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# UNITED NATIONS

# ECONOMIC AND SOCIAL COUNCIL





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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Working Group on Indigenous Populations Second session Items 5 and 6 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN PIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS (Item 5)

CONSIDERATION OF THE EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS POPULATIONS (Item 5)

# Information received from non-governmental organizations

- authorized the Sub-Commission to establish annually a working group on indigenous apopulations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission. It further decided that the Working Group should give special attention to the evolution of standards concerning the rights of indigenous populations.
- 2. Accordingly, appropriate communications requesting **such** information were addressed by the Secretary-General to Governments and to organizations referred to in the resolution.
- 3. The present document contains a summary of the replies 1/received from non-governmental organizations up to 10 June 1983. Additional replies, if any, will be summarized in addenda to this gocument.
- 1/ The full texts of the replies are available for consultation in the files of the Secretariat.

# WORLD COUNCIL OF INDIGENOUS PEOPLES

[Original: French]
[12 January 1983]

# The situation of the Pataxó Indians in Brazil

The area between the Colonia (or Cachoeira) and Pardo rivers, in the municipalities of Itaju do Colonia, Pau-Brasil and Camaca, has always been occupied by the Pataxó-Hāhāhāi and Baenā Indians, from the time of the earliest records of the region (1610) down to the present.

The advance of the national society in this southern area of the State of Bahia led to continual reductions in the area previously inhabited by the Indians, until at the beginning of this century they were concentrated in the region of the present reservation of Caramuru-Paraguaçu. This reservation was created by the Executive branch of the State Government of Bahia, State Law number 1916, on 9 August 1926, based on the fact that the largest demographic concentrations of Indians in conditions of isolation in the State were located in that region. This fact is explicitly recognized in the text of the Decree of 9 March 1926, issued by this same State Executive.

"Attraction posts" were established by Captain Vicente de Paula Vasconcelos, then serving in the Indian Protection Service. Other administrators completed the work of "attraction", administrating the reserve and carrying out many improvements, such as the clearing and planting of gardens, with Federal resources and the labour of the Indians living on the reservation.

In 1936 the ranchers and landowners of the region established a policy of taking over the Indian lands, and succeeded in forcing an agreement to this effect between the Indian Protection Service and the State Government of Bahia. According to this agreement (No. 1471 of May 1937), drawn up in a public hearing at the Indian Post of Caramuru, the area of the reservation was reduced, in conformity with the interests of the ranchers. The State Government financed the new survey, which redefined the boundaries of the reservation. This survey was carried out by Captain Moysés Castello Branco and by the engineer Alfredo Amorim Coelho, representing the Department of Agriculture, Industry, Commerce, Transportation and Fublic Works of Bahia.

The ethnologist Curt Nimuendaju, in 1938, arranged the transfer to the reservation of survivors of other indigenous groups, who had previously inhabited the region and who were without protection against the persecution of the landholders of the area. Small groups of Botocudo, Kamaka, Tupiniquim, Menian and Kiriri-Sapuya were in this way moved to the reserve. These groups were located at the Paraguaçu Indian Post, while the Pataxó-Hahahai and Baena were located at the Caramuru Indian Post, in the north of the reserve. For this reason, this was divided into two posts within the same continuous area.

In accordance with the Indian policy of the period, the Indian Protection Service set up leasing contracts with non-Indians for the exploitation of floral resources and for agriculture on reservation lands. These contracts expressly forbade the installation of permanent improvements by the contractors, and defined any such improvements as violations of contract.

These leasing contracts were essentially conceived and defined to yield an income sufficient to defray the expenses of the assistance being rendered to the Indians. In a number of ways, however, these purposes and limitations were circumvented, permitting the virtually total invasion of the reservation by the ranchers: the corruption of SPI

personnel, threats against the Indians, the burning of houses, and all kinds of illegal arrangements between Indians and non-Indians prohibited by the terms of the contracts and by law. The ranchers made a number of attempts to have the State Government of Bahia seize the Indian lands and expel the Indians. These efforts, however, remained unsuccessful.

The loss of reservation land, however, forced many of the Indians to abandon the reservation and take refuge on other Indian Posts. Others nevertheless remained in the area, subsisting as paid labourers for the ranchers or salaried workers in private enterprises or public services. The area was thus never completely abandoned by its legitimate owners.

Owing to the almost total occupation of the reservation by ranchers and the dispersion of many of the Indians who had lived there to other areas, the National Indian Foundation (FUNAI, the successor of the SPI after 1967) deactivated the Post in 1972, and from that time ceased to charge rents to the leaseholders. In 1976, the ranchers once again demanded that the land be turned over to them. This movement resulted in a new survey of the situation with regard to the occupation of the area. FUNAI resolved to survey and demarcate the Indian lands once again in order to guarantee the survival of the Indians living on them. In spite of this attitude of the Federal Agency concerned, however, the State Government of Bahia illegally distributed titles to the land to the ranchers. In 1977 bids were invited for the work of demarcation by announcements published in the newspapers of the State capital and posted in the Government offices of the municipalities in which the Indian lands were located. The Plantel surveying firm was contracted for the job (Service Order No. 03/79). In spite of the new demarcation entailing a new reduction in the area of the reservation, the ranchers prevented its being carried out by threatening the lives of the surveyors.

In 1982, the Indians from the reservation who had been living as refugees on the Guarani Ranch in the neighbouring State of Minas Gerais decided to return to their own lands, not having adapted satisfactorily to their new circumstances. FUNAI, in its legal role as ward and protector of the Indians, sought the protection of the Federal Police and accompanied the Indians when they reoccupied the ranch of São Lucas, which the Federal authorities had refused to register as the legal property of the leaseholder on the grounds of its being entirely inside Indian lands. From that time on, a series of violent pressures has been brought to bear on various authorities directly or indirectly concerned with the problem, with the aim of achieving the expulsion of the Indians. FUNAI, having exhausted all possibilities of a negotiated solution without success, finally resorted to bringing suit in Federal Court (case no. 030668).

Various sites were considered for the relocation of the Indians. All of these were remote and inaccessible areas without the minimal conditions or resources to permit subsistence. The Governor of the State alleged that if the Indians were not removed, the Government party would lose the election (of November 1982) because of the withdrawal of the support of the ranchers. Unable to go on resisting these pressures, FUNAI had to remove part of the Indian population of São Lucas to the Experimental Station of Almada, an area of 108 hectares devoted to experiments in pisciculture. Part of the Indian population, however, continued to resist removal and in spite of all of the pressures brought to bear on them, remained on the ranch. These pressures included the cutting off of food supplies, the suspension of medical assistance and financial resources, and the removal of Federal Police protection, rendering them vulnerable to attacks by the ranchers.

At the beginning of November 1982, the Indians who had remained at São Lucas got a lawyer and brought suit in court, demanding a restraining order against the carrying out of the decision to relocate them, given that this decision did not conform to the legal requirement of a decree by the President of the Republic ordering their removal to prevent "social disturbance". A Federal judge found in favour of the Indians, and issued a show-cause order restraining further transferences and ordering the return of the Indians already transferred to their original lands. This decision provoked great agitation and anticipation among the Indians at Almada, who immediately began preparing to return to São Lucas. The Government of the State of Bahia, however, immediately went to court and got the judge's order set aside. This was not immediately communicated to the Indians.

The death of an Indian child, and the decision to bury her in the ancestral territory touched off the following chain of events. The Indians, not having been informed of the judicial order setting aside the earlier decision allowing them to return, decided that they would all go back to São Lucas. A group of armed ranchers prepared to meet and kill them upon arrival. The move was, however, successfully made at dawn by means of trucks with headlights turned off.

FUNAI applied in Federal court in the State capital, Salvador, for an order interdicting the area of the São Lucas Ranch where the Indians would then remain until a decision was reached on the legal question of possession of the land. The judge involved, considering that he lacked sufficient facts, decided to make a tour of inspection of the area, accompanied by interested parties and by an expert consultant (an anthropologist). The judicial party was received by more than 500 armed men, who threatened and attempted to pressure the investigatory commission so that the judge would not rule that the Indians might remain at São Lucas while the justice of their demands to retain their lands is being decided.

FUNAL is now once again under enormous pressure to remove the Indians from the ranch of São Lucas, in order to satisfy the interests of the ranchers. The armed ranchers and their men are threatening at any moment to invade the area where the Indians have taken refuge, under the protection of the Federal Police. The situation as critical, and the lives of the Indians are in danger. It is also possible that FUNAL will not succeed in resisting the pressures being brought to bear by the State Covernment and will try once more to remove the Indians, which would now have to be achieved by force and by violence, since they are determined to resist. This would represent, not only one more violation of the rights of these Indians, but under present conditions would risk precipitating a massacre.

Decision on FUNAI's case in Federal Court was deferred by the judge (on 17 December 1982) until 8 February 1983. In the meantime, the judge ordered that the Indians be protected by the Federal police on their land at the São Lucas Ranch. Meanwhile, the Ministry of the Interior and the Government of the State of Bahia are attempting to negotiate a settlement of the problem, based on a drastic reduction of the area to which the Indians are entitled.

We appeal for support for the Pataxó in this desperate situation, in the form of letters, telegrams, or signed petitions, stating in their texts that the rights of the Indians of the Caramuru-Paraguaçu Reservation must be respected and calling upon the competent authorities to ensure that this is done, in accordance with the relevant national laws and the international agreements on the protection of ethnic minorities to which Brazil is signatory.

# INTER-PARLIAMENTARY UNION

[Original: French]
[28 January 1983]

The Union has included the following item in its agenda for 1983: "The role of Parliaments in promoting the process of decolonization and in promoting the political, economic, social and cultural rights of ethnic groups within multi-ethnic States, particularly with a view to encouraging inter-ethnic co-operation and justice". During the initial discussion of this item next April in Helsinki, our Secretariat will not fail to make available to delegations all the relevant documents of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Commission on Human Rights dealing with this subject.

The Union will subsequently transmit any draft resolutions which may be adopted on that occasion referring directly or indirectly to the question of indigenous populations, it being understood that these draft resolutions will be finally adopted at our September session.

#### WORLD COUNCIL OF CHURCHES

[Original: English]
[31 January 1983]

## Land rights for indigenous people

Statement adopted by the Central Committee of the WCC, July 1982

# Introduction

This WCC statement on land rights for indigenous people focuses primarily on the original inhabitants of the Americas, Australia and New Zealand who have experienced a common history of colonial invasion and dispossession of their land by nations with predominantly Christian populations.

# Historical perspective

Indigenous people claim that the recognition of prior ownership of their traditional territories is fundamental to the issue of land rights. Thus, for them, land rights must include the right to political power through self-government and economic power through the right to choose what happens on the land.

Invasions, colonization, brutal subjugation, and genocidal practices, accompanied by the continuing denial of basic human rights, have not only denied the indigenous people's title to and use of the land, but in many cases have left the survivors without a territory, denying them their rights to an identity.

Underlying this history have been racist beliefs which identify indigenous people as being sub-human, and which refuse to acknowledge the very existence of their spiritual, cultural, social, political and legal systems.

#### Sense of urgency

The denial of political power has allowed treaties to be abrogated (Canada, United States, New Zealand); land to be expropriated (Mexico, Puerto Rico, Guatemala); people to be forcibly relocated (Brazil, Paraguay, Philippines); and policies of assimilation to be implemented (Chile, Australia, Colombia).

The tentacles of an economy characterized by the maximization of profit and concentration of the power of decision-making have reached out into every corner of the globe with devastating consequences for indigenous people. The scramble for more and more energy, minerals and raw materials has led to closer co-operation between transnational corporations and "development"-conscious governments in a silent war against the original inhabitants of the land. This unrelenting demand for resources threatens to dispossess the people of their land and economic base and to destroy their environment.

In Brazil, "Indian nations" are being forced from their lands and squeezed into isolated areas by new highway, mining and agricultural development projects. In Western Australia, a mining boom is violating the cultural integrity and sacred sites of the aboriginal people, while in northern parts of Canada, massive oil, gas and uranium projects threaten to destroy the fragile environment and the social fabric of the indigenous communities.

The Central Committee has been made aware of the intense pain and suffering of the indigenous people in these and other situations around the world and the following urgent issues have been identified through studies, consultations and visits to land rights situations:

- 1. The struggle of indigenous people for land rights has intensified, as can be seen in the growing strengh of the "International Conference of Indigenous Peoples" and the mounting support for a special working group on indigenous peoples within the United Nations system. The indigenous people's cries for justice can no longer be ignored.
- 2. The growing worldwide emphasis on national security and militarization is used to maintain existing unjust power structures and has intensified racial discrimination and oppression. The victims of these policies, those who are described as security risks, are most often those who struggle for justice.
- The growing concentration of economic power in capitalist economy has led to increased co-operation among transnational corporations, financial institutions, and governments in affirming profit-making over people's rights to self-determination.

# The challenge to the Churches

The indigenous people's struggle for land rights is challenging the Church to be faithful to its gospel of reconciliation and to the biblical affirmation of the creation of all human beings in the image of Goo.

Crucial to the Christian understanding of reconcilation between peoples is the demand for justice. God's revelation has led Christians to a new understanding of their prophetic role in witnessing to the biblical priority for justice. In the light of this fact, the Church's mission is to express solidarity with the oppressed in all the ways compatible with the faith and in recognition of its guilt in the sin of racism. The racist denial of indigenous people's identity can only be combated when the oppressed are empowered spiritually, economically and politically.

It is generally recognized that historically the churches first made contact with indigenous people through missionary and evangelization endeavours. Today indigenous people are urging them to re-examine their total life to ensure that:

(a) Traditional ownership of the land be respected and guaranteed.

- (b) Indigenous culture and spirituality be respected rather than violated;
- (c) The presentation of the gospel remain open to the value of all indigenous cultures instead of becoming an instrument of domination;
- (d) Co-operation in serving indigenous people rather than competition in proselytism characterize the relationship between different denominations;
- (e) The lifestyle practised by Christians living and serving among indigenous people reflects the basic biblical ethos;
- (f) Educational programmes be designed in consultation with the indigenous people, controlled by them and respecting the traditional values and cultures of the people.

# The Churches' solidarity with indigenous people

In many countries, churches have taken courageous stands and engaged in action in support of land rights for indigenous people.

In the 1970s, rapid resource development in northern regions of <u>Canada</u> provided a focus for Canadian churches to challenge the moral and ethical values of the development model and to address the claims of the indigenous people. Through the formation of the ecumenical coalition, Project North, the churches have made a commitment to the support for indigenous rights in Canada. More recently, Canadian churches have taken shareholder action in opposition to the destructive policy of a transnational mining company operation on indigenous land, and have taken political action to oppose Federal Legislation which seriously undermines the right of the indigenous people to the resources of their land.

In Brazil in 1980, 27 missionaries from five national churches gathered with various Indian leaders in the Amazonia to examine the present tragic situation of the indigenous peoples. The Evangelical and the Catholic Churches' representatives recognized their contribution to the colonialist enterprise of domination. They confessed their mistakes and the wrongs committed against the indigenous people, of having shown contempt for their cultures and having divided the people by forming different denominations and sects. In response they pledged their total solidarity in defence of land rights and ethnic identities of the indigenous people.

Over the past two decades, there has been a growing awareness within the churches of <u>Australia</u> of the nature and results of the dispossession of the indigenous people. The churches have increasingly identified with the indigenous people's struggle and in 1981 acted with courage in inviting a WCC team to visit the indigenous people as a way of increasing international attention to the situation.

#### Recommendations

In light of these experiences, understanding and challenges, the Central Committee appeals to member churches to:

- Listen to and learn from indigenous people in order to deepen Christian understanding of (and solidarity with) their legal rights, their political situation, their cultural achievements and aspirations, and their spiritual convictions;
- 2. Commit significant financial and human resources to the struggle of indigenous people for land rights;

- 3. Become politically involved on the side of indigenous peoples and join the struggle against those powers and principalities which seek to deny the land rights and human rights of indigenous people;
- 4. Support indigenous people struggling for land rights in their efforts to build linkage with other indigenous people around the world;
- 5. As a sign to the wider community of the churches' commitment to justice for indigenous people:
  - (a) to recognize the rightful claims of indigenous people and take steps to transfer land and property to them;
  - (b) to set up procedure to deal with the claims or demands of the indigenous people made upon the churches;
  - (c) to support the struggle of the people in their land claims through national and international courts of law;
- 6. Examine their investments in national and transnational corporations with a view to taking action to combat corporate policies affecting the lands of indigenous people;
- 7. Urge their Governments to ratify and implement all relevant United Nations and other intergovernmental instruments for the protection of the rights of indigenous people;
- 8. Urge their Governments to enact adequate and effective national legislation recognizing the collective property of the indigenous people.

The Unit Committee also recommends that the Central Committee:

- 1. Reaffirm that the issue of land rights for indigenous people should continue to be a priority for the work of the Programme to Combat Racism, as well as a concern of other subunits of the WCC. The Programme to Combat Racism should involve other subunits of the WCC in its work on this issue.
- 2. Request the Programme to Combat Racism in consultation with the Commission of the Churches on International Affairs to take appropriate actions in co-operation with other NGOs to gain international recognition for self-determination of the indigenous people on the lands to which they claim titles by indigenous tradition or treaties.
- 3. Welcome the creation by the United Nations of the working group on indigenous populations, and urges the United Nations, through its Commission on Human Rights, to give highest priority to the elaboration of appropriate international instruments for the protection and implementation of the rights of the indigenous peoples.
- 4. Request the Programme to Combat Racism to set up suitable mechanisms to examine the policies of international banks and other corporations which finance development projects affecting indigenous people and to take appropriate action to ensure that the rights of indigenous people are fully respected in such development programmes.
- 5. Strongly recommend that the issue of land rights for indigenous people be highlighted at the Vancouver Assembly and request the Programme to Combat Racism staff, in consultation with the Assembly Preparations Committee, to make the necessary arrangements, including stimulating the imagination through highlighting the question of land rights and indigenous people by visual aids

#### SOCIALIST INTERNATIONAL WOMEN

[Original: English]
[3 February 1983]

Resolution to be adopted by the Socialist International Women's Conference in Sydney, 30-31 March 1983 on indigenous rights in Australia:

# Aboriginal land rights

Socialist International Women declare their solidarity with aboriginal and islander women of Australia in their struggle for land rights and political and economic justice.

Socialist International Women recognize that for many thousands of years prior to European colonization of Australia aboriginals and islanders were the sole owners of this continent. Aboriginal women were owners of land and protectors of sacred sites. As a result of European colonization aboriginal land was devastated, sacred sites destroyed and the social and legal system of aboriginal society undermined. The aboriginal race was subjected to policies aimed at cultural and physical genocide. Aboriginal women were exploited sexually and economically by the colonizers,

Consequently, Socialist International Women support the passage of federal and State laws that will allow aboriginals and islanders in each State and territory of Australia to have access to land grants with freehold title, to compensation and to protection of sacred sites.

Socialist International Women urge that all legislative means, including powers acquired by the Commonwealth through the existence of international treaties safeguarding human and political rights, should be taken to remove all forms of discrimination against aboriginals and islanders.

Socialist International Women undertake to pursue justice for aboriginal women in all appropriate international forums.

WORLD CONFEDERATION OF ORGANIZATIONS OF THE TEACHING PROFESSION

[Original: English]
[10 February 1983]

The Confederation transmitted a copy of a resolution on Education of Indigenous Peoples adopted at its 1982 Assembly of Delegates, together with an extract from a recent letter from the Secretary-General to the Director-General of UNESCO summarizing the Confederation's proposals for co-operation within the framework of UNESCO's programme 1984-1985.

The resolution reads as follows:

#### "No. 5 Education of indigenous peoples

"Recognizing the special difficulties of indigenous peoples who constitute small cultural minorities within their own countries, this Assembly calls upon members of WCOTP to study the needs of such minorities and to develop programmes for meeting those needs, particularly through schools and their educational

The text of the proposal reads as follows:

# "The education of indigenous populations

"Among ethnic minorities, those which suffer most from ignorance of the right to education are indigenous peoples. Our Confederation is in favour of a study of the specific problems confronting indigenous populations in the spheres of education and culture. Such a study should be carried out with the participation of representatives of these peoples from various countries. We wish to propose that an interregional consultation with these representatives should be convened by UNESCO in 1984-1985."

# INTERNATIONAL INDIAN TREATY COUNCIL

[Original: Spanish]

[24 March 1983]

The International Indian Treaty Council has submitted a document called "Relaterio Inguami 83% the contents of which are as follows: 2/

Acknowledgements; prefatory note; introduction; present situation of contact with the Yangramia of Brazil; occupation of territory by six Yangramia communities of the Catrimani river basin; health information on the Yangramis of Brazil; competents.

Bibliognaphy. ...

Annexes containing health data.

Orders Nos. 477/N of 22 December 1977, 505/N of 29 May 1978, 512/N of 7 July 1978 and 513/N of 10 July 1978; Order GM No. 025 of 9 March 1982.

Diegraphical data.

Localities and population for the map contained in another annex; map of the Yanomami area indicating the locality of known communities.

# THE INTERNATIONAL ORGANIZATION FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

[Original: English]

[21 February 1983]

The RANGED submitted in English a copy of each of the four documents listed below: 3/

- 1. The Caribs and their Colonizers
- 2. Canada's Aborighnals: The Struggle for their Homeland
- 3. Racist Regimens and the Land of the Indigenous Peoples
- 4. Proceedings of the Symposium on Ethnic Groups and Racism.

<sup>2/</sup> The full text of this document is available for consultation at the Secretariat.

<sup>3/</sup> A copy of each one of these documents in that language is available for consultation at the Secretariat.

#### THE ANTI-SLAVERY SOCIETY FOR THE PROTECTION OF HUMAN RIGHTS

[Original: Rnglish]

[7 April 1983]

The Anti-Slavery Society for the Protection of Human Rights submitted a copy of Report No. 1 in the Society's Indigenous Peoples and Development Series entitled "The Philippines. Authoritarian Government, multinationals and ancestral lands." Published in 1983. 4/

This report covers the areas and contains the recommendations outlined below:

# 1. The Philippines Mosaic

Hunting and gathering; shifting cultivation; fixed field systems; fishing; political organisation.

## 2. A Historical Sketch

The Spanish colonial period; entradas; encomiendas; haciendas; the creation of a national minority; wars against the Muslims; gold mines in the Cordilleras; reducciones; the Igorots and the tobacco monopoly; commandancias-politico-militares; the Philippine revolution; the Filipino-American war; the American colonial period; political consolidation; laws of expropriation and exploitation; resettlement and land grabbing; colonial trade; the bureau of non-Christian tribes; the Japanese period; the Philippines republic; the rise of the nationalist movement.

# 3. Agri-business Expansion in Mindanao

The sugar industry in Bukidnon; fruit plantations.

#### 4. Logging Operations in Ancestral Lands

The Cellophil Resources Corporation.

# 5. The Power Generation Programme and the National Minorities

The Agno river basin development project; the Chico river basin development project; from my father's house; the Agus river development project.

#### The Presidential Assistant on National Minorities (PANAMIN)

The PANAMIN Board; PANAMIN as a private charity; 'Manda' Elizalde; PANAMIN replaces the CNI; PANAMIN and counter-insurgency.

# 7. The Present State of the Nation and Martial Law

The growth of foreign investments; export-oriented development; land reform and the agrarian economy; the corporate farming programme; the infrastructure build-up; the growth of political oppression.

# 8. Prospects for the Future of the National Minorities

Permanent peoples' tribunal; covenants and conventions breached; exploitation and reaction; recommendations.

# Appendices

1. Main agri-business corporations in Mindanao; 2. The progress of the people ... at the muzzle of the gun; 3. Petition against the Lake Sebu Dam; 4. Presidential Decree No. 410; Abbreviated national democratic from programme.

# Glossary and Abbreviations

# Maps

1. The Philippines and South-East Asia; 2. The provinces of the Philippines; 3. \*\* Distribution of minority groups in the Philippines; 4. Major mining and logging operations affecting national minorities; 5. Existing and proposed hydro-electric dams affecting Philippine minorities.

## Tables

1. Population of the Philippines by mother tongue; 2. Religions of the population of Ifugao; 3. Official national minorities agencies; 4. Comparative financial statements of Philippines and Dolefil; 5. American logging firms in the Philippines; 6. Total area par municipality within the CRC/CPC concession; 7. Shareholders of Cellophil Resources Corporation; 8. Major shareholders in the World Bank, IMF and ADB; 9. Existing and proposed hydro-electric dam projects affecting Philippine minorities.

# Recommendations .

The authors of this report have been reticent about making recommendations from their findings to submit to the Philippine Government, arguing that the contradiction between the words and actions of the Marcos Government are so great as to make dialogue worthless.

However, in consultation with the authors, the Anti-Slavery Society ends this report with the following recommendations which are directed to the Philippine Government, the American Government, the World Bank and Asian Development Bank:-

- 1. that the Philippine Government honour international agreements on human rights and the special rights of indigenous peoples, particularly that all acts of cultural destruction be ended and that all tribal and other political prisoners be released:
- 2. that ensurines into military abuses be pursued energetically;
- 3. that to evercome local suspicion the Government invite independent international enquiry into these abuses;
- 4. that all extra military forces deployed in minority areas be withdrawn;
- 5. that expropriation of tribal lands by settlers private corporations and the Government be halted and indigenous peoples' prior right over their ancestral lands and its wealth be recognized:
- 6. that natural minority rights to autonomy and self-determination be respected and promoted and non-representative and anti-democratic agencies, particularly PANAMIN, be abolished;
- 7. that open and democratic processes be followed in the formulation of development plans in tribal lands;

- 8. that other countries withhold all forms of military and financial aid that is being used directly for the suppression of minority peoples;
- 9. that international funding for development projects be withheld where such projects have been imposed without consultation with and against the wishes and interests of the affected populations.

# WORLD COUNCIL OF INDIGENOUS PEOPLES

[Original: English]
[13 May 1983]

The World Council of Indigenous Peoples transmitted one copy of the following documents: 5/

- 1. WCIP Draft Covenant "International Covenant on the Rights of Indigenous Peoples"
- 2. First Nations, States of Canada and United Kingdom: Patriation of the Canadian Constitution. Edited by Marie Smallface Marule, Chief Administrator of WCIP
- 3. Indian Nations Self-Determination or Termination. Prepared by the Union of British Columbia Indian Chiefs, British Columbia, Canada
- 4. Open Letter to the People of Canada from George Manuel, WCIP, Ambassador
- 5. Letter to Pope John Paul II from the Indigenous People of Guatemala
- 6. WCIP Newsletter (first one) December 1982
- 7. The Re-Emergence of Indigenous Question in International Law. Prepared by Doug Sanders, WCIF lawyer. Mr. Sanders presented this paper at a Conference on Aboriginal Rights at the University of Lethbridge, 18-21 January 1983. It is also being published by Carleton University International Centre for Human Rights (Ottowa, Canada).

It is deemed useful to reproduce here the text of the Draft International Covenant on the Rights of Indigenous Peoples prepared in April 1981 during the World Council of Indigenous Peoples' Third General Assembly (Canberra, Australia). The World Council of Indigenous Peoples has stated that this draft will be discussed and hopefully ratified at the WCIP Fourth General Assembly, Spring 1984.

The draft reads as follows:

"INTERNATIONAL COVENANT ON THE RIGHTS OF INDIGENOUS PEOPLES

#### "PREAMBLE

"The parties to the present covenant

"Considering that the recognition of the inherent dignity and the equal and inalienable rights of individuals and of peoples is the foundation of freedom, justice and peace in the world, and considering that these principles are recognized and proclaimed in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and the Inter-American Convention on Human Rights,

"Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for and observance of human rights and fundamental freedom for all without distinction as to race, sex, language or religion,

"Recalling that Convention 107 and Recommendation 104 of the International Labour Organization, 5th June, 1957, recognized the need for the adoption of general international standards to govern the relations between Indigenous Peoples and States.

"Recalling that the Declaration of the General Assembly on the Granting of Independence to Colonial Countries and Peoples, Resolution 1514 (xv), 14th December, 1960, recognized the ardent desire of the peoples of the world to end colonialism in all its manifestations,

"Recalling that the inter-relationship of racial equality and decolonization was recognized in the Resolution of the General Assembly, Resolution 20166(xx) B, 15th December, 1965, associated with the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination,

"Considering that colonialism and the consequences of colonialism have not been eradicated for Indigenous Peoples, and, in consequence, indigenous peoples are frequently denied their political, economic, social and cultural rights,

"Recognizing that the rights of Indigenous Peoples to self-determination is accepted in international law and has been increasingly given effect in the domestic law of States, and

"Recognizing the long struggle by Indigenous Peoples to have their rights recognized in international law.

agree upon the following articles:

#### "PART I

#### "SELF-DETERMINATION

- "Article 1. All peoples have the right to self-determination. By virtue of reely that right Indigenous Peoples may freely determine their political status and I pursue their economic, social and cultural development.
- "Article 2. The term Indigenous People refers to a people
- "(a) who lived in a territory before the entry of a colonizing population which colonizing population has created a new State or States or extended the jurisdiction of an existing State or States to include the territory, and trol
- "(b) who continue to live as a people in the territory and who do not cor the national government of the State or States within which they live.
- "Article 3. One manner in which the right of self-determination can be realized is by the free determination of an Indigenous People to associate their territory and institutions with one or more States in a manner involving free association, regional autonomy, home rule or associate statehood as self-governing units. Indigenous People may freely determine to enter into such relationships and to alter those relationships after they have been established.

"Article 4. Each State within which an Indigenous People lives shall recognize the population, territory and institutions of the Indigenous People. Disputes about the recognition of the population, territory and institutions of an Indigenous People shall initially be determined by the state and the Indigenous People. Failing agreement, such questions may be determined by the Commission of Indigenous Rights and the Tribunal of Indigenous Rights, as subsequently provided.

#### "PART II

#### "CIVIL AND POLITICAL RIGHTS

- "Article 1. Each Indigenous People has the right to determine the persons or groups of persons who are included within its population.
- "Article 2. Each Indigenous People has the right to determine the form, structure and authority of its institutions of self-determination. Those institutions, their decisions and the customs and practices of the Indigenous Peoples shall be recognized by domestic and international law on a basis of equality and non-discrimination.
- "Article 3. Where an Indigenous People exercise their right of self-determination within one or more States, and that State or States has some extent of jurisdiction over the Indigenous People or over individual members of the Indigenous People,
- "(a) the individual members of the Indigenous People are entitled to participate in the political life of the State or States on the basis of equality with citizens of the State or States.
- "(b) the Indigenous People is entitled to representation in the legislative and executive branches of government, the courts and civil service. The state is under an affirmative duty to promote that participation,
- "(c) it is recognized that it is desirable for the Indigenous People to have a national organization or organizations of their own choosing and structure, independent of the organs of the State, to represent their interests in dealing with the State. Where the poverty or dispersed character of the Indigenous People inhibit the development of such an organization or organizations, the State shall provide funding to the Indigenous People to facilitate the establishment and maintenance of such an organization or organizations.

#### "PART III

## "ECONOMIC RIGHTS

- "Article 1. Indigenous Peoples are entitled to the lands they use and to the protection of the extent of use in areas where the use of land is shared in a compatible manner with others, and to those parts of their traditional lands which have never been transferred out of their control by a process involving their free consent.
- "Article 2. The need to protect the integrity of the lands of an Indigenous People is recognized. The land rights of an Indigenous People include surface and subsurface rights, full rights to interior and coastal waters and rights to adequate and exclusive coastal economic zones.

- "Article 3. All Indigenous Peoples may, for their own ends, freely use and dispose of their natural wealth and resources, without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law. In no case may a people or a component unit of a people be deprived of its own means of subsistence.
- "Article 4. Where an Indigenous People have an economy reliant in whole or in part on hunting, fishing, herding, gathering or cultivation, they have the right to the territory and the waters used and needed for those pursuits. States are bound to respect such territories and waters and not act or authorize acts which could impair the ability of such lands and waters to continue in such use.

#### "PART IV

#### "SOCIAL AND CULTURAL RIGHTS

- "1. The cultures of the Indigenous Peoples are part of the cultural heritage of mankind. The shared beliefs of Indigenous People in co-operation and harmonious relations are recognized as a fundamental source of international law.
- "2. The primary responsibility for the protection and development of the cultures and religions of the Indigenous People lies with the Indigenous People. To this end the original rights to their material culture, including archeological sites, artifacts, designs, technology and works of art lie with the Indigenous People or members of the Indigenous People. Indigenous People have the right to reacquire possession of significant cultural artifacts presently in the possession of public or semi-public institutions, where possession of those artifacts was not obtained from the Indigenous People in a just and fair manner or where the artifacts are of major cultural or religious significance to the Indigenous People.
- 3. The Indigenous People have the right to fully control the care and education of their children, including the full right to determine the language or languages of instruction.
- 4. The Indigenous Peoples have the responsibility for the preservation and development of their languages. Their languages are to be respected by States in all dealings between the Indigenous People and a State on the basis of equality and non-discrimination.

### "PART V

# "RATIFICATION AND IMPLEMENTATION

- "Article 1. This Covenant shall be open to ratification by States and by Indigenous Peoples.
- "Article 2. To ensure the fulfilment of the provisions of this Covenant there shall be established a Commission of Indigenous Rights and a Tribunal of Indigenous Rights.
- "Article 3. The duties of the Commission of Indigenous Rights are:
- "(a) to receive and assess the reports of the States and of the Indigenous Peoples who are parties to this Covenant.
- "(b) to receive and assess petitions alleging the violation of the rights of Indigenous Peoples in contravention of the provisions of the present Covenant

- "(c) to determine the appropriate recognition of the population, territory and institutions of an Indigenous People by a State, in compliance with Part I, Article 4,
- "(d) to investigate any petitions alleging the violation of the rights of Indigenous Peoples, with the power to require documents from States parties, with a right to access to officials of the States parties and with access to Indigenous lands, institutions and people within a State,
- "(e) to attempt to achieve a peaceful settlement of disputes involving indigenous rights, by mutual agreement of the parties,
- "(f) to determine whether there has been a violation of any State or any Indigenous People of the provisions of the present Covenant,
- "(g) to conduct or commission research on matters of indigenous rights, to conduct or support educational programmes and to publish any reports, studies or determinations.
- "(h) to determine, in cases of dispute, the groups that are Indigenous People with a right of self-determination, subject to an appeal to the Tribunal of Indigenous Rights as subsequently provided. The Commission shall review all ratifications of the present Convention by Indigenous People to determine whether the ratifying group is an Indigenous People with a right of self-determination.
- "Article 4. The Commission will be composed of no fewer than 6 and no more than 19 persons. Each commissioner will be an indigenous person of good moral character.
- "Article 5. Three persons will be nominated to the Commission from every state affected by the Covenant. A State is affected by the Covenant if
  - "(a) it has ratified the Covenant, or
- "(b) an Indigenous People living wholly or partly within the State has ratified the Covenant.
- "Article 6. If a State has ratified the Covenant, or if an Indigenous People living wholly or partly within the State has ratified the Covenant, three indigenous persons will be nominated by the most representative indigenous organization or organizations in the State. The organization or organizations so qualified shall be designated by the Executive Council of the World Council of Indigenous Peoples. If sufficiently representative organizations do not exist, the Executive Council of the World Council of Indigenous Peoples shall designate an individual of the state to make all or some of the nominations.
- "Article 7. The members of the Commission shall be selected from the nominees by the Executive Council of the World Council of Indigenous Peoples, which shall also determine the number of Commissioners. Members shall serve terms of four years.
- "Article 8. The duties of the Tribunal of Indigenous Rights are to determine, after an investigation and determination by the Commission of Indigenous Rights:
  - "(a) the groups which are Indigenous Peoples with a right of self-determination,
  - "(b) any question of compliance with this Covenant.
- "Article 9. A matter may be taken before the Commission by a State party, an Indigenous People party, the World Council of Indigenous Peoples or a person or persons affected by an alleged violation of the rights of an Indigenous People.

A matter may be taken before the Tribunal, after the investigation and determination of the Commission of Indigenous Rights, by the Commission of Indigenous Rights.

- "Article 10. The Tribunal may request an advisory opinion from the International Court of Justice on any question of law arising in the course of its work.
- "Article 11. The Tribunal will hold public hearings and receive oral or written submissions. Parties may be represented by counsel. No rules of the Tribunal shall exclude any category of evidence.
- "Article 12. The Tribunal shall consist of up to 15 persons, 4 of whom will serve on a full-time basis. The members of the Tribunal may be indigenous or or non-indigenous, shall be of good moral character and shall serve in their individual capacities.
- "Article 13. Each State party may nominate one candidate for the Tribunal. Each Indigenous People signatory to the present Covenant may nominate one candidate for the Tribunal. The members of the Tribunal shall be elected by secret ballot by the states and the Indigenous Peoples who have ratified the present Covenant. The elections will be conducted in a manner to ensure that a majority of the members of the Tribunal will be indigenous people.
- "Article 14. The costs of the institutions created pursuant to the present Covenant shall be borne by the United Nations Organization.
- "Article 15. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
- "Article 16. There shall be no restriction upon or derogation from any of the rights recognized or existing in any state party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

# "PART VI

# "REPORTING

"Article 1. Each State and each Indigenous People which has ratified the present Covenant shall report to the Commission on Indigenous Rights every three years, describing fully the situation of the Indigenous People and the extent of compliance with the provisions of domestic and international law, including those of the present Covenant.

#### "PART VIII

# "COMING INTO FORCE

- "Article 1. The present Covenant is open for signature and ratification by any State and by any Indigenous People. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- "Article 2. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations the sixth ratification by a State and the sixth ratification by an Indigenous People. Until the establishment of the Commission of Indigenous Rights, the Executive Council of the World Council of Indigenous Peoples shall certify groups to be Indigenous People with a right of self-determination for the purposes of ratification of the present Covenant.

#### THE SALVATION ARMY

[Original: English]
[13 May 1983]

We wish to strongly recommend that the United Nations continues its urgent efforts to achieve a just recognition of the reasonable rights of all Indigenous Peoples. We commend and support the Centre for Human Rights in giving priority to this question. We note, and support every effort made toward progress in the areas of concern referred to in your penultimate paragraph, providing that the freedom sought by the Indigenous Peoples reflects the maturing of their thinking and life-style from that of their more primitive antecedents. This would probably apply particularly in the development of culture and traditional religious practices.

In its endeavour to serve the spiritual and social needs of all, irrespective of country, creed, colour or class, The Salvation Army seeks to avoid direct political involvement, but as a Christian Movement endeavours to support and be of service to the Indigenous Peoples in most areas. Our survey shows that our organization is not actually at work in some of the areas involved, particularly in South America, but that where there is already identification with the cause of the Indigenous People there is real sympathy and support, but a plea for a balanced view of the situation, as our report will show. In all cases our people are alerted to the problems under review.

Prior to receiving the present communication The Salvation Army, in its association with the World Council of Churches, had invited reaction to World Council reports and statements on the situation of Indigenous Peoples. 6/... We share with you reactions received from Australia, Bolivia, Brazil, Canada, Chile, Costa Rica, Guatemala, Mexico, New Zealand, Panama, Peru, Philippines and Venezuela. The comments offered will hardly throw any new light on the subject but we trust our active interest will hereby be declared.

# A. Extracts from reports received by the Salvation Army from the countries named:

aUSTRALIA: "The Salvation Army in Australia has a genuine interest in the welfare of the Aborigine people, but urges caution on accepting at face value all the complaints raised by the more vocal among them. Some observations by one who has studied the matter in some depth are reported in Appendix 2. That there is still prejudice and injustice is not denied, but our reporter avers that many positive aspects of aboriginal-white relations should not be overlooked. Community attitudes are changing at least in some localities so that while prejudice still exists it is by no means so intense or widespread as 15 or 20 years ago.

"In its appeal for a balanced view of the situation our Australian response observes that: 'when race prejudice is less widespread it is felt more intensely when it does occur. The Aborigine who averages 40 insults a day probably does not notice when he scores 41 on a particular day. But when the average drops to two or three a week, he is likely to feel every fresh one more keenly. This would apply particularly to some of the leaders of the aborigine movement who are trying to work at executive levels within white society". There should, of course, be no insults and no colour-conscious society.

"It is suggested that some reports on the situation seem to take for granted that Aborigines are a homogeneous group. A competent anthropologist would be aware that the Australian Aborigines comprise several racial strains and that there are quite wide cultural differences between different regions. There is in fact evidence of 'racial' prejudice between one aboriginal group and another.

<sup>5/</sup> See under "World Council of Churches", above.

"Our reporter observes further that the plea for cultural freedom, though understandable, could not be absolute. Prohibition of some of the old tribal customs which are not only anti-Christian, but totally unacceptable in a modern world, should not be regarded as racist. To allow and encourage some of these practices would only brand the Aborigines as racially inferior - which is what we are fighting against.

"There is a fear that some of the Land Rights claimed may not be based on genuine traditional links, so much as being put forward by people with political axes to grind (e.g. anti-uranium mining zealots) who are attempting to use Aborigines for their own ends.

"The Aborigines Act of 1971, though admittedly quite inadequate, did replace a far more objectionable piece of legislation. The 1971 Act does represent a positive advance — a step in the right direction. To brand the legislators as racist, as some onlookers do, is counter-productive in changing community attitudes.

"Our reporter refers to the State of Victoria, observing that legislators there face special problems. Victoria Aborigines are thoroughly detribalized, many of them living in Melbourne being migrants from other States, even those in Gippsland being a mixture of many tribes. It would be difficult to find sacred sites which would be meaningful to more than a few individuals. Any proclaimed site would be largely an artificial creation of symbolic rather than genuine historical value.

"While some mining companies show insufficient awareness of the need to respect Aborigines as persons and to give them equal opportunity for training and employment, companies generally are becoming increasingly aware of this. Unfortunately often genuine efforts to do this meet with the jibe of 'paternalism'!

"The recommendation to halt mineral exploration in Arnhem Land may well be dependent on the disturbed world situation and Australia's defence needs. Finding ways to use the resources of this area with least possible disruption to aboriginal communities must have high priority.

"On the question of Voting Rights our commentator says this is a just cause which the churches should fully support.

"Accusations that health conditions of Aborigines are caused by wilful neglect and discrimination are only partly justified. Lack of understanding is a more frequent cause. Even sincerely well-meaning white health professionals have caused harm in their efforts because of failure to communicate properly or lack of knowledge of aboriginal social backgrounds and actual living conditions.

"The Salvation Army in Australia would support a determined effort to provide proper education for the Aborigines, but recommends care that the curriculum does not become so loaded with special studies that it puts the aboriginal children at a disadvantage when seeking university entrance or employment at the end of their school days.

"The Salvation Army issued a statement expressing the wish that more could be done both by Federal and State Parliaments in the interest of the Aborigine People, but declined to be involved in a protest march likely to cause more damage and hurt than good. At this time (the Commonwealth Games period) the Army accepted responsibility for feeding and housing 2,000 Aborigines who came to Brisbane for the march.

"The Salvation Army has opened a centre for Aborigines at Weipa in the far north and in Brisbane has a small Aborigine Workshop, both of which aim to help Aborigines with social adjustment problems, particularly alcoholism and training for employment."

BOLIVIA: "Our reporter writes: 'The majority of the population is Indian. They use native Aymara and Quechua languages, and present legislation favours them in general. The Agrarian Reform was especially respectful of their votes and they have therefore obtained a very favourable legislation over the years."

BRAZIL: "The situation outlined in the WCC statement was said to call attention to an important existing issue, but in the opinion of our reporter (Danish) it is somewhat ambiguous and perhaps unnecessarily biased. There exists an official department called FUNAI (Fundacao Nacional do Indio) which, to quote our informant, 'is in true succession to the life-long efforts of Marshall Rondon - a strong defender of the indigenous people, endeavouring to watch the balance between the pressures of new highways, mining and agricultural development projects on the one side and the land occupied by Indian tribes on the other'. It would appear that some sincere efforts are made by the authorities to solve existing problems. A native Indian was freely elected to the Federal Parliament at the recent General Election." (The Salvation Army has no activity in the actual region affected by the Indian problem.)

CANADA: "The Salvation Army has direct involvement with the Native Peoples of the Nishga Tribe on the Nass River (Canyon City), the Gitsan Tribe on the Skeena River (Hazelton, Glen Vowell, Kitsegukla) and the Tsimshaen Tribe on the Coast (Port Simpson).

"The Salvation Army supported action by the churches with the Federal Government regarding the environmental safety of the waters on which the Nishga people rely for food supplies. The tribe had a controversy with the Amex Corporation concerning dumping of effluent into Alice Arm, their traditional fishing area.

"In British Columbia the Army was approached by the Nishga Tribal Council and the Gitskan-Carrier Tribal Council for financial aid and for letters of support to the Prime Minister concerning the land claim issue. The Anglican Church in Canada has given substantial financial and political support to these two tribal councils.

"Many of the Native people in the areas mentioned claim The Salvation Army as their Church and our administration in Canada is very sensitive to their claims and needs. One problem experienced is that there is not unanimity among the various tribal councils themselves as to who has claim to what territory. It is therefore difficult to give moral and public support to the issue, recognizing some of the legal complications. However, our Headquarters in Canada is willing and ready to consider any way in which any support of theirs may help to provide assistance in this matter of such vital concern to so many of the Native people."

CHILE: "The comment from Santiago says: 'The Chilean population is the product of the fusion of ethnic native groups with the Spanish conquerors. All distinction between the different groups virtually disappeared during the first half of the 18th century.'" (A rather too complacent view - further investigation requested).

COSTA RICA: "The Government provides an office for 'Indian Affairs' as well as providing reservations for the indigenous people. In the opinion of our representative there (American citizen/British born) the Government is doing everything in its power to protect the interests of the indigenous people of the country."

GUATEMALA: "The Government is strongly involved in protecting the land rights of the indigenous people. The effort is more to restore land rights and redistribute land than to protect the rights of those who already possess such properties. It is a burning public issue in Guatemala.

"The Salvation Army has been instrumental in assisting indigenous people following earthquake disasters and for seven years has been deeply involved in the construction of homes for indigenous people on the lands provided by the Government. Following the 1976 disaster The Salvation Army participated in a Government subsidized self-help programme in building homes for 600 families. Families who could not pay were trained to build their own houses so that their labour paid the cost of materials and construction. An extremely low rental purchase has given these families ownership of their own property. The Salvation Army has recently commenced a further project of this kind for 400 families."

MEXICO: "The Salvation Army has not felt it necessary to intervene in the rights of indigenous people and their land claims. Our correspondent (American) states that by presidential decree both Indians and Campesinos (land farmers) have been given favoured rights. During the past six years the Mexican Government has given thousands of land deeds to families. In many instances land owners have had to divide part of their holdings and provide them for the farmers and Indians who have worked on these lands for so many years - something of a 'squatters rights' policy. Indigenous people in Mexico are protected in this way."

NEW ZEALAND: "Our reporter (New Zealand) confirms that this is a very thorny problem! The Salvation Army as a member of the National Council of Churches, has participated in a 'workshop' on racism in New Zealand. Our national leader attended and found it a traumatic experience. His considered view is that a number of angry activists, some 'Pakeha' and some Maori, tend to present a much biased view of the situation. The problem of the Treaty of Waitangi of 1840, never ratified by an elected New Zealand Government, is recognized but he fears that a small minority of angry, articulate and often violent protesters are missing no opportunity to stir up confrontation with the Government, Police Force and Judiciary. In so doing they are defeating their own cause.

"The Salvation Army takes the situation seriously and has set up its own 'Commission on Racialism in New Zealand' to follow on in depth the discussion prompted by this enquiry."

PANAMA: "The Salvation Army does not seem to be involved in any discussion on the rights of indigenous people, although a programme may well exist. The matter is being given further consideration."

PERU: "Comment: 'Apart from the capital city of Lima, inhabitants are mostly Indian and present laws favour them.'"

PHILIPPINES: "In 1981 and '82 The Salvation Army was involved in questions relating to land claimed by the T'boli Tribes at Barangay, Wali, Maitum and South Cotabato. The process of securing title to some 157 hectares of land is still going on. It appears that the Bureau of Land has confirmed that certain areas rightly belong to the T'boli but some portions are claimed by migrants who have come into the area. By right of original occupance and inheritance from their forefathers, the T'boli have occupied the land and developed it. However, because of their illiteracy and ignorance of the law the right of land ownership has never been worked out and determined for them. It would seem that by some doubtful means migrants have taken possession of certain areas and now claim occupancy.

"The National Council of Churches, of which The Salvation Army is a member, was (or is) associated with PACT (People's Action on Cultural Ties) in looking into the threatened eviction of the Ingorot native people from the Mountain Province in connection with the construction of another dam on the Chico river. This Government project will displace the whole community and the National Council of Churches is researching the situation with a view to making recommendations."

VENEZUELA: "We were not able to discover any connection with land rights problems or programme. Our people are now alerted to the subject."

# B. Continuing the Journey Justice for Aboriginal Australians

The report of the team visit to Australia continues to draw considerable interest from the churches, governmental and non-governmental organizations. It has been widely distributed as directed by the Central Committee in 1981. The General Secretary, Dr. Philip Potter, has written to the Secretary-General of the United Nations asking for wide distribution to United Nations membership. The other international bodies like International Commission of Justice, the United Nations Human Rights Commission and Amnesty International have shown substantial interest in the report and they intend to take notice of the issues raised according to their own style and procedures.

The most important results of the team visit have been some of the concrete actions taken by the Australian churches and the Australian Government in pursuance of justice for the Aboriginal Australians.

The most significant action in response to the WCC Team's Report was the decision by the New South Wales Synod of the Uniting Church in Australia to give two adjacent blocks of land together with the buildings on the land to the Aboriginal people as a grant free of any condition. The two blocks of land in the inner city area of Sydney had previously been used by various Aboriginal cultural and welfare organizations.

A similarly significant decision was that of the Northern Synod of the Uniting Church to reject a major hotel/motel development proposal for a block of land in central Alice Springs in favour of a commercial development plan which will incorporate the needs of the Aboriginal organizations in Central Australia.

The majority of the dioceses of the Anglican Church have passed resolutions commending the thrust of the report and several have taken steps to encourage discussion of the Report and its implications in their individual congregations. The Salvation Army, Society of Friends and Churches of Christ have also commended the initiative and recognized the timely and forthright reminder of the challenge of justice for Aboriginal Australians.

The Premier of the State of Queensland refused to meet with the WCC team whilst in Australia and used the opportunity to make his now familiar criticisms of the churches' concern for justice for Aboriginal people.

However, even the opposing governments studied the report carefully and circulated its response among the clergy in their states. The Federal government made a considered response and took several positive steps in order to meet the preport's recommendations.

The Australian Council of Churches has established a working group with members appointed by the churches to monitor follow-up of the Report and assist the ACC in the continuing dialogue with the Federal and State Governments.

In 1988, Australia will "celebrate" 200 years of white settlement. For Aborigines, the past 200 years have been a saga of dispossession, destruction of their traditions, culture and heritage and death for many thousands of their ancestors. In recognition of this historical reality, the churches in Australia are exploring ways to use 1988 as a deadline for adequate and effective land rights legislation in each state.

There are some Aborigines still living in a primarily tribal setting, or only one generation removed from it, but they are a diminishing minority. To them, identification with particular pieces of land is a very real thing.

For most Aborigines, Land Rights is about self-respect. White society has tended to reject them: treat them as sub-humans to be exploited. Many Aborigines accepted this, and turned to drink as a release. The Land Rights movement has given them back a sense of identity, personal worth and hope for recognition as real people, not useless rejects. It has given them a cause worth fighting for. This applies even when they themselves have never seen the particular area of land in dispute, and have no actual ancestral connection with it. (e.g. Victorian Aborigines can and do become personally involved in agitation over land in Western Australia).

Critics of the Land Rights movement have observed that many of its leading figures (e.g. Mr. Charles Perkins, Mr. Gary Foley, Ms. Aileen Corpus) are actually half-castes or mixed-bloods rather than full-blooded Aborigines. Mixed-bloods tend to follow a particular pattern in childhood and adolescence. They are usually educated in schools where most of the other pupils are white. At first, they reject their Aboriginality and try to gain acceptance in white society. This is frequently unsuccessful, and they are left with a crisis of identity and self-respect.

When white society rejects them, they try to gain acceptance among blacks. In order to establish their credentials as blacks, they tend to take up black rights issues and become super-militants. This, together with their more advanced educational standard helps to propel them into positions of leadership. Some never get beyond this stage, and, without always realizing it themselves, tend to exploit and use their Aboriginal followers for their own enrichment and advancement.

Others do establish a genuine identity with their full-blood brethren, and work selflessly for their advancement.

Both types of Aboriginal leaders are vulnerable to exploitation by whites with political axes to grind.