

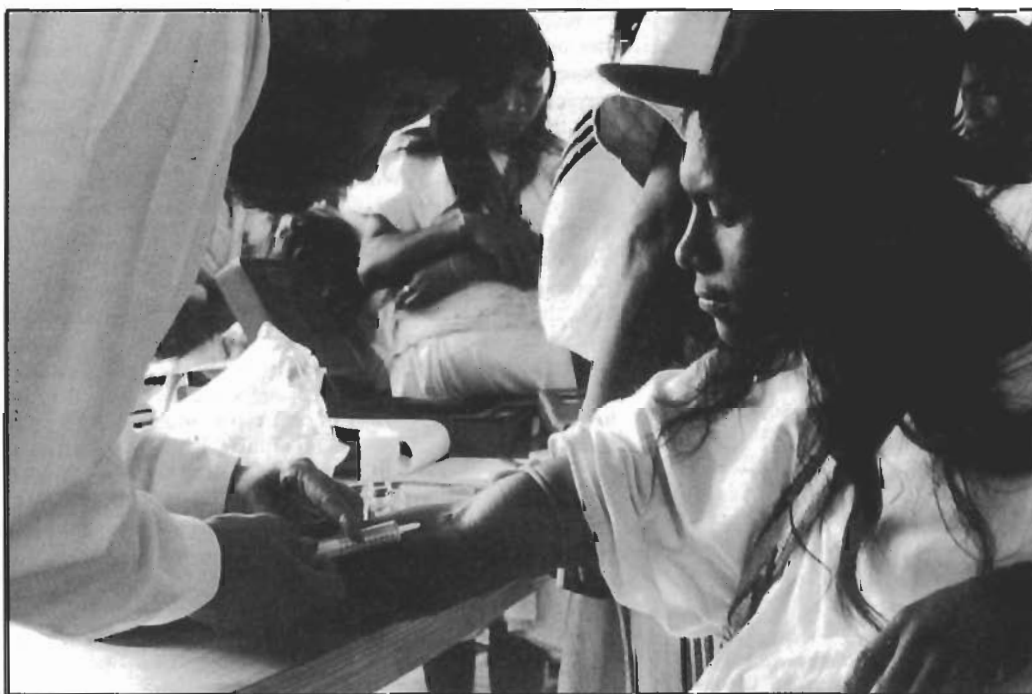


# *Indigenous Affairs*

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# Editorial

## Indigenous Peoples'

In October, indigenous peoples once again travel the well-worn route to Geneva to participate in the second meeting of the United Nations Commission on Human Rights' open-ended Working Group which is discussing the draft Declaration of the Rights of Indigenous Peoples. Although a technical meeting, the discussion is critical because it provides indigenous peoples with an opportunity to try to explain the importance of the draft Declaration to governments. From all over the world, indigenous representatives have stated openly that it constitutes the absolute minimum standards for the recognition of their rights.

This recognition starts with the use of the term 'indigenous peoples', embracing not only individual rights but, in particular, collective rights. Recognising indigenous peoples as collectives is fundamental for understanding them as distinct and unique. The second important element in the draft Declaration is the recognition of their rights to their lands, territories and resources. With these rights, indigenous peoples can control their development and ensure that speculators from outside are obliged to gain their consent before they enter their lands. This can only be accomplished through the recognition of and respect for indigenous peoples' own political institutions and customary legal systems. All of these rights are part of the all-encompassing right to self-determination. On this basis the draft Declaration has established a benchmark for the rights of indigenous peoples.

The Subcommission Working Group took place in July, as usual, and this edition of Indigenous Affairs includes several of the statements presented at that meeting. The theme of this year's Working Group was 'health', and contributions from the First Nations of Manitoba, the indigenous peoples of Suriname and the New South Wales Land Council in Australia all point out that the appalling health conditions in which people live are connected to the lack of respect for indigenous knowledge and recognition of their rights.

The health of a people is bound up with the health of their territories. Articles from Botswana and Sabah raise the importance of connecting environmental concerns to indigenous rights. In Botswana, indigenous peoples are under threat of relocation under the pretext of emptying the Kalahari Game reserve of the Bushman who have lived there for thousands of years. In Sabah, on the other hand, logging activities are eroding the biodiversity of indigenous peoples, causing dispossession and sickness. The papers from the Aguaruna of Peru and the Wichí of Argentina demonstrate the importance of recognising indigenous land rights to protect both health and the environment.

The relationship between rights and the environment is particularly significant over the next few months. The UN has several meetings on environmental questions which directly concern indigenous peoples. Almost immediately after the Commission Working Group ends, the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) takes place in Buenos Aires. This meeting is the third in a series of discussions by the governments who have ratified the Convention since it was passed at the Rio Summit in 1992. The 1996 COP3 covers several topics, but this year includes a discussion of Article 8b of the CBD which relates to indigenous peoples.

Article 8j says that each Contracting party shall, as far as possible and as appropriate: 'Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices'.

Whereas this article recognises the importance of indigenous peoples and their contribution to biodiversity, a negative interpretation of the Convention as a whole could undermine indigenous rights. For this reason, the Convention should not be understood as placing too rigid a definition on state sovereignty: it should acknowledge the distinction between indigenous peoples and local communities; it should grasp the importance of indigenous peoples' rights to their territories when they live in protected areas; it should also recognise the rights of indigenous peoples to their resources; and should advocate open and transparent funding mechanisms for the Convention. Indigenous intellectual property or cultural heritage should be recognised as sui generis rights arising from customary legal systems. All of these points are set out in the paper published by the International Alliance for the Indigenous Tribal Peoples of the Tropical Rainforest. This paper is a contribution to the discussion at Buenos Aires but also acts as a useful introduction to the Convention.

Another important event in the indigenous international calendar is the Intersessional Meeting of the Intergovernmental Panel on Forests (IPF) which is to be held in Leticia, Colombia, on December 11th to 13th. The IPF was established by the UN Commission on Sustainable Development (CSD) to look at forest questions. It met in September where it discussed several aspects of forest questions relat-

## Rights as a basis for Environmental Protection

ing to indigenous peoples, in particular, forest-related knowledge. As a result of this discussion, the Danish and Colombian governments have sponsored the meeting, which will be organised in conjunction with the International Alliance, COICA (the Indigenous Co-ordinating Body of the Amazon Basin) and local Colombian indigenous organisation OPIAC (Organisation of the Indigenous Peoples of the Colombian Amazon). This is the first time that indigenous peoples have been given the space to present their positions in an international UN environmental forum and should be a highly significant occasion.

The crucial factor behind these UN human rights and environmental meetings is that they provide an opportunity for the advances made at the human rights fora to be fed into the environmental process, so that a consistent, progressive and constructive move can be made to guarantee the basic rights of indigenous peoples. The critical importance of linking environmental issues to rights can be seen in this edition of Indigenous Affairs.

On 26 March 1996, the Peruvian government issued a supreme decree which authorised the company Mobil Exploration and Producing Peru Inc. to look for oil in the headwaters of the river basins in the Madre de Dios area of southeastern Peru. This activity is particularly dangerous because this region is considered to be one of the areas of highest biological and cultural diversity in the world. Recognising this, Mobil arranged for environmental impact assessments and discussed with environmental organisations such as Conservation International ways in which they could enter indigenous territories with a minimum impact. However when the choice comes between profit and respect for indigenous peoples and the environment, profit seems to have had priority.

The first area the company entered was in the headwaters of the River Piedras in an area known as Lot 77. The work was sub-contracted to a company called Grant Geophysical. In spite of the fact that the environmental impact assessment for the area warned that they should not enter the Piedras during the months of March to September because isolated ('uncontacted') peoples come downriver to fish through Lot 77, they went ahead. The letter of complaint to Mobil from the local indigenous organisation FENAMAD is published here. It contains information provided from vivid accounts by two indigenous Mobil workers describing encounters with these isolated peoples. Although no direct contact took place, this did not occur because Mobil kept to its own guidelines of not seeking out contact; on the contrary, the workers allege that employees offered clothes and followed the newly

encountered indigenous people into the forest. Furthermore, helicopters hovered over their communal houses until the scared inhabitants fled. The only reason that there was no direct contact is that the indigenous peoples, seeing outsiders, sensibly escaped into the forest.

Mobil's response has been to deny that these events have taken place, in spite of the fact that the witnesses' statements appear to have been corroborated by similar experiences of others on film. It was precisely to avoid this sort of occurrence that FENAMAD called the meeting described in the article by Hector Sueyo, an indigenous sociologist from the Madre de Dios. This public forum was held in Puerto Maldonado in order to discuss with Mobil their activities in the Madre de Dios and particularly the concerns of indigenous communities. The representative of Mobil was markedly reluctant to answer critical questions and was particularly reticent on providing a commitment to reinject polluted water arising from any exploitation of oil. Even more astounding was the lack of attendance by state authorities, such as the Indigenous Institute, which is responsible for the implementation of ILO Convention 169. (The Convention was ratified by the Peruvian government on the same day in 1993 that the government weakened constitutional provisions on indigenous territorial rights.)

However, news from Peru is not all negative. An example from the Central Rainforest shows that if indigenous rights are recognised, substantial improvements can accrue to the quality of life of indigenous peoples. A recognition of the effectiveness of land titling as a means of solving the serious problems facing indigenous peoples has been the presentation of the international Anti-Slavery Award to the indigenous organisation OIRA (Indigenous Regional Organisation of Atalaya) by Anti-Slavery International. OIRA has been at the forefront of the liberation of the Ashaninka people from debt-bondage and servitude by using a strategy of ensuring the titling of their territorial rights.

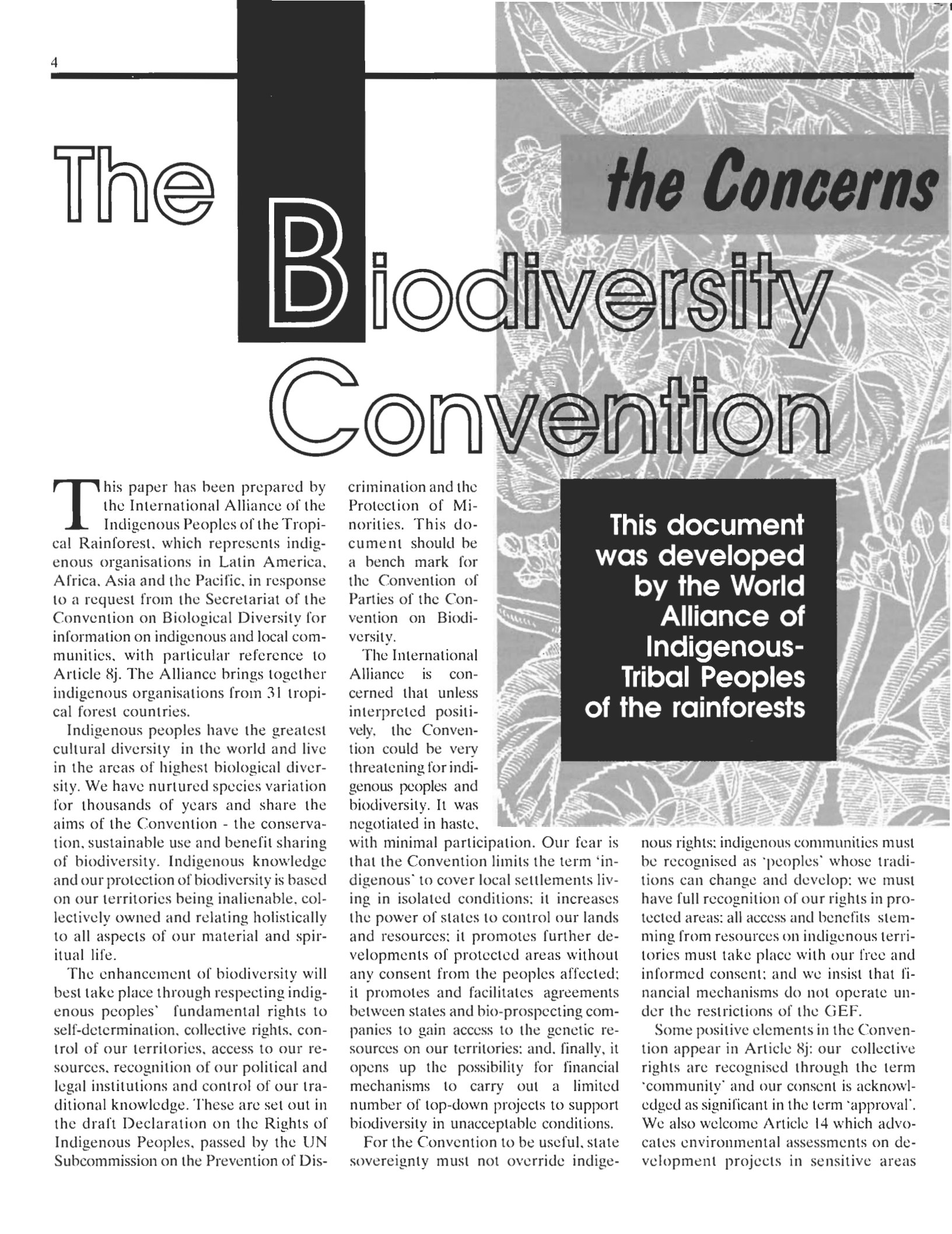
Through support from IWGIA and the national indigenous lowland organisation AIDESEP, OIRA has spear-headed a peaceful revolution in Central Peru which has eliminated forms of slavery and contributed to a situation where indigenous peoples now control the local municipal council. When indigenous peoples control their lands and resources, a basis can be established for a just and equitable form of self development which can blend both human rights and environmental concerns. IWGIA warmly congratulates OIRA for winning this prestigious award.

Unfortunately, the problems facing peoples such as those in the Madre de Dios are more common than the success stories. The Hidrovia project covering the Paraguay-Parana Rivers is causing serious concern for the indigenous peoples from Argentina, Paraguay, Bolivia and Brazil. The project, supported by the governments of the region, with multilateral development backing, aims to establish a navigable waterway for marketing timber and soya. The environmental and social costs stand to be enormous. The article in this edition shows how indigenous peoples from all over the region are uniting to express their resistance.

As with the Mobil case, the indigenous peoples have not been informed or involved in the preparation of these projects. These meetings have staked out their determination to defend their lands, their river and their lives. Their concerns for their future necessitate an immediate recognition of their rights. Through these practical examples it is possible to see that the struggle taking place at the United Nations and in the communities are interconnected because they deal with the same problems linking rights and environmental concerns.

In these circumstances indigenous peoples find themselves involved in environmental questions which are frequently dominated by the big organisations such as WWF, IUCN and Conservation International. These organisations have an important responsibility to respect the rights of indigenous peoples in protected areas and in co-ordinating campaigns which centre on indigenous territories. WWF has recently moved towards this in their new policy, which acknowledges the importance of the draft Declaration on the Rights of Indigenous Peoples. Hopefully the IUCN and Conservation International will follow suit because with a more constructive approach to indigenous peoples, both biological and cultural diversity can be protected.

Unless the rights of indigenous peoples are recognised, it will be impossible to enter into effective ways of protecting biological diversity. The achievements of recognising indigenous rights in the UN human rights system need to be maintained in the open-ended Working Group and matched by the environmental initiatives in COP3 and the IPF Intersessional meeting. Recognising rights has important and practical results as can be seen in the work of local organisations such as OIRA; its work should be a practical inspiration for the UN discussions which are about to take place in Geneva, Argentina and Colombia before the end of this year. □



# The Biodiversity Convention

## *the Concerns*

**T**his paper has been prepared by the International Alliance of the Indigenous Peoples of the Tropical Rainforest, which represents indigenous organisations in Latin America, Africa, Asia and the Pacific, in response to a request from the Secretariat of the Convention on Biological Diversity for information on indigenous and local communities, with particular reference to Article 8j. The Alliance brings together indigenous organisations from 31 tropical forest countries.

Indigenous peoples have the greatest cultural diversity in the world and live in the areas of highest biological diversity. We have nurtured species variation for thousands of years and share the aims of the Convention - the conservation, sustainable use and benefit sharing of biodiversity. Indigenous knowledge and our protection of biodiversity is based on our territories being inalienable, collectively owned and relating holistically to all aspects of our material and spiritual life.

The enhancement of biodiversity will best take place through respecting indigenous peoples' fundamental rights to self-determination, collective rights, control of our territories, access to our resources, recognition of our political and legal institutions and control of our traditional knowledge. These are set out in the draft Declaration on the Rights of Indigenous Peoples, passed by the UN Subcommission on the Prevention of Dis-

crimination and the Protection of Minorities. This document should be a bench mark for the Convention of Parties of the Convention on Biodiversity.

The International Alliance is concerned that unless interpreted positively, the Convention could be very threatening for indigenous peoples and biodiversity. It was negotiated in haste, with minimal participation. Our fear is that the Convention limits the term 'indigenous' to cover local settlements living in isolated conditions; it increases the power of states to control our lands and resources; it promotes further developments of protected areas without any consent from the peoples affected; it promotes and facilitates agreements between states and bio-prospecting companies to gain access to the genetic resources on our territories; and, finally, it opens up the possibility for financial mechanisms to carry out a limited number of top-down projects to support biodiversity in unacceptable conditions.


For the Convention to be useful, state sovereignty must not override indige-

**This document  
was developed  
by the World  
Alliance of  
Indigenous-  
Tribal Peoples  
of the rainforests**


nous rights: indigenous communities must be recognised as 'peoples' whose traditions can change and develop; we must have full recognition of our rights in protected areas; all access and benefits stemming from resources on indigenous territories must take place with our free and informed consent; and we insist that financial mechanisms do not operate under the restrictions of the GEF.

Some positive elements in the Convention appear in Article 8j: our collective rights are recognised through the term 'community' and our consent is acknowledged as significant in the term 'approval'. We also welcome Article 14 which advocates environmental assessments on development projects in sensitive areas





# of Indigenous Peoples



of biodiversity on their territories and discuss the implementation of the Convention.

The COP should collaborate with the UN Human Rights bodies and recommend that the UN Working Group on Indigenous Populations discuss the question of intellectual property, biodiversity and indigenous rights at one of its annual meetings during the UN Decade for the World's Indigenous Peoples. An expert seminar on the same subject should also be organised under the auspices of the UN Human Rights Centre. Furthermore, the COP should support the initiative for the establishment of a Permanent Forum for Indigenous Peoples in the United Nations which can provide the mechanism for the co-ordination and monitoring of environmental, developmental and other areas of concern.

## **Indigenous Peoples and Biodiversity**

About 50 million of the 300 million global population of indigenous people live in tropical rainforests; furthermore, a majority of the estimated 5,000 peoples in the world live in tropical forest areas. The International Alliance thus provides global representation for the most culturally diverse indigenous peoples from areas of the highest biodiversity - the tropical rainforests of Amazonia, Africa, Southeast Asia and Melanesia.

Whereas we, indigenous peoples, com-

prise less than four percent of the population of the world, we also constitute ninety-five percent of the cultural diversity, and over fifty percent of the population in areas of high biodiversity. The Convention on Biological Diversity is therefore of immense interest and concern to us, as indigenous peoples of the tropical rainforest, and we should receive due attention and respect in its provisions as guardians of biodiversity.

The fact that indigenous peoples have nurtured species variation for thousands of years, has made possible the current breadth of biodiversity. Indigenous knowledge, expertise and understanding of rainforest biodiversity has been amply documented and demonstrated to be based on sustainable principles. Throughout forest regions, indigenous peoples carry out agricultural practices which rely extensively on promoting biodiversity. The existing relationship between indigenous peoples and the environment enhances biodiversity according to practices which have been carried out for thousands of years and which are encoded in our customary laws. The purpose of the Convention is to protect biodiversity and so indigenous peoples' local practices and knowledge are extremely important to take into consideration.

Indigenous forest cultivation consists of the knowledge and sustainable use of vast numbers of different species - domesticated, semi-domesticated and wild. Indeed, so innovative have indigenous

with public participation. The Alliance concludes that the Biodiversity Convention can only be meaningfully implemented with the full recognition of indigenous peoples' rights. No access to indigenous knowledge, innovation or practices should take place, without the prior and informed consent of the peoples concerned. This should be a condition for benefit-sharing. Any funding mechanisms involving incremental costs should be avoided.

The Alliance recommends that the COP establish a process for indigenous peoples to express their views on biodiversity within the Convention. A Working Group under the COP would enable indigenous peoples to report on the state

peoples been in developing and encouraging species diversity, whether under agricultural cultivation or not, that the distinction 'domesticated' and 'wild' is somewhat meaningless. Indigenous peoples make full use of forest resources and have a vast experience in the sustainable use of timber and non-timber species. The harvesting of forest resources provides fruits for food and drink, medicines, shelter, pesticides and clothing. The range of forest management covers agricultural gardens, previously cultivated areas and forest which has been out of cultivation for longer periods. The knowledge and skill in managing these different types of forest, as well as operating in a spectrum of ecological zones, demonstrate the enormous flexibility of indigenous peoples' biodiversity management skills. Our knowledge of the forest is well-known and documentary evidence abounds to show the sensitivity and care with which we relate to our environment.

Indigenous knowledge and use of biodiversity is based on critical principles which have to be understood to ensure its protection.

1. In the first place, indigenous peoples live in territories. This means that a people and its communities are responsible for the control and use of the total environment: soil, sub-soil, trees and plants, animals and birds. All the resources of an area are included in this generic sense of territory - including land, shores, lakes, rivers, islands and sea areas.

2. Indigenous territories are considered to be inalienable. This means that they are owned by a people as a whole and are passed from ancestors to descendants as a part of its heritage. Neither indigenous nor non-indigenous people have the right to sell or dispose of indigenous territories.

3. Indigenous territories are collectively owned and the resources can be utilised or sold by agreed consent. Individual households work specific areas for their needs, within the framework of the territory as a whole.

4. Territories are part of a holistic vision of the universe which includes political

control over resource use; spiritual reverence for the invisible religious aspects of forest life; and a perception of the forest as a landscape fashioned by a history of indigenous activity.

The effect is that we see a connection between territory, culture and our identity as indigenous peoples; our rights to use resources are based on customary legal systems operating within common regimes. Generations of experience means that indigenous ownership and control leads to a defined territorial management, organised by our own political institutions. Under these conditions, we are self-determining and our freedom and dignity protect biodiversity.

Unfortunately, this mutually beneficial relationship between indigenous peoples and forest biodiversity is threatened by the strains which we find in areas which are invaded by colonists and outsiders, eager to seek their fortunes and displace us, the prior inhabitants. Indigenous peoples are thus colonised peoples. The open access which states have given to colonists to enter our territories limits the resources available for subsistence, and the danger is that biodiversity is being destroyed.

The International Alliance considers that the only way to ensure our survival and to protect biodiversity is to respect our rights. The relationship between indigenous peoples and biodiversity is encoded in customary law and this has to be respected. Furthermore, United Nations initiatives such as the UN Decade for the World's Indigenous Peoples and the draft Declaration on the Rights of Indigenous Peoples demonstrate that our rights and aspirations are already beginning to be recognised. Our principal claims as indigenous peoples are:

1. Rights to the collective ownership of our territories;
2. Right to self-determination;
3. Right to the exercise of customary law according to our social and cultural practices;
4. Right to be represented, both legally and politically, through our own institutions;



5. Right to control our own indigenous knowledge.

These rights have been addressed by the following international instruments:

- \* International Labour Organisation Convention 107;
- \* International Labour Organisation Convention 169;
- \* The Draft Declaration of the Rights of Indigenous Peoples (ECOSOC)



*Ashaninka Indigenous persons from Peru. Photo: Pablo Lasansky*

- \* The Draft Declaration of the Rights of the Indigenous Peoples of the Americas (OAS);
- \* The World Bank's Policy on Indigenous Peoples (OD 4.20); The World Bank's Forest Policy (OD 4.36);
- \* The ITTO Guidelines for Sustainable Forest Management; Agenda 21 - Chapter 26;
- \* Article 5 of the UNCED 'Forest Principles';
- \* IUCN Guidelines for the Management of Tropical Forests (1989);

- \* WWF-International's Draft Policy on Indigenous Peoples and Conservation.

In addition, the International Alliance has produced its own Charter of Rights which provides the basis for all the discussions in this paper. A copy is enclosed as Appendix A.

### **The Convention on Biological Diversity**

The Biodiversity Convention was finally negotiated in haste at the Rio Earth Sum-

mit in 1992, and since then has been ratified by 135 countries. The Convention breaks new ground in international agreements by recognising the value of biodiversity at genetic, species and ecosystem levels. It attempts to link natural resources and human activities by connecting conservation, sustainable use and the sharing of benefits arising from the exploitation of biodiversity. These aims are shared by indigenous peoples. The fear of the loss of biodiversity led to the approval of the Biodiversity Convention by states.

however, if it is not interpreted with care, it risks adversely affecting the very indigenous peoples who have done so much to preserve biodiversity through history.

The Biodiversity Convention should enhance the pre-existing relationship between indigenous peoples and biodiversity, however, unless indigenous peoples are placed at the centre of protecting and managing the biodiversity on their territories, a major opportunity of facilitating collaborative conservation will be lost. In its place, indigenous rights will be undermined, conflict will become exacerbated and biodiversity will suffer.

The main focus and beneficiaries of the Convention appear to be states, who are often the very instigators of biodiversity destruction. Furthermore, many national laws and policies are at odds with international principles for the rights of indigenous peoples. States often treat indigenous peoples as backward, unproductive or even destructive. They frequently deny land rights, seek forcible relocation and promote the take-over of indigenous territories by national colonists and foreign companies. For this reason, the International Alliance is gravely concerned at the potential within the Convention for causing harm.

The Convention is an agreement between state governments and tries to embrace the conflicting interests of northern and southern countries which both want access to the genetically rich resources in the South. Northern interests strongly influence, if not effectively control, the international intellectual property rights (IPR) regimes through GATT in its section on Trade-Related Aspects of Intellectual Property Rights (TRIPS). TRIPS aims to draw all national IPR regimes into models of the US, European and Japanese systems, where genetic resources are seen as common property of humanity until they are 'modified' by industry and can become patented. This is of great concern because multinational corporations are eager and ready to take advantage of these openings to increase their plundering of our territories.

In contrast, developing states of the South want sovereignty over their resources and are opposed to free access from international interests.

Unfortunately, the states of the South have economic interests of their own

and are in need of revenue to service massive debts. This frequently means that indigenous rights are ignored for reasons of expediency. There is some scope in GATT for the recognition of sui generis IPR systems which could provide some opportunities for southern governments to control genetic resources, but as yet, this possibility has not been tried out in practice and there is no means of ascertaining the extent to which this approach will benefit indigenous peoples.

The Biodiversity Convention tries to solve this conflict of interest between North and South by recognising national sovereignty over resources while promoting open access within a framework of conservation and sustainable use. Any access takes place with the provision that all financial and technical benefits arising from the exploitation of resources by outside interests be shared. As a result of the Convention, genetic resources are no longer the common property of humanity. However as long as the benefits are secured on a national level, they can still become the property of big business, should a state make an appropriate agreement. The result is that indigenous peoples from both the North and South are caught between states negotiating their resources for the insatiable appetite of multinational corporations and other economic interests.

To facilitate exploitation, the capacity of indigenous peoples to protect biodiversity is threatened. States have a responsibility according to the aims of the convention to enhance local and indigenous communities. Unfortunately, there is an emphasis on state control of resources throughout the Convention. Common property of humanity has been replaced by a recognition of the sovereign right of states to 'exploit their own resources pursuant to their own environmental policies' (Article 3). Rather than seeing property rights over resources as pertaining to indigenous peoples, states treat all resources within their boundaries as their exclusive right to exploit and control.

The Convention is governed by the Conference of the Parties (COP). At the 1994 COP meeting, substantive issues were discussed for the first time and it was agreed to look in detail at the

question of forests and indigenous peoples who appear at several points in the text. Prior to making any statement as to how the Convention should be interpreted, however, it is important to analyse in detail the potential problems to which the Convention gives rise to indigenous peoples so that the explanations of the proposed solutions be placed in context.

### **The Alliance's Concerns about the Convention on Biodiversity**

The International Alliance has several concerns about the Convention on Biodiversity stemming from the process under which it was originally drafted. The Convention was speedily negotiated at the Earth Summit, and although there had been several preparatory committee meetings and some consultations, the process was exceptionally rapid for indigenous peoples. The preferred model of a consultation process for indigenous peoples has been the 13 year process of developing a draft Universal Declaration on Indigenous Rights which is currently under discussion at the UN Commission on Human Rights. This draft Declaration has been approved unanimously by the Subcommission on the Prevention of Discrimination and the Protection of Minorities, consisting of 26 UN legal experts. As matters stand, this draft Declaration is the appropriate orientation paper as to where the rights of indigenous peoples has reached within the UN system and this must be recognised by the COP.

The participatory process of the UN draft Declaration was not reflected in the Convention on Biodiversity, even though it is now generally accepted in UN fora that indigenous peoples have to be involved in matters which affect us. Although those few indigenous peoples who were able to take part in the preparatory committee strove hard to ensure that some references to indigenous peoples were included, nevertheless, the result has been disappointing. Considering that we indigenous peoples provide over 85 percent of the cultural diversity in the world and live predominantly in areas of biological diversity, we had expected a greater emphasis to be put by the Convention on our experience, our management capacity and, above all, our rights.



Whereas indigenous peoples had sought an article devoted to our role in biodiversity conservation and the importance of recognising our rights to this end, we find that the main reference to our concerns was placed under 'in-situ' conservation, as the tenth sub-paragraph (Article 8j). In spite of this difficulty, the scattered references to indigenous peoples and our resources may provide some avenues for positive interpretation of the Convention. The positive elements of this article, however, require that the harmful impacts of the Convention on Biodiversity on indigenous peoples are understood and minimised.

### **The Dangers of the Convention**

There are five areas which are particularly problematic and which, if not addressed immediately, will render any other advantage minimal. Each of them is mentioned in Article 8j and their reverberations throughout the Convention give rise to much concern.

#### **1. State Sovereignty**

Article 3 of the Convention says: 'States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction'. This is reflected explicitly in preambular paragraph 4, Articles 3, 4, 8j (which is qualified by the positivist phrase, 'subject to national legislation') 9a & b, 14.2, 15.1., and, in fact, the theme runs right through the whole Convention.

We indigenous peoples live within the boundaries of states and yet we have held inalienable ancestral rights to territories since times prior to the creation of the state. We have ownership over our territories and consequently insist that nothing can be done to our resources without our informed prior consent. The draft Declaration on Indigenous Rights, in contrast to the Biodiversity Convention, attempts to ensure that our indigenous rights to territories can be respected within the framework of the state while avoiding a clash of conflicting sovereignties.

The Biodiversity Convention does not address this problem but, on the contrary, reaffirms a unilateral state sovereignty, which could easily be used by states to deny indigenous sovereign rights to our territories, lands and resources which are recognised in the draft Declaration, and to some extent in ILO Convention 169.

A major qualification occurs in Article 8j which prefaces the intention to 'respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities 'with the phrase 'subject to national legislation'. This could be interpreted as effectively allowing any state to ignore the clause if its national legislation does not address the question, and would consequently annul the implementation of 8j in many countries of the world.

Article 14.2 is particularly problematic in that it makes States responsible for biodiversity but, in the case of causing any damage, a state need provide no restoration or compensation 'where such liability is a purely internal matter'. Taking this together with Article 15.1, the situation is compounded when the Convention states that, 'Recognising the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation'. According to this view, states have open access to all genetic resources and yet are not necessarily liable for any damage caused. This could easily be used by states as 'open-season' for the plundering of indigenous territories.

The problem of exclusive state sovereignty is the most critical in the Convention, because unless it is interpreted in a positive manner, which respects indigenous peoples' rights, it stands to undermine the very cultural diversity with which biological diversity so closely relates.

#### **2. Indigenous Peoples and Local Communities**

Another concern of the Alliance relates to the presentation of indigenous peoples in the Convention. In preambular paragraph 12 and in article 8j is the phrase 'indigenous and local communities embodying traditional life styles'. The use

of these terms has made recognition of indigenous rights unnecessarily complicated because it ignores our existence as peoples.

In the CBD, there is no definition or orientation as to what a community is. Does it refer to a settlement with its territories as the term is used in Latin America, or does it refer to a larger concept of ethnic group as in Asia? The former use of the term is restrictive for indigenous peoples in that it only refers to very precise localities, while in the second sense, it denies our existence as peoples.

By using the terms 'indigenous and local', the Convention tries to distinguish something, but quite what this is remains unclear. If 'communities' is used in the sense of a particular settlement, then all communities are local; however, if it is used in the other sense of 'people', this is clearly larger than a local community. By ignoring the correct term 'indigenous peoples', already used in ILO Convention 169, the Biodiversity Convention establishes a series of complications which threaten to by-pass those indigenous rights which are already recognised.

The International Alliance fears that this could become a step backwards in indigenous rights unless the phrase 'indigenous and local communities' is interpreted carefully. Only by addressing the distinct rights of indigenous peoples and local communities can the Convention begin to meet its aims.

Another aspect of the reference to indigenous peoples comes in the phrase 'embodying traditional lifestyles'. The concept of 'traditional' is highly problematic in this context. Usually the term refers to beliefs or customs which are handed down from the past. The imprecision of this meaning gives the impression that article 8j only applies to indigenous peoples who are isolated, fossilised in some cultural time-warped living in a never changing present. This idea of 'traditional' has been criticised by indigenous peoples, as well as anthropologists and lawyers, because it does not reflect the world as it is. All cultures change. Our concern is that the term 'traditional' is being used to exclude anyone who has adapted their lifestyle to reflect the contemporary and continuing

colonial situation in which we find ourselves.

### 3. Indigenous Peoples and Protected Areas

A third area where the Alliance is concerned arises from Article 8 on 'in-situ conservation'. Article 8a says that states shall: 'Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity'. In subsequent articles this covers establishing guidelines for protected areas (8b), managing resources within or outside the protected areas (8c), promoting the protection of ecosystems (8d), and establishing buffer-zones for development (8e).

Article 8j has been placed under the issue of in situ conservation and so to some extent, has to be read in this context. Indigenous peoples are particularly opposed to the use of protected areas to deprive us of our lands and rights to resources. These problems occur all over the world: In South America, for example, eighty percent of the protected areas have indigenous peoples living inside them; in India, protected areas have already displaced over 600,000 tribal people and forest-dwellers; the indigenous peoples of Palawan in the Philippines have been forced to abandon rotational agriculture in favour of more intensive harvesting from the forest - thus undermining social and conservation goals; meanwhile in Africa, three thousand Bushmen of the Central Kalahari are currently being threatened with eviction in the name of conservation.

Protected areas that are under the control of indigenous peoples working in harmony with states and environmentalists is an important goal and several organisations, including the WWF, are trying to implement policies in this direction.

Unfortunately, when the Convention establishes the main bodies to cooperate over biodiversity issues in preambular paragraph 14, it completely ignores indigenous peoples, saying: 'Stressing the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organisations and the non-government sector for the conservation of biological diversity and the sustainable

use of its components'. We indigenous peoples have the unfortunate experience that all three of these interests have, in the past, worked in directions which are detrimental to the respect for our rights, and by limiting cooperation to these interests, control and decision-making on biodiversity protection is taken out of our hands.

Placing these points together, the concern of the International Alliance is that conservation NGOs, the multilateral development institutions and states, will identify reserved areas without taking into consideration the presence of the inhabitants living there, most of whom are usually indigenous. This is tantamount to taking over our territories.

### 4. Access to Resources

Several points in the Convention have given rise to concern from the Alliance over access to our resources. By promoting ex-situ conservation in the country of origin, the Convention overlooks the fact that this could be used as pretext for national institutions to take indigenous genetic resources in the 'national interest' and develop them on the basis that they are threatened and that compensation would not be necessary.

The same concerns arise with the promotion of biotechnology in Article 16. As a part of the deal between North and South, the North receives access to resources in return for recognising the South's rights over the resources. Indigenous peoples, on whose territories many of these resources lie, are thus written out of the scheme and consequently fear being laid open to gene hunters and bio-prospectors, granted access on the basis of national agreements, rather than indigenous consent.

The reference to intellectual property rights, raised in 8j and later in the Convention, is couched in the context of state sovereignty (16.2). This opens the possibility that if a state has no objection, the TRIPS mechanism will be operative as an intellectual property rights regime, although if under Article 12 of TRIPS, a sui generis alternative is promoted on a national level, the Convention will recognise this.

Unfortunately, there is no provision in the Convention to deal with the possibility that both TRIPS and the sui

generis national alternative IPR regime are not in the interests of indigenous peoples. In this climate the open-ended exchange of information advocated in Article 17.2 which promotes 'exchange of results of technical, scientific and socio-economic research, as well as information on training and surveyed programmes, specialised knowledge, indigenous and traditional knowledge' could be interpreted as providing open access to indigenous knowledge which does not receive the same protection as either States or large companies.

### 5. Funding Mechanisms

Articles 20 and 21 on financial resources and mechanisms are also matters of concern of the Alliance. This has occurred because the funding mechanism under Agenda 21 leaves much to be desired. There, the Global Environment Facility operates on the principle of only financing the incremental costs of global benefits, which considerably reduces the capacity and incentive for developing countries to promote projects. This is because national governments have to pay for the internal costs, while international mechanisms finance everything which is over and above that cost. This arrangement leads to problems for indigenous peoples and local communities in developing countries and many useful initiatives are lost. This also means that the GEF can only finance projects with indigenous peoples if we argue that our interests are not of national benefit, placing us in an insidious position in relation to our state governments.

The second concern is the way in which these international funding mechanisms work. The experience of the ITTO and GEF demonstrate that they suffer from all the problems encountered in the multilateral development banks in supporting top-down projects which in practice are weak on consultation and participation (not to mention control and consent when indigenous peoples are involved). For this reason, the Alliance is worried that the financial arrangements of the Convention will be implemented without due care and will continue to wreak havoc similar to that of the GEF and multilateral institutions.

## General Concerns

The Alliance is concerned that the Convention fails to incorporate the advances which we have made in other sections of the United Nations, particularly in the Commission on Human Rights, Working Group on Indigenous Populations and its draft Declaration on the Rights of Indigenous Peoples.

Our fear is that the Biodiversity Convention might limit the term 'indigenous' to cover local settlements living in isolated conditions. It increases the power of states to control our lands and resources; promotes further developments of protected areas without any consent from the peoples affected; it promotes and facilitates agreements between states and bio-prospecting companies to gain access to the genetic resources on our territories; and finally, it opens up the possibility for financial mechanisms to carry out a limited number of top-down projects to support biodiversity.

For this reason it is extremely important that all these concerns are taken up by the Secretariat of the Biodiversity Convention, so that we indigenous peoples can see that our rights and interests are catered for within the interpretation of the text. The legitimacy of the references in the Convention to indigenous peoples rests on the extent to which the articles are accepted as valid. Unless a positive interpretation can overcome these difficulties, we indigenous peoples will be very reluctant to make use of its terms.

## Interpretations which could ameliorate the problems in the Convention

This section consists of suggestions as to ways in which the Convention could be interpreted in order to strengthen the provisions for indigenous peoples and remove the threats which face us. The five main areas will be approached in turn:

### 1. State Sovereignty and control over resources

The constant reaffirmation in the Convention that States have sovereign rights over their own biological resources begs many questions and could be seen as an assertion of State rights over indigenous resources. There are several ways in

which this could be interpreted so as not to deny us our rights:

a) Whereas the phrase 'over their own biological resources' appears referring to States, it could be argued that 'their' refers strictly to State lands and not to areas where resources are owned by indigenous peoples.

Many States classify indigenous territories as 'public lands'. This statement should, therefore have no implication of condoning the dispossession of indigenous territories and resources.

b) Where the Convention refers to the sovereign rights of States, it should be made clear that this does not refer to the right of any government to alienate indigenous lands or change the law of land ownership unilaterally, such as is taking place currently in Brazil and Peru. As peoples living within the boundaries of States, indigenous peoples should have the right to control their resources.

c) Article 22 says that the Convention 'will not affect rights and obligations of Contracting Party deriving from any existing international agreement'. The rights of indigenous peoples, as they stand in the draft Declaration are minimum standards of indigenous peoples' rights and they should not under any circumstances be undermined.

### 2. Indigenous and local communities embodying traditional lifestyles

The Convention refers in the Preamble and Article 8j to the term 'communities'. The first positive point which should be noted by the Secretariat is that the term 'community' is a collective term. There are several references to the collective rights of indigenous peoples and this aspect of the Convention should be emphasised. However the term 'community' itself needs further elaboration.

The distinction between indigenous and local communities was clearly made for a purpose. A local community is normally considered to be a body of people living in the same locality. Thus, with no other distinction, it could contain indigenous or non-indigenous people; however, the Convention specifically marks out indigenous communities, and so the meaning must be more specific. An in-

digenous community must be defined not so much by its locality, as by its indigeness. (For example, a religious community or a professional community is defined by religion or profession respectively.) It becomes necessary, therefore, to see what distinctive characteristics an indigenous community has, which distinguishes it from other local communities.

a) An indigenous community is distinct from a local community (for example of peasant farmers), because whereas the local community is connected directly to the State, the indigenous community is, first and foremost, a part of an indigenous people.

b) Another approach is to see 'community' as an alternative term for a people. There are two arguments for this: in the first place, indigenous community is a collective term, as with people; and secondly, following precedents such as the pre-Second World War Greco-Bulgarian minority case which referred to them collectively as a 'community', it can be argued that community in the Convention stands in for the term 'peoples'.

However the Secretariat decides to interpret the term, the fundamental point is that the term 'community' refers to, and does not undermine, the term 'indigenous peoples'. Not to recognise this will clearly prejudice the text of the draft Declaration on Indigenous Peoples which has been approved by the UN Subcommission on the Prevention of Discrimination and the Protection of Minorities.

It could be argued that, in the context of an environmental convention, the term 'community' refers to the particular relationship between local groups and their immediate resources. However, this should not prejudice the use of the term 'peoples' anywhere else. The most logical solution would be to clarify the Convention with a reference to 'indigenous peoples and local communities'. This is clearly the way in which indigenous peoples will interpret the article.

Article 8j also refers to 'traditional lifestyles' which in this context refers to the process by which knowledge, culture and social practices are passed on through the generations. Traditional does not re-

fer so much to the content of the culture but the way in which a people preserves its identity. The term traditional should not be used to reinforce isolationist or primitivist notions of changeless peoples. This is particularly important because later in the same paragraphs, the article refers to 'innovations'.

The importance of indigenous peoples' contribution to innovative activity is well-documented. Ultimately, the principle of self-identification, recognised in ILO Convention 169, should be used to define terms such as 'traditional'. It should be treated in a dynamic manner, which looks at processes of continuity, rather than content. The term 'customary' would be a useful orientation to clarify the meaning of traditional in this context.

'Dependence on biological resources' arises in preambular paragraph 12, where the Convention refers to the importance which we indigenous peoples place on our lands and territories for our survival. This dependence means that without recognising indigenous rights to resources, a people or community cannot continue its traditional way of life. The first part of this preambular paragraph is thus a recognition of indigenous collective rights and how these are bound to our resources as well as the importance of respecting these for our survival.

### 3. Indigenous peoples and protected areas

The Convention's in situ measures seek to establish a system of protected areas, or areas where special measures need to be taken to conserve biological diversity. This is to be achieved by developing guidelines for the selection, establishment and management of protected areas and biological resources important for the conservation of biodiversity whether inside or outside protected areas. Many areas which are promoted for protection have indigenous peoples living in the areas, and yet the notion of 'indigenous territory' is not officially considered as a 'protected area'. Until this occurs, indigenous peoples will be extremely cautious about this provision in the Convention.

The way to avoid this problem is to ensure that indigenous peoples are recognised fully as the owners and managers in

any protected area on their territories and that in situ conservation takes place under indigenous control and with indigenous consent. Where the Convention promotes cooperation between states, inter-governmental organisations and the NGO sector for conservation of biological diversity on international, regional and global levels, it has to be born in mind that the indigenous movement is made up of peoples and not just NGOs. Indigenous peoples and organisations must be included in any decision which will affect us.

The Convention says in Article 14 that each state will 'introduce procedures for environmental impact assessment of projects with adverse effects on biological diversity and public participation'. This is a welcome addition to the Convention and indigenous peoples should be encouraged to use these means so that we can protect ourselves from the adverse effects of development projects. Indigenous peoples are in a strong position to ensure that no programmes and policies have adverse impacts on biodiversity. Where States encounter dangers to biodiversity, they are obliged to notify other States; but the people living in the State should be informed too.

Article 14 also mentions that the Conference of the Parties will look at liability, redress and compensation for biodiversity except where liability is an internal matter. However, in cases where biodiversity is under threat, the COP should understand that destruction of indigenous territories is not an internal matter. Since at least 1957, indigenous peoples have been subjects of international law; this means that states have international responsibilities to ensure that what takes place on indigenous territories is visible to the international community. Provisions should be established by the COP so that we indigenous peoples can report on the state of biodiversity in our own territories.

The International Alliance has a document of the basic minimum requirements for Conservation priorities and protected areas. This is included as Appendix B and provides the framework for interpreting this section of the Convention.

### 4. Access to Genetic Resources

The recognition of the sovereign rights of states over their natural resources

gives rise to a problem concerning access to genetic resources. All control appears to be in the hands of national governments and subject to national legislation. States are meant to create conditions to facilitate access to genetic resources by other States, yet nothing is mentioned about all the genetic resources which lie on indigenous territories. Open access to indigenous resources poses a serious problem for indigenous communities because this is the very process which most attracts colonists onto our lands. Access to all resources on indigenous territories should only take place with the prior informed consent of indigenous peoples. At the moment, only the Contracting Parties are specified in the Conventions, but this could allow a government to open up indigenous territories to any multinational bio-prospecting company, thus putting the protection of biodiversity at risk, not to mention the indigenous peoples ourselves. A way of avoiding this problem comes in article 8j, which refers to 'approval and involvement'. Approval here means consent and would be a useful starting point for approaching access to indigenous resources. Once indigenous approval is recognised as a principle, many of the concerns about the Convention can be reduced.

Assuming that prior informed consent is obtained from indigenous peoples, the next question is about the use and benefits arising from the access. Article 10 discusses use of the components of biological diversity and in article (c) contains a potential difficulty when it refers to protecting and encouraging the use of biological resources 'compatible with conservation or sustainable use requirements'. Any criteria for defining conservation or sustainable use must be based on indigenous peoples' own definitions. For example, a government or private company's sense of the term 'sustainable' {as in article (c)} could be very different from one based on indigenous practices. We do not want definitions of indigenous thrust upon us by outsiders, but to see ways of constructive agreement on principles which reflect our socio-cultural lifestyle and our own sustainable utilisation of resources.

The Convention addresses the desirability of sharing equitably the benefits arising from the use of traditional know-





*Colombian researcher from the Institute of Human Genetics at Bogota's Universidad Javeriana takes a blood sample from an Arhuaco Indian at Simonarua in the Sierra Nevada de Santa Marta region of northeast Colombia. Photo: Luke Holland*

ledge, innovations and practices relevant to the conservation of biological diversity and sustainable use. This recognises that resources cannot be plundered but does not state how arrangements between indigenous peoples and outside interests can be organised. Benefits can take the form of technology transfer, information and scientific cooperation.

However, such exchange of information shall 'include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialised knowledge, and indigenous and traditional knowledge as such'.

This is a problem for indigenous peoples, in that we might find that we are obliged to inform the world of our knowledge which other interests use as a basis for commodification, such as patenting of life forms and other features of our cultural heritage.

Although there are no easy answers to this problem, the International Alliance supports the recommended moratorium on bio-prospecting made by indigenous peoples in the Pacific in 1995 and is completely opposed to the patenting of life forms. Benefits must be arranged through mutual agreement not only with the interested State parties, but with all involved indigenous peoples. Further-

more, benefits should not be turned into a process where knowledge becomes commodified.

When looking at the issues of access, use and benefits - it is important to be clear that access is predominant. The right to deny access without prior informed consent and control over activities on indigenous territories is paramount. When that is respected, use and benefits can be negotiated.

### **5. Financial Mechanisms**

The financial mechanisms of the Convention which relate to indigenous peoples and our territories must be targeted to those of us most affected by the prob-

lems. The 'top-down' approaches of the multilateral institutions and the GEF are highly problematic because they do not include the full participation of indigenous peoples. More often than not, finance can cause more problems than it solves.

The provisions of the Convention refer more to the needs of States than of indigenous peoples. This should be remedied by careful consideration and preparation as to what money is needed for and that it genuinely contributes to the capacity of indigenous peoples to protect biodiversity, and not of States or multinational corporations to exploit it unsustainably while ignoring indigenous rights. This, unfortunately, has been the experience of the GEF. Before considering GEF funding, incremental costs must be abolished, because the financial mechanism will not work while they remain.

### Specific Points on Article 8j

In Article 8j, the first words, 'subject to its national legislation', imply that if national legislation does not recognise the subsequent provisions, they are not valid. This would seem unduly negative. A more constructive approach is to say that national legislation must secure the provisions in the article.

The article is in three parts. The first covers the same area as in preambular paragraph 12, but it also refers to intellectual property. Here the State will respect, preserve and maintain knowledge, innovation and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity.' This means, effectively, that the State recognises collective rights of us indigenous peoples to knowledge and practices as well to our resources as mentioned in the preamble.

The second part of 8j is significant because it says that the State will 'promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices'. Indigenous approval is important because it embraces the notion of consent. This should be understood as meaning that indigenous peoples are protected from the unilateral exploitation of our knowledge without our consent.

The third part of the article which 'encourages equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices' relates to the second part of the preambular paragraph. This has to be made dependent on whether the approval referred to in the previous part is forthcoming.

From an intellectual property rights perspective, 8j broadens the limited notion of 'intellectual'. Innovation and practice for indigenous peoples is not simply intellectual, but relates to the dependence on biological resources referred to in the preambular paragraph. In effect, the language of the Convention leads to a wider concept of access to resources, embodying cultural, intellectual and scientific knowledge and practices.

The implementation of this article will involve starting from the national legislation of the governments who have signed the Convention. The Convention should oblige States to respect indigenous peoples' rights both internationally, through the draft Declaration, and nationally, through different legislative mechanisms. Mechanisms for securing legal provisions to respect, preserve and maintain knowledge, innovation and practices, need to be worked out through a process co-ordinated by the Convention Secretariat and the COP, with full participation of indigenous peoples.

Outlines of how national legislation should be developed and promoted could be prepared by the Secretariat on the basis of a process of consultation with indigenous peoples. A discussion of sui generis rights will arise in this context. If indigenous peoples are to support this approach, it is essential that sui generis laws protect indigenous peoples' rights, and do not simply provide State governments with opportunities to plunder indigenous peoples' resources.

### Conclusion

The Alliance proposes that the Secretariat initiate a full and meaningful process whereby indigenous peoples and governments can discuss and hopefully initiate a positive and constructive interpretation and implementation of the Convention. There are several ways in which this could be done:

a) The COP could establish a Working Group on the CBD which operates on the same principles as the Working Group on Indigenous Populations, with free and open access. This Working Group could include experts, government representatives and indigenous peoples' representatives. This would enable indigenous peoples to report on the state of biodiversity on their territories and seek mechanisms for securing legal provisions to respect, preserve and maintain knowledge, innovation and practices. After it has agreed on procedures and how the indigenous provisions should be implemented, any COP Working Group should remain connected to the Convention in the long-term future and be prepared to listen to concerns of indigenous peoples.

b) The COP could also ask the already existing Working Group on Indigenous Populations to discuss intellectual property, biodiversity and indigenous rights at its meeting at the end of July where there is a large indigenous representation. This would have an advantage of using the experience of experts already familiar with indigenous questions to comment on the Biodiversity Convention. The UN Human Rights Centre could be encouraged to organise a Technical Seminar on the same theme.

c) The COP and Secretariat should work with the initiative to establish a permanent forum for indigenous peoples in the United Nations where indigenous peoples and biodiversity can be addressed along with other matters which affect us.

d) The Alliance suggests that the Secretariat does not necessarily try to solve the questions of indigenous peoples and the Convention immediately, but works out a process where agreements can be reached through a just and constructive set of arrangements. Support is urgently needed to help indigenous peoples carry out our own process of mutual consultation on our rights, our knowledge and biodiversity.

We indigenous peoples are, proportionally, one of the largest stakeholders in the Convention on Biodiversity and on this basis the International Alliance re-

quests the Secretariat to consider the following points:

1. The central point for implementing the Biodiversity Convention is the full recognition of indigenous peoples' rights. A constructive and useful interpretation of the Biodiversity Convention can only arise from the context of indigenous rights as a whole. The draft Universal Declaration on the Rights of Indigenous Peoples is the most useful document to date for the orientation (see Appendix C). Particular note should be made of the rights of indigenous peoples to self-determination, collective rights, control of our territories, access to our resources, recognition of our political and legal institutions and control of traditional knowledge.

2. No access to indigenous knowledge, innovation or practices should take place without the prior and informed consent of indigenous peoples. This consent clause is expressed in Article 8j as 'approval' and needs to be emphasised. State sovereignty expressed in this Convention must not override any indigenous rights.

3. Any initiative or co-operation undertaken between states or business and indigenous peoples must involve an equitable sharing of benefits, but only after consent is obtained. Funding mechanisms involving incremental costs should be avoided. □

## new IWGIA document (No.82)



# INDIGENOUS PEOPLES FOREST, AND BIODIVERSITY

**International Alliance of Indigenous-Tribal  
Peoples of the Tropical Forest, and  
International Work Group for Indigenous Affairs**

# THE AYAHUASCA PATENT

The Indigenous Peoples of the Amazon Reject the Stealing and Privatisation of their Knowledge

**T**he Co-ordinating Body of Indigenous Organisations of the Amazon Basin (COICA) has become aware that in the United States the formula for *ayahuasca* or *yage*, a compound of the liana *Banisteriopsis caapi* used by our peoples for rituals, has been patented under patent number 5.751. The use of the *yage* extends over practically the entire Amazon Basin among hundreds of indigenous peoples. This has been documented in hundreds of books, from the beginning of the arrival of the Spanish and Portuguese settlers and the missionaries who first penetrated the Amazon jungle in the sixteenth century.

This drink is a fundamental ingredient of the religious ceremonies and of healing for our people, and its utilisation for commercial ends is a real affront for the over four hundred cultures that populate the Amazon Basin. We ask: What would happen if an indigenous person from the Amazon tried to patent the host and the wine used in Catholic rites, or the kosher purification for the foods of Jewish believers?

We are sure that it would be considered to be insane, that you would not accept this request, and a world scandal rejecting this heresy would ensue. Then why are the elements of our sacred rites not respected in the same manner?

The person who has had the audacity of patenting this ancestral knowledge is Mr. Loren Miller, owner of the biopiracy company "International Plant Medicine Corporation", long known to indigenous peoples: in July of 1995 the COICA organised a national and international campaign to evict a corporate expedition of cinematographers and "scientists" who, with military backing, entered the Ecuadorian jungle to contact and film the Tagaeri people, a group of some 60 indigenous people that had resolved not to have any contact with western culture.

The campaign produced the desired effect and this dealer of indigenous cultures was forced to abort the project due to the pressure of indigenous organisations, conservationists and the same CNN production team that had sought to sell its documentary.

The Co-ordinating Council of COICA declares Mr. Loren Miller to be an enemy of indigenous peoples in the nine states of the Amazon Basin and prohibits his entrance or that of any official or technical assistant of the International Plant Medicine Corporation in any Amazonian indigenous community and will not be responsible for the physical consequences should they choose to ignore this resolution.

COICA alerts all indigenous peoples to the activities of this company and of all those which - with the pretext of finding cures for serious diseases - are appropriating the plants and traditional knowledge of our peoples. At the same time, we have intensified our international campaign to achieve the recognition of the intellectual property rights of indigenous peoples.

COICA calls upon the national governments of the region to publicly disavow its pretension of appropriating the knowledge that is the patrimony of indigenous peoples, and therefore of the cultures of each of the nine Amazonian countries, and we hope they will make a convincing response to the charge that this act of piracy is extended to other areas of the culture, science and the techniques of the underdeveloped countries.

Finally, COICA, in letter sent to President Bill Clinton, has requested that the government of the United States review the granting of this patent that - we repeat - is a true affront not only for the culture of our peoples, but for the same intelligence of all humanity.

Quito, 24 June 1996

Valerio Grefa  
General Coordinator  
COICA



# BOLIVIA

by Wigberto Ribero



the March  
of  
territory

The recent mobilisation of indigenous peoples was organised by the Confederation of Indigenous Peoples (CIDOB) and demonstrated to the country the new relations between the State and indigenous peoples. From being an original orthodox protest movement strongly influenced by a workers' ideology it has adopted new styles of relations in which confrontation has been put aside in favour of a purposeful, coherent, capable and tolerant indigenous movement.

Since the beginning of the 1980s, CIDOB has nurtured an organisational base which, with regard to its proposals and reivindicatory strategies, is primarily ethnic in character. For the first time in the Bolivian Republic, the indigenous peoples of the Amazon basin and the Chaco, peoples with a long history of social marginalisation, formally approached the State with concrete and realistic demands such as for rights to territory, cultural identity, the management and conservation of the natural resources, intercultural bilingual education and laws which guarantee the multiethnic character of the country.

The increasing maturity and organisational strengthening process which the indigenous peoples have undergone reached a high point in 1990 with the March for Dignity and Territory which indigenous peoples from different groups undertook to bring together the Amazon with the seat of government in La Paz. The aim of the march was, among

other things, to gain recognition as original peoples, the provision of indigenous territories and the approval of an Indigenous Law.

This peaceful and hitherto unheard of type of demonstration achieved not only Bolivian recognition for the indigenous cause, but the government also recognised indigenous rights to territorial property and natural resources thus putting a stop to their progressive oppression by lumberers, cattle ranchers, agroindustrialists and colonists. Over and above these significant achievements which represented a historical step forward for the indigenous movement, the Amazon march began a new era of relations between the state and the indigenous peoples.

CIDOB and its regional organisations showed a decisive organisational strength comprising organisations such as: the Centre of the Indigenous Peoples of Beni (CP-IB), the Guaraní People's Assembly (APG), the Indigenous Centre of the Amazon Region (CIRABO), the Wcenhayak Organisation (ORCAWETA) and the Ethnic Coordination of Santa Cruz (CPESC). This strength made it possible for Bolivia to become part of important international agreements such as the Congressional Ratification of ILO Convention 169 on Indigenous Peoples and the creation of the Development Fund for Indigenous Peoples of Latin America and the Caribbean, as well as national action which made the Constitutional Reform possible. This Reform

recognises the multiethnic and plurilingual character of the country together with the Education Reform for intercultural bilingual education and Popular Participation.

But all three advances could have been cut short without reform of the agrarian, hydrocarbon and forestry legislation. CIDOB led a movement of lobbying and persuasion at the national level for the inclusion of an indigenous dimension to the hydrocarbon, forestry and the agrarian reform. With coherent proposals, the Bolivian indigenous organisation began to debate the contents of the new laws which for the first time took into account the original right of the indigenous peoples and their enjoyment of the natural resources and their conservation.

Thanks to support from CIDOB, the Forestry law and the Law of Hydrocarbons have been approved with reference made to indigenous rights. Territories occupied by indigenous peoples are guaranteed as necessary spaces for their survival, and they are given priority over the use, management and conservation of the natural resources.

But one of the last stumbling blocks facing the CIDOB led indigenous movement is the lack of security over lands and territories which should be guaranteed by an Agrarian Reform Law. Together with *campesinos*, colonists and agricultural businessmen, CIDOB has been debating the Law for the Modification of the National Service of the Agrarian Reform since its inception in 1995 with the government. Important agreements have been made but in the end, nothing has been fulfilled because of the effects of these agreements on the interests of the landowners who always control the land.

Tired of being outmanoeuvred in the approval of the Agrarian Law, the indigenous peoples, together with *campesinos* and colonists, began another march from three different parts in the country. This New March was for 'Territory, Land, Political Rights and Development'. A human column of nearly three thousand indigenous people left Santa Cruz for the capital, La Paz, to ask the government and the politicians to approve the Agrarian Reform Law, called INRA.

The March was comprised of members of some 30 different indigenous peoples



Photos: Alejandro Parellada





from the Amazon and Bolivian Chaco areas. After travelling some 200 km they entered into a dialogue with the government which promised a positive response to their demand for titling of their territories and the approval of the INRA Law (the new agrarian legislation) which provides security for their original right to the land and the natural resources.

Without disbanding this legitimate march which had made a staging post at Samaipata, CIDOB carried out negotiations in the most open way possible with the government of President Gonzalez Sanchez de Lozada. They managed to extract a commitment to approve the Agrarian Law, the titling of approximately 6 million hectares of territory for the indigenous peoples, the implementation of a national Fund for Indigenous Peoples, the creation of Special Indigenous Municipalities and the authorisation of identity cards for the indigenous population.

The achievements of the indigenous movement of the Bolivian Amazon and Chaco over the last six years have been due to the strength of its organisation, its democratic character and its purposeful training. CIDOB has always promoted dialogue as its methodology which has meant that its historical achievements, if we compare them with the indigenous peoples from the Andean region, have been greater than what was thought possible in political terms. For example, in Bolivia over the last 40 years of the Agrarian Reform (1953-1992) *campesinos* have received 4 million hectares of land in the Andean region while in the Chaco and Amazon with the approval of the new Agrarian Law, almost 8 million hectares were legalised.

After what CIDOB and the indigenous movement has achieved, the Bolivian State cannot ignore the multiethnic character of the country. This is even more the case now that the political reforms have opened up the possibility for the indigenous peoples to participate in the election of the different levels of State power, such as by becoming municipal and uninominal councils. The experience and the organisational capacity of the indigenous peoples guarantees the construction of a new society with cultural, linguistic, social and economic equality.

# ARGENTINA



## "In order to have our demands Peaceful

by Morita Carrasco

"Today all our communities from fiscal blocks 55 and 14 are present here in La Paz. Grandparents, parents and children, have arrived by tractor, bicycle and on foot. We have come to occupy this position at the head of the international bridge over the Pilcomayo because we are united in our aims: we want a reply to our demand which we made to the Salta government years ago for the title to the lands which we have always lived on. We are not here to fight or make trouble, instead we are asking you to listen to us and support us and not to continue to harm us". This is the beginning of an 'open letter to the Governor of Salta Province, Dr. Juan Carlos Romero' dictated by the Association of Aboriginal Communities. Lhaka Honhat in a hopeful attempt that he will hear us and our demands that the law be complied with. This indigenous demonstration was decided at the Association's meeting of the Council of Leaders which took place on the 27-28 July after many years of patient

waiting. In July 1994, faced with a project for dividing into lots the lands inhabited by five of the original peoples of Argentina - *Wichi (Mataco)*; *Iyojwaja (Chorote)*; *Nivakle (Chulupi)*; *Kom (Toba)*, and *Tapy'y (Tapiete)* - a group of leaders and community representatives met and drew up a 'joint declaration' for the provincial government. In this declaration they presented their demand for one single collective title for a "strip of territory from Hito Uno in the west to the border with Formosa in the east, taking the river Pilcomayo as the northern border and an imaginary line 40 km from the river at its central part and to the east, and 60 km towards the east from the Vertientes to Pozo el Mulato. They would certainly not accept the subdivision of the land into plots."

In 1991 the 27 communities organised themselves and sent the government the documentary basis for their demand which included: a map of the areas and their economic use and settlements, a population census, a historical testimony of the their occupation since time

immemorial and the international, national and provincial legal grounds for their rights. Before completing its period of office, the government together with representatives of the communities signed an act of agreement which committed them to award "a single undivided area with a single title and of sufficient dimensions for the development of their traditional ways of life".

This agreement was legally recognised by the government through decree 2609/91 which obliged it to comply with the agreement made. Nevertheless, according to the press release on 30 July by those involved which announced the occupation of the bridge, "they are playing with us, saying 'wait a little while longer'. But while we wait they continue with their plans: occupy our land, make roads, erect fencing and settlements and now make their bridge in La Paz and say that we must leave to make room for them."

In the third meeting of the Commission for the Integration of Chaco-Paraguay-/Chaco-Salteño the focus of interest was on linking the two countries by a bridge between Mision La Paz (Argentina) and Pozo Hondo (Paraguay). For the members of the Commission the bridge not only linked the two countries



## protest in Argentina, Salta Province

# heard"

but was a means of facilitating the Bioceanic Corridor (Atlantic-Pacific). For this Corridor, improvement work on the national and provincial routes will be necessary. The governor of Salta has indicated that these plans have already been incorporated into the provincial budget, although many people doubt that they can be achieved in the near future given the difficult financial situation in the province due to the country's economic adjustment plans.

Although still to be evaluated, these construction works are said to interest Paraguayan and Brazilian businessmen and producers who see them as a way of exporting their products via Salta to the Chilean ports through the projected Tartagal-Salta-Paso de Sisco Corridor and from the Chilean ports of Antofagasta and Iquique to the markets of the east and the west coast of the US. This would generate a greater flow of commerce by road. Without any previous analysis of the environmental or social impact which might take place as

a result of these construction works in a territory already endangered through years of destruction from irrational forest and cattle exploitation, the benefits appear to moving even further from any improvements for the environment and the people living there.

The indigenous perspective is against the works: "We occupy this place where our grandparents lived long before the first white person and we know that after this bridge is built people who want to make use of us and our lands will arrive. Since their first arrival we have always received white people well. We have not

huge pastures, an abundance of forest fruits and wild animals, the land is being turned into a desert by the cattle which the Creoles have brought. They do not bring development, they bring poverty."

At the beginning of the century, cattle ranching families from other provinces sought permission from the national government to found a colony on indigenous territory. In spite of the restrictions imposed on the colony leaders to protect the water holes and the best pastures, they left their cattle to roam freely and in a short space of time led to the definitive destruction of the pasture and an extension of the scrubland, destroying the necessary equilibrium which was needed for this immensely rich environment to reproduce its biodiversity.

In 1992, when the indigenous communities began to set up their own organisation (they now comprise 35 communities) we were brutally affected by the first great outbreak of cholera in Argentina. Many died, meanwhile others tried to 'negotiate' through political campaigns for social action. In another sense, the epidemic laid to rest the old

myth of Argentina as a 'white country'. Day after day during the long summer, by means of television screens the indigenous 'Argentines' entered all our houses, they sat down at our tables and talked to whoever cared to listen about their needs, their struggle, their hopes and their desires. More than one government official was forced to recognise his own ignorance and admit that Argentina was a multiethnic country, albeit embar-



*Photo: Morita Carrasco*

said "you cannot come in here". But we have learned the hard way that we need a property title for our lands so that they will be respected and so that we can care for the land and the resources on which we live. Here, where once there were

rassingly marginal and poor. Nevertheless, even today many do not appear to want to understand.

In the same year the Association of Aboriginal Communities, Lhaka Honhat, received official recognition. From



*Photo: Frank Schvindt*

1993-95 it formed part of a governmental commission to study ways of implementing the agreement. This commission, which also comprised Creoles, technicians and scientists, produced its recommendations in April 1995, but the government ended its term of office without taking any legal responsibility for their implementation.

Today, despite the changes of government since the act of agreement was signed and a concrete proposal for the implementation of the handover, indigenous rights continue to be violated, the abuses continue and the region is increasingly impoverished. "We could make a long list of the ills we suffer on a daily basis. We do not want to blame you, Señor Governor, for this, but we are replying to you because we know that it is your government which ought to be helping us to find solutions. We have made many denunciations to the authorities but have never received a reply. We mention the timber which continues to be cut in many areas even though this is prohibited and we have denounced it repeatedly. They are cutting the green carob trees to make charcoal and taking the fruit from the mouths of our chil-

dren. We have mentioned the fencing the Creoles erect around their settlements on our lands and they do not let us pass to hunt or collect fruit and honey. There are areas where they do not even let us take water although we were the first people living in these places."

And now, the construction of the international bridge is threatening to ignore us as the legitimate owners of the land. "We have asked the authorities to ensure that we have our land title before carrying out these big projects where we live. They are fiscal lands and the law recognises our rights to their possession and property. They talk of Mercosur but for us our land is a safer bet."

Demanding the fulfilment of these rights (Article 75, clause 17 of the National Constitution, Law 6469/89 and Provincial Decree 2609/91) the indigenous peoples peacefully occupied the head of the international bridge and halted any further work until the governor initiated direct dialogue with the demonstrators for the search for a permanent solution.

Day and night for more than three weeks, entire families from distant areas lit their fires on the bank of the river

in the hope that the governor would come for talks. More than 1,300 persons including elders, women and children who had left school to be present with their parents listened to the news on a communal radio which transmitted each step being taken in the long series of measures taken by many friends and organisations supporting the indigenous struggle. These supporters lobbied and campaigned with the Association's mandate in Salta as well as in Buenos Aires. They suffered considerable aggravation from the non-indigenous population. There was official provocation by the Gendarme, the engineers responsible for the bridge building and non-indigenous neighbours but they were determined to continue their protest peacefully.

In a letter of the from 1 September, written from the demonstration site at the bridge, the association announced the "principles for the awarding of lands of fiscal lots 55 and 14" (a total of 600,000 hectares): 1) they must explicitly recognise the rights of the indigenous peoples to the lands which they traditionally occupy (National Constitution, Article 75, clause 17) and other laws. 2) The form of award has to allow for a

slowing down of the process of environmental deterioration and begin the process of recuperation. 3) The fiscal lots (55 and 14) had to be maintained as one as established in decree 2606/91 in order to allow an integral solution for all the inhabitants of both lots. 4) It is a fundamental that the land be awarded in a single title for a single area of land with no prior divisions. 5) The distribution of lands should be proportional to the respective populations (indigenous and Creole). According to the indigenous population figures, two thirds of the total surface of the two lots corresponds to the indigenous peoples and one third to the Creoles. 6) There should be provision made for the creation of ecological conservation areas. Finally, they wanted the guidelines and norms for the permanent award of the lands from the two fiscal lots to be established within a period of thirty days and laid down by decree, that is, the establishment of the stages and steps for the titling process, the mixed management authority and a clear definition of the titling model for the lands of the indigenous and Creole peoples.

The indigenous peoples received strong support and solidarity over this period and without doubt there was considerable pressure from different social, political and religious institutions on the provincial government. As a result of all this, but above all because of the patient and peaceful demonstration of the indigenous families, finally, on the 16th of September the Government Minister, Señor Torino (as the governor's representative) came to the bridge to talk with the demonstrators. In the morning they explained to the minister that they would stay there until the bitter end in the expectation of a statement from the government in respect to the claims they had been making for a very long time.

In the afternoon, after much suffering, slowly on foot, by bicycle and by tractor, as they had arrived the families returned to their communities.

The 30 days following the indicated date will be a key time for the government to finally recognise the long awaited territorial claim by the indigenous peoples of this area of Argentinean Gran Chaco.

*Morita Carrasco is a docent at the University of Buenos Aires*



**Indigenous Affairs**  
INTERNATIONAL WORK GROUP

Fiolstraede 10  
DK-1171 Copenhagen K  
Denmark  
Phone: + 45 33 12 47 24  
Fax: + 45 33 14 77 49  
e-mail: iwgiaw@pip.dknet.dk

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## Sustainable Development in Madre de Dios: protected areas, local peoples and energy development

PERU

by Héctor Sueyo

**T**he indigenous peoples of the Peruvian Amazon are extremely concerned because a huge area of the rainforest has been divided into lots and handed over in concessions to the big oil companies for oil exploration and exploitation. The government has turned a blind eye to any means of participation by the indigenous population which would guarantee careful treatment of the biological diversity of the Amazon and respect for the rights of the indigenous peoples who have lived in harmony with the environment since time immemorial.

On the 26th of March, 1996, the Peruvian government issued a supreme decree which authorised a hydrocarbon exploration and exploitation licence in the Department of Madre de Dios for up to 40 years to the company Mobil Exploration and Producing Peru Inc., Sucursal Peruana (USA) and Elf (France), for lots 77 and 78. Lot 77 is situated in the headwaters of the Piedras River, an area traditionally used for hunting, fishing and gathering by the 'Mashco Piro', 'Nahua' or 'Yora' and 'Yaminahua', indigenous peoples who have had almost no contact with the national society and have chosen to remain isolated. Lot 78 encompasses the headwaters of the rivers Tambopata, Inambari and Karene where my people, the Harakmbut, live. They number some 1500 inhabitants (Amarakaeri or Arakmbut, Wachipaeri, Toyoeri, Saptieri, Kisambaeri and Pukirieri). This is also the territory of the Yine (Piros) and Matsigenka. The Upper Karene area is

furthermore an area included in the proposed Amarakaeri Communal Reserve to be under indigenous administration. It also covers the Tambopata-Candamo Reserve and the proposed Bahuaja-Sonene National Park which is the ancestral territory of the indigenous Ese-cja.

The representative organisations, the federations of natives (Federation of Natives of Madre de Dios - FENAMAD) and agriculturalists (Agricultural Federation of the Department of Madre de Dios - FADEMAD) had no opportunity to negotiate their own interests, although they were consulted by Mobil but not by the government, despite the fact that the Peruvian government ratified ILO Convention 169 in December 1994. Article 6, paragraph 1 reads:

*"In applying the provision of this Convention, governments shall: consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly."*

On their own initiative, FENAMAD and FADEMAD, together with the Provincial Municipality of Tambopata, and with the support of the Conservation Coordination of Madre de Dios and the Working Group on the Impact of Hydrocarbons in the Amazon, organised a forum for 'Sustainable Development in Madre de Dios'. The meeting was funded by Trees (The Tambopata Reserve So-

ciety) and IWGLA and there was huge support from delegates from all the indigenous and agricultural communities affected by the future activities of Mobil. The meeting took place on 9-10 August 1996 with the express aim of hearing the opinions of the communities directly affected by Mobil and to promote and stimulate public debate about the presence of the consortium Mobil, Elf and ESSO. The meeting discussed themes including the legal conditions for exploration and exploitation of non-renewable resources, the protection of natural protected areas and the relationship with indigenous territories in the exploration phase. The communities which participated showed themselves to be capable of monitoring any possible contamination of their territories.

270 people took part including representatives of the indigenous communities, agriculturalists, NGOs, professionals from the Faculty of Forestry Sciences from the University of San Antonio Abad, Cuzco, which has headquarters in Puerto Maldonado, the Puerto Maldonado Federation of Shanty Towns and the Conservation Coordination of Madre de Dios, an employee of Mobil, a representative of PetroPeru and Member of the Peruvian Congress, Alejandro Santa María Silva.

Unfortunately the government representatives invited, such as the Peruvian Indigenist Institute, the Ministry of Agriculture and the Ministry of Energy and Mines did not participate. The delegates from the communities were irate that they did not attend.

On the first day of the forum there were presentations by various experts in the field of hydrocarbons and indigenous rights. This included a talk from Alfredo Lazarte from Mobil who tried to explain the exploration work which the company was going to carry out in Madre de Dios. However, Mr Lazarte could not, or chose not, to reply to the many technical questions which the public put to him.

The second day consisted of 12 workshops at which the rights and desires of the indigenous and agricultural representatives were discussed in relation to all the extractive work which was currently being carried out in Madre de Dios.

The representatives elected FENAMAD and FADEMAD and the Municipi-



pality of Tambopata as representative organisations of the communities living in the region. Our work consists of carrying out the desires of the indigenous peoples and the agriculturalists. One part of this enormous task will be gathering and disseminating information about all aspects of the work of Mobil in Madre de Dios. To this end, the organisations together produced a total of 13 conclusions from the 12 workshops with the representatives of the communities. They decided to publish these so that the Peruvian people can learn about the issue and support the struggle to defend our rights.

Some of the conclusions were as follows:

- That the process of sustainable development be directed immediately by the Provincial Municipality of Tambopata together with FENAMAD and FADDEMAD, the university and other bodies which were invited to form a committee to draw up a Sustainable Development Plan.

- That Mobil make a commitment to respect the integrity of the rights of the workers, the population and the indigenous communities as laid down in the Constitution, laws, agreements and treaties currently in force within the Republic of Peru and those in force in their country of origin, and that this be monitored by a Permanent Local Commission.

- That Mobil scrupulously respect the way of life of the native communities and halt any attempts to contact the uncontacted people and peoples, to this effect Mobil should carry out its flights outside of the areas of influence of the un-contacted peoples.

Each person has the right to a place where they can live peacefully without any threat of their territory being endangered or invaded. Our traditional territories are situated in Madre de Dios and we see them being threatened by Mobil's work. We would have preferred that Mobil had not entered at all but now that they are there we want them to guarantee the protection of our lands from the threat of any type of disaster.

As a sign of their good faith, it is important that they approve our proposal to include representatives of the affected communities in the monitoring of the different stages of exploration and exploitation of the natural resources which they find on our territory. This would be carried out in accordance with Paragraph 4, Article 7 of ILO Convention 169:

*"Governments shall take measures, in cooperation with the peoples concerned, to protect and preserve the environment of the territories they inhabit."*

FENAMAD has already organised a programme of selection and training of persons suitable for taking part in this monitoring. Given that the Peruvian government sees the exploitation for oil as a

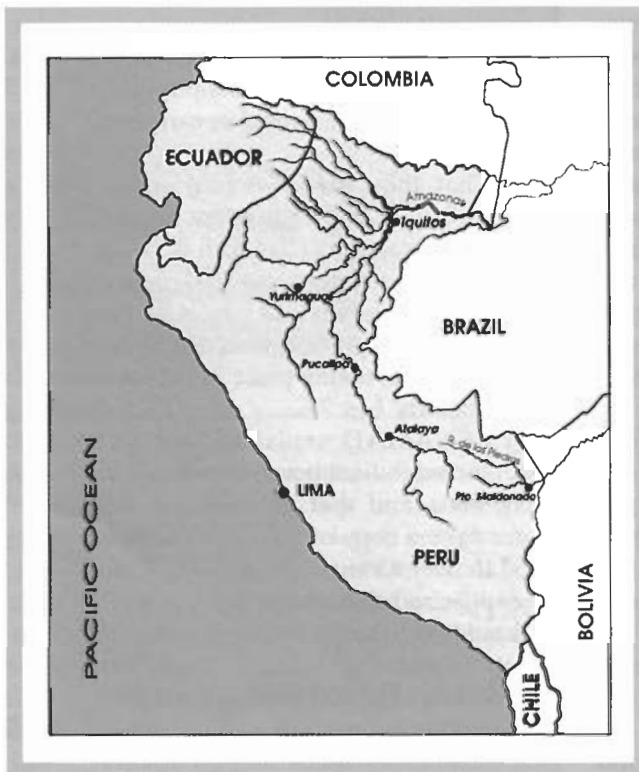
*fits of such activities [use of subsoil resources] and shall receive fair compensation for any damages which they may sustain as a result of such activities" (Article 15, paragraph 2, ILO Convention 169).*

One of the most important questions which Mr. Lazarte was asked was "What is going to happen to the toxic production water which comes to the surface when the oil is extracted?" He replied that he was not in a position to answer because they had still not found oil in the region. We must remember that Mobil is a multinational company which has more than 100 years of experience in oil exploitation in many countries. At present, it has many different methods available to it for extracting the oil. For example,

in the US it uses a process of reinjecting the production water back into the ground. So why does Mobil say it does not know how it will dispose of the production water? This worrying silence can be interpreted as an intention to avoid spending the necessary money to ensure the protection of the environment of Madre de Dios (which has a very high level of biodiversity). We know that the method of reinjection is expensive but after the environmental disasters in Ecuador, it would be extremely greedy of Mobil not to reinject only to save some thousands of dollars. It is also worth considering that with tourism bringing in increasing income for the people of this country, few tourists will want to come to visit a contaminated and ruined rainforest. For this reason, among others, we have to do all we can to protect and preserve our precious environment.

In early September, Mobil bought out the company, Petrolube, and it now owns 47 per cent of all lubricants on the Peruvian market. This only goes to show that Mobil is not short of money: "Why then can Mobil not guarantee that it will reinject the toxic water instead of dumping it in the rivers?"

Article 4, Paragraph 1, of ILO Convention 169 states:



benefit to our country, it would please us to work together with the government to ensure that the norms it has ratified are adhered to. In this way, the government would guarantee the cooperation of the communities in the work which Mobil proposes to carry out on our titled traditional territories.

*"The peoples concerned shall wherever possible participate in the bene-*

*"Special measures shall be adopted as appropriate for safeguarding the person, institutions, property, labour, cultures and environment of the peoples concerned."*

Who will ensure that Mobil complies with this regulation? Only the government has the power to do so, a government which fortunately has guaranteed the UN that it will defend the rights of the indigenous peoples. As representatives of the indigenous people, FENAMAD greets the government, thanks it for its written commitment and waits for it to be true to its word. We are ready and waiting to collaborate in this important task.

When sending this to the government, we particularly emphasised the most important conclusions of the Forum on 9-10 August 1996: protection of the environment and respect for our rights, a theme which has captured world attention. The forum is the first opportunity which the indigenous peoples of Madre de Dios have had to voice their opinion on the extraction of natural resources on their territories. The other conclusions are listed below so that the public can have access to them. They confirm that we have rights which the State recognises with respect to the activities which are being carried out at present on the titled territories traditionally occupied by our communities.

We know that the extraction of natural resources which is being carried out on our territories is an opportunity for the economic development of our country. The only thing we demand is that the rights which the Peruvian government has recognised are respected.

We want people's welfare to be reflected not only in social, cultural, moral and spiritual areas but also material. We want a sustainable development which merits the name and encompasses everyone, not some at the expense of others.

We believe that a real sustainable development ought to unite four values: environmental protection, a secure future, quality of life and an impartial social justice system.

*Héctor Sueyo is a Harkambut indigenous person.*

## OPEN LETTER FROM FENAMAD

### MOBIL

J.R. Donnaway,  
PO Box 650232  
Dallas, Texas  
75265-0232 USA

Dear Sir,

On 26 March, Peru-Petro and a consortium consisting of Mobil, Exxon and Elf signed a contract for oil exploration in lots 77 and 78. Soon after this, Grant Geophysical, the company contracted by Mobil to carry out this work, visited the office of FENAMAD and spoke with the current leadership. During this meeting the following points were established:

- 1) That in Lot 77, the oil company Mobil, through Grant Geophysical, had contracted personnel to carry out seismic work.
- 2) That they would employ indigenous guides and translators in case of any contact occurring with isolated indigenous groups.
- 3) That the indigenous guides working in the seismic tests would monitor the activities taking place in the lots, particularly Lot 77.
- 4) FENAMAD explained that uncontacted indigenous groups lived in the area, and that although we did not have a copy of the Environmental Impact Assessment for Lot 77, we emphasised that Grant Geophysical should take the greatest care to avoid any contact at all with our Yora, Yaminahua, Mashco-Piro and Amahua brothers.

Uncontacted indigenous groups are extremely vulnerable and Mobil is aware of this because it is written in one of the company's EIAs entitled 'Description and Evaluation of Impacts IV-6, 4.2.3.B, On the Uncontacted Native Population'. 'Any meeting which might take place with these people will be negative, principally, because of the risk from catching diseases against which these people have no defence...'

Mr. Armando Lazarte, representative of Mobil, said in the Public Forum on Oil Exploration in Puerto Maldonado on August 9th and 10th that helicopters do not cause environmental damage and that thunder makes more noise than a helicopter. Apart from the inappropriateness of this comparison with a natural daily event is the fact that a helicopter hovering above the communal houses of our uncontacted brothers constitutes a serious social impact. This is a violation of their rights.

We wish to call your attention to some events which show us that the work which is currently being carried out by the contracted company Grant Geophysical is dangerous and gravely threatening the lives of the uncontacted indigenous peoples of the Madre de Dios.

In June and July two of our indigenous brothers, Abel Silvano and Daniel Ponciano, along with others from the indigenous community of Monte Salvado, were hired by the company as guides and interpreters.

These men informed us that one evening in the middle of June, at about 4 pm, the guides were passing an affluent of the river Piedras with the heads of the work teams and met a group of 'uncontacted' indigenous Mashco-Piro. They consisted of four men and carried arrows. They spoke at a distance of 10 metres and tried to give them clothes. The 'Mashco-Piro' threw the clothes away, and indicated that they could see that the gift-givers were not their own people. The Mashco-Piro backed off until they were close to their companions.

The next day a group of Peruvian and foreign technicians from Grant Geophysical, supplied with still and video cameras, returned to the place of the encounter but did not come across our uncontacted indigenous brothers there.

Past experience makes us certain that our brothers Yora, Mashco-Piro and Yaminahua do not want to leave their current state of life because they remember the epidemics and death which took place as a result of the capture of the Yora population by the Shell Corporation and loggers, a few years ago.

# TO THE MOBIL OIL CORPORATION

A few days later, members of the native community of Monte Salvado who are workers for the seismic company, flew with other personnel in a helicopter to seek out possible uncontacted people in order to have better evidence about the casual encounter. During the flight, the helicopter hovered low over one of the communal houses.

The uncontacted indigenous brothers scattered and fled at the presence of the helicopter. Witnesses have been able to see during the flight that there were numerous communal houses in different areas. They think that there could have been as many as 35 and from this a total number of inhabitants could rise to 1,500 people.

Naturally these events concern us enormously because they demonstrate the irresponsibility of the company and we consider that they violate the assurances which we were given by Grant Geophysical and run counter to the recommendations of Mobil's EIA.

The social impact which this sort of activity can have is extremely serious. We do not have detailed information whether this community is now definitively abandoned and relocated elsewhere, although it is possible that they could go to the Manu National Park. This could lead to conflicts with the indigenous peoples of the area, as occurred previously among the Yora (Nahua) of Cashpajali and the Matsigenka of the native communities of Yomibato and Tayakome in 1985, which resulted in deaths on both sides.

In the same way, it does not surprise us to hear that some of these indigenous brothers have shot at one of the workers of Grant Geophysical with an arrow. For Grant Geophysical has invaded their territory without permission and has provided no warning or special agreement. For this reason, it is understandable that they have taken the only action which they see as adequate to defend their lands against what they consider to be a threat to their existence.

We also know from personal sources from the company, that a work team on

the seismic line of Lot 77 which goes from the southwest to northwest, crossing the river Amigos and Lidia, surprised a possible Mashco-Piro who was looking at the camp. The workers from the company came upon him from behind on the path. The Mashco-Piro was scared and fled. The workers followed his footprints until they came to an empty settlement of communal houses; however, the Mashco-Piro had escaped further into the forest where no one could harm them.

We are concerned that in these helicopter flights, Grant Geophysical is not taking measures to avoid flying over the territories of these peoples. According to witnesses from the community of Monte Salvado, the Mashco-Piro live isolated from the rest of Peruvian society of their own free will. They have had some experience of western culture owing to previous contact and many of them have died from contagious illnesses spread by outsiders. For this reason, it is natural that they flee from the noise of helicopters caused by irresponsible pilots fearing the harm which could befall them. Special situations require special treatment, especially if this places human lives at risk and the whole existence of an indigenous people.

In conclusion, we consider that all those people or institutions who know the serious risks they are taking (as is the case with Mobil) and who cause uncontacted peoples to enter into forced contact and involuntary displacement from their territories, are fully responsible for the serious harm and deaths which these peoples could suffer.

Protection against situations of this sort are enshrined in national and international legislation as the crime of genocide (Convention on the Prevention and Punishment of the Crime of Genocide and Article 129 of the Peruvian Penal Code).

FENAMAD therefore proposes the following emergency measures:

1. Understanding as 'territory', the 'total environment of the areas which the (indigenous) peoples concerned occupy or

otherwise use' (ILO Convention 169, Article 13);

2. Understanding as 'contact' any entry by air, water or land which Mobil makes into the territory of the uncontacted indigenous peoples.

We further propose:

1. That as soon as possible, a committee be established including both FENAMAD and Mobil, to define the area of the territory belonging to the uncontacted indigenous peoples in Lot 77.

2. That Mobil agrees not to carry out any work in the territory of the uncontacted indigenous peoples.

3. That in the case that Mobil does not comply with this agreement, whether or not immediate fatal consequences take place, Mobil realises that it will be answerable for the consequences both in Peru and in appropriate international tribunals.

Signed: Council of FENAMAD  
cc. Defensoria del Pueblo  
Comision de Amazonia y Medio Ambiente del Congreso de la Republica  
Comision de Derechos Humanos del Congreso de la Republica.

AIDSESP

ILO

IWGIA

TREES

Oilwatch

Instituto Nacional de Recursos Naturales, INRENA

Instituto Indigenista Peruano

UN Working Group on Indigenous Populations

Amazon Coalition, USA

Comision de seguimiento Post-Forum 'Desarrollo Sostenible de Madre de Dios'

Grupo de Trabajo sobre los Impactos de los Hidrocarburos en la Amazonia Manu National Park

Centro de Salud Pilcopata

World Rainforest Movement



# THE HIDROVIA PROJECT

*attacking the heart*



*The way we understand it, this project is a new way of destroying what remains of the indigenous peoples. General Resolution 1. International Meeting of Indigenous Peoples of the Plata Basin<sup>1</sup>.*

The invasion of indigenous territories in South America still continues today but in more subtle ways than the confrontations and wars of earlier days. Today we have the Hidrovia Paraguay-Parana project which will destroy the indigenous peoples' natural sanctuaries and lead to hunger, misery and their eviction from their ancestral territories.

Over the second half of this century the indigenous peoples have been bravely resisting the cultural and economic hegemony of the dominant society which, nowadays, takes the guise of a mosaic of projects aimed at the definitive occupation of the heartland of Latin America. These projects are an attempt to turn the indigenous peoples' struggle for cultural preservation and their individual and collective survival into the idealised dreaming of people from a different epoch.

The environmental changes which have occurred in this region of Latin America will degrade the natural habitat in such a way that the indigenous peoples will be bereft of their ancestral resource base and the reference points of their lives. Then they will have no alternative but suicide - as is now happening among *Guarani-kaiowa* youths in the Mato Grosso of southern Brazil - or acculturation and 'integration' into the dominant way of life. This generally takes place through cultural, economic and social 'lumpenes'.

**by Mauricio Galinkin**



### **The organisation of the struggle**

Nevertheless, the indigenous peoples of the region are continuing to resist those who want to destroy them. They are organising themselves to lobby the governments and international UN agencies responsible for the development of the Hidrovia Paraguay-Parana project. When the Rios Vivos Coalition (Living Rivers Coalition) was created at an international seminar in San Pablo, Brazil, in December 1994, indigenous representatives ensured that they had a place on the Executive Coordination Body. During the Coordination Body's meeting in June 1995 in Asuncion, the indigenous representatives organised a parallel meeting and produced a manifesto "to alert the so-called civilised peoples".

In January 1996 the Indigenous Peoples of the Pantanal held a preparatory meeting in Aquidauana, Mato Grosso do Sul, Brazil. There the question was raised: "Why do they want to destroy the natural water system?" On 25-26 April, another preparatory meeting was held in Santa Cruz de la Sierra, Bolivia, organised by CIDOB and ASEO with support from Grama and SAFE. Representatives of the indigenous peoples of Bolivia who will be affected by the Hidrovia project took part.

During 3-5 May 1996, all the initial organisational activity culminated in the first International Meeting of the Indigenous Peoples of the Plata Basin in the city of Campo Grande, MS Brazil. This meeting had the support of the Rios Vivos Coalition Paraguay-Parana-Plata, comprising some 65 representatives of 23 indigenous groups from Argentina, Paraguay, Bolivia and Brazil (see Box 1). The executive secretary of the Intergovernmental Committee of Hidrovia-CIH, responsible for the Hidrovia Paraguay-Parana project, Jesus Gonzalez, took part in the meeting and presented the governments' perspective of the project.

### **Destruction in the name of development**

"We say to those who are behind this Hidrovia Paraguay-Parana project that we do not want it to lead to more unpleasant experiences for us and for it to affect our history as happened with the Pilcomayo River (on the border between Paraguay and Argentina) in the name of development" stated one of the Resolutions adopted at the International Meeting.

"This huge work" continues the Resolution referring to the diversion of water from the River Pilcomayo, "was carried out according to an agreement between the governments of Argentina and Paraguay, the same governments which are now wanting the Hidrovia project. For us, the indigenous peoples, [the diversion of the river] resulted in the total destruction of our communities, a destruction which meant severe famine and drought."

"We are now living through the Hidrovia project and know that the river will be deepened and we worry that this could bring another drought to our lands. They want to confuse us, as happened during the periods of great repression," said representatives of the indigenous communities which met at Campo Grande.

### **We are the environment**

"We have to fight to defend our land and our river because they are our life. If we rely on the governments they will finish us off" stated the indigenous representatives. "We care for the environment, we are the environment and want to be respected." They also took the opportunity to remind everyone that they are the real owners of the lands of Brazil, Bolivia, Paraguay and Argentina.

For the indigenous peoples, the Hidrovia project is very similar to other projects which the governments of the

region have tried to impose on us and which have resulted in catastrophe for our peoples. The adjective 'sustainable' which the CIH has recently added to the project as a way of decreasing the criticism, is pure rhetoric. "We no longer believe the whites and their proposals" it is stated in the Resolution arising from the meeting, "and we do not believe that the whites should take the initiative in this proposal. They ought to take heed of our words so that we can carry out our own development."

### **Guardians of the environment**

"We are the traditional and historical inhabitants of these lands and waters and have lived here before the white men began to make their roads in order to dominate the people and the environment. We are the natural guardians of the environment because our natural and spiritual forms of life are embedded in the environment" stated the indigenous statement issued in June 1995 in Asuncion, Paraguay.

This meeting was attended by indigenous representatives from the Executive Coordination Body of Rios Vivos: Emilio Gimenez (*Nivacle*), Marcos Terena (*Terena*) and Valentin Muiba Guaji (*Mojeno*). For the indigenous representatives, the Hidrovia project is part of the 'development' which benefits a few and impoverishes and brings misery to entire peoples because it implies the destruction of the environment.

"The change in the flow of the river caused by the Hidrovia project will have grave consequences for our communities," they observed. "And also for other populations living in the region which rely on the rivers for their livelihood: fishers, *campesinos* and even large cattle ranchers who manage to maintain a degree of equilibrium with the environment and have respect for it. They will all be affected by the changes in the

water system and subsequent consequences”.

### Life and death

“Even today, the Indian believes that the white man has never brought life. He only brings destruction and exhausts supplies of wood and water”, noted the indigenous representatives meeting in Campo Grande. And now they come with the Hidrovia project “which is very bad, not only for the environment but for all of us”.

The Asuncion Statement claims that “The civilized world cannot live at peace when entire families are being destroyed. Large economic projects only provide immediate returns and are not concerned with the effects they generate in terms of climatic changes, the alteration in the patterns of animal life and the destruction of the biodiversity. We, the indigenous peoples, are not able to pay the social cost of all this”.

Therefore, the Statement calls upon all those who support the indigenous peoples and the environment to mobilise and participate in the struggle against the Hidrovia project and its disastrous conse-

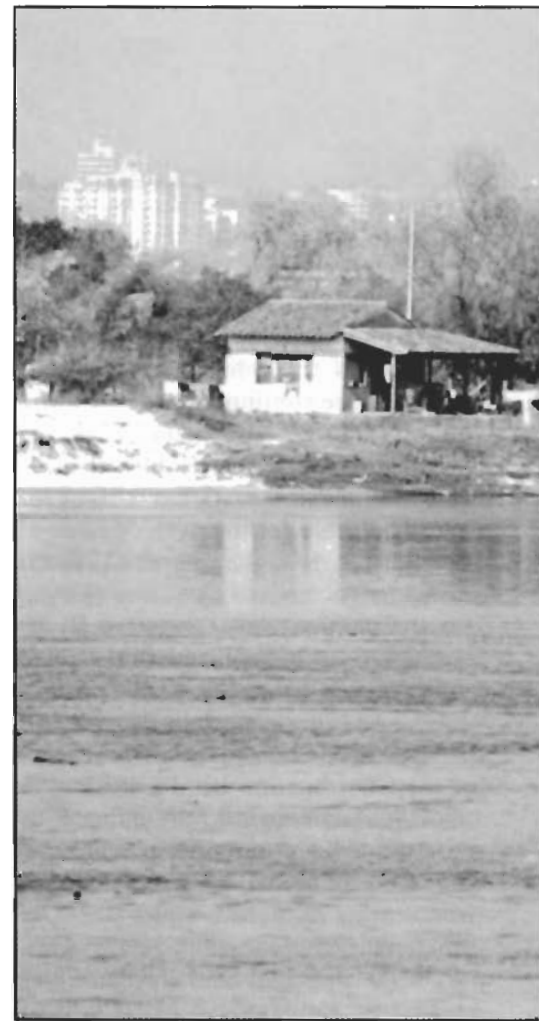
quences. Furthermore, they need to stop the “white man’s material ambitions” from being fulfilled, ambitions which scorn the environment and are oriented only to accumulating wealth and riches at any cost.

“We live here”, concludes the Asuncion Statement, “but when our waters and our lands are sick or dead, it will also be our end because it will be the end of the environment. Therefore an uncertainty hangs over our communal future here, in the Mercosur countries, in NAFTA and in the European Union, and ultimately over all of humanity.”

### Studying the impacts and expanding the debate

In Santa Cruz de la Sierra, the Bolivian indigenous peoples concluded that the Hidrovia project should not start before serious and more in-depth studies are carried out on its environmental impact and, in effect, that it takes into account the peoples and communities directly affected by the project.

Moreover, in order to better defend the environment and the indigenous peoples who live in the region, more infor-



mation is needed, particularly in relation to the project itself (which the governments are trying to hide from the population) and studies made of questions about the effects of this type of intervention, be it in the natural or social sciences. This is essential in order to widen the debate around the Hidrovia project and all other projects which governments and large companies want to carry out in the region.

The Santa Cruz Workshop proposed the definitive consolidation and demarcation of indigenous territories as the only way the indigenous peoples can administer their natural resources for the benefit of their own members and of society as a whole.

### Indigenous peoples of Argentina

The indigenous peoples who live in Argentina also face the question of the legal

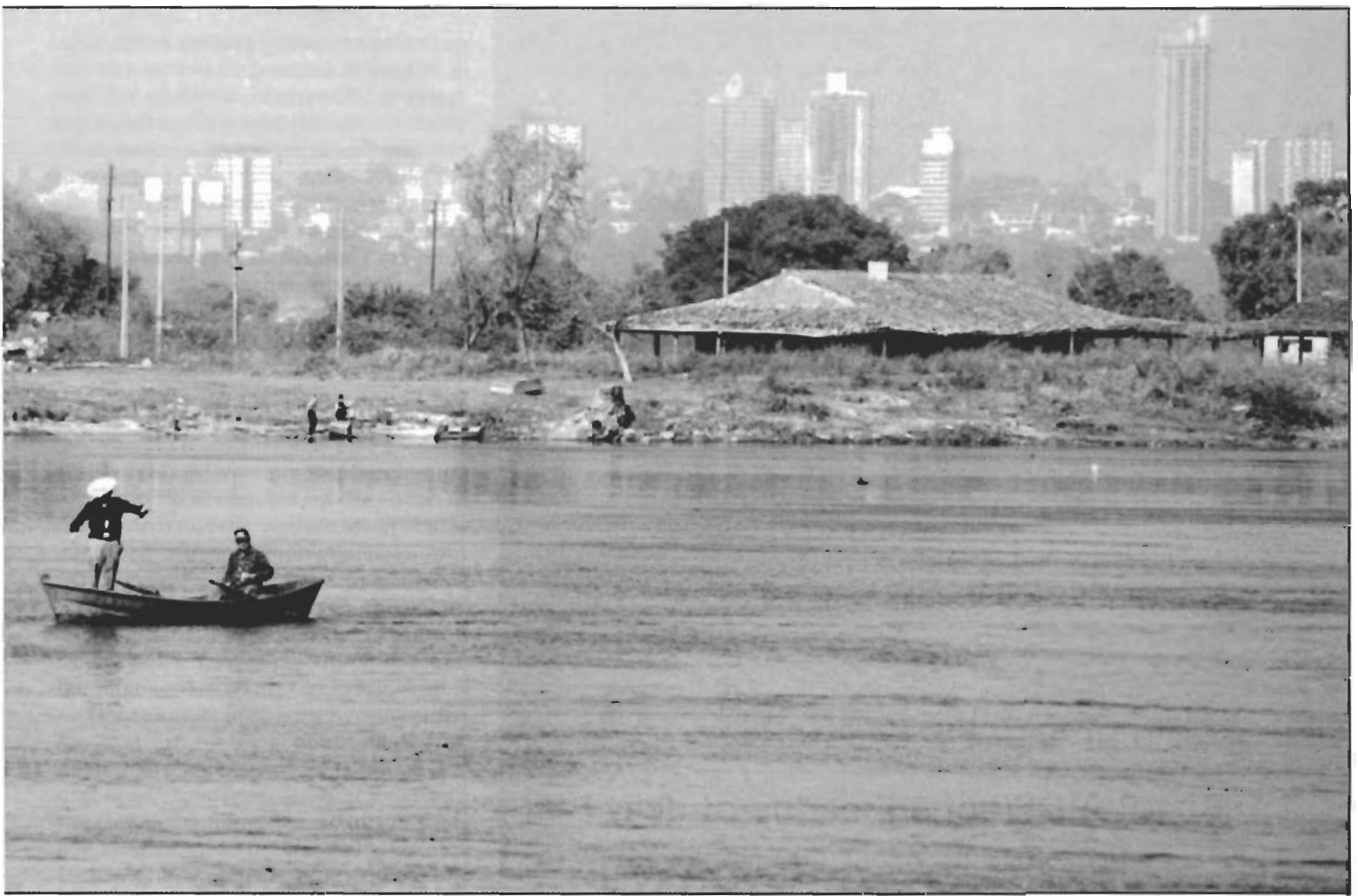
## The threatened indigenous peoples

The first International Meeting of the Indigenous Peoples of the Plata Basin took place 3-5 May 1996 in Campo Grande-MS Brazil. The following indigenous organisations from Argentina, Paraguay, Bolivia and Brazil were represented.

Ayoreo Jnupedogode	Kinikinau
Chiquitano	Tamaraho Chamacoco
Moxos	Ayoreo Garaigosode
Makoi	Ybytoso Chamacoco
Nivakle	Kolla
Guarani Nandeva	Terena
Guarani Occidental	Bororo
Enhlet	Guato
Toba qom	Kaiowa
Ava Guarani	Mojeno
Mbya Guarani	Pareci
Guana	

In January 1996, in Aquidauana-MS Brazil, the first Meeting of the Indigenous Peoples of Pantanal took place in preparation for the international meeting and was attended by the following peoples: Guato, Terena, Kaiowa, Bororo, Umotina, Pareci and Kinikinau.

It is interesting to note that the Guato live in the Paraguay River, having recently been given the right to return to their ancestral land which includes a river island on the border between Brazil and Bolivia. This island had been taken over by the Brazilian Armed Forces for reasons of national security. The devolution of the island has started but has not been completed, as a military base still remains there.



*A fisherman on the outskirts of Asuncion, Paraguay. Photo: Tamara Mohr*

recognition of their rights. At the International Meeting at Campo Grande resolutions were approved in support of their claims. Among these were:

- that the State does not permit Brazilian companies to enter Iruya, Salta, on lands expropriated by the *Kolla* people according to law No. 24.334; that they do not deplete the forests and natural resources on the lands of the indigenous peoples of Salta, Formosa, Chaco, Santa Fe and Buenos Aires with the building of hydroelectric complexes and bridges which take no account of the indigenous peoples;
- in defence of the indigenous peoples' habitats the State must stop selling these lands, together with the indigenous peoples, as happened in the case of the Las Palmas Plant, in the Chaco.

### **The indigenous peoples' alliance**

The International Meeting included a very important component which was difficult to convey in the decisions and resolutions: indigenous groups which up until now have had no contact between them had the opportunity to meet and reinforce a common identity through rituals and traditional cultural expressions. The emotional charge at this meeting was intense and there was a sense of brotherhood which deeply touched all those present, indigenous and non-indigenous.

This deep solidarity and the perceived need to unite in the struggle against powerful adversaries resulted in the approval of a proposal for the creation of the Alliance of Indigenous Peoples of the Plata Basin. This organisation includes the first peoples of all the countries which comprise the Paraguay-Parana-Plata Basin, including the Guaraní from Uruguay, and it has links with the Rios Vivos Coalition.

It states in the Resolution that "While the governments are united to destroy us, we the indigenous peoples must unite against the new threats". It argues that, "The consequences of these huge projects which bring suffering to the indigenous peoples and to other traditional populations of the region, are well known." And from this suffering has sprung the need for this union to confront the strong interests which are conspiring to benefit from the results of the project and to influence government decisions.

The alliance will be made formal after discussions with the peoples of each country and the strengthening of their local organisations. Rios Vivos was asked to support this task as well as to arrange another meeting.

*Maurício Galinkin is director of CEBRAC.*

## Understanding the Hidrovia Project

The rivers Parana and Paraguay form a navigable passage and waterway, that is, there are no major obstacles from the port of Caceres in Mato Grosso-Brazil to its mouth in the River Plata in Argentina/Uruguay.

The shallowest stretch of the river Paraguay - from Barra do Norte to Bracinho-Ponta do Morro in the northern Brazilian Pantanal region - can take boats with a draft of up to 4 feet all year round (approximately 1.32 metres) according to the official Hidrovia Environmental Assessment produced by the Taylor-Golder-Connal Consortium (TGCC) contracted by the CIH<sup>2</sup>. In the remaining stretches the depth varies between 1.5 metres and 9.14 metres in dry seasons.

This was the route the Spaniards first took and used to transport cargo and passengers over the centuries. Over the last 40 years the building of the railway and roads in the Central-west region of Brazil has led to the decline in river transport on the Paraguay River along the Brazilian stretch.

In the other countries which comprise the Plata Basin this phenomenon of loss of business to other modes of transport has also been observed but more recently and, as a result, the Argentinean navy has little to do, although it had been the most developed and had the largest number of tugs and barges.

### Wishful thinking

The Paraguay-Parana Hidrovia Project proposes an intensification of river transport with the construction of an 'industrial waterway' which allows boats with a draft of up to 10 metres to pass 24 hours a day, 365 days a year. This ability to operate 100 per cent of the time is not guaranteed to take place because its costs are high compared with other forms of transportation although it is said to be 80 to 90 per cent reliable. Even the high tech airports are not able to achieve the high levels of efficiency expected from Hidrovia.

The governments' initial project was for a waterway between the port of Nueva Palmira in Uruguay to Caceres in Brazil. National and international pressure, especially from the Rios Vivos Coalition, led the Brazilian government to declare that it would not permit large scale work in the Corumba-Caceres stretch, and that it would prohibit this type of intervention in the upper part of the Pantanal.

The project designers confirmed that they were mainly concerned with transporting soya and its derivatives and timber for the international market. These products represent more than 50 per cent of transported goods and the majority of them originate in Brazil, mainly in the State of Mato Grosso. This State is today the most deforested region in the Amazon<sup>3</sup> and it is soya production which is destroying the natural cover, especially in the Cerrado biomass. The wood was traditionally shipped to the north by the Amazonas River which encouraged smuggling because of the difficulty in controlling the movement. The soya is already transported out along the Madeira-Amazonas waterway and is available in the north and south at competitive costs.

What the Hidrovia project wants to ensure at any cost is the setting up of a company which will bring contracts and money for the construction business and dredging companies. And to this end, they obscure the reality with the statistics they gather.

In September 1994 the CEBRAC Foundation, with the support of WWF Brazil and the ICV, launched a study 'Who will pay the bill?'<sup>4</sup> showing the economic non-viability of this project, especially in the face of competition from the railroad and the Madeira-Amazonas waterway<sup>5</sup>.

The American company Noels won the concession from the Brazilian government in June 1996 to carry out the exploration for the rail line which will unite Corumba, on the Paraguay River in the State of Mato Grosso do Sul, with Bauru in San Pablo in the direction of the Atlantic ports and has already begun investing its modernisation. And continuing with its

assault on competing projects in this area, in August it acquired 15 per cent of the shares in Ferronorte, a private rail line which in its initial phase will link Cuiaba, in Mato Grosso, to the Brazilian ocean ports. The projected cost of the transportation of a ton of grain by this rail line from Cuiaba to Santos is some US\$ 20 while along the Paraguay-Parana waterway from Caceres to Nueva Palmira in Uruguay it is estimated at more the US\$ 53<sup>6</sup>. The difference in cost is that the distance to the Atlantic Ocean by the waterway is approximately double that of the rail line.

### Immense dredging

In April 1996 the representative of the governments of the Intergovernmental Committee of Hidrovia-CIH met in Asuncion, Paraguay, to approve the proposal of the consultants, Consortium Hidroservicio/Louis Berger/EIH (HLBF), for dredging to guarantee the depth of the river channel at 3.5 metres between Santa Fe in Argentina and Asuncion in Paraguay and at 3.2 metres from Asuncion to Corumba in Brazil.

According to the official (TGCC) Environmental Impact Assessment the proposed dredging would produce a volume of dredged solid material from the river bed of up to 35 million cubic metres<sup>7</sup>, in 91 different places between Santa Fe and Corumba. This is only for the construction phase of the channel and does not account for the necessary subsequent maintenance to ensure navigation to the stipulated depth. Furthermore, the engineering project also includes the removal of rocky outcrops in some areas of the river bed and material - the volume of which has not yet been disclosed - will be used to straighten out seven bends of the river<sup>8</sup>.

Of all this a total of up to 6 million cubic metres will come from the river bed to the north of the Apa River which is the southern border of the Brazilian Pantanal, and another 4 million cubic metres from the Tamengo Canal (which is some 10,000 metres long and will involve excavating a channel 100 metres wide by 4 metres deep along this stretch) in the heart of the Pantanal.

## Notes

1. The quotations used in this article were taken from Elisabeth Arndt's Report (10.07.96) on the organising of the First International Encounter of Indigenous Peoples of the Plata Basin.

2. Opus cit., p. 2-2.

3. Reports from the Institute of Special Investiga-

tions-INPE of the Brazilian Government, the deforestation estimates in Mato Grosso exceed 2,840 km<sup>2</sup> annually in 1990-91, and reached 6,220 km<sup>2</sup> per year between 1992 and 1994.

4. CEBRAC, WWF and ICV 'Hidrovia Paraguay-Parana - Who pays the bill?', CEBRAC, Brasília 1994.

5. Idem, ibidem, p. 56

6. Op. Cit. P. 56.

7. Just to give an idea of how much this amount represents: it would be equal to a building 70 metres long and 50 metres wide, 3,333 stories high (10,000 metres)

8. TGCC, Environmental Diagnosis of Hidrovia.



The latest news is that the dredged material will be deposited along the river bed itself which, according to the CIH project designers, will avoid the possible dangers from dumping it on dry land. Contrary to appearances, the impact of the dredging has not been eliminated, especially the effects of recontamination of the water by material already deposited at the bottom of the river, the increase in turbulence and alterations in the quality of the water. Irreversible danger could also be caused to the marine life, in particular the species of fish which follow migratory routes in large groups and which head for particular strategic areas. These could be left disoriented by the alterations in the river bed caused by the dredging<sup>9</sup>.

### Perpetual motion

Another curious effect of this decision to return the dredged material to the river again could be that the dredging of tomorrow could be the dredging of today, deposited a little lower or a little above the present level.

This, moreover, is a practice already familiar to the Brazilian justice system. The 1994 report, "Who will pay the bill?"<sup>10</sup>, presents the problems which could occur in controlling the volume of material dredged in the Hidrovia Paraguay-Parana project, and the consequent payments to private companies specialised in this type of service:

*"... In the course of the Hidrovia project there will certainly easily be incidents such as those recently verified in the river Tiete, San Pablo (BR) where a technical report by the Institute of Technological Research (IPT) of San Pablo proved that the dredging was useless because the material dredged out would return to the river (newspaper Correio Braziliense 15.01.94 p.12) creating a perpetual movement and a permanent bleeding of public funds which favours only the dredging companies".*

Buenos Aires, 1996, Table 2.5.2, p. 2-9.

9. CEBRAC-ICV-WWF Foundation, Report from the Scientific Seminar, CEBRAC, Brasilia, November 1994, p. 23, unpublished.

10. CEBRAC, WWF and ICV: "Hidrovia Paraguay-Parana: Who pays the bill?", CEBRAC, 1994, p.85.



*The Ayoreo indigenous people of Paraguay. Photo: Cees Buys*



*Lime kilns along the Paraguay River. Photo: Cees Buys.*



**United Nations**

## 14th Session of the Working Group on Indigenous Populations

Geneva, 29 July - 2 August 1996

### Argentina: declaration of the Mapuche people

By Antonio Salazar - Lonko  
and Jorge Nahuel - Werkén

**M**adam Chairperson,  
We have the pleasure of making our presentation by means of the written word in this great auditorium to express our concern at the manner in which the Argentinean State is responding to this new era of recognition of rights, the promotion of a 'new Relation' between States and Original Peoples and the 'Indigenous Decade'. In our country, where democracy is only a formality while there is no restitution of historically sustained and undeniably moral rights, our hope is symbolic.

We are concerned with the decision taken by the Argentinean Judiciary through the Oral Federal Tribunal of Neuquen which has labelled the actions of the Original Mapuche Authorities as 'land usurpers' and ordered the clearance of 9,000 hectares in the region called Pulmari which are vital for the existence of 180 Mapuche families in this part of Argentina. Furthermore, this removal was ordered in the middle of winter when this region reaches 20 below zero.

Madam Chairperson,  
How does one respond to such injustice? The peaceful occupation of these lands took place after an agreement was made with authorities of the Provincial State of Neuquen and through the mediation

and backing of the Catholic Church. The agreement was also to investigate the corrupt action taken by the state body called the Pulmari Interstate Corporation which, instead of administering the lands for the benefit of the Mapuche communities, was involved in land speculations. After elections which lead to a change of authorities, the new governors have not recognised the agreement and have even greased the wheels of the legal process.

Madam Chairperson,  
From the point of view of *Winka* justice there are many things that we do not understand. Here the situation has been turned totally upside down. It is the Mapuche people who ought to be accusing the Argentinean government of having usurped our lands. This region is renowned worldwide as the region which today belongs to Argentina but is inhabited by the Original People called Mapuche. In an imposed war, in which we defended ourselves right up until the end of the last century, Mapuche territory was reduced to the miserable conditions in which we are submerged today. This space continues to be invaded in different ways. Yesterday it was the rich soil for the agro-cattle project. Today it is the mineral and hydrocarbon

resources in the Mapuche communities of Paynemil and Kalfucura. And the new technological robbery of the 21st century is that of our genetic resources. The clearest demonstration of this biopiracy on our Mapuche territory was through the mission led by the Argentinean doctor, Jorge Ferre, from the University of Pennsylvania who came into the very heart of our society and took blood samples of 150 members of the Mapuche communities of Salazar and Aigo (Ruka Choroy - Alumine - Neuquen). They were looking for the Human Leukemia retrovirus and there had already been attempts to patent it from genetic sequences from Papua New Guineans as well as Solomon Islanders. The samples taken by the University of Pennsylvania were taken on our territory without the support of local health agencies and the representative Mapuche organisation. This serious denunciation was made to the Argentinean Foreign Ministry which was asked to provide details of the persons and State body involved and what results there are from the project. To date, we have not had any reply.

Madam Chairperson,  
The paradox of these different forms of invasion is that the Original Mapuche Authorities from the two victimised communities in this macabre experiment (Alonzo Zalazar and Desierio Calfinahuel) are today themselves being labelled 'land usurpers'. The same State which left them with no protection from the macabre blood sampling experiment today does not recognise former agreements over lands and is going ahead with their removal from the lands which belong to them by law. This deteriorating situation was verified by the direct presence in the area of an Independent Com-

mission of Observers comprising members of the European Parliament, the Belgian Parliament and Swiss and Belgian NGOs who travelled through the region for 10 days and later presented their report to the Argentinean authorities.

The judges of the Oral Federal Tribunal of Neuquen had the opportunity to familiarise themselves with the real dimension of the conflict in Pulmari. It also was an opportunity for them to revise their legal system which did not recognise Mapuche philosophy and culture. This would have happened if they had had a more open-minded approach and believed that laws should be oriented for the benefit of all of society. They preferred, on the contrary, to support everything that the Pulmari Corporation was doing. Through their judgments the Argentinean Federal Judiciary demonstrated its total lack of will to solve the serious conflict between the State and the Mapuche people. They accuse the Mapuche of threatening social peace. "Are they referring to the social peace of programmed subjection, humiliation, cultural disintegration?"

Madam Chairperson.

The Argentinean federal justice system has turned its totally foreign and wayward eyes on our culture without understanding the great danger which six years of the Pulmari Corporation has had on our culture. This tribunal preferred to turn the spotlight away from state laws and used the natural justice system to sentence us. This is an anachronistic judicial system which does not see the cultural diversity which surrounds it, which discriminates against its own forms of regulating and determining our lives which are recognised throughout the world.

We Mapuche do feel we have support in the face of this abuse through international solidarity and by the moral and historical force of the 110,000 hectares of Pulmari which are the basis of our future. It will be through the repression, the cheating and the benevolence of the tribunals supported by the State laws which forbid us to be Mapuche and prevent us being a people with full rights.

Madam Chairperson.

We want to make it known that the Argentinean State shows no intentions of returning the 110,000 hectares of Pulmari to the Mapuche people, in spite of a law which obliges them to do so. On the contrary, we want to make it known that there are serious intentions to transfer these lands to private investors, the lands which are our only hope for real development. This new attempt to plunder our lands must be stopped as well as the repressive moves by the judiciary who in order to resolve our situation and our removal have endangered peace and blocked the dialogue which had begun with the provincial authorities. We will maintain our spiritual and psychological strength to face up to all those who continue with an oppressive mentality, reinforced by our solidarity, understanding and commitment.

For land, culture, justice, liberty:  
Marici Weu. Marici Weu!!

Neuquen, Peulmapu, Argentina  
25 July 1996



*Lonko Mapuche. Photo: Coordinadora Mapuche de Neuquén, Argentina.*

# Canada: Assembly of Manitoba Chiefs

Presented for the Assembly of Manitoba Chiefs,  
Winnipeg, Manitoba, Canada

**M**adam Chairperson and Members  
of the Working Group:

The Assembly of Manitoba Chiefs brings you greetings and congratulations on your leadership over many years of this Working Group and we are further respectful of the Working Group's strong efforts for the securing of our indigenous rights in the framework of international law.

We have been participants over the years in this long, difficult but successful development of the draft international declaration of indigenous rights. Our people view it as a milestone in the restoration of our rightful place in the larger international recognition of peoples and nations.

But in spite of the efforts, the strides and the so-called accomplishments of the Working Group, the situation of the First Nations grows continually worse within the parameters of Canada. Our people have and continue to labour long over the welfare problem of our people. We have fought ever so hard to get our people out of the 'welfare system' - a system that has decimated our people's integrity, pride and resourcefulness. But we are in bondage.

The particular bondage of our people of which this presentation speaks offers no release, no hope - only greater bondage imposed by the policies, laws and dominance of racism of which our people are the targets and victims. Our people are faced on the one hand with a broad spectrum of rich diversity of our various nations' cultures; our languages and customs, our own form of spirituality, ceremonies and values, our own economic support system through sharing and caring for our people.

On the other hand, we have experienced over the past two hundred years,

and we continue to experience today, disintegration and alienation from the on-going history of conquest, oppression, poverty and rabid racism with the consequences that such brings.

But, it is not enough to recognize the loss of our ancestral spiritual traditions, our institutions and values, our stories and ceremonies, our system of sharing and caring as a viable economic and support system. We have lost more than that. The very social and institutional fabric that once held our nations together and nourished our people have been shredded by those same and continuing events.

The evidence of our shredded fabric, which we have talked about on the floor of the Working Group before, is clearly demonstrated in the dysfunctionality in all aspects of our personal and community existence. Poverty and oppression caused by the conquest and the continuing need for a settler and majority population to repress any expression of Indian self-determination and self-economic reliance is ever evident.

This has resulted, as we all painfully know, in an array of social well-being statistics that repeatedly report our Indian people in the worst position of any ethnic community in North America in general and in Canada in particular: the highest rates of unemployment, alcoholism, teenage suicides, school dropouts, and the lowest rates of longevity, educational attainment, the lowest per capita income - the list goes on.

Since the causes and the results of our people being unrelentingly and persistently caught in the Canadian 'welfare state', the correction of that situation cannot be simply the unilateral im-

position by the Government of Canada or the Government of the Province of Manitoba of more and different rules and guidelines pertaining to the re-definition of the world of work, the world of learning and the world of security.

Our problem as a people and as nations in regard to the refashioning of 'Indian welfare' is much more fundamental and much more serious. The problem is clear and that is: Since the lands and resources of our First Nations, Manitoba have been unilaterally taken contrary to our Treaties, the problem for our First Nation is that we find ourselves as a people attempting to meet incredible fiscal and resource hurdles with no alternative and no cooperatively agreed upon options that may be open or feasible to use as a people in order that we can create, develop and implement and act on our First Nation plans of action that can seriously and systematically address our fiscal, economic and community resources crisis.

Thus, the fact remains clear and unmistakable. The people of our First Nations have no system whereby our people can invest or reinvest in our community. This is contrary to our traditional customs and values where our own economic systems were based on redistribution and sharing. A person's value was based on what he could give rather than on what he could get. Today, there is no private and little public sector on the territory of our First Nation which can provide alternative sources of income and production of wealth.

Therefore, it is eminently clear that our First Nation's economy is welfare, on subsistence through social assistance. At our community, we find ourselves 'hooked' on federal and even provincial programmes, and politically speaking, federal and provincial programmes are 'hooked' on us. Because there has been no Reserve business infrastructure to turn over dollars and create jobs, the Federal Programme's dollars have become not only our economy, they have also become a major part of the surrounding non-Indian community's economic system. Dollars are coming into our First Nation and going out of our territory - not circulating through and remaining in our



community for economic independence, economic development and the production of wealth.

Consequently, there is no market economic system on our First Nations - only economic pass-through. Monies for housing, community infrastructure, public facilities and community service structures never reach our First Nations. In reality, the monies go to non-Indian contractors or suppliers or service providers who most often have no connections to our communities, no relationship or interest in our well-being except to be the recipient of funds by-passing our community or flowing through our communities to the outside communities.

The shape of things to come in Canada as regards the First Nations in general as compared to what we need and desire to address the 'welfare state' of our people are incompatible. For example:

1. Given the ever advancing technology in the production of wealth, both public and private, such requires on-going training and learning in order to obtain, keep and or to transfer to those areas required skills.

None of the above assumptions and none of the above factors in this equation exists on our First Nation territories and certainly not at Dakota Tipi.

2. Since our First Nations are primarily rural and distance related locations with, as has been noted, pass-through economies, we are unable to respond in any manner to proposed reformed employment restrictions, nor can we remain on the Reserve and enter into the re-fashioned social network if we are to retain our land and rural base.

All of this means that proposals for relocation of workers, acquisition of newly demanded skills and child care facilities are not answers to us who retain our rural and land-oriented community base.

3. Our First Nation with our collective rights and cooperative community obligation of sharing in contrast to the non-Indian market based rights of private property, individual rights and personal gain all sustained by a non-Indian white social security model,

produces conflicts of values within our people of substantial proportions evidenced by mental breakdowns and value anguish which only deepens our self-deprecation and our personal torment.

Such deprecation born of conflict and poverty is hardly a basis for our people to enter into the market economy outside of our community when to do so severs them from their families, their lands and their people. What remains is the white man's social network system.

4. Fundamental is the fact that our First Nation's view of the community and our nation is hardly compatible with the status and role of the State of Canada. This simply means that on the one hand, in spite of the rhetoric on decentralisation and community based local governments, our people will continually be governed in a more centralized and bureaucratic manner in which our own public participation as productive people will continually decrease and become even more less effective.

On the other hand, it means that our own rights and capacity for self-determination will be further eroded. Self-determination as a viable objective of our First Nation will be terminated.

We have fought before and we must resolve to continue that struggle. While the above framework is painful to recount, the developments of things to come as outlined above cannot be left unchallenged. It is clear that in the absence of a sustainable economic system our First Nation will cease to exist as a viable community. The task between our First Nation and that of the Nation of Canada is to re-structure the market economy so that our people can:

1. be producing participants in a sustainable economy; and
2. participate while remaining on and contributing to our First Nation's economic, social and political health.

In order for the above to happen, fundamental obligations must be recognized and carried out by the Government of Canada which must include provisions for the restoration of our First

Nation and not its further destruction. Those obligations are:

1. The resolution of specific and aboriginal land claims;
2. The identification and demarcation of our aboriginal lands and resources, surface and sub-surface, and for those identified lands we must
  - a) develop and implement formulas for sharing of revenues and returns from those lands;
  - b) define and develop zone market and income resource areas for priorities in income producing enterprises, jobs, investments and wealth producing mechanisms;
  - c) with other First Nations and governments, develop joint and shared harvest and management regimes in wildlife, fishing, resource management and environment;
  - d) seek out and develop enterprises that return investments based on personal consumption and home technological management schemes;
  - e) develop and implement marketing systems through up-to-date technologies and highway information systems;
  - f) have recognized our own territorial integrity in regard to economic enterprises created and established on our First Nation territory such as gaming, tax exempt goods and services and industries and the honouring of tax rebate systems entered into and mutually agreed to with federal and provincial governments.

We request from this floor of the Working Group that the Government of Canada honour its position as put forward in the 'Red Book' in which it was stated that:

*The place of Aboriginal peoples in the growth and development of Canada is a test of our beliefs in fairness, justice and equality of opportunity... (and to provide Aboriginal people with the) necessary tools to become self-sufficient and self-governing.*

Such would free us from economic bondage and the welfare state built on poverty.

Thank you.





## Agenda Item 5 (a) Review of Developments Health and Indigenous Peoples

### Nagaland: Statement by the Naga Peoples Movement for Human Rights

Presented for Shimreichon Luithuida

**M**adam Chairperson,  
The health status of a people are determined by the general conditions of our life, environment and the health management practices prevailing. Traditionally, the effective territorial space (ancestral domain), our indigenous, social, economic, political and cultural spaces and institutions enabled the indigenous peoples, by and large, to have an effective and satisfactory subsistence existence. Our symbiotic relationship with the forest, along with convivial living conditions enable us to progressively evolve and develop a complex and sophisticated health care management system going beyond the bio-medical sphere into social, cultural and environmental sphere in a holistic sense. This autonomous health management system ensured relatively better health status of the people and also satisfied our rights to knowledge, science and technology.

But systematic and intensified internal colonisation - both national and global, rapidly eroded the conditions of life and environment. Confined to extremely small areas of our ancestral domain or totally displaced as development refugee, wanton changes and destruction of

the environment constituted a direct attack on our life systems. Our indigenous health care system has been brutalised and has become dysfunctional. The public health care system is unavailable and oppressive where available besides being inappropriate. Rapid degeneration of life support system has lowered the health status of the indigenous peoples, introducing previously unknown diseases and intensifying poverty and pollution-induced illness conditions.

While displacement, destruction of habitat and suppression of traditional health systems are creating a new form of Post Trauma Stress Disorders or PTSD among the tribal peoples, which requires serious new attention. Madam Chairperson, I want to draw your attention in particular to the PTSD that are a major impact of militarisation and state-sponsored violence in some tribal areas.

Two studies were carried out on the Naga people in the Naga inhabited areas. The first one was carried out by Drug Action Forum, West Bengal in 1990 on some of the people from the Naga Hills of Manipur who have been tortured by the security forces. The second one was done in September 1995, nine months after the Mokokchung town (Nagaland)

was shelled and burned down by the security forces in 1994. This study was carried out by the Indian Red Cross Society, Kokokchung District Branch in collaboration with Naga Doctors' Forum on Human Rights. Both the studies showed a very high percentage of PTSD among tortured victims. Most victims do not know why they were tortured and many could not even follow the questions asked during torture due to the language barrier. This, and repeated torture for a prolonged period while being cut off from friends and relatives (in effect being cut off from all supportive systems) created high insecurity states which still persist. Emphatic negative responses to certain questions points to a high sense of persisting insecurity.

As has been observed in studies conducted in different parts of the world, a high rate of PTSD was observed among the aged and very young as these age groups are more vulnerable to stress.

The study indicated significant similarities in symptoms among the sufferers, an unquestionable relationship with their type and with their symptoms, like recurrent distressing dreams of the event, falling and staying asleep, recurrent and intrusive painful recollection of the torture. Barking of dogs, sounds resembling gun shot, sight of olive green dress or even the colour, sounds of a jeep, a helicopter, sounds of children running downhill simulating marching troops still disturbed these victims and revived vivid memories of torture and intense psychological distress.

A good number of victims have lost their self-confidence and developed a sense of fatality. Many of the villagers (most of them cultivators) strongly feel that they have been ruined physically, though the medical team found no loss of muscle power on examination. The results of the studies show that individuals who are subjected to torture and their family members who are often forced to witness the torture, have developed serious mental health problems.

Madam Chairperson, torture is cruel, inhuman degradation of one human being by another. Among the victims studied, the high prevalence of PTSD correlates well with the incidents of the torture of

the victims. In some cases, the physical torture has been so severe that the victims have suffered permanent damage to their physical health as well. All these have naturally led to a great level of disability and incapacity to carry out day to day activities. The two studies concluded that PTSD is high among the victims and is related to their being tortured by the security forces in Nagaland. The constant fear that the continuous threats from the security personnel produces, together with the continued state of injustice, can only increase the psychiatric problems among the Nagas in years to come. Lack of medical and other facilities and obstruction of medical teams from attending to the victims

by security personnel aggravate the stressful situation. This was very noticeable among the torture victims of the population.

In conclusion, we would like to stress that restoration of territories, social, economic, cultural and political institutions and respect for human rights is fundamental to improving our health status and rejuvenating our health care management system. Combating the national and global commercial interests expropriating natural resources and the indigenous peoples health technology is also fundamental to this task.

Thank you.

□

## Greenland: Statement by Home Rule Government

Presented by Tove Søvndahl Petersen

**M**adam Chairperson  
On behalf of the Danish Government and the Greenland Home Rule Government I would like to commend the Working Group for the decision to consider the question of health and indigenous peoples as the sub-item of the Agenda-item on 'Review of Developments'. Furthermore, we would like to commend the excellent note in document E/CN.4/Sub.2/AC.4/1996/3 made by the Secretariat on the issue of indigenous health.

I would like to start by quoting from the above mentioned note: "The social and cultural context of indigenous health is complex. Diverse and interrelated factors contribute to a continuing health disadvantage for many indigenous peoples."

In Greenland, there is a wide range of health problems which have many

similarities with other indigenous peoples, in particular those indigenous peoples who live in developed or industrialized countries, and this despite the fact that we in Greenland have access to free health care and treatment of a high standard.

Inspired by the UN International Year of the World's Indigenous Peoples, the Home Rule Government launched a campaign in 1993 called 'Inuuneq Nakuuneq', simply translated as: 'a Stronger Life' - which was a joint campaign by the health and the social services authorities of the Home Rule Government. The campaign was an awareness-raising and creating campaign where efforts were made to produce information material and where funds were made available for grassroots who had designed projects on awareness-programmes. The basic philosophy of the campaign is that life is precious (and

fun) and that each one of us has the potential for creating healthier lives for ourselves and our families by focusing on the basic and simple joys in life - the nature surrounding us, the caring for our families and our communities and the fun we can create by simple means without the use of alcohol and other harmful substances.

Among some of the information materials which were produced was a small booklet on health - which can be used by families as a handbook and simple encyclopedia on health and nutrition. The booklet is written in Greenlandic and will hopefully be a very useful guide-book that many families will consult.

Furthermore, as a consequence of the growing awareness, an alcohol-rehabilitation centre was opened in Greenland last year. For the first time Greenlanders who do not speak Danish have the opportunity to undergo therapy in their own language, thereby bringing new hope to families who formerly had nowhere to turn to.

Madam Chairperson, as you know our ancient culture is a hunting culture and our primary food source is the meat from marine mammals such as seals and whales. Today in the Western world people buy fishoil capsules because they know that it will prevent coronary diseases and the clotting of arteries which is an all too

common cause of premature death among people in the industrialised world. Very few people realize that the wisdom of taking those capsules is based on findings among Inuit in Greenland and in the Arctic region. During the 1970s Danish scientists realized that we Greenlanders rarely had any coronary diseases and by conducting scientific research they realized that this was due to our diet of meat from seals and whales.

In Greenland we are very proud that we could contribute to the health of people in the industrialized countries in that way. Therefore we find it very difficult that there is intense pressure in some of the industrial countries against our right to hunt our sea-mammals and to develop a sustainable economy and trade based on sea-mammals.

With regards to our hunting culture, one of the very positive consequences of the Inuuneq Nakuuneq campaign has also been that we as a people have asserted our beliefs in our traditional diets in time before the consumption of alien diets started to take a toll on our health.

In Greenland we believe that the causes of health problems are closely related to the concept of 'control'. Control over land, resources, our lives, our identity as a peoples and our culture. The philosophy behind our Home rule arrangement with Denmark is based on our wish to regain this control. And so it is immensely satisfying to see that the Inuuneq Nakuuneq campaign which was launched by the Home rule authorities has started to flourish in the communities with a proliferation of voluntary grassroots initiatives in all communities where self-help groups, telephone support lines, etc. inform families and individuals where they can turn to in search of help and advice during difficult times.

Essentially, this development signifies a strengthening and reconstitution of the community by the community itself. The only role governmental authorities play is that of mediation.

To conclude, I would like to refer to Res. 50/157 of the General Assembly in which it is recommended that the specialised agencies of the United Nations

devote particular attention to development activities which benefit indigenous communities.

I would like to express the support of my delegation for the petition sent to the director of the World Health Organisation calling on them to pick out a central item for the Decade of Indigenous Peoples.

Additionally, we would like to request that the WHO create an Indigenous Health Action programme. We trust that the WHO will facilitate an exchange of information and of practices among indigenous peoples and to create studies and research that ultimately will educate us all on the intricate and complex factors of indigenous well-being which will allow us the health and strength to work in all spheres of society and in all walks of life towards a general improvement of our conditions and thus asserting our right to self-determination.

Thank you, Madam Chairman. □

## Declaration by the Indigenous Group

Presented by Sharon Venne, Dene Nation

**W**e, the indigenous peoples, present at the Indigenous Peoples' Preparatory Meeting, Sunday, 28 July, in the World Council of Churches, have arrived at a consensus with respect to the issues related to the agenda point dealing with matters concerning health as an annual "theme" during the international decade. The UN Decade is an opportunity for the UN and its specialised agencies to advance the rights

of Indigenous Peoples in a constructive manner. Concerns regarding Indigenous Peoples' health are related to the continuing denial of the colonising states to recognise our right to self-determination including control over our land and resources. The issues regarding Indigenous Peoples' health are related to our rights as peoples. We are not minorities within States and therefore:

THE INDIGENOUS PEOPLES PRESENT AT THIS MEETING OFFER THE FOLLOWING RECOMMENDATIONS AND CONCLUSIONS:

1. Call for a moratorium on all bio-prospecting activities in indigenous peoples' territories;
2. Exhort that the patenting of all life forms: plants, animals and human genes be stopped, specifically the Human Genome Diversity Project, known as the "vampire" project. We further exhort that all financing of such projects by governments and businesses end;
3. We request that the World Health Organisation (WHO) carry out a study on how patented material from indigenous peoples have been obtained (human genes, medicinal plants, seeds, etc.), and how they are used to create profits for multinational corporations which own the patents, etc.;
4. We request the suspension of structural adjustment programmes carried



out and implemented by the World Bank, International Monetary Fund and now the World Trade Organisation as well, which directly affect the health of Indigenous Peoples:

5. We request the implementation of the Copenhagen Declaration from the Social Summit which calls for 20% of national budgets and 20% of Development Aid to be directed towards social development, which includes health as an important component to be directly controlled by Indigenous Peoples;
6. We request that genetically manipulated organisms or organic products not be approved for use unless studies incontestably demonstrate that there are no risks;
7. That the World Health Organisation encourage the implementation of the United Nations mandate exhorting respect for and the promotion of world peace through recognition of the right to self-determination of all peoples, including Indigenous Peoples;
8. That the World Health Organisation support the recuperation, strength-

ening and development of Indigenous Peoples' right to health;

9. That the World Health Organisation organise a world conference for the Indigenous Peoples who are involved in Indigenous Peoples' health issues, as well as establish a technical committee of Indigenous Peoples to co-ordinate and develop traditional medicines and practices of Indigenous Peoples;
10. That the World Health Organisation help the United Nations Working Group on Indigenous Populations to elaborate norms which promote and develop international norms which affect Indigenous Peoples' health;
11. That the World Health Organisation carry out a global investigation to determine health conditions, including the use of alcohol by Governments against Indigenous Peoples;
12. That the World Health Organisation promote recognition and respect for Indigenous Peoples' traditional medicine and medicinal practices;
13. The continuing violations of the Convention against Genocide should be

condemned and stopped. These State and corporate violations include:

- the forced sterilisation of Indigenous women
  - the impact of contraceptives on Indigenous women's lives
  - the impact of industrial development on Indigenous Peoples' lives stemming from toxic waste, nuclear testing, oil and gas exploitation, the construction of dams, mining, pollution and deforestation;
14. The Indigenous Peoples reject the patenting of *ayahuasca* from the Amazon region which for thousands of years has been used as medicine by Indigenous Peoples. We consider the patenting of our medicine to be theft of our intellectual property;
  15. That the United Nations and its specialised agencies and multinational corporations do not carry out any activities affecting Indigenous Peoples without their express consent. □

## Suriname: Statement by the Organization of Indigenous Peoples in Suriname

Presented by Max Ooff

**M**adam Chairperson,  
My name is Max Ooft, speaking on behalf of the Organization of Indigenous Peoples in Suriname, which represents eight indigenous peoples in Suriname, comprising an estimated number of 25,000 indigenous persons. I bring to you the warm greetings of all these peoples.

Due to the small population and especially due to the linguistic distinction,

Suriname has for a long time been fairly isolated internationally. However, the country has recently been confronted with soaring inflation and huge budget deficits after two military coups, withdrawal of Dutch developmental aid and low bauxite prices on the world market. Surinamese government therefore introduced a Structural Adjustment Programme, opened the doors to foreign investors and is encouraging privatization. The

effects of these changes, which all took place in the last 15 years and brought Suriname down from the wealthiest to the poorest republic of South America, have been especially devastating for the indigenous peoples of Suriname. The same counts for the five Maroon tribal peoples, also living in the interior of Suriname, the approximately 40,000 descendants of African slaves who fought themselves free during slavery and re-

established their self-sustaining and traditional communities in the forests of Suriname.

Governmental health care for our peoples has always been poor, and under the current circumstances the health care system has almost collapsed. This brings me to the statement and strong conviction that the issue of health and indigenous peoples cannot possibly be seen as separate from the issue of recognition of indigenous peoples rights.

Colonization brought our peoples to the verge of extinction. And current governments seem to take over the role of the former colonizers. We are denied access to our own lands, and the exploitation of natural resources is apparently more important than the lives of our peoples. Governmental policies aim at assimilation and integration of our peoples, making us individuals and populations rather than respecting us as peoples and members of our communities. This in turn leads to dependency on Western systems for economy, health, education, etc. But governments then fail to deliver equal services and opportunities, leaving us in poor and marginalized circumstances.

How can we possibly see logging, mining, oil exploitation and bio-piracy in our lands as separate from health? If logging multinationals get concessions to destroy our forests, where will we find our traditional medicines, how can we sustain food security? If oil companies are polluting our soils, how can we sustain our agriculture and the diversity of plant species? If mining companies are dumping chemical waste in our rivers, how can we be guaranteed clean water? If pharmaceutical companies are patenting our medicinal plants, how can we be expected to share our knowledge? If we are driven out of our lands into city slums, how can we enjoy social well-being? If nature conservation organizations try to exclude us from our own lands for the sake of experts to study butterflies, how can we live further? If invaders introduce infectious diseases, alcohol and drugs, how can we defend ourselves against these unknown threats? If we are not respected as peoples, how can we be happy?

Logging companies from Indonesia, Malaysia, China and Brazil are asking for logging concessions totalling more than 3 million hectares of Surinamese rainforest. Suriname is one of the last countries in the world with an unspoiled forest and the country with the largest forest cover, according to a recent FAO report. However, the Surinamese parliament is now in the process and has already expressed its willingness to approve one of these requests for one million hectares to a Malaysian company. A North American gold mining company, the same which caused the cyanide spill in the Essequibo River of Guayana, is mining in the middle of a Maroon village. A well-known pharmaceutical consortium is going around villages to get access to medicinal plants, making nice promises to the local peoples. A nature conservation organization is organizing eco-tourism, using villages as cultural rarities, for cleaning and for cooking. This all happens while the Surinamese government does not acknowledge the existence of indigenous peoples in Suriname and accordingly does not legally recognize any rights to lands, to self-determination, informed consent and participation.

Before concluding with specific recommendations to the WHO, I will point out major current health concerns in Suriname.

- high infant mortality
- high prenatal maternal mortality
- malaria
- intestinal parasites
- HIV infections, especially in Maroon villages rapidly progressive cervix cancer, especially in southern indigenous villages
- malnutrition, especially protein deficiency
- alcoholism and resulting social disruption
- mercury poisoning in areas invaded by Brazilian garimpeiros
- absence of health care infrastructure in the interior, especially regarding emergency care

- no continuity in the availability of basic vaccines.

Finally, Madam Chairperson, I have the pleasure to make the following recommendations to the WHO:

- acknowledge that health and indigenous peoples cannot be seen as separate from indigenous peoples' rights
- formulate a policy on health and indigenous peoples, while taking into account our rights as outlined in the draft Declaration on the Rights of Indigenous Peoples
- formulate such policy with the full participation of indigenous representatives
- recognize the importance of indigenous knowledge for the health of humanity
- respect the place of traditional knowledge and practices in prevention and cure of diseases
- develop directives to regional bodies such as the PAHO in order to guarantee participation of indigenous representatives in the development and implementation of programmes aiming at health and indigenous peoples
- develop programmes focused on preserving and enforcing indigenous health systems, while these must remain under indigenous peoples' control
- support the establishment of an indigenous peoples' coordination mechanism aiming at the consolidation, stimulation and application of indigenous peoples' health systems
- establish mechanisms to ensure support for indigenous peoples' health related projects, directly to indigenous organizations rather than through governments
- recognise the strong interrelation and especially the devastating effects of logging, mining and oil exploitation on the health of indigenous peoples
- develop guidelines and principles towards the exclusion and condemnation of pharmaceutical companies which steal indigenous knowledge in order for them to commercially develop and patent medicines
- urge national governments to provide equal health care and access to health services for indigenous peoples, while respecting indigenous peoples' own systems and practices.

Madam Chairperson, you have asked us not to go into history, which I truly understand and appreciate. But it is almost impossible, and it is essential to understand that our peoples cannot and will not forget the injustice done to us throughout history, as long as our rights as peoples and nations are not recognized, whether it regards our territories, our forests, our health, our culture or our knowledge. An action committee of young indigenous peoples was established very recently in Suriname, to claim and defend our territorial rights which are not recognized. Considering all the above mentioned injustice, can you accuse us of being responsible for social unrest? The United Nations stand before the same challenge as 51 years ago, which is world peace, justice and equal opportunity for all peoples and nations of this world, allowing us to live together in harmony and give our children a positive outlook on the future.

Thank you madam Chairperson

#### **Organization of Indigenous Peoples of Suriname**

Nepveustraet 85  
Paramaribo  
Suriname

Tel/fax: (+597) 421380

Email: [106031.3240@compuserve.com](mailto:106031.3240@compuserve.com)  
(preferable because of imminent move of office).

## **Australia: Statement by the New South Wales Aboriginal Council**

Presented by Rod Towney

**T**he practical exercise of self-determination is the necessary foundation for any genuine, sustainable improvement in the health of Aboriginal Peoples. If Aboriginal Peoples are not involved as the primary agents of change, then the underlying causes of so much of ill-health will not be addressed. As Mick Dodson, the Social Justice Commissioner, has noted "good health cannot be "delivered" to our communities - it must be grown-up and sustained from within." Aboriginal Peoples must be involved in the development and implementation of health programs and objectives at the community level to ensure that the actual circumstances, needs and aspirations of individual communities are met.

Over the last two years the National Aboriginal Health Program has been in turmoil - in fact, this is a result of decades, if not centuries of inadequate and inappropriate policies. The elected councillors ATSIC have been made the scapegoat of these failures, and even though some of the criticisms of ATSIC bear close consideration, it is unfair and trite to rest the entire blame with them. The transfer of Aboriginal health matters back to the mainstream Health Department, has not demonstrably advanced Aboriginal health matters. In fact, the situation is worsening; it is typified by uncertainty, confusion and disarray.

The Australian Medical Association, (hardly Australia's most radical body) recognises the fundamental relationship between our ownership and control of lands and the improvement in our health and well-being; furthermore, the AMA recognises the important link between our cultural beliefs and practices and the

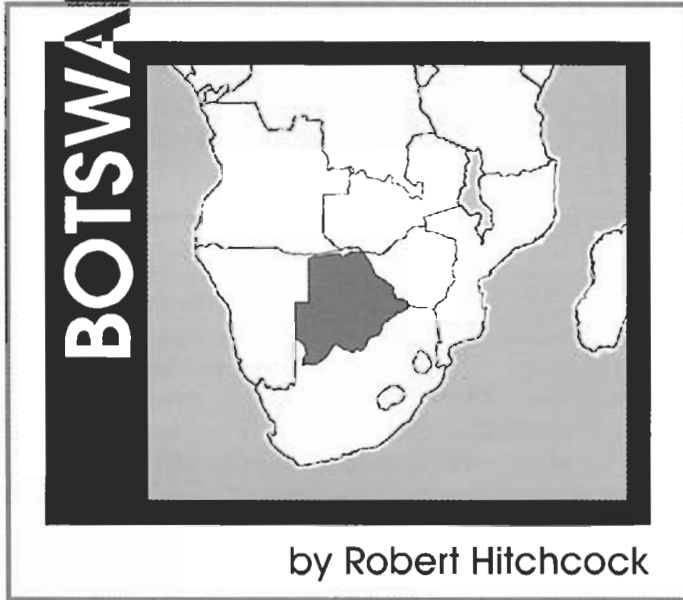
design and implementation of Aboriginal Health Care programs.

Restoring Aboriginal lands, and allowing Aboriginal Peoples to own, develop, control and use our lands and territories, is a further requirement for the improvement of Aboriginal health and well-being. The dispossession of Aboriginal Peoples and the marginalisation of and discrimination against our cultural heritage make it obvious that the ill-health of Aboriginal Peoples is largely a by-product of the processes over the last two centuries that have denied us our rights and freedoms.

Integral to our right to our lands, is the right of Aboriginal Peoples to practice and revitalise our cultural traditions and customs, including our cultural heritage, and intellectual, cultural and spiritual property rights. The right of Aboriginal Peoples to maintain and strengthen our spiritual and material relationship with the land and to freely exercise and develop our cultural and spiritual beliefs and traditions is increasingly being recognised as an expression of the fundamental right of self-determination that all peoples possess.

Our long and intimate connection with our lands is also being recognised as a source of a rich and diverse knowledge and understanding of biodiversity that is invaluable to any strategy to achieve ecological sustainability, which has obvious ramifications for our health. We will speak more of these issues later in the meeting, under other agenda items.

# BOTSWANA Bushmen's Decision to relocate the People of the Central Kalahari Game Reserve



by Robert Hitchcock

## consensus or genocide?

told by the government in February 1996 that they were going to be relocated outside of the reserve. The Central Kalahari Game Reserve, the third largest game reserve in Africa, was originally established as a means of protecting the rights of local peoples, including G/wi and G//ana Basarwa (Bushmen) and Bakgalagadi. This policy

was intended to provide economic opportunities and to government services and thus "be able to integrate with the rest of Botswana society."

The Central Kalahari Game Reserve was promulgated on 14 February 1961 (High Commissioner's Notice No. 33 of 1961, "Establishment of the Central Kalahari Game Reserve") and was included in The First Schedule (Section 5 of *The Fauna Conservation Proclamation* (No. 22 of 1961)). Subsequent legislation relating to the reserve was passed in 1963 ("Central Kalahari Game Reserve - Control of Entry Regulations," *Government Notice No. 38* of 1963). Additional legislation relating to reserve areas was contained in the *National Parks Act, 1967* which has now been superseded by *The Wildlife Conservation and National Parks Act, 1992* (Act No. 28 of 1992). Second Schedule (Section 12), p. A171. The Central Kalahari Game Reserve currently covers an area of 52,347 square kilometers, the largest protected area in Botswana.

The proclamation of the Central Kalahari Game Reserve (CKGR) came about as a result of the efforts of the Officer-in-Charge, Bushman Survey, George B. Silberbauer, who worked in the region beginning in the late 1950s and continuing through the mid-1960s. At the time the reserve was declared, there were approximately 5,000 people, many of them Basarwa (Bushmen, also known as Khwe) and Bakgalagadi, in the reserve. Silberbauer's recommendations concerning the establishment of the CKGR in 1961 included the stipulation that traditional subsistence-oriented hunter-gatherers in the Central Kalahari Game Reserve be allowed to continue to reside there and to hunt and gather for purposes of obtaining food and materials.

The declaration of the central Kalahari area as a game reserve under the *Fauna Conservation Proclamation* of 1961 meant that hunting and gathering was not allowed, but an exemption was made for those people whose primary subsistence

**O**ur guiding principle in international affairs is that every national group has a right to self-determination, that the essence of democracy is that minorities and ethnic groups comprising a nation should not be subjected to any form of discrimination, and should happily accept the authority of the national government in the knowledge that they form no insignificant part of the national community.

President Seretse Khama (1968:26).

A serious problem facing indigenous peoples in Africa has been the effort on the part of governments to remove people from their ancestral lands. These kinds of policies have been pursued for a variety of reasons: commercialization of land in order to establish a real estate market, the turning of communal areas into private farms or ranches which are then leased out or sold to companies and individuals, and the establishment of protected and conservation areas, especially national parks and game reserves, by the state. All of these actions have led to the dispossession of resident populations or restrictions in access rights to natural resources in those areas.

This kind of process currently is taking place in the Republic of Botswana in southern Africa, where the residents of the Central Kalahari Game Reserve were

will affect between 950 and 1,000 people who currently reside in the central Kalahari, and have impacts on another 2,500-3,000 people in surrounding areas who retain long-standing customary land and resource use rights there. The move out of the central Kalahari could have a whole series of negative effects on both the people who are moved as well as those people who reside in the areas where resettlement occurs.

From 1986 and continuing into 1996, representatives of the Botswana government have held discussions with Central Kalahari Game Reserve residents in an attempt to convince them to move to areas outside of the reserve. Several reasons were given by government officials to local people as to why the resettlement was necessary. First, they noted that the move would help ensure conservation of the resource base, including wildlife, in the reserve. Second, they said that the reserve contained "resources of national importance," specifically diamonds and other minerals. Third, they said it would enhance the tourism potential of the region. Fourth, they maintained that it would be cheaper to provide services to people in places that were not as remote as the central Kalahari. Finally, they suggested that if resettlement occurred, those who were moved would have greater access to eco-





Photo: Robert K. Hitchcock

was derived from wild plants and animals. Subsistence hunters, defined in the *Fauna Conservation Proclamation* (Section 4[3]) as those groups completely or primarily dependent on hunting and gathering of 'veld' produce, were recognized as a special case, and they were not required to purchase a license. As the *Fauna Conservation Proclamation* (pp. 9-10) noted, the crucial factor was whether "the animal is hunted for the reasonable food requirements of the hunter or of the members of the community to which he belongs."

Remote Area Dwellers in Botswana, including people in the central Kalahari, continue to have subsistence hunting rights, in the form of Special Game Licenses (SGLs), which were guaranteed in 1979 under the *Unified Hunting Regulations* of 1979 (Section 7[1]). Additional regulations on Special Game Licenses were included in the *Wildlife Conservation and National Parks Act*, 1992 (Section 30[1]0 (Republic of Botswana 1992: A138). Special Game Licenses were allocated to Remote Area Dwellers in the central Kalahari from the time of their inception in 1979 and were allocated as recently as 1995. The problem now is

that the government of Botswana is in the process of doing away with the Special Game Licenses, something that will have negative effects on the social and economic well-being of people in the central Kalahari and other parts of rural Botswana.

In 1962, a borehole was drilled at !Xade (Cade) in the central Kalahari. A sizable number of people moved to the !Xade, which eventually became a government settlement under Botswana's Remote Area Development Program. A number of different types of facilities were established at !Xade, including a school, health post, tribal offices, a *kgotla* (meeting place), and a Department of Wildlife and National Parks game scout camp. A process of sedentarization also occurred in other parts of the central Kalahari, and by the early 1990s, population was concentrated in seven communities which ranged in size from 41 to 528 people. The 1991 Botswana census showed a population of 994 people in the Central Kalahari Game Reserve, whereas Remote Area Development Program figures for the same period indicate a somewhat higher population, around 1,100.

In 1986, after a fact-finding mission by the Botswana government on the central Kalahari, the Ministry of Commerce and Industry ruled that "Viable sites for economic and social development should be identified outside the Reserve and the residents of the Reserve encouraged — but not forced — to relocate at those sites" (Circular No. 1 of 1986, Ref. CI 4/8 II (II), 15 July 1986). As it turned out, no sites were identified, in spite of extensive efforts.

In the late 1980s the government pursued a policy of 'freezing' development in the Central Kalahari Game Reserve. When the borehole at !Xade, the largest community in the reserve, broke down, it took months before it was fixed. Buildings and roads were not maintained in the reserve except for those going to Department of Wildlife and National Parks camps. Even drought relief feeding programmes were slower in the central Kalahari than elsewhere in Botswana, a situation which threatened the well-being of people in several parts of the reserve.

Both international and local institutions expressed concerns about the human rights implications of the require-



*Photo:  
Robert K.  
Hitchcock*

ment for people to leave the central Kalahari. In 1989, the London-based indigenous rights organization, Survival International, came out against the relocation policy. The Ghanzi District Council, which oversees the central Kalahari, in 1990 also expressed misgivings about the policy of requiring people to leave their traditional areas in the reserve. They argued instead for a strategy where people would be allowed to stay where they were and to continue to receive development assistance.

A primary reason given for the relocation of the people of the central Kalahari out of the CKGR was to serve national interests through conservation of wildlife, expansion of tourism, and the exploitation of minerals. With respect to the tourism question, Section 14(3) (c) of the Botswana Constitution permits "the imposition of restrictions on entry into or residence within defined areas of Botswana of persons who are not Bushmen to the extent that such restrictions are reasonably required for the protection or well-being of Bushmen." This statement could be interpreted to mean that the Constitution recognizes exclusive rights of Bushmen communities to land and also underscores their right to determine who enters their areas, including tourists.

The people of the Central Kalahari are within their constitutional and customary rights to maintain their occupation, land use, and resource rights in the Central Kalahari. These rights are underscored in the Constitution of Botswana, the government of Botswana's 7th National Development Plan, and the various government white papers on government land and natural resource management policy. These documents hold that all peoples, regardless of their ethnic background, have the right to land and resources.

The Constitution of Botswana guarantees "protection of freedom of movement" under Section 14. What this means in legal terms is that people have "the right to move freely throughout Botswana," and "the right to reside in any part of Botswana." Under the Botswana Constitution there is also right of access to the High Court of Botswana in cases of dispute concerning the legality of the acquisition of land by the government.

The response of the vast majority of CKGR residents to government requests that they resettle is that they have no desire whatsoever to move out of the reserve. The government of Botswana maintains that the majority of people who spoke out at a public (*kgotla*) meeting in February 1996 were in favor of

moving out, according to a statement by the Ministry of Local Government, Lands, and Housing issued in February 1996. While this might be the case, it must be kept in mind that the *kgotla* meeting did not have all of the people in the central Kalahari in attendance, and often only the more forceful people speak out in those contexts. Subsequent interviews of people in the Central Kalahari by Ditshwanelo, the Botswana Center for Human Rights, indicates that there were very few people who were in favor of moving out.

While it has been argued by the Government of Botswana that alternative sites have been identified for the relocation of people out of the Central Kalahari, there is little indication that these sites are sufficient in size and resources available to ensure that the people who are moved will be able to support themselves in the new settlements. Questions also remain as to whether or not appropriate consultation, adjudication of claims, and compensation procedures have been worked out.

The decision to remove people from their lands in the Central Kalahari could serve to erode the social, economic and environmental status of people in the CKGR and in the region where they are relocated. It is open to question whether

or not new places have actually been developed to provide for the needs of the people being relocated. Judging from other experiences with Remote Area Dweller settlements in Botswana, it is highly unlikely that the people who are moved will be granted *de jure* rights over the land in the new settlements. What this means, therefore, is that there is no guarantee that they will be able to prevent other groups and individuals from moving in to their settlements to benefit from the social services, infrastructure, and the grazing, water, and other resources there.

In the period between February and June 1996, a number of different organizations sent official letters to the government of Botswana requesting a reconsideration of the Central Kalahari Game Reserve relocation decision. These organizations include the American Anthropological Association, the African Wildlife Foundation, Survival International (London), First Nations Development Institute (Fredericksburg, Virginia, USA), the International Work Group for Indigenous Affairs, Kgeikani Kweni (First People of the Kalahari), and Ditswanelo (the Botswana Center for Human Rights). John Hardbattle and Roy Sesana of Kgeikani Kweni raised the issue of the Central Kalahari Game Re-

serve relocation at the United Nations Human Rights Commission meetings in Geneva in March 1996.

There have been discussions in the House of Lords in England and the United States Congress, and the European Union is in the process of addressing the issue, as are the governments of the Netherlands, Denmark, and Norway. Great Britain and the European Union are proposing to send delegations to Botswana to investigate the situation in the central Kalahari and to discuss government decisions and plans. Ditswanelo (the Botswana Center for Human Rights) and the Khwe (Bushman) organization Kgeikani Kweni have both sent teams into the central Kalahari to talk to people in the various communities. One of the conclusions of these investigations was that people were feeling pressure from various sources to leave the reserve.

The Central Kalahari Game Reserve should remain in the hands of those who live in it. The government of Botswana could best serve the interests of the people in the Central Kalahari by allowing them to maintain their land and resource rights *inside* the Central Kalahari Game Reserve. One way to do this would be to grant rights to the various communities in the reserve by establishing Commu-

nity-Controlled Hunting Areas (CCHAs), as has been done in other areas of Botswana. Another way to handle the situation would be to turn the Central Kalahari Game Reserve over to the residents of the reserve, making it, in effect, a kind of cultural park or biosphere reserve.

From a human rights perspective, the best strategy for the government of Botswana to pursue would be to provide development assistance to those people who wish to stay in the reserve. At the same time, the government and those organizations working with it should ensure that anyone who wishes to relocate outside of the reserve (a) is fully consulted, (b) has their traditional and contemporary claims to land, resources, and assets determined and adjudicated, (c) is provided with fair and just compensation both in kind (in the form of land) and cash for any assets they lose, and (d) is ensured that their livelihood will be at least equal to or better *after* resettlement than is the case currently, as is in keeping with international standards pertaining to the resettlement of populations.

*Committee for Human Rights  
American Anthropological Association*



by Robert K. Hitchcock

**Document No. 79**

# "Bushmen and the Politics of the Environment in Southern Africa"

## Introduction

Sabah is located at the northern part of the Island of Borneo and is separated from Peninsular Malaysia by the South China Sea. Sabah is also the second largest state in Malaysia next to Sarawak and together they make up East Malaysia.

The major economy of Sabah comes from natural resources mainly agriculture, forestry and mining. Sabah is generally considered the richest state in the

Since the 1970s, millions of Ringgit have been spent on five year development plans to eradicate poverty and restructure society, but much of this money has been spent on large scale projects. Many of these projects failed because they were planned and carried out without full participation of the people.

## The Indigenous Peoples of Sabah

The natives or indigenous peoples of Sabah who make up about 84.4 per cent

while the Paitanic group includes the Tombonuo, Sungai, Abai and Upper Kinabatangan. Other indigenous groups who have travelled from the Philippines and Indonesia and have been settled for years in Sabah are the Bajaus, Suluk, Lun Dayeh, Cocos and Bugis.

Indigenous peoples of Sabah share a number of common socio-cultural characteristics, languages, oral history and traditions, beliefs and value systems. They have, however, distinctive ethnic differ-

# malaysia

# The Indigenous Peoples of Sabah

Prepared by **Doris Losimbang**  
Partners of Community Organizations (PACOS)

federation in terms of natural resources. Sabah also has one of the highest percentages of poor households in the country. Most of the poor are in the rural areas where subsistence living is based largely on traditional methods of farming and fishing. Some are also low waged labourers in the plantation and timber sector, although increasingly more are to be found in urban squatter communities.

of the 1.4 million population, consist of 39 ethnic communities. They speak more than 50 languages and not less than 80 dialects. These include the Dusunic group, the largest of the Borneon group, the Murutic and Paitanic. Among the Dusumic groups are the Kadazan, Lotud, Rungus, Garo, Kimaragang, Tindal, Tagaas and Bundu. The Murutic includes the Paluan, Timugon, Tagal and Baukan,

ences in their languages, dialects, attire, artifacts, music, dances, farming mode, customary laws and traditional practices, and are identifiable in their own geographic areas of settlements.

Most of the indigenous peoples of Sabah live in the rural areas where about 70 per cent of Sabah's population resides. Many are subsistence farmers practising diversified agriculture (rotational agri-

culture) combined with hill paddy, tapioca, fruits and vegetables, while some of them cultivate cash crops. Along the coastline and river mouths there are many fishing communities which sometimes involve themselves in agricultural activities. Most of these farmers grow food for their own consumption and their income is derived from extra food they may have, cash crops and jungle produce.

sulted in many losing their customary land rights and communities facing land pressure. It is not a new thing when indigenous communities complain that their land application has been rejected or has been waiting for more than 10 years just to get legal title from the government.

The increasing demand for timber in the international market has led to the exploitation and rapid destruction of forest through logging. Many argue that

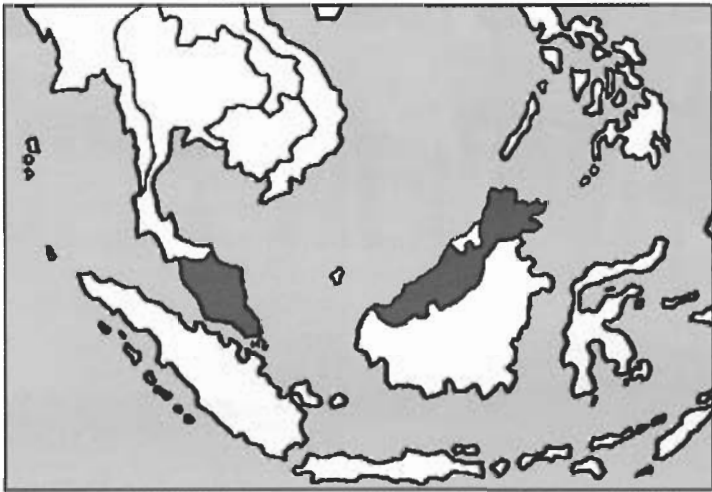
muddy and polluted, and the water becomes unsafe for drinking. Debris from logging activities also often clog up rivers, making them impassable to small craft. Animals, rattans and wild fruits hunted or collected for food and for sale are become increasingly scarce.

The impact of this leads to the erosion of the biodiversity of the indigenous peoples' resources and changes their dietary pattern causing malnutrition and weakened resistance to diseases. Apart from that, indigenous peoples who are depending on the forest and rivers for their livelihood experience further hardship and misery.

The aspiration of Malaysia to be one of the newly industrialised countries has led to East Malaysia being identified as a resource base and land being earmarked for oil palm, cocoa, rubber and tree plantations. The land being alienated to government agencies and companies mostly involves customary lands of indigenous peoples. The Sabah Forest Development Authority (SAFODA), Sabah Forest Industries (SFI), Sabah Land Development Authority (SLDB), and Federal Land Development Authority (FELDA) continue to open up land for tree plantations and oil palm projects. This has led not only to the loss of ownership and access to land, but also displacement or resettlement of indigenous peoples from their ancestral land.

The increasing land competition, especially the zoning of land for forest reserves, the activities of loggers, and the gazettement of huge tracts of land for statutory bodies such as SAFODA and SLDB, have all resulted in the reduction of the amount of land available to indigenous peoples. With the competition for land, the amount of land available for opening up becomes less, thereby contributing to smaller plots. The land pressure has also led to the shortening of the fallow period which has contributed to decline in productivity. The longer distances which people have to go to their plots, and these are getting further and further away from their houses, reduces their ability to cultivate bigger plots.

Because of the insufficient land to support their livelihoods, male migration from rural to urban areas is a new phenomena. As the male labour force migrates to towns in search of jobs, the



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### **Main Threats to Livelihood, Culture and Rights**

While the government actively pursues the type of development which emphasises large scale land alienation such as tourism, industrial zones, logging, plantation and dams, indigenous peoples will continue to be displaced from their land. With the introduction of strict land laws, exclusive claims to the land have re-

sulted in many losing their customary land rights and communities facing land pressure. It is not a new thing when indigenous communities complain that their land application has been rejected or has been waiting for more than 10 years just to get legal title from the government. The increasing demand for timber in the international market has led to the exploitation and rapid destruction of forest through logging. Many argue that



management of agricultural production progressively becomes the responsibility of the women. This is a great burden on women who have to shoulder responsibilities of parenting, housework, health-care, etc. The situation is further aggravated if women themselves have to seek an income away from their farms to meet their subsistence needs.

The negative impact of the construction of dams, both for water reservoirs and hydroelectric power are similar to those of the plantations. Dam and reservoir construction in areas inhabited by indigenous peoples could lead to the deprivation of all or parts of their ancestral land. Lack of legal recognition of the indigenous peoples' right to their ancestral domain and its importance to their way of life has undesirable implications with respect to compensation and resettlement arrangements. This situation usually causes disruptions or changes of their way of life and is often followed by incapacitating unfamiliar cultural and environmental shocks, dislocation, value system disorientation and disintegration of social and cultural institutions.

### **Loss of Indigenous Lands, Knowledge, Customs and Tradition.**

For generations the indigenous peoples have lived off the land which they view as a communal resource. They practised shifting agriculture and collected food and other products from the surrounding forest without any destruction of the land. However, with the introduction of land laws, exclusive claims to the land have resulted in many losing their land rights and communities facing land pressure. Despite the limited recognition of NCR (Native Customary Rights) by law, which are provided for in the Land Ordinance of Sabah, these are not considered when the government or companies open up land.

Another scarce and important aspect that will be lost resulting from the loss of land and forest is the knowledge of

traditional herbal medicine. Many herbs used in the traditional medicines are not readily available and may become extinct one day. This is because the forests, the main source of medicinal plants, are rapidly disappearing. The rich heritage of knowledge about land and nature, customs and tradition of the people are also disappearing.

It is normal among the indigenous communities to teach or share their knowledge with each other in their daily activities. The learning process is done orally, practically and by observation. Apparently land is an important source

of knowledge. For example during planting or harvesting season most families with a plot to be planted or harvested take part in exchange labour, where adults and children participate. During this time the children learn not only the skills of farming but also the oral tradition, which skills they share and pass on during this time.

When land is lost through 'development' purposes then there is no longer a means of coming together to work and share knowledge. The process of oral learning will be lost. Therefore, the rich heritage of knowledge, customs and traditions will be lost forever.





In the social context, the above situation has a negative influence on indigenous communities. Traditionally the communities have a strong and well-developed juridical personnel. That is, they hold certain rights and carry out duties which empower the communities to operate and maintain relative harmony among their members. The village headman with the assembly of elders, meet to consider cases of infractions against the village rules. The most important function is the protection of the major assets or resources - land. However, because of the present situation, the juridical personnel have been eroded.

The first step in this erosion of the integrity of the village communities was the introduction of ownership of land by individuals. Indigenous peoples are forced or under great pressure to accept the new system of ownership of titles which is the criteria for eligibility for cash crops subsidies. The integrity and control of communities over their own affairs and decision-making have been seriously eroded by the introduction of government appointees as village leaders.

#### **The Struggle Goes on**

The indigenous peoples of Sabah aspire to be regarded as human beings, with

dignity and rights. They want to have access and control over the land which has been theirs for generations. They want the benefits of social institutions and services such as schools, hospitals and roads. They also want to have a say in the type of economic development which will influence them directly. Finally they also want their cultural beliefs and Adat to be respected.

Many others, indigenous and non-indigenous, are beginning to see the exploitative system that prevails and are struggling to assert their rights. Studies on the problems related to land have been conducted by various government bodies and non-governmental organizations. There is a need not only to translate the findings of these studies to affected communities, but also to lobby for changes in the laws and policies that are exploiting these communities. Legal action to prove the legitimacy of native customary land rights is one of their options.

There is also a need to support communities which are struggling against the erosion of the traditional concept of land due to the onslaught of the dominant society. To these communities, land is still valued as a communal resource that should be kept within the family and the community and, if possible, cultivated. Provisions for communal titles and natives reserves that are found in the Land Ordinance could be one of the means to maintain such values.

The traditional environmental knowledge of indigenous peoples has a great deal to contribute to the process of sustainable development. However, planners must recognise that this knowledge is deeply rooted in indigenous production systems and as these production systems are undermined or abandoned, this knowledge disappears. Thus, there are very critical issues which indigenous people raise concerning the need to maintain the integrity of their subsistence lifestyles, while protecting their intellectual and cultural property rights. □

# DEVELOPMENT VERSUS SUSTAINABILITY

## A matter of ideological competition

### Subversive Thinking

Questioning the concept of development or trying to analyse the hidden agenda behind development in Indonesia is not only taboo but also considered as a subversive way of thinking. Development, so far, appears to be a sacred word, unquestionable, or more precisely, perhaps, a *causa prima*. Therefore, people are told (read: ordered) to support and are encouraged (read: forced) to participate in the development process. To support simply means not to interfere with the business of development, while to participate is to give way to the "developmental locomotive" even if it is damaging your personal property. If a development project is to be conducted on one's land, one must surrender the land at any price. It does not matter whether the government pays ten times less than it is supposed to, or even if there is no compensation at all.

The Government of Indonesia persuades the people to channel their energy and effort to develop Indonesia. The interest of development is the national and public interest, and therefore should be placed above any personal or group interest. Everybody has to sacrifice or at least should be willing to sacrifice for the sake of development. For development aims to reach a prosperous and just Indonesian society, based on Pancasila (the only state ideology that consists of five principles) and the 1945 Constitution. Therefore, during the first twenty years, development has never been fairly questioned.

In recent years, frustration has been appearing in public debates, questioning both the fundamental ideology and surface failures of the development initiative. Such frustration stems from a newly rising consciousness that development is

neither *causa prima* nor a sacred word at all. In addition, in a real sense, the nature of development as well as its implementation has been in contradiction with its formulated noble goal. Thus, development, during the last 25 years, has appeared to be destructive rather than bringing prosperity and justice to the people.

Underlining the above problem, this paper would like to raise questions on what is development, why and how it appears to be a destructive force for the greater part of the Indonesian people and the indigenous peoples in particular, and what is the hidden ideology behind development as well, while searching for alternatives to development.

The combination of the dynamic ideas of Wolfgang Sachs - his special remarks on development perspectives - combined with deep ecology principles and the philosophical views of the Dayak indigenous people will be used in analysing and in trying to give a proper explanation to these questions. In the last part of this paper, I suggest an alternative to development.

### Three Perspectives on Sustainable Development

On the second day of the second week of the course "Towards an Ecological Economics", Wolfgang Sachs presented three perspectives on sustainable development. The first perspective as he calls it is the fortress perspective. This perspective assumes that, as Wolfgang Sachs says, "...development, unfortunately, will have to remain spatially restricted, but can be made durable for the richer part of the world. It neglects the fact that the range of harmful effects produced by the North now covers the entire globe and limits the re-

sponsibility of the North to its own affairs".

The Second perspective is the astronaut perspective. This perspective assumes that the earth is a small manageable planet. It recognizes that development is precarious in time and seeks global adjustment to deal with the crisis of nature and the crisis of justice.

The last one is the home perspective. This view accepts the limits of development both in time and space, and suggest delinking the question of justice from the pursuit of development. For justice could not be achieved through development. Putting it the other way round, development has broadened the gap between the rich and the poor. Development has destroyed the environment, created toxic waste and marginalised the indigenous peoples. Therefore, according to Wolfgang Sachs, "...It is to be understood...that for many communities 'sustainability' means nothing else than resistance against development".

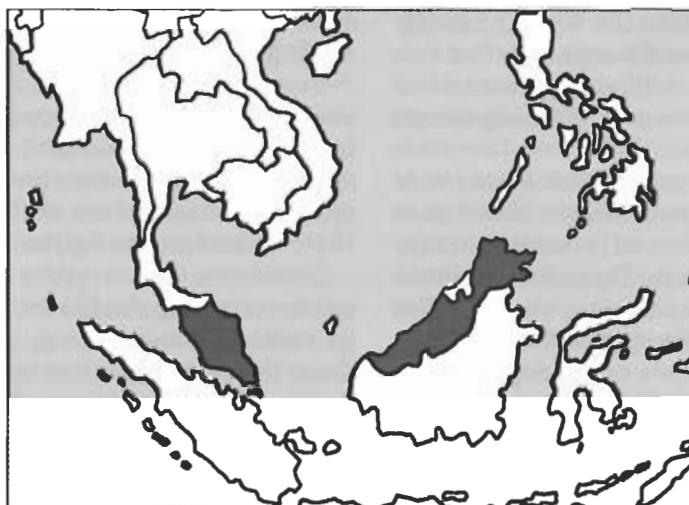
The home perspective is one of the strongest criticisms of the development paradigm. It is a nightmare idea for development thinkers. Wolfgang Sachs is one of a few exceptional intellectuals - the dissident intellectual, as he calls himself - who are straightforward in pinpointing that development, since its very beginning, is the new way of disseminating Western hegemony to the rest of the world with: Western Culture, Western Ideology and Western Economy.

### Development = Capitalism

In analysing the ideological and historical context of development, Wolfgang Sachs writes, "...the development era opened at a certain date and hour. On 20 January 1949, it was President Harry Truman who, in his inauguration speech be-

# INDONESIA

by Stepanus Djuweng



fore Congress, drawing the attention of his audience to conditions in poorer countries, for the first time defined them as 'underdeveloped areas'.

I am of the opinion that Truman's speech should be analysed in the historical perspective of South and North. The countries of the North were in the trauma of their post-war condition. At the same time, it was the beginning of the ideological competition between capitalism and socialism. More precisely, the competition was between the USA and its allies in Western Europe and the Soviet Union and its proxies in Eastern Europe.

Asia and Africa were fields of the New Emerging Forces (borrowing the words from President Soekarno). Those countries were in the stage of a 'post-independence syndrome', trapped between two choices: of adopting socialism or capitalism. Realising the fact that they had been colonised by Western domination, they turned to adopt socialism rather than capitalism, for capitalism was perceived as being colonialist ideology.

Such a tendency was not only against the interests of the USA and Western Europe. In the long run, it was seen as a latent threat to capitalism. Therefore, Truman launched a new strategy to win the support of these emerging forces of the South. And this strategy was named 'development'. Western scholars or development thinkers then started to develop theories that supported this strategy. Among other noted leading thinkers are W. Rostow and David MacClelland. Rostow then developed what is called The Stages of Economic Growth, while MacClelland is known for his modernisation of the Need for Achievement theory. The foreign and education policies of the USA were based on these two theories (Mamudi, et al. 1983).

Following this strategy, the USA opened a dozen development courses in the major US universities. The students were recruited from Europe and Third World countries. This was because, among other things, the Third World needed the transfer of capital, technology and highly trained specialist as well as socio-cultural transformation. Wolfgang Sachs (1993) describes it in very precise words:

*"Turning the South's societies into economic competitors not only required the injection of capital and transfer of technology, but a cultural transformation, for many 'old ways' of living turned out to be 'obstacles to development'. The ideals and mental habits, pattern of work and modes of knowing, webs of loyalties and rules of government in which the South people were steeped, were unusually at odds with the ethos of an economic society."*

In fact, development studies appeared to be the centre of brainwashing institutions. And the results were tremendous. Less than a decade later, the idea of development was widely accepted all over the world. The graduates of development studies translated development into common local and national languages. In Indonesia development is translated as *pembangunan*. This word stems from

the verb *bangun*, to wake up or to build, and added with the prefix *pe-* and suffix *-an*, it forms a noun. Development in this sense is a gong to wake up the sleeping potentialities of the Third World and bring them into the stream of the capitalistic economy and world market. Sachs describes it as an attempt to unify the world.

## Development in Indonesia

Soon after the New Order Government under President Soeharto took power from the late President Soekarno, the temporarily appointed Peoples Representatives passed laws on foreign investment in 1968. In the following year, the Government also launched its First Five Year Development Plan (FYDP I). The urgent agenda of the FYDP I is to develop an agrarian sector, financed by multinational development banks. Considering the Government's open-door policy, the hidden agenda of the FYDP is evidently to invite foreign investment in order to increase economic growth.

A recent analysis says that though Indonesia opened itself to foreign investment, "flying foreign capitals" paid very little interest to Indonesia. The Government then promised that it would apply a cheap labour policy as an incentive for foreign investors. This commitment, according to this analysis, is the prime cause of the cheap labour wages in Indonesia.

In 1970, the Government of Indonesia passed the Basic Forestry Laws No. 5/1970. The laws were enacted in line with the Foreign Investment Laws. The Basic Forestry Law is even more action-oriented: to increase the speed of economic growth by turning the country's potential forest resources into effective economic values. Millions of hectares of Indonesian 'green gold' obviously attracts Japanese capital. Later on, Taiwanese and Korean companies were among those who were investing millions of dollars in logging and plywood processing companies in Indonesia. These foreign investors are collaborating with the ruling class and middle class in Indonesia.

To serve the era of development, the Government of Indonesia adjusted its education policy in 1975. The 1968 national curriculum was replaced with a new developmental-oriented curriculum. Upon completion of the Lower Secondary Schools, the students have at least three major choices: (1) vocational (technical) training school; (2) Economic School; and (3) Senior (General) High School. Higher education institutions were also adjusted to produce specialists in economics, forestry, agriculture and industry.

### **The Dayak World View and Deep Ecology**

Borneo/Kalimantan is one of the biggest islands in the world. Being the home of the oldest tropical rainforest and the Kingdom biodiversities and wild species, this island is the basis of the most incomparable, unique ecosystem in the world.

Administratively, Borneo/Kalimantan holds three different states. The greatest part of the island belongs to Indonesia, whilst the northern part holds the Malaysia Federation States of Sabah (73,700 km<sup>2</sup>) and Sarawak (124,449 km<sup>2</sup>). A small remaining enclave of the island's north-west coast is the small independent state of Brunei Darussalam (5,765 km<sup>2</sup>). Despite these unconsulted political divisions, Borneo/Kalimantan is one ecological and cultural unity.

According to Ave and King (1986), the Dayak and Punan are considered to be the original inhabitants of Borneo. The 'Dayak' is in fact, they write, "a collective name for dozens of tribal peoples who differ in language, art form,

clothing, housing, architecture and several other elements of culture as well as social organisation. All Dayak groups, however, have some fundamental features in common".

The Dayak once live harmoniously with the surrounding environment. According to the Dayak World View, Great Nature has its Great Spirit. Everything that existed has its own spirit: spirit of land, spirit of rivers, spirit of stones, spirit of trees and forests and the spirit of human beings. Above all these spirits there is the Spirit of Spirits.

Considering that everything has its own spirit, everything also has the same right to exist. If human beings are to use those things, they have to apply to the Spirit of Spirits, and this application occurs in the form of ritual ceremonies. If the Dayak want to pick birds' nests, for example, they have to perform an appropriate ritual ceremony first. If the Dayak want to farm a piece of land, they have to perform another appropriate ritual ceremony.

This world view is in line with the basic principles of deep ecology: "The well-being and flourishing of human and nonhuman life on earth have value in themselves (synonyms: intrinsic value, inherent value). These values are independent of the usefulness of the non-human world for human purposes" (N. Sessions, 1995).

The Dayak are also of the opinion that everything in the world can be used to fulfil the basic needs of human beings. However, human beings should not do everything even if they can do it. This basic principle is implanted in a set of laws that later on became well-known as Customary Laws. These laws govern the whole aspects of people's livelihood.

Based on the Customary laws, the Dayak have their own sustainable ways of extracting natural resources. In terms of land use management, they implement what is called an integrated indigenous farming system (IIFS). Under this system the forest plays a very prominent role. The land use management of IIFS consists of seven major elements: (1) conservation and reservation area (primary forest) consisting of two main parts, namely sacred land (absolutely restricted) and collective holding hunting and gathering; (2) farming lands,

both dried and swamp lands in terms of its usage, the farming lands divided into two criteria: swidden in use and swidden in fallow; (3) fruit trees garden; (4) rubber gardens; (5) settlement sites (by group or single individual house); (6) animal breeding locations and rivers for fishing sites; and (7) cemetery grounds.

The Dayak - who number 1.4 million and comprise 41% of the population of 3.8 million in West Kalimantan alone - have been suffering as the result of age-old exploitation and oppression as development projects have displaced the Dayak from their ancestral land and natural resources. In spite of the fact that the Dayak are the majority in numbers, they are economically, culturally, politically and socially becoming marginalised.

According to research done by the Institute of Dayakology Research and Development (IDRD) Pontianak, the above circumstances are caused by at least five external factors that have been internalised. They are: (1) the teaching of the modern religions (Islam, Catholicism, Protestantism, Hinduism and Buddhism); (2) the introduction of formal education; (3) the enforcement of national laws and regulations; (4) the hegemonisation of capitalistic and market economy; and (5) the aggression of advanced technology and information media.

In regards to my basic premise, I would like to discuss the hegemonisation of capitalistic economy that is affirmed by the enforcement of national laws to legitimate the military government in Indonesia.

Those 'development projects' occupy the Dayak farm lands and cut down their economical plantations of rubber, coffee and fruit trees. Professor Mubyarto, who is now the assistant chair of the National Development Planning Board, once warned that the arrival of large-scale development projects in Kalimantan had pushed aside the economic resources of the Dayak peoples. The ecological ways of managing and extracting natural resources that are practised by the Dayaks is not favoured in the eyes of the government. The government officials argue that indigenous practices are not only economically unproductive, but also destroy the environment. This prejudice resulted in the growth priority development planning paradigm. Apart from the fact that such huge government supported



plantation programmes contributed significantly to environmental degradation - by introducing monoculture plantation, by using chemical substances (fertilizers, insecticides) - it also in one way or another deprived the people of their ancestral residual ownership rights.

The newly introduced capitalistic model of plantation projects also marginalised the roles of Dayak women. A loan agreement is normally signed by a family head who is a man. In Dayak culture, a woman has the same rights as a man. In the rubber tapper community, both man and woman have the same rights to tap the rubber and to sell the products and spend the money.

In reacting to the injustices of development criticisms of environmentalists, scholars and human rights activist on environmental destruction, human rights violations and indigenous peoples' land grabbing, the Government says that in pursuing the industrial, prosperous and just Indonesian society of the future, we have to increase the speed of our economic growth. In such attempts there are several necessary victims, and this is something to be understood by all levels of community.

However, realising the fact that development has never been friendly to the environment, that it violates the social, cultural and economic rights of the indigenous peoples, the question remains, "why does development with its noble goals appear to be so destructive?"

Development has been a destructive force for the greater part of the Indonesian people in general and the indigenous people in particular because of the hidden agenda behind development. And this agenda, nothing other than capitalism, is never told to students of development from the Third World.

As the new name of capitalism, development is the fruit of ideological competition: In this light, Wolfgang Sachs, under the heading "Progress and Development" in *Real Life Economics* page 158, says:

*"Talking about development meant nothing more than projecting the American model of society onto the rest of the world...Development was the conceptual vehicle which is allowed in the United State to behave as the herald of the nation's self-determination, whilst at the same time*

*founding a new type of the world-wide hegemony, namely anti-colonial imperialism".*

Obviously then, apart from being an elegant packet of capitalism, development is also a political and ideological machinery of the USA, in the way that development contains American images, American ideology, American aspirations. It is not, however, a value-free ideology as has been widely perceived ever since.

Development is basically founded under the concepts modernisation and economic growth. Modernisation, according to W. Haviland (1993), is the process of Westernising the non-westerners. Obviously then, modernisation is Eurocentric and therefore in contradiction with the aspirations and ideology of the indigenous peoples. Economic growth is the basic principle of capitalism. Why does capitalism need growth? Richard Douthwaite (1992) gives the following explanation:

*"It is not the results of the growth that are important to the people who make it happen. What matters is the process itself, and the more of that process there is the better politicians and business people like it. Growth means change; more rapid growth even more change; more change means more market opportunities to be turned into profits".*

In the context of Indonesia, growth means an opportunity for the corrupted government officials to enrich themselves, since business people need 'permits' to invest and this means business for the officials. In this light, it does not matter if growth has to sacrifice the little people. The problem is that business people and corrupted official take equal advantage of the growth process.

### **An Alternative Counter-Development**

In a tutorial session with Wolfgang Sachs, my belief that the aforementioned kind of development could not be sustainable was confirmed. On the first day of his course he also mentioned that, "...development, as a way of thinking is on its way out. It is slowly becoming common sense that the two founding assumptions of the development promise have lost

their validity...first, that development could be universalized in space and second, that it would be durable in time".

Sachs himself seems to have difficulty in finding an appropriate common verbal symbol to counter the development hegemony. The term 'sustainable' was used by development thinkers in seeking to make development sustainable. However, 'sustainable' might be a good symbol if it is understood from the 'home perspective', that is sustainable means resistance to development. Sustainable is free of the term development both in the sense of physical reality and in the map of thinking.

The indigenous peoples themselves express such a situation in many ways. In Simpang Dayak, one of the Dayak subgroups in Kalimantan describe the situation of counter-development hegemony as 'pisang kumakng lantdang, tabu lulokng anak' (banana will regenerate by its own and sugarcane will continue to grow). This metaphor, if we try to translate its meaning into English, is nothing other than 'sustainability'.

Consequently, I arrive at the conclusion that the term 'sustainable development' is absurd because 'development' is the opposite of 'sustainability'. However, the similarity of 'development' and 'sustainability' is that each contains an ideological perspective.

Putting 'development' and 'sustainability' in a diagram of dilemma may convince us that the two words bring a different ideology. 'Development', in regard to our previous discussion, represents mainstream capitalism, the world market and the unification of the planet earth. For the purpose of this argument, I will call this approach the 'North'. 'Sustainability', on the other hand, represents locality, indigenous peoples' aspirations and critical ideas of the dissident intellectuals and, since it is opposite to the 'North', I will call it the 'South'. Thus the terms 'North' and 'South' in this sense are the symbols of mind-mapping rather than referring to the geographical division.

- (1) North-----development----->South
- (2) North<----sustainability-----South

The arrow in the first diagram should be read as to impose or to hegemonise, while

the arrow in the second diagram should be read as to conscientise or to raise awareness. The North is imposing development (shown in the first diagram) on the South, while the South (second diagram) tries to conscientise or to build a critical awareness in the North that development should be replaced by sustainability.

The terms 'sustainable' and 'development' are symbols of different ideology and when linked together create a contradiction in meaning which the public seems to be unaware of. To avoid such a misleading interpretation, it is urgent to raise the public's awareness that 'sustainability' denotes anti-development, or counter-development ideology. Since public awareness has been trapped by 'developmentalism', to liberate them from this 'false awareness' is a matter of ideological competition. In this light, I would propose to those intellectual dissidents to put and socialise 'sustainability' as an alternative issue to counter 'development'. I have found a number of anti-development hypotheses in many well written books. Richard Douthwaite (1992) for example, shows how economic growth has enriched the few, impoverished the many and endangered the planet, and this is further explained in his book *Why Capitalism Needs Growth*. In writing the foreword to this book, another intellectual dissident, Edward Goldsmith (1992) says,

*"Attacking the policy of economic growth, ... is thus a very subversive enterprise - one which must undermine the whole structure of mod-*

*ern knowledge and, one might add, that of modern society itself. For the cooperation into which our society is organized can not continue to expand - as they must not provide them with the appropriate commercial opportunities. The demolition of this myth, however subversive it may be, is of vital importance, for in reality, economic growth is the main cause of social and environmental destruction and associated poverty and misery."*

In order to be able to do so, a proper strategy should be found. However, it might be a small step in this direction if the result of a study such as 'Sustainable Germany' could be adopted as the official policy of the Government. Only then could the feasibility of the idea be tested.

The other main 'target groups' to be 'conscientised' are the students of economics and development courses. Scholars and academicians are always considered to be the 'frontiers' of poisoning the way of thinking of the public.

The other target is the mass media. It is important to build an alliance with journalists in promoting sustainability as an alternative to development. It might be difficult to do so since media organisations are the components of development. However, there must be some dissident or green journalists who are definitely interested in supporting this idea. The other way to direct public opinion is by publishing alternative media. So far, alternative media are less effective than the mainstream ones.

Lobbying Multi-Development Banks (MDB) to stop their 'development aid'

to Third World countries should also be put in the top priority of action. In many cases, 'development aid' has appeared to be 'destruction aid'. They finance the 'destructive projects' that increase the speed of environmental degradation, human rights violations and indigenous peoples marginalisation.

At the same time, in other parts of this small planet earth, indigenous peoples are struggling hard to gain recognition as human beings and are trying their best to liberate themselves from development. It is clear that the attempts of countering development hegemony are a part of the struggle between the alignment of the dissident intellectuals in the North and the development opposition in the South - including indigenous peoples - on the one hand, and the development thinkers, governments and other developmental institutions in the North and South on the other hand.

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## THE INDIGENOUS WORLD 1995-96

IWGIA

*A review of the main events  
in the indigenous world*

US\$ 17

**book received****BEYOND INTELLECTUAL PROPERTY****Toward Traditional Resource Rights for  
Indigenous Peoples and Local Communities***by Darrell A. Posey and Graham Dutfield*

If a stranger entered your community, and started asking questions about its people, its resources, and its history, what would you do?

In today's global marketplace, no stone goes unturned. Where there is commercial value, there are profits to be made. However, as entrepreneurs scour the world in search of new commodities, a voice of dissent is growing and striving to be heard. That voice belongs to the world's indigenous peoples, and it is a voice that has been ignored long enough.

In *Beyond Intellectual Property*, authors Darrell A. Posey and Graham Dutfield listen and respond to this voice. They offer sound and reasonable advice on how indigenous peoples and local communities worldwide should approach, and deal with the myriad issues surrounding intellectual property and traditional resource rights.

For indigenous people's groups, activities and policymakers in intellectual property, and all those concerned with the preservation of our planet's biological and cultural diversity, *Beyond Intellectual Property* provides an invaluable and eye-opening look into one of the most provocative and explosive issues of this century and likely the next: the patenting of life. □



**New from IWGIA  
(Document No. 80)**

**"...VINES THAT WON'T BIND..."**

Proceeding of the Conference on Indigenous Peoples in Asia  
Chiang Mai, Thailand, 1995

**Editor: Christian Erni**

## SHORT NEWS

## SHORT NEWS



**R**egarding the situation of the Lubicon Lake Indian Nation of Alberta/Canada (see also Indigenous Affairs no. 2/95 and 1/96), the band and its supporting groups in Canada and Europe call for a tourist boycott of Canada.

The main reasons for this request are:

- having stopped the successful boycott of their products by means of an intimidating lawsuit, the Japanese owned Daishowa group might think it is free to begin with clear-cutting the traditional Lubicon territory in October of this year;
- Unocal still is not considering the removal of the sour gas plant operating in the immediate neighborhood of the proposed Lubicon reserve. On the contrary, more projects for sour gas plants are scheduled;
- recent statements by the Canadian federal government clearly show that they expect rapid progress in the exploration of tar or oil sands in northern Alberta by

companies such as Syncrude, Suncor, but also Shell Canada.

Furthermore, the negotiations between the Lubicon Cree Indian Nation, the federal government and the provincial government of Alberta have gotten nowhere since the Province of Alberta "withdrew" from a binding agreement made in 1988 in Grimshaw regarding the size of the future reserve.

Regarding the fact that tourism contributes with 29.4 billion Canadian dollars to the economy of Canada and the only limited possibilities of consumers to influence the Canadian authorities' decisions would be a boycott to punch a growing industry and impair Canada's tax revenues from the tourism industry. Through taxation and other sources of revenue, of every dollar spent by tourists in Canada, 45 cents are paid to a Canadian official authority, federal, provincial or municipal. The backing up activities of the government's advertisement and other

marketing activities and the including encouragement to visiting native communities and their powwows do not include information about the true situation of the indigenous peoples of Canada.

*Please send your letters to:*

*Alberta Tourism Partnership  
3rd Floor Commerce Place  
101155 - 102nd Street  
Edmonton, AB T5J 4G8 - Canada  
or to the Canadian embassy in your country and a copy to*

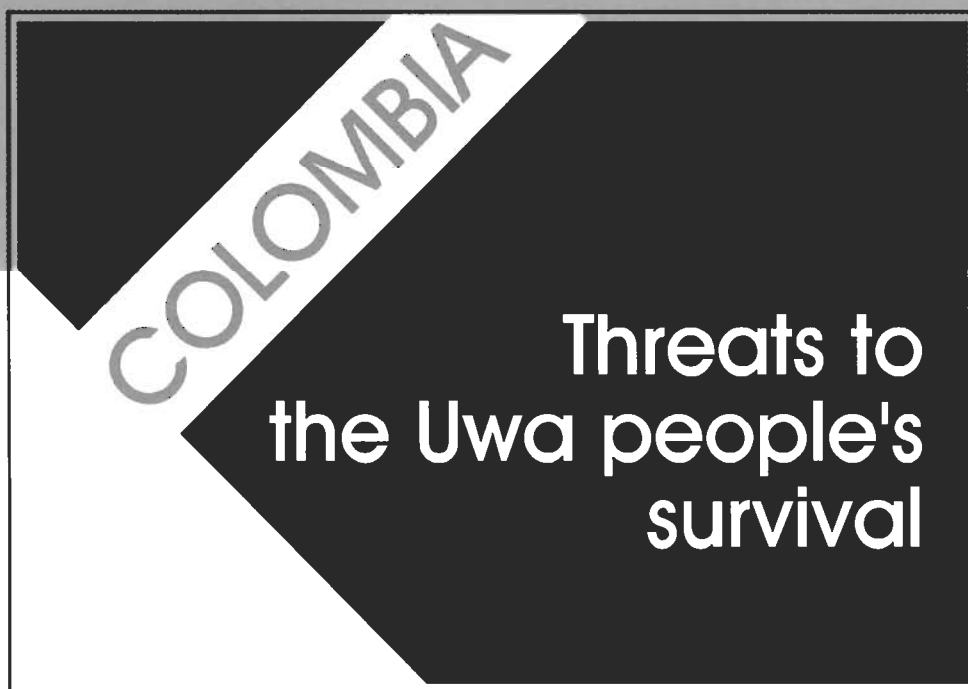
*Canada Tourism Commission  
235 Queens Street  
Ottawa, ON K1A 0H6  
Canada  
phone: 613-952-5717*

*The commission is a business organization which promotes the interest of the Canadian tourist industry outside Canada.*



## SHORT NEWS

## SHORT NEWS



**T**he survival of the indigenous *Uwa* people of Colombia is being threatened by the Occidental oil company's attempts to enter their territory to carry out seismic prospecting studies, which means the beginning of the oil era for the Uwa.

The Uwa are one of the most traditional peoples in Colombia and their entire territory is sacred, including the oil which is the blood which irrigates mother earth. They have seen what has happened to their indigenous brothers the *Gualibos*, *Cuiva*, *Macaguan Hitnu* and *Sikuani* who in the space of ten years have been transformed from being the owners of their prairies to beggars in the new cities.

For this reason, the Uwa held a forum on the 16th of August, with the partici-

pation of more than 1,000 women, children and men. Through their elders they rejected the oil activities on their territory. They stated that, faced with certain death, the loss of their lands, the extermination of the natural resources, the invasion of the sacred sites, the disintegration of their families and communities, they preferred a dignified death in keeping with the pride of their forefathers who defied the *conquistadors* and missionaries: the collective suicide of the Uwa communities.

**Please support the struggle of the Uwa people**

*Send a letter to Occidental, demanding that they completely halt their plans to enter Uwa territory and stop pressuring*

*their leaders.*

*Send letters to:*

*Ray Irani  
President and Chief Executive Officer  
Occidental Petroleum  
10889 Wilshire Boulevard  
Los Angeles - California, USA.*

*Oilwatch Ecological Action Head Office  
Internet: [tegantai@oilwatch.ecx.ec](mailto:tegantai@oilwatch.ecx.ec) or  
[tegantai@oilwatch.ecx.apc.org](mailto:tegantai@oilwatch.ecx.apc.org)  
Address: Lerida #107 y Pontevedra,  
Casilla 17 15 246 C.  
Quito, Ecuador.  
Fax/phone (593 2) 543-344/ 547-516 ☐*



## SHORT NEWS

## SHORT NEWS



## 1996 ANTI-SLAVERY AWARD

Emancipation through land rights, Atalaya, Peru

Each year Anti-Slavery International gives its human rights award to an organisation or individual who has been at the forefront of combating slavery. This year the award goes to Organización Indígena Regional de Atalaya, OIRA (Regional Indigenous Organisation of Atalaya) a group representing the indigenous Ashaninka people from the Amazon region of Peru. Over the last 10 years OIRA has transformed the situation of thousands of Ashaninka who had been trapped in debt bondage to the local non-indigenous settlers.

Two representatives from OIRA, Bernado Silva Loayza and Milton Silva Bautista (both Spanish speakers), will be coming to London from the 21st to 25th of October to receive the award.

### The Campaign

Slavery is not new to the Amazon region of Peru. As late as 1954 a private slave market took place openly in the town of Atalaya, and during the 1960s 30 percent of all adults from one indigenous tribe had direct experience of slavery.

In 1985 stories came to light of whole communities of Ashaninka peoples from the Atalaya region being shut away in hovels, under guard, and being used as labour on logging concessions or on other estates. There were

stories of women who were raped in front of their husbands, workers who were branded for trying to escape and children as young as five who were abducted, baptised, and passed into the brutal service of their new "God-fathers". Workers in the forests were kept under control by use of "the iron", (a blow from the butt of the foreman's rifle) and there were even reports of individuals being executed if they were injured in the course of their work.

After the stories came out, OIRA began documenting the cases and denouncing them to Peru's Ministry of Labour and the International Labour Organization. This process ultimately led to the emancipation of more than 6,000 people.

Freedom has largely come as the Ashaninka have been able to regain control of their own land and resources. As part of a project funded by the Danish Government, OIRA mapped the land that each community needed to be self-sufficient. The lands were then registered under a separate titling scheme and where necessary, compensation payments were made. OIRA is currently extending the project to other communities in the area, over 100 of which have now registered. In recent local elec-

tions, indigenous representatives won control of the municipality of Atalaya.

### ASI Steps Up Indigenous Campaign

The presentation of the Anti-slavery Award to OIRA marks the start of an ASI campaign pressing for action on behalf of indigenous peoples world-wide who are subjected to slavery. It takes place in seven other countries in addition to Peru: Bolivia, Indonesia, India, Nepal, Philippines, Paraguay and Taiwan. It is depressingly difficult to find success stories like the one provided by OIRA in Atalaya.

OIRA not only deserves recognition but also represents a model of international cooperation that may be applied in other areas and even other countries where indigenous peoples are treated as slaves. The award will give the OIRA representatives an opportunity to share their experiences with a wide range of organisations and individuals and strengthen international solidarity for their campaign. This support is important not just to allow the work to continue but to protect the gains made so far from the threat posed by oil exploration in the region.

In addition to the UK, OIRA will also be visiting Denmark, Belgium and Spain.

### Anti-Slavery International

Anti-Slavery International promotes the eradication of slavery and slavery-like

# SHORT NEWS

# SHORT NEWS

practices, and freedom for everyone who is subjected to them. The abuses which ASI opposes include: Slavery and the buying and selling of people as objects; trafficking of women and the predicament of migrant workers who are trapped in servitude; debt bondage and other traditions which force people into low status work; forced labour; forced prostitution; abusive forms of child labour; and early or forced marriage and other forms of servile marriage. ASI focuses on the rights of people who are particularly vulnerable to exploitation of their labour, notably women, children, migrant workers and indigenous peoples.

The Anti-Slavery Award not only recognises the work of activists, it provides an opportunity to promote their campaign. In the past the award has supported campaigns against forced labour in Chinese prison camps and child prostitution in Asian tourism.

Contact Adam Robertson or Mark Covey for more information or to order a press pack of +44(0)171 924 9555 (evenings +44(0)171 924 9198). □



*Ashaninka indigenous person from Atalaya - Photo: Pablo Lasansky*

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International Secretariat, IWGIA

Fiolstraede 10, DK-1171 Copenhagen K, Denmark

Phone: + 45 33 12 47 24; Telefax: + 45 33 14 77 49

e-mail: IWGIA@login.dkuug.dk

Giro: 4 17 99 00. Bank: Den Danske Bank: 4180-854142

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*Documents:* Inger Sjørsløv and Alejandro Parellada

*Indigenous World/El Mundo Indígena:* Marianne Jensen

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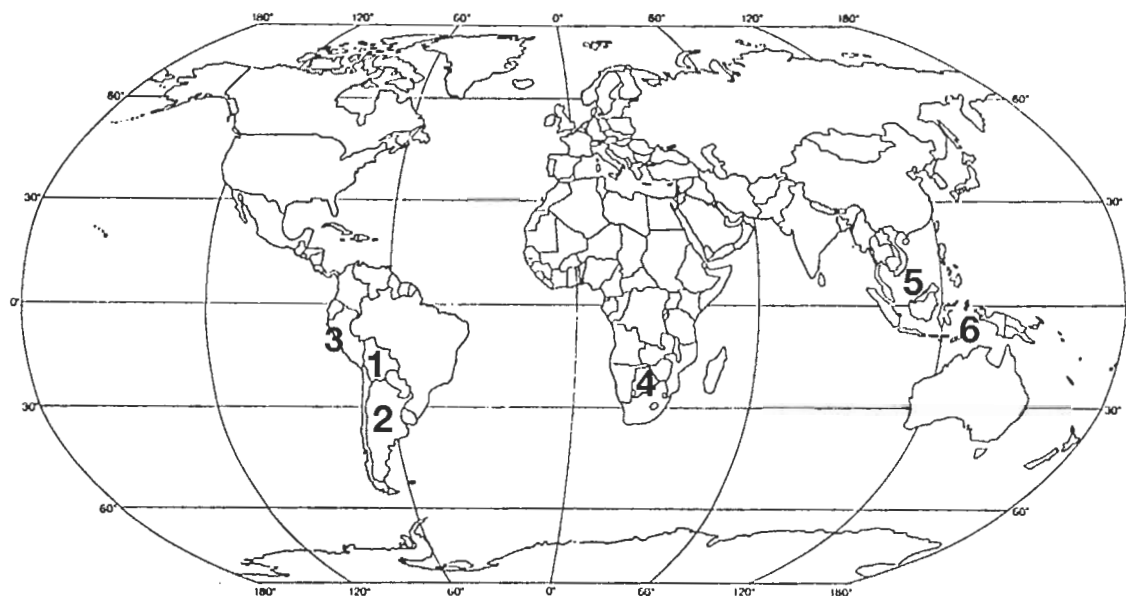
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## NATIONAL GROUPS

**Copenhagen:**  
Fiolstraede 10  
DK-1171 Copenhagen K  
DENMARK

**Moscow:**  
Olga A. Murashko  
117574, Odoevskogo  
st. 7-5-595  
Moscow, RUSSIA  
e-mail:  
olga@murkre.msk.ru

**Zurich:**  
c/o Ethnologisches  
Seminar der  
Universität Zürich  
Freiensteinstrasse 5  
CH-8032 Zürich  
SWITZERLAND

**Göteborg:**  
c/o  
Inst. of Social Anthropology  
Brogatan 4,  
S-41 301 Göteborg  
SWEDEN

**Lund:**  
c/o Miljöbiblioteket  
Winstrupsgatan 3  
P.O.Box 1092  
221 01 Lund  
SWEDEN

**Oslo:**  
c/o Institutt og  
Museum for Antropologi  
P.O. Box 1091  
Blindern, 0317 Oslo  
NORWAY

**IWGIA** INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

The International Secretariat of IWGIA, Fiolstraede 10, DK-1171 Copenhagen K, Denmark

Phone: +45 33 12 47 24, Telefax: +45 33 14 77 49

e-mail: iwgia@pip.dknet.dk