Transforming the Landscape of International Grantmaking for Indigenous Peoples

Open Society Institute
New York City, New York
May 19-20, 2005
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May 19, 2005

Dear IFIP Friends,

International Funders for Indigenous Peoples’ Linking Circles IV Planning Committee is pleased to welcome you to our fourth annual meeting, “Transforming the Landscape of International Grantmaking for Indigenous Peoples.” Due to the overwhelming response we received from our previous meetings, we’re pleased that this year’s gathering has been extended an extra day. We trust the two-day event will give participants ample time to meet one another and to fully discuss issues surrounding funding Indigenous Peoples.

This year’s event includes a dinner and a Iroquois Social Dance on May 19th from 6-11 p.m. in the Renaissance Hall at the Holiday Inn Midtown, 440 West 57th Street. We hope you will join us for an evening of fun as we listen and dance to songs performed once again by the renowned Akwesasne Singers and Drummers.

Since IFIP held its first Linking Circles meeting in 2001, interest has grown from two dozen Indigenous leaders and funders to nearly 100 in 2004. We're proud that IFIP's network of funders dedicated to becoming more effective in their international Indigenous grantmaking portfolios continues to grow. We hope that future meetings attract even more participants and continue to expand funding opportunities for Indigenous Peoples around the world.

Indigenous-focused philanthropy presents a unique set of opportunities and challenges for funders and Indigenous Peoples. IFIP's role in all this is to provide both groups with an added level of understanding and adaptability. To help accomplish this goal, IFIP has implemented a two-prong approach to increasing the effectiveness of international Indigenous grantmaking, education and advocacy. IFIP helps funders to better understand the often-complex problems faced by Indigenous Peoples and provides Native communities with an active voice within the philanthropic community.

We trust this meeting will provide you with new perspectives and strategies to more effectively fund the most marginalized ethnic group in the world.

Respectfully,

Evelyn Arce–White  Rebecca Adamson  
*International Funders for Indigenous Peoples*  *First Nations Development Institute*

Jennifer Cruz  Katie Sternfels  
*Gordon and Betty Moore Foundation*  *Grantmakers Without Borders*

Enrique Salmon, Ph.D.  Heather Ryan  Mililani Trask  
*The Christensen Fund*  *Global Greengrants Fund*  *Gibson Foundation*
International Funders for Indigenous Peoples’ Linking Circles IV:
“Transforming the Landscape of International Grantmaking for Indigenous Peoples.”

Introduction
This year’s Annual Conference was again held at the Open Society Institute Conference Center in New York City on May 19-20. IFIP chose the New York City location to support the United Nations Permanent Forum for Indigenous Peoples. Invited were funders, key Indigenous leaders and Indigenous organizations from all around the world interested in learning and collaborating with each other. This event delved into many different issues that assisted grantmakers in being more effective and innovative as they undertake grantmaking activities with Indigenous Peoples and in Indigenous communities.

Primary Objectives:

1. Provide grantmakers with an opportunity to speak directly with "neutral" (non-grantee) representatives from Indigenous communities on specific concerns within the grantmaking process.

2. Produce recommendations and guidelines to assist funders in their support for Indigenous development.

3. Update members on various issues including the economic and social concerns of Indigenous Peoples throughout the world.

Our Sponsors:
IFIP would like to first thank Open Society Institute for hosting us and providing technical assistance along with providing breakfast and lunch. IFIP would also like to thank the Levi Strauss Foundation and The Christensen Fund for being our main financial supporters; they have helped sustain IFIP’s work. The W.K. Kellogg Foundation was the primary financial supporter of this year’s conference and social dance. Other organizations that have sponsored this conference include: Aveda Corporation, Garfield Foundation, Reebok Human Rights Foundation, Ecologic Development Fund, and New York Regional Association of Grantmakers.
International Funders for Indigenous Peoples’ Linking Circles IV:
"Transforming the Landscape of International Grantmaking for Indigenous Peoples"

Thursday, May 19, 2005

Agenda

8:30 - 9:00 a.m. Registration and Continental Breakfast

9:00 - 10:00 a.m. Welcome, Introductions and Opening Prayer
  • Evelyn Arce-White, International Funders for Indigenous Peoples
  • Rebecca Adamson, President of First Nations Development Institute
  • Mililani Trask, Executive Director, Gibson Foundation
  • Elder Prayer, Chief Wilton Littlechild, Ermineskin Tribal Council and 34th House of Commons of the Canadian Parliament

10:00 - 10:30 a.m. Keynote Speaker Joênia Batista de Carvalho
  • Reeboks Human Rights 2004 Awardee, and Brazil's first female Indigenous lawyer

10:30 - 10:45 a.m. Morning Break

10:45 a.m. - 12:30 p.m. Indigenous Peoples and Water
  • Moderator: Shaun Paul, Executive Director, Ecologic Development Fund
  • Gregorio Choc, Executive Director, Sarstoon Temash Institute for Indigenous Management, Belize
  • Francisco Hernandez, President, Ulew Che’Ja, Totonicapan, Guatemala
  • Sebastian Charchalac, Regional Director for Mexico and Central America, Ecologic Development Fund

12:30 - 1:30 p.m. Lunch

1:30 - 3:00 p.m. Indigenous Peoples and Extractive Industries: Strategies to Protect Human Rights and the Environment
  • Moderator: Heather Ryan, Associate Director of Global Greengrants Fund
  • Katie Redford, Director of Earth Rights International and Counsel for Plaintiffs in Doe vs. Unocal
  • Jorge Fachin, President of Regional Achuar Federation, Peru
  • Ka Hsaw Wa, Director of Earth Rights International

3:00 - 3:30 p.m. Afternoon Break
3:30 - 5:00 p.m.  Indigenous Education and Language Revitalization
- Moderator: Tom Davis, National Museum of American Indian
- Gabrielle Strong, Program Officer, Native Language Revitalization Initiative, Grotto Foundation

5:00 - 5:30 p.m.  Questions and Closing Prayer

6:00 – 11:00 p.m.  Dinner at the Holiday Midtown Inn and Iroquois Social Dance
International Funders for Indigenous Peoples’ Linking Circles IV: "Transforming the Landscape of International Grantmaking for Indigenous Peoples"

Friday, May 20, 2005

Agenda

8:30 - 9:00 a.m.  Registration and Continental Breakfast

9:00 - 10:30 a.m.  UN Protection of Indigenous Rights and Resources
• Moderator: Tim Coulter, Executive Director, Indian Law Resource Center
• Chief Wilton Littlechild, Ermineskin Tribal Council and 34th House of Commons of the Canadian Parliament

10:30 - 10:45 a.m.  Morning Break

10:45 a.m. - 12:30 p.m.  Indigenous Peoples and Tsunami Aid – Relief or Second Catastrophe?
• Moderator: Nikhil Aziz, Executive Director, Grassroots International
• Martha Thompson, Professor, Tufts University
• Elizabeth Toder, Senior Program Officer, American Jewish World Service

12:30 - 1:30 p.m.  Lunch

1:30 - 3:00 p.m.  Indigenous Stewardship, Biodiversity and Conservation
• Moderator: Simon Counsell, Executive Director, The Rainforest Foundation, United Kingdom
• Roger Muchuba, Lawyer, Heritiers de la Justice, Bukavu
• Carlos Macedo, Institutional Administrator, Centro de Trabalho Indigenista, Brazil
• Lucy Mulenkei, Executive Director, Indigenous Information Network (IIN) of Nairobi and Coordinating Committee of the International Indigenous Forum on Biodiversity (IIFB)
• Belmond Tchoumba, Centre for Environment and Development, Yaounde, Cameroon

3:00 - 3:30 p.m.  Afternoon Break
3:30 - 5:00 p.m.   Power and Partnerships in International Grantmaking
• Moderator: Katie Stemfels, Program Coordinator of Grantmakers Without Borders
• David Brown, Americas Program Officer, American Jewish World Service
• Enrique Salmon, Ph.D., Program Officer, The Greater Southwest and Northwest Mexico, The Christensen Fund
• Bertha Flores, Leader of Council of Popular and Indigenous Organizations (COPINH), Honduras

5:00 - 5:30 p.m.   Questions and Closing Prayer
International Funders for Indigenous Peoples  
Linking Circles IV  
Thursday, May 19, 2005

8:30 - 9:00 a.m.  Registration and Continental Breakfast

9:00 - 10:00 a.m.  Welcome, Introductions and Opening Prayer

Mililani Trask, Executive Director, Gibson Foundation

Bio: Mililani Trask, the Executive Director of the Gibson Foundation from 1987 to present, a private, non-profit dedicated to assisting Native Hawaiians with housing issues, and housing programs. She is a Native Hawaiian attorney with an extensive background on Native Hawaiian land trusts, resources and legal entitlements. Ms. Trask is an acknowledged Peace advocate and has studied and worked for seven years with Mother Theresa of Calcutta. In 2001, Ms. Trask was nominated and appointed as the Pacific representative to Permanent Forum on Indigenous Issues to serve a three-year term beginning Jan. 1, 2002. Ms. Trask was appointed to the position by the President of the Economic Social Council of the United Nations and is currently considered an indigenous expert to the United Nations in international and human rights law. In 2004, she was one of the recipients of the Annie Mae Pictou Award.

Introduction: We have with us someone who will bring us together with an opening prayer, Chief Wilton Littlechild, who is a member of the UN Permanent Forum on Indigenous Issues. He is from Canada; a member of the Treaty Six Indian Nations and for many years has been a representative of IOIRD, which deals with issues concerning natural resources. He is not only an international human rights expert, but also an attorney working on some of the biggest resource cases in North America.

He has served us well for the first three years as the rapporteur, and when you look at the reports--the first, second, and third reports of the Permanent Forum--it is by the pen of Wilton Littlechild that these documents are approved by our body and sent up to the ECOSOC. So let me welcome Chief Wilton Littlechild who will open for us with the traditional prayer.

Honorary Chief Wilton Littlechild, Ermineskin Cree Nation and Former Member in the 34th House of Commons of the Canadian Parliament

Thank you very much, Mililani, and I ask you all perhaps, if it’s possible, to join hands around the tables or whichever way you can manage it. I’m going to first of all thank you very much, all of you, for this great, great honor. I ask for forgiveness and permission from you, the Haudenosaunee, whose traditional territory this is, because I really offer the thanksgiving in Cree, in my own language. So I ask you to join with me now and reach out in your own way,
the way you acknowledge the Great Spirit or the word of God, whichever way you acknowledge the Creator.

**Elder Prayer**

Thank you very much and may the Great Spirit bless each and every one of you as you work here on some very, very important issues for Indigenous Peoples, and I also want to personally thank you for the work that you do for all of us. Thank you very much.

**Evelyn Arce-White, International Funders for Indigenous Peoples**

**Bio:** Evelyn Arce-White, Chibcha (Colombian-American) descent, serves as Director for International Funders for Indigenous Peoples. She obtained her Master’s of Art in Teaching Degree at Cornell University with a concentration in Agriculture Extension and Adult Education. She currently holds two New York State Teaching certifications: one in Agricultural Education and the other in Extension Coordination of Diversified Cooperative Work-Study Programs. She was a high-school teacher for nearly seven years and taught Science, Horticulture and Independent Living Curriculum with the Office of Children and Family Services in Lansing, NY. Ms. Arce-White worked as a Communications Consultant for the Iewirokwas Program, a Native American Midwifery Program for several years and coordinated the American Indian Millennium Conference held at Cornell University in November 2001. She has contributed as a diversity consultant for Cornell's Empowering Family Development Program Curriculum. In her IFIP role, her main responsibilities are to strategically increase membership, design and develop session proposals for grantmakers conferences, maintain the website and listserv, develop biannual newsletters and research reports, and help to secure funds for IFIP.

**Speech:**

It has been a whirlwind of a week! We’ve had five foundations that have had sessions on Indigenous People. Things are changing. And I’m so pleased because we have 60 funders here today at International Funders for Indigenous Peoples Fourth Annual Conference. We have over 100 people attending today, over 60 funders and 40 Indigenous representatives and NGO’s that support Indigenous communities worldwide.

My name is Evelyn Arce-White. I’m Colombian-American. My people come from northwest of Bogota, the Chibcha people. I’ve been with International Funders for Indigenous Peoples for three years now, and I’ve seen a huge difference from the very beginning. I’m so excited to see that funders are responding to the needs of Indigenous People, and that there is a movement going on.

Yesterday I was at the United Nations, and we distributed 400 of the new Indigenous Peoples Funding and Resource Guides. At the United Nations session, IFIP distributed a questionnaire and we asked, “What are the challenges?” How can we improve access?” Some of the answers included items that IFIP is working on such as a funder’s database, a common proposal, conferences that bring Indigenous leaders together with funders.

This week we had several foundations--Moriah Fund, Ford Foundation, Honor the Earth, American Jewish World Service, Aveda Corporation, and The World Bank--bringing together funders to discuss Indigenous issues in the international arena.
Again, I’m so pleased that everyone is here. We’re going to be discussing seven critical issues that are current, and they’re all very good, and I’m very proud to say that we have excellent speakers for each one of them. Some of our speakers have set precedent cases for Indigenous Peoples.

Before I continue, I want to thank our planning committee members for helping to choose the sessions: Heather Ryan from Global Greengrants Funds, Rebecca Adamson of First Nations Development Institute, Mililani Trask from Gibson Foundation, Katie Sternfels from Grantmakers Without Borders, Jennifer Cruz from the Gordon and Betty Moore Foundation, and Enrique Salmon from The Christensen Fund. Thank you all for helping to make this a successful conference.

I ask that you try to meet five different people during breaks. We have funders here, we have Indigenous leaders here, we have NGOs here that support Indigenous projects, and I hope to see these three groups collaborate more.

Last year in our conference here, we heard funders say, “We want more Indigenous People at your conference.” I’m proud to say 65% of our speakers are Indigenous, and we hope to improve that in the future. We heard last year, “We want your meeting to be two days, not one; there are just too many important issues we want to discuss.” Well, we listened; it’s two days. We heard last year, ”We want more time to discuss these issues,” so we reduced most of the sessions to three speakers, and we also increased the time of each session to an hour and forty-five minutes. So we are listening to you! And I ask that you complete the evaluation form in the back. Give me your suggestions. Become a member of IFIP.

We are as strong as our members, and we need your help, and we need you to get involved because this is important. Indigenous communities are being marginalized. They are being victimized. And people are starting to listen, but not quickly enough. Their resources are being depleted every single day. We only have one planet. We need to act now. And if the philanthropic community does not do it, who will?

Again, thank you for coming. Thank you for being a part of this.

Now I would like to introduce you to two wonderful women whom I respect highly, who have done groundbreaking work their whole lives, 20 to 30 years. So please join me in welcoming President of First Nations Development Institute, Rebecca Adamson, and Executive Director of Gibson Foundation, Mililani Trask.

Rebecca Adamson, President of First Nations Development Institute

Bio: Rebecca Adamson, Cherokee, Founder and President of First Nations Development Institute (1980), and Founder of International Funders for Indigenous Peoples and First Peoples Worldwide. She has worked directly with grassroots tribal communities, and nationally as an advocate on local tribal issues since 1970. Ms. Adamson’s international work with FPW created the first Indigenous community foundation - The Lumba Aboriginal Community Foundation in Australia; established capacity for the Sans Tribe to secure land tenure in traditional homelands in Botswana, Namibia, and southern Africa; launched an international corporate engagement strategy whereby investment criteria protecting the rights of Indigenous Peoples have been adopted by a mutual fund, an index fund, and numerous investment advisors. Ms. Adamson’s most recent honors include the 2004 Schwab Outstanding Social Entrepreneur Award and receiving a Doctor in Humane Letters degree from Dartmouth College in Hanover, NH.
Speech:

My role today is really simple and easy. Some of you already know me from the work I’ve been doing within the United States and with First Nations Development Institute for 25 years. I have also started working internationally with Indigenous Peoples for about 8-9 years now. Everything we’ve done has been to try to get more resources—both financial and technical resources—going directly to Indigenous communities.

Sometimes we need to work through support organizations, and we have been looking at the flow of funds so that we’ll be tracking to see how much money in relation to all the other funding flows directly into Indigenous communities. Some of the stats and information were done through the Foundation Center in having them code their research so that they could track Indigenous funding that goes directly to communities vs. Indigenous funding that might go to a university or something on Indigenous issues. We’ve been dedicated to the task of getting funding directly to Indigenous communities, and it’s been an incredible, incredible adventure.

One of the things that have helped domestically was to create Native Americans in Philanthropy; I was one of its founding members. Now I have been focusing my energies into the international arena as I see the need is even more enormous, and the flow of funds even tinier and tinier, where we can barely even begin to actually track it, it was that small. And we began to look at it, and we felt that one of the things that funders needed was a safe meeting place where they could come together and really talk about their projects, so that they could learn from each other in that environment, and by learning they would be able to go back to their boards and foundations and incorporate effective strategies to increase their funding because they would become more and more effective. This was the basis for starting the International Funders for Indigenous Peoples—to create that common ground and bring in Indigenous leadership so that relationships could grow and flourish in that same forum.

And so International Funders for Indigenous Peoples had gotten started, and we met at the Council of Foundations for its very first meeting. But it was still a dream of mine for quite a while, and I have to say that it stayed as a dream until I had the opportunity and honor to meet Evelyn Arce-White. One day this lady walked into my office and she says, "Oh, wow, we have over 200 members now!" IFIP has been a project of First Nations Development Institute, but this year International Funders for Indigenous Peoples will have its own 501(C) 3 status, and it’s going to be an independent organization to grow all the more stronger and do all the more things that Evelyn has been talking about. And so I’m just really, really thrilled at the chance to be here, and the chance to gift Evelyn for all her hard work, and to make the announcement that IFIP will be an independent organization in 2006. (Rebecca places a native scarf around Evelyn’s neck and hugs her.)

Next is someone that I’ve admired for years. I always say years and years, but truly, it’s a body of work that goes on for decades, and will go on for generations, and so I’m just going to turn the microphone over to Mililani Trask.

Mililani Trask, Executive Director, Gibson Foundation

You know, it’s so funny. When I came in this morning, I was looking at this forum. This is the second year that I have come. Last year, I slipped away from the forum for lunch to give a panel. But when I came in this morning and I saw Rebecca, we were talking about her family, and her daughter is giving birth. She’s a grandmother. And I remembered, in the early years, there would be three or four of us crammed into a car wondering if we were really going to
make it to the destination, and we spent the whole time trying to talk about family while we were talking about issues--issues that were critical in our communities, and in the years that had been lived and bring us to this point today. These issues are known to be controversies in our nations, in states, regionally, and internationally.

So we’re happy to be back this year, and I’m also very happy to be part of this effort that is long overdue, an effort that has been made to bridge the gap between those who are in the funding world and those who are turning issues of critical import not only for Indigenous communities now, but for the whole world, because we live in a world that is overpopulated, that is overtaxing its resources, and that is set with violence and terrorism. And there are few races, indeed, that are forming partnerships to try to address these kinds of issues--issues about diversity, issues of allocation. And these are the types of issues that give life to social movements. When states cannot address them adequately, it destabilizes countries, and this is what we’re seeing in our reports from the Pacific region, so the work that brings us here today is really very significant.

We did listen to some of the feedback last year for longer sessions. Our goal remains the same: to create opportunities for those who are committed to addressing these issues in the funding world to meet with those who are committed to addressing these issues in the Indigenous world, and we’re trying to bridge that gap.

In the time that I’ve worked in this area, I’ve seen a change. There was a time when the folks in New York, primarily in this area, and also San Francisco and elsewhere--the funders’ hubs--would look at a project, and would pick up the phone, and would call one or two people who knew something about Indian countries, and whether they have background in Asia. They would ask them for advice. They would ask them for assistance in putting together the programs. That needs to be a practice that we abandon. By bringing together people with real experience in different areas of the globe, not only in the Western Hemisphere, but we are bringing in speakers from all over the world--women like Lucy Mullenkei, who is from Kenya, who is doing information training, AIDS work, and also happens to be a co-chair of the International Indigenous Caucus on Bio-diversity, that works with the CBD--bringing these folks in so that you can have a chance to talk with each other, so that you can make personal contact. A little door is opened here for people to see each others' faces and maybe begin some important conversations that we are hoping will continue when our two-day session closes tomorrow.

We could not look at all of the issues that people were concerned with, and we did get a big list last year. We had to narrow it down to a number that we could work with effectively. But what you see on the agenda is very much a reflection of the feedback that you gave us last year.

Primarily, we’re looking at issues relating to environment bio-diversity, bio-diversity conservation and management. These include very critical issues such as water. And this is also one of the millennium development goals that the nations and the agencies of the United Nations systems have already committed themselves to address. These goals are set out to the year 2015.
But we’re also looking at things such as language, the primary vehicle for the transmission of knowledge, the primary vehicle that is the glue that keeps the culture together. A critical foundation for cultural survival is language.

And lastly, of course, we see that we have a segment included relating to the Tsunami and the efforts that have been made to meet the needs of Indigenous Peoples. That was something that came onto the agenda by necessity, not because anyone requested it. But events will occur in our lifetimes that we cannot anticipate, and that will have a significant impact on Indigenous Peoples and communities. What we saw with the Tsunami was the eradication of several Indigenous cultures, wiped out down to the last person. “Wiped out” was one event that no one could control. And in the face of that tragedy, we saw a huge confusion that developed with nations organizing aid, but not getting the aid to the Indigenous cultures, many of them in areas that were in conflict such as in Indonesia. So when we consider that there will be national disasters, now we have a real fact pattern to look at: What happened with the dollars that were given? What were the problems encountered in getting some of these funds to Indigenous Peoples? And these are some of the issues that we’re going to be addressing.

It’s been my experience in this work, and here is an exercise that you can try for yourself. Take water. Water is a global issue now. Just go with random, and get some publication from states, from municipalities. What are they saying about water? How do they see the issue? How are they assessing the need that they see for this critical resource? Then compare that data with the publications that you would get from major environmental groups, the members of the IUCN. And compare that second group of data with what Indigenous Peoples are saying about water, and what you’re going to see is that there are widely divergent approaches to addressing and assessing needs and allocation. Water is only one thing. We are all one human family. Our crafts, our families, our lives depend on water. But there is no consensus as to how we define that issue. What are the primary variables when we do planning for water? How do we address competing needs? And the way that states look at allocating water is very different from the way that the Indigenous communities are looking at it, and very different, many times, from the way that environmental groups are looking at managing this critical resource. And when you appreciate that and when you go through this exercise, you will get a small picture of how the controversies arise when we begin to try to build networks, globally and regionally, to address these common resource issues.

So it places funders in a very interesting and critical position because resources are needed by everyone, and how those resources are allocated will make a big difference in the lives of communities, Indigenous, and those that are not as well. So funders, you need to be appraised of what these issues really are because you have tough choices to make.

And for our part, we are willing to try to bring together the Indigenous perspective in voice with those who are interested in working with partnership because, after all, we share the same goal here. That is what brings us to this room. We may have cultural diversity, racial differences, but we are here because we are committed to achieving the same thing.
And with that, I wanted to welcome you all here, and also to thank Evelyn and Rebecca for all the front-end work. A lot of work has been done to bring this two-day gathering to fruition, and I’m really happy to be here. Thanks for inviting me and including me. Aloha.

(Group Introductions were made throughout the conference center giving everyone a chance to introduce themselves and their organizations)

International Funders for Indigenous Peoples’ Annual Meeting

Session Descriptions, Speakers Biographies and Transcribed Speeches

10:00 - 10:30 a.m.                    Keynote Speaker
Joênia Batista de Carvalho, 
Reebok Human Rights 2004 Awardee, and Brazil's first female Indigenous lawyer

BIO: Joênia Batista de Carvalho, a member of the Wapixana tribe, works on the frontlines in the struggle for indigenous people’s rights in Brazil. She grew up in extreme poverty in one of the poorest regions of Brazil. Her mother worked as a domestic while her father traveled between villages to try to find work, often leaving the children in the care of relatives. Four of her seven brothers died early. When she reached adolescence, her family finally settled in one of the villages. Ms. Batista de Carvalho graduated from the University of Roraima’s Law School in 1997, becoming Brazil’s first female indigenous lawyer. She began working with the Conselho Indigena de Roraima (CIR), or the Indigenous Council of Roraima, as a volunteer and eventually took over its legal program. She now uses her hard–earned legal skills on behalf of Brazil’s indigenous population

Video Clip
Reebok Human Rights Awards

Christine Halvorson (Interpreter for Joênia Batista de Carvallo)

Good morning. My name is Christine Halvorson. I’m from the Rainforest Foundation here in New York City. I’m here mostly to translate for our partner Joênia, but I was also asked to introduce her to you all. Ten years ago, I first met two leaders from the Indigenous Council of Roraima when they came to New York to talk about demarcation of Raposa Serra do Sol, and since then I have been working on campaigns to have this area demarcated to stop the violations of the human rights of the peoples of that area. For the past six years, I have been working with the Rainforest Foundation, and together we have been spearheading campaigns for the demarcation of Raposa Serra do Sol. We will be working in close partnership with CIR. We’ve been supporting the legal department, supporting the work that Joênia does. We’ve also been supporting the organization, providing institutional strengthening, capacity building, legal support for the struggle for Raposa Serra do Sol and for stop-violations of rights in the state of Roraima. And that partnership, I think, has evolved into what is today an extremely strong partnership, and one that we are immensely proud of. So it makes me very proud to be here and to be able to introduce Joênia. She is the head of the Indigenous Council
Joênia Batista de Carvalho (Translated into English)

Speech:
I want to start by thanking IFIP for organizing this conference, and also to all of you for being here, and I want to start by remembering a little bit; you just saw the video that shows our struggle, and it is always good to remember the root of our struggle.

It is always important to remember our roots, to remember where we come from, to remember our language. Because every day we are facing something new, we must always move ahead and go forward facing new things, new issues, and must learn, but in order to do so, we must always look at where we come from.

In my state, it is a very significant thing because we have years and years of struggle, and have been working in conjunction, in partnership, with other organizations fighting for human rights. We have been able to gain almost 50% of the land of our state, which is now demarcated, and it is recognized as Indigenous land.

This is significant because in Brazil there are still a lot of anti-Indigenous movements in the government and elsewhere; there is a lot of discrimination. To give you an example, 12 percent of Brazil, which is a huge country, is Indigenous land, but a lot of those lands have yet to be recognized formally by the government. So, in the state of Roraima, this is a significant thing that we have been able to gain.

The land rights are but one of the things that CIR (Conselho Indigena de Roraima) has worked on. My organization of the Indigenous Council of Roraima came to be in the 1970s through a series of community meetings when we started talking about our land rights.

As you know, all of our rights come from--stem from--our land rights, from the struggle for our land. The work on healthcare, education, or simple economic alternatives--that is all based on our rights to land. Our primary struggle has been that of the demarcation of our lands. Now, after 30 years of struggle, we have been able to demarcate Raposa Serra do Sol, so now we enter a new phase of fighting for other rights.

And as you know, this is true not only for Indigenous rights but for human rights in general. First you fight to have something on paper, to have laws written, and then you have to fight for them to be implemented, to live from the paper. This is what we have been struggling with in Brazil. We have a beautiful constitution that has beautiful laws in it, including for Indigenous rights, but we now have to fight for them to be implemented.

To tell you a little bit about the case Raposa Serra do Sol--it has been a struggle of over 30 years. We knew we had the rights to our land; we knew this before anything was written because we always knew it was our land, but we also needed to know that on paper and
according to Brazilian law, it was our land. It was a 30-year struggle to get that land recognized. We had to count on a lot of support, a lot of international support and solidarity, as Christine knows, because Rainforest Foundation has worked with us on these issues; it has been a struggle for 30 years to have these lands recognized. So, three weeks ago, on April 15, the President of Brazil finally took his pen and signed the ratification of Raposa Serra do Sol.

This ratification of Raposa Serra do Sol is a good example of collective work, of the importance of working together. As you saw in this video, one year ago when it was made, we were demanding our rights, going to Brasilia; we were having protests, fighting for our rights. We were asking President Lula to sign the ratification, and making our demands known by going a lot of times to Brasilia. This was a lot of time spent far away from our families. It was a lot of work, but we were able to finally have our rights recognized. It is a perfect example of how you must work in solidarity with other organizations, and together we can have that victory. Because this victory is not only that of the people of Raposa Serra do Sol, but it is also for all of us who work to defend Indigenous rights.

The Indigenous Council of Roraima is a good example of the kind of work we have been able to do. It has been long, hard work, but we have been able to put it together from an organization that is in the state of Roraima. Well, who knows where Roraima is? It is way up in northern Brazil, near the border of Venezuela and Guyana. Some people know where the Amazon is, but who knows where Roraima is? And for an Indigenous organization that is truly representative of the communities of the state to bring this issue, not only to Brasilia, but here to New York, to the international community, and to make this issue well-known to the world, this is a great victory in itself, of the organization that we have been able to form.

And so, although we had our land demarcated three weeks ago, the damages that you saw on this video, they still remain; the environmental problems still remain. We are now facing a new struggle in the area that was signed to us three weeks ago: There are invaders who remain there. I know that today in Brazilian congress, anti-Indigenous politicians are there trying to get the President to revoke his signature of the decree ratifying Raposa Serra do Sol. There is potential for violence because these invaders kidnapped people; they logged down villages; they tortured women and children. So you see what we are up against. Three weeks ago the signature was a great victory, but we have a new phase ahead of us.

So we do have a lot of work ahead of us. And it’s going to be hard work because the judges, for example, don’t always interpret the laws in favor of Indigenous rights; they don’t always read the law correctly. There’s a lot of work that we have ahead of us, so the day after tomorrow when I go back to Roraima, we have a lot work to do. For example, we have to prove that an Indigenous land does not impede economic development in the state. And I think we are capable of proving that, and we are also capable of showing that to the world. Because there is a lot of discrimination in the state and in the government against us, against Indigenous Peoples. We also have to train people, train our youth. We need more Indigenous lawyers; in the state of Roraima, for example, I’m the only one. So we have to train young people; we have to train and build the capacity of our people.

I would like to wrap up by thanking you all on behalf of the peoples of Raposa Serra do Sol because I know that many of you here have supported us over these years of struggle. So I wanted to extend to you my thanks and also wanted to let you know that we do have this new
phase of struggle ahead of us. We do ask for your continued support so one day we are able to come here with even better news. We have a new phase of demanding our rights, of implementing our rights, managing our land, and managing our resources. The leaders from the communities have always organized our priorities, land rights being the first one of them, and now that we have our land rights recognized, we will be in a better position to come here and participate more tranquilly in the Permanent Forum, in the OAS discussions, talk to international audiences, and look at Indigenous rights on the international level. So for all that, we also ask for your support and solidarity.

I am just going to end now by talking a little bit about the Indigenous Council of Roraima. The website is www.cir.org.br, so if you would like to learn a bit about our work and follow-up, please visit our site to learn more about Roraima.

I would like to thank the Rainforest Foundation and its legal department who have supported CIR for five years and actually have worked in partnership with CIR for over ten years. I would also like to thank IFIP for having me here. And just in the same way that I am here talking about our struggle and our work, I would like to talk to each of you about your work and what you do, so that I can go back and bring that with me and learn a little bit about you as well.

So with that I say, thank you, and good morning to all.

10:30 - 10:45 a.m.  Morning Break

10:45 a.m. - 12:30 p.m.  Indigenous Peoples and Water

1) Indigenous Peoples and Water

One billion people live with inadequate access to potable water and sanitation. The UN predicts that this number will grow to 2 billion in 20 years, with the result that one out of three people will lack adequate access to water. Those living with chronic water scarcity are almost exclusively poor people in developing countries. The limited responses of bilateral aid agencies and multilateral organizations are exacerbating the global crisis by focusing on privatizing the management of water and engineering dikes and dams. This session will offer insight into advocacy efforts to redirect national policy and international funding around this issue. It will also highlight examples from two different countries of how local indigenous groups are tackling the problem one rural community at a time through local governance models.

Evelyn: Thank you Rebecca, Mililani, Christine, and Joênia. Now, we're ready to begin our first session, Indigenous Peoples and Water. Please welcome Shaun Paul, Executive Director of the Ecologic Development Fund, who will moderate the session.

Shaun Paul, Executive Director, Ecologic Development Fund

Bio: Shaun Paul, EcoLogic Development Fund, Executive Director. He co-founded EcoLogic Development Fund in 1993 and is currently serving as its executive director. He has extensive experience in rural Latin American economic development, environmental protection, and
natural resource management. Prior to launching EcoLogic, he was employed as a field representative for social service organizations working in Central America. Mr. Paul has held positions with the United Nations Non-Governmental Organization Liaison Service, the United Nations Development Programme, and the Inter-American Foundation. He has an M.A. in natural resource and development economics from the University of Michigan and a B.A. in international relations from American University. He is fluent in Spanish.

**Speech:**
As Executive Director of Ecologic Development Fund, it has really been a privilege for me personally to be able to work with our three guests with me here today over many years in Central America. We’re going to speak to some of the experiences that these individuals in their communities have with water as a framework and approach to addressing development.

For those of you who aren’t familiar with global water issues, I want to give you a broad sense of the global water crisis. Over one billion people in the world today live with inadequate access to water and sanitation. According to the UN, that number is going to double in the next 20 years to over two billion people. Unfortunately, but not surprisingly, Indigenous communities experience a disproportionate share of inadequate access to water and sanitation. I think what we’re going to hear today from this panel isn’t just an issue of potable water, but that freshwater is disappearing at alarming rates. In Central America, of the freshwater that was available in 1950, only 20% is available today. This trend is continuing, and it’s not unique to Central America. Simultaneously, per capita consumption of water is increasing. These trends have made water a focus of one of the Millennium Development Goals and give a sense of why the UN has declared a Decade for Water to draw international attention to this issue. And this crisis presents important opportunities. What are some of the practical experiences of Indigenous communities? What’s working? What are the alternatives that Indigenous communities in Latin America are building?

I wanted to introduce our first presenter, Francisco Hernandez. Francisco is from Totonicapan, Guatemala. He was elected by 6,000 people from 62 communities to be the president of his association, Ulew Che’Ja. Over the past 18 years, he has held several leadership positions in community organizations. He is a board member of the Central America Association of Indigenous and Campesino Agroforestry Producers. He is a member of the Freshwater Action Network of Central America and serves as a community representative on the Guatemalan Environmental Ministries Environmental Commission. In addition to that, his day job is as a tailor.

**Francisco Hernandez, President, Ulew Che’Ja, Totonicapan, Guatemala**

**Bio:** Francisco Hernández, Mayan, currently serves as president of Ulew Che ‘Ja (Earth, Trees, Water in Quiche Maya), an indigenous-led, community-based organization founded in 1996. The association, based in Totonicapán, in the western highlands of Guatemala, serves local Mayan communities by affirming the rights of indigenous people and facilitating the implementation of community development and conservation projects. Mr. Hernández serves on the Board of Directors of the Central American Community Agroforestry Indigenous and Peasant Coordination Association (CICAFOC), a nonprofit organization working to achieve access, use and management of natural resources in harmony with the environment. Mr.
Hernández has also been part of Totonicapán’s Community Council, a group of local leaders seeking to address community concerns within the municipality.

**Speech: (Translated into English)**

Very good morning; it’s a great pleasure for me to be here today with you. It is thanks to the support of Ecologic that I am here participating with all of you. Association Ulew Che’Ja that in Spanish means Earth, Tree, and Water, in Totonicapán, Guatemala Central America.

The experiences of Ulew Che’Ja and the water committees in the community forest; the association of Ulew Che’Ja comes up as an alternative towards the reservation of natural resources especially regarding forests and water as well as a historical patrimony of the communities concerned.

Totonicapán is situated in the western Guatemalan plateau having an extension of 1061 square km and a population of 339,854, 93% of which is Indigenous. It is situated north of Mexico and south of San Salvador, and in Totonicapán we can find a warm rain forest area. We are located west of the country and the city of Guatemala.

It’s a 40,000-acre forest of communal property used and taken care of and protected by the Indigenous People who have kept it on its feet for the last four centuries. It’s found in the most densely populated region of Guatemala. The Association is directed by an assembly as its highest authority, a board of directors, and a security commission. All the beneficiaries of the 62 water projects belong to the Association.

Our mission is to promote participation of the communities in the protection and use of the community forest and social harmony and human preservation. Our objectives are to promote the protection of the forests, the water and the earth and to promote the education of the population for the solution of its problems and necessities. To foment the conservation of the forests and water sources--ceremonial altars as well as natural resources. To promote and facilitate the participation of women in the organizational processes and the development and implement payment for environmental services in the communities to develop benefits.

The importance of the water in Totonicapán cannot be measured. In its forest one can find hundreds of water deposits from all of the main water systems in the country, as well as 1,110 water sources that supply 62 communities and the urban area located around the forest, a population of over 100,000 people. The region produces the major supplies of water in the country. The communal forest community meets every 15 days to deal with issues related to the forest and water.

Volunteer work for the activities with the forest include reforestation in the damaged areas of the forest and water sources and forestry protection and maintenance of the plant products of reforestation, as well as protection against fires and flooding. Watchful security of the forest is also volunteer work, every day two different people repeating turns every 15 days. If a person is found cutting down trees, a sanction applies and water service for his home is temporarily suspended.

Men and women of the community are elected annually to form the board of directors. All work is voluntary and is to compensate the forest for all the benefits it offers, especially water. Community work is one of the values that lives on in the communities for Mayan rights.

2005 International Funders for Indigenous Peoples Conference Report
For reprint info email ifip@internationalfunders.org
There are many problems concerning water resources in Totonicapan. Hotel companies and businesses benefit from the water service but do not pay those who maintain and protect the resources. Economic problems in the region place a threat on the sustainability of the natural resources over time. It is necessary to establish a system of compensation or payment for more sustainable environmental services. There is no value placed on the work done by the association. In reality, the Ulew Che’Ja association directs programs that are self-managed with the support of Fondas Para el Desarrollo Ecologico (Funds for Ecologic Development), Ecologico (Ecologic), Fundacion Ford (Ford Foundation), Communities, and Greengrants, the Coordinating Indigenous Association, and Campesina Agroforestral Comunitaria (Farmers Agricultural Forestry Community) ACICAFOC, and we are also a part of supervising on a Central American level.

These are the contact persons and groups, but before anything I would like to use the time to raise awareness that of all the problems we have, the communal forest is something sacred to the Mayans. Unfortunately, our government never meets or even consults with us, and we have a problem with respect to Guatemalan rights. In one of the western provinces one of the Indian leaders has died, and because of that our government and its advisors assisted by politicians decided to offer the communal forest as a concession to a private concern. They are aware that within our forest we have relics that are four or five centuries old that are Mayan altars. The springs that provide water to all farmers and Indigenous Peoples and even inhabitants of this urban center of Totonicapan are also located there. We don’t have a concession on an area that has several Mayan altars recognized as a protected area, and unfortunately when the area was protected by the government the Indigenous People were not consulted.

We also have another problem, and it is that we have much discrimination against the Indigenous People, and because of that I invited the Secretary of the Environment to Totonicapan where he was surprised to see close to 9,000 Indigenous Peoples that he never expected he would see. I succeeded in helping to create a framework agreement with the Ministry of the Environment here in Miami in the United States that provides for protection and respect to the Indigenous population. However, the government is still discriminating against the Mayan people.

We are looking to obtain financing to come up with a strategy to finally put our plans in motion because plans and goals we have, but not financing. We need to be able to compete and put our leaders out there and to be able to take care of and maintain our communal forest. Our communal forest is very important. And we have trained all our leaders, we have given options for participation to the women and I am sad to say that the leader representing the women could not be with us today, but I think a possible future reunion could give us more information on where we are at, realistically. We have more that 155 women who need the greenhouses and who need more training so as to be able to find solutions on reforesting the communal forest.

I thank you for your time and am completely available to anyone who would like to get in touch with me for more information. Unfortunately at this time it is not possible to discuss further details, but I am at your service. The presentation material displays my address, and I hope you write me so that I can reply back with news of the Ulew Che’Ja and the population of Totonicapan.
Thank you very much.

**Shaun Paul:**

We’re going to have ample time for questions and answers with the panel here and more from Francisco. An important detail pertains to mining, which is a huge issue nationally in Guatemala. Ulew Che’Ja, along with leaders from Totonicapan, were able to get the vice president of the country to agree to suspend the concessions. But with the consultation of the communities, they said that suspending was not enough; they wanted a cancellation of those concessions, and it sounds like some of those mining companies are, in fact, canceling their interest in pursuing those concessions. So that shows the resolve and strength of the organizations in Totonicapan.

I’d like to turn to our next presenter, Gregorio Choc. Gregorio is a Maya Q’equchi of Belize. He is the Executive Director for Sarstoon-Temash Institute for Indigenous Management. Within the context of what he’s about to talk to us today, I think it is important to know a few things about Greg. He has held additional leadership positions, which include serving as the President of the Q’equchi Council at Belize. He is on the advisory commission to the Belizean Government on foreign policy. He is also serves as the official spokesperson for the Maya Leaders Alliance in a lawsuit on behalf of the Mayan people against the government of Belize for land and resource rights, which recently gained a favorable ruling from the Inter-American Human Rights Commission. And with that, I’ll turn it over to Greg.

**Gregorio Choc, Executive Director, Sarstoon-Temash Institute for Indigenous Management, Belize**

_Bio: Gregorio Ch’oc, Mayan, Executive Director of Sarstoon-Temash Institute for Indigenous Management (SATIIM). He has studied indigenous development at the University of Regina, Saskatchewan, he is blessed with an unusual sensitivity to rural communities and a very keen understanding of how national politics affect his people. He is currently the chief spokesperson for the Maya Leaders Alliance, a group whose function is to negotiate indigenous land rights with the government and a cessation of very destructive Malaysian logging on lands traditionally occupied by the Maya. Mr. Ch’oc has held positions on national commissions and boards. He is fluent in English and Q’equchi._

[Speech inaudible - poor sound quality- Could not be transcribed]

**Shaun Paul:**

I’d like to introduce our next speaker, Sebastian Charchalac. He’s a Maya Quiché from Guatemala. He has spent the last 20 years working with a broad range of community organizations. He’s working with farmer and Indigenous organizations in 11 Latin-American countries, and his current work includes working directly with 30 First Nations in
the Americas.

Sebastian Charchalac, Regional Director for Mexico and Central America, Ecologic Development Fund

BIO: Sebastián Charchalac, Mayan, Regional Director of EcoLogic Development Fund. He is an indigenous agricultural engineer, and is based in Quetzaltenango, Guatemala. Mr. Charchalac assists EcoLogic’s partners with strategic planning, project development, and community organizing. He also provides technical support for the production and marketing activities of small-scale agricultural enterprises. Mr. Charchalac has a great deal of experience working with indigenous community groups and non-governmental organizations operating at the local, regional, and national levels. He has held positions with the UN Food and Agriculture Organization, the World Health Organization, USAID, the European Union, and many private sector organizations. Mr. Charchalac has an M.S. in agricultural engineering from the University of San Carlos in Guatemala.

Speech: (Translated into English)
A very good morning to everyone; it is a real pleasure to be here sharing topics that we have so much discussed. We have been working in Mexico and Central America for some years, close to 10 years. The topic we are presenting today is on how the water is since the Mayan tradition and Cosmo vision. According to Mayan tradition, the air, the fire, the water, and the earth are vital elements that make up Mother Earth. Cosmo vision is given to us as we are young; from the time we grow in a maternal womb we are taught that there is a mother superior that is Mother Nature who provides us with food and shelter. We are provided with such riches like the air, the oxygen we breathe, the stars, the animals with which we should coexist. And that out of all of this, the water is also a primary factor--the water is life.

The majority of the stories our grandparents used to tell us originated in the water. Because of that, we always consider the water as life. Where there is no water, there is no life. Cosmo vision is simply living in harmony with the surroundings we have. Also, another concept that is greatly valued and that is still maintained and still persists in Indigenous communities is the social and traditional organization, sharing and solidarity. To live only for oneself and not for others--life has no meaning if we live only for ourselves. Life has meaning the moment we do something good for someone else. And that is one of the values that is not often understood; at times in the world that calls itself government, it is not understood and there are contradictions. But in reality, these contradictions do not exist because we all look for the same values in the end, only that we seek them by the different paths we take.

We know that the problems that exist in the world are basically discrimination and marginalization, discrimination for not wanting to share the same values, for not wanting to give the appropriate value to the wisdom of the centuries. Indigenous People have been marginalized since long ago. Regarding the Green Revolution, organic agriculture that has been practiced for centuries all over America went on to be an uncivilized agriculture, a primitive agriculture, a backwards agriculture. A lot of time had to pass by so that the experts could recognize the great values of an organic culture and today great universities around the world say that this is the best agriculture. Why? Because the learned people of the universities said this was true, that the Green Revolution was not as good as they used to say it was. Things like this have always occurred.
With medicinal plants, there was a time when whoever utilized medicinal plants was said to be charmed, that they were simply witch doctors that in reality had no value. Nevertheless, at this time, the educated men of great universities have recently started to say that pharmacopoeia--natural medicines--is better, that they are balanced for living things. But we also knew this from long ago and it is still practiced, only that merit is never given to those who keep using and/or practicing it. We still need to recognize the value of Indigenous knowledge. We simply need to value it; we need to recognize that it has a great value that has been kept up over centuries and that was not invented yesterday. We need inclusive politics so that real respect is given to that knowledge and so that it can be included in the development of global progression.

Not too long ago a map came out here with the help of National Geographic that displayed Native lands where we can see that there is much biodiversity and nature in our America. I also think that we can see that where biodiversity and high concentration of forests exist is where there is still an Indigenous population. We can see on the map that we are currently working on with Ecologic, although it is not very clear, that in areas where there is high biodiversity, such as the Cuna forests here in Talamanca, there exists an impressive amount of knowledge of forests and of biodiversity that is still maintained in the Indigenous communities there.

A few years ago, the Costa Rican government publicly acknowledged that, fortunately, Indigenous Peoples in Costa Rica no longer exist. However they do exist, they’re alive, they’re talking, they’re producing one of the best organic cocoa farms that exists in the region; they’re producing great quantities of products that are being exported and that are the pride of Costa Rica, and yet it is being denied that these forests are being managed, the agriforestry forests with ancestral technology that still live firstly in harmony with nature. We see in Nicaragua and all the Mesquite areas up to the forests there are Indigenous Peoples. We see ourselves in the forests of Honduras where there are still the Chalupanes and other Indigenous groups who are fighting to survive and who are still grasping onto nature and who are the ones who maintain what we now call natural resources that we should protect, and yet it is a very difficult fight.

In Guatemala, we see areas like those of the west and the Totonicapan zone where my colleague, who was just introduced, is from. It is a beautiful forest of 20,000 acres that has been kept up for more than four centuries and that has been maintained by the love that the people have for its nature and the care the people have for the water that humans live on.

In Chiapas, the Maya zone to the north of Quintana Roo, there has been a struggle and it has been proven that where there are Indigenous towns, there are still forests. Where there are no forests there are no Indigenous towns because there is a relation between one and the other.

Ecologic came up with a mandate of the Indigenous lands starting on the Cumbre de la Tierra in 1992. Then, various leaders met to state that they were not opposed to the government projects, to the transnational and international organizations, but were simply not in support of the introduction of experts there to figure out the problems with the biodiversity and to propose solutions that became six-year programs that made them millionaires, where the experts went to fund and solve those programs without taking into account the criteria of the towns and the
local culture. That’s when Ecologic came up with plans to facilitate the participating community development, basically with the entrepreneurial spirit of people to manage their own natural resources, and trying to rescue endangered species and threatened ecosystems in Latin America.

We strongly believe that sustainability is not possible if the community does not participate. If the community is not involved in what is being done, it is because in reality there is no respect for Cosmo vision. We believe that part of Ecologic’s success in the 11 countries where it continues to work is because we respect and interact with those cultures, with that Cosmo vision, with that idiosyncrasy of Indigenous towns that have such wealth to give to the world and that they give day to day but must be from one to the other for it to actually be recognized.

One of the aspects for which we are working is paying of and for environmental services. Payment for environmental services is a way of giving real value to resources because, apart from the fact that Indigenous peoples have been forcefully made to leave their territories, it was viewed as an American policy of extermination for the Indigenous groups who had their lands expropriated. They were denied their culture, denied their Mayan spirituality and that of other people of the Indigenous nations. Moreover, they’ve been denied the appreciation of their own natural resources, and they are being taught that progress is in deforestation, in looking at a forest and appreciating it by the wood it is made up of, in seeing only how much money they can make from the wood. We have, for example, the Mayan zone in Quintana Roo where the government offered and gave a complete lumber mill so that, according to the government, the Indigenous People of the Mayan zone could take advantage of the wood resources and make themselves rich. The Indigenous People, in turn, refused the machinery and equipment because they wanted to get ahead with their forest and are working on a project aiming to commercialize non-wood related forestry products, but they are also working for payment for the environmental services. The compensation for environmental services is to place value in the water, how much oxygen is worth, and through ecotourism that would attract people contemplating landscape (scenic audiences). And this is what we are working very strongly for. Environmental services offer an opportunity, a structure to place emphasis on traditional values, to work with politicians and with the international community and agencies and to try and get their support. In any case, paying for environmental services, especially water, is a strategy that better’s the position of Indigenous Peoples in the international community and would be incorporated in issues. Because this has been in the works for a while now, in Totonicapán, as my colleague has stated, payment for environmental services is worked in an ancestral manner in which the work is not compensated by money but by services. We are trying to recover this history and knowledge so as to share them with other Latin American communities.

Here we have a few examples from where we are working. In the Mayan zone, there are 400,000 acres; there is forestry protection, and work is being done to protect designated “sacred zones” where there is water because there exists the possible implementation of policies appropriating the land for mega-tourism. At this moment, people are deliberating on assembling so as not to allow another seizure of their territories.

Just as my colleague had been saying earlier, we are also working on projects of plans organized by the community. We are working in a traditional manner in which we use all the traditional knowledge so as to give them value and recognition. We are socializing water
policies and aiming for compensation for environmental services being developed in a traditional manner. And just as my colleague has explained in great detail, we are working for much traditional volunteer work; we are working on the protection of minerals, the forest and its inhabitants in the traditional Mayan fashion. We are facilitating better alternatives to get ahead and to generate money because communities don’t normally make losing natural resources their priority. Normally, Indigenous communities have only the need for food, for being healthy, and if there are resources left over, for education, and those are their priorities. And so we need to get them interested in their natural resources through (and for) generating money and finding creative ways in which to do so. Then we can show them that management and leadership, with the Indigenous communities’ capacity to handle the resources, is a positive thing.

My recommendations:
1. Try to put value in the practices and knowledge of the Indigenous Peoples.
2. Look for better methods that include Indigenous knowledge.
3. Promote the exchange of technology because there is very beneficial technology; there are marvelous islands of knowledge in Indigenous towns that have not been discovered. We are fighting to make these exchanges; we believe that when members of a community go to another and exchange for 15 days, it is much more valuable than when a translator tries to translate because much is lost that way.
4. The traditional organizations need strategies to achieve the social justice that has been missing for a long time.
5. Switch from words to actions in the Indigenous communities. We are working on what has to do with government policies, at this moment, regarding payments for environmental services. We try to closely follow international policies and water laws, and we are taking this to the international forums so as to benefit all Indigenous communities.

Thanks very much.

Shaun Paul:
I would like to open it up for questions, and as we go around the room, in addition to the questions you may have, to just get a conversation going, if you would please introduce yourself and give your name and your organization. If anyone would like to start—questions, thoughts.

Question: Jan Thomas, Rainforest Foundation, Norway

The Foundation is working in Brazil with various Indigenous groups, and in an area that is called Mataba there is conflict between the surrounding agriculture and Indigenous territory. Indigenous territory is recognized and they are seeking effective protection of the area, but the water that enters through the territory passes through agricultural areas and because of that the water is muddy and riddled with problems. The solution is to negotiate with the neighbors of the big plantations to come to an understanding that the water is of interest to both parties, and so it is a new experience that is slightly difficult. I wanted to see if any of you had experiences
with economic negotiations in the area surrounding the territories and to share some of those experiences and solutions.

Answer: Sebastian Charlalac (Translated into English)

We are working the intersection; we believe that if we only go by one side it is very complicated, but if we involve various parts we can negotiate, and at this moment we have a project regarding an intersection in Mexico where they are participating in the higher part of the valley where there are poor communities and the lower valley where there are rich cities. The lower valley includes the famous tourist city of Acapulco where one sees millions of dollars, and in the upper valley where people are dying of hunger, growing marijuana, growing poppy and have no encouraging perspective or future. We began to negotiate with the owners of the restaurants and hotels, and we have involved the governor, the mayors, the communities, and everyone, and in one single vote will try out a grand initiative protecting the valley. We believe that if negotiations need to take place, that every sector should explain its appropriate role--the authorities the legal part, the investors should collaborate by recognizing the costs of environmental services, and the communities their hand in the play. And we do have various examples of that in Mexico and Central America that we can share with great pleasure.

Bertha Flores Comment: (Translated into English)

I would like to make a comment on Joênia’s presentation and on the presentation that has just now concluded. I can see that the set of problems and issues in Latin America is very similar; listening to Joênia was like listening to my own history in Honduras and the problems there. There is a point that has been emphasized by both groups, and that is the topic of water as a goal, a goal that has also been included among the goals of the millennium reaching 2015, and both groups are mentioning it, but I think it is lacking because there is talk of water but no talk of the natural resources and the link between water and natural resources. The problem that is occurring in Latin America is the accelerated loss of forests, a loss of natural resources that have an impact in deepening the problem of the water and therefore delves into poverty. It’s necessary to stress the importance of the relationship between the water and natural resources because we have to look at water from the perspective of the lack of water, not just water as a resource that needs to be moved, because many times it appears to me that we see water as a topic of infrastructure, of tubes and pipes to move the water from one part to another, but the problem is that there is not enough water.

Answer: Francisco Hernandez (Translated into English)

I want your peer to see that this past year we had a very difficult drought. This year, we have had the problem in every community of having 15 minutes of water daily, and so I think we do expect that from here unto 2010, 2015 the problem will intensify as will the poverty in Indigenous towns. Unfortunately the politics of my country, although I shouldn’t talk about that, but the powerful continue to be poor and the poor continue to be poor, and so I believe that we cling to water, but in order to have water, we need to keep our forests. For example, of the 1,110 springs that we have when there is drought, it is because there is also shortage of water. And because of that, we have the problem in the Indigenous town of Totonicapan that is 96% of the population of the western provinces in
Guatemala. And so I believe we have to find the solution here because with the politics of the state being so difficult, it is also that even with donations and support, the majority of the money stays with the government and politicians, and we are left with only pennies for the Indigenous Peoples, but also with the compromise regarding the votes for the elections. I think the necessity is here, but I’ve said my thanks to Ecologic for giving me this invitation and for agreeing with me in raising awareness. Unlike the politicians who have their own interests in mind, I have no self-interest; my only interest is in seeing my people who make up the Indigenous towns and also to see them living happily.

Question:
I have also seen the coincidences of the lectures of this morning, and I would like to refer to the comment by Joênia along with what the gentleman has spoken of. When she said it’s entering a new phase now, in Roraima there has been great excitement with the terrain; the president has signed and ratified its title. In Latin America in the Amazon there are plenty of titled lands, but then the question comes in of their protection partly because of the organizations and the communities. I would like to ask Joênia and these gentlemen, what will be the priorities in this new phase? Will they be technical priorities like you have presented, mainly tactics, or will it be preparation and training of champions like Joênia? Or are we talking about a new type of community development, of concentration on its foundation and the strengthening of the organization and all that? Which, in your opinion, is the priority for the donators in that phase that would probably last 30 years?

Answer: Joênia Batista de Carvalho (Translated into English)
Thank you for the question. I think this is a very important issue. Water issues are extremely important, as you have put forth, and this is the case because this issue doesn’t affect only Indigenous Peoples, but also all people, because for example, in Raposa Serra do Sol, (but it’s the same in many other areas), the headwaters where the rivers are born are on Indigenous lands, and then flow into the larger rivers of the Amazons, so these waters are born on Indigenous lands.

Going back to your question about this new phase, I think the most important thing that we’re going to do is look at legislation, at the laws, because there is a lot of conflict; for example, water rights between state government, federal government, who controls what, and now with Indigenous communities also who control water resources where the headwaters of rivers are born. So that’s going to become a very big issue—the issue of legislation. Another issue that Jan Thomas brought up which is very important, is that of the area surrounding Indigenous areas that are being devastated. There is no legislation, no control over what happens on these areas that surround Indigenous areas. And there needs to be legislation which deals with those areas.

So this question about surrounding areas is important because rivers are completely uncontrolled. Rivers run through them and many affect Indigenous communities, as they affect other communities. So one of the things that we need to really look at is building capacity, training Indigenous Peoples, and building our capacity, having Indigenous People participate in international meetings. For example, I was in Bonn in 2002, at a meeting talking about water. We were talking about how in the future water was going to be the new gold. We were talking about the price of water, and so forth, and Indigenous People
were completely out of that meeting. There were none there at that meeting, so we really have to invest in building the capacity of Indigenous Peoples. We also have to have a voice in those meetings. And so now I’d like to leave the rest of the questions to my colleagues here.

Answer: Sebastian Charchalac (Translated into English)

I believe that the response would be something big and very integral but basically what it needs to do is to increase the capacities of the policies of the Indigenous groups, but at the same time give immediate responses to the needs they have; give them access to the market because a lot is produced but their access to the market is basically denied. On the other hand, there needs to be a greater power in the hands of the people in decisions regarding their own lands because just two decades ago, the mountains and the woods were worth nothing; now, their worth goes up all the time because the water resources are being drained and are now considered a treasure. The same applies to medicinal resources. We had a project where the Japanese made an offer to the community leader for the terrain including the forest and knowledge, that if he wanted, “Tell them I’ll give $10,000,000.” And he told them that no, it was the community’s vote. If you want $20,000,000, I will give it to you.” Offering this person things in this age-- I mean to say that the costs for natural resources are going up and need to be structured so as to have policies and to reach a social justice.

Shaun Paul:

We have a number of questions, and we’re running out of time for this session, so I just would encourage that the questions could be as brief as possible to get to as many people as possible.

Question: Bertha Flores (Translated into English)

Well, you’re going to have to excuse me if I don’t have a question. We are talking about Indigenous towns, and we want them to listen to us and we haven’t come to this country because we like it, but so that they hear us out as well. First of all, I am from Honduras of COPINH, and the presentation of the brothers here was very interesting. Among the reflections, one is that if we don’t understand the context in which they live as Indigenous People, it is very difficult to come to a decision that Indigenous towns demand.

On the topic of water and the forests, it is important not to view them as an Indigenous town’s source of scenery or as the town’s gardens. We are in conflict and in mobilizations and are demanded to go farther which is all having to do with the political and economic issues of our governments that impose on us, and to these they impose financial organizations like the BID and the World Bank, the transnational ones. Because of that, it is not normal, for example, in Honduras there is a list of more than 50 Indigenous leaders and blacks assassinated for defending the forest, the earth, the water and their culture. And so this goes further; it is something very deep, very complex, the land we are defending, the territory of this forest against the transnational countries of the United States, of Canada, of Europe--because of that, we are against transnational countries and financial organisms. We have a clear view and proof that these are the ones who are massacring and taking us out of our towns. So, all of this is complicity on behalf of the governments and on those in power.
We want inclusion and diverse tactics like negotiation. Negotiation is a terminal full of many ideas. Depending on where the inactivity is politically, it is a concept that has a lot of diverse meaning and also has many strategies, diverse as well. And one of the strategies that has been used is dividing the Indigenous towns and organizations, creating organisms that say they are Indigenous and that endorse big projects. In the case of Central America, they have used many to endorse the plan (Pueblo-Panama) and its big projects (corredor MercoSur comercio Americano), projects that talk of ecotourism, and even to that they have dictated new ends. In that, we are very clear. When our organizations get into conflict, it is not just a matter of negotiating or agreeing on a plan that might be understood and become reality, it’s also that at times nothing else is expected and because of that we take on that political fight to make the governments sit down and obligate them to acknowledge the facts of our lives, of our colleagues who are in jail, of much sacrifice, that maybe the people speaking for the Indigenous populace might not be in touch with the real issues or have a clue to its meaning.

The World Bank and BID are financing these division strategies and endorsing big projects. They have organizations that they refer to as farmers and Indigenous, and the same base organizations that are members of this one never realize it. For example, they receive 5, 10 million dollars to endorse big projects that the Indigenous communities are fighting, that we are fighting. So for me, this is an issue that should be looked at from afar. It is true that we have defended the forest and the water for centuries, and we keep doing it and we are going to keep doing it because we are stubborn and these things are worth defending. We women are also fighting for the Cosmo visions of these Indigenous populations. These are my comments; thanks for listening to me.

Shaun Paul:

We’re running out of time. I think we’ll have time for one more brief question. I know there are more questions here and conversations that people want to have beyond the time of this panel. But if I could just open to one last question.

Question:

What is the responsibility of the exporting countries? There is a direct relationship with all these Latin countries. Money is sent over there for these projects. What is the connection that exists between all of you and that local vision, so that the money is not imported on behalf of the United States and Europe but remains as an incentive in relation to the exportation and receiving of agricultural products?

Answer:

We see some very concrete situations such as in Honduras, for example. Some of the country’s forests have become what we would now call green deserts. The reason is that African Palms have substituted the green forest. Crops such as African Palm and others of that type are only temporary. In addition, efforts have been made to convince the very poor people who live in those areas that their forests are worth noting, and therefore it is better for them to sell their labor to those African Palm plantation owners. Those crops are bad for the environment. It is important to point out that poverty is the worst enemy of Indigenous communities. In opposition, what we have as initiatives in Mexico and in Central America are small plots of land where we are strongly encouraging work with organic products, organic cultures that are less damaging to the environment. We are trying to confront processes that are taking place and that exploit minerals and, through that, generate policies.
Question:
I represent a group of women from the American continent. Regarding the issues which we have discussed relating to biodiversity and natural resources, what do you think would be the role of an organization of women? What do you think would be the woman’s job in the process? In the fight? And how could an organization such as ours with a network of women all over the continent strengthen the process which you have introduced?

Answer:
The basic idea is that the participation of the woman is extremely valuable, and just as there is discrimination against Indigenous peoples in the world (as well as towards non-Indigenous), there is also much discrimination against women. I have had the experience that the best projects, the most successful ones, were led by women. For example, in Totonicapan, the women are looking into getting involved in the protection of the forest and have contributed by deciding to economize firewood. We believe that there are networks of women, for example in the Honduran Carribean, who have had extremely successful experiences regarding the payment of environmental services wherein women acted as leaders. We believe that, as a result of such success, there is ecotourism and a series of other profitable activities that we can easily share with you.

Shaun Paul:
Unfortunately, we are out of time. I would like to encourage any questions or comments that I know people wanted to make, we don’t have time for. There’s a way, one-on-one with a panelist, or even over lunch among ourselves. I really encourage continued conversations on these issues. These are some very important and complex issues that we’re addressing, and I thank you all for your participation.

12:30 - 1:30 p.m.  Lunch

Evelyn: Welcome back; I hope everyone enjoyed lunch. I'd like to introduce the moderator for our first afternoon session, Heather Ryan, Associate Director of the Global Greengrants Fund. This session is "Indigenous Peoples and Extractive Industries: Strategies to Protect Human Rights and the Environment".

1:30 - 3:00 p.m.  Indigenous Peoples and Extractive Industries: Strategies to Protect Human Rights and the Environment

2) Indigenous Peoples and Extractive Industries: Strategies to Protect Human Rights and the Environment

Indigenous peoples’ rights, lands and livelihoods are profoundly affected during natural resource extraction such as logging, mining, oil, and natural gas, as well as water diversion. As multinational corporations traverse the globe in search of increasingly scarce resources, indigenous peoples face new threats and require new strategies to demand consultation, participation, and accountability. This panel will look at innovative legal and policy
strategies to link human rights and the environment. It will highlight the recent victory of indigenous villagers from Burma in their lawsuit against Unocal oil company, and focus on successful partnerships between grassroots and international advocates. It will also explore initiatives to: build local capacity, increase the power of indigenous peoples with regard to corporations and international financial institutions, and raise indigenous voices in international policy debates.

**Moderator: Heather Ryan, Associate Director of Global Greengrants Fund**

**BIO: Heather Ryan,** Associate Director of Global Greengrants Fund, a Colorado based organizations that makes grants to grassroots human rights and environmental organizations in the developing world. She practiced law in Boulder, Colorado for 18 years with Hutchinson, Black and Cook. She was a CEELI liaison in Sarajevo Bosnia in 1999 where she worked on judicial independence issues. Following that experience, she became The Hague based Liaison for the Collation for International Justice, a NGO that provides support to the International Criminal Tribunal for the Former Yugoslavia. She then spent a year working on domestic human rights issues at the Carr Center for Human Right at the Kennedy School of Governmental at Harvard University.

**Speech:**

The discussion this afternoon is about Extractive Industries and Indigenous People. It’s a good segue after this morning’s panel on water issues. And we’ve got a great group of panelists here. I just wanted to say a few things in terms of introduction. I’ve talked to so many people here who are working on issues related to extractive industries and Indigenous rights, so I don’t think that this issue needs a lot of introduction.

But certainly with the stress on natural resources that is caused by consumerism in a global north and by globalization, by multinational corporations seeking profits, and resources in the global south, and, perhaps as important, by certain financial incentives imposed by international financial institutions, pressures are really intense on the natural resources located in historical territories of Indigenous Peoples.

Another thing that I think that those of us from global north need to consider is that here we have made considerable progress in the last eight years on environmental legislation to protect our properties from some of the devastations of natural resources extraction, but the impact, however, is just to push those problems to different areas of the world because we don’t take the comparable step of also reducing our dependence on those resources. So I think there is a huge responsibility on the part of funders from the global north to help address these issues in some way that has some equity.

I’m just going to introduce very briefly the panelists, and I think that the purpose of this panel is to understand a little bit more some of the issues facing Indigenous organizations and Indigenous Peoples in connection with extraction and to better understand the power of the strategies that Indigenous Peoples are using to counteract the pressures. Despite the on-going pressures, there have been some really important success stories which I think reiterate the need to support people working on these issues.

And with a slight change from the agenda that was handed out to you, Jorge Fachin was unable to get a VISA to come so won’t be here, but fortunately we have somebody to replace him who I think will give a very great overview of some of the issues in Ecuador and in Latin America...
more generally. Franco Victori is here from Ecuador. He works in the Amazon Rainforest on oil-drilling issues. Next to him is Ka Hsaw Wa (probably many of you know him), who is from Burma and has worked extensively on human rights and environmental issues in connection with mineral extraction work in Burma. And Katie Redford, a co-founder of Earth Rights International, who will talk about some of the legal victories that their organization has helped to procure on some of these issues. I’m going to start with Franco first, and Franco will be speaking in Spanish.

Franco Victori, Amazon Rainforest, Ecuador (Translated into English)

Good afternoon. I am from the province Pastasa in Ecuador; I belong to the town of Quechua of Sarayaku. Lately we have succeeded in freezing the work of a petroleum business and we have the case in the Corte Interamericana de Derechos Humanos (Court for Human Rights). The topic to which I was indicated I should talk is on extraction industries in Indigenous towns. I would like to begin by saying that the ideas for development and progress in the Indigenous towns do not talk about extraction. They talk about maintenance, about loving mother earth, of respecting and protecting her from any harm that, in the future, would only end up hurting us. The exploitation of petroleum in Ecuador began 45 years ago. Ecuador had high hopes that petroleum would bring to fruition a plan of progress for the country; it was the solution to our problems at the time and yet went on to be implicated in a violation of human rights. It has created a major environmental deterioration, a great corruption on the state level, and also contributed to an unjust system of sharing benefits in our societies.

The topic begins with the case of Texaco in the Amazonian Ecuadorian belt, in the zone of Sucumbio Sunanco Orellana, known as Naco. It’s important to recall the negative experiences that were endured in observing the environmental deterioration. Other communities began to find reason that petroleum’s activities meant death to the Indigenous towns. In consideration of this reasoning, the communities decided not to permit extraction activities of any kind, at least in our own territories. We also want to say that the idea of saving up in the tropics is very important for the Indigenous Peoples. We believe that a modern business should unite four basic conditions in order to be a modern business, democratic and just:
1. Be very committed to the care of the environment
2. Be very committed to human rights
3. Respond to the economic needs of the towns
4. Be very democratic in making decisions, political and economic, on a global level.

This is a challenge for us, one of the strategies we have in our semi-civilized world. Let's reason in the following way: They do not know how we live, they do not know how we feel; maybe that kind of misunderstanding encourages businesses and governments to violate our rights. We think that it is not because they are bad that this is happening, but because they are ignoring our culture, and so we want to open ourselves up to the world and make ourselves understood that we have alternative technology, alternative information and knowledge regarding progress and development and ways of living in harmony with nature.

It is the first time that I am in New York and I have only one thought: If we follow this beat, we are following a system that will collapse in a few years. This is a great compromise not only for us but also for all of you; change has to be mutual--ours in not allowing the absorption of a system that consumes and also yours in saving energy. Because by not saving energy it
also means forcing rights on other towns and consuming what is mother earth. This means that we would be progressively delivering the destruction of the world. This is a very serious matter. It isn’t a question of pure politics, it is a matter of preservation, of the instinct to preserve the planet. We are the only species of animal contributing to the deterioration of the environment; we are practically digging our own graves.

I have much to talk about with all of you, much to say. I think we can create the necessary organisms, see the interaction, and in this you have judged a very important role--not the organizations that are governmental, but organizations of solidarity that have supported the processes of resistance, of self-rule, of leadership in areas preserving life on the planet.

There have been attempts to discredit much--the fight, the struggles of the Indigenous towns--by saying that we are against progress. In truth, we are not against progress, but we are against destruction and the violation of human rights. But we are also prepared to listen. We believe the new global economic order must be based on the participation of citizens.

I have noticed the methods of communication in the United States; I have noticed that there is very little talk of the Indigenous populations. If there is any information, it is very limited and sensationalist and does not accurately depict reality. I think that North American society has the right to be informed on what is happening in Indigenous towns. If you observe how petroleum businesses treat the environment, you would realize that in the future of your grandchildren or great-grandchildren, there would be no Amazon, no Africa. And so this agreement is very serious and has high risk. If at this point in time we have global warming, if we have crises in Africa, it is because we ourselves have attacked the earth, and so the planet begins to destabilize.

Who will we blame? We will not blame the industrial era or the discovery of petroleum, or great scientists who made great advancements in technology possible. But an explanation is needed, and we believe that it is time to reflect. We believe it is important to define the extraction strategies of natural resources in the world. We are very aware that without petroleum New York could not subsist; in order to bring water up to the ninth floor, energy is needed. In order to run a subway, energy is needed.

We would be inconsistent if we were to say NO to petroleum activities. Obviously, petroleum activities are necessary for movement and investment in very populated areas that need a lot of energy. We are aware of that. But we can’t allow that the necessities of some towns violates the rights and necessities of other towns. It’s because of that I am here. I hope you excuse me; I haven’t tried to hurt your activities, but I have tried to be very clear and sincere with what I have come to present. I don’t want to take too long; this wasn’t included or provided in the agenda and yet here I am, and I will answer any questions. They gave me a quarter of an hour, and the minutes I have used are enough.

Thank you.

Ka Hsaw Wa, Director of Earth Rights International

Bio: Ka Hsaw Wa, Director of Earth Rights International and is a member of the Karen ethnic peoples in Burma. Graduated from Rangoon High School, The Main Division, in 1988. Exiled

Speech:

Some Indigenous People are quite addicted to PowerPoint, so I’m going to go ahead and use PowerPoint that I prepared for you. My name is Ka Hsaw Wa. I’m from Earth Rights International. I appreciate that many of you here know where Burma is, but I just want to give some introduction to the people who don’t know. Burma is located in the South of Asia, the Midland Countries of Bangladesh, India, China, Laos, and Thailand. We have many diverse ethnicities. Mainly, we have eight different ethnicities, and we have more than 200 different Indigenous groups, each with its own traditions, clothes, and customs. Burma is very rich in natural resources. We have hardwood, teakwood, many different kinds of minerals, natural gas, oil, and gold. At the same time, in Burma there are many endangered species like elephants, tigers, rhinoceros, tapirs; those animals are state dwellers in Burma. But those animals and our environment and the peoples are being destroyed by the military at an alarming rate.

I would like to tell you, in Burma, you cannot say no to the military government. I personally have experienced that. I will talk to you about the military because I was fighting out there for peace and democracy. After I was tortured, I escaped and I fought for democracy and freedom. Instead of responding to that, they simply crashed the whole nation. Many of my friends and neighbors were killed; children were killed. Thousands of people were killed in the 1988 uprising. I was one of the leaders, so I had to flee from my hometown to the jungle and back to continuing my struggle. I came from the jungle, I was so determined to fight against the military. But what I saw in the jungle--the suffering of the people--changed my life, changed my perspective. Changed my life to teach no violence instead of violence. If I use violence to fight against the Burmese military, all I’m going to get is violence. And the people of Burma end up suffering; they’ve had enough of violence, so I teach no violence in the community, but to document those human rights violations by the military and expose them to the community.

By documenting human rights since 1988 in Burma after I fled, I’ve seen many human rights violations against the Indigenous People, and the local people, and the ethnic people. Over the years, I have learned that those human rights violations are directly linked to the extraction of resources. This is how the military prepares for the corporations. Whenever a corporation wants to do some business in Burma, work in the area, they are simply going to drive out the people. They are going to drive out the Indigenous People who live in the land. They leave nothing for the villagers. They burn down their houses. They destroy the life of the Indigenous People. Sometimes they just rampage the village to collect their properties. But whenever someone counters the military, the military simply kills them. This is how the military prepares for a corporation. After they burn down those houses and they leave those villages for a while, you can see that the houses are overgrown by weeds. They then bring in the corporations and say, "Look here, there are no villages around here. There are no Indigenous People here. Nobody lives here." That is how they prepare for a corporation. They say, "There is no village. You can do whatever kind of business you want here."
Many times, the people do not even get any warning. A lot of times, they get an order by the military who sends a letter. In the letter, they clearly write, "You are to move in two days." If you don’t move, this means that you are going to be dead. Sometimes, the letter will come with chilies, charcoals, and bullets. The bullets mean that they are going to kill you. The chilies mean that you are going to have hard life. After that, the charcoal means they're going to destroy your places.

In this picture, you can see how some people are being tortured, and many people are being killed by the military. Also, they force the people to work for the project that they are working on. They force the villagers, the Indigenous People of the area, to work for any kind of project they are doing in the area. Those people were forced to leave from the area in the same way that they are forced again to work for the local roads or construction that prepares for the corporations. At the same time, they are cutting all the jungles and logging daily. And also in Burma, one of the very notorious things is that they use the villagers to carry ammunition and supplies while they are providing security for the corporations. Many times, the people, the villagers, do not get food, and whenever they’re sick, walking in the jungle, when they get sick from malaria, they don’t get any medical attention. What’s going to happen to them is that they are simply going to be left to die.

In this picture, this guy is testifying. And some of the people who escaped are showing all the bruises from carrying very, very heavy loads, much heavier than their bodies, because they are carrying ammunition. You can imagine that it must be very heavy. In this picture in particular, this person is talking about when he was carrying ammunition so heavy, and he was so tired, and he didn’t have water, and his body was getting bruises from carrying ammunition and supplies. And he could not continue to carry anymore, and he asked the military to stop, and asked to take a break, but the military simply hit him on his head with the back of the gun, and he got a bad cut. He was talking about that.

Many times, the lucky ones could escape, but some people are left behind to die. In this picture, you’re going to see that a person is left behind to die.

One thing that really, really makes me upset is while they are fleeing here in the background, you can see that the corporations are carrying the logs. The military is clearing out the area for them to be able to do their business.

A lot of times, they go to the border, but the Thai government is working very closely with the Burmese government; they’re trying to do anything for the Burmese government. Because many refugees are fleeing into Thailand, the Burmese military cannot face the international community. So they said to the Thai government not to accept those Indigenous People who flee from the area, not to accept them in Thailand. So simply, Thai’s military is going to block them, right on the border, and not let them into Thailand. So the Indigenous People have nowhere else to go. They cannot go back to their villages. They cannot go to Thailand. What they are doing is simply wandering around in the jungle.

What about the ones who are in this picture? They were praying. As a Christian, I thought they were praying for God. But no . . . they were praying for any existing god to help them to ease their suffering. It was amazing, seeing all those people suffering. They do not know what tomorrow holds for them. They survive day by day. They live in constant fear. They live in those little leaf houses, huts, and they have grown up as people who suffer. Children suffer the most while they’re hiding in the jungle, and when they get sick in the jungle, they have a hardship finding medical treatment, as you see in here.
Those people, of course, in the first place are so attached to their land. Many people here are Indigenous People, as well as know Indigenous People. You know that those people are so attached to their land. They worship their environment. One time I talked to a woman who told me that her son was constantly sick because he was away from his "master". I did not understand what she was talking about. Later I learned that traditionally in her village, after they give birth, they bury the placenta of the baby underneath a tree, and it was believed that the master or the god of the tree would protect the baby. When they are forcefully moved from their village, of course they feel like they have no god. When their village is destroyed by the military, they have nothing to depend on. How those Indigenous People are suffering; they’ve lost everything. They’ve lost their livelihood. They believe they’ve lost everything because of the military and the corporations that are doing horrible things in Burma.

You can imagine, many of you here are women, some of you are men, but imagine as a woman, if you live in a village like the woman I mentioned, you have your children, your baby, you also have two-month old infant, and you live in the kind of house that I showed you with the leaves, the bamboo houses, and you get water from the well. You live your life with other people; you eat chicken and you plant vegetables and live your life very peacefully. You believe that you’re going to die in the land where your parents died, your ancestors died. But one day, you are forced to move out of your village; it happens that your husband is not around. You carry your two-month old baby, you bring your two-year old son, and you walk in the jungle. You’re trying to follow many villagers who leave the village at the time same. Then one day, in the middle of the night, you are shouted at in a language you neither understand nor speak. But you keep walking, and then you hear an explosion. And you have pain in your back, and you’re trying to lean on a nearby tree as you protect your two-month old baby. Later, many hours later, your body is found by your villagers. Your baby is completely safe nestled on your dead body.

These kinds of horrible things are happening constantly in the area of Indigenous land. Those people are being destroyed at an alarming rate, for the sake of the corporation, for the preparation of the corporations. Only recently, international groups and consortiums discovered over 70,000 people who are internally displaced in Burma, so international organizations responded to that. We documented those human rights violations, and we petitioned the international community to get help, and we sent our report to the International Labor Organization. We have made many, many gains. The International Labor Organization took action against Burma, but they later said that Burma's military government did not change any behavior.

And another thing we did was, we went to Indigenous villages, and we talked about their rights and how to protect their rights. When you talk to many of those people, when we talk to them about the Declaration of Human Rights, they do not have any kind of understanding. They have no real idea they have any kind of rights at all. When we tell them about the Universal Declaration of Human Rights, they just listen. They don’t understand at all. So we’re going place to place to educate and alert the schools; we are generally educating the leader from the community, to represent and to be a leader throughout their community as well as in Burma. We also partnered with a local NGO from Ecuador.

For me, we do not empower them or build their capacity. My belief is that Indigenous People have their own power. They have their own capacity. We do not have to empower them. The only thing we have to do is work with them because what they are dealing with, many of the problems that they’re dealing with, with the corporation, they might not have some techniques. For me, I do not like to say that we’re empowering them. We are working together with them.
That is a very important thing; that’s why in our organization, our mandate is to combat by the power of law, the power of people, in defense of human rights and the environment. So I assure you, we the people in Burma, we document those human rights violations, with the power of ourselves, with the capacity of ourselves. Of course, we need the power of the international community, the power of law.

Now Katie is going to talk about how we Indigenous People work together with the power of law, with the international community, and the international mechanisms. Thank you very much.

Katie Redford, Director of Earth Rights International and Counsel for Plaintiffs in Doe vs. Unocal

Bio: Katie Redford, Esq., Director, Earth Rights International. Ms. Redford graduated from Colgate University 1990 and from University of Virginia School of Law in 1995. Upon graduation from UVA School of Law, she received the Robert F. Kennedy memorial award for Human Rights and Social Service. She received an echoing green public service fellowship in 1995 and co-founded EarthRights International. Ms. Redford has been a Director of ERI from 1995 to the present, and currently serves as the Director of the Washington DC office. She is co-counsel in Doe v. Unocal and has participated in varying degrees in ERI’s other litigation, including lawsuits against Chevron, Shell and Union Carbide for abuses in Nigeria and India. She is fluent in Thai and English, and serves as an adjunct professor at UVA Law School’s Human Rights Clinic and at the School for International Training.

Speech:
As Ka Hsaw Wa has told and shown you, the kinds of human rights abuses that Indigenous Peoples in Burma and many other places in the world are suffering everyday are happening in conjunction with development projects and natural resources exploitation. And I think that nowhere is this more clearly in Burma, where we do most of our work, than in the oil and gas industry. The example of that actually eluded to, which started our organization down this road, is the Unocal Gas Pipeline in Burma, where many of those abuses that you just saw were happening and were committed by the Burmese military on behalf of an American oil company that went to Burma to exploit natural gas and built a pipeline across Burma through Indigenous territories. As a result, Indigenous Peoples and local peoples were enslaved, were forced to work as porters and in other menial jobs, were raped, were tortured, and killed by the Burmese military, working in contract with the American oil company on their behalf, in order to exploit oil and gas. We had contacted 11 local and Indigenous villagers. And when you think about it, 11 people from Burma took on an American oil company--a multinational oil company--asserted their rights under international law, and guess what? They won. Okay, now talk about the power and balance. Eleven villagers from Burma who, as Ka Hsaw Wa said, never thought they would leave their village, took on an oil company, and won. So if you’re feeling a little depressed after the last presentation, let’s remember that there are victories out there that are powerful--powerful alliances that can happen.

Indigenous People have power, and they strategically aligned with lawyers and international activists. I think that real victory and real change can happen. The Unocal case is the perfect example, and it teaches us a lot of lessons about what kinds of work and what kinds of strategies are effective in today’s world. Oil companies, as we know, have more power than ever. They’re out there in the world exploiting the very little resources that are left, and they’re
going farther and farther into new and undiscovered, unexploited territories, which are the most remote, and are mainly the ones where the most local and also vulnerable people are living. And so it’s important to recognize that, yes, people have power, and the power of people is incredibly strong, but these companies, they think they’re above the law. They are going to foreign countries precisely because they think they can avoid international law, or United States law, or European law. They don’t want to work here where there are too many bothersome laws to follow, and they have to respect people’s rights and protect the environment, sort of. But the fact is that they’re going to more and more remote places precisely to avoid the law, and that’s where international law and international partnerships really come into play, and that’s what I want to talk about.

There are some really exciting and promising strategies in the legal community, and the Unocal case is a perfect example of what can happen when you take grassroots people who have had terrible things happen to them and have real difficult issues that they’re working with, and you connect them with international activists and lawyers, and you leverage the laws that exist to demand accountability and to force change. International human rights law is defined and enforced really, in a kind of western and northern way. Human rights laws that can be enforced in courts are civil and political rights violations. And in the Burma case, we’re talking about rape, torture, forced labor, slavery, and crimes against humanity.

Many of you know that, for Indigenous Peoples and in the extractive industry context, the biggest and, in some cases, the most devastating human rights violation is the destruction of environment. And that is not something right now that is very enforceable in a legal context. It is a developing, evolving standard. But to the extent that we can describe what’s happening on the ground as straightforward American civil and political rights--slavery, forced labor, rape and torture--those have been the most successful cases. And in the area of the extractive industries, oil and gas companies, sadly, they’re doing that. They’re raping the environment. They’re killing the environment, and they’re also doing it to the people. So these kinds of laws can be very effectively leveraged to demand accountability on behalf of Indigenous Peoples, just like what happened in Burma.

But international laws are not enough, because the enforcement is very weak, so it’s also important to strengthen and promote domestic laws in the countries where these things are happening and to give resources and capacity to local laws working together with Indigenous communities. Because the fact is, the laws are not helpful if there are no people to enforce them. What was successful about our Unocal Case was that there were plaintiffs, real people, real survivors of rape, torture, and killing, who took their case to U.S. court, took on an American oil company, and fought through from beginning to end. And so the laws aren’t important--the people are just as, if not more, important. So it’s really important to recognize that it’s a partnership, and neither one nor the other is more important.

The fact of the matter is that one of the most important things that you have in a lawsuit is evidence. You can have the best laws in the world, and we don’t even have those, but if we don’t have the evidence to show the abuses, to show what happened, then you’re not going to get anywhere. And people are in a position to document the abuses, to document the suffering, to prevent and gather that evidence for whatever reason, and in our case, to report to a court, there are the people on the ground. They’re living and experiencing the situation that comes to them when oil companies come to their land.
We have some victories to celebrate. It’s not every day—I wish it were—it’s not every day that local people, Indigenous People, take on an oil company and win, but they did that. Ten years, Indigenous People from Burma were struggling and fighting against this oil company, and last month, for the first time ever, this company, a company, any company, paid compensation to victims of human rights abuses for the first time ever, after that of the Holocaust context. And we have more cases that we’re bringing forward to set precedent, to demand accountability, to enforce existing laws, and to develop new laws.

And I just want to close with a story about one of our clients, Jane Doe Won, ethnic clan-Indigenous woman from Burma. We call her Jane Doe because she can’t give her real name. She can’t publicly say her real name because if you take on an American oil company that’s partnered with the Burmese military, that’s a death sentence. So even just the idea of seeking justice could have gotten her killed.

Jane Doe Won lived in a village that was on the Unocal Gas pipeline bridge. Her husband, John Doe Won, was forced at gunpoint by the Burmese military in contract with Unocal to go and build a road, infrastructure for this development project that would, supposedly, help these people. He was forced to work for ten days in 100-degree weather—very difficult conditions. And after ten days, he ran out of food and he had to escape. Well, the Burmese military wasn’t too happy about that. They needed their workers for their deal they had made with Unocal.

They came looking for him, and they came to their house; she was sitting in front of her house cooking, nursing her two-month old baby. And the Burmese military—these big soldiers—again, working on behalf of Unocal, good old American money, said, “So where is the Burmese man? He fled from the work he was doing for us.” And she said, “I don’t know.” And they said, “You’re lying. You’re lying. And by the way, you’re not supposed to be here, we have a pipeline coming through this village. What are you doing?” They started beating her. They started questioning her. Eventually, they beat her so badly that they kicked her and her two-month old baby into the fire. And the baby eventually died.

Now, what is it, that an Indigenous woman from Burma can do when faced with a Burmese military dictatorship and the oil company partners to enforce her rights, to protect her homelands? Ten years ago, the answer was nothing. There was nothing you could do. There are human rights abuses in Burma; you have to seek justice in Burma. Today, there is something she can do. She can take her claim to the United States court, enforce it, and now we know, she can win.

There are a lot of promising initiatives out there that are defined by partnerships between grassroots, Indigenous People, the people who are affected, most directly affected, by the extractive industries, and also who want those resolutions, are those who are going to implement them. And so these kinds of strategic partnerships are, I think, the most exciting, promising, and hopeful, and it’s the legal context which is really in this country—at least, all we’ve got left.

Our government, forget it, is not going to do anything to the oil companies that are out there in Indigenous territories, and the Congress certainly isn’t, so what we are left with is the courts. And we need to use them; we need to defend existing rights, create new ones, push the law.
forward, and the good thing, of course, is that to change the law and develop the law, what you need are the best possible facts. And in this case, we changed the law with Unocal, because we had the best possible facts, with the most possible abuses, on ground for the local people. The fact is, the oil companies are making it easy for us because they’re going out there and committing some of the worst human rights abuses. And if we can document that, and you can document that, and we have support of these strategic partnerships, then we can really make a difference. And 11 of our villagers from Burma can take on the U.S oil company and win.

Thank you.

Heather Ryan:
That’s great. Thank you guys. Now I just want to open it up to comments, questions, or other strategies. I think we’ve heard about a lot of interesting strategies here, but I know some of you have been working on others. So let’s talk about some of those as well.

Question:
What was the settlement when you said you won? What did they win? Did the pipeline get dismantled? Was it a monetary settlement? Did someone go to prison? You said they won, but you didn’t say what they won exactly.

Answer: Katie Redford
Okay. Well, that’s a really good question. And we were using U.S. courts and U.S. laws, and under U.S laws, we have no criminal human rights laws. The corporation and their executive officers were sued for and charged with torture, rape, murder, and killing, and crimes against humanity. Our legal system does not send them to jail. This was settled in a civil court of law, and that’s what we have right now, so it’s money for damages. The other shortfall of the legal system is that courts are more likely to let companies and bad actors do those bad things first, and make them pay for it afterwards. And we tried to get an injunction in the case, and tried to get the pipeline stopped, and the court said, "No. If this really is true, we’ll make them pay for it after the fact." And that’s what happened. So it’s money damages. I can’t talk about the amounts, but if what they reported is true, it makes it the largest monetary payout to anyone outside of the Holocaust context, and I, for one, am incredibly excited that it was Indigenous People who were able to meet with such accomplishment. And the other thing that the settlement does, there are no monetary pieces of it which, again, we can’t talk about it, but the kinds of things that you can imagine are human rights monitoring, human rights improvement, actual change of behavior—potentially changing the security guards and the contract with the people, with saying that the Burmese military isn’t allowed to secure this pipeline. Those are the kinds of things that you can imagine. But it also establishes a fund for the entire region of the pipeline, to protect their rights, to improve the situation in the future. So, granted, it’s not that this money is going to give back Jane Doe Won her baby, or restore the land to what it was, but what it does, we hope, is send a message that the only thing that businesses listen to, in my experience, is their bottom line. And if businesses and oil companies think that, “Gosh, we might have to pay; human rights abuses cost; abuses against Indigenous People are actually not cost-free,” there is a new level of accountability. There’s a new standard. And hopefully, it
sets the bar higher. What we’re hoping is that it means that companies will think twice before they do this kind of thing again. But you’re absolutely right. I mean, it doesn’t solve the problems by any means, or give these people back what they lost.

The other thing, too, is that before this case, if these kinds of things happened, there was nothing you could do. You got raped by a soldier securing the pipeline, go seek justice in your country’s court of law. In many of these countries, no one’s going to enforce a law against an oil company, right? But now, it means that other people, I mean, this is what our clients, when we won, said, “Does this mean we could go home now?” and we’re like, well no, it doesn’t change that part of what happened. But what it does do, and what they were really excited about, is that it opens the possibility for other people in other parts of the world who have suffered similar abuses to seek justice, and hopefully it means that it won’t happen in other cases. It’s definitely not a “magic bullet”, if anyone has one.

**Question:**

Hello. My name is Vaughan Buffalo, and I’m with Health Share International. My question is a couple of parts. I take your point about the way companies do things and how they're really looking at dollars and cents essentially. But unfortunately, one of the things that would probably be an incentive for companies to do this is just to get insurance for some kind of suit in the future, so that if they get assessed with some kind of damages, then they would just tap their insurance. So my first question is, did the oil company have insurance and did that insurance cover the costs of this suit? That's the first question.

**Answer: Katie Redford**

We love that question. I mean, it's so true because when we filed this case ten years ago, Unocal told everyone, "Don't worry if they show this." They told it to the public. They told everyone, “Don’t worry. This isn't going to go anywhere. No one's ever paid for human rights abuses. No one ever will. These are a bunch of crazy activists working with these Indigenous People; don’t take it seriously.” And every step of the way, they tried to get it kicked out. They tried to make it go away, and they never thought that they were going to have to pay in any way. Then finally, they did, and so what do they do, they submit the claim to their insurance companies. The insurance companies refused to pay it. Okay, and Unocal goes ahead--and this just shows how fabulously stupid they are when it comes to PR--they sued their insurance company. This is what the complaint says, and it’s published in The Financial Times! , and it’s just fabulous saying, “The allegations of rape, torture, killing, and slavery in this case are precisely the kinds of claims that our personal injury policy covers.” Right? Can you imagine? But again, it just shows this arrogance and this attitude, even when they didn’t get away with it, they’re still going to get away with it.

**Vaughan Buffalo:**

It just shows that it's an entity, that its bottom line is what drives what it says to the public. And if I’m a person driven by the bottom line, then I’m going to say something like that.
Katie Redford:

Right. Exactly. So yeah, we are now working and other groups are working to make sure that there’s a very strong voice from the human rights community. Everyone in this room would love your help on this--to argue to the court in this new piece of it, that insurance companies should not insure human rights abuses. That is bad; it’s a bad practice, and it’s not smart, and as a matter of public policy, insuring human rights abuses is not a good idea, especially when it’s oil companies.

Question:

My question is for the colleague from Ecuador. Could you talk to us a bit about the resistance tactics in your communities on the case of the Corte de la Comision Interamericana and on the alliances that have been formed in the process?

Answer: Franco Victori (Translated into English)

First we have had a long-term relationship lasting 30 years. The first things we obtained were the property titles with respect to the land; this was achieved as a result of a march in 1992. Secondly, we were able to obtain a territorial concession. Thirdly, we started training programs for our people and gave them information on how extracting businesses functioned. The result of this is that there is now a new generation of people who are capable of obtaining employment in the petroleum businesses. These people are now clearly aware of their rights as workers. This, of course, has meant the establishment of democratic procedures in which the participants were youths as well as Indigenous women. In addition, I was able to organize something that I considered important, and that is the creation of well-informed social groups, as informed as the academic sector of the country would be. So now we have not just Indigenous intellectuals, but also Indigenous professionals.

We had five levels of action. First, on the local level where we are the strongest, because people need to pull together and have a certain level of discipline. We used certain law norms that are our own and which enabled us to ensure that people would not be taken advantage of. Second, at the provincial level, which is more the state government. We need to identify uninformed people. The next level is the regional level, then the national level, and lastly the international level. It is important to emphasize information going out, internationally. In that area there are many problems because in our local cities there is a unique sort of commitment that is related to quality of life. Quality of life is so low that people feel obligated to sell themselves at whatever price. For situations like that, we have developed certain concepts so we can defend ourselves. What enterprises understand as a concept of development and as a concept of wealth is wealth in terms of accumulation of money, of having money in the bank, of grand infrastructures. But that is not what wealth means to us. For us, what is more important is survival--the availability of food, justice, and not violating another’s right to the same resources. These kinds of concepts are valued in order to achieve essential political solidarity. We could also say that there are other concepts of wealth--the richness we have as a group, clean air, and the exuberant forests we have. We have liberty; we have no groups that come after us or obligate us to work without pay. We are free and we cannot lose that.
Another strategy has been in not setting up highways because with highways, contact with the outside is made easier and is that much more difficult to resist. There are communities that have highways that armies can quietly enter. In our work, we encountered problems with the military. There were women involved in the conflict, and we succeeded in confronting politicians with our problems with the military. As a result, their weapons were taken away, but this was due to a collaborated act of resistance. We have learned a lot, and we would like to share with other people the losses as well as the successes that we have experienced during our work.

Question:
Hi, my name is Mary Tkach from the Aveda Corporation, emphasis on corporation. And I’d like to just go back to that last issue. Is anyone working on making human rights violations a criminal offense in the United States? Is anyone changing the laws, because I think corporations have to make money, and they don’t care what the fine is or what the fees are. I think ultimately unless a president goes to jail for the rest of his or her life, nothing is going to change. I’m not as optimistic as you are.

Answer: Katie Redford
I think you’re pretty optimistic to think that we might ever make human rights abuse a criminal offense in this country because that is an optimism that I don’t have, unfortunately. Although we were successfully able to not just sue Unocal, the company, but the CEO and the president in their personal capacity. These people go to church; they go to cocktail parties. It’s not nice for them to be like, "Hi, my name is . . . and I’m accused of crimes against humanity, rape, and torture in Burma." They don’t like that, and I think that it’s true. They do have tons of money. And any amount of money they pay is a drop in the bucket. But it’s more than money; it’s the brand and the reputation. And Unocal, because of this lawsuit, became the poster child for corporate complicity in human rights abuses, and they’re known for that in their own industry. Two days after the settlement was announced, ChevronTexaco announced that they were buying Unocal. And no company during the big merger and acquisition heyday of the 90’s and the oil companies, no one bought Unocal, and it was widely recognized that because of their human rights problem in Burma and their lawsuit associated with Unocal, that that was a poison pill that no company wanted to swallow. And so it’s no coincidence that ChevronTexaco, or any company, would buy Unocal out until this lawsuit was settled. So I think the money is a very small part of it, and as we talked about before, it’s really much more about their reputation, their plans, and who they are as a company. But the easy answer to your question is no. Human rights abuses, I don’t think, would be, unfortunately, a criminal offense in this country especially when it involves a corporation, because as you know, there are people that only come to rights, not responsibilities.

Heather Ryan:
The United States has been actively opposed to any kind of criminal human rights abuses at the international level, and as far as the international criminal court. The other avenue into that is through the shareholders, is trying to hopefully appall shareholders by the actions of the company that they own, and that’s something where a lot of interesting work has been done.
Question: Jennie Curtis, Garfield Foundation

Ka Hsaw Wa, I wonder if you could respond to what changes have taken place in Burma. It’s been a long time. Human rights have been documented for 15 years. I worked there 12 years ago. We knew about all this stuff and, frankly, it’s discouraging. From a funder perspective, what can we do to create larger change in Burma?

Answer: Ka Hsaw Wa

I thought about what’s changed, but it’s negative change. The appropriate way to bring a light to this is has been not to give up. But even in a good way, internationally it is clearly stated that the Burmese military is the worst human rights violator. In the past, groups of liberal organizations came up and said it; now it’s stated, so it’s clear. At the same time, what’s happening now in particular, literally they are killing each other, with their power dynamic. Things are happening; I know the international pressure. They probably change a lot things among themselves. While they are changing something, they have a dispute over it. For example, the most recent prime minister, we think, listens to the international communities, and the UN, and the International Labor Organization, so he’s trying to do some kind of negotiations with groups. But the General doesn’t like that, so they have a problem with each other. But another important thing is that many labor groups counter with, we can’t just do it by ourselves; we need a lot of heavy international pressure. Another thing that happens is that we have international support for a short time, but it disappears. Some NGO came to us, worked with us for a short time, and disappeared. That is one of the biggest things that need to be fixed in many international communities around the world. Because while we say that one corporation markets themselves by posting they are being environmentally friendly—we call it “greenwash”—and other corporations hide themselves behind the UN flag—we call it “bluewash”—now, in this case, some NGOs just go there for their own project or their own thing. I’m going to call it “Indigenous wash” or “South wash”, something like that. That’s why many of you, funders, have a lot of power to give pressure to those NGOs dealing with Indigenous communities. Just do not go there for a short term, and don’t disappear in a short time, because to gain the trust of Indigenous People, it takes a long time. Once they trust you, they want to continue with you their whole life. They will honestly be loyal to you their whole life. There’s a lot that Indigenous People want. There are a lot of things happening in Burma; we are dealing with the many groups that have seen a lot of polarizing among each other. That has become our weakest point in our movement. But, then again, we’ve got to change a lot of things about Burma, in particular, with the international community. The United States has sanctions against Burma. The United States has an import ban against Burma. The United States has done a lot, and the UN is pressuring the Burmese a lot. Internationally, many groups are pressuring Burma. So, of course, some weird things are happening now. And we believe that positive changes are coming soon. Because we can see, evidently, that they are destroying each other because of this international pressure.

Question:

My name is Daniel Schreck from the Abelard Foundation. I’m just wondering on that shareholder reaction subject. I mean it’s one thing to go to a shareholder meeting assuming that you could afford to buy some Unocal stock, to go to a shareholder meeting and confront the executives. But what about embarrassing the investment company, say in San Francisco? You know, convince the investors that hey, Unocal, Royal Nutshell, or Exxon Mobil is not a
good investment. You know they’re not getting the global response or some material on their
desks or something. Is there a way we may put their names on the email? Start sending stuff to
them. What’s a good way to embarrass the investment companies, for instance, in San
Francisco and everywhere else?

**Answer: Ka Hsaw Wa**

One of things that we have done is an initiative in school that went to one of the Trustees of the
Board, a Trustee of Unocal. So we went there, we organized the students to expose the Unocal
situation in Burma. In front of her office, we organized the whole group, so finally she, I think,
alerted the shareholders. We have done a lot of things like that. By going to their places, we’re
going from one place to another. I went into their shareholders’ meeting to talk about that and
explain the situation and everything. We’ve done a lot. There are many local places that we go
to, from school to school, and from one place to another. We’ve done a lot of that.

**Answer: Katie Redford**

Yeah, and I think that with regard to the sort of institutional investor you are talking about, they
have a lot of power. And this isn’t my area of expertise but I did conference calls among
institutional investors to whom I would have to say--you know, I’d be honest--there are many
people talking about the human rights situation in Burma and how bad it is there, and how there
should be pressure to divest from Unocal, because this is a sting on their portfolio. And what
they were concerned with was being associated with slave labor. Being associated with rape is
one thing; being sued for it is another thing. And I think that, again, shareholders were
concerned about their liability. But there’s a debate within this community, too, whether it’s
better to divest or whether to stay invested, to be able to have that leverage and pressure. I
don’t know the answer to that; it’s totally a case-by-case situation, but it’s certainly a very
important tactic. And leverage over the company--in my experience, some of the most
effective shareholder meetings and resolutions are when people from the community come.
They’re the ones that are bringing the message, not people like me, but people from the
community talking directly to the company and to the investors.

**Heather Ryan:**

Yeah, I was just going to say too, I think that one of the big critical tenets of human rights
activism has always been shaming. And that in this whole area, we need to do more of
shaming corporations who act in a certain way. It's sort of a threshold thing and, hopefully, the
Unocal litigation will be one step toward increasing that kind of shaming, just because this has
gotten so much more press coverage than anything else. So it’s all a matter of degree, I think,
but at certain point, one of the critical purposes of human rights law is just to say as public, as
human beings, if there are certain things that are just unacceptable under any kind of
circumstances. And the louder that we say it and the more institutions that help us say it, the
closer we’re going to get to eradicating that, hopefully.

**Question:**

I came from Russia, and I would like to say that we have the same problems in Russia.
Indigenous People from Russia are suffering too much from industrial companies. On one
hand, they are not killed directly by companies. But on the other hand, the old companies spoil
the environment. They’re destroying pastures of reindeer. And the result is a colonialism of
Indigenous People. When we try to change the situations, all these companies in Russia don’t
care about the Indigenous People or their rights. They just come to have game and to have
profits. They don’t tell us directly, “We are guys who are not going to pay any compensation.”
They don’t say no directly. They just tell their friends at the state authorities. At the time when
the company comes to the country or is planning to have extractive activities, they have to get permission from state authorities. They must give them a salary, and all companies fought that this is the responsibility of the state, Indigenous Peoples' rights. So now we have such consultation, but some investors' companies, they try to have a say, to turn their faces to Indigenous People, when they try to get some kind of compensation. Please don’t laugh; they give as compensation, sugar, flour, and clothes to Indigenous People. Instead of signing the papers that yes, we will agree to reward you for extraction of natural resources in your territories. And it’s been lengthy, but my question is, why don’t you go first of all to the Burma authorities? Because maybe it’s better to have a group from within your authorities, but mainly the government. Maybe the government will have to protect you.

**Answer: Ka Hsaw Wa**

Thank you. Our government is a military dictatorship. They rule the country by guns and jails; you cannot negotiate with them, they’ll simply kill you or put you in jail. Right now, many people are in jail, many students are in jail for trying to negotiate with the military. So, we wish we could do that, but we really can’t do anything like that.

**Question:**

My name is Jan Thomas Odegard of the Rainforest Foundation, Norway. I think it’s really, really encouraging, what you’ve been able to do. I’d like to congratulate you. And I think you pointed out an important direction that we have to look closely in the years to come, which is exactly the field of legal law, the international laws, which are going in the right direction, as you say, through these cases it will develop, and we all have a responsibility in that sense. Now as you said, this can only be used once the abuse has taken place. So we should also look at the other side, mainly changing the laws. And I briefly want to share with you an experience we’re having in Norway. We’re trying to have an import ban on tropical timber, and we’re getting close to it. One step we took was that we got the government to say that they will not use tropical timber if it’s not guaranteed socially and environmentally harvested. For the first time, I think in Norway’s history in a million years, they tore down a building because they discovered that they had used tropical timber. Now Norway imports teak from Burma, and it’s not illegal to import it and that’s the problem. But I think it’s possible to also introduce new laws in relation to trade, and the government says that we cannot do this because of free trade, but I’d like to remind everyone that in Johannesburg in 2002, the laws they agreed on stated that the environment is as important as free trade. So the rules have some ground to use that argument as well. Now my question is, import bans--it’s a very big thing for organizations in Norway to work for. Now does it help any, have an affect at all, in Burma? Because Norway is a slow market, and many other markets are much bigger. But what can you say it does for the local communities?

**Answer: Ka Hsaw Wa**

I definitely have to say that import bans have had a big impact on the people of Burma. Positively, negatively--it could look great, depending on the way you look at it. But it was a big hit to the military--the majority of the ban affects the military--to the elite groups of people. Of course, some of the factory workers suffer for a short time. But whenever you turn to the people of Burma, they will say that our life is not darker than midnight. Where everyone is, our people cannot suffer any longer. We want to do anything to make this government fall. So even if they sacrifice all, they want that thing to happen around the world, to punish this government. The Burmese military lost a lot of money because the U.S. did that. And because
other countries do the same thing. Of course, short term, some people related with the military would suffer. But in the long term, people would gain from it, so we encourage that.

**Question: Morten Schmidt, IBIS**

Thank you. I work with extractive industries in Ecuador. There was a question earlier about what to do for International Funders in this situation. I think there’s a lot of experience to get from the process of Sarayaku. Yes, we have international law systems; yes, we can pursue organizations in the courts in the U.S. and in Europe. But what does a community like Sarayaku do when faced with an Argentinian oil company, where there are virtually no possibilities of doing anything? When faced with an oil company who may not have millions and billions of users, but would sell their products to other industries. So what can we do, when there are no public around them? They can just send in their para-military groups, which they have done. I think that there have been three decisions from InterAmerican systems—both the Commission and the Court on Human Rights—in favor of Sarayaku, but the military running this area in Ecuador just say, “What are their odds? This is in favor of business in Ecuador. We have no power here; we have nothing to say here.” So what I think we need to do is to think holistically when we address these issues. We can pursue the courts in the North, but we also need to assess the needs of the governments. If we take the Ecuadorian government, they have a huge international debt, but it’s a debt that has come entirely from investing in the oil industry. And they don’t have our economic muscle; they don’t have many economic alternatives as a government, so they need to pursue oil production in the country. That’s another issue. You have a true issue in the North, but you are also supporting the development of alternative economic mark-ups that destroy territory, for instance, the exploitation of the Amazon mining. And what about the Indigenous communities? They are constantly in conflict between accepting the exploitation of—whether it’s timber, whether it’s gas, whether it’s oil, whether it’s mining—or rejecting it, and maybe left with not many economic alternatives, or economic models. I think that Sarayaku is in a very positive track—developing internal dynamics, internal economic activities, running employee training with the government—which probably is going to go a little bit better now with the change of president. I agree in pursuing advocacy matters with the international system such as the European Union, such as the InterAmerican System. But we need to think about what is wrong. It is not only in the Indigenous communities, but we as funders, need to amplify our strategies. We need to be holistic in our approach to support these communities.

And, Katie, you suggested that the identity-making of international business leaders could be one of the paths. In their reporting directed to you, they list this cost of corporate as social responsibility. After they publish this cost in the business community, in the business group right now, they can be entirely educated just around this discourse. Would that be a way, institutionalize corporate social responsibility like we have done in timber, in forestry management? Would that be a way to gain more control, and to get more insight into the dealings of the investment and other companies?

**Answer: Katie Redford**

I’m not sure what you mean by identity-making. Did I say that? But to answer your question, it’s true. I think that there’s not one solution, and you’re right. There has to be a holistic strategy. And, as they say, every straw that you place on the camel’s back is going to help. Our strategy is definitely law and real legal accountability. These are laws; these are standards; and you break them, you pay; you’re going to be punished. That’s accountability. So the
difference is that it’s an external reaction that will happen if you cross this line, if you violate human rights. Corporate social responsibility makes it internal, the leverage is internally. We take it upon ourselves to monitor ourselves, and to be responsible. And I think it’s great for companies that actually are committed to it, and are really doing it. But the problem is that companies like Unocal are saying that they have this corporate social responsibility. Meanwhile, behind the scenes internationally and publicly, they are advocating and lobbying against real accountability mechanisms. You don’t need laws and legal mechanisms for companies that are truly practicing corporate social responsibility because if they really are responsible, they’re going to do the right thing. You need accountability, though, for those companies that are crossing the lines and aren’t monitoring themselves from within. So I think that you can’t have one or the other. I think it’s fantastic that companies are saying that they’re following corporate social responsibility acts. It would be nicer if, instead of the companies saying they’re doing it, that they’re actually doing it. But for those that aren’t, that’s why you have legal mechanisms and accountability mechanisms. So I don’t think you can replace CSR with real laws that have real consequences when you violate them. But, again, you’re right, business schools and law schools are looking at this. Harvard Business School has used the Unocal case, they say, every year for the past five years: Is this good practice? Is it worth it to partner with the Burmese military dictatorship, and engage in, and be complicit in, crimes against humanity? Is this a good business practice? And hopefully, the more accountability that you have, the more times companies really pay the price for human rights abuses, then the more they’re going to learn that we should just be responsible from the start, and it gradually comes together. But it has to be both, in my opinion. It can’t be one or the other.

Comment: Rebecca Adamson

I want to build on the last point that was made today, to talk about social investing, the institution investors, and the corporate responsibility. There is a strategic window that’s for us right now for the next year, in this country in particular, because with the passage of Sarbanes-Oxley, and because of the past corporate corruption, we now have to put two-thirds of all corporate boards as independent directors. I’m on a mutual fund, and we are changing two-thirds of the board of directors to independent directors. All the financial institutions and corporate boards have to have independent directors. We can change the entire complexion of the boardroom because, as of this year, 1,800 new board positions are going to be open and have to be filled across these corporations and across these financial institutions. If we could get people of color into the boardrooms, and integrity into those boardrooms, for the independent directors, we have a strategic window right now to change the decision that these boards of directors make, because the directors are the ones you have to deal with on this. And right now, we have 1,800 board seats open across corporate America and across the financial institutions of this country. If we could get those filled with people from this room, and friends of people in this room, we’d have fundamentally different decision makers. Thank you.

3:00 - 3:30 p.m. Afternoon Break

Evelyn: Our next session is moderated by Tom Davis of the National Museum of American Indian. He will lead the discussion on Indigenous Education and Language Revitalization. Welcome, Tom.
3:30 - 5:00 p.m. Indigenous Education and Language Revitalization

3) Indigenous Education and Language Revitalization

Studies estimate that there are 5,000 to 7,000 spoken languages in the world, of which 4,000 to 5,000 are indigenous. More than 2,500 of these are in danger of immediate extinction, while the UN estimates that up to 90% of all languages could die out over the next century. This session will bring in international leaders in indigenous education and language revitalization to discuss successes and challenges in preserving the world’s endangered languages, and in strengthening vulnerable communities through culturally appropriate educational programming.

Moderator: Tom Davis, National Museum of American Indian

Bio: Thomas Davis works with both the National Museum of the American Indian in Washington DC, helping with both strategic planning and technology design projects, and the Crownpoint Institute of Technology (CIT) in Crownpoint, New Mexico. He is also an Executive Board member of the World Indigenous Higher Education Consortium. CIT is one of the nation’s 34 tribal colleges and universities (TCU) and is one of the 33 land TUCs. Mr. Davis has been the President or Interim President of two tribal colleges, Lac Courte Oreilles Ojibwa Community College near Hayward, Wisconsin and Fond du Lac Tribal and Community College in Cloquet, Minnesota. The author of Sustaining the Forest, the People, and the Spirit (SUNY Press, 2000). Mr. Davis has published scholarly work, essays, poetry, and fiction and has written extensively on technology issues.

Speech:
I really work for the tribal colleges and universities in the United States. The National Museum of the American Indian, every once in a while, talks me into going to Washington D.C. and helping with a variety of projects, and they tend to send me to conferences like these, calling up late at night usually, and saying, “Tom, you got to hurry up and get some place.” And, sometimes I come. I do have a couple of things to start us off with before we really get going. First of all, Marjane Ambler, the editor of The Tribal College Journal of American Indian Higher Education, which is sort of the magazine of the tribal colleges and universities in the United States, has helped put together an international Indigenous education issue. Now that’s over there, and if every one of them is not gone before I leave here, I’m going to be in deep trouble. I’m often in deep trouble with Marjane because I’m always telling her, “No, I don’t have time to write what you want me to write.” But I would very much appreciate it if, at least in this one instance, you keep me out of really deep, hot water. Because Marjane is an Irish Scott’s lady and, boy, does she have a temper sometimes!

The other part of my announcements is that Trevor Moeke was supposed to be here from the Maori Wananga in New Zealand, but he got extremely ill before he got on the airplane and he’s been in the hospital in intensive care. So not only am I representing the National Museum of the American Indian today, but I am also representing the American Indian Higher Education Consortium which is a tribal college in the universities in the United States. And I am representing the World Indigenous Nations Higher Education Consortium, which is an organization of Indigenous-controlled colleges from around the world. Now since I am only
one person, I can’t possibly do all of that, of course. So you’re going to have to help me out by forgiving me a little bit.

I have Gabrielle Strong with me, and she’s quite a lady. I mean, I’ve known her for just a short while, but she’s going to talk to us about Indigenous language education programs. She’s with the Grotto Foundation. She’s a Program Officer. And we’ve at least participated in one major project in the past together in Minnesota. Then I’m going to come back and talk a little about international Indigenous education, as well as Indigenous-controlled education in the United States.

So, then, if you’re lucky, if my voice doesn’t get too powerful, which is always a threat—I didn’t use my big voice at all yet—I promise you will not go to sleep. If I notice you’ve gone and dozed off, the volume of my voice increases perceptively. So that’s how you’re going to handle it, and then we’re going to let you go, and you’ll be very, very thankful.

**Gabrielle Strong, Program Officer, Native Language Revitalization Initiative, Grotto Foundation**

**Bio:** Gabrielle W. Strong, Sisseton-Wahpeton Dakota Oyate, Program Officer of Grotto Foundation. In addition to general grantmaking responsibilities, she administers the foundation’s Native Language Revitalization Initiative, which targets the Minnesota region, and its American Indian Family Empowerment Program. She holds a Masters Degree in Social Work with a Human Service Management Concentration received the University of Minnesota, 1994. Ms. Strong has been the recipient of a number of awards and recognitions, including the Bush Leadership Fellowship, 1992, the St. Paul Companies Leadership in Neighborhoods/Communities Fellowship, 2001, Macalester College Alumni Service to Society Award, 1991, and the Gisela Konopka Exemplary Service to Children Award, 1990. She is a devoted mother to her three children, to her two “hunka” (adopted) children, and a proud grandmother of her two year old grandson.

**Speech:**
Thank you, Tom. Once again, I’d like to greet you all. My name is Gabrielle Strong, and in addition to being a Program Officer with the Grotto Foundation, I’m also a Sisseton-Wahpeton Dakota and have a personal interest in Dakota language revitalization, which brought me to the Grotto Foundation three-and-a-half years ago. So I am here to share some of our work in language revitalization in the Minnesota region and how that might be relating to some of your work internationally, as well as here in the States. I do have a PowerPoint I’d like to share with you, so could we get the screen down? The Grotto Foundation’s initiatives are being presented here. The Grotto Foundation is located in Minnesota; it is a small, family foundation that committed to a 15-year language revitalization initiative in 2001.

This 15-year language initiative was very much research-based. It was brought forward as an attempt to try to work with communities in Minnesota because it had funded and had a special interest and priority in native language and native issues for many years. So, based on community wisdom, the language environment, and the practice of communities in Minnesota, the native language revitalization initiative was conceived. Some of the best practices are funded as part of this native revitalization initiative. They are immersion programs, language master/apprentice programs, teacher education--meaning language teachers, but also teachers
who are proficient in the native language and can teach in all subjects. We also support a number of language-related research projects and convenings as part of this initiative.

The issue of native language loss is something that is being faced by Indian Country throughout the states. Native languages, Indigenous languages are in crisis. This issue is especially acute here in Indian Country in North America. According to this data, which is around 2001, 210 Native American languages are still spoken today. And in some of the more recent data that I found, perhaps 155 are still spoken today in North America. One hundred thirty-five of those are spoken only by adults making them moribund, which is a linguistic term meaning that only adults or elders speak the language; the languages are not being passed on to children. So when going to Indigenous communities throughout the country, you will not hear children speaking the languages to a great degree. And with this issue, it’s more acute in some parts of the states than others.

There are some voices from Indian country that I want to share with you. In general, Grotto focuses specifically in Minnesota, but we are also working with native language activists and collaborating throughout Indian Country on this issue, so there are a lot of connections being made. Some of these voices are being shared by Teresa McCarty, Dine Education and Scholar, U of Arizona 1996:

The loss of any language comes at enormous cost . . . The most serious language declines have occurred among Indigenous communities in the Americas, Africa, Australia and Southeast Asia. Because they are Indigenous, there are no language reinforcements available elsewhere, no other motherland, where children can return to hear the heritage language spoken or see it written. For Indigenous People, when a language is lost, it almost certainly cannot be retrieved as a mother tongue.

Grotto entered into this native language revitalization initiative for two reasons. One, because it recognized that language is the root of culture, the foundation of culture, that language is the way and lens through which people view the world--its philosophy, its spirituality, its riddles, its spiritual practices--are all wrapped up in the language! . It is the foundation upon which people base their life ways. The second reason is because we did recognize evidence and correlations of positive academic achievement among Native American youth.

And since we’re talking about education here, I also want to share some of that with you as well: Voices from Indian Country on Indigenous language loss, from James Crawford, Linguist, 1994:

Each language is a unique tool for analyzing and synthesizing the world, incorporating the knowledge and values of a speech community . . . Thus, to lose such a tool is to "forget" a way of constructing reality, to blot out a perspective evolved over many generations.

We know that we have an education challenge for Native people. Education has been used as a tool of colonization. We have a history of colonization that has been faced by other Indigenous People throughout the globe. Education has not necessarily been used as a tool to empower communities, but to assimilate. So the historical experience of education has been that of an assault on Native people, and it has not been either uplifting or enlightening. And today, we
have seen recent, very recent, statistics that show where our children are standing in terms of graduation rates in 2001. *(Source: Manhattan Institute for Policy Research, 2000)*

**Graduation Rates in Class of 2001**

- Asian - 79%
- Whites - 72%
- **American Indian** - 54%
- Hispanic American - 52%
- African-American - 51%

According to high school graduation rates, about half our children are graduating, and this has been pretty consistent, up to the year 2005. And to a certain extent, college readiness rates are also fairly consistent. As of 2001, again you can see that a small percentage of our youth are entering higher education institutions.

**College Readiness by Race**

- Asian - 38%
- White - 37%
- African American - 20%
- Hispanic American - 16%
- **American Indian** - 14%

For American Indian school-aged children, and this is from the Office of Indian Education, nationally, we know that 92% of American Indian youth are attending public school systems as opposed to private or tribally controlled, or BIA controlled schools.

**Nationally (OIE)**

- Public Schools, majority, 92%
- Private & Tribal Schools

**Graduation Rates--decline 64% in 1995 to 50% in 2000**

- Out of School Youth, 50%+

**No Child Left Behind, Federal Law**

**Schools in lowest 25th percentile**

- Conditions of Poverty 15% - 51%.
Again, graduation rates look like they’ve actually declined from 1995 to 2000. Fifty or more percent of youth are out of school. And there are laws now; some of you may know this, No Child Left Behind-- which some educators are referring to as "No Child Left Untested"-- which is really a standardized testing system nationally. And in all schools--be they public, tribal or BIA--students are performing in the lowest 25th percentile.

The economic conditions of Indians vary depending where you are in the Indian country. In Minnesota, we have an American Indian population of 55,000. We have 11 tribal reservation communities in Minnesota. Fifty percent live on reservations. The 50% who live off reservations, including urban areas, have similar educational disparities in terms of academic achievement and graduation rates.

We have some compelling statements about language learning that should pique our interest and certainly has piqued our interest at the Grotto Foundation. We learned that:

- National studies tie language learning with educational performance and achievement. U. S. Dept. of Education
- Mother tongue literacy promotes school success. Teresa McCarty, Dine Scholar
- National studies from public and private sectors emphasize the positive impact of language studies on educational achievement. Sugarman and Howard (on two-way immersion)
- Students who took four or more years of foreign language scored higher on the verbal section of those tests. College Entrance Examination Board

And more compelling reasons for Native American Language Revitalization:
- Languages in Indian country are in a state of emergency—languages in crisis. We have whole systems of tradition, knowledge, and philosophy that are at risk of being lost.
- Native language learning positively impacts educational achievement among children, youth, adults.
- Language learning strengthens tribal families and communities, communications and relations.
- Tribal language and culture learning correlate positively with tribal college student retention.
- Brings Native worldview not only to the participants, but also to the world.
- Practitioners, especially at a very grassroots community, see this as a process of reconciliation that counters centuries old injury and subjugation of Native peoples, their cultures and languages. They see this as a way of reconciling their grandparents’ and their ancestral experiences. Their languages were suppressed.
Now I’ve heard a lot of Indigenous People today talk about land, talk about culture, talk about philosophy. And I think you will see here that, indeed, our languages are embedded with many of these belief systems, many practices, many of these philosophies, and certainly science and math are contained in languages. Botany, astronomy, medicine, engineering are contained in the languages. Oral literature—there is history. There are many things in languages that can be used for the educational benefit of not only native children, but for all children. There are ways of teaching, governing ourselves, solving conflicts, dealing with issues and problems, and taking care of one another, relating to one another as kinship, relative connections. There are ways of relating to the natural and spiritual world; all of this embedded in language. There is a way of valuing land, and place, and the significance of environment—all related with language. This is all at risk.

This is what we learned of the benefits of native language immersion and the experiences of other practitioners that have been doing this work in Indian country or other places, like Hawaii. We learned that language is able to build relationships between those language immersion students and their native adults. It builds community. It brings such intense language acquisition communications. And this is from Darrell Kipp, who is a Blackfeet Language Immersion Activist. It develops stronger identities, knowledge of tribal cultures, individual role and appreciation for Native culture. It reveals and teaches tribal philosophies. It builds the knowledge of the tribal language, of how to build nations. It places respect on relationships with tribal elders. And it positively impacts education achievement.

This is what we’ve learned from native Hawaiian languages. We know that they have been a model for Indian Country in language revitalization, and one of our colleagues was to join us today. They, as Indigenous peoples, have helped spark this movement. They bring knowledge and inspiration for many of us here, not only for Hawaii but in the States and have inspired language revitalization efforts. The Hawaiians, as we know, have learned from the Maori, and from both of them—the Maoris and the Hawaiians—we have seen the benefits of native language revitalization. We’ve seen what it means to our sovereignty, what it means to our land, what it means to our cultures here in Indian country. In 1980, the Native Hawaiians had 35 Hawaiian speakers under the age of 35, a language in crisis. In 2003, following the native revitalization movement, they have 2,400 Hawaiian speakers under the age of 35. The younger the age of their speakers, the stronger their language is. That is one of the indicators of the health of a language. There is a comprehensive model of language immersion education, preschool to 20, which refers to preschool all the way through higher education, encompassing more than twelve years of education and language acquisition in Hawaii. Educational achievement has made extreme progress in Hawaii as a result of this among these immersion students. There’s a lexicon development that is going on. There’s the Kuleana, which is the spirit of Hawaiian that has been revived. There’s a Family-Based Education Model, and, of course, they face funding struggles.

Some of the other programs they have begun are:

**Aha Punana Leo** - language nests for pre-school children-13 language nests, 250 children

**Ke Kula Kaiapuni** - K-12 Language Immersion Schools- 22 Schools, 1,750 children public schools, university labs
**Ke Haka Ula O Keelikolani** - College of Hawaiian Studies at University of Hawaii, Hilo - where they are developing teachers for Indigenous pedagogy and also grounded in the Hawaiian language

**Kahuawaaioa** - Hawaiian Medium Teacher Education

In *Native Hawaiian Voices* that has inspired us here in Indian country, again, following the Maori tradition of Native Language Revitalization there in New Zealand:

Ke Kula Kaiapuni Nawahi (one of the schools) instills in their students the responsibility of caring for the island, its land and water. "As a student, I feel good about the ‘tomorrow’ because the children of Nawahi know how to take care of this place, to take care of the island." Nawahi student

The language is actually incorporating the essence of Hawaiian heritage. It is restored as a living language, meaning there’s a use as a means of power of communication amongst their people. It is restored as a living language. Larry Kimura, Founder of Aha Punana Leo at Hilo

We place the highest value on speaking to one another in Hawaiian. Namaka Rawlins, CEO of Aha Punana Leo at Hilo

The music …conveys meaning at numerous levels…and it helps you acquire the thoughts of the music writer, and we have many old songs. - Naiilima Gaison, Teacher at Punana Leo, Hilo

I look at myself as a Dakota language learner. I grew up hearing the language; many of my generation grew up hearing the language, and learning, just hearing key phrases-- functional phrases--and maybe some songs, but not really knowing the meanings of those songs. And I can say my own commitment to my family is to reacquire the language. I finally understand the words, the meaning behind the words, so that they are no longer just words, but there’s a whole philosophy that becomes unveiled as a result of learning the language, reacquiring, living that language.

Here are some of the native language resource or funding concerns in Indian Country. Tribal governments face enormous demands with only limited resources, often leaving language immersion underfunded or unfunded. We still struggle in Indian country with prioritizing language--too often economic development, healthcare, social services, become priorities. And it is difficult to convince tribal leaders sometimes that language is the root of health. Language is the root of community development. Language is the root of kinship connections and the strengthening of nations in the community. There are limited federal/public funding sources, and many of public/federal sources are often based on mainstream models. Philanthropy is often categorical and short term. Potential partners, those that are practitioners at a community level, may know little about language immersion--excuse me, partners--and language immersion educators and practitioners, who are often traditional/elder may know little about potential partners, who are funders. Immersion projects and programs benefit children, families, and communities; it is education, it is health, it is culture, language, community development and nation building. Charter school laws that are being closely examined by a number of practitioners throughout Indian country vary, and funding methods vary state to state as well. Language immersion projects need 7 to 15 years to do their work, time to impact a full generation. Unique approaches that reflect the tribes’ culture, knowledge, language and
expertise are typically grassroots in nature, beginning very much at a grassroots level of the community.

Here are some considerations for Indian country and for funders. This is an emerging movement. I think that in Minnesota, many programs, many practitioners—whether it’s education or social services, community development, social justice—are beginning to have a language component, are beginning to be tied to language in some way. It is a movement that is becoming more political in nature. These are activists who are organizing within their tribal communities, to impact state policy, to impact federal policy. So we did tie that to political activity. It is indeed an emerging movement. Native and Indigenous Language immersion schools demonstrate impressive educational achievement among their students, as well as language acquisition. Language Immersion builds/rebuilds families and communities. It is a regeneration of whole systems of traditional knowledge and philosophy. It indeed validates Indigenous identity, knowledge and world-view.

Other considerations. Tribes are beginning to look at language revitalization as a significant part of their language and cultural preservation plans. There are some tribal communities that are becoming more aware of this, recognizing that it is more than just land that makes us sovereign, that it is also language that makes us sovereign. What makes France France? It is a land that is called France and the language that is French. And the same can be true for RedLake, for Sisseton-Wahpeton—for any tribal community in Indian country—that this is being looked at by tribal leaders in some respects as a sovereignty issue. So many tribes looking at tribal language policies, making this a priority, that our state and federal policies dealing with native language—  they are few and far between. Again, some not funded very well; little resource is devoted to these. There are the roles that tribal colleges and universities, tribal schools, and native, non-profits—there are roles that they can play to further this effort. There are public schools and mainstream teaching and learning that can also play a role here to strengthen language learning, strengthen immersion, in some of these public schools in mainstream teaching environments. There are curriculum development goals in Head Start and Tribal Pre-Schools.

We are very much holistic people, and how we view ourselves in our health and our wellness is very much tied to our language.

Some of the lessons that we have learned at Grotto have been learned in the past four years. We recognize that each tribal community throughout Minnesota is at their various starting points, recognizing differing levels of language status and capacity. We learned from our worldwide lessons, from people like the Maori and Hawaiians and others in Indian Country that have been a little more advanced in this work. But it only takes a few committed people living in each community, from which these language seeds are planted and nurtured, and then developed. But we have found many interesting things within each individual community. It is from these very small things that language begins to grow. We know that we have Indian education in the States, but I’m not so sure we have an affirmative Indian education, and that is something that we bring from the islands of Maori, of what it is to have an affirmative Indian education, one that is grounded in language and culture. What does that mean? It means that we’ll develop people who are fluent, not only in their own language and culture, but will be able to contribute to that critical mass, to the broader community as well, and who are truly developed and competent in both. That is affirmative Indian education. We learned that
dreamers and the visionaries in the community also need practitioners. We learned that folks need to be politically mobilized. And we also have learned that language is the essence of the movement in everything that has been done.

The implications for Indian country are that there are no paradigms, and I say that very cautiously because some of those paradigms are actually very old paradigms. If they are truly based on Indigenous thought and philosophy, they are actually very old paradigms. But there are effective models that have worked, and we’re learning from them. And we know that we have many nations and many languages here in Indian country. But we’ll continue to seed each of those things and sustain this movement.

I just wanted to show to you a couple of quotes from New Zealand Maori educator, Barna, whom we visited last year. The Empowered World View that they have seems to envelop everyone and everywhere we visited. Seeing themselves as “wood piercing steel”; that the “world is fortunate for our children”. And these are the same visions; this is what we want for our children in Indian country. And I’m very pleased, very happy and privileged to be working with the Grotto Foundation and to be supporting some of those efforts.

Thank you.

**Tom Davis, National Museum of American Indian**

I think I’ve listened closely today, at least I hope I have. We’ve heard some powerfully painful stories sitting here together. Some of those stories could easily, I think, lead to despair. I didn’t notice a lot of despair in those who told these stories to us. This is a very complex and difficult world that we live in. Where is the great demand, people say, walking beauty, both within and without?

You’ve heard stories today, and I’ve been fortunate enough in my lifetime, to walk with giants—men and women—who began a great movement within the United States of America and started the process of changing history within this nation. And I’ve seen that movement of the tribal colleges and universities go elsewhere, to other shores—to the Maori in New Zealand, to the Aborigine in Australia, to the Somme in Europe—and now slowly, ever so slowly, starting to spread into South and Central America. It has not been easy to start this movement. When I was a very young man without gray hair or a big belly, I lived in an Indian Reservation, one of the most beautiful places in all of the areas. The river tumbled over miles, and there were miles of rapids. Flowing wind whispered beneath the great canopy of white pine, and the beauty of the maple and the hardwood forest stretched for miles and miles.

We started our Indian controlled school. It was greatly opposed. I was told by both senators in the state of Wisconsin, the governor, the superintendent of public instruction, many of the leaders of education in that state that I was a young man who was very bright, but was surely ruining any chance of an educational career. We started that school in the Legion Hall, which had crumbling concrete for steps leading into the building, that had bats in the attic, and rats literally in the basement. The state was horrified. How can you operate a school with young junior high and high school students in a place like that? They tried to shut the school down time and again. But somehow, the school kept going and going until finally there was an
Indian-controlled school district in the Menominee Indian Reservation in Northern Wisconsin beside the Wolf River. And then, after we failed to start a tribal college the first time around, we succeeded in starting a college the second time around. And in that college, the College of Menominee Nation, the dreams of the Menominee people and the visions of the Menominee people were like all of the other tribally-controlled colleges and universities, and all of the Indigenous-controlled colleges and universities in the world that have since been formed. It was a different song, a different chant, a different kind of beauty that was an expression of the different kinds of people that have founded and run those organizations called Indigenous-Controlled Colleges and Universities. For the idea was not to educate the Menominee people, or the Maori people, or the Hawaiian people, or the Somme people, or any of the other people who founded such institutions—that was not the idea! The idea was to find new ways of bringing a native wisdom! Express the native languages and native cultures! It could be added to the greatest song of humanity in this still greater song, in this still greater beauty of mountains, and steppes, and lakes and rivers, and all places that shine beneath the sun would receive the blessing of rain and life.

We’ve all heard stories today, powerful stories. And it is our job inside of ourselves to take those stories into our story and turn them through the limbs of our insides, into the meaning of action, into the meaning of what a very complex and troubled world can become. Indigenous People have been on a journey that has lasted centuries upon untold centuries. They are all from different places on an earth that has many different aspects and faces. As so many of our speakers have said today, learn the wisdom of the earth, of mother earth, of father sky. They’ve learned the pain of being human in a world where major corporations rule—all like lions in the forest, in the dark night. We’ve learned how to walk on the earth in a different way, the way the earth is being walked upon in this time, in this age. And if only given the power, as well as responsibility, to develop their own voices, in their own way, in their own time, in their own place, in their own ways of thinking and doing and being; if only—in Burma, in Guatemala, in Brazil, throughout Africa, throughout Asia, throughout Russia—if we only would give them that right and that responsibility. There’s something that I can promise you from my time walking with giants who started this movement in this country. If we would only give them that right and responsibility, and let them add their voices into the song of peoples, and the song of earth, and the beauty within and the beauty without, then perhaps, by building the diversity and the strength of diversity within the human family, we can protect the diversity of the earth, and the beauty that is within humanity to become truly beautiful, and find a way to protect and sustain, and develop the earth. This place is many places—our home.

Thank you.

Are there any questions?

**Question: John Beauclerck, Nouvelle Planete and Garfield Foundation**

I had a question for your fantastic presentation on the language, for which, thank you very much. My question arises because of something very completely separate from what you spoke about, and it’s the enlargement process in the European Union, where about six million Roma people in the next ten years are going to join our society, some of the wealthiest in the world. I was amazed to see your data coming up in the ethnic distribution in great detail. Because in Europe, the UN and others are having major trouble finding ways of presenting the scholarly or lack of the Roma people in different countries. And one of the reasons is because...
governments hide behind data-protection legislation which forbids them from putting ethnic data on censuses. Now one of the reasons might be because a lot of these countries are in the Balkans, and you know the history of the Balkans in the last decade. But, my question is, how come you get such detailed data and avoid data-protection laws which might prohibit you from identifying people's ethnic status in the United States?

Answer: Gabrielle Strong

Well, I had the opportunity to meet with some Roma people not too long ago, and we actually talked a little about some of our experiences. And I just want to emphasize that our experiences are Indigenous experiences here in the United States. But as far as census data, there is a census conducted every ten years. Up until 2000, American Indians weren’t included in the census as a race. And in 2000, because of the diversity of our country, multi-racial categories were developed for people to select as part of the United States Census process. The data that I showed you today are numbers from American Indians choosing to identify themselves as American Indian only. There may be more identifying themselves as part of other races. Census policy, and Tom could speak to that a little better, and the data are pretty much valid up to 2000.

Answer: Tom Davis

Well, data is something that has been a major problem, especially for the tribal colleges and universities in the United States. And one of the reasons that there’s such good data in this country, at least to the degree that there is good data, is that a group of Native scholars has fought ferociously with the Census Bureau as well as the Department of Commerce and some of the other major data keepers, and the Department of Education in the United States insisting that there be good data. Things are slowly improving, though. I suspect that I and some of those scholars will be testifying before Congress yet again, telling them, yet again, that they aren’t collecting the data in a way that would be as useful as it could be. Plus, of course, tribal colleges and universities collect their own data and provide those to the American public through instruments that are designed by Native people, that reflect Native issues, and we try to get that data out a little bit.

Question: Jenny Curtis, Garfield Foundation

I was just wondering if you could tell us a little bit about Grotto. How much are you investing annually in your language preservation program, and what type of long-term commitment has Grotto made? Taking that a step further, we have colleagues in Peru who run an absolutely fabulous Indigenous language program, teaching various Amazonian Indigenous community students to teach their own languages and go back into the schools, which are predominantly dominated by the Spanish language, and have teachers who are exported, of course, who were teaching Spanish rather than Indigenous language, in Indigenous communities. And they have the hardest time identifying private funders who are interested in this type of work, and I just wonder, how good is the coordination among funders in the U.S. who fund Indigenous language preservation?

Answer: Gabrielle Strong

Grotto is probably one of ten foundations that I can think of that fund language rights or just language revitalization. I was actually surprised to be invited to this conference to present because you are international funders. Our resources are very small. We give about $30,000 to $50,000 annually just to Minnesota communities. So we’re certainly not a part of international
folks, but we’re focusing very specifically on language revitalization and funding the best practices in language revitalization, which is different from language instruction. In this manner, we are working on recreating language environment, a new generation of language environment. Promoting languages as a primary means of communication, which is very different from just instruction of a household world language like Spanish, or French, or Italian. It really raises the stakes; there’s really no place else for me to go if not within the community. So there’s a very different situation. There are so many reasons why we all need to know what is at stake here. So the Grotto Foundation is an example, a very good example, of what a solid foundation with a very grassroots focus can do. And giving small grants, $30,000 to $50,000 a year, but making a long-term commitment to this, 15 years, giving consistently. So I think we are the model. And in doing this publication, called Recognizing the Importance of Native Language--our administrator entitled it Recognizing the Power of Native Language--we put together our lessons learned, having done this for four years now. And the problems that we have seen, the correlations in Minnesota between those programs that have language as opposed to numerous schools that don’t have those programs. That the language acquisition proficiency rates have grown as a result of some of these efforts. I think that’s what you’ve asked. There has been some coordination. Not enough. There have been a few of us who visited museums, for instance, and searched for what we think is working; do we have a final collaborative? No. That’s one of the reasons why I’m glad to be here, too, because you obviously all care about Indigenous issues. Well, language revitalization is an Indigenous issue. So that’s why I’m here. I think that’s probably why we’re all here. I know I’ve heard a lot about donor intent; for me, I think that means I have an opportunity as a program officer to educate donors. I can placate donors, or I can educate donors. I think it’s my role to educate donors, because I think donors have a lot to learn about what our issues are in Indigenous communities. So I’d like to see more formalized collaborations certainly around language revitalization. That’s definitely something that I’m working toward, and I think that there are other committed funders out there who are also interested in that as well.

Answer: Tom Davis

From the tribal colleges/universities movement standpoint, there is no culturing language money in this country. It’s almost impossible to raise.

Question: Jan Thomas Odegard, Rainforest Foundation, Norway

We have access to a very interesting fund in Norway, which are the students in Norway--they work one day every year; they collect perhaps $4,000,000 or $5,000,000. And they give it to an organization that works with projects, and often, educational-related projects. They provided for funding two times in the last ten years in the Amazon, so we’ve been able to help about 25 different ethnic groups, actually code their language, and actually, help develop their alphabet. And there’s a very vast experience in this, which is extremely fascinating. And they’re trying to document their experiences now, because what is unique is that these cultures, which have been on the verge of losing their knowledge/identity, have to regenerate this knowledge through the old people, and write their own books, and you know, young people go out and talk to others, and they actually make the material. Now this is a very powerful process. And what we’ve seen, especially on the border of Colombia, where we’ve been working with two of these communities, is that these communities have been pretty much empowered by this, and the politics in the region have changed. Some of these ethnic groups
have suddenly sprung to the forefront of political work in the area. And this shows the power of language, but on the other side, it shows that there’s a risk because you can create this unequalness among the groups. And I was going to ask you if you could see a similar tendency in the United States. Those groups that have actually revitalized their language, and actually educate their kids in their language, if they actually achieve a different political position, more political power. Because that was implicit in everything you said, because you didn’t say it explicitly, more political power. So I want you to comment on that.

Answer: Gabrielle Strong

The students of language immersion that I have seen are probably the most confident, competent, empowered people that I have ever seen. And I saw a critical mass of those kinds of youth moving to New Zealand. And what I realized was like entering another dimension. One minute we seemed to be going to another planet. Some Indigenous People who look very similar to what I look like, in a whole different place--politically, economically, socially, spiritually--in every way. And I think that’s what we want for our young people; that’s what we want for our people here. And I think that is the vehicle. In fact, that’s what they shared with us, that language is the essence of that kind of movement. That we have a valid world view, that since colonization, and, at some level, education, we have become conditioned to think that we have not much to offer, not only to ourselves but to the broader society. In fact, the opposite is true for those who are very much grounded in language and culture, for which they have empowered themselves. And I think it was the young man from Burma who shared that, as funders, we do not empower anybody; we work with people. The people we saw, they are going to become powerful. We think language is one of those ways in which Indigenous People decided, this is the way in which we are going to reclaim our power.

Question:
Do you see anything like that in the United States yet?

Answer: Gabrielle Strong

Not to that degree yet. Do I see movement? Yes, I do. There are small pockets of progress across Indian country, but not to the degree that the Maoris or the Hawaiians have achieved it yet. But this is a new world movement; it’s only been eight years since we’ve begun doing this. The recognition of the state of emergency of language is only about eight years old, that we’ve been doing something about it. And so are the steps and actions that we’re going to need to take to address it, so it is still further.

Comment: Tom Davis

Of course I should add, however, some of the leaders of that movement are in enormous political trouble right now. The government has moved to take over the college, mostly as far as I can tell, because they have gotten something like 40,000 students, maybe a little less than that (don’t trust my numbers on that totally), that have threatened the ruling powers within New Zealand. And as a result, they’re making speeches, complaints, just ferociously on parliament floor, and the Maoris are starting to lose control of perhaps the best educational institution in the world from an Indigenous standpoint. So it can be dangerous. It’s really, really a sad story. All of you are invited to the World Indigenous Nations Higher Education Consortium meetings, and the World Indigenous Peoples’ Education Conference in New Zealand in November. If you get the Tribal College Journal, it’ll give you the information on how to sign up.
**Question: (in Native Language)**

I just spoke to you in my language, and I’m really glad to be here. And I want to commend you on the work that you’re doing. And I have that same experience too, where I come from in Canada, that we are losing our languages slowly but surely. But I’m fortunate that I’m able to speak my language, and mine is one of the languages that’s not threatened yet at the present time from the Cree Nation. And just the question I have for you is, how many examples of success do you have here in the United States? The reason why I’m asking you that is because we’re involved in the very same thing that you’re doing. I think that for the first time in our history, we’re going back and turning our history from our own perspective, our own worldview, in our own language, and also written in our own language. So I think it’s a good project that we’re all working on. I know you’re working on something similar, so I wanted to ask you that. And I also have the experience of having gone to Aotearoa about 24 years ago now, in 1981, and back then, I think there were a lot more of First Nations and Native American people than there are today. Back then, they were on the verge of losing their language. And I have a lot of friends over there, and one of my friends was telling me how it happened in their case is that the grandparents had already lost their language and then those in my generation sort of took the bull by the horns, and they set up their own schools. They got funding wherever they could. They got buildings donated, and all this. And that’s where a lot of us Native Americans seem to fail—unless there’s funding for it, we’re not going to do it, and that’s where we fail. And I think the Maoris are a really good example. And my friend was telling me that the little children were starting to learn the language. And in my generation, people in my age group learned the language. Now the grandparents couldn’t understand their own grandchildren. So they had to take the initiative to go back and learn the language so they could communicate with their grandchildren. I hope that’s what’s going to happen here too, because I know a lot of people in my generation, and a little bit older, have already lost the language. So thank you for your work, but could you answer the question for me.

**Answer: Gabrielle Strong**

Thank you for that. Certainly Aotearoa is not a United States example. But the one thing I want to say about that is that the statistics that were shared with you where half of our kids are graduating and 90% of our kids are failing these standardized tests. They had very similar statistics 25-30 years ago. And that has completely flipped for them, to where 90% are graduating, and are doing exceptionally well on standardized tests in Maori and in English. And in the United States, the Hawaiians and their immersion schools would probably be the United States’ examples of the more advanced practitioners of the language immersion education movement. Here in the United States, we have people like Darryl Kipp in Blackfeet Montana. We’ve got the Akwesasne Freedom School also doing this work. So those are similar examples here. Given this, we are in the embryonic stages still of language revitalization in the United States and Indian country here.

**Comment:**

I actually work with native languages in Montana, the Salish language. I am of mixed ancestry; my mother is Salish, and I grew up hearing Salish. So, I’ve been involved in this work, and like she said, it is in the embryonic stage, and we are finding that it is a community builder. It
builds community, and that’s the part that I think a lot of people don’t really get, that once you do discuss the history of the language--why it’s being lost--you get into other things like colonization, historical trauma. All those kinds of things come up, so once you start to talk about all those things, in identifying historical problems, you get to current problems, and then you start to look at solutions. So that’s the connection that I think a lot of people aren’t getting. And I just wanted to share that. We do have preschool immersion programs and beyond teaching children, it has also motivated a lot of our elderly people. They’re now heavily involved in politics. On a local level, it’s really starting to transform our community. Some people love it, and others hate it. But it’s great for the Native community I think.

5:00 - 5:30 p.m.  Questions and Closing Prayer

Evelyn Arce-White:

Well, we’re finishing a little early, which is good because I know we’re all really exhausted. Once more, I want to thank you all. I want to get you excited about tonight, so I’ve asked Ron La France, the sub-chief from the Akwesasne Reservation, the Mohawk Reservation where I live. He’s going to get you enthused about our Social Dance event tonight.

Ron La France:

How are we doing, everybody? Tonight, we’re going to do what may be called songs from the earth. The young man who was speaking earlier, I didn’t catch your name, I’m sorry. It was great. Joshua, the young man sitting in front of him. The world traveler, Tom Davis, was excellent. We should improve, the people in the United States, the Indigenous People in the United States. We need to be responsible for ourselves too. This young lady is doing a great job. She mentioned the Akwesasne Freedom School, and that’s the community that I come from. My dad started that school 25 years ago. Unfortunately, his time on earth wasn’t as long as everybody had hoped, and that dream is still kept alive. Now they produce speakers, and actually one of those speakers, one of those children that entered that program, is now a Sub-Chief. So that’s an amazing accomplishment for a school that is not federally funded or state funded, and I can attest to that because I helped build two schools in my short lifetime.

Tonight I’m inviting everybody to come. I tease, so if you don’t like being teased (just kidding). It’s fun. It’s a workout. How many people do aerobics? It’s not even close to aerobics. We have a little saying where I come from--if you can’t laugh at yourself, the singers will! And it’s all about fun. I’m going to tell some stories similar to what Davis was speaking about. I have one story that I tell. It goes in different ways where the grandparents can no longer communicate with their grandchildren.

All the schools in our community--we have five schools--they all have immersion programs. Language is very important where we come from because languages are dying, and if we don't step up and be responsible for them, it will be this generation that will be the ones responsible for letting them go, and we are not prepared for that yet. And as Evelyn said, I am one of the elected leaders in my community and part of that is our responsibility to the language. I’d like to invite everyone to come out later and join us for the Social Dance and Dinner.

6:00 - 11:00 p.m.  Dinner at the Holiday Midtown Inn & Iroquois Social Dance
International Funders for Indigenous Peoples  
Linking Circles IV

Friday, May 20 Agenda

8:30 - 9:00 a.m.  Registration and Continental Breakfast

Evelyn Arce-White, International Funders for Indigenous Peoples

I want to thank everybody for coming back. Yesterday we had a very, very successful day. We had three extremely successful sessions and excellent speakers. From what I hear, a lot of people are collaborating with each other, making connections. And it's not all about resources. It’s also technical assistance or just understanding what other people are doing, and connecting the circles of all our networks.

For those who joined us yesterday at the social dance, we had a great time. So thank you for being there. Yesterday was a long day, and the social dance was long too, but we had a delicious dinner, and we’re going to have a good day today too. We have four very important and interesting sessions coming up.

I do want to announce that next year we’re working on having our annual conference at the Ford Foundation since we want to have more break-out sessions and have the convenience of being closer to the United Nations building. So make sure that you place our May 2006 conference on your calendars and save the date. I also want to say that we are planning an international conference with European funders in 2007. I think it is important to bring European funders and U.S funders together to talk about Indigenous issues and how to increase funding. That’s the next stage in increasing philanthropic support for Indigenous communities.

I want to remind everybody that the evaluation form is in the conference binder. Please complete it. Let me know what IFIP can do to better service you. How can IFIP help you to become more effective funders for your grant-making portfolio?

Now I’d like to introduce our first session today which will discuss the United Nations and Indigenous People. Please join me in welcoming our two speakers, Tim Coulter, Executive Director of Indian Law Resource Center, and Chief Littlechild of Ermineskin Tribal Council and 34th House of Commons of the Canadian Parliament.

9:00 - 10:30 a. m. United Nations Protection of Indigenous Rights and Resources

4) UN Protection of Indigenous Rights and Resources

Join this session to explore the efforts of Indigenous leaders and other advocates to use the United Nations to create new human rights protections specific to Indigenous peoples. We will discuss advocacy for the passage/implementation of the Declaration on the Rights of Indigenous Peoples, which would oblige all countries to respect the rights, lands, resources, environments, and cultures of Indigenous Peoples. We will also explore how the UN Permanent Forum and other mechanism can be used to protect Indigenous rights.
Robert Tim Coulter, Executive Director, Indian Law Resource Center

Bio: Robert T. Coulter, Potawatomi, Executive Director, of Indian Law Resource Center (ILRC). He is an attorney with more than 30 years of legal experience in the field of Indian affairs. He received his law degree *cum laude* from Columbia University in 1969. Before starting the Center in 1978, he was Acting Executive Director of the Institute for the Development of Indian Law, staff attorney for the Native American Legal Defense and Education Fund and the United States Commission on Civil Rights. He has published numerous articles in the field of Indian law. He was awarded the Lawrence A. Wein Prize for Social Responsibility by Columbia University Law School in 2001 and the Bicentennial Medal by Williams College in 2002.

Speech:

Good morning; I’m Tim Coulter. I’m Potawatomi from Oklahoma, although I live in Montana now. I am the head of the Indian Law Resource Center, an Indian organization that provides legal assistance for Indian nations, Indian communities, and tribes in the United States and also in Canada, and Central and South America as well. We’ve been doing this work since the late 70’s. We formed the Center in 1978. Actually, I was doing work several years before that. But from the very beginning, the Indian Law Resource Center has undertaken to work at the international level to try to use international law as a mechanism for protecting and advancing the rights of Indian nations and tribes. You might say I invented that, so far as the legal profession goes. But that isn’t fair. I can’t take that kind of credit really because it is the Six Nations Confederacy, or the Iroquois Confederacy, in central and upstate New York that I was working with, that taught me the importance of that, that taught me the importance of continuing to work at the international level—the importance for Indigenous nations to continue to assert their rights and to participate in the world community. It was they who insisted on that, and my role was just to do a little legal work and figure out that they were right. They were not only right, but it was an excellent strategy—it was an excellent way to get things done.

What we’d like to do this morning, for an hour, perhaps just a little more, is to talk about the international legal work, meaning the work that many of us do at the international level to try to deal with serious problems affecting Indigenous Peoples. The panel is entitled, "A Discussion about the United Nations", but I think we should look more broadly than that. We should look at the other international systems that we’re working in, such as the Organization of American States and some others as well. Willie Littlechild is a member of the United Nations Permanent Forum on Indigenous Issues. And he will give special attention to that and a number of other things.

We’re going to try to talk the topic back and forth between us a little, so that we don’t have too much droning on. But I would like for you to just interrupt. It’s been against some Indian cultures to interrupt a speaker, but let me say, I would appreciate it if you would interrupt. I don’t mind at all. And I actually think it’s very helpful. So if you will, just put your hand up and ask a question. That’s fine with me. And I think it will help us get to the kinds of topics that you’re most interested in, if you would just do that. So do feel free; we are a small enough group, it’s easy to have conversations that can be valuable. So I have no lecture to give you. It’s not as if I’m going to get through some body of material that you must hear. And I think it’s better if you ask questions, so please feel free. I think Willie is of the same mind.

Why did we begin working at the international level? Why did we go to the UN? What’s the point of it? In the 1970s, when I was working on land rights issues and other cases for Indian nations and tribes, it became quite apparent that the law in the United States was absolutely appalling when it comes to the rights of Indian nations/tribes. It’s far worse than you probably
think. Most people cannot imagine that this is true, but it is true. The United States government has the unlimited power to simply confiscate Indian land and all other Indian property at will without the payment of any compensation and without due process of law. That is absolutely contrary to what the United States Constitution says, I know. But the Supreme Court has said that this is the law. And the United States government does do that, and they do it today. They do it regularly. And that kind of legal power places Indian nations/tribes in such a position that they frankly cannot have any hope of serious economic development or serious political participation in the United States. That’s just one of the legal doctrines that is discriminatory and frankly, unconstitutional, that applies to Indian nations and tribes. That decision that said the United States government can take Indian resources, Indian timber, Indian land, what have you--that was 1955. This was not such a long time ago. That’s a modern decision. It’s the same court that decided Brown vs. Board of Education, that decided we should no longer have segregated schools in the United States. They nevertheless said that it’s perfectly all right for the United States government to go on taking Indian property at will, without payment of any compensation, if they wish, and so the United States government does do it.

There’s another doctrine that says Congress has plenary power in the field of Indian affairs. There’s essentially nothing that Congress can do to an Indian tribe that’s unconstitutional today, according to the Supreme Court. Now that’s not true for anyone else in the United States. The United States government doesn’t have plenary power over persons in this country in violation of the immigration laws. It doesn’t have that authority over detainees in wartime, as we found out. It doesn’t have plenary power over children even. But Indian tribes, yes. The United States Congress has been told by the United States Supreme Court it can do virtually anything it wants to tribes, and the Supreme Court has never held any such act of Congress unconstitutional. It’s absolutely discriminatory. It’s racially discriminatory. And it’s absolutely oppressive. Every Indian leader, every Indian government in the United States knows that that’s the law, and knows that they’re subject to that kind of unlimited power. And that if Congress exercises it, there’s nothing that courts are going to do to help. No one else in the United States is in that position--no one--no group--not even a canasta club operates in that kind of legal system. Everyone has more rights than that.

There are some other doctrines as well. It is perfectly all right for the United States to make treaties with Indian nations. Now these are binding legal contracts, and the United States says that the Indian nations are bound by them. But the United States is not--they’re free to violate or ignore those contracts at will with no liability whatsoever most of the time. There are a few occasions when the courts will hold the United States liable for violation of certain kinds of treaties, but most of the time not. Now everyone else in the United States can make contracts with the United States government and enforce them, but that’s not true when it comes to treaties with Indian nations.

I can go on. You know about the trust funds problem, where the United States forces Indians to put money into the treasury, and the good U.S. government supposedly manages it and holds it in trust for the Indian owners. This is money belonging to tribes, and in many cases it’s money belonging to individual Indians. The United States government has the authority to do whatever it likes with it. It’s not really accountable for what it does with that money, that the courts cannot force the U.S. government to give a real accounting of what it has done with the money. It’s a state of almost utter lawlessness when it comes to the U.S. government and Indian nations.

Well, my sense was that I did not want to take Indian clients into court, knowing that we have a legal system like that. That would have been to place the rights of Indigenous Peoples in a
situation where they’re likely to be damaged still further. And so we began to work at the international level using international law mechanisms, because for one thing, Indian nations were, at one time, full-fledged members of the international community, recognized as such, treated as separate nations. Treaties were made with Indian nations, just the same as with any other nation on Earth. So there’s a very important history about the role and place of Indigenous Peoples in international law, particularly in historical times.

We also have had, as you know, in the period since WWII, a period of development of human rights, a period of the development of international law in a way that restricts or restrains the power of states, the power of countries to do things to people that are truly heinous, truly horrible, and shocking to the conscience. So international law has developed a very positive, a very noble body of rules and principles that governs what countries can do. This appeared to give us an opportunity to go to the international community and ask that this body of international law be applied to Indigenous Peoples to stop this discriminatory practice of countries, to stop these oppressive laws and legal doctrines.

I probably don’t have to tell you that what I described to you is the situation in the United States, a rather advanced country in many respects, and the situation in other countries was often much worse. When we began in the 1970s, it was universally worse. It was horrible everywhere—Australia and New Zealand were not an exception. Central and South America were rather lawless when it came to dealing with Indigenous Peoples. Canada was really no better than the United States. It was a dreadful situation everywhere. Most of the legal doctrines I mentioned to you existed in those other countries as well. We had a lack, worldwide, of serious legal recognition that Indigenous Peoples even exist. Many countries simply claimed that there were no Indigenous Peoples, and if there were, they had no legal status in the country. And so they didn’t recognize that the Indigenous Peoples owned any land. They didn’t recognize that Indigenous Peoples had any right to self-governance or anything else for that matter. They simply ruled it out as a matter of law. So that’s the situation we were in.

We found, when we first went to the UN to discuss these things in 1976, a very receptive audience. And we did what is normally done in the human rights area. We asked that the law be developed or created so that it would apply very directly and very distinctly to Indigenous Peoples. The existing human rights instruments, the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, and so on, were marvelous, noble instruments that helped us in many ways. But they didn’t speak clearly to the position of Indigenous Peoples.

For one thing, we’re nations and tribes. We’re collectivities. We’re groups, not just individuals. And we needed law that would speak to that and that would protect the rights and interests of nations and tribes as groups. That was particularly important. And so we needed to develop the law in a way that would really solve some of these problems for us.

The development of international law is nothing magic. There are no international police, at least not much, to come and force countries to do right or to force countries to stop violating international law, but it is immensely influential. It is immensely persuasive. It is a powerful force as a political matter. It is a powerful force as a legal matter. And the advancement of international law on a topic is often the precursor and a cause, a relevant cause for change in the domestic laws of states.

So our aim was to develop international law, so that we could begin to change the law in this country and in other countries, so that the lives and interests of Indigenous Peoples, Indigenous
nations and tribes, could be freed from these heartlessly discriminatory and oppressive legal doctrines that existed throughout the Americas and throughout the world.

Question: Is there a relationship between the World Court and the United Nations?

Answer: There is. The World Court was created by its charter, which is essentially part of the United Nations’ charter. The World Court, unfortunately, is not really open to us. By its own charter, the World Court is open to the member nations of the United Nations and not to Indigenous nations. There are some gimmicks. If you can get another country to take a case to the World Court for you, that might work. It has never worked yet. So in general, we haven’t been able to utilize the World Court. The Indigenous Peoples of the Western Sahara did prevail in a World Court decision, but it’s not because they were a party. There were two other colonial states quarreling over who really had sovereignty over the Western Sahara. Never mind, it’s a technicality. So the World Court hasn’t been useful to us, and is not likely to be useful to us for some time.

I want to tell you what we’ve tried to do, and then I’m going to ask Willie to join in and carry the ball here for a little while. What we decided to do was to create new international law. Now, that is done in the international legal system by beginning with some kind of a declaration, a declaration of principles or a declaration of rights, something that lays out the basic underlying rules that we want countries to live by. This is the way other international human rights instruments have been developed. As you know, first the Universal Declaration of Human Rights was adopted in 1948. After that, the more specific and binding covenants or treaties about human rights were developed, adopted, and ratified by most of the countries of the world. But one begins an international law system by developing a declaration. And so we asked the United Nations in 1977 to begin the consideration of a declaration on the rights of Indigenous Peoples. I’m perhaps inordinately proud of the fact that I drafted the first draft declaration in 1976. We circulated that all over the Americas to as many Indigenous organizations, Indigenous nations, and Indigenous governments as we could to make that draft as useful and pertinent as possible. We took that draft declaration to the United Nations in 1977 and asked them to begin work on it, and they did. It took years of work to get them to begin to do it officially. But they did do it, and we’re now making really good progress toward actually adopting a declaration and changing international law.

Willie, I wonder if it would be a good point to ask you, because you were involved in some of that early work, to tell a little bit more of that story, and try to get specifically to some of the work that you’re now doing, because that’s especially interesting, I think.

Honorary Chief Wilton Littlechild, Ermineskin Cree Nation and Former Member in the 34th House of Commons of the Canadian Parliament

Bio: Mr. Wilton Littlechild, Treaty 6 Indian, Ermineskin Cree Nation #407 of Canada. Since 1977, he was a Member of the First Indigenous delegation to the United Nations. Attended over one hundred (100) International meetings in twenty seven (27) countries as a delegate, legal counsel for the Four Nations of the Maskwachiys Cree. Mr. Littlechild was elected to the Ermineskin Tribal Council then served as the first Treaty Indian ever elected to the 34th House of Commons of the Canadian Parliament. He was founding Member of the Indigenous Initiative for Peace with Nobel Laureate Rigoberta Menchu-Tum. He has a Master's Degree in Physical Education, University of Alberta 1975 and Bachelor of Law Degree, University of Alberta 1976.
Speech:

Thank you, Tim, and good morning everyone. I have a question, first of all, to all of you. As I was leaving yesterday, and I apologize, I had to leave to go back to the United Nations meetings. But I heard Evelyn say that you have to have by the end of the day five new contacts. Who has made five new contacts in the first day? I see, good, good.

Well, my name is Willie Littlechild. That’s my English name. My Cree Spirit name is Walking Wolf. I really got into this work by accident--I can assure you, a real accident. I was happily playing hockey internationally and broke my leg really, really badly and ended up in law school. In law school, you have to pick courses that you want to study and in one particular year, I just could not fit my timetable with any class but international law. And, of course, I didn’t want to study international law and I said, "Why would I want to do this; I would never use this international law business. I don’t want to study it." But I just could not take anything else and out of frustration, I said, "All right, I’ll take this doggone class even if I don’t want to study international law."

So I graduated in 1976 and I’m sitting in my law office in Edmonton, and the phone rings and it’s a friend of mine. She says, "Willie, there is a meeting coming up in Sweden, and I was wondering if you’d like to go. We need you to chair a meeting. I’ll give you a couple of weeks to think about it and we want you to chair a session on the ILO Convention 107." And I said, "Okay." Sure enough, two weeks later she phoned up and said, "You’re on?" And I said, "You know what, I really would like to go to Sweden but I don’t know about this chairman thing, and what the heck is the ILO Convention 107?" She said, "Don’t worry about it; we’ll fax it to you." And so she did and I studied this convention, the ILO Convention 107. Little did I know that at the time this was the only existing international law regarding Indigenous Peoples and Indigenous rights. So off I went to Sweden to chair the meeting and, of course, at the meeting they said, "Yeah, since you chaired this meeting, there’s a session coming up at the U.N. Why don’t you go to the U.N. and present a report." I said, "Oh gee, all right, I’ll go to the U.N." That is where I met Tim and others in 1977 at the U.N. but at the time, of course, we couldn’t get into the U.N.; literally, we couldn’t get into the building. I recall the ceremony that day when our sacred pipes and Spiritual Leaders led us into the U.N. Some people hooked elbows four-by-four, and we literally marched into the U.N. Of course, I wouldn’t do that today with the security. And even back then there was good security. So that’s how I went to the U.N. in 1977 and began my particular involvement in this area of work.

At the Geneva meeting, the Declaration of Principles was tabled with the U.N. The meeting looked, I think, at twelve principles at the time. But I recall quite clearly that the very first draft of the Principles that was submitted by Indigenous Peoples to the WGIP in Sweden, in fact, talked about lands, territories and resources, and self-determination. Those were key, key principles--including consent--the principle of consent. The document was worked on some more at the Panama meetings of the WGIP. So this Declaration of Principles was worked on in Geneva. I had the pleasure of chairing one of those meetings, in fact, in 1985 when the Working Group could not meet at the U.N. because of financial reasons. Indigenous Peoples from all over were going to meet anyway and decided to continue to meet at the U.N. Then it came back to the U.N. as our Declaration. So this work, on one hand, starts at the U.N. But the only existing legal instrument at the time that was passed in 1957, was also subject of great concern. So, in the mid 80’s, the work began to suggest to the ILO, the International Labour Organization, to amend its convention, to update it. That also involved Indigenous Peoples’ leadership to work on that, so that it was amended, in fact, in 1989. Tomorrow, we have the ILO Convention 169 on the Agenda.
Then, interestingly, in 1974, there was the 500th commemoration coming up of Columbus discovering, or as some say, being found on the shores of the Americas in 1774, I forgot the date. But anyway, there was going to be this 500-year commemoration and the question in the Americas was, "What are we going to do for the 500th year?" and, of course, they at OAS said, "Why don’t we do a declaration on the rights of the Indigenous Peoples?" So now we have this parallel process going on, both at the U.N. and at the OAS, both working on a declaration on the rights of Indigenous Peoples. These instruments are now, as Tim said, working their way through the international arena, to protect those serious issues that were introduced under the agenda item of discrimination and land rights back in the late 70's.

As we fast forward to now, we have these instruments that are working their way through the international arena, to protect the rights of Indigenous Peoples, especially in the area of lands, territories and resources, collective rights, self-determination, full and informed consent, and, very importantly, from our perspective. Tim mentioned a couple of points that I want to address as well. If you look at the instruments, the ILO Convention 107, there is not one word about Treaties in that instrument. But we were successful at the U.N. in putting an article on Treaties in the Declaration. And, of course, now at the U.N. as well as the OAS, there’s an article on Treaties. And I mention that because in my community when the Elders met years ago, they saw that we could not get justice on our own homelands. When they saw our Treaties were being violated on a daily basis. When they saw that the only places where you could try to get resolution to, or justice on Treaties, were in the courts. And when they looked at the court structure and they saw the judges were appointed by the Federal Government, the laws were passed by the Federal Government, they looked at the Treaty Number Six and they said, "Wait a minute. This is more than a domestic agreement. Why don’t we go internationally to try to get justice on those Treaty violations?" And that really gave the impetus to start going internationally. Now I have been going since 1977. So the Treaty violations are, in fact, on international Treaties, so that’s why this work for us was so important, to be working internationally.

The other point that Tim mentioned is in regard to the Permanent Forum. When I look back to 1977 when we couldn’t get into the building to now when we have a Permanent Forum--it’s a significant advancement and progress in my view. It is important to note the idea of having a Permanent Forum actually started out as an Indigenous idea. And I know Denmark gets a lot of credit for this and I give credit as well, because they did lead the resolution at the World Conference in Vienna. But it was actually at meetings in Guatemala and Mexico where the idea of the need for an independent international tribunal where we can get justice was discussed. People saw that the domestic court process wasn’t working for us. We needed an independent place. Courts had not worked for us. We now have a permanent place at the United Nations for Indigenous issues--it’s a significant milestone. And it’s important to indicate at the international level as well that the mechanisms we’ve been using to date, for example, the Commission on Human Rights along with the other available new mechanisms--workshops, seminars, and the Human Rights Committee, Treaty Bodies-- have all been really well used, in my view, by Indigenous Peoples on a progressive basis over the last two decades. But at the U.N. now, we have a Permanent Forum that has the ability to recommend directly to ECOSOC, which is the highest level we can get at the U.N. It is not the highest level, in fact; if you check the record, I suggested at a meeting in Santiago, Chile, that the highest level is actually at the General Assembly of Nations. But, of course, that didn’t fly too far. So now we have at the ECOSOC level a Permanent Forum able to make recommendations on issues directly to ECOSOC. I think we’ve gone a very long way in terms of getting issues on six
mandated areas addressed by the U.N., by the ILO and the OAS. That’s it from me for now; I’ll turn it back to Tim.

Question:

I have a question regarding free trade agreements. With free trade agreements that impact the Indigenous nations community, would there be any vehicles within that OAS or U.N. structure where free trade agreements can be addressed?

Tim Coulter:

Yes indeed. The question was, "Is there anything in the set of international mechanisms where the impact of trade agreements on Indigenous Peoples could be addressed?" The answer is yes—probably several. But particularly in the Inter-American System, the Summits of the Americas as they’re called, provide a very good forum for Indigenous Peoples to raise issues like that. A few years ago, Indigenous Peoples were explicitly included in one of the bodies created at one of the Summits of the Americas dealing with trade agreements. There is going to be a Summit of the Americas in Argentina later this year, so that would provide a forum. But also, where these trade agreements have human rights impacts, they can be addressed in the various human rights bodies in the OAS and in the United Nations. We should also mention there’s the European Human Rights system as well. There are Indigenous Peoples in Europe, and that mechanism is available also. There’s an African Human Rights system too. So to the extent they’re human rights issues, they can be raised that way.

Question:

Can I just follow up? Within the trade agreements, are there stipulations that the trade laws supersede—if something would drop forward—the decision would go in favor of the trade agreement?

Answer: Tim Coulter

I don’t think so. Generally speaking, the human rights law will trump. It’s not that countries will always agree with that, but it is impossible for countries to adopt treaties that would really trump human rights law.

Question:

So right now it looks like the WTO rules say that it is dominant over the others, and the others are trying to fight back. That’s the way it stands.

Comment: Willie Littlechild

Let me just make a short point on that as well, or two points. At this current session of the Permanent Forum, I raised the issue of whether or not the World Trade Organization was involved in meetings of the Interagency Support Group on Indigenous Issues and they’re not. And that clearly concerns me. As we all know, the World Trade Organization is actually more powerful now than the U.N. And we’re not there as Indigenous Peoples. We’re not full participants, if I may state it that way, at the WTO. When the trade agreements first came out, that was a big concern to us, exactly what the gentleman mentioned, that the existing Indian Treaties with States that we have, although they’re international Treaties, were going to be subject to the new trade agreements and that really, really concerned us. Another example is with regard to culture and water rights. But we really couldn’t address these issues because we
were not participants, so we want to be participants at that level as well. I just wanted to make that comment.

Question:
Hi, my name is Vaughn Buffalo; I’m with HealthShare International. My question follows up on that. I’m also an attorney. Do we have strategies in place with respect to becoming full members? We have a forum in the United Nations. But there are still steps for us to take. There are forums with World Trade and other forums, but probably many of these forums are not connected up. There probably aren’t review systems. What are the strategies for putting in place a sophisticated, efficient, network of tribunals to bring our grievances to?

Answer: Tim Coulter
To my knowledge, there isn’t really a clear strategy of any kind to gain a seat in the United Nations or to gain membership in the United Nations for Indigenous Peoples as such. The United Nations was created as an organization of states. There are a few states that are almost entirely Indigenous, but they have membership in the United Nations because they’re states, not because they’re Indigenous. Now, we all hope that as we develop institutions like the Permanent Forum and other mechanisms that we will create a real and permanent place for Indigenous governments, Indigenous Peoples, in the world system, but it’s probably not going to be to try to simply get a seat in the U.N. like a state has. That probably will be seen as an outmoded approach, and we’ll probably try to do something more sophisticated, something more fluid, something more modern and appropriate to Indigenous Peoples’ needs and the needs throughout the rest of the world. So there may be people out there who are thinking about this, but I haven’t heard about it. On the other hand, we are doing a lot to create, as you say, a network of human rights mechanisms and other mechanisms that are related to human rights that will deal with Indigenous issues. For example, Indigenous Peoples participate quite actively in the talks of the parties that get together to discuss the Convention on Biological Diversity. We wrote right into the first Declaration of Principles on the Rights of Indigenous Peoples’ environmental protection rights to create the human right to, for shorthand, environmental protection. Indigenous Peoples are extremely interested in conservation and environmental protection. And we do participate in the Convention on Biological Diversity talks. We participate at times in the talks in the Climate Change Convention. We participate in various activities of the ILO, sometimes talks and other proceedings related to the rights of the child, rights of women, the Summits of the Americas, and on and on.

Answer: Willie Littlechild
Maybe I’ll just close by saying that there are individual strategies, of the individual Indigenous nations, and in some cases group strategies being worked on. One example, of course, is the nations that have their own passports. For example, there’s the Odji-Cree Nation in Canada that has its own passport. There are Haudenosaunee and Mohawks that have their own passports. So that’s a method of, I think, an available strategy to assert that nationhood status. Also, as a second example, there is observer status at the General Assembly, another step towards that recognition. So there are some individual nations and groups of nations, Indigenous, that are doing this as a part of their strategy. But there’s no, as Tim is right, there’s no one, collective, good Indigenous Caucus kind of strategy to move it all forward.
Tim Coulter

I think one way to understand what most of us are doing is this: We’re trying to change the way countries behave. We’re trying to stop them from doing the evil and destructive things that they now do, and we’re trying to do that through diplomacy, persuasion, building support, and changing the law. That’s our principal goal at the moment. While at the same time, and as a part of what we’re doing, we’re creating a new place for Indigenous Peoples in the world community. For example, I think it’s fair to say that Indigenous Peoples will be present and participating at every important setting on every important issue in the Organization of American States from here on out. It’s a huge victory for Indigenous Peoples. Exactly how the OAS will change institutionally remains to be seen, but we’ve done it politically. And the states, frankly, are glad to see us there. That’s a good sign.

Willie Littlechild

Just another example. I want to make two points; one, if we look at the body of international law that Tim was referring to, Indigenous society--Indigenous Peoples-- have contributed not just in two but in many areas. It is Indigenous Peoples who brought to the U.N. the position that environmental protection ought to be legislated in acts like clean air and clean water. That is what the Indigenous Peoples have brought, and now all people are benefiting from that. The other point is when you look at bodies of work on economic, social, and cultural rights and civil and political rights, you now see conventions focusing on spiritual rights. That was not there before; it was the Indigenous Peoples who brought that, to be such that spiritual rights are recognized rights. So, too, the collective rights, the whole notion of collective rights. It is amazing, and I think everyone benefits from them. I remember the first time I was asked to go to the chairman at the U.N., to ask for permission for one of the Elders to say a prayer, to open the meeting. And the Chairperson looked at me and said, "Pardon me?" and I said, "Could you have one of our Elders open the meeting with a prayer?" And the response was, "We don’t pray at the U.N." And I said, "Oh, okay, I’m sorry." But now it’s common practice that they do that. Indigenous Peoples have given some good contributions to the U.N. Family.

Question:

You’ve described all these wonderful new efforts to bring Indigenous voice into the international legal systems, which are wonderful. And thank you so much for all of the work, and it’s just really exciting. But taking it a step back, the Indigenous voice was not in any way a part of, for instance, the Universal Declaration of Human Rights, which may be an absolutely wonderful document in what it says but does not include this critical voice. And so many other instruments did not include this voice. Therefore, to what degree do you feel that Indigenous People should even be bound by these instruments, with groups saying right now they have no part in creation?

Answer: Tim Coulter

You’re quite right. Those documents apply to states. They’re bodies of law, bodies of principles that states are bound to observe, not Indigenous Peoples. They’re not intended to apply directly to Indigenous Peoples. In fact, Indigenous Peoples do observe the fundamental principles of freedom, nondiscrimination, democracy, and so on. In fact, Indigenous governments and societies respect those principles as they should, and if they don’t, they should be condemned for it. You know, I’m sure abuses occur sometimes. But no, they don’t
really apply to Indigenous Peoples. But you’ve hit on a point, which is that those documents didn’t speak to us. We’re writing things, and we’re getting states to agree to it. Let me give you an idea of what’s in the U.N. Draft Declaration. This is the latest version. You know, these things are rather fluid. But this is one version of the article on land rights. "States shall give full legal recognition and protection to the lands, territories, and resources that are possessed by Indigenous Peoples by reason of traditional ownership or other traditional occupation or use." Notice all the new things there. It’s rights of Indigenous Peoples as collectivities. It refers to full legal recognition. So this business of saying, "Well, we recognize your right to the land, but we can take it anytime we want," would become illegal under this. Notice also that the ownership can be established through traditional use and occupation. You know, Indigenous Peoples didn’t give one another deeds, titles, and things like that. That was the non-Indigenous process. And so we included three distinct elements that are important for Indigenous Peoples’ rights, just in this one article. These are all innovations in international law. This is the kind of thing we’re trying to do so that states will be bound by new rules that really will help to protect Indigenous Peoples. And by the way, I didn’t read that because I think it’s perfect. I just read it to give you an idea of what we’re talking about.

Comment: Willie Littlechild

Actually, that is a good provocative question. And I think that I would say also, as Tim has, we have our own laws, for example, in my case, we have what some people call Nature’s Law and what we call Cree Law. Elders say, "Why should we be bound by these laws when we have our own? And maybe there is something we can do to get our laws recognized." So you see that in this Declaration we’re trying to gain not only recognition but also respect for our laws as well, because they do exist. There are many, many examples of Cree Law that I can give you. There are other Indigenous Laws and it kind of gives me an opportunity, I think, to maybe refer to a friend that I asked to come here this morning from Raipon, that’s Mikhail. I met him years ago working with Russian Indigenous Peoples, and he actually has many experiences as well; we could show them to you. But I really needed to comment just on that for the people who are in the area of support, as international funders. I think the study of Indigenous Laws is also very important.

Question: Bertha Flores (Translated into English)

I’d like to just make a comment. The struggles of Indigenous People within the international institutions are very important. What we can do in these institutions, including the U.N., is to carry out this battle. And while they’re working on these mini-declarations, conventions, writing all these declarations, we in the communities--most of them base organizations of the Indigenous communities--we notice that the U.N. has served a double-face. We recognize that it’s an inaccessible system to the really marginalized, isolated and excluded communities, especially of Indigenous Peoples in the global South. The majority of Indigenous Peoples has no way of participating in the systems. And while the U.N. institutions--well actually, it’s just one institution--while it talks of Conventional 169 and the other agreements, in practice and in fact, it promotes mega-projects that jeopardize Indigenous Peoples’ lives--for example, the free trade agreements in Central America. That opens the doors for transnationals to take ownership, right down to the DNA of the Indigenous Peoples, the genetic plant life there, all of the biodiversity that exists there in privatizing rivers and forests, and the U.N. is involved with, sort of, promoting that, or in agreement to those kinds of free trade agreements. And so these entities exist, and they’re actually part of institutionalizing the violation of Indigenous Peoples, of legalizing the piracy of Indigenous resources. So what does it serve to have these articles written if, in fact, they’re promoting these kinds of practices? And the governments with their
U.N. representatives know how to avoid pressure or to avoid being obligated to comply with the U.N. agreements. For example, in our case in Honduras, it was through a very vigilant popular struggle. It was not for the good will of the Honduran government that we succeeded in the passage of the Convention169. But even the U.N. cannot oblige the Honduran government to comply with that Convention, especially when it is ratifying the free trade agreement and the rules and agreements of the WTO, which will supersede that and the U.N. has the power to make the government comply. While we admire the works that you’re doing, we recognize that in the U.N. there are other humans who work representing other interests. And to some degree it’s hypocritical and detrimental to Indigenous Peoples because it’s inaccessible to them.

**Answer: Tim Coulter**

Well there are many, many comments to make about that. The U.N. is not inaccessible. The U.N. is rather open. We have been able to have thousands of Indigenous participants take part in the working groups, take part in the meetings of the Sub-Commission, the meetings of the Human Rights Commission, and the World Conference on Human Rights and so on. As a practical matter, which is what I think you mean, as a practical matter, it’s extremely difficult, and extremely expensive for Indigenous Peoples to get to the United Nations. It’s really awfully difficult, and that is true, there is no question about it. It costs a lot of money. Most people simply can’t do it as a practical matter. If you can get the money to get there, it’s rather open. We have succeeded in that. What isn’t good is the expense of it, and of course, that’s one reason why I’m here today. It is important to give some thought to the cost of doing this work at the international level. Now another point is this: The human rights work that the United Nations and other bodies do is, in fact, effective. It is not perfect. It could not prevent genocide in Rwanda. It doesn’t prevent problems from happening, but it’s effective, nevertheless, in many situations. The Yanomami case in Brazil is a case in point. The Yanomami territory was being invaded by the military. Later, it was invaded by the gold miners. And the Yanomami were dying by the hundreds and thousands—dying of malaria, dying of mercury poisoning, dying of gunshots. We went to the United Nations among other things. Actually, we handled the case in the Organizations of American States. But when we heard that the Yanomami were dying in large numbers and we had proof of it, I called a friend at the United Nations, Elsa Stamatopoulou, who is now working with the Permanent Forum. And I said, "I know there’s a procedure, a human rights procedure, that the Secretary-General can use in cases of threats to life." She said, "Well tell me the facts," and I did. I told her the facts in two or three minutes. And she said, "Yes you’re right. I’ll help you. We’ll go to the Secretary-General immediately." Secretary-General Javier Perez de Cuellar immediately went into action. He contacted the President of Brazil personally, three times, to get the gold miners out of there, to shut down the airstrips in the Yanomami area, and to correct that situation. The Secretary-General met personally, twice, with David Yanomami, whom we were able to get out at great risk to his life. He can speak Portuguese, and so he was able to speak to the Secretary-General. The U.N. agreed to send a special rapporteur to the Yanomami area with interpreters that we helped provide in order to gather facts and make a report on the ground to the Secretary-General. Within a matter of a few months, the airstrips were being bombed to stop any further incursions, the miners were gotten out of there, and immediate medical attention was made available by the government of Brazil to stop the loss of life. Now almost 20% of the Yanomami--I can never get through this part of the story--they lost about 20% of their population in those times because of the illegal invasion. But it’s nevertheless true that the United Nations, the Secretary-General, and the human rights mechanisms of the United Nations put a stop to that through direct intervention with the government of Brazil. And I’m happy to
say that Brazil even amended its Constitution to make it one of the most forward-looking and one of the most respectful of Indigenous rights anywhere in the world. I’m happy to say I was there when they adopted that. Now is it true that our human rights mechanisms, that our international human rights law, really caused that? Did we really save lives that way? Well, many forces were at work. I suppose we could explain it in many ways, but I’m utterly convinced that our human rights mechanisms did save lives; they changed the law. Brazil has never been the same since. They have demarcated and protected the Yanomami territory ever since. Does the government of Brazil violate Indigenous rights today? Yes, sadly they do, quite a lot; they’re not perfect, but I often think of the old hand in the human rights world, John Humphreys, a wonderful man who worked in the United Nations most of his career. He once commented that the United Nations wasn’t created to take us to heaven but to keep us from going to the other place, and that says a lot. I think the United Nations is most imperfect, but it is nevertheless one of the only things we have. We do have the OAS, and they do much good as well, although states continue to violate our rights, right, left, and center, there’s a great deal of good that can be done, and often I feel that it is the only refuge we have. It is sometimes the only thing we can do to stop the loss of life and to try to gain better state behavior. In a moment, I’d like to address the question you raised about the international institutions that continue to violate human rights. And you raised it too because it’s true. The World Bank, World Trade Organization, some of these other international agencies that are associated with the U.N. are not very good to us. They’re quite bad. You’re quite right. They finance projects that hurt us. I have something I’d like to say about that, but let me try to keep this answer to that, for this moment, and let Willie say a word or two.

**Answer: Willie Littlechild**

Thank you. I would just like to add a couple of examples as well. When you talk about accessibility to the international organizations, there’s a process, a resolution process, that allows us really to open the doors for any Indigenous person or tribe, nation, delegation, to come to the U.N. to access the process. That wasn’t there before. In fact, at one time, there were only seven and then eleven, NGO’s—non-governmental organizations—that had access to the U.N. But I wanted to make another point in terms of the new international law that’s being discussed, and that is the right to say no—the right to say no to development. Now that’s new and I can tell you many states object to that and disagree with it. But the notion of recognizing for Indigenous Peoples the right to say no to development, I think, is a very important advancement. Another example I need to give you is the Indigenous Women who went to the Human Rights Committee from Canada on a discrimination case against Canada and succeeded in getting Canada to change its law with regard to Indigenous Women. And it was only because they went internationally, to apply pressure domestically, that the law was changed. So as Tim says, the U.N. is not perfect, but it does work in some instances. The other thing is, the ILO itself is a separate international organization that is different in its structure from the U.N. and, I think, you shouldn’t forget that the ILO is a tripartite organization and states only comprise one third of the organization, so actually employers and employees can outvote states at the ILO on any issue. You can’t do that at the U.N. Those are different in that they each have their own monitoring mechanisms. So that if there’s a complaint, that should probably be addressed to the ILO on one of the conventions; they have their own monitoring mechanisms. Because it’s tripartite, you can either stop states or you can stop corporations, if you use that one-third vote structure properly. I think another one from the Permanent Forum perspective was that last year we received complaints about cannibalism, where Indigenous Peoples were being slaughtered literally. And we took that right to the Security Council. The President of the Security Council met with us to address that issue. So there are some good things that have
happened, as well, in terms of getting issues resolved. But as Tim says, "They’re not perfect," but really the only mechanism that we have at this point or set of mechanisms we have.

**Question: David Brown from American World Jewish Service**

My question has to do with this direct cooperation among Indigenous and pro-Indigenous legal organizations. Given that each country in the world has a different legal framework, I’m wondering if you folks see a role, and what sort of role you see, for direct cooperation between lawyers, for example, supporting each other, especially from North to South, where there are legal experts. There are Indigenous lawyers in countries like the US and Canada working in individual lawsuits, helping in sort of, individual, very important, cases of litigation in legal defense in countries that don’t have Indigenous lawyers, where non-Indigenous lawyers are somewhat reluctant to support Indigenous causes.

**Answer: Tim Coulter**

Good point. We do need these organizations and lawyers to help, and there’s a big role that you can play. Let me give you an example and try to answer one of the other questions at the same time. A little bit later this year, when the U.N. Sub-Commission on the Promotion and Protection of Human Rights meets in Geneva, we, along with some other Indigenous leaders, are going to begin something that perhaps many of you would wish to be involved in, and I just haven’t had a chance to talk with Willie and Andrea and others about it. We’re going to be asking the Sub-Commission, which is where you begin if you’re going to write new international law, to consider the fact that we need new international law that will directly bind and obligate the World Bank, the Inter-American Development Bank, the International Finance Corporation, and other such entities including, I think, the World Trade Organization, that would directly require them to abide by international human rights standards across the board, respecting Indigenous Peoples and respecting all peoples. Today, as you’ve pointed out, they behave lawlessly. They believe they’re not obligated to abide by that law, and that’s heinous, that’s horrible. We need to develop new international law that will absolutely and directly speak to them and bind them under fresh international law. Indigenous Peoples are going to be initiating this, and we’re going to be asking everyone else to join us. And that’s where you come in. This isn’t just an Indigenous Peoples’ issue; this is an issue that affects all peoples around the world. All human rights organizations need to join in, and so it will be especially important to form those alliances and initiate that kind of cooperation. Well, we’ve had the cooperation for years, but we need more of it. And I’m looking forward to it and hoping that we’ll see much more of that kind of cooperation and support.

**Comment: Willie Littlechild**

Just a very short additional comment. Very recently, a former Supreme Court Justice of Canada, made an observation to the Committee and Bar Association, saying, “Unfortunately in Canada, the legal profession, the lawyers, including the bench, the judges, do not know enough about international law.” And she said that we’re going to have to get to know that because of technology and how it’s impacting the court decisions; benches are now going through the computer to look at decisions from all over the world. So the technology in the world is going to force us to have to work together anyway. The sooner we do it, the better, and I would like
to support that kind of a notion that was just raised. The sooner we do that, the better it will be, not only for Indigenous Peoples, but for everyone.

Question:
What progress has been made to grant more accessibility to the U.N. and other working groups to grass-roots organizations and Indigenous communities from the Africa region?

Answer: Willie Littlechild:
I think you made a very good point, and I think if you look at that scenario today, that is the real reason--like she said earlier, from Honduras--it’s the very reason we’re advocating for a newer method of work at the Intersessional working group. Because we are very concerned that the grass roots, as you say, are being left behind. You have to have a new method of work, or new mechanism that allows for that local community, to get in motion and the education to take place; we need to address the method of work, with the existing working group.

Tim Coulter:
I myself think we might have the Declaration adopted by the U.N. Human Rights Commission in one or two years. The states seem rather determined to get it done. Now we want them to do it in a good way, not a bad way, but I think it’s possible that the Commission will adopt something in one or two years. Then it has to go to the Economic and Social Council and the General Assembly, but that doesn’t normally take very long. They don’t debate those things very much there. So I think it’s possible, within one to three years, that we’ll have something. Perhaps I’m too hopeful.

Evelyn:
Thank you. I also want to mention that IFIP is starting an international voluntary fund to support more Indigenous People to participate in international conferences such as the United Nations Permanent Forum for Indigenous Issues. IFIP believes access is important as these forums are critical for Indigenous People. See me if you want more details. Let’s take a ten-minute break, and then we’ll come back for the next session.

10:30 - 10:45 a.m.  Morning Break

Evelyn: Please take your seats. We’re a little behind schedule, but we’ll catch up. I would like to introduce you Nikhil Aziz, the new Executive Director of Grassroots International, who will be the moderator for this session.
10:45 a.m. - 12:30 p.m. Indigenous Peoples and Tsunami Aid – Relief or Second Catastrophe?

5) Indigenous Peoples and Tsunami Aid – Relief or Second Catastrophe?
Many of those affected by the Asian catastrophe were indigenous peoples. Instead of helping, reconstruction efforts—such as aid being used to push traditional fisher peoples away from the coastline to make way for luxury hotels—may be contributing to a second disaster. How are emergency funding efforts considering indigenous peoples’ visions and organizational infrastructure in their giving strategies? What are the plans of indigenous organizations to confront this unsustainable development model and preserve their cultures and livelihoods? Please join us for a provocative session with Indigenous leaders and funders.

Moderator: Nikhil Aziz, Executive Director, Grassroots International
Bio: Nikhil Aziz, the new Executive Director of Grassroots International. Previously he was Associate Director at Political Research Associates (PRA) where he spent many years analyzing the workings of social movements. At PRA, he led a team that studied the conservative movement and the political right in the United States. For his doctoral dissertation and subsequent work, he researched popular movements and indigenous rights groups, focusing on India’s National Alliance of People’s Movements, an alliance of progressive movements for human rights and social and economic justice. Mr. Aziz has built collaborations with progressive activist and advocacy organizations nationwide and is a dynamic speaker, teacher and writer on human rights, development and social change.

Speech:
Thank you. Thank you, Evelyn, for organizing this conference. And also, thanks to all of you for coming. Thanks also to my colleague, Daniel Moss, who put this panel together, along with Martha Thompson, from Tufts University, and Elizabeth Toder, from the American Jewish World Service. I’m Nikhil Aziz from Grassroots International, and I plan on today to talk about Tsunami Aid and Indigenous Peoples--Relief or Second Disaster?

I guess at the outset, a couple of different things. One, when we initially put this panel together, we planned to bring Indigenous Peoples from some of the countries including Indonesia, but they were unfortunately unable to come to join us today. And the second thing that I also wanted to say at the outset is that the concept of "Indigenous" in Asia is very different in some ways, and in many ways complex.

Just to illustrate, in India, which is where I’m from, and was familiar with the distinct groups, we have the Abdiwasis, which in English translates as “First Dwellers” or “First Nations”, numbering some sixty million people, who are Indigenous obviously. But we also have in, for instance, the broader regions between Burma and India, groups such as the Nagas, and NizilsMizos, whose territories were colonized by the British and as a result, have been incorporated into post-colonial India or Burma, who also make that same claim to being Indigenous, and often participate in the international Indigenous forums. And then you have the Dealeits, which are a group numbering from a hundred and fifty million people in India, but that are also found across South Asia, that I want to talk about later, who also make the claim in terms of being Indigenous. So it’s a very complex situation, and I think some of it is going to be brought out also by Martha and Elizabeth in their presentations today on Thailand and Indonesia.
The other common theme, I think, that kind of brings us together, all three of us on this panel, is the theme of exclusion, and marginalization, and discrimination against groups of people, Indigenous Peoples in particular, who have been affected by the tsunami and the aid, and reconstruction efforts that have been going on since; so that is something that will be a common theme to our different discussions. And the other thing, I think, that I want to highlight that brings us together on this panel is understanding our work, as funders, as aid agencies, as people interested in relief work in some of these areas that have been affected.

What will we do, we hope, won’t exacerbate these situations, whether they arise from conflict situations, whether they arise from historical marginalization, or discrimination. Whatever the case might be, the efforts must be, I think, for international funders especially, to be conscious of what happens, of what has been happening in terms of on the ground with discrimination or exclusion, and also in the work that we do, being very conscious that it doesn’t exacerbate the situation. So, having said that, I’m going to turn it over to Martha first.

Martha Thompson, Professor at Tufts University

Bio: Martha Thompson, Professor on humanitarian work in conflict situations and UUSC program consultant. She has spent 13 years living and working in conflict situations in Central America at the local, national and regional levels with a focus on refugees and repatriation, disaster relief, humanitarian work in conflict, and protection of civilians in war zones in Guatemala, El Salvador, Honduras and Chiapas. After leaving Central America in 1995, she spent four years in Cuba setting up implementing the Oxfam International Cuba and Eastern Caribbean program. Ms. Thompson has worked on disaster preparedness and response, on earthquakes in Central America and hurricanes in the Caribbean. She is currently based in Boston where she is a consultant to the Unitarian Universalist Service Committee and teaches in the Sustainable International Development Masters of Arts program in the Heller School at Brandeis University and in the Masters program in the School of Nutrition at Tufts University through the International Feinstein Famine Center. She has published on gender and conflict, humanitarian work in conflict situations, disaster preparedness and aspects of the Cuban development model. She received a B.A. from University of Toronto and an M.P.H. from the University of Hawaii.

Speech:
Good morning. I’m also very glad to be here. We’re actually going to go back to the original agenda and do a group exercise first.

Nikhil Aziz:
One of the things we would like to talk about before we actually do our presentations, in terms of the areas in which we have done work, or have come across information on these issues, is we’d like for you to just turn around and talk to some of your neighbors and see and share with each other what you might have heard or seen in some of your work around these issues of, specifically, the tsunami aid and reconstruction relief efforts in the affected countries in the Indian Ocean region and rim, but also perhaps more generally. If you have done some work elsewhere, in Central America, for instance, during Hurricane Mitch, etc. And what you might have heard on some of these issues regarding how Indigenous Peoples have been affected, and also not just by the disaster itself, but by some of the relief efforts. So if you could do that for about five minutes, and then we hear back from the floor before we go on.
(Five Minute Group Talk)

**Nikhil Aziz:** All right. I guess what we’d like to do is have one person from each table to report back for the larger group what we shared. So we’ll begin with this table here please, and go around. Just to report back some of the stuff that you might have come across in your own work. One or two things that you talked about.

**Group 1:** Well, we went kind of off the subject actually. We talked about grassroots organizations in Siberia. It was very interesting.

**Group 2:** We also were off the subject. We talked about the grassroots perspective of the U.N. work. But besides that, we did briefly talk about the tsunami. And we discussed everything we learned about the tsunami, and also other efforts. And I’ll just speak for myself. My mother was a registered nurse on an Indigenous relief team that worked in the earthquakes in Mexico and Guatemala in the 80’s and also the hurricane. It was an Indigenous relief team, but, this is our understanding too, that those who were already suffering the months before the disaster were in greatest need of aid.

**Group 3:** At our table, we had the issue raised that during Hurricane Mitch, food was coming in from Europe and other places, but it was not traditional food in any way, and that was an issue. However, it was also pointed out that when people were starving, at least there was food. Another interesting issue was that the arrival of the internet made a huge difference because, in the past, it cost $15 a page to fax out to get help, whereas with internet, you could just send and receive, and send and receive, and get the requests out really fast, so this was a tremendous change and a great opportunity. So those were two of the issues that came up in our discussions.

**Group 4:** We were talking mainly about distribution of resources and infrastructure. Somebody was talking about Guatemala City after Hurricane Mitch, and the way that resources weren’t actually distributed to the communities that needed them. One of the lessons, I think, that Madre, the organization I work for, learned was about infrastructure. We had a Sri-Lanka couple in Canada offer us, I think it was 200 acres, in Sri-Lanka where we were supporting a small human rights organization to do women’s emergency health projects after the tsunami. And after a couple of months of conversations with our partner in Sri-Lanka, they said we don’t have the infrastructure to do this. We had to turn down a free 30-year lease on 200 acres because we simply couldn’t arrange it. Our partner organization in Sri-Lanka said, “There’s no way. We have two paid staff, and it wouldn’t be responsible for us to take this.” And for us, it was a lesson about not just doubling resources on a community that’s already straddled. And that we need to build infrastructure; we need to think long-term because, otherwise, the resources can’t be taken advantage of because there’s no staff and there’s no infrastructure.

**Group 5:** We were discussing how the world responds to disaster, to emergencies. And I read in a magazine that before the tsunami, places in this region were struggling to get some funding for development issues, and it was hard to raise around $5,000,000, but after the tsunami, a week later, there was more than $500,000,000. In one way, it shows there is a capacity to raise funds for needy countries, that there’s not a consistency to really support development issues and also long term processes; that is really important.
**Group 6:** We were talking about community mobilization and a rights-based approach to disaster response and long-term sustainable solutions and the opportunity to really bring about effective social change with all the emergency money that’s coming into communities. And we also talked briefly about using communication and radio, specifically, in terms of disaster response and disaster mitigation preparedness.

**Group 7:** We were talking about the questions that came into the issue of UNICEF in the world and the tsunami, and I can address them. As a result of some of the work we did, there have not been any major outbreaks of cholera or water-borne diseases. We got in there really quickly because we already had places, offices, and stuff on the ground, so we could get in there and help coordinate. We were the lead agency for water sanitation, and for health, and also for education. We are looking at this as an opportunity to rebuild, especially education systems. I think there is something in the neighborhood of $344,000,000 that is being allocated. And we’re concerned that, as we rebuild, we don’t create more disparities, and just focus on the places that were hit. Currently, we want to get the whole area, so we recently negotiated something with the government of Indonesia, and they’re going to be looking at child-friendly schools and upgrading everything, so we’re kind of pleased about it. You know, if there have been issues about unequal distribution, I’m not aware of it, because I know they’re trying very hard to get it to everybody.

**Group 8:** We talked a little bit about the disaster response, the long-term solutions, whether with all the money arriving to countries who were hit by disasters, they’ll be able to manage. Whether there is infrastructure in these countries to be able to rebuild, and what’s happening with Indigenous communities that are affected and now are being relocated to other areas, and they are no longer close to their livelihoods and environment. For example, in the areas affected by the tsunami, some of the fishermen were being pushed towards the inlands, and they were not going to be able to rebuild their lives there. We also discussed a little bit about the ability of Indigenous communities, those who are most affected, to be able to tap into the resources that are there. As a matter of fact, since I used to work for the Red Cross, my understanding is that if there is a good infrastructure before a disaster, then it’s much easier to get resources to those communities in need. But if there were no organization working with those communities, it’s much harder to get to them.

**Group 9:** I’m from Honduras and with Hurricane Mitch, our experiences have been very painful. Our experience was that while the Honduran people were looking for the thousands and thousands of victims, and burying the thousands and thousands of dead, at the very same time, the Honduran government was taking advantage of the moment to pass laws against the Honduran people. They took advantage of the situation. Justifying that these new laws were going to resolve all of the problems of the disaster, they took advantage to approve mining concessions, forestry concessions, tourism laws, and privatization laws. They have demonstrated to us just how vulnerable we were, the poor countries, just how vulnerable we were, and how few policies and laws existed to protect us. And the impact of such disasters is always greater in the poor countries, like those of us in the South. For example, in Honduras, 80% live in poverty. And taking advantage of the pain, and furthering the pain of the Honduran people in that moment, Honduras increased the external debt for the country. The external debt of Honduras increased in that moment 25%. And despite all of the efforts of the communities there—the international community, the international support—there has been an
increase in corruption in the government, and also among the NGOs that were justifying receiving this huge amount of aid that never really did reach the people. And so the challenge is to really overcome this life situation that people live, to improve systems at all levels, not just an emergency-response system, but to improve systems at all levels. Maybe some of you heard that just last night, another hurricane is approaching Central America, and we’re hoping that this isn’t going to result in another disaster situation, but looking at, recognizing the need to have systems in place so that it doesn’t create such a disaster.

**Group 10:** Thank you very much. I am here as an interpreter representing Russia, and I’m a victim myself of two hurricanes that hit Florida, Hurricanes Frances and Jean. And I’m very interested in money laundering, how money disappears when they address it for emergency relief. Because I heard from one of the officials on TV who represents the American government that they really admit that about 25% of money raised could disappear and go in a different direction and never will come to the people. And at that point I honestly told myself, 25% is not so bad because in one area of Russia following a disaster, it was 75% probably. But at the same time, I really, really want to express my concern, because we have to address this issue and do something about it, and find those ways, including the legal system, to decrease the amount of 25%, to make it lower, and lower, and lower, so the money will come directly to those who are in need. Thank you.

**Nikhil Aziz:**
Thank you. We’ll come back to more questions later on. It’s interesting to see in such disparate and different regions, that some of the experiences that people have are very similar. What you are relating to in Honduras is something that I’ve definitely come across in India as well.

**Martha Thompson, Professor at Tufts University**
I think people laid out a lot of the issues that have to do with Indigenous populations during emergency situations. I’d like to talk mainly about Acheh and Sri Lanka because the focus of my presentation is working in emergencies that happen in conflict situations. I teach about conflict situations, and I have been working in conflict situations researching what happens during disasters in conflict situations.

I went to Acheh and Sri Lanka in March, and in Acheh we basically worked with conflict populations and social movements. Acheh and Sri Lanka were both really badly affected by the tsunami. Acheh had about 126,000 people killed and 90,000 missing. And as you can imagine, five months after the tsunami, the 90,000 missing are dead. Sri Lanka had 30,000 missing, and 800,000 displaced. But actually 300,000 of the displaced in Sri Lanka were dead too because some of the people were killed on the day the tsunami struck.

So this is a really true disaster, but disasters don’t happen in a blank slate. They happen in a matter of national reality. And they don’t just destroy buildings and lives. Whether disasters and what happens after them are incorporated into the political and economical social systems of the inequality that exists in a country will depend on the context and whether a disaster hits in a civil war.

When relief organizations launch in to help, it’s important that they stop and take some time to understand what the local needs are. And what we have in Sri Lanka and Acheh for
international and legal organizations is that those regional legal organizations are not listening
to them. These are two very complex conflicts. Tens of thousands of people have died in both
of these conflicts.

So what happens when the whirl of the tsunami hits that conflicted situation? It impacts on the
way the relief comes after that. And I think that you have to look at the national emergency
and ask the question, “Has our work created conditions where Achenese people can live with
relative safety, with physical integrity, with respect for their rights and justice, or is the relief
emergency work making the Achenese people more vulnerable to inequality and poverty?” If
they’re difficult, the international organizations come in from the country, have to coordinate
with the Indonesian government, which they have to do. But the Indonesian government is a
party to the conflict. So it has been really hard to find a path in that situation.

And I think the role of us working in disasters in conflict situations is to find how not to use the
disaster to further political motives and aims, and how the funding and disaster relief
organizations try not to become party to that. I think you cannot completely avoid becoming
party to that, but how do you try to at least minimize what you’re doing in that way.

I think true preparation is a central issue to this. After the tsunami, the Indonesian government
insisted on housing the displaced Achenese in designated areas. But what happens with the
Indonesian government housing and basically organizing all the displaced people? That is not
just efficient, but it’s a way of controlling the population and keeping them from their
territories. I think because they were Achenese that they were able to see the political
sensitivity of that situation more than the people coming in from elsewhere.

After talking to the Achenese organizations, and the relief organizations, I think some things
kind of hide the sensitivities that you have to look for in these kinds of situations. In terms of
aid, is aid helping Indigenous-controlled populations? Is it facilitating that? Is there clear
access to rural populations? Are there roads to use in emergencies to guarantee access to
populations that you’ve never had access to before?

Ultimately we look at the economic regeneration projects. Are they opening up areas to
exploitation of natural resources? In Acheh, they have a history of extortion So they’re very
careful of reconstruction projects, and saying that they’re not facilitating this. We have to look
at our human rights funds, and ask in what way can we enlist aid for different voices to be
heard. Thank you.

Elizabeth A. Toder, Senior Program Officer, American Jewish World Service

Bio: Elizabeth Toder, Senior Program Officer for American Jewish World Service (AJWS)
Southeast Asia grantee portfolio. She provides technical assistance and oversight to programs
with a micro finance component and also creates linkages among AJWS partners and programs
in the thematic areas of trafficking, refugees and women’s empowerment. Prior to AJWS, she
was the Country Director for Pact Vietnam in Hanoi. She also served as a Peace Corps
Volunteer in northern Thailand from 1991 -1994. Ms. Toder has an MBA in Finance and
International Business from NYU's Stern School of Business, as well as a Masters of International Affairs focusing on Economic & Political Development from Columbia University's School of International & Public Affairs. She has designed, evaluated and consulted on micro finance credit projects in Argentina, Brazil, the Dominican Republic and Vietnam, and can work in Spanish, Portuguese, and Thai.

Speech:
My name is Elizabeth Toder. I’m Senior Program Officer of American Jewish World Service. We provide technical and financial support to grassroots community-based organizations in over 30 developing countries in Asia, Africa, and the Americas. I coordinate our work in Southeast Asia, which for us is Vietnam, Cambodia, Thailand, Burma, and because of the tsunami, we’re now in Indonesia. The other half of our Asia portfolio is India and now, post-tsunami, we are working in Sri Lanka as well.

AJWS received a great deal of donations for relief and reconstruction in the tsunami-affected region, and we are on target to spend US $2.5 million supporting grassroots organizations in the tsunami-affected region. We are now supporting more than 60 grassroots organizations in India, Indonesia, Sri Lanka, Thailand, and Somalia.

Due to our funding approach, which is partnering with local grassroots organizations, we have a good perspective on the events actually happening because we get first-person accounts of the situation. Additionally, in February, I was in Southern Thailand and visited really, really affected provinces with our local partners in Trang, Phang Nga, and Phuket.

The people in Thailand that were most affected, as my colleagues were talking about, have really been disenfranchised and marginalized--commercial sex workers, HIV+ people, Burmese migrant workers, and poor fisher folk that don’t have land title.

In Thailand as well, politics dictate the situation. There was recently an election and while Prime Minister Thaksin received most of the votes, he only won one province in the South, which was Phang Nga, and he publicly stated, “Oh, it seems like only that one province is really going to have an easier time rebounding from the tsunami.” So it’s not like anything was really proven about how the government was going to help with the aid and reconstruction effort in Thailand. There was a lot of compensation that was promised, but not delivered, and expected to the marginalized communities. The government and the Thai army also took advantage of the chaos of the situation to do mass arrests and deportations of Burmese migrant workers.

One of our grassroots partners who is an environmental NGO in the South called Yad Fon, described the whole time after the first tsunami as the second tsunami in terms of the international money, the donor money that was coming in, and really, not being used as efficiently or effectively as it could have been; that a lot of the donors were coming in, and there was non-coordination. They were working with local structures or local networks which led to disparity through aiding individuals in tight-knit communities, leading to disempowerment of local structures and organizations, overlapping and duplication, instead of inclusiveness or collaborative manner. There’s also a myopic focus on what the tsunami affected on the Coast whereas the Gulf of Thailand--it also has a lot of poor people and marginalized communities--was then not in the focus of anyone at all.
When we’re talking again about Indigenous People, there were a number of articles in the papers about the Moken or “Morgen” people, who are the Sea Gypsies, who live on the coast and on islands, and in Thailand. These are the one set of people who did not suffer any fatalities, no one of the “Morgen” sea gypsy people was killed, and because they were able to use their Indigenous knowledge of the environment and landscape, they knew what was happening at the time. One of the mantras is when the water recedes out from the shore, the distance that it recedes is the amount that it’s going to then come back. And so when the tsunami waves, when the water was receding, the elders of the village were able to say, stop looking at the waves that are going out, stop picking up the fish that are now just fluttering on the shore, and let’s get to high ground, so that they were saved.

Just to touch on some positive examples also, in Thailand, in particular with work with one community-based organization called Empower which provides health education and vocational training to commercial sex workers, one of the things they did was to connect people to pro-bono lawyers, as well as the national commission on human rights, in order to investigate land disputes and land claims. Another thing this work organization is able to do is to have a community radio program, which is able to list job opportunities, resources for land disputes, and there’s also a call-in portion for the show so that listeners can call in with questions. Empower also conducts a branch office in Patong Beach, in Phuket, so the sex workers who didn’t have job opportunities anymore due to down-turning tourism were able to get vocational training in computer skills, English language, things like that. These community-based organizations were also instrumental in advising people not to wait for government to make decisions on land, but to encourage the people to just go back and start rebuilding on the land; possession is nine-tenths of the law. This is really instrumental because the government really was interested, is interested, in keeping the closer areas for development and hotels and high-end tourism.

Touring Indonesia, two of the things that we have been worried about especially was the lack of local participation in the Blueprint and Rebuilding Plan, as well as a lack of women being involved in the rebuilding process. As Martha mentioned, three years ago Sharia Law was imposed upon the Achenese people, which leads to exclusion of women in public places because they’re separated from men in public places.

So two of the things that we are happy to report about through our contact with local organizations is that: (1) One of the large environmental organizations called WALHI in Indonesia has been organizing refugee committees and facilitating community meetings at the village level, forming what they call “Survivors’ Committees” at the villager camp level in order to encourage community participation in their own development. And their structure is that they’ll create plans on this village level going up then to settlement level, which is four to ten villages grouped together, then the sub-district level, which is two to three settlements together, and then passing these recommendations up to the sub-district government. It’s very organic, but it sounds very complicated, so you can try to imagine how outsiders could possibly incorporate local peoples’ concerns and ideas into a plan if they’re not working directly with the local people; (2) Additionally, next month two of AJWS’s Indonesian grantees, Solidaritas Perempuan, which means Women’s Solidarity, and Flower Aceh in collaboration with the larger Asian Pacific Women, Law & Development (APWLD), will hold a conference on post-tsunami challenges for women of the affected countries, and they’ll hold it in one of the refugee camps in Banda Aceh, so that women’s NGOs, and also local women can participate in these
issues. So I think there are many positive developments—that we say the strength of the local
people through their local community organizations are hopefully going to be able to turn this
around and be directly involved.

One of the things that we talked about at a meeting we had at AJWS three days ago on
supporting social movements is, “Nothing About Us, Without Us.” And I think later we’ll talk
about the role that donors can play—what positive role that donors can play, and advocacy, and
things like that. Thank you.

Nikhil Aziz, Executive Director, Grassroots International

Thank you. I guess I’m going to talk a little bit about India, and it’s interesting that, some of
what Elizabeth just raised, in terms of the experience in Thailand and Indonesia is also reflected
there. The two major areas that were affected in the Indian context in terms of the tsunami
were a group of islands called the Andaman and Nikbar Islands which are in the Arabian Sea,
actually closer to Indonesia physically, and Thailand, than they are to the Indian mainland.
And the other, sort of the Southeast coast, in the states of Tamil Nadou, near Sri Lanka, and the
state of Andhra Pradesh, a little bit to the north of that.

In the case of the Andaman and Nikobar Islands, what is interesting, again, reflecting some of
what Elizabeth said, the people who were actually least affected by the tsunami itself are the
Indigenous People. There are about three or four different groups on the different islands who
all saw the signs, and basically took to high ground, and survived the tsunami itself. What
they’re facing now is really more an effect from the reconstruction efforts post-tsunami. And
one of the reasons why is a lot of the settlers who are from the mainland who lost their lands
are now encroaching on the land that is the territory of the Indigenous Peoples. This is also, in
part, driven by the fact that the government is preventing people, the settler population rather,
from occupying some of the land that they were in before, to some extent, because there hasn’t
been any kind of reconstruction that has happened, but I also think, and from reports we heard,
to some extent, from pressures from industry—the tourism and travel industry—in terms of
developing some of those areas for other purposes. And so that is creating this sort of pressure
for the settler population to find new land to occupy, and that’s encroaching on Indigenous
Peoples’ land. The other negative thing that they are facing is, the Supreme Court of India a
few years ago closed a highway that went around the length of the main island, partly because
it ran through Indigenous Peoples’ territories. As a result of the tsunami, there’s a lot of
pressure to open that up again. The idea is that it would be opened up temporarily to allow for
transport of relief and also reconstruction materials, but the danger, I think, is that once it’s
opened, it’s actually going to be very difficult to close down again. And so that will have a
major impact on Indigenous Peoples.

In the case of Tamil Nadou, which is actually where more people in India were affected, the
situation is a little different. And I want to talk primarily about the Dalith population there, in
terms of what they experienced. Apart from the fact Dalith communities live around the coast
as do other communities, they were especially affected in terms of both tsunami relief and
reconstruction. The state government of Tamil Nadou chose to ask NGOs, and in some ways
this is a good thing, that they wanted involvement, and local communities that were affected, to
sort of draw up lists of people who were affected, basically asking the survivors to identify
people who were lost, and also, things—property, houses, boats, etc. The Dalith people were
actually left out of this whole process, in part by the state government, which only went to NGOs, or organized groups of people that weren’t reflective or representative of the Dalith community. And in part also by these communities, who, when they drew up the list, left out Dalith communities that were also impacted. So we’ve had entire villages, for instance, enumerating people or property that was lost, but leaving out ten and twenty percent sometimes of the population of their own villages who were Daliths. And so, in this sense, there is a failure of the state to intervene and ensure that all of the people who were affected were actually being rehabilitated or given relief aid as well.

What a lot of the Daliths groups did then was interesting, and this is, again, in terms of the positive that came out of this. A few years ago, the Supreme Court of India, on a totally unrelated case, had declared an opinion on the right to food, and food security, and as a result of that opinion, had instructed their national central government to create a position of National Food Commissioner who was supposed to then create a State Level Food Commissioner for each of the 28 states. And then that State Food Commissioner had to have someone from each district, which is like a county from the state, an official appointed specifically for this purpose, to ensure that starvation issues or food security issues were sort of monitored. So the Dalith groups actually used that decision, the Supreme Court of India’s decision on the right to food, as a business for their organizing and mobilizing, and then basically, over the level of the district, and the state. In fact, to the central, the federal level, and the Supreme Court, arguing that this was a violation of the Supreme Court’s opinion and order. And that was one of the ways they were actually able then to ensure that food aid, at least, was being delivered to Dalith communities.

The other interesting thing, and this again affects Dalith communities more so than others because most of the Daliths are landless--they don’t own land; they work in menial occupations. And it affects them, in terms of the emphasis, while it’s obviously appropriate, in terms of houses lost or land that was being salinated, or fishing boats that were lost--people who are themselves not property owners, or not owners of fishing boats, but work on fishing boats, or who work as agriculture laborers, landless agriculture laborers--none of these people was actually accounted for in all of the reconstruction relief, neither by the state, nor by a lot of the NGOs. And so that leaves out a whole lot of people who basically are dependent on people who have actually lost property or boats, etc. But they are also, even if they were not themselves affected directly by the tsunami in terms of their houses or their property being lost, they were affected in terms of their income, which was dependent on all of these other people, and some of that was not at all accounted for in terms of how the aid was directed.

I guess the other thing that I wanted to touch on was in terms of the grassroots role, has been to kind of work with partners, local partners, and I think this is something that both my colleagues touched on as well, the importance of that. And we do this in all of our work, and in the case of the tsunami aid also, we basically worked with Via Campesina, an international coalition of peasant organizations, but not just peasant groups, but also other groups, such as groups of fisher folk as well. The World Federation of Fisherpeople, for instance, was part of that effort, Via Campesina Coalition. And they have actually; I think it is part of your binder on page 27, come up with this declaration called the Medan Declaration. This basically is an effort by about 80 groups, I think, from the affected countries to come together and enumerate what they see as--in terms of what Martha was saying and some of the issues that you raised at the end--what does reconstruction really mean? And also having human rights as sort of the underlying
theme for any kind of relief and reconstruction efforts. It’s a good beginning in terms of trying to get people, especially international aid agencies, to think of the way they are providing or directing their relief and reconstruction efforts.

I guess what I’d like to do is throw this out in the open; we’re closing at 12:30, but before that, we’d like to have some time for questions and participation and discussion from the audience on the floor, and then you’re going to talk. Later I’m going to turn it over to Elizabeth again, to talk a little bit more about some of the lessons that funders have learned.

Question:
It seems to me like one of the issues that has run through a lot of what you talked about is who controls the distribution of the aid, and I was wondering if you have any statistics on how much of the aid actually went through governments, national or local governments, and how much of the aid went directly to grassroots organizations, and communities, or community-based organizations. And it seems to me that one of the issues there is a distribution issue, about people who want to provide assistance and help, but don’t know how to do it well without going through the government. That’s sort of the easiest conduit, and we think of that as an appropriate role for a government, and it is, for the right government. But then, how do we get around some of those, particularly in the philanthropy area, so that we make space for better conduits, to get funding to the people who do take the considerations that you talked about to bear?

Answer: Martha Thompson
I’ll try to answer this, and I’m sure other people have opinions on this. A lot of money went to multilateral organizations, and a lot of money went through international aid organizations, from the International Red Cross right on down. In fact, the Sri Lanka government says that they got very little money, and that most of the money has come in from the bilateral organizations, the multilateral organizations, and the international agencies. That money--a lot of it went into their own operations; a lot of those organizations are operational. And that’s where a lot of the dialogue is, that bank aid organizations are going in and doing very good work which is what they do. But during the organization work, in some cases, they fund international organizations to do it because all of that takes time, coordinating with the national organizations takes time. Many emergency people always think that acting fast saves time, although I think, in a way, that it doesn’t particularly. So I think as far as the relief money, less has been going to the national organizations. And the downside is that local organizations often don’t know how to write proposals; they don’t know how to do the kind of things that funders are looking for, but have real access to people at the community level.

Elizabeth Toder:
Maybe I’ll just add to what Martha said. It’s true, especially that a number of the local grassroots organizations’ staff were killed in the tsunami, so these organizations were not only going through the personal loss of their family, but then, also trying to regroup as an organization, and deal with their communities’ struggles, so that brings out an important point. But now that we’re all beyond that, I think that the point made is that we really should try to better our efforts to work through the local organizations for a multitude of reasons. The local community organizations can identify what the problems are, where the gaps are in the reconstruction effort, where the gaps are in funding, where the physical gaps are in infrastructure, or where the gaps are in their local people and the local peoples’ needs.
Additionally, as has been happening in Indonesia, the visa rules for the international organizations have been changing, and we’ve been getting, so far, an extension on the region for thirty days. But for how long? How can we plan a development program if an international organization is not even going to know how long they’re actually going to be allowed physically in the country?

**Question: Jack Vanderryn, Moriah Fund**

If one concludes, like we all seem to, that you have to work through local organizations with a disaster of the magnitude of the tsunami, what is your assessment of the capacity generally of local organizations to deal with such a large disaster?

**Answer: Elizabeth Toder**

I think that it provides a golden opportunity for collaboration. If the West has technical skills, if the West has money, come in and collaborate with these local grassroots organizations. You talk about how important this is since the local people are going to be there for the duration, how important it is to build up the capacity of these local organizations in terms of giving, and not to give the local government any excuse to de-legitimize the local grassroots organizations as well.

**Answer: Martha Thompson**

I think we’ve been trying so hard to emphasize the role and the importance of working with local organizations. I don’t think it’s an either/or situation, especially in a disaster of this magnitude. But I think it’s very important, as Elizabeth said, to try to find creative ways to build up the capacity of local organizations, but also to make sure that the voices are heard, and that they’re at the table. You all know that being in the room doesn’t necessarily guarantee that your voice is heard. But in Acheh, the international organizations came in and the coordination under OCHA didn’t even include the Achenese organization, so they weren’t even in the initial discussions about relief, and that’s the kind of thing that really shouldn’t happen. So I think as well as supporting the organizations, it’s trying to make sure that their voices and concerns are heard in other arenas.

**Nikhil Aziz:**

And I guess also making sure that while we did emphasize working with local organizations, also checking out the local organizations. For instance, as I said in India in the case of Tamil Nadu, a lot of the efforts were actually being directed by local NGOs, who were themselves the people that were perpetrating this in terms of leaving out the Daliths, and so one has to be, I guess, careful in that respect as well, making sure that this sort of discrimination does not occur. The Via Campesina's Medan Declaration, for instance, actually highlights human rights and gender and other issues to be part of the focus of international funders as they go in, making sure that those kinds of discriminations and violations of rights are not occurring.

**Elizabeth Toder:**

Let me just add one thing to that; I think it’s really important to keep the focus of exclusion. You know, to be dealing with organizations that are addressing exclusion, whether they are local or international.
Comment:
I would like to mention the experience that we have at the Continental Network of Indigenous Women. It is an international organization, but it is made up of local organizations from each country. That way, when someone gives funds to the organization, it’s not like giving funds to any international organization, but the international organization is made of local organizations of each country. So that’s another thing that U.S funders can look for. That’s another strategy. Not local or international; sometimes when we think about international organizations, we are thinking of organizations that are not Indigenous, the Indigenous are organizing themselves internationally, so I think that would be a nice strategy also, to look for those kinds of organizations, and there are many now, because they are all uniting, so that would be another strategy, where to localize your funds.

Nikhil Aziz:
I think what you guys are talking about is in terms of exclusion, and discrimination. And obviously these are issues. It’s not just a question of international aid. One has to, in terms of social change and justice, address these questions from within, in all of the societies. In our own experience in terms of the Dalit people and the Kalash in Pakistan, some of it is not very different from some of the things that Martha was talking about in Sri Lanka or Indonesia, or Elizabeth in the case of Thailand. These are things obviously that have to be addressed very much at the national/local levels as well.

Elizabeth Toder:
I’d just like to bring up one final point about how U.S based organizations, and donors in particular, can use their leverage to do more than just give money, and that is the role of advocacy. It’s something that we heard many times from our grassroots partners--that giving money does not go far enough to change systemic problems, but that for the U.S. position, advocacy upon their behalf would be very welcome.

Nikhil Aziz:
All right, any other questions? I guess the last thing that we kind of wanted to do before we close, is to just have you talk within your groups again, and, sort of brainstorm about some of the lessons that funders can take away from the sort of experience and the work we all have done, and then share that a little bit, and then we can close.

Group break-outs Reporting

Group 1: There was a conversation at the American Jewish World Service the day before yesterday. And we’re always talking about how to change the power dynamic between rich and poor, and what kind of ideas we can come up with for that. And so I just give you the one we were talking about here today, which may be hugely impractical. However, you know, a lot of impractical ideas got traction eventually. And that was to have a Foundation Workers Union, because if we’re all being vertically pressured in our little office boxes by the powers that be who control the money, how are we going to support each other, and gain the trust of the movements in the South if we don’t have horizontal support for each other in terms of what we’re doing fighting the investments of the companies? You know, foundation portfolios are invested in a lot of these companies that are doing the destruction in these countries, and we’re basically using the devil’s money to do the Lord’s work. And so how do we change the investment committees, how do we change grant policies to fund internationally, and how do
we continue to bend the rules to get people funded, without the powers that be finding out about it?

**Group 2:** Well, at our little group back here, we really felt that the suggestion that was made about utilizing existing networks, especially international networks of Indigenous Peoples that have a track record, and also have a strong grassroots base, would be a very cost-effective way of channeling the funding, and I know they must exist in other continents as well. One thing that we raised, that I don’t know if it was addressed here, and I think it would be interesting. It came up in that discussion is what would be considered an acceptable level of administrative overhead for disaster relief organizations, because I know that there’s a big range in terms of how much money, what percent of money actually gets to the peoples in need, and how much stays with the organization for administrative costs, so whether disaster relief organizations would be willing to share those overhead costs with, say, Indigenous networks, and also what is an acceptable level of administrative overhead costs for disaster relief organizations and agencies? Thank you.

**Group 3:** (Russian Interpreter) We were discussing how to help people who suffered from the tsunami. The questions of if there were no particular existing groups of Indigenous Peoples in existing structures, only those who were a victims of the tsunami, like local native groups, why don’t we think that it is important to build such groups of Indigenous People there? And each of you mentioned that there were tribes who knew about the upcoming disaster due to their knowledge of centuries. And then the question arises, why didn’t we use this knowledge? Why didn’t we split this knowledge? Why didn’t we make this knowledge public, as an important part of life and community, and to prevent those disasters in the future? And please allow me to answer those questions. In reference to the facts that there are no Indigenous organizations there. Our group has a huge potential, but we don’t know how to fill those problems yet. The bottom line is that Indigenous People all over the world do not have a precise legal foundation. We don’t have our legal rights expressed in legislation. My sister from South America and my brother from Pakistan just mentioned that we don’t know how to fill out the application form. We don’t have the knowledge to do it properly, and who to send it to, who to address it to. So we need to do that. We need to learn how to fill applications, where to, who to, and how to do it in a legal public forum. I’m begging you to help Indigenous People, to provide information and assistance to them, to teach them. I would like to ask you to help us to increase the potential of Indigenous People, to build a capacity. Look at this fact. Just to be a participant in this forum, you have to find funding for travel expense. In order to spread the word about your great work, we need to translate the documentation, to transfer to electronic format, and then spread the word, and we need money to do that as well. This way, by supporting this, you can receive great feedback about how the money will be spent and which direction to go. Thank you very much.

**Comment:**

Here I would like to throw a pitch: “General support, general support, general support!”

**Elizabeth Toder:**

I can address that question of overhead quickly. What AJWS did seemed to be similar to a lot of the other international organizations that received donation rights to allocate 5% of the money received towards overhead. In the future, when we fund organizations for the second
proposals, and we really fold the work into our regular portfolio, as the work is now not immediate relief, but we can structure in long-term development plans. I think we’re going to be taking up to 15%, which is the generally accepted overhead percentage on international development work. And AJWS has always had a four-star charity navigator rating, so it’s all open and in compliance. The overhead does not only go toward staff time in the New York office, but also programs that we have overseas in terms of exchanges that we were going to hold in the future so that the affected communities can learn from each other, in both the India situation, and the Indonesian situation. Local representatives can then help organizations with some of the problems that our colleague has mentioned right now, with overcoming language barriers, helping them to put in their proposals so that they can ask for aid. All of those efforts are then included in that overhead percentage.

Martha Thompson:
I’d just like to address what our Russian colleague said about why Indigenous knowledge has not been collected. It’s strange because Nikhil and I were just talking about that. I mean this is the end of the Decade of International Disaster Preparedness, and it would seem that the tsunami has given us this incredible example of Indigenous preparedness and Indigenous knowledge that is extremely valuable in preparedness. We were wondering, is anybody doing that kind of funding, really going and talking to those people, and finding out what they did, because in [Ache], many people were saying to us, “You know, now that we look back on it, we think we saw these signs, but we didn’t know how to read them.” So this, I think, is a very important point that should not be lost.

Nikhil Aziz:
All right . Thank you, everyone. I guess we’re going to end here. And, thank you for coming.

Evelyn: Okay, you have an hour to have lunch. Enjoy.

12:30 - 1:30 p.m. Lunch

Evelyn Arce:
So let’s start our next session. Please join me in welcoming Simon Counsell from Rainforest Foundation in the UK and the session, “Indigenous Stewardship, Biodiversity and Conservation.”

1:30 - 3:00 p.m. Indigenous Stewardship, Biodiversity and Conservation

6) Indigenous Stewardship, Biodiversity and Conservation
Indigenous peoples’ relationship with their land is one of environmental stewardship that promotes and practices many of the desired objectives outlines in the mission statements of conservation organizations. There have been several cases where environmental conservation organizations have shown little regard for Indigenous peoples' ancestral land tenure or environmental stewardship. To facilitate dialog around this disturbing tendency, we will be discussing how conservation organizations relate to Indigenous peoples with respect to logging and oil companies that continue to severely damage the world's oldest and most diverse rainforests. We will examine the basic issues; why there are conflicts between conservationists
and Indigenous Peoples, brief consideration of the conservationists’ policies and how the 'language' of conservation ('wilderness', 'virgin forest') can lead to inappropriate concepts and strategies finally offering recommendations to improve relations. We will look at two examples, the Batwa 'Pygmy who were forcibly evicted from various national parks in the Congo and a successful example of indigenous conservation in Brazil.

Simon Counsell, Executive Director, The Rainforest Foundation, United Kingdom

Bio: Simon Counsell, Executive Director of the Rainforest Foundation UK which supports indigenous and traditional peoples of the world's rainforests in their efforts to protect their environment and fulfill their rights. He has been on the front line of campaigns to protect the world's forests for two decades. Before joining the Rainforest Foundation in 1996, he led international consumer and public awareness campaigns for Friends of the Earth. Simon's work has taken him to the forests of Amazonia, the Congo Basin and West Africa.

“Greenbacks in the Garden of Eden”

Speech:
Hi, good afternoon, everybody. I have the pleasure of moderating this panel this afternoon which, I understand, follows on from a similar discussion that took place at this conference last year led by Mack Chapin. And I hope what we’re going to do is develop some of the ideas that Mack threw out, I think in a paradigm challenging kind of way. And we’ve got a fantastic wealth of experience spanning almost all of the globe, actually, on this panel. We’ll come to the speakers. I’ll just briefly introduce them now, and I’ll follow that with a short presentation from myself which I hope will set the theme for some of the more detailed discussions that might follow.

Firstly, Roger Muchuba, who works with an organization, Heritiers de la Justice, which is a human rights organization based in Bukavu in the east of the Democratic Republic of Congo, whom I’ve had the pleasure of working with for the last couple of years or so. He has been doing groundbreaking work in working for the rights of particular Batwa people, but also other minorities and Indigenous Peoples who have suffered so terribly from some of the other conflicts that have raged across that part of the world.

To his left, Belmond Tchoumba, whom I’ve also had the pleasure of working with for a number of years, and who works for the Centre for Environment and Development in Cameroon, who again has been doing some extremely groundbreaking work with forests/Indigenous communities, and the Baka, Bakyeili, and the Bakotla, “pygmies” as they are sometimes called in southern Cameroon, and who can talk, will talk, to us about the experiences that some of those Indigenous communities there have had with conservation organizations in protected areas.

We then have Lucy Mullenkei, who will talk to us about the Biodiversity Convention, how that relates to Indigenous Peoples, and these questions of potential conflicts of conservation agendas and priorities with those of Indigenous Peoples and a number of other important global policy issues.
We also have Carlos Macedo who is going to talk about the experience of some of these issues in Brazil.

So, just to get started, could you possibly get my slide up there?

What I want to do is talk about some of the tensions between conservation organizations and Indigenous Peoples, particularly in developing countries, which is where most of my experience of these issues has been gained.

What I want to do is firstly to chart briefly how and why these tensions and conflicts have arisen. We’ll see how the funding patterns for conservation organizations may have contributed to this or exacerbated these problems. I then want to look at how the very language that’s used influences the way conservation policies and practices affect Indigenous People. I’ll take a look at some specific examples from Africa, particularly, which is an area which I think is very often, in fact too often, neglected in these kinds of discussions, and I’ll conclude with some brief recommendations.

Broadly, in the 40 or so years since, say, the World Wide Fund for Nature, WWF, was established, there has been a shift from conservation focus on single species, like charismatic megafauna phoners as they’re called--elephants or gorillas and so on, through to ‘ecosystems’, and more recently the term ‘biodiversity’ has been used. This has reflected changes in ecological understanding, as well as early failures of these early initiatives to protect some of these wildlife species, so-called charismatic, wildlife species, such as the giant panda, the white rhino, the Sumatran tiger and so on, by just focusing on the one species.

Many conservation organizations now talk about ‘landscapes’ and whole ‘eco-regions’. As international conservation groups have cast around the planet for these vast, large, intact ecological assemblages of ecosystems to protect, it will come as no surprise to most people here that many of the areas that they’ve struck upon are, in fact, inhabited and have been inhabited for a very long time by Indigenous Peoples (are, in fact, Indigenous lands). As is noted in the flyer for this conference, more than 80% of the world’s remaining biodiversity is found within Indigenous Peoples’ lands and territories.

But as conservation groups have sought to protect whole landscapes, the challenges have grown larger and so have the costs. In fact, the costs have escalated to such a scale that it is often only the larger international funding agencies that can afford them.

By way of context, we can get an idea of the current global level of funding for conservation activities from these figures.
These include many projects, which are only partially concerned with conservation, but they give us a rough idea.

Looking more closely at one of these, USAID, we get an idea of who is benefiting from conservation largesse.

Official U.S. government figures show that, between 1990 and 2000, some $270 million was given by USAID to NGOs, universities, and other private recipients for conservation activities. Of this, most went to just a handful--notably, WWF, the Nature Conservancy, the African Wildlife Foundation, and a few others. WWF’s share represents around $120 million.

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<th>Agency</th>
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<td>Global Environment</td>
<td>Active projects, 2004</td>
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<td>World Bank (non GEF)</td>
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<td>USAID</td>
<td>Projects active during 2001</td>
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However, many conservation projects face a profound problem when dealing with the large
donor agencies. Understandably, such agencies have become more demanding in terms of the
expected outcomes of their funding. They wish to see specific indicators of achievement and
tangible means of verification of these achievements.

But ultimately, the very basis of most conservation projects is, of course, that something
doesn’t happen rather than that something does happen. Species X or Y does not disappear
from the face of the planet. So many trees are not cut down. Given that most conservation
projects seem to start with an astonishing paucity of base data about what is there in the first
place, this can be very hard to demonstrate in a rigorous or convincing way.

Often the temptation is to find what one could call ‘proxy indicators’ of project success.
Usually, these relate to the suppression of supposed threats to the wildlife—number of ‘eco
guards’ trained, the number of animal traps collected, guns confiscated, poachers arrested,
itinerant agriculturalists evicted, and so on. Where the real numbers for these kinds of
outcomes might not be terribly impressive, so project managers might be inclined to intensify
‘command and control’ measures in order to increase them—or simply to exaggerate the threats
and inflate the figures. These are, of course, precisely the activities that impinge most directly
on Indigenous Peoples. In other words, the logic of conservation-donor relationships may have
tended to drive conservation organizations into direct conflict with Indigenous People.

As pointed out by Mac Chapin in his excellent paper "A Challenge to Conservationists", in the
face of growing disquiet about the impacts of their activities on Indigenous People, most of the
big conservation groups adopted people-friendly policies during the 1990s. But these are, at
best, patchily applied, and in some cases, it would seem, not at all.

Another very interesting study on this has been done by Sally Jeanrenaud, focusing on the
World Wide Fund for Nature. As the wife of one of WWF International’s senior programme
staff, perhaps she had access to information that other researchers may not have had. In a paper
sub-titled "Can the Leopard Change its Spots?", she talks of ‘participation’ in conservation as a fundraising construct:

The search for market advantage in today’s highly competitive environment tends to favor dialogue with donors and the mass media in which nature and people are treated as resources. The rhetoric of people-oriented natural resources management is often reworked and absorbed into fundraising strategies, with global fundraising images outdoing local definitions of nature and well-being.


But, though the conservationists' language may have changed, very little has actually changed on the ground. Based on a review of 35 years of field and policy documents and analysis of over 2000 conservation projects undertaken since 1961, an evaluation of 150 contemporary forest conservation projects, seven field case studies and a wide range of interviews, the author argues that there has not been a paradigm change within WWF policy and practice. Rather, WWF has begun using the language of participation and people-centered processes without significant organizational change and realignments of political, scientific and bureaucratic powers.

Actually, they are largely continuing to do what they were going to do anyway: Notions such as ‘community’ and ‘participation’ have been absorbed by WWF, but often as a means of achieving pre-defined objectives…

In short, in the case of WWF and, one suspects, some of the other large conservation groups--they are telling donors what they want to hear but actually just carrying on ‘business as usual’. Of course, one has to qualify all such generalizations; there are better and worse projects and staff within every organization. However, the general conclusion is borne out by my own experience and that of others.

I participated in a conference of First Nations’ mappers in Vancouver last year, attended by scores of scores of Indigenous representatives from around the world. It was said more than once that the activities of conservation organizations are now the single largest threat to the integrity of Indigenous lands. My own organization has seen the reality of these threats in countries across the world, including Peru, Venezuela, Guyana, Cameroon, Gabon, Congo and Madagascar.

Observers such as Mac Chapin have rightly called for a fundamental shift in the way that conservation is dealt with by donors. I think that a part of this shift has to involve a profound re-think of the language that is used to describe "conservation", "land management", "wildlife" and so on.

If some donors are continuing to be hoodwinked by the conservation groups, perhaps this is because the entire language in which these relationships are moderated perpetuates what I personally believe is a failing model.
Here is a typical example:

*Wilderness*: “Land which is wild, uncultivated, and inhabited only by wild animals” (Oxford English Dictionary)

But where exactly are these untouched areas inhabited only by animals?

Okay, so Antarctica, the bottom of some of the deepest seas and the tops of some of the world’s highest mountain ranges could probably genuinely qualify as "wilderness". But the use of the term wilderness, and similar terms, as applied to most other parts of the world requires much closer scrutiny.

In my own field of experience--forests--there is a plethora of terms used by conservationists. Here are some of them: “Virgin forest”, “Primary forest”, “High conservation value forest”, and “Pristine forest”

But even in some of the supposedly remotest, "wildest" forests, such as the Amazon and the Congo Basin, there is growing evidence of the importance of human agency. For example, the Kayapo people inhabit the rainforest-savannah border in eastern Amazonia. Within the forest, small patches are cleared of large vegetation and planted with species useful for food, medicines, and building and ritual purposes. The plot may be intensely cultivated for several years using a complex pattern of fertilization, "sympathetic planting" and irrigation, before "natural" regeneration is allowed to take over. Significantly, the Kayapo do not distinguish between cultivation and "natural environment"; what we perceive as "forest" is considered by the Kayapo as "old fields". Trails of up to four meters wide, criss-crossing the forest, are constantly enriched by the Kayapo with preferred species.

The Kayapo’s "ecological engineering" in the savannah is even more significant. Often starting at the site of an old ants’ nest, the Kayapo introduce perhaps 100 plant species from the forest, working out in concentric rings, and eventually forming a "forest island". Staggeringly, these forest islands of around 10 hectares have been found to contain plant varieties collected and transposed from an area the size of Western Europe. We have no reason to believe that the Kayapo are unique; their transformation of the environment represents the cultivation of so-called "wilderness" on a continental scale.

Similarly, some evidence from the Congo Basin indicates that what is now perceived as a "virgin forest" may also have been the product of hundreds or thousands of years of (totally unrecorded) human modification. Carbon layers within the soil profiles in large areas of the Congo suggest that fire--possibly of human origination--has created the conditions in which the present abundance of the rainforest is possible.

Virtually all of the Congo Basin rainforest has been inhabited for 3,000 years or so by Bantu farmers using rotational slash-and-burn farming. In many senses, much of what is often now described as the "virgin rainforest" of the Congo is, in fact, also an assemblage of "old fields". Much of this land is still claimed as traditional territory by Indigenous communities.
Interestingly, the language of the local Pygmy communities—which I will say more about in a moment—is of the abundance of the forest, of the wildlife that has sustained them for countless generations. By comparison, the language of the conservationists is, without exception, about scarcity. But this evidence of human agency in the formation of so-called "wilderness", or the "natural environment", isn’t just of historical or semantic interest. It has real consequences for real people.

Here is Mike Fay, a conservationist with the Wildlife Conservation Society (WCS), who has been lionised by some of the U.S. press for his work in supposedly helping to conserve the Congo Basin rainforests giving testimony to the U.S. House Committee on International Relations in 2003:

> I often hear that protected areas work in the United States because we have wealth and health and peace and democracy and all of those things.

> I believe that Teddy Roosevelt had it right. In 1907 . . . the United States was at the stage in its development not dissimilar to the Congo Basin today . . . President Roosevelt, with Congress, made the creation of 230 million acres of protected areas the cornerstone of that foresight.

> My work in the Congo Basin has been basically to try to bring this U.S. model to Africa….

> *J. Michael Fay, Wildlife Conservation Society, Evidence to Congressional Committee on International Relations, March 11, 2003*

You don’t need me to point out the values embedded in this. For those First Peoples here whose ancestors might once have occupied the land that was to become the U.S.’s National Parks, or Wilderness Areas, you will have a profound insight into what it might mean for this model to be exported to other parts of the world. For all the careful, written, documentation of the history of modern countries such as the U.S., our memories are evidently pitifully, perhaps conveniently, short.

No doubt encouraged by Mike Fay’s assertion of the rightness of the U.S. model of "conservation", last year Congress and the President duly voted in a $50 million aid package to help develop a range of protected areas in Central Africa, the so-called Congo Basin Forest Partnership (CBFP). Under this scheme, a network of so-called protected "landscapes" is to be established spanning the entire Congo Basin.
You can see from this map that the area is vast, perhaps 40% of the entire Congo Basin, or roughly twice the size of California. Most of these areas are now under the nominal management of International Conservation and other NGOs, including WCS, WWF and CARE.

But what does this hold for Africa’s Indigenous People? Perhaps we can get some insights from the project that is very much a model for the CBFP and which was also the brainchild of Mike Fay.

Fay developed his career as a conservationist in the forests of the northern Republic of Congo. He led the creation of the Nouabale-Ndoki National Park, an area of rainforest and wetlands with a very high population of large mammals including elephants, gorillas and chimpanzees. But, as with virtually all the Congo Basin forest, it was inhabited, and had been for several thousands of years, by many local people, including both Bantu farmers and Ba’n’bendjele “Pygmy” hunter-gatherers. No one knows for sure, but there could have been as many as 5,000 Pygmies alone in this area. Nevertheless, the agreement between WCS and USAID, which provided $3 million for the establishment of the area as a National Park, was evidently based on the belief that it was uninhabited.

There is no permanent human habitation in the proposed reserve area. - Grant Contract USAID-WCS, 1991
And indeed, by the mid-1990s, the newly formed National Park appeared to be totally depopulated, apart from Mike Fay and other WCS researchers, that is.

In 1999, an official working for the German aid agency, GTZ, visited the area, trying to find out why the Indigenous population could not be found in the Park. He was told that they had been forbidden from entering the area.

It became clear that the "pygmy" population was expelled from a territory considered by the Government and international experts as "no-man’s land". No compensation or alternative strategy to secure their livelihoods has been enacted, in law, in local decisions, or on the ground. A government official dismissed this as an “issue”, labeling racially the area’s pygmies and declaring: “with our ‘speaking beef’ (the local racial nickname for the pygmies) we can do whatever we want”. (Cernea and Schmidt-Soltau, 2003)

The Rainforest Foundation’s own research has shown that, since WCS established the Nouable-Ndoki reserve in 1992, at least $11 million of international funding has flowed into the Park and its buffer zone. As the money has flowed in, Indigenous People have flowed out.

Looking more widely in the Congo Basin region, Michael Cernea, Professor of Anthropology and International Affairs at George Washington University, has found that around 54,000 people have been expelled or expropriated from a sample of 10 protected areas schemes in the Congo Basin region, most of them run by international conservation organizations.

This isn’t a scene of one of the rebel armies that have terrorized much of Congo region in recent years. It is a training camp for so-called "eco guards" in the Congo, evidently financed by USAID. I am sure you can imagine what a volatile combination this represents--heavily armed paramilitary forces in an area already experiencing violent conflict, where Indigenous Peoples are already brutalized by the authorities and other dominant ethnic groups.

Indeed, my organization has already heard of several incidents of extra-judicial killings of Pygmies at the hands of eco guards.

Here, photographed by Rainforest Foundation staff only last year, are Twa people in the east of the Congo living in make-shift shelters in emergency camps--many of the thousands who were first forcibly evicted from the Kahuzi Biega National Park, and then suffered the depredations of their country’s civil war. Truly, these people are "conservation refugees".

So, the application of what J. Michael Fay described as Roosevelt’s model of protected areas across a vast area of Africa could have impacts on hundreds of thousands of people, if not millions. These practical consequences flow from concepts of conservation which, in turn, are based on a particular form of language, which I believe inherently militates against the role of Indigenous People or local communities.

One can ask the question, would Mike Fay have been able to convince President Bush to part with $50 million for the Congo Basin Initiative on the basis of protecting a bunch of "old
fields” which are stuffed full of abundant wildlife as a result of complex Indigenous agricultural and hunting regimes? I think perhaps not.

Curiously for a "Partnership", no African NGOs have been invited to participate in the Congo Basin Forest Partnership, let alone any Indigenous organizations.

If nothing else, I find it very difficult to reconcile these developments with the U.S. government’s own requirements, which are that USAID-funded projects concerning biodiversity protection should be of benefit to, and developed along with, local people.

| Local involvement— to the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.” |

Section 119, Foreign Assistance Act, 1961

As I noted earlier on, during the 1990s alone, USAID funding to conservation organizations totaled around $270 million. It would be interesting to know how many of the projects supported with this funding actually complied with this legal requirement. But more importantly, one has to question whether the objectives of these conservation projects can be achieved, even in their own terms, when their design is inherently anti-people.

Michael Cernea gives some examples of this:

Displacement often forces hunter-gatherers to become principle cultivators-farmers. But as their sedentarization becomes a fact, it has certain negative impacts on other segments of the environment . . . Displaced hunters in Gabon, for instance, have now increased incentives to intensify hunting by re-infiltrating into areas they knew, wherefrom they were evicted . . .

In sum . . . the consequences of the displacement and resettlement process itself have in turn a set of degrading effects on forest ecosystems. (Cernea and Schmidt-Soltau, 2003)

He also says that:

The customary tenure of certain resident forest groups acts as an in-built protective shield over flora and fauna resources against other local and outside groups. The presence of those resident groups has been often quite an effective deterrent. Eviction of resident people eliminates the customary protector, and it is doubtful whether ‘the state’ can be as effective against other users, local or remote . . .

This is exactly consistent with my own observations in Africa and more widely. In Cameroon, donor funding has recently ended for what were once two "flagship" protected areas projects (and they have consumed more than $20 million between them over the last 15 years or so). In both cases, the reserves were quickly re-invaded by displaced and alienated local communities, along with outsiders, and their natural resources plundered. So despite what the U.S. Congress might have been convinced into thinking, the model is fundamentally flawed.
Well, we seem now to be at the end of the first big phase of tropical conservation project funding, which kicked off in the late 1980s and early 1990s. Flows of official foreign assistance to forest conservation schemes are projected to fall from around $700 million during the 1990s to about half that figure this decade. My prediction is that we will see many repetitions of what has happened in Cameroon and elsewhere. But most importantly, I think this forces us to try and ensure that these mistakes are not repeated.

The exclusionary model of protected areas is, in all but a very few cases, indefensible in terms of human rights. In many cases, it is totally counter-productive as a means of conserving biodiversity. In my opinion, what is now urgently needed is serious investment in new and innovative approaches to conservation.

We need to re-think our language--language which often effectively "disappears" Indigenous People from the landscape. We need to acknowledge the profound role that Indigenous People have played in shaping what some conservationists describe as "wilderness areas". In some cases, such as in parts of Africa, we urgently need to find remedies for some of the social damage done by conservation organizations.

We need to find ways that help to strengthen and support cultures that bind peoples to their land and environment--rather than contributing to the destruction of those cultures. Thank you.

**Belmond Tchoumba, Centre for Environment and Development, Yaounde, Cameroon**

There is one of the protected areas in Cameroon which is in green--that’s wilderness-- and around the protected area, there are people living in it. And they’ve described the area occupied by people around the protected area without touching what they call the co-protection zone. CED has been helping communities to challenge this approach to land, by using technology to map the land-use pattern, and to show that this is not an outright wilderness, but it’s actually people’s land where they have been carrying out their activities for years.

This is exactly the area where we choose a number of communities and support them in mapping the areas. And you can see that now it’s no more completely virgin forest, but it’s actually a region/area where hunter-gatherers, in particular, are active.

This is just a sample of five communities around the area, and all these communities were completely inside the area. They were moved out, but even when moving out, they still have a number of activities within the protected area. This is the map of specific communities in the areas. This community, in particular, as you can see, lives completely within the protected area. They have nowhere to go because on the other side, the eastern side, you have an agro-industry which is trying to grow and then to encroach the protected area, and then you have the protected area. And the people are almost squeezed between the agro-industry farm and the protected area.

Later on, I’ll show the testimonies of the people living here and then explain what are the impacts--the major impacts--of these conservation projects on their livelihood. The second example is exactly the same thing. This is one of the biggest, I think the biggest, protected area in Cameroon, which is also called “patrimone de l’humanite” (Biosphere Reserve), which is one of the biggest, and it’s actually said by those who conserve it, that it’s a virgin area. But by
using this methodology of territory mapping, you can see to what extent people go inside the forest. And I’m afraid that they were very reluctant to show you the extent, the total extent, of the area they used because they have a number of sacred places in the forest that they don’t want outsiders to know about because they become a threat to their culture. But they just wanted to give a view on how they use the forest. And they rely entirely on these forests for their livelihood.

I’ll come back again to the landscape approach. Simon showed it before, and I’m interested by showing the landscape to see in which ways our countries conform. You have the first one here, and the second one. When the map is shown like this, it’s clear to the promoters that it’s really completely empty on the white places where you can’t find anybody. But they didn’t take the time to know if there are people living there or not. So it’s shown as completely empty places, valuable hotspots that needs to be protected.

But we have been working in those places, plotting hundreds of communities, and what we schemed out of this is: All of the white blocks we can see are just where we found communities. They have their GPSs; this is not mapping, land-use mapping, it’s just showing that this is where we live. They don’t show the extent to which they use the land. But in this case, what this is supposed to be is actually the people’s land. And that’s exactly the situation on the forest.

The consequences of all this, as you have seen on these maps, is that all these protected areas, conservation areas, are actually on people's land. They have been, most of the time, forcefully evicted from their lands, and it creates a number of statements with all these evictions.

I’m not coming back to it, but I’d just like to emphasize the fact that when you talk with the hunter-gatherers in these areas about poverty, because we just conducted a study on the perception of these people—about what’s the truth about poverty—the first thing they have raised is that we are poor because we have been evicted out of our lands. We are poor because we don’t have access to resources. It’s not about income. It’s not about money. But it’s about having the possibility of living as they want to live. It’s about the possibility of living above their own choices. They are denied these possibilities and, for them, that’s why they are poor. And there are a number of international standards that most of these of these organizations have published but really don’t realize any of their principles. They abide by none of their principles.

Now we’ll quickly show you a video of six minutes, just six minutes, on the testimonies of the people around all these places.

[VIDEO CLIP]

Okay. Thank you very much. That’s a bit on how people perceive the impacts of the conservation. Ecofact is an EU-funded project that is in charge of managing the job itself. And you have seen somewhere the word “Doubie-Doubie”; this is a general name for conservation organizations, and what the Baka people call them. But in reality, it came from the World Wild Fund (WWF). Because they don’t speak English, they just nickname it “Doubie-Doubie”.
So I’ve completed my presentation; I think I really need to--all of us to need to--discuss and find a conclusion to this. Thank you.

Simon Counsell:
Yes. Great. Thank you very much, Belmond. I just wanted to add to that. The most shocking events that are portrayed in that little video there, as Belmond mentioned, funded by the European Union, in fact, the conservation project that is, aren’t by any means unique. In fact, just last year, the BBC were filming in a protected area that was actually funded and run by WWF. And they arrived in the Baka village just a day after it had been burned down by so-called eco guards, and everybody was forced to flee. This was last year. So with that, I’d like to hand you over to Roger Muchuba from the Democratic Republican Congo.

Roger Muchuba, Lawyer, Heritiers de la Justice, Bukavu
Bio: Roger Muchuba, who is a lawyer working for a human rights organization called Heritiers de la Justice, which is based in Bukavu, South Kivu, DRC. Mr. Muchaba and his organization works closely with various Pygmy groups in eastern Congo, and has particularly spearheaded the campaign for justice for indigenous people who have been evicted from the Kahuzi Biega National Park.

Speech:
1. The context.
As all people colonized, Congolese people fought to get their independence. But since the 1960s, just after independence, Congo fell into troubles, which continued and got worse since 1965, when dictator, President Mobutu led the country under dictatorship for 35 years. The end of this system has begun with another tragedy of war that finished in 2003 with the peace agreement process and ceasefire. Unfortunately, Congolese people never experienced the so-called peace. This dictatorship and war caused a lot of damage to people--death, massacre, poverty, and so on. Since then, some observers concluded that the Congolese people are victims of their natural resources richness. The case is the same particularly to Indigenous Peoples of Congo called Twa.

Let us mention that, during war, Indigenous People were victims of cannibalism. Before war they were faced with discrimination and marginalization in the whole country but mainly in the Eastern Congo where they faced more problems with land, shelter, health etc. due to the policy of conservation adopted by President Mobutu and sustained by conservation organizations.

2. Development
A. Conservation policy.
When President Mobutu began with the conservation policy, he got the champion of the Conservation issues and created nine National Parks that we have in Congo and many other reserves. The conservation law of 1982, states that "no human activities can be done in the Park" with the result that the application of that law caused the eviction of population in that space. All of them were Twa, pygmies--Indigenous People of the Democratic Republic of Congo. The core of the matter is in the East of Congo, South Kivu, where we find the National Park called Kahuzi-Biega. This situation was started in the1960s and 6000 Twa (580 families) were forcibly removed from their lands in Kahuzi-Biega, National Park. The Twa communities, originally hunter-gathers and widely recognized as the decongested inhabitants of the forests of eastern Congo, were driven from their existence as a group. Even if alleviating
measures or compensation had been provided, these would not have compensated the Twa for the loss of their lands, a problem they strongly identify. Nowadays the Twa live under the severest conditions characterized by a high rate of infant mortality, malnutrition, and alcoholism. They lack access to income-generating activities, live in a context where medical care, education, and housing are not provided by the government; they are unable to cover their basic needs and may be heading towards extinction.

The expulsion of the Twa from Kahuzi-Biega forest started in the 1960s and was largely completed by 1975. In addition, Twa using the lowland areas of the Park are likely to have been affected by attempts which continued into the 1980s. The Congolese Institute for Nature Conservation carried out the exclusion, accompanied by soldiers. No provision was made to assist the Twa expelled from the Kahuzi-Biega National Park to find lands on which to settle. Each family or group was left to its own devices, and populations became dispersed among other villages. At the time they all were evicted, Park guards were committed to execute this decision with force no one could resist because these Park guards had guns. We spoke with some Twa who stated that in the operation of eviction there was more violence against them, and some of them lost all properties; they have experienced casualties and injuries.

What happened at that time? According to the Land law of 1973 in cases of expropriation, there must be compensation before eviction, but in this case there was no consultation, and no compensation. This forest was the lively hood of the Twa; now they have become landless and homeless, because they were obliged to look for somewhere else to go. The villages surrounding the Park of Kahuzi-Biega belonged to other communities. According to the Land Law, all the land belongs to the state, and only the state has the right to grant it to anybody, but the state did not provide any to the Twa.

Those villages around the Park are traditional land managed by a traditional chief who, since long ago, had marginalized and discriminated against the Twa. Since then, the Twa were obliged to cooperate so as to get a place to settle themselves. This traditional chief who managed the land accepted Twa in some villages just to have them work in their fields without giving their families any rights. Those who couldn’t work were on the road, I think like in refugee camps. That new kind of life caused some of them to die of diseases, and all those who dared try to claim rights were threatened, beaten, and whatever. There are some reports talking about cases, and perpetrators are Park guards. As displaced people, all the structure of this community was destroyed; they have no way to develop their cultural rights, traditional rights. Later on, this situation began to be denounced by some organizations like Heritiers de la Justice together with PIPED-KIVU, one of the first organizations to be involved in this case and to begin the advocacy on how the rights of the Twa could be restored.

The Kahuzi-Biega National Park is a designated UNESCO World Heritage Site, and many organizations are involved in sustaining the management of that Park and providing supplies to the ICCN, the Congolese Institute for Nature Conservation. This organization and other agencies involved in conservation within or around Kahuzi-Biega consider the Twa to be a potential threat against animals of Kahuzi-Biega National Park because they are the only people with a thorough knowledge of these forests. They know where and when each species can be found and how to approach it. The ICCN staff believes that the Twa must be prevented from continuing to hunt in the Park, and presume they are guilty when animals are killed in the
Park. Consequently, they are subjected to brutal and inhuman treatment in order to deter them from entering the Park. The ICCN can tolerate the presence of other communities in the Park but not the Twa.

The World Conservation Union (IUCN) has been working for a long time with ICCN. The World Wide Fund (WWF) is working now with the Kahuzi Biega National Park, and no programs are made to secure Twa communities. One thing some organizations try to do is to bring humanitarian aid to the Twa but it is not enough, and all development programs they made have failed. The World Conservation Society (WSC) is working around, in the neighboring Province of North Kivu. They try to develop eco-tourism that can help some communities, but in South Kivu we are not aware of any program directly involving Twa communities in the same process.

The new conservation policy adopted in 1975 in Kinshasa has been difficult to implement. The principle of partnership adopted by WWF for Indigenous Peoples since 1996 is not operating in South Kivu. The German agency for development (GTZ) is also involved in helping the ICCN to manage the Park of Kahuzi-Biega. "We hope that the new conservation norms and development policy the German government provides can help to start a dialogue with these agencies," said Dr Albert Kwokwo. But till now nothing is being done for that.

4. The advocacy.
Since President Mobutu’s regime, some actions were taken like memorandums and letters to protest, but some leader of a Twa local organization called Programme d’intégration et de développement du Peuple Pygmée au Kivu (PIDP-KIVU) Kapupu Diwa was arrested for that. The advocacy continues with other organizations like Heritiers de la Justice that provides legal support for Twa communities. But right now there is no concrete result because of lack of rule of law and war. The coming elections become a new opportunity to have a good government, to open dialogue and advocacy, and to find a solution for this case. This will also be an opportunity to bring the case to an international court like African Human Court similar to Human Rights and People in Gambia or the Commission of Human Rights in Geneva in case of failure of domestic procedure because of political pressure.

5. Major problems.
In the new partnership of Congo Basin policy, of the eleven Landscapes in Central Africa, six of them are in Democratic Republic of Congo. Some communities are afraid of seeing other decisions made like Kahuzi-Biega, sending thousands of people from their lands and livelihood.

We are right now in contact with the WWF and WSC, working in the rich biodiversity site of Itombwe following how the new conservation policy can work there. But right now, everyone must be involved in the Twa case with Kahuzi-Biega Park. This now demands international solidarity because, according to Dr Albert Kwokwo (Heading toward Extinction) about the mortality rate since the exclusion of the Twa, the condition of physical stress reported above results in a high mortality rate. Surveys carried out by PIDP-KIVU in 1995, supported by observations by Heritiers de la Justice, showed the number of those Twa who were expelt from the forest declined from maximum of 6,000 in the early 1980s to the current level of about 3,000. If this decline continues, the population will be extinct in very few years. This was
before the two wars of 1996 and 1997 till 2003. Since then, the Twa lifestyle became worse than before and many of them continue to pass away. Thank you.

**Simon Counsell:**
Thank you very much, Roger. We’ve only got a half an hour left. What I propose to do before we move on to Lucy and Carlos is to maybe take a short question and answer session. I guess the presentation so far has been about a lot of general issues, but I’m actually very glad that the conferences had the space for presenting some of these issues, as they are faced in Africa at the moment. And you’ve heard a lot over the couple of days or so about some of the struggles in Latin America and in other parts of the world. In many senses, the struggle for many of Africa’s Indigenous People has really just begun, and whereas there have been 500 years of struggle in the Americas, and I think there’s an awful lot of the systems and sharing of skills, and experience, and so on. And of resources, of course, for some of the struggles that Roger has just described.

Anyway, I’m sure there are questions that people would like to raise. Would you rather press on with the presentations? Questions?

**Question:**
You may have just answered this, but, naively, I know very little about Africa. So I wonder if there are opportunities for Indigenous leaders to talk about these issues of biodiversity conservation and alternatives, or proposing alternatives, or entering into dialogues with these big conservation organizations.

**Answer: Simon Counsell**
I could make a very quick attempt to answer that myself. At the moment, I think we’re quite a long way from having those kinds of dialogues on any kind of basis of equity whatsoever. What’s interesting is actually in the Congo where we’ve been working with Roger’s group and a whole network, in fact, nationally, of people concerned with Indigenous Peoples’ rights there. We, last November managed to encourage, effectively, the big groups--WWF, CI, WCS--and some of the other groups working there to kind of sign on to a statement that effectively makes them recognize that Indigenous communities should have the right “to free prior and informed consent” in this massive kind of allocation of land that is presently going on in the Congo. And this is a major step forward. Although, I suspect they didn’t actually realize what the wording of this statement meant. But so far are they from understanding these issues! . There really is a vast gulf between the conservation groups’ understanding of these issues and the actual reality, which, to an extent, is to burning peoples’ houses down.

**Answer: Belmond Tchoumba**
On this regard, I’ll say that in the case of Cameroon, there has been a lot of pressure put on WWF, which is the biggest conservation organization working in Cameroon, because they manage the majority of protected areas. I think when I was coming here just two weeks ago, they came to us and said, “Okay, we acknowledge this. We acknowledge the fact that we have a very poor social policy in conservation," and said, “Okay, we are now open for discussion. What can we do?” But we are quite cautious because we don’t want it to be just about the language; we also know that they have been under a lot of pressure from their donors. So they’re trying to show some openness, but we can’t at this moment say, “Gee, it’s open for
discussion.” But we’ve told them that if you really want to discuss, we are ready to discuss with you, and to take you to the field to discuss with the people in there.

Question:
Yesterday we spent time discussing the evils of the corporations, and today we’re demonizing the conservation organizations. And there seems to be a triangle, a fact, and what you left out of your presentation is, what happens if these lands are not put into conservation, because I would assume that the natural resources extractors would be coming in anyway. And so, you know, there are three different groups. There are the Indigenous People living on the land, there are the people trying to conserve it for its natural conservation purposes, and then there are people who would come in anyway to cut the forest if they had a chance. And I was wondering, as you demonize the conservation organizations, what would you assume would happen if they’re not in Indigenous lands?

Answer: Belmond Tchoumba
I should first of all wonder if these conservation organizations have been very successful so far in protecting the biodiversity. I’m not very sure, and I think the point is that Indigenous People are local people. They live in this forest. They really want the forest to be protected. And I agree that there’s a huge risk of having people invading the forest if there is nothing being taken into consideration; if there is no measure being taken in order to protect the forest. But what we are trying to say is that there is a link in thinking conservation and having the people not as a problem, because they also have the objective of conserving the forest. It’s their forest; they have all the interests in protecting this forest. And I think if they should be given the opportunity to protect the forest, or offered to discuss how this forest can be protected by you. I also realize the fact that this is a dilemma, because in these countries you have the conservation organization, but you have also these big global companies who put ambition over the forest, and you have people who are left out. But now the question is how you get people in and have them protect their rights over their resources.

Answer: Simon Counsell
Could I just add something briefly to that? In the central African continent, I don’t think it’s a case of either conservation or exploitation and resource destruction. In fact, another way of looking at this is that they are actually two sides of the same coin, and in all honesty, these kinds of implicit arrangements between the conservation organizations particularly in the central African context, and logging companies have now become explicit contracts of agreement. “You have this tract of land over here. You have that land over there, and you could do whatever the hell you want with it.” And if you look at the land zoning plan, for Cameroon for example, exactly the same model is now being replicated right across the Congo Basin; articulated between the conservation is this particular WWF, the logging companies, and the funding agencies, particularly the World Bank. You have this very explicit carve-up happening. Of course, what you left out of that picture entirely are local communities of Indigenous Peoples, and this is what we see. And it really is becoming very difficult, in fact, to distinguish between some of the conservation groups and the logging companies. They’re working in management plans, and I even read something recently, unbelievably, that WWF is now actually training logging workers how to carry out selling operations in some parts of the Congo Basin. And there are a lot of cases where the logging companies are actually much
more open to discussing the rights, the resource access rights, for Indigenous communities than even the conservation groups are, so it’s not quite as cut and dry as you might suspect it is.

Comment:
Just to comment on what was said, and that is that in the Amazon region, we have similar issues coming up and often the conservation organizations, when confronting national resource extraction projects, position their organizations in a way that they end up backing out at the last minute once the heat is really on, and in an exchange settling for a conservation fund, or some kind of settle side area, that then builds on them. They’re able to negotiate a conservation fund at the expense of and without the consent of communities that basically raise the stakes on the issue by protesting, or being concerned about resource extraction projects. So what we’re seeing is that, to some extent, they make deals with the governments on the companies, and often we end up getting their backing only conditionally up to the point where a conservation deal is on the table, and then we lose them, and then we often lose the fight. Once the areas are created into national parks in many countries, doesn’t mean they’re off limits to natural resource extraction. In many countries in South America, national parks are actually where the oil drilling is happening, and there is nobody there to defend those areas. Those areas are denuded of their local communities which would be the ones that would stand up to that activity. So I just wanted to add that.

Simon Counsell: Please welcome Lucy Mulenkei, Maasai, Executive Director, Indigenous Information Network (IIN) in Kenya

Lucy Mulenkei, Executive Director, Indigenous Information Network (IIN) of Nairobi and Coordinating Committee of the International Indigenous Forum on Biodiversity (IIFB)

Bio: Lucy Mulenkei, Maasai, Executive Director, Indigenous Information Network (IIN) in Kenya. In 2002, she was the only woman nominated to sit on the nine members National Environment Council, which advises the Kenyan Ministry of Environment. Ms. Mulenkei has played a pivotal role in giving voice and providing information to disparate groups of African indigenous peoples fighting to conserve their natural environments and their sustainable ways of life, through her extensive network and the free distribution of the magazine Nomadic News. Ms. Mulenkei is a skilled and generous networker who has the ability to relate to grassroots people and understand their needs and concerns, as well as debate environmental issues at top level. She has established an extensive library at IIN that is available to anyone who wishes to use it. She, herself, is a font of knowledge and information, having worked as a radio journalist and senior radio programme producer on environment and development for 16 years. During the last five years she has organized several regional, continental and international workshops in Kenya including the recent 4th Conference of the International Alliance of Indigenous and Tribal peoples of the Tropical Forest in November 2002

Thank you. I’m going to make it short, […]

[Inaudible – poor sound quality- Could not be transcribed]

Simon Counsell
Thanks very much, Lucy. Well, we’ll go straight home to Carlos.
Carlos Macedo, Institutional Administrator, Centro de Trabalho Indigenista, Brazil
Bio: Carlos Macedo, Institutional Administrator, Centro de Trabalho Indigenista (Center for Indigenist Work). Has attended Brazil Universidad de la República, Uruguay, Universidad de Buenos Aires, Argentina and Universität Wien, Austria. Before working at the Center, he worked as Institutional Development Coordinator for Socioenvironmental Institute in Brazil and Coordinator of the Tropical Forest and Indigenous Peoples Program of the Vienna Institute for Development and Cooperation (VIDC) in Austria.

Speech: (Translated into English)
I want to thank you for the invitation, and I’m sorry that I’m the only one representing Latin America here. I didn’t know how many people from Latin America would be participating here.

When looking at satellite images of Brazil, many of the areas that appear as green – where deforestation has not occurred – are located in Indigenous lands or regions occupied and utilized by Indians. The Xingu Indigenous Park (PIX) is a clear example of this situation. You can see that within the borders of the PIX, the forest is standing; and outside of its borders, the white and yellow areas in the satellite images document an advanced process of destruction. The headwaters of the Xingu River are outside of the PIX, suffering as a result from a process of river pollution that compromises fishing – an important component of the diet of the 14 Indigenous Peoples that live in this region. Other examples similar to these are found in many regions of Brazil, especially in the Brazilian savannas in the states of Mato Grosso do Sul, Maranhão, Tocantins, etc.

The alliances of the Indigenous Peoples in Brazil with socio-environmental NGOs, especially with the indigenists and with partners in the United States (Rainforest Foundation, Moore Foundation, Amazon Alliance, etc.) and partners in Europe (Rainforest Foundation of Norway, Cafod, ICCO, Horizon 3000, Avina Foundation, etc.) are an important contribution to the continual protection of the Indigenous territories and of their biodiversity. In this context, it is important to emphasize a peculiarity of the Indigenous Movement in Brazil – an immense territory, in which live more than 220 Indigenous Peoples speaking 180 languages, belonging to four different language trunks, as well as isolated languages.

These are micro-societies that range from four to 30,000 individuals at most, generally located many flight hours from the state capitals, without the resources to carry out the frequent articulation and mobilization, that their situation makes necessary. For example, we can see that the mobilization of the Indigenous April in 2005 that brought together more than 700 leaders in a large encampment set up on the Esplanade of the Ministries, in the center of Brasilia. Representatives of many Indigenous Peoples were there, brought together at a cost of more than $60,000 to spend five days in the national capital. This mobilization was very successful, both in terms of the quality of the leaders who participated in the plenary sessions and negotiations with the government, and for the high degree of organization on the part of all involved. Compared with mobilizations that have taken place in other countries, we can see that the difficulties faced by the Indigenous of Brazil are immense.

In Brazil, the landscape of the territories of the Indigenous Peoples is very diverse. In western Amazonia, there are peoples who have only recently been contacted or are still in isolation. CTI works with these peoples through a partnership with the National Indian Foundation
(FUNAI) – the government agency responsible for the official indigenous policy in Brazil. We have education projects that prepare youth and leaders in these communities for negotiations with national society, to strengthen their organizations. We also provide sensitization preparation, consulting and training for the official government institutions responsible for the support services provided to these communities. In Amazonia, Indigenous Territories are very large, with relatively small populations. To control, patrol and supervise these territories is a great challenge for the communities that live in them.

North of the Brazilian savanna, known as the Cerrado, we have a program with the Timbira Peoples, who have a much longer history of contact with Brazilian society. Among other things to note in this program is the FrutaSā plant, an experiment in productive activities that processes local fruits into pulp to sell in the national market. This project has received a number of awards, and also works with small non-indigenous producers in the region. CTI has provided technical assistance and institutional support to the project, as a partner in the plant and working with the Wyty Catē organization of the Timbira Peoples of Maranhão and Tocantins, creating a long term partnership based on trust and a strong political alliance.

In recent years, in this region, the agricultural frontier has become dramatic threat to the Indigenous Territories. They find themselves dominated by immense soybean plantations that directly impact the small rural and Indigenous communities. Large-scale construction projects in this region, such as a hydroelectric dam, have spurred the mobilization of the Timbira and of other social sectors to protest the possible impacts on their communities.

The dynamics of soybean agrobusiness has been, without a doubt, of very great concern for the Indigenous Peoples in many states, including Mato Grosso do Sul. The lands of the Guarani-Kaiowa have been the direct target of this monoculture, creating great pressure on those communities. The contamination of their waters and the degradation of their lands and environment have limited the space available for survival and reproduction to the Guarani, confining the population to small areas. Suicide and conflicts among the Indians themselves are daily headlines in the media in Brazil. Some measures have been taken by the government, but always of a palliative nature: basic food baskets, construction of some houses, improvement of village sanitation, etc. These actions are not concrete responses to the most important problem: the lack of land for the Indians. CTI has a project of identification and tracking of the process of regularizing the lands. A team of anthropologists has started to act as intermediaries between the Guarani communities and the appropriate government agencies, in order to facilitate immediate responses to the demands of the Indians.

The Terena people belong to the Arauk linguistic group and are essentially farmers. Today they have a population of about 18,000 in Mato Grosso do Sul, with a territory fragmentated into small, broken up parcels of land that total 19,557 hectares. Of the total population, about 13,000, or about 2600 families, live on recognized indigenous lands. However, the availability of land in the present Terena indigenous areas is five hectares per family – much less than the minimum sized stipulated by the National Institute of Agrarian Reform (INCRA) for the purposes of Agrarian Reform.

Lastly, there are the Guarni-Mbya, a people that circulate through communities located in Atlantic Forest (Mata Atlantica) along the coastal region of Brazil. The challenge for this people is that they live in the region with the greatest concentration of Brazilian population,
with large and small cities. Small territories have been regularized, although the space that they historically occupied has been much larger. CTI developed environmental and landscaping activities in conjunction with these communities. It supports articulation and exchanges among the Mbyá communities, encouraging unity of this people and intervening with the government in response to demands coming from the Guarani-Mbya.

CTI reflects on and considers strategies with the Indigenous Peoples, and works on the conservation of biodiversity with the Indians themselves, with other indigenist NGOs, with other Indigenous organizations that are not direct partners in the daily work of the Alternative Cooperation Network (RCA), financed by the Rainforest Foundation of Norway. The members of this network – CTI, CCPY, ISA, CPI, IEPE, and the local partners of these organizations, Wyty Cate (Timbira), FOIRN (Federation of Organizations of the Rio Negro), ATIX (Indigenous Land Association of the Xingu) and POAIC (Organization of Indigenous Peoples of Acre) – carry out exchanges through visits focused on establishing priorities for the regional strategies of each participant. RCA also prioritizes its work in influencing public policy related to Differenced Education and the Environment.

The gamut of work in quantitative terms in Brazil is very significant, including approximately 60 Indigenous Peoples who speak 17 languages belonging to 4 linguistic trunks and some isolated languages, a total of approximately 80,000 individuals. This does not signify direct work with all the communities of these peoples, but rather an area of influence in that the projects implemented can serve as examples whose results can be reproduced in other communities, in areas such as education, political articulation, economic alternatives, etc.

Simon Counsell
Thank you very much, Carlos, for that interesting presentation, and I’m really sorry that I had to rush you through there, and thank you for taking us through that very quickly. Now I think we’ve just about got time for a couple of questions before a short break. Are there any questions for Carlos specifically?

Question
For the marketed lands and those Indigenous Peoples who want to have economic activities and commerce with the outside, it’s pretty obvious how donors can play a role. But how can donors play a role with those isolated communities and the ones that have chosen not to have contact with the outside world?

Carlos Macedo (Translated into English)
We need to look at the situation in the legal context because the group responsible for contacting Indigenous Peoples, FUNAI, is a government body and we have an agreement with FUNAI whereby we are responsible for enabling Funai officials to make contact with the Indigenous Peoples. ....... we go together with them to see if other groups they know can be found. That is one way to get in contact with them. What these people do as ‘initiators’ is help us empower the people being contacted so that they can be informed and warned about the dangers that other Indigenous Peoples have faced and suffered from. We are at your disposal and ready to explain (to donors?) the problems involved in contacting isolated Peoples.
Question
Are you mapping the lands of Indigenous towns? Are you active in negotiations to obtain land titles? What provisions are there in the legal system for recognizing land rights?

Carlos Macedo (Translated into English)
Land regularization is under way and in fact Brazil is one of the most advanced countries in this respect as there is an official government manual dealing specifically with land regularization. Land is acknowledged as Indigenous Land if there are documents to that effect and if the land is traditionally occupied. In other words, the concept of reservation does exist; for Indigenous Peoples have a right only to land they inhabit or live on, not to any other land. The process of regularization is a process whereby anthropologists make up a team and do a study involving each individual in a community. They then present what is called an 'anthropological finding'. Then a decree is issued on the basis of that anthropological finding. After that there is the process of identification of the land, marking the boundaries, and ratifying the decision on the land. The whole process can last two or three years, or 10, 15, 20 or 30 years, depending on the political movement behind it.

Simon Counsell
Thanks very much. We really have run out of time now. I’m not going to summarize the discussions that we’ve had. This is a subject that clearly needs much more exposure and much more considered debate. I think this conference has provided a fairly safe and open forum in which some of these discussions—which in the past have largely been characterized by fear and intimidation—this conference has provided a space where, at least, this discussion can take place, and provided hope there’s going to be an opportunity to further discuss this in the future. Thanks very much for all your attention. I’m sorry this has been a long session, but I think it was a good session. I think we should thank all of the speakers for their fantastic presentations.

3:00 - 3:30 p.m. Afternoon Break

Evelyn: I'd like to introduce the moderator of our final session. Please welcome Katie Sternfels, Program Coordinator of Grantmakers Without Borders, who will lead this session entitled "Power and Partnerships in International Grantmaking".

3:30 - 5:00 p.m. Power and Partnerships in International Grantmaking
7) Power and Partnerships in International Grantmaking
Effective grantmaking is not just about strategies and measurable outcomes. It's also about RELATIONSHIPS. Especially in international grantmaking, factors such as cultural differences and power disparities can make respectful and accountable relationships difficult. This spirited workshop features three panelists deeply committed to developing real partnerships with their grantees. In an open and frank conversation, we'll discuss tough questions like: What does authentic partnership look like? How can grantmaking practices be built to engender it? How do you balance the diverse and sometimes conflicting expectations of grantmakers and the communities they serve? What can US funders do to share power with their grantees?
Katie Sternfels, Program Coordinator of Grantmakers Without Borders

Bio: Katie Sternfels, Program coordinator for Grantmakers Without Borders (Gw/oB), a philanthropic network dedicated to increasing funding for international social justice and environmental sustainability. Before joining Gw/oB, she worked with a children’s environmental health advocacy organization in San Francisco. Her international experience includes serving as the executive director of the Terma Foundation, a nonprofit that implements health and education programs in Tibet. She spent three years in Bolivia as the program director of a micro-financing organization, and worked on issues of decentralization and democratization in Colombia and Argentina in the private and social sectors. Ms. Sternfels received her BA from Stanford in economics and international relations, and an MA in nonprofit management from USF.

Speech:
I’m Katie Sternfels. I’m from Grantmakers Without Borders, GWB for short. Grantmakers Without Borders is a philanthropic network of funders dedicated to increasing funding for international social justice and environmental sustainability. I just briefly want to introduce our panel, because you have the bios in your binder.

David Brown is a program officer from American Jewish World Services here in New York, with a focus on the Americas.

Berta Flores, is from Honduras. And I also encourage you, if you don’t have a headset, Berta will be speaking in Spanish, so those of you that want either English or Spanish translation, please grab a headset in the back. Berta is the co-founder of COPINH, which is the Council of Popular and Indigenous Peoples’ Organizations of Honduras. She’s also internationally known as one of the strongest voices in Central America for human and Indigenous rights advocacy work, so we’re really fortunate to have Berta with us here today. She’s currently doing a fellowship at the Center for Economic Justice in Albuquerque, so she’s here in the United States for six months or so, I believe.

Enrique Salmon is the program officer at the Christensen Fund in California.

Each of the panelists will explain a little bit more about their fund and their grantmaking and what they’re doing.

The topic of our discussion this afternoon is on power and partnerships in international grantmaking, with a particular focus on funding Indigenous communities. And we’d really like you to think about your own experiences with power, and what the concept of power means to you in your relationships with grantmaking, and how those relationships are also involved in power dynamics with other organizations that you encounter.

In planning the panel, we were going through a list of questions that we wanted to consider to get the dialogue going about power dynamics and international grantmaking. I wanted to share some of those questions with you before we get started just so you can start thinking about them as you listen to the panelists. And after we hear from them, we’ll ask you to participate and talk about some of your experiences in relationships where you’ve either been in a position of power or experienced some sort of a power dynamic in the work that you do.
Some of the questions that we considered were looking at the issue of power, and what does that mean for you as a grant maker? And what does that mean for you if you are an activist in the global South, and what is your concept of power and discussing that a little bit-- the definitions of power for you. Also issues of race and language, and how do race and language relate to power in international grantmaking? What does an authentic partnership look like, and what does authentic partnership mean in grantmaking? What are some examples of how you engage in democratic or authentic partnerships in your grantmaking? And talking specifically about what you do in your grantmaking to engender a more democratic sharing of power in your work.

So those are some of the things that we’ve been thinking about in planning this panel. And so I’d encourage you to think about that, and we’ll come back and ask you to share your experiences after the presentation.

David Brown, Americas Program Officer, American Jewish World Service

Bio: David Brown, Americas Program Officer for American Jewish World Service. He graduated with a BA in International Relations from Pomona College. His work includes fostering a series of peer-to-peer exchanges among mostly Indigenous peasant leaders throughout Mesoamerica on themes of improved agricultural techniques, rural community organizing, and advocacy and activism.

Speech:
My name is David Brown. I’m the program officer for the Americas at American Jewish World Service. We’ve had two panelists today. We’re sort of cheating by cramming the floor. Elizabeth Toder, my colleague, spoke this morning about the Tsunami, and I’m representing the America side of our work this afternoon. To be very brief, AJWS is an organization that supports the development of marginalized communities around the world, primarily through, at least through our grantmaking side, funding organizations that are based in those communities, with small to medium-sized grants. And we do some other things that I’ll talk about more in detail when I take the floor.

Berta Flores, Leader of Council of Popular and Indigenous Organizations (COPINH), Honduras

Bio: Bertha Caceres Flores (Maya Lenca) is a leader among campesino, indigenous, and popular movements in Mesoamerica, and an internationally known voice in indigenous and human rights advocacy. She is a co--founder and leader of COPINH, the Council of Popular and Indigenous Organizations of Honduras. An organization of 100,000 Maya Lenca, COPINH received a 2002 Body Shop Human Rights Award for its courageous and visionary indigenous and human rights work. Ms. Flores is also a co-founder of the Convergence of Movements of Peoples of the Americas (COMPA), the Mesoamerican Forum, and the Forum on Dams and Rivers --all region-wide coalitions of indigenous and social movements

Speech: (Translated into English)
Good evening. Thank you for your presence. We have a schedule that is a bit scrubbed, as we say, more so with a topic that is scrubbed. My name is Berta Caceres Flores, and I am one of the people of the general coordination of COPINH; I am the coordinator of the organization. COPINH is southwest of Honduras, and above all, COPINH represents Lenca communities. There are 400 Indigenous Lenca communities that belong to COPINH, and we have been in a strong fight over territoriality, the culture, the autonomy, and the rights of the Indigenous
Enrique Salmon, Ph.D., Program Officer, The Greater Southwest and Northwest Mexico, The Christensen Fund

**Bio:** *Enrique Salmón,* Program Officer for the Greater American Southwest, was born on the Mexican-Californian border of Rarámuri heritage and culture, and raised in the Sierra Tarahumara of Mexico and in the United States. Dr. Salmón is an ethno-ecologist specializing in the cultures, plants and landscapes of the Native Americans of the Greater Southwest. Dr. Salmón has worked with a number of institutions in the US Southwest including Colorado College and the Heard Museum, and prior to joining TCF was an Assistant Professor in the Department of Anthropology at Fort Lewis College, Colorado. In addition to his doctoral research and other work in the Sierra Tarahumara Plateau, Dr. Salmón has undertaken a variety of applied research programs with Native Americans of the Colorado Plateau and environs in the United States and border area, including the Havasupai, Hopi, Navajo, Mayo and Yaqui, and has undertaken projects or board service with a number of environmental and Native American non-profit organizations working in this region. His publications include "Iwígara: A Rarámuri cognitive model of Biodiversity" in *Biodiversity in Native North America* Eds. P. Minnis and W. Elisens, University of Oklahoma Press, 2000, and "Rarámuri Necklaces: a rapidly changing folk-art form in the Sierra Madre Occidental of Northern Mexico" *Journal of Ethnobiology* 17(1), 1997.

**Speech:**

Gracias Berta. I’m Enrique Salmon. I’m with the Christensen Fund. We are based in California. I’m also Rarámuri, an Indigenous group, about 60 to 70 thousand of us in Chihuahua, Mexico. The reason why I bring that up is because the Christensen Fund works in four Indigenous regions around the world: in the Greater Southwest, which is my region; Northern Australia; the African Rift Valley, in Ethiopia and Kenya, where I just flew back from this morning; and now we will be working in different parts of Central Asia.

A few years ago, the Christensen director made a point of finding program officers who are Indigenous to those regions, which I think was important in this conversation; we are talking about funders in power relations. There’s a difference when the funders are Indigenous and have a personal stake in the regions that they are trying to make a difference in. And for us, that difference is bringing cultural diversity.

We’re trying to fund projects in grassroots organizations that are bringing together the synopsis of environment, traditional culture, and an expressive culture, or as some may call it, the arts, which together are the reflections of Indigenous relationship to place. We find that what’s good for the person is also good for the land.

**Katie Sternfels:**

Enrique, if you could continue and talk a little bit about how the Christensen Fund, and your grantmaking in particular, is looking at power, and how you think about power in the grantmaking, and also thinking of it in terms of the grantees you work with, and the organizations and committees that you work with.
Enrique Salmon:
These last couple of weeks as I’ve been traveling a lot and visiting with Indigenous communities, mostly across Southwest Ethiopia where they were complaining on settling down to the lowland community; they were butchered by many people way back and had to evacuate to the Southwest. And I think of this word, “power”, and I found it to be a really complex idea.

Katie brought up language--the world of language--and since I am linguist by training, that’s something that I’ve been thinking about. And when we use this word power, this idea, this context, it’s really a Western concept.

In my language normally, we have no word. We can’t say power. In other words, we can’t think it. We can’t put it into a context. This is an idea of someone having influence over someone else. And in this context, it implies this idea of control and of influence over another group or probably another person. It means strength, and sometimes it can mean this sort of idea about group strength, but I’m not really thinking of that.

In the context of working with Indigenous communities, I’d like to think of this as a kind of strength, as a strength of will, strength of conviction--the resilience that we should probably keep in mind when we’re conjuring up this idea of relationships, these dynamic relationships. Get rid of the word power, whether we can include it in terms of empower, which is kind of a new-age concept; I get kind of tired of it. But it makes sense by having to empower somebody or a group of people, as opposed to worrying about what power we might have over them, or whether they’re concerned about the power that is being forced on them.

Let’s go back to influence. I’ve been thinking about this. Can we as funders place ourselves in this role of being influenced? Some worry about coming into these relationships as funder-grantee and having an influence because of their station and the amount of money they throw in and so on, but can we allow ourselves or should we allow ourselves--and I think we should--going into these relationships, with this total openness of being influenced by the people that we are working with, because in many ways they are doing the work; all we do is give them the money to do the work.

In a world change, in a world that we’re striving for, we can’t be exempt from this exchange that we can have with the grantee. Because if we can do this, then we really become a part of the world community. And community is something we’ve lost, I think, and we are losing in this Western society, and this is where most of the grantors or funders are coming from. And it’s something we are striving to get back to, so why not start by becoming a part of the community of the people we are working with? And then we can engulf with them in numerous ways.

My mother will always have power over me. Why did I bring that up? I’ve traveled more than she, and I make a lot more money than she does, than she ever will. And I have a lot more influence than she does. But she’ll always hold the power in our relationship. Why? Why is my mom always going to have that power over me? The reason why I bring that up is because obviously, as her son, I’m obliged to her. As a Rarámuri son, it’s my responsibility to be there.
for her, to take care of her. It’s our tradition; it’s our custom; it’s our culture. It’s a part of my identity as an Indigenous person, to have a stake in guarding my mother and putting my family first. And family obligations play a role, such as mutual obligations play a role.

And this is another way of looking at our relationship as grantors, as funders with the grantees. When we come into this exchange, we’re not thinking in terms of this has to do with money all the time; we’ll see what we can get out of it. There are a lot of other obligations and responsibilities and so on that we have to be careful to pay attention to, or we want to be conscious of, because they didn’t come from the Western concept of many in power.

And there are other kinds of power, really playing a lot of roles in the exchange. As a result, it’s not easy working with Indigenous partners. And we’ll also have to keep that in mind. I’ve been wanting to talk about that, but I’ll skip that at this point because we’re going to move on.

So in order to define the world we live in, the real power of the people we’re engaged with needs to emerge. And like I said, when I was in Ethiopia I met with some folks who lived in conflict, some of the little proud dignified people. Their power is evident when you just look at them, and in order to help them get it back, because land folks had lost their power, and they’re trying to work, and trying to get it back, and there’s their real power rising.

Ten years ago, the Mursi down in southern Ethiopia were feared warriors, and everyone was afraid of their power down there. This is like their group strength, their power. They respect them and, to them, their lands were the center of the universe. Over the last few years, they realized that their land and their way of life was marginalized at the edge of this very complex and technological and powerful world.

And now today outsiders drive three hours on this dirt road to show up at that village, and take pictures for ten minutes, and buy those lip plates that the Mursi women wear, you know, where you stretch the lips, and take pictures of those plates and the nakedness, and some of them leave after ten or fifteen minutes and then the Mursi, they have this increased idea that they are living marginalized.

As funders, we now have more power to fund this positive potential that you can kind of really engage with people like the Mursi. To find a way to bring their diverse landscape and their dynamic culture, their ecological niche, and the relationship with it into this sustainable management system that they already have. As funders, we can try to positively bring back their reality and find a way for it to be respected.

As funders, our potential should be to meet with the community, and share with them their situation, their needs, their desires, and find a way to empower them to achieve it.

As funders, most of us sit at our computers all the time.

And the way we visit the people that we’re giving the money to, that we’re granting, and when we come to those meetings, not just IFIP, but we have those other meetings, and we talk about how did this go, who funded that project, but we rarely see what we’ve done. We really have to go out there and experience the landscape, the community, the culture, the people that live there everyday. We have to convince our boards and our directors to allow us to pay more site
visits, and fortunately the Christensen Fund encourages this. This is why I just came back from Ethiopia.

We know, we need to know our grantees. They need to know who we are. And look at the rest of their communities. And we need to know some of their ways; we need to listen patiently as we stumble over the local dialect and their local politics.

We need to know their local needs and problems, but in the end, we’re all human. We’re all trying to make things better. The power of authority lies in building community, a community where a mother’s power still reigns, and the Indigenous Peoples have the power to prepare their destinies in the world. And the world’s funders are equal members with this huge community, this positive community that we’re trying to create. And I think that kind of makes sense.

Thanks.

Katie Sternfels

Thank you so much. I think we touched on some of the issues that we wanted to talk about in terms of power or potential, or whatever you want to call it. But we’re looking at authentic relationships. How do you get beyond really looking at the dynamic between someone with money and someone seeking money? We need to crack that. And how do you really establish that personal relationship? And what can you do to strengthen that over time, to make sure that that is the kind of relationship that you can have with your grantees and other communities that you work with? So thank you.

Berta Flores (Translated into English)

I believe that what we can share is what comes out of our own experiences, and the thing is that in this conference--that’s if we are going to talk about how we can help the relationship between the donor and counterpart foundations today. If we’re going to talk about power in these types of relationships, it’s impossible to not talk about that context of power between north and south that we are currently immersed in. We did not conceive how to not talk about that context, and to talk of colonialism and neocolonialism of the Indigenous towns because that is produced in many relationships for which we are meeting today. And also to understand the political, economic, social, and cultural contexts that the Indigenous towns are debating. It should be something that integrates the missions of the same foundations, of the same institutions or donors. Without knowledge, without a real deep understanding about that, it’s impossible to direct a cause for the Indigenous towns because it’s precisely because of those structural causes that we are talking about that topic here; if not, we wouldn’t be talking, we wouldn’t be in this city, and the other Forum of Indigenous towns that would like to see what the United Nations specified would not be here either.

If we are here, it’s because there is an enormous injustice, a great imbalance, a great expulsion and marginalization that sees every day with repression--with the plunder of the territories, with the plundering of our natural resources, of the water, of our rivers, of our forests. If before there was slavery of feet and hands and necks of the Indigenous towns, today they want to enslave our spirit and our minds. For that, Coca Cola, McDonalds--even those transnationals--talk about the rights of the Indigenous Peoples and the environment. The consultants of the World Bank write about Indigenous populations and women, these kinds of institutions that are at the service of neocolonialism that prepare parks in Indigenous territories, and that want to see them as untouchable gardens where they must force out Indians and blacks, so that they can
then have transnational mines. They want transnationals that want to be the owners of our rivers, of our biodiversity, of our mountains. They come to our territories where there is natural gas, where there are emeralds and gold, where there is oil. Before that, came the military and repressive forces.

And so, for us this is an essential thing. There is something else that I would like to note this evening, and that is what the concepts are that we have about power. Our peer here already explained, but what concepts do the foundations and donors have about power? What is your vision? What is your objective with a power that is given? For some it is having money, and so that is power; what is the objective that you have with that?

We know simple concepts in the practices. If there are practices of superiority, of control, of supervision, the Indigenous towns must couple with all the conditions of the foundations. If that concept exists, then that will be its practice, and we don’t want that. We don’t want that because if we have accepted coming here, it is not to give pity to the foundations and the donors. No, because we have not come here with an attitude of charity in giving them pity. And that is a concept we view very clearly, and that makes other types of relationships that are very different to lose control, because pity and charity are not the same as justice. That is what we, the Indigenous towns, want: justice.

There are also the types of stereotypes that people have about Indigenous Peoples—-that we are ignorant, uncultured; that we are not educated, that we are not advanced, developed; that we are backwards; that we don’t know about progress; that we are against progress and the concept of Western development, and that we don’t know what these things mean. So the other thing is that at this moment they have given Indigenous towns a stamp or seal in many regions that they are of terrorist tendencies, that it is dangerous to get close to Indigenous movements because one can become suspects by their way of talking, because they use a system of autonomy, and that they are transgressors to national security, including the security of this country when it is we that have, in reality, been invaded, even from here.

There is also that point, reflecting on how much voice and how much reciprocity there will be with the foundations and donors, because if there is a real vision and obligation and coherency in what they are saying about fighting for the Indigenous towns, that they are with the Indigenous cause, what we want to see is what kind of coherency it has when there are a lot of measures, articles, stipulations, conditions of agreements of what level of decision-making the Indigenous towns have there. With that, we can say that the Indigenous towns and organizations have to compromise, always for other--not the other way around--instead of understanding, of having a fraternal relationship, frank and transparent, because Indigenous People all over the world have great nobility. Another thing is that we must part with a serious compromise with the Indigenous Peoples, a compromise that understands those contexts we have, that we live. A lot of times, the Indigenous town’s fight against privatization is not accompanied, as well as the fight against treaties of free commerce, or against the OMC, against the World Bank, against the WWF, because we also have a level of conflict of denunciation against those organizations and all their strategies, and that looks very bad; they say we talk offensively and very irritatingly. And that is what is happening.
And so I believe that all of you have heard enough of testimonies. You have gone to the
towns, and we ask ourselves in all that we receive--the Indigenous towns receive--from the
North to the South, how much really goes to the South? How much economic help will pay
salaries, all your infrastructures? How much of 100 percent do these base organizations give
and keep, and in what form, and where does it go? Then, this is another point that I believe
should be questioned and debated among you.

There are also dangers, and because of that we know that Indigenous towns spare no margin of
distrust. And excuse me for saying this, but I’m going to tell you because there might not be
another opportunity: We don’t want any dealers from the Indigenous towns. Many
foundations have made a profit in the name of the Indigenous towns, of the environment, and of
women--but what they have really done is deal in the name of the Indigenous towns, just as the
World Bank is trafficked. It appears that they are creating projects for the privatization of the
water and much more. That right there is not a story; we live it.

And so I invite you to consider a few things that I will conclude: If we are here out of charity
for the Indigenous towns, that is a farce, a hypocrisy, like that of the United Nations and other
organizations. If you are really here for solidarity, if you feel obligated to the Indigenous
causes and share respect with the Indigenous Peoples and the understanding of all its contexts
and that very cause, then welcome. I also invite you to acknowledge that there is a
responsibility. It is not out of pleasure or will that here there is money to spare and that is sent
just like that and in shipments--we don’t want that. We want justice, and in that we ask that
you support us, in that capacity, in which are our demands and not projects that we are being
told that you need to do. It’s not like that; it’s what we need to do in our regions. And so I
invite you to reflect on the enormous difference that is solidarity and justice because we do not
want charity. Thank you.

Katie Sternfels:
Thank you, Berta, for talking also about the context of the incredible social and economic
inequities and injustices that exist and framing that for us. I’m sure we all have lots of
questions for her, and we do have a half an hour left, so I want to turn it over to David, and then
we’ll open it up for discussion.

David Brown:
Thanks so much, Berta, for your words. Just so you all know, by the way, COPINH is a
grantee of ours, so you guys get to see how cool my job is. You should all be so lucky.

And let me start out by repeating something that both of the other people on our panel said
which is that the source of power is money. And they’ve both sort of stated eloquently how
that’s not necessarily the case. But when I sat down to think what I was going to say, I couldn’t
get that phrase out of my head, because at some level, it always will be--if not power--a source
of power. And I was actually thinking about COPINH as an example of that.

COPINH’s power comes through a variety of sources. They call on their heritage, their
ancestors, their land, and they seize power through means of communication--the media--
through taking up physical space, in terms of taking over a highway, in terms of seizing
Congress, and in terms of seizing for example, legal summits, things of that nature. These are
all ways of manifesting power, let’s say. But at the root of many of these things, lies money.
COPINH needs money to seize highways, to get the word out to the media, to decommission illegally cut timber. So money is at some sense a source of their power.

And as a funder of COPINH, I think COPINH needs more money to have more power. So if anyone has any money that they want to give to COPINH, we’re here after the panel is over. And COPINH is seeking money.

I knew of COPINH as a younger person, but I was able to work with my current employer, AJWS, to fund COPINH precisely because COPINH was seeking funds. So in some sense, we can never get away as grantmakers from the fact that the transfer of money from us to the grantee is, at some level, the transfer of the potential of power if nothing else.

And another thing, of course, is that grantmaking is not empowering, rather it can make the recipient of funds feel smaller, and I think that’s what Berta was talking about when she said that Indigenous communities don’t come to grantmakers begging. Rather they come reclaiming. And I think that’s sort of important, but how do we, as grant makers, meet that demand?

And what I want to do is share a few strategies that we at AJWS have tried to put into practice that actually do that, but ensure that one-way flow of money doesn’t mean one-way flow of anything else, that the power relationship flows both ways, that the flow of information flows both ways, and that leads both to a more equitable partnerships, and better grantmaking, and better work on the ground.

I also want to add that when you talk about the flow of money and the difference between the grantmaker that has money, and the grantee that doesn’t, you’re not just talking about the grant. Myself, as a product of the United States middle class, I have always been around money in ways that most of my grantees never have and never will. And I think that’s true for most of us as donors. Even if we don’t come from the American middle class, being raised in the United States gives an opportunity that people in many other countries simply don’t have, even if we are from here, and we are poor. And what am I talking about here? Well, I’m referring to such diverse things perhaps as the ability to get an advanced degree, a command of the English language, having traveled widely, or even more basic things such as the ability to make—a phone call in non-emergency situations, or the ability to pay for childcare, which frees one up to read grant proposals. So these are all things that we as grantmakers have to keep in mind.

For me personally, the balance of power has the potential to be very awkward because I’m not an elder; I haven’t lived very long; I’m not a movement leader; I’m not an Indigenous person; so I don’t have that experience of, for example, having my existence called into question, having my basic human rights called into question. I’m not even very tall. So you can say this sort of metaphorically and literally: I look up to the people that I fund. What that means is that I wish to have power over the people represented by my grantees. So what can we do to share the power, to remove the power imbalance? Some specific steps that we’ve taken that we're grateful, I think, that we’ve put into practice and that we’d like to share.

One of the most basic changes that we’ve done at AJWS is the language that we work in with our grantees. Up to about three years ago, we pretty much worked in English, and that’s pretty...
common for a lot of grantmakers. Over the past three years, we have added some languages. We will now happily work with you in Spanish, French, or Russian. And we’ll give it a try in Portuguese, Hindi and Tai, but you might have to bear with us a little bit. We’d definitely be the coolest kids on the block if we worked in Native languages. That’s not far off. I hope we’ll get there.

And of course this is reflected in who we hire. It’s an expense for an organization to hire a multilingual staff, but we feel it’s a necessary one. And we think it’s great. First of all, working with a grantee in the language that they speak-- although working with Indigenous organizations, we recognize that it may not be their primary language--but working with language that they speak means that, first of all, organizations composed of people with less money can reach us in the first place. They can make contact with us. It also means we don’t have to spend a significant chunk of the grant on translation costs. Some of these costs will have to be paid eventually, usually by us, for example, when we want to translate something to use in a quarterly magazine. But, it saves us money translating only information that we need, rather than having everything translated, which means in the long run, more grants, which is great. Plus, we know from experience, a translator often isn’t just a translator. They’re sort of an intermediary, in many cases, a kind of a consultant or ghost -writer who polishes things up. This can mean that the source of the information, the grantee organization itself, would have an entirely different understanding of the project than the funder. This can be can be a serious problem when the project goes in one direction, and the proposals, for example, which we are trying to desperately cling to for whatever the original proposal was for. For example, we discovered with a partner in Brazil that had originally come to us for funding a grassroots HIV prevention project among women, that they decided the women themselves did not need educating, really it was the doctors that the women were showing up to, sick with AIDS and the doctors had no idea how to deal with them. But we didn’t realize this until we started communicating with the grantee in Portuguese. And since then, the project has become much better because now we fund them at two levels--not just the grassroots level--but also to go to the halls of power and speak to the people who are making the policy that affects the lives of these women. So language is one.

Secondly, if we’re sharing power with the funder, especially one that doesn’t have access to money, we have to understand that they’re quite likely not experienced writers. This was brought to my attention a few months ago when I was in El Salvador. I visited a partner there. He’s a middle-aged man who runs this human rights organization; he faces death threats regularly, he has survived a civil war, has three children, travels with a bodyguard, things that I haven’t done. I asked him how he was, and he said, “I’m stressed,” and I said, “Why?” And he said, “I just started high school. It’s awful.” I said, “What’s the hardest subject?” and he said, “English.” So it was a reality check for me.

So we encourage our partners to not be afraid of their possible lack of formal education and to really tell us what they’re doing in their own words and not pass the words through professionals. What that means is that we have to update our paperwork quite a bit based on how our partners tell us what sense makes to them, and what doesn’t make sense to them. Often our partners’ reports say very little, or we just realize that the reports that we are getting don’t make sense, and then we sort of rephrase the questions we asked. We have done that on several occasions.
It doesn’t mean that we don’t have high expectations of our grantees or high expectations of their work, but we’re willing to talk about, for example, a written report over the phone for quite a long time if we have to. We’re willing to accept supplementary materials that really aren’t in traditional written form, such as audio recordings, videos, drawings, things like that. We take a report from the grantee as a point of departure. We actually see developing proposals and reports with our grantees as a form of technical assistance. So for example, if you don’t know how to use the proposal form, great, we’ll write the proposal with you—not for you, but with you, and that’s an important distinction and one that we actually find works well.

We also depend on face-to-face communication with our partners, although, as Enrique said, nobody has enough time to do enough site visits; nobody has enough money to do enough site visits. We visit them as often as financial prudence allows us, and this helps us to understand our work, understand their work, and more importantly, helps them to understand ours—where we are, where we’re coming from, why we call ourselves the American Jewish World Service, for example, and why it is that we do what we do, and what it is that we’re exactly doing.

Let’s see. My next point is that empowering funding of a grantee has to be flexible. So, for example, although we fund certain types of work, we don’t dictate methodologies of Indigenous work because we know that local conditions can vary. So if we fund, for example, an Early Childhood Education Project, we know that—I think I counted about nine different countries where they do this—they might blend different types of work with political or traditional social structures, with hot-button issues like HIV, or child labor, with the school system. And we’ll ask them a lot of questions to make sure that we understand how they thought through these issues.

We don’t dictate a specific method. We don’t stand behind specific methodologies of work. That’s important. We know that when conditions change, we’re willing to change the grant with them, sometimes in the middle of a grant period, as long as the final objective remains the same. The measures might change, the method might change; that’s great, that’s good, because there’s a way to meet the final goal that’s important for both parties.

Sometimes, this even takes the form of general support, which is something that somebody mentioned this morning. That’s something that we feel is responsible to do once we know the partner very well, and they know us very well. And we’ve done that in a number of cases. It also simply means that we actually let our grantees make grants. We grant to local grantmaking organizations that know the culture, that are familiar with the methods, the politics, the region, and so forth, and then regrant. And they don’t act as intermediaries because they can provide things like technical assistance, like links to other relevant resources in the region that we don’t provide. So it’s much more than simple regranting. It really is letting our grantees, in many cases, set the tone, set our portfolio.

A final way we ensure a two-way flow of power between us and our partners is do something which isn’t grantmaking at all but advocacy. If we’re talking about power, it is undeniable that the United States has power. And uses it with some effect in the communities we work in. You may have seen these yourselves in the communities you work in. Our partners have said to us, quite apart from giving the money, we can empower them by improving the political context of the work through promoting better U.S. policy.
AJWS represents about eighty thousand people, mostly American Jews. It’s not a huge constituency but it’s a very important one, and we can leverage that constituency to get the ears of powerful people, powerful movements, here in the United States. Our advocacy, moreover, even in our grantmaking, is guided by our grantees.

We’ve developed a checklist to determine which issues we wish to advocate and the checklist essentially boils down to two things:

1. Does AJWS have the ability to effectively advocate about the issue?
2. Are our partners asking us to advocate about the issue?

That’s pretty much it. All of our advocacy issues have been selected by our partners. For example, they said that preserving Indigenous land rights within Central America depends directly on eliminating U.S. agricultural subsidies for agri-businesses. They said, for example, ending the genocide in Sudan and preventing it from spreading to other countries in Central and Eastern Africa requires that the U.S. government and the United Nations use the word genocide, and use it a lot. So to use an old saying, advocacy has allowed us to put our mouth where our money is. It allows our grantees to have a say in determining U.S. policy. This is very empowering. We believe it is also very effective. And perhaps unexpectedly it is also a source of controversy.

Our board was initially reluctant, fearing that advocacy would cause disagreement among the eighty thousand people that I mentioned who support us. Yet interestingly enough we have run into almost no opposition to our advocacy campaigns among our constituents and, in fact, quite a bit of support among the synagogues, university students, and various progressive people that support us. We’ve lost no donors of any significance, and we have gained a lot of profile, a lot of prestige, a lot of publicity, a lot of media attention-- very good things have come out of this. So I would encourage all of you to participate in your partners’ work by supporting them with your own heft as U.S organizations, as a way of partnering directly with them as a way of risking yourself with them, as a way of showing that you share in their trouble more than your just supporting it from the sidelines. So I’ll stop there since I’m out of time; I hope you’ve all enjoyed it and I’ll send you back to the moderator.

Katie Sternfels:
We’ve only got fifteen minutes and I know I have a list of questions that I want to ask the panelists, but I’m sure you all do too, and I really want to have you share experiences or questions about power that you’ve had with your grantmaking or any work you’ve been doing in the global South. One thing I just wanted to add briefly. David outlined some very specific steps that they take at AJWS to share power into being inclusive of a global South and their grantmaking practices. And I appreciate the practical presentation that you gave about what you are actually doing. One other thing that I want to mention that we’ve heard in discussions about power with grantmakers in sharing power that David mentioned in the beginning of this discussion is that power is money. An extreme, in some ways, example of really sharing power is transferring assets to the global South. And we have heard of foundations doing that to really reflect global Southern power and global Southern inclusion in sharing that in the grantmaking by actually transferring the assets of the foundation to the global South and to activists working in the global South. And so, with that, I’d like to open up for questions. Yeah, Shawn.
Question: Shawn Paul
I’d really appreciate comments from all the panelists. I think you really tipped off a very rich conversation. I think a few things that in Ecologic Development Fund, or which I’m the director, worked. Twelve years ago we identified ourselves as a re-grantor to move our money into the global South. Five years into that process, we gathered some of the groups we’ve worked with to really think of what we were doing well, what we could be doing better. I think what was clear to me, and I think some of the language that I hear going on here, is that there is a trend. What does it mean? Is it a partner or is it a grantee? I say just because somebody gives Ecologic money or I give somebody money doesn’t make me their partner, but it may be that I might be somebody’s grantee. So I think it’s really important to make that distinction, and I think something that I kind of learned listening to folks on the ground is that where partnership is pretty loaded, it means a lot of things to a lot of people. I think something we take quite seriously, something Berta said was accompaniment. What does accompaniment mean? And I think in our experience accompaniment is defined not unilaterally but really bilaterally; it is a relationship that defines what that means. And it’s something we are defining dynamically so it’s really over a process and it was felt, I think, from identifying our work from regranting to partnering or in providing an accompaniment. It’s really thinking in time; it’s not a one-year grant. It’s a minimum, for us, of a three-year commitment. If we can’t see a way within three years to work together, that’s a beginning, a building block, given the complexity of the issues. The last thing I hear, I think, it’s a very hard issue that I hear a lot of people talk about: Do we really try to maximize our payouts, or do we invest in the relationship? And I! think there are some really practical issues that we talk about--investing in staff and multilingual staff--which are really important issues and those are really hard issues. It doesn’t feel like there’s an easy answer in terms of the trade-offs of maximizing payouts versus investing in the relationship. I welcome any comments that you may have on these issues, how to define an accompaniment, partnership, and this difficult trade-off between investing in the relationship versus payoff.

Katie Sternfels: Any comments?

Comments: Berta Caceres Flores (Translated into English)
The concept of accompaniment is, for us, something that goes farther than being a distant spectator; for us, it is actually someone who obligates themselves, who coexists with the realities of the Indigenous Peoples. Someone who feels obligated to accept the culture, the convictions of the Indigenous towns, and because they are showing respect in the first place, they are sharing the poverty, the indignation of that injustice, and that is very important. Someone who is transparent, who is frank, the relationship of equality--that, for us, is someone who truly supports us. And someone who arrives with technical, human, and financial resources, but who does not bring a redeeming papal. Because there is no outside redeemer from the Indigenous towns. It is not out of pleasure that we have passed the last 500 years supporting that--there is a very strong reason. There are no redeemers for the Indigenous towns or the governments, or for the religions, Westerners, the financial organizations, the foundations, or the donors. It has been the Indigenous Peoples who have kept up the resistance, and it is because of that we continue to exist. And with those words, it can be summed up that we want someone who knows how to support us and has principles and values because this is a society that consumes everything, where everything is sold, even the air and the earth. How
can that be? We can’t understand that. We want someone who can share that with us, and I think that is essential.

**Question:**
We have committed to work with the communities by actually: (1) finding people to work in the communities and to stay and live there for a long time, or (2) recruiting volunteer artists through the art-corp programs and the artists live in communities for many months, living the reality of the community and hearing from the community, what the needs are. Working through culture and arts, we encourage very strongly the respect of local culture and local resources. One wonderful example is one artist who drew pictures and used a cow’s tail to make paintbrushes--simple things, the things that the community can continue to do. And basically working with a community, and here’s one example that I like of this, just done a few weeks ago. One of the artists this year happens to be an African-American artist. She has spent time in Africa and other areas, and she arrived in Guatemala in a community where she realized that the women could not sign their names because of the way that the Indigenous didn’t give them certain opportunities, and for her it was unacceptable. So she went about making sure children could sign their names. And she worked with them using crochet to make small bags and pouches. And then the women would put the fabric with their name on it on the pouches. And she said to the women, “What this is about is when I first had to sign my name, and you’ve been told you can’t do it, and you said to me you can’t do it. When I asked to make the bag, same thing. So she signed her name. And so you can make the bag. The next time you face an obstacle, I don’t want to hear you can’t do it. You can do it. And now you know it.” So that was an example of trying to work with the people, and in reality, to communicate the power that Indigenous People have. And to make sure that they are aware of it, know the power, so that they can learn in their reality to define what they will do with that power. So that was one example.

**Answer: David Brown**
Just to add, I think it’s great that you send people from all over the world to other communities to live with them. I think it’s very important to accept people who are, in some cases, a bit different from what we expect them to be. I think it’s also very important that we provide tools to the person who was the guest in the community to speak and educate others about the reality of that community once they leave it. That’s something that we’ve learned because we’ve had our faces rubbed in it by a group of youth that we sent to El Salvador. They were coming back to the United States after spending a week there. And they returned with fair trade copy and CAFTA and issues that were very important to the folks who lived there, and they said, “Look American Jewish World Service, you need to help us educate our peers at our universities about these things.” And the first reaction, especially of the Board of Directors, was to say, “We’re not sure.” But, in fact, it’s proved to be one of the best things that we could possibly do to educate the wider community in this country about the reality of these communities in the developing world. And we put together a whole series of programs that provide the materials, first for students to work with that provide lessons for students to give to their peers, to give them some logs, things that can be shared, ways to link students who are interested in specific issues, to other people’s campaigns, like Oxfam, and that makes the partnership, I think, much more stronger, and it makes the results of our partnership, and the partner who hosts those kids, stronger as well.
Katie Sternfels:
We are getting close to five o’clock, so we really don’t have a lot of time. And I encourage you to make your questions as brief as possible. And if it’s okay, if I just go over a few more minutes. Then we’ll turn it over to Evelyn for closing.

Comment:
Thank you. I just wanted to comment that as somebody who usually is on the asking side, I’ve never had a chance to be in this kind of conversation before. And I think it’s very important that we figure out a way to do this somewhere so that there can be people together, and talk about the challenges. Because as Executive Director of a group of Indigenous organizations, finding funds has been a problem for years now. A very hard-working bunch of Indigenous People can get paid, for example, by making calls, or going to where they have to go to directly. The minute I got into this work to raise funds, I had to think about how to do that. That was not one of the reasons why any of us, I think, started doing this. And there is a role that we have to think about. We need to think about how to be people in this relationship that we have. And I hope that we can keep talking about these things because it’s a very difficult situation to grasp, and I’ve also been in a couple of funding groups, and I know how difficult that was. I know how it is to be on the other end. Back in the old days, our other Executive Director died of bleeding ulcers because we were losing too many dollars a week, and we were always getting our funds cut off. But I just want to say that it’s very important to me and maybe to all of us that we keep on doing this, to be able to talk like this, to talk about the difficulties, because the only way that I can ask people to support us is to see it as a partnership. It’s a real partnership. I can’t make myself be able to do that any other way. I’m really supporting the way we want to do the work, and we couldn’t do it without you, and you can’t do it without us, and it is really like that. So I hope we can talk a little more about what that means, and the funding of peoples together, not just seeing each other as someone who is asking, and someone who is giving. So I just want to say that. Thank you.

Katie Sternfels:
Thank you. I think we’re going to have to wrap up because we’re running out of time, but I want to thank you all for sticking with us this afternoon on a Friday, and after a very long couple of days. And thank Evelyn for inviting us here today, and our panelists. Thank you. And I just wanted to mention that Grantmakers Without Borders is continuing this discussion; we have a program that we’re working on called Global Southern Inclusion, and we’re collecting stories, experiences, best practices in global South inclusion and sharing power in international grantmaking. That’s what we’re going to be working on this next year, so I encourage you to contact us for more information if you’re interested. Thank you.

5:00 - 5:30 p.m.  Closing

Evelyn:
Thank you all for joining us in IFIP’s Fourth Annual Conference; it’s been two informative and extremely successful days. We heard from 26 excellent speakers and discussed seven critical issues around Indigenous issues.
And I wanted to thank our volunteers; we have many of them who helped out. But I especially wanted to thank Ximena Rua-Merkin, a recent NYU Graduate Student in Philanthropy. She took a leadership role and has completed her thesis in global philanthropy. I also would like to send a special thanks to our translator, Ignacio.

Over the past two days, I have heard several stories of how participants are collaborating with each other. Let me know some of your success stories; I will put them in my E-news letter, IFIP’s newsletter, *The Sharing Circle*. Also, complete your evaluation form. Let me know how we can make this better next year. I challenge each of the funders here to bring one new member for next year’s conference. Again it will be in May 2006, the same time as the United Nations Permanent Forum, at the Ford Foundation.

And finally, this conference would not have been possible without our many supporters including the Open Society Institute for hosting us and providing technical assistance along with providing meals for two days; Levi Strauss Foundation; The Christensen Fund and W. K. Kellogg Foundation are IFIP’s primary financial supporters. Other foundations that have sponsored this conference include: Aveda Corporation, Garfield Foundation, Reebok Human Rights Foundation, Ecologic Development Fund, and New York Regional Association of Grantmakers.

Have a safe trip home.
PRESS RELEASE

For release:       For more information:
June 7, 2005      Evelyn Arce-White

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Philanthropic community responds to the importance of Indigenous issues


“It was a historic and whirlwind of a week, in that five foundations (Ford Foundation, Aveda Corporation, American Jewish World Service, Moriah Fund and Honor the Earth) had donor sessions on Indigenous issues before IFIP’s annual conference. We are seeing the philanthropic community take notice of Indigenous issues. Issues that have been dreadfully ignored in the past,” said IFIP director Evelyn Arce-White.

Since IFIP held its first Linking Circles meeting in 2001, interest has grown from two dozen Indigenous leaders and funders to nearly 100 in 2005. IFIP’s network of funders dedicated to becoming more effective in their international Indigenous grantmaking portfolios continues to grow.

“We hope that future meetings attract even more participants and continue to expand funding opportunities for Indigenous Peoples around the world.” stated Arce-White.

Rebecca Adamson, President of First Nations Development Institute in Fredericksburg, Virginia and founder of IFIP, spoke about how IFIP was born from a need that was voiced eight years ago at a funders meeting at the Annual Council on Foundations. “After working in the national arena for decades, it was clear that the international arena had an even greater need to increase resources for Indigenous Peoples.” said Adamson, “IFIP’s network has successfully grown to over 200 and is working toward becoming an independent organization by the end of 2005”.

Mililani Trask, Executive Director of Gibson Foundation and former Chairperson of the UN Permanent Forum for Indigenous Peoples Advisory Committee remarked “I am happy to be apart of this effort that is long overdue and the effort to bridge the gap between those in the funding world and those that carry issues of critical importance not only for Indigenous Peoples but for the whole world. We live in a world that is overpopulated, over taxing of resources, that is beset of violence and terrorism and there are a few voices that are forming partnerships and are addressing issues of diversity and allocation that give rise to social movements when states can not address them adequately.”
One of IFIP’s funder participants, Assistant Program Officer of the Harry Frank Guggenheim Foundation, Katie Wilson quoted. "It was great to meet with so many people working on different ways to approach justice and social equity for indigenous people. I really appreciated the diversity of the group- not just global diversity- but also the differing kinds of funders, NGOs, working groups, and networks. I learned a lot on different topics and I appreciated the breadth of the topics covered."

IFIP also had a session at the United Nations Permanent Forum for Indigenous Peoples in which IFIP distributed 300 complimentary copies of the new "Indigenous Peoples Funding and Resource Guide," Second Edition in Spanish and English. “Producing the guide was a collaborative effort with IFIP and First Peoples Worldwide to develop a superbly useful guide to provide funding possibilities for indigenous community projects that informs Indigenous peoples’ organizations on the best approaches for securing financial backing and includes three components, elements of writing a proposal, how to research foundations and a listing of over 200 foundations that support Indigenous projects and grassroots projects internationally. explained Arce-White

Representatives of the Ford Foundation, New England Biolab, Moriah Fund, Mitsubishi International Corporation Foundation, American Jewish World Service, and many other foundations attended along with Indigenous leaders from Africa, Asia and South America.

The gathering was made possible with financial support from the Open Society Institute, Levi Strauss Foundation, W. K. Kelloggs Foundation, The Christensen Fund, Aveda Corporation, Garfield Foundation, Reebok Human Rights Foundation, Ecologic Development Fund, and New York Regional Association of Grantmakers.

For a complete report of the conference, email Evelyn Arce White, IFIP Director, at evelyn@internationalfunders.org

For more information on the International Funders for Indigenous Peoples, visit www.internationalfunders.org
MORE INFORMATION ON IFIP:

Established in 1999, IFIP is a recognized affinity group of the Council on Foundations. IFIP provides a voice within the Council on Foundations for increased, dedicated funding for international Indigenous initiatives, and a venue for communications and resource sharing among international funders of Indigenous peoples.

Mission: IFIP’s primary mission is to expand, enrich, and increase the effectiveness of grantmaking for international Indigenous development projects and efforts. IFIP accomplishes this mission by increasing knowledge and understanding of the unique issues faced by Indigenous peoples by actively facilitating dialogue amongst its grantmaking members and between Indigenous communities. IFIP fills a unique need in the funding world.

Benefits of IFIP membership:
- Invitation to be considered for the planning committee for our annual conference.
- Invitation to join us in making session presentations at grantmaking conferences.
- 30% discount for the Indigenous Peoples Funders Resource Guide.
- 100-word description listing of your organization in the Resource Guide.
- Quarter-page advertisement in the Resource Guide next to you listing.
- Recognition on our website, newsletters and releases.
- Access to our online database of funders and Indigenous grantees, discussion forum and indexed list of case studies. (under construction)
- Receive our newsletter The Sharing Circle and listserv The Sharing Network and invitation to contribute.
- 20% discount for Alliance, the leading magazine on philanthropy and social investment around the world.

Evelyn Arce-White, IFIP Director, Chibcha (Colombian) descent obtained her Masters of Art in Teaching Degree from Cornell University with a concentration in Agriculture Extension and Adult Education. She currently holds two New York State Teaching certifications: one in Agricultural Education and the other in Extension Coordination of Diversified Cooperative Work-Study Programs. She was a high-school teacher for nearly seven years with the Office of Children and Family Services in Lansing, NY. Ms. Arce-White worked as a Communications Consultant for the Iewirokwas Program, a Native American Midwifery Program for several years. She has contributed as a diversity consultant for Cornell's Empowering Family Development Program Curriculum. In her IFIP role, her main responsibilities are to strategically increase membership, maintain the website, develop biannual newsletters and research reports, and assist in securing funds for IFIP.

To learn how to become a member and support IFIP’s work, contact:
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