



FREE TRADE'S ASSAULT ON INDIGENOUS RIGHTS

BY KRISTINA EGAN

Under the North American Free Trade Agreement (NAFTA), "Indigenous people are displaced and become environmental and economic refugees in their own land."

Tom Goldtooth, Indigenous Environmental Network

The specter of NAFTA no longer hovers over America, it has materialized. The high-flying rhetoric of the Clinton Administration will now translate into very real and frightening environmental destruction and labor injustice. Despite the attention these issues received in the polemical tumult NAFTA inspired, one important story went unreported in the mainstream media: NAFTA's ambush on Indigenous rights.

NAFTA's central premise that government regulations interfere with free trade allows democratically created laws to be considered trade barriers, and thus made inoperative. NAFTA sets up an independent tribunal closed to public participation. The tribunal decides if a native, state, or federal law offends free trade without any criteria for evaluating whether the trade would offend the public. Such unaccountability in a tribunal has broad implications for the Native Peoples of North and Meso America.

In the United States and Canada, Native Americans live on traditional lands endowed with forty percent of all known energy sources for each country, according to the Indian Treaty Rights Committee of Chicago. These traditional lands fall into two categories, reservation lands and private property. In both cases, government laws have served to somewhat protect Native American decisions regarding the use or sale of traditional lands. However, in Mexico, Indigenous peoples also living on economically valuable land enjoy significantly less legal protection. President Salinas recently abolished even the meager Mexican laws safeguarding ancient land rights.

The resource-rich Native homelands will be targeted by corporations as hot spots for development. Without doubt, all Mexican traditional lands will be up for grabs. Speculators in Chiapas already forced some Mayas off lands in anticipation of NAFTA's approval!

The future of Canadian and U.S. Indigenous groups is also uncertain. With NAFTA approved by Congress, laws that protect the rights of Native Americans to live on and utilize their lands may no longer protect anyone from corporate avidity. Companies will access the best lands, water sources, and natural resources. If the NAFTA tribunal deems a legal protection of ancient land rights a barrier to trade, the law may be struck down. Tribal governments may no longer be able to regulate the sale of lands and, as a result, privatization of land will likely proceed on a massive scale.

Privatization will hasten the conversion of commons into commodities. For example, water will be bought and sold, transferred and traded, without regard to Native claims to such an essential resource. NAFTA encourages projects similar to the James Bay Hydroelectric Project which will send Canadian waters down the Mississippi to consumers in the U.S. and Mexico. The dam has flooded the Cree nation's traditional hunting grounds, decimating caribou populations and forcing relocations and cultural upheaval.

NAFTA, crafted by Bush and 2000 of the largest American corporations, incorporated no Indigenous peoples in the drafting of the agreement. NAFTA includes no provision

for Indigenous lands in Mexico. Even the free-flow spirit of the trade agreement does not extend to communities split by national borders. The border communities of the Mohawk, Salish-Kootenai, Colville-Okanagan, Abenaki, Cocopa, Kamia, O'odham, and Kickapoo will not be reunited despite the massive melding of the three countries' economic agendas.

Various Indigenous organizations have denounced the trade agreement. The Continental Commission of Indigenous Nations, Organizations and Peoples (CONIC), representing 26 various organizations that represent over 2,500 communities, and The American Indian Movement, have both decried such an attack on Native land claims.

The ripples of NAFTA will extend far beyond North and Meso America. The treaty has established the largest free-trade zone in the world, setting an example which threatens to presage a global elimination of democratic laws that protect the land and its peoples. The General Agreement on Tariffs and Trade (GATT), the international trade decision making body, is scheduled to soon resume its eighth round of trade talks. Many of the issues on the table, like investment and service barriers and Intellectual Property Rights, were resolved under NAFTA. If NAFTA becomes GATT's model, we face a bleak profaning of the Earth's environmental and cultural treasures. Our aching and wearied land can not support such assaults on its Native American caretakers.

Sources: The Circle; Honors Digest