

# **INDIGENOUS PEOPLES**

*their forests, struggles and rights*



General Coordination: Ricardo Carrere  
WRM Bulletin Research and Editing: Raquel Núñez  
Translation: Sylvia Falcao - Elena De Munno  
Edited by: Hersilia Fonseca  
Cover design: Flavio Pazos

© World Rainforest Movement  
International Secretariat  
Maldonado 1858, Montevideo, Uruguay  
ph: +598 2 413 2989, fax: +598 2 410 0985  
e-mail: [wrm@wrm.org.uy](mailto:wrm@wrm.org.uy)  
web site: <http://www.wrm.org.uy>

European office  
1c Fosseway Business Centre, Stratford Road, Moreton-in-Marsh,  
GL56 9NQ, United Kingdom  
ph: +44.1608.652.893, fax: +44.1608.652.878  
e-mail: [info@fppwrm.gn.apc.org](mailto:info@fppwrm.gn.apc.org)

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World Rainforest Movement





## CONTENTS

**ABOUT THIS BOOK** .....

**INTRODUCTION** .....

**I) INDIGENOUS PEOPLES** .....



**GENERAL ARTICLES** .....

- Those who protect the forest .....
- Capturing Carbon: Dilemmas for Forest Peoples .....
- The need to listen to and learn from local communities .....
- Forest peoples: A ray of hope .....
- Stopping human rights abuses is key to solving forest crisis .....
- Indigenous Peoples: Guardians of the forests .....
- Wilderness Parks or Community conservation? .....
- Indigenous Peoples and climate negotiations .....
- Community View from UNFF: Interview with Freddy Molina, ACICAFOC .....

**AFRICA**

- Cameroon: Bagyeli struggling to be heard .....
- Kenya: Indigenous group faces October 1 Court date .....
- Rwanda: Dispossessed Twa people press for recognition .....
- Uganda: The Batwa organize to reassert their rights .....

**AMERICA**

- Guyana: Empowerment of indigenous peoples through participatory mapping .....
  - Peru: Camisea gas project undermines the rights of indigenous peoples .....
  - Suriname: Chinese logging companies and tribal rights .....
  - Venezuela: Mapping a way forward .....
- 
- 



## ASIA

- Indonesia: The struggle for self-governance
- Laos: The impact of the Nam Theun 2 dam on indigenous peoples .....
- Philippines: Indigenous peoples and the Convention on Biological Diversity .....
- Russia: Mapping Evenki lands in Central Siberia .....

## II) INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION

### INTRODUCTION

- The Indigenous peoples' right to live in voluntary isolation .....



### AFRICA

- Cameroon: Does isolation still protect forest communities? ....
- Congo: The Northern Mbendjele Yaka use avoidance to maintain autonomy .....

### AMERICA

- After the rubber boom .....
- Argentina: The silent genocide of the Mbya Guarani .....
- Brazil: Indigenous peoples in isolation and policies to defend and protect them .....
- Colombia: The Nukak, the last contacted nomadic people .....
- Ecuador: The Huaorani people of the Amazonia, self-isolation and forced contact .....
- Paraguay: The last Ayoreo in voluntary isolation .....
- Peru: Policy development for indigenous peoples in voluntary isolation .....

### ASIA

- India: Wave of poaching and exploitation hits isolated tribes...
  - Indonesia: The Baduy people of western Java, a living tradition .....
- 
- 



### **CASES OF IMPOSED CONTACTS**

- 'La Fumée du Metal': The health impacts of contact .....
- Central Africa: Land loss and cultural degradation for the Twa of the Great Lakes .....
- India: The sedentarisation of the Malapantaram in Kerala .....
- Papua New Guinea: First contact in a clash of world views ....

### **III) RELATED ARTICLES**

- The Mumbai – Porto Alegre Forest Initiative, 2005 .....
- Closing Statement of the International Indigenous Forum on Biodiversity .....
- Tiohtiá:ke Declaration
- The Vth World Parks Congress: Parks for people or parks for business? .....
- The GEF and Indigenous peoples: some findings of a recent critical study .....

### **REFERENCES .....**







## **ABOUT THIS BOOK**

This book gathers articles published in the monthly electronic bulletin of the World Rainforest Movement (WRM) regarding indigenous peoples and their struggles in defence of the forest. These peoples are the guardians of the forest and none are more interested than they in ensuring the conservation of the forests that have been their home, an integral part of their culture and the source of their livelihood. In the book, the major issues of indigenous peoples still living in voluntary isolation are highlighted as a way of contributing to the protection of their rights.

Most of these articles have been written in close collaboration with the Forest Peoples Programme, with indigenous peoples' organizations and other people and members of organizations defending indigenous peoples' rights. The level of detail and analysis in the articles varies considerably due to the nature of the bulletin.

Independently from the authorship of the articles, these reflect the hopes and struggle of the indigenous peoples themselves and the importance of external collaboration in the achievement of their objectives. We hope that this book will provide an input and a tool to enable more people and organizations concerned with forest conservation to understand the fundamental role the indigenous peoples play in this respect and thus increase their support in defence of these peoples' right to continue as guardians of the forest.

We have included in the References the numerous sources of information that the various articles were based on. Those interested in accessing them can also do so through our web page, entering through the "bulletin" area and looking up the year and month corresponding to the article in question.

The responsibility for this publication is shared between the editor of the bulletin, Ricardo Carrere (WRM international coordinator) and the many people and institutions that provided articles or relevant information for the preparation of the articles. Responsibility for any errors is entirely that of WRM.

## INTRODUCTION

Pak Nazarius looked old but determined in the flickering torch light. Hunkered down against the wall of the Dayak longhouse in the Upper Mahakam river of east Kalimantan in the heart of Borneo, he was explaining his ideas to a community workshop.

*“In my community our understanding is that we have rights to our land and the natural resources both above and below the land. Everything up to sky belongs to us. Several laws and policies have classified our forests as State forests and the minerals as property of the State. We don’t see it like that. I have hair on my arm, on my skin. Both are mine. I also own the flesh and bones beneath. They are also mine. No one has the right to take me apart. But the policy **has** cut these things apart and thus has cut us into pieces. We want the land back whole”.*

The community, whose lands had been taken over by a plantation company, was examining how they could regain control of the forests that they saw as rightfully theirs, but which the State had handed out to a trans-national corporation. The discussion is just one example of a worldwide movement of indigenous peoples seeking to reclaim their rights to their ancestral lands and jurisdictions.

Facilitated by international communications, networks and supportive NGOs, indigenous peoples in Central Siberia, the Amazon Basin, the Congo, British Columbia and the Pacific can now learn about each other’s gains and setbacks within hours or days. What started out as a plethora of local movements for justice by peoples dispossessed by colonialism, national development and corporate penetration, has now developed into a global movement for the recognition and restitution of collective rights.

Considering the continuing wave of expropriations and denial of rights associated with the inexorable spread of dams, mines, oil wells, logging, plantations, colonisation schemes and agribusiness into indigenous peoples’ lands and forests, it is easy to overlook how much progress indigenous peoples have made over the last forty years. Yet, in the 1960s it took several years before the world learned of the machine-gunning of Amazonian Indians by land grabbers acting in connivance with the inaptly named Indian Protection Service. The prevailing wisdom

of the time was still that these 'backwards' peoples were doomed to extinction, hangovers of a previous age that must inevitably give way to progress.

The international mobilization to counter this myth can be dated to the mid-1970s when indigenous peoples from North America came for the first time to United Nations to demand recognition of their right to self-determination. They were soon joined by Aboriginal peoples from Australia, Maori from New Zealand, Saami from Scandinavia and Indians from Central and South America. Today annual meetings on indigenous peoples at the United Nations bring together representatives of marginalised 'native' peoples from all over the world. Their presence is not only testimony to the spread of ideas but evidence of innumerable local and national mobilisations, as communities have organised, created new representative institutions, federated into regional bodies and joined into national and international umbrella groups.

This outstanding mobilisation of indigenous peoples has not only helped raise international awareness about their situation, it has also helped to curb local processes of expropriation of indigenous lands and destruction of forests and other valuable ecosystems. As political solidarity has grown and both the extent and underlying causes of dispossession have become clearer, national policies and laws have begun to change. In some countries commencing with cases in national courts, national laws and constitutions have been reformed. Since the 1980s, most Latin American countries have either overhauled their constitutions or passed new 'organic' (framing) laws to recognise the multiethnic and pluri-cultural nature of national societies and the rights of indigenous peoples to their lands territories and natural resources. Millions of hectares of indigenous lands and forests have been restored to indigenous control as a consequence, though the process is far from complete or uncontested.

In Asia too, the same process is underway. The Philippines constitution recognises indigenous rights, Nepal has recognised that the country is home to some sixty indigenous peoples and the new land law of Cambodia provides for indigenous land rights. The High Courts in Malaysia have recognised 'Aboriginal Title'. Legal reforms are underway in Indonesia that promise —but have yet to effectively secure— recognition of customary rights.

In Africa, the same process has got underway more recently. Hunter gatherer and pastoral groups, whose rights are so often disregarded by national laws and policies, and other peoples pushed aside by major development projects, have begun to take their concerns to the African Commission on Human and Peoples' Rights. The Commission has itself just established a Working Group on Indigenous Populations/Communities to ensure a fair consideration of their grievances on the continent.

### **Recognition of Rights**

The process in the newly invigorated African Union, follows the lead set over the past two decades at the United Nations' human rights commission. As appreciation of the circumstances of indigenous peoples has grown, the UN human rights committees have handed down a series of judgements and recommendations recognising the collective rights of indigenous peoples: to be considered subjects of international law as 'peoples'; to self-determination; to exercise their customary law; to recognition of their own representative institutions; to their lands and territories; to control activities proposed for their lands.

These gains have echoed, and been consolidated in, a series of international documents. In 1989, the International Labour Organisation issued a revised Convention on Indigenous and Tribal Peoples which articulated a policy based on participation and the maintenance of identity to replace its previous policy encouraging the integration of indigenous peoples into the national mainstream. In 1993, after ten years of intense study, the United Nations Working Group on Indigenous Populations completed a draft United Nations Declaration on the Rights of Indigenous Peoples. Shortly after, the Organisation of American States (OAS) began a parallel process reviewing a proposed Declaration on the Rights of the Indigenous Peoples of the Americas.

The UN and OAS draft declarations have yet to be approved and the ILO Convention has only been ratified by some 17 countries but the norms they consolidate have nonetheless been widely accepted and applied. The legal reasoning they embody has already found expression in human rights tribunals, including the InterAmerican Court

of Human Rights, which has ruled, for example, that the State of Nicaragua cannot hand out logging concessions on indigenous peoples' lands without recognising their land rights and securing their consent.

Norms established by these human rights standard-setting bodies have also begun to be accepted by international development agencies such as the World Bank and United Nations Development Programme. Special commissions established to examine specific sectors, like the World Commission on Dams and the World Bank's Extractive Industries Review have laid particular emphasis on the need to accept that no developments should be imposed on indigenous peoples' lands without their 'free, prior and informed consent' —a minimal expression of indigenous peoples' right to self-determination, to control affairs in their customary jurisdictions.

Environmentalists' campaigns and alliances with indigenous peoples have to some degree also succeeded in getting private sector umbrella bodies to accept 'best practice' standards that include respect for indigenous peoples' rights. The *Forest Stewardship Council's* Principles and Criteria, which set out standards for logging and plantations, recognises that companies must recognise indigenous peoples' rights to their lands, to prior, informed consent and to their sacred sites if they are to qualify for 'eco-labelling'. Similar standards have just been adopted by the *Roundtable on Sustainable Palm Oil* for the setting up of oil palm estates —a major cause of deforestation in South East Asia, in particular.

Recently too, indigenous peoples have made similar gains in their dealings with conservation organisations. The establishment of 'protected areas' like National Parks and Game Reserves, the classical response of conservationists to environmental destruction, has led to the takeover of huge expanses of indigenous peoples' lands, sometimes leading to their forced removal, collapse of their customary systems of land use, impoverishment, social conflicts and repression. Pressed by indigenous representatives at the recent World Parks Congress (Durban 2003) and World Conservation Congress (Bangkok 2004), conservationists agreed to a 'new paradigm' of protected areas that would respect indigenous rights in future parks and restore their rights in protected areas taken unfairly from them in the past. In principle,

these gains have also been endorsed by the States that are party to the Convention on Biological Diversity.

### **Practical challenges**

This year saw the end of the first, and the launch of the second, United Nations' *International Decade of Indigenous People*, the major goal of which had been acceptance of the UN Declaration on the Rights of Indigenous Peoples. This was frustrated, however, by a number of obstaculary governments, notable among which has been the United Kingdom which has argued with increasing vehemence but uncertain logic that there are no collective human rights, a view clearly at odds with the rulings of many UN tribunals and the constitutions and laws of many countries where indigenous peoples actually live. Indigenous peoples are now calling for the maintenance of the United Nations bodies considering indigenous rights. It is clear that, despite the gains, much yet needs to be done before discriminatory views, which deny indigenous peoples the same rights as those accorded all other peoples, are overcome.

The success of indigenous peoples' mobilisation and international advocacy has also brought challenges of a different kind to many communities. The emergence of a globally experienced cadre of indigenous spokespersons, organised into coalitions, alliances, national organisations and networks, has strained communications and even mutual comprehension between them and the communities they come from. Horizontal information sharing among indigenous leaders, often from different countries and regions, has not been matched by vertical sharing between leaders and the 'grassroots'. The challenge today is to re-knit etiolated indigenous structures of representation back down to those who still make their livelihoods on the land, in whose name the struggle is being fought. Yet the problem should not be exaggerated, the same tensions in political representation are being experienced by all human societies during this era of globalisation.

Getting the gains made at the international level—in terms of recognition of rights—turned into practice at the local level is not just a matter of communication and improved representation. International judgements maybe more progressive, national constitutions, laws and policies may have been changed, 'best practices' may have been agreed by industry, but at the local level the vested interests that profit

from the denial of indigenous rights are often still dominant and contesting change. A myriad of local struggles for land, voice and livelihood remain to be fought before we can say that indigenous peoples have secured justice.

Indigenous peoples' recourse to the language of international human rights also presents them with a challenge of another kind. To avoid the accusation of double standards, indigenous peoples have recognised that they also need to overhaul their own customary laws, institutions and values to ensure they do not affront human rights within their own societies. In different parts of the world, indigenous peoples have already begun to question and reform customary norms: such as the subjection of women; caste divisions; slavery-like practices; cruel and unusual punishments. Some indigenous women lawyers have questioned the widespread practice of polygamy in their own societies.

Major challenges also face indigenous communities that manage to re-secure control of their lands and natural resource, their restored 'commons'. New values, rising populations, circumscribed territories, access to markets and cash needs, mean that many indigenous peoples, like most other people on the planet, are putting greater pressure on their environments. Achieving 'sustainability' in the context of change, means developing new systems of regulating access to resources, either by invigorating and redefining customary rules and authorities, or by accepting regulation by State bodies and national and international environmental laws.

Yet, ironically, one of the most acute difficulties facing indigenous peoples in this era of change comes from the withering away of the State not its extension. As the State's capacity to regulate is weakened through structural adjustment and trade liberalisation, and the power and penetration of business grows, indigenous peoples increasingly find they are dealing directly with trans-national corporations without mediation. Even where principles like 'free, prior and informed consent' ostensibly give indigenous peoples a say over what happens on their lands, the practical inequalities between historically marginalised communities and huge companies with annual revenues greater than many developing countries, mean that many negotiated agreements get signed despite a widely felt undercurrent in the community of powerlessness, manipulation and *fait accompli*. Ensuring that such

communities have the capacity and resources they need to secure fair outcomes requires more than goodwill.

### **Rationale for this book**

This book has been produced by the WRM because we are convinced that indigenous peoples are the best guardians of the forests. No-one is more interested than they are in ensuring the conservation of forests which are their homes, an integral part of their culture and provide for their livelihoods. Nearly all WRM publications have reported on their many struggles to protect their forests, lands and identities but we have now decided to publish this book on indigenous peoples, in order to both highlight the problems they confront and the solutions they are implementing to ensure the recognition of their rights.

The present material has been produced in close collaboration with the Forest Peoples Programme—which together with FERN hosts the WRM Northern Office—and with other people who are either members of indigenous peoples' organizations or who support the rights of indigenous peoples. Regardless of the authorship of each article, they all seek to reflect the hopes and struggles of indigenous peoples themselves, as well as the importance of external collaboration for achieving their aims. We hope that this book will help to encourage more individuals and organizations concerned with forests and with conservation to understand the central role played by indigenous peoples and thereby to increase support for their rights.

We also hope this book will make clearer to forest activists why we consider protecting human rights to be such a central issue for those concerned to curb deforestation. What indigenous peoples are calling for is respect for their rights—to ownership and control of their lands and territories, to exercise their customary law, to assent or refuse developments planned for their areas, to self-determination. Respect for these rights is not only a matter of justice, but will also empower them to defend what is theirs: their lands, their identities, their forests.

*by Marcus Colchester,  
Forest Peoples Programme.<sup>1</sup>*

<sup>1</sup> Forest Peoples Programme, 1c Fosseyway Business Centre, Stratford Road, Moreton-in-Marsh, GL56 9NQ, England. [www.forestpeoples.org](http://www.forestpeoples.org) email: [marcus@forestpeoples.org](mailto:marcus@forestpeoples.org)



## INDIGENOUS PEOPLES

### GENERAL ARTICLES

#### Those who protect the forest

Tropical forests are disappearing at an alarming rate and the world is increasingly conscious about the global impacts that this will entail. However, people are less conscious about the causes of this process and there is a tendency to blame local peoples for tropical deforestation. In most cases, reality shows the exactly opposite situation.

Three main actors dominate the forest scenario: local peoples, governments and transnational corporations (TNCs). While the former are trying to protect the forest that provides to their livelihood and cultural survival, they are being forced to confront—in an unequal struggle—the combined forces of TNCs and governments, whose “development” plans inevitably result in forest destruction.

This type of “development” includes industrial logging, oil exploitation, mining, dams, pulpwood and oil palm plantations, shrimp farming, monocrop agriculture, cattle-raising and other investments which result in making the wealthy more wealthy and the poor poorer, destroying, in the process, the forest which lies in its way and the people who inhabit it.

At present, most tropical country governments seem to see their role as that of merely competing with other Southern governments in offering the best conditions for TNC investment, including subsidies ranging from tax breaks to repression of opposition in order to ensure the necessary profitability of foreign investments.

On their part, TNCs obviously feel unaccountable to anyone except—and only to a certain extent—to their shareholders. They impose their will, not only over apparently weak Southern governments, but also on Northern governments and multilateral institutions. No-one ever elected them to govern anything, but they are in fact increasingly governing the whole world.

Within such scenario, local peoples struggling to protect their forests constitute a ray of hope for the future. They are not only the main on-the-ground opposition to forest destruction, but they also form the basis for the establishment of worldwide alliances of people willing to protect forests and forest peoples, which would be meaningless without their struggles.

Additionally, local peoples are working out and implementing alternatives —such as community forest management— for truly sustainable and equitable livelihoods, away from the official and already meaningless “sustainable development” discourse which governments and TNCs have emptied of the meaning it initially carried.

The ray of hope represented by those peoples is, however, still not strong enough and needs support from all organizations working for the respect for human rights and environmental conservation. Such support should not be seen, however, as “us” assisting “them”, but as a collaborative effort to ensure present and future livelihoods for all people on Earth.

The Ogoni and Ogiek in Africa, the Pataxo and Mapuche in Latin America, the Karen and Penan in Asia, together with countless other indigenous, traditional and peasant communities throughout the world are showing the way. Their struggles are ours and the more support they get, the more they shall open up avenues for humanity’s future. (Extracted from WRM web site).

### **Capturing Carbon: Dilemmas for forest peoples**

Global debates about the role of forests and plantations in climate negotiations have paid little attention to the views of the 300 million or so forest people who inhabit them. Historically marginalised and denied recognition of their rights, forest peoples are demanding that their voices be heard and that they be respected as the rightful owners of their forests. While scientists are still unsure whether or not forests and plantations do or do not act as long-term reservoirs or sinks, politicians are already arguing about whether forests should or should not be treated as commodities in the global carbon trade. Countries like the USA, which are finding it hard to curb their emissions, are keen on the

idea of paying companies or countries in the South to 'create' carbon sinks so unsustainable economies in the North can carry on polluting. And some people in the South are keen to take the money and not ask difficult questions.

There are clear risks and some possible advantages to be gained by forest peoples if forests are made part of a global carbon economy. The most obvious risks are that powerful interests in the industrial North and in energy and forestry businesses in the South will gain a determining stake in deciding what should happen to forests, once again overwhelming forest peoples from making effective decisions about their future. Likewise lucrative deals between carbon emitters and carbon storers will provide powerful incentives for large enterprises to take over community lands for plantations. Previous issues of this bulletin have noted all too many examples of this process. On the other hand, it is possible that recognition of the value of standing forests as carbon stores could free up money to pay conservationists and forest peoples to look after forests and protect them from destruction. The drawbacks of such approach were highlighted in WRM bulletin 37 ("Can CDM money be acceptable for forest conservation?"). In weighing up the pros and cons, forest peoples have reached different conclusions about what they should be demanding in the global negotiations.

All are agreed that indigenous peoples and other forest-dwellers should be centrally engaged in climate negotiations and not relegated to the side-lines. They have been divided, however, over whether or not they should accept the inclusion of forests in the 'Clean Development Mechanism' (CDM). In a powerful statement to the sixth meeting of the Climate Negotiations in The Hague last year, indigenous spokespersons from 22 different countries and representing 28 distinct cultures, rejected the inclusion of forests in the CDM and called for the establishment of a fund for use by Indigenous Peoples to address the impacts of climate change. "Our intrinsic relation with Mother Earth obliges us to oppose the inclusion of sinks in the CDM because it reduces our sacred lands and territories to mere carbon sequestration, which is contrary to our cosmovision and philosophy of life. Sinks in the CDM would constitute a worldwide strategy for expropriating our lands and territories and violating our fundamental rights that would culminate in a new form of colonialism. Sinks in the CDM would not

help reduce GHG emissions, rather it would provide industrialized countries with a ploy to avoid reducing emissions at source.”

A different opinion has been voiced by other forest peoples, notably from Brazil, who have been working with the US NGO Environmental Defense, itself an advocate of the carbon trade. “Our people have proposals and projects for the protection of forest and for the lives of our peoples. We need the means to expand and multiply these. The CDM must not exclude forests and must not exclude our peoples. We support the inclusion of forest protection, community-based forest management, sustainable production, and economic alternatives for indigenous and traditional peoples in the CDM.” In June this year, representatives from the Brazilian organizations and Environmental Defense toured Europe to explain their position. The meetings highlighted the need for further discussions about the implication of the CDM for forest peoples. (By: Marcus Colchester, WRM Bulletin N° 48, July 2001).

### **The need to listen to and learn from local communities**

The different cases addressed in this bulletin describe a broad range of situations where forests are either being destroyed or conserved. Contrary to the discourse of many experts, these cases show that deforestation is more linked to policies implemented by governments than to actions carried out by local communities. Additionally, they show that cases where forests are being conserved are more the result of organized community efforts than of government action.

Commercial logging —legal and illegal— is clearly a major cause of deforestation, but it is still being promoted by governments. Large corporations —mostly foreign— reap the benefits while impacts are borne by local communities and within them particularly by women and children.

There is no doubt that large-scale hydroelectric dams destroy large areas of forests and with them the livelihoods of local peoples. However, they are still being promoted. Here again, benefits go to the hands of large companies —many of which foreign— while local communities suffer the consequences.

The history of oil and gas exploitation and transport in the tropics is a history of human rights abuses and environmental destruction. Entire forest ecosystems are destroyed, including deforestation, wildlife depletion and widespread pollution of waterways and underground water. In spite of mounting local opposition, oil and gas activities continue being promoted.

Mining is another extremely destructive and polluting industry, which impacts heavily on local peoples. Here again the profits go to foreign companies whose activities are promoted and supported by national governments.

Even the apparently benign activity of tourism is in many cases resulting in the destruction of forests to give way to large infrastructure aimed at attracting tourists from abroad.

Large-scale pulpwood or carbon sink tree plantations are also resulting in forest destruction, both directly and indirectly, and affecting entire ecosystems—including biodiversity, soils and water—and local peoples' livelihoods. However, they continue being actively promoted nationally and internationally.

Additionally, many sectoral or macroeconomic government policies result in forest loss. Those policies may appear to have no relation to forests, but their end result on forests may be devastating. For instance, the promotion of certain cash crops for export, or high electricity tariffs may encourage land clearance for agriculture or tree cutting for charcoal production. In spite of that, government policies continue disregarding those impacts.

Within the framework of the above examples, local communities find it very difficult to protect the forests that constitute their homes and sources of livelihood. However, in spite of the difficulties, they continue struggling to achieve that aim. Not only do they try to oppose the "development" projects that will affect them, but at the same time they try to build alternatives to sustainably use those forests, among which community forest management is perhaps the more well known.

In sum, solving the forest crisis implies changing those policies—national and international—that are affecting forests and putting in

place new policies to provide local communities with an adequate framework to protect what is in their interest to protect. Governments, multilateral and bilateral agencies, corporations and other major actors should begin by listening to and learning from those communities. That would be the best starting point to ensure the survival of the forest and its peoples. (WRM Bulletin N° 50, September 2001).

### **Forest peoples: A ray of hope**

Tropical rainforests are among the world's most diverse and at the same time most threatened ecosystems on Earth. While governments have agreed on the diagnosis, they have failed in the implementation of global and national measures for ensuring their conservation. Within that context, it is important to highlight some fundamental issues which have yet to be truly taken on board for forest conservation to be possible.

The first issue is that forests are not empty. Tropical forests have been inhabited by indigenous and traditional peoples for hundreds of thousands of years, well before the creation of most of the modern national states. Each of those peoples have a very precise knowledge of the boundaries of the territory used, managed and owned by them.

Linked to this knowledge, the second issue to highlight is that forest peoples hold the rights to those territories by virtue of first settlement. However these rights are not recognized by most national governments, which declare that forests legally belong to the state. This legal injustice—in most cases concocted by colonial rule—paves the way to forest destruction through government concessions for large scale exploitation, including industrial logging, mining, oil drilling, plantations and many other destructive activities.

The third issue is that forest peoples hold the knowledge about the forest. Proof of this is that for centuries they managed to live with the forest while fulfilling all their material and spiritual needs through skillful management. The causes of most modern destructive practices is usually found in external pressures on forests from government policies rather than in forest peoples' themselves.

The fourth and perhaps most important issue regarding the future of the forests is that forest peoples are the ones more directly interested in their conservation, because forests not only ensure their livelihoods, but are an integral part of their way of life, where respect for nature is at the core of their culture. They are not mere “stakeholders” but “rights-holders” and as such they are the most willing (and able) to protect their resources in the long term.

Forest peoples thus constitute a ray of hope for the forests’ future. They hold the rights and the knowledge and their physical and cultural survival depends on ensuring their conservation. In many cases, forest peoples are adapting their knowledge to a changing situation, working out and implementing alternatives for sustainable and equitable livelihoods, away from the official and already meaningless “sustainable development” discourse which governments and TNCs have emptied of the meaning it initially carried.

The ray of hope represented by those peoples is, however, still not strong enough and needs support from all organizations working for human rights and forest conservation. Being the main on-the-ground opposition to forest destruction, forest peoples form a basis for the establishment of worldwide alliances of people willing to support their struggle. Such support should not be seen, however, as “us” assisting “them”, but as a collaborative effort to ensure present and future livelihoods for all people on Earth.

The Johannesburg Summit is an opportunity for governments to re-commit themselves to forest conservation. The way to prove their political will would be to explicitly acknowledge the territorial rights of indigenous and other traditional forest peoples and to commit themselves to incorporating this in their national legislation. This would be the first step in the right direction, because it would create the necessary basic conditions for making forest conservation possible. Will governments finally do what needs to be done and allow this ray of hope to shine? (WRM Bulletin N° 61, August 2002).

## **Stopping human rights abuses is key to solving forest crisis**

A new report clearly links the disappearance of the world's forests with the horrifying catalogue of human rights abuses taking place as a result of conflicts between forest peoples and the powerful government and corporate interests within forests. Published by Fern, "Forests of Fear: the abuse of human rights in forest conflicts" calls for governments, environmental groups and aid donors to prioritise the defence of human rights as the primary solution to solving the forest crisis.

"Forests of Fear" highlights the stories of over 40 cases of human rights abuse, arising from such conflicts. Four detailed case studies, three country analyses (Indonesia, Mexico and Canada), as well as further examples offer evidence of human rights abuses including murder, threat to life, disregard of land rights, illegal imprisonment, forced resignation and torture. The examples include:

- Three children —Kenowuia Nury Bokota, Mauricio Diaz and Jorge Anikuta— from Colombia's indigenous U'wa population died during police action to evict some 450 people from a road blockade using tear gas, riot sticks and bulldozers. The U'wa have been mounting a massive struggle against oil exploitation by US corporation Occidental Petroleum in forest they claim to be their ancestral territory.

- A US Forest Service ranger, Buzz Williams, was accused of insubordination after criticising environmentally damaging timber sales in the Chattooga River corridor. He eventually lost his job. Williams' superior, Tina Barnes, was intimidated, sexually harassed, demoted and forced to resign when she supported him in his views.

Fern believes that without halting these abuses and creating a climate in which the fate of forests can be discussed in an open manner with all involved, there is little hope that the ongoing destruction of world's forests can be stopped.

Forests of Fear concludes with seven key recommendations, including:



- defence of human rights must be made a priority in environmental campaigns
- international database of corporations with a record of human rights abuses should be established
- documentation of human rights abuses relating to forest conflicts should be formally recognised
- the UN Declaration on Human Rights Defenders should be widely adopted and enforced by governments. (WRM Bulletin N° 54, January 2002).

### **Indigenous peoples: Guardians of the forests**

Brazilian military dictator Emilio Garrastazú Medici may well be considered as one of the most prominent examples of the racist and destructive approach to forests that prevailed during the second half of the 20<sup>th</sup> century in most tropical countries, where similar examples of promoters of such approach can be easily identified throughout Africa, Asia, Oceania and Latin America. When inaugurating the Transamazonian highway in 1970—the beginning of the end for many indigenous groups and large expanses of Amazon forest—he stated that this would open up a “land without men to men without land”. For him, indigenous peoples did not even exist, while forests only meant land to be cleared for “productive activities”. Women—indigenous or not—apparently did not exist at all.

Much has changed in thinking since then, though much still needs to be changed in practice. But the fact is that no-one in his/her common senses—except perhaps the President of a very powerful nation—can think of expressing him/herself in that way without having to pay a huge political price. Although many policies are still aimed at depriving indigenous peoples of their rights and exploiting their forests, they now have to be disguised under a “green” and “humanitarian” discourse, precisely because the situation has changed.

These changes are the result of long struggles at the local, national and international levels. Some of those struggles began under the environmental banner and were aimed at protecting the world’s forests. Other struggles originated in the defense of indigenous peoples’ rights to their territories. Increasingly, people and organizations fighting under

the environmental or social banners, began to realize that the struggle was one: that forests contained peoples and that those peoples were the guardians of the forests. This new perception greatly strengthened the struggle by uniting many more people around a common aim.

The struggle has been carried out in different arenas, ranging from local opposition to specific “development” projects —logging, mining, oil exploitation, dams, plantations, shrimp farming— to national and international lobbying and campaigning efforts. At the same time, indigenous peoples were creating their own organizations and networks in order to participate directly at all levels, ensuring that their specific viewpoints were reflected in the debates, especially in international human rights fora . These parallel campaigns led to the establishment of formal and informal alliances between the Indigenous Peoples movement and NGO movements willing to work together for the common aim of empowering forest peoples as the more just and practical way of ensuring forest conservation.

The result of these activities is impressive. In relatively few years, indigenous peoples have become increasingly visible and influential and many of their concerns have been incorporated to international and national legislation. They have become an actor to be taken into account. Although some or many of their rights may be still unrecognized in different countries —either in law or in practice— neither governments nor corporations can ignore them any more.

The Amazon of the Brazilian dictator has now become a “forest with peoples” fighting for their rights, while his “men without land” have created a powerful landless peasant movement struggling for land held by the local elite outside the forest. Similar changes have occurred and are occurring in many other countries throughout the world and all the articles contained in this book reflect many of the processes and struggles now taking place.

But despite those impressive advances, much still needs to change in order to match theory with practice. As indigenous peoples know by experience, legal recognition of their rights is a necessary but usually insufficient condition to ensure full respect of those rights, particularly within the framework of the globalized model now being imposed on

the world's peoples by corporate power. In that context, empowerment of indigenous peoples and other local communities is the way forward to confront corporate control over people and resources. Within the forest, this means that responsibility over forest management needs to be transferred back to the traditional guardians and owners of the forest: the indigenous peoples. Although still in its initial stages, this is starting to happen, which opens up hope for the future of both forests and forest peoples. (WRM Bulletin N° 62, September 2002).

### **Wilderness parks or Community conservation?**

Conservation through the establishment of 'National Parks' was an idea born in the United States during the 19<sup>th</sup> century at a time when it was waging war on Indians and colonizing the 'Wild West'. The world's first National Park, Yosemite, was established on the lands of the Miwok people after a bitter war and was followed by the eviction of the remaining people from their land. Setting up the park at Yellowstone also triggered conflict with the local Indians. Nearly all the main National Parks in the USA today are inhabited or claimed by indigenous peoples. Yet according to US law these areas are 'wildernesses', defined by the US Wilderness Act as places '*where man himself is a visitor who does not remain*'. It is this wilderness model, exported by western conservationists, that became the dominant approach to nature conservation throughout the tropics during the era of 'development' after the second world war.

Though fundamental to much western thinking about nature, many indigenous peoples reject the notion of wilderness, as Jakob Malas a Khomani hunter from the Kalahari, whose lands were classified as the Gemsbok National Park, has noted:

"The Kalahari is like a big farmyard. It is not a wilderness to us. We know every plant, animal and insect, and know how to use them. No other people could ever know and love this farm like us."

Ruby Dunstan, of the NI'aka'pamux people of the Stein Valley in Alberta, Canada, who have been fighting to prevent the logging of their ancestral lands, has likewise remarked:

“I never thought of the Stein Valley as a wilderness. My Dad used to say ‘that’s our pantry’. We knew about all the plants and animals, when to pick, when to hunt. We knew because we were taught every day. It’s like we were pruning everyday... But some of the white environmentalists seemed to think if something was declared a wilderness, no-one was allowed inside because it was so fragile. So they have put a fence around it, or maybe around themselves.”

The results of the imposition of the wilderness model are shocking. Millions of indigenous people have been evicted from their lands. Millennial systems of natural resource management disrupted and destroyed. Communities impoverished and deracinated. Rights trampled and colonial forms of administration and enforcement imposed. Getting sound data on the scale of these evictions is hard, they don’t get recorded in the ‘red data’ books, but in India alone it is estimated that 600,000 ‘tribal’ people have been expelled from their lands to make way for protected areas. These impositions have also bred conflict. Protected areas imposed against the will of the local people become management nightmares, conservation fortresses laid siege by local people who have to ‘squat’ and ‘poach’ to stay alive. Ironically, too, the expulsions of human settlements may even impoverish the biodiversity of local areas, many of which were managed landscapes not wildernesses, where customary land use systems helped sustain ecosystem diversity and multiplied the niches for wild animals and plants.

But aren’t forests better defended by securing local peoples’ rights? Many conservationists don’t think so, arguing that native people are no better than anyone else at conserving nature. The fact that, in the past, forests were preserved in indigenous areas, they argue, was mainly due to the lack of transport, low populations due to warfare and disease, and simple technology. Once roads are built, communities pacified, clinics curb child deaths and the people adopt chainsaws and pick-up trucks, indigenous communities are as liable to destroy nature as anyone else, they claim. They point to Indians selling timber from their reserves in Brazil and the depredations of the bush-meat trade in the Congo basin to underline their argument. However, other data support the contrary case. For example only some 5% of the Brazilian Amazon is locked up in Protected Areas, while over 20% is in officially recognized

Indian Reserves. Recent research by the Woods Hole Research Center shows that forests in Indian reserves are in good shape and what forest loss has occurred has been mainly caused by illegal invasions, not by the Indians.

Most of the big international conservation agencies, like the WWF-International, the World Conservation Union and the World Commission on Protected Areas, have now adopted policies that recognize indigenous and 'traditional' peoples' rights and promote their involvement in conservation. In theory, these agencies should no longer be establishing protected areas without first ensuring that the indigenous peoples' land rights are recognized, the people consent to the establishment of protected areas on their lands and they participate fully in management. The Convention on Biological Diversity also makes (somewhat ambiguous) provisions securing the rights of indigenous and local communities. These changed policies recognise a 'new model' of conservation, which promotes community-based conservation as an alternative to the old exclusionary model based on establishing 'wildernesses'. Not surprisingly, perhaps, given their history, it is the large US-based conservation agencies that have been most reluctant to endorse this new approach

Despite advances at the policy level, on the ground the situation is not very encouraging. Few governments accept that recognising indigenous peoples' rights is a logical part of their national conservation strategies. Most protected areas continue to be managed in the old way, excluding communities, denying their land and resource rights and obliging their resettlement. In part this is because most developing countries adopted their conservation laws in the 1960s and 1970s, when the exclusionary model of conservation was still being preached. Another reason is that the local personnel of international conservation agencies have often not even been informed about the new policies adopted at headquarters, let alone trained to implement them. Besides, many protected area administrators of the old school are reluctant now to cede power to those they see as truculent native people grown too big for their boots. The colonial mind-set dies hard. It will be some time before these old dinosaurs die out. (By: Marcus Colchester, WRM Bulletin N° 62, September 2002).

## Indigenous peoples and Climate negotiations

As members of the global indigenous peoples' health caucus, Committee on Indigenous Health members prepared a number of technical briefing papers for the UN Permanent Forum on Indigenous Issues —most of us who were attending the second session were focussed on the activities of the so-called UN specialised programmes and bodies. To most of the world today, this maze-like array of formidable, monolithic organisations are confusing enough to understand; for indigenous and tribal peoples, communities and their mostly rural or desert/forest-based organisations, they more often than not represent well-armed, determined organs of all hues of institutionalised colonialism —neo-liberal colonialism, bio-colonialism, the “un” free market and globalisation.

The Economic and Social Council's new baby —the Permanent Forum of Indigenous Issues is a functional commission that was established in 2000, one of the achievements of the International Decade of the World's Indigenous People. With a bewildering mandate that covers socio-economic, environment, health, culture, education and human rights issues, the Forum's members as well as the observers who attend its sessions are all in the same boat, looking for an effective rudder and fair winds.

It was clearly evident by the second session that for indigenous peoples, the Forum has a mandate that is very different from our expectations, quite different from the Sub-Commission's Working Group on Indigenous Populations (WGIP). The concerns for us are growing as we become increasingly aware that the working methods and decision making process of the Forum has large gaps and weaknesses that need to be addressed very swiftly if we are to get any coherent sense and useful function out of this new body.

Evidently, there is lots to learn and we are all “learning by doing”, as many specialised organs and bodies of the UN are fond of saying. The problem with this approach is that very little is actually learnt too late by too few by this doing. The danger in this is that many indigenous peoples and small communities are in a desperate struggle for survival and extinction is too near, and this form of learning is really too expensive for us.

Take for example, the negotiations and process under the Kyoto Protocol of the Framework Convention on Climate Change (UNFCCC). As an indigenous person involved in the anti-dams campaign in my own province in India, I participated in a lobbying tour of some selected Western European countries during late May and early June which culminated in a press briefing during the 18th meeting of the Subsidiary Body for Scientific and Technical Advice (SBSTA) of the Kyoto Protocol in Bonn. This protocol was adopted to implement and make possible some very unrealistic targets for greenhouse gas emission reductions for the so-called Annex-1 countries (the industrialised culprits of global warming) provided in the Framework Convention.

The Kyoto Protocol and its Clean Development Mechanism (CDM) is a notoriously cynical and vicious new arrangement and mechanism to convert the last frontier after the “commons” - the very air we breathe and live by - into a private, market driven “bazaar” of futures of enclosed atmospheric spaces. In the near future, you may find that not only your lands and forests but the air above and around your village has been sold and owned by some multi- or trans-national company with foreign shareholders in a distant land. The World Bank set up its Prototype Carbon Fund (PCF) to “learn by doing” how to fund destructive and unsustainable and highly controversial projects such as large dams and mono-culture plantations through private parties. These projects are theoretically within the purview of the Bank’s operational policies for indigenous peoples, environment, forests, gender, etc. but they hardly see them being applied because it is “learning by doing”. Meanwhile, indigenous communities in South East Asia along the Mekong, in Indonesia, in Uganda, in Guatemala, in Minas Gerais and Espirito Santo in Brazil are deprived of their lands, water, rivers, health and livelihoods. So, we learn. For how much longer?

The CDM has no space for indigenous peoples, just as ten years down the line since the Earth Summit of 1992 we have none at the UNFCCC and its Protocol, despite indigenous peoples being one of the “major groups” and our Rio and Johannesburg declarations and plans of actions, Agenda 21, and so on. In fact, the CDM has nothing to do actually with climate change! For, developed countries would continue to burn fossil fuels at ever increasing rates while they buy ever cheaper fictitious carbon credits to feel justified and morally

cleansed for polluting and ultimately destroying Earth. The CDM is another global market, “it is not about charity” and “it is not about development” as a government representative involved in the climate negotiations candidly revealed. Organisations, brokers and certification mechanisms for clean and sustainable development practices have suddenly mushroomed in the West, highly paid consultants with Bachelors degrees in accountancy from strange institutions travel hurriedly to our distant lands to “inspect” project sites and “consult” with stakeholders, constantly looking at their watches and electronic notebooks, and ultimately to validate and write certificates that are meaningless to us but would do us great harm.

So why do we continue to engage at all with such processes filled with lies and devoid of morality and true commitments? We are now, whether we like it or want it or not, forced to play this game in the field we have agreed upon, by the rules we have acquiesced to, so we have to play it well or never show up. With this belief, we shall continue to attempt and support any activity that can enhance the usefulness and effectiveness of the Forum. We must continue to encourage and exhort the specialised UN agencies and bodies to become sensitive to our voices, to respect our rights, and work with them within a mutually respectful and consultative, cooperative partnership to achieve our objectives. We must prise our way into these difficult negotiations, not leave it to NGOs, claim our legitimate places and work our role if we believe that these can serve our collective aspirations and agenda. We must also have the courage to reject them outright and claim no part to these negotiations if they are proven to be destructive to us, devoid of morality and political commitment. That is the only way we can play a constructive and positive role. The question, is this enough? (WRM Bulletin N° 74, September 2003).

### **Community View from UNFF: Interview with Freddy Molina, ACICAFOC**

Freddy Molina is a board member of the Asociación Coordinadora Indígena y Campesina de Agroforestería Comunitaria Centroamericana (ACICAFOC). In English, this translates into the Coordinating Indigenous and Peasant Farmers Association on Community Agro-Forestry in Central America. ACICAFOC is a non-profit, social community-based



organization from Central America, which brings together associations, cooperative societies, federations and grass roots organizations lead by small and medium agro forestry producers, indigenous peoples and farmer peasants. These groups work for the access, use and management of the natural resources, seeking food security and economic sustainability for their communities in harmony with the environment. ACICAFOC is also a founding member of the Global Caucus on Community Based Forest Management. Mr. Molina was recently at the United Nations Forum on Forests and answered some questions about his community, forests, and the UNFF.

1. *Where do you live?*

I live in one of the neighbouring communities of the Maya Biosphere Reserve in the District of Petén, Guatemala, C.A. This reserve is two million one hundred thousand hectares in size, and is made up of national parks, biological corridors, community concessions and industrial concessions.

2. *Tell us about the community and forests where you live*

My community bears the name of a tree, “El Caoba” (the mahogany tree - *Swietenia macrophylla*) and nine (9) communities belong to my organization. We came together around our community forest concession, as its natural guardians, across 100 km. With regard to our forests, we used to consider them our enemy. We would deforest our lands to plant corn and beans and create pastureland for cattle. Now the forests are our allies, since the Government of Guatemala has given us a community forest concession, which provides us with a livelihood, education and health through sustainable management.

3. *What does ACICAFOC do, and what is your role in the organization?*

ACICACOF is a community-based process that belongs to us. It has supported us a great deal in developing local capacity, it has helped us see things differently, and has given us a new outlook through experience-sharing and by clearing the way for us at all levels where we now participate actively — not like before, when others spoke for us to achieve projects that would supposedly benefit our communities. I am the President of this distinctly community-based Central American organization.

4. *What are the main problems faced by your community and your forests?*

We have begun generating jobs, improving the quality of life, training, decreasing poverty, changing attitudes, fostering respect for the forest and teamwork. But so far we have not managed to involve all of our neighbours because these are new processes. Those who have not yet benefited from these processes continue to destroy the forest, which is why we are creating comprehensive programs linked to the forest, such as non-timber resources, eco-tourism, environmental services for organic production, etc.

5. *What is your national government's approach to the rights of indigenous peoples and communities, and to forest management?*

Thanks to international conventions, external pressure, the involvement of our indigenous people in the government and the peace agreements, a lot of ground has been gained. There is still a long way to go, even though indigenous peoples are receiving some recognition and racism has decreased in recent times. In relation to forests, the issue of community forest concessions in Guatemala is an outcome of the peace agreements (nearly half a million hectares in community hands).

6. *Is this your first time at the UNFF? What do you think of this process? What do you think you have gotten out of this process, or what do you expect to get out of it? Are you happy you participated, and do you feel that it was a good investment of your time?*

This is my second time. This process is good and can be even better. I had the opportunity to give a presentation on our experience. I think that my experience has strengthened those of us who have always believed that the best way to save our forests is to involve communities in sustainable management. I also showed that the Guatemalan experience must be taken into account.

7. *What did you think of your government's behaviour at UNFF 4? Particularly in relation to the rights of indigenous peoples and communities? And what did you think of the way the other Central American countries acted?*

I returned to my country very happy, there was a good representative of the Government. We managed to coordinate our position with regard

to the rights of indigenous peoples and communities. I think it is important to have a good team with a Central American influence.

8. *If you had to send a message to the UNFF regarding a recommendation for “action”, what would it be? What could the UNFF do for the communities that depend on the forests of Guatemala?*

I would recommend worldwide community dialog, and joining forces to achieve international support that is direct, not through middlemen. We should also always make sure that new alliances, communities and other groups have strategic plans aimed at true community empowerment; we must put a stop to making money off of the poverty and ignorance of our peoples. (WRM Bulletin N° 82, May 2004).

## AFRICA

### Cameroon: Bagyeli struggling to be heard

Since the 19<sup>th</sup> century the land rights of forest dwellers in Cameroon have not figured in the major decisions by the rulers. All forest lands, defined as vacant and without owners —“*vacant et sans maitres*”— became property of the state, and many forests were then opened for timber exploitation, which closed those areas for hunting by Bagyeli, Baka, and other so-called “Pygmy” hunter gathering communities, whose presence across Southern Cameroon predates the colonial State.

When France became the dominant colonial power earlier last century virtually all lands in Cameroon became property of the State, even though almost all land in Cameroon is held under customary principles. This system has persisted to the present day —only 2.3% of Cameroon’s lands have been titled since 1974, and most forest lands located outside of protected areas remain extremely vulnerable to outside exploitation of one form or another. Local people are rarely consulted over how these lands are to be managed, and indigenous peoples are particularly marginalised in the few public consultations which do take place. For instance, now in the Ocean Department of Cameroon local communities are coming to terms with the many impacts of an oil pipeline that now traverses their lands, facilitating the export of oil from the southern fields of Chad via an offshore pumping station near Kribi, Cameroon.

The installation of the much-criticised, World Bank-backed Chad-Cameroon pipeline through this forested region of South West Cameroon has led to land and forest loss for many different communities, and it is now well-documented how indigenous Bagyeli communities have lost out in two different geographical areas. First, in the pipeline zone, construction has left a 30 meter wide gap through the forest, traversing land where Bagyeli hunted, gathered and cultivated, and this has led to the loss of land and access to resources upon which Bagyeli livelihoods have traditionally been based. The compensation programme for the pipeline exacerbated these losses because some Bagyeli were removed from the lands they were occupying by other local people, who then stole their compensation, by claiming the pipeline was taking land which they used for agricultural production. Not one Bagyeli has received individual compensation for the losses that they experienced due to the pipeline's construction.

Secondly, new restrictions on hunting and forest access in Bagyeli traditional areas near the border with Equatorial Guinea were brought about by the gazettelement of Campo Ma'an National Park. The protection of this important area, which is traversed by a road used to export timber, forms part of the environmental compensation for the pipeline. However, its new status as national park means that Bagyeli hunting and gathering communities who have operated there since recorded history face being criminalised for continuing to pursue their livelihoods. These examples illustrate a total disregard of local land tenure and livelihood systems by those who prepared the pipeline plans.

Bagyeli do not possess identity cards —a requirement under Cameroon law—, they face severe social discrimination, and they have poor access to health and education services. Most do not possess farming land of their own, and cultivate that of their stronger neighbours in exchange for food. Bagyeli's social marginalisation and the increased suffering their communities have experienced since the pipeline was proposed has led them to engage with national and international support NGOs to develop strategies for their communities to assert their rights with conservation authorities—who have joined in dialogue with Bagyeli representatives from around Campo—and with local government and pipeline agents, who have previously been unwilling to solicit to Bagyeli's views.

With support from the Forest Peoples Programme (FPP) and two local NGOs (Planet Survey and the Centre for Environment and Development-CED), Bagyeli are beginning to secure identity cards and engage regularly with government officials, and representatives from the pipeline project, who have recently agreed to meet with them over their plans for regional compensation measures. FPP and its partners will also support Bagyeli to generate their own data for community based maps of land use, using Global Positioning System technology and working in collaboration with the majority Bantu communities, and final maps will be produced for them by CED. These maps will form the basis for future dialogues between Bagyeli and Bantu communities, protected area managers, government agencies and pipeline authorities to attain secure, communal land rights for the Bagyeli. (By: John Nelson, WRM Bulletin N° 62, September 2002).

### **Kenya: Indigenous group faces October 1 Court date**

On October 1 2002, an indigenous group living in Kenya's Mau Forest is scheduled to have its case heard in the country's High Court. The hearing is the latest attempt by the Ogiek people's long effort to protect their forest homeland from destruction.

For decades, the Ogiek have fought first with the British colonial and then the Kenyan government to live peacefully in the Mau Forest, where they have lived for hundreds of years. The Ogiek's current lawsuit dates back to a 1997 case, when the group went to court to stop the Kenyan government from surveying and allocating Mau Forest land to others. Later that year, the High Court ordered that no Mau Forest land would be allocated to settlers until all issues related to it were resolved in court. But after years of threatening to evict the Ogiek from the Mau Forest, the government announced in 2001 it would degazette 147,000 acres of the forest. Degazetting the land would eliminate its environmentally protected status and allow settlers from other parts of Kenya to move in. The Ogiek then sued, charging the government was ignoring the 1997 High Court order since the Ogiek's earlier lawsuit had not yet been resolved.

Kenya's development plans threaten both the Ogiek and the Mau Forest, one of the largest water complexes in East Africa. Experts say

that reducing Kenya's forestland would have dangerous environmental consequences. The Mau Forest is a vital water catchment area, absorbing water during the rainy season and gradually releasing it during the rest of the year. According to scientists, the forest provides about 40 percent of the nation's water supply. While the Ogiek's way of life is self-sustaining, the government has exempted three powerful companies from a logging ban and allowed them to continue harvesting wood in Mau Forest, destroying the Ogiek ecosystem in which the indigenous group gathers honey, selectively hunts animals, and grows vegetables.

Although they agree with the government that Kenya lacks sufficient agricultural land, Ogiek supporters argue that President Daniel arap Moi is more interested in rewarding its supporters than providing more food for its citizens and that most of the land has been given to Moi's close associates. Joseph Kamotho, the recently dismissed minister for environment who has fallen out with Moi, says the Ogiek land issue was used by "unscrupulous government officials to get more land for themselves."

As the gradual destruction of its forest continues, the community has faced no justice in court corridors. For over a year, the Ogiek's case has been repeatedly delayed in court due to procedural problems. In February 2002, the case was postponed because the government lawyer handling the case was out of the country. In April, it was again rescheduled after government lawyers said that they had not had time to file their replying affidavits. In July, the judge scheduled to hear the case was absent, and a substitute judge set a hearing for October. Ogiek advocates hope that these frequent delays will end soon, but so far the government has given no indication that it wants to resolve the case quickly.

Many observers believe that changes in Kenyan politics in the next few months may help the Ogiek's legal case to move forward. Kenyan law prohibits Moi from running for office in the upcoming presidential elections, currently scheduled for December<sup>2</sup>. "The post-Moi Kenya

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<sup>2</sup> Finally, Mwai Kibaki won those elections by a large margin.

will be different and the Ogiek cases may finally be heard after elections,” said John Kamau of Rights Features Service, a Kenyan-based organization that has been monitoring the Ogiek’s case. “At that time Moi will not be in power to protect his cronies, unless he does so by proxy.”

In addition, draft proposals for a new Kenyan constitution should help the Ogiek. Kamau pointed out that the draft of the new constitution also calls for new laws on land and the protection of indigenous communities from discrimination. “If the Constitution is adopted, then the Ogiek can sigh with relief,” Kamau said. “But a lot needs to be done to sensitize politicians on the issues at hand.” The draft, which needs to be approved by parliament, would also create a new position of prime minister that would be elected by the national assembly. The president, who now has almost exclusive control over government policy, would be limited to carrying out “special responsibilities” in such areas as national unity. By reducing the president’s powers, the draft would make it more difficult for Moi’s successor to stop the Ogiek’s case.

A number of Kenyan and international groups—including the Ogiek Welfare Council, Rights Features Service, Survival International, and the Digital Freedom Network— have maintained an international campaign to protect the Mau Forest and the Ogiek’s way of life. (By: Bobson Wong, WRM Bulletin N° 62, September 2002).

### **Rwanda: Dispossessed Twa people press for recognition**

The indigenous inhabitants of Rwanda are the Twa, a ‘Pygmy’ people who originally lived as hunters and gatherers in the high altitude forests around the lakes in the Albertine Rift area of central Africa, in the present-day countries of Rwanda, Burundi, Uganda and Democratic Republic of Congo (DRC). In some parts of DRC, Twa are still able to live a forest-based existence. However, in most other areas the Twa have had to abandon their traditional way of life as their forests have been destroyed by logging, agriculture and “development” projects. Wildlife conservation areas, established to protect gorilla populations and watersheds, have evicted Twa communities in Rwanda, DRC and Uganda even though the Twa traditionally do not hunt gorillas nor do their activities affect watershed functions. In common with many other Pygmy peoples,

the Twas' rights to forest lands and resources are not recognised in customary or written law and the evictions took place without compensation or alternative land provision.

Rwanda's forests began to be felled centuries ago as incoming Hutu farmers and Tutsi herders cleared land for agriculture and pasture. Rwanda avoided the ravages of the Arab and European slave trades, and its population increased as other people sought refuge there. Local chiefs encouraged settlement on their lands because they gained power and revenues the more 'clients' they had. Rwanda's population increased from 1 million to 7 million from the 1940s to the 1980s. During the colonial period, land held by heads of clans was redistributed and from the 1960s onwards government policy encouraged farmers to expand into pastures, wetlands and forest areas such as around the Volcanoes National Park, and migrate east into less densely populated grazing lands. Between 1970 and 1986 the cultivated area increased by 56%, meanwhile the average land holdings had been steadily decreasing from 3 ha/family in 1949 to 0.7 ha in 1990. By the mid 1980s almost all land available for agriculture had been used up except for the areas under national parks.

Up to the end of the 1970s land distribution is considered to have been relatively equitable. Rwanda could feed its population; small farmers were more productive than larger ones. However, farmers' main method of increasing the production from ever decreasing plots of land was to reduce the fallow period, resulting in depletion of soil fertility.

Rwanda's population is now 8.3 million, with an average population density of 315 people per square kilometre (800 per sq km in the north-west) making it the most densely populated country in Africa. Ninety-one percent of the population depends on subsistence agriculture for survival. Landlessness and inequity in land distribution worsened after the mid 1980s as land was expropriated by government for middle-class housing, parastatal projects and industrial development. Land also became concentrated in the hands of the emerging wealthy elite who had off-farm incomes or were employed on the many foreign aid projects, and who were able to buy land off indebted or starving small farmers.



Rwanda's forests have been drastically reduced from approximately 30 percent at the beginning of the 20<sup>th</sup> century to 7 percent of the total land area. In 1934, the Mukuru-Gishwati-Volcans forest complex in the north of Rwanda was a single forest block of 833 square kilometres. By 1955, it was divided into three discrete patches, and by 1998, only 18 per cent of the original forest remained. The largest forest in the south of the country, Nyungwe, lost 26 per cent of its area over the same period. Its area is now only 87,000 ha. Overall, 49 per cent of Rwanda's Afromontane forest disappeared between 1934 and 1998.

Clearance for farming and pasture land has contributed to the reduction in forest cover, as well as harvesting of fuel-wood and timber for housing and small scale mining. Production of export crops is also a factor in forest destruction: half the forests around the volcanoes in the north were cleared for pyrethrum plantations in the 1960s, and areas around the Nyungwe forest were cleared for tea estates. After the 1994 genocide, in which 800,000 Tutsis and moderate Hutus were killed by Hutu extremists, forests were further depleted by the establishment of fuel-hungry refugee camps just over the border in DRC and the need to rehabilitate thousands of refugees returning to Rwanda after long periods of exile. These refugees were mostly accommodated in former protected areas, including the Mutara Game Reserve, two-thirds of the Akagera National Park and the Gishwati Forest.

The loss of biological resources affects everyone in Rwanda, but especially the Twa who originally depended on the forest. The Twas' customary rights to forest lands were never recognised either by local rulers or under colonial laws, with the result that as the forest was cleared, the Twa became landless squatters except for a few families that were given land by Rwanda's former Kings, the Mwamis. The last forest-dwelling Twa, the Impunyu, were cleared from the Gishwati forest in the 1980s and 90s to make way for World Bank-financed projects aimed at relieving human pressure on forests by increasing the supply of wood products through industrial eucalyptus plantations and developing a productive dairy industry using pastures in degraded forest areas. Ironically, these projects were intended to protect the forest, but they had the opposite effect: by 1994 two-thirds of the original forest had been converted to pasture, almost all of which was allocated to friends

and relations of the President. Throughout this process, the Twa received no compensation or remedial measures, nor were they included among the thousands of people employed by the projects. Returning refugees settling in the area and clearing land for subsistence farming have now effectively completely destroyed the forest.

Conservation projects removed Rwandan Twa communities from the Nyungwe forest reserve in 1998 and from the Parc des Volcans (the oldest park in Africa, created in 1924 as the Albert National Park). Older Twa living in southern Rwanda recall hunting for buffalo and elephant in the Nyungwe forest and taking the horns and tusks to the Mwami as tribute. Currently a mere handful of Twa are employed in the parks as casual labour or trackers; they have no involvement in park management or decision-making. While some conservation agencies are carrying out development projects that include Twa communities around the Parc des Volcans and Nyungwe forest, these generally don't address the fundamental issue of land and access to forest resources.

The land situation in Rwanda is acute and that of Rwanda's Twa is very precarious. In 1991 it was reported that nationally only 50-57 % of households had the minimum amount of land (0.7 ha) needed to feed the average household of 5 people. However for the Twa the situation is much worse —only 1.5% Twa households surveyed by the Forest Peoples Programme and Twa organisations in 1993 and 1997 had enough land to feed their families. Since colonial times there has been virtually no land distribution to the Twa: in 1995, 84% of landed Twa were still living on land given to them by the Mwamis. The Twas' political weakness makes them vulnerable to expropriation of their existing lands by neighbouring farmers and local authorities. The marshes providing clay for Twa communities' traditional pottery are often allocated by local authorities to other groups for farming.

The Twa are the poorest group in Rwandan society, lacking access to formal education, housing and health care. Few of them know how to farm, and most eke a living from pottery, casual labour and begging. The Twa are marginalised and discriminated against because of their identity, and have virtually no representation in Rwanda's local or national administration or decision-making processes. The Twa were victims of

the 1994 genocide, losing an estimated 30% of their population compared to 14% of the overall population. The Twas' losses have never been acknowledged by the post-genocide Rwandan government. They feel that they have been forgotten in the post-genocide reconstruction of Rwandan society.

However, over the past few years there have been some positive developments. Rwandan Twa have organised themselves, creating NGOs to press for improvements in the situation of the Twa. These organisations have made representations to the President of Rwanda and to the Commission charged with the revision of Rwanda's constitution, calling for affirmative action on land and education and requesting special measures for their representation in government processes. The Twa NGO 'CAURWA' is working with 70 local Twa associations, helping them to get land, learn how to farm and develop non-agricultural income generating activities such as tile-making, basketry and pottery. These activities are complemented by advocacy work at local, national and international level and community capacity building to enable the Twa to play an active role in national processes such as Rwanda's Poverty Reduction Strategy, the traditional *gacaca* courts that will judge the thousands of prisoners accused of genocide-related crimes and the national Unity and Reconciliation process, that seeks to heal the wounds caused by Rwanda's long history of ethnic strife. (By: Dorothy Jackson, WRM Bulletin N° 62, September 2002).

### **Uganda: The Batwa organize to reassert their rights**

The Batwa (so-called Pygmies) are the Indigenous peoples of south-west Uganda. According to historical records and oral histories, only the Batwa inhabited this area until at least the mid sixteenth century. They have been mostly hunter-gatherers, some in the mountainous forests, and some in forest savannah or lake environments.

The Tutsi moved into the area after 1550. Although recognizing Batwa ownership of the high altitude forest, the Batwa were regarded as Tutsi's servants within the King's courts. From about 1750, Hutu clans began to move into the area, and from 1830 the Tutsi sought to establish more direct rule over the territory, leading to conflict between the two groups. The Batwa played an important role in these conflicts and the

Tutsi could not have established or retained this region as part of their kingdom without the support of Batwa archers. Some Batwa established themselves in powerful positions and claimed tribute from Hutu around them, but most would pay tribute to the Tutsi kings by bringing them ivory, animal skins and meat. Throughout this whole period—and up until their forced expulsion by conservationists from the forests in 1991—Batwa would also barter meat, honey and other forest products for other products from the local community around them.

In 1991, the Bwindi and Mgahinga National Parks were established which caused great suffering to Batwa and other neighbouring local communities. In 1995 the conservation Trust became fully operational. In spite of the resulting violation of the Batwa's territorial and human rights, the establishment of the parks was funded by the World Bank/GEF which granted 4.3 million US dollars for resource management and biodiversity conservation in Bwindi and Mgahinga National Parks. The gazetted boundaries of Bwindi Park are 321 Sq.kms (over 80,000 acres) and Mgahinga Park is 33.7 Sq kms.(under 8,000 acres). The parks are hilly islands of moist tropical and upland forest within a densely cultivated region. The Batwa are by far the most affected group since they no longer have access to their forest resources, and so their forest-based participation in the local economy has been destroyed and they have been reduced to landless labourers. Nearly 20% of the Parks' income is meant to be for park management, 20% for research and 60% to local community development. As a result of the development of an Indigenous peoples policy (as required by the World Bank)—and in recognition of the devastating impact on the Batwa of the creation of the National Parks— a proportion of the conservation Trust's community development budget was allocated to a Batwa component, the most important element being a process of buying small fields for individual Batwa families.

In addition to their forced expulsion from the living in or using their forests, the Batwa of Uganda suffer severe discrimination at the hands of other communities. They experience marginalisation and discrimination, a lack of land, of access to formal education and to employment and even to secure an area to put up temporary dwellings involves having to work long hours in others' fields. They are not represented—locally or nationally. Instead of being able to base their

livelihoods in the forests using their traditional skills, they now depend on labouring—and even begging—to support their livelihoods.

To make matters even worse, there has been very slow movement in terms of achieving some form of compensation for the Batwa for their loss of their territories. The conservation Trust's buying of small parcels of land for Batwa families finally started to get somewhere in 2000. Today, according to Mgahinga and Bwindi Impenetrable Forest Conservation Trust (MBIFCT) a total of 326 acres has been bought for the Batwa. The original owners of the entire forest have been "compensated" with a mere 326 acres and, furthermore, there are many more Batwa still lacking even such miserable patches of land. The problem has been further compounded because the 4.3 million US dollars funding for the conservation Trust was invested in an offshore investment trust by the World Bank/GEF in the early 1990s. The funding for the conservation Trust has therefore been dependent on the performance of the international stock market. With the severe downturn in stock markets the Trust's income has suffered. As a result, in July 2002, the Trust announced that it was cutting the Batwa component entirely. No more land would be bought for Batwa, but meanwhile the Trust would continue to fund the other aspects of the National Park, including the park guards who forcibly exclude Batwa from entering the forest. The World Bank's own research on the impact of the National Parks on the Batwa had stated that without the Batwa component, the Trust's work would simply worsen the situation for the Batwa and would therefore run counter to the Bank's Indigenous Peoples Policy. That situation now appears to be the case. Will there be enough international pressure to ensure that the Trust continues with the Batwa component, or is there a case in international law to argue for the return of the forests to the Batwa?

The Forest Peoples Programme has been supporting the Batwa to establish their own Indigenous organisation known as the United Organisation for Batwa Development in Uganda (UOBDU) which is based in Kisoro in S.W. Uganda. UODU co-represents the 3000 or more Batwa within the 3 Districts Kisoro, Kabale and Kanungu where Batwa communities exist. The organisation has a Batwa Representation Committee, which represents them in meetings/workshops with the MBIFCT conservation Trust. The organisation has been campaigning for land and forest access, and has represented Batwa views in

meetings with Government representatives and with NGO's. As well as continuing to argue their case, UOBDU is also providing a vehicle for the Batwa to re-develop lost skills and bring together their expertise in forest-related knowledge as a first step in reasserting their rights and improving their quality of life. (By: Penninah Zaninka, WRM Bulletin N° 62, September 2002).

## AMERICAS

### **Guyana: Empowerment of indigenous peoples through participatory mapping**

Despite decades of lobbying successive governments for full legal recognition of their traditional land rights, the 55-60,000 Amerindians in Guyana still find themselves in one of the most precarious land tenure situations in South America: many communities lack any legal land title whatsoever, while the others can only count on an insecure title which covers just a fraction of their ancestral territory, and which can be revoked unilaterally at any time by the Minister of Amerindian Affairs. Since national independence in 1966, the Guyanese state has titled just 6000 square miles of the 24,000 square miles recommended for title by the Amerindian Lands Commission (ALC) —a body set up by the British in 1966 to resolve the Amerindian land question in response to consistent pressure from grassroots Amerindian leaders. Indigenous peoples complain that Government's repeated broken promises on land rights issues constitute the large-scale theft of their ancestral territories by the state.

Untitled areas on so-called "state land" are the subject of mining and timber concessions issued by central government without prior consultation with Amerindian Communities. Gold and diamond concessions, for example, cover around 35% of the country —an area that affects many of the traditional territories of the Akawaio, Macusi, Wapichan and Wai Wai peoples. Indigenous communities protest that poorly regulated commercial resource extraction dominated by outsiders from the coast has caused environmental damage in their territories and wrought social and cultural upheaval in their communities.

The indigenous struggle for land security and their rejection of top-down destructive resource exploitation on their lands took a major step forward in 1991 with the formation of the Amerindian Peoples Association (APA). The APA unites more than 80 Amerindian communities that represent all nine indigenous peoples of Guyana. Many of the local APA “units” are linked to its central office in Georgetown via a radio network. The APA works to promote indigenous rights at the national level, to keep member communities informed of government policies, laws and projects that may affect their welfare and to raise local Amerindian concerns with central government. A key part of APA activity involves training workshops for indigenous leaders on the national and international laws relating to indigenous rights and natural resources.

In 1994, Amerindian leaders from Region 7 of Guyana and APA staff had a meeting with their country’s President in order to once again press for inalienable title to the full extent of their ancestral territory that covers 3000 square miles in the Upper Mazaruni. In response, the President challenged them to show how they use their land and why they demand ownership over such an extensive area.

Following a series of meetings in the six Amerindian communities in the Upper Mazaruni, the Akawaio and Arekuna people decided that they would need to map their traditional land and demonstrate that all the forests and savannahs in their territory have been used and occupied by them according to their custom for generations. They agreed that drawing up their own map could help demonstrate that their view of property, ownership and resource use is very different to the government view.

In 1995 the mapping project began in the field with technical support from the APA and international NGOs including the Forest Peoples Programme and Local Earth Observation. A team of four indigenous mappers were trained over six weeks in map work and the use of Global Positioning System technology (GPS). Over nine months the whole territory was mapped to show boundaries, past and present-day settlements, natural resources and cultural sites using names and categories defined by the communities themselves in accordance with their language and traditions. The final community map showed the

whole Upper Mazaruni basin to be covered in an impressive blanket of indigenous place names, extensive and multiple indigenous land uses, burial grounds and special traditional areas such as bodawa: “hunting and fishing reserves”. Since the map was published in 1998 it has been praised by many individuals and organisations including the Organisation of American States and the World Bank. Sadly, however, the government of Guyana still refuses to acknowledge the map as a legitimate claim to indigenous land ownership.

Undeterred by the stubbornness of the national government, Amerindian communities throughout Guyana have been inspired by the Upper Mazaruni mapping project. Since 1998, the APA has carried out further projects with its own indigenous cartographers who are trained in digitising base maps, inputting the field data and printing off draft maps for verification by the participating communities. This in-house team has worked with Arawak, Carib, Wapichan, Wai Wai and Akawaio communities to complete four more community mapping projects covering a total of 14,000 square miles. Two more projects are also currently underway and several more are planned. The local mapping teams for all these projects have been trained by an Arekuna Amerindian tutor who first gained his skills as a team member on the original mapping project.

Those who have participated in the mapping activities point out that the projects have been an empowering experience in a number of ways. They emphasise that traditional knowledge has been revitalised as younger people have worked with elders to collect the information for the maps. Mapping has also raised grassroots awareness about land use and resource management issues. Community mapping has turned out to be a useful tool for the defence of indigenous territories. An increasing number of trained indigenous mappers are now able to use the GPS technology and their own maps to pinpoint resource concessions that overlap their boundaries. Likewise, they can spot cases where companies have made incursions into indigenous lands, plot this infringement on a map and show the company that they are on Amerindian territory without permission. Already, companies have been obliged to withdraw their equipment when faced with this strong evidence.



The benefits of the pioneering community mapping work in Guyana are now spreading to other countries. The indigenous tutor has already helped Amerindian communities in neighbouring Suriname to map their traditional lands in the lower Marowijne. Practical lessons gained through the APA's innovative mapping projects are now being shared with indigenous peoples' organisations in the Ecuadorian Amazon who are preparing projects to self-demarcate their traditional territories. One lesson from Guyana is clear: a combination of village-level capacity building in land rights issues and participatory mapping can be empowering for local people and also provide the basis for an effective territorial defence strategy. (By: Tom Griffiths, WRM Bulletin N° 62, September 2002).

### **Peru: Camisea gas project undermines the rights of indigenous peoples**

In December 2000 the Argentina-based company Pluspetrol won the concession to extract natural gas from the Camisea basin in South East Peru. However, Pluspetrol's intention to conduct seismic and drilling operations within the Nahua/Kugapakori state reserve has attracted controversy because of potential impacts on its indigenous inhabitants living in voluntary isolation and initial stages of direct interaction with national society. Block 88 superimposes the Nahua/Kugapakori reserve, that was established by the state in 1990 to protect the Nahua and Kugapakori (also known as the Nanti) indigenous groups from the dangers of contact with national society. The group headed by Pluspetrol also includes US company Hunt Oil and the Korean SK corporation.

Critics point to the project's potentially devastating physical consequences: increased access by outsiders to the reserve will intensify pressure on its resources and expose the inhabitants to diseases to which they have little or no resistance. Equally grave are the projects' violations of the internationally agreed rights of indigenous peoples as well as undermining the right to say no to contact that is currently being exercised by those peoples living in voluntary isolation. The project is now at make or break time; support from the US banks, who are currently evaluating the project, is essential if it is to go ahead but activists are pressurising the banks to reject funding while the project

still fails to address the rights of the indigenous peoples within the reserve.

The 443,887 hectare Nahua/Kugapakori reserve is the ancestral home for Nahua, Nanti and Matsigenka peoples. Most of these groups are in the initial stages of direct interaction with Peruvian national society. These groups in initial interaction (with the exception of the Nahua), do not speak Spanish, have only sporadic direct contact with some other indigenous communities living outside the reserve and are highly vulnerable to introduced diseases and exploitation by outsiders. At the same time there are some Nanti and others of uncertain ethnic origin who have taken a choice to avoid all direct contact with national society and live in a state of voluntary isolation. Through remaining in voluntary isolation, these peoples are exercising their right to say no to direct contact with national society. These latter groups are even more vulnerable to introduced diseases and live in remote headwaters of the Timpia, Serjali and Paquiria rivers including the area where seismic testing is taking place. The Peruvian indigenous federation FENAMAD state that “contact by outsiders with these peoples would constitute a serious threat to their fundamental rights to health, cultural identity, well being and possession of land.....and make possible their extinction as individuals and as indigenous peoples”. Estimates of the total population of the reserve range from 1000–2000 people.

Pluspetrol have acknowledged that unwanted encounters with the peoples who live in voluntary isolation in the area of seismic testing in the headwaters of the rivers Paquiria and Serjali are possible. Testing began in the reserve in May 2002 and Pluspetrol assured critics that; “this contact will not be encouraged”, that they have reduced the seismic area in order to avoid such encounters and that contingency plans are in place. Plans consist of sending parties of local indigenous people ahead of the seismic testing groups as well as vaccinating all workers against potentially contagious diseases. In reality it is unclear what is happening in the field. Some local Pluspetrol workers say there have been reports of sightings but no direct encounters with “naked or uncontacted Indians”.

The independent review of the environmental assessment (EA), that was commissioned by local and national indigenous federations

COMARU and AIDSESEP, concluded that “it cannot be assumed that the (contingency) plan will effectively prevent harmful impacts like the spread of introduced diseases that could prove fatal for the isolated populations”. In fact, when Shell Oil conducted preliminary exploration in the region in the 1980’s, over half the Nahua population died as a result of respiratory diseases contracted from loggers. Pluspetrol have responded by stating they are in the process of developing an independent community environmental monitoring program albeit 3 months after work started in the reserve. The reports of sightings, although denied by Pluspetrol in Lima —whose representatives stated that these sightings are referring to the “traditional Matsigenka” populations on the lower Camisea which neither explains their nakedness or their sightings in the seismic zone— confirm the conclusion of the independent review: “no matter how many precautions are taken the only fully effective policy is to avoid working in those areas known to be inhabited by such groups”. Aside from the physical risks of inadvertant encounters, working in areas known to be inhabited by such groups undermines their fundamental right to avoid all direct contact with national society that they are currently exercising.

Pluspetrol’s EA acknowledges that the reserves inhabitants will be both directly and indirectly affected by the project, whose plans within the reserve include the construction of 3 wells and seismic exploration in over 800km<sup>2</sup> of rainforest. The independent review of the EA however identifies many threats such as increased colonisation, shrinking resource base and poorer health that the EA did not acknowledge. As a result there is a corresponding lack of concrete measures to adequately address them. Article 7 of ILO convention 169 refers to indigenous peoples rights’ to participate in the formulation, implementation and evaluation of development plans that may affect them. Ensuring adequate consultation is not simply a responsibility of the company but an obligation of the Peruvian state who have ratified ILO 169.

While some visits have been made by Pluspetrol to Nanti, Nahua and Matsigenka settlements there has been no disclosure of the details of these visits nor identification or development of methodologies of engagement with groups who in the main have no working knowledge

of Spanish let alone understandings of seismic explosions. One of the Matsigenka groups living in between the Paquiria and Camisea rivers say they were persuaded to abandon their homes by the advance parties of Pluspetrol. Former residents of Shiateni say that they moved when one of the advanced parties of Pluspetrol told them that the army would arrest them or they would be decimated by diseases if they didn't relocate. This was denied by Pluspetrol who say that their advance parties only established contact with these groups to inform them of Pluspetrol plans. This relocation they say was an independent decision taken as part of a traditional and seasonal movement. One possible conclusion is that this illustrates the challenges of communicating the impacts of gas exploration to people who have almost no working understanding of Spanish let alone alien concepts of property, money or even seismic explosions. Whether this is a genuine case of forced relocation is unclear. However, what is clear from the rushed, unsystematic and untransparent nature of all these visits is that their purpose has been to implement the project with as little recognition of the rights of the reserve's indigenous peoples as possible.

Work in the reserve started in May 2002 yet engagement with its inhabitants has to date been governed by the pressures of work schedules rather than a respect for their internationally recognised rights or concern for their health and security. The most worrying problems are: the serious inadequacies in the EA regarding indirect impacts for the reserve's inhabitants, the real risks of potentially fatal encounters between seismic parties and peoples in voluntary isolation and a failure on the part of both Pluspetrol and the state to comply with the legal obligation to consult as stated explicitly in ILO Convention 169. Perhaps most worryingly, project activities are undermining the rights of those peoples living in voluntary isolation to say no to direct contact with national society. Given these flaws, activist groups should support the findings of the independent review that calls on the Peruvian government to "protect these populations by not allowing industrial activities within the reserve". They should also urge the US banks to reject funding proposals until the fundamental rights of the reserve's inhabitants are properly addressed by the Camisea consortium. (By: Conrad Feather, WRM Bulletin N° 62, September 2002).

## **Suriname: Chinese logging companies and tribal rights**

Chinese logging companies are relatively new arrivals in South America. In Suriname, at least two have been operating since 1997. The widely reported ban on domestic logging in China, in part prompted by devastating flooding related to forest loss, is one obvious reason for the internationalization of Chinese logging. According to Surinamese government statistics for the years 2000-01, Chinese loggers were by far the largest producers of round wood and China was by far the largest export destination for Surinamese round wood, exceeding the next highest destination fourfold.

This short article looks at one area of Suriname where the Chinese have set up operations, the impact of those operations on the Saramaka people, one of the six Maroon tribes living within Suriname's borders, and the measures the Saramaka have taken to seek respect for their rights. Maroons are the descendants of escaped slaves who fought themselves free from slavery and established viable, autonomous communities along the major rivers of Suriname's rainforest interior in the 17<sup>th</sup> and 18<sup>th</sup> centuries. Their freedom from slavery and rights to lands and territory and the autonomous administration thereof were recognized in treaties concluded with the Dutch colonial government in the 1760s and reaffirmed in further treaties in the 1830s.

The Saramaka people are one of the largest Maroon tribes, amounting to around 20,000 persons living in over 70 villages located along the Suriname River, one of the main watercourses in the country. Ownership of Saramaka territory is divided among a number of matrilineal clans. Members of the clans have rights to hunt, fish, farm and gather forest produce in the area owned by their clan, but ownership remains vested collectively in the clan. Despite this, Suriname presently maintains that the Saramaka, and other indigenous and maroon peoples, have no rights to their lands and resources, all of which are owned by the state and can be exploited at any time.

The Saramaka first became aware that part of their territory had been granted to a logging company when the employees of a Chinese company calling itself NV Tacoba arrived in the area in 1997. When they challenged the company, the Saramaka were told that the company

had permission from the government and any attempt to interfere with its operations would be punished by imprisonment. A Chinese company calling itself Jin Lin Wood Industries surfaced in the area in 2000. This company has relations with Ji Sheng, another Chinese company operating in Saramaka territory. A concession of 150,000 hectares held by Chinese company, NV Lumprex, was also recently discovered in Saramaka territory. Lumprex and Tacoba are ultimately owned by China International Marine Containers (Group) Ltd., a company registered on the Shenzhen Stock Exchange. This company uses the timber to make wooden floor boards for shipping containers. Finally, a Chinese company known as Fine Style is also operating in Saramaka territory.

Concessions held by the Chinese companies, which were granted without even notifying the Saramaka, are presently guarded by active duty Surinamese military personnel armed with military issue weapons. According to eye-witnesses, these companies have caused widespread environmental damage and substantially restricted the Saramaka's ability to use their forest resources. One Saramaka eye-witness, for instance, stated that "The soldiers told me: 'Leave the Chinese, go hunting here (in an area where the Chinese have finished cutting already). But don't let the Chinese see you.' Well, I went there: there was destruction everywhere; the forest was destroyed. In Paramaribo [the capital] people don't know what the Chinese are doing. Should not someone control the logging-activities of foreign investors? The Chinese cut hundreds of trees, dragged them to a place and piled them up there and they abandoned them in the forest. For us, people from the interior, it is terrible to see cedar trees cut down that are so important for us. And all this destruction made the animals flee away also."

After discovering that their territory had been given to logging companies, the Saramaka began organizing and held a series of meetings. They decided to file formal complaints with the Suriname government asking that the concessions be revoked and that their rights to their territory be legally recognized. Three complaints were submitted between October 1999 and October 2000, none of which received any response. Faced with silence and increased logging activity, the Saramaka decided to seek the protection of the Inter-American Commission on Human Rights (IACHR) and filed a petition there in October 2000. This petition cited Suriname's failure to recognize

Saramaka rights to land and resources as defined by the American Convention on Human Rights and active violation of those and other rights due to the logging and mining concessions granted in Saramaka territory.

On August 8, 2002, the IACHR issued a request to the Government of Suriname asking that it “take appropriate measures to suspend all concessions, including permits and licenses for logging and mine exploration and other natural resource development activity on lands used and occupied by the 12 Saramaka clans until the Commission has had the opportunity to investigate the substantive claims raised in the case.” This request, technically called precautionary measures, is intended to protect the Saramaka people from human rights abuses and environmental degradation caused by logging companies operating in Saramaka territory while the IACHR conducts an investigation of the situation and are only issued in extreme case that pose an immediate and irreparable threat of harm.

This request was issued after the Saramaka had highlighted the urgent need for the IACHR’s immediate intervention in order to avoid irreparable harm to the Saramaka people’s physical and cultural integrity caused by the logging activities. Writing in support of IACHR intervention, Dr. Richard Price, an anthropologist and leading academic expert on the Saramaka, wrote that without immediate protective measures, “ethnocide—the destruction of a culture that is widely regarded as being one of the most creative and vibrant in the entire African diaspora— seems the most likely outcome.” And, “The use of Suriname army troops to “protect” the Chinese laborers who are destroying the forests that Saramakas depend on for their subsistence, construction, and religious needs is an extraordinary insult to Saramaka ideas about their territorial sovereignty. ... Their presence in the sacred forest of the Saramakas, with explicit orders to protect it *against* Saramakas, on behalf of the Chinese, is an ultimate affront to cultural and spiritual integrity. By unilateral fiat, and through the granting of logging and mining concessions to Chinese companies, the postcolonial government of Suriname is currently attempting to expunge some of the most sacred and venerable rights of Saramakas. In this respect, the destruction of the Saramakas’ forest would mean the end of Saramaka culture.”

The case filed by the Saramaka is the first time that either Suriname's failure to recognize indigenous and tribal territorial rights has been challenged in an international human rights body. If successful, the case may represent a precedent that will benefit all other indigenous peoples and maroons in Suriname. The case is presently pending a decision on the merits by the IACHR. The Saramaka have requested that the IACHR make itself available to mediate a friendly settlement that will hopefully result in a negotiated settlement withdrawing the logging concessions and recognizing Saramaka territorial rights. Failing that they ask that the case be submitted to the Inter-American Court on Human Rights for a binding decision.

To-date, Suriname has failed to respond in any way to the allegations made in the petition despite repeated requests from the Commission to provide information on the case. Also, despite substantial press coverage of the IACHR's request for precautionary measures, Suriname has failed to take any action to honour the request or to protect the rights of the Saramaka to their lands traditionally occupied and used. (By: Fergus MacKay, WRM Bulletin N° 62, September 2002).

### **Venezuela: Mapping a way forward**

The Caura river in Venezuela is the last large affluent of the Orinoco which has not been polluted, carved up, dammed or diverted by mining, roads, logging and large-scale development projects. The upper reaches are home to two ethnic groups, 'Amazonian Indians'. These are the Ye'kwana, a people with a tradition of well-developed shifting agriculture and of building huge conical collective dwellings, who have been in the area at least as long as historical records relate; and the Sanema (Northern Yanomami) a more mobile group of hunters, gatherers and incipient agriculturalists who moved into the area from the south about a hundred years ago. In all, about 3,500 Indians scattered in some two dozen settlements occupy the four million hectares of river, forest and mountain that stretch between frontier "criollo" settlements on the lower river and the Southern border with Brazil.

Ye'kwana tales and chants tell of a primordial time when one of their culture heroes, Kuyujani, walked the boundaries of the territory naming and creating the high mountains, waterfalls, sacred rocks and



pools. These stories constitute charters which establish the deep spiritual ties that bind the Ye'kwana to their homeland. Sanema spirituality is likewise deeply imbued with a knowledge of the power of forests spirits and animal beings whom Sanema shamans communicate with and embody through dreams, during nightly chants and through the use of hallucinogens during daytime rituals. When Sanema fall ill, the shamans recruit the power of these tutelary spirits to combat the malign forces that cause disease. Veiled from our eyes in the day, the spirits can be discerned in the roaring voices of waterfalls, in light shining through foam and seed down, in the drip of water from pools in the crotches of giant forest trees and in the calls of animals and birds. The forest is alive—not just as a useful 'ecosystem' abundant in food and 'resources'— but as a veritable society of meaning and power that gives these peoples their identity.

The Venezuelan government has long viewed the Caura river as a potential source of hydropower. One proposed dam at the Para falls, where the mighty Caura crashes over a hundred metre drop down to the lower river, would impound the whole river. A second dam proposed further up the Caura's main tributary, the Mereveri, would divert over half the river's water across the watershed into the neighbouring Paragua river, to supplement the water already flowing through the Guri dam on the Caroni. Both options would mean the inundation of the Indians' richest agricultural and hunting lands and require their forced relocation. Electricity from these dams would be exported to Brazil to fuel development in the State of Roraima, conveyed along power lines already cut across the lands of the neighbouring Pemón people. Ecologists can barely guess at the environmental implications, especially for the million hectares of swamp forest in the lower river, which would likely dry out if the river was to be dammed. The Indians are clear, however. They don't want the dams.

To avert these threats, the Ye'kwana and Sanema formed their own inter-ethnic association, which they called Kuyujani. The association—and the network of radio transmitters they have implanted— links together all the widely dispersed settlements of the river and meets annually to elect political representatives and decide strategy about how to deal with the challenges facing the river basin—gold miners, the agricultural frontier, tourism, and hydropower— and how best to

push for recognition of their rights to land. With technical assistance from the Forest Peoples Programme, and funding from the IUCN-Netherlands, Rainforest Foundation and Nouvelle Planete, the Indians have mapped their territory. This has meant a trained team of Ye'kwana and Sanema visiting every settlement and canoeing and trekking to every area of significance in their domain. Using Global Positioning System devices they then 'geo-referenced' all this information so it could then be plotted on a base map with the help of the Universidad Nacional Experimental de Guayana. The result is a huge and detailed, highly coloured map which shows the Indians' names for all the features in their territory. Now, as part of second project, Kuyujani is developing a 'management plan' for this area, based on self-run community-level workshops to establish the customary system of resource management and complement this with western ideas of resource management through the training of eight community members at the University in the biological sciences.

These pioneering initiatives have helped promote a shift in national policy towards the Indians. In 1999, Venezuela adopted a new Constitution recognizing, for the first time, indigenous peoples' rights to their 'habitats'. In 2001, the Venezuelan Congress adopted a law establishing a mechanism for the recognition of these 'habitats', which was strongly influenced by the Caura model. The National Commission required to enact the law was established in August the same year. In early 2002, the International Labour Organisation (ILO) was informed that the Venezuelan Congress had also ratified ILO Convention 169. Meanwhile, discussion continues on a new organic law on indigenous peoples, which would provide further recognition of indigenous rights and institutions. Meanwhile, Kuyujani has submitted the first official application to the National Commission to seek legal recognition of the Upper Caura as the habitat of the Ye'kwana and Sanema. Kuyujani leaders have also provided advice and training to other indigenous communities in the Venezuelan Amazon on how to map and claim their lands. As long as the Venezuelan government sustains its commitment to this enlightened new policy, the basis has now been set for a country-wide recognition of indigenous rights to their lands. (By: Marcus Colchester, WRM Bulletin N° 62, September 2002).

## ASIA

### Indonesia: The struggle for self-governance

Since the fall of the Suharto dictatorship in 1998, a vigorous national struggle for recognition of indigenous rights has found voice in Indonesia. Embodied in the Aliansi Masyarakat Adat Nusantara (AMAN - the Alliance of the Peoples Governed by Custom of the Archipelago), this movement is demanding recognition of the rights of the indigenous peoples to their lands and to self-governance. Based on the constitutional recognition of adat (custom), the movement seeks to restore to the communities the power lost to the State in the centralising reforms of the 1960s and 1970s. As Pak Nazarius, a Kanayatn Dayak from West Kalimantan and Coordinator for AMAN's central region notes:

*“Under colonialism Indonesia was colonised but the communities had their freedom. Under independence the country got its freedom but has colonised the communities. National reform must mean giving freedom to the customary communities if it is not to be a continuation of the dictatorship.”*

AMAN estimates the numbers of those living in communities still governed by custom at anywhere between 60 and 120 million people, out of a national population of 200 million. These peoples claim rights in all or most of the country's forests but in doing so they face formidable obstacles. Under the country's forestry laws, some 70% of the national territory was classified as State Forests under the jurisdiction of the Forest Department. Most of this forest was then leased to logging and plantation companies, which, in name of sustainable forestry, have been denuding the country of its forests at a rate of some 1.2 million hectares per year for the past two decades. That rate has now increased to some 3 million hectares a year according to the national environment organization, WALHI, mainly to feed the voracious appetite of domestic plywood and paper-pulp businesses that can consume 70 million cubic metres of timber a year (more than three times an over-optimistic official estimate of a national sustainable yield of 20 million cubic metres).

Within State Forests all proprietary rights are by definition extinguished, although customary communities may be permitted to harvest some forest products if local companies allow. But outside State forests mechanisms for the recognition of collective rights in land are also effectively denied. AMAN is thus part of a broad civil society movement calling for radical reforms in natural resource management in line with constitutional agreed principles that recognise that the current systems of natural resource jurisdiction and land tenure are major causes of social injustice, conflict and environmental pillage.

National development policies have carved up the indigenous peoples' territories both physically and in terms of overlapping administrative jurisdictions. The peoples, though, want full authority over their lands handed back to them. As Pak Nazarius puts it:

*"In my community our understanding is that we have rights to our land and the natural resources both above and below the land. Everything up to sky belongs to us. Several laws and policies have classified our forests as State forests and the minerals as property of the State. We don't see it like that. I have hair on my arm, on my skin. Both are mine. I also own the flesh and bones beneath. They are also mine. No one has the right to take me apart. But the policy has cut these things apart and thus has cut us into pieces. We want the land back whole."*

The demands of the indigenous peoples are favoured, to some extent, by the administrative decentralization effected by law in 1999. These reforms have increased the powers of the local political class, on the one hand intensifying pressure on natural resources to generate revenues to pay local administrative costs and line the pockets of officials and local croneys but on the other hand also bringing government nearer to indigenous communities. In South Sulawesi, at indigenous insistence, local laws have been enacted which now recognize the authority of the Toraja people's customary territorial institutions, *lembang*. In West Java, a district law now recognizes the territorial rights of 52 Baduy villages. These reforms presage a sea-change in relations between the State and indigenous peoples, which are likely to play out in very diverse ways, for good and ill, in the 360 or so self-administering districts that

now comprise Indonesia. (By: Marcus Colchester, WRM Bulletin N° 62, September 2002).

### **Laos: The impact of the Nam Theun 2 dam on indigenous peoples**

In July 2002, the World Bank released a “decision framework” on its involvement in the proposed Nam Theun 2 dam. The paper explains how the Bank intends to make a decision on whether or not to give a USD100 million loan for a political risk guarantee on the proposed 1,000 MW dam.

The USD1.5 billion dam has been studied for more than a decade. The project developer, the Nam Theun 2 Electricity Company (NTEC), is a consortium of Electricité de France with Harza Engineering, the Electricity Generating Company of Thailand, Ital-Thai and the Lao government. Without the World Bank’s guarantee, commercial financiers will not risk getting involved.

If built, the dam would result in the forced resettlement of about 5,000 indigenous people. Water from the 450 square kilometre reservoir would be diverted via a powerhouse to the Xe Bang Fai, another Mekong tributary. A recent independent study found that 130,000 people, many of whom are indigenous, derive “important livelihood benefits” from the Xe Bang Fai and its tributaries. In May 2002, Bruce Shoemaker, one of the authors of the study, explained to a US Congressional Hearing that if the dam is built, “the flow of the river will be radically altered, flood cycles changed, and rapids (the best fishing areas) submerged.”

In its decision framework paper, the World Bank states that “Project preparation has focused on mitigating these negative impacts by ensuring that the design and implementation of plans pertaining to all of the Bank’s safeguard policies are carried out so as to meet or exceed Bank standards.”

What the Bank does not mention in its paper is that the project has already had a major impact on indigenous communities living in the proposed reservoir area. For at least ten years, a Lao military-run logging

company, Bholisat Pattana Khed Poudoi (BPKP), has been clearcutting the reservoir area on the Nakai Plateau. In 2000, a World Bank survey found that BPKP was also running large-scale logging operations around the reservoir, in forests that were supposed to be protected.

The International Advisory Group (IAG), which was appointed by the World Bank to monitor the project, confirms that logging is affecting indigenous communities. In April 2001, the IAG reported that “the progressive clearance of forest and other vegetation from the plateau in anticipation of inundation has resulted in the diminution of areas for food and other NTFP [non timber forest product] gathering including house building materials.” In a letter to the World Bank’s vice-president, the IAG wrote, “In villages we visited, the people have if possible sunk to a lower level of poverty than they were experiencing five or more years ago.”

The indigenous people living on the Nakai Plateau and the surrounding forests belong to 28 distinct ethnic groups, according to anthropologist James Chamberlain, who was hired by the World Bank in 1996. Chamberlain noted that among these people are “Vietic ethnolinguistic groups [which] have not been well classified, and several, the Atel, the Malang, the Arao, and the Salang-X, were hitherto completely unknown.”

However, NTEC hired another consultant, Stephen Sparkes, who worked for Norplan, a Norwegian consulting firm. Sparkes wrote that “After conducting fieldwork in the area, I have referred to the Plateau as a ‘melting pot culture’ since it is becoming more and more difficult to distinguish one group from another.”

Sparkes’ work found the approval of NTEC and the developers subsequently described the people living on the Nakai Plateau as “‘indigenous peoples’ as a whole since the distinctions between groups are not significant.”

Although the people living on the plateau were not consulted before BPKP clearcut their forests, NTEC claims on its web-site that “there have been more than 242 public consultation and participation briefings and meetings which have already taken place at the local, regional, national and international levels for the Nam Theun 2 project.”

More than 200 of these “consultations” took place between February and June 1997 in villages on the Nakai Plateau and along the Xe Bang Fai. BPKP was already logging in the reservoir area at this time.

Barbara Franklin, a consultant hired by the World Bank to monitor consultation on the project was extremely critical of NTEC’s consultation process.

After the NTEC consultation team’s presentations, Franklin asked randomly selected villagers what changes the dam would bring to their villages. She noted that “many of the villagers painted rosy pictures, saying things like, ‘Everything will be better, because these people will come to help us’.”

Franklin produced more evidence that the information that NTEC’s consultants gave during their presentations was overoptimistic and biased. In villages along the Xe Bang Fai, which would not be resettled under the project, some villagers told her that they hoped they would also be resettled.

In fact, many villagers simply did not understand NTEC’s presentations, which were in the Lao language. Franklin pointed out that in some of the villages on the Xe Bang Fai, many of the villagers do not speak Lao fluently. The result, according to Franklin, was that “many participants understood little or nothing of the meeting”.

NTEC’s consultants fared no better with their visual presentations. During presentations in villages on the Xe Bang Fai, the consulting team showed villagers a cross section of the proposed channel which would take water from the power station to the Xe Bang Fai river. The channel would destroy 60 hectares of villagers’ rice paddy land. Based on her conversations with villagers after the meeting, Franklin commented that “Most villagers thought they were looking at a picture of a well.”

Franklin concluded that it was “unclear whether or not women and non-Lao speaking ethnic minorities have been consulted in a meaningful way as required by World Bank Operational Directives.” The examples from her own report, however, make it crystal clear that villagers have not been consulted in a meaningful way.

NTEC states on its web-site that it is “committed to assisting affected households to make an informed choice about resettlement and compensation”. In other words the informed choice offered by NTEC is not about whether indigenous peoples want their lands flooded, their rivers destroyed, their forests logged or placed out-of-bounds in the name of conservation, or even whether they want an enormous hydropower project on their land.

Instead, NTEC is presenting the indigenous peoples of the Nakai Plateau with a simple choice: either move or drown. (By: Chris Lang, WRM Bulletin N° 62, September 2002).

### **Philippines: Indigenous peoples and the Convention on Biological Diversity**

The Philippine archipelago is extremely rich in both biological and cultural diversity. It is one of the world's 12 biologically mega-diverse countries and hosts about 127 main cultural groups.

Biodiversity, however, has been decreasing dramatically and the country is considered one of the most important hotspots (where conservation measures are urgently needed) on the planet. As such, the Convention on Biological Diversity (CBD) is quite relevant to the country and vice-versa. Indigenous organisations have been asserting that the history of biodiversity erosion in indigenous peoples' lands is linked to the conversion of lands into mining and logging concessions offered through political patronage, and inappropriate large-scale “development” projects like dams, plantations, etc. The CBD's provisions most relevant to Philippine Indigenous Peoples are those being discussed and advanced under the Ad-Hoc Open-Ended Inter-Sessional Working Group on the Implementation of Art. 8(j) and related provisions. At the last two CBD's Conferences of the Parties (COP5 in 2000 and COP6 in 2002) much of the work developed by the 8(j) Working Group has been adopted as official CBD resolutions. One aspect of this work that is particularly important for the theme being discussed here is the call for effective participation of local and indigenous communities in biodiversity management and policy-making at the local, national, regional and international level.



The CBD, however, might not be completely open to giving full recognition of indigenous peoples' rights although there is increasing realisation that environment and human rights should be dealt in an integrated rather than sectoral manner. As Vicky Tauli Corpuz —Executive Director of the Baguio-based Tebtebba Foundation (Indigenous Peoples' International Centre for policy Research and Education)— put it “While it has established the rights of the nation-state over genetic resources, the CBD only acknowledged the need to respect, preserve, and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles. The right of indigenous peoples and local communities to have control over their genetic resources is not even included. With the sustained lobbying of indigenous peoples, however, together with NGOs and sympathetic governments, the elaboration of Article 8j has opened the space for the contracting parties to consider the links between respect of knowledge, innovations and practices and the rights of indigenous peoples over their territories and genetic resources”.

The Philippines has been regarded as one of the most active and progressive countries in Asia (and possibly in the world) in terms of recognising the rights of indigenous peoples and developing legislation to implement some of the recommendations stemming from the Convention on Biological Diversity (CBD) in relation to bioprospecting. These were developed prior to the setting up of the Art. 8(j) Working Group in the CBD. In May 1995, President Ramos signed Executive Order 247 (EO247), Prescribing Guidelines and Establishing a Regulatory Framework for the Prospecting of Biological and Genetic Resources Their By-products and Derivatives, for Scientific and Commercial Purposes and for Other Purposes. Among the provisions referring to indigenous cultural communities (ICCs), EO247 states that the Inter-Agency Committee on Biological and Genetic Resources (IACBGR) —which it set up— is mandated —under Section 7 (e)— to “Ensure that the rights of indigenous and local communities wherein the collection or researches being conducted are protected, ...The Inter-Agency Committee, after consultations with affected sectors, shall formulate and issue guidelines implementing the provisions on prior informed consent.” In recent months, a new Wildlife Act that will have an impact on the scope and implementation of EO 247 has been

adopted. The implementing rules and regulations (IRR) have yet to be finalized and the Act itself has not been put into action, but it is expected that these will impact on the definition and process of bioprospecting.

On October 29, 1997, the President signed Republic Act 8371, An Act to Recognize, Protect, and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefore and For Other Purposes. This is commonly known as the “Indigenous Peoples Rights Act (IPRA) of 1997”. Since 1997, many of the IPRA’s strong points as well as weaknesses have been highlighted, to the point that while many indigenous groups still think that it can be used in a beneficial way, some others have called for the repeal of the law. Apart from the theoretical and practical ambiguities of the law —especially related to the confusing presence of ancestral domains and ancestral lands, the latter being individual claim, which opened the door to manipulation and commercialisation of indigenous lands— one main criticism was that the National Commission on Indigenous Peoples (NCIP) does not represent the Indigenous Peoples as the Commissioners were mostly appointed by the President without proper consultation and —especially under the Estrada administration— were either corrupt or inefficient, or both. The NCIP underwent radical restructuring during 2001 and a new set of Commissioners elected through a more participatory process at the provincial, regional and national levels, was instituted in mid-2001. There seems now to be more trust that the NCIP will truly work in the interest of indigenous peoples.

The Philippines can be considered an interesting testing ground for participatory and rights-based approaches to biodiversity management. This is illustrated by the National Integrated Protected Areas System (NIPAS) Act 1992, and by the use of the IPRA law. The NIPAS Act was introduced with the objective of developing a comprehensive protected areas system and integrate the participation of local communities in protected areas management and decision-making. The participatory approach is supposed to happen mostly through the Protected Area Management Board (PAMB), which is composed of government officers, NGOs, and local community representatives. Several NGOs and Community-Based Organisations, however, point out that in many cases

the PAMB has not been functioning effectively due to a number of limitations varying from lack of documents in local languages and resources for meetings and workshops, to the fact that the PAMB's chairperson is a government officer and that local people are usually shy to voice their concerns in the presence of government officials. So, at the end, the decision-making power still remains firmly in the government's hands.

Due to the fear of losing control over their resources and destiny, some indigenous groups therefore opt to use the IPRA law to guarantee their rights over land, resources, culture and life rather than rely on externally-proposed participatory mechanisms. An illustrative case is that of the Calamian Tagbanwa of Coron Island, Calamianes Islands, North Palawan. The Tagbanwa of Coron Island have been living on a stunningly beautiful limestone island surrounded by water once rich in marine resources, their main source of livelihood. By the mid-1980s, not having secure legal tenure over these environments, the increasing encroachment by migrant fishers, tourism entrepreneurs, politicians seeking land deals, and government agencies interested in controlling various resources of the island, meant that they were fast losing control over their terrestrial and marine resources to the point that they were facing food shortages. They reacted by setting up the Tagbanwa Foundation of Coron Island (TFCI) in 1985 and applying for a Community Forest Stewardship Agreement (CFSA). They were awarded a CFSA covering the whole island and neighbouring, small, Delian Island, (for a total of 7,748 hectares) in 1990.

Soon after they realised that their main source of livelihood, the marine waters surrounding the island were being degraded at an alarming rate by dynamite, cyanide and other illegal and destructive fishing. Through the use of an Executive Order passed in 1993 that allowed the Department of Environment and Natural Resources (DENR) to issue Certificates of Ancestral Domain Claims (CADC), and the help of a national NGO (PAFID), in 1998 they managed to obtain the first CADC in the country that included both land and marine waters, for a total of 22,284 hectares. They produced high quality mapping of their territories, an Ancestral Domain Sustainable Management Plan, and followed up the development of the IPRA law, successfully using it to obtain a Certificate of Ancestral Domain Title (CADT) in early 2001.

The title implies that the Tagbanwa are now in control of decision-making concerning the use and sustainable management of the island's resources. As TFCI Chairman Aguilar puts it "we are a living example of how IPRA can be used successfully by indigenous peoples". The CADC and CADT were put to prompt use when Coron Island was selected as one of the 8 sites under a DENR (EU-funded) national programme called the National Integrated Protected Areas Programme (NIPAP), 1996-2001. The ultimate intention of the DENR was (and still is) to gazette the whole island as a Protected Area, but this has so far not materialised because the Tagbanwa fear that they would once more lose control over the island, although they were promised majority participation in the PAMB. Having gained a CADT over the island they prefer to stick to their right-based approach to resource management rather than accepting an uncertain participatory approach through the PAMB. Several other indigenous communities in other parts of the country are looking at CADT over land and water as a tool to secure their rights.

The cases above suggest that the CBD can become a useful convention to the Philippine Indigenous Peoples only if it contributes to the development of participatory processes that genuinely confer a certain degree of Indigenous Peoples' control over decision-making, and —even more importantly— openly recognizes and supports a stronger link between biodiversity, indigenous culture and knowledge and rights over territories and resources, thereby accepting right-based approaches to biodiversity sustainable management and conservation.

Despite these positive and interesting developments in participatory and rights-based approaches in the country, in the wider framework of development and environment policy, it should be noted that the economic growth paradigm of the Philippine government and its commitment to the globalisation agenda of the WTO, the International Monetary Fund, and the World Bank, is pushing for the further conversion of land into industrial uses (the Mining Act of 1995 being a notorious case), which will inevitably lead to more biodiversity and cultural diversity loss. How these tensions will play out and which priorities will prevail will deeply influence the future of biodiversity and indigenous peoples in the country. (By: Maurizio Farhan Ferrari, WRM Bulletin N° 62, September 2002).

## **Russia: Mapping Evenki lands in Central Siberia**

The uplands between the Yenisei and the Lena rivers are one of the last regions of unbroken boreal forest —“taiga”— in Eurasia. This region is the homeland to Evenki, Ket, Sel’kup, Sakha, and Dolgan aboriginal hunters and herders. Although Cossack frontiersmen used the Yenisei, Lena, and Lower Tunguska rivers as their main route to subdue and integrate Eastern Siberia into the Russian Empire in the 17<sup>th</sup> Century, the central Siberian plateau escaped most of the dislocations of Russian and Soviet industrialism in the 19<sup>th</sup> and 20<sup>th</sup> Century. The central Siberian taiga remains sparsely populated and one of the main ecological niches for waterfowl, migratory and domestic reindeer, and a host of fur-bearing species ranging from the Arctic fox to the coveted Yenisei sable. Although Russians form the majority in the few cities and urbanised villages of the region, aboriginal hunters and reindeer herders remain the masters of the vast rural spaces today as they were in the 17<sup>th</sup> Century.

This relatively stable situation has been recently disrupted with the shift to monopoly market capitalism in the former Soviet Union. The Central Siberian plateau is today seen as a vast ‘reserve’ for oil, gas, coal, heavy metals and forest products. Foreign and domestic Russian oil companies are vying both for access to the subsurface resources of the region, as well as to rights to build all-weather roads and pipelines to ship fuels and wood to foreign markets. The aboriginal people of the region, once hailed as vanguard socialist herders and hunters, are now searching for a new legal avenue to regain a say in the changing political and economic climate around them.

The Forest Peoples Programme in collaboration with the Russian Association of Indigenous Peoples of the North (RAIPON) has started training local Evenki hunters and herdsmen on how to create their own maps of their traditional lands using portable Global Positioning Systems devices and Geographical Information System software. It is hoped that armed with these tools, the local aboriginal rights association can make better use of existing Russian legislation that controls the access that companies have to the taiga.

Land use mapping is a politically-charged issue in the Russian Federation. Existing Soviet and new Russian legislation regulates

access to topographical maps and GPS technology at certain scales. Nevertheless, recently passed federal legislation charges aboriginal and non-aboriginal rural hunters with the responsibility of filing maps and descriptions of their traditional lands with the federal government if they want them to be protected from industrial exploitation. The Federal law protecting 'Territories of Traditional Land Use' allows local communities of aboriginal and non-aboriginal people to remove their lands from the federal land reserve register and thus set them aside for traditional, non-industrial use. The challenge of this collaborative project has been to find a way to use modern mapping tools in a way that respects current laws but which also provides as accurate as possible data on the location of traditional sites so that they may be protected. At present, the main oil consortia in the region are open to listening to reasoned proposals for the protection of certain places for traditional activity and there is great optimism in the region for reaching a negotiated settlement.

The joint FPP/RAIPON project has started work in the most northerly county of the Evenki Autonomous District in the taiga spaces drained by the Lower Tunguska and the Vilui rivers. The region, however, is vast and faces many challenges. In the northern Ilimpei county there are no immediate threats to hunters and reindeer herders from industrial development. However the destruction of traditional settlements and hunting spaces has already started in the most southerly county of the District around the village of Osharavo. Beyond the borders of the Evenki Autonomous District, in Turukhansk County, Irkutsk Province, and in the Taimyr Autonomous District industrial exploitation has proceeded several leaps ahead with aboriginal lands already occupied by pipelines, open-pit mining and clear-cut forestry blocks. There is a lot of work remaining to be done in Siberia and FPP would welcome collaboration from other human-rights organisations who would also like to share this experience with land use mapping. (By: David G. Anderson, WRM Bulletin N° 62, September 2002).

## INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION

*Many people are unaware that there are still indigenous peoples living in voluntary isolation —both contacted and uncontacted— particularly in the tropics. People are also largely unaware about the impacts resulting from forced or free contacts of these peoples with the outside world.*

### **The Indigenous peoples' right to live in voluntary isolation**

In a world characterized by information, there are issues that have been made so invisible that the great majority of people do not know that they exist. This is the case of the Indigenous Peoples living in voluntary isolation. Most are not even aware that some of these peoples have not yet been contacted by the predominating society and in other cases, have resisted integrating it in spite —or as a result of— having been contacted.

To this ignorance is added a second one: that the very existence of these peoples is seriously threatened by the destructive advance of “development.” Roads penetrating into the forests to extract timber, oil, minerals or to promote land settlement for agriculture and cattle-raising, can be labelled “roads of death” for these peoples. They bring unknown diseases their bodies are unready for, the destruction of the forests that provide for their livelihoods, pollution of the waters that they drink, where they bathe and fish, confrontations with those who intend to take over their territory, the death of their millenary cultures.

To understand the problem we need to divest ourselves of our “truths” and try to put ourselves in their place. All of us live in territories with very precise limits. They do too. All of us are jealous custodians of our frontiers when faced with potential or real external aggression. They are too. All of us have our feeling of nationality, with a specific language, culture and knowledge. They have too.

What would we do if a group of armed foreigners entered our territory without our authorization? The same as they do: we would resist in every possible way, including armed resistance. However while we would be considered to be “heroic patriots” they are classified as “savages.” Why is this? Because we are the ones to describe resistance.

It is important to emphasize that these peoples were never asked if they wanted to be Brazilians or Ecuadorians or Peruvians or Congolese or Cameroonian or Indonesian or Malaysian. Each government (colonial or national) simply drew up a map and determined that all the territories included within its frontiers “belong” to the corresponding country or colony. No matter that these peoples had been living on these territories before the very creation of national states or foreign colonization. They were in fact “nationalized.”

Again the question: what would we do if we had to face a similar situation? Would we accept the imposed change of nationality or would we resist it? Surely we would do everything possible to continue being what we are and what we want to be.

The difference is that these peoples are in total inferiority of conditions to resist the devastating advance of predominant society. For this reason, all of us who believe in justice have the obligation to provide them, under many forms, with the support that they need —although they do not ask for it— to defend their rights and to stop the silent and invisible genocide they are being subjected to.

In this respect, the first thing we can do is inform the world that they exist, as an initial step towards the objective of gathering determination in defence of their right to live in their territories in the way they themselves decide, including the right to remain outside a society they have no wish to belong to.

In addition to this, we must do everything possible to protect their territories from outside invasion linked to activities such as logging, mining, oil exploitation and settlement. In the first place, this implies legal recognition of their rights by the State and strict compliance with legal provisions vis-à-vis possible non-authorized invasion. It also implies that the State explicitly excludes these territories from its development programmes.



In fact, we should not be surprised that there are peoples who do not want to integrate a society such as the one we live in, that thrusts millions of people into poverty and hunger and that destroys everything it touches (climate, forests, grasslands, wetlands, soil, air). These peoples are neither poor nor ignorant. They are different and are showing enormous wisdom in wanting to maintain their isolation. In the contemporary world where so many people dream of living on an idyllic tropical island, they are integrating something very similar. But it is increasingly difficult for them to defend themselves from external aggression. Let us help them to live on their own island until the day comes when they freely decide to integrate the predominant society—if ever they decide to do so. (By: Ricardo Carrere, WRM Bulletin N° 87, October 2004).

## **AFRICA**

### **Cameroon: Does isolation still protect forest communities?**

Indigenous Baka number 30-40,000 and live in the southern and southeastern areas of Cameroon. They are associated with, among other local communities the Bagando Bakwele, Knonbemebe, Vonvo, Zime and Dabjui farmers. About 4,000 Bagyeli and Bakola live in the southwest, and are associated with Bulu, Ngoumba, Fang and Bassa. Most Baka, Bagyeli and Bakola still rely on hunting and gathering to secure their livelihoods, and even though some also cultivate annual crops, often on the lands of these Bantu patrons, the majority still rely on the forests. Many local communities recognise them as “people of the forest,” who their ancestors found when they arrived.

Baka, Bagyeli and Bakola in general retain many aspects of their forest-based culture, including non-hierarchical social structures coupled with community recognition for individuals’ special skills, relatively small communities, an aversion to social conflict, proximate planning horizons and, to those from “outside”, an opportunistic circumspection. For almost all Baka, Bagyeli and Bakola, their forest is their ancestral home, their reliable grocery, the root of their existence, and their

customary right, and forests throughout Cameroon's southern forest zone are dotted with their favoured hunting and gathering grounds and their hidden sacred places. Their primarily hunting and gathering lifestyle combined with subsistence trade is associated with high physical mobility, which means that they can be difficult to locate at certain times of year, and their places of work and home are rarely accurately recorded - most are literally off the map.

Cameroon's indigenous forest communities' geographical and social isolation has enabled many of them to retain their forest-based culture since pre-colonial times, while the world around the forest has undergone radical changes. The same applies to indigenous hunter-gatherer communities who have established permanent villages for cultivation outside forests, since the vast majority of them are also completely marginalised from civic and government structures in Cameroon. This socio-political marginalisation reflects the gross discrimination that Baka, Bagyeli and Bakola face when they leave the security of their forest and communities, where they are powerful and relatively secure, for the amenities of the roadside or neighbouring local villages, where they may be mocked, cheated, and unfairly treated by government and civic authorities. This unsavoury treatment means that many Baka, Bagyeli and Bakola prefer to stay in the security of their forest community and to remain uninvolved in the "affairs of the village."

Indigenous forest peoples' isolation also means that most of them still have almost no access to modern health care, or formal education, and most are unable to speak and read French, the official language that dominates the forest zone in Cameroon. Until recent moves by the Cameroon government and NGOs to enable formal registration few of these people had their own identity cards, and almost all were absent from official census data and electoral lists. Thus they have been unable to stand up to powerful outsiders who sought to abuse their rights and the forest remains an important refuge.

Despite a long history of trickery and persecution by people entering the forests to extract resources such as rubber, wildlife, timber, minerals, and data on the flora and fauna, Baka, Bagyeli and Bakola in general are very open to outside influences. Their traditional forest coping mechanisms, however, are proving unable to protect them from the

increased demands on forests in which they have lived for aeons. Since the introduction in 1994 of Cameroon's new forest law there have been significant investments by donors in Cameroon's protected areas network to support older parks and to establish new conservation "planning regions". This has been extensively documented in WRM Bulletins. Campo Ma'an, Boumba-Bek and Lobéké National Parks were all established by the Cameroon government with donor support since 1995 and all overlap the traditional lands of Baka, Bagyeli or Bakola.

The fact that these communities were "off the map" when the parks were established has led to a situation where their forest rights, and hence their right to isolation are denied through the application of non-discretionary rules to protect endangered flora and fauna. Many of these new rules undermine indigenous peoples' hunting and gathering lifestyles, even though their rights to resources and to "traditional sustainable use" of them are protected by national and international legal provisions, and international agency guidelines. Current plans by Conservation and donors. (By: John Nelson, WRM Bulletin N° 87, October 2004).

### **Congo: The northern Mbendjele Yaka use avoidance to maintain autonomy**

The Mbendjele Yaka "Pygmies" live in northern Congo-Brazzaville. Mbendjele claim shared ancestry with other forest hunter-gatherer groups in the region such as the Baka, Mikaya, Luma or Gyeli. The Mbendjele calls all these groups Yaka people. Outsiders frequently refer to these groups as Pygmies, and occasionally members of these groups do too. They are forest-living hunter-gatherers considered the first inhabitants of the region by themselves and their farming neighbours, the Bilo. Each Mbendjele associates her or himself with a hunting and gathering territory they refer to as "our forest". Here, local groups of Mbendjele travel between ancestral campsites in favoured places where they will gather, fish, hunt and cut honey from wild beehives depending on the season and opportunities available. From time to time Mbendjele camp near Bilo villages to work for money or goods and occasionally make small farms. In spite of this, Mbendjele value forest activities and foods as superior to all others.

Negative stereotypes of the Mbendjele are widely held by the diverse Bilo ethnic groups in the region, and often publicly asserted. Typically Mbendjele are said to be chimpanzee-like, backward, impoverished, lazy, disgusting, stupid, and childish. They are regularly segregated from Bilo. They may not eat or drink together with their neighbours, sit together on the same bench, or share a cup or a plate. They may not sleep in the same houses. Sexual relations are forbidden, although they occur clandestinely. Many villagers deny that Mbendjele have any basic human rights, frequently describing them as their 'slaves'. Some Bilo claimed to have the right to physically abuse and even kill Mbendjele who disobey them.

Despite such negative portrayals, Bilo value their relations with Mbendjele greatly. Mbendjele are essential labourers for the farming economy at key moments such as at harvest. They are considered great herbalists and healers, and genuine ritual experts. Their performance and musical skills are widely admired, and they perform all the major ceremonies of the Bilo. Villagers greatly value the forest foods Mbendjele provide. Wild honey, game meat, especially elephant and pig, caterpillars, seasonal fruit and wild nuts are considered the finest local delicacies.

Questions that approach their relations with Bilo from the point of view of innate inferiority and subordination visibly annoy Mbendjele. The Mbendjele ideal of their relationship with Bilo is based on friendship, sharing, mutual aid and support, and on equality and respect for one another. When Bilo do not fulfil these expectations they can simply be abandoned.

In stark contrast to the Bilo conception of the Mbendjele as their slaves, the Mbendjele consider themselves free from commitment and binding ties. Able to leave and go whenever they like, they will find new friends if they are not satisfied. In this way the Mbendjele exert a pragmatic and tangible power over the Bilo that allows them to resist domination and maintain their autonomy.

Since Europeans first observed them Mbendjele have used this power in their relations with Bilo. Travelling widely in the Mbendjele

area in 1906, Bruel described his experiences at the Pomo (Bilo) village Mene on the Ndoki. When he first visited there were many Mbendjele. On his second visit the Mbendjele had all gone and the Pomo were complaining that they no longer got meat or ivory, but that they were frightened to look for the Mbendjele in the forest. Bruel observed that these relations '... are voluntary and result from different needs each wishes to satisfy. As soon as relations turn to their detriment, as soon as the Babinga [*Mbendjele*] think they have reason to complain about their [*Bilo*] associates, they break the relations, emigrate and often go far away in the forest where they will make new friends.'

Bruel explained that the Mbendjele's mobility permitted them to maintain their autonomy, and disagreed with claims by other (unnamed) European observers that 'the Babingas are the serfs of the sedentary populations.' The same practices are observable today, and perform a similar purpose. Mbendjele that were with Sangha-Sangha Bilo before the 1990s are steadily abandoning them in favour of the Bongili and Bodingo Bilo. They explain that these new partners are more generous and respect them better than the Sangha-Sangha did.

The use of avoidance in hunting and gathering societies is widespread and employed to deal with various problems from food shortages to dispute resolution. The facility with which avoidance is used depends crucially on people remaining highly mobile and not losing access to vital assets when they move. Without fixed assets to guard (such as fields or harvested crops), a hunter-gatherer's entire household can be quickly packed into a woman's basket, and new huts quickly, but skilfully built at a new location. Mobility also serves to regulate resource use, by ensuring that when natural resources are low, people move on, allowing resources to replenish.

This ease of movement makes avoidance an effective response to conflict. Rather than suffer a difficult, unpleasant or exploitative situation hunter-gatherers often prefer to move away. Maybe because of internal conflict between members of a camp, or between different camps, or in relation to non-hunter-gatherers. Movements can be permanent when people feel grossly abused.

During my fieldwork in Congo I got to know one such group of Mbendjele. In 1991 Sangha-Sangha Bilo paid Mbendjele to conduct a large three-day *Ejengi* ceremony for them. During the rite some young Bilo kicked dirt on *Ejengi's* food as a sign of their dislike for the Mbendjele. This act provoked a huge brawl in which many were injured and fatalities were only narrowly avoided. One young Mbendjele man was set upon by several Bilo youths wielding sticks, and beaten unconscious.

Ngbwiti and Ekwele were disgusted by this behaviour and decided, along with all the other Mbendjele, to abandon the Sangha-Sangha. Some years later some Mbendjele returned and renewed their relations with the Sangha-Sangha. Ngbwiti and Ekwele never did.

Indeed, they resolved never to return to the 'suk-suku' (perpetual argument and fighting) of Bilo villages. They prefer to stay in a very remote area of forest known as Ibamba. Ngbwiti explained to me:

*"Our forefathers had their eyes on the Bilo. Our fathers told us to do the same. 'You children of afterwards look after our Bilo. There they are.' But now we say 'Aaaaa, what kind of people did you leave us with? Why did they give us these Bilo? They are always tying us up like animals [cheating and deceiving Mbendjele]. They don't think we are real people. No, we and the forefathers are animals! So, we left them there with that thought. They treat us badly; their path is a bad one. So we said 'OK, that's enough, we'll never stay in the same place as them again'. So we left there and came to Ibamba. Now we are well. We took our eyes off the Bilo." (Ngbwiti, 50-year-old kombeti of Ibamba. Ibamba, March 1997).*

Ngbwiti and his group have been living entirely in the forest since 1991. They have renounced regular access to the goods obtained through contact with Bilo. Sometimes visiting friends and relatives bring them small gifts of salt, tobacco and old clothes. When I last visited the forest in 2003, they were still in Ibamba. (By: Jerome Lewis, WRM Bulletin N° 87, October 2004).

## AMERICA

### After the rubber boom

When the first 'conquistadores' travelled down the Amazon in the 16<sup>th</sup> century, they found populous settlements, hierarchical chiefdoms and complex agricultural systems all along the main river. The 'Indians', they reported, raised turtles in ponded freshwater lagoons, had vast stores of dried fish, made sophisticated glazed pottery, and had huge jars, each one capable of holding a hundred gallons. They also noted these peoples had flotillas of canoes and traded up into the Andes and down to the mouth of the great river. Their numerous warriors carried wooden warclubs and thick leather shields made of the skins of crocodiles and manatees. Behind the large settlements, they noted 'many roads that entered into the interior of the land, very fine highways' some so broad they likened them to a royal highway in Spain. These stories were later discounted as the puff of promoters trying to magnify the importance of their 'discoveries', for since the late 18<sup>th</sup> century the banks of the Amazon have been almost entirely depopulated. During the 20<sup>th</sup> century the archetypal Amazonians were 'hidden tribes', groups of hunters, gatherers and shifting cultivators, who lived isolated in the headwaters of the main rivers, eschewing contact with the national society.

With the benefit of hindsight and new insights from history and archaeology, we can now see that these two perceptions of Amazonia are strangely and tragically related. Archaeology now teaches us that lowland Amazonia, even in areas of poor soil and blackwater like the Upper Xingu, was indeed once quite heavily settled. Regional trade and dynamic synergies between Amazonian peoples had led to the sub-continent being densely peopled by widely differentiated but inter-related groups, who specialised in local skills to work and use their specific environments in diverse and subtle ways.

The onslaught of western societies brought much of this complexity to an end. Warfare, conquest, religious missions and the scourge of old world diseases reduced populations to less than a tenth of the pre-Colombian levels. Slave raids, both by European soldiery and by other

indigenous groups, who traded the 'red gold' of enslaved 'Indians' for the products of western industries, stripped the lower rivers bare of any remnant groups. Raiding, slaving and competition for trading opportunities with the whites created turmoil in the headwaters. The myth of the empty Amazon became a reality, as any survivors moved inland and upriver to avoid these depredations.

In the late 19<sup>th</sup> century, overseas markets and advances in technology created new possibilities of exploitation. In particular, the discovery of the process of vulcanisation, led to a global trade in a non-timber forest product, rubber, which could now be hardened for industrial use. The onerous task of bleeding latex, yoked to global trade, yielded fortunes for entrepreneurs prepared to penetrate the headwaters, enslave local tribes and force them to work the scattered stands of rubber trees. International capital flooded in to make the most of these opportunities. Tens of thousands of indigenous people perished from the renewal of slaving, the torching of settlements, the starvation of survivors, the forced labour and diseases. The process also led to further waves of surviving indigenous peoples fleeing deeper into the forests, seeking to break off contact with a changing world that brought them death and cultural degradation.

Of course, not all the indigenous peoples in the Amazonian headwaters are refugees escaping the brutalities of contact, but the impact of the outside world on even the remotest headwaters is often underestimated. For many indigenous peoples in the Amazon and also in other parts of the world, the search for isolation has been an informed choice—the logical response of peoples who have realised that contact with the outside world brings them ruin not benefits. Life in the forests without trade may have its hardships, not just because the absence of the metal goods like axes, machetes, fishhooks and cooking pots makes subsistence harder work, but also because customary trade, barter and exchange between indigenous peoples were also once ways of making life more varied and richer. But it is these peoples choice.

21<sup>st</sup> century industrial societies are now being drawn into the last reaches of the Amazon, where these indigenous peoples now live in voluntary isolation, for other globally traded resources—not slaves or



rubber this time, but timber, oil, gas and minerals. If we deplore the horrors of death and destruction that ineluctably accompanied previous penetrations of the Amazon, can we now show that modern industrial society is more civilised? Can we respect the choice of other societies to avoid contact and leave them in their homelands undisturbed until, perhaps, some future time when they themselves decide on the risky venture of contacting a world that they have learned by bitter experience is not safe to interact with? If we can't, then it is almost certain that future generations will condemn us for the same avarice, indifference, selfishness and greed, for which we today condemn the conquistadores and the rubber barons. (By: Marcus Colchester, WRM Bulletin N° 87, October 2004).

### **Argentina: The silent genocide of the Mbya Guarani**

The Mbya Guarani are an ancient forest people with their roots in the Amazon. In Misiones, a province in the northeast of Argentina, they have 74 communities and a total population of approximately 3,000 people. Their culture is as rich as the biodiversity of the Paranaense forest that they have always used and protected.

Two of these communities, the Tekoa Yma and the Tekoa Kapi'i Yvate, summarize the Mbya Guarani's fierce struggle to preserve their identity and continue living in the forest. Comprising some 20 families, their dealings with Western society only started to be important in 1995. As in many other Indigenous communities, their greatest bastions of independence and cultural safeguard are their women and the Opygua (priest) of the Tekoa Yma, Artemio Benitez. They continue to struggle to make their voluntary isolation from the yerua (white people) understood and respected. But the logging companies, the chainsaws and the Misiones Government's lack of sensitivity continue to harass them.

At present they live within the Yabotí Biosphere Reserve, where they obtain their food, their medicinal plants and building materials from a mosaic of Paraense forest environments, covering 6,500 hectares. Unfortunately their territory coincides with the so-called "Plot 8" and "Plot 7" considered "private property" by their present holders, the Mocona Forestal S.A. company and Marta Harriet (see WRM Bulletin 86). The Mocona Company, with the approval of the Government,

recently attempted to enclose them in 300 hectares, representing less than 5 per cent of the territory they presently use to live in. In some way, white people taking over as owners and as governors, have shrunk their territory and their forest in order to expand plantations and the good business of those who call themselves civilized.

Of the total area originally covered by the Mata Atlântica and Paranaense forests, only 5 per cent remains. This loss of biodiversity and continuity is particularly critical in environments where the Tekoa Yma and Tekoa Kapi'i Yvate are located. The lack of natural medicines and food caused by the frantic extraction of trees is threatening their health and their survival. This is of unusual gravity, not only in terms of human rights, but also in terms of demographic criticalness.

The Mbya communities of Tekoa Yma and Tokoa Kapi'i Yvate are the result of long processes of sedentary cycles, preceded by limited migration episodes. These movements have taken place throughout centuries. While the sub-tropical forest evolved, with its own fluctuations due to internal and external causes, one of its species, the Mbya, established successive transitory territories. If the resources available and their use established a good balance and the dreams of their leaders did not advise against it, they settled in the same place for a long time. If some crisis broke up this relationship, or dreams suggested a change, the community migrated, but only to settle with their sedentary features in another more appropriate place.

The life strategy of any group of hunters-gatherers with subsistence agriculture or a long food chain, has specificities that are not well understood by other human groups whose strategy, on the contrary, is based on agro-productive systems with a very short food chain.

In fact, when human populations invented agriculture some 5,000-10,000 years ago, they shortened the old, long food chains. They eliminated the living forms that existed on the soil and then planted, replacing forests or large ranges of pasture lands, by a single protected species. Shortening the food chains and the success of farming and animal husbandry fed the first urban revolution with their surplus, and from then on, massive growth of the human population.

For decades now in Misiones an unequal battle between these two life strategies has been taking place.

On the one hand are the Mbya communities, who are the longest standing inhabitants of the territory. Various communities, among them the Tekoa Yma and Tekoa Kapi'i Yvate, continue to preserve a long food chain strategy. They are hunters, gatherers and fisher-people, with a deliberately reduced practice of agriculture.

On the other hand are the white communities of European origin who very recently entered the Paranaense forest. These groups brought with them a short chain productive strategy, totally different from the one practiced by the Mbya. Instead of living in harmony with the forest, they needed deforested areas to grow their protected species.

The Mbya communities integrated the Paranaense forest over 3,000 years ago without developing the notion of private property adopted by the white population that entered more recently (sixteenth century and onwards). Objectively what happened was that their "total territory" was invaded as from the sixteenth century by white groups, mostly of European origin, who had totally different strategies for appropriating land and for production. This explains the rapid disappearance of the sub-tropical forest, the establishment of short chain agro-productive systems and the multiplication of permanent urban settlements.

While the white people were appropriating space "fixing" private property territories, the eviction of the Mbya generated their underprivileged incorporation into white settlements and fewer chances to live in a traditional way for those who still remain living in the Paranaense forest, such as Yaboti. In this environment, recognized by UNESCO as a Biosphere Reserve, legal and illegal ransacking of their resources continues. This has reduced local biodiversity seriously and in some cases, irreversibly, as it has reduced the Mbya's possibilities of subsisting uniquely from the forest.

For many white people, the success of a culture is measured by grandiose buildings and objects that they produce, and the time they last. For nature, success is measured by the length of time a population, such as the Mbya, have lived in the forest without the forest or the

Mbya themselves disappearing. There are peoples whose inheritance is almost immaterial, but this does not mean that they are “less evolved” or “less developed.” They are peoples and cultures that have achieved what many of our civilizations have attempted but not attained: to adapt to the environment and to themselves.

The Mbya communities of Tekoa Yma and Tekoa Kapi’i Yvate have the natural right to continue living where they are today for two fundamental reasons: firstly because the area they occupy is what a hunting, fishing, gathering people with small scale agriculture needs, and secondly because that area is part of the mobile territory that their forefathers have used for centuries.

The peoples who have the most right of “ownership” of the forest are those who have lived in the forest as part of it for centuries, without the need to become its owners. (By: Raúl Montenegro, WRM Bulletin N° 87, October 2004).

### **Brazil: Indigenous peoples in isolation and policies to defend and protect them**

In the first place, it is important to clearly define what we are talking about when we refer to peoples or populations in “voluntary isolation.” This term and similar ones (such as “separate,” “isolated,” “autonomous”) attempt to describe “a situation or a historical context.” The background or basis they all have in common is that they seek to define peoples (ideally) or populations (perhaps closer to reality) that have little or no systematic contact with Western agents (in general commercial companies or missionaries). That is to say, they do not “depend” on our economic system to survive—and even less so on the symbolic system. In general such “autonomy” originates in the geographical context— and there are many peoples and human populations that could be included in the definition of “isolated” on the basis of a certain geographical niche that is inaccessible to systematic contact (populations of the Andes, the North Pole, Kalahari, the African or Asian deserts, the mountains of New Guinea, etc.). These peoples and populations have a residual contact with the dominating economy (and ideological system) and continue to maintain independent standards of survival with relation to the dominating economy in function

of internal social and cultural resistance established voluntarily. However, what we have seen is that such autonomy can last while the niche they occupy is not the object of a ("capitalist") valuation of the natural resources (or the symbolic ones, in the case of "strategic" territories for the Western powers).

However, this context does not apply to Indigenous Peoples and populations "in isolation" in the Amazon. In this context, when we define Indigenous Peoples and populations "in isolation" we are referring to peoples and populations who are closer to the state in which Christopher Columbus would have found them. They are not only in geographical isolation, but mainly, in historical isolation. This is the crucial difference in relation to the other peoples and populations "in voluntary isolation" on the planet. It is true that throughout this time (500 years!), they sought or took refuge in isolated regions, or rather, regions that were not coveted by the mercantile (or missionary) rage of our "expansion front". In the Amazon (mainly the Brazilian Amazon but also in the Bolivian, Peruvian, Colombian, Venezuelan, Ecuadorian and Guyanese Amazon) we estimate that there are still dozens of Indigenous Peoples living almost in the same way as they lived five hundred, six hundred or a thousand years ago: garbed in their feather headdresses, or loincloths, surviving on hunting, fishing, gathering and small-scale agriculture with stone axes and fire, suffering from no virus diseases in a fully abundant environment. They may even know some of our instruments (iron instruments, glass bottles, plastic containers, etc.) that reach their hands by accident or because of previous contacts that were disastrous to them.

It should be emphasized that they remain in this state because, on the one hand, the conditions in the immediate surroundings of their habitat enable them to do so and also because these peoples aggressively produce and mark a distance (a frontier) with relation to us or to other already contacted Indigenous Peoples, seeking to maintain their living conditions through aggression and open (but disproportionate) conflict. However, not all of them have managed to maintain this distance.

It is a fact that today the majority of the isolated peoples in the Amazon are living in an extremely serious situation vis-à-vis the advance

of predatory (logging and mining) frontiers towards the last virgin areas in the region. Harassed and attacked by these predatory expansion fronts (which very often have recourse to already contacted Indigenous Peoples and their enemies in the past), they have started to use fleeing strategies, decreasing the signs of their passage or changing their subsistence patterns —not opening clearings visible from planes, changing the form of their dwellings to camouflage them in the vegetation, moving more frequently and dispersing their population. Under these circumstances, many of these peoples —if not the majority— stop carrying out their rituals, radically change their subsistence routines and even those of procreation, by avoiding conception or even by aborting.

In Brazilian legislation (Law Nº 6001 of 19/12/73) the denomination “isolated Indigenous Peoples” appears as a legal concept defining human populations with a pre-Columbus culture that have kept themselves geographically and socio-culturally at a distance from the Western population, which subsequently became the majority population in the country. This isolation is so strong that no knowledge exists of their demographic composition, just some traces of their existence and little or no indication of their material culture, customs or languages.

The physical, ethnical, linguistic, cultural and cosmological specificities of isolated Indigenous Peoples are an invaluable human heritage. Its diversity and existence are threatened every day by the actions of a segment of national society with the only objective of irrational exploitation and getting rich at the cost of the native populations and total degradation of the natural resources and biodiversity concentrated in their territories.

The frequency of records of isolated Indigenous Peoples is concentrated in remote territorial niches, many of these in strips along the frontiers of Amazon countries —demanding multi-national efforts. In South America, only Brazil has a specific coordination for matters concerning isolated peoples, the “Coordenação Geral de Índios Isolados—CGII” (General Coordination for Isolated Indigenous Peoples), linked to the official Indigenous body of the Brazilian Government, FUNAI. This department has records of 38 reports on isolated peoples

in Brazilian territory. The resistance undertaken by these peoples is also seen in the protection of vast areas of Amazon ecosystems, as their physical and cultural reproduction is traditionally made possible by using natural resources in a way that is fully compatible with the conservation and protection of the ecosystems where they live.

The presence of Indigenous Peoples in isolation has been confirmed in various South American countries. In Bolivia, Colombia, Ecuador, Paraguay, Peru and Venezuela, the existence of Indigenous Peoples living in the same conditions of social isolation and secrecy has been recorded, resisting penetration in their domains, frequently with violence. In any of these countries the situation is always the same: forced to migrate, deprived of their traditional territories, submitted to all sorts of tragedies during the successive cycles of expansion and appropriation of economic and social frontiers undertaken by national societies in Amazonian territory.

Colonizing actions and occupation of the Amazon territory for centuries have been based on predatory activities, disorderly extractivism and the exploitation of slave labour, promoting the drastic depopulation and extinction of innumerable Amerindian peoples. An unknown portion of Indigenous Peoples subsists under conditions of "isolation," undertaking a bitter and silent struggle to survive the exterminating action of the enveloping society. Public ignorance of concrete data making their "social visibility" possible to civil society and an absolute absence of specific legislation guaranteeing State protection, safeguard and support, have maintained these peoples, and what is left of them, permanently exposed to extinction, promoting continued environmental dilapidation and degradation of their habitat.

The rhythm of extinction of peoples in isolation estimated in Brazilian ethnography, in accordance with the few researchers devoted to the issue, is enough to express the devastating genocide of the saga. The anthropologist, Darcy Ribeiro, exemplifies the dramatic depopulation that took place between 1900 and 1957 in his comprehensive work "Os Índios e a Civilização" (published by Cia. das Letras, 1996) stating that over this period of 57 years, 87 ethnic groups which had maintained themselves in isolation have disappeared. In spite of the fact that new peoples in isolation have been "discovered" in more recent decades,

the proportion of extinguished peoples or peoples in permanent contact with national society is considerably greater, in a bitter statistic, a task still to be carried out. Statistics and demographic charts will never be able to express the human and cultural content of so much extinguished life, still taking place under indifference of civil society and the acquiescence of governments.

Therefore, Indigenous Peoples in isolation are seen as the last and least favoured pariahs, without a voice, without a physical presence, without any social or even human recognition, only and sporadically remembered by the isolated voices of more informed segments of society. This dramatic picture only goes to reaffirm the immense and urgent social responsibility corresponding to the national States in this process, as well as that of the diverse sectors of society committed to democracy, human rights, environmental conservation, and the cultural and immaterial heritage of humanity. It is the State's duty to assign substantial efforts aimed at the protection of Indigenous peoples in isolation to satisfy their essential needs and implement public policies and legal measures that reaffirm their constitutional and ethnic rights and their specific and differentiated protection. (By: Gilberto Azanha, WRM Bulletin Nº 87, October 2004).

### **Colombia: The Nukak, the last contacted nomadic people**

The Nukak are a nomadic people from the Colombian Amazon, officially contacted in 1988. The present population is estimated at 390 people, distributed among 13 local groups, located in the inter-fluvial area between the Middle Guaviare and the High Inírida. Nukak as a tongue is understood by the Kakua or Bara from the Colombian Vaupes and both are classified as part of the Maku-Pinave linguistic family.

According to Nukak oral tradition, and ethnographic and linguistic information, they are a branch of the Kakua that emigrated to the North. One of the reasons for this displacement to their present territory was to evade the rubber merchants who used the indigenous peoples as slave labour at the beginning of the twentieth century. However, the Nukak's sophisticated knowledge and management of the fauna and flora of the zone point to an earlier occupation.



In the twentieth century, the Nukak remained isolated from their native territorial neighbours and agents of national society for over 50 years, among other reasons because they were afraid of alleged cannibalism by white people and other natives. In 1965 a group from the western sector attempted to peacefully approach a peasant. Unfortunately this episode ended in a confrontation leading to the death of several Nukak and the capturing of a couple. Following this ill-fated event, they isolated themselves in the forest, but only eight years later, in 1974, the groups from the eastern sector established contacts with the North American missionaries from the New Tribes Mission. In 1982, the contacts were permanent and in 1985 they already had a work station inside the territory.

During the eighties, in the areas bordering the northwest frontier of the Nukak territory the rhythm of colonization increased due to the favourable price of the coca leaf. This illegal crop attracted waves of peasants, trades-people and adventurers, seeking an opportunity to improve their living conditions. Thus, encounters with the peasants became increasingly inevitable because of the overlapping of the areas that both groups occupied. In this context and following the kidnapping of a white child by a Nukak group in 1987, the first flu epidemic and the appearance for the first time of a group in Calamar—a peasant village in the Guaviare—in April that same year, all the local groups gradually started visiting the colonized areas.

During the first five years after mass contact, the Nukak lost close on 40 per cent of their population as a result of respiratory diseases that started as flu. The age groups showing the greatest number of deaths were those over forty and under five years of age, thus leaving a large number of orphans. In fact, close on 30 children and young people were adopted by the peasants and some women also married peasants. All this led to an interruption in the transmission of their technical and ritual knowledge and a loss of confidence in their Chamanic practices.

Relations with the peasants were established quite quickly by the groups in the western sector occupying the oldest and most densely settled area, while for the groups in the less settled eastern sector where they had the support of the missionaries, the process was slower. At the mission station the Nukak found medical care, they were

supplied with metal tools and seeds and had interlocutors to get to know the world of the white people. This generated a centripetal effect and attenuated the motivation to migrate to settled areas. When the Missionaries' work station was abandoned in 1996 for public policy motives, this accelerated the expansion of the effects of contacts among the western sector groups.

Institutional action initiated to care for the Nukak has mainly been concentrated on health matters, on guaranteeing legal recognition of their territory and on protecting their rights as Indigenous people. However the scope of these initiatives and legal actions has been limited, given the extension of the area they occupy, the mobility and dispersion of the population, discontinuity due to administrative problems characterized by a lack of consensus in defining the type of intervention and limitations on circulation in the area, imposed by the self-named Colombian Revolutionary Armed Forces (Fuerzas Armadas Revolucionarias de Colombia – FARC). This organization is disputing control of the area with the paramilitary groups operating in the zone. Additionally the Nukak territory is surrounded by close on 15,000 peasants and located in one of the most dynamic agricultural frontiers of the Amazon.

Today, 16 years after the Colombian Government recognized the existence of the Nukak, they are now becoming sedentary and only one of the local groups in the eastern sector of the territory still maintains its nomadic treks through the forest in a permanent way. Most of them have built houses and have cultivated plots of land near the settled areas of their territory, mainly occupied by peasants who grow coca leaves. This activity is also a main source of employment for the male Nukak population and has contributed to displace activities such as hunting and gathering and has also facilitated the incorporation of agro-industrial food. Regarding health, the causes of morbidity have widened to include malnutrition and venereal diseases and the birth rate does not enable them to recover their population, as one out of two children dies before the age of five. It is also known that the groups in the western sector have problems with alcoholism, they have been involved in conflicts with firearms and at least three young men were involved with the FARC. Contrasting with this, recently celebrity magazines

and programmes have devoted space to a Nukak top model, who probably had been adopted by the peasants.

In the meanwhile, institutional meetings still continue on the type of suitable intervention and the Nukak's capacity to face changes or to manage the budget that the State annually assigns to the populations in the Indigenous reserves of Colombia (transfer resources). Although six years ago it was concluded that the management of such resources belonging to the Nukak warranted a consultation with all the leaders of the local groups and commissions were set up for this purpose, they did not have any continuity. Today these resources cover the budgetary validity of eight years (1996-2004) and amount to over 400 million pesos, which cannot be executed until the Nukak decide on what they want to invest in.

Getting to know the opinion of the Nukak regarding their learning to live with the peasants and in general with the white man's world is a pressing task, as well as designing with them the strategies required to improve their living conditions. However, getting to know what the Nukak think or implementing any type of programme with them will not be feasible until there is the institutional will to consult them and respect their decisions. Also needed is the comprehension of the actors in the armed conflict to allow implementation of the actions all this requires. Paradoxically, this means to allow the Nukak to be contacted, that is to say, to establish a dialogue with them on their territory. (By: Dany Mahecha Rubio, WRM Bulletin N° 87, October 2004).

### **Ecuador: The Huaorani people of the Amazonia, self-isolation and forced contact**

Huaorani culture and society is shaped by their will to self-isolation. Very little is known about their past, except that they have for centuries constituted nomadic and autarkic enclaves fiercely refusing contact, trade and exchange with their powerful neighbours, be they indigenous or white-mestizo colonists. Ever since their tragic encounter with North American missionaries in 1956, the Huaorani have held a special place in journalistic and popular imagination as "Ecuador's last savages". Despite the "civilizing" efforts of missionaries, they have largely retained their distinctive way of understanding the world. Relations with outsiders,

seen as murderous enemies, are fraught with hostility and fear; there seems to be little space for communication and exchange, other than complete avoidance or the threat to 'spear-kill'.

For the last sixty years, Huaorani history has unfolded in response to oil development, although it is only recently (in 1994) that oil has been commercially extracted from their land. In 1969, a decade after having «pacified» the Huaorani, the Summer Institute of Linguistics (SIL) received government authorisation to create a protection zone around its mission. The 'Protectorate' (66,570 hectares, or 169,088 acres) represented one tenth of the traditional territory. By the early 1980s, five-sixth of the population had been called to live in the Protectorate. On April 1990, the Huaorani were granted the largest indigenous territory in Ecuador (679,130 hectares, or 1,098,000 acres). It is contiguous with the Yasuní National Park (982,300 hectares, or 2,495,000 acres), and includes the former Protectorate. The population (around 1,700) is now distributed in thirty or so semi-permanent settlements organised around a primary school, except for one, or possibly two, small groups that cling to autarky, and hide in the remote forested areas of the Pastaza province, along the international border separating Peru from Ecuador.

The non-contacted Huaorani, known as the Tagaeri and the Taromenani, comprise between thirty and eighty people. The Tagaeri used to live in the Tiputini region, which became the heart of the southern oil fields in the early 1980s. The Tagaeri decided to separate permanently from the main Huaorani population when the SIL mission caused a major population displacement by actively encouraging the eastern groups to come and live under SIL authority within the Protectorate. Relatives of the Tagaeri who now live in the Protectorate say that the latter's decision was partly due to intra-tribal feuding (they did not want to live in the territory of their enemies), and partly to their straight refusal to integrate; they did not wish to receive "the benefits" of civilisation. In other words, it was their political decision to live in isolation.

During the next thirty years, many raiding and killing episodes marred the interactions between Tagaeri and outsiders. Famous for their fierceness, the Tagaeri have 'spear killed' oil workers, missionaries,

and others whom they saw as intruders. Most famously, they killed an Archbishop from the Capuchin Mission and a Colombian nun from the Laurita mission in July 1987. And their people have been wounded and killed as well. In the early 1990s, various informants told me that military helicopters had thrown rockets on Tagaeri longhouses, and that Tagaeri dwellings had been burnt down by company security guards. There was once a plan to exterminate them all. And then the hope, especially amongst missionaries, that they would finally surrender and accept 'pacification'. Oil exploration in the block where the Archbishop and the nun had been found dead was suspended, and the government promised to grant protection to the non-contacted Huaorani who kept fleeing away from the blocks operated by PetroCanada, Texaco, PetroBras, Shell, and Elf Aquitaine. The implicit policy, though, was to push them further to the south, in the hope that they would cross the border with Peru, and cease to be a national problem.

We now know that there were other indigenous groups refusing contact on the Peruvian side, where oil extraction and colonization has been far more intensive than in Ecuador. They too have gradually come to take refuge in the border area, at the confluence of the Curaray and Tiguino Rivers. The Huaorani mentioned the Taromenani (literally the giant people living at the end of the path) to me several times, but the descriptions of these 'similar but different' people were so extraordinary that I assimilated them to the vast category of fantastic beings that are said to people the forest.

These non-contacted groups, whatever their provenance and trajectory, all live like refugees in their own lands, by choice. They no longer prepare clearings, but plant root crops and maize under the canopy to avoid being spotted by helicopters. They cook late at night, so that the smoke rising from their hearths does not give them away. They are on the move at all times, endlessly searching for quieter hunting spots, and better hiding places. According to my Huaorani friends, they hate the noise of machines and engines, and choose to flee to the same places where the monkeys and the peccaries flee.

These self-isolated groups have suffered a great deal because of the loss of their territories, the invasion of oil companies, and the continuous encroachment of poachers, loggers, drug traffickers, tourist

companies, and other adventurers. They also fear the 'pacified', 'Christian' Huaorani, who dream to 'civilize' them. They too have become enemy outsiders. These fears are not unfounded. More than once, I heard young Huaorani men boast that they will attempt to pacify the Tagaeri. "Ingesting rice and sugar like us", they told me, "the Tagaeri will become wholly tame and gentle, like toddlers". Some added that this would greatly please 'the company' (the term they use to describe the vast and complex consortium of companies, subsidiaries, contractors, and subcontractors that work in partnership with PetroEcuador), which, in return, will behave generously towards them, by offering them all the cash and all the goods they ask for.

Non-contacted groups are not a threat to any one, except to intruders; they only want to be left alone. As I argued some years ago, we need to invent a new human right for all the groups still hiding in the Amazon forest: the right of no-contact.

In continuation, let me illustrate the predicament of these non-contacted groups, and the persecution to which they are subjected, with two stories:

1. The ultimate modern dream: film the first contact. In the Spring of 1995, I was contacted by a Californian TV company which was developing a new project entitled "The Tagaeri: the Last of the Free People." This series of three programmes proposed to 'document' the first contact between the Tagaeri and the 'botanist' Loren Miller (the man who patented the plant from which Northwest Amazon Indians make the hallucinogenic locally known as ayahuasca or yagé). According to the script, the first episode would show how Christian Huaorani contacted their savage brothers, and managed to convince them of the virtues of western civilization, with the help of the army. The second episode would focus on the encounter between the chief Tagae and Loren Miller, the former sharing his knowledge of medicinal plants with the latter. The third part would centre on the western botanist "telling the world of the great possibilities of scientific research and the potentialities of Tagaeri land for ecotourism". The TV company, which was seeking the support of CNN and the National Geographic for this project, had to back off in the face of a wave of protests from the indigenous peoples organisations, COICA, and various other indigenous

rights organisations. They graciously sent a message expressing their “agreement with the many enlightened individuals who expressed concern and disagreement with our project”. They added: “We ask that you respect the right of isolation, of privacy and of non-contact of the Tagaeri population of the Ecuadorian Amazon. The Tagaeri are a community that live with the natural jungle and they made the choice not to integrate the western civilization. Please respect their decision.” But the project was too tantalising, and, in the following years, various contacts were attempted by tourist companies and/ or TV crews. For instance, one Belgian tourist guide, a former mercenary in the French Legion, guided ‘survival expeditions’ in Tagaeri land. A British student expedition managed to provoke a group of non-contacted Indians (possibly Tagaeri). A member of the expedition got speared in the thigh; the whole episode got filmed, and was heroically shown on Channel 4 in 1997.

2. Christian Huaorani slaughter savage Huaorani. In May 2003, around 15 non-contacted Indians identified by the press as Taromenani were speared to death by nine Huaorani ‘warriors’. The army recovered twelve bodies (nine women and three children) from the raided longhouse. A spokesperson for the army declared that: “the patrol will not interfere with the customs or ancestral sanctioning procedures of the Huaorani, the armed forces are very respectful in this sense.” Everyone in Ecuador became an expert in ancestral customary law or Huaorani culture, and avidly debated the issue. Why they had done this, what it meant for the nation, what should be done about such fratricide, and so forth. The ‘Ecuadorian Network for Legal Anthropology’ was formed to analyse the Tagaeri-Taromenani-Huaorani conflict from a legal perspective, and propose a reform of the Ecuadorian judiciary system in a way that would accommodate different legal systems, including Huaorani revenge killing. The President of the tribal organisation (ONHAE) and other Huaorani representatives were eventually asked to comment on the slaughter. They emphasised the increased level of interference from illegal traders and loggers in Huaorani territory. On the 25<sup>th</sup> of June, the national press reported that ONHAE had decided to forgive the nine warriors, who had been involved in a killing raid for the first time, and had sworn to renounce violence and not seek revenge in case the Taromenani decided to strike back. Young Huaorani would phone me day and night during this stressful period to keep me informed

of the developments. I kept asking them whether they (or any one else) had spoken to the warriors, but it seems that no one was interested in knowing what they had to say about the whole affair. Could they explain what had happened? Despite the distance, I could perceive some of the internal and external reasons that had pushed these men to kill. First the Babeiri had been in conflict with the Tagaeri for several decades. The hostilities were rekindled when PetroCanada relocated the former in the traditional territory of the latter, where they were confronted to all the ills of the frontier culture —alcohol, prostitution, dependency on alms, and so forth. Living along the oil road, the Babeiri were constantly solicited by loggers and traders of various sorts. The Babeiri raided the Tagaeri for a wife in 1993, as a result of which they lost a young man, wounded by retaliating Tagaeri. In November 2002, a logger's boat overloaded with illegal timber collided with a Huaorani dug-out canoe. Several Huaorani were killed. All these factors somehow converged in giving the nine men the determination to carry out the raid. It was reported that the 'warriors' comprised the father of a woman killed in the November 2002 accident, and the brother and the brother-in-law of a man killed in the same accident. Without the personal accounts of the warriors themselves, all inference is open to debate. However, it is clear that there is a direct relation between increased extractive activities and the rise of violent conflict between 'pacified' and 'non-contacted' Huaorani. It would be wrong to blame violence simply on tribal vengeance and savagery, as so many Ecuadorian and other commentators have done. (By: Laura Rival, WRM Bulletin N° 87, October 2004).

### **Paraguay: The last Ayoreo in voluntary isolation**

The Ayoreo live in a zone of their ancestral territory called Amotocodie. Modern maps show it as an extensive area of virgin forest with the geographic coordinates 21° 07' S and 60° 08' W marking its centre, some 50 km to the south of Cerro Leon. They amount to some 50 people, subdivided into various groups. They approach but rarely, a watering place on some farm to drink water and perhaps a farm worker may have seen them from afar. Sometimes, white hunters find their trail in the forest or holes in trees where they have harvested honey. In 1998 a group of six warriors attacked a farm as a warning. On 3 March 2004, one of the groups comprising 17 people came into contact with



the surrounding society and settled on the border of their ancestral habitat. The 2002 Indigenous Census of Paraguay does not record them because they cannot be interviewed, because they are invisible.

Throughout the last sixty years all the other members of their people, the Ayoreo from the Bolivian and Paraguayan Chaco, have been forcibly removed from their enormous habitat by missionaries and now survive precariously on the outskirts of modern society, slowly realising that they have been cheated, that they were deprived of the forest where they lived in harmony—and the forest has been deprived of them. The Ayoreo who still continue to live in the forest are some of the last hunters and gatherers of the Latin American continent who have not been contacted and who do not seek contact with modern and enveloping society.

They are nomads in their ancestral territory: they constantly walk through the still large extensions of untouched forest. Their walks are guided by an intimate knowledge of the places and the cycles of the Chaco's fruits and resources. The most decisive resource is water, sometimes abundant in certain places and sometimes extremely scarce in others and depending on the seasons. Other resources are the flesh of animals: they know where to find turtles or wild pigs or armadillos or the flag bear; they know where they can find fruit such as the heart of palm. They know where to find honey. During the rainy season during their walks, they cultivate in appropriate areas. The forest provides everything. Wise self-control of demographic growth, together with constant migration guarantee the continuity of the world in which they live, preventing overuse, deterioration and depletion of their resources.

In this way, no signs of environmental deterioration are apparent as a consequence of their presence. Rather we must acknowledge the contrary: without them something would be lacking in the forest, something related with their vitality and the validity of what we call biodiversity. This suggests that basically, not only them, but all human beings could have had a function in the world's ecosystems, just as every plant and animal has. Perhaps our absence, the fact that we have separated from this way of living harmoniously with the world, has made it weaker. We are missing from our ecosystems. Perhaps finally we humans are not the enemies of nature and the earth, but necessary...if we were to accomplish our function.

The forest Ayoreo still accomplish it. We know from the explanation of the groups or families that were removed or who left the forest to join our modern civilization in our times, in 1986, 1999, 2004, that they define it as a function of mutual protection: the forest protects us, we protect the forest. Humankind as protector of the earth.

Their way of cultivating the land during the rainy season is very expressive of their relationship with the forest and with nature: with the first rains they sow the seeds they have been storing of pumpkin, corn, water melon and beans in natural sandy clearings in the middle of the forest. They barely prepare the soil. Then they continue with their walking and let nature take over. They come back to harvest. According to their concept one has to intervene as little as possible in the workings of nature, just some minimum support, the support to allow it to do better what it does anyway.

They do not consider themselves to be the owners of the world like we modern people who have left our forests centuries or millennia ago, do. According to them, the world is not at the disposal of humans to do anything they want with. On the contrary, the Ayoreo, instead of placing themselves above the world, feel themselves to be a part of it, an integrating and necessary part. This is not only seen from their posture and attitude in their daily lives. This relationship with the world is also expressed in their social structure in a profoundly spiritual way: in parallel with family ties, the Ayoreo on birth and with their surname belong to one of seven "clans," each clan including a part of all the phenomena existing in the world. For instance in this way an Ayoreo from the Etacore clan becomes a relative for example of the rattlesnake, of the water falling in a storm, of the rope, of the dry season, of the red colour of blood, of the moon when it can be seen during the daytime, of the totitabia bird, etc. All the Ayoreo as a whole are related to everything that exists in the world, and each one, according to his/her surname, lives with the mission of looking after his/her world phenomenon "relatives" in a very special way.

The way they live in harmony with the world is comparable to a couple living in harmony in the best sense: aware of diversity and its importance, conscious of mutual interdependency, knowing that one without the other could not be happy, would have no future, and could not live.

This is part of what the forest Ayoreo, with their cultural, spontaneous and natural way of being, contribute to the world of today: a different and diverse way of being, that not only sustains the environmental integrity of the Chaco forest where they live but also sustains a diverse conscience and presence that, without them, the world would be lacking today.

Presumably they are not aware of their importance to us. When we finally perceive it, we start understanding the significance of their existence, not only for themselves and their environmental habitat, but also for us and our future. Because finally, their attitudes and those communicated by their way of living are those that should inspire our search for new ways of life and of harmonious living if as humanity we want to have a future.

Although they may not know of their importance for humanity, they certainly must feel its weight through their solitude in carrying out their function of protecting the world. They may feel it concretely and in daily things, when heavy machinery disturbs the silence of their territory to fell trees for cattle ranches and to make new entries to take precious wood, and when they feel how the consistence of the world of which they are a part is eroded and weakened.

They still have to feel that our strength is added to theirs, that we have taken up our mission again of protecting their world and ours, everybody's world. (By: Benno Glauser, WRM Bulletin N° 87, October 2004).

### **Peru: Policy development for indigenous peoples in voluntary isolation**

In 1990, the Peruvian state established the Kugapakori/Nahua Reserve to protect the lives, rights and territories of indigenous peoples in South East Peru avoiding, or strictly limiting their contact with national society. Despite safeguarding these territories on paper, since its creation the Reserve has been continually threatened by illegal logging and two years ago it was opened up for extraction of natural gas as part of the Camisea Gas Project. In the face of these threats, some of its inhabitants who had established contact with outsiders began to voice

their own opinions about the Reserve and its inability to protect their territories and rights.

To address these challenges, a group of Peruvian NGOs and Indigenous Federations formed a committee to defend and strengthen the Reserve both legally and on the ground. It was clear to the Committee that in its current form the Reserve was neither working to prevent exploitation by outsiders nor meeting the needs of its inhabitants. The challenge was how to take into account the diverse needs and interests of all its inhabitants, including those avoiding all contact, and translate these into legal concepts and practical recommendations. The hope was that the proposals would serve as a model for developing legislation and policies to protect the rights of indigenous peoples living in isolation not only within the Kugapakori/Nahua Reserve but throughout Peru.

After 18 months of fieldwork and legal analysis the work of the Committee is now nearing completion and in November 2004 the proposals will be presented to senior representatives of the Peruvian state. This article briefly reviews the challenges faced by the Committee and the ways by which the project has sought to overcome them. It is hoped that the processes, methodologies and terms of reference developed through this process can serve other institutions hoping to develop policies to support indigenous peoples in isolation in Latin America and beyond.

Until 1984 the Nahua, a Panoan speaking indigenous people, lived in the headwaters of the Purus, Manu and Mishagua basins in South East Peru, avoiding all direct contact with outsiders and attacking anyone entering their territory. In April 1984, this isolation ended when four Nahua were captured by loggers and taken to Sepahua, the local town, before being sent back to their villages. A year later over half the Nahua had died from colds and other respiratory diseases introduced by this first contact, and loggers had taken advantage of their weakness and overrun their territory.

In 1990, the Peruvian state established the Kugapakori/Nahua State Reserve to protect indigenous peoples in the region still avoiding all direct contact with outsiders, or those like the Nahua who had only

recently established this contact. However, in practice the Reserve consistently failed to protect the territories and rights of its inhabitants and since its establishment has been invaded by loggers, overlapped with illegal forestry concessions and opened up for the extraction of natural gas. This has led to a variety of impacts ranging from cases of forced contact and subsequent epidemics, invasions of indigenous territories by loggers and the relocation of some of its inhabitants who felt threatened by the activities of the Camisea gas project.

In 2001 the Nahua, who were campaigning against an invasion of loggers demanded that their territory be recognised in a communal land title and excluded from the Reserve feeling that it would offer them greater legal protection. This presented a major challenge; how to support the legitimate claim of the Nahua without undermining the legal status of the Reserve and therefore the territories of its other inhabitants.

In 2002 Shinai Serjali, a Peruvian NGO that was helping the Nahua in their struggle with the loggers, began to consult a wide range of state and civil society institutions involved with the Reserve for legal and practical solutions to address its problems. An initial workshop in 2002 identified various problems: the lack of any clear legislation for State Reserves in Peru, confusion over its administration and boundaries, the lack of local awareness of its rules and boundaries and the absence of any efficient system of control. After the workshop, a group comprising six NGO's and indigenous federations continued to discuss the situation and the result was the formation of the Committee for the Defense of the Reserve in 2003. Its objective was to strengthen the Reserve and the territorial security of its inhabitants and to propose policies and recommendations that were based on the perspectives and priorities of its inhabitants rather than those of outside institutions. The Committee was supported by AIDSESEP, the national indigenous peoples organization, and its members include: Shinai Serjali, Racimos de Ungurahui, COMARU (Machiguenga Council for the Lower Urubamba), IBC (Institute of the Common Good), CEDIA (Centre for the Development of Amazonian Indigenous People) and APRODEH (Association for the Promotion of Human Rights).

The main challenge of this project was how to take into account the diverse needs and interests of all the indigenous peoples living within

the Reserve. In 2002 there were at least 9 known communities corresponding to 3 different ethnic groups, each of whom had different relations with, and attitudes towards, national society. Only some of these groups like the Nahua were interacting directly with external individuals or institutions, while others were preferring to avoid such contact altogether. In addition, many of its inhabitants spoke minimal or no Spanish and had limited or no understanding of concepts such as the State, the law, property, let alone the Reserve.

To cope with these difficulties three field teams were formed whose task was to work for extended periods with only those communities who already had a sustained contact with outsiders. All field teams were made up of individuals who had previous field experience with these communities, spoke their language and had established relationships of trust with them. During 12 months of fieldwork, the teams used sketch maps and GPS equipment to help the communities make geo-referenced maps of their territories illustrating its cultural, historical and practical importance to them as well as the issues threatening its integrity. The maps also illustrated their knowledge about the location and movements of peoples living in the Reserve who were avoiding all contact with outsiders.

In addition, the field teams listened to the major concerns and priorities of these communities, that ranged from invasions of loggers, disease transmission, exploitation by school teachers and the impact of the Camisea gas project. In many cases the teams introduced the concept of the Reserve, discussed how it was designed to protect their rights and to what extent it was working. A fourth field team worked for three months with the titled Machiguenga communities who border the Reserve helping them to map their resource and territory use within the Reserve and their attitudes and knowledge towards it and its inhabitants to ensure that their rights were also respected in the development of any proposals. The teams worked with the Nahua, the Nanti of the River Camisea, the Machiguenga of the River Paquiria and the Machiguenga communities bordering the Reserve.

On the basis of these concerns, a specialist lawyer in indigenous rights began to develop a legal proposal that would best reflect the problems of the Reserve and the concerns of its inhabitants. The proposal is based on the highest standards of human and indigenous

rights at an international level and applies to all five State Reserves in Peru. The proposal establishes intangibility for the Reserves and prohibits all extractive industries within them as well as any efforts to contact peoples in voluntary isolation. It establishes definitions of indigenous peoples in voluntary isolation and initial contact, contingency plans in case of unwanted contact or a medical emergency, the means for creating new Reserves for peoples who currently live outside of them and severe sanctions for people or institutions who breach the law. The draft proposal was presented to the National Indigenous Federation (AIDSESEP) and its regional bases (FENEMAD, ORAU, ORAI and COMARU) who were developing a similar proposal. The two proposals were merged and modified in consultation with all of AIDSESEP's regional and local federations.

One of the Committee's objectives was also the development of recommendations that could be applied to the specific problems of the Kugapakori/Nahua Reserve. In order to do this, the key problems and priorities of the Reserve's inhabitants were circulated amongst a larger group of people including local Indigenous representatives, members of NGOs working in the area or in neighbouring regions and representatives of state institutions responsible for forestry, indigenous peoples and human rights. The group worked to develop specific recommendations to deal with a variety of complex problems ranging from illegal logging, the activities of the Camisea Gas project, the transmission of introduced diseases to peoples with minimal or no natural resistance, the incursion of settlers and the efforts of some Missionaries to forcibly contact some of the peoples avoiding all contact.

In November 2004, the results of the fieldwork and the legal proposal will be presented to senior representatives of the Peruvian Government. The presentation is the first step in the process of their acceptance and ratification by the State. It is hoped that key government ministers and other representatives will accept the proposals as an informed and thorough initiative and commit to promoting their implementation both in the law and on the ground. (By: Conrad Feather, WRM Bulletin N° 87, October 2004).

## **ASIA**

### **India: Wave of poaching and exploitation hits isolated tribes**

Outsiders are invading the reserve of the isolated Jarawa tribe in the Andaman Islands, India, and stealing the game on which they depend for food. There are also increasing reports of Jarawa women being sexually exploited. Despite a Supreme Court order to the islands' administration to close the highway which runs through the reserve, it remains open, bringing disease and dependency.

The Jarawa are one of four 'Negrito' tribes who are believed to have travelled to the Andaman Islands from Africa up to 60,000 years ago. Two of the tribes, the Great Andamanese and the Onge, were decimated following the colonisation of their islands —first by the British, and later by India. The population of the Great Andamanese tribe fell from 5,000 in 1848 to just 41 today. Both the Great Andamanese and the Onge are now dependent on government handouts. The Jarawa resisted contact with settlers from the Indian mainland until 1998. The fourth tribe, the Sentinelese, live on their own island and continue to shun all contact.

The Jarawa are hunter-gatherers, and number around 270 people. They use bows and arrows to hunt pigs and monitor lizards, and catch fish and turtles. Now, hundreds of Indian settlers and Burmese poachers are hunting and fishing along the road and the coast, depriving the Jarawa of vital game. The problem has become so acute that in some areas the once abundant wild pigs and fish are now scarce. The Sentinelese tribe are also experiencing the theft of their food sources, particularly of lobster from the rich waters around their island, North Sentinel, and the Onge tribe say they cannot hunt enough pigs as these are being stolen by outsiders.

The main highway which runs through the Jarawa reserve, known as the Andaman Trunk Road, is also bringing exploitation of the Jarawa. There are numerous reports of poachers and other outsiders sexually exploiting Jarawa women, and outsiders are introducing alcohol, tobacco



and alien food items on which the Jarawa are starting to depend. Those entering Jarawa land also bring outside diseases to which the Jarawa have no immunity. The tribe has already experienced one measles epidemic - prompt action by the authorities helped prevent a catastrophe.

The Administration of the Andaman Islands is making some attempt to restrict contact between the Jarawa and users of the road. This is a step in the right direction, but will not alone be enough to secure the Jarawa's future. Participants in a recent Indian government seminar on the future of the Jarawa concluded that intervention in the Jarawa's lives should be minimised, and that their development should be at their own pace and in the direction they themselves choose. However, some within the establishment still favour forcible assimilation. The then-Minister for Tribal Welfare said in 2003 that his ministry planned to 'reform the tribals and assimilate them with the mainstream' because 'it is not right to leave them as is.' Until the Jarawa's rights to their land and to make decisions about their future are respected, they remain in serious danger.

Lichu, one of the few surviving Great Andamanese, fears for the future of the Jarawa. 'I think what happened to us is going to happen to the Jarawa too... lots of settlers are hunting in the Jarawa area. There is not enough game left for the Jarawa. Their fish are also being poached. Public interaction with the Jarawa should end. The Andaman Trunk Road must be shut.' (By: Miriam Ross, WRM Bulletin N<sup>o</sup> 87, October 2004).

### **Indonesia: The Baduy people of western Java, a living tradition**

In the Banten region of western Java, Indonesia, exists a small-scale indigenous community that has to a large extent been able to avoid the advancement of globalization, modern technology and other influences of the outside world, including environmental degradation. The Baduy people are a reclusive tribal group that has lived a relatively undisturbed, traditional lifestyle in a closed society for more than 400 years until the recent encroachment of economic and social pressures from the outside world. Although they live in an isolated area of mountainous rainforest only 100 kilometres southwest of Jakarta,

Indonesia's capital city, the Baduy have in the past been able to effectively seal their community off from the rest of the world.

Inhabiting a special reserve of some 5,200 hectares set aside for the Baduy people by the Indonesian Government, the population of about 7,200 people live in two separate clans. The Inner Baduy (*Baduy Dalam*), numbering only 350 in three villages (*kampung*) in the core area, are the strictest adherents to Baduy spiritual belief, while the remaining population live in the Outer Baduy (*Baduy Luar*) area. The *Baduy Dalam* is the centre point of culture and religious following and the focus of rituals and sacred sites within the Baduy territory. Symbolically, the *Baduy Dalam* clan members may wear white with the black traditional clothing, while the *Baduy Luar* clan members are characteristically dressed in black or dark blue. The *Baduy Luar* serves as a buffer zone between the *Baduy Dalam* and the outside world with members of the outer clan acting as intermediaries for the more pure members of the inner clan.

Baduy houses are uniformly simple, constructed only of natural materials, such as bamboo and palm thatching, without windows, and are devoid of any furniture, chairs, tables or other furnishings. They use no modern utensils, mechanized equipment or manufactured materials, such as glass or plastic, and no modern device or even domestic animal is used in their traditional *swidden* rice farming techniques. Within the Baduy territory there is no electricity or other modern conveniences, and no electronic equipment, motor vehicles or other instruments of the outside world are permitted to enter. Thus, the Baduy community is perceived by many an anachronism in today's rapidly industrializing Indonesia, rejecting all forms of modernization and still following unique cultural and religious practices as defined by the Baduy *adat* law systems handed down by their ancestors more than four hundred years ago.

A most extraordinary aspect of Baduy society is the origin of this tribal group, which today still remains shrouded in mystery. According to one legend, when Muslim forces began to spread the Islamic religion through western Java and other parts of the archipelago in the early part of the 16<sup>th</sup> century, an ascetic group of people said to have originated within the ancient Hindu Kingdom of Pajajaran refused to embrace the

new religion. Instead, these people fled to the upper regions of a nearby mountain range (Kendeng Mountains), forming their own religious clan based on strict adherence to unique religious beliefs; perhaps influenced in some ways by the Hindu religion of the Kingdom of Pajajaran before it fell to the Muslim invaders.

Although there has been scholarly literature about the Baduy way of life since the early days of Dutch colonialism, much of what has been written is second-hand information, often contradictory, and perhaps intentionally misleading. The Baduy seem to have long ago realized that one of the strengths of survival for their culture is to remain hidden behind a cloak of mystique. They jealously guard the knowledge of spirituality and ritual within their community, permitting no outsider to enter the sacred places or view traditional rites within the Inner Baduy region.

The Baduy believe in one central deity, whom they call *Batara Tunggal*, and regard themselves as the descendents of seven minor deities sent to earth by *Batara Tunggal* at the beginning of human-kind on the planet. The Baduy hold as most sacred a remote place near the centre of Baduy territory, known as *Sasaka Domasa*, where this event is said to have occurred and where the spirits of their ancestors are protected and revered. However, all Baduy territory is regarded as protected and sacred, particularly the most significant forest areas which are not permitted to be disturbed or altered. Consequently, these forests comprise a valuable environmental reserve and a perpetual resource for sustainable use by the community.

Today, the Baduy people exist as an isolated, small-scale traditional community surrounded by mainstream Indonesian society, which in western Java alone is comprised of some 40 million followers of the Islamic faith. In spite of the external forces of modernization and the pressure for this small community to assimilate within modern Indonesian society, the Baduy tribe still controls its mountain stronghold where religious and cultural practices have remained largely unchanged until very recent times.

While they have been able to maintain a relatively traditional lifestyle until recently, the Baduy people are beginning to be influenced

by developments in the world around them, including the forces of modernity, industrialization and globalization. Ironically, the Baduy way of life has until now been culturally and ecologically sustainable and they have lived in relative harmony with the environment. Embodied within the Baduy society is great wisdom and knowledge about the conservation and sustainability of eco-systems and the interconnectedness of all living things with the earth and the cosmos.

Today, a burgeoning Baduy population and increasing contacts with the outside world, have led to the development of a more market-based village economy dependent on cash crops and sale of handicrafts. In recent years, the Baduy have placed an increasing emphasis on agro-forestry production, such as the timber plantation *Albizia* tree, fruit, palm sugar and other products grown almost exclusively for sale on local markets, rather than the formerly self-sustaining cultivation of hill rice (*ladang*).

These changes have begun to cause some cultural, social and environmental impacts, which are most evident in the increasing use of non-traditional, western-style clothing, consumption of packaged fast-foods and use of other manufactured goods that are purchased with money obtained through growing cash crops. Although prohibited by Baduy *adat* law, some other modern articles imported from outside the Baduy territory, such as thermos bottles, radios and even the mobile phone, are becoming increasingly commonplace in Baduy homes.

Another important aspect of these recent developments may be seen in the impacts of a rapidly growing, local tourist industry catering to outsiders who are drawn to see and experience the uniquely spiritual Baduy way of life. Perhaps unwittingly, the Baduy people, who have generously opened their doors to visitors from outside the Baduy realm, and the tourists themselves, are participating in a gradual process which may degrade valuable cultural and environmental assets. In time, changes brought about by exposure to the steady stream of tourists may destroy the local resources that are now a prime attraction for tourists. Under such circumstances it is not necessarily tourism *per se* that creates problems for local communities, but rather it is most often the lack of planning and management of tourist demand, access and activities. The impacts of unmanaged tourism may indeed pose

the greatest threat of all to Baduy culture and the greatest challenge to maintaining their sacred traditions for the future. (By: David Langdon, WRM Bulletin N° 87, October 2004).

## CASES OF IMPOSED CONTACTS

### **'La Fumee du Metal': The health impacts of contact<sup>3</sup>**

The 21,000 Yanomami who live in some 360 widely scattered settlements in the forested mountains and hills between Venezuela and Brazil were largely uncontacted by westerners until the middle of the 20<sup>th</sup> century. In their myths, the Yanomami recall a far distant time when they lived alongside a big river, 'before we were chased up into the highlands' but by the time their existence is first recorded, in the mid-18<sup>th</sup> century, they were already well established in the Parima hills between the Rio Branco and the Upper Orinoco.

Contact with the outside world has been driven by a number of different forces. Once the Yanomami discovered the value of metal goods, probably towards the end of the 19<sup>th</sup> century, they began to trade with (and raid) neighbouring indigenous groups to acquire machetes and axes, cloth and cooking pots. Metal tools reduced the labour of cutting down trees for construction and farming by about 10 times and made many other tasks much easier. Their agriculture intensified, their numbers increased and they began to move out from the highlands, north, south, east and west, pushed by their own expanding numbers and drawn downriver by opportunities for trade. At the same time, explorers, anthropologists and frontier commissions marched to the headwaters of these rivers to make these areas known to 'science' and mark the boundaries of expanding nation states. The Yanomami gained a reputation for fiercely defending themselves against intruders but this did not dissuade the adventurers. In the 1920s, British

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<sup>3</sup> The title and quote is from Bruce Albert, (1988, *La Fumée du metal: histoire et représentation du contact chez les Yanomami (Brazil) L'Homme* (106-107): XXVIII (2-3) :87-119). For detailed information on the current situation of the Brazilian Yanomami see <http://www.proyanomami.org.br>

explorer Hamilton-Rice cradled a Thomson sub-machine gun in his arms, while being paddled to the headwaters of the Uraricoera and back.

Commencing in the 1950s, Protestant and Catholic priests established remote mission posts to bring knowledge of Christ to the Yanomami. Later, projects of nation-building led to roads being carved through the forests and proposals for the building of large dams. Above all, discoveries of gold and cassiterite led to massive invasions by small-scale placer miners (*garimpeiros*), driven there by their own poverty and opportunities of wealth.

Of course, like all human groups, the Yanomami were not disease-free in the past. Medical anthropologists presume they have long harboured minor viral infections like Herpes, Epstein-Barr, Cytomegalovirus, and Hepatitis. Tetanus was also prevalent in the soils and some non-venereal treponeme infections were probably endemic. Arboviruses, maintained in animal populations in the forests, were also present. Leishmaniasis, transmitted by sandfly, and yellow fever, which also infects monkeys, are also thought to have been present as the indigenous people show considerable resistance to these diseases. In short, the pre-contact situations were not a medical paradise but what diseases there were, were prevalent at low levels and rarely fatal.

Contact with the outside world, however, has exacted a terrible toll from the Yanomami. Already by the early 1900s, the northern Yanomami began suffering repeated epidemics of introduced diseases on the Uraricoera. In the 1960s, diamond miners invaded the Yanomami (Eastern Yanomami) areas on the Upper Paragua in Venezuela and Uraricaa in Brazil, leading to massive mortalities. Late in the 1960s, workers brought in from the Rio Negro in order to expand the missions and build airstrips, infected the Yanomami of the Upper Orinoco with measles. The infection swept through the settlements, carried further upstream by frightened people fleeing outbreaks downriver. Fevers, aches and weakness prostrated whole villages, leaving the infected people lying prone in their hammocks, unable to go hunting, too weak to gather crops from their gardens, eventually too demoralised even to collect firewood or drinking water from nearby streams. Cold, hungry and weakened by disease the Yanomami fell easy prey to other

illnesses. Respiratory tract infections brought on pneumonias, fevers, further weakness and mass deaths. Some villages lost as much as a third of their numbers in a single epidemic and repeated scourges of influenzas, polio, whooping cough, rubella, chicken-pox and the longer term degeneration brought on by tuberculosis, led to some groups being completely wiped out.

During the road building programme in Brazil, which involved the construction of a road through the southern edge of Yanomam (Southern Yanomami) territory, these repeated epidemics reduced local Yanomami numbers by up to 90%. The shattered survivors adopted a road-side existence begging from passing vehicles. Lay-by encounters with lorry drivers and construction crews then brought previously unknown venereal diseases into the villages, the gonorrhoea, in turn, making numerous women infertile and so slowing the people's recovery to the population losses.

In the 1970s, Sanema (Northern Yanomami) from the Upper Caura began travelling downriver to work in the diamond mines on the middle Paragua and returned bearing a deadly haul of diseases. Epidemics led to massive losses and the abandonment of the once populous Catholic mission at Kanadakuni. By the 1980s, some 25% of the Sanema of the Caura were carrying tuberculosis, leading to a demoralising and constant loss of numbers to the deadly disease.

During the 1980s, the mass invasion of the Brazilian Yanomami's territories by as many as 50,000 miners, led to further problems for even the most isolated groups. The miners not only trekked in across the forested hills, where rivers were unnavigable, they also flew in to mission airstrips using light planes. New airstrips were hacked from the jungles, in previously unpenetrated areas. As well as frequent viral epidemics and more problems with venereal diseases, the Yanomami also contracted all three forms of malaria brought in by miners – *Plasmodium vivax*, *P. ovale* and, the most deadly, *P. falciparum*. Volunteer medical teams, who came in to help counter this devastation, estimate that the Brazilian Yanomami, as a whole, lost some 15-20% of their numbers to the illnesses brought in by the miners.

These tragedies have, obviously, had more than medical impacts on the Yanomami. The trauma of mass deaths has scarred several

generations and upset age-old concepts about existence, disease, curing and death. Customarily, Yanomami used to see most illnesses as the consequences of eating hunted game, while most deaths were seen as the result of shamans from distant villages sending spells over long distances or lurking in nearby forests to blow poisonous dusts over unsuspecting passers by. Mass deaths were previously unknown but, on several occasions, led isolated villages to assume they were under spiritual attack from neighbouring communities prompting them to undertake retaliatory raids to avenge themselves on the presumed killers.

However, it was not long before the Yanomami realised that the terrible epidemics they endured were consequences of their contacts with 'whites'. Among the Brazilian Yanomam (Southern Yanomami), the belief grew that diseases were the 'smoke of steel', an odour of death that came from the boxes in which metal goods were stored, an exhalation in the very breath of their sinister white visitors, an enfeebling and sickening smoke like the exhausts of their aeroplane engines.

"Once the smoke was amongst us it made us die. We had fever. Our skins started to peel. It was terrifying. The elders demanded 'what have we done to make them kill us?' and they urged us, younger ones, who wanted to take revenge, 'don't go to avenge yourselves on the whites... Don't go' they insisted 'don't go and shoot them with arrows, for they are gunmen, and they will attack us with their rifles'."

As the epidemics continued some of the elder Yanomami urged a retreat to the headwaters to avoid further contact but diseases followed them even into the highlands brought in to the missions by government officials and Yanomami patients returning from hospitals, leading to a belief that the whites were insatiable cannibals feeding on Yanomami spirits.

If we can look beyond our own scientific explanations of the cause of sickness and death, we can see that the Yanomami's diagnoses of the medical calamity they were enduring were close to the truth. They identified with acuity the rapacity of the civilization that was engulfing them heedless of the consequences of the intrusion.



In recent years concerted efforts have been made by missionaries, anthropologists, NGOs, government agencies and, increasingly, by the Yanomami themselves to bring medical assistance to the area and halt uncontrolled access to the region. In the 1990s, some 8.5 million hectares of the Upper Orinoco in Venezuela, were declared a Biosphere Reserve and, in Brazil, another 9.9 million hectares were designated an Indigenous 'Park'. The Venezuelan government is now considering recognising a further 3.6 million hectares in the Upper Caura as an indigenous 'habitat'. Whereas in Venezuela, medical programmes remain limited (despite lavish funding of the Biosphere Reserve by the European Union and World Bank), in Brazil a concerted campaign of inoculation and primary health care, coupled with measures to expel miners from the region, has led to improvements.

The Yanomami experience teaches many lessons, one of the most obvious being that uncontrolled contact can have terrible consequences for previously isolated groups. In the Yanomami case, contact with the outside world was being sought by the indigenous people themselves, but one-sided penetration schemes which gave little consideration for the medical effects hugely exacerbated what would anyway have been a demoralising and perilous encounter. In the 19<sup>th</sup> century and earlier, it may have been possible to plead ignorance of the likely results of such contact. We now know, beyond any doubt, that enforced contact with isolated indigenous groups in Amazonia is bound to lead to massive loss of life. (By: Marcus Colchester, WRM Bulletin N<sup>o</sup> 87, October 2004).

### **Central Africa: Land loss and cultural degradation for the Twa of the Great Lakes**

The indigenous Twa 'Pygmy' people of the Great Lakes region of central Africa are originally a mountain-dwelling hunter-gatherer people, inhabiting the high altitude forests around Lakes Kivu, Albert and Tanganyika —areas that have now become part of Rwanda, Burundi, Uganda and eastern Democratic Republic of Congo (DRC). The current Twa population is estimated at between 82,000 and 126,000 people.

The Twa are widely thought to be the prior inhabitants of the forests in the Great Lakes region. The evidence for this includes historical

accounts and research as well as the Twas' own accounts of their origins, which emphasis that the Twa are 'from here' whilst the oral histories of neighbouring ethnic groups tell of their arrival from elsewhere through wars, migration and conquest. Local rituals also symbolically affirm the role of the Twa as the first occupants of the land. For example, Twa did, and still do, play a crucial role in the enthronement ceremonies of the customary non-indigenous landowners, the Tutsi kings and chiefs (*Mwamis*), symbolically 'licensing' the land to the incoming ruler. Twa were also indispensable for the annual royal hunting rituals affirming the *Mwami's* mystical authority over the land and its fertility. Indeed, the stem-*twa* is a Bantu term used throughout sub-Saharan Africa for different groups of people of very low status, referring in almost every case to hunter-gatherers and former hunter-gatherers who are recognised as the prior inhabitants of the area, including 'Pygmy' people and 'Bushmen'.

The Twa, like other African forest-dwelling hunter-gatherers, have had contacts with neighbouring farming groups for many centuries, based around reciprocal exchange relationships in which forest products were bartered for starchy foods, metal tools and other products such as salt. For many centuries, the Twa were probably able (as many other African indigenous forest peoples still do) to retreat at will into the forests, and so could control to a large degree the nature and extent of their contacts with the outside world. However, as the forests began to be cleared, the Twa were increasingly forced into contact with farmers and herders, and became caught up in unfavourable trade and labour relationships, in which the scope for negotiation became more and more constrained.

Deforestation in the Great Lakes region started several centuries ago, with the arrival of farmers and herding peoples who began clearing forests for agriculture and pasture. Much of the region lay outside the main slaving routes, and population density increased as other people sought refuge there. Forested areas receded as agriculture expanded on the rich volcanic soils. During the early and middle parts of the 20<sup>th</sup> century populations increased rapidly, resulting in some of the highest rural population densities in Africa, for example 800 people/sq km in the volcanic region of north-west Rwanda. By the 1980s much of all the available land, apart from areas reserved for wildlife conservation

and environmental protection, was under cultivation, particularly in Rwanda and Burundi. Pressures on the forests intensified through production of export crops: half the forests around the volcanoes in the north of Rwanda were cleared for pyrethrum plantations in the 1960s, and areas around Rwanda's Nyungwe forest were cleared for tea estates. Quinine and coffee production in eastern DRC also reduced forest cover. During the 20<sup>th</sup> century Rwanda's forest area was reduced from 30% of the land area to the present 7%; Burundi's natural forest cover decreased from 6% to 2% of the land area between 1976 and 1997.

As the forests were cleared, the areas left for the Twas' hunting and gathering activities decreased, heralding a period during which the Twa became progressively more and more landless and their traditional forest-based culture, including their religion and rituals and (according to some sources) their language, was eroded. In several areas the Twa sought to maintain control over their lands through armed defence, for example, the exploits of the renowned Twa Basebya at the end of the 19<sup>th</sup> century in what is now south-western Uganda. In the Bushivu highlands of eastern DRC Twa also fought long and bloody wars with agricultural peoples attempting to clear Twa forest lands for farms — fighting continued until around 1918. The impact of deforestation on the culture of the Twa was noted by early missionaries, such as Van den Biesen who commented on the future of the Twa of Burundi in 1897: 'When these forests have been destroyed for whatever reason, our Batwa will not be able to continue their traditional life.'

As forests were cleared, some Twa groups adopted alternative livelihoods based on crafts (pottery, basketry, metalworking) or attached themselves to powerful and rich individuals, thus becoming singers, dancers, messengers, guards, warriors and hunters for kings and princes; others became clients of local landowners. In some cases these services were rewarded with gifts of cattle or land, but most Twa remained without any locally recognised rights to lands.

Other groups of Twa were able to continue using the remaining forest for subsistence activities and trading of forest products, such as skins, vines, essential oils, honey, poles and game, with neighbouring farming communities, and to hunt animals such as elephant, colobus monkeys, wild pig and leopard, selected portions of which were given

to local chiefs and sub-chiefs as tribute. These offerings might be repaid in heads of cattle.

The designation of conservation areas, which began in the colonial period, initially did not have much impact on the hunting and gathering activities of the Twa—and was probably beneficial to them in protecting the forests from being cleared by farmers. By the 1960s and 70s however, regulations based on the prevailing conservation ideology, prohibiting human habitation and restricting traditional use rights in protected areas, began to be enforced more vigorously. During the 1970s and 80s Twa were involuntarily resettled out of the Volcano National Park and Nyungwe Forest in Rwanda and the Kahuzi-Biega National Park and Virunga National Park in eastern DRC, in some cases by means of armed force. Twa in the Bwindi and Mgahinga forests of Uganda were officially evicted in the 1960s but only finally excluded from using the forests in 1991 when they were gazetted as national parks. No compensation was provided for the displaced Twa, either in cash or as alternative lands. In the Kahuzi-Biega eviction compensation was paid to the local Bantu landholders, but none of this reached the Twa who were not considered to have rights to the land.

The case of the Gishwati forest in Rwanda is another notorious case of expropriation of Twa lands. The last forest-dwelling Twa in Rwanda, the Impunyu, were cleared from the Gishwati forest in the 1980s and 90s to make way for World Bank-financed forestry plantation and dairy projects. These projects were intended to protect the natural forest, but they had the opposite effect: by 1994 two-thirds of the original forest had been converted to pasture, almost all of which was allocated to friends and relations of the President. The World Bank itself concluded that the project had failed, and the treatment of indigenous peoples had been 'highly unsatisfactory'. Since then refugees have been settled in the remaining forest, resulting in its total destruction, but the Gishwati Twa are still largely landless.

Twa communities throughout the Great Lakes region have been deprived of lands without due legal process, in violation of constitutional provisions and international norms that require resettled communities

to be adequately compensated. Some Twa were able to acquire small plots of land, mostly through gifts from royalty and chiefs in times gone by. But since colonial times there has been virtually no land distribution to the Twa: in Rwanda for example, in 1995, 84% of landed Twa were still living on land originally given to them by the *Mwamis*. A few Twa communities have received land through government schemes in Rwanda and Burundi, and through private purchase by a conservation trust fund and private benefactors in Uganda. Some communities have secured use rights from local landowners in DRC by paying the fees prescribed under Bantu customary law.

However, recent socio-economic surveys show that the land situation of the Twa remains extremely serious. In both Rwanda and Burundi lack of farm land is 3.5 times more common among Twa households than non-Twa. In Rwanda 43% of Twa households lack farm land, in Burundi it is 53%. Of the Twa who do have agricultural land, the sizes of fields are much smaller, and usually of poorer quality than the non-Twa population. In Uganda up to 40% of Batwa households do not even have land on which to build a hut.

The pressure on land in the Great Lakes region continues to intensify with population growth, and the return of refugees who need to be resettled. In DRC, there are still areas of forest (although under the control of traditional land holders) accessible to some of the Twa communities, but in Rwanda, Burundi and Uganda, landless Twa have no-where left to go. They remain transient squatters constantly looking for somewhere they can lodge until they are moved on.

*“These people who let us stay on their land, they call on us to cultivate. If we refuse they say ‘Move away, we no longer want you.’ We are not settled here, because other local people are pressing the landowners saying ‘What do you need Twa for?’ and at any time we may have to shift and settle elsewhere. If the owners are sympathetic, they move us to another bit of land, which we fertilise for them by living on it. The landlords don’t let us put up toilets because they don’t want anything permanent on their land, or holes which could be a problem for cultivation later. But if they catch us defecating in the fields,*

*they are angry. My daughter was caught and was forced to remove the faeces with her hands".* (Middle-aged Twa woman, Nyakabande/Kisoro, Uganda, May 2003).

A large proportion of the Twa are now three or more generations removed from the forest-based livelihoods that underpinned their traditional society and culture, and have lost much of their traditional forest-related knowledge and customary practices. The older generation regards the hunter-gatherer epoch as a golden era when families could easily feed themselves and life was easy. These days, most Twa people eke out a living from marginal subsistence strategies such as casual wage labour on other peoples' farms, carrying loads, making pottery and other crafts, singing and dancing at festivities and begging. In terms of housing, education, health and incomes, they are one of the poorest groups in a region that is already very poor. They have received very little government assistance to help them manage the difficult adjustment to life outside the forest.

The loss of a forest-based way of life seems to be associated with social and cultural changes. Originally the Twa enjoyed a certain status as forest specialists, involved in reciprocal relationships with farmers, supplying them with useful forest products from an environment that farmers did not understand, or even feared. This was reinforced by their role as hunters and trophy-bearers to the kings. As the Twa lost their forests and became an impoverished group on the fringes of society, they were increasingly regarded as pariahs, and discrimination and prejudice against them intensified. This took the form of negative stereotyping, enforced segregation and denial of their rights; Twa communities suffered high levels of abuse and physical violence from neighbouring groups, including cases of rape and murder. Caught between the vanishing forest world, and settled agrarian society where it was made clear they did not belong, the Twa came to feel irrelevant, unvalued and excluded - a 'forgotten people' —and acutely aware of their deprivation. Many Twa communities are highly stressed through unremitting, severe poverty, prejudice and conflicts from their neighbours and internal frictions between households, as well as the devastating impacts of the frequent and ongoing wars in the region, in which Twa have often been targeted by armed belligerents of all sides.

Traditionally, forest-based “Pygmy” peoples have egalitarian and fluid social institutions, in which no-one has authority over the others, and resources are fairly distributed among group members. Women access forest resources in their own right and not as a consequence of their relationship with men. Twa societies are still relatively egalitarian, with women playing a prominent role in community decision-making. However, as the Twa have settled and taken up farming, they are absorbing the patriarchal norms of neighbouring farming groups, including polygamy and tenure systems in which men own the land and women can only obtain use rights via their husbands.

Women are now the main economic providers in many Twa families, as well as continuing to be the main carers of children and older people. They generally can decide how to spend the money they have earned. However, where men have cleared farm land, their initial high investment of labour tends to make them feel entitled to control the spending of money earned by the crop, despite the fact that women did the planting, weeding and harvesting. The increased reliance on farming among the Twa may therefore reduce the economic independence of Twa women. Many Twa women also have to contend with domestic violence and family neglect as a result of Twa men’s alcohol abuse. Alcoholism occurs in many indigenous communities that are facing cultural collapse, and where men are no longer able to carry out their traditional roles as hunters and respected provider for the family.

Faced with the loss of their ancestral forest lands, and the need to find a means of survival under changed circumstances, Twa in the Great Lakes region have expressed a range of different aspirations. Particularly among communities living near forest areas from which their forefathers were expelled, the Twa want to have secure access and use rights to forests, and to maintain their close links with the forest, but not all wish to resume the hunter-gatherer way of life. Communities near national parks want a larger share of the revenues from tourism. Throughout the region, Twa also want to have their own land for farming as part of their mix of survival strategies.

To press their claims, Twa communities are having to organise themselves in new ways and develop new forms of representative institutions, that can advocate and negotiate effectively with government

structures and influential agencies. The new Twa NGOs and community-based associations, and their support groups in the region, are campaigning for governments to develop specific policies to address the particular disadvantages that the Twa face as a result of their ethnic identity. In the absence of laws and policies addressing land rights of indigenous peoples, Twa organisations are calling for affirmative action in land allocation for Twa and recognition by governments of the immense historical injustice through which Twa were deprived of their forest lands and traditional means of livelihood, forcing them into severe poverty.

The Twa want to be respected and valued as members of society, and to freely enjoy their human rights and have equal access to services like other people. In the process of surviving as a forest people driven from their forests, and adapting to the harsh social and physical environment they now find themselves in, some groups and individuals want to retain their cultural distinctiveness; others want to integrate with mainstream society. It is their right to freely choose how they wish to relate to and participate in national society and to make their own choices about their future. (By: Dorothy Jackson, WRM Bulletin N° 87, October 2004).

### **India: The sedentarisation of the Malapantaram in Kerala**

The Malapantaram are a nomadic community numbering about 2000 people who live in the high forests of the Ghat Mountains of south India. Early writers described them as “wild jungle people” and as “wandering hillmen of sorts”, and tended to see them as social isolates, as a survival of some pristine forest culture. But from earliest times the Malapantaram have a history of contact and intercourse with surrounding caste communities of the plains and have been a part of a wider mercantile economy, and are still primarily collectors of important forest products such as sandalwood, ginger, cardamom, dammar resin, honey and various medicinal plants. The Malapantaram thus combine subsistence food gathering, especially of yams, the hunting of small game — monkey, squirrel, hornbills, chevrotain deer — by means of muzzle loaders or the help of dogs, and the collection of what is termed locally as “minor forest produce”. During the main



honey season, March to May, honey collecting becomes their primary economic activity.

The majority of the Malapantaram are nomadic forest people, spending most of their life living in forest encampments occupied by one to four families. These encampments consist of two to four leaf shelters, made from palm fronds or the leaves of wild plantains. These camps are temporary; people reside in a particular locality only for about a week, before moving elsewhere.

The Malapantaram see themselves and are described by outsiders as *kattumanushyar* —“forest people”— for they closely identify with the forest, which is not only a source of livelihood, but also an environment where they can sustain a degree of cultural autonomy and social independence. They thus tend to live and constantly move at the margins of the forest, enabling them to engage easily in market transactions —usually involving a kind of contractual barter— while at the same time being able to avoid the control, harassment and disparagement —even violence— which they generally experience from government officials, traders and local peasant communities. The forest for the Malapantaram is thus not only a home: it is a place where they can always retreat to avoid the imposition of outsiders.

With the establishment of colonial rule and the Travancore state, the forested hills of the Ghats became forest reserves under the jurisdiction of the forest department. In 1911 rules were drawn up for the “Treatment and Management of Hillmen” and these stipulated that tribal people like the Malapantaram were to be under the control of the forestry department and to be located in permanent settlements. The Malapantaram were thus seen as essentially “wards” of the forestry department and denied any land rights —the forests being seen as essentially belonging to the state. After independence the Malapantaram came under the jurisdiction of the Harijan Welfare Department, and efforts have been made to promote the welfare of the community through the establishment of schools and health centres, and through efforts to “settle” them and induce them to adopt agriculture. As elsewhere, a “nomadic” life style and a foraging existence was derogated by the state officials, and efforts to “uplift” the Malapantaram have centred on the establishment of “settlements” —it was described as a “colonization

scheme”— and its primary aim was to transform the Malapantaram economy into one of permanent agriculture. The scheme proved to be a singular failure, for the land allotted to the Malapantaram was largely taken over by local traders from a nearby village. It seems that the Malapantaram were extremely reluctant to take up agriculture, and thus sever the links that bind them to the forest—the environment with which they so powerfully identify and know is their only really safe haven. (By: Brian Morris, WRM Bulletin N° 87, October 2004).

### **Papua New Guinea: First contact in a clash of world views**

When Australians took control, at the end of the first world war, of the German colony of New Guinea, under a mandate from the League of Nations to protect the native peoples, it was thought that New Guinea had only a sparse population, mostly along the coast. The mountainous interior, it was believed, was a virtually empty and impenetrable jumble of rain-soaked hills. However, it is now clear that the highland valleys of New Guinea have long been among the most densely settled agricultural areas in the world.

The highland valleys of Papua New Guinea were first contacted by Australians in the 1930s and were found to be inhabited by over a million people, made up of several hundred different ethnic groups, who had been growing their vegetable staples and raising their pigs in the fertile upland soils for over nine thousand years. Although these peoples traded, through many intermediaries, with the coast, the highlanders were equally unaware of what lay beyond their territories. As highlander Gerigl Gande recalled in the 1980s: ‘we only knew the people who lived immediately around us. For example the Naugla, they were our enemies and we couldn’t go past them. So we knew nothing of what was beyond. We thought no one existed apart from ourselves and our enemies.’ The mutual astonishment and incomprehension of these two cultures, when they first met, was almost complete.

Australian officials and miners only became aware of these populated highlands in 1930, when the adventurer, Michael Leahy, first marched up into the hills from the east coast, in search of gold. The Mandated

Territory was viewed by Australians as a business proposition, the local men were referred to as 'boys' and the isolated groups in the interior pejoratively called 'bush kanakas' in pidgin. The indigenous peoples were widely considered treacherous, bloodthirsty savages, remnants of an inferior race doomed to extinction. As one settler noted 'the natives of this Territory are mean-souled, thieving rotters, and education only gives them added cunning'.

The miners pushed deep into the interior, travelling light and living off the land. They demanded food from the native people, paid for with metal tools and prized sea-shells, to keep their expeditions on the move. In their haste to get to the goldfield they dreamed of, they sparked confusion and conflicts. When warriors barred their path with arrows and threats, rather than return to the coast, the miners used guns to deadly effect to blast a path through to their goals. Sure that their technological superiority was, equally, evidence of their moral supremacy, it never occurred to the miners that what they were doing was wrong, much less that the local people might have their own reasons and interests for choosing to develop their interactions differently.

The gulf of incomprehension was wide on both sides. Trying to make sense of these strangely apparelled, pale skinned visitors, the highlanders, for the large part, assumed that they were ancestral spirits, either returning lost relatives coming from the east where the dead were thought to dwell or else ambiguous, even evil, mythic beings from the heavens. Recalls Gopu Ataiamelahu of Gama Village near Goroka:

*"I asked myself, who are these people? They must be somebody from the heavens. Have they come to kill us or what? We wondered if this could be the end of us and it gave us a feeling of sorrow. We said, 'we must not touch them'. We were terribly frightened."*

Remembers another:

*"They smelt so differently, these strange people. We thought it would kill us, so we covered our noses with the leaves from a special bush that grows near cucumbers. It had a particularly nice smell and it covered up theirs."*

Once it became widely known that the strange beings carried untold wealth with them, many communities wanted their visitors to stay with them and not carry on through to the lands of their rivals and enemies. Misunderstandings were almost inevitable. A typical conflict occurred in 1933, as the miners accompanied by a colonial officer, tried to push through to Mount Hagen. Ndika Nikints recalls the situation.

*“The Yamka and Kuklika and all the people around us were making a lot of noise, shouting and calling out war cries. They were saying they wanted to take everything from the white men. Some people snatched things from the carriers, like tins and trade goods. Then Kiap Taylor [the colonial officer] broke this thing he was carrying and before we knew anything we heard it crack. Everything happened at once. Everyone was pissing and shitting themselves in terror. Mother! Father! I was horrified. I wanted to run away... the muskets got the people —their stomachs came out, their heads came off. Three men were killed and one was wounded... I said ‘Oh, Mother!’ but that didn’t help. I breathed deeply, but that didn’t help. I was really desperate. Why did I come here? I should never have come. We thought it was lightning that was eating people up. What was this strange thing, something that had come down from the sky to eat us up? What’s happening? What’s happening?”*

This pattern of mutual incomprehension leading to violence and terror was to be repeated over and over again whenever the colonial officers and miners felt obliged to push through previously uncontacted areas to reach their self-ordained objectives. Another well-documented case comes from later in the 1930s when a colonial patrol, aimed at making a reconnaissance up the Strickland River and through the highlands north of Lake Kutubu, pushed through the lands of six different and previously uncontacted peoples. Carrying only enough supplies for one month’s travel, for a journey that in the end took them more than five, they were soon obliged to trade with the local communities, who sought to avoid all contact with the strangers.

Coming first into the lands of the Etoro people, the patrol emerged suddenly from the forests into full view of one community. ‘We jumped with surprise’ recounts one elder ‘No one had seen anything like this

before or knew what it was. When we saw the clothes of the strangers, we thought they were like people you see in a dream: “these must be spirit people coming openly, in plain sight”<sup>1</sup>. When these spirits approached them, the Etoro were even more dismayed and the more insistent the spirits were in offering gifts the more alarmed the Etoro became. The Etoro were convinced that if they accepted any gifts they would then be obligated to the unknown world of the spirits, thus bringing together two realms that should remain separate, lest the world become unmade and everybody die. Shortly after, in a confused encounter, one of the Etoro was shot and killed, confirming the Etoro in their view about who these beings were.

Further along the trail that they followed, the patrol came upon taboo signs, clear indications that the local people did not want the strangers to pass. The patrol pushed on regardless and, coming upon an old woman, pressed her with gifts of beads. When she returned to her own people, who were hiding in the forest, and showed them the gifts they were thrown into even greater dismay, imagining that the whole world would collapse to its origin point if the world of humans and spirits was not kept apart. Their consternation was even greater when they returned to their huts and found gifts of cloth, axes and machetes hanging from the rafters. Unsure what might happen if they touched them they were left hanging there. ‘What are these things? Why don’t you take them down?’ asked a visitor from a nearby village. ‘We are afraid. Who knows where these things are from. Perhaps they are from the Origin Time’.

The further on the patrol went the more often it had to resort to violence to secure food. In one encounter with the Wola, the patrol found itself in a narrow defile and fighting broke out after further miscommunication and cultural incomprehension. The devastating rifle fire and close quarter shooting with service revolvers killed and wounded over fourteen Wola. Recalls Leda:

*“They shot my cross-cousin Huruwumb, and I went to see him. You could see his liver exposed. They kept sending me to fetch water for him to drink because he was thirsty. Back and forth, I kept going to fetch water for him. He lived in agony for three days. On the fourth day he died.”*

One of the Wola women, Tensgay, remembers other gruesome wounds:

*“Kal Aenknais had his thighs and lower torso smashed. Completely pulverised here and here. He kept groaning ‘Oh! Ah!’. I saw him. He died later. Wounded in the guts he was. His intestines were punctured. When he was given water to drink, to cool him off, it came spurting out of the holes in his body. Then there was Obil. His eyes were blown clean out of his head. When they landed on the path they wriggled around and around for ages. He died too. And then there was that poor blighter —aah— whose entrails were shot out. His intestines and stomach were blasted right out of his body...”*

After the massacre, the white officers sent the coastal police men to get food from the village. Coming on the village hut they found the women and children cowering inside. Tensgay recalls the scene:

*“We were terrified... They tore open the door of our house and demanded everything. Puliym’s mother released the pigs one at a time and drove them out of the door to them waiting outside... They tore off the front of the house, attacked it with axes and bushknives... They took the pigs one at a time and shot them outside. After they killed them they singed off the bristles over a fire made from the wood torn from our house. Then they butchered them ready to carry off... After they had killed and prepared the pigs they turned on us. We didn’t see well what was going on. We were cowering inside. They returned and stood there [about three metres away] and fired their guns into the house. They shot Hiyt Ibiziym, Bat Maemuw, my sister, Ndin, Maeniy and me. That’s six of us... We were so frightened that we were all dizzy and faint... We slumped in a sort of stupefied state. Who was there to bandage our wounds with moss and levaes?... we just slumped indoors. We didn’t think anything. All we felt was terror and dizziness. I was sort of senseless... Well, they didn’t rape any women. That was done by later patrols, when they not only stole our pigs but our women too, and broke into our houses and smashed up our possessions, like our bows and things. They even excreted in our fireplaces”.*

The task of the colonial authorities in the Mandated Territory of New Guinea, as commanded by the League of Nations, was to protect the native peoples. Accordingly, the highlands were declared a 'controlled area' into which access was only allowed to those with permits. There were strict regulations, on paper, about what those with permits could do if they entered the controlled area. They must not enter native villages; not allow their carriers (coastal porters) to trade with the local people without supervision; and ensure that all campsites were provided with pit latrines to avoid contamination of local waters. Arms were only to be used as a last resort, in self defense. However, not only did the colonial power lack the resources and manpower to control access effectively, they also wanted to encourage economic development in the interior. Permits to enter the 'controlled areas' were thus issued to miners, and the local officials were themselves in two minds about the appropriateness of the regulations.

Many of the colonials were, however, clear in their minds that, if there was to be 'development', the way of life of the native people would have to change. As one editorial in the "Rabaul Times" on 25 September 1936 noted:

*"One of the greatest contributing factors to the unsatisfactory services rendered by native labourers in this country is their economic independence. For it must not be forgotten that every native is a landed proprietor, and nature has endowed New Guinea with a prolific soil, which provides adequate sustenance for a minimum of labour. Dismissal from employment, if he fails to carry out his duties, holds no terrors for the New Guinean native. It is the shadow of the sack, hovering over the white employee, which urges him to render service. Unless and until our natives reach such a stage of development that they must work to obtain sustenance or a livelihood, they will never make suitable indentured labour for the average white resident".*

From this point of view, the enforced contacts and integration of the highlanders into the modern world, were necessary steps to achieve a kind of 'development'. A certain amount of bloodshed could then be

justified as an inevitable part of the process of social change. Perhaps, if those in the outside world hadn't been in such a hurry and could better appreciate that people in other worlds have different priorities and beliefs, things might have been different. (By: Marcus Colchester, WRM Bulletin N° 87, October 2004).



### III) RELATED ARTICLES

#### **The Mumbai - Porto Alegre Forest Initiative (2005)**

##### **Background**

A number of participants at the World Social Forum 2004 met in Mumbai and believing that forest issues are in essence social and political and that forest communities are increasingly affected by globalization —and new forms of trade and economic liberalization that comes in its way— agreed on the need to create a global movement to ensure forest conservation and peoples' rights over forests. The principles on which the movement would be based were agreed upon and circulated by the groups as the Mumbai Forest Initiative - Statement of Principles.

A year later the group and some other participants of the World Social Forum 2005 met in Porto Alegre, Brazil, reviewed and revised the Mumbai Forest Initiative. The result is the Mumbai - Porto Alegre Forest Initiative, with the following principles:

1. Indigenous peoples and other forest dependent communities living in and using forests for their survival needs are the true protectors and governors of these forests and enjoy inalienable rights over forests.
- 2.. The protection and conservation of forests demand that their rights be ensured.
3. The institutional mechanisms for the social control by forest peoples —including indigenous peoples and other forest dependent communities— over forests will evolve according to the socio-ecological and economic needs of the communities and will take separate shapes according to the varied cultural profiles of the communities in various parts of the world.
4. The historical role and positive contribution of women in the governance and nurturing of forests must be recognised and their full participation in decision making must be ensured.

5. Governments must ensure an enabling environment for the community governance of forests.

6. Governments must ensure that legislation and policies comply with the above principles.

7. Society at large benefiting from the broad range of products and services provided by forests must support communities in their efforts to govern and conserve forests.

8. NGOs and other civil society organizations at national and international level committed to the conservation of forests and to the protection of forest peoples' rights should have a supportive role to peoples' initiatives to govern the forest and to be accountable to them.

9. We oppose NGOs and other civil society organizations involved in activities affecting or undermining forest peoples rights and interests.

10. Industrial logging and plantations, and so-called development and conservation projects which lead to deforestation and forest degradation and to the displacement of forest communities and livelihoods, cannot be allowed.

11 . We oppose any involvement of the World Bank, IMF, WTO and other International Financial Institutions in policies and projects than can affect forests and forest peoples.

12. The commodification of nature and forests by corporations, governments, international institutions and some NGOs is not acceptable.

This statement of principles is intended to contribute towards initiating a global process of solidarity building among movements, groups and individuals working on forest issues, at local, national and international levels. We appeal to all of you join this process.

Porto Alegre, 30 January 2005.

World Rainforest Movement, Delhi Forum, National Forum of Forest People and Forest Workers of India, Jharkhand/Save the Forest Movement (India), New Trade Union Initiative (India), WALHI/Friends of the Earth (Indonesia), Tebtebba Foundation (Phillipines), Coecoceiba / Friends of the Earth (Costa Rica), Censat Agua-Viva (Colombia), Red Alerta Contra o Deserto Verde (Brasil), FASE (Brasil), Sobrevivencia (Paraguay), International Forum on Globalization (USA), Acción Ecológica/Oilwatch (Ecuador).

### **Closing Statement of the International Indigenous Forum on Biodiversity**

I thank you Mr. President for the opportunity to address the Parties of the Convention and other delegates present. In the name of the International Indigenous Forum on Biodiversity, we want to reiterate our will to continue working together with Parties to achieve the objectives of the Convention. Considering that most of the world's biological diversity is in our lands and waters, the need for a just implementation of this Convention is urgent, and requires greater participation of the actors directly involved in the conservation and sustainable use of biodiversity. As rights holders, we hope we will continue building just frameworks for collaboration and working together.

Mr. President, the work of the International Indigenous Forum on Biodiversity within the CBD process has a clear spirit of cooperation. However, to make this collaboration effective the full recognition of our rights as Indigenous Peoples is essential. We believe that recognition is an essential prerequisite to working together, reducing biodiversity loss and fostering sustainable development to achieve the millennium development goals.

States, in the responsible exercise of their national sovereignty, must fully recognize and respect the inherent right of Indigenous peoples. Recognition and respect for our rights must be included in all the programs of work of the Convention. We followed with great concern the attempt by New Zealand to delete text that specifically recognizes the land and water rights of Indigenous Peoples —particularly in light of the obligations of the Treaty of Waitangi. This attempt was not

acceptable in a United Nations forum that should protect the human and political rights of Indigenous Peoples. On the other hand we want to express our gratitude to the Parties who have shown respect for their obligations and commitments to Indigenous Peoples.

Indigenous Peoples remain deeply concerned about the proposed international regime on access and benefit sharing. Indigenous peoples are rights holders with inherent, proprietary, and inalienable rights to our Indigenous knowledge and biological resources. Genetic resources and traditional knowledge are inextricably linked. We have consistently stated that —and we are not participating in these discussions to facilitate access to our traditional knowledge nor the genetic resources in our territories. Rather, we participate to ensure our rights are recognized and respected by the Parties in the development of the proposed regime. Further, the international regime must be considered consistent with international human rights laws and standards.

We reaffirm that current intellectual property rights regimes are inadequate and inappropriate to protect our collective knowledge and resources because such regimes are monopolistic and favour the privatization of our biocultural resources by transnational companies and only protect individual intellectual property rights. During the last few years we have witnessed the expropriation of our collective resources, and the loss of locally sustainable opportunities due to the increase of biopiracy. Our demand that our rights over our knowledge, practices and resources be upheld is based on our desire to use this knowledge in favour of autonomous development of our communities. Therefore, indigenous customary law must be the fundamental element of any sui generis regime for the protection of traditional knowledge.

Mr President, we request that the parties ensure the continuation of the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions. The continuity of this working group is fundamental not only to guarantee the full and effective participation of indigenous peoples in the work of this convention, but also to resolve the issues that directly affect our peoples, such as the CBD Guidelines on Biodiversity and Tourism Development, amongst others. In relation to the guidelines, we especially request that these be reviewed by the

Working Group on Article 8(j) in its next meeting, taking into account the recommendations of the International Indigenous Leadership Gathering on Sustainable Tourism, which will be held in September 2005 in British Columbia, Canada.

Indigenous peoples territories have been traditionally managed according to the principles of conservation and the sustainable use of biodiversity. The establishment of regional, sub-regional and national protected areas systems and ecological networks should not result in forced resettlement, extinguishment or breach of our rights to our territories. Protected areas must be established in accordance with the principle of free prior informed consent.

We would also like to note that marine and coastal protected areas have damaged the lives and territories of indigenous peoples. Most coastal areas are, or have been in the past, managed under indigenous peoples' traditional marine tenure regimes, with management systems based on indigenous peoples' knowledge and authorities.

All of the CBD work programmes must guarantee the full and effective participation of indigenous peoples, especially indigenous women, with due attention to the recognition, protection and strengthening of our rights and customary use relating to resource management in dry and arid lands, marine and coastal waters, inland waters, forests, mountains and islands.

To conclude, Mr President, we reaffirm our fundamental rights of self-determination and will carry out our peoples' historical mandate to care for, conserve and preserve our Mother Earth. Parties must uphold our land rights and the right to control access to, and use of, our resources and knowledge. All of us, Parties, Indigenous Peoples and future generations will only survive if we are able to halt the excessive exploitation of the world's biodiversity resources.

Thank you very much. (Closing Statement, Seventh Conference of the Parties to the Convention on Biological Diversity, Kuala Lumpur, Malaysia, 20 February, 2004).

### **Tiohtiá: ke<sup>4</sup> Declaration**

“We the representatives of Indigenous Peoples have traveled from the four directions of our sacred Mother Earth to participate in the 11th Session of the Conference of the Parties (COP 11) and 1st Session of the Meetings of the Parties to the Kyoto Protocol (MOP 1) of the United Nations Framework Convention on Climate Change (UNFCCC).

We would like to recognize the work and support given to us by the late and distinguished Ms. Joke Weller-Hunter, who helped advance our participation as Indigenous Peoples in this important process.

We are here to present our voices to the Parties of the Conference on matters that concern our special knowledge and relationship with Mother Earth, as well as the survival of our communities and of the world. Our knowledge and relationship are sacred and must be honoured and protected. It is essential that the contributions of our age-old Indigenous Knowledge Systems to the greater body of climate sciences are respected and given equal recognition.

We reaffirm our inherent rights over our territories, lands and resources. Our cosmovision strongly binds biological diversity, cultural and spiritual identity and unites our peoples with our ancestral territories. This is the fundamental basis for our existence, health and livelihoods which are being disproportionately threatened and destroyed by climate change and its consequences. Indigenous Peoples require a human rights based approach in addressing climate change.

It is imperative that formal and permanent mechanisms are established to ensure the meaningful participation of Indigenous Peoples. We have consistently emphasized the need to be given a space for full, direct and active participation within the official discussions of the UNFCCC meetings.

The modalities and procedures for activities under the Clean Development Mechanisms (CDM) do not respect and guarantee our

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<sup>4</sup> Tiohtiá:ke is the Mohawk word for the area called Montreal

right to lands, territories, and self-determination. CDM and Sinks projects do not contribute to climate change mitigation and sustainable development.

The burning of oil, gas, and coal, as fossil fuels, is the primary source of human-induced climate change. Indigenous Peoples have experienced systematic and repeated violations by oil, gas, mining and energy industries infringing on our inherent right to protect our traditional lands.

We reaffirm previous Indigenous climate declarations. We also reaffirm the international provisions already acknowledged in other international instruments and mechanisms that ensure our participation and contribution within the discussions.

During the International Decade of the World's Indigenous Peoples (1995-2004), the United Nations has clearly recognized our rights to participate in the UN processes through the establishment of the UN Permanent Forum on Indigenous Issues (UNPFII). We remind the Parties to the Conference that the "the vital role of Indigenous Peoples in sustainable development" was affirmed by the political declaration of the World Summit on Sustainable Development, Johannesburg, 2002 in paragraph 25.

We call upon the members of the 11th Session of the Conference of the Parties (COP 11) and the 1st Session of the Meetings of the Parties to the Kyoto Protocol (MOP 1) of the United Nations Framework Convention on Climate Change the following:

- Provide the necessary support to Indigenous Peoples from developing and developed countries for our full and effective participation in all levels of discussion, decision-making and implementation, and ensure that the necessary funding be provided to guarantee such participation and strengthen our capacities.
- Include 'Indigenous Peoples and climate change' as a permanent item in the agenda of the COP/MOP, and of the Subsidiary Bodies meetings with specific reference to issues including disparities

and vulnerability of impact, mitigation, adaptation, poverty, social and cultural impact, and other climate change related issues.

- Establish in-session workshops, including Indigenous experts meetings, in the five years action program of the SBSTA that facilitates the discussion of the effects of climate change on Indigenous Peoples. This workshop will discuss themes such as: specific impacts on fragile and vulnerable ecosystems, the interconnection between climate change and poverty, short and long term effects of the CDM, knowledge and traditional practices such as: weather forecasting capacity, participation in the evaluations of the impacts, adaptation mechanisms, mutual learning about climate change and sustainable development.
- Include Indigenous Peoples as a permanent item in the agenda of the Meetings of the Parties to the Kyoto Protocol (MOP) with specific reference to disparities, successes and impact in the implementation of modalities, procedures and mechanisms for evaluation and assessment of the Kyoto Protocol and its Clean Development Mechanism (CDM) and Joint Implementation (JI) initiatives. Indigenous experts should be consistently involved in the monitoring, evaluation, and impact assessment of all interventions in or affecting Indigenous territories.
- All development projects within Indigenous ancestral territories must respect our fundamental rights to lands, waters, territories, self-determination and ensure our right to our free, prior and informed consent.
- Establish a process that works towards the full phase-out of fossil fuels, with a just transition to sustainable jobs, energy and environment. We are against the expansion of and new exploration for the extraction of oil, natural gas and coal within and near Indigenous lands, especially in pristine and sensitive areas, as well as environmentally, socially, culturally, historically and spiritually significant areas. We demand that extractive industries adhere to the Akwe:kon voluntary guidelines adopted by the Convention on Biological Diversity.



- Support the creation and adequate financing of the Adaptation Fund to be accessed by Indigenous Peoples to address the potential and actual impacts of climate change in a manner compatible with our Traditional Knowledge Systems, customs, culture, lifestyles and aspirations.
- Include Indigenous Peoples in UNFCCC capacity building initiatives and propose that special capacity building be undertaken for Indigenous Peoples. Such capacity building should strengthen our participation in climate change negotiations.
- Implement Climate Impact Assessments which take into account Indigenous Knowledge Systems, culture, social values, spirituality and ecosystems; as well as the full and equal participation of Indigenous Peoples in all aspects and stages of the assessment.

Recognizing all of the above, we call upon the Parties to the UNFCCC to recognize that through the protection and promotion of Indigenous Peoples rights and through recognizing and integrating our dynamic and holistic visions, we are securing not only our future, but the future of humanity and social and environmental justice for all.

We once again remind you that one is only as healthy as the air we breathe, the water that we quench our thirst with each day, and the earth in which we plant our seeds to have the various products of sustenance for the duration of our journey here on Mother Earth.”

Signatories:

Mr. Parshuram Tamang, International Alliance Indigenous and Tribal Peoples of the Tropical Forest

Mr. Marcial Arias, Fundacion para la Promocion del Conocimiento Indigena - Panama

Mr. Ian Aujare, Zazao Environmental Rights Organizations - Solomon Island

Mr. Johnson Cerda, Asociacion Indigena de Limoncocha - Ecuador

Mr. Crescencio Resendiz Hernandez, International Alliance  
Indigenous and Tribal Peoples of the Tropical Forest  
Mr. Tom Goldtooth, Indigenous Environmental Network  
Mr. Serge Ashini Goupil, Sustainable Development Institute  
Assembly of First Nations Quebec and Labrador  
Mr. Clayton Thomas-Muller, Native Energy Campaign, Indigenous  
Environmental Network  
Ms Jihan Gearon, Indigenous Youth of the Climate Justice Corps  
Ms. Heather Milton-Lightning, Youth Network, Indigenous  
Environmental Network  
Ms. Anna Pinto, Centre for Organisation Research and Education  
Ms. Konwaiatanonwes Lynn Jacobs, Kahnawake Environment  
Protection Office

(International Indigenous Peoples Forum on Climate Change  
Statement to the State Parties of the COP 11/MOP 1 of the United  
Nations Framework Convention on Climate Change - UNFCCC;  
Tiohtiá:ke, Kanien'kehá:ka (Mohawk) Traditional Territory, Canada, 28  
November – December 09, 2005)

For those who would like to sign on, please send your full name  
and organization to [crescencio@international-alliance.org](mailto:crescencio@international-alliance.org)

### **The Vth World Parks Congress: Parks for people or parks for business?**

Just prior to the Vth World Parks Congress, a consortium of mining,  
oil and gas companies announced that they would accept that all World  
Heritage Sites were off limits to further exploitation. However, during  
the Congress, representatives of the extractive industries could not be  
persuaded to accept the Amman Recommendation passed by the World  
Conservation Congress in Amman in 2000, which called for an end to  
oil, mining and gas extraction from all protected areas in IUCN categories  
I, II, III and IV ('strict nature reserves', 'wilderness areas', 'national  
parks', 'natural monuments' and 'habitat management areas').

Controversy over the relationship between extractive industries and  
protected areas has rumbled on since that date. The IUCN Secretariat  
announced in the context of the World Summit on Sustainable

Development that it was developing a new 'partnership' with the extractive industries. The language had to be toned down and the IUCN now speaks of being engaged in a 'dialogue' with the industries. Critics have condemned the 'dialogue' as a betrayal of conservation standards, which just serves the companies to rehabilitate their dirty image, tarnished by a trail of oil leaks, tanker wrecks, tailings dam bursts, cyanide and mercury spills, ruined landscapes, despoiled river systems, toxic waste dumps, polluted ecosystems, violated human rights and shattered livelihoods.

Among the most outspoken critics of industry at the Congress were indigenous peoples. About 150 representatives of indigenous peoples from over 60 countries attended the Congress to press for a recognition of their rights. Their strong presence was notably effective and influenced all the main outcomes from the Congress. The 'Durban Accord', the consensus document of the whole Congress, announces that the World Parks Congress has accepted a 'new paradigm' for protected areas 'integrating them equitably with the interests of all affected people.'

The Accord celebrates the conservation successes of indigenous peoples. It expresses concern at the lack of recognition, protection and respect given to these efforts. It notes that the costs of protected areas are often borne by local communities. It urges commitment to involve indigenous peoples in establishing and managing protected areas and participate in decision-making on a fair and equitable basis in full respect of their human and social rights. The Accord calls on all countries to 'strictly eliminate resettlement of indigenous peoples and local communities and the involuntary sedentarisation of mobile indigenous peoples without prior, informed consent.' The Accord also calls for the creation of 'trans-boundary protected areas for communities separated by national borders, including corridors of connectivity for mobile indigenous peoples who have traditionally migrated across borders.' National authorities are encouraged to carry out 'reviews of conservation initiatives including innovative and traditional/customary governance types...' Likewise protected area authorities are encouraged to 'promote the conditions and ensure the means for the effective engagement of Indigenous Peoples, local communities and other local stakeholders in conservation. The focus of attention should be on building the capacity of communities to engage effectively.'

Notwithstanding these important and progressive gains, it was money that remained a dominating sub-theme during the Congress.

The Congress reiterated the perennial call, echoing statements at the Rio Summit and WSSD, for industrialized countries to provide 'substantial new and additional financial resources' to developing countries to help cover the costs of conservation. But, as if knowing that this approach was unlikely to leverage more than a minimal amount of extra funds, the Congress also advocated the development of market mechanisms to pay for the recurrent costs of protected area management. For example, a study presented by the WWF and IUCN demonstrated that protected areas contribute water to a very large number of the world's cities and hydropower stations and proposed that a portion of fees paid for this water and electricity should be used to cover the parks' costs. To institutionalise this approach, the Congress proposed that the World Bank's 'Global Environment Facility' and governments should develop 'collaborative partnerships with the private sector' as an alternative way of securing funding for parks. For many, eco-tourism remains the great white hope for achieving the holy grail of financial sustainability.

One side-event at the Congress, held in the luxurious surroundings of the Durban Hilton —doubtfully a model of sustainable development— examined ways of promoting responsible tourism and certifying its sustainability. Yet sceptics were left wondering if making future conservation dependent on the disposable income of the world's globe-trotting consumerist elite was not self-defeating —like sawing off the branch on which you are sitting.

Indigenous peoples also expressed misgivings about this approach. In the final plenary, Jannie Lasimbang of the Asia Indigenous Peoples Pact, told the Congress that: 'Much of this Congress has been focused on the challenge of financing the costs of establishing and managing protected areas. Protected areas have been made into big business and the danger is that this business is both unsustainable and may further marginalize us, indigenous peoples. Moreover, our experience on the ground is that much of this money is wasted. Funds would be better spent protecting our rights and involving us directly rather than relying on outside agencies often from overseas.' She also criticised

the way tourism increasingly relies on exotic images of indigenous peoples as lures to draw in the curious. 'The use of the image of our cultures as folklore, or as merchandising, hurts and degrades us. Sometimes our ancestors' culture is undermined while the living indigenous peoples are marginalized and impoverished. These attitudes do not help to revalidate our millennial cultures.' (By: Marcus Colchester, WRM Bulletin N° 75, October 2003).

### **The GEF and Indigenous Peoples: some findings of a recent critical study**

The Global Environment Facility (GEF) is the main intergovernmental mechanism for addressing "global" environmental problems, including the loss of biodiversity. It is the main vehicle for funding the United Nations Convention on Biological Diversity (CBD). Since its formation in 1991, forest-related projects have accounted for between 30 and 50% of the GEF's annual spending on conservation. By June 2003, the GEF had allocated \$778 million USD in grants for 150 forest conservation projects. Most of these projects have been implemented by the World Bank and most have supported the establishment or expansion of protected areas, which remain the "cornerstone" of GEF support to biodiversity conservation. Many of these GEF-assisted projects have affected lands traditionally occupied and used by indigenous peoples. Yet indigenous peoples have repeatedly claimed that these conservation schemes often fail to respect the rights of indigenous peoples and undermine their traditional livelihoods.

Drawing on a series of past, recent and ongoing case studies of GEF full-size conservation and sustainable use projects (in Peru, Guyana, Mexico, Panama, Cameroon, Uganda, India, Philippines, and Bangladesh) a recent study completed by the Forest Peoples Programme has sought to examine these problems. The study finds that though progress has been made in some quarters, especially through the GEF's Small Grants Programme, some GEF conservation projects and programmes continue to struggle to respect the rights and livelihoods of indigenous communities.

Key findings are that GEF projects still tend to treat indigenous peoples as "beneficiaries" rather than rights holders. GEF biodiversity

projects also finance the legal establishment of protected areas without first ensuring mechanisms are in place to secure the free, prior informed consent of affected indigenous communities. Some GEF projects have resulted in the curtailment of livelihoods, forced relocation and increased enforcement of anti-people laws and exclusionary conservation policies, particularly in GEF projects in Africa and Asia. Other disturbing findings are that GEF projects fail to properly involve affected communities in project design and do not pinpoint critical legal, rights and cultural issues in social assessments. The study has also found that:

- Flawed “alternative” livelihood interventions sometimes leave affected families and communities worse off, less secure and more dependent on the market and wage labour
- Full-size and medium-sized grants are still often considered to be top down interventions by government agencies or big international conservation NGOs
- Indigenous peoples do not enjoy effective participation in decision-making in GEF projects, even in some projects targeting indigenous peoples
- Indigenous communities are not always aware of GEF involvement in projects that affect them
- Some projects targeting indigenous peoples do not implement progressive components set out in grant agreements or project plans e.g., protection of land rights, protection of and respect for traditional knowledge
- Projects often introduce new project-level institutions that fail to build on or may even undermine local traditional institutions and decision-making structures.

An analysis of GEF governance, accountability and policies argues that many of the ongoing problems with GEF projects can be partly traced to an out-of-date and incomplete framework for GEF policy standards and to faults in implementation and monitoring mechanisms. In this regard, it is stressed that implementing agencies such as the World Bank continue to suffer from systemic failures in the implementation of their own mandatory social and environmental policies -an ongoing problem that has been found by recent official reviews of the Bank’s implementation of its Indigenous Peoples Policy (OD4.20).

It is noted that there are signs that the GEF is seeking to respond to some of the above criticisms. For example, it has launched a review of local benefits in GEF projects (due to be published in 2005) and now plans to develop social and participation indicators. In Latin America, the GEF is starting to support community conservation areas and a few medium-sized projects are beginning to be prepared and implemented by indigenous peoples. Nevertheless, such progressive projects still tend to be the exception rather than the rule. Crucially, the study shows that even GEF-World Bank projects that are intended to “do good” can end up doing harm where project governance, implementation and participation mechanisms fail on the ground [e.g., Indigenous Management of Protected Areas in the Amazon Project - PIMA (Peru)].

Indigenous organisations and support NGOs stress that a piecemeal approach to indigenous peoples in GEF projects is not sufficient: what is needed is a root and branch overhaul of GEF policies and oversight procedures. As one indigenous spokesperson told a meeting with the GEF on the margins of CBD COP VII:

“We welcome the GEF’s growing support for indigenous conservation areas in some parts of Latin America. But the questions remain: how will the GEF ensure that all its conservation projects recognise and respect our rights in across all continents where it works? For example, we want to know how GEF policies and projects will respect the right of indigenous peoples to free prior and informed consent?” [Esther Camac, February 2004]

The final part of the study calls on the GEF to adopt a rights-based approach, strengthen its own implementation and accountability mechanisms, and adopt a specific mandatory policy on Indigenous Peoples. At the same time, it is recommended that the GEF update all its biodiversity policies to ensure they are fully consistent with international standards on indigenous peoples and conservation including standards established under the CBD and best practice agreed in the 2003 IUCN Durban Action Plan and Recommendations. (By: Tom Griffiths, WRM Bulletin N° 93, April 2005).

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#### GENERAL ARTICLES

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##### **Stopping human rights abuses is key to solving forest crisis**

- The report can be downloaded shortly from Fern's website: [www.fern.org](http://www.fern.org) Hard copies can be ordered from: [info@fern.org](mailto:info@fern.org)

##### **Wilderness parks or Community conservation?**

- By: Marcus Colchester, Forest Peoples Programme, e-mail: [marcus@fppwrm.gn.apc.org](mailto:marcus@fppwrm.gn.apc.org) . For extensive case studies and other documentation on this subject see [www.forestpeoples.org](http://www.forestpeoples.org). See also [www.danadeclaration.org](http://www.danadeclaration.org)

##### **Indigenous peoples and Climate negotiations**

- By: D. Roy Laifungbam, CORE, Manipur, India Member, Committee on Indigenous Issues, 23 June 2003, edited and sent by Jutta Kill, SinksWatch, e-mail: [jutta@fern.org](mailto:jutta@fern.org)

##### **Community view from UNFF: Interview with Freddy Molina, ACICAFOC**

- By: Jessica Dempsey. For more information on ACICAFOC, see <http://www.acicafoc.net/>

### AFRICA

##### **Cameroon: Bagyeli struggling to be heard**

- By: John Nelson, Forest Peoples Programme, e-mail: [johnnelson@blueyonder.co.uk](mailto:johnnelson@blueyonder.co.uk)

##### **Kenyan Indigenous group faces October 1 Court date**

- By: Bobson Wong, Digital Freedom Network, e-mail: [bwong@dfn.org](mailto:bwong@dfn.org)



**Rwanda: Dispossessed Twa people press for recognition**

- By: Dorothy Jackson, Forest Peoples Programme,  
e-mail: djackson@gn.apc.org

**Uganda: The Batwa organize to reassert their rights**

- By: Penninah Zaninka, e-mail: zaninkap@utlonline.co.ug and  
Justin Kenrick, e-mail: J.Kenrick@socsci.gla.ac.uk

**AMERICAS**

**Guyana: Empowerment of indigenous peoples through participatory mapping**

- By: Tom Griffiths, Forest Peoples Programme,  
e-mail: tom@fppwrm.gn.apc.org

**Peru: Camisea gas project undermines the rights of indigenous peoples**

- By: Conrad Feather, Shinai Serjali, e-mail: conrad@serjali.org .  
For more information on the Nahua/Kugapakori reserve and its  
indigenous peoples please visit: <http://www.serjali.org> and  
<http://www.onr.com/cabeceras/>

**Suriname: Chinese logging companies and tribal rights**

- By: Fergus MacKay, Coordinator, Legal and Human Rights  
Programme, Forest Peoples Programme,  
e-mail: fergus@euronet.nl

**Venezuela: Mapping a way forward**

- By: Marcus Colchester, Forest Peoples Programme,  
e-mail: marcus@fppwrm.gn.apc.org

**ASIA**

**Indonesia: The struggle for self-governance**

- By: Marcus Colchester, Forest Peoples Programme,  
e-mail: marcus@fppwrm.gn.apc.org

**Laos: The impact of the Nam Theun 2 dam on indigenous peoples**

- By: Chris Lang, e-mail: chrislang@t-online.de

**Philippines: Indigenous peoples and the Convention on Biological Diversity**

- By: Maurizio Farhan Ferrari, Forest Peoples Programme, e-mail: [mferrari@pd.jaring.my](mailto:mferrari@pd.jaring.my)

**Russia: Mapping Evenki lands in Central Siberia**

- By: David G. Anderson, Forest Peoples Programme, e-mail: [david.anderson@abdn.ac.uk](mailto:david.anderson@abdn.ac.uk)

**II) INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION****The Indigenous peoples' right to live in voluntary isolation**

- By: Ricardo Carrere, WRM, e-mail: [rcarrere@wrm.org.uy](mailto:rcarrere@wrm.org.uy)

**AFRICA****Cameroon: Does isolation still protect forest communities?**

- By: John Nelson, Forest Peoples Programme, E-mail: [johnnelson@blueyonder.co.uk](mailto:johnnelson@blueyonder.co.uk), <http://www.forestpeoples.org> See detailed TRIDOM article at <http://www.wrm.org.uy/countries/Cameroon/still.html>

**Congo: The Northern Mbendjele Yaka use avoidance to maintain autonomy**

- By: Jerome Lewis, Escuela de Economía y Ciencia Política de Londres, United Kingdom, e-mail: [J.D.Lewis@lse.ac.uk](mailto:J.D.Lewis@lse.ac.uk)

**AMERICA****After the rubber boom**

- Marcus Colchester, Forest Peoples Programme, e-mail: [marcus@fppwrm.gn.apc.org](mailto:marcus@fppwrm.gn.apc.org)

**Argentina: The silent genocide of the Mbya Guarani**

- By: Raul Montenegro, FUNAM, UN Global 500 Prize, taken from "El silencioso genocidio de los Mbya Guaraní en Argentina. (O la lucha de la cadenas alimentarias cortas contra las cadenas alimentarias largas)", e-mail: [montenegro@funam.org.ar](mailto:montenegro@funam.org.ar), [www.funam.org.ar](http://www.funam.org.ar). The complete article, resulting from the joint

work of ENDEPA and FUNAM can be accessed—in Spanish—at: <http://www.wrm.org.uy/paises/Argentina/Mbya.html>

**Brazil: Indigenous peoples in isolation and policies to defend and protect them**

- By: Gilberto Azanha, Centro de Trabalho Indigenista, e-mail: [gilberto.azanha@trabalhoindigenista.org.br](mailto:gilberto.azanha@trabalhoindigenista.org.br), and Sydney Possuelo, Coordenação de Índios Isolados of the Fundação Nacional do Índio (FUNAI).

**Colombia: The Nukak, the last contacted nomadic people**

- By: Dany Mahecha Rubio, e-mail: [danyma@yahoo.com](mailto:danyma@yahoo.com)

**Ecuador: The Huaorani people of the Amazonia, self-isolation and forced contact**

- By: Laura Rival, University of Oxford, e-mail: [laura.rival@anthropology.oxford.ac.uk](mailto:laura.rival@anthropology.oxford.ac.uk)

**Paraguay: The last Ayoreo in voluntary isolation**

- By: Benno Glauser, "Iniciativa Amotocodie", e-mail: [coordina@iniciativa-amotocodie.org](mailto:coordina@iniciativa-amotocodie.org)

**Peru: Policy development for indigenous peoples in voluntary isolation**

- By: Conrad Feather, Shinai Serjali, e-mail: [conrad@serjali.org](mailto:conrad@serjali.org). For more information on the work to defend the Nahua/Kugapakori Reserve and its indigenous peoples please visit <http://www.serjali.org> or email [serjali@serjali.org](mailto:serjali@serjali.org). For AIDASEP's denunciation of the forced relocation of Machiguenga living in Shiateni, see, <http://www.ecoport.net/content/view/full/31947>

**ASIA**

**India: Wave of poaching and exploitation hits isolated tribes**

- By: Miriam Ross, Survival International, e-mail: [mr@survival-international.org](mailto:mr@survival-international.org) If you wish to support the Jarawa of the Andaman Islands, please join Survival International's action at [http://www.survival-international.org/jarawa\\_action.htm](http://www.survival-international.org/jarawa_action.htm)

**Indonesia: The Baduy people of western Java, a living tradition**

- By: David Langdon, e-mail: davidlangdon@flinders.edu.au or davidlangdon@bdg.centrin.net.id

**CASES OF IMPOSED CONTACTS**

**'La Fumee du Metal': The health impacts of contact \***

- By: Marcus Colchester, Forest Peoples Programme, e-mail: marcus@forestpeoples.org

**Central Africa: Land loss and cultural degradation for the Twa of the Great Lakes**

- By: Dorothy Jackson, Forest Peoples Programme, e-mail: djackson@gn.apc.org

**India: The sedentarisation of the Malapantaram in Kerala**

- By: Brian Morris, Goldsmith College, E-mail: brianmo@onetel.net.uk  
If you wish to support the Jarawa of the Andaman Islands, please join Survival International's action at [http://www.survival-international.org/jarawa\\_action.htm](http://www.survival-international.org/jarawa_action.htm)  
By: Miriam Ross, Survival International, e-mail: mr@survival-international.org

**Papua New Guinea: First contact in a clash of world views**

- By: Marcus Colchester, Forest Peoples Programme, e-mail: marcus@forestpeoples.org

**III) RELATED ARTICLES**

**Tiohtiá:ke Declaration**

- International Indigenous Peoples Forum on Climate Change Statement to the State Parties of the COP 11/MOP 1 of the United Nations Framework Convention on Climate Change - UNFCCC; Tiohtiá:ke, Kanien'kehá:ka (Mohawk) Traditional Territory, Canada, 28 November – December 09, 2005. For those who would like to

sign on, please send your full name and organization to  
crescencio@international-alliance.org  
See: <http://www.international-alliance.org/unfccc.htm>

**The Vth World Parks Congress: Parks for people or parks for business?**

- By: Marcus Colchester, Forest Peoples Programme, e-mail: [marcus@fppwrm.gn.apc.org](mailto:marcus@fppwrm.gn.apc.org) . Excerpted from an article that will appear in the November 2003 *Multinational Monitor*, [www.multinationalmonitor.org](http://www.multinationalmonitor.org)

**The GEF and Indigenous peoples: some findings of a recent critical study**

- By Tom Griffiths of the Forest Peoples Programme, e-mail: [tom@forestpeoples.org](mailto:tom@forestpeoples.org), <http://www.forestpeoples.org> The full study, titled "Indigenous Peoples and the Global Environment Facility (GEF)", is available in hard copy from: [info@forestpeoples.org](mailto:info@forestpeoples.org) and is also on-line at: [http://www.forestpeoples.org/Briefings/gef/gef\\_study\\_base.htm](http://www.forestpeoples.org/Briefings/gef/gef_study_base.htm)

