Comprehensive Environmental Impact Assessments, which require community involvement, have not been performed in Ogoni."

The struggle continues

Ken Saro-Wiwa had no illusions about where his activism would lead. He wrote that it would lead to his death.
He was right. Under his leadership, the Movement for the Survival of the Ogoni People organized protests that succeeded in non-violently driving Shell Oil out of the Ogoni region of Nigeria. For this, and eight other Ogoni leaders, they were arrested on trumped up murder charges, tried before a military tribunal, and hanged. According to Dr. Owens Wiwa, brother of Ken Saro-Wiwa, Shell Oil offered to intervene in the 1995 hangings to account for proceeding. If Saro-Wiwa would drop his objection to Shell coming back into Ogoni. Accepting such a bribe was unthinkable for Saro-Wiwa and he forfeited his life. Shell has consistently denied that such a deal was discussed. Saro-Wiwa, in a final act of terror visited upon him, was hanged three times before he died, most likely at the direction of the Nigerian dictator, Sani Abacha. There is videotape that shows the final crucifixion. “Lord take my soul. The struggle continues,” were Saro-Wiwa’s last words. His body, and the bodies of the eight men executed with him, were then thrown into an open grave and acid poured over them.

In spite of these extreme efforts to destroy the non-violent aims of Saro-Wiwa, the struggle does continue, though marked by some degree of discord and conflict within the Ogoni community about the right direction to take.

Following the hangings, Nigeria was suspended from the Commonwealth and most countries withdrew their ambassadors. Various sanctions were imposed, but no notion refused to import Nigeria’s oil. A bill was introduced in the United States Senate that would have banned oil imports from Nigeria but it received little support. Shell Oil and other western multinational oil companies such as Mobil, Chevron, Agip and Elf-Aquitaine supported all the military regimes in Nigeria, including Abacha’s. Shell has never admitted that it was wrong to become involved in the internal affairs of the nation with which it does business. But this attempt at an excuse is no longer as effective as it was 20, or even 10 years ago. To house an army, people grow generally understand that if a gun shop owner sells a gun to a person whom they know is psychiatric and likely to kill someone, that gun shopowner is culpable. Similarly, if Shell Oil cooperated, hand-in-hand, with a military dictatorship that they knew was murderous, they must share in the responsibility for the murders committed. Perhaps there is some sense of this at Shell’s corporate headquarter, as the shift now is to paint themselves greener than green in slick double-page magazine advertisements with lush jungle vegetation portrayed and the Shell Oil logo displayed. The consumer is presumed to be ignorant enough to believe that this portrays Shell’s operations.

Following the 1995 hangings, there was a sense that a three-months’ embargo would have toppled Abacha. Part of this feeling was based on oil workers’ strike in Nigeria in 1994 and its national impact. Around 45 percent of all oil exported by Nigeria goes to the United States. Yet in 1995, this oil represented only about 3 to 4 percent of the oil imported into the U.S. (It is currently approximately 6 percent) A number of estimates showed that gasoline prices would rise less than a nickel a gallon, if at all, from such an embargo. There was hope in Ogoni that with the military cut of power, some measure of human rights and environmental rights might be restored.

In 1998, Abacha died under mysterious circumstances after an evening of debauchery. Many people assume that he was poisoned. At that point, General Aduabakar assumed leadership and set elections for 1999. Subsequently, yet another general, the very wealthy Obasanjo in Ogossan, was elected amid charges of massive vote fraud. Obasanjo is an old friend of the West and a former member of the board of directors of the Ford Foundation. Ironically, Abacha imprisoned Obasanjo. President Bill Clinton called Obasanjo to plead Obasanjo’s case, a courtesy he did not extend to Saro-Wiwa.

The Sierra Club urged a boycott of Shell, as did Greenpeace, the World Council of Churches, Rainforest Action Network, Project Underground, the service employees International Union, Student Environmental Action Coalition and TexasAfrica. America occupies a unique position as the largest importer of Nigerian oil. As such, American consumers are uniquely positioned to make their distaste for Shell’s activities known. Until Shell cleans up the mess it has made in Ogoni and pays fair compensation for lands taken or ruined, American consumers would be wise to avoid Shell products. Some may opt never again to buy Shell Oil, given its cooperation with murderers. The failure of Shell Oil to engage in any significant clean up of its oil spills leaves Ogoni agricultural and fishing livelihoods at great peril. The pollution from the petrolchemical plants continues to be deadly. Some groups in the Niger delta have chosen to confront oil production facilities directly by occupying drilling platforms and holding illegal employess against their will. The Ogoni have rejected any approach other than the non-violent one advocated by Saro-Wiwa. In spite of Nigeria’s newfound democracy formed from the ballot box, with greatly increased freedom to speak out, life for the average Ogoni living in Ogoni remains, to borrow a phrase, nasty, brutish and short. Even today as you read this, the close cooperations between oil multinationals and a negligent government continues.

Notes
1 New York Times June 12 2002
2 After the killing of Saro-Wiwa, Soyinka’s life was in danger and he fled Nigeria.

Dr. Vincent Idemper is presently President of the Movement for the Survival of Ogoni (MOSOP) - USA. He was declared persona non grata by the Abacha regime in June 1995 after testifying before the Congressional Human Rights Caucus in Washington D.C. He can now visit Nigeria parimountly. Dr. Idemper is presently working in the USA. He is on staff at Advocate Health Care in Chicago and also on faculty at the University of Illinois College of Medicine, in Chicago.
PERU

THE CAMISEA PROJECT
AND INDIGENOUS RIGHTS
The Peruvian government has divided almost the entire Amazon into blocks for the purposes of hydrocarbon extraction and, along with this, the territories inhabited by indigenous peoples in a situation of isolation and initial contact. In February 2000, the government granted an oil consortium the exploitation rights to Block 88 for forty years. The block comprises some of the most important non-associated natural gas reserves in Latin America, with a proven volume of 8.7 trillion cubic feet and 411 million barrels of associated natural gas liquids. In economic terms, the Camisea Project will increase GDP by 1% a year, improve the hydrocarbons trade balance and enable savings of $4 thousand million dollars on energy. And yet all these hopes and expectations in terms of the country’s energy and economic development, which make the Camisea Project seem so splendid, fade into oblivion when we cast an eye over the remote, primary tropical rainforests whose subsoil plays home to the gas, and their ancestral inhabitants, now deeply affected by the social and environmental impacts of this mega-project.

The aim of this article is to draw attention to the social cost of the Camisea Project in terms of the indigenous peoples in isolation and initial contact who live in the forests now known as Block 88.

The indigenous peoples in isolation

The indigenous peoples in isolation are sections of larger peoples who, according to the historical references available, have chosen to remain isolated from national society due to previous traumatic experiences of contact. Isolation should not be understood as a situation of no contact in relation to the rest of society but as an attitude by which these peoples refuse to establish permanent relations with other social sectors in order to ensure their physical and cultural survival.

The very isolation of these populations makes it difficult to obtain any precise idea of their physical, cultural or demographic characteristics. Despite this, we can confirm: the existence of an ethnic diversity and demography apparently greater than previously calculated; their dependence on the natural resources existing in their territories, exploited through small-scale agriculture, hunting, gathering and/or fishing for subsistence purposes according to a dynamic of seasonal migration across vast territories; their rejection of sustained contact with people alien to their cultures, probably through fear of being attacked; their extreme vulnerability in the face of illnesses alien to their culture but common amongst us, such as influenza and, in the majority of cases, the threats created by the presence of external agents on their territories. The experiences of the peoples in isolation during the rubber boom had a deep impact on them.

Shaneek Yone. Photo: Glenn H. Shepard Jr.
creating great mistrust, and this is now demonstrated in their suspicion towards outsiders and outsidel society. This attitude has been strengthened by the aggressive presence of the loggers and oil and gas companies that have entered their territories.

In recent years, increased awareness of the problems of the indigenous peoples in isolation at local, national and international levels has given rise to the use of a series of names and to the constant modification of various hypotheses as to what led them to lose their characteristic way of life. Evangelical and Catholic missionaries, anthropologists, local settlers (indigenous and non-indigenous alike), have all been involved in this discussion. They have called them, Indian braves, savages, nomads, uncontacted, isolated, free peoples. Some people deny their existence on the basis that nothing escapes modernization. Others have a paternalistic attitude, advocating their accelerated integration into national society in order to put an end to their nomadism, this being understood as a primitive and inappropriate way of life. Mid-way between these two trends, there are those who view them with a curiosity fed by exoticism, looking on them as populations frozen in time.

In this respect, it is important to note that any of the terms used as names do not truly reflect the reality of these peoples, who have their own organisational, social, economic and symbolic systems. On the contrary, these terms only express an aspect of their behaviour, their refusal to live alongside or close to other populations, regardless of the reasons they may have for this. For our part, given the need to call them something and wishing not to be disrespectful, we will use the term "indigenous peoples in isolation" or "isolated peoples", until such time as they themselves may decide to approach wider society and tell us their names. On the other hand, it is important to note that no society, however distant or isolated it may be, can live in the past or on the margins of regional socio-economic processes.

Isolated peoples in the Peruvian Amazon

Since the middle of the 20th century, eleven ethnic groups belonging to seven linguistic families have disappeared either physically or culturally from the Peruvian Amazon, and another eighteen groups belonging to five linguistic families are in danger of extinction. In spite of adversity, the Amazonian forests of Peru are still home to a considerable diversity of peoples or segments of indigenous peoples in a situation of isolation. They are located along a significant length of the border areas with Ecuador and Brazil, between the regions of Loreto, Ucayali and Madre de Dios, and in the woodlands of the Casco forest. According to estimates of the Asociación Interétnica de Desarrollo de la Selva Peruana (Inter-ethnic Association for the Development of the Peruvian Rainforest – AIDESEP), there are around twenty groups.

Camisea in the 1980s and the tragedy of the Yora

In the early 1980s, in the midst of a crisis in the national hydrocarbon sector caused by a deficit in oil production, uncertainty in the part of the State company Petróperú and a lack of investment, the Peruvian government approved a contract for oil extraction on the part of Shell Prospecting and Development in the river Camisea region. Shell immediately commenced operations. It established two bases and began deploying its seismic explorations. As a result, between 1983 and 1987, the gasfields were found. The company also moved towards the Manú National Park with the aim of seismic exploration in 1983, leading to protests on the part of indigenous and environmental organisations. Shortly after its entry into the Park, a series of tragic events began to take place that led to deaths both among their workers and the isolated indigenous population in the area, who rejected their presence. Between 1984 and 1985, following various attempts on all sides, four loggers ambushed a group of Yora who had previously attacked them, producing the long-awaited contact. The Yora were taken to the oil camp and then to the town of Sipaliwini, where they received gifts from the oil workers, missionaries and local people. However, through the gifts (clothes), illnesses were also introduced that soon led to the death of approximately 50% of the population. The infection caused a mass movement of the surviving Yora to the nearby villages in search of medical attention. The epidemics had drastically reduced their population and interrupted their subsistence and survival activities. The health brigades visiting the area did not have supplies for all the affected population.

The sudden and steep decline in the population, along with the accelerated socio-cultural, geographic and economic changes for which the Yora were not prepared, created a series of organisational, economic and cultural problems that led them to the brink of socio-cultural extinction. The Yora were so vulnerable that, for many years, they continued to be exposed to all kinds of abuse from those who became their authorities and, primarily, the loggers.

The Nahuas Kugapakori Reserve and Shell's second foray

In 1983, pressure from the scandal of the Yora genocide and demands from the indigenous organisations to protect the survivors and other isolated peoples in the area led the government to create the Nahuas Kugapakori State Reserve. The Reserve is inhabited by a variety of indigenous peoples, all with differing degrees of contact with national society. Paradoxically, at the same time as the Reserve was created, the Peruvian State was again negotiating the granting of exploitation rights in Blocks 88-A and 88-B, located in the heart of the Reserve. In 1996,
after a drawn-out period of negotiation, the government signed the long-awaited contract, considered to be "the contract of the century".

At that time, the company identified 12 "groeps", of which seven were described as being in a condition of "no contact" or sporadic contact, and highly or very highly vulnerable. Given the possibility of once more causing contact and epidemics among these populations, Shell drew up a "Response Plan in case of contact with the isolated Nahua, Kugapakori or Matsigenka populations" with the aim of preparing the company's staff for circumstances in which indigenous Nahua or Kugapakori might appear. This plan did not respect the decision of the indigenous peoples to remain isolated, as it took for granted the company's entry onto their territories and the deployment of their operations, adopting mechanisms to attract or frighten off the isolated indigenous peoples, according to circumstance. The right to freedom to maintain their traditional way of life, to their psychological and physical health, to their life, territory, a clean environment, to name but a few, were thus violated. After two years of operations, the consortium announced its decision not to proceed with the second contractual period, apparently through lack of agreement with the government over royalties to be awarded to the project. After a subsequent international bidding process, the Peruvian government awarded the licence for exploitation of Block 88 to a consortium headed by Pluspetrol Peru Corporation in February 2000.

**Camisea today: New times, old errors**

Block 88 covers an area of 143,000 hectares, of which 75% is super-imposed onto the Nahua Kugapakori Reserve, covering a major part of the river Camisea basin. It thus affects various settlements and displacement zones of indigenous Matsigenka and other unidentified indigenous peoples in a situation of isolation or initial contact, and for the benefit of whom this Reserve was created. The area of influence of Block 88 is not only characterized by its high social vulnerability but it has also been inter-
nationally recognised as a centre of high biodiversity, with many endemic species and species in danger of extinction. This is reflected in the recent creation of the Vickalamba and Ohsi National Parks in the surrounding area.

The Camisea Project consists of seismic explorations that took place during 2002 and involved establishment of a vast infrastructure of seismic wells, seismic lines, a gas processing plant, etc. When the consortium began its operations, the Indigenous organisations raised their voice in protest at its presence in the Nahua Kugapakori Reserve and in the territories of the indigenous communities. Their arguments and warnings were basically the following:

1. The government has failed to fulfill its duty and commitment to consult the indigenous communities and their organisations prior to taking decisions that affect them.

2. The entry of third parties onto the territories of indigenous peoples in isolation is an attack on their right to self-determination, this being understood in this case as their freedom to maintain their isolation from wider society.

3. Moreover, the granting of third party rights in the Nahua Kugapakori Reserve constitutes a serious threat to the integrity of the indigenous peoples living there, due primarily to their acute vulnerability to illnesses that can be transmitted via contact with external agents entering their territories.

4. The Environmental Impact Study of the operations on Block 88 did not appropriately address one extremely important and sensitive aspect of the local populations, an aspect that could be one of the most affected: health.

5. Affecting the area’s ecosystems constitutes a serious risk to the lives of the indigenous peoples living in the Reserve.

With hindsight, the realism and relevance of these concerns can now be seen in terms of the main impacts of the Camisea gas extraction project on the indigenous populations and the natural environment.

Of course, despite the important role that some local and national level indigenous organisations have played in defending the indigenous peoples in isolation and initial contact within the Nahua Kugapakori Reserve, all the more emphatically due to the tragedy of the Yora in the 1980s, they were not consulted by the government, as stipulated by national and international legislation, prior to the establishment of Block 88. Nor were the affected communities consulted.

In contradiction to their position of “no contact with the indigenous peoples in isolation”, made public by Pluspetrol in its Environmental Impact Study (2001), there is wide evidence in the form of statements from the consortium’s own workers and officials to confirm the establishment of forced contact with peoples in isolation in the Reserve. According to information provided by members of the Nueva Luz indigenous community, adja-
cent to the territory of the isolated Matsigenka indigenous people of the river Paquiri, community relations' officers from the Veritas sub-contractor entered the Shiantani settlement with the aim of explaining that the seismic line would pass through the area. After this, the indigenous families left the area. Other indigenous Matsigenka, compañía workers, spoke of the placing of machetes, knives, mattresses and used clothing on the seismic lines in the hope that these objects would attract the isolated indigenous peoples to "civilisation", without taking into account the fact that such contact could potentially transmit illnesses to the indigenous peoples in isolation. This may be understood as a way of gaining pressure on them to abandon their territories in order to proceed with operations, or a way of speeding up sedentarisation, thus avoiding the need to deal with their situation of isolation and mobility. A State body of the stature of the Ombudsman has confirmed such forced contact.

According to studies undertaken by Shepard and luquiero, gastrointestinal and respiratory infections are the most common causes of illness and death among the Matsigenka and other Amazonian indigenous populations. Respiratory infections are the cause of extremely high mortality rates during initial years of contact with the West. In July 2003 the Ministry of Health reported an increase in the frequency of outbreaks of acute respiratory infections in two Nanti settlements inside the reserve, affecting 100% of the population and having caused, to date, 17 deaths, primarily among children. According to a report from the General Epidemiological Office (August 2003) there is an important link between the factors conditioning the current state of health of the Nanti population and operations linked to the Canoeira Project.

The main environmental impacts of the Canoeira Project have been a drastic reduction in water and land-based wildlife due to the permanent movement of vessels along the river Urubamba and its tributaries located within the block, as well as the constant over flight of helicopters. This disrupts the fish and the wild animals' sleep at such noise, making the local population's subsistence practices, such as hunting and fishing, difficult. This obviously has a negative effect on their nutritional status. Another environmental impact of serious concern has been the contamination of the rivers and streams through the mudslides that occur due to the opening up of the seismic lines and the pipeline right of way. The local people's water sources become unusable and they have to move in search of new ones.

The role of the State

Whilst national legislation declares renewable and non-renewable natural resources to be national resources and, in the case of hydrocarbon extraction an activity of national interest, it also stipulates respect for the right to consultation, to compensation, prevention, mitigation or elimination of the negative social, cultural, economic and health impacts on those affected. In this case, the indigenous peoples.

Since the discovery of the gas fields in Canoeira, successive Peruvian governments have been characterised by extreme poverty and a great interest in seeing the project materialise in the shortest time possible, and a failure to fulfil the obligations of the State in terms of ensuring respect for the rights of the indigenous peoples affected and prohibiting or limiting environmental and socio-economic impacts.

The National Commission for Andean, Amazonian and Afro-Peruvian Peoples (CONAPA), together with the Canoeira Technical Group for Inter-institutional Coordination (CTCI-Canoeira), has been promoting activities considered by indigenous organisations such as ADISEP to be an attack on the right of the indigenous peoples in isolation to determine how they relate to the wider society, including the formulation of a "Protocol for contact with indigenous peoples in isolation". The continuation of gas field operations within the Nahua Kugapakori Reserve was recommended on the basis of very rapid evaluations. Information has been provided on actions of contact with populations in isolation using such ancient methods to force contact as providing tools and creating dependency. These actions lead us to deduce that the government is contributing to the establishment and forced contact with the indigenous peoples in isolation. Are they thus seeking to force their sedentarisation and relocation outside the direct area of influence of Block 88 in order to comply with the demands of the international funding institutions to mitigate the impact on local populations?

Faced with this situation, one has to ask whether the government is prepared to face up to the consequences of the contact if it is prepared to seek, in terms of the consequences, the possibility of mass deaths, community and organisational breakdown, an abandonment of subsistence practices through devastating health and consequent poverty, acculturisation and dependence. In this respect, it is important to bear in mind that other government experiences, such as that of the Brazilian federal government which, after almost a century of applying a policy of forced contact, leading to many deaths on the part of both the indigenous peoples in isolation and its own staff, opted for a change in policy aimed at respecting these peoples' rights to self-determination and now maintains a more "arms length" approach.

Demands and proposals of the indigenous organisations and civil society

In August, the board of directors of the Inter-American Development Bank and the US Export-Import Bank postponed the second time the decision to grant the Canoeira consortium 75 million dollars of credits for implementing projects related to transport, the development of...
fields and distribution of gas from Block 88. Although there is no precise information available as to the reason for this decision, it should be noted that indigenous and environmental organisations have played a fundamental role in publicising the serious socio-environmental effects on local communities in this block. They have also postponed a decision until it could be guaranteed that the company would correct its errors and that a government would implement the necessary mechanisms to mitigate the impacts. The IADB’s decision is an indication of the international-level doubts and concerns regarding this project.

In fact, the national Amazonian indigenous organisation, AIDESEP, and the regional organisation, COMARU, have taken up defence of the rights of the indigenous peoples in isolation in the Amazon and Urbamamba, respectively, in an act of solidarity with these peoples, as their situation of isolation obviously does not permit them to choose their own spokespeople. This solidarity is based on the principles of the Indigenous Solidarity supported by International Customary Law.

The position of the indigenous organisations with regard to the Camisea Project is focused on a request to exclude Block 88 from the Nahua-Kugapakori State Reserve due to the high risk of the gas operations present for the health and lives of the indigenous peoples living there. They have also requested the establishment of a contact team made up of independent specialists to assess the socio-environmental and health impacts of the project on the indigenous population in initial contact in the Reserve. They are calling for penalties to be imposed on whoever may be consequently found responsible, along with compensation for damages.

More generally, deeper reforms of the Political Constitution have been proposed, to include indigenous peoples and their rights. In the specific case of the indigenous peoples in isolation, a special or initial contact of the Peruvian Amazon, created at the organisation’s last Congress by the unanimous agreement of its grassroots members, AIDESEP’s policy in this respect consists of defending the fundamental rights of the isolated peoples, involving the grassroots organisations and members as protagonists of this cause but also civil society as a whole. The programme’s main activities include: permanent processing of updated information on the situation of isolated indigenous peoples; channeling of demands and proposals to the State in order to achieve their well-being and, in the medium-term, the establishment of an appropriate State policy for protection of these peoples.

Over the past year, a significant number of the activities proposed in the Programme have been implemented, such as: the territorial demarcation studies for the indigenous peoples in isolation in the Loreto region, with funding from IWGIA; progress in the formulation of a proposal for a special system for indigenous peoples in isolation and legal stability for their territories; negotiations for the withdrawal of external agents that have invaded the territories of these peoples, and raising awareness around the problem, among other things. The indigenous organisations have managed to get an issue that was previously unknown to many, or simply avoided, onto the national political agenda and included in plans for international standards such as the American Declaration on the Rights of Indigenous Peoples.

Final considerations

The Camisea Project threatens to become one of a long list of “national development” projects that have caused serious disruption to the lives of the indigenous peoples living in the areas in question. The main effects of operations have been a violation of the fundamental rights of indigenous peoples in terms of their freedom to maintain the way of life they have chosen, their physical, cultural and psychological integrity, their autonomy and their right to enjoy a clean environment. The fact that those most affected by the presence of the project are in a situation of isolation and initial contact, and hence the most vulnerable of all, makes this situation even worse.

The consortium has denied many of the impacts of which it is accused. However, their assertions are completely disproven when one makes inquiries among the local population and even the staff of the company itself, who bear witness to its real conduct. There is thus a real possibility that the serious problems created for the area’s indigenous peoples by the presence of Shell in the 1980s may be repeated.

The role being played by the government is worrying, as it underestimates these impacts and is trying to spread propaganda – easily refutable moreover – in favour of the consortium. It therefore seems that it has become confused about its role and, instead of being directly responsible for ensuring fulfilment of the legislation and norms governing the country and its people, has become an anxious promoter of the project.

Local and national indigenous organisations, for their part, are trying to play the role of spokespeople for the affected peoples, expressing their concerns and proposals and presenting complaints to the various national public authorities. The hope is that in future the people of the area’s indigenous peoples are treated as beneficiaries of the project.

The Programme for Indigenous Peoples in Isolation is a significant step forward. The programmes proposed in the Provisions of the Programme for Indigenous Peoples in Isolation and Legal Stability for their Territories, in the medium-term, are an appropriate State policy for protection of these peoples.
tions as a means of uniting forces in the face of a project the size of Camisea.

Despite the socio-environmental impacts of the Camisea Project thus far, many of which seem to be irreversible, the Peruvian government still has a chance to demonstrate that it more than 20 years of experience in hydrocarbon extraction, which have been at a very high socio-environmental cost, have served as a lesson to correct errors and that it will put human well-being before any kind of development in its interests to embark upon. The President of the Republic has publicly reiterated his respect for the rights of indigenous peoples, and so now is the time to demonstrate some consistency between rhetoric and practice, respecting the rights of indigenous peoples to life, freedom to decide their own destiny, legal status and representation, creating a State body with decision-making powers responsible for ensuring fulfillment of these rights and demanding that companies comply with indigenous and environmental legislation.

Civil society must also understand that whilst the Camisea Project may mean progress for the country in terms of economic growth and energy, it will also create problems for the indigenous peoples and the forests that are home to the gas and that, as society, it must contribute to addressing and resolving these problems, demonstrating its solidarity with those affected and demanding that the State fulfill its commitments in this regard. The government has divided almost all of the Amazon into blocks for the purposes of hydrocarbon extraction and, along with this, the territories inhabited by indigenous peoples in a situation of isolation and initial contact who, as in Block B 8, could be seriously affected by the operations that are being undertaken. The indigenous organisations have requested the exclusion of the territories of the indigenous peoples in isolation and initial contact from these blocks, given the danger that these operations represent for their lives.

IWGIA’s work in Peru with the indigenous peoples in voluntary isolation

IWGIA has worked with the national umbrella organization for indigenous peoples of the Peruvian Amazon, ADISEP, since 1995. The overall aim of the work has been to establish protected areas for the indigenous peoples who live in voluntary isolation. IWGIA currently finances the Centre for Indigenous Planning (Centro de Planeificación Indígena - CPIA), ADISEP’s technical branch working in the area of territorial demarcation. Among other activities, the current project involves coordinating the different studies on peoples who live in voluntary isolation.

Notes

1 The concession is made up of Pluspetrol Peru Corporation S.A. (operator), Hunt Oil Company de Peru LLC, UK Corporation and Trigpec del Peru S.A.C.
3 Supreme Decree No. 17.811-LM/DGH.
4 In his report he indicates that the area in which Block 88 is superimposed onto the Nekhe Kugapakori Reserve, encroachers have occurred between groups of indigenous peoples in isolation and workers from the Vercos company subcontracted to the Pluspetrol Corporation. Report 001-2003- EDF/CGS/CCNN/DGH. Furthermore it is worthwhile noting that the UN Rapporteur Rodolfo Stavenhagen in his report on the situation of the human rights and fundamental freedoms of indigenous peoples (2000) notes the case of the forced movement of the indigenous peoples of Siuntast as an example of the human rights violations caused by development projects, violating their right to life, personal security, to non-interference in their private lives, to a family and home and the right to enjoy their own property in peace.

Read more about indigenous peoples in isolation

The book Los Pueblos Indígenas en Aislamiento. Su lucha por la sobrevivencia (by Iribarne) (Beatriz Huertas Castillo / IWGIA) provides more in-depth documentation and analysis of the situation of the isolated indigenous peoples of the Peruvian Amazon. With historical and anthropological perspectives on their situation, the book documents their vulnerability to contact with the surrounding society. It shows the need to secure their territories for their and their communities’ future in terms of both cultural and biological diversity. On a scientific and legal basis, and taking a starting point in international agreements and human rights law, the author argues the importance of making national and international efforts to defend the territories, cultural integrity and life of the indigenous peoples in isolation. The book proposes strategic alliances between local communities, indigenous federations, the Peruvian government and international players. The book is only published in Spanish.
THE OLYMPIC LAND GRAB

NAOMI KLEIN

"As a fractious St'at'imc, Mother and Grandmother, I am very upset that the International Olympic Committee did not hear our words as we spoke to them at our meeting here in Vancouver, and did not read the words that I had written to tell them why the games should not be granted to Whistler/Vancouver. It upsets me that they still did not take the initiative and meet with all our St'at'imc chiefs to ask the permission to use our lands. I look into the future and see destruction of our lands with false hope set upon our people like many years ago when the white man first came and promised and gave only trinkets and beads and diseased blankets. The promise of jobs and money will last only for a few days and our land will be destroyed for hundreds of years. I look at the future for the next seven generations, the games look only to 2010, seven years from now, for a three week party."
- Rosalin Sam, Spokesperson of the Stulikah Camp and very vocal in the opposition to the 2010 Vancouver Whistler bid, to take place directly in St'at'imc territory.

In sports, as in life, "security" trumps peace. That is what happened when the International Olympic Committee faced a choice between Pyeongchang, South Korea, and Vancouver for the 2010 Winter Games. South Korea pitched itself as the peace candidate: with the world in turmoil, bring the Games to the very border of George Bush's "axis of evil" as a gesture of reconciliation. Vancouver, on the other hand, sold itself as the safety and security candidate: with the world in turmoil, hold the Games somewhere you can be almost certain that nothing
will happen. The Vancouver-Whistler Olympic bid presented British Columbia (B.C.) as a model of harmonious, sustainable living, a place where everyone gets along native and non-native, rural and urban, rich and poor. But two weeks after the euphoric celebrations, the New Age sheen on Vancouver’s harmony sales pitch is already wearing off.

"I’m going to stop them,” Rosalin Sam of the Lil’wat Nation told me. “I’ll lay in the path of the machines if I have to. I have to protect our land.” Ms. Sam is referring to the planned construction of the Caycous Ski Resort on Mount Currie, a 90-minute drive from Whistler, the heart of the Olympic competitions. Mount Currie is pristine wilderness, a habitat for bears, deer and mountain goats. It is used as a traditional native hunting ground, as well as a source of tea, berries and medicine for the 11 native bands who claim it as their territory. “Some people go to church, we go to the mountain,” Ms. Sam says. Her objection is not to the Olympic Games themselves but to the role the Games are already playing in the transformation of B.C.’s economy. With resource industries such as fishing and logging in crisis, the Games are being positioned as a 17-day, globally televised commercial for B.C.’s new economy: winter tourism.

With some of the best skiing in the world, B.C. is already a major tourist destination. But the political and economic forces behind the Olympics want more: massively expanded ski hills, new resorts on undeveloped mountains, hotels and roads connecting them all. We are not talking about “leave only footprints, take only pictures” eco-tourism here; these are industrial-scale vacation factories. And that is the trouble. Most of this expansion is reaching into land that is claimed by B.C.’s First Nations—claims that have never been codified under any treaty and which were affirmed in the landmark Supreme Court of Canada Delgamuukw decision in 1997.

According to Tsimshian Alfred, director of the indigenous government program at the University of Victoria, “Tourism can be as disruptive as logging or mining.” Mountains are carved up for ski runs, wildlife is driven away and towns are turned into parking lots. “The real money,” Mr. Alfred says, is in “speculative real estate.” In Whistler, local agents boast that real estate value has gone up by 15 percent every year for the past 15 years. For all these reasons, ski resorts have become one of the most explosive political issues in British Columbia. Three years ago, when the Lil’wat Nation held a referendum on whether or not its members approved of the Caycous Ski Resort, 85 percent voted no. To block resort construction, they set up a protest camp supported by all 11 chiefs of the St’at’imc Territory. A proposal to expand the Sun Peaks Ski Resort from 4,000 to 26,000 bed units has encountered even fiercer opposition. Police have clamped down on the Native Youth Movement’s road blockades and protest camps, jailing many of the leaders and repeatedly demolishing dwellings and sweat lodges.

Now that Vancouver has won its Olympic bid, the snow fights will only escalate. Although Caycous and Sun Peaks are not part of the official Olympic facilities, they both stand to benefit directly from the tourist spillover. Former Olympic skier Nancy Greene Raine, a powerful board member on Vancouver’s Olympic Bid Committee, is also director of skiing at the Sun Peaks Resort. Her company, NGR Resort Consultants, is the developer behind the proposed Caycous Resort.

According to Arthur Manuel, former chair of the Shuswap Nation Tribal Council and former chief of the Neskonlith Indian Band, there is a deep split emerging in first nations communities. On one side are chiefs and entrepreneurs who see the Olympics as an opportunity—a new community centre in Squamish, some affordable housing, a chance to sell Haida art. On the other is a growing grassroots movement of people who still hunt...
and fish and see industrial-scale tourism as a threat to their very survival. "Indian people are the poorest of the poor. Families get $135 a month," Mr. Manuel says, referring to the high percentage of native people on social assistance. "They are the ones—not the chiefs—who are dependent on hunting. More tourism is going to take food off their tables and they are going to end up on Hastings [the heart of Vancouver drug district] because that's what happens when you force Indian people off their land."

These types of security issues seem to have been lost entirely on the IOC (International Olympic Committee). Rather than consulting all the bands whose people will be affected by the Games, the bid committee handpicked a few development-friendly leaders to play along, ignoring the rest. Submissions to the IOC by native groups that opposed the Games received no response. "The IOC didn't follow protocol, they should have called a meeting of all 11 chiefs so the chiefs could go to the people. This structure has been there for hundreds of years," Ms. Sam says. Yesterday, Ms. Sam and Mr. Manuel, representing the opponents of the Capilano and Sun Peaks Resorts, took their fight to another level. Proclaiming that, according to international law, indigenous peoples have to give their consent to developments on their land, and therefore "whoever supports the 2010 Games in Vancouver-Whistler violates the internationally recognized rights of indigenous people." In a press release they called upon "the international world, including athletes and tourists, not to infringe on our rights and title, and stay away from the 2010 Games."

The Vancouver Olympic Bid Committee saw this coming, and warned in its internal documents of the need to get at least some first nations leaders on side. "If the first nations perceive that their rights are not being acknowledged and accommodated by British Columbia, they may go to the media, take direct action or initiate litigation. This would have a negative impact on the bid." No surprise, then, that the bid committee started its sales pitches with a traditional first nations blessing. We can look forward to many more such displays of cultural sensitivity, culminating in the sound of drums and the smell of sweet grass at over-the-top Olympic opening and closing ceremonies (think Sydney and Salt Lake City). But do not confuse these ceremonial blessings with genuine political consent. These Games are far from blessed. 

The International Cancun Declaration of Indigenous Peoples

At the 5th WTO Ministerial Conference that took place in Cancun in Mexico from September 10-14, 2003, Indigenous peoples saw their ability for their rights to be recognized in the negotiations. The following is an excerpt of their declaration. The full text can be downloaded from IWGIA's web page at http://www.iwgia.org/itm595.jsp

We have come to Cancun to address critical issues and negative impacts of the WTO Trade Negotiations on our families, communities and countries.

With the conclusion of the World Trade Organization (WTO) and with the continuation in its structure of the agricultural policies of the World Bank and International Monetary Fund, our situation, as Indigenous Peoples, has worsened and is being transformed. Corporations are given more rights and privileges at the expense of our rights. Our right to self-determination, which is inalienable and the expression of our free will, our right to our lands, and our right to our territories, resources and to our Indigenous knowledge, cultures and identities are grossly violated.

Some of the prime examples of the adverse impacts of the WTO Agreements on us are the following:

- Loss of livelihoods of hundreds of thousands of Indigenous peasants in Mexico who are producing corn because of the dumping of artificially cheap, highly subsidised corn from the USA and tens of thousands of Indigenous agricultural producers in the Andean region of the Philippines because of dumping of vegetables. The contamination of traditional Indigenous corn in Mexico by genetically modified-corn is a very serious problem for Indigenous Peoples. All these are due to the liberalisation of trade in agriculture and the deregulation of tariffs which protect domestic producers and crops required by the WTO Agreement on Agriculture (ADAO).

- The increasing conflicts between transnational mining, gas and oil corporations and Indigenous Peoples in the Philippines, Indonesia, Papua New Guinea, India, Brazil, Guyana, Venezuela, Colombia, Nigeria, Chad-Cameroun, USA, Russia, Vietnam, among others, and the militarisation and environmental devastation in these communities due to the operation of these extractive industries. The facilitation of the entry of such corporations are made possible because of liberalisation of investment laws passed by the TRIMS (Trade-Related Investment Measures) Agreement and Investment-Related WTO agreements. Regional trade agreements like NAFTA facilitate and liberalise investment agreements.

- The destruction of the environment, particularly of water bodies, hydroelectric dams, oil and gas pipelines, roads in Indigenous Peoples territories to provide support to the operation of extractive industries, logging corporations, and oil and gas processing zones.

- The potentiating of medical plants and seeds nurtured and used by Indigenous Peoples, like the gano, ayahuasca, Mexican yellow bean, maca, seringe de drago, houdia, yew plant, etc. Such potentiating and potentiating of life-forms is forbidden by the TRIPS Agreement.

- Setting prices of pharmaceutical products and inaccessibility of cheaper drugs for diseases like tuberculosis, malaria, AIDS which are diseases in Indigenous Peoples communities and decreasing public health services in these communities.

- Privatisation of basic public services such as water and energy in several countries which has spurred massive general strikes and protests such as those by Indigenous Peoples in Bolivia. The General Agreement on Services (GATS) whose coverage is being expanded to include environmental services (sanitation, nature and landscape protection). Financial services, tourism, among others, allowed for this.

All these developments are alarming. This global situation has undermined self-sufficient economies of Indigenous Peoples leading to food insecurity, worsening poverty and loss of land, culture and identity. We, Indigenous Peoples' representatives, present in Cancun during the event of the Fifth Ministerial Meeting of the WTO, are asking the governments to do the following:

Recognise and protect our territorial and resource rights and right to self-determination. Indigenous Peoples which have been displaced from their lands because of militarisation, infrastructure projects, extractive industries, export processing zones and other development schemes should be recompensated back in their lands or should the just payment paid. International human rights and environmental standards based on the rule of law should be upheld by governments and should guide the negotiating process. The way trade agreements are formulated and implemented.

Free and prior informed consent of Indigenous Peoples should be obtained before any project is brought into their communities. Article 8.3 of the Convention of Biodiversity that protects traditional knowledge and Indigenous systems and practices based on land, food and biodiversity should be the framework for WTO Agreements.

Stop the patenting of life-forms and other intellectual property rights over biological resources and Indigenous knowledge. Ensure that we, Indigenous Peoples, retain our rights to control over our seeds, medicinal plants and Indigenous knowledge.

Ensure Indigenous Peoples' basic right to health. The right of countries to take measures to protect public health and promote access to medicines should take precedence over their obligations to protect intellectual property right of corporations.

Stop the negotiations on agricultural biotechnology, the partial liberalization of agricultural products. Drastically and urgently reconsiders domestic subsidies of the US and the EU for their agribusiness corporations in which farmers, the right of Indigenous farmers to sustain their Indigenous agricultural systems and to plant and reproduce according to their needs. States must include Indigenous agricultural systems in the scope of international trade rules.

End the militarization of Indigenous Peoples' communities and recognize the criminalisation of protest and resistance actions of Indigenous Peoples against destructive industries, projects and programs.

The Ministers at this Fifth Ministerial meeting of the WTO have the responsibility to represent not only commercial interests but all of the people of their States, including Indigenous Peoples. Existing human rights, environmental, social and cultural conventions and covenants developed in the United Nations system must be the States' legal if not moral obligation. Any international law including human rights law binds them.

Indigenous peoples are the subjects of many of these covenants and conventions and their jurisprudence. Our rights cannot be ignored, nor can our observance be diminished or compromised by trade agreements and regimes. We as Indigenous Peoples have the right to participate as peoples and citizens in our own development, consistent with our own vision and tradition. Our free and informed consent, free of cultural manipulation, must be secured through our own traditional means of decision-making. States-sponsored development cannot just be imposed upon us. Our rights as peoples to own and control our natural and cultural resources must be recognized, respected and observed. Our survival as peoples depends upon it.
FINLAND AND
THE PROCESS OF
RATIFYING ILO
CONVENTION NO. 169

TANJA JOONA

All photos: Juhana Joonas
The demands of indigenous peoples for self-determination over their traditionally occupied lands have caused new challenges for state sovereignty. Outside pressure from the international community has led states to reconsider their relationship with the indigenous peoples living within their borders and to recognize their historical rights. This article examines ILO Convention No. 169 dedicated to indigenous peoples and the steps and choices Finland has taken in its process towards recognizing these rights and ratifying the Convention.

The 1989 ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries is a multilateral convention dedicated to indigenous peoples. It replaces the former Convention No. 107 from 1957 concerning the Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries. This Convention is still binding on those who ratified it but is not open for new ratifications. The new Convention No. 169 is considered to have marked a change in the ILO's (International Labour Organization) approach to indigenous and tribal peoples, although criticism has also been raised. As in the former Convention, protection is still the main objective, but it is based on respect for indigenous and tribal peoples' cultures and their traditions and customs.

A fundamental principle of the 1989 Convention is that the indigenous peoples shall enjoy the full measure of human rights and fundamental freedoms without any hindrance or discrimination. In addition to taking measures to counteract discrimination, the states that ratify the Convention must also establish special measures that promote the social and economic rights of the peoples concerned and protect their spiritual and cultural values.

The Convention points out that governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands and territories they occupy or otherwise use, in particular the collective aspects of this relationship (Article 13). The Convention obliges the state parties to recognize the rights of ownership and possession of the peoples concerned over the lands they traditionally occupy. In addition, governments shall take measures to safeguard the rights of the peoples concerned to use lands not exclusively occupied by them but to which they have traditionally had access for their subsistence and traditional activities (Article 16). The Convention also provides for the rights of indigenous peoples to the natural resources of the above-mentioned lands, including participatory rights and the right to participate in the benefits of the exploitation of these natural resources (Article 15). The diversity of the situations of indigenous peoples shall be taken into account: the nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions specific to each country (Article 34).

Since its adoption, Convention No. 169 has gained recognition as the foremost international policy document on indigenous and tribal peoples. Fourteen countries have ratified it. Three of these are European countries (Norway, Denmark and the Netherlands) and almost all the others are Latin American. Ratification of an international convention is a sovereign and voluntary act on the part of a state. By signing an international legal document, the government agrees to be bound by the contents of the treaty. Ratification of an ILO Convention is the beginning of a process of dialogue and co-operation.
between the government and the ILO. The purpose is to work together to make sure national legislation and practice agree with the provisions of the Convention. The greatest obstacle to Finland's, as well as Sweden's, ratification is considered to be the fact that the internal legislation of these countries does not fulfill the conditions set down by the Convention with regard to land rights. Norway ratified the Convention in 1998, considering that the Saami right to use state lands was enough to fulfill the requirements of Articles 13 and 14 of the Convention. Norway recently published new draft legislation with a different ownership model. Sweden is also moving towards ratifying it. The legal situation has been partly clarified in a report completed in 1999 by Special Rapporteur Sven Heurgrein. It seems that Finland and Sweden intend to solve the land right issue by correcting longstanding national legislation before ratifying the convention.

The indigenous Saami

It is estimated that there are about 100,000 indigenous Saami people in the area of Northern Fennoscandia and the Kola Peninsula, and about 7,500 in Finland alone. In Finland, Sweden and Norway, the Saami elect representative bodies, Saami Parliaments, which have advisory status to the national governments. In these parliamentary elections, people are considered to be Saami if they regard themselves as Saami and have learnt Saami as their first language, or have at least one parent or grandparent (in Norway even a great-grandparent) who has done so. In the Finnish Act of Saami Parliament, the term Saami also refers to a person who is a descendant of a person who has been entered in a land, taxation or population register as a mountain, Saami or fishing Lapp, Lapp is the old Finnish / Swedish term for Saami; it comes from the Saami language and has been used since the 1930s.

In Finland, the rights of the Saami people as an indigenous minority people are limited. The law does not recognize any special rights for the Saami to their traditional livelihoods: reindeer herding, fishing and hunting, and they have little say in the use of their traditional lands and waters. Approximately 90% of the land in northernmost Finland, i.e., Saami Homeland, is at present owned by the state. Private ownership exists in the late 1980s, new information came to light regarding the historical land right question. Dr. Kaisa Kerppola studied this issue and published her dissertation and argued that the Lapps may have had ownership of the land and water areas in the northern part of Sweden-Finland in the 17th and early 18th century. The Constitution Committee of the Finnish Parliament referred to the same possibility in 1999. In 1999, to clarify the situation, a State committee suggested that the unsettled questions should be resolved through modification of the law—but with no results. In 1992, the task of clarifying Saami rights was given to the Saami Delegation (the predecessor to the Saami Parliament), and later passed on to the present Saami Parliament.

Because this crucial new information has come to light, and because the situation has been unclear for decades, in the late 1990s the state of Finland started to clarify the position of Saami rights. The process has, however, slowed little progress. The state's intention was to solve the question by political consensus, and by finding new bureaucratic organs to administer the northern lands, which would remain in the state's possession. There were, however, very few novos approving comments from the different stakeholders. Only after several reports and committee works did the Ministry of Justice in 2003 appoint an academic research group to investigate the historical and legal position of the state lands. The situation and process towards ratification of ILO Convention No. 169 since 1999 will be briefly dealt with below.

The report by special rapporteur Dr. Peppa Vihervuori

For Finland its progress towards ratifying ILO Convention No. 169, in 1999 the Ministry of Justice decided to invite Dr. (of law) Peppa Vihervuori to prepare a report clarifying issues of land, waters, natural resources and traditional livelihoods in the Saami Homeland. The purpose of the report was not, however, to deal with the issue of land ownership. He pays special attention to the obligations of the ILO Convention and examines the provisions of the national legislation in force. Finally, he gives proposals for modifications to legislation concerning land use but does not as such make any suggestions as to whether Finland should ratify the ILO Convention or not. The Rapporteur proposes the establishment of a Land Rights Council of the Saami Homeland linked to the Saami Parliament. Four members of the Council would be nominated by the Saami Parliament and four by the four municipalities of the Saami Homeland. The members would choose the Chairperson. Decision-making would be based on a majority vote and, if the votes were even, the chair would have the casting vote. Rapporteurs, who would prepare memoranda and proposals for the Council's deci-
sions, would be nominated by the Saami parliament. In
practice, the Saami would have a leading role in the Land
Rights Council. The Council would oversee respect for the
rights and interests of the Saami and of the other local
population relating to the use of lands and waters in the
Saami Homeland. The Council would have the right to
speak and the right to appeal on matters concerning the
application of the laws on the use of land and waters.

The Rapporteur also proposes establishing a Land
Rights Fund, administered by the Land Rights Council.
Part of the income earned by the National Board of For-
ery, the Forest Research Institute and the state’s Real
Estate Office for their activities in the Saami Homeland
would be given to the Fund. The resources of the Fund
could be used for development of traditional livelihoods,
for repairing damage caused by use of the land, and for
promoting the interests of the Saami. Between a third and
a half of the yearly resources would be forwarded to the
Saami parliament and at least a third to the municipalities
of the Saami Homeland.

Introducing different kinds of provisions on new rights
and limitations would modify the legislation concerning
the use of the land and natural resources. The Reindeer
Husbandry Area would be divided into two parts. In the
part located in the Saami Homeland, the degree of permit-
ted harm caused to reindeer husbandry would be less
than in the other part — in the Saami Homeland the
permitted harm could not amount to more than ‘minor
gains’. In their reindeer-grazing associations where at
least half of the reindeer owners are Saami, the right to
grazing reindeer would be granted only to the Saami and to
those other reindeer owners living in the area of that
reindeer-grazing association. The Rapporteur could be
criticized for not explaining what ‘minor harm’ would
mean in practice.

Expert opinion by Dr. Juhani Wirland and
the report by the Saami Commission

The Ministry of Justice requested opinions on Dr
Vihervuori’s report from 57 different bodies, including
the Saami Parliament, municipalities, ministries, the
National Board of Forestry, etc. The replies given express
a wide variety of viewpoints, ranging from the very nega-
tive to the positive. There were also many proposals on
how to proceed further. As a comment to the requested
opinions, the Ministry of Justice decided that there was a
need for more preparation before Finland could ratify ILO
Convention No. 169. In November 2001, the Ministry
therefore appointed a new Rapporteur, Dr. (elbow) Juhani
Wirland, to make a legal assessment from the perspec-
tive of real estate law on analyses so far made on the land
ownership question in the Saami Homeland.11
At the same time, the Ministry also appointed a Saami Commission with the task of assessing whether it would be advisable to implement the proposals of Dr. Vihervuori’s report, or whether they should be modified. The Saami Commission’s proposals were to meet the minimum criteria of the ILO Convention. The Ministry of Justice appointed the Governor of the Province of Lapland, Ms. Hannele Pokka, as the chairperson of the Saami Commission.12

The expert opinion of Juhani Wirialander showed that there was no clear evidence that Lapp villages had owned their traditionally used areas in the mid-18th century. He did argue, however, that it was evident that single fami-

lies had had ownership over the special areas, as fishing and hunting sites and herding areas, in the mid-18th century. The Saami Commission proposed that land ownership should remain with the Finish State but that a certain Directorate of Saami Homeland with 11 mem-

bers should be established. The Chairperson of this Direc-

torate would be elected by the Government of Finland with 5 members selected by the Saami Parliament and 6 by the municipalities. Decisions would be taken by a simple majority. This Directorate would have competence to decide on general guidelines governing the use of state-

owned land in the Saami Homeland. These proposals received several dissenting opinions, including a joint dissenting opinion. The Saami members did not want to put the proposals into practice.13

Draft government bill

The Ministry of Justice, however, proceeded to draft a government bill via the Saami Homeland Consultative Committee in 2002. Two alternative possibilities were suggested:

A. Similar to the Saami Commission’s proposal

B. 12 members: Similar to above but one extra member would be nominated by the reindeer-herding asso-

ciations of the Saami Homeland. A two-thirds majority would take decisions.

Most of those who were given the chance to comment on the proposals were critical, including the Saami Parliament. Demands were made that substantial historical and legal research should be conducted based on an extensive and fine frame in order to clarify the unclear legal and historical development. The Ministry of Justice there-

fore ‘buried’ its draft.

Historical and legal research project

As a result of the many negative comments to the reports of Vihervuori and the Saami Commission, the Ministry of Justice decided to fund an academic his-

torical and legal research project on the settlement, popu-

lation history, land use and land ownership of the histori-

cal area of Lapland that is at present part of Finland. The aim of the research is to clarify 1) the legal situation of land use right and the situation of land ownership in Finnish Lapland, 2) historical developments after Finnish set-

tlers’ arrival in Lapland and 3) historical developments concerning the position of mountain and forest Saami. The period covered is to be the years 1750 to 1923. The research materials to be used are legislation, court ver-

dicts, tax material, administrative materials (decisions of Governors, tax authorities…), correspondence of authori-

ties, decisions made in connection with the establishment of farms by the settlers. The research group consists of experts from Oulu (history) and Lapland (law) Universities and the research will last an estimated 2 years. Rati-

fication of ILO Convention 169 will be reconsidered after the project has submitted its findings.

Concluding remarks

In Finland, the question of land ownership is rather complicated because the definition of Saami is based on being entitled to vote in the Saami Parliament elections. But not everyone wants to be registered on the Saami Parliament electoral register even if they could be. This does not mean that these persons could not have histori-

cal rights to land and water areas in Lapland according to real estate law. This raises the question: how should an indigenous person be defined? In regard to ILO Conven-

tion 169 the issue is problematic because the Convention does not define indigenous persons, it is an instrument with a collective focus. The issue is further complicated by the requirement set forth in Article 1.2 that self-identification as indigenous or tribal people shall be regarded as a fundamental criterion for determining the groups to which the provisions of the Convention apply.

Because of the unclear legal situation in Finland, it is relevant to ask at least two questions: who are the subjects of this Convention and what is the area (lands) that needs to be identified (Art. 14.2)? These are the questions that have also been under examination in Sweden. It is reason-

able also to ask whether the solutions of Vihervuori and Saami Commission) already implemented and planned in Finland would fulfill the requirements set down in the ILO Convention? The question is also raised in Norway and Sweden as to whether the strongly protected right to use land is enough, when taking into account the recog-

nition of ownership and possession (Art. 14.1). As men-

tioned above, there are still many open questions to be resolved. Ratification of an international Convention should never be as an absolute value but a final benchmark for rights that have already been fulfilled.

In conclusion, it could be said that the solutions planned thus far in Finland have an ethno-political pur-
pose and perspective. Founding a new political instrument with representatives from the indigenous community and other local people would not necessarily mean protection for the traditional livelihoods practiced in the area. The limitations to preparation of the legislation can also be seen as a reflection of the fact that there has been no discussion or examination of what the definitions and concepts noted in the land right articles of ILO Convention 169 actually mean, particularly in Finland.

**Notes**

1 Some central documents should be noted in the context of ILO Convention No. 169.
8 www.sametiigi.fi
9 The position of the Finnish Saami as an indigenous people as well as their language and culture has been established in the Constitution Act. Section 17 states the following concerning their rights: "The Saami are an indigenous people and Romanins and other groups shall have the right to maintain and develop their languages and cultures. The right of the Saami to use the Saami language before authorities shall be prescribed by an Act of Parliament."
THE INDIGENOUS PEOPLES' DECLARATION TO THE WORLD PARKS CONGRESS

We, the Indigenous Peoples united here in Durban, South Africa, as the Indigenous Peoples' Preparatory Conference for the World Parks Congress, held 6 to 7 September 2003, would especially like to thank our Indigenous hosts, the Khoi and the San Peoples of South Africa for welcoming us to their territory;

Recalling the international community's commitment made at Rio and Johannesburg, on Indigenous Peoples vital role in sustainable development and environmental conservation, we reaffirm our vision of a respectful relationship by all peoples towards Mother Earth and our commitment to practice this respect in our territorial, coastal/marine and freshwater domains. Our respect for nature must not be limited to protected areas, but must encompass the earth;

Taking into account the special relationship we have with our lands, territories and the resources therein, we reaffirm our holistic vision which strongly binds biodiversity and cultural identity and unites a people with its territory;

Affirming that Indigenous Peoples are right-holders, not merely stakeholders;

Recognizing that internationally recognized Indigenous Peoples' rights have been systematically violated in protected areas, including the right to life;

Recognizing that Indigenous Peoples' knowledge, practices, and areas of conservation, as well as systems of resource management pre-date the imposition of Western and alien concepts of protected areas. The latter result in the loss of Indigenous territories, impoverishment and the degradation of nature.

Drawing attention to the fact that the current global economic model contradicts the aims of conservation and preservation of nature;

Highlighting the fact that all states have international obligations to promote Indigenous Peoples' rights and that although some states have made advances in national legislation, there is still insufficient application of these norms at the national level;

Acknowledging IUCN's positive efforts in advancing the recognition of the rights of Indigenous Peoples, including the adoption of World Conservation Congress Resolution 1.23 Indigenous Peoples and Protected Areas (Montreal, Canada 1996), we nevertheless call attention to the lack of implementation of these policies;

We therefore declare the following:

1) We reassert Indigenous Peoples' inherent right to self-determination.

2) We Indigenous Peoples are right-holders and not merely stakeholders.

3) We call special attention to the severe problem of the forced expulsion and systematic exclusion of Indigenous Peoples from their lands and territories in the creation of protected areas in Africa, as well as in other parts of the world. We thus call for an immediate halt to these practices which result in the destruction of their livelihood and condemn this form of cultural genocide.

4) The ancestral and customary rights of Indigenous Peoples to their lands, territories, and natural resources must be recognized, respected, and protected. In cases where our lands have been expropriated to create protected areas, these must be restituted to us and rapid, just, fair and significant compensation, agreed upon in a fully transparent, participatory and culturally appropriate manner, must be provided.

5) We categorically reject any protected area and conservation policy which promotes the discrimination, exclusion and/or exploitation of Indigenous Peoples from their territories and their impoverishment.

6) In the light of these experiences, we call upon the World Parks Congress to uphold civil, political, economic, social and cultural rights in all protected area policies, programmes, projects and activities. Indigenous Peoples and local communities' best practices at the grassroots level prove that rights-based approaches to sustainable development and natural conservation are the way forward.

7) We urge the World Parks Congress to call for the immediate adoption of the United Nations Draft Declaration on the Rights of Indigenous Peoples within the present International Decade for the World's Indigenous Peoples.

8) When protected areas are to be established, the free, prior and informed consent of the Indigenous Peoples concerned must be obtained, as appropriate social and cultural impact assessment must be carried out and, most importantly, the Indigenous Peoples must at all times reserve the right to say "no".

9) In existing protected areas, created on Indigenous Peoples' territories, the World Parks Congress should support the rapid establishment of a legal framework to ensure culturally appropriate, full and effective participation of the Indigenous Peoples concerned in all aspects of the administration and management processes of protected areas.

10) Neither Indigenous Peoples, nor our lands and territories are objects of tourism development. If tourism is to benefit us, it must be under our full control.

11) We call upon the World Parks Congress and IUCN to uphold and strengthen IUCN Amman Congress (Jordan, 2000) Recommendation 2.8.2 Protection and conservation of biological diversity of protected areas of the negative impacts of mining and exploitation and to prohibit extractive industries in and around protected areas and to halt planned and existing extractive activities and in and around World Heritage Sites.

12) The World Parks Congress must recognize the cultural integrity of Indigenous Peoples and ensure the integration of traditional collective management systems as a basis for the management of protected areas.

13) We call upon this global gathering to recognize that through the protection and promotion of Indigenous Peoples' rights and through recognizing and integrating our dynamic and holistic visions, we are securing not only our future, but the future of humanity and social and environmental justice for all.

The Vth IUCN World Parks Congress was held in Durban, South Africa from September 8-17 2003. For more information about the event, look at: http://www.iucn.org/themes/wpcs/wpc2003/
IWGIA’s aims and activities

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

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

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

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

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

Publications

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

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

IWGIA’s publications can be ordered through our website www.iwgia.org, by e-mail: iwgia@iwgia.org or by fax: +45 35 37 05 07.

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TEN YEARS OF THE INDIGENOUS MOVEMENT IN RUSSIA

This book is a collection of articles written by indigenous leaders and politicians from all parts of Russia. The articles outline the history of indigenous peoples' struggle, events and conditions of the recent decade. The indigenous umbrella organisation in Russia, the Russian Association of Indigenous Peoples of the North (RAIPON), celebrated its tenth anniversary in 2000, an occasion for looking back at its work during its 10-year history and at the same time looking forward to the new millennium. The articles were originally produced as a book for this occasion.

Towards a New Millennium is a translation of the original Russian version of the book and it represents an attempt to strengthen the awareness outside the Russian Federation of the struggle of indigenous peoples in Russia.


THE INDIGENOUS WORLD 2002/2003

IWGIA's Yearbook is issued every year. It provides an update on the state of affairs of indigenous peoples around the world, and is therefore an indispensable book for those who wish or need to be informed about the most recent issues and developments within the indigenous world.

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IWGIA 2003 - ISBN 87-90705-76-7 - ISSN 0105-4003

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IWGIA 2003 - ISBN 87-90705-29-4, ISSN: 0108-9407

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