



FORUM FOR
DEVELOPMENT COOPERATION
WITH INDIGENOUS PEOPLES

CONFERENCE **REPORT** 2006

Forum for Development Cooperation with Indigenous Peoples

Words or action?

Transition from Indigenous Activism to Political Power -
Challenges from South America



Centre for sami studies
www.sami.uit.no/forum



Forum Conference 2006

"Words or action?

Transition from Indigenous Activism to Political Power -
Challenges from South America"

www.sami.uit.no/forum

Table of contents

Preface.....	3
<i>Opening Session</i>	
Gerd Bjørhovde, Pro-rector at the University of Tromsø	5
Johan Mikkel Sara, Vice President of the Norwegian Sámi Parliament.....	6
Sidsel Saugestad, Forum for Development Cooperation with Indigenous Peoples: "Words or Actions – As the international indigenous discourse meet political realities" ...	7
Anne M. Stenhammer, State Secretary, Norwegian Ministry of Foreign Affairs: "Indigenous peoples, participation, rights and Norwegian support".	10
<i>Focus on Brazil</i>	
Adriana Ramos, Instituto Socioambiental (ISA): "Democracy, indigenous rights and the role of civil society in Brazil".	13
Ianuculá Kaiabi, Association of the Xingu Indigenous Land (ATIX): "The leading role of the Indians in the protection of their territories and forests."	20
Lars Løvold, Rainforest Foundation Norway: "Promoting indigenous rights and wise resource management. Contradiction in terms, romanticism or effective strategy? Lessons from 15 years of support to Brazil".	26
Kristian Bengtson, The Norwegian Embassy in Brazil/NORAD: "From target group and beneficiary to political actor: Reflections on the development of the indigenous movement in Brazil."	31
<i>Focus on Bolivia</i>	
Carlos Romero, Director, The Centre for Social and Juridical Studies (CEJIS), Member of IWGIA's Advisory Board: "Territory and Power in the Constitutional Assembly".....	35
Aina Holm, The Norwegian Students and Academics International Assistance Fund (SAIH): "Indigenous Women's Political Participation in Bolivia"	39

Marthe Hotvedt, The Norwegian Students and Academics International Assistance Fund (SAIH):	
“Power to Indigenous Peoples - Experiences from Bolivia”	42
 <i>Forum update</i>	
Marit Solstad, Bodø University College:	
“Curricular Transformation in Guatemala”	46
Roddy Brett, Latin American Faculty of Social Sciences (FLACSO):	
“Indigenous Movements and Indigenous Rights Protection in Post-Conflict Guatemala” .	50
Torkjell Leira, Rainforest Foundation Norway:	
“The tropical timber campaign in Norway: Methods and results”	55
Mattias Åhrén, Saami Council:	
”An adoption of the UN Declaration on the Rights of Indigenous Peoples – a major breakthrough?”	58
Else Grete Broderstad, University of Tromsø:	
“Consultations as a tool. The Finnmark Act - an example to follow?”	63
 <i>Summing up</i>	
Summary by Axel Borchgrevink, Norwegian Institute of International Affairs (NUPI).	
Closure of the Forum Conference 2006	68
Program	70
List of participants	72

Preface

This is the report from a conference organised by the *Forum for Development Cooperation with Indigenous Peoples* at the University of Tromsø, 5-6 October 2006. Under the heading 'words or action?' we have tried to follow some of the processes of transition taking place in countries where indigenous organisations are moving into positions of some influence. We chose Bolivia and Brazil for particular exposure, as areas where the objectives of the indigenous movement are tested against real life politics.

The Forum is established to provide a meeting place for academics, representatives from indigenous organisations and other NGOs, students and administrators with an interest in indigenous issues. It was started in 2000 and receives financial support from NORAD. It has a board consisting of Sidsel Saugestad, Georges Midré, Lill Tove Fredriksen and Siv Øvernes from the University of Tromsø, with Jens Dahl from IWGIA Copenhagen, Geir Tommy Pedersen from the Saami Council, and Axel Borchgrevink from the Norwegian Institute of International Affairs.

One of the main activities of the Forum is the arrangement of annual conferences. The present and earlier reports, as well as news and updates regarding indigenous issues and future events can be found in Norwegian, Sámi and English on the Forum for Development Cooperation with Indigenous Peoples homepages: www.sami.uit.no/forum

Mirona Ciocirlie has performed the arduous task of transcribing and translating from Spanish and Portuguese the papers not given in English, and Bjørn Hatteng has done the technical editing and created the cover for this report.

A great 'thank you' to all contributors

Sidsel Saugestad.

Forum for Development Cooperation with Indigenous Peoples.



Opening session

Gerd Bjørhovde, Pro-Rector at the University of Tromsø

For the University of Tromsø it has been an honour and a privilege to host the Forum Conference since the year 2000, and with the Centre for Sámi Studies doing all the hard, practical work. The Centre deserves credit for their great work as conference organisers – thank you!

The University of Tromsø is a small university, with approximately 6,500 students. That is very small by international standards, but ours is still a “full” university, offering degrees and studies in all the classical subjects and disciplines. This means that we have to stretch our resources – and inventiveness – to their utmost limit at times. But the study of indigenous questions and indigenous cultures, and particularly the Sámi culture and language, has been a top priority from the very beginning.

We are particularly happy to welcome the State Secretary for International Development Anne Stenhammer as this year’s opening speaker. We are highly aware of how important it is to have the support of the central government in organising this kind of conference, and we appreciate your support very much.

I hope that this year’s Forum Conference will lead to the establishment of fruitful contacts and to significant new steps in the development of this important work. I see that Brazil and Bolivia are heavily represented in the program at this year’s conference, and I trust that there will be interesting opportunities for comparisons and discussions across continents and national borders. I have also noticed that there is a fairly big delegation from Guatemala here this year, made possible by the support of NORAD and the Embassy there. For the University of Tromsø this is of particular interest, since one of our Honorary Doctors is Rigoberta Menchu Túm, who has visited Tromsø on two occasions.

With these words, I would like to thank all of you who are making this conference possible, and I am pleased to declare the 2006 Forum Conference open!

Johan Mikkel Sara,

Vice-President of the Norwegian Sámi Parliament

On behalf of the Sámi Parliament, I thank you for the opportunity to share some views about what kind of role indigenous people should have in decision making processes on various issues. I can see from the agenda that there are very important topics being discussed at this conference.

First of all, it is my pleasure to welcome the conference participants to Tromsø - the town of Romsa, as Tromsø is known in the Sámi language. Tromsø is an important gathering place for the Sámi and other indigenous peoples. The country of Norway was founded on the territory of two peoples, the Norwegian and the Sámi. And established in 1989, the Sámi Parliament is a national democratic elected body for the Sámi people in Norway. The Sámi have a historical right to govern themselves, based on the Sámi existence as a nation that formed an organised society already long before the formation of the Nordic countries. In 1994, the UN General Assembly declared the International decade of the indigenous peoples and there were great expectations that the decade would offer opportunities to improve general conditions for the indigenous peoples all over the world. Looking back, some progress has been made, but unfortunately much of the expectations still remain unfulfilled in many countries.

The establishment of the UN Permanent Forum on Indigenous Issues and the work on the UN Declaration on the Rights of Indigenous Peoples are important to the indigenous peoples of the world and an adoption of the UN Declaration on the Rights of the Indigenous Peoples is fulfilling in effect the participation of the indigenous peoples. That recognition of indigenous nations' rights to self-determination forms an important platform for collaboration and finding solutions for working together with the central government and also with others.

The Sámi and other indigenous peoples have been kept out in the cold for far too long. Now we expect to become a crucial, active and constructive partner in issues that involve the Sámi community here in Norway. As a result, a consultation agreement that the Sámi Parliament entered into with the Norwegian government in 2005 is an important step forward in terms of our opportunities to participate in the decision making process. I am not going to say more about the consultations because that will be taken up tomorrow in the plenary session by Else Grete Broderstad. Closing, in spite of the worldwide initiatives and good intentions on the part of many players, indigenous peoples remain among the world's most marginalised peoples. Notwithstanding, many indigenous peoples have stood before the international community and asserted their rights to preserve their culture, protect their territories and oppose discrimination. The motivations for standing up for our right is not predicted on indigenous peoples' need for help and support, but on the fact that we are convinced that we also have experience and expertise that can benefit others. Not least, this conference and the themes being presented can demonstrate to the world that indigenous issues can engender knowledge and information that are essential for ensuring indigenous peoples the fundamental right to develop cultures and communities on their own terms. The Sámi Parliament has always emphasised the importance of maintaining an international perspective on the work it does. As a conclusion, I would like to say that indigenous peoples all over the world are ready to take the responsibility on all issues to safeguard our common future. And indigenous peoples are not mere stakeholders; they are right holders.

On that note wish you good luck with your conference and thank you for your attention!

Words or Action – As the international indigenous discourse meets political realities

Welcome to the seventh conference convened by the Forum for Development Cooperation with Indigenous Peoples, this year in cooperation with the Rainforest Foundation of Norway. We have chosen as heading for this conference a dichotomy which can be expressed in a number of terms. We want to focus on the transition from words to action. We could equally say from discourses to achievements, or we could say a focus on intentions and visions as they meet political realities.

Our point of departure is the significant achievement by what we may call the International Indigenous Movement. From having been among the most oppressed and marginalized, indigenous peoples have been able to assert their needs by political and cultural action and innovation, becoming a significant feature of transnational processes. Important milestones have been the establishment of the Working Group for Indigenous Population in Geneva in 1982, and the Forum for Indigenous Issues in New York 2002.

Between these two events we find 20 years of debates, meetings and resolutions, and the active involvement of thousands of activists. Today, the indigenous movement includes a wide range of peoples with different histories, different ways of life and different positions within their respective nation states, but who see themselves as united in sharing common historical experiences and visions for the future.

The rapid emergence and growth of the organisations from the 1960s onward is an important innovation in the troubled field of relations between nation states and their minorities. Indigenous movements reflect the global processes of modernization and have also influenced the same processes. A central feature of indigenous political and cultural mobilisation has been the demands for legal rights and self-determination that have opened for wider moral and political issues of equality and justice.

The concept 'Indigenous' is still questioned and contested, and an examination of concept should be an ongoing concern for this forum. While there is no binding legal definition of the term indigenous (except for the few countries that have ratified the ILO convention 169), there is a de facto definition, introduced by the Martinez Cobo report in 1986 and which has been added to and adjusted over the years. This working definition has stood the test of time remarkably well, providing a clear focus on a specific type of relationship between state and minority.

The Working Group for Indigenous Populations (WGIP) brings out four principles to be taken into account: priority in time, with respect to the occupation and use of a specific territory; cultural distinctiveness, which may include aspects of language, social organisation, religion and spiritual values; an experience of subjugation, marginalisation, or discrimination, whether or not these conditions persist; and self-identification as a distinct collective; (E/CN.4/Sub.2/ACV.4/1996/2).

The UN use of this concept, which originates from decades of debate, is a significant contribution towards clarifying a vital human rights issue. The achievements of indigenous movements in

different parts of the world have varied. Where organisations and leaders in some countries have been able to reach constitutional amendments and recognition and the establishment of practical means for self-government, other indigenous groups have found less sensitivity – or persistent opposition – to their claims.

Important aspects of this global development are reflected in the programme on Friday when Mattias Åhrén will talk on the adoption of the UN Declaration on the rights of Indigenous Peoples – a major breakthrough? And Else Grete Broderstad will address the Norwegian attempt to implement the ILO Convention 169 and the UN declaration under the heading The Finnmark Act – An example to follow? It is worthwhile to note that both these titles end with a question mark. Is there a breakthrough? Will the Finnmark Act succeed in what it sets out to achieve?

Precisely because the indigenous discourse has come so far in terms of standard-setting, there have also been set-back. Henry Reynolds, one of the architects behind the Mabo case that brought a first recognition of the native title, visited Tromsø recently. He described a situation in Australia where the tremendous support and growth to the indigenous organisation during the 80s and 90s has been replaced by organisations depending too much on the state – and therefore vulnerable as the role of the state is changing. He linked this to global trends of governments retreating from politics, leaving more up to privatisation, and argued that a re-assertment of nationalism, retreat from multiculturalism and the anti-Muslim tone of the so-called ‘war on terrorism’ has had an adverse effect on Indigenous peoples in many parts of the world. The Human Rights agenda may be seen as less binding as America abandons its international commitments.

The limitations to impact of the international community is illustrated by a court case in Botswana concerning indigenous land rights – the first of this kind in Africa. The San, also known as Bushmen, have been relocated to village-like structure while their traditional territories for hunting and gathering have been taken over by cattle farming. Now the inhabitants of the large Central Kalahari Game Reserve have taken a heroic ‘last stand’ and taken the government to court, claiming their right to remain in their traditional territory. I will not go into the details of this case but only note one point: A legal case can be won or lost. But also public understanding and sympathy can be won or lost. Many of those who supported the bringing of this case before the court found the latter concern – to gain public understanding – would be of significance in its own right, irrespective of the outcome of the legal decision.

We may look to the epoch making changes in the Norwegian-Saami relations after the early 1980s for a parallel. The Saami lost the protest against the building of a large hydro-electric dam that reduced the reindeer herding territory. But the understanding and attention raised by the protest actions and demonstrations resulted within ten years in two government white papers and a totally new framework for Norwegian-Saami relations: codified by the change in the constitution that says that the kingdom of Norway is inhabited by two peoples – the Norwegian and the Saami.

This is the kind of changes in state-minority relations that this Forum wants to examine and encourage. Basically, we must recognise that the development of an indigenous rights agenda has seen many achievements, but it is not a uni-linear development. We should not expect development to move unfailingly in one direction.

However, and having said that, it is a particular pleasure to welcome representatives from South America who can report and reflect on some more encouraging developments.

We have been inspired by the political changes in South and Central America. A whole world looks at Bolivia and asks: Does Evo Morales manage to make a difference? How do Indigenous

Peoples and their organisations manage in the transition from activism to the implementation of new regimes, in cases where the new regimes are expected to give more attention to Indigenous Issues?

I am happy to welcome Ianucula Kaiabi from the Association of the Xingu Indigenous Land who will talk on strategies for protecting territories and Adriana Ramos from Instituto Socioambiental (ISA) who will address the influence of the left wing movement in Brazil on the situation for Indigenous Rights.

From Bolivia, Carlos Romero, Director of the Centre for Social and Juridical Studies will talk about legal processes, while Theresa Canavari unfortunately was prevented from coming, and Aina Holm will talk on Indigenous women in Bolivia, on very short notice.

We are happy also to draw on experiences from the Norwegian Embassy in Brazil. The Rainforest Foundation and Students and Academics International Assistance Fund (SAIH).

Anne Stenhammer, State Secretary, Norwegian Ministry of Foreign Affairs

Indigenous peoples, participation, rights, and Norwegian support

On behalf of the Norwegian Ministry of Foreign Affairs, I would like to thank the organisers for this opportunity to address the Forum. We welcome that the Forum this year has chosen to focus on indigenous peoples' participation and political influence, as we welcome the increasing political space gained by social and indigenous movements in several countries in Latin America in the last decade – and first and foremost in Bolivia during the last year.

As the participants at this conference are well aware, in Latin America indigenous peoples constitute a significant part of the population. According to estimates, there are some 45 million indigenous peoples in total in Latin America today. In the last decade indigenous peoples are gaining political space where they can struggle towards achieving respect for their rights and improving their situation.

The increase of these indigenous movements has several causes. First and foremost, most indigenous peoples in Latin America still live in poverty, and many in extreme poverty. A World Bank study on indigenous peoples in Latin America a couple of years ago concluded: "Poverty among Latin America's indigenous population is pervasive and severe". The poverty map in the region coincides with the areas where indigenous peoples live. Despite two decades with democratically elected governments, a certain economic growth for several years, the majority of the people have not felt these changes. The gap between the rich and the poor is only increasing. Latin America continues to be the continent of high social inequality. This leads the economically, politically and culturally marginalized majority to question how the traditional elite administers for instance the rich natural resources in many countries. In Bolivia, the claim for nationalisation of the oil and gas resources and a new redistribution of its income to benefit the whole of the society was headed by the indigenous movements.

The "new" political movements also grew out of the new democracies and new constitutions that have granted indigenous peoples rights in different areas. The Indian cause has been given legal force by the ILO Convention 169 – the only binding instrument of international law that directly addresses the rights of indigenous peoples. The Convention commits signatory governments – and most countries in Latin America have signed – to guarantee indigenous peoples equal rights; first and foremost the right to participation in formulating policies that affect them. In a round of constitution writing in Latin America in the 1990s, the provisions of the ILO 169 convention were incorporated in ten countries, including Bolivia and other Andean countries. Indigenous actors themselves have converted these formal written rights into political reality. Some indigenous groups have also used international human rights instruments in concrete cases where their traditional territories have been taken over by logging companies or other actors involved in the exploitation of natural resources. In the *Inter American Human Rights System* indigenous groups in Nicaragua and Paraguay have won court cases relating to territorial rights.

The international framework conditions for indigenous peoples have been improved. As we all know, one of the most important achievements was the establishment of the UN Permanent Forum for Indigenous Issues. The appointment of a Special Rapporteur on the situation of human rights of indigenous peoples is another important move. And finally, after eleven years of hard work, the new Human Rights Council approved the UN Declaration on the rights of indigenous

peoples this summer. The declaration will be considered by the General Assembly before the end of this year. I take this opportunity to thank the Sametinget and the Sami Council for a valuable cooperation in this process, making Norway one of the lead promoters of the declaration.

While welcoming the political influence indigenous movements have gained in Latin America, we also recognise that there is a long way to go. Indigenous peoples are still among the most marginalized and dispossessed sectors of society. They still lack representation and their particular rights as indigenous peoples are routinely violated. There is still a need for international support.

In line with The Norwegian Guidelines for Strengthening Support to Indigenous Peoples in Development Cooperation (2004), presented and discussed at earlier Forum conferences, a right-based approach will continue to be the guiding principle for all the Norwegian support to indigenous people worldwide.

For more than 20 years Norway has been supporting efforts, which promote indigenous people's rights in different Latin-American countries. This support has been to different types of activities, mentioning bilingual education; land rights issues and development of indigenous people's organisation as some of the most important ones. The larger part of this effort constitutes support through Norwegian NGOs, but we also operate indigenous people programs at the embassies in Guatemala and Brazil.

Even though I believe our approach so far has been useful, the government has decided to extend and broaden our cooperation with various Latin American countries. Important changes have taken place in Latin America. Labour unions and social and indigenous movements have built broad coalitions and gained strength during the last two decades. They brought their representatives to government in Brazil and Bolivia. These political leaders and the movements supporting them have started a new democratization where marginalised groups are given political and cultural dignity. Their aim is to extend this to economical dignity. The Norwegian government wishes to support and strengthen this development.

How can Norway contribute to the positive trends of inclusion of marginalized groups and a more just distribution of wealth in Latin American countries?

Earlier this year the government put together a working group drawing on expertise inside and outside the Ministry of Foreign Affairs. The working group presented a report with several recommendations for a New Norwegian focus on Latin America. The Minister for International Development, Erik Solheim, visited Brazil, Bolivia and Peru in August, where he discussed the possibilities for an extended cooperation with governments, labour unions and private companies, and civil society.

On this basis, we are now working on more concrete plans for cooperation. Strengthening democratic institutions, both state institutions, in the private sector and in the civil society, is essential. We have been searching for areas where Norway has positive experiences which could be of interest to some Latin American countries, and the obvious sector is administration of natural resources such as oil and gas.

In Bolivia, the Morales government wishes to improve the state's administration over their rich oil and gas resources in order to bring more of its benefits back to the whole of the Bolivian population. Evo Morales, his ministers, and the political opposition alike have asked Norway to contribute based on our own experience. If Norway could help the Bolivian government in establishing a democratic, effective, transparent, environmentally sustainable and redistributive administration of hydrocarbons, which would probably be the single most important thing we

could do for Bolivia. Thus, the Oil for Development program will be the essential framework for further cooperation with Bolivia. It has also been decided to place a Norwegian representative in La Paz to coordinate our future cooperation.

Looking back on Norwegian political history - seeing how new political movements transformed into established political parties governing the country, and how we had to develop and administrate our rich natural resources to the benefit of all – we can understand some of the challenges Bolivia is facing right now. Our own experience makes us believe in solutions that include all parties of societies.

In Bolivia, the Morales government is in the middle of profound processes possibly changing Bolivia for ever, writing a new constitution, reformulating conditions for exploiting natural resources, defining regional autonomy, establishing a new way of redistributing income and building a multicultural society. We believe that such profound changes must be based on consensus, hearing and including all interests in the process. Building democratic institutions, which ensure the right for opposition, civil society and the private sector to participate, is crucial in order to consolidate political changes.

Apart from these concrete plans for cooperation with Bolivia, we are also looking at possibilities for extended cooperation with several countries on issues like social dialogue, environmental sustainability, indigenous people's rights and a general focus on administration of natural resources. Women's rights will be an integrated focus in all our activities. One idea has also been launched about establishing an institute for research on Latin America in Norway. All these are elements on our drawing table, but still do not make up a final plan. Indigenous rights may well be an integrated part of all these focuses.

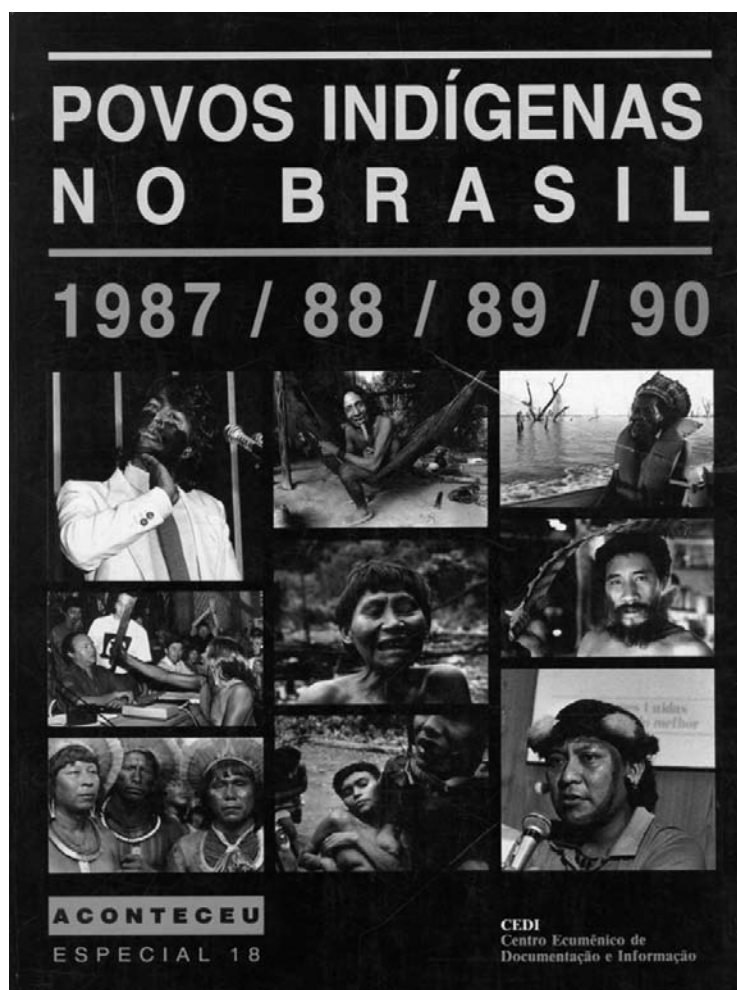
We wish to stay in dialogue with all constructive partners in this process. We believe a successful cooperation with Latin America must be developed over time and build on creative thinking and an open dialogue.

Thank you very much for listening.

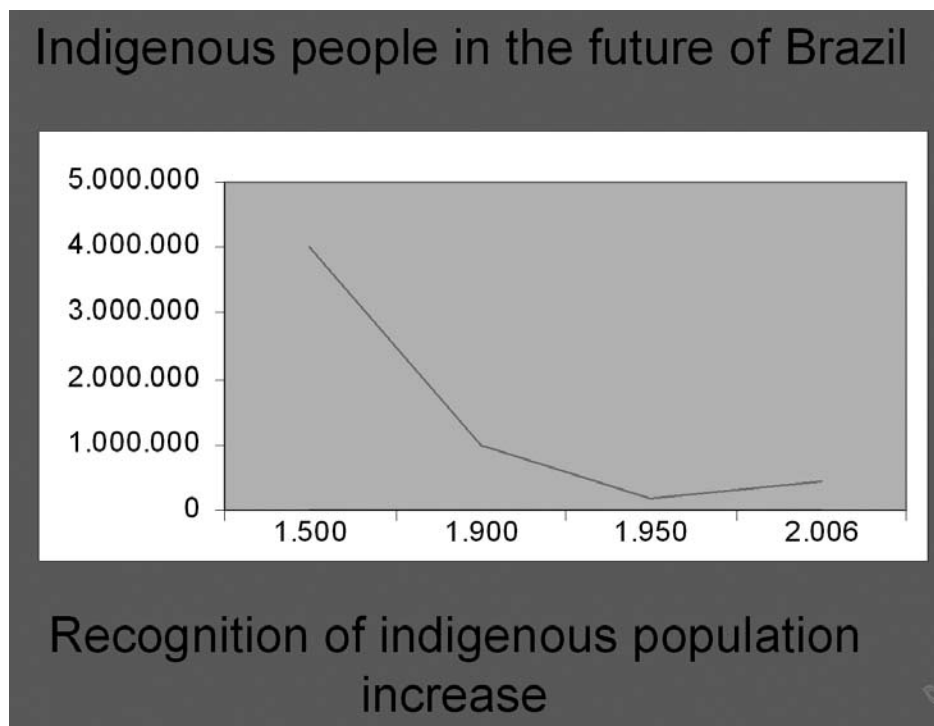
Adriana Ramos, Institute Socioambiental (ISA):

Democracy, Indigenous Rights and the Role of Civil Society in Brazil.

My talk will be on the experience of the civil society in Brazil in supporting the indigenous peoples to achieve civil rights. I work with the Social Environmental Institute, and will present some of our experiences, starting with the context of the Brazilian political environment in the 60s and 70s. On one hand, we had a military dictatorship and the government was working towards the integration of the Amazon region where 90% of the indigenous people in Brazil live, following policies aiming at the assimilation of the indigenous peoples. On the other hand, civil society was creating organizations facing the challenge of this dictatorship, with international support from democratic countries. In relation to the indigenous people, we were supported by the Norwegian Development Cooperation. We were organising information trying to make the rest of the society understands that the indigenous peoples will not disappear, and that we should have a perspective on the future of these people. This led to the organisation of the first data base about indigenous peoples bringing information about who they were, where they lived, how they lived, how many they were. The information was based on a network of NGOs, indigenous leaders, anthropologists, journalists, missionaries, and federal agents. Slide 1



This project called for the recognition of these people by the government and the government made the first lists with official data on indigenous peoples. The data base that was organised since then made possible the organisation and the production of maps where we could show where these people lived. This was also a very important instrument for the indigenous peoples, as the information on the situation revealed the possibility of merging territories as we are doing it nowadays. This database also showed that after the colonisation process there was a strong reduction in indigenous population. After the 1950s there was an increase of indigenous population even though it did not achieve the same levels that we had before the Portuguese arrived in Brazil. But anyway, it showed to the government that we had a future to think about for indigenous peoples: they were not going to die. And this was important. (Slide 2),



Discussions about the role of indigenous rights in the Brazilian Constitution went on from 1986 to 1988. It was possible to make an important lobby very strong participation of indigenous peoples, which achieved a special charter for indigenous rights in the Constitution. All along the process of organising and documenting the information about what was going on, was due to a strong effort from the civil society to guarantee the implementation of indigenous rights in Brazil. Slide 3

After the new Constitution in 1988, from 1988 to 1995, was the time to fight for public policies to implement the role of Ombudsman that was established by the Constitution and also to discuss the implementation of the international agreements that were important for indigenous peoples. In Brazil that was related mainly to the ILO 169 and to the Convention on Biodiversity.

1986 / 1988 Indigenous rights in the Constitution



Land demarcation was one of the main issues in Brazil, and it happened in three steps. The first step is the identification of the demands of indigenous roots in a certain area, which is done by the federal agency of indigenous peoples, which is the Indigenous Peoples' National Foundation in Brazil. After that the Ministry of Justice has to declare the area as an indigenous land and, following that, the President is responsible for the demarcation of the land. The President signs the decree that says 'this is indigenous land'.

The map below shows the indigenous lands recognised before the Constitution in grey, and the lands that were recognised afterwards in dark. In the North of Brazil, the Yanomami region is shown on the map as a small island because there were strong arguments within the government about recognising the whole territory. Because of the kind of definition that the Constitution of 1988 gives for indigenous territories, it was then possible to recognise the whole Yanomami territory. Slide 4

The map of indigenous lands in Brazil shows very clearly our biggest challenges. We have huge areas in the Amazon region, almost 99% of the whole expansion of indigenous lands in Brazil; then we have small indigenous lands that are almost invisible on the map in the East and the South. This is the area where most of the indigenous population is located and where we have our biggest cities. And so we have the challenge of managing the big territories in the Amazon and helping to conserve the bio-diversity in the forest, but also the challenge of finding a system of building for the indigenous people in the small areas, near the cities.

TERRAS INDÍGENAS NO BRASIL
comparação entre a área de TIs antes da Consituição Federal de 05/10/1988 e em julho de 2006



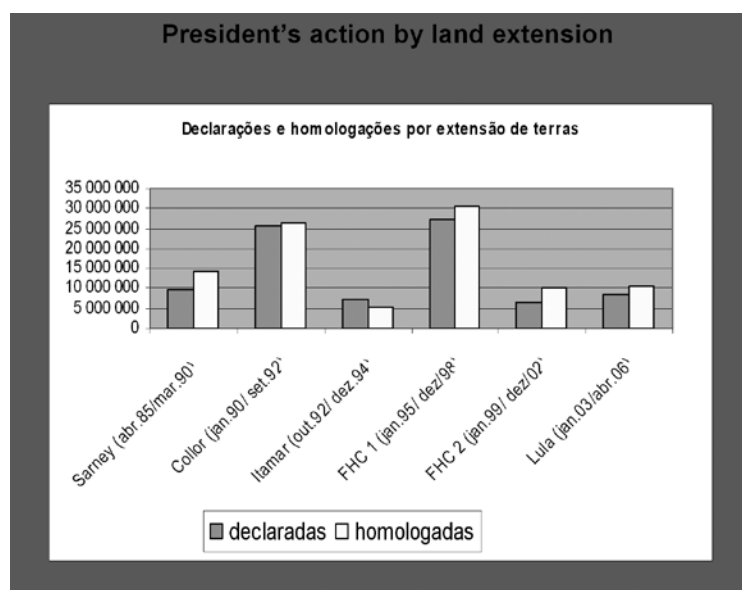
The summary of our situation in indigenous lands today: we have 580 indigenous areas recognised and around 107 million hectares - this is something like 3 times the size of Norway and approximately 12 % of the Brazilian territory. We have 225 indigenous people speaking 180 different languages. It is commonly estimated that 450,000 indigenous peoples (0.2% of the Brazilian population) live on indigenous land. However, the last census in Brazil said that there were 750,000 indigenous people in Brazil, because this was the first time the census gave the possibility for each one to say who they were and what was their race, and so we had a

bigger number of indigenous peoples recognizing themselves. So we have 0.2% or a little more population responsible for 12 % of Brazilian territory. This is not an easy task, and was only possible with the support of the Brazilian civil society.

The declaration of indigenous territories data was first organised by the government of Mr Sarney, when we had a huge number of territories recognised as small islands. So we had many areas, but sometimes not related to the recognition of real rights. Then came the government of Mr Collor, which was a government during the Rio 1992 Conference, and responsible for the Yanomami area recognition. A lot of areas were established because of the international context.

Then came Fernando Henrique Cardoso, the champion of a number of areas that were recognised in the 1980s due to a pilot programme on tropical forest that supported a programme on indigenous territories. After that we came with Mr Lula. In this graphic, the grey columns to the far right indicate the areas that are declared by this government, the light shows the areas that this government has recognised. Mr Lula has signed a lot of areas that were declared by the previous government, while the effort of recognition of new areas by Mr Lula has declined from the previous government. It shows that it is now more politically difficult to declare new areas, as the government has some difficult alliances to deal with in order to protect indigenous rights. This graphic shows the difference between governments with regard to the extent of the areas recognised. We see that there are huge areas, as the Yanomami one, that were recognised by Collor, and the Valley of Javari, which was one of the biggest areas that still has isolated Indians in Brazil. And Mr Lula has got a little bit higher because of the recognition of the biggest area that was in justice for several years in the state of Janeiro. As I said before, this process was possible only because we had the recognition of the Brazilian society of the rights of indigenous people. A survey in 2000 showed that 68% of the Brazilian society agreed with the allocation of indigenous lands. Slide 5

There are some local organizations, such as ATIX, which is the Xingu indigenous land organisation, which Ianucula Kaiabi is going to talk about and also some regional organizations that are responsible for the political representation of indigenous peoples directly with the government. All this process of achieving indigenous rights also brought the interest of new indigenous peoples, new ethnic groups to achieve their recognition. Groups that historically were under pressure from all sectors and that were not identifying themselves as indigenous



peoples are now asking for recognition. And the government is now making a very big effort to recognise them and to establish special policies for these groups.

The challenge that the indigenous people in Brazil still face nowadays is mainly the land ownership for local communities. This is a problem in general in the Amazon. It is important to notice that the Constitution of Brazil recognizes the use of the land and the identification of the land but not the property of the land. The property of indigenous land is still with the state. The impact from the infrastructure projects, mainly in the Amazon region, is still a very strong problem because the process for consultations and discussions is not established. Illegal logging, mining, and ranching happen frequently.

Another important challenge has been protecting the use of the natural resources and traditional knowledge associated with it. And there is also a lack of public services like health, education and security. Indigenous lands are areas under the federal level but they are located in areas that are related to the state level, so there is a conflict about whose has the responsibility of attending to these people with health and education. The responsibility is for the federal government but health and education in Brazil are services which are decentralised from the state to the municipality levels. Reducing deforestation in the Amazon region shows one of these big challenges, which is that activities bringing deforestation are putting pressure on indigenous lands. On the other hand, indigenous lands are responsible for stopping this process of deforestation. The whole Amazon is almost a region where if you see a forest, this is where there are indigenous people. Outside protected areas in the Amazon the rate of deforestation is around 19%, inside protected areas in general, from national parks and other areas, 1.9% and inside indigenous land it is 1.1%. There are some sustainable use protected areas in the state level that have a 7.8% rate of deforestation.

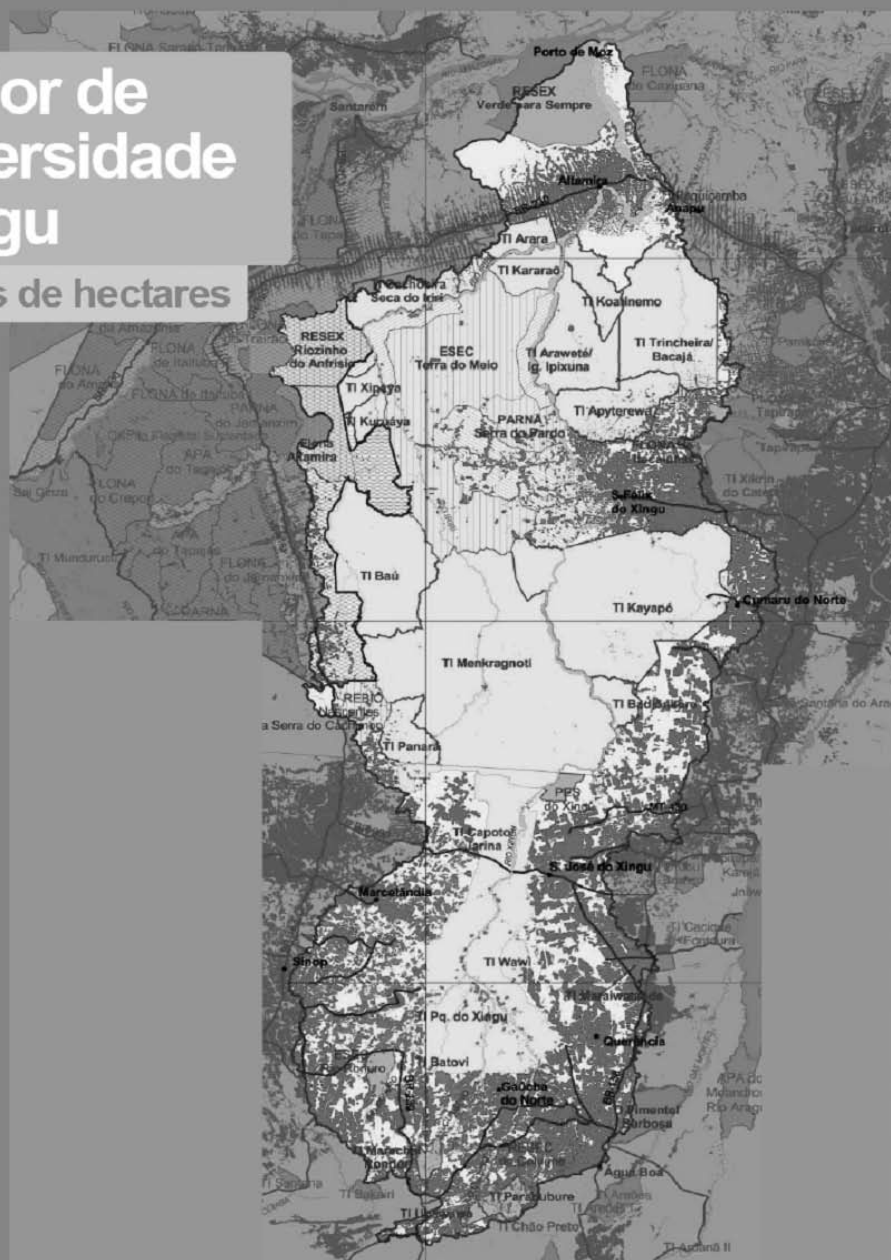
In discussions on conservation of biodiversity researchers were very worried about the kind of use that indigenous peoples do have for biodiversity, for hunting and things like that, but nowadays it is recognised that indigenous peoples are more able to help to conserve biodiversity than other groups. The region of Xingu where we have been working in the last years with the support of the Rainforest Foundation and also with the Norwegian church aid is a region where this issue is closely related to the sustainability of indigenous peoples. It is important to face also the areas outside of indigenous lands in order to help to guarantee the sustainability inside the areas. As we see in the map below, all the springs that form the Xingu River are outside of the indigenous land. There is a huge corridor of bio-diversity that comes from the state of Mato Grosso to the state of Pará, crossing the forest from the south to the north, but all the springs to the rivers of this corridor are in an area where cattle ranching and soy plantations have grown in the last years without any compliance with the environmental legislation. (Slide 6),

To deal with this issue, the civil society started to look to important sectors of the Brazilian society to bring reforestation to this region. We contacted producers, farmers, mayors in the municipality, teachers and other groups in a campaign for reforestation. The strategy of this campaign gathered non-governmental and governmental stakeholders in a network that dealt with specific demands from the different sectors, and promoted pilot projects. For example, municipalities have demands for basic sanitation, indigenous peoples have the demand to protect their boundaries, local farmers have the demand for technical support for reforestation of the areas, and we have several settlements of indigenous peoples in this region so there are different demands for the same objectives. On one side we develop pilot projects with these groups, and on the other side we are dealing with the government creating a public policy for the region, because it is a region where the government for a long time was leaving the development in the region to the private sector.

Corredor de Biodiversidade do Xingu

26 milhões de hectares

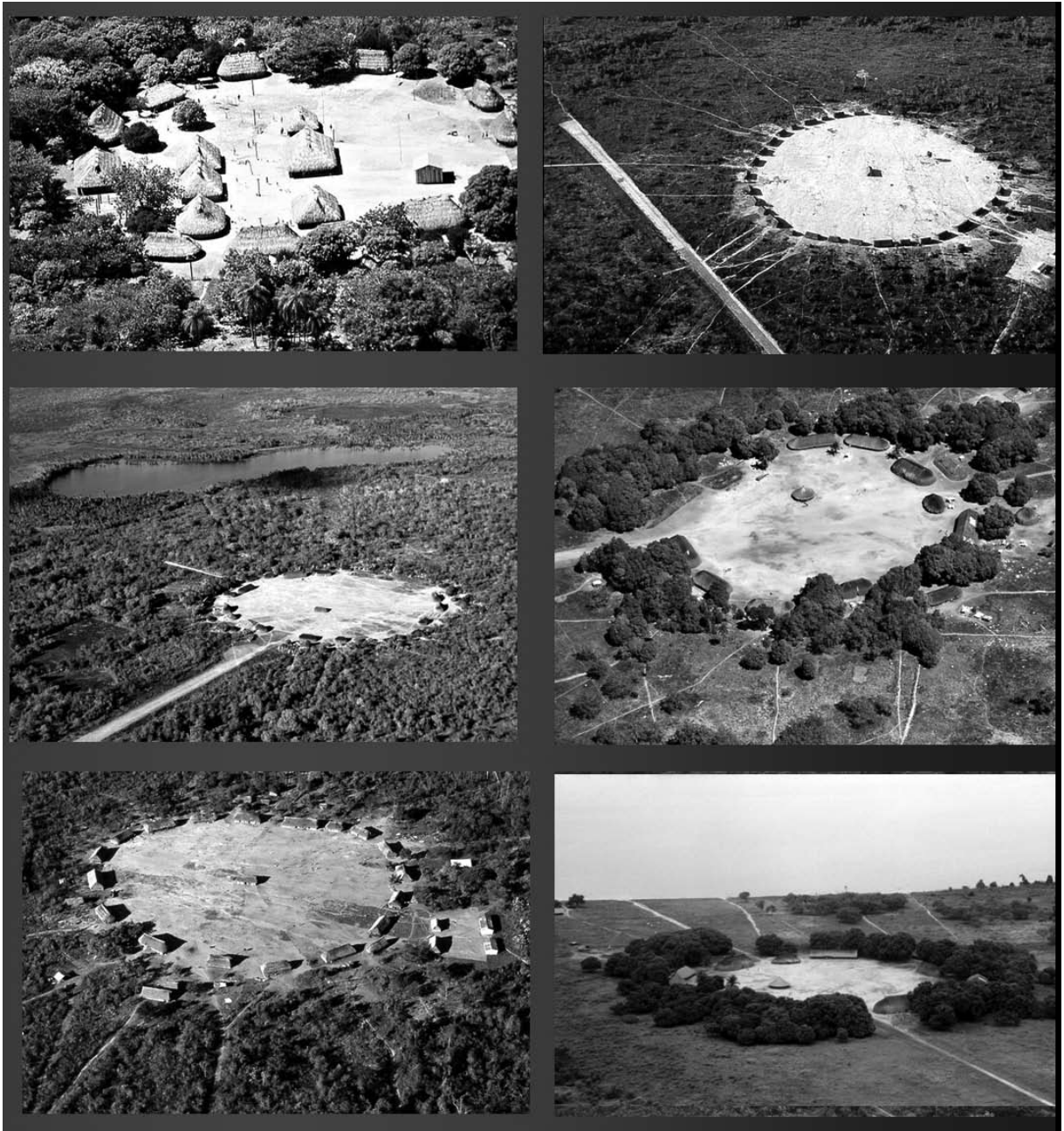
Área	Extensão
Reserva Indígena do Xingu	2.600.000
TI Arara	250.000
TI Kararaó	1.000.000
TI Kulinemo	1.000.000
TI Trincheira/Bacajá	1.000.000
TI Apytawá	1.000.000
TI Kayapó	1.000.000
TI Menkragnoti	1.000.000
TI Bani	1.000.000
TI Wawá	1.000.000
TI Batovi	1.000.000
TI Chilo Preto	1.000.000
TI Parakurubure	1.000.000
TI Taimantã	1.000.000
TI Taimantã II	1.000.000
TI Taimantã III	1.000.000
TI Taimantã IV	1.000.000
TI Taimantã V	1.000.000
TI Taimantã VI	1.000.000
TI Taimantã VII	1.000.000
TI Taimantã VIII	1.000.000
TI Taimantã IX	1.000.000
TI Taimantã X	1.000.000
TI Taimantã XI	1.000.000
TI Taimantã XII	1.000.000
TI Taimantã XIII	1.000.000
TI Taimantã XIV	1.000.000
TI Taimantã XV	1.000.000
TI Taimantã XVI	1.000.000
TI Taimantã XVII	1.000.000
TI Taimantã XVIII	1.000.000
TI Taimantã XIX	1.000.000
TI Taimantã XX	1.000.000



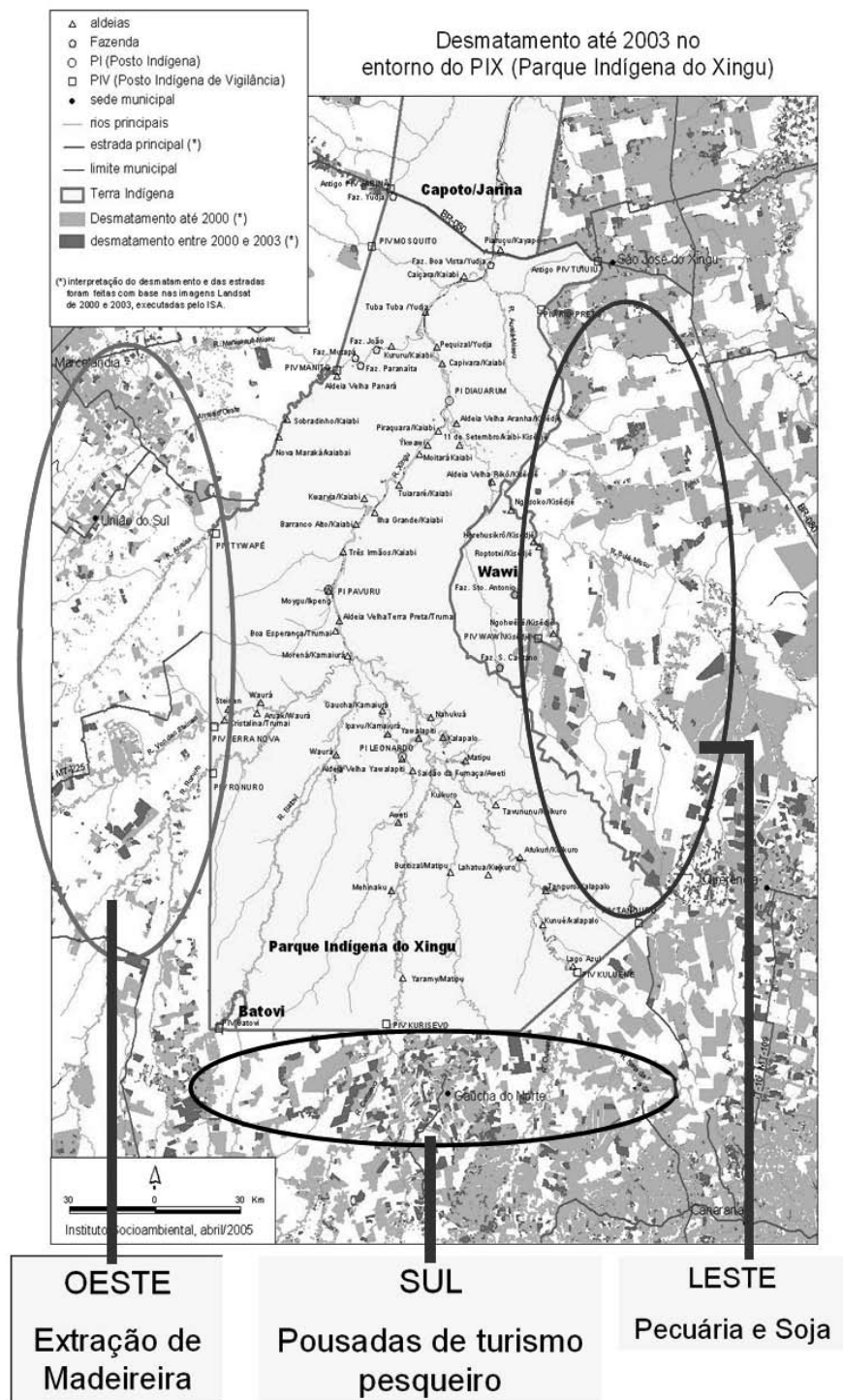
And in this big effort, we are dealing with a strategy that moves from the local to the regional to the national and to the international level where our partners in Norway are helping us to try to bring more effort to the region. And this example shows us that to guarantee the sustainability of indigenous people we must operate interactively. We must integrate different actions that are basic to achieve the kind of development that indigenous peoples want for their own. First thing is to empower the social organisation and the political participation of indigenous people, the second is to promote their economic sustainability, the third thing is to strengthen their cultural values and, finally, to lead actions for environmental conservation because this is one of the differences that we can make and this is one of the things that can show the rest of the country that they have the most important role to play in the future of Brazil.

Ianuculá Kaiabi, the Xingu Indigenous Territory Association (ATIX)

The leading role of the Indians in the protection of their territories and forests



The National Indigenous Park of the Xingu was founded in 1961. There are about 5,500 people living there, distributed in more than 15 villages all around the park. You can see from the photos that the form of the villages is circular. (Slide 1) This is a specific characteristic of the Xingu people and some of the Yudjá people. These people knew that the white man would come, but they thought that this process would take more time, that the huge forest around them was almost impossible to destroy in such a short time as we saw in the earlier presentation of Adriana. The dark points on the map are the deforestation around the park. (Slide 2)

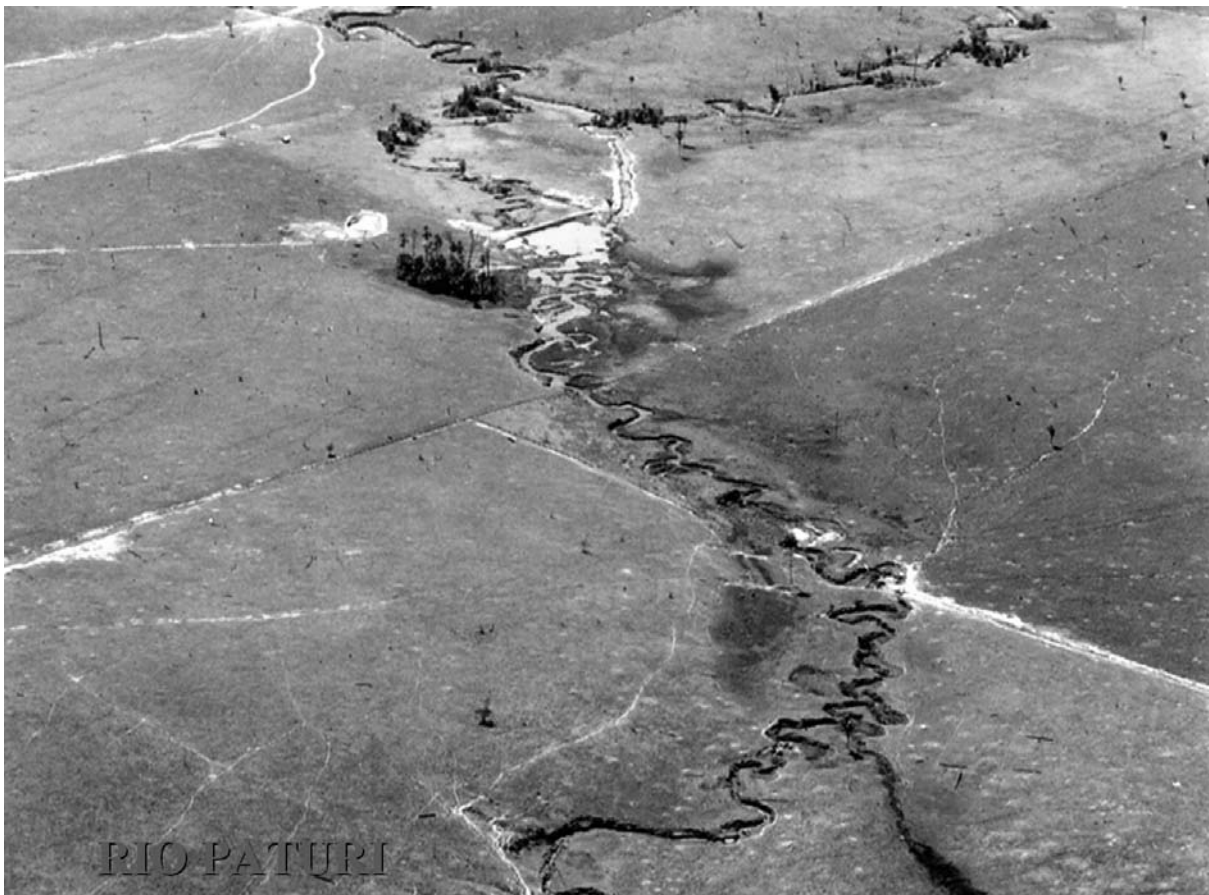


The park today is a kind of an island which everybody is interested in, the economy and government also. In the east side, which is not marked, there is a predominance of cattle raising and soy plantations. These two cultures need huge deforestation in order for them to come into being. In the south area of the park there is another problem that we face today: the hotels for fishing tourism. It is a problem for us because this is a region where the fish reproduces in the head waters of the river. And tourists go to these regions; sometimes they go inside the area which is an indigenous area and they say that they did not know about it and so there it is a new conflict with the Indians.

Economic activities surrounding the park



When you look to the west side of the region, this was one of the last areas which still have some of the timber and that is why in this region there is a concentration of timber industry activities. The timber industry also uses the same excuse: they come inside the indigenous area saying that they were not aware that it was an indigenous area. Above are images about the consequences of the economic activities in the park. Top right we can see what appears to be the picture of a bomb, but this is simply what we call progress. These problems around the park have several consequences inside the park. Everything that happens around it goes inside the park and the Indian feel more the consequences than the local population that triggers all that. However, in the future, they will also feel that impact. (Slide 3)



Deforestation without control has serious consequences on our major good, which is the water, by disturbing the headwater of rivers. . By legislation, there should be forest at all the headwaters and all the rivers should be inside the forest to protect them from impacts from deforestation. Slide 4

Now there are new forms of organisation. Which are these forms that are coming into being to organise the indigenous peoples? These forms are the civil organisations, which are not from our culture. We started to organise ourselves. We are small organisations and associations that enable us to fight for our rights that the white man calls legal. The Xingu Indigenous Land Association (ATIX) was created in 1994, and it includes as members the 14 peoples who live in the park. The main objectives that we had in mind when the indigenous leaders created the association is to protect and to find economic alternatives for the people who live there, to value the culture of these people, and to support the articulation of the leaders of the Xingu with the private or governmental authorities. The Association has received support through the Rainforest Foundation, one of our partners who still support us nowadays.

Due to the many problems, we have tried to organise ourselves. But how were we going to do it, to solve these problems that affect us? It is not enough to just know what the problems are and then let the authorities that are in charge, but who are not indigenous, try to solve them. It is necessary and important that the Indians themselves do their job. It is necessary that the Indians themselves do the management of their land, because there is no one else able to manage the land than the Indians themselves. Slide 5

One of the activities this process involved was the protection of the land of the Xingu in partnership with some other organs like the ISAB, Funai, IBAMA, which are government agencies meant to create some capacity building, to fiscalise and control the area and the conflicts in the border.

New forms of organisations to defend our rights



One of the results is the periodical verifications made annually around the Xingu Park. Territorial management and border surveillance has been a great challenge for us in the sense that we have to relate ourselves to the local population around us. The population around the park has the idea that the people in the park, quite different from what we ourselves think they should have, are close to each other, but do not know each other.

- Apicultura
- Manejo dos recursos Naturais
- Formação de agentes Indígenas
- Fortalecimento das Associações Indígenas



There is some economic alternative like the honey production. (Slide 6) This is one way that we found in order to have some income source for the communities who live there. This is one activity that is environmentally sustainable. It is not compulsory, as we have heard sometimes, that to produce you need to compromise, to destroy the nature, but, on the contrary, with honey production you can protect the factors that provide income. What has to be done, as well, is that the Indians themselves should act in line with this idea that we have so many natural resources, so much forest, and so many trees that simply can be gone one day. That is why there is always some capacity building for agents of the natural resources and their role is to make people conscious of how to use for instance leaves to make houses. We have to do it in the right way. Cutting just the leaves is a sustainable way of doing it, so that the tree itself continues to exist. The differentiation of education, alphabetisation, considering Portuguese as a foreign language and the indigenous language as the mother language and have it in schools, in the park, is a good way of preserving the culture and, because of that, children are the main hope for our future.

To conclude, the indigenous associations have some news for us: a weapon for the new generation to fight for their rights, as I have already said. Now we live new times and so we have to fight with new weapons without using the weapons of before. The indigenous associations have demonstrated that this is a good way of fighting for the rights of the indigenous peoples.

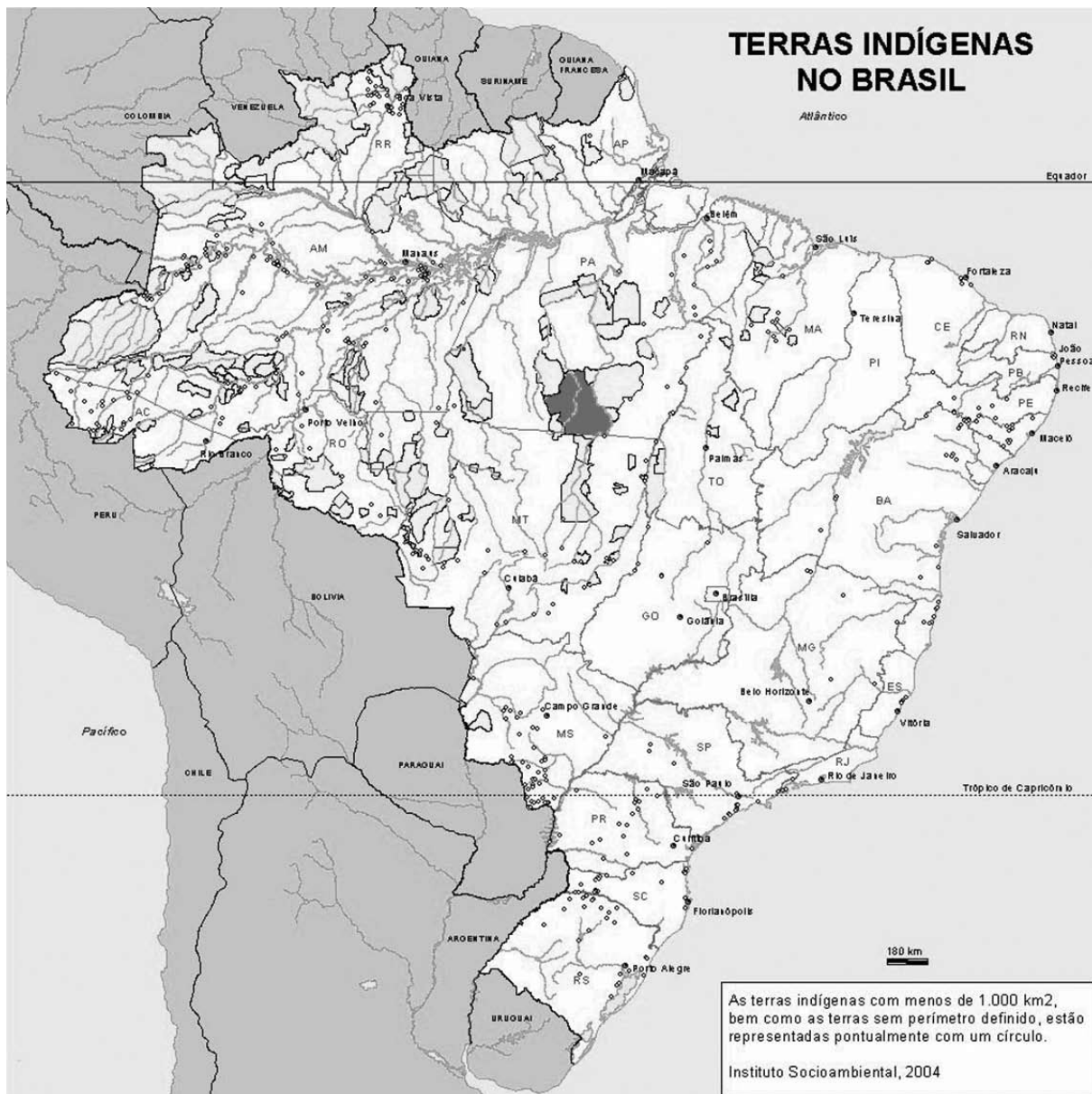
Thank you! I will do my best to answer all your questions.

Promoting indigenous rights and wise resource management. Contradiction in terms, romanticism or effective strategy? Lessons from 15 years of support to Brazil

This title is ridiculously long, but it is a question of going into some of the complexities of the issues and I would not like it to transpire as a negative talk, so we will see how it goes.

The Rainforest Foundation has a double objective: to protect the rainforest and to secure the rights of the indigenous peoples, the people who live in the rainforest. Ever since we were founded in 1989, the main approach has been to work first for securing the rights to the territory and especially the collective territorial rights which, almost without exception have been a traditional form of organisation of the indigenous peoples. Then we have focused on how to protect the forest in these territories. The Rainforest Foundation started with a world-wide campaign headed by a spectacular Brazilian Indian called Rauni, and a world famous rock singer, Sting. Together that gave a focus even from the start on territorial rights because this musician who knew nothing about the rainforest was actually lured into a campaign to help these Indian obtain territorial rights to specific territories in Brazil. (Slide 1)





So this area, marked in dark and just north of the Xingu Park, is one of the Kaiapo areas in Brazil. It took two years and a half of the international campaigning before the Brazilian government recognised it. It is not a small area: it is 49,000 km², (as big as Austria) and the inhabitants are a few thousand. Now, the dilemma is when these rights are recognised, then what happens? Some of the Kaiapo territories have been champion areas for allowing white gold-diggers in for a percentage of the Indians, and allowing mahogany loggers in for a large percentage of the Indians, so a lot of mining was going on in that territory. It gave a lot of income, but it was certainly not sustainable. In Rondonia, in Mato Grosso, Cinta Larga Indians have a large collective territory, very rich in gold, extremely rich in diamonds, an area with a high level of conflict where it has been an easy way for money to go after resources, which according to Brazil now belongs to the government, to the state union. So, it is true to say that the recognition of rights is not in itself a guarantee for a wise management of resources. (Slide 2)

Some of the challenges that indigenous tribes in Brazil faced after obtaining collective rights to an indigenous territory are difficult internal questions: what type of society do we want, what should be the values between traditional ways and modern ways. What type of economy should we have? The old economy is totally subsistence based. It has covered all needs, but now these are needs that can only be met by having to buy things beyond the collective reserve. What type of welfare? Everybody wants part of the societal welfare development, more health security, education in some form, etc. and what should be the form? Should it be like every Brazilian or should it be a special form of education, adapted to the language and to the culture?

We have to remember that Brazil is a very special case. We have seen from the previous presentations, maybe 450,000 people, the population of Oslo, living in indigenous territories, divided into 260 peoples; 148 of those people have less than 1,000 members so language groups are small, cultural groups are small. The Amazon is big. There are still Indians in the Amazon in Brazil without any established contact with the modern world and many of the tribes have established regular contact only during the last 30 years. They are not so well experienced in the outside world. And, of course, they have all lived extremely well based on the resources in the rainforest; but it was hard to meet new needs that arose.

So what type of society? Traditional society has been a totally autonomous society. A nation. Their own languages, their own cosmologies, their particular way of life. Anybody who has spent time within the limits of Brazil knows that there is a high quality of life that we admire: the way they bring up children, how they have a social service, how much time they have for doing good and joyful things. Now, the modern version certainly is some form of integration in the bigger society. Is it true subordination? They have their own language, but now they learn Portuguese. Maybe many of these small groups are about to stop practicing their own language. It is going towards monolingual Portuguese several times and the rituals are not practiced as before. The food taboos are not practiced as before. Things are changing. The elders, the wisest had influence; now there are new sources of internal influence and power. (Slides 3-4)



Many tribes have maintained very strong cultural identity in spite of the intensification of recent contact. There are all kinds of influences that create internal dilemmas about what should be the basis for prestige and influence in a tribal society. Traditional competence or the ability to handle the whites, to handle outside bureaucracy, to get money in? All the societies have been extremely egalitarian. Now some people are trained as teachers, some get a public job as a guard for the frontier; some get a job in an Indian administration. They get salaries. Some kind of hierarchisation is going on. In all Indian societies I visited I have been struck by the deep respect for individual decisions: if some guy wants to leave, to do something strange, nobody interferes. That also goes for the young people in a tribe I lived with, who make deals with the loggers,

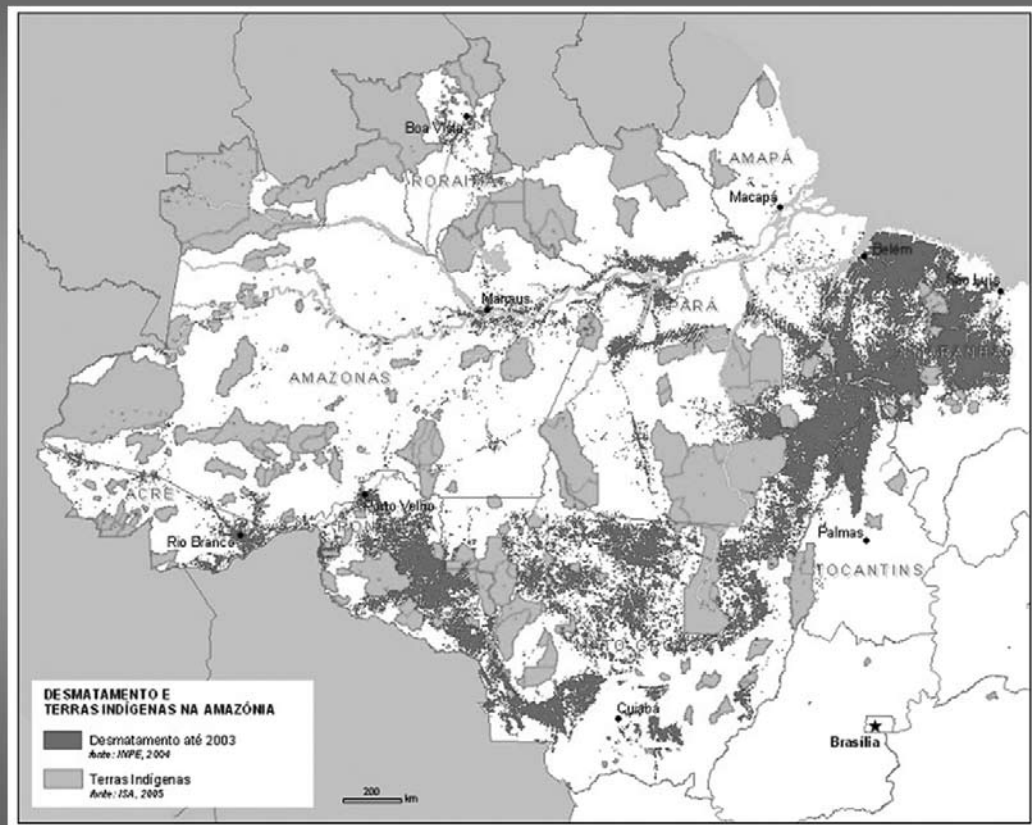
actually exporting common resources by their own decision. People did not like it, but they did not sanction it because there is an extremely high threshold for social sanction.

What type of economy? The subsistence based economy is based on adapting to the nature. Rainforest nature is extremely complex so you need to use a lot of resources and to be mobile, to follow the seasons. While you still only have the resource base of your territory, how should you exploit it? Should you exploit it quickly? Indians, as everybody else, are pragmatic, and I think there are several scenarios for how one can meet these challenges and problems. One can adapt to the natural resource base in a new way. One can try to find medicinal plants, ingredients for cosmetics. One can get the deals with companies that pay royalties. In the Xingu area this has been tested with more or less success. You can produce honey, as Ianucula mentioned, with great success. You can try fruit with little success. You can sell handicrafts, yes. It has been done with success but it is also putting a strain on the resource base. The market for handicrafts is in a sense unlimited, but the resource base for the raw material is not. So a mixture is OK. In most areas you have a traditional adaptation, but you combine it using opportunities that arise. So there is gold in the river. There are film makers arriving so you charge them 10,000 dollars to film, projects are coming around etc. Or, you have the basic population living in a traditional way, but then some people are getting salary from the municipality in one way or another. And then the question comes: how can you maintain a natural resource base when people do not move around anymore because you have now schools, you have access to the raw materials for things you are going to sell. As population is increasing an economic question arise: can indigenous peoples, in the collectively managed territory obtain the same level of income as people who are fully integrated into the market economy? Or will they have to choose? Another level of welfare combined with a certain level of income. So what type of development welfare? Yes, education. There are all kinds of choices regarding the type of education and health system. The Rainforest Foundation has been involved in training microscopists, nurses, indigenous teachers etc. And similarly with health. There is a widespread knowledge of medicinal plants; there are shamanistic traditions etc., but there is also a need for something beyond.

The government is not protecting these areas. It is the Indian Xingu, themselves who have to protect it. And that is basically the story in Brazil. So when we talk about modern welfare we have to talk about the role of the state. The state has obligations under international conventions, like the ILO 169 which is signed by Brazil, under the Convention of Biological Diversity, and the Human Rights Covenants. The Constitution is good about indigenous rights. There are laws, for instance, guaranteeing the right to culturally adapted education, a law which came as a result of NGO projects. So the state has obligations and Indians have rights. And the state has benefits because we have seen that the 1 million km² of indigenous territories are the best protected in the whole Brazilian Amazon. Deforestation is lower than in the National Parks. The deforestation, marked in dark, stops at the border of the indigenous territories, and it is extremely visible. (slide 5)

There is a lot of pressure, but they maintain the land. They maintain it because Indians know that the future of the children depends on maintaining those areas and they defend them quite actively. So the state has benefits as large areas of tropical forest means that the climate is maintained. It means that biodiversity is protected because half of all living species live in the rainforest. It means that the soil is protected. It means that fresh water is clear and produced. And it helps the government of Brazil and it helps the international governments to reach the globally agreed goals of halting the loss of biodiversity. It is a goal we should reach by 2010 and we all agreed internationally that this is a top priority. We should reach millennium development goals to establish sustainable development.

Deforestation and indigenous territories, Brazil 2005



So then, who should pay for those benefits? The benefits of maintaining biodiversity, protecting the climate, of storing carbon-dioxide in the forest instead of leasing massive amounts, which is what happens when the rainforest is burnt. Should the government of Brazil? Is there a practical concrete way of actually maintaining the forest, by maintaining the possibilities for people to find a combination of traditional and modernised adaptation to natural resources? I think we need to discuss those issues much more strongly. The state should, at least, protect the territories. It should support culturally adapted education. The state should provide basic health services. They need to and we need to respect the diversity of indigenous peoples' cultures. But the state has not yet done so.

It has been a continuous work of Brazilian NGOs supported by international NGOs and by some advanced governments. It has been a very strong movement of training and capacity building. In the state of Acre there is now a category of indigenous natural resource managers, which is a public position, recognised by the state. So the conclusion is, yes, collective territorial rights is the single most important element in protecting nature and protecting the forest. But we need to work long term and consistently, nationally to strengthen the culture, to work with the people in the villages that they do not lose their self-confidence, to support village structures and the new organisations like ATIX. Internationally, to facilitate meeting places for indigenous peoples, creating link with what is on the indigenous agenda and what is on the local, regional, national and international political agenda. NGOs, national authorities and international institutions and agreements need to join forces. There is really a lot to learn from Brazil.

Thank you!

Kristian Bengtson, The Norwegian Embassy in Brazil/NORAD:

From target group and beneficiary to political actor: Reflections on the development of the indigenous movement in Brazil

Introduction

For more than 20 years, Norway has supported the Indigenous Movement in Brazil, mainly through the core funding of Indigenous Associations and Pro-Indigenous NGO's. This long term commitment, combined with Norad's highly flexible approach to institutional support and capacity building activities has given NORAD a very good reputation amongst the Indigenous Peoples, organisations and NGO's in Brazil.

For the last four years, I've been the programme officer for the Support to Indigenous Peoples at the Norwegian Embassy in Brazil. It is from this viewpoint I will give you a panorama of the development of the Indigenous movement in Brazil during the last decades, and the challenges it has been facing.

Indigenous Peoples in Brazil

"There is no such thing as an Indigenous movement in Brazil". The words are from the renowned Brazilian indigenous author Daniel Munduruku. "There is no Indigenous movement". Instead of a "Movimento Indígena", he sees "índios em movimento". Individuals, or maybe smaller groups, or a specific Indigenous People striving to achieve a specific agenda. But no general Indigenous movement. Why is that?

Many factors contribute to this vision. For a start, the Brazilian territory is very large, with the Indigenous peoples scattered throughout the whole of Brazil. There are fundamental differences between diverse regional contexts, and strongly varying degrees of inter-ethnic contact. However, the main reason is the great cultural and linguistic diversity, erecting barriers between the peoples.

The Indigenous population in Brazil is *very* diverse. There are an estimated 220 different tribes, speaking roughly 180 different languages. Numbers are not exact, as new tribes are either being discovered (so-called isolated Indians) or re-emerge every year.

However, in absolute numbers, the Indigenous population in itself is small: an estimated 730.000 individuals, of which a little more than half resides within Indigenous lands. Considering that Brazil has close to 190 million inhabitants, the Indigenous population make up less than 0.4 per cent of Brazil's population. But the Indigenous population is growing, and at a considerably faster rate than the rest of the population. But not only that the population is growing. The number of Indigenous associations and NGO's has practically exploded in the last 15 years. What are the reasons behind this growth?

Without any doubt, the single most important factor lies in Brazil's new Constitution of 1988. The new Constitution not only grants extensive territorial, social and cultural rights to Indigenous Peoples, but also grants them the right to represent themselves in political and legal questions before the State and other segments of Brazilian society. Until then, they had been treated in legislation as 'relatively unable'.

This new status of self-representation turned native organisations into legally accepted social organizations, thus opening up the way for the conquest of a political voice on the national

and international scene. And as Adriana related in her presentation earlier this morning, the Brazilian civil society and, in particular the pro-indigenous NGO's, have played and still play a crucial role in this transformation.

Today, most indigenous associations are based on ethnicity, and are restricted to a village or a smaller group of villages. These associations come in many shapes; some function as cooperatives, some might have a trade unionist agenda (for example for indigenous teachers or health monitors), while others strive for political representation. Some are regional, conglomerating several peoples. And then there are the two major umbrella organisations: COIAB, representing all Indigenous Peoples in the Brazilian Amazon region; and APOINME – representing the peoples in the north-eastern and central-eastern states of Brazil.

So, in the light of the above, why is Daniel Munduruku still reluctant to speak in terms of an Indigenous movement? Possibly, because of the difficulties in forming a national representation.

The national movement

Ever since the early years of military dictatorship in the mid 1960's, the Indigenous Peoples try to form a national network and representative structures on a national scale. As mentioned earlier, this is made difficult because of several factors: problems related to territorial extension, the diverse regional contexts, varying degrees of inter-ethnic contact and, first and foremost, and the cultural and linguistic diversity. The situation in Brazil is very far from most other countries in Latin America, where there are predominantly much fewer different peoples, but who make up a larger part of the country's population, sometimes even being the majority.

On top of the above, the authoritarian way in which the Brazilian state historically and into present days has been treating native matters represents an obstacle to the formation of a unified indigenous movement. Of course, one should not compare the open repression during the military dictatorship of 1964-1985 to today's much more subtle mechanisms. But the paternalistic and authoritarian legacy continues.

In 1980, the first Indigenous organisation was set up and aimed to gain credibility on the national level, claiming to be the legitimate representative of the native peoples of Brazil. But UNI – the Union of Indigenous Nations (União das Nações Indígenas), soon experienced problems, not least in the physical inability to be present and represent on a national scale. In the mid 1980s, UNI was abandoned, and the Indigenous movement returned to focus on the strengthening of its local and regional organisations.

A new attempt was made in 1992, with the creation of CAPOIB – the Council of Articulation of the Indigenous Peoples of Brazil (Conselho de Articulação dos Povos Indígenas do Brasil). Like UNI, this was a top-to-bottom organisation, and soon started to experience political, administrative and financial problems. The formal extinction of the organisation occurred only last year, but it had been inoperative long before that.

Thus, we move into present times. And suddenly, from an unexpected source, comes the injection that has strongly contributed to a new Indigenous national mobilisation: the Lula Government.

The Government of Luiz Inácio Lula da Silva

In 2003, a much awaited shift in power occurred, when the former trade union leader Luiz Inácio Lula da Silva was sworn in as President of Brazil. Lula was elected with massive support from

the poor and marginalised in Brazil's society. He was elected to conduct the social reforms so long awaited for. To grant freedoms and rights to everybody. Including the Indigenous Peoples, who saw hope in Lula. The oligarchs and economic interest would no longer dictate their future. Territorial, social and cultural rights, as already granted by the Constitution, would finally be implemented. Also the environmentalist celebrated, as this would mark the beginning of a new era of sustainable development, respect for the environment and traditional peoples.

However, already within a year, it was clear to most that President Lula and his government was either incapable of or lacked the political will to deal with the situation of the Indigenous Peoples in Brazil. No reformed or assertive indigenous policies were put into place, while, at the same time, much of the former Government's policies under implementation was delayed, halted or reverted.

I will provide you with just a few indicators. We've seen:

- The lowest number of identified and demarcated Indigenous lands since the military dictatorship years. A constitutional right has been politicised, as the Government has been using potential Indigenous lands as bargaining chips, making trade offs with local governors for support in Congress.
- An increase in violent conflict, with increasing numbers of Indigenous persons killed in clashes with farmers, timber loggers, and gold diggers.
- Visible deterioration in several sectors of public service to Indigenous Peoples, most notably in the health sector. Increased numbers stating malnutrition, the spreading of diseases like malaria, and higher child mortality. Lower vaccination ratios.
- The sudden vacuum that emerged was quickly filled by anti-indigenous interest, as can be seen by the steep increase in law proposals submitted before Congress, aiming at restrictions of the Constitutionals rights of the Indigenous Peoples.

On top of this, the official governmental organ for native peoples, FUNAI, reverts once more to a paternalistic and controlling agenda. One way of doing this is by not recognising the legitimacy of the ever-growing indigenous organisations and associations, but only of the traditional chiefs in the villages. The effect is a "divide and conquer" tactics.

The creation of FDDI – the Forum for Defence of Indigenous Rights

In a similar way as the military repression in the 60's and 70's provided the stimulus for the formation of an alliance between the native peoples and sectors of civil society, the deterioration of Indigenous politics under the Lula government gave rise to the political conditions necessary for joint action to be pursued. In June 2004, the Forum for Defence of Indigenous Rights (Forum em Defesa dos Direitos Indígenas) was created.

The Forum for Defence of Indigenous Rights is a powerful coalition between Indigenous associations, pro-indigenous organisations, and other components from the civil society. The objective is to, united, through common and coordinated action, defend the constitutional rights of the Indigenous Peoples in Brazil, and establish a direct line of communication with the Government. The permanent secretary of the Forum is COIAB, the largest Indigenous organisation in Brazil.

The results have been immediate

In the month of April in 2005, the FDDI organised the “Acampamento Terra Livre”, the “Camp of Free Land”, which gathered 700 traditional leaders from 89 different tribes. A large community tent was erected, as well as several smaller ones for accommodation. For several days they camped in front of the Congress, carrying out meetings, discussing and analysing Indigenous issues, and deciding on priorities and a common agenda. Media coverage was good, and opportunities were created to put pressure on the government.

An important demand from the “Acampamento Terra Livre” was that the Lula government fulfilled a promise made during his election campaign: to create a National Council of Indigenous Politics (Conselho Nacional de Política Indigenista). The Council, whose composition would include a significant number of indigenous leaders, would act as a regulatory and monitoring organ, making sure that coherent and efficient policies are implemented in regards to Indigenous politics.

The Council has not yet been implemented, but a temporary body, the National Commission of Indigenous Politics (Comissão Nacional de Política Indigenista), is being formed as we speak. This is an important step towards greater participation of the Indigenous Peoples in the shaping of public policies in Brazil.

Yet another important result of the gathering in 2005 was the decision by the 700 tribal leaders to create the “Articulation of the Peoples and the Indigenous Organisations of Brazil” (Articulação dos Povos e Organizações Indígenas do Brasil) – APIB.

APIB is different from what has been tried before. For starters, it is not a top-bottom initiative, but has its origins in the 700 leaders present at the mobilisation. Second, it is not an organisation, with a vertical organisational structure, but a mechanism of internal articulation of the Indigenous Movement. It consists of a national commission, with more than 40 indigenous representatives from all of Brazil; a smaller permanent commission, with representatives from the five regions of the country, and an administrative body that will prepare documents and statements. The “Acampamento Terra Livre”, which takes place every year in April, can be considered as APIB’s General Assembly. So, we might have an Indigenous Movement after all.

You might be asking yourselves: What is Norad’s role in all this?

NORAD’s programme portfolio in Brazil currently consists of 16 projects with 14 different partners – eight being Indigenous associations and six pro-indigenous NGO’s. The main focus in the portfolio is providing of institutional support to the organisations. But gender issues and capacity building are two other areas receiving special attention.

All Indigenous associations directly involved in the creation of the Forum for Defence of Indigenous Rights have been or are currently receiving support from Norway. The same goes for four of the five pro-Indigenous NGO’s, like ISA, who has become true agenda setters on environmental and Indigenous issues. The institutional support for the Forum itself is chiefly provided by Norway.

Thus, we can see that the Norwegian support has a direct impact in the construction of a more vibrant and assertive Indigenous movement in Brazil, directly affecting and improving public policy and the preservation of Indigenous rights. The walk ahead will be long and challenging. But together, we can make things happen.

Thank you.

Carlos Romero, Director del Instituto de Investigaciones Sociales de Bolivia (ISBOL), Member of IWGIA's Advisory Board

Territory and Power in the Constitutional Assembly

In Bolivia we have had an asymmetrical ownership of land. 90% of the land belonged to companies and large landowners in the lowlands and only 10% belonged to the indigenous people in the mountain areas where we had small farms. In the countryside, there were capitalist units and companies, but we still had big landowners that had transactions related to land and this was an important source of income. This was an important basis for political and economic power also for the elite sectors of the population in the eastern part of Bolivia.

We have a quite complicated situation with low level of development. We had high emigration and much poverty in Bolivia and the application of the neo-liberal development model has worsened this. In the case of Bolivia, it has been applied in a very orthodox and rigid way. The strategic sectors of the country's economic life have been handled by transnational capital and we have foreign investors, very important in the country, in comparison with the domestic investors and this contradiction has become worse, but it has also created other effects: primarily, it has fragmented the economic structure of the state, which means that the Bolivian state lost control over its strategic economic sectors and the profits attracted, and we can see this if we analyze the financial and tax system of the country. Until 2004, the largest sources of tax income used to be credits given from the International Monetary Fund of the World Bank, so most of the money has come from lenders. The second source of income has been indirect taxes applied to the population, which has created a contraction of demand and a loss of purchasing power. Almost 44% of the state's income comes from indirect taxes.

Never before has international cooperation been so important as regards income and political power. 6% of tax income comes from funds channelled in the country through international cooperation, which are credits from multilateral organs. 41% of the state income comes from them and that is a very important source of income. Only 11% of tax income has been contributed by privatised companies that control the strategic sectors of the country's economy. Out of this 11% less than 6% is the contribution from oil companies, which means that we have received more as a result of international donations than the state's part of income from oil companies. Those who have control of energy sources have the best possibilities in strategic terms to implement their politics and public strategies. Regarding Bolivia, it has witnessed a growing process of exportation of hydrocarbons, especially with regard to areas rich in gas but there has also been a systematic decrease in income from the oil sector. There has been an externalisation of income. The oil companies produce what is the profit in their countries and they have not invested the money to make the economy more dynamic. So we have great imbalances in our economy. Moreover the organic incorporation of the strategic sector into the national economy has also had as an effect not only increased income, but we also saw that public enterprises or companies were dismantled and industries that had been established in the country went broke and the Bolivian economy became even more informal. The increase of the informal economy is also an effect of the neo-liberal system and the social structure in Bolivia has become much fractured. It has been split up in 83% of the economically active population participating in the

informal economy, 11% of the economically active population unemployed and only 6% of the economically active population participating in the formal productive sector. This extensive fracturing of the society has broken up the social webs and we have seen that this country has become more corporative.

In Bolivia we have an even more conflictual situation because the indigenous population, which is a majority, is given limited social, political and economic influence by the modern capitalist system. Only 24% of the Bolivian population is directly involved in the modern capitalist economic system, so 76% are involved in basic traditional and economic activities and subject to the market. This situation leads to people living in several places at the same time. People migrate and they work with several different things.

We have now a change in the system. Now we have had a strengthening in the social movement. There are transversal factors that have been unifying the action of social movements and made it possible to find necessary meeting points. As regards indigenous identity, Bolivia is divided not only into indigenous and non-indigenous, but also into classes that are classic for the industrialised countries. We have social classes with the same characteristics, as we have people living in different places at the same time and they do also different activities. They are being exploited not only formally, but also in real terms. We have processes that make people subjugated to capitalist activities. But these social divisions are secondary divisions. They have been made secondary by virtue of the transformational effect of the indigenous identity which has been able to transcend these regional and class differences and other kinds of differences to unite into strong social movements with a great capacity for mobilising, for building a self-representation in political terms now headed by Evo Morales. This goes against all political theories. Because what we have in Bolivia is a gathering of many social movements coming out of this fragmented social structure. With a mobilising capacity that is impressive because at the same time, this mobilising capacity is based on family units. We can see this in the countryside, in the workshops, and they are now formal structures like those we are accustomed to witness in society. The movement is not clearly spearheaded. We have the cocoa leaf cultivators, but they are not the ones spearheading the movement in Bolivia. As the Bolivian society has been fragmented this movement has started spontaneously, has been diversified and has found mechanisms for synchronisation of collective activities.

What is interesting is that these social movements, with an important wide ranging indigenous identity, are also in the defence of national resources. The major movements have been found in defence of gas, water and land, and also of cocoa leaves. The principles of mobilisation in Bolivia are linked to the territoriality. This is a phenomenon which is very interesting. It is a process of re-composition of the structures of power, a structure of deep reorganisation of the Bolivian state with a territorial basis. Normally, the social processes of change have been oriented around functional adjustments of the public power. In this case, the indigenous problem in Bolivia is centred more around a structural reorganisation of the public power. The Evo Morales movement has empowered people with a centre in Cochabamba where people grow cocoa leaves. They have created trade union-like organisations which are able to defend themselves. They also they have a political orientation of empowering, by occupying political space locally first, and thereafter articulation of other social and territorial organisations or structures.

This is an interesting phenomenon because we are now talking about a re-territorialisation of the Bolivian state, but on the basis of an indigenous popular movement so that the indigenous peoples are able to transcend their conditions of being socio-juridical objects. It is like they convert themselves in socio-political objects with a possibility of constituting themselves into socio-political power nuclei that can reorganise the society around their hegemony. And we are

now talking about hegemony of the political power. There is a struggle for this political power and the indigenous movements are now talking about the possibility of hegemony. We have a very diverse and heterogeneous society in terms of economy and culture. As in all peripheral countries it is not that we have a country centred on a market with classical, neo-liberal principles, but we see that the nuclei that we have had in Bolivia are very transitory. So if we have a deficit of power, then often the military will step in to take the power. Now the indigenous peoples have said that they can cover this deficit of power. But this is a very complex and special situation. I was saying that two thirds of the Bolivian population which have been able to throw out the power elites has obtained hegemony of power. Evo Morales has won more than 60% votes in La Paz and La Paz is the most important department. And this is a tendency that will not change in the coming years. In Oruro, Murua, Cochabamba, Potosi, we have hegemony, very nuclear, of the socialist movement as a political party and a more collective movement has virtually no competition. But in the lowlands of the country, this recomposition has not happened. Rather in the lowlands still the conservative sectors preserve important spaces of political and economic hegemony.

The political power is among the indigenous peoples in the Andes region, but the economic power has been transferred to the lowlands especially Santa Cruz in the Eastern part and in Tarija (Tariha) in the South. In Santa Cruz, the economic power structure is centred around the concentration of land, in land transactions, sales, purchase, monopoly on importation of these and on fertilisers and other consumables, which characterise this dominating economic sector in Santa Cruz. And the production of soy bean. In the department of Tarija, where we have more than 80% of the country's gas reserves in Bolivia, one has identified approximately 50 billion cubic feet of gas. This makes us, after Venezuela, the country with the biggest gas reserves. We have a comparative advantage in relation to Venezuela because we have it in a natural state. So this is a phenomenon which is very interesting because the political power of the indigenous peoples is in the Andes and sub-Andes regions, but the politico-economic power has gone to the eastern and southern parts. So we have two power factors that are fighting for the country's political hegemony. This is what we now see is transforming itself into attitudes of the eastern part of Bolivia where they have a separatist attitude into the most conservative sectors and they want autonomy among those who are most modern. These are the reactions of the elite against the rebellion of the indigenous peoples and their possibilities of having power.

I will finish by talking about some challenges that we have in our country. I would basically say that three topics are important to define the political and social process ahead in Bolivia.

The first has to do with gas and hydrocarbons. Bolivia has no possibility in short-term to have fiscal accumulation unless it is through gas. For the Bolivian state to regain a possibility of control it must be able to close the inequality gaps and gain sustainability of the macro-economy through diversification, through controlling the energy policy, and to generate industrialisation processes for value-added activities based on gas. These are the material base for the restructuring of the Bolivian state.

The second element is the land policy. Indigenous collective rights have as a basis the restoration of collective lands. The empowerment of the indigenous peoples has a territorial basis; as a consequence, it is about projecting a new agrarian structure. This should have as its central point a constitution of the indigenous territoriality, which also means an integral model of management of resources. There should be a collective social responsibility and state responsibility in this transition. Bolivia is moving towards the strengthening of its state but not under strictly neo-liberal logic, it is fundamentally a logic that combines some of it with the strengthening of an indigenous people into re-conquest of its territories.

The third large challenge is the legislative assembly which is the nucleus where visions and hopes should come together with a view to a new state. The legislative assembly is a specifically democratic hope for re-configuring the power situation in Bolivia without having a confrontation within the civil society. If the assembly cannot reply and respond to these demands and to have a process centred on the indigenous population, with the current hegemony in the socio-political block, then we will wind-up with a civil war and we will see a splitting up of the Bolivian population.

These three pillars are what will define the viability of the indigenous population and possibly the definition of clear alternatives to the neo-liberal development model which is excessively orthodox in the Bolivian case.

Thank you very much!

Indigenous Women's Political Participation in Bolivia

I would like to thank Carlos Romero for making the presentation on the current situation in Bolivia, which was very detailed. Within the context of the situation in Bolivia today, I will talk about the political participation of the Indigenous women. Originally Theresa Canaviri was going to present this topic but unfortunately she was not able to leave La Paz. I will present some of her most important arguments and I will also comment on some of them.

First, I would like to present Theresa Canaviri. The organisation that she represents is National Workers' Communication Network. It is a Bolivian NGO, working since 1954 for a more just and egalitarian society, and against any kind of discrimination in human relationships, especially regarding women. Among the services that this organisation offers is information about sexual and reproductive rights, capacity building, and workshops on gender; and creative discussions as regards gender, poverty, violence, health, education etc.

SAIH considers Theresa Canaviri the founder of the Centre for Integrated Development of the Aymara Women (CDIMA). This organisation was founded in 1989 and has been the counterpart of SAIH in Bolivia since 1993. On October 2003, Theresa was elected Vice-Minister of Gender in Carlos Mesa's government. The Aymara are one of the biggest indigenous groups in Bolivia. Being a woman of Aymara origins, Theresa Canaviri knows what it means to be an indigenous woman who participates politically in her country.

Firstly, I would like to talk about the Aymara culture so that we understand better the role played by women in history.

Bolivia is a multi-cultural, multi-ethnic and multi-lingual country with 9 million inhabitants. 60% of the population are indigenous. The two largest indigenous groups are Aymaras and Quetchuas. The Aymara population represents approximately 2 million. They all live in the Bolivian territory, but especially in the Andes region. The Aymara people can be understood as individuals that have Aymara as mother tongue or the persons and groups that identify themselves as Aymara.

The Andeans talk about the divine couple as a basic principle and this applies not only to the life of human beings but to all living beings and everything that has to do with the planet and the cosmos. The Aymara culture believes that the life of all creatures is based on cosmic laws under the laws of nature. We are now talking about dual complementarities, where everything is feminine and masculine. This duality acquires a secret quality and applies to the human gender in *Chacha-Warmi*, which is its name in Aymara, 'man and woman'. This has been practiced originally by indigenous people for thousands of years. Afterwards they were influenced by patriarchal systems.

I will talk first about complementarity. According to Theresa Canaviri, the Andean logic is based on four spaces: above, below, centre and eternity. Together, all of the four form a wholeness and all of them also form a socio-economic and spiritual equilibrium. It should be based on nature. Andean logic shows that life is only possible in community, not in individualism. Theresa Canaviri also mentions an example using the native language Aymara, explaining that in Aymara words express more in plural than in singular. This is important for spiritual, economic and

social balance. An important word is *jaqi*. Besides complementarity, this means 'the person'. But *jaqi* is not only one person, but the complementarity between two or more persons forming a family nucleus in a society with rights and obligations. In *jaqi* we find the gender and age roles that persons have as members of an extended family: grandparents, parents, nephews, grandchildren etc. The roles are on complementarity and one should have equilibrium between them. And then we have *Chacha-Warmi*, the 'man-woman' relationship. It is a category that goes beyond recognising men and women. *Chacha-Warmi* also recognises the existence of these two that give life to plants, to water, to rain, to animals and that the exercise of authority is always between men and women. *Chacha-Warmi* shows that we have no room for expulsion, but only for complementarity. Aymaras look at the married couple as a basic principle of the society. This duality is important in the Andean society so the unity of a couple is reflected in the act of matrimony. Of course, women and men also have different qualities and roles, but they are meant to complement each other. *Jaqi* also implies the relationship between man-woman, so any decision must be taken in-between the two. These are the most basic principles of the Aymara culture.

According to Theresa Canaviri, everything has to do with *Chacha-Warmi* and equality, but she asks: are these principles present to balance the Andean life? What is their importance in the political life at present? She says that for the indigenous peoples these values are still alive, but she also says it is not possible to find the ideal of an equilibrium for the Andean cosmo-vision. We have to look at the situation of the indigenous woman in relation to the imbalances that the indigenous cultures have suffered in Bolivia throughout history. History has created an imbalance with regard to power, which means that men have become public subjects and recognised by other cultures while women have stayed with the family. Canaviri believes that indigenous women feel that they are guilty if the children are being mistreated and they would like their children to have better knowledge of public life. So women take care of the chores regarding the community and regarding other women. The indigenous women, have been losing out compared to the position they had before in their communities, and in extreme cases they are being humiliated by their own husbands and children who feel ashamed of their wife or mother who has no knowledge in comparison with men and have no education. Violence may be accepted as a way of demonstrating power. This is often a fact in the private sphere and also in the public local sphere.

Still, one must remember that the contribution of the woman is fundamental in the local communities. They practice Aymara language, sacred rituals and the principle of reciprocity. They teach their children through stories and songs. Even if the women speak Aymara in the local communities men prefer Spanish, especially in the public sphere and they more easily assimilate the dominating culture. The contribution of indigenous women, which is so important for continuing the culture, is not being recognised or valued by the local communities. Theresa Canaviri says that the traditional complementarity of the Aymara culture is going through an evaluation of the new knowledge where men and women should have the same opportunities.

We are now coming to the political participation. Women handle issues like education, health, land rights, technical training and rights to information.

In 2005, SAIH made a documentary called 'The Pathfinders'. This documentary is about the Bolivian indigenous peoples' fight for natural resources. An important factor in the women's participation in Bolivia are the organisations like the Confederation of trade unions for indigenous peoples or the National Confederation. The women in Bolivia have been able to put forward political suggestions and to assert themselves as participants in the political processes in the country. The from the organisation *Bartolina Sisa* is putting forward proposals for the legislative

assembly for efficient policies to solve the land and territorial problems. One must recover the lands, especially those of the indigenous peoples. It must be a priority that indigenous women get as much land as the men. Teresa Canaviri says that today indigenous women are participants in public spaces although they have large disadvantages. However, women have obtained a significant presence in the state powers like the Parliament, and as I said in the beginning, Teresa Canaviri also was Vice-Minister of Gender. Also, at local level, the participation of women has increased significantly. Evo Morales says his political party has also had a feminine power in its historic struggle. This has given rise to the political participation of women, but this does not mean that there is an equality between the sexes. This has not transferred itself into political policies.

What are the most important topics for women? I have mentioned health, food and education. These are all topics that have high priority for indigenous women. Out of every 100,000 births, 299 women lose their life. In the rural communities food, or nutrition, is also important since we have municipalities with extreme poverty, where women and their children have responsibility for production. Finally, education is another important topic. For indigenous women in Bolivia, and for the organisation SAIH. In rural Bolivia 14% of the men and 30% of the women are illiterate. We also have a situation where violence is increasing. Organisations and indigenous leaders prefer to speak about values without talking about violence. All of these elements limit women's participation in politics. It is important to understand and recognise why indigenous women have not been able to make strategies and alliances for themselves. It is easy to observe that many leaders are fighting for what little space that they obtain and then they reproduce the system with negative effects against women.

So what is the progress made and what are the challenges, because we have made some steps forward? The experience of the women's organisations in Bolivia has shown that women have been trained as leaders, and the communication strategy for supporting the indigenous peoples is improving. The organisation of Teresa Canaviri works with others in handling proposals at national and international levels with regard to indigenous women. Canaviri thinks that access to new technology as regards communication and production and training are fundamental for indigenous women. Part of the solution is to train leaders in the local communities. When they are leaders they lose their fear and they create alliances between organisations of women and other organisations. In the city of El Alto, which is close to La Paz, the women have been able to improve the situation, although the economic situation was not much better. However it was important that they had better self-confidence, they had stopped being invisible in the community and have obtained recognition by their spouses and by their families. So we believe that the spaces that the organisation are creating provide important communications about the equality of genders. The last years have seen an orientation towards the indigenous sector and especially as regards women, as reflected in workshops, issues of political participation, the building of agendas with specific requirements, and attention to the prevention of violent situations. CDIMA, which is SAIH's counterpart in Bolivia, works in the same way and in the same space where the indigenous women of Bolivia can have the opportunity to live and to raise their self-esteem.

I would like to say that women's organisations at the national level, like *Bartolina Sisa* have obtained political participation. Now they form a part of the state powers and the legislative assembly and that is very important. This shows what can be possible with a more equal participation among men and women in the political and economic decision-making. In this way, I think that indigenous peoples can have a true complementarity.

Thank you for your attention!

Power to the Indigenous Peoples. Experiences from Bolivia

Power to the Indigenous Peoples

January 22, 2006 was a historic day in Bolivia. The Aymara indigenous Evo Morales Ayma was inaugurated as President of the Republic. He had won the election with an absolute majority of the votes cast.

Four years to the day earlier, Morales, from the indigenous MAS party (Movimiento al socialismo), was expelled from the Bolivian Parliament for civil disobedience following his participation in anti-government demonstrations. The government regarded him as an extremist and a rabble-rouser. In the 2005 elections, however, Evo Morales won the presidential election.

This paper has the following objectives:

- To discuss the historical antecedents of the election of Bolivia's first indigenous president
- To describe the challenges facing the new government
- To share some of the experiences of SAIH working in Bolivia
- To make recommendations for future international cooperation in Bolivia

Antecedents and Context

Since the European conquest indigenous peoples have been discriminated against, marginalised, humiliated and punished because of their ethnicity, identity and culture. Only 55 years ago, indigenous in Bolivia were treated like animals. They did not have the right to vote, much less run for office. According to popular opinion at the time, the indigenous did not have soul. They lived like slaves.

The indigenous have however, fought for their identity, culture and territory. The 1952 revolution brought the indigenous civil, political and social rights. Although these rights were not always respected, it can be regarded as the first step towards the political participation of indigenous in Bolivia.

The 1990s was a decade of reforms. Neo-liberal reforms were implemented and led to large-scale privatization. State enterprises drastically reduced employment in the public sector and encouraged the exploitation of natural resources by foreign companies. The government paired these neo-liberal reforms with social reforms such as an intercultural bilingual education reform, an agrarian reform with collective land rights and the Popular Participation Law. These reforms were intended to increase citizenship rights for the poor and for the traditionally excluded indigenous populations.

Although these legal reforms have not ended racism, discrimination or, most importantly, poverty, legally acknowledging the rights of indigenous populations was among the most progressive laws on the continent. In particular, the Popular Participation Law has created a public sphere

for organisation, decision making and participative policies at the local level. Despite its flaws, the Popular Participation Law has strengthened indigenous organisation in the country.

In the famous “Guerra del agua”, the Water War of 2000, Bolivia’s civil society expelled a transnational company engaged by the government. For the first time in Bolivia’s history, a company lost the right to distribute water and set the prices. Civil society had directly responded to the neo-liberal economic system. Unions, guilds, indigenous organisations, women’s federations, community boards, representatives from NGOs and ad hoc citizens’ groups protested against the social conditions in Bolivia. They demanded their labour rights, their social rights and their land rights.

In February 2003 the government tried to increase the income of the state by raising taxes paid by workers. Protests in La Paz left 31 people dead. President Sanches de Lozada repealed the tax. In October of that year the government tried to increase gas exports to the United States, without increasing tax revenue. To take money from the least well off and to hand over natural resources practically for free to the United States, once again led to strong protests. The protest was concentrated in El Alto, where three out of every four people are indigenous. From El Alto the demonstrations spread to La Paz. All exports and imports from the capital were paralysed. Unions, guilds, indigenous organisations, women’s federations, community boards, and representatives from NGOs joined the demonstrations as they had during the water war.

The government’s reaction was disastrous. The army was sent to restore order. Instead, bloody fights spread through the streets. The army shot unarmed demonstrators. More than 100 persons were killed and hundreds were wounded between February and October 2003. The country was traumatized. A few days after the massacre in October 2003, President Sanches de Lozada resigned and fled to the US. Civil society had overthrown the government.

Manifestations and blockades continued however, to paralyse the country. Civil society demanded social and political justice; the right to control the natural resources, mainly through the nationalization of hydrocarbons; and a new constitution

The social unrest made it impossible for the two subsequent presidents to govern. In order to create stability new elections were held in 2005.

Evo Morales won by an absolute majority. How did he get this broad support? I have already discussed the importance of civil society. What is particularly interesting in civil society’s support for Morales is that civil society consists of many different organisations. Morales merged class and ethnicity by not only protesting against discrimination and marginalisation of the indigenous, but also calling for the exhaustion of neo-liberalism. Consequently, Evo Morales was regarded as a representative of the people, the indigenous highland peasants, and the unions. Morales’s political party MAS responded directly to the demands of the demonstrators. Evo Morales himself had marched in the demonstrations and he had been one of the most vocal opponents of President Sanches de Lozada.

A second factor in Morales’s victory is that the civil unrest harmed Bolivian business. Since 2000 the country had been paralysed by blockades and demonstrations. Consequently, there was a need to calm the situation so that commerce could resume. The search for political stability helps to explain why Morales won the support of the middle class.

Today MAS looks more like a network of organisations than a traditional political party.

From Protests to Response

In the past six months in office, Evo Morales has convened a constituent assembly; held a referendum on autonomy; introduced initiatives to redistribute land; initiated health and literacy programmes for the indigenous peoples; started defining the policies on the nationalisation of hydrocarbons; and launched an educational reform

On the one hand these policies show that the government of Evo Morales is a historic one. On the other hand, Evo Morales is implementing many policies that previous governments had created.

Challenges

There are high expectations that Evo Morales will improve the conditions of life for all Bolivians. This is a great challenge for his government. Firstly, the government might face opposition in writing the new Constitution. The Constitution will have to be just and inclusive. However, the different groupings have their own interests that might create conflict. The challenge is to reach agreement while respecting differences.

Secondly, indigenous representation is another problem. There are great differences between the indigenous peoples of the highland and those of the Amazonas. Approximately 30 indigenous peoples are still marginalised. These minorities do not necessarily identify with the new government.

A third challenge is the nationalisation of hydrocarbons. As one of the largest exporters of hydrocarbons in Latin America, Bolivia has a real opportunity to raise its standard of living. The population expects dramatic improvements. The problem however, is that nationalisation and the establishment of a welfare system is a long-term process. The results of the anti-corruption initiatives and the institutional strengthening of the state, cannot take place overnight. So it remains to see how patient the Bolivian population will be.

Here again, diverging interests from the interest of the company extracting the hydrocarbons, those of the indigenous populations as stipulated in the ILO convention 169 and those of environmentalists might clash.

The nationalisation of hydrocarbons is closely linked to the question of national sovereignty. Civil society seeks to increase national sovereignty by limiting Bolivia's dependence on other countries. The Bolivian public is generally sceptical of cooperating too closely with other countries in the hydrocarbon sector. Strengthened relationship between Bolivia, Cuba and Venezuela might therefore pose a problem for Morales. The influence of and the dependency on the US have been a source of great discontent among the indigenous in Bolivia. USAID has recently reduced bilateral cooperation with Bolivia. Aid is now distributed through NGOs. Knowing the political preferences of the Bush administration, not to mention the growing of coca, these funds might be used to fight the present government.

A last challenge that I will mention is land issues and redistribution of land. However, as Carlos Romero has already discussed this issue, I choose not to elaborate on it.

International Cooperation

SAIH has cooperated with indigenous organisations in Bolivia since 1992, the 500th anniversary of resistance. SAIH has always sought to cooperate with organisations that have been founded and run by the indigenous. This is both to make sure that the activities supported are not imposed from abroad and to ensure support for legitimate organisations that serve the target

group. All SAIHs partners work for empowerment and the raising of awareness through formal and informal education. The objective is to support socio-political changes in Bolivia. Based on these criteria in our selection of partners, SAIH has seen great results from this cooperation.

I would especially like to mention the women's organisation CDIMA (Centro de Desarrollo Integral de la Mujer Aymara aymut'a), founded by Therese Canaviri. Another of SAIHs partners in Bolivia that I would like to mention is CEADL (Centro de Estudios Al Desarrollo Local). CEADL is an organisation of and for youth in El Alto. The objective of the project supported by SAIH is to create leaders among young people. CEADL was active in the 2003 demonstrations. The strength that CEADL manifests is the result of decades of resistance, and this shows us the importance of supporting civil society in Bolivia.

Based on SAIH's experiences in Bolivia, I will present some recommendations for further international cooperation.

It is essential to continue to support indigenous organisations that have been founded and run by indigenous. Although representatives from indigenous populations have come to power and many opponents of previous governments now hold offices in the ministries, there is still a great need to hold the government responsible to the people, especially to the historically excluded indigenous peoples. Within these indigenous organisations it is, however, important to direct support to women and to youth. Even with indigenous representatives in power, there is still a danger that women and young people will remain marginalised.

At the same time, international NGOs and cooperation agencies must open a dialogue with the Bolivian government. SAIH aspires to develop contacts with the government to inform them of our presence in the country and to coordinate whenever possible.

More specifically, I would like to once again draw attention to the potential that lies in the nationalisation of hydrocarbons in Bolivia. An increase in income for the state can significantly improve living standards. In this regard I would like to commend the Norwegian government for considering bilateral cooperation with Bolivia, and in assisting in setting policies on the nationalisation of hydrocarbons.

At the same time, I need to emphasise the importance of taking into account ILO Convention 169 and the need to protect the environment.

Bolivia is one of the most indebted countries in Latin America, so relief for Bolivia's bilateral and multilateral external debt will allow resources to flow into programmes that directly help the people who are in the greatest need. Several creditors have already given significant debt relief. They should be an example for other countries and institutions to which Bolivia is still indebted.

Despite the complexity of the challenges, I believe that the present situation offers an opportunity to improve the conditions for Bolivia's indigenous peoples.

Thank you very much.

Marit Solstad, Bodø University College

Curricular Transformation in Guatemala Transition from Indigenous Activism to Political Power?

As in many other Latin American countries, indigenous activism on behalf of the Mayan Movement and international focus on indigenous rights has resulted in the formal recognition of indigenous rights in Guatemala. This was also reflected in the Peace Accords (1996), especially through the Indigenous Accord, which contained a specific chapter on the Education Reform.

The Education Reform envisaged in Guatemala is an all encompassing and ambitious project. As the title of this presentation indicates, my focus is on the part of the reform called Curricular Transformation. I will therefore use a general model for curricular reform to illuminate the difficulties involved in such reforms, and to discuss whether the process of curricular reform indicates increased political power in the hands of indigenous people in Guatemala and a future school which will empower new generations. I will keep the following three questions in mind throughout the discussion:

- To what extent do or have Mayas participated?
- To what extent are Mayan demands incorporated?
- To what extent will content benefit Mayan children?

The answers to these questions are preliminary, based on analysis of interviews for my PhD thesis collected in 1998 and 2005 and on findings in connection with an evaluation of UNICEF's NEUBI (New Unitary Bilingual Intercultural Schools) programme supported by NORAD.

The Curriculum of Ideas

As the status of the Accords and also later documents resulting from them remain more ideological than formally binding policies, I have considered them within the ideological domain of the reform. Since the 1990s Mayan representation in the ideological debate has been considerable. The Mayan sector played a major role in pushing for the Indigenous Accord which mandates an education reform focusing on the need for culturally relevant education, a curriculum strengthening the identity of the indigenous child and for bilingual education. Studies confirm that such measures will make school content more accessible for children whereas the valuing culture and language will also improve the opportunities of children through strengthening their identity and self esteem.

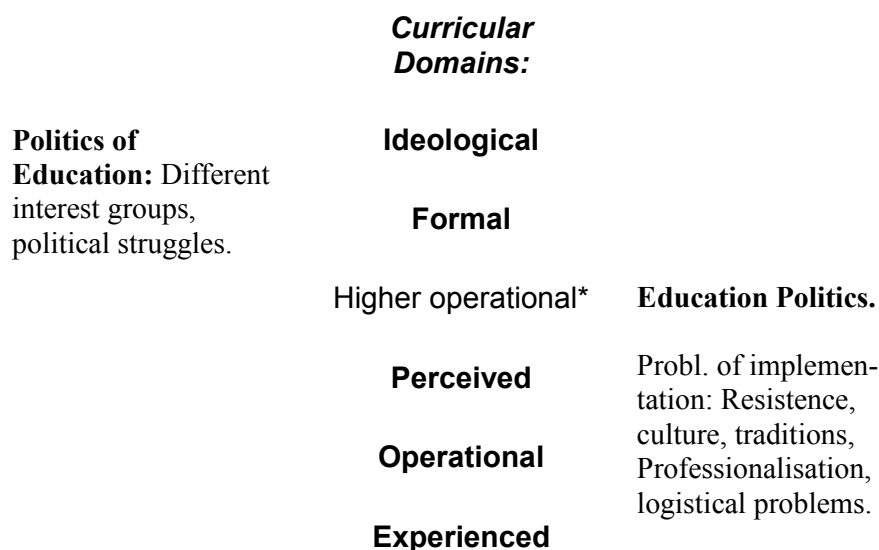
In line with the demands of the Indigenous Accord, a two-part commission (*Comisión Paritaria*) where the state and the indigenous sector had an equal number of representatives was set up under the Government of President Arzu (1996-99). Even though the indigenous did not count on the same administrative back-up as the government delegation, the design of the reform published by the commission in 1998 incorporated their main demands. According to one indigenous member of the commission: "*We consider the design of the Education Reform to have preserved about 70% of our indigenous vision*". This view is supported by other indigenous informants also referring to percentages above 60.

Thereafter, a Consultative Commission on Education Reform called for in the Socioeconomic Accord was set up to follow up the implementation of the Education Reform. Here the indigenous sector is only one of many, including teacher unions, different churches, the universities, different units of the Ministry of Education and CACIF, Guatemala's business sector, but the Indigenous voice is still highly present and has achieved support also from other sectors.

A Model for Curricular Inquiry

Figure 1 shows an adaptation of Goodlad and associates Model for Curricular Inquiry which highlights how changes in school are the result of processes at many levels.

Figure 1: Model from Goodlad, John I. and Associates (1979) *Curriculum Inquiry: The Study of Curriculum Practice*. McGraw-Hill Book Company, London, UK. I have added the higher operational level and placed it in context by adding the Roger Dale's concepts of politics of education and education politics from "Applied Education Politics or Political Sociology of Education?" in Walford, Geoffrey (ed.) (1991) *Doing educational Research*. Routledge, London, UK



The Formal Curriculum

This is what most of us think of as the curriculum, the guidelines adopted following a political process of giving and taking, indicating what teachers should teach and children learn. Although the objective of assimilating Mayan children was not formulated directly in the curriculum from 1963, the absence of any reference to cultural diversity or to Mayan knowledge, culture and society is typical of the *Study Programmes for Primary Education*, also reprinted in 1979, clearly silencing the indigenous presence in Guatemala.

The ministry's attempt at curricular adaptation in the late 1980s was aborted, but important curriculum development focusing on creating bilingual and/or multicultural education with a varying focus on developing Maya content was increasingly taking place through projects and special programmes supported by Mayan organisations, or others.

With the Portillo government, the actual process of Curricular Transformation got underway as a major element of the Education Reform. Indigenous participation at the central level was not great, but not absent, and the element of learning across ethnic groups through working together

has been emphasised. Indigenous participation in this process was also furthered through the cooperation between the Ministry of Education and the Consultative Commission on Education Reform who together organised a major participatory process with meetings at municipal (329) and departmental levels before a concluding National Consensus meeting.

With the Berger government in 2004 the decision was made to adopt the curriculum developed during the previous government, but the envisaged compulsory second national language was dismissed. That is, the rather revolutionary, although perhaps not very realistic provision to make Ladino children learn a Mayan language, was removed. The provision for Mayan children to be taught in their mother tongue remains.

However, the need for culturally relevant education - educación pertinente which responds to the needs of a multi-ethnic, multi-cultural and pluri-lingual state, and the need to strengthen values and respect in and across individuals, peoples, religions and ideologies and thus create solidarity and a culture of peace as well as unity through diversity, goes throughout the curriculum.

In addition to a core curriculum meant for everyone, the transformation made a curriculum at the level of the four peoples of Guatemala; Maya, Garifuna, Xinca and Ladino. Through the Process of Dialogue and Consensus, a specific curriculum for each of the 21 Mayan socio-linguistic groups in the country was also developed to aid teachers in their contextualisation of the curriculum.

Looking at the formal documents resulting from the Curricular Transformation during the Portillo government, one can only conclude that in the formal curriculum the indigenous agenda was well integrated (although more at the level of content than world view,) and indigenous participation had also been relatively high. It is a curriculum that should give new generations of Mayan and other excluded children much better opportunities than earlier generations.

The Higher Operational Curriculum

There are indications that the agenda of the ministry does not do justice to the indigenous agenda of the formally adopted curriculum. Improving the quality of education is a main focus of the ministry, and who would disagree? However, as one informant pointed out, the interpretation of this concept by the ministry seems to focus on the need for more scientific technological education whereas she considers measures to increase pertinence, especially for the indigenous children, more important. Ministerial priorities are also reflected in that the curriculum circulated to the teachers has so far been limited to the core curriculum, whereas the before mentioned contextualised curricula are generally unheard of.

The perceived curriculum

The teachers' perceptions of, and attitudes towards the new curriculum, and hence their interpretation of what their role is and what and how they should teach, is essential. Moreover, the children's experience of the curriculum will depend on the degree of compatibility between school perceptions and the perceptions of the home.

The operational curriculum

Even if there is a great deal of correspondence between a teacher's perceived curriculum and the formal, there is no guarantee that the operational curriculum, that which is taught in class day

after day, is actually in line with the intentions. Implementation becomes especially challenging when radical changes in methodologies and attitudes are involved. The following are examples of challenges found in the NEUBI evaluation:

- Lack of literacy and insecurity in Indigenous languages among Mayan teachers
- School culture
- Dominance of majority language (i.e. underreporting of Maya speaking pupils by teachers, pupils not perceiving need for teaching *in* mother tongue, although understanding of Spanish noticeably not fluent.
- Lack of books and other materials in minority languages
- Placing of teachers and of materials not consistent with needs
- Difficulties moving from a memoirist to a constructivist approach to teaching

Experiential curriculum

It is the students' experience of schooling that ultimately determines the result of education, and as the model illuminates, the danger of inconsistency is inherent even with the best of intentions. Whatever teachers do, the experience of the curriculum will vary from pupil to pupil, but the challenge is to ensure that the perceptive and operational curriculum facilitates an experiential curriculum as close to the desired one as possible.

The challenges involved in trying to succeed in making the experiential curriculum reflect the ideological and formal curriculum are thus major. They involve politics of education in the sense that the Ministry at the operational level may represent and be influenced by different discourses and as such implement their version of the adopted formal curriculum. At the level of education politics the challenges of cultural resistance and ladino centrist world views, logistical problems and lack of human and material resources constitute problems which have to be overcome at the perceptive and operational levels.

With these points in mind, I would like to end up this discussion by returning to the three questions posed at the beginning. The answers are tentative and preliminary, but comment on the extent to which the curricular transformation in Guatemala indicates more political power in the hands of the indigenous population.

Conclusion

- Mayas have been taking increasingly part in the formulation of the curriculum, but are still in a weaker position (ethno-centrist mode, lower pay among Mayas in ministry, dependency on external finance etc.)
- The Mayan agenda is well incorporated at the formal level, but not well integrated into the operational and experiential levels.
- The curriculum has an empowering potential both through content and methodologies, but major progress is needed to ensure an implementation that does not only facilitate assimilation but strengthens identity and empowers future generations.

Indigenous Movements and Indigenous Rights Protection in Post-Conflict Guatemala

I am from the Latin American Faculty of Social Sciences, but I am also an advisor for the Norwegian Embassy in Guatemala on Indigenous Affairs. To start with, I would like to thank the organisers. They have made a big effort as we all know.

What I am going to talk about today is an investigation that I conducted. I will give an analytical panorama of what has been obtained in relation to the protection of the indigenous rights in Guatemala today. It is important to reflect on this matter for several reasons. One is that we are in a new situation in 2006 because 20 years ago, in 1986, the country returned to peace and 10 years ago the last of the peace agreements was signed, which ended the internal armed conflict that lasted for 26 years. So many people in Guatemala are reflecting not only on what has been obtained and things that have not been obtained, but also towards where we are heading to. Therefore I am going to talk specifically on the peace process and about the role of the indigenous movement during this period. We witnessed during the peace process a massive systematic mobilisation among the indigenous peoples and, at least today, we do not see that in the same way as we did during the peace process. Many times it is said that these are forgotten decades, so we try to save something of what happened during that period. Afterwards we will also talk a bit about the present to see whether there is a relationship between the two periods.

The period from 1987 to 1996 is the period usually referred to when we talk about the peace process. Maybe you already know that the country has a 45% indigenous population and there are four peoples: there are the Ladinos, which are non-indigenous peoples, the Maya people, which is the largest one, the Xinca people and the Garifuna people. Unfortunately, as in many other countries, the indigenous peoples and especially indigenous women, have the highest indexes of social exclusion and poverty. In addition to this, indigenous peoples suffer on a daily basis and systematically structural discrimination and they have a limitation regarding their specific collective rights as a people. This is expressed in political exclusion, the services given by the state and the violation of human rights in all aspects. We do not have time to talk about all of these aspects, but I would like to speak about the period of internal armed conflict.

In case you do not know it, there was genocide against the Maya people. At least according to the United Nations these were acts of genocide. And, in addition to the perpetuation of genocide, which had grave consequences in economic, social and political terms, and also in cultural terms, the genocide itself worsened the situation of extreme poverty that indigenous peoples in rural areas have suffered. It destroyed the social web especially, due to the militarisation witnessed in that period and it destroyed the networks among the traditional authorities of the indigenous peoples. These aspects became very important during the post-conflict construction period of the peace process (the period from 1987 until 1996). From the very beginning it led to an indigenous and non-indigenous social mobilisation which was very important.

Great things were accomplished in Guatemala in the period 1985-1986, if we compare ourselves with other countries in South America. Regarding the social transition, since this had been a weak link during the armed conflict, when the democracy returned in 1986 the society was still very fragmented, broken down and destroyed. Regarding the political transition, this was

something that has been agreed on by elitist groups. So the resurgence of the society happened in the void left after 1986. In this context, it was the social movements that started to fight for individual fundamental and universal rights. Within the civil society, specific objectives were formulated very clearly: to stop violence, to stop first recruitment to the parliamentary groups and to the army, and to find out what had happened to their relatives during the armed conflict. We are talking about at least 45.000 persons disappeared during the conflicts, many thousands killed out of which 83% indigenous peoples, so there was an ethnic aspect to this conflict.

Although the majority of the victims were indigenous, the leaders of these organisations were non-indigenous, or Ladinos as we call them, until about 1991. In addition, the organisations did not identify themselves in a very conscious way as Maya or indigenous. So up to 1991, the political discourse and the practices of these organisations were determined within the conceptual framework of individual and universal human rights. This was given by the context in which these goals arose, which was the international system of human rights. Amnesty International, for instance, supported these organisations to strengthen the voice domestically and internationally. However, there was a degradation of the level of the human rights and the socio-political climate had become precarious. I would not say that we had the freedom of democracy – not at all. The military institutions still controlled political and public spaces. There was little freedom of expression. However, gradually, the general violence became less and the violation of human rights became less in comparison with the systematic violence during the conflict. Therefore the movements could amplify their goals and new organisations could be established, and they could focus less on topics that were associated with the individual human rights.

The popular movement started claiming new interpretations and conceptualizations that were more wide-ranging with respect to human rights. The process was influenced by the wider discourse of the social movements in Latin America that one could see developing towards the end of the cold war, and also by the movement of 500 years of resistance, the framework given by the International Decade of the Indigenous Peoples, and the awarding of the Nobel Peace Prize to Rigoberta Menchú, in 1992. This was a very appropriate moment for the indigenous mobilisation in this region and also in Guatemala.

So the human rights platforms became more defined and more articulated to include expressly cultural, social and economic rights, also including specific and collective rights of the indigenous peoples and their historic claims. There was a new development of the right to equality to include also the right to be different. The country was also receiving support from an international network of indigenous players in the region and gradually the process of peace in Guatemala produced a key framework for making alliances among different organisations and indigenous tendencies, between social movements related still with the guerrilla. These movements were called the *populists* during the insurrection; they consisted of indigenous victims of a conflict, although often the leaders were Ladinos and they had a class focused discourse. The other group, the *culturalists*, the Mayanistas and the Pan-Mayanistas, consisted of indigenous intellectuals who focused on culture, like – for instance – language. A key point in this dynamic was the collective articulation through the coordination of Maya People's Organisation in Guatemala (COMAGUA), founded in 1994 as an entity representing the Maya people before the Assembly of the Civil Society. This entity had the capacity to be at the negotiating table with the government, the army and the guerrilla. I am not saying that COMAGUA was very representative because it was not, but it offered at least a space allowing an inter-relationship among these two tendencies: the populists and the culturalists.

At the same time, during the peace process the collective action form developed from protest politics to proposal politics, in other words they moved from word to action. In consequence, this movement was defining itself more and more as indigenous peoples and Maya people so there was an underlining identity dimension that was very strong. They adopted practical policies oriented towards the civil society, which would be symbolic politics and politics towards the transformation of the state and the political society. These happened as the democratic transition was developing, the authoritarian character of the Guatemalan state was decreasing and the political society was reactivated as public space for dialogue and resolution of political conflict. Several organisations participated in the Assembly of the Civil Society. Some started to opt for formal political participation in political parties, not only in this Assembly.

At the same time several peace agreements were signed, including the Global Agreement on Human Rights and the Agreement on the Indigenous Peoples' Identity and Rights in 1995, which was conceptually based on the ILO Convention 169. Gradually, these two instruments, the ILO Convention 169 and the Indigenous Convention started to be used as instruments for the movement and they also served to legitimate their work. Like in other Latin American countries, we started to witness the election of indigenous leaders from the social movement to the Congress through the Democratic Front of Guatemala Party and this started to facilitate the identification of new social actors and a new, more ample, social agenda. Even though these changes allowed a space of participation, what the indigenous leaders could do depended a lot on what the movements could do and their strategies. When they started participating in the political parties, they lost some of their influence and mobilisation so the agenda of the movement itself decreased. Finally, the indigenous movement started using platforms that gave priority to an ample spectrum of rights including specific and collective rights of the indigenous peoples. This contributed to the development of the so-called cultural rights that started permeating the Guatemalan civil society.

So what is this? It looks like with the signing of the Peace Agreement in 1996 there were favourable conditions for the consolidation of the wide range of indigenous movements. With the passing of time it could have become representative, but as we know today that is not the situation. So what happened to this movement? The peace agreements were the vertical column of the peace process and the important central obligations were taken on by the state towards a multi-cultural, multi-ethnic and multi-lingual state. The Indigenous Agreement and the ILO Convention 169 established the link framework for these premises. There was a consultation regarding mechanisms for the equal distribution of economic and political power, what is called power-sharing.

The peace agreements had to address several items. Basically through the process and mechanisms that have been established, the peace process tried to deal with some of the central issues of the conflict. They tried to find solutions or resolutions, power-sharing mechanisms, a just distribution of political and economic power, the construction of legitimate representative democratic institutions that would represent the cultural diversity, the development of instruments for the protection and promotion of human rights, the consultation of political policies and an equality amount of gender and different ethnic groups. This gave the conceptual framework for the post-conflict reconstruction of the country. So even though these peace agreements were not legally binding, they still brought forward a constitutional reform process to protect what had been established in this process. So in the first years after the signing of the peace agreements, there was a partial consultation of the indigenous movement; there were also important internally and internationally normative instruments. There was a movement that was quite strong. It was not completely unified, but at least there was a general mobilisation.

However, in a short time the optimism turned into frustration and the general mobilisation turned into a kind of backwater feeling. So why did all of this happen? I have tried to sum up five points that try to explain why the generalised mobilisation decreased so much. *Firstly*, the signing of the peace agreements carried with it the reformulation of the formal political rules of play which means that the political parties dominated political topics. Weakened political parties did not have a political basis, did not have political experience and did not have a constructive relationship with the civil society. It is like this now, but now even more corrupt. *Moreover*, the fragmentation and weakness of the indigenous and social movement became clear, and its lack of political experience, in spite of the mobilisation that we had seen during the peace process. It was not capable in general to adapt its platforms, discourses, strategies etc. to the new situation. *Thirdly*, the NGO-isation is to be blamed. They converted themselves into NGOs. That made them to compete for resources and political positions and many of the organisations worked with a body that had taken over all those obligations during the peace process so they ignored in a way their own basis. *Fourthly* there was a lack of articulation of the traditional powers including the economic elites, the military and the politicians, and a lack of political will to accept the transformation that the peace agreements brought. The cause was the weakness of the progress related sectors in relation to those who were against peace, while the Constitutional reforms were not well received in the popular voting. The popular voting happened in 1999 and they were turned down. This gave strength to the opponents of peace and democracy. *Finally*, the viability of racism was a hindrance.

Where are we with respect to indigenous issues today and how can we understand the indigenous movement? We can ask ourselves if there is an indigenous movement in Guatemala. The question was asked about Brazil yesterday. We have a partial consultation in the promotion and protection of basic human rights of the indigenous peoples, which means political and civil rights. However there is a lack of implementation of economic, social and cultural rights. Additionally, the Indigenous Agreement is the substantive agreement that has been least implemented. The indigenous movement is still fragmented. Some organisations work on legal topics or access to justice, but the principal focus is perhaps on cultural rights, education, language, and we also have the peasant movement which has worked together with the indigenous movement in some organisations.

Until recently people did not use the national and international legal framework of indigenous peoples' rights, or not in a systematic way, and the ILO Convention 169 is not very well understood or implemented by those who work within the justice system. The national movement for human rights does not have systematic representation among the indigenous population and we do not have a unified indigenous movement at the national level for the reasons that I have mentioned earlier. There are constant efforts on the part of an elite group and also from the government to divide any collective expression so that there is no movement in Guatemala with regard to human rights, women or trade unions, perhaps only with the exception of the peasant movements.

However even if maybe the popular mobilisation of the 90s did not convert itself into what was expected, i.e. a political party and national movement of indigenous character, and in spite of the negative panorama, we can say that there is indigenous mobilisation: we have an indigenous peoples' movement in Guatemala, we have a new and reformed legislation although we do not have a legislative agenda, we have institutions and manifestations that are very important at local and regional levels. In some regions, we have indigenous mayorship, which is a partial, but very important participation as a result of new decentralisation laws; thus we can say we have an institutionalisation of indigenous participation within the state. Finally, in some cases, we see an important transformation within the indigenous civil society concerning the consciousness

and exercise of indigenous rights and a pluralistic state. What is needed however is to do the jump from the so far local and isolated initiatives to an indigenous political coherent and unifying articulation at the national level which could lead to an efficient and perhaps long-term indigenous political participation. So this is where one must think of focusing political and strategic efforts of cooperation in the future.

Thank you very much!

The Tropical Timber Campaign in Norway: Methods and Results

Let me start by drawing your attention to the fact that we are now sitting in a hall which is one of the major scandals when it comes to Norwegian imports of tropical timber. I am going to tell you a little more about that later on.

The tropical timber campaign is constructive, trying to do something about the illegal logging and the logging that is damaging the future of the indigenous peoples and is strongly affecting the environment.

But why a Norwegian tropical timber campaign? First, logging implies a violation of the indigenous peoples' rights. Logging, for example in the Xingu area, which was mentioned yesterday, is severely threatening the future of the Xingu people. Second, logging is a main cause of the rainforest destruction all over the world. Third, starting a campaign in Norway is a response to the challenges faced by our partners in the south, partners who often work with these questions in their countries. Fourth, the Rainforest Foundation has an integrated approach to the environment and rainforest protection, and to the indigenous peoples' rights. We have projects on the ground, we work on international policy levels also and we have campaigns aimed at selected industries and the consumers. Also having a campaign is a way of bringing the problem home. And fifth, indigenous peoples' rights and the rainforest destruction are big questions and quite vague things for most Norwegians and most peoples around the world. To confront people with it, you say: if you buy this piece of furniture, you actually contribute to the rainforest destruction. If you use this kind of floor, you will contribute to violating indigenous peoples' rights. So it is a way of bringing the problem closer to the people and bringing out much more understanding for these issues.

Now some basic things about the campaign. This campaign is cooperation between the Rainforest Foundation and most environmental organisations in Norway. We have also received co-funding from the Ministry of Environment. The campaign started in 1997 focusing on garden furniture. It continued in 2001, expanding to building materials, and in 2003 it looked at the boat industries: decks and interiors. And why these three industries? Because these are the industries responsible for most of the consumption of tropical timber in Norway.

What are the methods? First, one has to study the industry: for instance, the boat industry and the construction industry, prepare reports and documents so that we know well what we are talking about. Then one has to investigate the actors in the business: the importers, suppliers, retailers and also see what the consumer meets when he goes to the shops. Then one has to prepare and execute the media strategy: we try to rank the suppliers and retailers from the worst to the best. That is one conclusion: going public with the worse examples, shaming and blaming the actors in the media, is a very effective tool. We have seen that before we put this pressure on, we do not receive attention from the industry. But one or two negative articles in the national media almost always bring about positive changes in the targeted actors. Also we identify and try to approach some worse case examples, like this one on the Tromsø University campus. Parallel to this, we establish a dialogue with the government about import restrictions, so we talk to the Ministry of Environment and the Ministry of Foreign Affairs. We also talk to actor like Statsbygg, which is the public entrepreneur responsible for building and maintaining

a great deal of public buildings in Norway. Of course, we try as well to establish a dialogue with the industry, but it is important to know that building and maintaining pressure is the starting point and a precondition for the dialogue. The industry is not interested in having a dialogue before they feel the pressure from the consumers and the media.

How does this work? Maybe to the surprise of many, it is not so much about changing consumers' behaviour. The main mechanism is building pressure on the industry, which again is a tool for putting indigenous peoples' rights and the rainforest destruction on the public and political agenda. This is a way to try to improve Norwegian policies. We want the Norwegian government to introduce import restrictions on tropical timber as a way to protect IP rights and the rainforest and we want Norway to have a leading role in these issues internationally.

Going back to *Statsbygg*, the main public entrepreneur that has put up several beautiful buildings, including the place where we are right now. *Statsbygg* has a very clear policy against using tropical timber. Even so, when they built this place, they managed to use 1.000 m² bilinga parquet. Bilinga is a species from the rainforest of Central Africa which is close to extinction because of heavy logging in the last years. So what happened? *Statsbygg* declared they have a clear policy, but did not apply it. The Norwegian supplier provided certificates stating that the producer had a clear record. Investigate this case, we found that the first certificates provided by the supplier stated the wrong country of origin, and going more into detail with our partners from Central Africa, we found that the company in question had been fined several times for illegal logging. What happened in Tromsø? Not so much, actually. The floor is still here, but at least there was some attention drawn to the case.

Last year something similar happened in Oslo. The National Museum of Arts was building a new building, also using tropical timber, against the policy of *Statsbygg*. This time the Ministry in charge ordered to tear it down and we feel that it was the right signal. It is a much more powerful signal to the industry, to the consumers, and to the importers.

What kind of results have we seen? First, there is less tropical timber on the Norwegian market. Our own investigation, that we carry out every year with the different local branches of the other organisations as well, say there is less tropical timber on the market. Official statistics show a substantial reduction in Norwegian imports of tropical timber, including a decrease of 50% of tropical timber parquet in the last 3 years.

We also see that the campaign draws attention in tropical countries and I will tell you a little about the situation in Malaysia. Malaysia today is the biggest exporter of tropical timber in the world with severe environmental and human rights problems. The Malaysian government has realised that its logging industry is drawing negative attention to the country and affecting negatively its international reputation. They are trying to establish a certification scheme called the MTCC which is supposed to 'greenwash' its logging industry. We do not agree. We do not think this is a guarantee for sustainable logging whatsoever but it shows us clearly that the campaign is contributing to putting indigenous peoples' rights on the political agenda in Malaysia. I think that is a very important achievement.

Moreover the Norwegian government is considering import regulations. This is a hard, intricate question due to the WTO agreements. Finally, the Rainforest Foundation is becoming highly visible in Norway because of this, which is also an important thing for us.

Where are we heading to? We continue the campaign. We are now preparing a campaign on the logging of mahogany. This takes place on indigenous peoples lands in the Amazon and the driving force is the consume in the USA and Europe. Our main partner in Peru, called AIDSEP,

considers the campaign to be very important for the protection of the isolated Indian peoples' territories. With AIDSESEP we prepare an international campaign in 2007. Norwegian imports of Peruvian mahogany are insignificant, so this has to be an international campaign. Also we are considering other products like soy, meat, palm oil and paper. These are products that come from the rainforest areas for consumption in Europe.

Just to conclude, I shall say a little more about the Norwegian imports of soy from Brazil. DENOFA is a company in Fredrikstad. Soy expansion is the main reason for deforestation in Mato Grosso in Brazil. Mato Grosso is the state where you find the Xingu area. DENOFA imports 400.000 t soy beans every year from Mato Grosso. They claim that their imports do not affect negatively the rainforest, but we are not so sure. So we are trying to find out this right now. The main thing is how to achieve a sustainable production in Mato Grosso, on the ground, because only boycotting, not importing, will not necessarily improve conditions locally. If we do not import it, maybe other people will or maybe the producers will start producing other things, even more harmful to the environment. So we need to find a mechanism to achieve a sustainable production on the ground. This is a new kind of logic: not to boycott, but try to establish a positive agenda with the industry here and the industry there. Together with ISA and ATIX we are working on this and we are actually going to Fredrikstad to visit a factory on Monday, and we are looking forward to that.

Thank you very much.

An adoption of the UN Declaration on the Rights of Indigenous Peoples – a major breakthrough?

In 1984, the WGIP commenced crafting a Draft UN Declaration on the Rights of Indigenous Peoples. Ten years later, it presented a draft to the Sub-Commission on Human Rights, which approved the draft and the UN subsequently established the ad hoc Working Group on the Draft Declaration on the Rights of Indigenous Peoples in 1995. The Working Group worked for 11 years, until in June 2006, the just established UN Human Rights Council removed the standing epithet “draft” from the Declaration, and approved a UN Declaration on the Rights of Indigenous Peoples, with a vote of 30 for, 2 against, 13 abstaining and 2 states being absent. This fall, in a few weeks, the Declaration will be up in the UN General Assembly for final adoption, and will, if nothing unforeseen happens, be finally approved by the UN member states in the General Assembly, and a 22 year old process has come to an end.

The question I have been asked to answer is whether this is a happy ending? Before getting into that question, I would like, however, to say something about the process.

It has often been stated that the 22 years it took to reach an agreement on the Indigenous Declaration, was an extremely long one. And certainly, it felt so for us that have been a part of that process. I participated in the Working Group only from 2001, and still it feels like a lifetime ago. And Jens Dahl who is here today, has participated in the Declaration process since the beginning.

But if having a little bit of perspective, the UN has really only seriously discussed indigenous rights since the 1980s. Moreover, the issue of indigenous’ rights is perhaps the most complicated and perplex human rights area that the World Community has ever had to address. That is so, because the contemporary human rights system in general has developed without any real consideration of indigenous societal structures, during an epoch when it was still quite socially acceptable to discriminate against indigenous peoples and claim that indigenous peoples are not peoples in the true meaning of the word and should rather be assimilated into the engulfing colonial society. But what happened was that indigenous peoples survived this period of colonization, discrimination and assimilation, not only as individuals but as distinct ethnic groups, with their own cultures, languages, livelihoods and, most importantly, territories. In other words, they survived as distinct peoples.

And in the 1980s, the human rights system had established itself sufficiently and social-Darwinist and cultural hierarchist theories had been extinguished in most corners of the world. In addition, the idea that human rights must not consider only individuals but also collectives had also established itself within the human rights discourse, even though the debate is still ongoing when it comes to whether collective rights can constitute human rights proper. Hence, the United Nations and its member states could no longer with any credibility deny that the human rights system they had themselves crafted, should not also apply to indigenous peoples - without discrimination.

But with this awakening followed a practical problem. Because if indigenous peoples’ have the same right as other people, without discrimination, their societies have the same right to exist and develop as other societies. The states therefore had to ask themselves the following questions? How do you achieve such non-discrimination as to the right to preserve one’s distinct society

when the land areas on which indigenous societies today exist with few exceptions overlaps with the non-indigenous societies? The indigenous nations are established on lands that today also, under the international law developed by states, constitute the territory of a state, and is also inhabited by members of the colonizing people. And how do you address the issue that two societies sharing the same land-base, want to run their societies in different directions, according to two separate legal systems? And perhaps the most problematic issue at all, how do you reconcile the fact that those indigenous peoples' lands and waters are host to most of the world's collective natural resources in the world, with an international legal system that was developed without considering that one day it would also apply to indigenous peoples, and that now clearly establishes that all peoples have the right to control their natural resources?

I will not try to answer these questions for the states, but merely conclude that states have realized that implementing the human rights system they have themselves created in a non-discriminatory manner to apply also to indigenous peoples will in many cases result in considerable societal structural changes in the state. The states hence came to WGDD wanting indigenous peoples to accept a lesser standard than apply to other peoples. They were essentially saying; "We do want to recognize your rights, but to accept them fully would cost too much for us and would also cause problems with regard to the interests of the rest of the population in our country. Hence, could you please accept that we recognize some of your rights, acknowledge others to some extent, and perhaps we do not have to talk so much about some of the rights?"

Indigenous peoples, on the other hand, rather naturally, saw little reason to voluntarily give up any rights that international law endows on all peoples. To do so would be the same thing as accepting an institutionalized form of discrimination in the very Declaration that was supposed to protect their rights.

Moreover, one must recognize that the Indigenous Declaration was elaborated in a truly unique setting. It is the only example in the UN history where the member states have shared jurisdiction in a standard setting activity. State and indigenous representatives negotiated the Declaration in partnership. It was always an unofficial agreement – not official, because that would violate the United Nations rules of procedures – that the adoption of the Declaration required the approval not only by the states, but also by indigenous peoples. I believe that it truly worked that way, that each participant's word carried equal weight. Of course, with this new negotiation setting followed new challenges. First, in purely practical terms, the state representatives were not used to share the floor and speaking time with another group, and in addition, the indigenous peoples' working methods might not always have been what senior state representatives would label diplomatic. But more importantly, there were of course twice as many people to have onboard before reaching an agreement, people with a very different cultural background than state diplomats.

Given this starting point, it is quite remarkable that the Working Group was able to reach an agreement on the Declaration. That fact that indigenous peoples and non-indigenous peoples could come together in this manner is indeed a major breakthrough in itself.

So how did it happen? Well, this Forum has in its name "cooperation with indigenous peoples" and this year's conference has a particular focus on Latin America, and I think that in cooperation with Latin America lays the answer.

As I said before, I was not there for the first part of the Indigenous Declaration process. But at the time when I became involved some five years ago, the Working Group was very much in a dead-lock. The gap between the indigenous and state positions was wide, to say the least. Many states declared that they needed to see substantial changes in the draft for it to be acceptable to them. Indigenous peoples responded by refusing to move a single comma in the original text.

Such was the situation still in 2002. At this point, however, some delegations, particularly from the Nordic countries and Greenland, commenced working more actively for a more dynamic negotiations setting. The Inuit and the Saami started to argue for that indigenous peoples – if we wanted to have a Declaration - had to let go of the “no-change” position, and start to discuss draft changes to the text. The Tebtebba Foundation of the Philippines also deserves to be mentioned in this regard. At the same time, the Nordic countries tried to convince the state delegations to adopt a more compromising position, evidenced e.g. by the so-called Norwegian proposal in 2003 that grew into the so-called CRP 1 document of 2004, in which the Nordics, together with Switzerland and New Zealand, proposed an entire new Declaration text which build on the original text, but accommodated for some, but far from all, state concerns. One could argue with some of the contents of the CRP 1 document, but one cannot disagree with that the tabling of the CRP 1 document fuelled the discussions in the Working Group.

These efforts were not enough, however. The Working Group still saw little movement towards an agreement on a Declaration text. The Nordics were simply too isolated in their efforts. So in 2003, I admit that I still had very little hope that an Indigenous Declaration would ever be adopted. But then two things happened, which both had to do with Latin America.

First, through a smart diplomatic move by Norway, Brazil, Guatemala and Mexico found themselves in a position where these countries had to take a more active responsibility for the fate of the Declaration. These countries were appointed as Chairs to various informal negotiation groups. In such a position, they had to constructively seek compromises.

Second, a group of indigenous representatives from Latin America started to attend the Working Group that had not participated before. This small but skilled group of lawyers and realpolitiker greatly complemented the indigenous peoples that had previously represented the Latin American region, changed the rhetoric of the indigenous peoples of Latin America, and greatly contributed to making the region's work more effective.

These two seemingly small things changed the entire dynamic in the Working Group. When starting to look for possible compromises, Brazil, Guatemala and in particular Mexico did an excellent job. After a while all, or almost all, of the Latin American countries had gathered around a constructive and more compromising position. This in turn influenced the Chairperson of the Working Group, who was from Peru. The Chairperson had, more or less from the day he took up his position, been criticized by the indigenous representatives for being incompetent, biased towards state positions and wanting of a back-bone. And these were the nice things we said about him... What no one thought of at the time was that being from the Latin American region, the Chairperson was essentially back-tied by the general indecisiveness of Latin America. Once the Latin American countries commenced actively and skilfully working for a Declaration, we suddenly also saw a Chair who constructively and with great competence guided the discussions in the Working Group and pushed for agreements.

Among the indigenous peoples, the change among the indigenous representatives from Latin America was instrumental in the indigenous peoples finally breaking away from the “no-change” position.

It was only when Latin America and Europe could form a partnership that there was suddenly a future for an Indigenous Declaration. It was Guatemala who managed to reach an agreement with the United Kingdom on the issue of collective human rights that had been a pain for the Working Group since its inception. It was Latin America and Europe that together actively fought Canada, Russia, the United States, New Zealand and Australia to win enough support for the Declaration among the African and Asian states so that the Declaration was voted through

with a broad margin in the UN Human Rights Council. It is now Peru who is drafting the resolution calling on the UN General Assembly to adopt the Declaration, and the European Union is first in line to co-sponsor. Certainly, delegations from other parts of the world have also been instrumental to an adoption of the Declaration. But no one can contest that it is the Latin America-Europe cooperation that have been the engine in pushing the Declaration process forward.

So I would answer the question of whether there will be a breakthrough in the affirmative, because I am convinced that the Declaration will be adopted by the General Assembly – provided that the Europe-Latin America cooperation remains.

So the adoption of the Indigenous Declaration is a major breakthrough, but is it also a good breakthrough? Yes, I believe so. I do not think that indigenous peoples gave up any of the rights we set out to defend when we started this process. We have not consented to be discriminated.

When the prospects for the Indigenous Declaration looked the worst, the Danish Ambassador Tyghe Lehman once said, admittedly provocatively but nonetheless not without truth, that he believed that one should delete all the articles in the Declaration save Article 3, proclaiming that indigenous peoples have the right to self-determination. And indeed, I do not think that one can overestimate the importance of a universal international legal instrument recognizing that the right to self-determination applies also to indigenous peoples. True, indigenous lawyers have always asserted that the right to self-determination applies equally to indigenous peoples, and rightly so I believe. But many states and some renowned international legal experts, have not accepted this claim. Anytime the right of self-determination comes up, there are protests. Even if we are correct in our arguments, it goes without saying that it is extremely difficult to have the right implemented in such an environment. With the adoption of the Declaration, this environment will reasonably change. States with indigenous populations will now have to work actively to see how the right to self-determination shall be operationalized, when applied to non-state forming indigenous peoples.

It can be noted that recognizing that the right to self-determination applies also to indigenous peoples not only is extremely important for indigenous peoples, but also marks a fundamental shift in international law. I don't know how many legal scholars I have read have predicted that the Declaration will never be adopted, at least not including an Article 3 in its present wording. In the same breath, they have stated that if such were to be the case, this would change their perception on international law fundamentally. We are now very close to such a fundamental shift.

There are of course many other rights contained in the Declaration that will improve the situation of indigenous people, but I will not go into these. So have indigenous peoples compromised on some of the rights, as they set out not to do? I think not, but if we did, you will find the answer in Article 46, the very last article of the Declaration. Article 46 proclaims that in the exercise of the other rights contained in the Declaration, due consideration shall be given to the rights of third parties and the general interest of the public. I agree that Article 46 is harmful, and it would have been much better had it not been included in the Declaration. But it is formulated in a very general way, and can as such not take precedent over the more specific provisions contained in the Declaration. Therefore, I do not think that Article 46 is such a threat to the rights contained in the Declaration as it is sometimes portrayed to be.

The theme of this Conference is 'words or action', again referring to Jens Dahl, and I agree, the Declaration is worthless if not implemented on a grass root level. So will it be? Well, it is up to us. I think that if we really focus on this issue, the rights contained in the Declaration will become

a reality. But I will depend on the partnership between Latin America and Europe remaining. And I think that this Forum shall do its part. I therefore recommend that the theme of next years Forum shall be “Implementing the Indigenous Declaration – Partnership in Action!

Thank you!

Else Grete Broderstad, University of Tromsø:

Consultations as a tool.

The Finnmark Act – an example to follow?

This presentation is based on the work I am doing together with Hans-Kristian Hernes at the Institute of Political Science, University of Tromsø. For those of you, who are not familiar with the Norwegian context, let me, before I concentrate on the main subject 'Consultations about the Finnmark Act', call attention to a few historical points.

Background

What part of the country are we talking about? The Finnmark Act covers the largest and the northernmost county of Norway, an area of the size of Denmark. Up till this Act came into force, the Norwegian state considered itself as the owner of the land in Finnmark, which is 95% of the land area in question. This land was managed by a certain state entity called *Statskog*. Based on the new Finnmark Act, passed in the Norwegian Parliament in June 2005, the land is now transferred to the people of Finnmark, who own the land jointly in a so-called 'Finnmark Estate.'

Some other comments related to the background: Many of you have heard about the Alta/Kautokeino conflict in the 1970s, beginning of the 1980s. The conflict was about the building of a hydro-electric power station on the River Alta. The power station was built, and a saying is that the Sami lost the battle, but won the case. The reason for this is that, due to conflicts, due to demonstrations, civil disobedience and hunger strike, a Sami Rights Commission was appointed. A first stage of the work resulted in a Sami Act (1987), a constitutional amendment (1988) and the establishment of the Sami Parliament (1989). The result from the second stage is the Commissions' report from 1997, on land rights in Finnmark County.

The government's bill

The topic of this presentation is the consultations ahead of the Finnmark Act. In April 2003, the Government had finalised their preparatory work, based on the 1997 Report from the Sami Rights' Commission. On the 4 April 2003 a bill for a new act – the Finnmark Act concerning the land management of Finnmark County (Ot.prp. nr 53/2002-2003, Om lov om rettsforhold og forvaltning av grunn og naturressurser i Finnmark fylke / Finnmarksloven), was presented. But especially the Sami Parliament was displeased with the bill. The criticism was substantial with regard to the content, the bill lacked a proper identification and recognition of Sami rights. The criticism also covered procedural matters, the process leading to the proposed Finnmark Act. According to international obligations, the Sami Parliament had not been consulted. We have a situation marked by conflict, a bill that is strongly criticised and different opinions about whether the process had been real consultations. The Ministry of Justice referred to the processes of contact with the Sami Parliament and the Finnmark County Council, as a special process of contact (Ot.prp. nr 53 (2002-2003):125). According to the ministry, the parties had been presented with the main solutions and the principal considerations the proposal was based on.

The Sami Parliament, on the other hand, stressed the relevance of ILO 169. In its report to the ILO for the period ending in July 2003, the Sami Parliament highlights procedural issues. A central principle and underlying philosophy of the ILO 169 is the right of indigenous people to be able to speak for themselves and to take part in the decision-making processes as it affects them. The Sami Parliament claimed that the proceedings leading to the proposed Finnmark Act were not in compliance with the consultation and participation articles of the ILO 169.

The consultations

This was triggering a strong focus on the authorities' duty to consult Sami interests, a duty derived from the ILO 169, as the main incentive. Norway was the first country to ratify the convention in 1990. ILO 169 emphasises consultations as a tool for indigenous influence, and the state's duty to consult indigenous peoples. Especially Article 6 is described as a cornerstone of the convention.

In the assessments of the expert committee of the ILO, as an answer to the Norwegian report for the period ending in July 2003, the disagreement between Sami Parliament and the Ministry of Justice is referred to. The committee concludes their review by requesting the government and the Sami Parliament to "renew discussions on the disposition of land rights in Finnmark, in the spirit of dialogue and consultation embodied in Articles 6 and 7 on Convention No. 169."

In June 2003, the Norwegian Parliament's Standing Committee on Justice required an independent assessment from the Government. This assessment from November 2003 was carried out by two legal experts. They concluded that the bill on important points did not fulfil the requirements in international law. The government responded with a new inquiry published in February 2004. Based on this report the government claimed that the bill was in accordance with international law, but an identification of rights was needed. The situation became even more tense, the government had a "hot potato" in their hands. Thus, the Standing Committee on Justice invited the Sami Parliament and the Finnmark County Council to consultations on the law proposal. It must be stressed that this is a unique way of dealing with legislative measures, meaning preparation of legislation. In a Norwegian context, the act is a result of a unique political process. This procedure has never been used before neither in the order of business of the Norwegian Parliament, nor in the involvement of external institutions in the decision-making processes. It is a fundamental new mode of treatment of the legislative measures in the Norwegian Parliament.

ILO 169 is a basic premise for the consultations. A main premise in the ILO 169 is a claim for equal exchange of arguments with a view to reach consensus between state authorities and the indigenous people concerned. It is not a demand for consensus, but an object of achieving agreement. Article 6 instructs the state to establish different tools in order to secure indigenous peoples' rights to participation, but does not elaborate on the concrete content and the scope or extent of the consultation duty. However, ILO-practice has contributed to concretize the provisions. The concept of consultations has been elaborated on in ILO practice, by the expert bodies of ILO. One example is a statement in 1999 from the ILO three-part committee and the ILO board (representations) on a complaint against Colombia concerning among others emission of petroleum exploration activities in the U'wa-territory. The ILO states:

The Committee considers that the concept of consultation with the indigenous communities that might be affected with a view to exploiting natural resources must encompass genuine dialogue between the parties, involving communication and understanding, mutual respect

and good faith, and the sincere desire to reach a consensus. A meeting conducted merely for information purposes cannot be considered as being consistent with the terms of the Convention.

Our point of departure is that this type of consultations between indigenous peoples and authorities are of special interest. Why? In order to answer, in order to focus on the possibilities arising from consultations, we link the process on the Finnmark Act to three principal debates. The first is why consultations are suitable in public decision-making processes. Due to a lack of experience it was not obvious that consultations should be something else than hearing/inquiries. It can be added that in Norway we have a long tradition to involve affected parties through inquiries and bargaining on corporative arenas. The second important debate is a well-known debate about indigenous self-determination, and consultations as a way of implementing self-determination. Consultations are viewed as a tool - what are the advances? Concerning the third debate, we find this case important because we can pay scientific attention to real deliberation processes. Deliberative democracy has so far been mainly a theoretical debate within democracy and political theory. Here we study an empirical case. Due to time limits, it is not possible to supplement or go into details about these principal debates. Nor am I giving a theoretical presentation, but I can mention that we do distinguish analytically between the concepts of argumentation and bargaining. This has to do with how we view and assess the prospects and possibilities of consultations. By argumentation we underline the force of the arguments. Arguments contribute to more stable solutions and more legitimate results. We claim that the connection between consultations and arguments becomes particularly visible with regard to indigenous policy. As opposed to argumentation, there is bargaining where the results are dependent on resource control and strategic action. Illustrative is wage negotiations. However, it should also be added that in real life there is always a mix of arguments and strategic action.

Without going into details, when assessing conditions like institutional framework, process and dialogue, we have been looking at patterns of participation and the role of participants. It can be mentioned that the Sami Parliament and especially the president was active in the forefront. The Parliament appeared as united, position and opposition joined forces as opposed to the Finnmark County Council and the committee.

One important question is how the consultations should be carried out, and what should distinguish them from hearings or inquiries. The leader of the Justice committee, the county mayor and the president of the Sami Parliament underlined the authorities' duty to consult the Sami. But they had no plan for carrying out the consultations. However, the Sami Parliament was during all the consultations active in defining and adopting the concept of consultation. The Parliament was prepared and presented several papers among others on the duty of the state to consult. It could be said that "the road develops as one moves along." According to ILO 169, it is the indigenous peoples that carry the right to be consulted, but as stated by the president of the Sami Parliament; good and legitimate domestic political considerations require that also the county council should be consulted. This consideration also coincides with ILO 169, referring to "in a form appropriate with the circumstances."

The content of the Finnmark Act is comprehensive. Of special importance is the understanding of international law, due to the fact that other issues are measured against especially ILO 169 as a norm. The debate of the understanding of international law is also important in order to illuminate the distinctive characteristics of consultations. As already mentioned, the government

and the Sami Parliament disagreed about whether the bill was in accordance with international law. According to the Sami Parliament one could not only assume that domestic law coincides with international law. The Sami Parliament managed to get a special provision in the law that could be regarded as a limited incorporation of the ILO169.

Some preliminary conclusions regarding the character of the consultations can be presented. Both with regard to conditions like institutional framework, process and dialogue, we claim that during the process there was room for deliberation. The discussions became important for the results. The three intuitional actors used a relatively long time to discuss standpoints of each other and to agree on formulations. Some points of views were resigned, but alternatives not defined in advance were also looked for. On central topics it is possible to point out that the final law proposal was different from the government's bill. The final solution was approved by the three parties. Still we are careful to regard the outcome as a result of consensus. In the last instance the law proposal was a result of the Justice committee, and a last meeting took place after the fourth consultation, that was clearly a negotiation meeting. During the whole process, a striking feature is the leading role of the Sami Parliament. The consultation process linked to the Finnmark Act can be regarded as a success story, but potential problems can be pointed out. What would have happened if the Norwegian Parliament had had another composition? This process also implies a question of building a relationship of trust. What kinds of relationships were developed between the parties? These questions must stay unanswered here.

Concluding remarks

Based on what I have presented, I will pinpoint some aspects of relevance for other indigenous communities.

As you remember, there were different opinions whether the Sami Parliament had been consulted, and this is a question about the *duty to prior consultations*. The duty to prior consultations has been stressed by ILO bodies. An example is the expert committee on Ecuador's report from 2003, where they state that the articles of the ILO Convention "imply the obligation to develop a process of prior consultations with the indigenous peoples of the country before taking measures that might affect them directly."

A similar point is done with regard to a complaint against Colombia in 1999 concerning emission of petroleum exploration activities, where the ILO says that "the consultations must be prior consultations, which implies that the communities affected are involved as early as possible in the process, including in environmental impact studies." According to the cases of complaint against Ecuador and Colombia and we could add, the ILO assessment on the Finnmark Act process from 2003, consultations must be carried out on all stages in a decision making process. It is not possible for the authorities to invite indigenous peoples to join the process when they are in the final stage or even midway or halfway.

The second point is about the *importance of representative institutions*. In Norway it is the duty of the authorities to consult the Sami Parliament, but of course if a measure affects several groups of Sami, like the reindeer herders or groups of the coastal Sami population, these should also be consulted. In a complaint against Ecuador the ILO-bodies point out that: "In view of the diversity of indigenous peoples, the Convention does not impose a model of what a representative institution should involve, the important thing is that they should be the result of a process carried out by the indigenous peoples themselves. But it is essential to ensure that the consultations are held with the institutions that are truly representative for the peoples

concerned.” In the mentioned complaint issues from Colombia the authorities had divided the area in reserves, and consulted those who were in favour of a development of a water power station. What is important regarding representativity, is that the indigenous peoples themselves must be involved in defining their own representatives.

The third point is the subject of the *consultation duty*. As we have seen in the Finnmark Act process, the subject for this duty became the parliamentary committee in the Norwegian parliament. Comments from ILO-bodies seem to call for such an interpretation. In an ILO-guide to the convention it is stated: “Article 6 requires governments to establish means enabling these peoples to participate at all levels of decision-making in elective and administrative bodies.” The wording “all levels” and the convention’s direct reference to legislative measures, imply that the duty to consult also covers parliamentary bodies like committees, not only governments and public administration.

These procedural aspects in ILO 169 establish a right of indigenous peoples to be consulted and a right to active participation in decision making processes. In addition ILO practice has reinforced the procedural aspects of ILO. This is worth mentioning because it implies new possibilities for indigenous influence, self-determination and co-management, despite different circumstances and state systems.

Closure of the Forum Conference 2006

Axel Borchgrevink, the Forum Board/Norwegian Institute of International Affairs (NUPI)

Summing up a conference just as it ends means you don't have time to think. What I am going to say may be a bit disjointed, but I believe it is important to have some reflections on the conference at the end, summing up and drawing together the threads of what we have heard during these two days.

When we discussed this conference in the Board and ended up with this theme, we had at least two major objectives. On the one hand, there was a wish to focus on South America, because this is the 7th conference that the Forum arranges and previous conferences have been focusing on Central American, African and on Asian cases, but South America has been largely absent. Although there have been individual presentations of cases, also from Brazil and Bolivia, there has been no country focus like we attempted to have in this conference. Moreover, we wanted to look at the theme of indigenous movements actually attaining political power, with particular reference to the existing events that have taken place in Bolivia.

These were two of our objectives in setting this theme for the conference and looking back at what we have heard these days I think we have been fairly successful. I'll try to reflect on how we have achieved these objectives. I think that the solution of focusing on two countries and having a number of presentations from each country allows a much broader picture to emerge. At least for me, it means that this year's conference has been less fragmented than the previous conferences I have been to. I think that this country focus has allowed us to establish more coherence in the programme. Also I think these two country cases fit well together because they are so different.

On one hand, Bolivia with a large majority of indigenous people and with the impressive results in terms of mass-movements gaining political power – that is a very special case and I think that from the presentations we have had yesterday we gained an understanding of the challenges that the indigenous movement and the popular movement in Bolivia now face. I think, in particular, the presentation by Carlos Romero shows that now the indigenous people have gained power over the government of the state. The challenge they faced in restructuring Bolivia has been transformed. This is the traditional indigenous issues, but they are very much in line with the general development problems of achieving an equitable development and distribution of resources.

Then Brazil, of course, is a very different case with a very small indigenous population which is fragmented into a large number of different peoples and linguistic groups living in very remote areas, far from each other. It means that the conditions and opportunities for political organisations are very different. It is evident that when we speak about attaining political power this has a completely different significance in Brazil and, of course, from the description of the presentation about indigenous movements it may appear that there is really no indigenous movement in Brazil. But even this presentation ended in a positive note stating the positive events that have happened over the last two years with the creation of a new kind of articulation between different Indian associations from different parts of the country. This presentation was complemented by the different presentations about the problem of territories.

The discussion also brought up that the presentations did not give attention to the very large group of indigenous people in Brazil that do not live in the territories, and that are probably not as powerful as the ones that live in the reservations. I think this is something we need to reflect on as it is important, and also to focus on these groups. I happen to be on the Board of the Rainforest Foundation and I am not saying that the Rainforest Foundation should deal with indigenous peoples living in Brazil. But in the Forum Conference if we want to deal with the indigenous situation in Brazil, it is also important that we take into account this aspect.

It has been a tradition at these conferences to also have a seminar or a Forum update, where different participants from the Forum network come together and raise issues that are important and people are working on at the time. Also here, today, we have had interesting presentations. Two were from Guatemala: one showing how using education is an example of how difficult it is even if you have a positive political process at the national level, and how complicated the implementation programme is as well; and another presentation on the rise and fall of the indigenous movement in Guatemala (although putting it is way may be too strong), showing the role of the indigenous actors and the relation to political power in Guatemala. In addition we have heard about the Draft, or no longer the Draft, but on the Declaration on the Rights of the Indigenous Peoples and about the consultations for the Finnmark Act. All these presentations, in one way or another, deal with the Conference theme of political representation and political power. I think it all comes together in a coherent way and in this way I think the conference has been very successful.

A speaker from Guatemala stated that in an audience like this it is important that the indigenous peoples themselves speak and that outsiders should not speak on behalf of the indigenous peoples. That is a point very well taken. I would like to inform that originally we did discuss having Guatemala as a country case and if we had done that, of course, we would have ensured that somebody indigenous had been on the speakers list. But as it were, we ended up focusing on Brazil and Bolivia.

I think it is also important to focus on what Sidsel Saugestad said in the opening of this conference that the Forum is a meeting place and a network. In that sense maybe the most important about it is that it attracts a lot of people. I think that attendance this year has been good, but it could have been better. We were happy to see that a lot of people had come from abroad for this conference. We are quite happy to see that the Norwegian authorities are represented in different manners. We are happy to see that there is a broad selection of Norwegian NGOs working with indigenous issues, also very happy that the students at the Master Programme in Indigenous Studies here in Tromsø have been very visible and active. My personal feeling is that as researchers we are not really showing any strength here and I think this is a challenge for next year's conference, to mobilise more among ourselves. We should also, of course, mention that it is important and good to see that the Sami representatives are active here as they have been in every conference. I will end on that note. Thank you for the suggestions for next year's conference theme and if any of you have not been able to do this publicly, by speaking here, but do have suggestions, then please send them to us.

Thank you!

Forum for Development Cooperation with Indigenous Peoples Forum Conference 2006

"Words or action?

Transition from Indigenous Activism to Political Power - Challenges from South America"

Program. For more information: <http://www.sami.uit.no/forum/indexen.html>

Wednesday 04.10.2006

- 20.00: *Reception at Árdna, the Sámi cultural building located at the University campus, close to "Labyrinten", The Sámi turf hut and the Administration building.*
22.00: Bus departure from the University to Radisson SAS hotel

Thursday 05.10.2006

Opening of conference

- 08.30: Bus departure from Radisson SAS hotel to the University
08.45-09.15: Registration, at University Campus, Teorifagbygget, Hus 1, Auditorium 1.
09.15-09.25: Opening by Pro-rector at the University of Tromsø Gerd Bjørhovde and the Vice President of the Norwegian Sámi Parliament Johan Mikkel Sara.
09.25-09.45: Sidsel Saugestad, Forum for Development Cooperation with Indigenous Peoples: *"Words or Actions – As the international indigenous discourse meet political realities"*
09.45-10.15: Anne M. Stenhammer, State Secretary, Norwegian Ministry of Foreign Affairs: *"Indigenous peoples, participation, rights and Norwegian support"*.
10.15-10.30: Coffee

Focus on Brazil

- 10.30-11.15: Adriana Ramos, Instituto Socioambiental (ISA): *"Democracy, indigenous rights and the role of civil society in Brazil"*.
11.15-12.00: Ianuculá Kaiabi, Association of the Xingu Indigenous Land (ATIX): *"The leading role of the Indians in the protection of their territories and forests."*
12.00-12.30: Discussion
12.30-13.30: Lunch
13.30-14.00: Lars Løvold, Rainforest Foundation Norway: *"Promoting indigenous rights and wise resource management. Contradiction in terms, romanticism or effective strategy? Lessons from 15 years of support to Brazil"*.
14.00-14.30: Kristian Bengtson, The Norwegian Embassy in Brazil/NORAD: *"From target group and beneficiary to political actor: Reflections on the development of the indigenous movement in Brazil."*
14.30-14.45: Discussion

Focus on Bolivia

- 15.00-15.45: Carlos Romero, Director, The Centre for Social and Juridical Studies (CEJIS), Member of IWGIA's Advisory Board: *"Territory and Power in the Constitutional Assembly"*
- 15.45-16.15: Aina Holm, The Norwegian Students and Academics International Assistance Fund (SAIH): *"Indigenous Women's Political Participation in Bolivia"*
- 16.15-16.45: Discussion
- 16.45-17.00: Coffee
- 17.00-17.30: Marthe Hotvedt, The Norwegian Students and Academics International Assistance Fund (SAIH): *"Power to Indigenous Peoples - Experiences from Bolivia"*
- 17.30-18.30: The film *"Veiviseren"* by SAIH. Parallel sessions in Spanish and Norwegian language only.
- The Brazilian film *"Pisa Ligeiro"* with English subtitles by Bruno Pacheco de Oliveira Bruno will be shown at the Sami Centre Meeting room (House 2). Introduction by Maria Barroso Hoffmann
- 18.30: Bus departure from the University to Radisson SAS hotel
- 20.00: Dinner at Radisson SAS hotel

Friday 06.10.2006

Forum update

- 09.00: Bus departure from Radisson SAS hotel to the University
- 09.15-09.45: Marit Solstad, Bodø University College: *"Curricular Transformation in Guatemala"*
- 09.45-10.15: Roddy Brett, Latin American Faculty of Social Sciences (FLACSO): *"Indigenous Movements and Indigenous Rights Protection in Post-Conflict Guatemala"*
- 10.15-10.30: Torkjell Leira, Rainforest Foundation Norway: *"The tropical timber campaign in Norway: Methods and results"*
- 10.30-10.45: Coffee
- 10.45-11.15: Mattias Åhrén, Saami Council: *"An adoption of the UN Declaration on the Rights of Indigenous Peoples – a major breakthrough?"*
- 11.15-11.45: Else Grete Broderstad, University of Tromsø: *"Consultations as a tool. The Finnmark Act - an example to follow?"*
- 11.45-12.15: Discussion

Summing up

- 12.15-12.45: Summary by Axel Borchgrevink, Norwegian Institute of International Affairs (NUPI). Closure of the Forum Conference 2006
- 12.45-13.45: Lunch

List of Participant,s

Sonia Alvarez	Participant, Instituto de Estudios Intereticos IDEI
Synnøve Angell	Participant, University of Tromsø
Turid Arnegaard	Participant, NORAD
Kjell Roger Arnesen	Participant,
Gerardo Baena	Participant, Central Juridica & CIA LTDA
Runar Myrnes Balto	Participant, University of Oslo
Workabeba Bekele	Participant, University of Tromsø
Kristian Bengtson	Speaker, The Norwegian Embassy in Brazil/NORAD
Abdelaziz Berdahem	Participant, University of Tromsø
Erik Berge	Participant, Norwegian Church Aid
Gerd Bjørhovde	Speaker, University of Tromsø
Miriam Bolanos	Participant, NORAD
Axel Borchgrevink	Board member, Forum for Development Cooperation with Indigenous Peoples
Camilla Brattland	Participant, Resource Centre for the Rights of Indigenous Peoples
Wenke Brenna	Participant, Ministry of Labour and Social Inclusion
Roddy Brett	Speaker, FLACSO Guatemala
Else Grete Broderstad	Speaker / Staff, Centre for Sámi Studies
Mona Elisabeth Brøther	Participant, Norwegian Ministry of Foreign Affairs
Ernesto Calderon	Artist Music Conservatory of Tromsø University College
Rosa Cardenas	Participant, University of Tromsø
Ricardo Changala	Participant, Radio Universidad Guatemala
Elena Mirona Ciocirlie	Staff, Centre for Sámi Studies
Binod Chandra Dahal	Participant, All Nepal National Free student Union
Jens Dahl Board	member Forum for Development Cooperation with Indigenous Peoples
Henry Dasa	Participant, Central Juridica & CIA LTDA
Asebe Regassa Debelo	Participant, University of Tromsø
Rosa Diaz	Participant, Central Juridica & CIA LTDA
Rachel Issa Djesa	Staff, Centre for Sámi Studies
Live Danbolt Drange	Participant, Norsk Lærerakademi

Berit M. Nystad Eskonsipo	Staff, Centre for Sámi Studies
Aileen Espiritu	Participant, Centre for Sámi Studies
Ivar Evjenth	Interpreter
Einar Eythórsson	Participant, Tromsø Museum
Elijah Kombian Fant	Participant, University of Tromsø
Lill Tove Fredriksen	Board member, Forum for Development Cooperation with Indigenous Peoples
Lena Susanne Gaup	Artist University of Tromsø
Bhagabati Ghosh	Participant, Development Society(DS)
Kalpana Giri	Participant, University of Tromsø
Anne Marie Graven	Participant, University of Tromsø, Sami Student Association
Hilda Kristine Hanssen	Participant, Norwegian Church Aid
Bjørn Hatteng	Staff, Centre for Sámi Studies
Angelica Henao	Participant, Central Juridica & CIA LTDA
Christina Henriksen	Participant, University of Tromsø, Sami Student Association
Maria Barroso Hoffmann	Interpreter Centre for Sámi Studies
Alain Hoffmann	Participant,
Aina Holm	Speaker, The Norwegian Students and Academics International Assistance Fund (SAIH)
Marthe Hotvedt	Speaker, The Norwegian Students and Academics International Assistance Fund (SAIH)
Per Klemetsen Hætta	Staff, Centre for Sámi Studies
Md.Rafiqul Islam	Participant, University of Tromsø
George Jawali	Participant, University of Tromsø
Siri Johnsen	Staff, Centre for Sámi Studies
Richard Kagoloby	Participant, University of Tromsø
Ianuculá Kaiabi	Speaker, Association of the Xingu Indigenous Land (ATIX)
Guri Karlstrøm	Participant, University of Tromsø
Darley Jose Kjosavik	Participant, NIBR Norwegian Institute for Urban and Regional Research
Walter Lehmann	Participant, SEFIA Oslo University College
Torkjell Leira	Participant, Rainforest Foundation Norway
Anastassia Leonenko	Participant, University of Tromsø
Terje Lilleeng	Staff, Centre for Sámi Studies

Aslaug Lyngra	Participant, University of Tromsø
Lars Løvold	Speaker, Rainforest Foundation Norway
Maria José Maciel	Interpreter
Ocean Marambanyika	Participant, University of Tromsø
Bonifacio Martin	Participant, CNP-Tierra
Lilly Martinsen	Staff, Centre for Sámi Studies
Georges Midré	Board member, Forum for Development Cooperation with Indigenous Peoples
Kagisano Molapisi	Participant, University of Tromsø
Ana Lucia Morales	Participant, Guatevision
Cecilie Myrnes	Participant, University of Tromsø
Maxi Nachtigall	Participant, Postgraduate Program in International Relations/ GTZ Germany
Gibson Ndifreke	Participant, Akande Dahunsi Memorial High Sch.
Thuy Nguyen	Participant, University of Tromsø
Alejandro	Parellada Participant, IWGIA
Geir Tommy Pedersen	Board member, Forum for Development Cooperation with Indigenous Peoples
Jochen Peters	Participant, University of Tromsø
Adriana Ramos	Speaker, Instituto Socioambiental (ISA)
Per Ranestad	Participant, Norwegian People's Aid / Ayuda Popular Noruega
Sandra Carolina Rojas	Participant, University of Tromsø
Carlos Romero	Speaker, The Centre for Social and Juridical Studies (CEJIS), Member of IWGIA's Advisory Board
Yeison Rua	Participant, Central Juridica & CIA LTDA
Fernando Ruiz	Participant, Sosialistisk ungdom
Hilde Salvesen	Participant, The Oslo Center for Peace and Human Rights
Elisabeth Sandersen	Participant, Latin Amerika Gruppa i Tromsø
Anne Britt Sandsnes	Participant, NORAD
Carina Sandvik	Staff, Centre for Sámi Studies
María Santos	Participant, Asociacion Estorena para el Desarrollo Integral (AEPDI)
Johan Mikkel Sara	Participant, Sámi Parliament, Norway
Sidsel Saugestad	Speaker,/ Chair Forum for Development Cooperation with Indigenous Peoples

John Richard Sciaba	Interpreter
Lorena Seijo	Participant, Prensa Libre Guatemala
Jo Anders Sivertsen	Participant, University of Tromsø, Sami Student Association
Tone Slenes	Participant, NORAD
Marit Solstad	Speaker, Bodø University College
Ingeborg Solvang	Participant, Sonar Film
Gustavo Evelio Vasquez Soto	Artist Music Conservatory of Tromsø University College
Anne M. Stenhammer	Speaker, Norwegian Ministry of Foreign Affairs
Lars Johan Strömgren	Participant, Sámi Instituhtta - Nordisk Samisk Institutt
Claudia Torres	Participant, Sosialistisk ungdom
Sontosh Tripura	Participant, University of Tromsø
Mali Tronsmoen	Participant, Sosialistisk ungdom
Kanako Uzawa	Participant, University of Tromsø
Raimo Valle	Participant, Troms County Council
Siv Øvernes	Board member, Forum for Development Cooperation with Indigenous Peoples
Mattias Åhrén	Speaker, University of Tromsø/Saami Council

