

# Americas

Maurice Bryan



## Overview

In 2007, the minority populations of the Americas continued to face significant human rights challenges. Many of these had their genesis in the socio-economic patterns established from the very beginning of colonial-era expansion.

Although this highly diverse region contains large populations of mixed ethnicity – including immigrants from Europe, Asian-Pacific and Middle Eastern countries – the most disadvantaged and vulnerable in 2007 continued to be those of African and indigenous origin.

Among these vulnerable groups the principal issues remain territorial dispossession, socio-economic marginalization and various forms of discrimination. In 2007 this continued to result in limited access to political and other decision-making processes, inadequate basic services and restricted opportunities for self-determination.

## Biofuels

Throughout 2007, mineral resource extraction and monoculture plantation development remained the main causes of dispossession of indigenous and minority population territories. Oil palm and genetically modified soybean plantations geared to biofuel production are expanding at the expense of primary forests and the areas traditionally inhabited by these communities.

Dispossession and environmental devastation is making traditional rural lifestyles increasingly impossible. This is forcing indigenous and other minority populations off their ancestral lands to live in impoverished urban neighbourhoods in Argentina, Brazil, Colombia, Ecuador and Mexico.

Ironically, these socially and environmentally problematic agro-fuel initiatives are directly related to larger global efforts to combat environmental change through use of renewable resources.

Many regional governments now regard biofuel as the next major economic bonanza. During 2007 the government of Argentina declared its intention to convert the country into a global leader in renewable energy, and is offering investment incentives. Biofuel cultivation is expanding significantly, especially in the country's north-eastern province of Chaco, and is already causing displacement of indigenous communities.

In Colombia, oil palm plantations for biofuel are now spreading through historically Afro-Colombian

Pacific coast lowlands, sometimes prompting violent dispossession and dislocation. Furthermore, over the next decade the Colombian government proposes a seven-fold increase in cultivation of biofuel.

Monoculture oil palm expansion is also affecting Afro-descendant and indigenous populations in Ecuador; particularly in the biologically diverse Cayapas-Mataje Ecological Reserve in Esmeraldas. Local activists report oil palm companies are increasingly moving into the northern coastal province of Esmeraldas, which is a traditional Afro-Ecuadorian zone. This is having a direct social and environmental impact on Afro-descendant and indigenous Awá and Chachi villages, including land appropriation.

Biofuel investor confidence was boosted by the five-nation tour of Latin America by the US president in March 2007, aimed at pushing through ethanol accords. Investors, experts and producers also held the First Biofuels Congress of the Americas in Buenos Aires, Argentina with former US Vice-President and 2007 Nobel laureate Al Gore as the keynote speaker. In addition Mexico, Colombia and Brazil also organized biofuel seminars during 2007.

In addition to agro-fuel activity, significant deforestation on disputed indigenous lands has also continued for cattle ranching and for lumber extraction in Brazil, Honduras and Nicaragua.

## Mining

Another area of concern for minority and indigenous populations is the mining sector. Open-cast gold mining continues to affect indigenous populations and seriously threatens their traditional Amazon rainforest environments and Yucatan villages.

While increased enforcement of indigenous land tenure and land-use laws in Brazil has checked once rampant *garimpeiro* or artisanal mining, this has merely shifted the problem. Brazil's *garimpeiros* have now relocated across the very porous under-monitored northern frontier into the Amazon regions of neighbouring Venezuela, Guyana, Suriname and French Guiana.

Nickel and other metal mining is also causing evictions and environmental degradation in Guatemala and Ecuador, as well as in the Chiapas and Oaxaca areas of Mexico. In other instances coal and petroleum extraction is being initiated on



### Colombia: oil palm hurts minorities and indigenous peoples

Aparicio Rios (seen here on far right) is an indigenous activist from Colombia's Nasa people and leader of the Cauca Indigenous Regional Council (CRIC). Here, he outlines the effects of oil palm production – seen as a more 'eco-friendly' fuel alternative – on marginalized communities.

'Both communities [indigenous and Afro-descendant] have suffered massive displacement from their communal lands [in the Choco in north-western Colombia].

'Paramilitary groups first terrorize and then displace communities in the area and then take over the land to cultivate oil palm. They are rich, well-armed and powerful and often in the pay of large landowners.

'It takes five years before you can even begin to make any money out of palm oil. An indigenous farmer cannot afford to wait that long and doesn't have the resources to be able to survive in the meantime. Only rich people can afford to grow palm oil.

'In May the government pushed a Rural Development Statute through Congress which says that protected indigenous reservations won't be allowed where there are Afro-Colombian communities in the Choco.

'Land for indigenous use is already depleted and the statute means that there is even less – the two communities are faced with a struggle for resources. The most serious thing about this law is that it rules that a piece of land belongs to the

person who has been in possession of it for five years, ignoring completely the previous owners who were displaced by paramilitary violence.

'The paramilitaries are using this as a way of grabbing more and more land for oil palm cultivation in the Choco and the government is encouraging them.

'The Embera people who live in that area are semi-nomadic. [Before] they would sow crops such as maize, rice, plantains, coconuts and papachina in one area until the land was worn out and then move on in their boats down river and begin cultivating another area.

'This level of mobility just cannot be sustained any more. Life was similar for Afro-Colombians and they have been even worse affected by the oil palm monoculture. They don't even have the level of community organization that indigenous people have to fight against this.

'The UN Special Rapporteur on Fundamental Freedoms of Indigenous People concluded on his last visit that 10 of Colombia's 92 indigenous groups were in danger of extinction and that 42 per cent of those groups may only contain between 50 and 2,000 people.

'This is a critical situation, practically the same as genocide.... We ask that the international community pressure the Colombian government to provide comprehensive protection for indigenous communities and live up to its promises of buying and setting aside land for indigenous reservations so that we can preserve our traditional way of life.'

*Interview by MRG's Emma Eastwood*

Photo: CRIC

disputed lands in Venezuela. Among the hazards are oil spills, erosion, run-off of dangerous materials (mercury and arsenic) and social degradation caused by irreconcilable external influences.

### Environmental refugees

A significant consequence of these activities during 2007 was the rising internal displacement rate of indigenous and Afro-descendant populations in Argentina, Colombia, Guatemala and Mexico. This continues to provoke rural-to-urban and cross-border migration in search of sanctuary from conflict and dispossession, or to find alternative means of livelihood.

Low social sector investment in the impoverished areas where the migrants eventually settle means continued limited access to basic education and health services, and migrants' futures remain uncertain.

All too often in 2007 forced dispossession and emigration of vulnerable groups in countries like Colombia and Guatemala was prompted by acts of violence. This was perpetrated largely by paramilitaries and national army units, who routinely ignore the rule of law and the rights of indigenous and minority populations.

Almost all major rights violations during 2007 were related to the historical non-recognition of the sovereignty of indigenous and minority peoples over their communally held lands and natural resources. During 2007, in Argentina, Brazil, Colombia, Ecuador, Guatemala and Honduras, ancestrally inhabited lands continued to be ceded to local elites and multinational concessionaries without any prior consultation, prompting protests.

### Regional rights defenders

During 2007 Amnesty International and local non-governmental organizations (NGOs) across the Americas continued to express concern over the rise in threats against indigenous and minority rights defenders. As in the past, rights defenders in 2007 have stepped in demanding justice and protection thus becoming special targets for death threats, harassment, violence and politically motivated criminal charges. In many instances the judiciary was also compromised either in permitting incarceration without due process, condoning impunity, or sanctioning unwarranted searches of

premises of particularly effective rights defenders and their families.

### New legislation and policy changes

On 13 September 2007 the UN General Assembly finally adopted the UN Declaration on the Rights of Indigenous People (IP). There were 143 votes in favour and 11 abstentions. Only four member states voted against acceptance. These were Australia, Canada, New Zealand and the United States.

Although states would argue that it is not binding international law upon any country, nevertheless the Declaration does lay out the principles for governmental conduct. However, many activists contend that, given the long process of drafting, many of the final agreed provisions do, in fact, represent international customary law and, as such, must be adhered to by states.

The four dissenting member states were concerned that the Declaration gave indigenous peoples too much power over activities and operations occurring on their traditional territories. They argued that articles related to lands and resources, intellectual property, redress, restitution, and prior and informed consent implied that indigenous peoples were being granted the right of veto over national laws, administrative measures and national resource management; rights others did not have.

Nevertheless the adoption of the UN General Assembly Declaration after nearly 25 years of contentious negotiations was an especially important political triumph for the indigenous groups of the Americas. From the very beginning they argued that, as the beneficiaries of the Declaration, they should have control over wording. On the other hand, governments maintained that while indigenous views were acceptable, only governments have decision-making authority at the UN.

Meanwhile at the regional inter-state level, measures to guarantee indigenous rights continued in 2007 with the lengthy process of drafting the Declaration on the Rights of Indigenous Peoples for the Americas. The 10th Meeting of the Organization of American States Working Group was held in La Paz Bolivia on 23–27 April 2007.

The process has not been without dissent. At the beginning of the La Paz reunion the United States made clear its general reservation to all of the text under discussion. The US indicated it would not

join in any text that might be approved or otherwise appear in the draft from that 10th session.

### Drafting process

The UN Declaration was the result of decades of activism. The first indigenous organizations to begin lobbying for a major change to protect indigenous rights were the International Indian Treaty Council, spearheaded by the US-based American Indian Movement, and the World Council of Indigenous People (WCIP), supported by Canada's Assembly of First Nations.

In the late 1970s they criticized earlier UN initiatives and called for a new approach based on cultural and territorial rights. The UN responded with a series of studies and data gathering. This led not only to the drafting of a General Assembly Declaration but also to the adoption of the very influential International Labour Organization's Indigenous and Tribal Peoples Convention 1989 (ILO Convention No. 169).

The drafting of the text of the UN IP Declaration, which began in 1983, was an unprecedented consultative exercise. The Commission on Human Rights Working Group consisted of indigenous representatives, government delegations and experts who met regularly over two decades to review text and prepare the final draft. More than 100 indigenous organizations participated. Many thousands of indigenous representatives were able to contribute their proposals.

Moreover, even before the final UN General Assembly Declaration vote in September 2007, significant prior state ratification of ILO No. 169 during the 1990s had already enabled some indigenous populations to acquire large communal land titles and defend cultural and other rights in the Americas.

ILO No. 169 had also enabled Afro-descendant groups in Brazil, Colombia, Ecuador, Honduras and Nicaragua to be recognized by their governments as 'pre-state formation peoples', thereby guaranteeing their ethnic rights and gaining communal title to ancestrally occupied lands.

Moreover, the need for data gathering, especially during the 1970s and 1980s, prompted many governments and NGOs to allocate resources to support research, training, travel and the strengthening of indigenous organizations. These activities had a notable multiplier effect in the

Americas – particularly in the emergence of new organizations that incorporated indigenous identity and defence of culture with traditional class concerns.

### Willingness to organize and advocate rights

It could be argued that these steps towards greater inclusion have helped reinforce the confidence and readiness of indigenous groups in the Americas to assert their indigenous identity and campaign for change. This in turn has helped shape recent key election victories by pro-indigenous and minority candidates in Bolivia, Brazil, Ecuador and Venezuela, and increased calls for national constitutional reform.

Moreover, from Alaska to Argentina, formerly acquiescent indigenous groups like the Mapuche in Chile's southern region and the Guarani in Brazil are now increasingly vocal about claiming ancestral lands which government and private industry are still seeking to appropriate and exploit in 2007.

In Argentina for example, after generations of silence, on 24–25 June 2007, indigenous representatives held the very historical first ever National Meeting of Indigenous Nations and Peoples of Argentina. They aimed to unite in their efforts and to demand an end to centuries of discrimination, dispossession and unequal treatment.

Also, on 11–14 October 2007, over 1,500 delegates representing at least 67 indigenous nations from Canada, Mexico, Central and South America and the USA met at an intercontinental gathering in Sonora, Mexico, to consider similar themes. The intercontinental congress, held on indigenous Yaqui territory in Vicam, focused on strengthening socio-economic, political and cultural ties to better defend and reconstruct indigenous societies, and to guarantee indigenous rights at all levels, including the global level.

According to the final communiqué, of particular significance was an agreement to initiate international efforts to halt the 2010 Winter Olympics Games in Vancouver, British Columbia, Canada. Canadian indigenous delegates argue that the upcoming Games are destructive to the environment and have already disrupted indigenous hunting and fishing grounds and destroyed sacred sites. They also maintained that the event posed a long-term threat to indigenous identity, health, culture, livelihoods and future generations, and called for an intercontinental protest movement and boycott.

## Country by country

### Argentina

The UN General Assembly IP Declaration ultimately may be largely symbolic since in Argentina, for instance, indigenous claimed land continued to be sold on a massive scale to multinational companies in 2007, particularly for petroleum, open-cast mining and genetically modified soy industries. The result is that Argentina's indigenous peoples continue to be evicted from ancestral lands to make way for these enterprises.

Furthermore, the victory of Argentina's former first lady, Cristina Fernandez de Kirchner, in the country's 26 October 2007 presidential election, points to a continuation of existing national policies.

Argentina is now the third largest soybean producer in the world after the United States and Brazil. It is the world's second largest producer of genetically modified soy and plans to increase production.

Argentina's indigenous communities mainly live in the forested north-eastern province of Chaco. A large percentage of Chaco's public land and jungles have already been cleared to grow genetically modified soy. Out of some 3.9 million hectares of Chaco public land, which should have been granted to indigenous groups, only 660,000 hectares remain. The rest has been distributed to individual entrepreneurs and companies. Seven per cent of all private land title owners in Chaco now lay claim to 70 per cent of land. Companies in 2007 deployed private security guards who are prepared to shoot at supposed intruders entering the former primary forestlands.

As genetically modified cultivation for biofuel spreads, indigenous and other small-scale peasant farmers are being forced from their land by aerial chemical spraying, topsoil erosion and pollution. The application of massive amounts of pesticides and fertilizers needed to grow genetically modified soybeans on otherwise low-fertility forest soil makes it impossible for communities to remain for health reasons.

In March 2007, seven small-scale farmers were arrested for resisting eviction from lands slated to be cleared for soy production in the northern province of Santiago del Estero, whose provincial government co-sponsored the Buenos Aires Biofuels Congress.

### Patagonia land sales

As in the north-east, the continuing sale of land in the southern Argentine region of Patagonia is also affecting indigenous populations.

Indigenous Mapuche who took part in the 2002 land dispute against the Italian textile group Benetton, returned in February 2007 to occupy land belonging to the firm. They declared the need to reclaim their ancestral rights. Since 14 February 2007 over 30 Mapuche have occupied the Santa Rosa farm in the southern province of Chubut in Patagonia.

According to the Argentinean Constitution, indigenous Mapuche are the legitimate owners of the lands in Patagonia. Nevertheless, large parcels of Patagonia continue to be acquired by wealthy foreign buyers for personal use or tourism development. Well-heeled foreigners attracted by the scenic beauty of the barren windswept region have continued to purchase large land holdings ranging from 80,000 to 200,000 acres.

As reported by Gonzalo Sánchez, author of the recently published 2007 bestseller *La Patagonia Vendida (Patagonia: Sold)*, Argentine officials are doing brisk business selling publicly owned land in Patagonia.

The UN-backed Tierramérica Network reported in 2007 that land titling continues to be at the root of the problem. The majority of the indigenous Mapuche living in Patagonia do not hold legal title to lands inhabited by their pre-colonial ancestors, and this is now regarded as 'publicly owned property'. As a result, indigenous land is frequently sold off to the highest bidder thus creating the underlying conditions for all the land ownership disputes in that region.

### Bolivia

In Bolivia, indigenous issues and politics continued to intersect very strongly during 2007.

Besides being the first Bolivian president of indigenous descent, Evo Morales is the still-sitting long-time leader of the Six Federations coca growers' union. Morales is a declared opponent of the violent militarized eradication of the coca crop as advocated by the United States.

The coca leaf remains an integral part of traditional indigenous culture across the Andean region, with practical medicinal and religious uses dating back several thousand years. Besides being an

excellent source of vitamins, it is widely brewed as a popular tea and traditionally chewed by Bolivian miners and farmers as a coffee-like stimulant and antidote to altitude sickness.

Natural coca leaf is still listed as an illegal drug in UN documents dating back to 1952. However, one of Morales' stated aims in taking office is the decriminalizing of natural coca production as a key step towards legalizing the traditional coca leaf and officially differentiating it from processed cocaine.

The year 2007 saw increased efforts to strengthen this policy, with continued restriction of individual cultivations to a legal limit of 1 *cato* (40 square metres). Nevertheless the US government maintains that liberalizing coca leaf production among indigenous peasants will only fuel the illicit market.

In 2007 Bolivian critics, including the president, continued to argue that both illegal cocaine consumption and the manufacture and export of the necessary precursor processing chemicals are centred in the United States and do not involve the indigenous population's rights to produce the leaf in peace.

Approximately 62 per cent of the Bolivian population self-identifies as indigenous, primarily from the Quechua and Aymara groups, with Guarani constituting 1 per cent. Around 70 per cent of Bolivia's indigenous population live in poverty or extreme poverty. The Inter-American Commission on Human Rights reported in November 2006 that this majority continues to exist with minimal basic services, little access to education and to be under-represented in government and politics.

Likewise, despite legal prohibitions against social and systemic discrimination, the small Afro-Bolivian minority in 2007 generally remained low on the socio-economic scale and faced severe social and economic disadvantages. The majority of the estimated 35,000 self-identified Afro-Bolivian population lives in the Yungas region of the Department of La Paz.

In parts of the La Paz Yungas where coca-leaf cultivation was previously illegal, communities have accepted the *cato* programme and agreed to eliminate non-sanctioned coca cultivation. However, in other sections of Yungas, where coca growing has long been traditional and legal, farmers have resisted reductions but agreed to establish 'coca free zones' where new planting is prohibited.

A conflict that erupted between Bolivian forces and coca growers during late September 2006 in

the Department of Cochabamba caused critics in 2007 to strongly advocate the need for more dialogue and negotiated solutions between officials and coca growers.

A joint police–army coca eradication task force was reportedly attacked by nearly 200 armed coca growers (*cocaleros*) in Cochabamba's very remote Carrasco national park, resulting in the deaths of two young *cocaleros*, hostage-taking, and police and civilian injuries.

As a result, monitoring groups like the Andean Information Network during 2007 increasingly called for coca-control methods that would respect growers' human rights, instead of harsh military intervention designed essentially to meet US eradication targets.

### Debt bondage

There were also special issues involving indigenous workers from the Altiplano region who remained at risk of being trafficked for agricultural work and other reasons.

Besides being a major producer of sugar, according to World Bank data since 2003 Bolivia has also been a major exporter of Brazil nuts, providing 73 per cent of the world supply. In 2007 the seasonal harvesting of sugar cane and Brazil nuts continued to be the main cause of debt bondage style forced labour for over 20,000 indigenous people in the eastern lowland departments of Beni, Santa Cruz, Tarija and Pando.

According to ILO researchers, sugar producers hire subcontractors who travel to the heavily populated western Bolivian highlands and lure potential indigenous agricultural workers by offering cash advances prior to Christmas, New Year and Carnival celebrations. The debt, which is linked to future salaries, is then used to obtain and retain labour.

The mostly Quechua workers bring along their families and are obligated to the labour contractor throughout the sugar and Brazil nut harvest season. They are denied the option of returning the cash, or switching to better-paying employers. Contractors maintain indebtedness by charging hugely inflated prices for basic goods at shops on the often-isolated harvesting sites.

According to Anti-Slavery International, up to 7,000 indigenous children, some as young as 9 years old, share the debt bondage along with their parents. In instances such as parental demise the

debt is sometimes transferred to the next generation.

Besides sugarcane and Brazil nut plantation work, indigenous children are also trafficked for *criado* service. This involves 10–12-year-old male and female children who are indentured to middle- and upper-class families in areas like Santa Cruz and Pando. They perform domestic work supposedly in exchange for education, room and board. However, according to UNICEF studies, in most cases the child's labour input is considered inadequate for education costs so many do not attend school. As of 2007 there was still no official oversight of these practices.

### Constitution debates

Indigenous issues have continued to surface strongly in the political arena. During 2007 the non-indigenous landowning minority in the wealthy Departments of Santa Cruz, Beni, Pando and Tarija, continued to largely oppose the indigenous-oriented Morales government, and remained adamant in their call for departmental autonomy. This represented a continuation of the deep polarization that began in August 2006 with the formation of the Constituent Assembly aimed at fundamentally rewriting the Bolivian Constitution to provide greater empowerment to the indigenous population.

However, constitution reform drafting, which began in August 2007, seemed to represent another major area of contention between the elite and the impoverished and marginalized indigenous majority – especially as it came on the heels of the earlier land reform programme of June 2006, which began to distribute state-owned and under-used land to peasants and indigenous people. By its own admission the government considers constitution reform and indigenous land ownership as key measures to address chronic social imbalance and to counter exploitative practices like debt bondage.

Besides fermenting strong political antagonisms, the proposal to reform the constitution to grant special indigenous autonomy, brought to the fore what some see as the historical racist and xenophobic underpinnings of the ethnic, cultural and geographical divide between eastern and western Bolivia.

In December 2006, members of indigenous NGOs, civilian groups and pro-secessionist elements in the eastern department of Santa Cruz clashed over local consultation for regional autonomy. The

premises of the national governing party – Movement toward Socialism (MAS) – and offices of indigenous community centres were set on fire, and members of indigenous groups had their houses ransacked.

This tension continued throughout 2007, fuelled by growing internal migration of the indigenous population from the poor western highlands to the relatively less populated richer eastern lowland regions. Indigenous groups continued to use the Popular Participation Law to form municipalities and to protest at the government's failure to provide title to all claimed territories, despite the Agrarian Reform.

The mid-2006 decision of the Morales government to nationalize all hydrocarbon resources in Bolivia appeared to come in response to calls by indigenous supporters to end outside exploitation of the country's natural resources. However, in 2007 this continued to be a thorny issue among residents of gas-rich lowland areas like Santa Cruz and Beni. Like other efforts at systemic reform, it was viewed as more evidence of bad faith on the part of the more numerous indigenous population, who are seen as wanting to deprive the non-indigenous elite of their economic rights and long-held privileges.

At the end of 2007 indigenous groups were still awaiting signs of a meaningful long-term social change and more opportunities to improve the quality of their lives. However, the August 2007 revival of the ultra nationalist right-wing Bolivian Socialist Falange party after five dormant decades, and the disruptive November 2007 Constitution Assembly clashes between government supporters and opposition demonstrators in the city of Sucre, did not offer much hope for an easy or tranquil resolution of these issues.

### Brazil

As in Bolivia, vulnerable groups in Brazil received increasing attention during 2007 as a result of internal policy developments, but change remained slow. Brazil has a population of approximately 188 million, of whom between 40 and 75 per cent or 65 and 120 million are of African descent.

Historical discrimination against Afro-descendants and indigenous minorities continued to be a major issue in 2007. Although the law prohibits racial discrimination, Brazilians of African and indigenous origin continued to be frequent

victims of discrimination in a social climate that tends to downplay ethnicity while still displaying strong prejudices against dark skin colour.

The UN Office on Drugs and Crime (UNODC) in 2007 reported that Brazilian women continued to be among the primary victims of international sex trafficking to Europe. According to the Reference Centre on Children and Adolescents (CECRRIA), the typical victims were dark-skinned women between 15 and 27 years of age.

The second term re-election of President 'Lula' da Silva in October 2006 was seen as a plus for minorities due to his commitment to social welfare reform. Da Silva won 77 per cent of the vote in his north-east birthplace, which is home to dark-skinned, poorer Brazilians who especially benefit from the government's 'Bolsa Familia' cash-transfer programme.

In 2007 Afro-Brazilians continued to earn less than 50 per cent of the national average income. They also suffered from the highest homicide, poverty and illiteracy rates in a country which the Organization for Ibero-American States (OEI) 'Map of Violence 2006' grades as having the third highest homicide rate in the world and ranks at number one out of 65 countries for death by firearms.

According to human rights NGOs and Amnesty International December 2006 reports, paramilitary-style militias, often composed of active and former police officers, continued to regularly invade and terrorize Rio shantytowns, which historically have large Afro-descendant populations. They also intimidated human rights activists attempting to investigate abuses.

Seriously under-represented in professional positions and in the middle and upper classes of society, in contrast Afro-Brazilians continued to have a significant presence in prisons. According to the Ministry of Justice, Afro-Brazilians in 2007 made up more than 56 per cent of the prison population, while the UN Special Rapporteur on the Judiciary noted (in 2005) that persons of African origin occupied less than 1 per cent of the senior posts in the judiciary and the Public Prosecutor's Office.

Nevertheless, racial discrimination continued to receive more recognition and remediation attempts from the 'Lula' government in 2007. A quota law still under consideration will institute a system of racial preferences for the civil service, private sector

and universities. Currently, Afro-Brazilians represent only 16 per cent of the university population. During 2006–7 more than 30 universities voluntarily implemented a quota system.

Efforts to deal with the most vulnerable of the marginalized gathered momentum in mid-2007 as part of the government's Special Secretariat for Racial Equality Promotion Policy (SEPPIR). The agency introduced the Quilombolas Development Programme, which seeks to improve living conditions of communities that are among the most marginalized in Brazil. Initially it will benefit 525 *quilombo* settlements in 22 of Brazil's 26 states.

Like elsewhere in the Americas, *quilombos* were colonial-era 'maroon' settlements established by self-liberated Africans who fled to dense jungles or remote mountain regions to escape enslavement and created independent African-based communities.

According to SEPPIR there are 1,170 recognized *quilombo* heritage communities, but the real total could surpass 3,000. This would represent some 1.7 million people. The highest concentrations are in once inaccessible areas of Bahia (north-east), Para (north), Mato Grosso (west), Goias (central) and Minas Gerais (south-east). *Quilombos* also exist in major cities like Rio de Janeiro and São Paulo.

Government statistics reveal that 91 per cent of *quilombo* families in 2007 had monthly incomes of less than US \$190, though the national minimum wage is US \$204 a month. A 2006 Ministry of Social Development study shows the number of malnourished under-5 children in *quilombos* is 76 per cent higher than for the child population as a whole. Only 3.2 per cent of *quilombo* children have access to sanitation.

*Quilombos* have been recognized since the mid-1990s under Convention ILO No. 169 and the current programme includes granting collective land titles as well as improving roads and providing sanitation, water, education and health services.

Titling is viewed as all-important since some *quilombos* existed before major cities like Rio de Janeiro and São Paulo were established and eventually became absorbed as poor urban neighbourhoods.

#### Indigenous groups

According to official government figures Brazil's indigenous population numbers close to 460,000 and belong to 225 'nations'. In 2007 more than half

continued to live in poverty in communities where traditional ways of life are increasingly threatened by land development, agricultural expansion and mining.

The National Foundation for Indigenous Peoples (FUNAI), a government agency, reports that Brazil's indigenous people continue to face disease and poor healthcare, loss of native culture and recurring incursions, especially in rainforest regions.

Since 1988 Brazil has set aside roughly 12.5 per cent of the country's total land area and 26.4 per cent of the Amazon basin for the indigenous population. However, there was continued evidence in 2007 of eroding government concern over indigenous land rights.

According to April 2007 articles in the *Christian Science Monitor* and *Scientific American*, veteran advocate for the protection of isolated indigenous groups, Sydney Pössuelo is reported to have publicly criticized the director of FUNAI for suggesting that indigenous people in the Brazilian Amazon may have too much land.

This largely matches the attitude of Brazil's powerful elite, who seek even more Amazon deforestation and land enclosure for cattle and large-scale agriculture. Ranchers, land-grabbers, miners and loggers have already destroyed nearly one-fifth of the Brazilian rainforest. Brazil's National Institute of Space Research reported in October 2007 that the annual Amazon deforestation rate has fallen to the lowest on record, but more than 17 per cent of the original tree cover has already been eliminated and what remains continues to disappear.

Violent land wars between indigenous groups, ranchers, companies and farmers, increased in 2007, continuing to reflect what a local NGO, the Pastoral Land Commission, described as a 10-year high in indigenous murder rates. Killings were mostly related to land disputes. Rural activists were specially targeted.

In September 2007 the indigenous Yanomami of Brazil's Amazon rainforest increased protests against a draft mining law that may force them to expose their currently state-protected communal lands to international mining companies. Mining on indigenous lands in Brazil is currently prohibited, however the draft law once again allows mining of indigenous territories, with Yanomami lands likely to be the most affected.

According to the Instituto Socioambiental, the 'Lula' government has created 15 million hectares of

environmental conservation areas in Amazonia, some of which had been demarcated for indigenous groups since 1992. Environmental monitors point out, however, that a large proportion has already been surveyed or explored by mining companies. This could mean a repeat of the cycle of deforestation and disease first suffered by Yanomami in the mid-1970s, during construction of Brazil's Northern Circumferential Highway, when nearly 20 per cent of the Yanomami died from lack of immunity to unfamiliar diseases.

#### Brazil biofuel

As a world leader in ethanol production, biofuels from agricultural crops are important in the country's long-term economic vision. Brazil's National Institute for Amazonian Research reports that local scientists have developed a new variety of soybean that is expected to flourish in rainforest climates like the Amazon.

Indigenous small farmers in Brazil are steadily being pushed off lands cleared for soy production, sometimes violently. This is also affecting Afro-descendant and indigenous 'nutcracker' women, who, as of August 2007, continued fighting to retain access to the babaçú palm tree; native to the Brazil forest.

The babaçú palm grows wild in the 18.5 million hectare forest area extending across four states between the Amazon and the semi-arid north-east of the country. The 20-meter-tall palm tree has multiple uses according to the United Nations University. Among them are cattle fodder, natural medicine, house construction, basketry and fuel. The flesh of the nut is eaten or made into oil for cooking, lubrication, as well as soaps and other cosmetics.

Babaçú gathering dates back to pre-Columbian times. It now represents a major income source for half a million mostly Afro-descendant and indigenous female Quebradeiras who gather and process the babaçú nut. However large-scale land appropriation is now making it increasingly difficult for women to access babaçú forests.

Since the 1980s, industrial farmers have been acquiring and enclosing vast parcels of primary land where the babaçú grows, and they now intend to clear-cut and burn the forest to breed cattle or grow soybeans for biofuel. They especially want to stop indigenous and Afro-descendant collectors from traversing the forested areas, even though the

babaçú nut just falls to earth and otherwise remains unused. Deterrents include erecting barbed wire fences or hiring gunmen.

The Interstate Movement of Babaçú Coconut Breakers (MIQCB) has been trying to negotiate access with the local, regional and national governments, and discussing the laws for free access to the babaçú forests. They have also held the government accountable for illegal logging and forest destruction.

Some researchers see potential in the babaçú palm for biofuel, but industrialists lack interest because of supply logistics and difficulty in processing the nut. Nevertheless, NGO and university projects in 2007 continued trying to attract Afro-descendant and indigenous Quebradeiras women toward using babaçú for agro-fuel. Collectors can earn more selling the multi-use nut than from processed oil. They are also well aware of the effects of the soybean and sugarcane industries on independent farmers and remain uninterested in turning babaçú into a corporate biofuel activity.

## Canada

Although Canada never ratified ILO No. 169 and voted against the 2007 UN General Assembly Declaration on Indigenous People, it greatly supported the drafting of both documents and provided a relatively progressive example of policy reform and reconciliation between government and indigenous nations. Moreover, its policy of multiculturalism also stood as a model of diversity. However, events during 2007 have called into question full national commitment regarding these issues.

The June 2006 arrest of a group of 12 men and five youths for planning terrorism renewed the focus on the country's Muslim minority. This continued into 2007 when several aspects of Canada's anti-terrorism policy came under renewed legal pressure. Anti-Muslim incidents occurred sporadically in various locations, including Montreal and Toronto.

Controversy also continued over Canada's policies of multiculturalism in education, law and social life, especially with respect to allowing the application of Sharia law in certain cases involving Muslim citizens.

## Sharia

According to Statistics Canada estimates (2007), there are now between 750,000 and 1 million Canadian Muslims. Some Muslims argue that Canada's secular legal system makes it difficult to

govern themselves by their own religious laws, for instance in matters related to marriage and divorce.

However, critics of Sharia law like the Muslim Canadian Congress cite the absence of a formal certification process for interpreters and the subjectivity of interpretation. They also question the motives of the pro-Sharia lobby and warn that implementing a parallel justice system would infringe on the rights of Canada's Muslim women.

Attempts to introduce Sharia law in Ontario to settle family disputes in a manner similar to Jewish and Catholic arbitration bodies were rejected in 2005 by the provincial government, which then moved to prohibit all religious-based tribunals. In Quebec, cabinet ministers also rejected the use of Sharia law in that province, claiming that it discriminates against women.

In May 2007, after several Canadian financial institutions indicated they were preparing Sharia-compliant mortgages and other financial products to serve the growing Muslim population, critics once again began voicing opposition to what they claim was another veiled attempt to introduce Sharia law into Canada.

Canada maintains relatively liberal immigration policies and Muslims now represent the fastest-growing part of the population. Given the international political climate, the debate has continued in 2007 over possible entry into Canada of immigrants involved in terrorist missions.

## Terrorism and First Nations

Increased focus on terrorism also threatened the ability of Canada's 612 different First Nations to demand their rights and protest injustices.

Controversy arose in April 2007 following Canadian media reports that the indigenous Mohawk Warriors Society had been included in the Department of National Defence's counter-insurgency draft training manual along with other groups labelled as international security risks.

Assembly of First Nations National Chief Phil Fontaine protested what he described as a move to criminalize the legitimate rights of Canada's indigenous people to obtain redress and demanded immediate removal of any reference to First Nations from the document, which seeks to associate aboriginal protest groups with large well-armed radical militia such as the Tamil Tigers, Hezbollah and Islamic Jihad.

Following the media attention, the Canadian government made a special effort to assure indigenous leaders that the references will not appear in the final version of the manual, which recommends the army use deception, ambushes and assassination against insurgency groups.

## Social conditions

There were renewed efforts by Canada's First Nations to continue generating awareness of the socio-economic status of some First Nations communities in the country, as highlighted on the 29 June 2007 National Day of Action.

Indigenous areas continue to represent 92 of the bottom 100 communities in the country according to the Department of Indian Affairs and Northern Development. As in the rest of the region, this minority lags badly on practically every social indicator, including education, health and employment.

Aboriginal poverty, traditional land rights, control of resource extraction and tourism, and discrimination remain among the major issues. Protests and civil disturbances, including blockades, continued in some provinces – notably in Ontario, British Columbia and Manitoba – related to failure of the provincial governments to consult with native groups over sale and use of disputed treaty lands.

In April 2007 the Manitoba provincial government, along with First Nations leaders, signed the Wabanong Nakaygum Okimaw accord. It mandates each provincial First Nation to create its own lands development plan, including decisions on resource extraction, housing and any other development.

Signatories hope to create a UNESCO World Heritage site to preserve and promote one of the last intact parcels of primary boreal forest on the entire North America continent. Along with enabling environmental conservation, it is intended to enable aboriginal people to control and gain revenue from traditional lands.

Nevertheless indigenous groups argue that the Manitoba government is failing to fully uphold the agreement with regard to consultation, and is only selectively applying the accord.

## Canada and the UN GA Declaration on the Rights of Indigenous People

Despite Canada's international lead in granting indigenous land titles, greater degrees of autonomy,

self-government and control over resources, Canada's indigenous communities became very concerned in July 2007 when the country joined six other states in signing a letter to the UN calling for redrafting of key provisions of the General Assembly IP Declaration.

Canada's Assembly of First Nations (along with ecumenical groups, indigenous NGOs and human rights bodies like Amnesty International) immediately sent an open letter reminding the Conservative government that, by seeking to redraft the document, Canada was failing to honour its international obligations as an elected member of the Human Rights Council. Moreover it was reversing its own positions and arguing against content it had originally participated in drafting.

In September 2007 Canada was among only four countries that cast a negative vote in the General Assembly. Included in its range of concerns was that Article 28 related to providing redress for property taken without free, prior and informed consent, and could be interpreted as promoting the re-opening of settlements already reached between states and indigenous peoples.

There seem to have been no similar concern during 2007 about re-opening the debate over the territorial integrity and future status of the French minority within Canada. The Prime Minister had earlier revived status discussions over Quebec and declared that the predominantly French-speaking province should be recognized as a nation 'within a unified Canada'.

## Mining

Like its powerful industrial neighbour to the south, actions in Canada also had an impact on the minorities in the rest of the Americas during 2007, especially in the mining sector.

Canada's mining corporations continued to be leaders of the global mining industry and have already been challenged over environmental practices and exploitation of indigenous lands at home. Canadian mining companies in 2007 accounted for over 40 per cent of global exploration budgets and nearly 3,200 concessions in more than 100 countries. Government figures indicate almost 60 per cent of the world's mining and exploration companies are listed on Canadian Stock Exchanges.

Canadian companies that boast of low-cost operations maintain several typical open-pit mines in the Americas in places like San Martín in the Siria

valley of Honduras. Water-based sodium cyanide solution is used to separate the gold. Environmental experts argue that, besides considerable fresh water consumption, they generate highly toxic by-products, including heavy metals like mercury and arsenic that can contaminate potable water sources and affect nearby inhabitants. This occurred in the indigenous communities around San Martin.

Critics have therefore sought to link rights violations of indigenous communities in Bolivia, Ecuador, Guatemala, Guyana, Honduras, Peru and Suriname to the environmental devastation and violence allegedly perpetrated by Canadian mining corporations in the Americas.

As of December 2006, according to Guatemala's Ministry of Energy and Mines, there were 356 mining licences granted and an additional 250 concessions in process, covering more than 10 per cent of the country, which has a majority indigenous Maya population. Of these concessions, 80 per cent are owned by Canadian companies.

According to Rights Action, a US-based NGO that supports indigenous land reclamation efforts, protesters in the Q'eqchi' Mayan village of Chichipate, located atop a large deposit of nickel in Guatemala, have claimed Canadian mining company complicity in the forced removal of indigenous residents to begin mine construction. Environmentalists are also concerned about damage and pollution of water sources through use of water from nearby Lake Izabal to cool nickel-smelting furnaces at a rate of 200 litres per second.

The Ottawa-based NGO Mining Watch Canada (MWC) reports that Canadian mining companies already have 10 projects in development in Oaxaca Mexico, covering over 70,000 hectares of land, and in 2007 continued to consolidate larger land holdings. The impoverished (and militarized) neighbouring Mexican state of Chiapas has over 72 Canadian mining concessions, representing a total of 727,435 hectares. More than 55 per cent of these were conceded without any information-sharing or consultation with local indigenous communities.

In May 2007 busloads of people stood in front of the Canadian Embassy in San Salvador to protest the Canadian government's role in Central American mining, and specifically in the 29 mining projects currently active in El Salvador.

British and Canadian parliamentary representatives travelled to Honduras in August

2007 and spent four days listening to all sides in the mining debate. They offered significant support to civil society sectors seeking just and responsible mining laws, and environmental and local community protection.

One central theme was the need for Corporate Social Responsibility (CSR) legislation and the application of Canadian mining laws to Canadian companies operating in the Americas to ensure ethical conduct. This is especially important because extractive industries routinely take full advantage of the absence of adequate local laws and any frailty or corruption they may encounter in governments of the NAFTA area. The initiative includes appointing an independent ombudsman to verify compliance with standards.

### Colombia

The country's 42-year-long internal armed conflict, continued relentlessly in 2007, although paramilitary demobilization is supposed to have been concluded during 2006. Serious human rights abuses remain at shockingly high levels, especially in rural areas that are traditional indigenous and Afro-descendant locations. All armed parties involved – government forces, two leftist insurgent groups (FARC and ELN) and innumerable 'renegade' paramilitary groups – continue to abuse human rights and breach international humanitarian law with apparent impunity.

Colombian politics in 2007 was rocked by a massive scandal resulting from revealed connections between high-ranking political leaders and paramilitary death-squads. Paramilitaries are accused of seizing mostly Afro-descendant and indigenous lands and intimidating or assassinating rights defenders.

According to prior agreement, more than 32,000 Colombian paramilitaries were supposed to have been demobilized and removed from the conflict by early 2007. However, reports of abuses by these armed non-state actors continued throughout 2007, with negative consequences for Afro-descendant and indigenous populations that have traditionally shared the same rural locations for several decades.

### Victims of violence

According to the national census (2005) approximately 11 per cent of Colombian population is of admittedly African origin. In 2007 they

continued to face significant economic and social discrimination. The mostly rural Department of Choco, with the highest percentage of Afro-Colombian residents, continues to have the lowest per capita level of social investment and ranked last in all social indicators. Moreover it is now deeply embroiled in the ongoing conflict.

Having been spared most of the fighting in prior years, Afro-descendants in 2007 increasingly experienced some of the worst violence as paramilitaries and guerrillas struggle for control of territory and the loyalty or acquiescence of local populations.

Government figures indicate that Colombia has over 800,000 indigenous inhabitants belonging to approximately 80 distinct ethnic groups. They live on more than 50 million acres granted by the government, often located in resource-rich, strategic regions, which continue to be fought over by the various armed groups.

Many indigenous communities have acquired legal title to claimed lands under ILO No. 169, however illegal armed groups in 2007 continued to violently contest indigenous land ownership and acted to drive them off their holdings.

Rights defenders report that many indigenous groups are now in imminent danger of extinction, with the greatest risk coming from government soldiers and army-backed paramilitaries, who threaten, intimidate and accuse them of complicity with insurgents and drive them off their lands.

Afro-Colombian and indigenous communities were at particularly high risk of mass displacement during 2007 due to armed confrontations, forced recruitment and minefields.

In July 2007 the Ombudsman's Office reported that 600 members of the Awa indigenous community, who were returnees from earlier displacement in 2006, once again came under pressure due to minefields planted throughout their Magüí reservation. In July 2007 five community members – including two children – were killed by landmines, prompting another mass exodus into neighbouring rural areas and the urban zone of Ricaurte.

Also in July 2007 the UN Office of the Commissioner for Humanitarian Affairs (OCHA) was informed of an increase in the forced recruitment of Afro-Colombians in the Pacific Coast town of Olaya Herrera. This is part of a country-

wide pattern whereby young people are forced to join the fighting forces. Students in some areas stopped attending classes during 2007 out of fear of paramilitary unit recruitment.

In July 2007 a coalition of national and international NGOs presented a formal report to the Inter-American Commission on Human Rights focusing on child recruitment and demobilization. An estimated 13,000 children comprising 25 per cent of all combatants in the Colombian conflict are under 18 years old.

Meanwhile the US government aid agency USAID in 2007 continued to fund projects in which the demobilized right-wing paramilitary members are given land to cultivate in an effort to resettle those who agree to be disarmed. Activists point out that this resettlement is usually at the expense of Afro-Colombians, since the lands are mostly located in historically Afro-Colombian areas.

The issue is further complicated by the increasing interest of wealthy Colombian investors in biofuels. In 2007 oil palm planters took advantage of the growing depopulation of the Afro-Colombian countryside to expand their holdings. They are accused of using armed guards and paramilitaries to drive reluctant people off the land as well as assassinating Afro-Colombian activists

In September 2006, paramilitary gunmen invaded the home of Juan de Dios García, an Afro-Colombian community leader in the city of Buenaventura. As a member of Proceso de Comunidades Negras (PCN) he had been trying to recover land inhabited by Afro-Colombians for five centuries.

Advocates for Colombia's 3.6 million internally displaced population continued to insist in 2007 that land taken over by paramilitaries should be returned to former owners – mostly poor and marginalized Afro-Colombians and indigenous people. García escaped but seven members of his family were killed by the gunmen who reportedly arrived in police and army vehicles.

State forces also acted against protesters on 15 and 16 May 2007 in Cauca and Nariño Departments. Security agents allegedly used excessive force during mass demonstrations that involved Afro-descendant and indigenous protesters. At least one demonstrator died.

In July 2007 over 2,200 people, including small farmers, Afro-Colombians and indigenous people,

gathered in Bogotá to protest against the attacks. They reaffirmed that crimes committed by paramilitary groups were part of systematic, planned actions directly permitted by the state. Thereafter the National Coordinating Organization of Displaced Persons (CND) and the Yira Castro Legal Corporation, which function as rights defenders, began to receive threatening emails.

#### Inter-American Court of Human Rights

Rights defence has long been a high-risk occupation in Colombia. On 4 July 2007, the Inter-American Court of Human Rights condemned the Colombian state for the 1998 extra-judicial execution of the Nasa Yuwe indigenous community leader and rights defender Germán Escué, who fought against territorial dispossession.

The Court held the Colombian state responsible for arbitrary and abusive intervention in the home of Germán and his family, and for making them wait four years for the return of the remains. This had spiritual and moral repercussions since indigenous Nasa Yuwe culture considers interment a mandatory sacred act that ensures collective harmony and balance.

As reparation the Court required the Colombian government to very publicly acknowledge its responsibility. This involves prosecuting those responsible, establishing a Community Development Fund in German Escué's memory, providing his daughter with a full university scholarship, and specialized physical and mental healthcare for family members.

#### Ecuador

Along with Rafael Correa, who took office as president on 15 January 2007, four indigenous persons and one Afro-Ecuadorian managed to get elected to the 100-seat Congress. Correa has stated he will seek to establish a Bolivia-style Constituent Assembly of national indigenous leaders to rewrite the constitution to include empowerment for Ecuador's indigenous majority.

Despite growing political influence, in 2007 indigenous and Afro-descendant minorities in Ecuador continued to suffer discrimination at many levels of society. According to Ecuador's Ministry of Social Development, 70 per cent of the estimated 600,000 Afro-Ecuadorian citizens continued to suffer widespread poverty and very pervasive educational and

societal discrimination in 2007. Despite the absence of official discrimination, there were still no special government efforts to address these problems in 2007.

The UN Special Human Rights Reporter on Indigenous People raised concerns at the lack of consultation on extractive projects in indigenous territories and the negative impact of resource extraction activities on the environment and indigenous living conditions.

Indigenous activists, environmentalists and rights defenders report frequent threats and violence against them by police, soldiers and private security forces, including the laying of unsubstantiated charges. This legal team representing indigenous communities suing a multinational oil company for pollution caused by drilling between 1964 to 1992 in Sucumbíos province has also been affected by such activities.

Much of Ecuador's wealth lies in the Amazon rainforest region, where some indigenous populations still live in voluntary isolation. According to the Ecuadorian NGO Acción Ecológica, of the 400,000 barrels of oil per day produced in Ecuador more than 32,000 barrels annually spill into the Amazon river systems, mostly in areas inhabited by indigenous groups like the Cofanes.

An estimated untapped 900 million barrel oil reserve has been identified in the heart of the biodiverse rainforest. In light of ecological concerns – including the future of indigenous populations – Ecuadorian officials have indicated to the UN that Ecuador would ban exploitation of huge oil reserves if compensated by the international community for its effort to save the Amazon region and its indigenous inhabitants from ecological collapse.

In September 2007 the Ecuadorian government for the fourth time ordered the suspension of all activities at the controversial Junin open-pit copper mining project located in the ecologically diverse Tropical Andes of Ecuador.

In light of the forthcoming Constituent Assembly to re-write the country's constitution, open-pit mining may be altogether barred in Ecuador, along with future large-scale mining projects.

#### Nicaragua

After years of chafing under limitations imposed by Nicaragua's Supreme Electoral Council (CSE), the country's largest indigenous social movement YATAMA chose to form a political alliance with its

former wartime adversaries the Sandinista Front for National Liberation (FSLN) to contest the December 2006 national elections.

The favourable outcome, which saw the return of the FSLN to power, was seen as an important development given the role the Frente (FSLN) had previously played in advancing the issue of autonomy for the North and South Atlantic coast regions (RAAS and RAAN).

The unprecedented action by YATAMA (Yapti Tasbaya Maraska Nani Asla Takanka or Organization of the Nations of the Mother Earth) – which historically has been Miskitu-led – was intended to ensure greater ethno-cultural inclusion. This implies enabling the indigenous Mayagna, Miskitu and Rama peoples, and Creole and Garifuna minority populations, to collectively address issues like enhancing socio-economic development and exercising more control over regional resources.

Given the multicultural history of Nicaragua's Caribbean coast and the mixed Afro-indigenous nature of the society, the issue of ethnicity has always been a fluid reality, often based more on self-definition and cultural preferences rather than fixed genetic boundaries.

YATAMA's decision to field candidates from other ethnic groups – such as their ultimately successful Creole woman representative – was therefore a significant step towards rebuilding strong intercultural understanding and avoiding conflict; especially given the tensions that had emerged in the post-civil war years, when Atlantic coast communities increasingly begun to divide along exclusionary ethno-political lines.

The winning candidates of the FSLN/YATAMA coalition, upon taking office in 2007, declared their intention to work together to increase participation of the region's ethnic groups at the national level, to develop the Atlantic regions and improve the overall functioning of the autonomy process.

They claimed that the former governing party (PLC) has never defended the region's multi-ethnic group interests, choosing instead to promote Hispanic cultural homogeneity that failed to protect minority languages or cultures.

The need for conflict avoidance in the region during 2008 is very important. On 4 September 2007 the Caribbean coast of Nicaragua was hit by Hurricane Felix, a category 5 storm with an average

wind speed of 230 mph. The North Atlantic Autonomous Region (RAAN), which was the worst affected area, is mainly inhabited by the Miskitu indigenous group.

The Nicaragua army reported the destruction of over 19,000 houses affecting nearly 32,000 families; 102 people lost their lives and 90 per cent of the crops were destroyed, along with livestock and fishing equipment. Reconstruction was estimated to cost approximately US \$50 million.

#### Peru

According to government figures, the Afro-descendant minority in Peru numbers about 2 million people out of a total population of about 23 million – 45 per cent of whom are indigenous.

The continuing marginalization and difficulty experienced by Afro-Peruvians was once again demonstrated in 2007. This was very evident following the 8.0 magnitude earthquake that hit Peru's southern coast in August 2007, killing more than 500 people, injuring over 1,000 and destroying some 34,000 homes.

One week after the disaster MRG expressed concern that crucial humanitarian relief was still not reaching the Afro-Peruvian population who made up the majority of the worst affected among the hundreds of thousands left homeless.

Peruvian Afro-descendants' rights advocate Jorge Ramirez Reyner of ASONEDH criticized the government for doing nothing to help the mostly rural Afro-Peruvian communities and for excluding them from the relief process, especially since all humanitarian aid was channelled through the government.

In keeping with the all-pervasive national climate of deep discrimination and prejudice, there were also charges that the Peruvian media chose to ignore the plight of the disaster-affected Afro-Peruvians – who had lost everything – and instead preferred to portray them as looters and thieves.

Additionally, critics pointed out that severely damaged road systems made it particularly difficult to deliver relief to the rural zones where most of the Afro-Peruvian communities are located. They charged that this was another indication of an ongoing pattern of infrastructural under-investment and official neglect that has characterized the relationship between successive Peruvian governments and the Afro-Peruvian population.



**Left:** A boy collecting water in the Maya Chorti (Ch'orti) indigenous community of Nueva San Isidro, Honduras. Giacomo Pirozzi/Panos Pictures

Unlike efforts in neighbouring countries, the Afro-Peruvian presence is still not adequately addressed by the country's statistical instruments, which means that Afro-Peruvian communities remain officially invisible as well as deprived.

#### United States

One consequence of the influence and reach of the United States as a global superpower in 2007 is that minority rights concerns within its own society have grown more varied. In addition to its historically derived indigenous and Afro-descendant minorities it must now also consider a range of other issues related to vulnerable ethnic and religious minorities.

In the context of counter-terrorism, the continued holding of hundreds of mainly Muslim detainees in offshore custody without charge or trial has served to maintain focus on the Islamic religious minority within the United States. In 2007 they continued to express misgivings at what they saw as unwarranted profiling and increasing xenophobic actions directed against their persons and assets.

Issues related to other minorities within the US also had a decidedly international dimension, especially with respect to the Americas. Spanish-speaking immigrants from Latin America and the Caribbean now represent one of the fastest growing minority groups in the United States. Since many of the immigrants – whether legal or undocumented – are of indigenous and Afro-descendant ancestry, the need for the continued migration of these marginalized groups to the United States in search of opportunity can be seen as another indication of the general low status of minorities in the Americas as a whole.

#### Native Americans

In 2007, the approximately 2.5 million Native Americans were increasingly urban and many reservations derived self-supporting revenues from gaming casinos and resource extraction. However, Native Americans as a whole still lagged behind in education and income, and were high up the unemployment and poverty indicators.

In 2007 they continued to seek redress for alienated lands and fractured cultures, and to claim right of ownership to significant parts of some states like New York, California and Nevada.

The Onondaga Indian Nation has gone to court claiming rightful ownership to a 2 million acre territory in New York State that runs from the Canadian border to Pennsylvania, and includes cities like Syracuse and Binghamton. One key indigenous aim is the environmental clean-up of hazardous waste from Lake Onondaga.

According to the US Justice Department, the Western Shoshone Indian Nation is also seeking to confirm title to more than 60 million acres of land comprising most of the state of Nevada and parts of California, Idaho and Utah. Prior attempts at settlement have failed and, despite a bill before Congress to provide \$150 million in financial compensation, the Western Shoshone have refused to accept money and indicated that their land is not for sale.

#### African-Americans

African-Americans have made substantial gains, especially in the past decade, nevertheless, as in the rest of the region, this Afro-descendant population (36 million) continued to lag in all social indicators in 2007 and to seek an end to complex forms of social and economic discrimination that are mainly historically rooted.

At the end of 2007 questions were raised even about sustainability of the supposed gains and the difficulty of passing them on to the following generation. A study by the Pew Charitable Trusts released in November 2007 revealed an as yet unexplained downward economic trend among nearly half of the African-Americans surveyed.

According to the study, 45 per cent of the African-Americans whose parents were solidly middle income in 1968 fell to the poverty or near-poverty levels of income distribution in the next generation, ending up among the lowest fifth of the nation's earners. Only 16 per cent of Euro-Americans showed a similar downward trend.

#### Justice

Besides the fragile nature of middle-income life, for many African-Americans obtaining just and equal treatment under the law continued to be an issue. With the post-Hurricane Katrina resettlement of the

mainly African-American victims still unresolved, the State of Louisiana in 2007 also experienced mass protests over unequal treatment of minorities in the justice system.

This took the form of the largest civil rights demonstration in the United States for more than two decades. On 20 September 2007 an estimated 50,000 mainly African-American protesters from across the country travelled to the small town of Jena Louisiana to petition the justice system to uphold the law with respect to the trial of juveniles.

Six teenagers faced years in adult prison for violent altercations that followed a silent protest vigil under a tree on the Jena High School lawn, where symbolic neo-segregationist nooses were found hanging.

Authorities directed the full force of the law upon the defendants. However Louisiana's Third Court of Appeals overturned the conviction on the grounds that one of the main defendants was improperly tried as an adult.

Participants saw their demonstration in national terms, indicating that the mistreatment of the so-called 'Jena 6' was just a local reflection of a nationwide historical pattern of unjust treatment by the judicial system, especially given the connections of the case to racism, xenophobia and so-called hate crimes.

With reports continuing to surface in the national media regarding symbolic noose hangings – including on the office door of an Ivy League professor and in the locker room of a Long Island police station – African-American protesters once more took to the streets. Thousands of demonstrators descended on the Justice Department building in Washington DC on 17 November 2007 to demand a federal crackdown on hate crimes and a stronger official response to continued public displays of racial antagonism. The demonstrators pointedly marched around the government building seven times in an apparent reference to the biblical story of the fall of Jericho.

#### **African-American incarceration**

Despite a strong rule-of-law tradition in the United States, minority defendants continued to complain of unequal prison sentences in 2007. There was also concern about unfair use of race during jury selection, which critics claim is designed to exclude African-American jurors.

Justice Department figures indicate that African-Americans account for less than 14 per cent of the national population, however they constitute nearly 44 per cent of the 2.2 million people in jail, with a large percentage being 18–24-year-olds.

According to a Washington-based think-tank, the Sentencing Project, some states, like Iowa, imprison blacks at more than 13 times the rate of whites, which has a socially devastating multiplier effect. Moreover, only 27 per cent of African-American inmates incarcerated nationally were there for violent crimes. Of all inmates locked up for minor drug offences, 62 per cent were African-American, having received mandatory five-year sentences.

According to the *Washington Post*, federal judges, law enforcement and civil rights groups have long criticized the stricter federal penalties for crack cocaine (primarily used by African-Americans), versus lighter penalties for the same amounts of powder cocaine, (more generally used by European-Americans) and deemed it a race-based double standard. The US Sentencing Commission, which sets incarceration guidelines, has come under increasing fire from civil rights organizations and prisoner advocacy groups to decrease these sentences by at least two years.

In November 2007 federal authorities announced reduced penalties for new cases, and a plan to retroactively reduce prison sentences. This could result in the unprecedented nationwide release of 19,500 mostly African-American inmates. The new proposal was immediately challenged by the Justice Department and further fuelled the debate about race and the justice system; especially since an earlier sentence-reduction initiative for crimes involving marijuana, LSD and OxyContin – which primarily involve whites – was made retroactive.

#### **Political participation**

Of great significance is that these events in 2007 were occurring at a time when a first-generation African-American senator Barack Obama – of partly Kenyan heritage – was demonstrating a significant ability to obtain the substantial financial and popular support needed to mount a credible US presidential election campaign. Also among Democratic Party contenders was New Mexico governor and former UN ambassador Bill Richardson, who is of Hispanic heritage.

## Venezuela

In December 2006 elections the high-profile Venezuelan President Hugo Chávez won a third term with over 60 per cent of the vote. Chávez has openly declared his African and indigenous heritage and draws much of his support from the country's poor and marginalized, most of whom share the same roots.

No accurate count exists but Venezuela's indigenous population is estimated at between 600,000 and 700,000, representing 32 distinct peoples. Venezuela's 1999 Constitution codified indigenous rights to an unprecedented degree, including in the preamble. In 2007 challenges continued to come from conservative business organizations like FEDECAMARA that have denounced indigenous rights recognition specifically and the idea of multiculturalism in general.

Indigenous representatives have participated in the Chávez government from its inception. The Venezuelan National Indian Council (CONIVE) helped to draft the 1999 Constitution, which provides for indigenous representation in Congress. Noeli Pocaterra, an indigenous Wayu congresswoman, continues to hold the position of vice-president of Congress.

On the other hand, as of 2007, the Afro-Venezuelan population has still not experienced a similar degree of ethnic recognition. Apart from estimates that they make up 20 per cent of the national population, there is no data regarding actual Afro-Venezuelan demographics.

On 20 March 2007 thousands of urban and rural Afro-Venezuelans took to the streets of the capital Caracas, in a march for recognition. The Network of Afro-Venezuelan Organizations (ROAV) presented a proposal calling for a rewriting of the constitution to include text in the preamble related to the many sacrifices made by Africans and their descendants in gaining the country's independence.

They also requested the inclusion of a special chapter dedicated to Afro-Venezuelan communities, highlighting respect for their spiritual values, protection of ancestral lands and ecology, and inclusion in the educational curriculum of their cultural and historical contributions.

Moreover, in June 2007, with support from the Venezuelan Ministry of Culture and UNICEF, the Network of Afro-Venezuelan Organizations organized an international seminar to gather

regional experiences on statistical inclusion of Afro-descendant populations, with the aim of eliminating Afro-Venezuelan invisibility in the next census (2010). ■