

## Nicaragua's Atlantic Coast Update: Logging Stopped!

**T**he 16th of February, Nicaragua's Environment and Natural Resources Ministry withheld permits to SOLCARSA, the Korean Lumber company, declaring their logging concession null and void. Two years ago, the Violeta Chamorro government granted a 153,000 acre concession to SOLCARSA, a subsidiary of the Korean transnational Kum Kyung (see *Abya Yala News*, Summer 1997, Vol. 10, No.3, Pg.34). The rainforest concession violated laws protecting the right of Indigenous communities of the North Atlantic Autonomous Zone (RAAN) to control their natural resources. The recent declaration has come after the Nicaraguan Supreme Court has ruled that the logging concession is unconstitutional for a second time. The Korean logging giant has already paid 1 million dollars in fines for violating logging regulations.

For the Miskito and Sumo people, the eviction of SOLCARSA is the first step towards recognizing their constitutional right to title their lands. Armstrong Wiggins, a Miskito lawyer at the Indian Law Resource Center said that "this was an important battle, hard fought...but to keep this from happening again, we have to press now for the demarcation of all Indigenous lands in Nicaragua."

*Information from: Resource Center of the Americas and Global Response: globresponse@igc.apc.org*

## United Nations Investigates Human Rights Abuses Against Indigenous Peoples in the United States

**I**n February 1-4, Mr. Abdelfattah Amor, the UN Special Rapporteur of Religious Intolerance of the United Nations Commission on Human Rights, met with traditional Dineh (Navajo) elders to investigate charges of human rights violations by the United States government. A contingent of various non-government organizations, most of them faith based, were invited by the Dineh to participate in the event. More than one hundred people sat on the dirt floor of a hogan listening to testimonies about religious violations. This was the first time that the United States has ever been formally investigated by the UN for violations of the right to freedom of religion.

Abdelfattah Amor came in response to a formal complaint filed by the International Indian Treaty Council (IITC) on behalf of the Sovereign Dineh Nation of Big Mountain, Arizona focusing on forced relocation and its impacts on religious freedom. The religious rights of the Dineh Nation are threatened by the British-owned Peabody Coal Company (PCC), the world's largest privately-owned coal company, which operates the Black Mesa/Kayenta strip mine in the heart of Black Mesa. Over 4,000 burial and sacred sites have been destroyed as a result of strip mining. There is no protection given to Dineh burial grounds and sacred sites. Members of the community are barred access to certain sacred sites to pray, which interferes with their ability to practice their religion, which is land-based and site specific.

The Dineh community's long history of resistance reached a pivotal point in 1974, when the US Congress approved the Navajo-Hopi Settlement Act. The previous arrangement of dual ownership of the lands by the Dineh and the Hopi complicated the mining companies ability to seek land leases for coal extraction. This new law, sponsored in part by the mining industry, resulted in the forced relocation of 12,000 traditional Dineh from their land. In 1996 the US government attempted another Dineh-Hopi settlement act that offered land leases to a few families while authorizing the forcible relocation of those who did not qualify for a lease permit. The Dineh are feeling the pressure to resettle to open more land for mining.

In addition to being the primary source of destruction for traditional Dineh burial and sacred sites, the coal strip-mine has created several environmental problems. The mine threatens the sole source of water for the communities in the region. The coal from the Black Mesa mine is mixed with water and transported 273 miles through a slurry line to the Mojave Generation Station in Laughlin, Nevada. To function properly, the slurry line must pump up to 1.4 billion gallons of water each year from the Dineh aquifer.

In his four-day visit, Mr. Amor heard from Indigenous nations in Arizona on other matters as well, including: the University of Arizona's placement of telescopes on top of Mount Graham, a place sacred to the Apache people; uranium mining on the high plateaus of the Grand Canyon, which is sacred to the Havasupai and many other Indigenous peoples native to Arizona. Nevertheless, Mr. Amor refused to validate or refute any allegations until he had time to digest the documentation and testimony he had received from more than one hundred and fifty people in his four day visit. Amor's report from his U.S. visit will likely be heard by the U.N. Commission on Human Rights in March 1999. It is possible the UN may release the report to the public by the end of 1998.

The aides to the state's congressional delegation in Arizona said they had never heard of Amor nor had any idea why he had selected Arizona to investigate the subject of religious intolerance.

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## Roraima, Brazil: Forest Fires Reach Yanomami Territory

**T**he raging fires sweeping the Amazon have reached the Yanomami's dense jungle territory. For the past two months, fires set by subsistence farmers to clear their land have ravaged the savanna highlands of Roraima state. The devastating fires are coupled with one of the worst droughts the region has ever faced. Thousands of Macuxi, Wapixana, Taurepangi, Wai Wai, Pemon, Maiongong and Patamona peo-

ples are also threatened as the drought has ruined their crops. The fires are now eating their way into the jungle, which is usually far too humid and wet to burn. According to meteorologists, El Niño may be affecting the bizarre weather, which has caused flooding in Brazil's south and drought in the Amazon region to the North.

Roraima has not seen rain for five months, and the winds push the flames quickly through the forest aided by the extremely low levels of the rivers and creeks, natural firebreaks. At this writing, the fires had already entered seven miles into the Yanomami's vast territory along the Brazil-Venezuela border. The rivers in the area have dried up to such an extent that health care providers are unable to reach Yanomami villages affected by malaria. The fires come at a time when the garimpeiros, poor gold miners who swarmed into Yanomami lands by the tens of thousands in the 1970s and 80s, have finally been remove by the government this January. Yanomami leader Davi Kopenawa Yanomami has appealed for help to stop the fires from encroaching further into the jungle and destroying any villages. He expressed concern that the fires will open the way for gold miners and landless farmers who would normally be stopped by the dense jungle.

The Conselho Indigena de Roraima (CIR) has appealed to the international community for disaster aid to help fight the severe conditions created by the fires and drought. As part of their solidarity campaign, CIR is trying to drill wells, build water canals and provide food for the Indigenous peoples in Roraima, where the fires have already consumed 25% of the state's forests.

Please contact CIR at: [cir@technet.com.br](mailto:cir@technet.com.br)

## Ecuador- Indigenous People Push for Ratification of ILO Convention 169

In Ecuador, Indigenous people kicked off the month of February with demonstrations and marches to pressure the government to ratify the International Labor Organization's Convention 169 that recognizes the rights of Indigenous and Tribal People. Their recent efforts include the massive march of more than 1,500 Indian that arrived in Quito on the 4th of February. On Feb. 5th interim President Fabián Alarcón sent Congress his report on the issues addressed in the convention. Congress is now debating the ratification of the international accord.

Since it was ratified by the International Labor Organization in Geneva in 1989, the close to 3.5 million Indigenous people in Ecuador have been fighting for its ratification. Indigenous leader Miguel Lluco, congressional representative of the Pachakutik Plurinational Movement, has continued to raise the issue of ratification of the convention in Congress. Lluco says that there was "an unjustified delay on the part of the executive branch" in handing over the convention to Congress for ratification. For the 11 Indigenous nations in Ecuador, a country of 11 million inhabitants, the ratification of the Convention is fun-

damental, and represents the first time that the multiculturalism of the nation has been legally recognized.

To comply with the Convention, the government must consult with the Indigenous communities before instituting any project that could affect the communities directly. The State is also obliged to establish the means through which the communities can participate freely in decision-making with government authorities.

In the Constituent Assembly, which was seated in late December and is charged with rewriting the Ecuadoran Constitution, members of the Pachakutik movement, center-left parties and former President Osvaldo Hurtado (1981-84), head of the People's Democracy party and speaker of the assembly, have promised to defend the ILO convention. In its debates on plurinationality, the assembly is considering the issues addressed in Convention 169 including such topics as: juridical plurality, which would permit Indigenous communities to have their own laws, legal codes and sanctions, and provide legal recognition of some decisions made under traditional justice systems, although many aspects of these decisions would be subordinate to Ecuadorian law; making the official government representative in a locality an elected post in Indigenous territories, rather than a political appointee of the provincial governor; making Quichua a national language, on the same level as Spanish, while less-widely spoken Indigenous tongues would be recognized as official languages in the areas where they are spoken; allowing Indigenous communities to organize themselves according to their own traditions.

Even if Ecuador joins the eight other Latin American countries that have ratified Convention 169, signing this international agreement is not a guarantee of compliance. Lluco cites the example of Mexico, who ratified the accord in 1990 but is now persecuting the Indigenous communities in Chiapas. Many Indigenous leaders think that it is necessary to incorporate the Convention into the national constitution. According to Lluco "Congressional recognition is fundamental, but it is only the first step."

The recent discussions in Congress surrounding the ILO Convention 169, have sparked nationwide debates about multiculturalism and what it means to be a multi-ethnic state. "Our norms are part of a survival system that has nothing to do with western laws. That is why it is imperative for Indigenous communities to be given the power to resolve their own internal conflicts. For this reason, it is indispensable that the constitution include judicial plurality. Obviously there is a need to create a law to harmonize general legislation with that of the Indigenous communities, where matters of justice are also decided collectively and where the entire community participates" Lluco concluded.

Information from: *Noticias Aliadas, Peru*