



SAIIC ABYA YALA NEWS

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JOURNAL OF THE SOUTH AND MESO AMERICAN INDIAN RIGHTS CENTER

ILO Convention 169 in Latin America

MEXICO:
Interview with
Margarita Gutiérrez

COSTA RICA:
Dealing with
the highest law
in the land

GUATEMALA:
Convention 169 and the
Peace Accords

Photo Courtesy of Alexandre Sassakir (K'apó Indian Woman & Child)

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Linking Indian Peoples of the Americas



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NOTE: These articles have been revised, updated and edited. To keep them up to date, new information has been added.

***Abya Yala is the Kuna word for Continent of Life which includes all of the Americas.**

SAIIC

The South And Meso American Indian Rights Center

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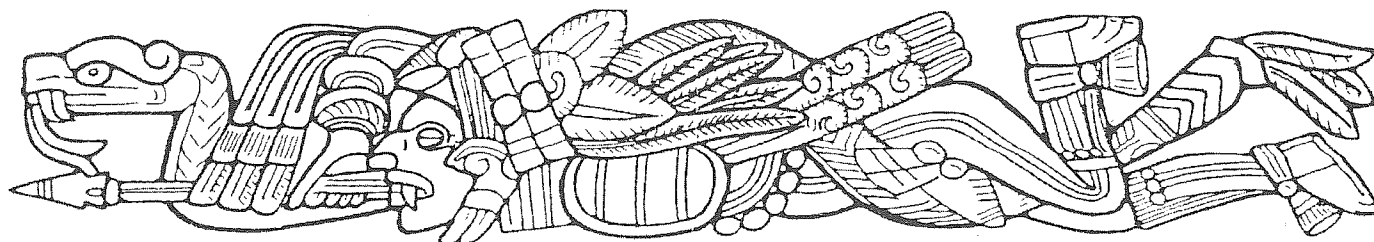
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In response to mounting pressure from the Indigenous movement, a new perspective has begun to come forth in regards to Indigenous people throughout the past two decades, as Governments start to acknowledge the cultural and linguistic diversity of Indigenous communities. Just as the last 25 years have seen a change in national Government's position in regard to Indigenous peoples, international bodies are also reexamining their previously held assumptions and are now recognizing Indigenous peoples right to control their own lands, their own economic development, their own unique cultures, and their futures. The creation of new laws and programs and the ratification of international treaties, such as the ILO Convention 169 of 1989, seem to indicate that these nations are serious about their commitment to cherishing diversity. This issue of *Abya Yala News* examines the International Labor Organization's Convention No. 169 on Indigenous and Tribal Peoples and asks how it has affected the lives of Indigenous peoples in nations where it has been ratified.

Due to the successful efforts of Indigenous groups, states have begun to move away from trying to forge homogenous nations and have started to officially propose the multiethnic state. The idea that a true democracy must be pluricultural is beginning to take hold in a number of Latin American countries. More than any other international document, the International Labor Organization's Convention 169 represents this shift in attitude from an assimilationist perspective to one that respects and values Indigenous cultures.

To introduce the topic, we start with an explanation of the structure and procedures of the International Labor Organization and discuss the relationship between this international body and Indigenous people. An analysis of Convention 169, which elaborates on some of its most controversial points, follows. These two articles provide an overview of the most thorough international document to deal with Indigenous cultural, territorial, linguistic and religious rights in the modern nation state.

This issue presents how different nations are working to make ILO Convention 169 fit within the framework of existing national laws. It examines the relationship between legislation and practice. More than anything else this issue provokes questions- Will the ratification of Convention 169 bring the changes it promises? Is the pan American commitment to pluriethnic nations a superficial gesture or does it represent a real change in the last 500 years of policy making?

In an interview with SAIIC, Margarita Gutierrez explains why she believes that, despite its limitations, the Convention has been and will continue to be a useful tool for Indigenous people in Mexico to achieve internal autonomy and self-determination.

Costa Rica ratified Convention 169 in 1993, recognizing it as the highest law in the land. Four years later the Costa Rican Government still seems to be having difficulty implementing many of its articles.

We also look at how Guatemala, still reeling from decades of war, is struggling to implement Convention 169 along with their new laws, as the nation strives to preserve and respect the Mayan cultures. It is our sincere hope that this convention can be used as an instrument to help negotiate a peaceful solution to the land problems affecting Mayan communities. The fact that the document is being translated and widely distributed among Indigenous communities, enabling them to participate in its implementation, is encouraging.

As always we at SAIIC are watching the changes taking place on the international scene. We see advances and setbacks, positive steps forward and continued injustices. ILO Convention 169 is an international response to Indigenous demands. Whether governments which ratify it will follow through with its full implementation remains to be seen. States need to acknowledge that, by ratifying this Convention, they promise to guarantee these rights as minimum standards.

SAIIC Board of Directors

The First International Seminar of Indigenous Peoples of Brazil, Venezuela and Guyana

A regional seminar of Indigenous people from the border areas of Guyana, Brazil and Venezuela took place from August 27 through August 30. The seminar was held by Conselho Indígena de Roraima (CIR), in conjunction with the Consejo Nacional Indio de Venezuela (CONIVE) and the Amerindian Peoples Association (APA) of Guyana in the Boa Vista region of the northern Brazilian state of Roraima. Industry, government and NGO representatives attended the seminar, along with about eighty Indigenous leaders. The Indigenous representatives from the three countries met to discuss some of the regional development projects that are taking place in their territories. They call for legal guarantees for and removal of invaders from their lands, and demand that environmental impact studies be completed before the governments proceed with large-scale infrastructure projects, including: the Georgetown-Boa Vista Road, the Guri transmission line, BR-174, and mining in all three countries.

The tropical forests and highland savanna areas around the Brazil-Guyana-Venezuela border region is home to 35,000 Indigenous people. The area, rich in mineral and forest resources, includes crucial upper watersheds of the three major river systems of South America, namely the Orinoco, the Amazon and the Essequibo.

Brazil and Venezuela plan to build a 685 km power line from the Guri hydroelectric on Venezuela's Caroni river to supply electricity to Boa Vista and Roraima state in Brazil. The power line would cut through three Indigenous areas in Brazil and most of the Venezuelan right-of-way runs over Indigenous territory, as well as Canaima National Park (a World Heritage Site).

The Venezuelan delegation made a public declaration of their continued campaign to get the Venezuelan government to bring their national laws with respect to Indigenous people in line with international standards. CONIVE demanded a change in Venezuela's archaic laws with regard to Indigenous peoples and focused on their opposition to the Guri transmission line. CIR is calling for the guarantee of Indigenous land rights and environmental protection before building the Guri transmission line.

In Guyana, the Amerindians are demanding that outstanding land rights issues, both in general and in relation to the road improvements being done between Boa Vista and Georgetown, be addressed before the government continues. Many Indigenous communities in Guyana are without legal rights to their territories. The Indigenous people in Guyana are also constantly under threat of losing their lands to logging and mining projects in the area. There is a high rate of uncontrolled mining and logging on their lands, and the Indigenous communities are not consulted or even notified when these concessions are granted by the government.

After the seminar a list of twelve demands was drafted by the

Indigenous people. Some of these demands include: 1) That Indigenous peoples be respected as culturally distinct ethnic peoples with rights to self-determination and the right to define our own projects for our present and future life, 3) that the construction of military bases on Indigenous territory be stopped, 5) that the government support projects developed by Indigenous peoples, such as Indigenous education, Indigenous health, radio communications, transport and economic activities, 7) that the funding for large projects in our countries that depend on international financing only be freed after Indigenous approval, 8) that a moratorium be called on new mining concessions until national laws be reviewed and the impact on Indigenous rights and biodiversity be determined.

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Brazil-Charges Reduced for Brutal Burning of Pataxo Leader

To the outrage of Indian Rights groups, Federal Judge Sandra de Santis Mello has reduced the charges against the youths who burned an Indigenous leader in Brasilia last spring. On the evening of April 20, five upper-class teens set Galdino Jesus dos Santos on fire, as the forty-four year old leader of the Pataxo tribe slept on a bus stop bench. Public outcry followed the attack, and local officials called for an official three day mourning period and strict punishment for the youths. Four of the teens confessed to intentional homicide, and the fifth, a minor, was sent to a juvenile correction facility. However, in a recent ruling the judge has reduced the charges against the young men, claiming that they did not intentionally murder their victim. Where the homicide charge has a maximum 30-year sentence, the charge of committing bodily harm resulting in death carries a 4 to 12 year sentence. Along with the lesser charge, Judge Mello ruled against the prosecution's claim that dos Santos was unable to defend himself. These recent decisions meant that the youths are now eligible for bail.

During the week of August 21, Galdino's family staged a protest against Judge Mello's recent ruling. The family and supporters of the Pataxo made clear that they will continue fighting to ensure that the assassins of Galdino get the maximum penalty. In Brasilia, the Pataxo were granted an audience with president Cardoso and with the chief justice of the Supreme Federal Court, Celso de Mello. Both officials claimed that they could not interfere in the decision, but that they sympathized with them in their pain. The Pataxo Ha-ha-hae took advantage of the audiences to request that the authorities recognize their right to the Caramuru-Paraguassu Indigenous Area (located in the municipality of Pau Brasil, state of Bahia,) the issue that brought Galdino to Brasilia. The 53-thousand-hectare area in question

was demarcated but is full of invaders. An appeal requesting that all possession deeds held by the invaders be annulled has been circulating in the judicial process of the Supreme Federal Court since 1982. The Pataxo delegates also asked president Cardoso to ratify ILO Convention 169, to speed up the voting on the Charter of Indigenous Peoples, referred to the National Congress for approval in 1994, and the revocation of decree 1,775/96.

Several human rights groups, environmental and Indigenous organizations, together forming the Galdino Commission, launched a manifesto and a proposal for a signed petition to gather signatures in support of the Pataxo and against the decision of Judge Mello. The document calls on all persons who sympathize with the Indigenous cause to express their indignation at the decision, which it describes as "a serious threat to justice, as it can trivialize impunity, discredit the court system in our country and serve as an incentive to criminal acts." The signed petitions will be delivered to Judge Sandra de Santis Mello and to the Chief Justice of the Supreme Court of the Federal District and Territories, Carlos Augusto Machado de Farias.

Information from: Cimi-Porantim, Noticias Aliadas

Hunger Strike in Honduras: Indigenous Demands Continue Unrecognized

Indigenous groups in Honduras returned to the capital of Tegucigalpa July 18 to renew their protests against the government. This was the start of an extended hunger strike in response to the government's neglect of the agreements made with the Indigenous people on May 11 of this year.

The three main demands of the native people of Honduras were: access to traditional lands belonging to the Chortis in the regions of Copan and Ocotepeque, reduction of the level of violence and political repression in their communities and the installation of the accords ratified in ILO Convention 169, which demand the return of Indigenous lands and respect for Indigenous cultures. Despite the detailed negotiations in May, the Honduran government has failed to uphold their part of the agreement. The politically motivated assassinations of Chortis' leaders Candido Amador and Ovidio Perez have not been investigated, although that was part of the agreement made by the government in May.

The renewed negotiation process that began this July is at a standstill. The Honduran government asked the Indian leaders to form a team of lawyers to help the Indigenous people understand the laws related to land issues. The Confederation of Indigenous Groups in Honduras (CONPAH) put together a team of lawyers who determined that the government was using old agrarian reform laws as a framework for negotiating. These laws, however, do not recognize the special status of Indigenous people. The team of lawyers presented an expropriation law for

the Chorti people that was quickly rejected by the government negotiators.

On August 14, while the negotiations were going on, the Indigenous groups on hunger strike in front of the National Congress Building were visited by seven armed gunmen. These men, reportedly members of Honduran security forces, entered the area as plain-clothed civilians. Two were disarmed by the protesters causing the other five to flee.

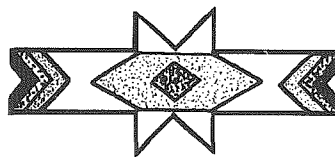
After eight hours of deliberations on the 15th of August, an agreement was supposedly reached between the government and Indigenous leaders. This agreement included a government promise to turn over about 2,000 acres of land to the Chorti communities by August 19. The next day, however, it was discovered that 400 manzanas of land promised by the government will not be turned over by this date. The land, which is currently owned by the Municipality of the Copan Ruins argued that the National Government is not offering them a fair compensation for the land and filed a claim which delays the turn over of the land indefinitely.

Nevertheless, while Indigenous leaders are meeting to determine what steps to take, the national and international media have reported that the crisis is over and that the hunger strike ended with the Indigenous people satisfied with the results of the negotiations. The crisis has only moved into a different stage. By August 20, the last of the protesters and hunger strikers withdrew from their vigil after the government turned over 914 manzanas (1,000+ acres) to the Maya Chorti people. This represents 10% of the land promised in the May Accord, but it was enough for CONPAH to decide that the rest will have to come later. Indigenous leaders decided to withdraw upon reviewing what was gained, together with an evaluation of the health of the hunger strikers.

Although the spotlight has fallen off the situation, the Honduran government must comply with the May Accord which includes: 1) land titles for more than 8,000 hectares for the Chorti; 2) Investigating and bringing to justice the murderers of Candido Amador and Ovidio Perez, including an internal investigation into possible involvement by the armed forces; 3) Food for work; education, health and housing assistance and technical support for agricultural projects; 4) a Legislative initiative on Indigenous issues; 5) and human rights protection for the Indigenous people, including a general disarmament of individuals with heavy weapons.

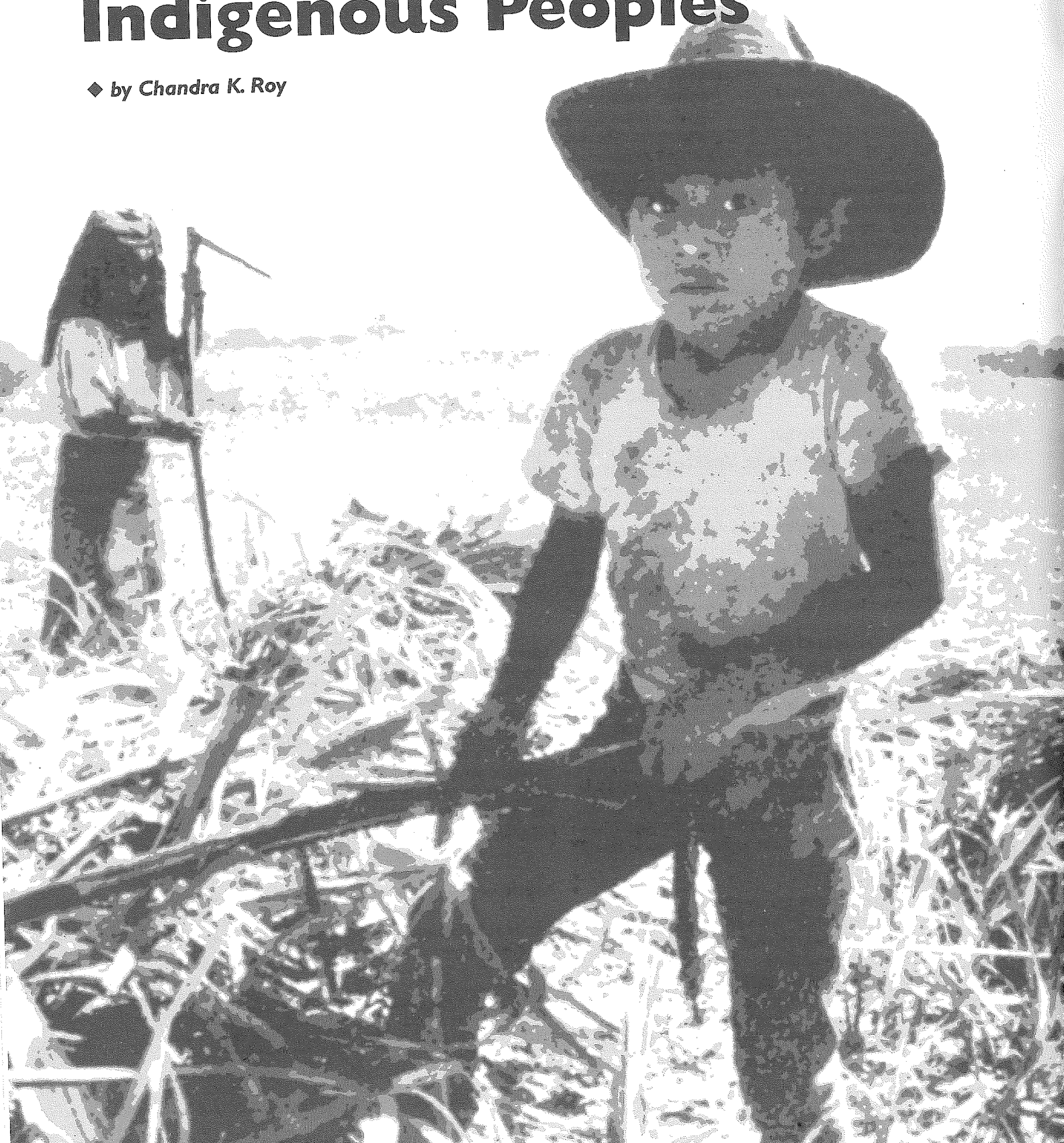
Information from: Amnesty International and CONPAH.

For more information please contact: International Solidarity Coordinator Laura Harms laura@conpah.snhon.org.hn



The International Labor Organization and Indigenous Peoples

◆ by Chandra K. Roy



An Introduction

One of the fundamental pillars of the ILO is its standards-setting activities. Since its creation, the ILO has adopted over 360 Conventions and recommendations which deal with a wide range of issues including working conditions, maternity protection, discrimination, freedom of association, social security, minimum wages etc. International labor standards are fundamental to the work of the ILO and provide the guidelines for its technical assistance programs, policy advisory services, training, research and publishing activities.

While all its Conventions apply to Indigenous and Tribal Peoples, the ILO has also adopted the only two international instruments which deal exclusively with Indigenous and Tribal peoples: The Indigenous and Tribal Populations Convention, 1957 (No. 107) and its successor the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Convention No. 107 was adopted in 1957 when the ILO was administering the Andean Indian Program, aimed at improving the living and working conditions of the Indigenous peoples of the Andes region. Convention No. 107 was ratified by 27 countries. However, with time and the growing awareness of the distinct identity of Indigenous and Tribal peoples, the relevance and indeed the appropriateness of Convention No. 107 came to be increasingly questioned. The

Chandra K. Roy is an Indigenous lawyer from the Chittagong Hills Tracts of Bangladesh. She has worked extensively in the field of Indigenous rights and has recently completed an analytical study on the land rights of Indigenous Jummas of the Chittagong Hills Tracts. Ms. Roy is currently working at the ILO on a project aimed at promoting ILO policy on Indigenous and tribal peoples within the framework of ILO standards.

ILO began a process of revision of the Convention: "Perhaps the main reason why it was felt necessary to revise this Convention was the fact that, after 30 years of existence, it was becoming clear that the indigenous populations were anxious for its integrationist approach - with all this term's connotations of assimilation - to be reconsidered."

After two years of intense discussion and dialogue, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) was adopted in June 1989. With the ratifications of Norway (June 1990) and Mexico (September 1990), Convention No. 169 entered into force in September 1991. As of June 1997, it has been ratified by ten countries, and is under consideration in a number of others including Brazil, Chile, Ecuador, The Netherlands, The Philippines and Venezuela. However, the impact of Convention No. 169 in terms of policy formulation has been far greater than the number of ratifications, and it has served as a model for the operational guidelines for international financial institutions, e.g. the World Bank and the Asian Development

Bank (in process) as well as to orient the development assistance policies for some governments with no Indigenous and tribal peoples in their countries, e.g. Germany. The Agreement establishing the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (July 1992) also refers to the Convention.

Convention No. 169 is a comprehensive legal instrument and identifies the different components inherent in defining a specific relationship between a state and its Indigenous and Tribal peoples which is based on mutual respect for one another's differences. It highlights the need for special measures to enable these peoples, among the most disadvantaged of the national population, to achieve a standard of living which is equal to that of other citizens, and which is also culturally appropriate to their specific needs and concerns.

Ratification of an ILO Convention - which is voluntary - signals the beginning of a process of dialogue and cooperation between the Government and the supervisory machinery for the purpose of ensuring that national law and practice is in conformity with the relevant international legal standard. Under Article 22 of the ILO Constitution, a State is required to submit periodic reports to the ILO's supervisory bodies concerning the implementation of all ratified Conventions. The regular reporting period for Conventions Nos. 107 and 169 is every five years, but the Committee of Experts may request reports at more frequent intervals if it deems the situation warrants closer examination. In addition to reports on the application of ratified Conventions, under Article 19 of the ILO Constitution, the Governing Body may request reports from each ILO member State on "the position of its law and practice in regard to the matters dealt with in the (unratified) Convention or Recommendation. Member states are required to indicate "the difficulties which prevent or delay the ratification of such Convention." As of 1996, States which have not ratified

Who's Ratified it?

Norway:	June 1990
Mexico:	September 1990
Columbia:	August 1991
Bolivia:	December 1991
Costa Rica:	April 1993
Paraguay:	August 1993
Peru:	February 1994
Honduras:	March 1995
Denmark:	February 1996
Guatemala:	June 1996

A convention enters into force in a specific country one year after it has been ratified by that country. For example: Guatemala ratified it in June of 1996, and it came into force this June 1997.

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the fundamental Conventions- freedom of association and collective bargaining, forced labor, discrimination and minimum age- are required to submit reports at four yearly intervals on obstacles to ratification.

The Committee of Experts on the Application of Conventions and Recommendations is the central body in the supervision of international labor standards. It is composed of 20 independent jurists from all over the world with practical experience in different legal, economic and social systems. The Committee of Experts meets once a year in Geneva to examine the implementation of ILO standards and publishes its findings in an annual report.

In its 1997 report on the application of Conventions Nos. 107 and 169, the Committee of Experts examined the situation in a number of Latin American countries of which the following are excerpts from the Observations published in the annual report:

Brazil (Convention No. 107): The situation of the Indigenous communities in Brazil was discussed with the Government during the 1996 session of the International Labor Conference's Committee on the Application of Standards. In its 1997 report, the Committee of Experts commented on the following problems: invasion by "garimpeiros" (gold miners), the adoption of Decree No. 1775/96 and resulting implications on the land demarcation process, insufficient resource-allocation to FUNAI (the National Indian Foundation), the judicial process of the July 1993 Haximu massacre, displacement and hydroelectric projects, and Indigenous children working under exploitative conditions on sugar plantations.



The Committee also stressed that "...it is bound to deplore the fact that the invasion of Indigenous lands, and particularly the lands of the Yanomami, continues year after year, with the serious consequences that such invasions have on the health and survival of these peoples." In addition, the Committee expressed its concern for the alarming health conditions of the Yanomami population warning that if the trend continues, "... the Yanomami population is inexorably heading for extinction."

Mexico (Convention No. 169): The Committee commented in 1997 on the nationwide process of consultation on the rights and participation of Indigenous peoples which had resulted in some 9,000 proposals for reforms of the relevant constitutional and legal framework including the recommendation to bring the national legislation into conformity with Convention No. 169. In addition it raised the issue of working conditions including recruitment of Indigenous workers by "enganche" (a form of coercive recruitment), non-payment of wages, denial of the right to organize, an absence of adequate labor inspection and the construction of a hydroelectric dam in Oaxaca. The Committee recommended the Government seek "...the technical assistance of the International Labor Office to reinforce the protection of the rights of Indigenous workers."

The Committee of Experts supplemented these comments by requests for further information which were sent directly to the Governments.

The Committee also examined the first reports on the application of Convention No. 169, both in law and in practice, submitted by the Governments

of Costa Rica and Paraguay. It requested further information from the Government of Costa Rica on a number of issues including measures to secure full enjoyment of human rights and fundamental freedoms; effective protection of Indigenous lands and removal on non-Indigenous persons; mechanisms for consultation with the Indigenous peoples when resources pertaining to reservations are exploited by the State, and when concessions are granted to private individuals; prior impact assessment studies; health policies and bilingual and bicultural education programs. With regard to Paraguay the Committee requested further information on various issues including development projects; mechanisms for consultations with Indigenous peoples; the relationship between the Paraguayan Indigenous Institute and religious entities; any prior impact assessment studies; land rights including titling and transfers, illegal settlers and restoration of lands of the "Fortuna" community.

Indigenous and Tribal Peoples can participate in the ILO supervisory process in a number of ways including through its tripartite structure of governments, employers and workers including through an international trade union or employers' organization. Any workers' or employers' organization - including those made up of Indigenous and tribal peoples - may send information to the ILO commenting on the application of a ratified convention, and the Committee of Experts and the Conference Committee have emphasized the value of such comments in assessing the effective application of the relevant convention. As mentioned earlier, employers' and workers' organizations participate actively in the supervision of ILO standards, and the Committee of Experts has received communications from a number of workers' organizations regarding non-compliance with the provisions of Convention Nos. 107 and 169, e.g. Brazil, Colombia, Mexico and Peru. Indigenous and tribal peoples themselves may also send information to the ILO directly, and the Committee of Experts can use this information if it contains verifiable information such as laws, regulations or other official documents e.g. land titles.*

In an innovative approach, the Norwegian Government has implement-

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ed a suggestion in the Report Form (Point VIII) on Convention No. 169 that "the government may find it helpful to consult organizations of Indigenous and tribal peoples in the country, through their traditional institutions where they exist, on the measures taken to give effect to the present Convention, and in preparing reports on its application." The Sameting, Sami Parliament, was formed in 1989 with 39 representatives elected by Samis across the country. Although the Sameting is principally an advisory body, the Norwegian parliament has decided that the decision-making power of the Sami Parliament should be developed progressively. The Sameting has the power to take initiatives on any issue and to raise any questions that it considers to be of relevance to the Sami people. In addition, all local, national and regional authorities must consult the Sami Parliament before taking any decision which may affect the Sami people.

The Government of Norway sends its reports on the application of Convention 169 to the Sami Parliament for its comments before submitting both the Government's report and the Sami Parliament's comments to the ILO. This is on the basis of an agreement entered into between the Norwegian Government and the Sami Parliament (Sameting), to ensure that the opinion of the Sami Parliament is included in the formal reporting procedure under Convention No. 169. Both the report of the Norwegian Government and that of the Sami Parliament are sent to the ILO as one report on the application of Convention No. 169 in Norway.

The ILO is also engaged in an open dialogue with the Sami Parliament, at the request of the Norwegian Government, thereby enabling the Sami people to take an active part in the supervision of Convention No. 169. At the moment, this is the only example that exists of such partnership between Indigenous bodies and governments, and this cooperation not only facilitates the implementation of this treaty but also encourages the advancement of Indigenous and tribal rights worldwide. The ILO Committee of Experts is urging other countries to adopt this kind of approach. 🐾

Technical Cooperation

In order to ensure better implementation of its standards, the ILO has a number of technical cooperation projects specifically aimed at Indigenous and Tribal peoples. These include:

(1) Project on the Promotion of the Rights of Indigenous and Tribal Peoples (1996-98): This is a two-year technical cooperation project aimed at promoting the rights of Indigenous and Tribal peoples within the framework of relevant ILO standards, in particular Convention No. 169. The project is managed by Ms. Chandra Roy, a Jumma from the Chittagong Hill Tracts, Bangladesh and Ms. Henrietta Rasmussen, an Inuit from Greenland. It focuses on increasing awareness of the ILO's work in the field of Indigenous and Tribal peoples' rights, and on strengthening the capacity of these peoples to more effectively promote their rights within the context of ILO standards. The project has provided support to micro-level activities in Costa Rica (a radio program on Indigenous rights) and in Bolivia (a publication on relevant Indigenous legislation).

(2) The Inter-regional Program to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and other Self-Help Organizations (INDISCO): This program was initiated in 1993 under the ILO/Danish International Development Agency (DANIDA) program for cooperative development in rural areas. Its principal aim is to strengthen the efforts of Indigenous and Tribal peoples to achieve self-reliance, and INDISCO has a number of pilot projects in India, The Philippines and in Central America - Costa Rica (Bri-Bri), El Salvador (Lenka), Honduras (Miskito), Nicaragua (Miskito and Amica) and Panama

* This represents the view of the ILO, and SAIIC feels that it is important to recall the fact that Indigenous peoples have a relatively limited access to the ILO procedures. Unlike the drafting of the United Nations Declaration on the Rights of Indigenous Peoples where Indigenous representatives were free to make suggestions and comments to the draft, the ILO-tripartite structure does not grant Indigenous organizations a representative status. They can only be accredited as visitors or officially recognized NGO's.

For further information please contact: Project on Promotion of ILO Policy on Indigenous and Tribal Peoples, Equality and Human Rights Coordination Branch, Standards Department, International Labor Office, 4 Route des Morillons, CH 1211 Geneva-22, Switzerland.

ILO Convention 169

Can it help? ♦ by: Gerard Schulting



Basic Principles of Convention No. 169

Convention No. 169 emphasizes the shift in the conceptual approach to Indigenous and tribal peoples towards one based on respect for their specific identity "...and their right to participate in the decision-making process in all questions and programs directly affecting them, that is to say, to participate in the making of decisions and the determination of their own destiny." The Convention has 32 operative articles and is based on two fundamental concepts: consultation and participation. It is premised on the belief that Indigenous and tribal peoples should have the right to be consulted when legislative and administrative measures which may affect them are being considered; that they should have the right to participate at all levels of decision-making concerning them; and that they should have the right to decide their own development priorities. In addition there is a requirement for prior impact assessment studies to assess the social, spiritual, cultural and environmental implications of any planned development activities on these peoples (Article 7).

The Convention addresses issues of vital importance to Indigenous and tribal peoples including the rights of ownership and possession over the lands they traditionally occupy, or have had access to

(Article 14); the rights to natural resources including the right to participate in the use, management and conservation of such resources (Article 15); displacement (Article 16); land alienation (Article 17); unauthorized intrusions (Article 18); agrarian programs (Article 19); recruitment and conditions of employment (Article 20); vocational training, handicrafts and rural industries (Articles 21 to 23); social security and health (Articles 24 and 25); education (Articles 26 to 31) and cross-border cooperation (Article 32).

Eight years after the adoption of Convention 169 concerning Indigenous and Tribal Peoples by the International Labor Organization (ILO), the flames of controversy smolder on. The Convention has been criticized for not fully embodying the Indigenous point of view. There are even those who imply that the wording of the document is a direct affront to the rights of Indigenous peoples. Directly after the adoption of Convention 169 by the ILO, the Indigenous Peoples Preparatory Meeting in Geneva produced a resolution rejecting Convention 169 and asking governments not to ratify it. Yet despite its arguable shortcomings, most Indigenous leaders and organizations see the Convention as an important step towards an improvement of their human rights situation and are eager for governments to ratify it.

The controversy surrounding this Convention continues to demand closer inspection. It is therefore necessary to analyze to what extent the Indigenous aspirations are reflected in Convention 169. It was not possible to reprint the document in its entirety in *Abya Yala News* due to space constraints nor is it possible to examine each article of the convention. There are however, a few elements of the Convention that need special attention.

The peoples question

One of the biggest bones of contention was the inclusion of the term "peoples." Convention No. 107 of 1957 used the term "populations" and Indigenous rights organizations were pressing to replace "populations" by "peoples," to reflect the fact that these Indigenous cultures are organized societies with their own distinct identity. However, most governments were not willing to accept peoples because of the implication it would have under international law. Important international treaties like the International Covenant on Civil and Political Rights (1966) refer to the right of self-determination, by stating that "all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Most governments fear that granting the right of self-determination to these "peoples" will allow them the right to succeed under international law. By not recognizing Indigenous peoples as such, they will not be able to invoke these international treaties and declarations that discuss the right to self-determination that all peoples have. In this regard, Convention 169 reflects the governments' point of view. Therefore, after much debate it was decided that the "use of the term 'peoples' in this Convention shall not be construed as having any implications as regards the rights which may attach to the term

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under international law" (Article 1). Qualifying the term peoples means discriminating between non Indigenous peoples as recognized by international law and Indigenous peoples who are denied the right of self-determination. In this aspect, the qualification contradicts article 35 of the Convention, which states that "the application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws."

Consent or control?

One of the main objections to Convention 107 was its integrationist approach; it was assumed that Indigenous societies were dissolving and Indigenous people would eventually assimilate into the national society. Therefore, the concept of assimilation was to be replaced by terms that reflect the vision that Indigenous peoples

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deserve the right to survive, indeed to thrive. To ensure a high degree of recognition of Indigenous peoples' rights, the inclusion of the term consent and control in the new Convention was advocated. Most governments and employers representatives opted for the terms: participation and consultation instead, concepts that still assume outside initiatives coming from the government and not from Indigenous peoples themselves. Consultation and participation prevail throughout the Convention. The problem remains over how consultation and participation should be interpreted. An example of this wording appears in Articles 6 and 7, two central policies of the Convention. Article 6 requires the

government to "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." This article goes on to state that the "consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures." Article 7 is equally as vague with its reference to Indigenous peoples right to "participate in the formulation, implementation and evaluation of plans and programs for national and regional development which may affect them directly."

It should be noted that Indigenous and Tribal peoples do not have the right of veto over development policies. Many Indigenous representatives feel that their lack of veto power allows governments too much freedom to do as they please. According to these two articles, it is the responsibility of the government to create the atmosphere which allows Indigenous people to contribute their ideas. The government must inform Indigenous peoples about proposed projects by providing them with the relevant information.

The debate around lands and resources

From the Indigenous point of view the term territories should be used to cover all lands and resources belonging to Indigenous peoples. Hard-line government representatives were not willing to accept this, since this would affect the national integrity of the state. Article 13 uses the compromise "the lands or territories, or both as applicable." Article 14 is crucial because it deals with "the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy." Apart from the fact that occupy seems more suitable to be used in relation to invasions in times of war than when referring to Indigenous peoples, the use of this term in the imper-

fect tense appears to be an attempt to avoid recognition of these rights based on past "occupation."

Article 15 is a recognition of the governments' point of view that the state will always have the last word on the natural resources. With its claim that the rights of Indigenous peoples to the natural resources pertaining to their lands shall

be "specially safeguarded, including the right of these peoples to participate in the use, management and conservation of these resources", this article seems to contradict article 14. If Indigenous peoples already own and possess their lands (art. 14), how can they be given the right to participate in the use, management and conservation of

the resources (art.15)? This can only be the case when the state retains the sovereignty over all the natural resources, no matter if these resources pertain to Indigenous lands or not. Because access to subsurface resources normally requires the purchase or lease of the surface area above and Indigenous peoples are often prohibited from owning land or do not have official land titles, the Indigenous representatives suggested to the ILO that they be granted control over the subsurfaces to alleviate problems in the future. This proposal was met with fierce opposition by many governments and employer representatives.

Evaluation

From the Indigenous perspective, the heavy use of qualifications throughout Convention 169 has made it a lot weaker. The best example of this practice, which is very common in international law, is Article 16 which deals with the issue of relocation and is riddled with qualifications. Where relocation of Indigenous peoples is necessary, this shall only take place with Indigenous consent. Where this is not possible, appropriate procedures, including public inquiries, where appropriate, must be undertaken. Whenever possible, the peoples shall return to their lands, if such a return is not possible, they shall be provided with

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Interview with Margarita Gutierrez

Thoughts on Mexico and Convention 169

A Ñāñhũ from Hidalgo, Mexico, Margarita Gutierrez is an influential activist involved in organizing the Indigenous people in the Autonomous regions of Mexico. She is the Coordinator of the Women's Assembly of ANIPA and member of the National Indigenous Congress Forum following the San Andres Accord between the EZLN and the government of Mexico. While visiting the Bay Area this summer, Margarita shared her thoughts on the International Labor Organization's Convention 169 on Indigenous and Tribal peoples and its ramifications for Indigenous peoples in Mexico.



How can Convention 169 be a necessary or useful tool to make the proposal of Indigenous autonomy in Mexico a reality?

Convention 169 has been a tool for Indigenous peoples in Mexico since its ratification, because it contains the rights that we want to integrate into Mexican legislation. The convention has been an important instrument, not only at the grassroots level, but also for the leadership of the Indigenous communities to demand our rights at the negotiating table. We used the Convention when Salinas de Gortari was president to suspend a resolution that would have brought a dam into the Nahuatl territories of the Alto Balzas. This was an important experience on a national level for the Indigenous movement. During the peace agreement of San Cristóbal de Las Casas in San Andres de Larráinzar in 1994, this Convention proved to be an important instrument for reaching a consensus with the federal government. This is the judicial precedent that can lead to constitutional legislation.

Although there are significant limitations, Convention 169 includes many important issues, in regards to Indigenous rights, that haven't even been addressed by our own countries. I have had dialogues with fellow women, government representatives, who claim (although I have trouble believing it) total ignorance of Convention 169 and all the other international judicial laws that the government had signed and ratified. Although it is possible, with the attitude that our government has, that it has not acknowledged the Convention that it has signed and continues to use silence as a means to ignore such treaties. We are very skeptical.

We think that their silence is a smoke screen to hide the fact that the government signs agreements without being fully aware of their implications.

I am convinced that President Carlos Salinas de Gortari knew what he was doing. He must have understood the magnitude of this Convention, because one or two years after its ratification came the reformation, or should I say counter-reformation, of article 27 pertaining to Indigenous lands and natural resources. The functionaries responsible for issues relating to Indigenous people such as environmental, land, and resource management, don't acknowledge the Convention, which is very convenient.

WE THINK THAT THEIR SILENCE IS A SMOKE SCREEN TO HIDE THE FACT THAT THE GOVERNMENT SIGNS AGREEMENTS WITHOUT BEING FULLY AWARE OF THEIR IMPLICATIONS.

We hope to use this instrument to provide a legal precedent for the affirmation of our rights. It serves as a declaration of what the government's obligations towards Indigenous people are and what they have failed to do. By ratifying this Convention, the government of Mexico promised to ensure that the national laws regarding Indigenous peoples are in harmony with the Convention. As an international accord, it is a supreme law of our country, according to article 133 and 134 of the Mexican constitution. We recognize, that if it is a supreme law of the land, it ought to have a means to insure proper implementation. Article 33 of the convention states that

the government is responsible for ensuring that the measures discussed in the document will be fulfilled. The Indigenous movement proposes reforms, like Article four, that recognize the pluri-culturality of Mexico and the rights of the Indigenous people to their own social organization and maintenance of traditional languages. Although we welcome the advances of Article four, we realize that it does not provide for any political rights.

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We demand full participation in the public realm as well the cultural. In the dialogues we are demanding recognition of our political and territorial rights, and here is where the conflict begins. As of this moment, there has been no resolution to this problem. Part VII of Article 27, which discusses land and communities is also vague. We are always forced to maneuver within such contradictions. How do we integrate Convention 169, when it has already been made illegal in our nation?

The constitution and laws seem proper and just on paper, but when applied there are always deceptions and contradictions. When the Mexican government realized that they had signed an agreement granting many concessions to the Indigenous community, they quickly created the counter reform Article 27, because it was negotiating free trade as well. Indian communities, along with the Zapatistas, mobilized to protest these counter reforms especially regarding land ownership, in an attempt to mitigate the conflict between Convention 169 and existing national laws.

Convention 169 is a basis for our demands regarding the question of autonomy because it articulates our right to self-determination, albeit a limited one. It is limited in that it is a right to internal autonomy, only within our lands. The sovereignty of the Mexican state is another question, one that creates conflicts. We are seeking to have autonomous communities within the state of Mexico, based on our historically occupied territories such as Yaqui, Nāñhñu or Maya, not complete autonomy from Mexico. We are in constant conflict with authorities that do not respect our own rights and institutions. We are forced to make our case through the local authorities, who are themselves members of the government. We want to be represented in the various levels of government within our territories and to actually have the self-determination granted to us in Convention 169. We are not seeking secession nor an autonomous reserve within the state. An analysis of history will show that our grandparents have shed their blood for the independence of Mexico and we are claiming our share in the nation for which they died.

According to the constitution we are all seen as equal before the eyes of the law, but this is another contradiction, because we are treated differently. We suffer much injustice and discrimination. But we claim our differences, not in being excluded from basic human and individual rights, but by being able to determine our own destiny.

Convention 169 has been and continues to be fundamental to our demands. We fight for our rights of self-determination to be recognized and for the Indigenous languages to be recognized as official languages. We also want respect for our distinct cultures, our traditional medicine, and respect for and participation by women in national society. Therefore we are calling for the reform of Article 115 of the Mexican Constitution, which deals with giving further autonomy to Indigenous peoples. The government is not interested in these issues, rather they seek to strengthen the municipal governments. In addition, we are asking for the recognition of Article three, which deals with Indigenous languages and articles 73 and 53, which deal with autonomy and Indigenous peoples.

We also need to address the fact that these are pluri-cultural lands. We are sharing these territories with Mestizos, Caucasians, and other Indigenous peoples. This creates many problems of discrimination, racism, and undemocratic representation within these regions. Thus we wish to reclaim an equilibrium and be fairly represented. Each Indigenous community needs to have the ability to develop a unique strategy to address their particular situation. There must be a system of government that can respect and address the diversity of cultural, political, and ideological structures in these regions.

This is the proposal and the general aspirations of our political project. This is what was signed at San Andres, however the proposals created by the government are very unsatisfactory. For example, the government proposed that the community must be recognized as a public entity, but the community already exists and needs no recognition. This statement resolves nothing, it says nothing, it does nothing!

What we propose is to restructure these territories, the Nāñhñu territory, the Zapoteco territory, the Mixteco territory. We cannot continue with the current process of continually issuing more political legislation and decrees that simply stagnate our efforts in a quagmire of red tape. These regions, that the governments calls extremely poor, are for us lacking only material things. Although we do not have many basic services, we are wealthy in natural resources and ideas. The issue of the poverty in Indigenous regions is real but we question it as another way for the government to sidetrack us from pursuing our original goals of territorial, political, cultural, and economic autonomy. We must have an integrated autonomy, what good is territorial autonomy if the resources and economy are controlled from outside?

Territorial autonomy is especially complicated because it comprises both our homes and our sacred sites such as ruins (archeological sites), burial grounds, and ceremonial centers. This complex issue is not easy to resolve but we have definite and clear proposals with the legal backing of Convention 169.

You recently attended a meeting of the United Nations Working Group in Chile. Could you please tell us a bit about what proposals emerged from this first international encounter in Chile?

Well, the meeting in Chile wasn't specifically focused on Convention 169, but it was certainly one of the themes. It was a theme of the meeting because of its importance, and because it has been ratified by so many governments yet ignored. This meeting convened primarily to begin the dialogue on the idea of creating a permanent forum for Indigenous peoples within the structure of the United Nations. The Working Group was created for a specific purpose and it has served that purpose well. It

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In Costa Rica, there exists a long tradition of violating the rights of the Indigenous communities which continues to this day. Like many of its neighbors, the Costa Rican government has repeatedly failed to comply with its own national, as well as international, laws that are in force to protect and promote Indigenous cultures. This lack of political implementation has led to a rapid disintegration of Indigenous identity and could lead to the total disappearance of these cultures.

Indigenous Peoples in Costa Rica: On the Road to Extinction?

A look at ILO Convention 169 in Costa Rica

◆ *by: Gerard Schulting*

In 1973 the National Commission for Indigenous Affairs (CONAI) was established by the government. The law creating this institution covers a wide variety of subjects, ranging from general objectives like improving the social, economic and cultural situation to concrete objectives such as the establishment of new health centers. This decade also saw the creation of various reservations. The most important progress was the adoption of the Indigenous Act (Ley Indígena, No. 6172) in November 1977, further regulating Indigenous matters. Particularly important is article 1 of this Act, which states that the established reservations can only be diminished by adopting an explicit law. Despite this provision, the government of Costa

Rica has violated this Act and decreased four reservations through decrees. For instance, the Guaymi de Conteburica reservation was established by Decree No. 8514-G and recognized by the Indigenous Act as containing 12,558 hectares. In 1982, Decree No. 13545 reduced the reservation by 648 hectares. The same kind of illegal acts took place with regard to the Guaymi de Abrojo Montezuma reservation (from 1,517 to 1,480 hectares), the Guatuso reservation (from 2,994 to 2,743 hectares), and the Guaymi de Cotobrus reservation (from 8,631 to 7,246 hectares). Not only has the government violated the Indigenous Act, but the government reports sent to the ILO, following the supervisory procedure of Convention 107, claimed that the Guatuso reservation consists of the original 2,994 hectares.

Article 2 of the Indigenous Act says that the transfer of land from non-Indigenous to Indigenous people will be free of charge. CONAI has the obligation to buy back the land to later give it to the Indigenous communities. However, CONAI has never received the necessary funding to perform this fundamental task. As a consequence, very little land is in the hands of Indigenous people. The ratification in 1993, and subsequent implementation in April 1994, of ILO Convention 169 has given Indigenous communities in Costa Rica a new instrument with which to fight for their rights.

ILO Convention 169 in Costa Rica

It is important to note article 7 of the Costa Rican constitution, which declares that international treaties and conventions ratified by Costa Rica are of a higher authority than national law. This means that Convention 169 is applicable directly and must be recognized within the national legislation of Costa Rica. Despite Costa Rica's respect for international con-

ventions, the nation seems to be having difficulty practicing what they preach. The right to consultation as established by Convention 169 is something that is still in its infancy in Costa Rica. An institutionalized consultation procedure does not exist. The government claims that the Mesa Nacional Indígena is the representative Indigenous organ being consulted by the government. However, the Mesa is neither representative nor an organ. The Mesa was created by the government as a response to demands from the Indigenous Fund. In 1992 the Latin American and Iberian government leaders met in Santiago de Chile and established the Indigenous Fund. The objective of this Fund was to improve the situation of the Indigenous peoples in Latin America by providing technical assistance and funding for various development projects. As a requisite to receive money from this Fund, there must be a national Indigenous organization that represents the Indigenous peoples.

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As there was no such organization in Costa Rica, the government created the Mesa in 1993. No Indigenous leaders seem to know what the Mesa does, and the people that constitute it can in no way be regarded as real representatives of the Indigenous communities within Costa Rica. This Mesa does not even have an office, and it lacks any guiding principals necessary to call it an organ.

It is difficult for the customs and customary laws of Indigenous peoples to be recognized as applicable within the implementation of national law. One only need look at the way that the Indigenous communities are forced to organize to be able to advocate their rights. For any Indigenous organization to be recognized by the government, it has to be formed in accordance with the governmental Communal Development Associations. The government has set up these Associations on every reservation. The rules of these Associations require the Indigenous peoples to organize themselves in a way that is foreign to them. Organizations that refuse to comply with these procedures and try to operate independently of the Associations are not recognized by the government.

The most strident problem facing Indian communities is the rapid encroachment of non-Indigenous people on large areas of Indigenous lands. Although the government recognizes this fact, it has done very little to remedy this predicament. The Indigenous Act contains provisions regarding the removal of these non-Indigenous persons. Those persons that were already situated in areas that later were proclaimed reservations shall be moved and properly compensated. Non-Indigenous people that have penetrated the reservations after the adoption of the Indigenous Act have no rights in this regard, and can be removed according to the Act. However this has not been enforced and non-Indigenous people continue to settle in Indigenous territory at an alarming rate. On some reservations more than 80% of the territory is in the hands of non-Indigenous people. In this regard the Costa Rican government has failed to implement Article 18 of ILO Convention 169, which states that "Adequate penalties shall be established by law for unauthorized intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to present such offenses."

Indigenous peoples in Costa Rica cannot obtain agricultural credit because the lands belong to the community and there is no legal formula for providing guarantees on communal properties. This situation has been recognized by the Supreme Court of Justice. However nothing has been done to change this.

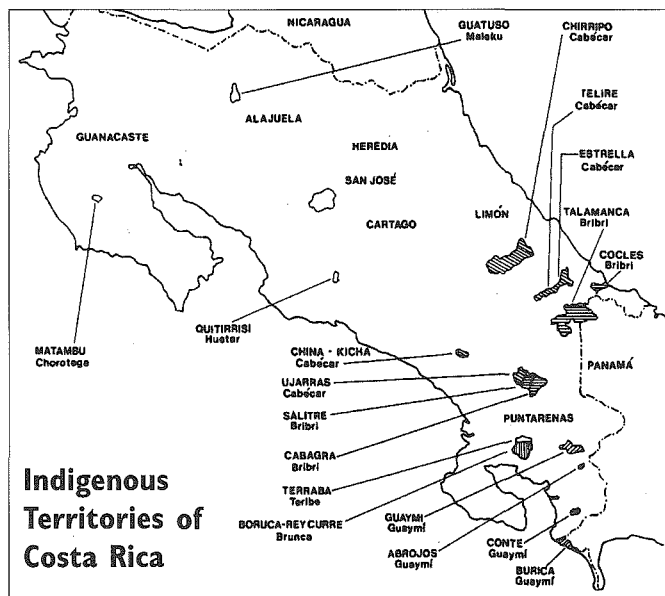
In examining Indigenous rights in the natural resources issue, we see that Costa Rica again fails to uphold the tenants of

ILO Convention 169. The Mining Act says that the Legislative Assembly of Costa Rica decides on the granting of exploitation contracts to extract natural resources. There is no distinction between the reservations and the rest of Costa Rica. Because there exists no institutionalized and regulated consultation, Indigenous peoples have no say whatsoever about the exploitation of their territories. This is in direct opposition to Article 15 of Convention 169 which guarantees "... the right of these peoples to participate in the use, management and conservation of these resources..."

Health is one of the areas on which the biggest improvement has been reached. A number of new clinics have been built, although in most cases doctors are available only one or two days a week. The number of casualties as a consequence of diseases is still far higher than among the rest of the Costa Rican population. Severe diarrhea leading to dehydration is the principal cause of death among Indigenous children. Although the situation is improving, it is still very difficult to get the necessary medical attention in remote areas of the country.

On the education front, the situation is twofold. On the one hand quite a few new elementary schools have been constructed in the last couple of years. There are only two high schools on Indigenous territory, and both have been built with the help of foreign cooperation. On the other hand, there is hardly any attention being paid to the development of bilingual education. In 1995 the Department for Indigenous Education (DEI) was created by Decree No. 23489. Because it was created by a Decree and not by an explicit law, the next administration has the ability to dissolve the Department.

This unstable future is reflected in its administration. There is almost no budget directed towards the DEI making it impossible to develop a long-term strategy. Without a long-term policy, the important issues cannot be confronted. For instance, there is no bilingual educational material at the high school level and the material for the elementary level is very outdated. There is no funding to provide sufficient scholarships for Indigenous students. Another problem is the lack of Indigenous teachers. It is very important that the Indigenous children are taught by Indigenous teachers as they are best able to transmit the traditional values and culture.



The Indigenous movement

The rise of the Indigenous movement in Costa Rica is a fairly recent development. The battle, at the end of the 1980's, by the Guaymies to be recognized as Costa Rican citizens and not

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as foreigners, led to the establishment of a growing number of Indigenous non-governmental organizations (NGO's). These organizations have been founded to ameliorate the social and economic crisis within Indigenous communities. They work to achieve a greater degree of autonomy and to pressure the government to comply with the national and international legislation. The Indigenous communities in Costa Rica are steadily becoming more vocal in protecting their rights, denouncing violations and abuses and demanding the recovery of their lands. This growing awareness of their own rights has brought with it a new phase in the Indigenous struggle.

By the end of 1996 the government had been sued twice in light of its failure to execute the legislation in practice. On the 3 of October, José Dualok Rojas Ortiz, a Bribri and president of the cultural association Sejekto (the Voice of the Indian) sued the Costa Rican state for not having complied with its obligations under the Indigenous Act and the ratification of Convention 169. The Supreme Court of Justice is examining the case.

Two and a half months later, four Malekus filed a law suit against the state for violating the Indigenous Act. With help from the NGO Fundación Iriria Tsochok (Foundation for the Defense of the Land) an extensive one year research project has been undertaken to collect the necessary geographical and topographical data. This study has produced a voluminous charge with over two hundred pages of empirical evidence. The indictment concerns the illegal reduction of the Guatuso reservation and demands the restitution of the 250 hectares. Even the little land that was assigned to the Malekus after the reduction is almost completely (90%) in the hands of non-Indigenous persons. The Supreme Court is also investigating this case.

A new legislative initiative

Currently the Legislative Assembly is working on a draft Act that will effectively replace the Indigenous Act and all the Decrees that have been enacted. This drafting process has been progressive in a couple of ways. In compliance with Convention 169, the Indigenous leaders have been consulted, they have had the opportunity to give their opinion and input on what to include in this draft. The draft committee has also recognized the need to rename the reservations as territories, since the first term implies isolation. The draft is very extensive, contains fifty-one articles and deals with all the relevant issues. Despite the fact that it has been the subject of discussion for the past couple of years, it is unfortunately that this draft, with its positive agenda, has still not been adopted by the Assembly. Until the Costa Rican government legally accepts the draft there is no real change taking place for Indigenous peoples. Critics believe that the government should be focusing on executing the existing legislation before adopting a new instrument with even more obligations.

Where to from here?

In spite of its progressive legislation, there remains a lot to be done in the field of Indigenous rights in Costa Rica. The lack

of land in the hand of Indigenous people continues to be one of the most serious problem facing Indian communities. The government has shown that it is not willing to take real measures to protect and promote Indigenous cultures. It is striking to see how many Costa Ricans think that within a couple of years there will be no more puros indigenas and that it is therefore a waist of time and money trying to avoid this. CONAI is a good example of the government's failure to developed the necessary multisectorial policy to give effective protection. Although according to its constituting treaty CONAI is responsible for all government policy regarding Indigenous peoples, it is in dire need of funding and has been subject to the usual government neglect. The first Convention 169 government report sent to the ILO at the end of last year was written without consulting CONAI or the DEI.

However, the Indigenous people in Costa Rica have demonstrated to their own government and the international community that they are determined to fight for their autonomy, their land rights and their rights as peoples. Although it has yet to be



Photo by: Gerard Schulting

Indigenous bank in Suretka, Talamanca, Costa Rica, a project of Sejekto: to provide credit to small farmers.

thoroughly implemented into public policy and practice in Costa Rica, Convention 169 has been an effective tool in increasing Indigenous peoples awareness of their own rights under international law. It has also helped to increase awareness among non-Indigenous people. This has been proven by a growing jurisprudence in Costa Rica that recognizes the principles of Convention 169 as fundamental human rights of Indigenous peoples. Costa Rica can move beyond the other Latin American countries that have impressive bodies of laws regarding Indigenous peoples merely to appease the international community yet continually fail to abide by their own legislation. The Costa Rican government must actualize all the articles of ILO Convention 169 to prove to the international community that it is serious about its commitment to upholding the rights of Indigenous peoples.

Thanks to Jorge Dandler, Jose Dualok Rojas Ortiz and Ali Garcia.

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After the signing of the peace accord in Guatemala on December 29, 1996, the implementation of these agreements between the Guatemalan government and the Guatemalan National Revolutionary Unity (URNG) has been one of the major concerns of the Mayan organizations. During the peace negotiations, Indigenous organizations in Guatemala recognized that ILO Convention 169 is an important, international legal tool that would contribute to the promotion of human rights and justice in Guatemala and urged for its ratification.

Unfortunately, the ratification of Convention 169 created a disagreement between those who are in favor or against it, delaying its ratification by Guatemala. Some who argued against the legal instrument proposed by the ILO claimed that Convention 169 contradicted the Guatemalan National Constitution. Others claimed that it was unnecessary because the Guatemalan Constitution was inclusive and that all Guatemalans were equal and enjoyed the same rights and obligations as members of the Guatemalan nation-state. Article 66 of the Guatemalan Constitution acknowledges that the Guatemalan state is made up of diverse ethnic groups and that "the state must recognize, respect and promote the ways of life, customs, traditions, forms of social organization, the use of Indigenous traditional dress, languages and dialects", which together form part of their distinct identity as Indigenous peoples.

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For those in favor, the above statement from the Constitution pertaining to the rights and freedom of Indigenous people within the nation, should be reinforced with the adoption and ratification of Convention 169. Convention 169 argues for the implementation, practice, and promotion of the rights of Indigenous people already stated in the Constitution. The protection of Indigenous rights is inherent since "the Indigenous and Tribal people must fully enjoy human rights and fundamental lib-

sent themselves, instead of the current policies which have promoted assimilation and full integration into the national life.

Convention 169 and the negotiations for peace

While Guatemala argued against the ratification of Convention 169, other countries such as Mexico, Colombia and Bolivia, among others; ratified the

Convention 169 and the Implementation of the Peace Accords in Guatemala

◆ **By Victor D. Montejo, Ph D.
(Jakaltek-Maya)**

erties without obstacles and discrimination." Due to the insistence of Indigenous organizations in Guatemalan and their international support, the Guatemalan government realized that it had a need and an obligation to ratify Convention 169. It was this pressure that persuaded the Guatemalan government to ratify the document on June 5, 1996 (effective June 5, 1997). It is our hope that, with its implementation, Indigenous people will finally be allowed to repre-

Convention and encouraged other countries to follow their example. For this reason, Guatemala was under strict scrutiny by other international organizations and was criticized for not adopting and ratifying the Convention. As the negotiations for a lasting peace between the Guatemalan army and the Guatemalan National Revolutionary Unity (URNG) continued, the different Mayan organizations insisted that Convention 169 must be ratified as part of the agreements. It

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was clear that this international, legal instrument would help the marginalized Indigenous population to assume leadership in the pursue of their rights and the revival of the Mayan, Garifuna and Xinca cultures.

In 1991, under the government of president Jorge Serrano Elias, the different Mayan organizations, worker's organizations, governmental institutions, the church, the army and CACIF participated in a national consultation to discuss the viability of the implementation and ratification of Convention 169 in Guatemala. In 1992, the Guatemalan Congress began a serious analysis and discussion of Convention 169 and its compatibility with the Constitution. The Latin American signatories of the Convention petitioned the Guatemalan Congress to ratify Convention 169 in 1993. The debate concerning the implementation of the Convention continued and became a highly contested issue for the different political parties. The ILO Convention 169 was finally ratified by Guatemala on June 5, 1996. It is considered an instrument that can help to ensure the implementation of the peace agreements (now pending after the signing of the peace accords.)

With the ratification of Convention 169, several issues became apparent. It is not sufficient simply to recognize that Indigenous people have been marginalized and limited in their access to resources, or that they have been denied the full expression of their individual and collective rights as traditional communities with a millennial history and culture. Nor is it enough to say that Guatemala is a multilingual and a pluricultural nation-state, if we are not making the constitutional laws functional. Guatemala must comply with its laws permitting Indigenous people to express themselves freely and to practice their ways of life without restrictions, limitations or obstacles. The Indigenous communities are hoping that Convention 169, as a legal instrument, will ensure their right to self-determination and autonomy. In Guatemala, there is an urgent need to enforce the legislation that considers the uniqueness and contribution of each Indigenous community, including their customary law.

Can Convention 169 help resolve the land crisis?

The application of Convention 169 in Guatemala should now be instrumental in the search for solutions to the land problems affecting the Mayan communities. It should be understood that Indigenous people have a special "quasi-religious" relationship with the land.

Without access to land, it will be extremely difficult for the Mayan people to maintain their ways of life and their legacy of respect and concern for nature and humanity. Currently, and as a result of the peace agreement "without justice" achieved between the Guatemalan government and the URNG, chaos surrounds the land issue. It is unfortunate that some Indigenous and peasant organizations are promoting the invasion of fincas (farms) without regard for the current negotiations on land reform. The power of negotiations and dialogue must be respected in this case, in order to avoid the continuity of violence and tension in all levels of Guatemalan political life.

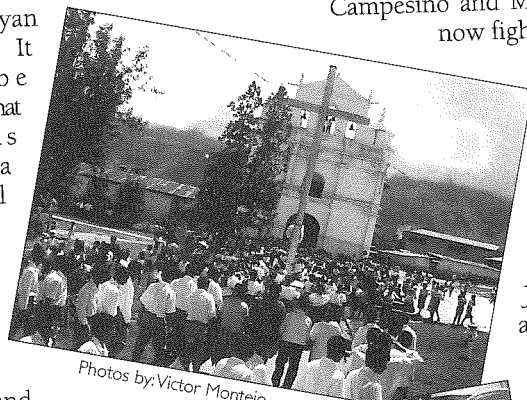
Convention 169 must be used as a tool to negotiate a peaceful solution to the land problem, and not be used as a weapon to allow confrontation and invasion by force. The Guatemalan population, Mayan and non-Mayan peasants

alike, should read and study the Convention carefully so that they may successfully use it as a tool in the quest for peace and justice for the dispossessed. The land problem continues to be a very delicate issue in Guatemala and currently this predicament is intensifying. Campesino and Mayan communities are now fighting against each other

to protect and re-define the community and the municipality land boundaries. The armed confrontation between two Mayan communities in Solola and Totonicapan in June, who fought against each other with machetes to defend their land boundaries, is an example of the current situation. To avoid these conflicts, Congress must use Convention 169 to legislate attending the petitions of the Indigenous communities and must recognize their traditional, communal practices of land tenure. Land rights will undoubtedly be the source of conflicts in Guatemala and throughout Latin America in the coming century.

An instrument to support and implement the peace agreements

The ratification and full implementation of Convention 169 is fundamental in carrying out the peace agreements, particularly the accord on "Indigenous Rights and Identity." The importance of this document rests on the idea that Indigenous people should be consulted about, and participate in the development of, policies and programs that concern our lives and the organization of our communities.



Photos by: Victor Montejo



ILO Convention 169 highlights the necessity of implementing an educational system that is inclusive, stemming from the ideology and epistemology of the Indigenous Mayan culture. To encourage the creation of a true multilingual state, we are emphasizing the teaching and learning of Indigenous languages. Projects are now being promoted to achieve this goal, such as the current national commission for the official recognition of the 21 Mayan languages as well as Xinka and Garifuna spoken in Guatemala. The Indigenous organizations of Guatemala are also organizing bipartisan commissions to propose educational programs that will integrate the knowledge and intellectual productions of Indigenous people in the curricula. The Indigenous world views are becoming an integral part in the experimental educational projects, particularly in the program called "Escuelas Mayas" coordinated by the Centro de Investigaciones y Documentación Maya (CEDIM). Similarly, on the religious front, the Consejo Nacional de Sacerdotes Mayas is consulting the Mayan calendar and proposing its use to guide the educational programs, agricultural projects, and life cycles important in Mayan communities. Indigenous religion and philosophy are also being revived and practiced by men and women, who are now expressing themselves freely in their Mayan religious organizations at the national level.

An important contribution of Indigenous people to the legal and political process in Guatemala is the recognition of our customary law that regulates conflict and creates consensus in our communities. Similarly, the bipartisan commission for land has also been established and Mayan organizations, such as the Coordinator of Mayan People of Guatemala (COPMAGUA), are now discussing the possibilities for peaceful solutions to the land problems with a government team. With the complete implementation of the articles stated in the Convention, there is hope that Guatemala, as a pluricultural nation-state, may develop a real democracy with just treatment for the large Indigenous population within its borders. Once Indigenous people are allowed to determine and direct their own development with the support of the national govern-

ment, Guatemala will make a major step towards its development as a modern nation with a bright future and a true commitment to justice.

With the ratification of Convention 169, Guatemala has achieved an international status and recognition as a nation that respects its Indigenous majority. By becoming a signatory of the ILO Convention, Guatemala is now among those independent nations highly concerned with the promotion and continuity of Indigenous cultures in their territories. This is a historical opportunity for Guatemala to fulfill its promise of recognizing and valuing its patrimony, not only its ancient Mayan past, but the contemporary inheritors of that millennial Mayan civilization. The articles of the Convention are being massively publicized, so that the Indigenous population can read and apply its contents to help them to finally escape from the marginal world to which they have been relegated for the past five centuries. To aid in the promotion of the Convention, a number of Mayan organizations, such as the Academy of Mayan Languages, Cholsamaj, the Mayan paper Rutzijol, and the newspaper El Regional are translating and diffusing the information in Mayan languages.

It must be understood that Convention 169 is not in itself the solution to the ill treatment of the Indigenous population in the past by the dominant Ladino population. Instead, it is a step towards understanding and respecting the contributions of Indigenous people in all spheres of human life. At this new stage in their history, Guatemalans must question their own identities and discover the Indigenous roots that give them a unique and powerful identity as Mayans. For this to occur, it is important that the Ladino or non-Indigenous population change the persistent views and negative stereotypes that they have imposed on Indigenous people for centuries. This implies rewriting their histories and learning more about the grandeur of the Mayan civilization which, with remarkable tenacity, has persisted until now, despite the restricted spaces in which its contemporary inheritors struggle to survive at the end of this century. 🐦

Continued from page 13

has been of great importance, but we are asking for a more permanent and inclusive space within the UN. There is a proposal in Copenhagen to create just such an organization. Thus what we discussed in Temuco Chile, Mapuche territory, is not just the possibility of a permanent Indigenous forum but the real need for such a body to be installed. This would not replace or compete with the Working Group, but complement it.

When discussing logistics, scope, and purpose of the forum, we decided that it should be a place where Indigenous people can publicly denounce injustices as well as make recommendations. It can also function as a mediator of disputes between Indigenous peoples and governments. We can no longer continue to function in a system where government policies are implemented unilaterally,

regarding WE MUST BEGIN TO HOLD DIALOGUES WITH THE GOVERNMENTS AND A PERMANENT FORUM COULD BE JUST THE PARLIAMENTARY INSTRUMENT TO THIS END.

Indigenous communities as easy prey. There are two realities; that of national governments and that of traditional cultures. We must begin to hold dialogues with the governments and a permanent forum could be just the parliamentary instrument to this end. It must be an egalitarian assembly that represents the Indigenous perspective on equal footing with the government positions. It has been proposed that the forum would be similar to the UN, that would be ideal but that is perhaps unrealistic. We are aiming for something on the level of ECOSOC, which is a much higher level than where we are in the UN now. We would like to see this forum be a legitimate arm of the UN with an office in Geneva or New York. We sincerely hope that the proposals discussed at this conference will be realized in the near future. 🐦

Negotiations on a Naval Base in Kuna Territory: Panama

The proposed establishment of a naval military base in Indigenous territory, with the purpose of combating international drug traffic, has provoked a heated debate in Kuna and Panamanian public opinion since mid-1996. The original proposal was for construction of a base in Puerto Escoces, a site of historic importance to the Kuna, where they first opposed colonizing efforts by Scottish settlers, and where the United States had built a naval base during World War II, ostensibly in defense of

the canal. This base has long been abandoned, but the region has been of interest to archeologists interested in colonial history, and some speculators who have tried to follow up rumors of mineral resources.

Although the Panamanian government claims that Puerto Escoces is "uninhabited," the bay is owned and used by nearby Kunas, who cultivate their crops along the rivers, fish and hunt as well as gather wild provisions. The natural beauties of the area are described as a "paradise" of crystalline waters and verdant vegetation. In response to the proposal to take over this area, first presented in early 1996, local Kuna demanded an environmental impact study, negotiations with binding agreements, and payment for confiscated lands. These demands were met by blunt refusals from the government, who expressed indignation that Indigenous people would try to be involved in negotiations or indemnifications.

Since the first proposal, the Kuna, who have a long reputation as staunch defenders of their autonomy, their lands and of environmental preservation, have mobilized resistance. Despite numerous attempts to divide the communities and leaders, attempts which included threats, blackmail, and offers of special privileges to some leaders, the Kuna General Congress established a commission to study the issue. In June 1997, the Kuna General Congress decided unanimously to oppose the military base at Puerto Escoces, located deep in Kuna territory, suggesting instead the port of Obaldia on the border with Columbia. The border itself, they argue, is the place for such activities, and is already disturbed by the nearby warfare between Colombian forces and guerrilla groups, as well as narcotics traffickers. Puerto Obaldia is already a refuge for many impoverished Colombians fleeing from the violence in the region.

Various groups, ranging from the Catholic missionaries in Kuna Yala,

human rights groups and the Kuna Women's Federation, have spoken out in support of the General Congress decision.

Of special interest in this dispute is the role of the U.S. Ambassador in the debates concerning the base. The U.S. government had reportedly agreed to finance the building of the facility (many believe it was their idea, in light of the closing of U.S. bases around the canal), through Kuna authorities have never been told the exact arrangements or the dollar amount pledged. When the Kuna were having trouble getting Panama to negotiate, a group of Kuna leaders went directly to the Ambassador and presented their case. The Ambassador said that he didn't want to get involved in internal matters, but if the Kunas persisted in opposing the base, the U.S. would take their money elsewhere.

At this point the Panamanians stepped up their campaign of intimidation and subterfuge, even producing a phony "Accord" which they claimed had already been signed by local community leaders. Those who opposed the base were publicly branded "narcotraficantes and their allies." In the words of Kuna spokesperson, Atencio Lopez, "there has been a resurgence of standard myths about 'national security,' of 'economic development of the Indigenous people through military industry,' of 'the laziness of the Indigenous people as synonymous with Third World underdevelopment,' and other barbarities." As Lopez says, the disputed land is Kuna land, "so we must be the ones who preserve nature in the place that has been converted to another 'blood-stained land' (from which comes the name ABYA YALA, or blood-stained continent.) The agitation and debate on this issue have "placed in danger the political, administrative and territorial autonomy of the Comarca Kuna Yala, the most ancient and distinguished Indigenous autonomy in the New World. With this move the Kuna have demonstrated once again their political capability, because in spite of everything they have brought a halt to a project of great scope promoted by the governments of Panama and the United States, of which we can only with difficulty predict the benefits or problems for the Kunas' future." 🐦

(This article has been revised, edited and altered from the original by Atencio Lopez, a Kuna lawyer and President of the Kuna organization, Napguana.)

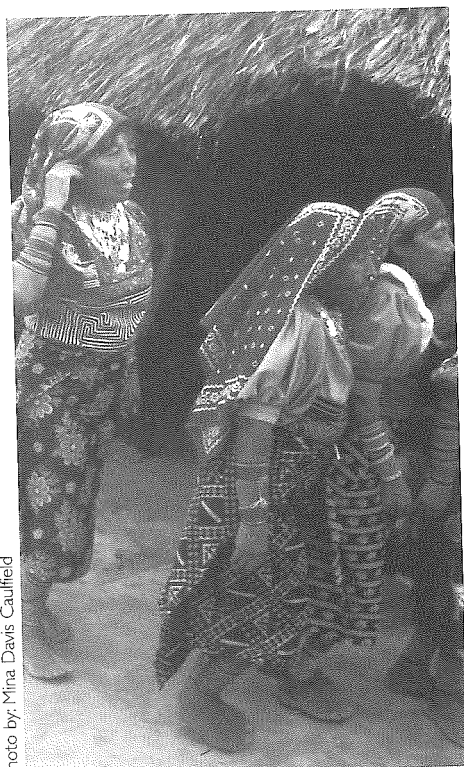


Photo by: Mina Davis Caulfield

Indian-Peasant Protest for a New Democratic Order: Ecuador

"Arriba, abajo, el pueblo, carajo! Izquierda, dercha, el gobierno a la mierda!" (March chant, Quito, August 12, 1997).

At dawn on August 11, 1997, thousands of Indigenous and campesino woman and men dug ditches and hauled trees across Ecuador's major roads. The coordinated uprising halted transport for 48 hours and sent a forceful message to President Fabián Alarcón of the power of popular conviction. Demonstrators felt ridiculed by recent state decisions that scorned their interests. As the paralyza-



Photo by: Susana Sawyer

tion confirmed, Ecuador's marginalized would no longer countenance exclusionary elite politics.

Earlier this year, a massive popular demonstration on February 5 forced the impeachment of former-President Abdala Bucaram and demanded fundamental changes to the workings of the Ecuadorian state. Central to the February "Popular Mandate" was the call for a National Constituent Assembly charged with re-writing the Ecuadorian Constitution. In late July, however, President Alarcón together with conservative congressmen decreed that the National Constituent Assembly must be postponed for another year.

Indigenous and peasant groups rejected the audacity of such a state edict. Through unprecedented popular support, the February "Mandate" asserted citizens' rights to condemn corrupt rule. The August 1997 protest further substantiated that right and denounced the government's contempt for the February popular fiat. As the president of CONAIE (Confederación de Nacionalidades Indígenas del Ecuador), Antonio Vargas, noted Indian and peasant organizations were the only representative bodies capable "of generating true democratic debate"; no political regime could dismiss this authority.

August's road blocks interrupted commerce and travel throughout the country. The military's presence was strong, leading to sporadic confrontations. In Azuay Province, an angry trucker ran a blockade injuring three protesters. On the principle highway north of Quito, soldiers intimidated protesters and repeatedly shot tear-gas into demonstrating crowds. Despite considerable risk, a group of peasant women explained that they were fighting against "the economic measures that made life only more and more difficult": rising commodity and health care costs, inflationary credit, soaring rural debt. "Only like this, united together," one woman interjected "can we move forward." The presence of a huge CONAIE banner intimated deeper meaning of this campesina's words: "united together" as Indians and peasants, protesters could hold their ground. Indeed, a growing indigenous-peasant coalition throughout the 1990's proved the effectiveness of

popular resistance.

Conservative politicians characterized the August mobilization as "violent" and "destructive." Popular leaders insisted, however, that the paralyzation was the only means at their disposal for confronting "an antidemocratic, exclusionary, and authoritarian" regime. Like earlier Indigenous uprisings in Ecuador this decade— May 1990 (5 days) and June 1994 (10 days)— the August 1997 protest challenged neo-liberal economic reforms. In addition to the Constituent Assembly, the paralyzation demanded the congressional ratification of ILO Convention 169 and denounced government plans to privatize the peasant social security agency and areas deemed economically strategic for the functioning of the state: telephones, electricity, and the state petroleum industry. In particular, the August mobilization sought to further a long-standing struggle to construct a new democratic order in Ecuador.

On August 12th, 500 demonstrators in Quito staged a wake and funeral procession for the February 1997 "Popular Mandate." Solemnly clothed men bearing a massive casket lead the procession through city streets. Behind them followed chanting protesters carrying banners and brilliantly colored wreathes. Protesters' mock mourning symbolized their repudiation of the government's decree to defer the National Constituent Assembly; the funereal rite gave witness to this "betrayal"— the figurative killing of the Constituent Assembly. Ending their procession outside the National Congress, protesters set the Popular Mandate casket ablaze. "So burn the stratagems of an antiquated political class," bellowed an Indian leader: "so burn attempts to scorn the Popular Mandate. Let us seize this opportunity to construct a new democracy." Many obstacles still threaten such efforts. As Luis Macas, an Indigenous congressman and former CONAIE president, observed, little has changed since Abdala Bucaram's ousting; "elite leaders continue to deceive the citizens and exacerbate economic misery." A new Constituent Assembly is slated for December 1997. 🐦

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Alicia Canaviri talks to SAIC about Women...

Young People and Globalization in the Indigenous communities of Bolivia



Alicia Canaviri, Aymara, is a social worker and community organizer. She is the general coordinator of the Center for Aymara Women's Develop (CDIMA) in La Paz, Bolivia. CDIMA works to help Aymara communities, especially women and young people, overcome discrimination and poverty by providing training and educational workshops.

CDIMA rose out of the severe social, economic, political and cultural crisis facing Indigenous women, who were suffering discrimination and exploitation by the system for being women, for being poor and for being members of an oppressed people. As Indigenous women they were seeing the price of their products fall, and their work undervalued, underpaid and unrecognized. The fact that there are no laws to protect Indigenous women's work is a grave injustice, which Alicia would like to remedy. CDIMA develops programs to empower and educate Indigenous women and youths, the most marginalized sectors of Bolivian society, so

that they can influence the public sphere and obtain positions of power to better protect their culture and their rights. Alicia told us about the necessity of CDIMA's work when she was in Oakland this summer.

How is neoliberal globalization affecting Indigenous communities in Bolivia, and how are you, as an Indigenous woman and a founder of CDIMA (Aymara Women's Development Center), trying to empower Aymara women and young people to be able to face this new ideology of economic development?

It is true that this situation is affecting all Aymaras and certainly all Indigenous people in Latin America. I will speak about this neoliberalism in respect to how it affects Indigenous women. In Bolivia, the systemic problems are very serious. We suffer exploitation, oppression, the marginalization of women, especially Indigenous women. A woman who doesn't know how to read or write is scorned. In order to attend school, one needs to know the Spanish language. Therefore, when I was ten years old, I learned to speak Spanish because I had to. If I only spoke the Aymara language, I would be severely discriminated against in this society. And my fate was already decided because I was an Indigenous woman who wore a *comisa de pollera y una chompa de obeta* (traditional clothing) and therefore I wasn't worth anything. I automatically didn't matter.

It hasn't changed. It is an experience that I've had all of my life, not only when I was young or when I was in school. When Indigenous women begin to look for work, they are never treated equally with other women and even less so with men. There is a triple discrimination against an Indigenous woman: for being a woman, for being Indigenous and for being poor. I and my Indigenous sisters in Bolivia and across Latin America have suffered this every day of our lives.

For this reason, CDIMA, a group of Aymara women was born. We organized ourselves for the purpose of educating ourselves and empowering ourselves to defend our culture and our language. Our language was used as the means to achieve our goals of defending the thoughts and ideas of our people. We began to work initially on a voluntary basis to fight against marginalization, exploitation, and the different forms of oppression against the Aymara woman. We began to work with the local women's organizations in different rural communities. Women in these small communities have no opportunities to enter the public sphere, and are not encouraged to make any effort to do so. We met many women who had previously received certain kinds of training for women to make them good housewives. They had been taught little manual skills, how to cook, how to take care of their children, all in Western style. When we began our work this was the only type of training available for women.

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We confront this situation by offering another kind of training. We taught them to analyze their situations in their communities: What role do women play at the local level, within their own communities? What role do Aymara women play in the power structure at a national level? All this internal analysis has affected the women in the communities and shown them that they are marginalized. Once women began to question their positions in the community and beyond, they began reacting against this marginalization and discrimination. Aymara women are confident that they as women can do important activities to benefit the entire community.

CDIMA does not work only with the women. We also work to educate the men and raise their consciousness. In the past, everyone only worked with the women, but in order to really change the situation we need to work with the men also. The women began to invite their husbands to our meetings and the men began to come and we began to work together. This has been successful in many communities. Women and men both participating is a positive step, because it is crucial for both Indigenous men and women to work together in the struggle to control our communities.

What type of training did you give the women? Can you give us some examples?

Initially, we had women leaders discuss their experiences: the history of Indigenous villages, the participation of Indigenous women, all of this. This work proved to be very worthwhile. Then, we began to work at organizing from the base level. And during the different courses and activities that we did, the women selected those people who had the potential to be leaders in their communities. Out of the 8 communities, 40 women were chosen. We worked with these 40 women in intensive courses to train them to be leaders.

The first thing that we taught these potential leaders was to lose their fear. The women were scared of speaking in front of people, so we worked with them on public speaking because most Indigenous women are not accustomed

to it. The three steps of the courses are to identify their fear, then work on self-esteem and confidence raising to help them overcome their fears, then to apply this new confidence to their relationships. These three things are fundamental in order for a woman to become empowered as an individual within her community. This is one of the goals of our work. The 40 women who participated in these intensive workshops learned how to overcome their fear of speaking in public, and more importantly they learned to speak their minds freely without fear.

These first 40 women are now liberated, empowered, and organized to defend and fight for the rights of the Aymara woman. Our organization is dedicated to providing training and educational opportunities to all Aymara women. It is fundamental that the women are trained to occupy important positions. If they are not trained, they will never break into the system.

Another objective of CDIMA is to work in conjunction with other Indigenous organizations, not only Aymara organizations, but with all types of organizations at the national level. There is a relationship between Aymaras and Quechuas, and between Indigenous women's organizations. This exchange with other organizations helps our Aymara people think about their actual situation and question it and compare it to the situations in other Latin American countries with relation to globalization. Together we investigate the economic problems being created in these countries and the destruction of the environment. In our villages, many times we don't know in advance what the results will be when big companies bring in equipment to cut down the forest. For example, many forests disappeared without the Indigenous people being aware of what was going on. But through organizing and becoming educated, we can defend our rights and the land.

You also educate and train the Aymara young people so that they will be able to defend their Indigenous heritage. What kind of programs do you have for these youth whom you are helping learn how to defend themselves?

CDIMA has had a lot of experience

working with young people. As I said initially, we work mainly with the two most marginalized sectors of the society, women and youth. We have seen in Bolivian society that these two sectors are completely forgotten by the central government. The youth in our country are managed, governed as a minority, as dependents. And what we want is a space for this minority in the power structure, at the national and international level. In the first place, we believe that Indigenous people should govern themselves, and be represented in the Parliament of Bolivia.

It has been very important to train the adult women, because they act as mentors in the society. Therefore we work with the women who educate the children, and with the youth, because they are the future of the country and the future of the Aymara people. We have taken on this marginalized sector of society, because it is here that the great potential for our people lays.

We did a diagnostic on the young people's situation within the communities. We went to their villages and met with them, because we believe that the youth are people too. In Aymara when a person is of a certain age and is not married, he is not considered a person and we call him "el jaque". We have seen that because of this stigmatization, the young people marry and are required to take on a position without any knowledge or experience and are easily manipulated by the different political parties. This is why it is extremely necessary that we need to train this sector.

Initially, when we went to the communities, the young people (13, 14, or 15 year-olds) would run away from us. This forced us to adapt our methodology of work. We would bring balls and play in the fields and after some games we would have a little break in which we would ask them what role they (the youth) play in the community.

We saw that the youth were being neglected. And so we met with the authorities and the fathers of the families to ask them what are they doing to benefit the young people, so that they are able to be productive women and men in the future. The youth are seen as children, and not as people who have roles in the

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community. We discussed with the communities what happens when our young people grow up without receiving any education or training.

We began organizing traditional music and dance classes for the young people of the communities. We are also teaching them our stories. Right now, we are organizing a competition in the stories of our Aymara ancestors. The young people who know the ancestral traditions and tell the story best will win a prize. We want to educate the youth in what our stories and traditions mean. Through these classes we help them to learn who they are and to identify with the land, because without knowing who they are they will lose their identity. And if before they liked Western music, now they like our own traditional music. For example, one of the young people came to one of the classes and listened to the traditional music. He said "This music is different. I feel something for this music, it attracts me, I don't know, in my body something else happens. And before when I listened, I didn't feel anything. But now, I don't know, it makes me sad, it makes me melancholy." It is experiences like this that prove that we have succeeded in helping the young people feel that our music is their own.

One of our greatest achievements is that our young people identify as children of Aymaras and as Aymaras. We are proud that they take Aymara as their own identity. One of our objectives is that the young people who enter into high schools and universities and other jobs remain Aymara. We also want the youth to learn about their rights as Indigenous people and to form concrete ideas about their future as Indigenous people. In the communities where we work, we actually have around 30 young people that are creating their own proposal, calling for popular participation as a base for local power. This proposal will truly defend our rights and help us to defend against the outside influence of globalization. If we don't educate our children, they will be manipulated by other people.

In our communities, it is necessary to defend against all of the types of exploitation that exist. We need to defend ourselves with knowledge, through information and training. If this does not happen, Indigenous people are going to continue

to be manipulated, to be exploited, and to suffer as a result of this neoliberal system. The youth, women, and men are now creating their own ideas about development from their own communities without losing their identity, without losing their traditions, without losing their language.

One of the biggest obstacles in the present system is that Aymara youth have no opportunities to become professionals. They remain in their communities or they go to the big cities to be day laborers, to be white peoples' assistants, to be porters or simply to be drunkards. This is the life of Indigenous young people in the cities. And what we want to do is train the youth so that they will grow up to be great men and women and play an important role in the cities and in their communities.

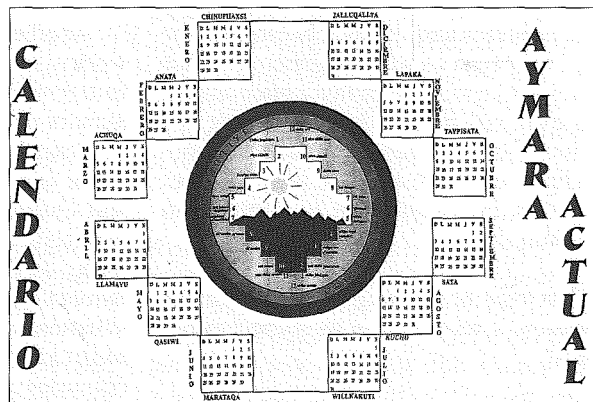
Because of our work, the young people think differently now. They want to be professionals. They are eager to be trained. They have a better education and greater self-esteem and can therefore enter into positions of power. Of course, in relation to the population, this is a small group of young people; between those trained and those in training, there are around 369 young people. We want at least 50% of these young people to become professionals. And if they aren't professionals, then we hope that the majority hold important positions within different spheres, as directors, as leaders. We also hope that when they obtain an important position within the public sphere, they won't be used and manipulated by political parties, but will be true to their own personality which is Indigenous.

Our major goal is that in 10 years we want to see our Aymara young people trained as professionals and to see them in Parliament. There are possibilities through new laws that have been implemented in Bolivia. If they achieve this, their goals are realized at the public level and they are in the power structure and can work for their people and for their nation. One of our biggest objectives is that at least 10 young people, after 10

years will have entered the governing body. For us, for CDIMA, this would be a great success. And if there are more, that would be even better. They can set an example for the other youth in the community. And I believe that this is a realistic goal because the 30 young people with whom we are working now, are beginning to work with confidence.

What advice would you like to give to the Indigenous movement and to Indigenous young people in particular?

I would like to tell the youth that in the first place we need to think about what is happening with our people. What is our place within the society and what is happening in our countries with the young people? What do our governments say about the youth? And by responding to these questions, maybe we can escape the situation in which Indigenous young people are currently. The young people will allow us to move forward with our



initiatives and the initiatives of our ancestors. Therefore what I want to say is that we have to continue the struggle. We can't leave our culture. As Indigenous people we have to face the situation and move forward, making sure that our people are respected, that our rights are respected, and that the youth are educated and trained. Because, with training, it is possible for them to achieve everything that they desire. If we don't have training, if we don't have better information and education we won't be able to move forward. This is the most important thing that I have observed. When the youth are informed and understand what is happening around them, then they can reflect on it and propose their ideas about overcoming the problems of their people.

In Chile's Upper Biobío:

The Battle Against the Ralco Hydroelectric Dam Rages On as attacks on Pehuenche communities and the environment continue

◆ by **Dario Jana** THIS ARTICLE HAS BEEN REVISED, EDITED AND UPDATED.

"Of what use is the electric light if this light comes to illuminate the death of a community?"

—from a public declaration by the Council of Indigenous leaders of Chiloe (Consejo General de Caciques Chiloe)

Heated debates continue over Endesa's, Chile's largest and most powerful electric company, plan to construct the Ralco dam on the upper Biobío river. The Ralco project is part of the megacorporation's "Serie Hidraulica del Biobío" composed of seven interdependent hydroelectric power plants designed in a step like fashion being built in the Alto Biobío, home of 7 Pehuenche communities.

The "Pehuenche," whose name means the people of the land (Pehuen = nature, soil and Che = people), have been living

in the mountainous region of the Andes for centuries. Gradually exterminated through the 19th century by the conflicts between the governments of Argentina and Chile due to the "opposition to the established borders," the Pehuenche were forced off their ancient lands and concentrated themselves around the Biobío region, next to the river of the same name. Today, only about 10,000 Pehuenches live in the rugged territory along the upper reaches of the Biobío. They are the survivors of armed attacks by colonial powers and Chile's own military, as well as decades of assimilationist legislation. They are now confronting the overwhelmingly powerful Endesa, Chile's utilities giant.

The Biobío river, and its watershed area, is unquestionably both culturally and ecologically one of Chile's most important bioregions. The Biobío originates in the lakes of Icalma and Galletue high in the Andes and runs all the way to the sea. Over 400 km long, it contains an estimated 15,000 waterways. Its course is divided into two sections: the "Alto Biobío," which takes an intricate path

through the steep parts of the mountainous region of the Andes, and the "Bajo Biobío," which runs through the central valley, is wider and contains a larger body of water than the Alto. The Bajo Biobío however, is heavily polluted by industrial waste, timber, petro-chemicals, fisheries, and the untreated waters of over a hundred villages and cities. The area of the gulf of Arauco, transformed into a sewage disposal, has been considered by the state and international environmentalist groups to be a "Natural Catastrophe

The author has studied environmental issues, and is currently getting a graduate degree in Environmental Science in Berlin, Germany. He has spent an extensive amount of time with Pehuenche communities in the Alto Biobío, and has been actively involved with the GABB (Group of Action for the Biobío) engaging in debates with the government and with national community over the implications and impacts of the projects proposed by the Endesa (National Electric Corporation) in the upper Biobío. Currently he is working in Berlin, carrying out debates and writing articles on this issue.

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Zone." One million people depend upon the water of the Biobío and almost 500,000 drink directly out of it. The Mega Hydroelectric complex will threaten the health and livelihoods of the hundreds of thousands who rely on the river.

The Origins of the Biobío river Projects

Since the 1973 military coup, liberal market economic models have been implemented with emphasis on the privatization of nationally owned enterprises and the extraction of natural resources for exportation. In this new environment, some groups started to rise as the "upper class" who gained and established their economic influence over the whole Chilean economy, concentrating on such activities as the communication, mining, forestry, construction, and energy industries. Along with this process, a larger portion of the population was becoming the "lower class," increasingly migrating to the nation's cities from the rural regions of the country. With this new economic environment, the energy sector became a priority for the government, which began to make huge investments in the construction of hydroelectric power plants. However with the current rate of investment, the natural resources necessary for the hydroelectric industry will be depleted by the year 2020. The section of the Biobío slated for the projects has been one of the regions that has contributed the most to the national economy through its natural resources, though paradoxically it has the second highest rate of poverty in the country, accounting for 50% of the country's poor.

When Endesa finished its privatization process in 1988 (under Pinochet's dictatorship), most of its share holders consisted of armed forces personnel and the upper class. According to a state official, the operations caused losses to the country estimated at around one thousand million dollars, and debts to the country of about six hundred million dollars. The mega-corporation is currently concentrating on Enersis (Electric Group), the second most economically powerful group in Chile, which in turn controls Chilectra, one of the biggest distributors of electricity for Chile. The director of Enersis, Jose Yuraszcek

Troncoso, is also the president of Endesa and of Pangué S.A. creating in this fashion the monopoly of the enterprise that controls 87% of the electricity of Chile, which furthermore owns the entire electric network of the country (Sistema Interconectado Central, SIC).

At the end of 1989, Endesa created affiliates to look a little less threatening within the electric industry. Pangué S.A.

The Pangué Power Plant

The Pangué plant, the first of the proposed series, was inaugurated March 6, 1997 in spite of the massive public outcry and controversy surrounding the legality of the project.

Since 1950, Endesa has studied the Biobío river, slowly amassing studies and reports to aid them in building an argu-

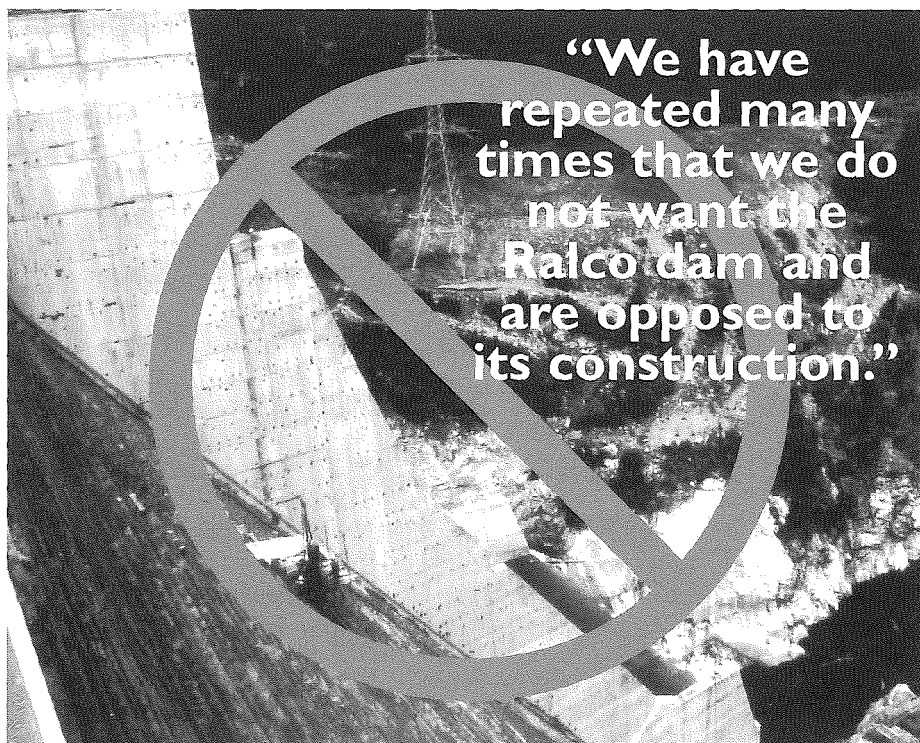


Photo by: Dario Jara

is one of these "daughters of the company" which focuses on the materialization of hydroelectric power plants in the Alto Biobío. Endesa has envisioned a massive interconnected series of large scale hydroelectric plants and has been designing them since the 1960's. The seven projects combined will flood close to 26 thousand hectares of river, 35,000 hectares of native forest and displace close to 10,000 Indigenous people from the Mapuche-Pehuenche communities. Decisions regarding the construction of the Ralco plant are not only made by Pangué S.A., but also by Endesa together with the Chilean government. These plans are being made without consulting the Chilean people, the regional communities, or the Pehuenche people who are most gravely affected by these megaprojects.

ment supporting the idea that Chile could benefit from the creation of dams along the river. The energy generated by the projects would be consumed mostly by the cities of Valparaíso and Santiago, located about 500 km to the north, and Endesa is contemplating expanding their sales to Argentina. The first electric power plant is Pangué (followed by Ralco, Huequecura and Aguas Blancas, being studied are Quintraman, Ranquíl, and Queuco) which floods over 500 hectares occupied (until a few month ago) by the Indigenous communities of Callaqui, Pitril and Quepuca-Ralco. They were forced to abandon their ancestral lands, which were uncompensated, and now have no direct access to the river or to the Araucaria Forest, where they have traditionally harvested fruit by this same name. According to Grupo de Accion por el Biobío (GABB), a Chilean NGO, what Pehuenche land was left along the shores

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of the Pangué reservoir, the artificial lake formed by trapping the water of the Biobío, is now in the hands of private real estate developers.

The environmental destruction caused by the Pangué project are severe, and will likely be so for the Ralco project as well. With the irregular currents of water of the Biobío, the quality of the water content coming in and out of the dam is drastically altered. Damage is being done to the biome that is formed at the shores of the river, to the climate around it, and to the biological activities (micro and macro) that take place in this area. Six species of fish (known only to this area) will be unable to adapt to the new environment, and thus will be driven to extinction. Environmental impact studies, independent from those done by Pangué S.A., show that 192 species of flora are endangered, 86 species of birds, 24 mammals, 9 amphibians, and 8 reptiles will suffer negative ecological impacts from this project. At the same time, the process of alternately drying and flooding the dam to create "tip energy" will cause great erosive damage affecting the water ways of the lower regions, altering the amount of spring water available and the level of the water channels used for transportation. The climate will also be altered by both projects, with increased humidity affecting everything from crops to soil erosion. To make the fragile ecological picture further unstable, there are 5 volcanoes in the area. Three of these are active volcanoes (Callaquen, Lonquimay, and Compache), one of them being only 10 km away from the Pangué power plant. The studies conducted by Pangué S.A. point towards the conclusion that there is no danger towards the electric plants, since these have been designed to withstand the damage of an eruption.

The environmental effects of the Ralco plant are estimated to be equally devastating. It is predicted that about 3,400 hectares of native forest will be flooded negatively impacting 45% of the fauna and 60% of the flora in the region.

The Pangué dam contains over 175 million square meters of water, with the capacity of generating 450 megawatts. The cost of the power plant is over US\$ 470 million, part of which is being paid by Endesa (US\$ 190 million). The rest of the funding came from international backing, such as a credit from the International Finance Corporation (IFC) and the World Bank good for US\$ 150 million, and other loans from Switzerland and Norway, estimated at about US\$ 35 million. The investment agreements contained provisions to protect the Pehuenche people and the environment of the area.

In November 1995, GABB (Grupo de Accion por el Biobío) asked the World Bank's independent inspection panel to investigate their charges that the IFC had failed to live up to their agreement. After claiming immunity from the inspection panel, the bank eventually agreed to evaluate the situation. Last year, University of Arizona anthropologist, Theodore Downing submitted his critical report on the proposed measures to aid and resettle Pehuenche communities, reproving the company for the poor treatment the Pehuenches received during the construction of the Pangué dam. Jay Hair, former head of the World Conservation Union, completed a 379-page study on the environmental and social violations caused by the dam's construction. Hair's study is said to declare that the environmental violations are even worse than those alleged by GABB, whose original complaint sparked the investigation.

After perusing the two independent reports which investigated "IFC's performance and compliance with World Bank environmental and social standards," World Bank President James Wolfensohn had chastised Endesa for taking "a less than constructive approach to its environmental and social obligations." Once word spread that Wolfensohn had threatened to publicly declare the company guilty of violating the investment agreements, Pangué S.A. quickly prepaid their IFC loans to avoid any implication in

their alleged violation of the social and environmental conditions of the loans. By paying back their loans they were absolving themselves of the responsibility to honor any stipulations they agreed to when borrowing money from the World Bank's private-sector affiliate and other European institutions. The company claims that it has switched to the German Dresder Bank because it prefers their lower interest rates.

The most serious social implication of the Pangué Power plant, and the proposed Ralco plant, is the slow destruction of the Pehuenche culture in the Alto Biobío. The construction of roads for access to the power plants will allow for the entrance of logging industries into the few remaining native forests. The construction of bridges, electric cables, and wire fences (in order to "protect" the power plants) are responsible for the death of the already limited fauna and in some cases have even taken human lives. The massive immigration of workers into these lands is having a negative impact on the Pehuenche communities, as these workers do not respect the traditional social structure and laws established by the Pehuenche. The loss of access to the territories around the Biobío will limit their ability to harvest, to enter their sacred land to pray and to bury their dead, all of which have severe repercussions for Pehuenche culture and traditions. Particularly damaging is that the rivalry among the Pehuenche people to get jobs, or compensation for the damage caused by the power plant, is dividing their communities.

Pangué S.A., however, has been pressured to make several compromises with the Pehuenche people. Among these are the hiring of 1200 Pehuenche people (as disposable workers), and more as need, until construction is complete and the workers are not needed anymore. Their other projects include an "Ecological Station" that will "revert" the ecological impact caused by the Pangué Dam, and the "Pehuen Foundation" which is in charged of improving the living standards and reinforcing the cultural heritage of the Pehuenche people. The Pehuen Foundation is made up of a board of directors composed of three representatives of the Pehuenche people and four representatives of the company. The com-

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pany chooses the three Pehuenche representatives, a number that is not representative of the number of people that are being affected by the construction of the dam. On this matter, the lonkos (caciques or Indigenous leaders) of this region have accused the Pehuen Foundation, along with the other programs created by Pangué S.A., of being the company's way of "bribing" the Pehuenche people.

The main function of the Foundation has been to subsidize 60-80% of the purchase of all basic goods by the Pehuenche people in exchange for their signature, making them "partners" of the project. It is interesting to note that lists of signatures were presented to the International Finance Corporation (IFC) of the World Bank as "proof of the backing of the Pehuenche people" for the construction of the Pangué dam. Moreover, the Pehuenche Foundation does not recognize the existence of the Ralco project, which affects around 500 Mapuche-Pehuenche people of the Quepuca-Ralco and Ralco-Lepoy region, as it floods over 5,597 hectare, stressing that the Ralco dam "has no financial backing from Pangué S.A." However such statements are false, as Pangué S.A. gives over 0.1% of the profits of Pangué (over US\$ 120,000) each year, increasing that

THE COMPANY HAS DEVELOPED A SLOGAN: "REPRESAS O POBRESA" ("DAM OR POVERTY")

amount to 0.3% this year. The company has developed a slogan: "represas o pobresa" ("dam or poverty"), inflicting the idea that without the dam there will not be any other economic opportunities for the Pehuenche people to raise their standard of living in the future. Despite its propaganda, the Pehuen Foundation does not have the Pehuenches' best interest at heart. Since its inception, its true goal has been to deceive and coerce them to relocate, with blatant disregard for the Pehuenches rights to stay on their land as granted under the recent Indigenous Law of the country.

The Pehuenche Communities and their Long-standing Opposition

Since 1989, the Pehuenche communities of the Biobío have expressed their rejection of the construction of dams in the Alto Biobío, giving public hearings on their opposition and visiting environmental, social, and regional organizations. Unfortunately their determined efforts have met with little success. The seven communities surrounding the Biobío area have been coordinating their efforts with the Action Group for the Biobío (GABB), an activist group that has been extremely vocal in fighting against the construction of the dams, studying and analyzing the damages caused by the projects, and calling for international support for the Indigenous communities and the biodiversity of the region. Their greatest achievement took place in September 1992, when GABB filed protection from damages caused by Pangué S.A., presenting a document with more than 3000 signatures. On June 22, 1993, the court delivered their decision in favor of making it illegal for Pangué S.A. to change the flow of the Biobío, to dry the Biobío, to use water discharges, or to flood an area. However, Pangué S.A. argued that it was difficult to stop the construction at that point given the promises and contracts that had already been established with the workers. The following day, Endesa presented its appeal to the Supreme Court of Justice in Santiago, questioning the accuracy of the data that was presented by GABB. At the same time, Endesa together with the government, announced that it would raise the price of electricity if the Pangué project could not be completed. Two months later, the Supreme Court reverted the decision made earlier, arguing that at that point there was no way of telling what the consequences of the construction of the dam could be.

With Pangué completed, Endesa is moving ahead with its plans for the subsequent major hydroelectric project. Once again the Indigenous communities are strongly opposed to this project, whose consequences constitute a violation of the The Economic, Social and

Cultural Rights, as well as Article 1 of the Chilean Constitution. This time around they are using the Indigenous and Environmental Law along with their six years of experience to defend themselves. Their inevitable eviction from their territory, as well as Endesa's illegal occupation of their territory, is a violation of the Law of Indigenous Development of 1992.

Nevertheless, the government of Eduardo Frei is ignoring the pleas of the Pehuenche people, who have already turned down the land offered to them as

"...WE WILL NOT BE MOVED BY ENDESA WITH THEIR OFFERS OF MONEY BECAUSE THE LAND IS OURS, IT IS WHERE WE WERE BORN, WHERE WE GREW UP..."

compensation for their relocation —land that had already been acquired by Pangué S.A. a long time before getting the permission from the government to begin the Ralco project. In August of 1995, the GABB presented a document signed by 300 Pehuenche people, expressing their opposition towards the construction of the Ralco dam and power plant, and demanding: (1) The recognition of their lands as stated in articles 13, and the right of the Indigenous people to participate in decisions affecting their living conditions stated in article 34 (2) The immediate departure of Endesa from the Quepuca-Ralco and Ralco-Lepoy communities. (3) That the Pehuen Foundation be entirely composed of a board of Pehuenche people elected from their own communities. (4) That all funding given by Pangué S.A. to the Pehuen Foundation be increased from 0.3% to 1%.

The Communities of Qupuca Ralco, Cauoicu, Callaqui and Malla Malla presented a document expressing their opposition to the Ralco project and their frustration with the governments lack of attention, which begins with the statement "We have repeated many times that we do not want the Ralco dam and are opposed to its construction. We oppose the Ralco project because it will affect us all, as Pehuenche people of the upper Biobío...we know that this problem, the seven dams that they want to build, worries all of the Indigenous communities in the country. We don't want injustices against our communities because if they go ahead with their plans to make that lake, the great volcano in all its power will be angry and will erupt, to punish

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with fire and hot ash and to re balance the water, the river will not be calmed by (the piling up of) money. The compensations that they are offering us we cannot accept—20 hectares, 80 sacks of flour— these will not sustain us through our lifetimes. It won't be enough for our children and they will suffer. We say to CONAMA that we will not leave our lands, we will not be moved by Endesa with their offers of money because the land is ours, it is where we were born, where we grew up and now they offer us the El Barco property, far away from our home and we will not go. We are tired of repeating our demands and having nothing change. We, as the leaders of our communities of the Alto Biobío, are taking the initiative to make thing change because there is no justice in what is happening to us.”

Frei is openly siding with the industry giants in the Ralco battle. Mauricio Huenchulaf, the director of CONADI (the national commission on Indigenous development), stated that Ralco was in violation of the Indigenous Development Law of 1992, which was established to protect and promote Indigenous cultures and aid in their self-determined development. The law guarantees to ethnic communities the possession of their lands and authorizes CONADI to initiate legal proceedings to impede the destruction or exchange of these lands. For opposing the construction of Ralco and questioning its legality, Huenchulaf was dismissed from his post. CONADI's director had become an obstacle impeding the implementation of a political economy. Frei's hard-line policies are becoming more apparent as the controversy continues. The Chilean government also seems to be looking for a subtle way to eliminate Domingo Namuncura, the new director of CONADI, because of his position on the issue. They are proceeding cautiously so as not to provoke the ire of public opinion.

The Update

Vivianne Blancot, the executive director of the National Commission on the Environment (CONAMA) has stated that the resettlement plan, by Endesa “is well done and assures that, in any circumstance, the Pehuenche communities will be better off in terms of quality of life

than they would be without the project.” The lands that were given as compensation to the communities affected by Pangué were not of equal quality and in no way improved the living conditions of any Pehuenche family. After a visit in early August to the El Barco property, the land Endesa is offering to the Mapuches who will be forced by Ralco to relocate, the CONADI director has declared the territory absolutely uninhabitable. Due to adverse climatic conditions, the scouting team couldn't even reach the property. The fact that their vehicles got stuck, coupled with the amount of snow, gave them a taste of “ the difficulties that the area would present for a normal life.”

Alternatives to Pangué and Ralco

Pangué and now Ralco are glaring example of the true social, environmental, and economic costs of large-scale hydroelectric dams. Their impacts can never be completely assessed before it is too late. The human and environmental costs of large dams never outweigh their repercussions: the blow to biodiversity, the climate changes, the flooding that drowns the land which is later stalked by droughts. If it is ever possible for human beings to learn from the past, we should consider large dams, with the damage they have caused worldwide, as an obsolete technology that development banks should stop subsidizing.

Of course, there are alternatives to the flooding, genocide of communities and destruction of the ecosystems that surrounds the Biobío. By using natural resources more efficiently, countries like Chile can continue to grow economically without relying on destructive technologies. Primary in this new approach to planning is educating a populous to understand the costs involved in the creation of dams, and a government that will be able to efficiently allocate resources and wisely control the generation, distribution and use of electricity. For example, improving current energy combustion, electric engines and lighting, through the

use of alternative fuel sources, such as solar, geothermal and tidal energy, and through the creation of micro power plants that would generate enough electricity to satisfy local needs. The focus need to be on planning the use of energy, allocating it to were it is most needed, and emphasizing the protection of the environment.

Using our resources in a sustainable way will help nations regain a lost balance. Part of that balance with nature will be the respect for the Pehuenche people and their culture thus giving the Pehuenche people the opportunity to live their lives, without losing their culture. One of the major achievements towards this balance is the creation of the Indigenous Law which has been in effect for over 2 years, and will hopefully ensure that Indigenous communities will have the opportunity to live their lives with dignity and justice. The law grants the Indigenous people an opportunity to take an active role in the development of projects in and around their areas. Such

BY USING NATURAL RESOURCES MORE EFFICIENTLY, COUNTRIES LIKE CHILE CAN CONTINUE TO GROW ECONOMICALLY WITHOUT RELYING ON DESTRUCTIVE TECHNOLOGIES.

projects include agricultural and grazing projects, and wood crafting. The Pehuenche people can contribute to the productivity of the country, while generating income for themselves. Ecotourism has been suggested as another alternative. Economist Michael Nelson has pointed out that in the future, areas surrounding the Biobío could bring in over US\$ 45 million per year to the national economy.

The development of the Pehuenche people does not depend upon the construction of the power plants around the Biobío, nor does the productivity of Chile have to rely on them for its economic growth. The Pehuenche people are not alone in this fight, as the IFC and the World Bank have funded projects that have violated Indigenous communities all around the world in the name of “development.” Short term gains need to be weighed against the long term repercussions of such damaging projects. Chile would do well to research energy alternatives that take into account social as well as environmental diversity and sustainability. 🌱

Destruction of the Rain Forest-

Imataca Reserve: Venezuela

On the 14th of May, 1997, the Venezuelan government approved presidential decree 1850 which contains plans for the use of the Imataca Rain Forest Reserve. The reserve will be shared out to mining companies and timber merchants, in an effort to achieve total industrialization of the region.

An elaborate infrastructure is planned for the complete exploitation, processing and commercialization of the natural resources of the reserve. The area, the equivalent of the size of Holland, contains three and a half million hectares of rain forests. Imataca is an abundantly biodiverse region, rich in genetic resources, water and energy. Gold, diamonds, iron ore, bauxite (the principal ore of aluminum), magnesium, and numerous other valuable mineral reserves are found throughout the territory. The ancient forests are home to four Indigenous peoples: the Warao, the Kariña, the Akawaio and the Pemón. It has long been recognized that the protection and preservation of this biologically affluent environment should be a national priority.

The 'Plan de Ordenamiento' and regulation of use of the Imataca reserve will undoubtedly have serious negative effects on the rain forest itself, the Indigenous peoples who live there, as well as the fragile ecosystem of the region as a whole.

The Indigenous peoples will effectively be prisoners in their own territory, as a result of the widespread exploitation activities which will severely impede the continuance (and expansion) of their subsistence activities. The Plan de Ordenamiento does not recognize or acknowledge the territory belonging to the Indigenous peoples, who have lived

in this region in harmony with these diverse ecosystems for centuries. With the complete breach of their fundamental territorial and human rights, the treatment of the native peoples is shamefully poor. The proposed plans make it clear that these communities are considered valuable only as tourist attractions or manual labor sources for the future development projects.

If all three million hectares are used for commercial activities as planned, the effects on the Imataca Forest Reserve will be devastating and many of the repercussions will mirror those that occurred in the North of Orinoco after exploitation there. Consequences included a shortage of water, an irretrievable loss of much of the region's biological heritage, an increase in the frequency of droughts and flooding, and the destruction of a permanent forest. This will also happen with the Imataca Rain forest reserve. Because of contracts with timber merchants, large parts of the reserve will be deforested, encouraging erosion. The areas' rivers will be contaminated and a significant amount of flora and fauna will be destroyed due to the influx of industries.

Since its inception, Decree 1850 has violated a number of laws and treaties. The failure of the promised public consultation period points up the true nature of the document as one displaying the manipulation of interests and exploitation of the natural wealth of the forest for the benefits of a minority. On May 7th, the government held a meeting to present the plan to the public. Unfortunately, the majority of those present at the meeting had only received the document the previous day. It was decided that the attendees had until the 30th of May to present their opinions. However, the Council of Ministers approved the plan on the 14th, shattering any faith in a true public consultation period and showing this gesture

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to be a parody of real democratic proceedings. Ironically, in a press release earlier in the year, Vice Minister of the Environment Luis Castro had proudly announced that "for the first time the minister of the environment is opening the process of public consultation so that persons and organizations interested in the ecological ramifications can listen to the presentation of the instrument, share their opinions and plan their responses/ observations." Aside from being considered "grave" and "deplorable", the process of public consultation carried out by the government violated five articles of the Organic Law on the Ordering of Territory, which afford the public the right to be informed and consulted about matters pertaining to this natural area.

Presidential decree 1850 also violates two different national laws mandating congress' approval for any project that affects national territory, specifically the forest reserves. The plan establishes a fundamental change in the use of the Imataca reserve and the granting of large mineral concessions without the authorization of the National Congress. According to the Law of Forests, Grounds and Water, forest reserves are never allowed to be colonized or transferred without the approval and authorization of the national congress. The decree also violates a number of international laws and conventions, signed by Venezuela and ratified by the National Congress, including the 1941 Washington Convention on the protection of flora, fauna, and natural beauty of the Americas; the Convention on Biodiversity; the Convention on Climate Change; Agenda 21, the global action plan endorsed by Venezuela at the 1992 World Summit on the Environment in Rio de Janeiro, as well as ILO Convention 107 on the protection of Indigenous people. It also ignores domestic law concerned with the territorial and other fundamental rights of Indigenous peoples.

Besides these irregularities and violations, the plan is causing controversy within the professional sector of the nation. The government claims that the plan was created with the help of the faculty of the Forestry and Environmental Science Department at the University of the Andes. The government surveys of the Imataca Reserve were done on a

scale of 1:250,000. This myopic investigation cannot provide adequate information about the majority of the ecosystems in the region. The University denies involvement and says that the plan is based on a misinterpretation of their research. Many find it ironic that an eminent administrative organization would contradict the opinions of technical and scientific specialists, who are demanding the abolishment of the decree. On the 14th of June the faculty approved a pronouncement soliciting the President of the Republic to revoke Decree 1850. This was followed by numerous other formal denunciations of the plan by politicians, academics, and over twenty Venezuelan environmental groups.

Decree 1850 continues to cause a wave of protest in the country. The church, questioning the environmental policy of the government, believes that the plan for Imataca will amount to environmental degradation and fails to take into account the rights of Indigenous people. Some members of the Venezuelan National Parliament refer to the decree as a means of legalizing the destruction of this reserve. According to a ex-governor of the state of Bolivar, which comprises much of the Imataca reserve, Decree 1850 contains technical, legal and political failures. The social Christian party of Venezuela, COPEI, urged the government to revise Decree 1850 claiming it disregarded the opinion of major sectors of the population and reminding that the Council of Ministers does not have the right to decide about the use of national territory. They requested that the government study the true riches of the forest, the fragile ecology, the Indigenous communities and the biodiversity. Scientists are asking the government to abolish decree 1850, to create mining limits, and to conduct a new investigation to get a realistic idea about the effects of the plan.

In response to the public outcry, President Caldera has said that the opening of Imataca to mining and wood exploitation represents the desire of the population. One minister even went so far as to say that the plan is a continuation of the Venezuelan government's policy of "rescuing the Imataca reserve" because the ecosystem is already being destroyed by wildcat mining workers. ♡

alternative lands in all possible cases. All of these qualifications leave a lot room for interpretation.

Convention 169 is a great improvement on the previous convention dealing with Indigenous peoples, but it has not totally succeeded in abolishing the integrationist approach of Convention 107. Articles 8 and 9, dealing with Indigenous customs and customary law, are good examples of this. Article 8 guarantees Indigenous peoples the right to retain their own customs and institutions, where these are not incompatible where Customs and customary law shall be recognized as long as they are not conflicting with national laws and regulations. This means that recognition will only follow if these customs are compatible with the national law, for this to happen a lot of customs and customary rules will have to be adapted.

Convention 169 does not reflect the wishes of Indigenous peoples regarding their recognition as peoples, the issue of territories, nor does it include the concepts of consent and control. So in this sense one might conclude that Convention 169 is not a great step forward in the recognition of the rights of Indigenous peoples. On the other hand, it was necessary to provide for a lot of diverse situations worldwide and agreement could not be always be reached on many of these issues. It was obvious that the governments were not going to ratify the Convention if it was so strong that it would require them to change their legal systems; and without ratifications there are no obligations or standards at all.

It is important to remember that ILO Conventions are minimum standards and that no governments can ever create new legislation based on Convention 169, and thereby disregard national regulations that grant more extensive rights. Convention 169 is one of the instruments which stands along side the national regulations and legal framework. The ILO has proven to have built up quite an expertise on Indigenous issues, starting with the adoption of Convention 107 in 1957. This knowledge, together with the supervisory procedure, has the capacity to contribute to an improving human rights situation for the world's Indigenous peoples. ♡

Indigenous peoples at the United Nations...

Photo provided by Nilo Cayuqueo



How much influence do we have?

Over the last few decades, Indigenous peoples have been successful in impacting United Nations (UN) decisions by creating activities therein. Forming these activities within the UN system has allowed Indigenous peoples to influence the decision making processes, and move away from being the objects of discussions to being voices in these debates pertaining to their rights.

The first dramatic change began to occur in the 1960's, when Indigenous peoples began to organize themselves and began asserting their ideas about their rights to self determination. In the 1970's, with the support of various non-governmental organizations (NGO's) and a number of international conferences, Indigenous peoples continued to forge a pan-Indigenous movement to fight for their rights of survival. The 1977 International NGO Conference on Discrimination Against Indigenous Populations in the Americas, organized by the NGO Sub-Committee on Racism, Radical Discrimination, Apartheid and

Colonialism, was a real turning point in Indigenous activities within the United Nations. Indigenous leaders became versed in the myriad ways to access the UN bodies.

UN legislation permits NGO's to create activities within the UN-system, especially within the Economic and Social Council (ECOSOC) system. However, the national governments within the ECOSOC must first grant these organizations a consultative status. At this point, no Indigenous organization has been successful in obtaining such a consultative relationship with the ECOSOC. Because these NGO's represent peoples who aren't represented by the national governments of the countries in which they live, governments are often anxious about the influence of these organizations. Since it is only national governments who vote on the granting of consultative status, it's almost impossible for Indigenous NGO's to obtain such a formal free-ticket to develop activities at all ECOSOC levels. As of now, Indigenous organizations' only means of access is to be represented by an organi-

zation that has consultative status. In practice, Indigenous representatives therefor often rely on human rights NGO's.

To defend their rights at an international level, Indigenous peoples have to find other ways to participate in the UN decision making processes on issues that concern them.

In addition to their participatory role in the drafting process of the International Labor Organization's Convention 169 and other international conventions and conferences, Indigenous peoples have developed activities in relation to the UN Working Group on Indigenous Populations (WGIP). With their presence at international NGO Conferences ('77/'81),



Indigenous representatives called attention to their desperate living conditions, their struggle to survive as communities, and their under representation in the processes that formulate the standards incorporating their rights. This heightened awareness within the international community led the UN

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Subcommission on Human Rights (Subcommission on the Prevention of Discrimination and Protection of Minorities) to recommend that the UN Commission on Human Rights and the ECOSOC establish a working group on Indigenous peoples' rights in which Indigenous peoples themselves participate.

Since 1982 the WGIP has been holding its annual meeting in Geneva at the end of July, just before the session of the Subcommission on Human Rights.

Consisting of five experts, the Working Group has a dual mandate consisting of the study of problems confronting Indigenous peoples and the elaboration of international standards for Indigenous rights. At every session, hundreds of Indigenous representatives are present to participate in the drafting of these standards. The WGIP focuses on Indigenous intellectual property rights as well as on a comprehensive investigation of the treaties that exist between states and Indigenous peoples. The fact that Indigenous peoples from around the world, NGO's, specialized UN agencies and governments are all free to participate in the Working Group's open meetings makes it an excellent forum for multilateral discussions and exchanges of information between these diverse groups.

In 15 years, the WGIP has made an enormous contribution to the development of standards dealing with the rights of Indigenous peoples. Perhaps their most consequential project is the Declaration on the Rights of Indigenous Peoples, created by and for Indigenous peoples. In 1993, the WGIP adopted the completed draft of the declaration, which was unanimously approved by the experts of the Subcommission on Human Rights in August 1994. This approval is extremely significant because it acknowledges that a higher impartial UN organ of human rights experts has accepted the special competence of the WGIP to create their own proposals concerning their own rights. And whereas the text of the Declaration is not as strong as a declaration drafted solely by Indigenous participants would be, it constitutes standards for Indigenous rights (including political autonomy, control over resources, and land rights) that are more satisfactory

than the ones in ILO Convention 169, although as a declaration and not a treaty it will never be binding.

The Declaration is now being negotiated by a special inter-sessional working group of the Commission on Human Rights. The Commission is a human rights organ above the Subcommission consisting of state representatives. The Declaration has thereby begun its tortuous passage from the expert bodies up to the highly politicized realm of the UN. Here the draft will probably be amended and then pass through the ECOSOC to the General Assembly of the UN for final approval.

Like the ECOSOC, the working group of the Commission on Human Rights is open to human rights NGO's with a consultative status, but initially not to Indigenous NGO's. In response to Indigenous peoples' demand that they be present at any attempt to define their rights, the Commission introduced the possibility of participation for Indigenous organizations. The process for application however is long and complicated. The Indigenous organization or representative must apply to the Coordinator of the International Decade for Indigenous Peoples. The Coordinator consults the state government of the concerned organization, and then forwards the information to the UN Committee on NGOs in New York. It is this body which has the power to decide which Indigenous organizations are allowed to attend the working group of the Commission on Human Rights. With 87 out of a 112 applications approved, it seems that the possibility would now exist for some wider participation of Indigenous representatives in the work of the Commissions' working group. However, governments often don't recognize these Indigenous organizations, rendering the whole process of application useless. In addition, recent UN reorganization has put an end to the position of Coordinator of the International Decade for

Indigenous Peoples. With no Coordinator to apply to, is now very vague how Indigenous organizations are to gain access to the working group.

In addition to impacting the UN decision making process on the Draft Declaration, the activities of Indigenous peoples in the WGIP also had an affect on the General Assembly's proclamation of the International Decade for Indigenous Peoples in 1993 and its consequences. After this proclamation, many Indigenous speakers at the WGIP asked for a deadline for adopting the Declaration during the Decade. In addition, many speakers urged the UN to take more operational measures and to show stronger political commitment to a permanent forum for Indigenous peoples.

THE FACT THAT INDIGENOUS PEOPLES FROM AROUND THE WORLD, NGO'S, SPECIALIZED UN AGENCIES AND GOVERNMENTS ARE ALL FREE TO PARTICIPATE IN THE WORKING GROUP'S OPEN MEETINGS MAKES IT AN EXCELLENT FORUM FOR MULTILATERAL DISCUSSIONS AND EXCHANGES OF INFORMATION BETWEEN THESE DIVERSE GROUPS.

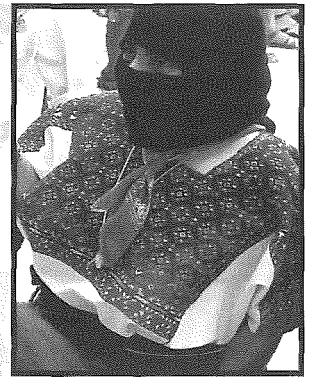
The debates in the WGIP on the forum show that the examination of this question is making some progress. In 1996, most Indigenous peoples agreed that the forum should not replace the WGIP, but should be a high level body within the ECOSOC-system with a wide mandate. At the latest meeting of the WGIP in July 1997, Indigenous delegations recommended to the experts that the forum should be on the same level as the Commission of Human Rights, and that it should consist of Indigenous representatives, state representatives and representatives of specialized UN agencies, all with an equal right to participate. Every six months, in February and July, the forum should meet in Geneva, and discuss all Indigenous issues. These recommendations are now being negotiated by the Subcommission on Human Rights. Furthermore, Resolutions have been put forward in the General Assembly concerning the Decade and the possible establishment of this permanent forum. The issue was also discussed at special workshops in Copenhagen ('95) and Santiago ('97).

On the whole, the number of UN-meetings and activities of concern to

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The Great Zapatista March

From Chiapas to Mexico City:
September 8-16, 1997



Demanding the fulfillment of the San Andres Accords and protesting the increasing militarization of the Indigenous regions of Mexico, the Zapatista National Liberation Army (EZLN) and its many sympathizers hit the road on September 8th to make their long march to the nations' capital. The rebel group undertook the 750-mile journey to Mexico City- its first mass excursion outside of Chiapas- to kick start the staled peace talks with the government and highlight the fact that their movement is still struggling for their initial and basic demands of respect for the Indigenous people in Mexico.

Filling 50 buses, the 1,111 Zapatistas, representing the same number of villages in rebel held territory, drove out of San Cristóbal de las Casas, Chiapas and began their week long journey. The caravan steadily increased in size, as the buses stopped to pick up supporters, who came down from their Indigenous communities to line the roads and greet the group at each of their stops. Several thousand sympathizers met the rebels at their next stop in Juchitán, Oaxaca and again when they reached the capital of Oaxaca the following day, September 10th. By the time the bulging caravan reached the tiny village of Acatlán, in the state of Puebla, over 2,000 supporters had joined the Zapatistas on their march.

Once in the capital, the Zapatistas had a busy agenda for the next five days- staging rallies and meeting with other organizations. They emphasized that they are look-

ing for peaceful solutions to the problems wracking the Indigenous communities. They left their arms behind when they embarked on their march, and asked that the Mexican government withdraw the estimated 40,000 soldiers at the 200 military outposts in their home state.

The increased military presence in the remote highlands of Chiapas has further deteriorated living conditions in Indigenous communities. Threatening incidents are on the rise in these regions where people are now virtually surrounded by the army or the guardias blancas- private paramilitary guards hired by landowners.

On September 12 the procession reached Xochimilco and continued marching into the Zocalo of Mexico City, where it held a massive political rally. Hundreds of thousands of people attended the demonstration applauding as the EZLN and the CNI (National Indigenous Congress) speakers called for just and dignified treatment of Indigenous peoples in Mexico and the fulfillment of the San Andres Accords. It was noted that the government's failure to uphold the promises of the San Andres Accords is also a failure to uphold ILO Convention 169.

Saturday was perhaps the highlight of the Zapatista army's activities in the capital- the inaugural meeting of the Founding Congress of the Zapatista Front of National Liberation (FZLN). The FZLN was conceived on January 1, 1996 as a response to the national consultation for peace and democracy held in August 1995. After a 20 month gestation, the FZLN was born this September 13, realizing what was called for in the Fourth Declaration of the Lancandon Jungle. As a civic organization committed to peace, the Zapatista Front of National Liberation has a specific task ahead of it: not to struggle for power "but for a new

relationship between those who are governed and those who govern." The Zapatistas of the EZLN stressed repeatedly that they will not form a part of the FZLN, the very organization which they called for. They emphasized that the two will be sister organizations, each with similar goals but different approaches. The Frente will adhere to the philosophy of "governing by obeying" whereas the clandestine, rebel wing will continue its armed struggle in the mountains of southeastern Mexico. The EZLN stated that they have great hopes for the FZLN, but that the two must remain separate. They said that they must remain ready for war but look forward to uniting with the front "when there is peace and dignity in Mexico."

On Sunday, September 14, the EZLN met with members of the National Indigenous Congress (CNI) to discuss the goals and demands of the Indigenous communities across the country. On the following day an 'Encounter with Civil Society' was held in Cuicuilco to provide a space for all those who "are not in agreement with the way things are, who feel that there is still hope, and who struggle for a better Mexico" to gather and express their thoughts.

The EZLN joined their sisters and brothers of the FZLN on September 16th to celebrate Mexican Independence Day and to attend the closing session of the FZLN Congress. Meetings and events with other political and social organizations were held on the 17th, followed by a farewell ceremony for the Zapatistas, who returned to the mountains of the southeast on September 18th. 🐦

All quotes from communiqués of the Clandestine Indigenous Revolutionary Committee-General command of the Zapatista Army of National Liberation.

Continued from page 33

Indigenous peoples has expanded substantially within the last few years. In March 1996, the above mentioned Indigenous subjects and activities were an agenda item at a meeting of the Commission on Human Rights, for the first time in the relationship between the world's Indigenous peoples and the UN.

Conclusion

The WGIP has become a vast forum of Indigenous peoples. The impact of this group cannot be doubted, as the question of Indigenous peoples is now solidly attached to the list of UN concerns (for example, see the 1993 General Assembly proclamation of the International Decade for Indigenous Peoples).

Such success has woken up some sleeping national governments. At the


level of the Commission on Human Rights, the Draft Declaration prepared by the WGIP was the subject of detailed examination, and it is feared that several essential provisions adopted by the WGIP and the Subcommittee on Human Rights will be modified restrictively.

The fact that the WGIP is at the bottom of the UN hierarchy makes the success a bit of an illusion. Within the UN, governments decide, which makes it necessary for Indigenous peoples to gain access to the higher UN fora. Hence the debate on the creation of a permanent forum. Action must not be limited to the level of the WGIP. Gains need to be consolidated. Over the last thirty years, Indigenous peoples have successfully challenged the derogatory procedures that have characterized the past, and have made great strides in having their exist-

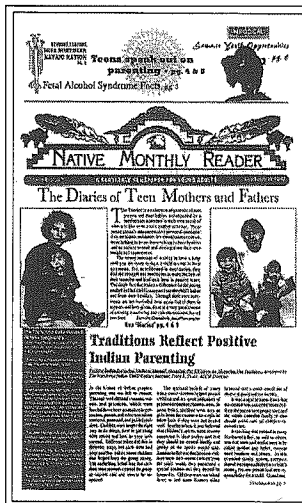
tence, as distinct, independent cultures with special concerns, acknowledged by the world's most powerful international bodies. Their mobilization and dedication has led to significant changes in the way their issues are addressed and acted upon, but there is still a lot to be done before Indigenous peoples hold real positions of power at the higher levels of the UN system. In the WGIP, Indigenous peoples need to focus on the strategies that need to be developed to have an impact at all levels of UN decision making in the future. 🌿

Information from: IWGIA (International Working Group for Indigenous Affairs), The International Service for Human Rights, Nilo Cayuqueo, Sharon H. Venne. For more information concerning the consultative relationship between the UN and NGO's see: ECOSOC Resolution 1996/31

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Photo by Alexandre Sasaki (Kyapo Indian Woman & Child)

Design by: Edgar R. Ayala/Grassroots Publishing

An Introduction to Our New Executive Director: Laura Soriano Morales

SAIIC is proud to have the presence of Laura Soriano, as a our new Executive Director. It is important for us to recognize Laura's accomplishments and to acknowledge her energy and contribution as a young Mixteca and Zapoteca woman, originating from Oaxaca, Mexico. Laura has emphasized that she is guided by the words and advice of her elders, her grandparents and family. Her father is Mixteco from a community near Nochistlán, Oaxaca. Laura's mother is a Zapoteca from Tlacoahuaya, Oaxaca. Their family migrated to Oaxaca City, where she was raised in a traditional family environment, as well as being exposed to an educational system that to this day, is demeaning and discriminatory towards Indigenous students. She persevered and received a full scholarship to attend Principia College, in Illinois, where she received her Bachelor's degree in International Relations.

While in University, Laura had the opportunity to complete an internship with the Council of Mayan Peoples in the Guatemala countryside. While working with the elders in these communities, she defined that her life work and purpose is to serve and to dedicate herself to issues relating to Indigenous peoples.

Laura has worked with the Bi-National Oaxacan Organization, a grassroots Indigenous organization that fights for the rights of Mixtec, Zapotec and Triqui people across both Mexico and the United States. Laura has also provided workshops on human rights, as well as educational workshops on international trade agreements that have had a direct impact on Indigenous communities. She

presented these workshops in communities that are primarily monolingual, speaking their own Indigenous languages and dialects, and need help with Spanish. She learned to be creative and clear in her explanation of these international issues to the people with whom she worked.

She also worked with the Center for the Homeless Children of the Streets, which provides social services and resources for homeless children of Oaxaca City. She worked with these street children living amidst intense poverty, many of whom are young, orphaned, Indian children. She could relate to the children's experience of explicit discrimination.

While here in the San Francisco Bay Area, Laura has worked as a "community organizer" with the Center for Third World Organizing, based in Oakland, California. Laura has also provided valuable input towards the initial organizing and formation of the Abya Yala Fund, working directly with Indigenous representatives and leaders and facilitating their meetings. It is most evident, from her wide range of experiences, that Laura meets each challenge with the greatest capacity and potential.

During the summer of 1996, Laura attended an intensive journalism training program in Madrid, Spain. Provided by EFE, the Spanish International News Agency, it was a successful step in including Indigenous journalists in the multimedia, mass communications world. The purpose of the program was to provide an opportunity for Indigenous journalists to develop their networking skills, and to create a space for Indigenous issues to be in publication and featured in the various communication media. Laura expressed that one aspect of this challenge was the

constant, yet subtle need to prove herself amongst Native men. Many Indigenous women who are actively involved in Indigenous organizing find that this need to emphasize the importance of mutual respect is a crucial step in beginning the consciousness raising amongst our own men in our communities. There is a need to continue nurturing a reciprocal relationship of respect and responsibility and to constantly reaffirm the value of the roles and responsibilities of Native women.

Laura continues to coordinate SAIIC's radio program, "Indigenous Voices" which is sent to 110 Indigenous organi-

zations in Mexico, Central and South America. From the positive feedback and encouraging letters of support from the recipients of the radio program, it is apparent that Laura's work has been very successful. She is now doing a year long apprenticeship at KPFA, in Berkeley, where she is learning radio production and engineering.



Laura Soriano, SAIIC's newly elected Executive Director

Laura shares with us her enthusiasm, her determination to struggle for the ideals and the cause of Indigenous peoples; to persevere, to be patient, and to be conscious of the spiritual ways and traditions. Laura is a great inspiration and example to all Native women. The successes and accomplishments of Indigenous women are not only personal, but are also reflective of the strength of our people. We at SAIIC are honored to work with Laura and to share our experiences, visions and to nurture the on-going process of assuring the inclusion of Indigenous women in decision making processes.

Gina Pacaldo

President of SAIIC's Board of Directors

SAIIC Annual Board Retreat- August 29 - September 1, 1997

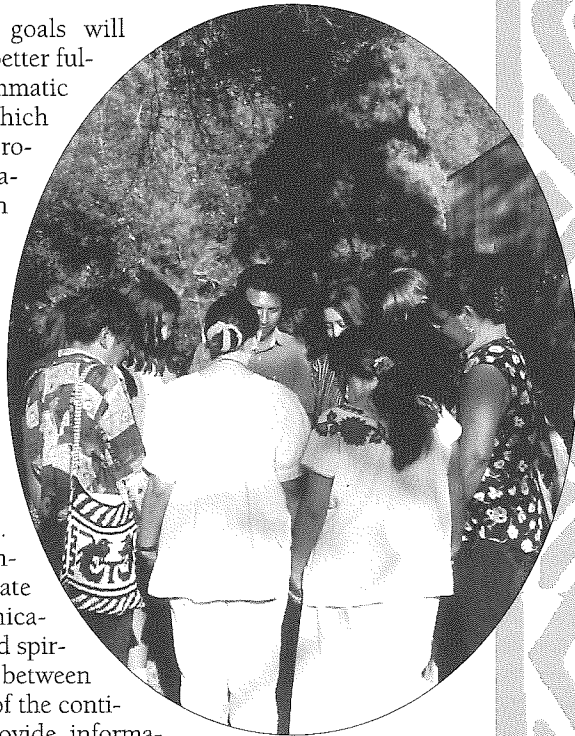
The SAIIC board of directors, staff and interns met in the hills of Sonoma county this past Labor Day weekend for SAIIC's annual meeting. The goals were to discuss ways to strengthen SAIIC as an organization and to come up with a solid plan for 1998. The three days of meetings were a great success. A key element of the retreat was the strong spiritual element that pervaded our meetings and guided us in our work and our plans for the future. We came down from the mountain refreshed, renewed and ready to work hard to nurture SAIIC as it grows and develops. We came away with a clear sense of SAIIC's mission and importance, and we feel very confident that with Laura Soriano as SAIIC's Executive Director, and with the increased involvement of the board, the organization can look forward to a strong and vital future.

We worked together to refined SAIIC's objectives, values, and long-term organizational goals. After carefully appraising our performance as an organization, we came up with a realistic plan for accomplishing our goals. With the help of Adriana Ballén, an organization development consultant, the board members and staff learned new tools to more efficiently achieve SAIIC's mission of developing and managing programs that promote peace, social justice and the full participation of Indian peoples in the decisions and events that affect their lives. The board members elucidated SAIIC's most deeply held values to be love, respect, honesty, unity, communication, creativity and commitment. By examining and clarifying SAIIC's values,

mission and vision, we were able to form a more unified group, and to develop the strategies for realizing a plan of action for the future.

Our organizational goals for the next year are to fortify SAIIC's foundation by initiating a strong resource development plan, continuing to focus on staff and board development, and instituting new and more efficient systems for operating the organization.

These new goals will allow SAIIC to better fulfill its programmatic objectives, which center around providing information about South and Meso American Indian people's efforts to defend their human rights, and to attain self-determination and protection of their environment. SAIIC will continue to facilitate direct communication, cultural and spiritual exchange between Native peoples of the continent and to provide information to Indian organizations and communities so that they can gain access to international resources appropriate to their activities. To achieve these objectives, SAIIC will execute the following programs for the 1998 year: to put out two editions of Abya Yala News in English and two issues in Spanish, to record and distribute four radio programs, and to coordinate the visits of four Indigenous leaders from the south. We are looking forward to implementing the new strategies and plans developed at the meetings that will help us face the challenges and opportunities of the future. 🐦

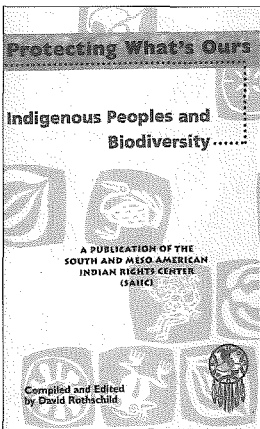


Recommended Publications and Events

PROTECTING WHAT'S OURS: INDIGENOUS PEOPLES AND BIODIVERSITY

Compiled and edited by: David Rothschild. 1997. 93 pp + appendices, glossary, bibliography. Published by: The South and Meso American Indian Rights Center. PO Box 28703. Oakland, CA 94604.

"We need to be part of these [scientific] projects because the knowledge that they are taking is from our people, from our forests" (from Interview with Eudicio Castillo, page 78).



Protecting What's Ours: Indigenous Peoples and Biodiversity is designed specifically for use by Indigenous peoples and organizations. Its introductory discussion of the issues

surrounding biodiversity is simultaneously accessible and comprehensive. Written in plain language from an Indigenous perspective, the book explores major Indigenous concerns about protecting biodiversity. It defines and discusses bioprospecting, intellectual property rights, the Human Genome Diversity Project, and agricultural diversity. The book also overviews international instruments dealing with biodiversity and indicates how these can be potentially utilized by Indigenous communities in the struggle to conserve biodiversity and control the commercialization of knowledge and resources.

Protecting What's Ours: Indigenous Peoples and Biodiversity also includes three particularly compelling interviews with leaders of Indigenous organizations that deal with biodiversity issues. Marcela Mendieta of the Bartolomé Aripayalla Association discusses her organization's work conserving seed diversity with the Quispillacta in Peru. Eudicio Castillo talks about the his work with PEMASKY (the Study Project for the Management of Wilderness Areas of Kuna Yala,) which acts to conserve biodiversity and regulate access to

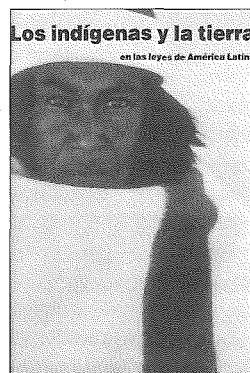
genetic resources found in Kuna territory in Panama. Leonardo Vitieri of the Amazanga Institute of Science and Technology, an organization of Indigenous technical and scientific experts, discusses his organization's work in environmental planning and the management of natural resources found specifically in the Quichua and Shiviari territories in Ecuador. These three interviews present various strategies, concerns, and goals of Indigenous groups working to preserve biodiversity and protect against bioprospecting on Indigenous lands. In addition, there are suggestions for the establishment of Indigenous guidelines on these issues, an extensive glossary of terminology, and valuable appendices that contain relevant excerpts of international agreements and conventions on biodiversity.

Protecting What's Ours draws a clear picture of the complex issues surrounding biodiversity while providing possible strategies and solutions to Indigenous communities, organizations and people confronting this latest symptom of Globalization. It is an invaluable resource in the struggle for control and conservation of knowledge and genetic resources.

LOS INDÍGENAS Y LA TIERRA EN LAS LEYES DE AMÉRICA LATINA

By Wilfredo Ardito. Published by Survival International, 11-15 Emerald Street, London WC 1N 3QJ, UK.

This informative report is designed for Indigenous organizations and their supporters throughout Latin America. The bulk of the report is a detailed country-by-country analysis of all national legislation relevant to Indigenous peoples, particularly relating to land and territory rights. Every country in Meso and South America is examined, from Belize to Surinam, El Salvador to Argentina. Other sections deal more specifically with the varying concepts of 'Indigenous', the importance of land to these communities, laws relating to cultural



rights, and a historical analysis of legislation pertaining to and affecting Indian peoples.

This report is a valuable resource for Indigenous communities and provides a concise yet thorough analysis of the laws surrounding Indigenous peoples and their territories. It is only available in Spanish, and is currently being updated for a second edition. It is free to all Indigenous communities and organizations; for all others it is US\$ 15.00. For a copy please contact Survival International, 11-15 Emerald Street, London WC1N 3QJ, UK. Fax: 44 171 242 1771. Email: survival@gn.apc.org

Book Release

You are cordially invited to a reception celebrating the release of SAIIIC's latest publication, "Protecting What's Ours: Indigenous People and Biodiversity"

Mission Cultural Center
Mission Street
(between 24th & 25th Streets)
San Francisco
on Friday November 21, 1997

Refreshments: (6-7 pm)
Program: (7-9 pm)
Presentation of the book
Native American Dance by Gina Pacaldo
Video Showing of
Encuentro con los Mayas
Indigenous Photo Exhibit
and Ethnic Music

Tickets available at the door
Sliding Scale: \$10 and Up
For More Info. Call: (510) 834-4263

THANK YOU

We would like to thank the following people who have generously supported the work of SAIIC, by sharing their time, their services, or their homes with us. We value your commitment to the Indigenous cause.

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 Edgar Ayala of Grassroots Publishing
 Janine Antoine and Richard Trudell
 Holbrook Teter
 Asata Iman, KPFA
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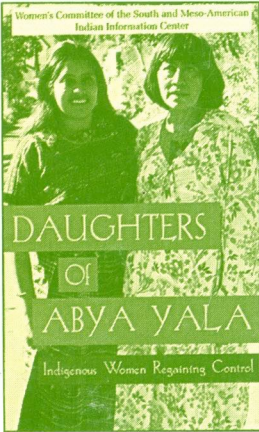
A very special thanks to those individuals and foundations who have generously contributed funding to support the programs of SAIIC:

Dana Alston of Public Welfare
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 The Foundation for Deep Ecology
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Paulus Bouma
 Wouter te Kloeze
 Nick Luem
 Jessine Foss
 Sibylle Sholz
 Billy Trice
 Jessica Falkenhagen

ITEMS AVAILABLE FROM SAIIC



Daughters of Abya Yala

Testimonies of Indian women organizing throughout the Continent. Statements from grassroots Indian women leaders from South and Meso America. Includes resolutions from Indigenous women's meetings, a directory of Indian women's organizations and key contacts, information on Indian women's projects, and poems by Indian women.

Contains 128 pages with beautiful black and white photographs. Printed on recycled paper. \$8 + \$3.00 shipping.

"Indigenous Voices" Radio Program

SAIIC's latest taped radio program is now available. Focusing on topics related to biodiversity and Indigenous peoples, it serves as an informative base with which Indigenous peoples can protect themselves against unwelcome bioprospecting and biopiracy. 1 hour. Narrated by members of SAIIC's Board of Directors. (Available in Spanish only) \$8.00 + \$3.00 shipping.

E-MAIL LINKS TO LATIN AMERICAN INDIGENOUS ORGANIZATIONS

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