

Rainforest Foundation-US

Winter Newsletter, 2002

Dear friends,

This year has been an eventful one with two new programs starting and several new faces at the office. As you may already know, I started as the Executive Director in February. We have just hired Isabela Figueroa, a lawyer, joining us from Ecuador, to head our international law program. We also have a new administration team: Athos Gontijo and Daniel McGowen.

We hope you enjoy this latest newsletter. As you will see, it is packed with program updates and news from the Amazon. The illustrations, which are also featured in our 2003 calendar, were painted by Ticuna Indians in Brazil.

Ending this note, I'd like to wish you a very happy and peaceful holiday season.

Ana Valéria Araújo
Executive Director

Guyana Addresses Amerindian Rights

In 1993, the Guyanese government decided to revise the Amerindian Act, which deals with Indigenous peoples in the country. Unfortunately, the process has been stalled ever since. After many years of pressure by Amerindians, and by our partner organization the Amerindian Peoples Association (APA) in particular, Guyana's Minister of Amerindian Affairs finally announced in June 2002 that the Act would be revised. While this may be largely due to pressure from the World Bank (which is suspending funding for a National Protected Areas System until Indigenous rights are addressed), it is nonetheless a major step forward in meeting Amerindian demands in Guyana. In particular, the APA and others have negotiated participation by Amerindian representatives chosen by communities themselves. Revision, however, does not mean that the new Act will be acceptable to Amerindians or consistent with Indigenous peoples' rights in international law. Concerns about the final product are sharpened by the fact that the government has already begun to manipulate the revision and consultation process. The process does however represent an important opportunity, and the Amerindian Legal Services Center (ALSC) and APA's involvement to date has been significant – and will continue to be critical.

Article adapted from Fergus MacKay, Forest Peoples Programme

The Amerindian Act

The Amerindian Act of Guyana, written in 1976, is the most important law dealing with the rights of Indigenous peoples in that country. Perceived by many as paternalistic, the Act is based on laws concerning Amerindians dating back to the early 20th century. It oversees such things as land rights and the powers of community leaders.

All Guyana is an independent nation,
We cut ties from Mother England,
Yet they still have an Act for me,
Laws written for a colony.
On me heart I put me hand,
Brothers and Sisters, let us revise 29:01.

We want our rights, we too want to live in peace –
All of these laws do not apply to other Guyanese.
Can a Minister tell other Guyanese to stop their traditions?
But a Minister can stop rituals and customs of Amerindians.
Brothers and Sisters, from Region 10 to Region 1
Let us all join together, and revise completely 29:01

Excerpt of a poem written by Ian Griffith Williams of Paramakatoi Village, Region 8, regarding the Amerindian Act, refered to here as Chapter 29:01.

Suriname Government Called on to Suspend Logging and Mining in Maroon Territory

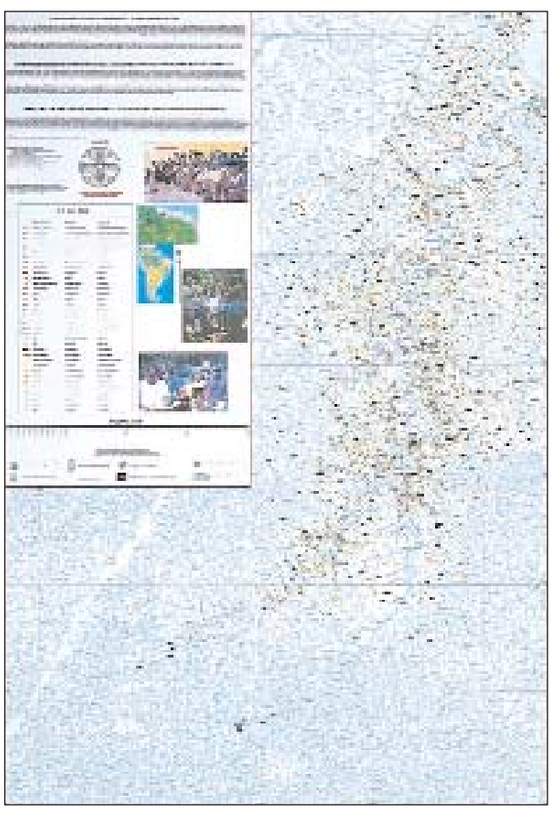
On October 15, 2002, the Saramaka Maroons of Suriname further pressed for control over their traditional lands when they presented a map to the government documenting areas they have occupied for more than 300 years. Maroons are the descendants of escaped slaves who fought themselves free and established communities in Suriname's rainforest interior. The map, created through a project supported by the RF-US, supplements a land claim that seeks control and protection of lands being devastated by activities that are threatening their very existence.

Earlier this year, the Inter-American Commission on Human Rights (IACHR) requested that the government "take appropriate measures to suspend all concessions, including permits and licenses for logging and mine exploration" on Saramaka lands. This represents an important step in protecting the environment and rights of the Saramaka, one of the largest of Suriname's six tribes. If successful, the case could have an impact on all Indigenous and Maroon peoples in the country.

The case was filed with the IACHR in October 2000 by RF-US project partner, the Association of Saramaka Authorities (ASA) and twelve village leaders. Supporting the IACHR's intervention Dr. Richard Price, an anthropologist and leading academic expert on the Saramaka wrote that "the destruction of the Saramakas' forest would mean the end of Saramaka culture…..and the destruction of a culture widely regarded as being one of the most creative and vibrant in the entire African diaspora."

In recent years logging companies operating in the Saramaka territory have caused serious environmental degradation and committed human rights abuses. Evidence on the ground indicates that these companies have caused substantial destruction of the forest.

The Commission's request is intended to protect the Saramaka people while it conducts an investigation of the situation. It is the first time that either Indigenous peoples or Maroons from Suriname have challenged the state's failure to recognize and respect their land rights in an international human rights body.



ASA Map of the Upper Suriname River

Article taken from a recent press release of the Forest Peoples Programme



International Law

Watch this space in coming editions for updates in international law and policy that directly affect Indigenous rights.

The Permanent Forum

In May 2002, New York City was the venue of the first session of the Permanent Forum on Indigenous Issues. The historical two-week session focused on raising awareness of Indigenous issues within the UN system, promoting the fundamental freedoms of Indigenous peoples, protecting traditional Indigenous knowledge, and discussing human rights issues.

On May 24, 2002, the UN Secretary General, Kofi Annan welcomed the Permanent Forum into the UN family and commented that this marked a "new chapter in the history of Indigenous Peoples at the United Nations." He also acknowledged that with the "inauguration of this Forum, Indigenous issues assume their rightful place – higher on the international agenda than ever before." At the same time he recognized that progress has been made, the Secretary General also acknowledged that "there is still a great distance to be traveled."

In his address to the Permanent Forum, Secretary General Annan said that "Indigenous peoples make up an estimated one of every twenty members of the human family," yet Indigenous peoples continue to be among the most downtrodden and marginalized in the world. It is imperative that the Permanent Forum receive funding from the Economic and Social Council (ECOSOC) and support from the UN to enable it to continue its work in raising worldwide awareness and educating other UN agencies about Indigenous issues.

The Permanent Forum is the product of thirty years of hard work. Heralded as a great achievement, the Forum is expected to raise awareness and promote coordination on Indigenous Issues within the UN system. The Forum is composed of sixteen experts – eight appointed by Indigenous groups and eight appointed by ECOSOC's member governments, and marks the first time Indigenous representatives have been placed on equal footing with government representatives within the UN.

The first session of the Permanent Forum on Indigenous Issues was attended by nearly 900 Indigenous representatives from around the World. Among other things, the participants of the Forum have urged the adoption of the Draft UN Declaration on the Rights of Indigenous Peoples before the end of the UN's International Decade for the World's Indigenous People in 2004.

A second ten-day session of the Permanent Forum to be held at the UN will take place in May 2003 in NYC.

By Rebekah Rollo, 2002 Summer/legal intern

Ticuna paintings:

Front Cover Image: "Masks" - This painting shows some of the masks utilized by the Ticuna people in their rituals, besides insects, snakes, and other animals. In his masks, the artist has reproduced traditional patterns found in Ticuna culture. Gouache on paper. Fábio Antônio Demétrio, Vendaval Community, São Paulo de Olivença, Brazil.

Inside Image: "Macaws in the Forest" - This painting represents the richness of Ticuna land and forests, depicting red Macaws living in a grove of buriti palms. Gouache on paper. João Clemente Gaspar, Vera Cruz Community, São Paulo de Olivença, Brazil, 1999.

Back Cover Image: "Fish Climbing the River" - When the waters begin to rise in the Upper Solimões River region, during the months of November and December, fish disperse themselves throughout streams, lakes, and swamplands, where they feed on the fruits that fall from trees. At that time, fishing is scarce. Gouache on paper. Adélia Luis Bitencourt, Barro Vermelho Community, Tabatinga, Brazil, 2000.

On October 1st, the front page of the New York *Times* featured an article entitled "A new intrusion, of soldiers, threatens an Amazon Tribe". The piece highlighted the serious issue regarding the presence of the military on Indian lands in Brazil. The article told the story of the Yanomami Indians, who live on the border between Brazil and Venezuela, stating that the military's presence has been a source of major problems that are damaging their culture and way of being.

Military Presence on Indige

Unfortunately, this is not a recent controversy. Indigenous peoples and non-profit organizations working on the defense of Indigenous rights in Brazil have long been denouncing conflicts due to the presence of military facilities affecting not only the Yanomami people, but also the Macuxi Indians, in the state of Roraima, and the Indians from the Upper Rio Negro region. These groups have persistently demanded that the Brazilian government take measures to regulate the situation and agree upon a code of conduct for the military on Indian lands.

Indigenous land rights are guaranteed by the Brazilian Constitution, which states that Indigenous lands are for Indians' exclusive and permanent use, and any exception to this right shall be the object of specific legislation voted on by

RF-US Program Updates

ISA Seminar - Traditional Knowledge and Prior Informed Consent, Brasília, Brazil

In September, RF-US Executive Director Ana Araújo attended a seminar organized by Brazilian program partner the Socio-Environmental Institute (ISA) on the Protection of Traditional Knowledge and the Right to Prior Informed Consent. The event, held in Brasília, brought together Indigenous representatives, legal experts, anthropologists, non-profit organizations and government officials to discuss Brazil's current legislation and the need to further regulate the issue. Ana spoke about some of the aspects of the right to prior informed consent, commenting on the Convention on Biological Diversity and the means to protect Indigenous peoples' traditional knowledge associated with the genetic resources existing in their territories.

In addition to attending the seminar, Ana worked with ISA's Program Coordinators on planning for the coming year, when they will conduct joint workshops on Indigenous rights and international law. She also met with the Commission Pro-Yanomami (CCPY), the Warã – Brazilian Indigenist Institute, and a Coordinator of the Ticuna Education Project to discuss new opportunities on capacity building and further support for Indigenous peoples in Brazil.

The Indigenous Council of Roraima (CIR), Boa Vista, Brazil

RF-US Program Coordinator, Christine Halvorson, traveled to the Roraima state capital of Boa Vista to work with the Indigenous Council of Roraima (CIR) twice in 2002. The RF-US has supported CIR's legal department, run by Joênia Batista de Carvalho, for the past two years in its defense of Indigenous peoples' land rights within the state and denouncement of human rights violations. The RF-US's program department has also worked directly with CIR on fundraising and administrative matters. CIR is currently setting up a website in Portuguese and English. If you'd like to help with translation, please contact Christine at christineh@rffny.org.



Brazilian Congress. The problem has resulted from the fact that many Indigenous peoples traditionally occupy lands that lie along international borders. The military argues that it is necessary to build military bases on Indigenous lands in order to protect international frontiers. Even though no specific legislation has been passed to regulate the situation, the

nous Lands in Brazil

truth is that military bases continue to be built inside Indian lands. The communities have not been informed in any of the cases. Meanwhile, Indians also ask why the military often chooses to build their bases close to Indigenous villages, which frequently facilitates direct contact between Indians and soldiers, disrupting the villages' routines, the Indians' very existence, and opens the doors for all kinds of conflicts.

One such case started two years ago, when the military decided to build an Army base right across a Baniwa village, in the Upper Rio Negro region. The Baniwa Indians were not consulted or informed. Despite opposition from Indigenous organizations, the Army facility was eventually built. Around the same time, the Army decided to build a military base in the village of Uiramutã, inside the Raposa Serra do Sol Indian land, in the state of Roraima, and home of the Macuxi, Wapixana, Taurepang, Ingaricó and Patamona peoples. The Indians, who were not informed, filed a lawsuit before the Federal Justice to stop the construction. Though the case is still pending, the military facility has already been built.

In 2001, during the World Conference on Racism in South Africa, the Brazilian government made a formal commitment to address this issue by considering a code of conduct to regulate and discipline the presence of the military on Indian lands. Unfortunately, the position of a military sector that refuses to discuss any kind of regulation of their activities within Indigenous territories prevails.

The recent article in the New York *Times* had major repercussions in Brazil. Instead of the positive changes long expected and overdue, the Brazilian President chose to issue a decree giving broad rights to the Armed Forces. The decree, issued on October 7, 2002, not only grants the right to build military facilities inside Indian lands throughout the entire country, but also to construct roads to guarantee the military full access to their bases. The act could open the doors to a new phase of environmental destruction in the Amazon rainforest, with roads facilitating the cutting of huge expanses of forest.

The presidential act also regulates the implementation of military projects to control human occupation in the so-called 'frontier zone' of Brazil. This is of special concern for Indigenous peoples, as military projects have historically been aimed at economic development and incentives for the occupation of the Brazilian borders by non-Indians, which have resulted in the invasion of Indigenous lands and massive attempts to overturn Indian land rights.

Indigenous organizations and their supporters are rightly concerned about the problems the new decree may help create. However, as a new President has just been elected in Brazil, there is great hope that the new Administration will be able to review the situation and initiate a discussion that could lead the country toward a democratic solution to this problem.

Association of Indigenous Village Leaders (VIDS), Suriname

In September, Christine Halvorson, along with colleague Fergus MacKay of the Forest Peoples Programme, visited program partners in Suriname and established work plans for 2003 with the Association of Indigenous Village Leaders, known by its Dutch acronym VIDS. After years of work on the ground, in 2002 VIDS was able to open an office in the Surinamese capitol, Paramaribo, staffed by two Indigenous women.

In 2003, RF-US will be working with VIDS on several initiatives, including capacity building and Indigenous rights on the international and national levels. Surinamese Indigenous rights lawyer Ellen-Rose Kambel will join RF-US in doing capacity building and international law work with VIDS through a series of community workshops in 2003.

Organization of American States, Washington D.C., USA

Special Session of the Working Group on the Proposed American Declaration on the Rights of Indigenous Peoples

In March, RF-US Executive Director Ana Araújo, along with human rights lawyer Fergus Mackay from the Forest Peoples Programme participated in an Experts Panel held in Washington, D.C., at the inaugural session of the Special Meeting of the Organization of American States (OAS) Working Group on the Proposed American Declaration on the Rights of Indigenous Peoples. They commented on issues related to the social, economic and property rights of Indigenous peoples. The Experts Panel was organized to help highlight some fundamental Indigenous rights, in preparation to the week of discussions that followed, when government representatives, Indigenous peoples and non-profit organizations discussed some of the articles of the Proposed Declaration. Benedict Kingsbury, Professor at NYU, Wayne Lord, Canadian government representative, and Augusto Willemsen Diaz, Guatemalan legal expert, also spoke on issues related to the process of drafting an international declaration, as well as Indigenous organizational and political rights.

Women's Rights and Capacity Building, Guyana

In August, the APA organized the first-ever National Amerindian Women's Conference, which was aimed at finding ways of empowering the Indigenous women of Guyana. The three-day conference dealt with issues ranging from domestic violence to sexual abuse by miners, and from economic alternatives to leadership. There was a lot of interest in these issues, and desire to do more work specifically focused on Amerindian women.

In addition to attending both the General Assembly and the Women's Conference, Christine Halvorson worked with the Amerindian Legal Services Center (ALSC) on capacity building, proposal writing, and planning for next year when she will conduct capacity building workshops with Amerindian women through the APA, and continue to work with APA and ALSC on institutional capacity building.



L-R Joanna Simmons & Martin Cheong, ALSC and Christine Halvorson, RF-US.
Credit: David James

Continued over...

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RF-US Program Updates

Davi Kopenawa and Totó Yanomami visit NY

Jô Cardoso de Oliveira, from the Pro-Yanomami Commission, and two Yanomami leaders, Davi Kopenawa and Totó Yanomami, visited New York City following a Cornell University Conference. Davi and Totó spoke at a presentation attended by around 100 people organized by the RF-US and the Bildner Center for Western Hemisphere Studies. Held at the City University of New York Graduate Center, the presentation analyzed several issues, including protection of their land and environment.

Jean La Rose of Guyana Wins Goldman Environmental Prize

The RF-US would like to share its joy in seeing Jean La Rose, Program Administrator of the Amerindian Peoples Association (APA), win the Goldman Environmental Prize for her remarkable work advancing Amerindian rights in Guyana.

The Goldman Prize, founded in 1990, is awarded annually to six grassroots environmentalists, representative of the six continental regions. The award recognized Jean's efforts to inform communities of their rights and her work on a first-ever land rights lawsuit in the upper Mazaruni region of Guyana. Jean has also spearheaded legislation on Indigenous and environmental rights and protection as Vice-Chair of Guyana's Constitutional Revision Commission, and this prize validates her concerns in both areas.

Amerindian Peoples Association (APA), General Assembly, Whyaka / Mainstay, Guyana

In May RF-US Program Coordinator Christine Halvorson attended the APA's 6th annual General Assembly held in the village of Whyaka / Mainstay. The theme of the assembly was "Amerindian peoples - determining our future in the new Millennium".

In total twenty-four resolutions resulting from the Assembly were adopted, encompassing land rights, protected areas, the Amerindian Act, Women's rights and youth representation.

Trip to Meet the Panará, Pará / Mato Grosso, Brazil



L-R Lisa Stamm, Jimmy Nicholas, Akâ Panará, Stephan Schwartzman, EDF. Credit: Christine Halvorson

In March 2002, RF-US Development Director, Lisa Stamm visited the Panará along with colleague Christine Halvorson, Board member Jimmy Nicholas, and donor Fran Costigan. The group was warmly received by the Brazilian Indigenous group that the RF-US has worked with since 1993.

Discussing further RF-US support endeavors, the Panará stressed the need for protection of their lands, help with controlling loggers and monitoring the borders of their territory.

" We were privileged to witness the Panará's way of life and to have eaten food grown in their gardens in their recently protected lands. To witness a group that faced cultural extinction thirty years ago now thriving was truly inspiring, and gave me hope for the future," said Lisa upon her return.

Printed on Recycled Paper. Written and edited by RF-US team. Design by Identity

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