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PREFACE



Increasingly, today's conflicts affect the lives of indigenous peoples and their territories. Some of the main factors leading to conflict continue to be embedded in issues of social exclusion, control over resources and land, the violation of rights and inequality. Indigenous peoples' struggles for peace demand the recognition of their rights, world views, beliefs and traditions. In the words of Rigoberta Menchú Tum, Nobel Laureate and UNESCO Goodwill Ambassador for a Culture of Peace, peace building means weaving together the threads of equality, justice, participatory democracy and the recognition and respect for the rights of all peoples and cultures.¹ It means establishing intercultural relationships, which facilitate co-existence within a framework of plurality and cultural respect. This project seeks to explore the role indigenous peoples and their organizations play in preventing and resolving conflict.

The ten case studies in this report from Latin America, Asia and Southern Africa offer insights into understanding the root causes of conflict and formulating innovative mechanisms for building peace. The report responds to a growing demand from civil society organizations and indigenous peoples for a documentation of their efforts and successes and obstacles they face in order to sensitize the

¹Statement at the International Conference on Conflict Resolution, Peace building, Sustainable Development and Indigenous Peoples, organized by Tebtebba Foundation, December 2000.

greater public on issues related to ethnicity and the defense of human rights of indigenous peoples. It also shows the dynamics and tensions of partnership building between indigenous peoples and NGOs and between them and government institutions and multi-lateral organizations.

The studies document the experiences of indigenous peoples, academics, researchers and non-governmental organizations in addressing situations of conflict – findings that hold valuable lessons for conflict resolution and peace settlement of disputes in other parts of the world. In so doing it highlights the difficulties and drawbacks inherent in these processes, as well as the building blocks towards successful outcomes as guiding principles to facilitate other such initiatives.

Instead of approaches that see indigenous peoples' organizations and movements as a threat to political stability, democratic rule or national sovereignty and territorial integrity, the case studies illustrate the contributions indigenous peoples make to the nation states in enhancing cultural diversity, the protection of the environment, the construction of ethnic identities and the defense of human rights. They emphasize the importance of placing a rights-based approach at the centre of the debate on the current agendas of the countries. Furthermore, the case studies demonstrate how the demands of indigenous peoples can be positively addressed by the multilateral system, UNDP and other UN bodies, in particular the Permanent Forum on Indigenous Issues.

The complexity of factors involved in peace agreements in which Indigenous Peoples are involved in Latin America, Asia and Africa pose the question of more coordinated efforts between the UN human rights mechanisms and the reconstruction, disarmament and demobilisation tasks pursued through political decisions by the nations involved. The compliance with human rights instruments is usually sacrificed after the goal of cessation of hostilities is achieved. This is one reason for the growing frustration among indigenous peoples who are seeking not just for temporary peace but for a sustainable peace based on justice.

The UNDP Civil Society Organizations Division commissioned the case studies over a two-year period (2000-2002). As members of the CSO Advisory Committee to the Administrator of UNDP, we identified representatives of indigenous organizations and NGOs with experience in indigenous peoples' communities to write the case studies (seven in Latin America, two in Asia and one in Southern Africa). The report contributes to the guidelines set out in the

UNDP policy of engagement with indigenous peoples (2001), which sees a clear role for UNDP in acknowledging and strengthening the presence and role of indigenous peoples and their organizations in preventing conflict and promoting peace.

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OVERVIEW



Indigenous peoples the world over have struggled for generations to preserve their ancestral lands, culture and traditional means of livelihood. Historically, development has been imposed upon them in ways that have damaged their ancestral lands, water and natural resources, and impoverished them monetarily and culturally. Territorial claims have led to clashes with other ethnic populations, militarization and in some instances to movements for secession.

To these age-old sources of conflict have been added new threats with the spread of globalization and the growing exploitation of indigenous lands for scarce natural resources. Today, indigenous peoples' territories are under constant pressure from extractive industries and government-backed large-scale public or private industrial interests. Most conflicts that beset indigenous peoples in countries from Bangladesh to Bolivia are rooted in the denial of their aspirations to preserve their distinct cultural values and identity. The relentless exploitation of natural resources in ancestral lands of indigenous peoples, the use of indigenous knowledge without their free prior informed consent, the lack of political participation and widespread poverty have set indigenous peoples on a course of conflict with governments and, increasingly, with multinational corporations.

Despite their conditions of marginalization, indigenous peoples

in conflict situations have in recent years emerged as persistent and skilful interlocutors with powerful entities to safeguard their interests and rights. While recognition of the need to address legitimate claims of indigenous peoples is by no means universal, governments and corporations are gradually according a place at the table to indigenous peoples in negotiations to end conflict, build peace and preserve indigenous territories. This collection of case studies examines the experiences of indigenous peoples in conflict situations in ten countries and offers lessons and recommendations.

Main Elements of the Case Studies

Four of the case studies focus on peace accords agreed between governments and indigenous movements mobilized to gain recognition of their right to self-determination: Bangladesh, Guatemala, Mexico and the Philippines. They highlight the strengths and weaknesses of negotiated settlements, and the critical and common problem of non-implementation of salient features of these agreements for which government and international commitment and support are pre-requisites.

In Bangladesh, the indigenous peoples' movement for autonomy in the Chittagong Hill Tracts (CHT) has its origins in a historical process of assimilation and oppression which began with colonisation in 1860. This case study focuses on the 1997 Peace Accord, agreed between the Government of Bangladesh and the Parbatya Chattagram Jana Samhiti Samiti - PCJSS (the United Peoples Party of CHT), which spearheaded the indigenous Jummas movement for self-determination, to end more than 25 years of violent conflict.

The case study identifies the struggle for land rights and greater recognition of the distinct identity of the indigenous peoples, known as the Jummas, as the underlying causes for the conflict. Policies of assimilation and economic development in the CHT included a population transfer programme, internal displacement, large-scale afforestation and infrastructure projects, accompanied by militarization as a counter-insurgency strategy. This has resulted in heightening the ethnic tensions with reports of arbitrary arrest, abductions, rape and torture of the indigenous peoples being reported. With the signing of the Accord in 1997, the situation improved but other problems have surfaced due to the slow pace of implementation of the Accord and the unresolved land situation. This has created a volatile environment where peace and development remain illusory.

The CHT peace accord is testimony to the rigours of negotiated settlements and the influence of ethnic/cultural differences. The case study describes it as a compromise arrangement, a product of many years of intense dialogue and negotiation; not a win-win solution, but one that has opened windows to a more durable solution to the CHT issue. Two urgent concerns are demilitarization and land, within the framework of the right to self-determination. To achieve these objectives, the study makes a number of specific recommendations directed at (a) the Bangladesh Government, (b) the indigenous Jummas, and (c) the international community including UNDP, other United Nations bodies and donors, emphasizing the need for participatory and sustainable development which is culturally appropriate and responds to the needs and concerns of the CHT peoples today.

In a similar situation, the Guatemalan case study focuses on the process leading to the 1996 Peace Agreements. It examines the escalation of ethnic conflicts and resurgence of militant indigenous movements in a nation-state engaged in nation building. The case study provides an overview of the Agreements, including the agreement on the identity and rights of indigenous peoples from the perspective of the Mayan movement. It describes how poverty and repression caused by unequal development, low wages, export-oriented agro-industry have placed the indigenous peoples in a doubly vulnerable position – in the forefront of opposition groups as well as in the cross-fire. Drawing lessons from this experience, the case study highlights the need to create ample and participative political spaces for indigenous peoples in any nation-building exercise.

The Mexico case study focuses on the process of negotiations between the *Ejercito Zapatista de Liberación Nacional* – EZLN (Zapatista National Liberation Army) and the Government and the San Andrés Accords of February 1996. Analyzed within the context of the challenge of cultural plurality to the nation-state, the case study discusses how internal conflicts emerge in the process of government attempts to consolidate power and centralize the economy. It highlights two aspects: demands for autonomy from indigenous peoples who have been marginalized from national life and the participation of women in peace building.

This contribution describes the military offensives in Chiapas in 1998, and the new peace plan, which has been rejected by the Zapatistas. Also discussed are the aspirations of EZLN to continue negotiations regarding the implementation and their frustration at

the constitutional reform of April 2001, which does not grant full autonomy or unrestricted natural resource rights. It provides a gender perspective on indigenous peoples' struggles for self-determination. It analyses the situation of indigenous women in Mexico who suffer double discrimination – both from within and without their community - and how the Chiapas conflict provided an opportunity for social mobilization and greater recognition of their role in conflict prevention.

The case study emphasizes the importance of engaging in peace talks based on mutual respect and agreed ground rules. It underlines the critical need to involve indigenous peoples, particularly women, in the peace process to enable them to learn from and contribute to conflict resolution initiatives, both at the national and international level. Building on the experience in Chiapas, a number of recommendations are made as lessons learned in conflict prevention specific to: (i) the Government of Mexico such as providing urgent aid to Chiapas and other indigenous areas, (ii) to the UN and other international bodies: (a) recognition of collective rights of indigenous peoples and the potential of indigenous juridical systems to resolve conflict; (b) to facilitate peace processes including negotiation trainings (c) for international financial institutions to develop more transparent and indigenous-oriented policies and programmes; (d) to create environments conducive to peace negotiations; and (e) to recognize and respect the rights of indigenous women in peace building processes.

The fourth study on the process of negotiating a settlement to a conflict situation is that of the struggle of the Moro people for liberation. The study focuses on the results of inadequate state responses to their demands for greater recognition of their right to self-determination. It reflects on the influence of ethnicity in secessionism, reinforced by the global resurgence of Islam within the context of the current war on terrorism and the involvement of the Al-Qaeda forces in the 11 September 2001 attacks. The Moro people do not self-identify as indigenous peoples. The Lumad are the ones who self-identify and are recognized as the indigenous peoples in Mindanao.

However, this case study was included because the issues of the Moro people are similar to those of the Lumads, except that their struggle has strong Islamic underpinnings and they have a clear agenda for secession or independence. It is also an attempt to initially introduce the situation of the Lumad. The present conflict in Mindanao in Southern Philippines is so complicated as the Philippine government is simultaneously engaged in violent conflicts with

the Moro Islamic Liberation Front (MILF), the New Peoples' Army of the National Democratic Front and the Communist Party of the Philippines (NPA/NDF/ CPP), and the Abu Sayaf. The Lumads are found in territories contested by the Philippine government, the MILF and the NPA/NDF/ CPP. It is important therefore that a declaration of the Lumad which contains their recommendations on how their issues should be addressed is included in this paper.

The case study chronicles the Moro's struggle for self-determination through conflict and their peace negotiations with successive governments. It highlights the inherent weaknesses of the negotiated agreements, in particular, the failure to include other stakeholders such as the Lumad and civil society at large. Here, as in the other case studies focusing on peace accords, the importance of an inclusive and pro-active approach to conflict resolution which includes all segments of the concerned peoples including women and other political factions, is highlighted. The case study makes a number of recommendations, beginning with the recognition by the United Nations of indigenous peoples' right to self-determination. It also calls for the recognition of the right of indigenous peoples to own, manage and control their lands and resources, which is based on the 'land is life' principle,¹ and for a commitment by States to political, social and economic development and peace-building.

The Bolivian experience argues that poverty can be a catalyst for change. Overwhelming poverty, cultural discrimination and land dispossession has mobilized indigenous peoples in Bolivia to organize as an important pressure group in policymaking. Protest marches and other forms of advocacy forced the Government to engage with indigenous peoples in a process of dialogue to remedy years of isolation and 'misplaced State intervention.'

Providing a historical, legal and socio-political description of the different indigenous peoples in Bolivia, starting in 1675 when the Jesuit missions arrived in Bolivia, the case study argues that addressing land tenancy and land-based production is key to conflict prevention and resolution. It pays particular attention to confrontations with the state such as the 'water war' of April 2000, and how such mass demonstrations have influenced State policy on poverty reduction in Bolivia. It illustrates that conflict-driven ap-

¹ Indigenous peoples have spiritual ties to their lands, and do not perceive it as a commodity, but as the basis for their spiritual, cultural and economic survival. Without their lands they cannot survive, and are faced with cultural extinction.

proaches can be used successfully to secure changes in national legislation and to open up spaces for dialogue. The case study highlights the positive contributions of NGOs, the Government and the international movement in strengthening the capacity of the indigenous peoples.

The case study on empowering indigenous communities in the Sierra Nevada and Perijá region of the Cesar Department in Colombia is based on the experience of the non-governmental organization *Association for Inter-Disciplinary Work* (ATI) with indigenous communities conducted over 18 years since 1986. Central to their work are the experiences of five indigenous peoples (Iku/Arhuaco, Kankiamu, Kogui, Wiwa and Yukpa) in the ongoing armed conflict.

The case study analyses the underlying causes for conflict in land tenancy, environment and culture and draws on the experiences of ATI in empowering indigenous peoples in the area to better negotiate their rights through workshops, training, analyses, and impact assessment exercises. It also describes the formation of an inter-institutional mission to research the nature of conflicts - as a contribution to the consolidation of the peace process in Colombia. Government representatives with the capacity to take policy decisions were also included in the process, but unfortunately in the long run the Government suffered a loss of legitimacy due to their inability to address the escalation of conflict at the national level. It points out the initial successes of the process and highlights the importance of having the indigenous communities as the main actors for this process of conflict resolution. The author makes a number of recommendations including a role for the Permanent Forum on Indigenous Issues on the treatment of land as the central issue in indigenous conflicts, and the creation of an infrastructure of peace with UNDP as a key player.

Land as the key to change is the central issue of the case study on the land claim of the !Khomani San of South Africa. It describes how the !Khomani San people claimed back their ancestral lands in Southern Kalahari by challenging the new Constitution of 1996. The case study analyses this process and argues that while the problem of landlessness was being resolved, new ones emerged including tensions and conflicts with the Government and leadership struggles within the San who had to adapt to a new hierarchical representation system, and problems of assimilation and discrimination.

The case study examines the underlying issues behind the historic land claim settlement story which concluded with the second

phase in 2002. It highlights the problems faced by the community in adapting to a new system focused on individual decision-making and not the traditional consensual approach. The case study also spotlights the emotional and spiritual problems associated with sudden material wealth. It concludes by emphasizing the need for leadership training in new systems of voting and democracy (that differ from traditional systems based on consensus) and in reconciling differing visions of land and its uses. The success of the land claim has been a tremendous boost to the morale and collective identity of the !Khomani San. The author emphasizes that it has also been a learning experience for the !Khomani San leadership.

In Ecuador, indigenous peoples have increasingly had to negotiate not with the State, but with multinational companies. The case study, based on field work by the Centre for Economic and Social Rights, describes the process of negotiating the Secoya-Occidental code of conduct in 1999, enumerates the main principles agreed upon, and analyses of the role and motivation of the different actors. Looking at the lessons from the Secoya-Occidental oil exploration negotiations in Ecuador, the author states that the purpose of negotiating a code of conduct was to set the guidelines for meaningful dialogue based on transparency and equity. It was a complex and conflictive process, involving international observers and advisers to the Secoya from different civil society groups and facilitators. The government was involved only marginally. The code of conduct that was eventually signed led to an increase in the bargaining power of the Secoya indigenous people and improved their chances for a more equitable negotiation in subsequent oil explorations.

Drawing lessons from the experience and reflecting on its implementation over the last few years until today, the author recommends that the objective of the exercise must be clarified at the outset – whether it is to identify rules for dialogue or engage in negotiations. Indigenous peoples need to be assertive during the negotiations, be aware of the pressure exercised by the stronger party, and regularly evaluate the process. Although the code of conduct has not been a panacea, it has been an invaluable tool for the Secoyas to exercise their rights and it serves the purpose of reducing the differences in the asymmetrical relationship between two negotiating parties.

The working of another extractive industry is the subject of the case study from Peru, which analyses the impact of gold mining on

the Amarakaeri people. It focuses on strategies to prevent and resolve conflicts and highlights the positive influence of conflict as a mobilizing element. The study underscores how indigenous peoples mobilized in mid-2000 to initiate direct dialogue with government. Furthermore, the case study outlines the historical and political aspects of mining in Peru, and the emergence of an extractive-mercantile economy based on gold exploitation in Madre de Dios. 'Gold fecer,' however, brought little or no benefits to the indigenous peoples, with no plans to recover degraded areas or to prevent the effects of mercury poisoning.

The study draws attention to five major problem areas: (a) land and territory, (b) environment and natural resources, (c) basic services for education and health, (d) citizenship and rights to participation and (e) law and justice. It analyses the response of the Amaraekeri peoples (including the establishment of the Federation of the Madre de Dios River and Affluents – FENEMAD) to the most serious conflicts they face of land loss and pollution; and the contribution of NGOs in conflict prevention and peace building. Given the gravity of the health risks associated with gold mining, the author underlines the importance of environmental impact assessments, informed consent and full participation before formulating an intervention strategy. Knowledge bases of local communities in impact assessment and other areas should be acknowledged and integrated, thereby contributing to institutional development and networking. The goal should be the transfer and adaptation of responsive strategies to improve problem solving.

The construction of an electric energy transmission system from Venezuela to Brazil through the lands of the Pemón people has led to conflict rooted in differing concepts of development and values. This case study draws lessons from the struggle of the indigenous peoples and stresses the need to engage in an in-depth examination of the roots of the conflict. Empowering indigenous peoples and movements can provide the basis for a sustainable process of conflict resolution and prevention.

The case study chronicles the history of the conflict and examines each of its issues grouped under clusters. They include the supposed advantages to the indigenous peoples, the legal aspects, a public consultation process, the debate over indigenous territories and the individual/collective title, and the agreements with the indigenous peoples. The author emphasises how the struggle of the

indigenous peoples has influenced the Government's decisions – as manifested in the inclusion of a special section on indigenous peoples in the new Constitution (1999). However, this has been mutual with the Government also exerting some influence over the Pemón resistance. The conflict is not fully resolved yet, demonstrating the need to address in more depth the issues of environment and development, and the definition of national interest and cultural diversity.

Conclusions

These case studies are all analyzed from the perspective of how indigenous peoples have learned to accommodate change and in the process create their own strategies for survival. All the ten situations described in the case studies are conflict-driven, and this has been considered as an opportunity to challenge governmental, inter-governmental and corporate policies and projects.

Instead of approaches that see indigenous peoples' organisations and movements as a threat to political stability, democratic rule or national integrity, there is a need to reflect on the contributions indigenous peoples can make to nation-building in terms of conflict-resolution, environmental protection, cultural diversity and human rights. Indigenous peoples need to be at the centre of a rights-based approach to development, one that is peoples-specific, culturally appropriate and implemented in a participatory manner grounded on the principle of prior informed consent as a fundamental criterion.

The relationship between local forms of self-government and authority, customary law with national legislation, international macro-economics and approaches, referred to in these case studies highlight the need to combat racism, social exclusion and internal armed conflicts with plans and programmes that meet the needs of Indigenous Peoples and that take into consideration their particular values, concepts and traditions. A culture of peace includes an end to violence and to military actions, and promoting inter-cultural integrity. To deny a culture is to provide the basis for exclusion and socio-political domination, and it is critical to recognize the diversity of a multicultural country to consolidate democracy.

The case studies are illustrative of how the demands of specific segments of the national societies can be positively addressed by UNDP and other UN bodies and agencies. The dialogue between the UN system agencies and the UN Permanent Forum on Indig-

enous Issues is a step in this direction. A related element stressed in the case studies is the need for monitoring agreements entered into by indigenous peoples with states, companies and other agents in order to ensure their implementation. The UN and relevant agencies and bodies of the international system including UNDP and the Permanent Forum have a key role to play in this regard.

The case studies also stress the important role of support organizations and capacity development, the value of partnerships, including technical advisory support, and the importance of organized resistance with dignity. 'The main lesson for us from the Secoyas case is about dignity. Making strength out of weakness to confront such powerful adversaries face to face and earning their respect is doubtless worthy of acclaim.'

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