

Spring Newsletter, 2001

Rainforest Foundation-US

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Indians In Brazil Win Important Legal Battle

Supporters of the Rainforest Foundation will know of our long-standing support of the Panará Indians, a community brought back from the brink of cultural extinction. Having witnessed the recent return to their traditional territory, the Rainforest Foundation and our Brazilian partner organization, the respected Socio Environmental Institute (ISA) celebrated yet another historic achievement in their recent history.

Below is an article provided by Rainforest Foundation Board member and Indigenous Rights Lawyer, Ana Valéria Araújo of ISA.

The Federal Court of Appeals has ordered the Brazilian government to compensate the Panará Indian people for damages caused by public policies in the seventies. The decision is yet to be confirmed by Superior Courts, but, in a country in which dozens of Indian societies have been violently affected by governmental policies, it is already setting a new precedent for the protection of Indigenous rights.

On September 14, 2000, the Third Panel of Judges of the Federal Court of Appeals in Brasília, Brazil, ordered the federal government and FUNAI (the Brazilian agency for Indian affairs) to pay four thousand minimum wages – approx. half a million dollars – to the Panará to compensate them for material and moral damages suffered because of tragic consequences of their initial contact and their subsequent removal from their original territory. The decision sets an historic precedent as it acknowledges the responsibility of the State with regard to its policy towards Indians.



Photo credit: Orlando Brito/ISA - Panará Leaders in Federal Courthouse, Brasilia, September 2000.

Tragic Contact

The Panará had no contact with Brazilian society until the beginning of the 70s. They traditionally occupied an area on the border of the states of Mato Grosso and Pará, in the Brazilian Amazon, known as the Peixoto de Azevedo river basin. Repeated efforts had been made, from 1967, by so-called "attraction fronts" of the federal government to attract and contact them. However, all efforts to contact the "Giant Indians" as they were referred to at that time failed.

The Panará resisted contact until 1973 when the Brazilian Government began construction of the Cuiabá-Santarém highway (BR-163), one of the projects that was part of Brazil's National Integration Plan. BR-163 was to cut through the heart of Panará territory. FUNAI organized a special team to contact, pacify and remove the Indians from the plot of the highway. However, the work progressed too fast into Panará land to allow for supervised contact; machines and workers associated with the road were already too close to their villages.

The government implemented no specific protection measures during this period of unsupervised contact, and severe epidemics of influenza, diarrhea and measles followed. Two years after that, when some 80% of the group had died of diseases introduced by outsiders, physical extinction seemed irreversible. It was at this time that FUNAI decided to remove the Panará to the Xingu Park, an Indigenous reserve 156 miles away. The Panará territory was left behind to gold prospectors and settlers who took over the region.

Xingu

The consequences of contact with non-Indians and removal from their traditional territory were dramatic. Official data accounts for 210 Indians at the time of first contact, but anthropological research points to a larger number, ranging from 330 to 600 people. When the Panará arrived at the Xingu Park, they were reduced to only 79 individuals – all of them sick.

Upon arrival they faced even more challenges. A different ecosystem created a radical break within their culture and an obstacle to the group's identity and autonomy. They were also initially left with Kayapó Indians, their traditional enemies, and they did not have the

Continued...



Photo credit: Ivor Marslow - Amerindians march for their land rights.

Guyana Rewrites National Constitution, Affecting Amerindian Rights

… but fails to honor a 32 year old promise to the country's Indigenous peoples by not recognizing their land rights.

The process of formalizing Indigenous participation in Guyana's constitutional reform began in January 1999 during an historic meeting funded by the Rainforest Foundation, when the Toshaos (Amerindian Captains) signed a statement outlining the issues they wished to address during the Constitutional revision process. Their demands reflected many of the concerns facing Indigenous Peoples throughout the world whose governments fail to adequately represent or acknowledge them.

Demands included:

- The full protection of the fundamental rights and freedom of all Guyanese under the law;
- The elimination of discrimination in all its forms;
- Measures to ensure that the views of minorities in the decision making process and in the conduct of the Government are given due consideration;
- The right to self-governance within the framework of the Guyanese State in accordance with the United Nations draft Declaration on the Rights of Indigenous Peoples and the proposed Inter-American Declaration on the Rights of Indigenous Peoples
- Measures taken to secure and protect the economic, social and cultural rights of all Guyanese.

Continued...

Guyana Rewrites National Constitution, Affecting Amerindian Rights

Continued from front...

The statement issued by the Toshaos affirmed that as Amerindians they have the rights to ancestral lands, territories and resources that are essential to their cultural and physical survival as peoples.

This past January, almost two years after the historic meeting, the Guyanese Government included several new amendments in its constitution that will have an impact on the country's 60,000 Amerindians. In addition to the protection of their cultural rights, the revised constitution included Amerindian communities' right to an environment conducive to their health and well being. Other amendments included the right of Indigenous peoples to the protection, preservation and promulgation of their languages, cultural heritage and ways of life.

However, the review failed to take into account several demands which had been proposed by the Indigenous peoples' representative on the Constitution Reform Committee (CRC), Jean la Rose of the Amerindian Peoples Association, who fought for 6 months to even have the commission include Indigenous rights in the Constitutional review. The Government, while acknowledging communities' right to an environment conducive to their health made no provision for Aboriginal land rights. In doing so it, failed to recognize the recommendation made by the Inter-American Commission on Human Rights in 1997:

'The situation of indigenous peoples…illustrates, on the one hand, the essential connection they maintain to their territories, and on the other hand, the human rights violations which threaten when these lands are invaded and when the land itself is degraded. For many indigenous cultures, continued utilization of traditional collective systems for the control and use of territory are essential to their survival'.

Inter-American Commission on Human Rights in 1997.

In 1969 Guyana's Amerindian Lands Commission recommended that 128 Amerindian communities receive approximately 24,000 square miles out of the 43,000 square miles identified by Amerindians as part of their ancestral territories. At the time the above Toshaos statement was produced in 1999, only 74 communities had received title to a total of 6,000 square miles leaving the remainder vulnerable to exploitation.

This recent missed opportunity has shown that along with the help of our Guyanese partners, the Amerindian Peoples Association and the newly opened Center for Amerindian Rights and Environmental Law, pressure must be maintained to ensure that the Government's disregard of Indigenous land rights is not allowed to destroy the traditional territories of the Amerindians.

'I am an Amerindian of Guyana fighting to protect my home; the rainforests. We are Guyana's first peoples, a group that has been consistently overlooked with regard to the development of our traditional lands. Historically, we have not been consulted nor have we been respected. Forty percent of our land is still under attack from mining and logging.'

Tony James, Toshao, Aishalton Village
Vice President of the Amerindian Peoples Association

Other News

In November 2000, the Rainforest Foundation's project partners from South America gathered in New York. The meeting gave partners from Guyana, Suriname and Brazil the opportunity to discuss common threats, and devise strategies to combat these in the coming year.

During the two day meeting, participants also had the opportunity to meet with New York Times Environmental Reporter and former Rainforest Foundation Board member, Andy Revkin to discuss the issues facing them. Topics included rights of Suriname's Maroon communities, the constitutional reform being undertaken in Guyana and large scale infra-structure projects that threaten countless communities and their traditional territories throughout the continent.



Project News

Indians In Brazil Win Impor

Continued from front...

necessary knowledge to survive in such a hostile environment.
The Panará have overcome many major obstacles, including resisting depopulation and cultural assimilation by the Kayapó, and a lack of governmental assistance. After their arrival in the Xingu, they moved their villages seven times within the Park, seeking ecosystems similar to their own. They never found one. They have always affirmed their desire to return to their traditional lands.

In 1994, four of the survivors were able to create a list of the names of 176 dead relatives, victims of contact, and account of all that happened afterwards. This list was to prove crucial.

Recent Chronology of

1967 - The Panará a see first airplane fly ing over territory, they call it 'pakya'akriti (false falling star).

1973 - Sporadic contact from road work- ers almost wipes out entire community.

1975 - 79 survivors are relocated 156 miles away to the Xingu National Park.

1988 - The Government is sued by the Panará for cultural and moral damages.

1991 - Leaders return to homelands, and witness the devastating effects of mining (two thirds was des-troyed by mining activity and ranching).

1993 - The group formally request the demarcation of what remains of their lands

Court Cases

In 1991, with the support of the Rainforest Foundation, Fundação Mata Virgem, Instituto Socioambiental (ISA) and Environmental Defense, a group of Panará revisited the Peixoto de Azevedo region for the first time. They found most of it destroyed by the gold rush or occupied by settlers and cattle ranchers. But they were able to identify a portion of the original territory still covered with forests and clean water – the headwaters of the Iriri River remained intact. They decided to recover that area and to seek compensation for the destruction of the rest. The Panará presented to the Brazilian government a formal request for the demarcation of 1.1 million acres of land and prepared to reoccupy it.

In 1993, represented by ISA lawyers, they sued the federal government and FUNAI for recognition of their original land rights, bringing also to the Federal Courts an action for reparation of material and moral damages, under the charges of governmental negligence and disregard during the process of contact, removal to the Xingu and the period that followed. As a result of the land claim, FUNAI set up a working group to proceed with the identification of the Panará territory. In 1996, the Minister of Justice signed a decree declaring the requested area as Panará land. Currently 202 Panará people live in the village of Ñasepotiti, on the Iriri River.

In 1997, a federal judge ruled in favor of the action for reparation of damages. It was the first time in 500 years that a judicial decision held the government of Brazil liable for Indians' deaths and cultural damages. The decision recognized that public agents were not determined to take vigorous measures to protect the just-contacted Panará community, making it incumbent upon the State to pay the price of its omission or inefficiency. Both the government and FUNAI appealed against that decision.

The session of the Federal Court of Appeals, on September 14th, 2000, however, established another landmark in the history of the Panará people. Four Panará Indians were in the courtroom when the Court confirmed the 1997 decision, recognizing that there was proof of governmental neglect, which led to the death of several members of the community and to the social and moral disintegration of the remaining ones. The government and FUNAI are to compensate the Panará Indians for failure to carry out Indian protection laws. This decision will repair a terrible injustice.

In December, the federal government further appealed against that decision. Brazil's Superior Court of Justice and Supreme Court of Justice are now set to review it. The Panará Indians and their lawyers truly believe that the Courts will uphold this important decision.

Ana Valéria Araújo
Instituto Socioambiental (Socio Environmental Institute) February 2000



tant Legal Battle

the Panará

1994 - FUNAI completes the process necessary to formally recognize the territory.

1995 - Gardens are planted, some members of the community return to occupy area.

1996 - Minister of Justice declares land as 'Permanent Indigenous Possession' (1.1 million acres).

1997 - Entire community (of 175) relocates from Xingu Park to new village of Ñasepotiti.

1997 - Court orders Government to pay compensation.

2000 - Decision is upheld; Government ordered to pay compensation.

To purchase a video recounting the Panará story, visit our website at www.savetherest.org.

Update From The Yanomami

The Rainforest Foundation's fifth annual Appointment Calendar features drawings by one of the last truly Neolithic groups in existence today, the Yanomami Indians, a group that straddles the borders of Brazil and Venezuela. Claudia Andujar a photographer and founding member of the Pro-Yanomami Commission (CCPY), gathered the drawings over a period of 20 years. A portion of the proceeds raised from the sale of the appointment calendar will be used to support an education program in collaboration with CCPY to help protect this community that is struggling to face an onslaught of gold miners in their territory. In November of 2000, in recognition of her work for and dedication to the Yanomami people, Andujar received the prestigious Lannan Award for Cultural Freedom.

Since the Yanomami first came into contact with non-Indian society, there have been systematic invasions of their territory by groups mining the area for gold, resulting in epidemics that have caused thousands of deaths. At times, gold miners have outnumbered the Yanomami by 4:1. It is estimated that in the last 20 years, at least 3,000 Yanomami have died as a direct consequence of diseases introduced to their territory. Alarmingly, these figures are for just the Brazilian Yanomami and do not include deaths of the Yanomami within Venezuela. Of the 13,000 Brazilian Yanomami, 3,500 are stricken by malaria.



With a lack of funding there is little that can be done to stop invasions from continuing and disease from reccurring. Fernando Bittencourt of CCPY cited the lack of government presence and patrols as the cause for repeated invasions of the Yanomami reserve. Thirteen guard posts set up after the reservation was created in 1992 were dismantled in 1995 because of scarce funds.

Earlier this year, it was estimated that there were some 4,000 miners illegally camped in different parts of the reservation.

Below is an excerpt of an open letter signed by 40 Yanomami leaders during the second Yanomami Assembly, organized by the community of Watoriki (Demini) in December 2000. The letter and meeting were motivated primarily by concerns with the health situation.

"We Yanomami, congregated in this Assembly, all want to defend our land.

We Yanomami do not want other people to destroy our land, whether they are gold miners, ranchers, colonists, military, fishermen, or logging and mining companies. We do not want them to invade our land and destroy our forest.

Thus being: In the Ajarani region there are some ranches, and we Yanomami do not want ranchers to live on our land; therefore we want the Judge to take on this case again.

With the arrival of the Federal Police, miners hid in the forest, and were not removed. We therefore ask the Federal Police to try harder to find the miners and send them away.

We Yanomami do not want any more military barracks on our land; the three that already exist are enough.

Although we respect the military, they do not respect us and abuse our women. If they really defend the border of Brazil and our land, and evict the miners, we will be satisfied.

We are also worried about the Yanomami Health District. Before, the Health staff were able to work in all of the regions. Today, money for health care went down, and if it does not increase again, how will health staff treat us, cure us?

With little money for our health care, we, Yanomami, will die again of malaria, the flu, diarrhoea, tuberculosis, pneumonia and verminosis.

Because in the past many of us, Yanomami, already died because of these diseases.

Today we do not want to die this way.

Yes, these are our words.

You, authorities from Brasilia, have to think right. You are wrong in thinking that now the Yanomami live happily and in good health."

Watoriki, 11 and 12 of December 2000

Fundraising & Events

Save the Date

Carnegie Hall is taking a break this year, but we're not…

What - An evening of Blue Eyed Soul Music from the 60's, 70's & 80's

Where - The Supper Club NYC.

When - May 7th 2001.

Why - For an amazing night's entertainment that will benefit the Rainforest Foundation.

For more information please visit our events page at www.savetherest.org or e-mail us at rffny@rffny.org.

2001 Annual Campaign $50,400 Target 100K

Rainforest Foundation Annual Campaign

This past December, the Rainforest Foundation launched its first Annual Campaign and to date has raised $50,400. Please help us reach our goal of $100,000 by sending your tax-deductible contribution to the Rainforest Foundation, 270 Lafayette Street, Suite 1107, NYC 10012.

Your donation is urgently needed.

As an organization, we rely on contributions from individuals and corporations to undertake our work.

To donate to our work, please send a check made payable to the Rainforest Foundation and mail to 270 Lafayette Street, #1107, New York, NY 10012. Your donation will help make a difference.

name: _____

address: _____

_____

city: _____

state: _____ zip: _____

amount: $500 ____ $250 ____ $100 ____ Other: ____

Ways You Can Help...

We hope the following will give you some ideas as to how you can help us in our mission to support the Indigenous and traditional peoples of the rainforest.

1. Inform others. Tell friends and family of our work and of its importance. Urge them to join us in our mission.
2. Organize a small fundraising event to benefit the Rainforest Foundation in your area.
3. Put your skills to good use; donate your time by volunteering at our office.
4. Donate stock options and securities to the organization.
5. Hold a garage/yard sale to benefit the Rainforest Foundation.
6. Check to see if your company has a matching charitable donation program to double your contribution, alternatively contact your company's promotions department to see if they are interested in sponsoring a Rainforest Foundation event.
7. Purchase a radio for our Guyana Shield Radio project. For more information on this important initiative visit www.savetherest.org.
8. Donate software or computer equipment.
9. Stay informed. Check our regularly updated website for new information and urgent actions.
10. Participate in sign on letters to support Indigenous rights.

For more information...

To learn more about the Rainforest Foundation's projects throughout Central and South America contact us at 212 431 9098

The Rainforest Foundation is an organization with offices in four countries and projects in 18 countries spanning the globe. Our work is only made possible with the continued generosity of our supporters.

Our mission to support indigenous and traditional populations of the rainforest in their efforts to protect their environment and fulfill their rights will be carried on until we succeed.

Please visit us at www.savetherest.org

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Fundraising & Events

Lucho Florez - 'Dedicated Fundraiser'

Lucho Florez is described as Houston's leading men's wear designer and retailer. We at the Rainforest Foundation would describe him as a one of the organization's greatest friends and as an incredible advocate for the Indigenous peoples of the rainforest. Over the past nine years Lucho has raised over $400,000 for the Rainforest Foundation.

His annual event ''Don't Bungle the Jungle'' is one of the most anticipated events in the Texas social calendar. Always a huge success, the 2000 event was held at the Americas Building in Houston and raised over $100,000.



Lucho Florez

The Rainforest Foundation is profoundly grateful to Lucho for his dedication and would like to take this opportunity to thank him for his steadfast support. We also want to thank this year's Benefit Chairs, Susanna Brener de Stern and Ingrid Moody who worked tirelessly to make the evening such a success, as well as E! Entertainments' Leon Hall who hosted the evening's festivities.

Challenge Grant from DDK & Co.

In December 2000, Jeffrey Feinman, a Partner at the accounting firm DDK & Co. and Henry Meer, owner of City Hall restaurant co-hosted a private donor party at City Hall to benefit the Rainforest Foundation. The evening helped us raise both awareness and funds, which included a $5,000 challenge grant from DDK, for our upcoming project work. We would like to thank Jeffrey and Henry for all their efforts in making the night such a success.

Front & Back Cover Header Photo: André Luis Abrahão

Inside Header Photo: Per Fronth

Inside Yanomami Drawing - Joseca Yanomami, Watoriki - The dogs of the Kamakasi spirit

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