

Winter Newsletter, 2001

Rainforest Foundation-US

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Saramaka Maroons Seek International Protection for their Land Rights

Suriname boasts one of the last remaining relatively untouched regions of the Amazon rainforest, with significant biodiversity and a substantial portion of endemic species. The region is also home to four Indigenous groups and six traditional Maroon peoples. Unfortunately, the security of both the environment and its human inhabitants is being threatened by increasing pressure from logging and mining interests in the country. This situation is exacerbated by Suriname's constitutional failure to recognize the land rights of the Indigenous and traditional peoples who occupy the country's forests.

The Rainforest Foundation has been working with several local organizations on a variet of important initiatives aimed at securing their rights and also halting destructive land use practices. These have included increasing the capacity of groups such as the Association of Saramaka Authorities (ASA) and the women's organization, Stichting Sanomaro-Esa and a recent project undertaken with the Association of Village Leaders in Suriname, which mapped the lands of seven communities in the north east of the country. The maps are to be used to present a detailed request for land title to their government. RF is now supporting a similar project with the Saramaka.

Logging and mining concessions currently affect 60% of the Indigenous and Maroon population in the country.

Below is an article written by International Law Consultant Fergus MacKay:

The Saramaka are one of the six Maroon tribes living within Suriname's borders. Maroons are the descendants of escaped slaves who fought and won their freedom from slavery and established viable, autonomous communities along the major rivers of Suriname's rainforest interior in the 17th and 18th 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.



Photo credit: Peter Tobia

Respect for these treaty rights has eroded in the past 50 years and the state presently maintains that the Saramaka and other Maroons have no legal rights to their lands and cultural integrity. Suriname is the only state in the western hemisphere that does not in some way legally recognize Indigenous and Tribal land and resource rights. The official position of the state is that Indigenous and Tribal peoples are permissive occupiers of privately-owned state lands; meaning they have no rights and can be removed at will.

Following a land rights and environmental education project funded by the Rainforest Foundation, the Association of Saramaka Authorities (ASA), a body representing the leaders of 58 Saramaka Maroon communities in Suriname, filed a formal complaint with the Inter-American Commission on Human Rights (IACHR). The decision was taken largely because of the failure of the Surinamese government to recognize and protect their territorial rights and to curb the destructive activities of two Chinese logging companies. These logging companies are causing widespread environmental degradation as well as undermining the Saramaka's ability to provide for their basic needs. Most of the Saramaka's food comes from the forest; the same forest that is cut down by the loggers.

The case filed with the IACHR represents the first time that either Indigenous peoples or Maroons have sought to challenge the failure of the Surinamese state to recognize and respect their territorial rights. As such the case represents not only a chance to address the Saramaka situation, but, also possibly the situation of all

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First Amerindian to Attend Law School in Guyana Completes First Year of Study

"It is with much hope that I look ahead to my second year of study, hopeful that I can justify the faith placed in me by all those that share my dreams and aspirations."

- David James

In July of 2001, David James an Arawak Amerindian from the village of Santa Rosa in the north west of Guyana completed the first year of a law degree at the University of Guyana. David is the first recipient of the Rainforest Foundation's Indigenous Legal Scholarship Program, and even more importantly, the first Amerindian in the country's history to attend law school.

The scholarship was developed to change the long-term reality of the country's Amerindians, who in the past have been reliant on external assistance when issues have arisen pertaining to their rights.

The Rainforest Foundation would like to thank all the individuals and organizations that contributed to this scholarship program. Please contact Lisa Stamm (lisas@rffny.org) if you are interested in supporting this important initiative.

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Saramaka Maroons Seek International Protection for their Land Rights

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Indigenous peoples and Maroons in Suriname. The case cites many clear violations of the American Convention on Human Rights, in particular: the right to property, the right to participate in decisions (the logging concessions were granted without even notifying the Saramaka), the right to cultural integrity and the right to a healthy environment.

The IACHR has upheld Indigenous land rights on a number of occasions in the past and recently took a case dealing with land rights to the Inter-American Court of Human Rights based in San Jose, Costa Rica, the first to be heard by the Court. Decisions of the Court are legally binding on governments, whereas the IACHR's decisions are recommendations. It is expected that the IACHR will continue to protect land and other rights in its treatment of the Saramaka case. How Suriname will respond is unclear. The country's government has so far failed to provide any information to the IACHR about the case even though it was filed almost a year ago. The Saramaka would like the IACHR to mediate a settlement in the case which would enable them to sit and negotiate with government representatives. If Suriname fails to cooperate with mediation efforts, the Saramaka have the option of requesting that the case be sent to the Court for a binding decision. They hope to meet with the IACHR to discuss the case and this mediation proposal in the Fall of 2001. In the meantime, the logging companies continue their steady march through the Saramaka's forest.

NEWS...

Since we began supporting the Panará in the early 1990's we have been consistently awed by their strength and conviction. Following is information on an important legal battle won by the Panará and an initiative developed by the Rainforest Foundation to give you an insight into their daily lives.

Panará Obtain Final Victory in Court

On August 22 2001, after seven years it was made definitive: the Panará have been guaranteed reparations for the damages and deaths resulting from contact with outside society. The sentence recognizing the rights of the Panará, issued by a Federal Court of Appeals, was a final decision, halting future appeals. It is the first time that the Brazilian State has been forced to indemnify an Indigenous people for pain and suffering caused by its policies. This was a historic decision, recognizing the responsibility of the State and reaffirming the recognition of Indigenous rights consecrated by the Federal Constitution.

Compensation was fixed at 4 thousand minimum wages, for moral damages (suffering, humiliation, terror) and material damages (deaths) suffered by the Panará people resulting from the actions and omissions of the Brazilian State during the process of contact in the early 1970's.

Despite the fact that the compensation will not repair all the damage caused by the Brazilian State – more than 170 deaths, in addition to their expulsion and loss of their traditional territory – the Panará were sufficiently brave to reclaim part of their territory, which was recently demarcated, and force the State to recognize their human rights. Thus they honor their nickname of "Giant Indians"; giants not for the stature of the body, but for their moral stature.

(Source: Instituto Socioambiental Press Release)



Projects News

In 2001, the Amerindian Peoples Association (APA) took over administration of The Amerindian Legal Services Center (ALSC, formerly called the Center for Amerindian Rights and Environmental Law) which had been developed in partnership with the Rainforest Foundation. The first ever facility of its kind in the country, the Center concentrates on using legal mechanisms to protect the rights of Indigenous peoples. Center staff

Indigenous Peoples and the

regularly visit Amerindian communities to provide general legal advice and conduct workshops on topics ranging from the Guyanese legal system, specifically as it relates to Forestry and Mining legislation and the Amerindian Act, to how to properly research and document their claims. The facility is currently representing a number of communities in their suits against the Guyanese government, as well as participating in preliminary discussions with further communities. Though it has only existed for a year, the Center has become well–respected in Guyanese legal circles as well as the communities and has inspired Indigenous peoples in other Latin American countries to look into setting up similar facilities based on the ALSC model.

Below is an article written by the newly appointed Legal Director of the ALSC, Joanna Simmons.

"The primary aim of the Indigenous movement in Guyana…is to redefine the prevailing political, legal, economic and cultural relations with the State and thereby to transcend five centuries of colonial domination and institutionalized racism that firmly remain entrenched in Guyanese law, policy and practice"

First Amerindian to Attend
Completes First Year of Stu

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Below is an article by David James:

My mom told me that my formal education began in a little building with a thatch roof, mud walls and a dusty floor. This was the school house in the little Wapishana village of Maruranau located in the savannahs of the Rupununi.

You see, my mom and dad were schoolteachers and they took me to school before I could walk and there I played about on the floor.

This early experience probably did me some good, because now, thanks to a scholarship through the Rainforest Foundation US, I am currently studying law at the University of Guyana. I have learnt that I am the first Amerindian in Guyana to be doing so, with the sole intention of serving and working among my people.

I am David James, Arawak Amerindian from the village of Santa Rosa in the northwest of Guyana. The Arawaks are one of the nine Indigenous Peoples who inhabit Guyana, a small country on the north east coast of South America.

Since I was a boy, I was told by my people of the many broken promises made and atrocities done to the Amerindian peoples by the early European colonists. All of this was now supposed to be things of the past, that stories of injustices and cruelty belonged to a bygone era.

Unfortunately, the reality was different. And I would grow up to see myself and my people face exploitation, discrimination and insult in a country we call home. As a young boy, I attended primary school (similar to elementary school) in my village, Santa Rosa. At school, we were taught mainly by Catholic nuns, who seemed to believe that learning was best done through fear. Corporal punishment was a must.

In spite of this, I liked school. My mom and dad said, "Learning is important. Learn as much as you can." I tried not to miss a day of school, even if the rain was pouring and I had to wrap my books in plastic to keep them dry. Like my



Law in Guyana

While they do not meet the aspirations of Indigenous peoples described above, recent Constitutional reforms, legislation and government policies in Guyana reflect some evolution in thought and approach to Indigenous issues. Although Indigenous peoples remain subject to paternalistic, discriminatory and restrictive legislation spawned in the colonial era, legal and policy reforms evidence some recognition that the rights of Amerindians, especially land rights, must be accounted for. One example is the Guyana's National Development Strategy, unanimously approved by Parliament, which states that:

"Emphasis will be placed on … the granting of collective titles to Amerindian communities that can prove that their occupancy of specific land areas dates back before the colonization of Guyana…"

Progress indeed! Progress that is constantly undermined and denied by the Government's failure to enforce the law. This is amply demonstrated by the plight of many Amerindian communities caused by mining activities. The undeniable reality is that enforcement of the laws on Mining by the responsible state agency (GGMC) can substantially reduce the negative impact of mining.

The key provision of the Mining Act concerning Amerindian lands states that "all land that is occupied or used by Amerindian communities and all land necessary for the quiet enjoyment by Amerindians of the villages and settlements, shall be considered to be lawfully occupied by them". By law, the GGMC may not give small-scale mining permits in these areas, nor may it give medium-scale permits on titled lands. Nonetheless this routinely occurs.

The Akawaio community of Kambaru epitomizes the situation described above. Mining is taking place directly across the river from the village, in one case inside the village itself! No regard is had for the protections set out in the Mining Act; the community is unable to use and enjoy their lands and water.
The mining operations have destroyed their farmlands and negatively impacted on hunting and fishing activities;
River water is heavily polluted, unfit for use and the cause of diarrhea, skin rashes and many other ailments;
The community is harassed by miners on a daily basis – it reports that kidnap and rape of women and girls by miners is a regular occurrence – a fact of life.
An ancient rock painting (a sacred site for the community and Akawaios generally) was defaced by miners and tourists and numerous mining claims have been made near the rock.

The Government's response to the countless complaints and protests made by Kambaru (and many others) is inconclusive and criminal complaints yield minimal investigation at best. The present situation and way forward for the Kambaru community is aptly summed up in the statement of Mr. Sidney John, member of the Kambaru village council:

"We want a land title and the miners to leave. This is our land and the miners are destroying it and disrespecting our way of life. They don't care about us or the environment"(emphasis added)

It is now incumbent on Indigenous peoples themselves to seek enforcement of the law in the courts. With the help of the Rainforest Foundation, we have taken the first steps towards doing so.

Since being created in 2000, the ALSC has undertaken a number of projects to train community members to better defend themselves against mining and logging interests that are destroying Amerindian traditional lands. It achieves this by providing valuable legal advice to communities such as the village of Kambaru in the Upper Mazaruni which was directly affected by mining. Following the submission of a report by the Center to the government on behalf of the affected communities, 17 of 20 recommendations were accepted to better protect the inhabitants. The Center continues to pursue the Upper Mazaruni land rights claim (the first of its kind in Guyana's history), which if successful will secure 4,500 square miles of rainforest for six communities of the Upper Mazaruni region.

Law School in Guyana
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brothers and sisters, I had to travel to and from school by canoe, approximately one hour either way.

On rainy days, we, the students, would arrive at school totally drenched. But it was fun, especially later in the day when returning home. We would jump out of our canoes to swim and splash about as much as we wanted.

I did well enough at primary school to earn a government scholarship to attend high school in Georgetown, the capital city of Guyana. The night before I left home, I thought of as many different situations that might confront me in Georgetown. But nothing could prepare me for the shattering experience I would face there.

At school and outside, I was constantly told that I was a "buck." This is a derogatory term for Amerindians in Guyana. What did this mean? Simply, that I was stupid and inferior to non-Amerindian Guyanese.

I quickly became homesick. I missed the beauty and peace of nature that my home village was. Many nights, I buried my head in my pillow, hoping the tears would wash away the fear, anger and pain.

I longed to return home. I thought of quitting. Somehow, I completed the five years at high school, passing the examination I wrote. Mine was a shocking experience, the trauma of which would take me years to overcome.

Immediately, after high school, I returned to my home village. I became a teacher at the same primary school I had attended. I loved teaching and besides, it was an important way to help my community and to regain my self-belief.

I would end up teaching for fifteen years, eleven of these in Santa Rosa. I also studied for two years at the teachers' training college and worked and studied for four years while at the University of Guyana where I obtained the Bachelors Degree in Education.



From left: David James, Lawrence Anselmo, current President of the Amerindian Peoples Association

When I began to attend University in 1993, my dream was to study law but there was no way I could afford to pay for my tuition. However, I did not allow my dream to die, although in my view, time was running out. Then literally, out of the blue, I met Laurie Parise of RF-US in September 2000. She had come to meet with the Amerindian Peoples Association (APA) in Georgetown and as the old saying goes, "The rest is history." I am about to begin my second year of study, after successfully completing the first.

Incidentally, I have been involved with the work of the APA since it was established in 1991. I have served two terms as APA President and presently I am the treasurer.

Outside of teaching, my work with the APA has been the most satisfying and my wish is that I can continue to work for the APA and for the Amerindian peoples of Guyana as long as I live. As a lawyer, I hope that I would be able to help my people even more than I have been able to do in the past.

David James
Amerindian Law Student
On RF-US Scholarship

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.

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Photo: Kape - Panará Children, Brazil

To Order a Calendar

To order a calendar either complete the donation coupon above stating how many you would like to order and the total amount or call (212) 431 9098 where credit cards, money orders & checks are accepted.

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 its 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

Rainforest Foundation-US

270 Lafayette Street
Suite 1107
New York, NY 10012

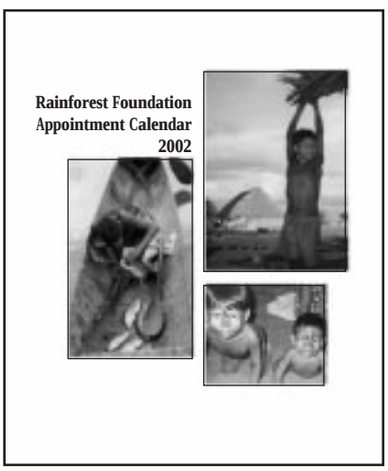
Tel: 212 431 9098
Fax: 212 431 9197

E-Mail:rffny@rffny.org
www.savetherest.org



Panará Give Us an Insight to Their World

Looking for the perfect holiday gift? Why not give your friends and loved ones a present that keeps on giving- the Rainforest Foundation 2002 Appointment Calendar. Next year's 6th Anniversary Edition features photographs taken by children from the Panará group in Brazil and captures many beautiful moments in their everyday lives. Each month, you will learn a little more about a group that took back its traditional territory after years of forced exile. Thanks to the support to organizations like the RF-US, and people like you, the Panará are now enjoying a period of intense cultural revitalization and have become a model for other Indigenous groups throughout the world.



A portion of the proceeds from every calendar sold will be sent directly to the Panará to support them in their quest to finalize their land title and set up and maintain sustainable ways to live in harmony with the rainforest that surrounds their homes. Generously underwritten by Mercedes Benz USA for the second year in a row, the calendar includes a multitude of inspirational quotes from the RF-US's many celebrity friends as well as beautiful images and information about the organization and our work.

Put the Rainforest Foundation US on your shopping list today!

Front & Back Cover Header Photo: Kuka - Panará group, Brazil
Inside Header Photo: Kuka - Panará village of Nansepotiti, Brazil
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