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Confronting Biocolonialism

- The Human Genome Diversity Project
- Intellectual Property Frameworks
- The Guaymi Patent
- Biodiversity and Community Integrity
- Update on Chiapas



LINKING INDIAN PEOPLES OF THE AMERICAS

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

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The impact of neoliberalism on Indigenous nations, organizations, and cultures of the Americas has been severe. The reformulation of the world economy according to the globalization of capital has not been translated into benefits for our communities. Rather, it is precisely this globalization that has sharpened our problems.

Foreign investors continue to view Latin America as the place from which riches can be extracted or where the first world's toxic waste can be dumped, often with the consent of the national governments. Part of this continuing movement for economic appropriation is the increasing attempts to collect and commercialize Indigenous peoples' knowledge and biodiversity.

This practice of seeking to mine our minds—and even our bodies—is commonly known as “bio-prospecting,” and brings with it the threat of tremendous new misappropriation of Indigenous resources. To counter this intensifying threat, Indigenous peoples' organizations urgently need to develop continental strategic responses of mutual support based on our rich experience of resistance to colonial forces. A basic understanding of the processes shaping Western forms of ownership and access to biodiversity is an important first step in this struggle. Through this issue of *Abya Yala News*, we hope to promote the exchange of information and experiences that the situation demands. We wish to emphasize, however, that securing protection for Indigenous knowledge and biological resources is only part of the struggle we have been carrying out for 500 years, the struggle to secure self-determination, human rights and territory.

Until now, Indigenous peoples' knowledge and innovations have never been recognized, but rather have been expropriated, without compensation, along with land and resources. Current national and international initiatives dealing with “rights” to biodiversity are vague, are not being implemented, or are directly counter-productive.

Appropriate conservation of biodiversity in Indigenous territories at the genetic, species and ecosystem level is fundamental to the survival and development of our societies. Yet, the globalization of the market and free-trade ideology, today often equated with democracy and participation, have in the last years increased the commodification and erosion of biodiversity. Businesses are focusing on Indigenous peoples' traditional homelands because they are biologically rich areas. They are seen as reservoirs of genetic resources for the food, agriculture and pharmaceutical industries, escalating pressures on the land, resources and cultures of Indigenous societies.

Consequently, Indigenous peoples around the globe are facing enormous pressures to commercialize their traditional resources and knowledge. We are not, by any means, trying to encourage Indigenous communities to become part of the so-called free market, or to join in the commercialization of Mother Earth's resources. If Indigenous communities want to sell their resources or to get compensation from the corporations or other bodies seeking access to these, they have the right to do so. But we have to remember that future generations will also depend on the land and ecosystems to survive, much more than on any money the sale of these resources would bring.

We wish to emphasize the need to continue fortifying an Indigenous movement which envisions itself at the continental and even the global level. We cannot afford to let the corporations and national governments divide Indigenous peoples and communities from each other while they seek to plunder our resources. It is imperative to face this latest assault with a common agreement and a unified strategy for survival in the short, medium and long-term.

SAIIC Board of Directors

Indian Communities Trapped by Ecuador-Peru Border Conflict

Fighting erupted between the Peruvian and Ecuadorian armies in a disputed Amazon border region along the Cenepa River valley on Jan. 26. What looked at first like an isolated border skirmish has escalated into an intense conflict with at least 47 dead and 94 wounded combatants. The Confederation of Indigenous Nationalities of Ecuador (CONAIE) demanded a cease fire on Jan. 31, stating that, "more than 300 communities are located in the zone of military conflict, these Indigenous communities that have not been attended by either the government of Peru or of Ecuador".

An unknown number of Indian residents of the region have been displaced from their communities, despite calls by CONAIE for the governments to respect the lives and territory of Indigenous peoples. The war is reportedly costing each side over \$10 million a day, and has heated up with bombings on each side of the border and the downing of several Peruvian planes and a helicopter. Ecuador accepted a cease-fire mediation offer from former US president Jimmy Carter and former Costa Rica president Oscar Arias, but Peru declined to comment on the offer.

OAS Commission Investigates Ecuadorian Human Rights Violations

For years, Indigenous organizations in the Ecuadorian Amazon have suffered human rights violations as a result of massive oil development carried out by US-based multinational corporations and the Ecuadorian government within their territories. The struggle to resolve these problems hit a turning point on Nov. 7 when the Organization of American States' special commission on human rights arrived in Ecuador to investigate human rights abuses in that country.

Although the commission framed its visit as a general investigation of the human rights situation in Ecuador, the impact of oil development on Indigenous peoples was one of two topics the Commission actually investigated (the other being the treatment of prisoners). Half of the Commission's delegation traveled to the Oriente region, where they met with representatives from grassroots organizations and leaders of the Cofan and Siona-Secoya ethnic groups. Commission members were appalled at the impact of Texaco oil development on the environment. The Commission also met with a Huaorani community from the Napo region who reported on pollution and the encroachment of colonists in their territory.

In addition to meeting with state authorities, the Commission consulted environmental, human rights, and Indigenous organizations, including representatives from: CONAIE, CONFENIAE, COICA, ECUARUNARI, FICL, FOIN, and OINAE.

At a press conference concluding their visit, the commission announced that the government could stand in violation of the right to life and well-being as a result of oil pollution in the Amazon. A final report on the visit has yet to be released.

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Peruvian Indian Communities File Suit Against Texaco

On December 29, a class action lawsuit was filed in federal court in New York on behalf of 20,000 Indigenous people living on and around the Napo River in the northeast Peruvian Amazon. The suit charges that mismanaged Texaco activities within Ecuador, along the upper reaches of the Napo River, caused severe damage to the Indians' way of life in Peru—damage due to the release of huge amounts of toxic chemicals, and to repeated oil spills. This case follows a ground-breaking victory by Ecuadorian Indian organizations in the spring of 1994, when a New York court held that Texaco could be held liable in US courts for their actions in Ecuador.

The Peruvian suit charges that "Texaco deliberately ignored reasonable and safe practices and treated the pristine Amazon rain forest...and its people as a toxic waste dump." It further contends that over 400 flawed well sites were built, despite Texaco's full knowledge that they would result in severe spills and environmental damages.

The Ecuadorian government estimates that Texaco spilled 16.8 million gallons of crude oil and oil residues in its Amazonian provinces, with an unknown portion winding up downriver in Peru. As recently as 1992, the Peruvian Rio Napo ran black with crude that had been released upstream.

Information provided by Edward Hammond.

Brazilian Senate Proposes Law Threatening Land Demarcation

The Brazilian Senate approved a bill aimed at eventually reducing existing Indian Areas within frontier zones, and complicating the process of future demarcations. To become law, this bill will have to be approved by the Chamber of Deputies and the President of the Republic. If approved, the bill will put the already demarcated Yanomami Indian Area, located along the Venezuelan border, at risk of being reduced.

The bill threatens not only the Yanomami, but would be a blow to all Indian peoples in Brazil. It is supported by economic groups with a vested interest in exploiting the natural resources within the Indian Areas, as well as certain sectors of

the military who insist that Indian lands in the frontier zone threaten national security and the maintenance of Brazilian sovereignty.

This effort by the Senate is one more obstacle to the already slow process of demarcating Indian lands in Brazil. According to the bill, future demarcations would require the approval of the National Congress. Additional provisions would require the President to consult with the government of the state in which the Indian Area is proposed. These rules would make the demarcation of Indian lands anywhere extremely difficult, if not impossible.

From CIMI (Indianist Missionary Council).

More of the Same Under Paraguay's "Democratic" Government

Indigenous peoples in Paraguay have yet to reap the benefits of democracy, which was restored in 1989 after more than three decades of military dictatorship. Little has changed for Paraguay's Indigenous peoples since General Alfredo Stroessner's overthrow in 1989. In fact, many of the country's Indigenous communities have been fighting increased pressures to force them off their lands, as well as government indifference to their needs.

"We have title to our land, but it has been invaded by more than 200 peasant families. Our forest has been destroyed, our wild fruit trees have been uprooted and tossed aside without pity, the animals in the jungle have been killed off and we are going hungry," said Norberto Romero, an elder in the Mbyá-Guaraní community, located in Ypaú in the southern department of Caazapa. Dozens of similar conflicts are being overlooked, or played down, by President Carlos Wasmosy's government.

In 1993, the Indigenous community in Ypaú managed to have some of its territory demarcated as an Indigenous reserve. The community of Ypaú was given 2,600 hectares of natural forests and swamps to share with two other communities. However, this has not put an end to the land invasions which began in 1989. The most recent land invasion in Ypaú began this past April, an official in the Ministry of Agriculture and Ranching's Farm Credit Office is reportedly a principal backer of this invasion. Three months after campesinos began invading the Indigenous lands, the Justice Ministry ordered police to dislodge the invaders. Yet, no action has been taken.

The Paraguayan government's position in relation to Indigenous communities is characterized by a double standard. Paraguay has one of the best laws on Indigenous rights in Latin America, but pays little attention to it. Instead, according to the Indigenous rights group Professional Socio-Anthropological and Legal Services, the government has actually tried to paralyze the progress of Indigenous communities and allied NGOs.

Information from Latinamerica Press, Lima, Peru.

Indian Lands in US and Canada Targeted for Nuclear Dumping

Nuclear waste produced throughout the United States could soon end up in the lands of the Meadow Lake Cree Reserve in Canada's Saskatchewan province. If plans under consideration by tribal councils, nuclear power companies and government agencies come to fruition, this would be the final stop in a long chain of nuclear waste production and storage housed on, or adjacent to, Indian lands.

The US Department of Energy and a potential waste recipient, Atomic Energy of Canada LTD, are considering construction of a permanent nuclear waste dump on the Meadow Lake Cree Reserve. The Meadow Lake Tribal Council has supported this proposal. In their current Economic Initiatives Report, the Council touts the dump as an economic boon for the tribe's 8,000 members.

In promoting nuclear waste as the cure for economic ills, the Council follows in the footsteps of the Mescalero Tribal Council in New Mexico, which has offered the Mescalero reservation as a temporary nuclear storage site. In Feb. 1994, officials of the Meadow Lake Cree and the Canadian government visited the Mescalero Reservation, and are reportedly working on an agreement within which the Mescalero would act as temporary holder and broker of US nuclear waste—which would then be shipped on to Cree lands. Mescalero Tribal President Wendell Chino is currently negotiating with thirty-two utilities and three nuclear companies for storage of their waste, according to a Greenpeace representative. These plans may have been forestalled by a tribal plebiscite in which Mescalero members categorically rejected proposals for nuclear waste storage.

The North American Free Trade Agreement (NAFTA) has paved the way for international shipping of nuclear waste. Irradiated fuel is a non-tariff item within the trade agreement, making it economic to ship nuclear waste into Canada. The only requirement is access to temporary and permanent storage sites. For this, Indigenous lands have been targeted, just as they have always been for nuclear testing, uranium mining and fuel enrichment.

Tom Goldtooth of the Indigenous Environmental Network characterizes this as "a plot by government and industry to take advantage of Indian territories." He adds, "They know that we don't have environmental codes or infrastructures that would protect us from storage of waste. Our network and our constituents have been vehemently opposed to the federal strategy to site nuclear facilities on our lands. It has to be stopped. If our elected tribal officials—and some of them are puppets of the government—won't stop it, our grassroots organizations will."



Biodiversity, Community Integrity and the Second Colonialist Wave

He whare maikhi tu ki roto ki te tuwatawata, he tou no te rengatira; he whare maihi tu ki te wa kie te paenga, he kai na te ahi.

An ancestral house standing inside the community is the sign of chiefliness; one standing in the open is food for fire.

—Maori Proverb

by Aroha Te Pareake Mead

As the Maori proverb above indicates, an ancestral house, or any aspect of heritage which rests within its home community, holds in itself and brings to its people *mana*—

Aroha Te Pareake Mead is a Maori activist and works with Taonga Limited in Aotearoa, New Zealand.

respect and sovereignty. If the house or any other aspect of heritage, either tangible or intangible, is taken away from its community and from its context, it becomes at risk of destruction, "food for the fire." And its people are confined to a destiny of mourning for the loss of a beloved and irreplaceable part of their heritage.

For Indigenous communities, the underlying meaning in this proverb is that the life force of that heritage still exists regardless of the physical circumstances around it. An ancestral house will always be part of the heritage of its own tribal community even if it now forms part of a national or international museum collection.

An Indigenous plant, its extracts and seeds, will always be part of the heritage of the community, who have interacted with it for so many generations that the plant has become part of the language of that community, its significance reaffirmed daily in (waiata) songs, (whakatauki) proverbs and (whaikorero) traditional greetings.

The Second Wave of Colonization

The first wave of colonization consisted of the forced misappropriation of Indigenous lands and resources, most often through violence, resulting in mass alienation of Indigenous peoples from their homelands and heritage. The denigration of Indigenous values and practices was sanctioned by religious and social beliefs that tribal peoples (non-Christians) were savages and barbarians, and their cultural traditions "heathen" and evil. Settlers claimed that theft of Indigenous lands served the "public good" and that new technology promised more effective land use, improved farming methods, and new crops. Time proved, however, that new farming technology kept being improved until most farmers could no longer afford it. New methods also brought soil erosion, pesticide pollution, and the final insult, having to buy seeds which were previously saved from the harvest. Where Mother Earth used to be the equalizer for those who used her resources to feed, clothe, shelter and heal themselves and others, technology has turned her into a factory.

The second wave of colonization sets its sights on misappropriating what little remains after the first wave, the "intangibles" of Indigenous cultures—Indigenous knowledge of the environment, preventative and curative healing practices, and particularly traditional uses of Indigenous plants (medicines, dyes, complimentary crops to name but a few). Where the first wave of colonization was made possible by normalizing the violence against Indigenous peoples

as in the service of "the public good," the second wave is accommodated and encouraged through national and international legal instruments which allow states and private companies to exercise—through legal and financial norms and standards—external private and exclusive ownership of the tangible and intangible heritage of Indigenous communities. It's not at all coincidental that the justification of this misappropriation is the same: "It's for humanity, for the public good." Before, it was land acquisition. Now, it is acquisition of knowledge and resources. No matter how one looks at it, the result is the same: outsiders forcing the concepts of commodification of resources and acquiring ownership of the ancestors' gifts—lands, resources and knowledge.

Cultural and Intellectual Property Rights

Governments as well as private companies are now clamoring to copyright and patent Indigenous art forms, medicinal plants, languages and even genetic materials. Signatory states to the Convention on Biological Diversity and the UN Conference on Environment & Development's Agenda 21 (1992) are now required to respect and take measures to protect the Intellectual Property Rights (IPR) of Indigenous peoples and local communities with respect to biological diversity. Many States have interpreted these international directives as justifying the redesign of their national IPR legislation to legalize State governance of community assets, but Indigenous peoples around the world view such measures as unnecessary intrusions into the integrity of their communities.

It is neither logical nor practical that the best system for the protection of the cultural and intellectual property of Indigenous peoples resides with states or even with the international community. Protection can only be designed and implemented by Indigenous communities themselves in partnership with

individuals and organizations (local, national, regional and international) of their choosing on an informed consent basis. The body most capable of respecting and enhancing the unique needs of an Indigenous community is one initiated, developed and staffed by the community itself. National and international instruments cannot possibly prepare communities for the challenges upon their own structures of leadership and accountability. State instruments should focus on the activities and procedures of companies, but it is clear that many States would prefer to regulate the activities of communities. At a fundamental level there is also the problem of states, as well as the international community, assuming that they have a right to develop standards and legally binding instruments for assets which do not belong to them.

New threats facing Indigenous Communities: A Case Study

The attack on Indigenous communities is constant and significant. Indigenous communities cannot afford to ignore external pressure and simply to hope that ignoring the threats will in time make them go away. A brief examination of the national activities and experiences of the Indigenous communities living in just one UN member State—New Zealand—demonstrates the diversity of IPR issues facing Indigenous communities.

The human genome contains the heritage not just of an individual but of that person's community. For many Indigenous peoples, the concept of "ownership" of a human gene even by the individual is just not accepted. The ownership of a human gene by a company is therefore reprehensible. Within the Pacific, two attempts have already been made to patent Indigenous human genetic material (Solomon Islands and the Hagahai of Papua New Guinea). The Human Genome Diversity Project has targeted over 200 South Pacific Indigenous communities for genetic

sampling. Maori are one of the few not on the list (See article on HGD Project pg. 13, eds.). However, the attempted recommendation to the New Zealand government by Maori—that New Zealand discuss with other Pacific nations the implications of the collection of human genetic materials in the Pacific—fell on deaf ears.

Research within New Zealand on cancer, alcoholism and otitis media (glue ear) has been reported to focus on Maori genetic predispositions to such conditions. In the hands of health insurance companies, genetic screening on the basis of ethnicity involves fundamental human rights issues which have yet to be explored.

Copyright of Indigenous Languages

In November 1994, the Oxford University Press attempted to secure an exclusive copyright of the *Williams Maori Language Dictionary*. First published in 1844, the dictionary remains the most authoritative dictionary of the Maori language. It has been reprinted twelve times (seven editions) by the New Zealand Government Print Office, an agency established to promote the recording and publishing of New Zealand history for the benefit of all New Zealanders.

Many of the first Maori language and Maori history publications were financed and published by a state-owned Printing Office on the understanding that such publications were "held in trust" as vital components of the national heritage. Privatization of state agencies, including the Print Office, has opened up Maori publications to copyright by the private sector. There are currently no mechanisms by which Maori can regain ownership. We will have to fight for each publication individually.

Traditional Uses of Indigenous Flora and Fauna

Several New Zealand companies

have developed successful cosmetic products using traditional knowledge of flora and fauna. A fledgling pharmaceutical industry is also being developed, but at this point the cosmetic properties of native plants are the primary target of commercial exploitation. In some cases the traditional knowledge comes from Indigenous informants, in other cases through research in historical records kept by early settlers—including those of Captain James Cook himself—which provide detailed and illustrated accounts of the properties and uses of native plants.

The Body Shop recently negotiated with a small tribal company their extraction process for the oil of the native *Manuka* plant. *Manuka* is a native plant common to most of the North Island and of significance to many different tribes, such that songs, proverbs, weavings and other art forms record the plant's special relationship to each tribe.

Thus, from a tribal point of view, it is difficult to accept the validity of any IPR agreement between two companies involving what most Maori would consider "common property." Exploitation itself is easier to understand than the attempt to patent the process, or to seek plant variety rights on the *Manuka*.

Already, plant variety rights have been granted to national and international companies for thirteen plants by the New Zealand government. In response, the Maori have filed a Treaty of Waitangi Tribunal Claim against the government, seeking confirmation that all native plants are the heritage of Maori tribes in the first place, and that any decisions relating to the commercialization of native plants must be made by Maori tribes themselves. This historical case is due for consideration in mid-1995.

Capacity Building: More Questions Than Answers

The right to intellectual property, as a western legal invention, was never

designed to cope with the myriad "properties" now being thrust upon it. Indigenous knowledge and Indigenous resources simply do not fit into the IPR regime. Protection of heritage must be addressed through alternative mechanisms, but it must be a mechanism robust enough to apply to the diverse range of activities now threatening the heritage and livelihoods of Indigenous communities.

Indigenous communities need to sort out amongst themselves—without the interference of non-members—the tribal, sub-tribal and family "ownership" of knowledge. What is common property? Who has the right to give consent? Elders or youth? Tribal political structures or new additional specialist tribal organizations? What structures will they put in place? Should regional and national structures also be established? By whom?

Indigenous communities should also make greater use of the information highway and strengthen national, regional and international networks in order to exchange information, offer advice and experience, and keep informed of the growing swell of the second wave of colonization — misappropriation of Indigenous knowledge and biodiversity.

The most appropriate and results-oriented contribution that states and the international community could offer is to provide additional financing for community capacity-building, and to focus regulatory attention on external companies, agencies, and individuals.

As the Maori proverb states, the heritage of Indigenous communities rests with those communities. If any aspect of this heritage is removed, it becomes food for the fire. Similarly, the proverb reminds us that the integrity of a community requires us to hold firm and protect the treasures of the ancestors. If parts of our heritage have been lost, it is our responsibility to get them back, no matter how long it takes.

Safeguarding Indigenous Knowledge:

Intellectual Property Rights and the Search for a New Framework

by Darrell A. Posey



Safeguarding traditional knowledge and biogenetic resources has become a central struggle in the expression of Indigenous self-determination. While it is a growing awareness of the scale of past and present misappropriation by science, industry and other commercial interests that has provoked this concern, traditional resources are also increasingly seen as the basis for greater political autonomy and economic self-sufficiency.

Intellectual Property Rights, or IPR, has been proposed as a legal instrument under which Indigenous peoples could seek protection for knowledge and resources. IPR developed as a western concept to protect individual, technological and industrial inventions. The dangers lying within the IPR debate are well recognized by Indigenous peoples,

who, along with many other researchers, think that IPR is not an appropriate mechanism to strengthen and empower traditional and Indigenous peoples.

The term Traditional Resource Rights, or TRR, has emerged from the debate around IPR to describe a broader, human-rights based concept composed of the "bundles of rights" taken from other international instruments and agreements (including IPR). TRR is a first attempt to define and identify to what extent existing international customary law and practice can be used to defend Indigenous knowledge and biogenetic resources, and then to build upon these "bundles" to achieve Indigenous peoples' goals. Indigenous people will lead the process of developing this framework according to their specific needs and practices.

Biodiversity Prospecting and Economic Activities

To understand why the safeguarding of knowledge has recently become a major issue for Indigenous peoples, consider the following points:

a) Global funding for exploitation:

First, the Earth Summit (United Nations Conference on Environment and Development), held in Rio de Janeiro in June, 1992, dealt in large part with how biological diversity conservation could be economically exploited through biotechnological development, and effectively highlighted the economic potential of traditional knowledge and resources. The Convention on Biological Diversity which emerged from the Summit calls for the study, use, and application of "traditional knowledge, innovations, and practices." Its accompanying document, Agenda 21, actually outlines funding priorities to implement this process. As a result, considerable global funding will be directed toward the exploitation of Indigenous knowledge and biogenetic resources.

b) Bioprospecting:

Second, an increasingly large number of companies are "biodiversity prospecting"—that is, looking for biogenetic resources (plants, animals, bacteria, etc.), including human genes, that can be used in the biotechnology industry. Quinine and

Dr. Darrell Posey has many years' experience working on IPR and biodiversity issues, and is currently with the Working Group on Traditional Resource Rights at the Oxford Centre for Environment, Ethics, and Society at Oxford University.

curare are familiar examples of this phenomenon. Never before, however, have there been so many companies and collecting organizations interested in those biogenetic resources that have been nurtured, protected and even improved by Indigenous peoples. The Guajajara people of Brazil use a plant called *Philocarpus jaborandi* to treat glaucoma. Although Brazil now earns \$25 million a year from exporting the plant, the Guajajara have suffered from debt peonage and slavery at the hands of agents of the company involved in the trade. Furthermore, *Pilocarpus* populations have nearly been wiped out by ravenous, unsustainable collecting practices.

c) Economic possibilities for Indigenous peoples: Lastly, many Indigenous communities need and are looking for economic alternatives. In the tropics, there are often few economic options other than timber extraction, mining, and ranching. Yet, the tropical ecosystems are constantly touted as being one of the richest in biodiversity, with a huge potential for discoveries of new medicines, foods, dyes, fertilizers, essences, oils, and molecules of prime biotechnological use. In summary, the problem of knowledge and genetic resource exploitation now experienced by Indigenous communities is only the start of a huge avalanche.

The Right to Say "NO," and Categories of Protection

The first concern stated by Indigenous peoples in every international forum is their right not to sell, commoditize, or have expropriated certain domains of knowledge and certain sacred places, plants, animals, and objects. Subsequent decisions to sell, commoditize, or privatize are only possible if this basic right can be exercised.

At least nine categories of traditional resources/Indigenous intellectual property can be identified which a people or community may be concerned to protect from misappropriation: 1. Sacred property (images, sounds, knowledge,

material culture, or anything that is deemed sacred); 2. Knowledge of current use, previous use, potential use of plant and animal species, as well as soils and minerals, known to the cultural group; 3. Knowledge of preparation, processing, storage of useful species; 4. Knowledge of formulations involving more than one ingredient; 5. Knowledge of individual species (planting methods, caring for, selection criteria, etc.); 6. Knowledge of ecosystem conservation (that protects commercial value, although not specifically used for that purpose or other practical purposes by the local community or the culture); 7. Biogenetic resources that originate (or originated) on indigenous lands and territories; 8. Cultural heritage (images, sounds, crafts, arts, performances); 9. Classificatory systems of knowledge.

Quite clearly, knowledge is a thread common to all these categories. Many Indigenous groups have expressed their desire that all of these be protected as part of the larger need to protect land, territory, resources and to stimulate self-determination. Control over cultural, scientific and intellectual property is de facto self-determination—although only after rights to land and territory are secured by law and practice (i.e., boundaries are recognized, protected, and guaranteed by law). But, as many Indigenous peoples have discovered, even guaranteed demarcation of land and territory does not necessarily mean free access to the resources on that land or territory, nor the right to exercise their own cultures or even to be compensated for the biogenetic resources that they have kept, conserved, managed, and molded for thousands of years.

The Search for an Alternative Framework: Starting points for a new system

A wide range of international agreements, declarations, and draft documents have relevance for building a newly designed system to protect

Traditional Resource Rights. These are labor law; human rights laws and agreements; economic and social agreements; intellectual property and plant variety protection; farmers' rights; environmental conventions and law; religious freedom acts; cultural property and cultural heritage; customary law, and traditional practice. Highlights from each of these areas are described below.

Labor Law: IPR and ILO

The International Labor Organization (ILO) was the first UN organization to deal with Indigenous issues, establishing a Committee of Experts on Native Labor in 1926 to develop international standards for the protection of native workers. In 1957, the ILO produced the *Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries* (107). This was rewritten in 1987 as the *Convention Concerning Indigenous Peoples in Independent Countries* (Convention 169) with much of the original's "integrationist language" removed. The convention's key contribution is to guarantee Indigenous peoples' rights to determine and control their own economic, social and cultural development. It also recognizes the collective aspect of Indigenous possessions, which is of obvious importance to IPR issues, since collectivity is fundamental to transmission, use and protection of traditional knowledge. Until now, Convention 169 has not been sufficiently used with implementation of IPR in mind.

Human Rights and Intellectual Property

International human rights laws offer some mechanisms for cultural protection. The principal problem is that these are oriented toward nation-states and do not easily "provide a basis for claims against multinational companies or individuals who profit from traditional knowledge." The 1948 *Universal Declaration of Human Rights* and the

photo: Tirso Gonzales



Hundreds of potato varieties are grown and preserved by Andean peoples

1966 *International Covenant on Economic, Social and Cultural Rights* guarantee fundamental freedoms of personal integrity and action; political rights; social and economic rights; cultural rights and equal protection under the law. Within this guarantee is the right of self-determination, including the right to dispose of natural wealth and resources. This also implies the right to protect and conserve resources, including intellectual property.

Significantly, these human rights laws also protect the right to own collective property, as well as guaranteeing the right to just and favorable remuneration for work—which can be interpreted as work related to traditional knowledge. Finally, they provide for “recognition of interest in scientific production, including the right to the protection of the moral and material interests resulting from any scientific literary or artistic production.”

This language is echoed in the *Draft Declaration on the Rights of Indigenous Peoples* which states:

Indigenous peoples have the right to the protection and, where appropriate, the rehabilitation of the total environment and productive capacity of their lands and territories, and the right to adequate assistance including international cooperation to this end.

It is clear that IPR should be seen as a basic human right, worthy of incorporation in the campaigns of human rights organizations.

Economic and Social Agreements

In 1972, the United Nations Economic and Social Council formed a special human rights Sub-Commission to study the problem of discrimination against Indigenous peoples. After releasing a lengthy report that found inadequate protection of Indigenous peoples' rights within existing international instruments, the Sub-Commission released various resolutions recommending that the UN “Provide explicitly for the role of Indigenous peoples as resource users and managers, and for the protection of Indigenous peoples’

right to control of their own traditional knowledge of ecosystems.” It also requested the Secretary-General to prepare a concise report on the extent to which existing international standards and mechanisms serve Indigenous people in the protection of their intellectual property. The human rights commission has played an important role in pressuring other UN agencies to take action through these calls for protection of, and protection for, Indigenous peoples' IPR.

Folklore and Plant Variety Protection

The United Nations Educational, Scientific and Cultural Organization (UNESCO) should be a logical forum for IPR discussion; yet, while UNESCO has heard “petitions” of complaints by native peoples related to the fields of education, science, culture and information, Indigenous questions remain marginal to UNESCO's agenda.

The World Intellectual Property Organization (WIPO) in Geneva has 123 member states that have reached

broad agreements on the terms "industrial property" and "copyright." However, within the WIPO framework Indigenous IPR, as collective property, would be considered folklore and not protectable.

In 1984, however, UNESCO and WIPO developed *Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions*, which recognized individual and collective folklore traditions. Though never ratified, these provisions—backed up by criminal penalties—proposed protection of folklore, including material which has not been written down. Their second important contribution was to provide for copyright protection of folkloric performances.

Within WIPO's jurisdiction, the Union for the Protection of new Varieties of Plants provides protection to breeders of new plant varieties that are "clearly distinguishable," sufficiently homogeneous," and "stable in essential characteristics."

The critical factor here is to link folklore and plant genetic resources with intellectual property. It is this complicated legal linkage that allows for expansion of the concept of IPR to include traditional knowledge, not only about species use, but also about species management. Thus, ecosystems that are molded or modified by a human presence are a product of Indigenous intellectual property as well, and, consequently, are products themselves—or offer products—that are protectable. Furthermore, "wild," "semi-domesticated" (or "semi-wild"), and domesticated plant and animal species are products of human activity and should also be protectable.

Farmers' Rights and the FAO

The UN Food and Agriculture Organization (FAO) has worked to find ways for developing countries and "Third World farmers" to get a share in the huge global seed market. The ques-

tions of "farmers' rights" and "breeders' rights" have been extensively debated in this context. In 1987 FAO established a fund for plant genetic resources, with the idea that seed producers would voluntarily contribute according to the volume of their seed sales in order to finance projects for sustainable use of plant genetic resources in the Third World. Unfortunately, major seed producers like the USA opposed mandatory contributions to the fund, and it has turned out to be totally inadequate.

Environmental Law: Life after the Earth Summit

The Rio Declaration which emerged from the Earth Summit highlighted the central importance Indigenous peoples have in attaining sustainable development. The Summit's legally binding "Convention on Biological Diversity" (CBD) does not explicitly recognize IPR for Indigenous peoples, but its language can easily be interpreted to call for such protection. Following effective lobbying by Indigenous organizations, signatories to the Convention have pledged to: respect, preserve and maintain knowledge, innovations, and practices of Indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, and to promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices as well as to encourage the equitable sharing of the benefits arising from the use of such knowledge, innovations and practices. Agenda 21, which accompanies the Convention, specifically includes Indigenous peoples and traditional knowledge in its "priorities for action" toward sustainable development.

Religious Freedom

In a seminar on IPR at the United Nations Human Rights Convention in Vienna, June, 1993, Ray Apoaka of the North American Indian Congress sug-

gested that IPR is essentially a question of religious freedom for indigenous peoples. "Much of what they want to commercialize is sacred to us. We see intellectual property as part of our culture—it cannot be separated into categories as [Western] lawyers would want." Pauline Tangipoa, a Maori leader, agrees: "Indigenous peoples do not limit their religions to buildings, but rather see the sacred in all life."

Cultural Property

In recent years, Indigenous peoples have been increasingly successful in reclaiming the tangible aspects of their cultures, or "cultural property," from museums and institutions. This term has yet to be clearly defined, but has come to refer to everything from objects of art to archaeological artifacts, traditional music and dance, and sacred sites. The concept of "cultural heritage" has appeared as a related "legal instrument" to link knowledge and information to the cultural artifact, and has been used successfully as a legal tool in Australia.

Customary Law and Traditional Practice

During informal hearings for the 1992 Earth Summit in Rio de Janeiro, Indigenous representatives pointed out several basic problems with the concepts of intellectual and cultural property: 1) The divisions between cultural, intellectual, and physical property are not as distinct and mutually exclusive for Indigenous peoples as in the Western legal system. 2) Knowledge generally is communally held, and, although some specialized knowledge may be held by certain ritual or society specialists (such as shamans), this does not give the specialists the right to privatize communal heritage. 3) Even if legal IPR regimes were put in place, most Indigenous communities would not have the financial means to implement, enforce, or litigate them. It was clear that under some circumstances commercialization of knowledge and plant genetic resources

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The Human Genome Diversity Project: Implications for Indigenous Peoples

We reported on the Human Genome Diversity Project in Abya Yala's Dec. 1994 issue. Indigenous opposition to the project has been growing since that time, and the project has yet to respond adequately to fundamental ethical problems such as those raised in this article.

By Debra Harry

The Human Genome Diversity Project (HGD Project) proposes to collect blood and tissue samples from hundreds of different Indigenous groups worldwide for genetic study. On the assumption that these groups are headed for extinction, scientists are rushing to gather DNA samples before they disappear. Then, they say, at least the human genetic diversity will be preserved in gene banks as "immortalized cell lines." But why the tremendous interest in saving the genes of Indigenous people and not the people themselves? Who really stands to benefit from this endeavor? What are the dangers and long-term implications of biotechnology and genetic engineering? These are questions Indigenous people must ask themselves in order to protect their interests in the face of such a mysterious and well-funded effort.

Debra Harry is a Paiute Indian from Nevada, USA. She is researching issues related to IPR and the HGD Project.

Issues of Concern

HGD Project scientists claim to be searching for answers to questions about human evolution. However, Indigenous peoples already possess strong beliefs and knowledge regarding their creation and histories; furthermore, this is not a priority concern for Indigenous people. The HGD Project's assumptions that the origins and/or migrations of Indigenous populations will be "discovered" and scientifically "answered" is insulting to groups who already have strong cultural beliefs regarding their origins. What will be the impact of a scientific theory of evolution and migration that is antithetical to an Indigenous group's common beliefs? Will these new theories be used to challenge aboriginal territorial claims, or rights to land?

Medical Benefits?

The often repeated claim that medical applications will be developed to treat diseases suffered by Indigenous peoples is a complete misrepresentation of the Project, and serves to coerce the

participation of subjects based on the false hope for medical miracles. The Project's mandate is simply to collect, database, and maintain genetic samples and data, not to develop medical applications.

The HGD Project will make the genetic samples available to "the public." However, it is not clear who will have access to the data and actual genetic samples. It appears that the HGD Project will maintain an open-access policy. This means that once genetic materials are stored in gene banks, they will be available in perpetuity, with minimal control, to anyone requesting access. Scientists need only demonstrate the validity of their scientific research in order to gain access to the samples. Medical applications are in fact likely to result from the eventual research, manipulation, and commercialization of the genetic materials. But they will most likely come in the form of pharmaceuticals or expensive genetic therapy techniques. Possible benefits will go only to those who can

afford the high costs of such treatments.

The proposition that medical benefits will result from genetic sampling is further suspect since no aspect of the project will take into account the role that existing and historical socio-economic or environmental conditions play in the health of Indigenous communities.

If an Indigenous population were interested in researching a genetic question specific to their group, they would not need the HGD Project to do so. Genetic research technology and exper-

ples. Some of those claims will strike it rich, in the form of profitable patents. As in the case of future medical applications, the direct benefits from the HGD gene banks will go to those who can afford to invest in research, manipulation and commercialization of the genetic data. Patent law will be the primary vehicle which enables scientists to secure exclusive rights to the genetic samples. Patent laws grant a limited property right to the patent holder and exclude others from using the patented item for a specific period of time, usually for a 17-year period.

Patenting Human Genes

Since 1980, when the US Supreme Court ruled that the creation of an oil-eating microbe is patentable, there has been a disturbing trend in US patent law that extends patent protection to life forms. Since then, the US Patent and Trademark Office (PTO) has granted patents for newly created micro-organisms, living animals, and for human tissues and genes, breaking the long-standing policy that animate life forms were not patentable. The National Institutes of Health, and others, have secured patent rights for fragmented gene sequences, many with unknown function and physical significance. This trend has enabled research institutions and corporations to secure patents for almost 5% of the entire human genome, and has spurred a rush for ownership of the remaining 95% of the human genome.

Does anyone have the right to own a life form or to commodify parts of the human body? While many debate the ethical and moral implications of patenting life forms, in 1993 US Secretary of Commerce Ron Brown filed a patent claim on the cell line of a 26-year-old Guayami woman from Panama. Her cell

line was of interest because some Guayami people carry a unique virus, and their antibodies may prove useful in AIDS and leukemia research. Fortunately, international protest and action by the Guayami General Congress and others led to the withdrawal of the patent claim by the US Secretary of Commerce in November 1993.

Patent claims have also been filed by the Secretary of Commerce for the cell lines of Indigenous people from the Solomon Islands. The Solomon Islands Government has demanded withdrawal of the patent applications and repatriation of the genetic samples, citing an invasion of sovereignty, lack of informed consent, and moral grounds as the reasons for protest. In early March, Secretary Ron Brown rejected these requests, stating that "there is no provision for considerations related to the source of the cells that may be the subject of a patent application." In other words, according to existing patent law, the source of a genetic sample is irrelevant.

Indigenous people must be aware that it may be extremely difficult or impossible to recover or repatriate samples of our blood, tissues, or body parts, once they are removed from our bodies and stored elsewhere. In 1984 John Moore filed a lawsuit claiming that his blood cells were misappropriated while he was undergoing treatment for leukemia at the University of California, Los Angeles Medical Center. During his treatment, Moore's doctor developed a cell line which proved valuable in fighting bacteria and cancer. The UCLA Board of Regents filed a patent claim on this cell line from which they developed commercially valuable antibacterial and cancer-fighting pharmaceuticals. Moore claimed that he was entitled to share in profits derived from commercial uses of

Since 1980...there has been a disturbing trend in US patent law that extends patent protection to life forms.

tise is widely available. The enticement of potential medical benefits is an empty promise which will be used to gain access to communities for the collection of samples.

Commercialization, Ownership and Intellectual Property Rights

The HGD Project raises inevitable questions regarding both ownership of the genetic samples themselves and who stands to profit from the commercialization of products derived from the samples. The Project puts Indigenous peoples' most fundamental property—their own genes—in the hands of anyone who wants to experiment with them. In doing so, the Project opens the door to widespread commercialization and potential misuse of the samples and data.

The Project will enable "bioprospectors" to stake legal claims on the natural genetic resource base of Indigenous peo-

these cells and any other products resulting from research on any of his biological materials. In a significant 1990 California Supreme Court decision, the court established that "donors" do not have an IPR property right in the tissues removed from their body (6).

Sample Collection

The HGD Project will seek the consent of the individuals and populations to be sampled. Questions of what constitutes "informed consent" and how it will be secured remain to be answered. The HGD Project has secured a grant from the J.D. and C.T. MacArthur Foundation (despite the expressed opposition of Native leaders) in order to develop a model protocol for the collection of genetic samples from Indigenous groups.

The concept of "informed consent" raises many unanswered questions in the minds of Indigenous peoples, such as: Who is authorized to give consent? Should consent be required only by the individual being sampled, or also include the governing body of that particular Indigenous nation? Can consent be granted by government officials of the nation-state in which the Indigenous nation is located? How will permission be obtained for collection of samples from the dead, or for use of fetal and placental tissues as sources for genetic samples? How will the project be explained in the local language? Will the full scope of the project and the short- and long-term implications and potential uses of the samples be fully disclosed? Will donors be fully informed of the potential for profits that may be made from their genetic samples?

Other Potential for Misuse

With genetic engineering technology today, it is possible to manipulate the 'blue-

prints' of living organisms. Gene technology makes it possible to isolate, splice, insert, rearrange, recombine and mass-reproduce genes.

—Andrew Kimbrell, *The Human Body Shop*, 1994.

Though genetic engineering still seems like science fiction to many people, it is a reality. Through genetic engineering, scientists are capable of reprogramming the genetic codes of living things to meet societal or economic goals. Transgenic experiments can mix plant genome with that of animals, and human genome with that of plants or animals. The ethical and legal questions raised by genetic engineering technology are numerous and unanswered. Nonetheless, this area remains virtually unregulated. While the HGD Project itself does not plan to do genetic engineering, no safeguards exist to prevent others from doing so with the HGD genetic samples.

Genetic manipulation raises serious ethical and moral concerns for Indigenous peoples, for whom any violation of the natural order of life is abhorrently wrong. Scientists are genetically manipulating existing life forms, altering the course of natural evolution, and creating new life forms. Genes are living organisms which reproduce, migrate and mutate. The full implications of genetically altered life forms released into the environment cannot possibly be anticipated.

Recommendations

Indigenous organizations need to alert all Indigenous peoples to the work of the Human Genome Organization (the body governing the HGDP) in order to prevent the taking of their genetic materials by this project, or by free-lance scientists, and to assist groups in

reclaiming any genetic materials that have already been taken.

Indigenous people must engage in community education and discussion about the full scope of this project and the potential dangers of genetic manipulation before they decide whether to participate. It is imperative that our communities become fully aware of the Project's implications and begin documenting proposed or current sample

According to existing patent law, the source of a genetic sample is irrelevant.

collecting. We need to form an international Indigenous research group to determine the extent of existing international protections for human materials, and to develop additional policies which insure the protection of our intellectual, cultural and biological property rights.

Indigenous people must call for a world-wide moratorium on the collection, databasing, transformation, and commercialization of cell lines and genetic materials of Indigenous peoples until international standards and regulation are put into place which fully protect the environment and the interests of Indigenous peoples.

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The Guaymi Patent

One of the best known cases of attempts to patent and commercialize human tissue is that of a still unidentified Ngobe (or Guaymi) woman of Panama. In 1993 and 1994, this case captured not only the attention of the international community of scientists, but also that of Indigenous people world-wide.

by Atencio Lopez M.

In 1991, a very ill 26-year old Ngobe woman sought medical treatment in a hospital in Panama City. Doctors there diagnosed her with a fatal case of leukemia. This woman could not have imagined that the Panamanian doctors, with the complicity of US scientists, would then remove samples of her blood for experimentation and finally store her genetic material in biological laboratories several thousand miles away in the US. The doctors who set this in motion have refused to divulge the woman's name. As a result we have been unable to locate her, nor do we know if she is still alive. Even if she were alive, it is doubtful that she would be able to make sense of the fact that two supposed inventors, Michael Dale Laimore and Jonathan E. Kaplan, nearly acquired monopoly rights over part of her body, or that this action was supported by the US government's Secretary of Commerce through its branch that regulates the patenting of scientific innovations.

These scientists claimed to be searching for clues to understand aboriginal peoples in the Americas and to generate greater understanding of HIV, the virus thought to cause AIDS. But their actions point to different, and significantly more commercial, intentions. In 1993, they filed a "high priority" patent claim, which was given the number

US612,707, and titled "Human Lymphotropic Virus Type 2 from the Guaymi Indians of Panama." According to the application it was based on the "cell line of a 26-year old Guaymi woman who lives in Panama". Internationally, the patent request is registered with the World Intellectual Property Organization as number US9108455.

Not only this unidentified woman, but hundreds of Indians in Panama were treated as guinea pigs for genetic experimentation during this same time period. Kaplan describes the researchers visit for sample collections, "We spent six days in Canquintu. Some of the doctors worked in the health center administering medicines to the Guaymi people, while others worked with nurses interviewing the residents of the village and obtaining more blood samples." The Indigenous community was never informed of the intent or implications of these collections; the purpose of the blood samples was known only to the researchers.

One witness affirms that doctors of the Gorgas Memorial Laboratory of Panama collaborated in this research, that they used the blood samples of hundreds of Ngobe people, and that the blood samples collected in the process were subsequently sent to the Center for Disease Control in Atlanta, Georgia, and to the American Type Culture Collection in Maryland. The ostensible purpose was to investigate the cause of a fatal

form of blood cancer, as well as forms of the Human Lymphotropic Virus, but the patent application followed shortly thereafter.

This Guaymi case was denounced in international human rights forums and before the United Nations, but received little attention in Panama, due in part to a lack of familiarity with the issues. Only a small percentage of the mainstream culture understood what had taken place. Worst of all, the Panamanian government sided with the US scientists and even utilized some Indigenous organizations in an attempt to discredit the protests. Nonetheless, the Ngobe-Bugle General Congress, the Kuna General Congress, and other Panamanian Indigenous organizations issued strong statements against the patent application.

Following public protests in the Geneva meetings for the GATT in October of 1993, in Canada and the United States, as well as widespread international solidarity, the patent claim was withdrawn in the United States—at least that is what we believe, based on a statement in the November 5, 1993, issue of *Science* magazine. There, in sharp contradiction to earlier humanitarian claims, Kaplan is quoted as saying that the claim was being dropped as it "has no commercial interest."

These researchers shield themselves and their actions with the claim that their work is for the benefit of humanity, and that they are innocent of any intent to harm the Indigenous communities involved. Yet, it is undeniable that the rights of an Indigenous woman, as well as the rights of an entire community, were violated. The national sovereignty of Panama was also violated in this process, although the government continues to deny this. What will happen when the results of this research are finally patented, or the rights are sold to a multinational corporation? Shall we always continue to be the objects of research, with no rights in the matter?

Atencio Lopez is a Kuna Indian and works with the organization Kunas Unidos por Napguana in Panama City.

Amazonian Peoples on Biodiversity and IPR

Resolutions from the Coordinating Body of Indigenous Communities of the Amazon Basin's Regional Meeting

September, 1994, Santa Cruz de la Sierra, Bolivia

The Coordinating Body of Indigenous Peoples of the Amazon Basin, representing Indigenous communities in this region, which is one of the richest in biodiversity in the world, will not be excluded from making its voice heard in respect to this subject.

In this regard, the Indigenous communities are well aware of the importance of protecting biodiversity, as well as our knowledge related to it. We know that our autonomy and assurance of life with dignity will depend on the processes of control, conservation and development of these resources especially over the next few years, when the world will be discussing the issues of biodiversity. We must be quite clear that we, the Indigenous communities, are the ones entitled to claim proprietary rights to these resources, in spite of increasing claims made by multinational corporations of the North.

This situation obliges Indigenous people and our organizations to take positions and elaborate strategies relevant to current and future generations. With this in mind, COICA, under the auspices of the UN Development Program, organized a regional meeting in South America. The conclusions and recommendations of that meeting are reprinted below.

I. Basic Points Of Agreement

1. Emphasis is placed on the significance of the use of intellectual property systems as a new formula for regulating North-South economic relations in pursuit of colonialist interests.

2. For Indigenous peoples, the intel-

lectual property system means legitimization of the misappropriation of our peoples' knowledge and resources for commercial purposes.

3. All aspects of the issue of intellectual property (determination of access to national resources, control of the knowledge or cultural heritage of peoples, control of the use of their resources and regulation of the terms of exploitation) are aspects of self-determination. For Indigenous peoples, accordingly, the ultimate decision on this issue is dependent on self-determination. Positions taken under a trusteeship regime will be of a short-term nature.

4. Biodiversity and a people's knowledge are concepts inherent in the idea of Indigenous territoriality. Issues relating to access to resources have to be viewed from this standpoint.

5. Integral Indigenous territoriality, its recognition (or restoration) and its reconstitution, are prerequisites for enabling the creative and inventive genius of each Indigenous people to flourish—and for it to be meaningful to speak of protecting such peoples. The protection, reconstitution and development of Indigenous knowledge systems call for further commitment to the effort to have these systems reappraised by the outside world.

6. Biodiversity and the culture and intellectual property of a people are concepts that mean Indigenous territoriality. Issues relating to access to resources, and others, have to be viewed from this standpoint.

7. For members of Indigenous peoples, knowledge and determination of the use of resources are collective and intergenerational. No Indigenous population, whether of individuals or communities, nor the government, can sell or transfer ownership of

resources which are the property of the people and which each generation has an obligation to safeguard for the next.

8. Prevailing intellectual property systems reflect a conception and practice that is:

a) colonialist, in that the instruments of the developed countries are imposed in order to appropriate the resources of Indigenous peoples; b) racist, in that it belittles and minimizes the value of our knowledge systems; c) usurpatory, in that it is essentially a practice of theft.

9. Adjusting Indigenous systems to the prevailing intellectual property systems (as a world-wide concept and practice) changes the Indigenous regulatory systems themselves.

10. Patents and other intellectual property rights to forms of life are unacceptable to Indigenous peoples.

11. It is important to prevent conflicts that may arise between communities from the transformation of intellectual property into a means of dividing Indigenous unity.

12. There are some formulas that could be used to enhance the value of our products (brand names, appellations of origin), but on the understanding that these are only marketing possibilities, not entailing monopolies of the product or of collective knowledge. There are also some proposals for modifying prevailing intellectual property systems, such as the use of certificates of origin, to prevent use of our resources without our prior consent.

13. We must prevent the use of current systems of intellectual property from robbing us, through monopoly rights, of resources and knowledge in order to enrich these systems and build up power opposed to our own.

14. Work must be conducted on the

design of a protection and recognition system which is in accordance with the defense of our own conception, and mechanisms must be developed in the short and medium term to prevent appropriation of our resources and knowledge.

15. A system of protection and recognition of our resources and knowledge must be designed which is in conformity with our world view and contains formulas that, in the short and medium term, will prevent the appropriation of our resources by the countries of the North and others.

16. There must be appropriate mechanisms for maintaining and ensuring the right of Indigenous peoples to deny indiscriminate access to the resources of our communities or peoples, and making it possible to contest patents or other exclusive rights to what is essentially Indigenous...

17. Discussions regarding intellectual property should take place without distracting us from priorities such as the struggle for the right to territories and self-determination, bearing in mind that the Indigenous population and the land form an indivisible unity.

II. Short-Term Recommendations

1. Identify, analyze and systematically evaluate from the standpoint of the Indigenous world view different components of the formal intellectual property systems, including mechanisms, instruments and forums, among which we have:

a) Intellectual property mechanisms

Patents, Trademark, Authors' rights, Rights of developers of new plant varieties, Commercial secrets, Industrial design, Labels of origin.

b) Intellectual property instruments

The Agreement on Trade-Related Intellectual Property Rights (TRIPS) of the General Agreement on Tariffs and Trade (GATT); The Convention on Biodiversity, with special emphasis on the following aspects: environmental impact assessments, subsidiary scientific body, technological council, monitoring, national studies and protocols, as well as on rights of farmers and ex situ control of germ plasm, which are not covered

under the Convention.

c) Intellectual property forums

Define mechanisms for consultation and exchange of information between Indigenous organizations and international forums such as the: Treaty for Amazonian Cooperation, Andean Pact, General Agreement on Tariffs and Trade, European Patents Convention, United Nations Commission on Sustainable Development, Union for the Protection of New Varieties of Plants, World Intellectual Property Organization (WIPO), International Labor Organization (ILO), United Nations Commission on Human Rights.

2. Evaluate the possibilities offered by the international instruments embodying cultural, political, environmental and other rights that could be incorporated into a sui generis legal framework for the protection of Indigenous resources and knowledge.

3. Define the content of consultations with such forums.

4. Define the feasibility of using some mechanisms of the prevailing intellectual property systems in relation to protection of biological/genetic resources and marketing of resources.

5. Study the feasibility of alternative systems and mechanisms for protecting Indigenous interests in our own resources and knowledge: sui generis systems for protection of intellectual property; inventors' certificate, model legislation on folklore; new deposit standards for material entering germ plasm banks; commissioner for intellectual property rights; tribunals; bilateral and multilateral contracts or conventions; materials transfer agreements; biological prospecting; defensive publication certificates of origin.

6. Seek to make alternative systems operational within the short term, by establishing a minimal regulatory framework (for example bilateral contracts).

7. Systematically study, or expand studies already conducted of, the dynamics of Indigenous peoples, with emphasis on: basis for sustainability (territories, culture, economy); use of knowledge and resources (collective ownership systems, community use

of resources); community, national, regional and international organizational bases.

These will make it possible to create mechanisms within and outside Indigenous peoples capable of assigning the same value to Indigenous knowledge, arts and crafts as to western science.

8. Establish regional and local Indigenous advisory bodies on intellectual property and biodiversity with functions involving legal advice, monitoring, production and dissemination of information, and production of materials.

9. Identify national intellectual property organizations, especially in areas of biodiversity.

10. Identify and draw up a timetable of forums for discussion and exchange of information on intellectual property and/or biodiversity. Seek support for sending Indigenous delegates to participate in such forums. An effort will be made to obtain information with a view to the eventual establishment of an Information, Training and Dissemination Center on Indigenous Property and Ethical Guides on contract negotiation and model contracts.

III. Medium-Term Strategies

1. Plan, program, establish timetables and seek financing for the establishment of an Indigenous program for the collective use and protection of biological resources and knowledge. This program will be developed in phases according to geographic areas.

2. Plan, draw up timetables for and hold seminars and workshops at the community, national and regional levels on biodiversity and prevailing intellectual property systems and alternatives.

3. Establish a permanent consultative mechanism linking community workers and Indigenous leaders, as well as an information network.

4. Train Indigenous leaders in aspects of intellectual property and biodiversity.

5. Draw up a Legal Protocol of Indigenous Law on the use and community knowledge of biological resources.

6. Develop a strategy for dissemination of this Legal Protocol at the national and international levels.

Guidelines for Biodiversity Collections: A Look at the Issues

by Melissa Nelson

There is no place where the clash between the exploitation of, and balance with, the natural world is more pronounced than in the struggles of the world's Indigenous peoples. As the colonial power elite tighten their grip on the remaining "natural resources," they are discovering that it is Indigenous people who hold the secrets to the many uses and benefits of plant and animal communities. An age-old war is ensuing between two world views and ways of living: one that believes humans are the pinnacle of evolution and that our ultimate purpose is to control and enslave nature; the other that the human mind will never completely comprehend, much less control, the forces of nature and that the best we can

do is sensitively observe Earth's natural cycles and work to harmonize with them.

It is surprising to many people that this war of world views is not only seen in the obvious places of educational philosophies, economic theories, and religious and political systems, but in the seemingly benign realm of ecological conservation. After all, as Australian biologist Roger Kitching has said, "conservation is just as much a use as are agriculture, forestry, and urban development." Highly diverse areas are in demand by transnational corporations who seek to control the world's remaining resources, by conservation groups who intend to protect their ecological significance, and by researchers who wish to study these areas. Who decides which areas are designated for conservation? How are these matters decided? When are the local Indigenous people

involved? When do they initiate such efforts? Are they in control of their territories, or are conservation organizations in control? These are some of the questions raised by conflicts surrounding land use in Indigenous territories.

Reigning in the Bioprospectors?

When capitalism and conservation meet, outsider-capitalists unfortunately enjoy many advantages, as well as opportunities to reapply paternalistic attitudes that "modern Westerners" know best how to manage lands. Consequently, an increasing number of concerned people (both native and non-native) are discussing and proposing ways to protect Indigenous peoples' knowledge and biological resources from exploitation by the various companies, governments, and academic, development and research institutions seek-



Manuel Mendive

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ing access to biodiversity information and native knowledge.

Organizations and individuals have met, under diverse sponsors, including the Third World Network, Zuni Conservation Project, Pew Scholars Program, World Wide Fund for Nature, and Native Seeds/SEARCH, to discuss formation of ethical guidelines to oversee the relationship between "prospector" and "steward." Underlying these efforts is a common feeling that bioprospectors are already grabbing biological material as fast as they can and that some process is needed to ensure a cooperative, just, and mutually beneficial relationship. Enforceable guidelines for bioprospecting are one component of the complex process of negotiating the equitable exchange of information and resources.

Some Indigenous activists, however, feel that creating such guidelines will only condone and increase exploitation of biodiversity and Indigenous knowledge. It could do so by giving bioprospectors a legitimate use-document to rationalize and cover up their colonialist, and, in Native American historian Jack D. Forbes' view, "cannibalistic," intent. (Look at the corrupt uses of Environmental Impact Statements.) I can see both points of view, but subscribe more to the belief that we have to address the heedless bioprospecting already occurring within Indigenous territories and do something about it. Even though many bioprospectors exhibit "the disease of aggression against, and consumption of, living things", we cannot let fear of the "other" paralyze us and prevent cooperative efforts toward change.

A diverse set of ethical guidelines, contracts, treaties, and other draft documents have appeared in recent years in response to Indigenous protest of

human and land rights violations. From pharmaceutical contracts to international treaties such as the Biodiversity Convention, we see governments, corporations, research institutes, NGOs, and other groups beginning to re-evaluate how they relate to and "do business" with Indigenous peoples, and beginning, at least, to pay lip-service to Indigenous intellectual property rights and benefit-sharing. Indigenous peoples worldwide are meeting, organizing, and taking leadership roles in determining the nature of these relationships. Here I point out some questions and issues to consider when reading, discussing, or assisting with the writing of ethical guidelines for biodiversity prospecting.

General Considerations for Guidelines

To begin with, the definition, purpose, and scope of the guidelines must be clearly set out. For example, do the guidelines cover only biodiversity information, or do they cover situations where a bioprospector seeks access to knowledge about the uses of biodiversity? What is actually meant by biodiversity—plants, animals and fungi, or other biological entities such as microorganisms or cell lines? How will guidelines be enforced? What system of compliance will be used? What legal framework should be established? What institutions are subject to the guidelines? Who decides these questions?

Critical Components

In any biodiversity accessing situation, one must start with an exploratory phase. I believe this to be the most critical stage to regulate. Any guidelines must define how the appropriate Indigenous authorities are selected. For example, different situations might require prospectors to approach any

combination of Indigenous national, regional, sub-regional or community organizations. The exploratory phase should serve to introduce the potential user, as well as their intentions, interests, and methods to the appropriate authority. At the community level, the reasons for requesting access to biodiversity information should be revealed to the entire community, to traditional leaders, and in the local language of the community being approached. A project document should be presented which discloses the foreseeable consequences and commercial interests of the research, and a description of the methods to be used.

Following this disclosure, the bioprospector should inquire whether the community or its representatives wish to terminate or continue with negotiations. If the community agrees to the involvement with the bioprospector, then other issues, especially the terms of compensation, must be clearly outlined.

The question is, does the accessing party have the ethics to honor and respect the community's decision? If the desire to cooperate with and show respect for Earth's diverse manifestations and peoples were currently present, then I wouldn't be writing this. How do we instill the absolute importance of this basic respect for life in the "cannibals" of first world capitalism? I do not know, but we must start somewhere. Many activists think that "talk is cheap" but by discussing this with a wide variety of people, and articulating the deep ethical issues involved with this complex situation, we may begin to shed light on the subject and inadvertently educate those who need to hear it.

For more information contact: The Cultural Conservancy, P.O. Box 72086, Davis, CA 95617. (916) 759-2285, fax: (916) 759-2268.

photo: Tirso Gonzales



Indigenous farmers show over 3,000 varieties of seeds at a regional "seed fair" in the Andes.

by Tirso Gonzales

The northern countries have recently become concerned with losses in biodiversity. Among other things, this has included concern for the loss of native crop seed diversity. The main causes of this loss are external to Indigenous populations, who have always considered the seeds of native plants part of their survival strategy and diet. These plants, which are described by scholars in the North as "under-exploited tropical plants with promising economic value" or the "lost crops of the Incas," have through the growth of biotechnology industries been converted into a promising source of profits for

private industry in the North, if not for the farmers and Indigenous people of the "Third World."

Presently, Northern and Southern governments, transnational corporations, and international development and financial agencies link biodiversity in an almost natural way to biotechnology, and ignore the Indigenous peoples who inhabit the majority of the planet's regions richest in biodiversity. This absence of real interest in Indigenous peoples is consistent with the dominant practices of "development" and as well as those of conservation.

Development Institutions and the Loss of Biodiversity

Unfortunately, the Global Strategy for Biodiversity (GSB), one of the most influential recent policy frameworks relating to conservation of biological

diversity, continues within the same modernizationist vein. The GSB was prepared by the World Resources Institute, the World Conservation Union, and the UN Environment Program in consultation with the UN Food and Agriculture Organization, and included the work of more than 500 individuals over three years. It was designed for adoption by scientists, politicians, and governmental and non-governmental organizations in both the North and South. After three years of debate, only four of its 85 actions emphasize the role of Indigenous communities and campesinos in the protection of biodiversity.

Many international agricultural institutions also continue in the same modernizationist tendency. Two examples with particular impact on Indigenous agriculture are the International Centers

"Development" Crop Diversity and Indigenous People in the Andes

for Corn and Wheat in Mexico, and the International Center for Potato Research in Peru. The so-called Green Revolution, associated with 18 such international centers of agricultural research and backed by international development and finance organizations like the World Bank, the IMF and US AID, promoted a form of agriculture very different from that of Indigenous campesinos. The "revolution" was designed to use high inputs of chemicals and heavy machinery, and offers little of substance to Indigenous farmers. To the contrary, it has tried to transform them into modern farmers, dependent not only on seeds but also knowledge, tools, money and food. The green revolution is a principal cause of the loss of cultural and biological diversity in the countryside. Chemicals used in the "revolution" have also contributed to contamination of air, water, soils and living things in general.

Diversity in the Andes

The Andes form a mountain chain that crosses territories now known as Colombia, Ecuador, Peru and Bolivia. The great diversity of Andean cultures developed close connections with the earth, the Pachamama, and the rest of the living beings such as hills, water, animals, sun and moon. This region's extraordinary abundance of crops, medicinal plants, fruit trees, animals and micro-organisms has earned it designation as a global "mega-diversity" center. As several scholars have noted, this diversity in itself is not so notable as the manner in which it has occurred. The questions are: Why is there such high biological diversity in the Andes? Who creates, reproduces and cares for biodiversity? How is this done? Why is it done?

The answer to these questions is found in the interaction between the Quechuas, Aymaras, Jibaros, Chichimecas, Chinantecos, Chontal, Aushiri, Quichua, Shuar, Huitotos, Chichas, dozens of other Indigenous peoples, and the natural environment.

The culture of each and every one of these peoples—that is, the way they know things, their modes of being, and their modes of understanding the world around them—is shown in their relation to crops, plants and other living beings.

An Alternative Project

For the last two years, the Asociación Bartolome Aripaylla (ABA), one of more than 20 groups associated with the Lima-based NGO Andean Project for Campesino Technologies (PRATEC), has been working to revive traditional Andean techniques and crops in the Quechua community of Quispillacta, Ayacucho. The community's territory includes over 20,000 hectares of which less than five percent have been brought under cultivation. Like many Andean communities, Quispillacta is organized at three levels: the Ayllu, the neighborhood, and the community. Nuclear families are brought together in the Ayllu and strengthened through collective work and ritual fiestas. The ABA is made up of community members who left to study in the city and formed an NGO there. This has converted them, as they themselves recognize, into "visitors" in the community. They had stopped farming their own plots for over thirteen years, and depended on the city. After reflecting on this problem, the members of the ABA decided to return to the community. "Correcting our errors, we tried to intensify our actions of strengthening the community. We formed another group in the community, grew plants and worked in the fields like the other members of the Ayllu, and became part of the agricultural cycle of the community."

The ABA works in the collection and inventory of local and regional seeds, communal and group planting, exchange of experiences, information and seeds, and Andean practices for exchanging and maintaining seeds.

After these two years of work and study of genetic conservation and erosion, the enormous differences between

the western and the Indigenous vision have become evident. They have denominated these as "the culture of hybrid seeds" and the "culture of native seeds."

ABA held "Seed Fairs" in 1991 and 1993. These fairs have provided incentives to cultivate native seeds of many varieties, in contrast to agricultural fairs organized by the Ministry of Agriculture which promote "improved seeds." Among the objectives of the II Exposition of Andean Seeds were: to show the potential of native seeds that are raised in Quispillacta, to exchange seeds and knowledge, to demonstrate the role of subsistence farmers and increase phylogenetic variety, to promote and amplify the growth of diverse Andean seeds, and to show the nutritional richness and the diversity of dishes that can be made from Andean crops.

Nearly half of the area's Ayllus participated in the second seed fair, presenting over 3,000 samples of twelve Andean crops. When crop diversity was charted by region, it became evident that the greatest crop diversity was found in the Rio Papas watershed—especially in the areas of Pirhuamarca and Llaqtahuaran—where the development institutions have the least presence. This confirms—according to ABA—that crop diversity is greatly affected by projects that promote seed improvement, since they carry with them an established technological packet which tends to displace the native ecotypes and knowledge.

Cases such as that of the Asociación Bartolome Aripaylla suggest that the conservation of seed diversity depends more than anything on the conservation and strengthening of Andean cultures. True development in the Andes will never come in the form of modernization, particularly when this means—as often stated in the past—the replacing of everything Indian with "modern," Western techniques. Rather, Indigenous agriculture will play a critical role in any authentic process of Andean development.

Free-determination and the States:

Commentary on Barbados III

by Aucan Huilcaman



I read with interest the "Declaration of Barbados III" reprinted in the last issue of *Abya Yala News* (Vol:8 no.3). Considering the breadth of material included in the declaration, I will only comment on the portion of that document which begins with suggestions to the governing Latin American states, the United Nations and its various specific bodies such as the OIT, UNESCO, UNDP, and FMI. Second, I also want to comment on the declaration's final section related to the self-determination of Indigenous peoples and the nationally constituted states.

We are in agreement in relation to the identification and historical analysis of factors which have made the political and cultural oppression of Indigenous peoples possible, as well as the views on ideological, political, religious, and economic colonialism and neocolonialism.

However, the declaration's call to the Latin American governing states seems misplaced. The states are fully aware of the reality in which we Indigenous peoples live. They know that this reality has been constructed by force and violence. The denial of our physical and cultural existence produced by the political constitutions and legal systems responds to the homogenizing nature of the governing states, and is the result of organized political decisions, not of coincidence or circumstance.

Aucan Huilcaman is Werken, or spokesperson, for the Mapuche organization Aukin Wallmapu Ngulam-Council of All the Lands in Southern Chile.

The promises which Latin America's governing states have made through documents in summits such as those held in Mexico and Spain respond to Indigenous peoples' undeniable reality, but these resolutions are very far from being implemented in practice. In the meeting in Spain, the governments promised to establish a Development Fund for Indigenous Peoples of Latin America and the Caribbean. Now, when Indigenous peoples petition the fund for economic assistance, they are told that the fund has no resources and that it is only a negotiating table between some international organizations and Indigenous communities. In order to legitimize their actions, they have established an oversight council with Indigenous representation. However, Indigenous delegates have to be accredited by each country's chancellor. They call this "democratic participation," but it is nothing more than state colonialism under the guise of recognition and democracy.

Similarly, the governing states came to a set of agreements at the Earth Summit in Rio de Janeiro in 1992. If we try to verify compliance with these agreements, we do not find any concrete means in the legal, political or economic arenas to ensure better administration of natural resources. It is easier to identify the thousands of hectares of land, mountains, rivers, and lakes which have been destroyed and contaminated. Undoubtedly, as it has become impossible to evade the Indigenous reality, the governing states will make a declaration

regarding Indigenous peoples whenever they hold a continental meeting, but in no case does this imply compliance with their promises.

I believe that any demands or exhortations require precision. We Indigenous peoples are fighting for the recognition of our rights, rooted in our historical and political condition as a people, with all powers in the areas of rights, ideology, politics, and culture which this implies, such as the restitution of fundamental rights and freedoms such as free-determination and the restitution of ancestral lands. These conditions are precede any form of recognition, otherwise, the states will continue to determine the framework for recognition and relations between Indigenous peoples and the governing states.

I consider out of context the call to the United Nations and its various special bodies, as if these were something separate from the constitution, control, and intervention of the governing states. It is time to state what the United Nations is and what it truly represents. The United Nations does not exist; what truly exists are "Concerted States" which are simply institutional structures with a legal, political and ideological base and with defined interests. Taking into account that the ideological base and sustenance of a nation is fundamentally cultural. It is no longer possible to contend that the "states are politically-organized nations." States in America (Wallmapu in the Mapuche language) have no corresponding socio-cultural reality. Therefore, the United Nations

are the same governing states that have been constructed without taking into account the cultural diversity of the continent.

The ILO (International Labor Organization), UN Development Program and UNICEF are not independent of the United Nations or of the governing states. Thus, their actions are not autonomous. All of their plans, programs, and projects require governmental approval. It is sufficient that an Indigenous organization comes into conflict with the state in the process of their struggle, for these organizations to limit the help they give.

Relating to the declaration's statement, "We believe it necessary to approve the Charter of Indigenous Peoples Rights promoted by the UN," it is worth mentioning that after thirteen years of discussion between members of the UN Working Group and Indigenous representatives, the governments are not willing to recognize fundamental rights such as *free-determination* and the restitution of ancestral territories. *Free-determination* is a right prior to, or conditional for, enjoyment of the other rights. Before demanding prompt ratification of this legal instrument, it is essential to be sufficiently informed of the fundamental rights that Indigenous peoples are defending in the various spaces available to us, as well as positions taken by the states in relation to these rights. Without incorporating these conditions, new forms of domination could spring from international law, even as it is framed as the recognition of Indigenous peoples and their rights. During the Working Groups' final session (July 25-29, 1994), they did not permit revision of the declaration, and merely received Indigenous representatives "comments," thereby preventing full recognition of the conflict between Indigenous rights and the states.

The right to *free-determination*, formulated by the Indigenous peoples, shows the divide between the historical

legitimacy of Indigenous peoples' inalienable rights and the legality that sustains the states. The Indigenous people maintain with all our conviction that the states, do not have more rights than we do, nor have we authorized them to invoke our exclusive rights, nor intervene in our peoples' future.

Since the declaration also calls on the International Labor Organization (ILO) and refers to its Covenant 169, I have to comment that this Covenant reflects the state-governments' politics of juridical colonialism as well as that of the UN's agencies. Although the Covenant recognizes us as peoples, it simultaneously rejects the rights that stem from this recognition, so that it remains purely symbolic. The Covenant's most significant element lies in providing Indigenous people the right to "consultation and participation." However, this right becomes ineffective when we remain politically oppressed by the states. Indigenous consent in this context is relative. At the UN World Conference on Human Rights in June of 1993 where I served as spokesperson for the Indigenous representatives, we stated "We call on the States to ratify Covenant 169 of the ILO provided that the Indigenous peoples are in agreement. We understand this instrument as the first step to establish new and better relations between the states and the Indigenous peoples."

In reference to the international development and financial organizations such as the World Bank, IMF, Interamerican Development Bank, it should be noted that the development they have imposed is unilateral, and has assaulted Indigenous cultural identities and the economies of reciprocity. These are the same organizations that approved projects for construction of hydroelectric dams and other such endeavors within Indigenous territories, for example, the hydroelectric dams on the River Bio-Bio within Pehuenche Mapuche lands. Any invitation to change policies made to these institu-

tions is very far from being met, especially since they respond to the interests of the governments and are not independent bodies.

The declaration ends referring to the democratization of Latin America, of geopolitical reorganization, and the recognition of the Indigenous territories. I reiterate that we are in agreement on this: it continues, however, with a call for recognition of Indigenous rights "in a framework of a self-determination compatible with, and complementary to the sovereignty of national states.. I am not sure if I should conclude that in this passage the declaration presents a set of contradictions barely compatible with the previous analysis, or whether it is the political orientation of the signatory organization. Whatever the case, I will emphasize the implications this essential aspect has for possible solutions and new relationships between Indigenous peoples and states.

It is incongruent to propose the compatibility Indigenous self-determination and the sovereignty of the nationally constituted states. It's worth reiterating that Indigenous people are fighting for *free determination* and not self-determination. These concepts have different meanings and implications in the legal, political, ideological, historical, and cultural fields. Indigenous peoples have yet to determine whether we want to develop ourselves within or outside of the structures of the so-called nation-states. Furthermore, as I pointed out above, nation-states don't exist. What exists are state-governments. The homogenizing and unilateral nature of the state-governments is what maintains the lack of cultural understanding and social intolerance. Complementarity with the States as they are is impossible. It will only be possible when both institutions recognize each other reciprocally under the basic principle that neither is more valid than the other, and that each system of organization is the most adequate for its own culture.

Mapuche at Summit of the Americas:

"We Oppose the Free Trade Agreement"

We alert the Indigenous peoples of America that the multilateral economic agreements which are being adopted by the Latin American governments compromise the future of the continent, in which the Indigenous peoples are a reality that possess historical legitimacy over the territories in which the governing states have been established.

—Consejo de Todas las Tierras, Declaration of Temuco, Dec. 2, 1994

During the Summit of the Americas, President Clinton announced the future entry of Chile into the North American Free Trade Agreement. Aucán Huilcamán and José Naín, two representatives of the Mapuche Indian organization in Chile, Consejo de Todas las Tierras (Council of All the Lands), presented a formal declaration to those at the Summit, denouncing the multilateral agreement as illegitimate, since the states have no authority over their people. The declaration affirms that the states can legitimately meet to discuss the free-trade agreement, but cannot unilaterally make decisions that affect Indigenous peoples. "The Indigenous people are a reality. We pre-date the states. We pre-date the governments that today make decisions for us and for the continent...at the same time, those agreements are foreign, unilateral, and lack our consent."

Huilcamán and Naín came to the Summit representing hundreds of thousands of Mapuche who fear that NAFTA will increase the exploitation of their territories and the violation of their human rights. NAFTA, they point out, was signed in the US, Canada and Mexico without taking the Indigenous peoples into account. According to the Mapuche representatives, the economic agenda proposed at the Summit, will have terrible repercussions for Indigenous peoples. "They say that the cold war has

ended," Huilcamán noted, "but this war of economic competition is more dangerous, more harmful, more effective, more destabilizing."

"We participated in the Summit—stated Huilcamán—in order to make our physical and cultural existence known, even when the States and in particular the Chilean state say that there are only Chileans here. We demonstrated that in Chile there is another reality, apart from the uniformity that the State is trying to impose. Chile has twelve million inhabitants, according to the government four million live in poverty.

One million of these are Mapuche. In the long term, the people most affected by the trade agreement with Chile, as in all of America will be the Indigenous peoples. In this sense, we are concerned for the future of the continent. We have found that there is no information—there is little understanding of the implications of these multilateral agreements.

Today for example, people are patenting food products, but they are also patenting Indigenous knowledge, even human genes. When we lose control of these things, it will be a global catastrophe." Under NAFTA, the declaration states, "the intellectual property of the Indigenous peoples will continue to be usurped with greater efficiency, in light of that fact that biotechnology has become the mechanism and tool of usurpation and extraction of our knowl-

edge at the service of the northern country's transnationals."

This declaration sprung from a conference held in November in Temuco, Chile. It begins, "In this declaration, we establish a political position before NAFTA. In March, we will hold another meeting to elaborate a set of proposals to guarantee Indigenous rights in relation to the free-trade agreements. We are holding a series of consultations, because we want everyone to be fully aware of any plan, program or project derived from the free trade agreement and applied in Mapuche territory. But in addition, we want guarantees for our rights. This may cause conflicts with the state, and of course, the communities are going to defend themselves. This conflict may have unpredictable results."

Other States Will Soon Follow

In the Summit, the states announced development of an action plan to review and improve the laws that protect the rights of minorities and the Indigenous peoples, but according to Huilcamán and Naín, this is "just a way to make the public believe that the states will respect our rights."

Following the Summit, Huilcamán and Naín spoke at a number of events, emphasizing that while Chile may be the next signatory to NAFTA, many other Latin American states are lined up to follow. Sooner or later, all Indigenous peoples will be faced with the same circumstances. Thus, the Consejo de Todas las Tierras hopes to establish alliances with other Indian organizations to promote action now—before the agreements are signed and it is too late. Huilcamán notes that the Indigenous movement has been too often on the defensive, reacting to events after the fact. NAFTA, he urges, should be met with an Indigenous offensive.

*To support the Mapuche effort against NAFTA contact: Aukin Wallmapu Ngulam-Consejo de Todas las Tierras, General Mackenna 152 Casilla 448 Temuco, Chile
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Guatemala Peace Talks:

Are Maya Rights Negotiable?

The tortuous dialogue between the Guatemalan Government's Commission on Peace (COPAZ) and the National Guatemalan Revolutionary Union (URNG) has been marked by exclusion of the Maya community, a standstill on the subject of identity and Indigenous rights, sinking credibility of the parties involved, and most recently, an ultimatum from the United Nations.

by Estuardo Zapeta

A day before the conclusion of 1994, the year in which the Guatemalan government had committed itself to signing a peace agreement, Guatemala's national daily paper *Siglo Veintiuno* carried the front page headline, "UN issues an ultimatum to the Government and URNG" (Friday, December 30, 1994). And an ultimatum was precisely what the stalled peace process seemed to need.

The problems that provoked the Guatemalan civil war—widespread illiteracy, extreme poverty, malnutrition, infant mortality, unequal access to fertile soil—remain unchanged after 34 years of conflict that has killed more people, destroyed more communities, displaced more Guatemalans, and produced more widows and orphans than the very problems that started it. Conservative estimates count over 100,000 dead, 35,000 disappeared, 22,000 widows, and 150,000 displaced people and refugees; the number of orphans has never been counted. Those most affected by the social ills of a country characterized by injustice and colonialism are the same ones who have suffered 95% of the victims caused by the civil war: the Maya.

That is why the open exclusion of any Mayan representatives in the discussion of "identity and rights of the Mayan community" has resulted in criticism of

the peace process itself. The two groups participating in the dialogue, the government and the URNG, are typically ladino (of European or mixed descent), urban, and above all, exclusionary. Guatemala, on the other hand, is primarily rural, multicultural and the majority (65%) is Maya. Consequently, the "dialogue for peace" is seen as a "monologue" between two minorities who basically maintain the same colonial discourse.

The negotiation of identity and Indigenous rights, on which the parties remain stalled, is being called into question. Is Maya identity an element of the negotiations? Are Maya rights negotiable? Yes, apparently so, since this item appears on the agenda, it appears that the Government and the URNG believe that they are. Paradoxically, when the Maya community petitioned to include their representatives in the "dialogue," the Government and the URNG responded with a resounding NO. It appears that in Guatemala, after 500 years, history repeats itself; two minorities are making decisions for the Maya majority.

The paper on identity and Indigenous rights produced by the Assembly of Civic Groups (ASC) and presented as a solid proposal in opposition to the parties involved in the "dialogue" was ignored. The ASC is an association of eleven civic groups. One of these is the Maya coalition, Coordinating Organization of the Mayan Community (COPMAGUA), which is

composed of four Maya organizations: The Academy of Maya Languages of Guatemala, The Council of Maya Organizations of Guatemala, The Permanent Maya Assembly, and The Office of Maya Unity and Consensus. The document was first discussed and approved by members of COPMAGUA, and then edited and approved by the eleven groups of the ASC. Finally, the document was presented to the representatives of the COPAZ and the URNG who ignored it.

Another item of negotiation in which the parties cannot agree is the ratification of the Covenant 169 of the International Labor Organization, "On Indigenous Communities and Tribal Groups in Independent Countries." The Guatemalan government argues that Covenant 169 is unconstitutional; the URNG, for its part, never came out in favor of ratifying the Covenant until late in 1994, when the Covenant was included as an item in the peace negotiations. Due to both parties' falling credibility, the URNG's support for Covenant 169 seemed a poorly timed political strategy.

All of this provoked a letter of ultimatum from the Secretary General of the United Nations, Boutros Boutros Ghali, addressed to the President of Guatemala, dated December 22, 1994, stating the following: "I am concerned at the lack of progress in the peace negotiations during the second part of 1994. As you know, the latest round of discussions that began on October 20 has not resulted in the hoped for agreement on 'Rights and Identity of the Indigenous Community.' This is another delay after the suspension of discussion for four months due to the position adopted by the URNG between July and October" (Free Press, December 30, 1994, p.2).

Because of the rejection of the ASC document, and due to the fact that neither party could produce an alternative proposal, the United Nations intervened by presenting a draft proposal on Indigenous Rights and naming a moder-

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Indigenous Peoples Unite Against Pan-American Highway

by Alicia Korten and Dialis Ehrman

Leaders of the Kuna, Embera, Wounaan, Ngobe and Bugle peoples living in the Darien Gap region that borders Colombia and Panama announced that they would oppose any plan to build the Pan-American Highway that did not first obtain their approval. The Indigenous Pan-American Highway Commission (IPAHC), representing over 200,000 Indigenous peoples in Panama, made this declaration in response to growing pressure to complete the highway's Darien Gap link—which international business interests see as critical to facilitating trade between South and North America.

Leaders unanimously agreed to reject construction of the Pan-American Highway, a railroad, or any other project crossing their lands until these lands have been legalized and demarcated. Indigenous people's fears regarding the highway's negative impacts were reinforced by catastrophic flooding in Nov. 1994 which destroyed several Kuna communities situated near the Pan-American Highway, which stretches for roughly 100 miles into the Darien Province. "The night (the Chucunaque River rose) our children had to swim to stay alive, the water came up to the necks of the older people. All our fields and many of our houses were washed away. I have never seen such a flood in my lifetime," explained Horacio Lopez Turino, community leader of Wala. He

and other residents believe that the flood was a consequence of unprecedented deforestation in the last two decades by loggers and cattle ranchers who have used the highway to gain access to the region's resources.

Pressure to complete the road has increased in recent months. Broad agreement at the Summit of the Americas last December to unite the Americas into a free trading zone by the year 2025, gives the highway's construction new urgency. "The Pan-American Highway is the only unfinished international highway even though it is the most important in the world...all of humanity is awaiting (its completion)," stated Colombia's Minister of Transportation under the Gaviria administration, Jorge Bedeck Olivella.

Plans to build the road are rapidly moving into gear. The Inter-American

Development Bank (IDB) is financing a \$1.5 million environmental impact statement for the construction of the Pan-American Highway's last segment, according to official documents from the Ministries of Foreign Relations in Panama and Colombia. This financing is significant as the IDB generally funds environmental assessments only if it intends to support the actual project. However, according to an IDB representative, the study is not an environmental impact statement, but rather a general environmental diagnosis of the region. IDB representatives have insisted that they would not finance such an environmentally and culturally destructive project. Yet, according to one well-known Panamanian newspaper, the IDB has offered to loan funds of \$29 million to finance the project. The World Bank is also funding an environmental impact

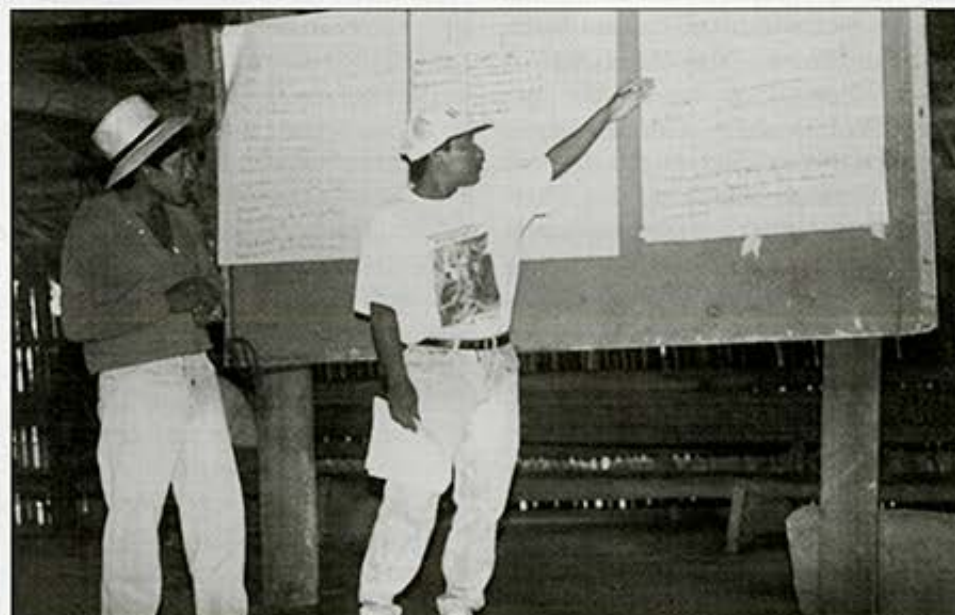


Photo: Alicia Korten

The Indigenous Panamerican Highway Commission holds meetings to organize communities throughout the Darien

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statement for the paving of the 100 mile road that already penetrates the Darien, stated Luis Castaneda, Director of Planning at the Ministry of Public Works in Panama. Panamanian officials state that these projects are part of a five-year nation-wide road-building program. Of the \$406 million budgeted for the program, the Inter-American Development Bank and the World Bank are providing \$220 million in loans. "No highway construction can take place in Panama in the next five years that does not follow IDB guidelines," stated one IDB official.

Opposition to extension of the highway is also gaining momentum. Diverse organizations ranging from the International Union for the Conservation of Nature to the Union of Panamanian Cattle Ranchers have written resolutions opposing the road's construction. These groups argue that the road would devastate the area's biological and cultural diversity and facilitate the spread of hoof-and-mouth disease into North America. Even in Colombia, the road's most aggressive supporter, the government-run Institute for Development and Natural Resources (INDARENA), recommended in December of 1994 halting the project due to its potential environmental impact. Archie Carr, an eminent biologist with the New York-based Wildlife Conservation Society, warned "the construction of a highway across the Darien Gap would constitute an ecological crisis... If Darien is a biological plug, a barrier to a biological upheaval that could affect both major continents in the region, then it achieves greater conservation significance than any other forest."

Indigenous peoples, whose homelands and cultural subsistence are at a stake, continue to be marginalized from all government discussions. "We have been fighting to gain a voice in the dialogue, but the government has blocked Indigenous participation," stated Edy Degaiza, the Embera-Wounaan General Congress's IPAHC delegate.

The government has responded to

pressure from the Indigenous organization with a few concessions. Government officials invited an Indigenous delegate to participate in the February 1994 meeting of the Good Neighbor Commission, a binational body negotiating all agreements between Panama and Colombia, but refused to finance the trip. "Without monies to cover expenses, we could not send our delegate," explained Cacique Leopoldo Baporiso, chief of the Embera-Wounaan in the Darien.

IPAHC delegates are now meeting

with Panamanian government officials and multilateral bank representatives to demand participation in all studies and development projects for their homelands. They are also reaching out to organizations nationally and internationally who have expressed concern regarding the highway plans. Leaders hope that through their continued efforts, and with the support of solidarity organizations, they will be able to influence the destiny of their peoples and the rainforests of the Darien Gap on which they depend.

Resolution of the Indigenous Embera, Wounaan and Kuna peoples of Panama at the second national meeting to discuss the construction of the Pan-American Highway on October 7-8 1994, in the Kuna community of Pindupe, Comarca Madungandi.

We Resolve:

- 1) To reject the construction of the Pan-American Highway, a railroad or any other project through our lands without our consent.
- 2) To demand the legalization and demarcation of the Madungandi, Ngobe-Bugle and Wargandi Comarcas and that collective land titles be provided to the Embera and Wounaan in order to protect the natural resources of our territories. We refuse to accept any project if these demands have not been met.
- 3) To broadcast nationally and internationally the existence of the Indigenous Pan-American Highway Commission...
- 4) To authorize the Commission, in consultation with the traditional authorities, to seek the funds necessary to achieve the Commission's objectives at a national and international level.
- 5) To demand that multilateral financial institutions and the national government give participation to the Commission in all plans to construct infrastructure through Indigenous territories and provide the Commission access to all the information necessary for our Congresses to decide whether the project is beneficial or not.
- 6) To reiterate our demand for participation within the Good Neighbor Commission composed of the governments of Panama and Colombia.
- 8) To solicit support for the Commission from Indigenous organizations outside of Panama, solidarity groups and non-governmental organizations.

Written in the Madungandi Comarca, Community of PINDUP on October 7, 1994.

*For more information: Edy Degaiza, Comision Indigena Carretera Pan-Americana, COONAPIP, Apartado Postal 872059, Zona 7, Panama, Tel: (507) 62 16 55
Fax: (507) 62 15 66. or Hector Huertas, Legal Advisor, Comision Indigena Carretera Pan-Americana, Centro de Asistencia Legal Popular (CEALP), Apartado Postal 6-5866, El Dorado, Panama. Tel (507) 64 65 29.*

International Opposition To Parana-Paraguay Hidrovia Mounts

Indigenous people from Brazil, Paraguay, and Bolivia joined environmental groups and social organizations from eight countries in questioning plans for an industrial waterway on the Paraguay and Parana Rivers which, according to technical experts, could drain the world's largest wetland expanse, the Pantanal of Mato Grosso, Brazil. The meeting, called "Hidrovia Parana-Paraguay: Impacts and Alternatives" was held at the Latin American Parliament in Sao Paulo, from December 8-10.

by Glenn Switkes

Organizations gathered in Sao Paulo warned that construction of the *Hidrovia* could eliminate the Pantanal's ability to hold water during the rainy season, cause disastrous flooding downstream, and threaten the survival of native peoples and other communities living along the river and its tributaries. Indigenous peoples are also concerned the project would harm populations of fish, birds, and wildlife, on which native communities depend for survival. They also foresee increased land conflicts resulting from speculative land buying, and a flow of migrants to the area in search of jobs.

Supporters of the project claim that opening the upper reaches of the Paraguay River to ocean-going vessels can serve as the "backbone" of South American economic integration within the new Southern Cone Common Market, Mercosur. Some have gone so far as to predict a series of waterways that will link the Paraguay with the Amazon and Orinoco.

Indigenous people taking part in the meeting sounded a warning based upon their experiences with other large-scale development projects. Vitor Aurape Bakairi cited impacts from Polonoroeste, a World Bank road building project, which he said "tore apart our communities. People lost their land and moved to the periphery of the cities. Many of our women became prostitutes. We don't want that to happen again."

Glenn Switkes coordinates the International Rivers Network's Hidrovia campaign.

Blas Federico Garcia, of the General Coordinating Body of the Pilcomayo Basin of Paraguay, said that the course of the Pilcomayo River was altered in a manner similar to that planned for the Paraguay. "We don't remember anymore how it was before, when the Pilcomayo was the source of our life. Rain doesn't come anymore. It's impossible to cultivate food. We had an enormous lake, Laguna Escalante Cuellar, where there was always fish." According to Federico Garcia, the river project closed off the river's tributaries, drying up the lake.

Valentin Muiba Guaji, the Secretary for Economy and Development of the Central of Indigenous Peoples of the Bolivian Oriente (CIDOB), expressed the native peoples' determination to be involved in the discussion and debate regarding the project. "Who are we? Are we like little animals within the forest? Most of our people live along the rivers. We thought development was participatory, equal. But, we see it is not. This development will serve the needs of how many?"

Marta Guarani, of the Kaguatoca Association, and Marcos Terena, of the Alliance of Indigenous Peoples of the Southern Cone, declared their intention to disseminate information on potential impacts of the *Hidrovia* to native communities. Other representatives included Terena, Guarani, Bororo, Kaingang, and Pareci people from Mato Grosso and Mato Grosso do Sul, Brazil; as well as Ailton Krenak from the Indigenous Research Center. Additional populations identified

as endangered by the *Hidrovia* project include the Ayureo, Chamacoco, Tobamaskoy, Angaité, Pai Tavytera, and the Guato, a population near extinction which lives within the limits of the Pantanal.

Three Indigenous delegates were chosen to participate in the coordinating body which will advance proposals for a broad campaign to raise awareness and development action plans regarding the Parana-Paraguay *Hidrovia*.

According to participants at the *Hidrovia* seminar, "Environmental impact studies must include the participation of all sectors of society...[the Banks] must consult with the public in a way which is open and truly participatory." The Inter-American Development Bank and United Nations Development Programme are coordinating economic and engineering feasibility studies, and an environmental impact assessment (EIA) for the *Hidrovia* project.

Conference delegates also pointed out that the Paraguayan government has already indicated it will request bids from engineering companies to explode rock outcroppings at the base of the Pantanal, which could have irreversible environmental impacts. NGO delegates at the Sao Paulo meeting warned: "If work begins on parts of the project before the Environmental Impact Assessment is completed...the EIA will have no value."

For more information: International Rivers Network, 1847 Berkeley Way, Berkeley CA 94703. A report "Considering the Hidrovia" is available for \$12.



Indigenous leader Marta Vitor Guarani (right) addresses the meeting on *Hidrovia*

photo: Maria Helena Brancher

We Are Involved in a Joint Struggle

Interview With Carmen Irnamberna

Hundreds of Indigenous representatives gathered in Geneva in June of 1994 to discuss and comment on the Draft Declaration of Indigenous Rights being prepared by the UN Working Group on Indigenous Peoples. There, we interviewed Carmen Irnamberna, President of the Federation of Indigenous People and Campesinos of Imbabura (FICI), one of the largest highland Indian organizations in Ecuador, on the draft declaration and her experiences as a woman leader.

Are you satisfied with what has occurred here at the UN or do you think that the aspirations of Indigenous Peoples are not being heard?

Well, I cannot exactly say satisfied. But it seems to me that the initiatives proposed here are important so that with time the governments increasingly open up the barriers to the recognition that we Indigenous peoples have rights.

This space here in the UN Working Group is important for outlining a program which the Indigenous Peoples can then use. But I believe that nothing will change through this alone.

Our only guarantee is the force of our peoples. Regardless of how many laws are approved, if our communities don't struggle, there are no guarantees. Clearly the law will be a legal instrument, but its use depends solely on our strength. A slew of laws protecting our human rights already exist, but when and where have they truly been applied? When have we been protected under them? Rarely, if ever, are laws on paper complied with. More often the interests of those in power rule. So, regardless of how marvelous our program here in the Working Group is, it will never bear fruit unless we guarantee it.

How do you feel about the draft declaration, where does FICI stand in this regard?

Some people believe that, because a universal declaration of human rights already exists, that this adequately covers all of humanity. But actually, Indigenous People are not taken adequately into account under existing laws. I believe that Indigenous People need to be addressed specifically, because we are different. We have our own forms of organi-

zation, our own politics, our own forms of economic development.

There are differences between Indigenous People on the best way to express our rights. Some argue for "free-determination," others for "autonomy." Autonomy implies the expansion, the development [of rights], under already established norms and structures. With free-determination, we are petitioning the direct recognition of our rights—that governments recognize us for who we are. These differences merely indicate that the different peoples we represent confront different problems, have different struggles, and different experiences. And so for some, the declaration of autonomy is sufficient. But for those who are truly in struggle for free determination, autonomy is not sufficient. Where there is much discrimination, it will not protect us. We [of Ecuador] are arguing for free-determination, not simply autonomy. My position has always been that if we are not recognized in this manner then we cannot say that this is our law—that of the Indigenous Peoples. Rather, it is a UN law declared in the presence of Indigenous Peoples.

To conclude, could you say something about your position. You are the only female president of an Indigenous federation in Ecuador. What enabled that and what challenges do you face?

This is what everyone asks me, and I really don't have a clear response. Since the inception of FICI, for the twenty years that it has existed, there has never been a woman as president. There has been female participation and leadership, but this has always been in the role of Secretary of Women—not the presidency, not even as head of one of the other departments. So, this time there was a miracle.

How have the men in the organization responded to you, do you feel that they doubt your capacity?

Well, that depends on how you proceed in the work. Some may have doubts, but in general, I have the total support of my colleagues. If they don't support me, I say that they are not obeying the desires of the province. For I was not elected by just one community but by the provincial congress.

To date, I have not had any problems, but rather the support and respect of all the members.

What about women's organizing within the FICI? Are there groups that work specifically on women's issues?

Our form of struggle does not stop with specific objectives for women. I believe that this is something imposed by colonialism—that women are to fight for their rights separately, and that men then organize for the men. I don't agree with this. I believe that we are involved in a joint struggle where men, women, and children participate.

But we can have specific activities as women within this struggle and there can be specific problems between the genders, after all, *machismo* still exists. But what we, as women, are trying to promote is that everyone is respected as an equal. And that everyone understands that women are capable of assuming any responsibility.

We, as Indigenous people and as women need to have direct relations between our peoples where limitations are not imposed, where our spaces are not limited. As women, we need to understand that we are capable of taking any responsibility—that we can move forward.

Throughout the world, we heard about the Indigenous uprising last June that threw much of the country into turmoil until the Ecuadorian government agreed to negotiate with Indigenous organizations. What caused the uprising?

The central issue was the new agrarian law. Over the past few years, the National Agrarian Coordinating Body organized by CONAIE held assemblies and workshops in communities to debate agrarian reform. This popular analysis culminated in the "Law for Integrated Agriculture", which we presented to the National Congress a year ago. Yet, this proposal was never discussed by congress. In May of this year, the executive branch submitted its own agrarian law. Following our vigorous protest, congress rejected this law, but then turned around and approved a virtually identical bill of the dominant conservative party—the Social Democrats.

The national "Mobilization for Life" erupted from the political and unconstitutional manipulation of this law that directly affects the lives of Indigenous people and small farmers in Ecuador. The mobilization began on June 13 and lasted more than eight days. It resulted in many deaths, three disappearances, and 540 injured.

Who was responsible for this violence?

Throughout the Mobilization for Life, the government never accepted our proposal for open dialogue. Instead, President Durán's solution was to declare a State of Emergency. In this way, he began to militarize target communities. When the military and police were authorized to intervene, the killing began. The deaths and injuries were the product of the government's state of emergency.

So, what's the current situation with the agrarian law?

Well, the law was approved. But finally, after so many deaths, the Tribunal of Constitutional Guarantees declared the law unconstitutional. At the same time, however, the President and the Social Democrats appealed the decision to the

Supreme Court. Thus the law was still in force despite the fact that a high-level institution of the same state declared it to be unconstitutional. We, of the Agrarian Coordinating Body, have appealed to the Supreme Court that it too declare the law unconstitutional.

At the same time, a commission was established to reform the law. The commission comprised representatives of the: Catholic church, Indigenous organizations, agribusiness and ranching, the national congress, the Social Democrat Party, Ministry of Agriculture, and the President of the Republic himself. Decisions of the commission are simply recommendations, however, and must still be approved by congress where the conservative Social Democrats are the majority.

Is the government showing good will in relation to Indigenous demands now?

If there were good will, the government would have acted before all the violence. We don't believe there is good will. Rather, the commission was constituted because of the Indigenous movement's demands and the intervention of international organizations. That is why we have dialogue. Still, this is not a dialogue where decisive resolutions can be made. Rather, it is a dialogue similar to that occurring here in the Working Group.

Photo by: Melina Selverston



Carmen Inramberna's organization FICI represents thousands of Indigenous people in the Ecuadorian highlands, like these women from Otavalo province.

Chiapas Update: Mexican Government Launches, Then Halts, Sudden Offensive

On February 9, Mexican President Ernesto Zedillo broke the cease-fire in Chiapas, ordering a surprise invasion of Zapatista-held territory in what he termed a "police action" to arrest the EZLN leadership. Nonetheless, Indigenous, non-governmental and human rights organizations throughout Chiapas, as well as members of the national mediation commission (CONAI) headed by Bishop Samuel Ruiz, were also targeted by the government offensive. Thousands of government troops occupied communities and set up roadblocks throughout the state, sealing off the media, human rights workers, and the general population from the zones of conflict. No major conflicts between the two armies have been reported, though one Mexican officer was killed by sniper fire.

When announcing the offensive, Zedillo attempted to discredit the EZLN by linking leaders to terrorist acts in the late 1960s, and disclosed the leaders' alleged identities. Subcomandante Marcos was identified as Rafael Sebastián Guillén Vicente, a professor of communications from Tabasco state. Marcos escaped capture when the army swept into the Zapatista capital of San Pedro de Michoacán. Residents of this and other communities in Zapatista territory fled their houses before the army's arrival.

Generalized Repression

In launching the offensive, the Mexican government declared its intention to arrest a list of over 2,000 individuals participating in the state's social movements. The offices of CONPAZ, the largest human rights organization in Chiapas, were looted by the military on Feb. 10. The General Council of Pluriethnic Autonomous Areas, the

recently formed organization representing the Indigenous zones of Chiapas, warned in a press release on Feb. 11, "We are sure that all of us are on that list and can expect to be arrested soon." On Feb. 13, the General Council described the government's offensive as a "genocidal war," reporting that five people had been killed in the community of La Estrella, and that many had been detained and tortured by the army in three Indigenous regions and in the community of Ocosingo.

Offensive Halted

In a sudden change of strategy, Zedillo halted the military offensive on Feb. 14, and asked the national congress to approve a law granting amnesty to members of the EZLN who surrender their weapons. On the same day, the ruling party's governor of Chiapas, Eduardo Robledo Rincon resigned from office in what he called an act of peace. Both the opposition Party of the Democratic Revolution (PRD) and the EZLN had demanded Robledo's resignation following fraudulent elections last December. During Robledo's inauguration, PRD gubernatorial candidate Amado Avendaño formed a parallel government supported by many Indigenous organizations and the EZLN. Avendaño responded to Robledo's resignation by asking PRD militants to surrender the government buildings which they have occupied in the region.

Indigenous Organizing: "You are not alone"

Over 1,000 Indigenous representatives from throughout the country met in Guerrero state from Dec. 16-18 to form the National Indigenous Convention (CNI). The CNI declared, "We take as our own the 13 positions of

the EZLN and understand the reasons for their decision to take up arms as the only method to be heard. From the heart of the mountain in Guerrero we declare, 'You are not alone'."

The Indigenous organizations who formed the Council of Indigenous and Campesino Organizations of Chiapas (CEOIC) in February of 1994, have divided the state's predominantly Indigenous regions into autonomous territories, now represented by an elected General Council of Pluriethnic Autonomous Areas. On Feb. 11, the Council announced it would organize a march from Chiapas to Mexico City to "mobilize a thousand Indigenous people from the autonomous regions," and to bring attention to the Chiapas conflict. The Council also stated its intention to continue organizing for victory in the coming municipal and congressional elections in Chiapas.

Although the cease-fire has been temporarily re-established in Chiapas, the state remains extremely tense. Indigenous organizations report that the so-called "white guards," paramilitary forces employed by large landowners, have acted with increasing violence and aggression throughout the state. The General Council of Pluriethnic Autonomous Areas made the following call for help in their last press release:

Under these conditions, we are calling out to the rest of the world to turn their eyes toward Chiapas. We are in need of distribution of information to national and international spheres; international observers; letters to the Mexican government; financial assistance; international organizing and protests, particularly in front of Mexican embassies and consulates; and caravans. We are also asking for support in the legal recognition of the autonomous regions. Our intention is to strengthen the solidarity between all oppressed people, in the midst of a crucial moment in the struggle for the liberation of the Indigenous people of Chiapas.

Brazil: Crimes Against Indians Go Unpunished

The killings and massacres of Indigenous people in Brazil, which continue with impunity, confirm that it is not enough to replace judges, or make the democratic system more transparent—both of which are necessary changes. Rather, the problem lies in the nature of the Brazilian state, which is controlled by and for the rich. The acquittal of ex-president Fernando Collor by the Supreme Federal Tribunal—in addition to causing indignation throughout the country—has shown that Brazilian justice is a justice based on class.

Cases such as that of Manuel Lucendo da Silva show how Brazil's justice system works. Manuel Lucindo, a contractor for rubber tapping, commanded the 1963 massacre of Oro-win Indians in the Southern region of Rondonia. He was finally convicted, over thirty years later, in May of 1994. He was sentenced to 15 years in jail, but remained at liberty until his appeal could be heard. He died before this ever took place. Ironically, this was the first conviction ever in Brazilian history for the crime of genocide.

The Tikuna Massacre

The "Massacre of Igarape Capacete" is another example of how Brazilian justice works when the victims are Indians or common people. Seven years ago, fourteen Tikuna Indians were murdered in the community of San Leopoldo in the state of Amazonas. Their massacre was organized by a logger named Castelo Branco who at the time was living illegally on their lands. Branco continues to live in liberty less than 15 miles from the Tikuna community in the city of San Antonio do Ica. His twelve alleged accomplices also remain free due to a writ of *Habeas Corpus*. The trial for

this crime has been postponed repeatedly due to interminable confusion over which branch of justice has jurisdiction. Finally a trial date was set for Dec. 12, but was postponed once again just one week before that date.

Assassination of Guaraní Leader Marcial de Souza Tupa-i

One of Brazil's best-known Indian leaders, the Guaraní activist Marcial de Souza Tupa-i was murdered in 1982. Libero Monteiro, a powerful landowner and leader of the rightist URD party is widely known to have ordered the assassination. At his trial in Mato Grosso do Sul, in March of 1993, over 300 civil, federal and military police were required to protect the proceedings. Throughout the trial, Monteiro displayed an arrogance suggesting that he knew he would be acquitted. Maucir Pauletti, legal advisor to CIMI (the Indianist Missionary Council), "the trial was full of irregularities and negligence. It was a festival of disappearances of evidence essential for convicting the guilty." Monteiro was, in fact, acquitted.

Xukuru-Kariri Chief Murdered

At dusk on Nov. 14, 1994, Luzanel Ricardo da Silva, the Chief of the Xukuru-Kariri community at Fazenda Canto was brutally murdered by a group of armed men who had entered the Indian Area. According to witnesses, after shooting the chief through the neck, the murderers subjected him to three further shots and various kicks and blows. Two other Indians were also wounded in the incident. The incident occurred less than an hour after a disagreement had taken place between the members of the Indian community and former chief Manoel Celestino.

Celestino (who had been removed from office owing to his ties with local landlords) was taking photographs of houses and people in the area on behalf of a landlord who claims to own the land. Immediately after this event, a taxi arrived coming from the direction of Palmeras dos Indios. It was driven by Luiz Ferreira da Silva and the passenger Luis Quijeiro shot from inside the car at the chief and those who tried to help him. For another half hour, they continued to shoot and insult the community in an attempt to start a larger confrontation. The accused men admitted committing the murder on Nov. 17, but claimed to be acting in self-defense.

The murder stems from attempts by the Xukuru-Kariri to recover their lands. In August, Luzanel Ricardo had participated in the occupation of two farms located within the traditional territory of the Xukuru-Kariri. Local farmers have been spreading a campaign to defame the victims. The atmosphere in Palmeira dos Indios is one very tense, and in view of the threats made against the Indian leaders, the surviving witnesses of this crime are in danger. Government officials have refused to provide protection either for the community as a whole or of the witnesses.

Please write letters demanding protection for Indian communities being threatened, and an immediate and fair investigation of these crimes to:

*Attorney General of the Republic:
Dr. Aristides Junqueira Alvarenga,
Ministério Público Federal, SGAS Q 603,
Lote 23, 70200-901 Brasília DF.
Fax: 0055 61 313-5197*

*Information from Portantín and CIMI
(Indianist Missionary Council).*



Mexico: Sierra Madre Appeal

The Consejo Asesor Sierra Madre (CASMAC) and Indigenous communities throughout the Chihuahua Mountains have requested urgent international support to their demands for peace and justice in multiple assassinations and other brutal abuses of Indigenous Tarahumara, Tepehuan, and environmental leaders in northern Mexico's Sierra Madre mountain range.

In a letter to Mexican President Ernesto Zedillo, CASMAC describes increased violence against Indigenous leaders and environmentalists in the Sierra Madre of Chihuahua. Drug traffickers working with local *caciques* (political bosses) are reportedly responsible for many assassinations, beatings and other acts of violence. State authorities have reportedly refused to investigate the majority of these cases and federal investigations have been hindered by diversion of resources to other priorities and by corruption in the judicial system. According to the federal attorney general, one of the most violent *caciques*, Artemio Fontes, was granted

an indefinite "amparo" (or immunity from prosecution) in September by Federal Justice Avelina Morales Guzman of the third district, Chihuahua, despite sixty-three outstanding federal and state indictments. Documents obtained from the attorney general's office and former National Indigenista Institute employees indicate that no less than thirty seven people have been killed by Fontes' associates over the past three years.

For more information, contact: Randall Gingrich, Forest Guardians, Sierra Madre Program Director Tel/FAX: (602)-326-2511, email: sol3az@igc.apc.org.

Nicaragua: Recontras Massacre Miskitus

At least 20 Miskitu Indians were killed in Nov. when 100 recontras attacked the villages of Nueva Esperanza and Kantawas in the area of San Andres de Bocay. The recontras may be part of a group that broke away from the Frente Norte 3-80, the last contra group to disarm.

Army Capt. Milton Sandoval said the recontras were most likely looking for boots or food. Sandoval said several hundred army troops had been deployed, but could not reach the area because of lack of roads and heavy rains.

From: Weekly News Update on the Americas.

Colombia: Indigenous Leader Disappeared

Armed men abducted Indigenous leader Gerardo Estrada from his home in the Tuquerres municipality Narino department on Dec. 5. His whereabouts are not known and there is serious concern for his safety, especially as Indigenous leaders abducted under similar circumstances have often been killed.

At one a.m. on Dec. 5, a group of masked, armed men forced their way into Gerardo Estrada's house and forcibly abducted him. Despite all attempts to locate him, his whereabouts remain unknown. His "disappearance" has been denounced to the National Human Rights Ombudsman's office and to the Interior Minister, and a writ of *habeas corpus* was presented on his behalf.

Gerardo Estrada is a member of the governing committee of the Indigenous Authorities of Colombia movement, and had recently been elected to the department's municipal assembly. In common with other Indian communities, the Indians in the Pasto region are working to recover their traditional lands. In the process, they have come into conflict with local landowners who, with the cooperation of military and paramilitary forces, have committed human rights violations against them. In May, the body of regional Indigenous leader, Laureano Inampue was found two days after his abduction by men who stated that they were sent by the local military commander.

Please send letters or faxes expressing concern for the safety of Indigenous leader Gerardo Estrada and urging that all possible measures be taken to protect the lives of Indigenous leaders in the context of recent killings, to:

Senor Presidente Ernesto Samper Pizano, Presidente de la Republica, Palacio de Nariño, Santa Fe de Bogota, Colombia. Fax: 011 57 1 286 7434/287 7939.

With copies to: Ambassador Gabriel Silva, Embassy of Colombia, 2118 Leroy Pl. NW, Washington, DC 20008, and: CINEP, AA 25916, Bogota, Colombia.

From the Urgent Action Program Office.

Coalition in Support of Indigenous Peoples and Their Environment Founded

The Coalition in Support of Amazonian Peoples and Their Environment opened an office in Washington DC in Nov. 1994 to improve communication and coordination among US-based NGOs working with Amazonian peoples. The Coalition was born from an alliance between Indigenous peoples of the Amazon and groups and individuals concerned with the future of the Amazon and its peoples. Coalition Members support Indigenous territorial rights and sustainable development alternatives, and share the belief that people are an integral part of the ecosystem.

The Coalition will hold an annual Forum for NGOs to meet, receive guidance from Indigenous leaders of the Amazon, discuss current issues, and develop political action strategies. Topics at next year's forum (May 10-12 1995 in Washington, DC) will include: Free trade and Development, Intellectual Property Rights, the Timber Industry. At present the Coalition has three working groups: U.S. Policy and Human Rights, Defense of Territories, and Financial Resources. It is helping to coordinate a number of campaigns such as the Ecuador oil campaign. In an effort to promote communications among interested organizations, the Coalition distributes a monthly *Amazon Update* with news from Coalition members.

*For more information, please contact:
Coalition Coordinator Melina Selverston,
1511 K St. NW Suite 1044, Washington, DC
20005. Tel:(202) 637-9718, fax:(202)637-
9719, email: amazoncoal@igc.apc.org.*

Self-determination Seminar in Mexico

The Second Seminar on Self-determination in Mexico held on Jan. 20-21 was organized by the Colegio de Mexico under the direction of Rudolfo Stavenhagen and hosted by Oaxacan

Indigenous organizations. Participants discussed the struggle for autonomy and self-determination, how to create mechanisms to assure respect for Indigenous rights, and how to strengthen access to government decision-making on Indigenous rights. The intent of the conference was to develop clear definitions of autonomy and self-determination.

American Indian Satellite Network Makes History

For the first time, Native-owned and public radio stations across the country have access to regular programming for and about Native Americans, thanks to the new AIROS (American Indian Radio on Satellite) network. Since Oct. 31, this history-making service has offered a daily one-hour feed of dramas, documentaries, literature, self-help programs and heritage pieces, all related to Native Americans.

The AIROS network, initially funded by the Corporation for Public Broadcasting, is developing and establishing what will eventually be a 24-hour distribution system of radio programming by, for and about Native Americans. The AIROS feed includes a storytelling series, interviews with various Native American personalities, historical specials and a multi-part series on breaking the cycle of child abuse, as well as a variety of other specials and series. *Native America Calling* will premiere at the end of February as a daily, hour-long, live call-in talk show focusing on current issues and topics affecting Native Americans.

AIROS links most of the 25 tribal stations located in Native communities in 10 states, many on reservations where radio is the sole telecommunications service. AIROS directors see the network as a first-step toward an ambitious goal: building and linking stations on the 250 Indian reservations in the United States. "Our greatest challenge is in obtaining Native content programs, particularly from the Native stations,

most of whom operate on inadequate funds," says Susan Braine, AIROS Manager. "We're working closely with the tribal stations to determine programming needs and to address those needs through the radio programs that AIROS is able to acquire. Our goal is to encourage and facilitate their own production of these programs. This is their network. It will be as successful and relevant as they, the stations, collectively make it," Braine said.

AIROS also has plans to acquire portable uplinks in order to broadcast conferences, powwows, and other cultural events from reservations. This would allow tribes to share limited resources while learning from each other. For more information on the AIROS schedule, contact your local public or Native-owned radio station. Stations interested in becoming affiliated with AIROS should contact Susan Braine at 402-472-0484.

Internet for Native Peoples Conference

Indigenous activists from throughout California gathered at U.C. Berkeley on Nov. 19 to learn new techniques and discuss the opportunities for networking and alliance building on the information highway. Marc Becker led a workshop using the *Mosaic* program to explore the Internet. This prompted both ideas and concerns about using the Internet as a tool for furthering the causes of Indigenous peoples world wide. Discussion that followed pointed to the demand for a larger and more in-depth conference in the future. Many who attended questioned the use of this technology for people living on reservations and other third-world conditions who might not have access to telephone lines or even electricity.

If you have access to a computer and modem, you might be interested in the following lists related to Indigenous issues: Indigenous Knowledge, Native Net — listserv@cornell.edu, Chicla, Mujer L -list-proc@lmrnet.gsc.ucsb.edu, Raza Net.

Expanding Indigenous Journalism in Central America

Indigenous leaders met in El Salvador from Nov. 11-13 for the second Central American planning meeting for the International Indigenous Decade. According to the IPS news service, representatives focused on plans to boost Indian news media in the region. Nicaraguan Indigenous leader Mirna Cunningham pointed to a pilot project being carried out in Nicaragua with radio and the press which could be beneficial for the development of Indigenous media in Central America. She informed IPS that the training of Indigenous journalists and professionals "is already happening in the region, although at modest levels," and added that the upgrading of existing programs is being sought.

Adrian Esquino Lisco, head of the National Indigenous Association, stated that they were thinking of starting an Indigenous radio station, although they lacked information on the current situation. Rigoberta Menchu, who was also present at the meeting, pledged the support of the Vicente Menchu Foundation in undertaking a study of the actual situation and needs of Indigenous communities in Guatemala, Honduras, Nicaragua and the southern Mexican state of Chiapas.

Zuni Conservation Project Pushes Sustainable Development

The Zuni Tribe located in west-central New Mexico formed the Zuni Conservation Project in 1991 to serve as their department of natural resources. The Zuni community has approximately 9,000 people. In 1990, passage of the the Zuni Conservation Act enabled launching of the project. The Act was passed to end many years of litigation against the US Government for damage to Zuni lands and from mismanagement

of trust responsibilities. It established a \$17 million trust fund to set up a system of land management to rehabilitate and conserve Zuni's land and natural resources. Also included in the Act are provisions to provide training of Zunis to fill professional positions, the building of geographic information systems, and elaboration of a resource development plan.

Intellectual Property Rights is one of the project's principal concerns. Zuni are in the process of defining for themselves what Zuni intellectual property is and what type of "protection" they would like to see for this property. Traditional seeds, for example, need to be protected, but cannot be used—even by Zunis—for commercial purposes. Sacred sites, religious artifacts, traditional art styles, language, religious ceremonies, songs, and medicinal plants are other types of "property" considered for protection.

A related yet separate issue is that of cultural preservation. Many of Zuni's traditions have endured the past 500 years. Zuni continue to practice religious and cultural traditions that originated thousands of years ago. The past 50 years, however, have brought about rapid changes in demographics and lifestyle. The Conservation project holds that much of the damage to Zuni lands resulted from the breaking of traditional forms of land management, and knows that traditional methods are much more sustainable, and strives to incorporate and rejuvenate the use of traditional technologies and practices into natural resource use planning.

By the end of 1993, the Zuni Conservation Project completed a plan of action for sustainable development—the Zuni Resource Development Plan. This plan follows the format of the UN's Agenda 21 document, in setting guidelines, goals, and action objectives for

Zuni on issues concerning natural resources. Significantly, the plan uses Zuni religious and cultural values as the basis for decision-making.

This approach to development has already brought a great deal of success to the project and to Zuni. The project now employs 60 people, 59 of which are Zuni. Implementation of the plan is in its first year and watershed rehabilitation has already begun. Traditional agriculture is making a comeback and traditional technology for erosion control is being incorporated into the rehabilitation work. Indigenous communities internationally have shown interest in the project's approach to community-based development.

Tribal Sovereignty: Back to the Future?

This symposium on the rights and status of Indigenous people was sponsored by the St. Thomas University, its Human Rights Institute, its law school, and the Oklahoma City University Native American Legal Resource Center. It took place in Miami, Florida on Dec. 1 and 2. The conference, addressed issues of Indian culture and spirituality as well as claims of tribal sovereignty and critical issues of federal Indian law, and was designed to create a launching pad for ongoing research and analysis.

The conference featured a broad array of subject matter and expert speakers from Brazil to Alaska. Papers from the conference and highlights of the discussions will be published in a special Spring 1995 issue of the *St. Thomas Law Review*.

For more information:

Professor Siegfried Wiessner, Chair, Steering Committee Tribal Sovereignty Symposium, St. Thomas University School of Law, 16400 N.W. 32nd Ave. Miami, Florida 33054, Tel: (305) 623-2305, Fax: (305) 623-2390



Biodiversity, Community Integrity and the Second Colonialist Wave

(Continued from pg.12)

might be desirable, but the prime desire for Indigenous peoples was an IPR regime that supports their right to say "NO" to privatization and commercialization.

Indigenous delegates meeting in Rio de Janeiro released the *Kari-Oca Declaration and Indigenous Peoples' Earth Charter*. Clause 95 states that "Indigenous wisdom must be recognized and encouraged," but warns in Clause 99 that "Usurping of traditional medicines and knowledge from Indigenous peoples should be considered a crime against peoples." Clause 102 of the *Kari-Oca Declaration* is explicit about indigenous peoples' concern on IPR issues:

As creators & carriers of civilizations which have given & continue to share knowledge, experience & values with humanity, we require that our right to intellectual & cultural properties be guaranteed & that the mechanism for each implementation be in favor of our peoples & studied in depth & implemented. This respect must include the right over genetic resources, gene banks, biotechnology & knowledge of biodiversity programs.

Since the Earth Summit, dozens of conferences, seminars and workshops have been held by Indigenous peoples

to discuss the evolving IPR debate. During the 1993 UN Year for the World's Indigenous Peoples, intellectual and cultural property rights were on the agenda of nearly every major Indigenous encounter.

One of the most lacking areas of IPR research is that of non-western IPR regimes. Up to now, the debate has centered around UN and Western concepts of intellectual and genetic property. But what about the property regimes of Indigenous peoples themselves? A synthesis and analysis of non-Western systems would be very helpful in finding creative solutions to IPR protection.

Conclusion

It is fundamental that IPR/TRR should not be used simply to reduce traditional knowledge into Western legal and conceptual frameworks: Indigenous legal systems and concepts of property rights should guide the debate. The role of scientists, scholars and lawyers should be to provide information and ideas; it will be Indigenous and traditional peoples themselves who will, in many different ways, define Traditional Resource Rights through practice and experimentation.

Guatemala Peace Talks

(Continued from pg.26)

ator to work with both parties.

On January 4, 1995, *Siglo Veintiuno* reported that President Ramiro de Leon plans to sign a peace agreement on February 24. The more direct intervention of the UN Secretary General appears to be producing results, but it remains to be seen.

It is interesting to note that neither the Government nor the URNG has clearly presented its respective position to the Maya community or to the Guatemalan populace. Each of the two seem to have used the Maya community as a pretext to drag out the process toward a peace that didn't suit either one. In times of peace, you cannot justify the existence of a repressive military, nor of a radical guerrilla movement. That is why we must continue to reassert the final words of Secretary General Ghali: "The participants in the Guatemalan peace process must renew their commitment to a dynamic negotiation that provides clear direction towards a quick and just resolution to the conflict." Along with Mr. Ghali, the Maya, the principal—and numerous—victims of this conflict, request "a just resolution" for themselves, for their children and for Guatemala.

Calendar of Events

Feb. 6-12

World Conference on Social Security

The International Working Group on Indigenous Affairs will sponsor this conference in Copenhagen, Denmark. Many Indigenous organizations will be represented there.

Contact: IWGIA Secretariate, Fiolstrade 10. DK-1171 Copenhagen, Denmark. Tel: (45) 33 124724 Fax: (45) 33 147749

Feb. 18-19

Seminar on the Human Genome Diversity Project

The En'owkin Center in British Colombia, Canada is organizing this event, which will be hosted by Tonatierra in Phoenix, AZ.

Contact: Jeannette Armstrong or Debra Harry Tel: (604) 4937181 Fax: (604) 4935302 or Tonatierra: (602) 254530 Fax: (602) 2526094

Feb. 22 to March 2

Seminar: "503 Years of Denied Rights"

This seminar is being organized by the Center for Documentation of Ethnic Groups in Firenze, Italy.

Contact: Villa Fabricotti, Via Vittorio Emanuele 64, Firenze 50134, Italy. Tel/Fax: 55 488600.

Feb 24-27

Asian Regional Consultation on the Conservation and Protection of Indigenous Knowledge

This meeting will be held in Sabah, Malaysia under the sponsorship of the UN Development Program.

Feb 24-26

Second Conference of Indigenous Peoples of Mexico

Indigenous organizations participating in the National Democratic Convention will meet in Juchitan, Oaxaca. Expecting 400

Indigenous delegates from all over Mexico. It will be hosted by the Coalicion Obrera, Campesina, Estudiantil del Istmo COCEI

Leopolod Givies s/n

Juchitan, Oaxaca
Mexico

April

Human Genome Diversity Project

This meeting is being organized by UNESCO and will take place in Paris.

April 26-28

Strength in Diversity-1995 Global Cultural Diversity Conference

This conference is sponsored by the Australian government, and will be held in Sydney, Australia.

March 23-27

Western Shoshone Defense Project Spring Gathering

Supporters of the Western Shoshone struggle for sovereignty are invited to the Dann Ranch in Crescent Valley, Nevada for this annual gathering.

Tel: (702) 468-0230 Fax: (702) 468-0237

May 26-29

Medicinal Plants: A Useful Link between Traditional and Modern Medicine

This conference will be held in Machu Pichu, Peru under the sponsorship of the National Institute for Traditional Medicine (INMETRA).

Contact: INMETRA Tel: 224544- 234402 Fax: 005114- 234544.





News from SAIIC...

As you have probably heard, SAIIC has moved to a new office space on the third floor of 1714 Franklin, also in downtown Oakland. We inaugurated the new office on Dec. 16. Among the many visitors were Mapuche representatives from the Consejo de Todas las Tierras in Chile. These representatives did several presentations in the area relating to NAFTA, where they expressed their opposition to the free trade agreement which will negatively affect the land and natural resources in their territory. They were enthusiastically received in the San Francisco Bay Area and are planning future tours of the US.

In October, we were honored to have a visit from the Quichua leader Luis Macas, President of CONAIE, the national Indigenous organization in Ecuador. He was attending a conference of Goldman Environmental Prize winners, and took this opportunity to make several presentations to large audiences at UC Berkeley.

Board member Guillermo Delgado debated Indigenous issues in the National Association of Anthropologists meeting that took place in Atlanta, GA. Board member Alejandro Argumedo participated in the Conference of the Parties to the Convention on Biological Diversity in the Bahamas in Nov. and Dec. and lobbied for provisions to protect Indigenous biocultural resources.

The Abya Yala Fund, a newly founded Indigenous foundation, is also taking off, and will be sharing SAIIC's expanded office space until it finds its own location.

Kimberly Rosa, Development and Administrative Coordinator for the last two and half years has left SAIIC to help start a community mediation program in San Luis Obispo county, where she moved in the middle of December. Kim will be in contact with SAIIC until her replacement is oriented to the work. Kim has been of tremendous value in building SAIIC's administrative and financial capacity, and we will miss her presence in the office. In other major staff changes, SAIIC is pleased to announce that **Leticia Valdez** has been hired for the position of administrative coordinator. **Constanza Castro** and **David Tecklin** who have managed journal production for the last year and a half will be turning the role of coordination over to **Reynaldo Vasquez**. **Alfonso Jaramillo** who designed *Abya Yala News'* current format and has produced last year's editions will also be leaving this work.

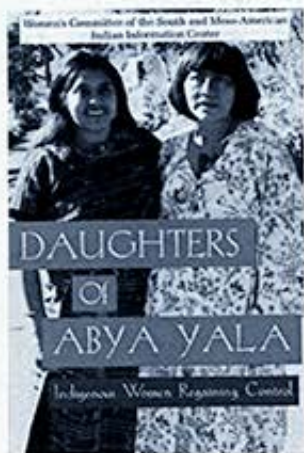
SAIIC continues to move forward with efforts to use computer networks to advance its work. **Marc Becker**, who continues as communications coordinator, has helped establish an electronic conference on PeaceNet called saic.indigo, and has facilitated board

members communication through email. As a reminder to SAIIC supporters who have an email account but are not on PeaceNet, you can receive copies of postings to this conference by sending a note which simply says, "subscribe saic-1" to majordomo@igc.apc.org. Either read saic.indio on PeaceNet or subscribe to saic-1 in order to receive urgent action alerts and other news from SAIIC.

If you have questions about how to access this information, please contact Marc at the SAIIC office. Email users can also retrieve an electronic copy of SAIIC's brochure which describes our work by sending a blank email note to saic-info@igc.apc.org. If you use gopher, you can find a copy of this brochure: ***. Finally, SAIIC has also established its presence on the Internet in the form of a World-Wide Web Home Page. Use your WWW browsers (such as Lynx, Netscape, or Mosaic) to access <http://igc.apc.org/saic/saic.html>.

SAIIC continues to seek to broaden the base of subscribers to *Abya Yala News*. Please help us by asking your friends to subscribe. In addition, we urge you to clip the Library Recommendation Form below and submit it to your local public or university library. This is a highly effective manner of spreading Indigenous perspectives more widely.

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. Forty-eight pages with beautiful black and white photographs. Printed on recycled paper. \$6 + \$1.50 shipping. An updated, bound edition is also available for \$8 + \$1.50 shipping.

Video: A Skirt Full of Butterflies

15 minutes. A love poem to the Isthmus Zapotec women of southern Oaxaca, Mexico, by filmmakers Ellen Osborne and Maureen Gosling. For every purchase made, a second copy will be sent to an Indigenous women's organization as a gift. \$19.95 + \$3 shipping.

Video: Columbus Didn't Discover Us

Native people's perspectives on the Columbus Quincentennial based on the footage of the 1990 Quito Conference. 24 minutes. A co-production of SAIIC, CONAIE, ONIC and Turning Tide Productions. Available in Spanish or English. \$19.95 + \$1.75 for shipping & handling.

Video: Rebuilding Our Communities

Indigenous leaders from Central and South America discuss the 500-years campaign, which began as an Indian response to the Quincentenary celebration and has developed as an ongoing dialogue among indigenous activists. Produced by SAIIC. \$18 + \$1.75 shipping.

Amazonia: Voices from the Rainforest

A resource and action guide with a comprehensive listing of international rainforest and Amazonian Indian organizations sponsored by SAIIC and the International Rivers Network, and published by Rainforest Action Network and Amazonia Film Project, 1990. Available in Spanish or English for \$4.50 + \$1.75 shipping.

1992 International Directory & Resource Guide

An annotated directory of over 600 international organizations that participated in 500 Years of Resistance projects. Includes declarations from Indigenous conferences and organizations and information on curriculum resources, speakers bureaus, computer networks, audio-visual resources and print resources. \$5 + \$1.75 shipping.

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