



# Americas

Maurice Bryan

The Americas region stretches from the South to the North Pole and includes large populations with varied cultures and ethnicities in North, Central and South America, and the Caribbean Basin. Among the hemisphere's hundreds of millions are numerous indigenous peoples, as well as African descendant populations and descendants of immigrants of European, Middle Eastern and Asian-Pacific origin.

The battle to retain or reclaim ancestral lands and cultures and protect basic rights continued to be the primary focus of most indigenous and African descendant communities during 2009. These populations remained the most socio-economically marginalized in the region and under threat of territorial dispossession. Spokespersons for community councils, especially in areas such as the Pacific coast of Colombia are now increasingly describing their situation in terms of 'population cleansing'.

The efforts of the affected African descendant and indigenous populations to achieve redress by appealing to existing laws and statutes continued to be met mostly by intransigence or indifference by state and private entities. In some instances, such as the indigenous protests against resource extraction in the Peruvian Amazon, this resulted in notably violent confrontations with state authorities.

#### Rights compliance

Official intractability often results from an apparent disregard for, or unwillingness to comply with, legal norms designed to safeguard the rights of vulnerable indigenous or African descendant communities. This is perhaps reflective of broader issues in the region, regarding the upholding of laws, and individual and collective rights in general. The 2009 United Nations Development Programme (UNDP) report on human development in Central America indicated that state authorities, as well as citizens in the region, are increasingly concerned about greater illegality, the militarization of civilian life, and widespread insecurity and violence.

Regional charters and bodies such as the Inter-American Court of Human Rights (IACtHR) have explicitly pointed out the close connection between the promotion and protection of human rights and the ability to guarantee the rule of law. In a growing number of virtually uncontrollable rural and urban areas, unlawful acts such as disappearances, torture, kidnappings for ransom, extra-judicial killings,

human trafficking and threats against ordinary citizens and human rights defenders continued to occur or increased during 2009. This was obvious not only in the conflict areas of rural Colombia but also in Brazil's *favelas*, the rainforests of Peru and Ecuador, and the urban centres, border towns and resource extraction zones of Central American countries such as Guatemala, Honduras and Mexico. Most of these areas are inhabited by significant numbers of indigenous peoples and African descendants.

#### Socio-political change

The societies of the Americas continued to undergo profound political changes during 2009. There was a notable increase in political participation by indigenous peoples and African descendants in countries such as Brazil, Bolivia, Ecuador, Paraguay, Venezuela and the USA, including successful efforts to increase levels of representation at both local and national government levels.

The introduction of new 'pluri-cultural' constitutions in Bolivia and Ecuador, and the coming to power of the first African-American president in US history were among the most obvious examples of regional political shifts. The so-called 'Obama factor' may also have set the tone for a general change in perceptions in the rest of the region, especially with regard to greater participation by minorities and indigenous peoples in public life.

The increasing participation of indigenous peoples and African descendants at the national political level in countries such as Bolivia, Ecuador, Nicaragua and Venezuela also had an international dimension. During 2009, this resulted in the continued expansion and strengthening of regional alliances and regionally oriented institutions, such as ALBA (the Bolivarian Alliance for the People of Our America) and UNASUR (Southern Cone Alliance). Member states of these blocs have all publicly affirmed their commitment to greater inclusion of indigenous and minority populations, and improvements in the lives of the least advantaged in their societies. The ongoing process – particularly among ALBA members – includes an effort by the respective governments to re-found the nation-state through constitutional reforms that allow for more direct citizen input into decision-making at all levels, via referenda as well as local governance initiatives.

Some observers argue that attempts to hasten the process of change, particularly in Honduras, may have contributed to regional destabilization. According to reports from the Inter-American Commission on Human Rights (IACHR), the political turmoil that ensued in that country included notable instances of disregard for key international human rights principles. The overall negative affect of the political turmoil was directly felt by minority communities when widespread international condemnation led to a freeze in the flow of international development assistance to Honduras. These financial sanctions held back efforts that could have helped in advancing national Millennium Development Goals (MDGs), especially in light of the current global economic downturn.

#### Economic change

After having reached historically high levels during the previous decade, money sent to Latin American and Caribbean (LAC) countries by citizens abroad continued to decline significantly in 2009. The World Bank reported that these remittance flows dropped by as much as 12 per cent compared to 2008. The countries most affected by this include El Salvador, Haiti, Honduras, Mexico, Nicaragua and, to a lesser extent, Bolivia and Ecuador. According to World Bank data, remittances accounted for over 10 per cent of GDP in 2007. For Guyana, Haiti and Honduras, remittances accounted for over 20 per cent of GDP. In Mexico, although remittances contribute only 3 per cent to the overall economy, this translates into more than US \$20 billion annually – much of it going to regions with significant indigenous and African descendant populations.

The fall in remittances had a marked direct effect on indigenous and African descendant communities. Regardless of their educational level, members of indigenous and African descendant populations have long found it much easier to obtain decent incomes by working abroad rather than in their home countries. Remitted funds therefore represent a significant portion of the annual household income in these communities, helping many to remain above the poverty line.

#### Human rights and the environment, including climate change

Events in the region in 2009 continued to demonstrate the direct connection between human rights

abuses, environmental degradation and climate change. Indigenous and African descendant lands continued to be usurped without consultation for petroleum extraction, precious metal mining, logging and large-scale agro-industry, such as beef production and oil palm and soybean plantations, mostly for export to wealthy countries. This involves massive deforestation, biodiversity elimination, single-cropping, chemical spraying or leaching of toxic mining chemicals. Regional environmental and indigenous rights activists continued to call for more initiatives that examine the cultures of indigenous and African descendant communities, to see what lessons these may contain for sustainable environmental management and coexistence.

During 2009, the region also continued to be affected by unprecedented heavy rains, landslides, floods and droughts that occurred in countries from Argentina to Mexico, with the impact on the human population made worse by the existing economic disparities and marginalization of African descendant and indigenous communities. Among those most affected have been Guatemalan indigenous peoples, who have been suffering the effects of the worst drought in 30 years. In addition to mining activities, the bulk of Guatemala's land area is devoted to large-scale agro-businesses, involving the production of coffee, sugar and palm oil. With a predominantly indigenous population, Guatemala also has the highest rate of chronic malnutrition in the LAC region, and the fourth highest in the world.

Guatemala experienced in 2009 two consecutive climate-induced low harvests in the country's eight mainly indigenous corn-growing regions. This led to a sharp rise in food prices, which was having an enormous impact by the end of 2009 on the 2.5 million predominantly Mayan indigenous peoples in 21 of the country's provinces. Large numbers of indigenous children in drought-hit subsistence farming areas began to show all the classic signs of extreme malnutrition and starvation.

One possibly related factor is that indigenous peoples and African descendants are granted only limited participation – at best – in decisions affecting the use of their land and the allocation of national resources. This is despite the existence of a range of local regional and international instruments that include International Labour Organization (ILO) Convention No. 169 and

the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) that guarantee indigenous peoples such rights. These norms have already influenced important precedent-setting IACtHR rulings, such as *Awas Tingni v. Nicaragua* and *Saramaka v. Suriname*, which stand as the first legally binding decisions by an international tribunal to uphold the collective land and resource rights of African descendant communities and indigenous peoples. However, the fifth Summit of the Americas, in April 2009, which was attended by heads of all the regional states except Cuba, did little to ensure that the member states' human rights obligations would be met, or that there would be strong efforts to safeguard the rights of African descendant and indigenous populations in the future, according to an analysis by Amnesty International (AI).

### Argentina

The indigenous population in Argentina numbers between 700,000 and 1.5 million. These figures include groups such as the Aymara, Chiriguano, Guaraní/Mbyá, Mapuche, Quechua, Toba and Wichi/Mataco. Despite constitutional recognition of their ethnic and cultural identity, and the existence of laws for advancing bilingual education and communal ownership of ancestral lands, little real progress to safeguard their rights was achieved in 2009. Responsibility for the implementation of these principles rests with Argentina's 23 provincial governments, but only 11 provinces have constitutions recognizing indigenous rights.

During 2009, Argentina's indigenous peoples continued to have little say in the use of their lands or the management of their natural resources. As a result, protests continued in many provinces over attempts to dispossess or evict indigenous communities from their ancestral lands to make way for tourism or large-scale petroleum, mining and agro-industry projects. Indigenous organizations such as 11 de Octubre Mapuche-Tehuelche Organization continued in 2009 to claim that their constitutionally guaranteed rights to land ownership and their title deeds were not being respected, and that the sale of land with people living on it was still occurring.

### Mapuche claims

An estimated 200,000 Mapuche (People of the Land) live in Patagonia, which encompasses the

## Special report

# Doctrines of discovery and canons of recovery: religious intolerance towards indigenous American earth-based belief systems

Even though the everyday realities in the societies of the Americas play out as essentially secular economic, political and social dramas, there are significant religious influences that underpin and drive the plots and dialogues. The fact that various acts of these dramas have had a notably adverse impact on the well-being of the region's indigenous and African descendant populations may be an indication that what is in play is not only rights issues related to disparity and exclusion, but also a virtually irreconcilable clash of belief systems.

### Inclusive political environments

Over the past eight years, Latin America has witnessed the coming to power of a number of so-called 'populist' governments, especially in countries with large politically mobilized indigenous populations such as Bolivia and Ecuador. Besides expressing doubts over globalized free trade, these



governments are aiming to introduce constitutional reform that would be more reflective of indigenous cultures, beliefs and land-holding traditions. The respective governments have also publicly expressed interest in developing more reciprocal regional inter-relationships. In MDG-linked sectors such as health, education, economy and transport, governments are hoping that work on a regional level can be improved through linkages with organizations such as ALBA.

The willingness of indigenous and African descendant populations to support these governments is probably based on the fact that many of the practical aspects of traditional indigenous communal value

**Above:** Afro-Colombian boys at the entrance to the remote village of Pie de Pato in the Choco region of northern Colombia. *Moises Saman/Panos.*

systems still operate among large swathes of indigenous descended peasant populations stretching from Nicaragua, Panama and Colombia, through Peru and Paraguay, to Bolivia, Ecuador and Argentina. Many of these practices are rooted in the traditional indigenous worldview and cosmology in which humans, the environment and the entire cosmos are enmeshed in a network of reciprocal relationships that also includes a spiritual dimension.

**Doctrines of discovery**

Throughout the approximately 500-year history of state formation in the Americas, religious thinking has been a key factor in the region's evolution. From the outset, European colonial expansion into the Americas was a religious project, sanctioned and directed by the highest level of the Church hierarchy in the form of hemispheric doctrines such as the 1493 Papal Bull *Inter Caetera* of Pope Alexander VI and the Doctrine of Discovery. In addition, religious fundamentalists such as Puritan Protestants were among the first settlers in the continental United States and the eastern Caribbean.

According to the fifteenth-century Doctrine of Discovery, any Christian European country that 'discovered' lands populated by non-Christians could conquer and claim the territories, eliminate the populations and expropriate their possessions and resources. Some would argue that it provided a clear licence for the enslavement, territorial dispossession, cultural disintegration and ethnocide of millions of indigenous American and African people in the Americas.

Religious doctrines, and agents of the Church, played a key role in 'native civilizing projects', as well as in policy and state development. Well into the twentieth century in LAC countries, the provision of many social services – especially education – was almost exclusively left up to religious institutions.

It is for this reason that both the Prime Minister of Canada and later Pope Benedict XVI in 2009 were led to apologize for the abusive treatment of indigenous students in Canadian boarding schools. Financed by the government, these were run by religious organizations that removed indigenous children from their families and intentionally stripped them of their language, traditions and culture.

Moreover, religiously inspired principles and belief systems still operate at the most prominent levels of regional society due to the dominant role of religious institutions in elite leadership development and in guiding secular policy discourses, including with regard to concepts such as 'ethics' and 'civilization'.

**Intolerance**

Of singular importance to adherents of the 'religion of conquest' were notions of the absolute rightness and superiority of the faith's worldview and values. They could cite as evidence the conquest itself, as well as the supposed social, economic and material accomplishments of the colonial order.

Consequently among the main characteristics of New World colonial expansion was a highly intolerant approach to traditional indigenous and African belief systems. These were not respected and religious conversion of indigenous peoples and African descendants specifically aimed at the total eradication of their traditional belief structures, even if that also meant physically eliminating the peoples and their cultures.

In 2009, indigenous activists in countries such as Bolivia and the United States have therefore continued to argue that it is the workings of these doctrines and belief systems in the contemporary secular context that still constrain the goals and aspirations of indigenous peoples and African descendants and their efforts to control their natural resources, and to preserve traditional cultures, lands and lives.

As evidence, they can point to the 1823 US Supreme Court ruling that used the Doctrine of Discovery as the basis for its decision that Native Americans have only a right of occupancy to their lands and not legal ownership, which became the foundation for US Federal Indian law. In July 2009, this and other realities prompted the UN Permanent Forum on Indigenous Issues to call for a study of the Doctrine of Discovery and its effects on indigenous peoples. It is due to be completed by the start of the 2010 session.

**Differences in perception**

One likely finding of any study is that central to the debate are marked differences in key perceptions. The incoming religious systems brought to the New World a set of theological assumptions, especially regarding the relationship of humans to nature and the universe, derived from texts that were held to be sacred. For example, in the Old Testament Book of Genesis, humans are portrayed as being made in the likeness of their creators and encouraged to have dominion over

the earth and all it contains. These beliefs were in stark contrast to those of most pre-Christian traditional indigenous societies – especially in the New World – and this could be regarded as lying at the root of the aforementioned irreconcilability of belief systems.

**Continuity**

Many traditional indigenous American religions are mainly earth-based, and generally encourage humans to be socially and environmentally reciprocal. To varying degrees, this view continues to inform the thinking of many rural subsistence indigenous peoples and African descendant communities in the Americas, especially those that still mainly depend on the forests, rivers, and small-scale agriculture and fishing for their livelihoods and that have had limited contact with formal educational systems. For practical survival reasons, they remain acutely aware of their need to function as guardians rather than as subjugators of the land, which is still usually held in common. Their activities are aimed at providing enough for their daily needs, with little non-seasonal surplus or material accumulation. This self-sufficient vision has never accorded with either colonial or postcolonial mainstream thought in the Americas, which may have helped to contribute to the communities' present-day vulnerability. Traditional indigenous belief systems resonate even less with twenty-first-century neoliberal economic models, which promote very large-scale globalized agro-businesses, manufacturing and trade, and large privately held land holdings.

Nevertheless, from Alaska to Argentina, in 2009 the indigenous idea of communally held land as opposed to privately owned property continued to be an integral part of community identity and a vital overall belief system. Activists argued that indigenous land claims could be justified from the perspective of safeguarding of indigenous peoples' religious rights. Moreover, African descendants who entered the Americas also had collectivist traditions of their own preferred to acquire and hold property communally whenever they could in the post-emancipation era.

**Exclusion**

Such views of land ownership were not legally rec-

ognized during nineteenth-century state formation and the establishment of private property laws in the Americas. Moreover, the indigenous and African descendant populations were completely excluded from any involvement in the formulation of policies by the newly independent republics.

Instead, all across the Americas it was deemed necessary to attract additional immigrants from the colonizing cultures of Europe and elsewhere, who shared the same religious views and would maintain and expand the dominant value system. The migrants were enticed with offers of large land holdings, thereby sowing the seeds for current land claim conflicts in countries such as Argentina, Chile and Paraguay during 2009.

In countries such as Guatemala, Peru and Mexico as well, the authorities continued during 2009 to come down heavily on indigenous communities that challenged the ongoing illegal expropriation of their land and resources by national governments for multinational corporate use. Activists across the region have come to regard most government officials as agents who not only act on behalf of dominant foreign interests and wealthier countries, but also identify more closely with these exploitative principles rather than with indigenous and African descendant community interests. They point to state policies that invariably perpetuate expansionist doctrines of dominance, such as the alienation of communal land and natural resources, and the subjugation and exploitation of local labour, with many of the main victims belonging to indigenous and African descendant communities.

At the December 2009 Parliament of the World's Religions, indigenous peoples' representatives claimed that it is such contemporary practices that demonstrate a direct historical connection to the doctrines of conquest, prompting them to call collectively on religious leaders, such as Pope Benedict XVI, to repudiate the Doctrine of Discovery. In July 2009, the Protestant Episcopal Church of the USA passed a landmark resolution, repudiating the Doctrine of Discovery and urging the US government to endorse the UN Declaration on the Rights of Indigenous Peoples. ■

provinces of Río Negro, Neuquén, Chubut and Santa Cruz. According to Equipo Nacional de Pastoral Aborigen, 94 per cent of this group still have no title to the lands they have occupied ancestrally. As a result, land is frequently sold to the highest bidder, leading to land ownership disputes, such as those that continued during 2009.

During June 2009, hearings continued in the ongoing civil trial to determine possession of the Santa Rosa estate in the southern Patagonian province of Chubut. The case goes back to October 2002, when the Curiñanco-Nahuelquirs, an indigenous Mapuche family, were forcibly evicted by the Benetton Group SpA from a 535-hectare stretch of land in Chubut. The family claimed to have received verbal permission from a government land settlement agency to use what was supposedly unoccupied indigenous territory. Benetton claims ownership of over 2.2 million acres of land – including the disputed territory in Patagonia – through the Compañía de Tierras de Sud Argentino (CTSA). This makes Benetton the largest landowner in Argentina. The case went to court after the family refused a Benetton offer to settle in another area, and the litigation has continued to attract attention. This is because of the global recognition of the Benetton brand-name, and because the case highlights the challenges of reconciling traditional indigenous concepts of land ownership and use with private property laws that are constitutionally enshrined in all the countries of the region.

#### Resource extraction

Resource use in Mapuche communities is another of the group's concerns, and protests continued during 2009. Hearings occurred in Salta Province following a December 2008 ruling in a lawsuit brought by 18 indigenous communities in which the Argentine Supreme Court ordered a suspension of plans to harvest approximately 2 million acres of forest. There were also year-end protests in Salta by Mapuche who claim that 12,000 hectares of their communal lands were re-designated as a nature reserve by state governmental decree, and also that Mapuche lands were being ceded to private entities for the establishment of a private country club.

In September 2009, a Mapuche confrontation with a US-based petroleum company on Lonko Purran territory in the Neuquen district of Argentina ended peacefully when the company

temporarily retreated. The corporation, which was granted an oil concession by the government, backs its claim to the area with the support of a former Argentinean Supreme Court justice who professes to have acquired the land at a public auction. The Mapuche Confederation of Neuquen released a formal statement immediately after the encounter, denouncing the petroleum company, as well as the former justice and the provincial governor, for suppressing, ignoring and violating Mapuche rights over the past two years.

The Mapuche Confederation of Neuquen have compared the latest incident to previous confrontations with petroleum companies in the area, such as that of 2001 when Mapuche protests led investors to seek a legal resolution. In that case, the court ruled that Mapuche had a right to demonstrate on their own territory, based on ILO Convention No. 169, and dismissed all charges against them. While this was seen as a great victory for Mapuche, the events of 2009 indicate that the judgment seems to have had little lasting impact.

#### Steps towards Afro-Argentinean inclusion

In a national environment where minorities such as Chinese, Koreans, Roma and immigrants from Latin America do not receive equal treatment, Afro-Argentines in particular continued to experience discrimination in employment, education and housing. According to US State Department reports, they continued to endure racial affronts while using public transportation and to be denied entry to commercial establishments. However, MRG partner organization Afro-Indio reported in December 2009 that, in an unprecedented public gesture towards inclusion, the Municipal Council of the City of Santa Fe, the capital of the Province of Santa Fe, voted to rename a public walkway close to the Ethnographic and Historical Museums that was previously known as 'The Path of Two Cultures'. The intention was to acknowledge the African element in Argentinean society by officially changing the name of the walkway to 'The Path of Three Cultures'. It also authorized the building of two emblematic monoliths representing indigenous and African cultures, to be placed in a sufficiently visible location so that they properly represent the encounter of the three cultures and serve as a public reference point.

In a society where little recognition has histori-

cally been afforded to Afro-Argentines, Afro-descendant rights groups such as Afro-Indio indicated that they regard this as a modest but significant move in the right direction.

#### Bolivia

According to the 2001 Census, approximately 62 per cent of Bolivia's population self-identifies as indigenous (mainly Quechua or Aymara). President Evo Morales – who is of indigenous background – won his December 2009 re-election bid with over 63 per cent of the popular vote. His nearest rival, a right-wing ex-military official gained just 28 per cent.

Since taking office in 2005, the Morales government has experienced strong opposition in its efforts to re-found the state in order for it to be more responsive to indigenous community needs. Violence has flared up several times, much of it fomented by the non-indigenous landowning minority in the wealthy departments of Beni, Pando, Santa Cruz and Tarija. They have continued to oppose the Morales government and had earlier called for departmental autonomy. However, even though right-wing opposition candidates won the Santa Cruz stronghold with 53 per cent of the vote, Morales still garnered 40 per cent in that region. As reported in MRC's *State of the World's Minorities* in 2008 and 2009, Santa Cruz had seen some of the worst anti-Morales violence, when gangs allegedly recruited by the large landowners engaged in systematic attacks against local indigenous groups. Morales was also able to win a majority in two other eastern regions that had previously gone to the opposition.

Morales is arguably the hemisphere's only indigenous president. Together with his allied MAS Party (Movement Towards Socialism), he enjoys considerable support from the historically marginalized indigenous and Afro-Bolivian populations. The MAS now controls both the Senate and Lower House of the newly formed Pluri-National Legislative Assembly (the Congress Plurinacional or parliament, formerly the national congress). This will make it easier to institute long-desired changes, especially for Bolivia's indigenous communities. The IACHR reports that 70 per cent of the country's more than 4 million indigenous population continues to live in poverty or extreme poverty, with little access to education and mini-

mal access to basic services.

The election was a victory not only for the presidential candidate but also for his allies and supporters. One of these is Afro-Bolivian candidate Jorge Medina of the community of Chijchipa in the Department of La Paz, who became the first person of African ancestry in the history of Bolivia to be able to participate as a fully fledged member of the Bolivian parliament, winning more than 90 per cent of the vote in his district in the December 2009 elections. Medina ran for the position of Representative for Original Indigenous and Afro-Bolivian People in the Department of La Paz, under the banner of MAS – IPSP (Instrumento Político por la Soberanía de los Pueblos). The majority of the estimated 35,000 Afro-Bolivians live in the Yungas region of La Paz Department and have historically remained at the low end of the socio-economic scale. Like the indigenous population, they continue to face widespread discrimination and other serious challenges in the areas of health, education, literacy, income and employment. Afro-Bolivians regard the fact that a person of African origin is finally able to participate as a full member of the Bolivian parliament as confirmation of the process being undertaken by African descendants and indigenous communities to create a new social order, namely a 'pluri-cultural' Bolivia. The result also serves to reinforce a growing notion among African descendants across Latin America that they are much more likely to find an inclusive environment for public participation in countries that have elected so-called 'indigenous-friendly' governments. So far these administrations have demonstrated a greater responsiveness to their needs and aspirations compared to others, and have taken practical affirmative steps, such as appointing African descendants to high-level official positions, both locally and as foreign representatives.

#### Brazil

During 2009, Brazil enhanced its position as an emerging global economic contender. The so-called 'country of the future' also received a huge international image boost on being selected to host the 2016 Olympics. Nevertheless, social investment initiatives seem to have had only a limited effect on the country's historically marginalized African descendant communities and indigenous peoples. Brazil ranks only 75th on the UN's Human Development



**Left:** Pankararu girls wait for the beginning of the Tore ceremony at Favela Panorama, Sao Paolo, Brazil. *Eduardo Martino/Panos.*

In July 2009, the publication *O Globo* reported that the country's Supreme Court denied an appeal by Brazil's Democratic Party aiming to overturn affirmative action at the University of Brazil. The petition argued that the quotas violate the 'constitutional right of human dignity' and the universal right to education. While the Court ruling defended the constitutionality of racial quotas, it emphasized the need to increase the focus on socio-economic remedies rather than on racially based quotas.

#### Indigenous peoples' land rights issues

The National Indigenous Foundation (FUNAI) estimates that there are 460,000 indigenous people living on indigenous lands and an additional 100,000 to 190,000 in other areas, including urban areas. Some rainforest indigenous settlements contain groups that still live in voluntary isolation. More than half of Brazil's indigenous people continue to live in poverty, with poor health conditions, in communities where traditional ways of life and culture are under ongoing threat from logging, land developers, agricultural expansion and resource extraction.

While the 1988 Constitution obliged the federal government to demarcate all indigenous areas by the year 1993, at the end of 2009, the final phase – which is actual legal registration – continued to be the most difficult. Among the primary reasons are high-level corruption and deep-seated prejudices and discrimination against indigenous people and African descendants by local-level functionaries.

During 2009, human rights monitors reported that confrontations continued to occur over land ownership or resource exploitation rights. National authorities are often unable to provide the required protection due to limited state presence in remote areas. On the other hand, in several states where there is a police presence in indigenous areas, AI and local human rights monitors reported the continued existence of organized death squads linked to security forces that targeted persons on behalf of landowners. Given the support perpetrators enjoy, including from governors and state and municipal legislators, these abuses continued to occur with impunity.

#### Raposa Serra do Sol Reserve

Following the December 2008 Supreme Court decision to uphold President Lula da Silva's creation of the Raposa Serra do Sol Reserve in the northern Brazilian state of Roraima – near the Venezuela/Guyana border – the last of the few remaining non-indigenous rice-farming settlers who moved into the territory two decades ago have finally left.

The reserve, over 4 million acres and encompassing about 42 per cent of Roraima State, is now one of the largest protected indigenous areas in the world. For more than a decade, it has been the scene of violent frontier conflicts between indigenous peoples and non-indigenous Brazilian farmers, with settlers intimidating protesters and sometimes mounting armed resistance to hamper police eviction operations.

#### Urban favela pacification

In 2009, state governments in major cities such as Rio de Janeiro and São Paulo continued their efforts to pacify the large number of poor, marginalized urban shanty towns (*favelas*), which contain majority African descendant populations. First founded by squatters seeking work in the big city, the *favelas* have existed for decades and continue to expand. In Rio de Janeiro, over 2 million people, or 30 per cent of the city's population, live in the almost 800 *favelas* built on the hills that overlook Rio.

For most of their existence, shanty-town residents have lived on the margins of urban society without social investment or police protection, and in the vacuum, powerful organized gangs have emerged. According to local media, these sometimes administer 'communitarian justice', including enforcing sentences for transgressors. Vigilante groups are common, especially against those who go unpunished by the formal legal system after being accused of crimes.

Recently, the state government has begun taking steps to pacify *favelas*; these have mainly involved frequent heavily armed police raids which activists and residents complain have resulted in a number of human rights violations, including summary executions, deaths and injuries to many civilians and bystanders.

#### Favela occupation

In 2009, the authorities began a much more comprehensive strategy of *favela* pacification. After more

Index and displays the greatest measure of inequality in all of Latin America: the wealthiest 10 per cent averaging a monthly household income of 5,600 reais (US \$1,982) while the poorest 50 per cent get by on about 272 reais (US \$96) per month.

There are approximately 90 million Afro-Brazilians, constituting nearly half of the very mixed national population; however, they continue to represent a large percentage of the poor and a small percentage of the professional and managerial middle and upper classes. Moreover, a sizeable racial education gap continues to be a major constraint to any rapid change. This is partly linked to the fact that the rich can pay for private education and pre-college tutoring, while the poor attend inadequate, overcrowded and under-financed public schools.

Although the law prohibits racial discrimination, caste and colour continued to affect access to opportunity during 2009, especially for Afro-Brazilians and indigenous peoples. Brazilians with dark skin tones, such as African descendants, continued to encounter social and economic discrimination, including higher rates of unemployment and wages

averaging approximately half those earned by Brazilians of European descent.

#### Affirmative action

In recent years, the Brazilian government has initiated affirmative action measures to correct these inequalities, and there are programmes in place at nearly 20 government-run universities. In 2009, however, significant debate continued on the effectiveness of this policy.

Affirmative action bills to decide whether the government should impose racial quotas have been approved by the Brazilian House of Representatives, but at year-end these remained stalled in the Senate. The bills seek to create racial and socio-economic quotas in all federal universities, and propose reserving 50 per cent of all places for students from public high schools. Of those reserved spots, up to half would be set aside for Afro-Brazilians and indigenous students. The other half would be allocated to low-income students, of whom indigenous people and African descendants constitute a significant portion.

than a decade of just guarding the entrances and conducting sporadic raids, a permanent 24-hour policing presence is being instituted as part of a new policy of urban integration. According to state authorities, the aim is to establish fixed Peacemaker Police Units (PPU) in designated *favelas*, after first eliminating the large organized gangs. These operations can involve units of up to 300 military policemen, mainly from the elite Special Operation Battalion (BOPE). The BOPE units are judged by experts to be one of the most violent military forces in Latin America. They utilize equipment considered to be more powerful than that traditionally used in civilian law enforcement, including a fleet of armoured vehicles, known as 'Pacificador' (Peacemaker) or 'Caveirão' (Big Skull), equipped with point 30 carbines, M16 assault rifles, C-4 explosives and fragmentation grenades. Taking over a community usually means having to do battle heavy resistance from organized groups of up to 200 people, and the casualty rate can be high. Gangs are increasingly well-armed with assault weapons that give them new power to resist. According to findings by Brazilian NGO Viva Rio, organized gangs in Brazil now have about 4 million illegal weapons, made easier to obtain by deeply entrenched corruption in official circles.

In October 2009, just days after Brazil's selection to host the 2016 Olympic games, *favela* gangs shot down a police helicopter during a BOPE raid just 1 mile from Maracana stadium, where the opening and closing ceremonies of the Olympics are scheduled to be held. According to Brazzilmag.com, by the end of 2009 the pacification units had completed the establishment of PPU stations in seven *favelas*. The aim is to offer so-called 'community security' to a third of Rio's *favela* residents by the end of 2010.

Probably of much greater importance to residents is that PPU stabilization includes providing long-needed basic services as part of a Growth Acceleration Programme (PAC). This means installing basic water and sanitation infrastructure, thoroughfares, street lighting, health and education services, internet communication and housing upgrades. All of these services have been lacking previously.

#### 'Eco-walls' or social barriers

Talk of greater social integration of the 800 unpainted concrete and brick *favelas* began to be

viewed with increasing scepticism in early 2009, following city plans to begin building 3 meter high containment walls around at least 11 of Rio de Janeiro's informal settlements. State authorities indicated that the city's *favelas* have been doubling in size and threaten the forest at the edge of the city. Critics claim that the walls are more a social containment plan rather than an ecological conservation effort, the aim being to establish a barrier between the *favelas* and the beachside condominiums of the wealthy. The authorities cited the need to protect what is left of a huge bio-diverse Atlantic rainforest that once covered 16 eastern Brazilian states but is now down to just 7 per cent of its original size.

Environmentalists, human rights activists and residents continued to argue that the so-called 'eco-walls' are essentially an attempt to hide the *favelas*, which can be seen from Rio's beaches. They claim the barriers would physically segregate *favela* residents from the rest of society, and that other conservation measures can be applied. For example, in one *favela*, government and community representatives have agreed to build nature paths, adult recreation areas and playgrounds alternating with low 90 cm walls to prevent expansion. In addition, a jurist for the UN Committee on Economic, Social and Cultural Rights defined the walls as 'geographic discrimination', especially since other types of occupation, such as luxury condominiums, homes and hotels, also affect the native forest cover on Rio's outskirts.

During 2009, the first *favela* to be fully pacified, socially enhanced, as well as walled off, was Dona Marta, home to an estimated 7,500 people. This now 'model' *favela* earned international fame in 1996 as the production location for the Michael Jackson music video, 'They Don't Really Care About Us'.

## Colombia

Despite official pronouncements touting improved national security, the 44-year-long internal armed conflict in Colombia continues to simmer and is now taking an increasingly heavy toll on African descendant and indigenous communities. Apart from the continuous loss of lives and livelihoods, the greatest threat during 2009 was the ongoing apparent systematic dispossession of communities from large areas of land on which they have lived for scores of years and on which they depend for their

subsistence, thereby guaranteeing significant food self-sufficiency. The Colombian NGO CODHES estimates that nearly 4.3 million people have been internally displaced in Colombia over the past two decades, between 200,000 and 300,000 per year. Displaced rural people have few skills beyond farming and few social support structures in the areas to which they are forced to flee.

As the number of internally displaced people (IDPs) grows, humanitarian assistance is becoming ever more costly and difficult to provide. Processing of claims can sometimes take weeks or months and assistance is only temporary, at best. The most IDPs can expect is transitory shelter for two to six months and, regardless of family size, a stipend of about US \$500 to help them get re-established wherever they find themselves.

With a government allocation of just US \$508 million for IDP relief, during 2009 many IDPs continued to live in unhygienic, desperate and uncertain conditions, with limited access to health care, education, employment or income opportunities. Many IDPs are forced to turn to begging or prostitution, and become particularly vulnerable to trafficking schemes for sexual exploitation or other organized illegal activities. While assistance is provided through government bodies such as Acción Social, the Colombian Family Welfare Institute and the Ministry of Social Protection, international humanitarian support from groups such as the International Organization for Migration, the International Committee of the Red Cross, the UN High Commissioner for Refugees (UNHCR) and the Colombian Red Cross continue to play a major role.

#### Population removals

Afro-Colombian human rights groups indicate that of the more than 4 million IDPs in Colombia, over 30 per cent (nearly 1.3 million) are Afro-Colombians. Another 15 per cent (600,000) of the IDPs are from indigenous communities, despite the fact that those who self-identify as indigenous in Colombia make up only 2 per cent of the national population (43 million people). Moreover, the country's April 2009 decision to finally support the UNDRIP is not reflected in existing measures to safeguard the rights of Colombia's indigenous communities. Human rights defenders are concerned at the growing number of Colombia's indigenous

communities that now seem threatened with imminent and complete disappearance as a result of violence and dispossession, especially given the close relationship between their lands on the one hand, and identity and culture on the other.

Among the groups particularly affected are Embera, Gaiubos and the Siriri-Catleya indigenous communities, including those near the border with Venezuela. According to UNHCR, in early 2009 more than 2,000 indigenous Embera fled from their territory in the department of Choco, leaving 25 villages abandoned. In August 2009, human rights observers reported the massacre of 12 indigenous people, including 7 children in southern Colombia. There were also increasing reports of systematic sexual violence against indigenous women. There are 27 indigenous groups in Colombia that are considered to be at risk of disappearance. And the Colombian Indigenous Organization (CIO) estimates that one indigenous person is murdered every 72 hours.

Activists describe the events occurring in remote rural Colombia as a gradual but inexorable programme of ethnic cleansing. This is allegedly designed to remove indigenous and Afro-Colombian subsistence peasant farming populations from very fertile terrain, in order to usurp the land to grow illicit crops such as coca leaf and opium poppy, or to establish large-scale agro-business ventures, including palm oil plantations and beef cattle production.

#### New militia groups

In addition to the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), there are growing numbers of illegal paramilitary groups operating in the Pacific region of Colombia, especially in the departments of Antioquia, Arauca, Cauca, Choco, Narino and Putumayo. Historically, these areas have had large African descendant populations that traditionally hold communal titles to large areas of fertile land.

The Organization of American States (OAS) estimates that there are approximately 23 new illegal armed groups operating in the country. In addition to operations such as kidnapping for ransom, extortion and cross-border smuggling, Colombia's outlaw militia groups systematically abuse and threaten indigenous and Afro-Colombian populations, often giving them no more than 24 hours

to vacate their holdings, taking only what they can carry. Consequently, indigenous people and African descendants in the zones of conflict no longer have any faith in the capacity of state security forces to protect them. Many see state operatives as ineffective or as acting in tandem with one or other of the illegal groups. The overwhelming percentage of the personnel in the state forces are conscripts undergoing compulsory military service, who are more interested in ending their terms of duty without being killed than in protecting the civilian population.

One especially disquieting random threat, according to African descendant human rights defenders, is the tendency of security forces to try to produce so-called 'false positives'. There are a number of reports of senior-level military personnel who pay illegal paramilitary groups to forcibly acquire young men, who are turned over to local government brigades which then kill them, dress them up in combat fatigues and present them as guerrillas supposedly killed in successful encounters. Army brigades have also reportedly entered educational institutions and killed young men who were then also dressed up in guerrilla uniforms and presented as dead combatants.

#### **Corruption and impunity**

Of great significance to observers who seek an end to the conflict is that those who stand to benefit the most economically from the ongoing dispossession and lawlessness in the country can be found at the very highest levels of the national society. As reported in *State of the World's Minorities and Indigenous Peoples 2009*, investigations by the Supreme Court and prosecutor-general's office established links between politicians and paramilitary groups, and succeeded in implicating 15 governors, 31 mayors and 70 congressional representatives who continued to serve time in jail during 2009. However, activists point out this has done little to improve the situation. During 2009, displacement and violence with impunity have continued to escalate, indicating that the collusion and corruption are pervasive, and that maintaining the conflict continues to enjoy high-level political and economic support.

According to human rights organizations working in the dense forests of the Pacific coast, paramilitary gangs are continuing to seize Afro-Colombian land to facilitate agro-business conglomerates. The land is then transformed by deforestation and elaborate

infrastructure, such as highways, drainage canals and agro-business plantations. Moreover, government officials have expressed a desire to see a tenfold increase over the coming decade of areas planted with crops such as African Palm and soybeans. This would mean total crop areas of some 7 million acres, if implemented.

#### **Human rights defenders at risk**

The task of bringing the issue to public attention rests largely in the hands of rights defenders. But Afro-Colombian and indigenous human rights defenders continued to be under threat during 2009, both from old militia groups as well as from the increasing number of new armed groups, especially when they openly criticized attacks on the community or voiced concerns about perceived corruption and collusion by official authorities.

During 2009, African descendant and indigenous human rights defenders continued to be subject to harassment by paramilitary groups as well as by the state, with government agents asserting that human rights activists are engaging in activities supporting terrorism and the militia groups just as easily accusing them of working for the government.

During 2009, according to UN observers, harassment of indigenous human rights defenders and Afro-Colombian activists included surveillance and wiretapping, forced entry, destruction of human rights defenders' offices, threats by phone and email to individuals and their families, arbitrary arrests and sometimes detention of human rights defenders with unfounded criminal charges being brought against them.

#### **Conflict and the environment**

The conflict also has an environmental dimension. Those who are able to remain on their lands were faced with another debilitating problem during 2009. This arose from ongoing international attempts to eradicate illicit crops such as coca by aerial spraying. In April 2009, the UN Office of Drugs and Crime reported that Colombia sprayed the herbicide glyphosate over 515 square miles (133,496 hectares) of coca bush cultivation. The chemical also affects regular food crops and livestock in the general vicinity.

In addition to contaminating the food supply, the toxic runoff from the land also kills fish and other aquatic life in the rivers or along the shore, putting

these already vulnerable populations at even greater risk. During 2009, African descendant organizations in the Cauca Valley reported that there is now a higher incidence of eye and skin irritation, which the communities attribute to aerial glyphosate dispersal.

Another threat to young Afro-Colombians and indigenous people continues to be the forced recruitment of young males and females to swell the ranks of the guerrillas or outlaw paramilitary groups. A history of official neglect and almost no social investment in predominantly Afro-Colombian and indigenous areas has helped to constrain income-generation and earning opportunities. According to community development activists in the Cauca Valley, offers of combat-pay incentives by the various armed groups now represent the main available income-earning opportunity in these areas; especially since the conflict also severely constrains other traditional survival activities, such as farming and fishing. This all but ensures that another generation of rural Colombians will be drawn into the country's long-running violent, bloody, and increasingly dehumanizing conflict.

#### **Honduras**

After almost a century of rule by military dictators, Honduras has had seven consecutive democratic electoral transitions since its 1982 constitution change. However, on 28 June 2009, the country experienced the militarily enforced ousting and exile of the sitting President Manuel Zelaya Rosales, with the full knowledge of Congress and the Supreme Court. The ensuing crisis served to delay efforts aimed at bringing about lasting social, economic and political change that could have benefited marginalized African descendant and indigenous populations.

Manuel Zelaya of the centre-left Liberal Party was elected president of Honduras in November 2005. Among his close advisers were human rights activists and lawyers, with roots in the country's small radical left that fought against the dictatorships of the 1970s. Of particular interest to indigenous people and African descendants was that the president had increasingly begun to respond to criticism from grassroots movements, such as the independent National Coordination of Popular Resistance (Bloque Popular-Coordinadora Nacional de Resistencia Popular) and other social activists.

The Popular Resistance, consisting of opposi-

tion politicians and members of various workers and indigenous peoples' organizations, such as the Centro Nacional de Trabajadores del Campo (CNTC), which is involved in land reclamations, had been increasingly voicing concern about the lack of progress in dealing with issues that affect traditionally marginalized groups. They demanded measures and resources to increase opportunities in a country where 40 per cent of the population lives on less than a dollar a day. Among their main concerns were the negative effects of the US-sponsored Central American Free Trade Agreement (CAFTA), the socially and environmentally destructive operations of multinational mining companies, and the efforts of real estate developers to fragment and expropriate the communal beachfront lands of African descendant Garifuna communities. These areas were being redefined as Areas Under Special Management (ABRE) and then opened up to large-scale tourism projects.

In August 2008, amid criticism from the business community, right-wing political groups and many in Congress, Honduras joined the anti-CAFTA Bolivarian Alternative for the Americas (ALBA), citing supposed US apathy toward Honduran poverty. In early 2009, Zelaya pushed through controversial measures such as a 60 per cent rise in the minimum wage. This alienated the powerful business elite who complained that it would increase operating costs as well as restrict employment growth.

Zelaya's relationship with Congress grew decidedly worse after October 2009, when he sought to hold a plebiscite to determine whether there should be constitutional reform. The reforms would have allowed for more direct citizen input into decision-making at all levels, via plebiscites and increased local-level governing initiatives, similar to those being instituted in Ecuador and Bolivia. The proposed reforms were appreciated by many African descendant and indigenous communities, who saw it as a chance to end their own political marginalization. They therefore welcomed signals to that end, such as a televised speech given by Zelaya the day before his ouster, when he reiterated that Honduras 'was in the process of change [and] of transformation'. However, such hopes of change disappeared, when, on the following day, the president was placed on an army aircraft and sent to Costa Rica.

# ‘They say you are not a Christian; you are not religious’

The issue of religious discrimination in the Americas is complex especially given the region’s colonial history. To find out more, Maurice Bryan speaks with Hector Pelico, an artisan of indigenous Mayan descent, who sells his handicrafts outside the Chalchuapa Temple complex in El Salvador.

*‘On a personal basis, I cannot say I have big problems with discrimination. The women in my family have more problems. They wear traditional [Mayan] clothes and people treat you different when you live the indigenous identity, especially in the city. Some restaurants tell them they cannot come in dressed like that. People do not want to respect the indigenous culture. They think it is backward and that all indigenous people are poor and uneducated. So it is not easy.’*

When asked how he overcomes this attitude towards indigenous people, Pelico explains that:

*‘... my grandfather was a traditional priest – some people call it shaman – so he knew a lot of things.’*

## Human rights abuses

The internal political disruption led to serious reported human rights violations, including against African descendant and indigenous protesters. In August 2009, the IACHR conducted an on-site visit to Honduras to observe the human rights situation and confirmed a pattern of disproportionate use of force, arbitrary detentions and the control of information aimed at limiting political participation. The IACHR

*He taught me to understand I have a responsibility to keep our traditions from our ancestors and to teach people about them. So the discrimination I can talk about is the way people behave to those of us who want to keep our vision and traditional knowledge and religion and beliefs.’*

Pelico says that the discrimination against his beliefs is not new and began when the Spanish first arrived.

*‘To begin with the Spanish changed the names our Mayan ancestors had given to all the rivers, the mountains, the valleys, volcanoes, the lakes and springs. These were sacred places and these names had real meaning and power. The ‘conquista’ began to name these places after their own religious saints. So now we have all these places, even volcanoes named after religious saints. They have no connection to us and our Mayan culture or ancestors or our traditional beliefs. But people don’t like it when you say things like that. They say you are not a Christian; you are not religious. This is the discrimination I am talking about.’*

On the significance of changing the names of these geographical locations and the importance of honouring the Earth, Pelico explains:

*‘... the names were connected to our religion, and our religion is connected to the earth. Our spiritual connection is to the earth. We believe in honouring the earth and there is a story connected to nearly every place name. That was our vision and our spirit history. There were special names for the point where a particular river started or where a spring came out of the earth. And we had special ceremonies for these places at various times of the year. The whole community took part. It helped to bind the people and keep them connected to the earth.’*

also recorded that demonstrators were experiencing harassment and having their free speech rights curtailed through the placement of military roadblocks and the arbitrary enforcement of curfews. They also received reports of arbitrary detentions of between 3,500 and 4,000 people by the police and the army during the demonstrations, and of cruel, inhuman and degrading treatment in poor detention conditions afterwards. According to testimony provided to

*‘The earth is our Mother – Madre Tierra. ... We believe disrespect for the earth can invite destruction. Even now those of us who still practise the traditional ways make festivals or make pilgrimage to the volcanoes to show respect. But now most of the people have to keep these beliefs to themselves. They feel they cannot talk about it openly because of prejudice.’*

In addition to religious discrimination, Pelico describes some other issues faced by indigenous people.

*‘Maybe the biggest thing is the way our people now look at the earth. We believe in communal ownership. The earth is not meant to be bought and sold. You cannot buy and sell your mother. Many of our Mayan people now do not have access to land because it is all privately owned by big farms and mining concessions. We have all this mining and deforestation in our countries around here, which is destroying the earth. How much more gold do they need? Look at the drought we are now having here. This shows people are doing bad things to the earth. We are no longer in harmony. Every year we have less and less to leave for our children. So all the technology and development is no good if it destroys the earth. So we should not be surprised if the Earth Mother and Earth Spirits begin to punish us with storms or droughts and earthquakes because of our disrespect. This is the kind of knowledge we lose through discrimination and disrespect for our beliefs.’ ■*

*Edited by Rahnuma Hassan*

the IACHR, those who were detained were subject to beatings, threats at gunpoint and verbal abuse, and in the case of females, sexual abuse. At some police posts, judges who appeared in response to petitions for *habeas corpus* were also mistreated, threatened at gunpoint and verbally abused.

As events unfolded, information was censored by military-enforced news blackouts. Media efforts considered supportive of the opposition

to Zelaya’s ouster were routinely disrupted by state agents as well as by private individuals. This affected the operations of a range of local and international media services, including CNN en Español, Guatevisión (Guatemala), Cubavisión International, Ticavisión (Costa Rica) and especially the Venezuela-based Telesur news network, which is supported by regional governments including Argentina, Cuba, Uruguay and Venezuela. The regime also especially targeted local community broadcasters that cater to indigenous and African descendant audiences.

## Harassment

The IACHR also received testimony about the harassment of prominent public figures who publicly showed support for, and demanded restitution of the deposed president. Among those affected were governors, members of Congress including ministers, mayors, as well as indigenous and African descendant community leaders. State functionaries reported that, in addition to personal threats and acts of violence, they also were subjected to budget cuts and military occupation of the public buildings in which they worked. A number of them fled the country for their own safety. Among these was the respected young Afro-descendant Garifuna physician, Dr Luther Castillo, who learned that the Honduran army had reportedly received orders to arrest him and shoot if he resisted. Castillo had only recently been appointed Director of International Cooperation in the Honduran Foreign Ministry.

## Impact on African descendants

Castillo’s departure had a particularly direct effect on the Afro-Honduran Garifuna community. For the past decade, he had been serving as director of the Luaga Hatuadi Waduheñu Foundation (‘For the Health of our People’ in Garifuna) and with community support had established in 2007 the first-ever Garifuna Rural Hospital and outreach centre. The facility is supported by a number of international aid organizations and medical schools, such as those connected to the US Johns Hopkins University and the University of California (San Francisco), and serves some 20,000 people in the surrounding communities. It is considered vital to these communities as studies have determined that the Honduran population has among the worst

# ‘... Right now we need real action. Not just pretty words’

**In November 2009, Alan Garcia, the president of Peru, apologized to the country’s African descendants for the centuries of ‘abuse, exclusion and discrimination’ that Afro-Peruvians have suffered, beginning with enslavement by Spanish colonizers. Maurice Bryan speaks to a young Afro-Peruvian university student and community activist, Cecilia Carpio, about her reaction to the apology and her views on discrimination in Peru.**

*‘Although I suppose in one way you can look at the apology as a positive thing ... in reality it is nothing more than another nice-sounding speech. Every single day the Peruvian state itself shows the opposite. What we have in Peru is a big racial and class divide. Apologies alone are not going to change that. Good intentions alone will not change it. What we need are real programmes.*

*‘What we have is a kind of a caste system. We have a small number of Spanish and other European descendants who control most things: the economy, the politics, the culture and the religious groups. And some of them – not all mind you, but a very influential group of them – promote white supremacy and strong racism in the country in public education, religion, in*

*the mass media ... everywhere ... at all levels. And that is a problem because 80 per cent of the Peruvian population is Indigenous or mestizo [Euro-Indigenous mixture]. Then another 10 per cent have African ancestry so that is 90 per cent overall that is non-white. But the interests of this 90 per cent are mostly ignored. That kind of inequality is what creates problems.’*

When asked to expand on how racism manifests itself in the media, Carpio gives the example of a TV commercial for a major Peruvian newspaper that she found particularly offensive:

*‘[They had] a TV commercial for the food and nutrition section of El Comercio newspaper. The advertising showed what is supposed to be an African family but they showed them as ... what? Cannibals!! There is this mother who is telling this cannibal son not to eat fat white people because they are full of cholesterol. Then she says instead the son should learn from his brother because he eats healthy. They showed the brother cooking a thin white person. Then the text said – “Eat healthy and be healthy, El Comercio brings you tasty and healthy food with delicious recipes and advice from experts in cooking and nutrition... every Tuesday and Thursday.”’*

*‘The government may apologize all they want, but as long as they keep on allowing such racist communication there will never be any progress in stopping racial discrimination. If they were truly serious then the congress should pass legislation to stop such racism and then really enforce the law. Then the court would have to punish offenders like El Comercio and others who try to show African descendant people and indigenous people in such insulting ways. Another paper like that is El Correro. Early this year it said that indigenous Peruvians in the*

*Amazon are head shrinkers and cannibals and should be bombed with napalm.’*

In addition to anti-discrimination legislation, Carpio feels that businesses and schools should receive training on prejudice and discrimination, explaining that, ‘they need to understand the harm their ignorance is causing to other people and the country: especially in the economic area. There is a lot of discrimination in employment and without money you cannot really get ahead.’ She also thinks that, ‘Schools need special programs, also the businesses in Peru need special programmes.’

Carpio uses the example of newspapers to describe the kind of programmes that she thinks are needed. She suggests that the staff at newspapers need anti-racist training to change the way they perceive Afro-Peruvians. Newspapers should also stop publishing offensive material and should instead publish educational information on the valuable contributions of Afro-Peruvians in building up Peru.

Although she agrees with those who say that it will be difficult to change attitudes on race, she insists that:

*‘... it is no use saying [the situation for minorities] has always been that way. The fact that people made mistakes in the past does not mean that we have to keep on making them. Maybe that is what the famous apology you mentioned is supposed to mean, but right now we need real action. Not just pretty words.’ ■*

*Edited by Rahnuma Hassan*

Paraguayans of identifiable indigenous ancestry prefer not to be officially classified as such. Indeed, 90 per cent of the country’s population speaks Guarani, the indigenous *lingua franca*. This reluctance reflects perhaps the ongoing social and economic marginalization, and the long record of systematic abuses to which Paraguay’s indigenous peoples have been subjected. These have included enslavement, extra-judicial executions, sexual violence and also child-trafficking.

According to the US State Department, Paraguay ranks as the second poorest country in South America, with just 10 per cent of the population controlling 66 per cent of the land and 30 per cent of rural people being landless. In 2009, state neglect and ongoing tensions between notions of traditional communal land ownership and private property interests continued to affect the lives of the country’s various indigenous cultures.

## Human rights violations affecting indigenous communities

Although the political climate has changed significantly since the era of dictatorships, human rights violations against indigenous people are still prevalent. The IACHR found that some two decades since the end of military dictatorship, indigenous communities continue to face considerable obstacles, affecting their access to land and ability to express their cultures. In 2009, the levels of poverty and illiteracy of Paraguayan indigenous people continue to be significantly higher than among the rest of the population, and in some cases 20-year-old land claims cases are yet to be settled.

While the Paraguayan Constitution recognizes the right of indigenous peoples to hold communal property and requires the state to provide these lands to them free of charge, this is no stipulation for compliance. The 2002 Census of indigenous people calculated that 45 per cent of Paraguay’s indigenous people did not enjoy definitive legal ownership of their land.

## Yakye Axa and Sawhoyamaxa

According to an AI report, during 2009 the Yakye Axa and Sawhoyamaxa, who belong to the Enxet indigenous people, continued to live in decade-old temporary homes alongside the Pozo Colorado-Concepción Highway, having been deprived of their traditional communal lands nearly two decades ago, when these

access to health services in the region, with a nationwide average of 8.7 doctors and 3.2 nurses per 10,000 people.

Concerns over the legitimacy of the new regime also caused international financial institutions, such as multilateral banks, and aid agencies to freeze the transfer of funds to Honduras. These sanctions led to an immediate downsizing or halting of a number of much-needed social and economic development

projects, many of them in marginalized areas where African descendant and indigenous people make up the majority of the population.

In November 2009, the country held its scheduled elections. The presidency was won by the centre-right National Party candidate Porfirio ‘Pepe’ Lobo, a rancher and farmer who served as president of Congress from 2002 to 2006. Also at the end of 2009, the military leaders involved in the presiden-

tial ouster were themselves arrested. However, they are likely to be pardoned by the new administration before ever having to face trial.

## Paraguay

According to government estimates, there are around 108,600 people in Paraguay who identify themselves as indigenous. This is thought to be an under-estimate, given the fact that many

were taken over by private owners. After 10 years of litigation, around 90 families of the dispossessed Yakye Axa (Island of Palms) indigenous community are still forced to live on a narrow strip of land between the Pozo Colorado-Concepción highway and the wire fence that marks the edge of the large cattle ranch that absorbed their ancestral land. Similarly, up to 500 Sawhoyamax (meaning 'From the place where the coconuts have run out') have also been existing on the edge of the highway, because their lands in the heavily forested area on the eastern edge of the Chaco region are also now in the hands of private owners, who have already deforested large areas for beef production.

When their lands were seized in the 1970s, members of these indigenous communities remained as workers on the same private estates that had expropriated their ancestral territories. They suffered years of exploitation and mistreatment before being evicted in the early 1990s, when they started litigation against the estates aimed at reclaiming a limited portion of their original holdings. Since then, they have been living on the highway.

After much legal wrangling in 2005 and 2006, the IACtHR found that the rights of the Yakye Axa and Sawhoyamaxa to judicial protection, to property and to life had been violated. Among other measures, the IACtHR ordered the return of the traditional lands. They gave Paraguayan authorities three years to implement this. The Court required the authorities to provide resources to purchase the land from the current owners and to help the Yakye Axa and Sawhoyamaxa re-establish themselves there. However, at the end of 2009, the settlers are still in place and no measures to enforce the ruling have been taken.

After nearly a generation as squatters, AI reported that many traditional practices have almost vanished and community cohesion and food sovereignty through hunting and fishing are also no longer possible due to lack of access to ancestral lands and deforestation. Employment opportunities are also limited, which means that the communities now increasingly depend on food handouts from state agencies and private institutions.

### New hopes

The August 2008 swearing-in of President Fernando Lugo, a former Catholic bishop, initially offered some hope to Paraguay's indigenous communities, after 61 years of one-party rule. Lugo had made

campaign promises to initiate widespread structural, social and cultural changes, including land reform and respect for indigenous land rights.

In the case of the Yakye Axa, at the end of 2008 President Lugo signed a bill declaring the 15,963 hectares of the disputed land to be 'of social interest' and ordered it to be expropriated from the current owner and handed over to INDI for restoration to the Yakye Axa. The bill was tabled with four Senate commissions and discussed in the session that began in March 2009. However, members of a congressional committee voted against the return of indigenous lands to the Yakye Axa community, thereby undermining the supposedly binding decision made by the IACtHR and dealing a fatal blow to community attempts to regain their ancestral territories.

### Peru

Indigenous peoples in Peru constitute more than half of the national population, yet social conditions for the majority of them continued to be less than adequate during 2009. In addition to ongoing concerns about the chronic lack of basic services such as health and education, and inadequate access to income opportunities, Peru's indigenous peoples continued to face loss of their land, which is often their main remaining asset and only safeguard against complete destitution.

According to the Asociación Inter-étnica para el Desarrollo de la Selva Peruana (AIDSESP), the umbrella organization of Peru's 60 Amazon indigenous groups, oil prospecting and extraction is now occurring in more than 80 per cent of indigenous territories, with many of the concessions overlapping already titled lands of some indigenous communities. In addition, during 2009 the government continued to promote the development of large-scale agro-industry in the coastal zones, where there are a number of communally titled *campesino* properties. Many indigenous small farmers in the coastal regions have been forced to pledge their land titles to obtain commercial loans and now risk losing their land altogether.

In April 2009, indigenous communities throughout the remote Amazon region began a series of blockades and protests against government plans to open up 67 million hectares of the Amazon rainforest and to allow increases in petroleum and other natural resource extraction on indigenous territories. There was no prior consultation or consent.

As a result of the demonstrations of up to 30,000 people, the government declared a state of emergency in the affected areas and in June 2009 sent in heavily armed security forces. The resulting violence claimed a number of indigenous and security force lives, prompted resignations in protest by government officials and increased scrutiny of the billion-dollar deals that were developed with foreign petroleum companies.

In August 2009, Peru's justice minister was summoned to appear before the UN Human Rights Committee, and the UN Special Rapporteur on indigenous rights called for an independent investigation. Nevertheless, the blockades and demonstrations failed to stop the exploration projects. As a result AIDSESP lodged an urgent appeal with the country's Constitutional Tribunal to halt the project in the part of the Peruvian Amazon known as 'Block 67'. According to Amazon Watch, for 30 years the company involved has been discharging more than 1 million barrels a day of untreated toxic waste directly into the rainforest. As a result, the Achuar indigenous people now have unsafe levels of a range of toxins, including lead and cadmium, in their bodies. The fish and game on which they have traditionally depended for food self-sufficiency have also been poisoned.

### Afro-Peruvians

According to the Afro-Peruvian organization Centro de Desarrollo Etnico (CEDET), in 2009 about 55 per cent of Afro-Peruvians continued to consider themselves as living in poverty, with another 23 per cent living in extreme poverty. The combined 78 per cent total compares unfavourably with the 50 per cent average poverty rate for the national population. As a means of highlighting their ongoing marginalization in the face of what they see as continued official indifference, MRG partner organization CEDET, together with Makungu por el Desarrollo, presented in July 2009 the first-ever alternative report on Afro-Peruvians to the UN Committee for the Elimination of Racial Discrimination (CERD) in Geneva. The document strongly challenged the state's official report to the 57th Session of CERD and provided recommendations.

### United States of America

The election of the first US president of identifiable African descent represented a watershed moment in

world history. It inspired hope among marginalized groups in the US and raised expectations that greater respect for diversity would follow in the actions of the administration itself. Having received 67 per cent of the Latino or Hispanic vote and 63 per cent of the Asian American vote, since taking office in 2009 the Obama administration has sought to fulfil election promises to minority groups, all of whom looked forward to seeing some reflection of national demographic composition in the new administration.

Hispanics are the fastest-growing minority in the country, and at 14.5 per cent of the total population are well on their way to becoming the largest minority in the US. In March 2009, the new president chose an encounter with the US Hispanic Chamber of Commerce to unveil a comprehensive new education reform plan. And in August 2009 Sonia Sotomayor – whose family background is Puerto Rican – became the first Hispanic woman and the third female ever to serve on the Supreme Court, in the life-tenured position as the nation's 111th justice. Sotomayor's ten-week confirmation hearing raised issues of gender and ethnicity. This included criticism by Republicans over her prior case rulings on property rights, in a racial discrimination lawsuit brought by white fire-fighters in New Haven, as well as her comments on the role of diversity in the judiciary. The new justice received a unanimous vote from Democratic senators, while only nine of the Senate's 40 Republicans voted in her favour.

### Minority representation

Other notable Hispanic appointments included Secretary of the Interior Ken Salazar, Secretary of Labour Hilda Solis, as well as Cecelia Munoz, director of the White House Office of Intergovernmental Affairs, Nancy Sutley, the Chair of the White House Council on Environmental Quality, Louis Caldera, the head of the White House Military Office, and Moises Vela, the Vice-President's Director of Administration.

Eric Holder became the nation's first African American Attorney-General. Two African American women were also appointed: Susan Rice as Ambassador to the UN and Melody Barnes as domestic policy adviser. President Obama also named Asian Americans Eric Shinseki and Nobel Prize-winning physicist, Steven Chu to serve as Secretary of Veterans Affairs and Energy Secretary respectively.



**Left:** Triqui women dance to music from Oaxaca in Greenfield public library. Over 1,000 Triquis live in Greenfield, California, USA. *David Bacon/ Report Digital.*

The Boston-based non-profit organization United for a Fair Economy reported that African American borrowers stand to lose between US \$71 billion and US \$92 billion in assets. Moreover, foreclosures produce ripple-effect challenges in terms of abandoned houses, devaluation of neighbourhoods and shortfalls in state and municipal services, as well as potential increases in crime.

#### Religious tolerance – the Fort Hood shooting

In November 2009, a mass shooting at the world's largest military installation (339 square miles) in Fort Hood, Texas, strongly tested the nation's levels of religious tolerance, particularly the capacity of US society to separate violent acts by individual Muslims from the religion of Islam as a whole.

On 5 November, Major Nidal Malik Hasan, a 39-year-old US-born army psychiatrist of Palestinian descent opened fire on his fellow service members at the Soldier Readiness Centre in Fort Hood, killing 13 people and wounding another 30, before being shot and severely wounded by civilian police officers.

The killings raised a public outcry and risked increasing anti-Muslim feeling across the US. The fact that Hasan's former imam later praised him publicly online for the shooting, while encouraging other Muslims serving in the military to 'follow in his footsteps', did little to calm any anti-Islamic public sentiments.

The shooting was widely condemned, including by Nadal's family, the Council on American-Islamic Relations and by dissident Saudi cleric Salman al-Ouda (reportedly a former inspiration to Osama bin Laden), who expressed concern that the incident would have negative consequences. Analysts and officials discussed Hasan's psychological state and possible motive, including the fact that he appeared upset about an imminent first-time combat deployment to Afghanistan and that his work involved counselling soldiers leaving for and returning from stress-producing battle zones in Iraq and Afghanistan. Brian Levin of the Centre for the Study of Hate and Extremism, according to the *Huffington Post*, suggested that the incident fell somewhere between a crime, terrorism and mental

distress. Iraq Veterans Against the War (Fort Hood chapter) demanded that the military overhaul its mental health care system and halt the repeated deployments of the same troops.

Hasan, who is now paralysed from the waist down as a result of his wounds, was charged with 13 counts of premeditated murder and 32 counts of attempted murder under the Uniform Code of Military Justice, and may face additional charges at court-martial. Following the incident, national surveys by Rasmussen Reports found that 65 per cent of Americans favoured the death penalty in Hasan's case, and that 60 per cent want the case investigated as an act of terrorism. However, 80 per cent also said that they were concerned this could start an anti-Muslim backlash.

#### Native American land claims

In an effort to meet campaign pledges to Native Americans, the Obama administration agreed in December 2009 to pay US \$3.4 billion to settle a long-running Native American land claim case. In 1996, Elouise Cobell, a member of the Blackfoot Nation, filed a complaint alleging that for more than a century the US government had mismanaged billions of dollars in income from natural resources on Native American land.

The dispute dates back to the 1887 Dawes Act, which handed over resource-rich Native American communal land to white-owned companies. As in the rest of the Americas, the indigenous concept of communally held land as opposed to privately owned property was an integral part of Blackfoot Nation identity and overall belief system. Nevertheless, under the Act, their territory was divided into individual plots with each family being assigned a portion of land. The individual families were then supposed to be compensated for the use of their land. However, the claims were disputed and grew more complicated with each passing generation.

Many unsuccessful attempts were made to arrive at a settlement, including several trials with the plaintiffs claiming they were owed some US \$47 billion. Under the settlement the US government has agreed to pay US \$3.4 billion to settle the dispute. Following Congressional approval, the Interior Department will use US \$1.4 billion to compensate the 300,000 members of the Blackfoot Nation and establish a US \$2 billion fund to purchase land from them.

#### Economic recession

One of the first acts of the new Obama administration was to pass a US \$787 billion economic stimulus package aimed at combating the sharp downturn in the global economy, which several publications, including *The Economist*, attributed to a crisis within the financial sector of the US itself. While the effects of the recession were widespread throughout the US, it had a notably strong impact during 2009 on African American and Hispanic communities, exacerbated by the persistent unfavourable socio-economic gap between these groups and the rest of the population.

During 2009, the US unemployment rate rose to 6.7 per cent, which translates into some 12 million unemployed people. However, figures indicate that for male and female Hispanics, unemployment rose to 12.9 per cent, while the rate for African

Americans reached 16 per cent, more than twice the national average. African Americans are especially susceptible to downturns in the economic cycle compared to other Americans and have not recovered from losses during the 2001 recession.

Among the hardest hit sectors were construction and manufacturing, which employ a much higher percentage of Hispanic workers compared to the general population. In the larger context, rising Hispanic unemployment poses a special challenge not only in the US but also in the rest of the hemisphere, since it results in less money being available for Hispanic immigrants to send back to LAC home countries as remittances.

The loss of jobs also meant an increasing and widespread inability to make mortgage payments, which led to a large number of housing foreclosures in African American and Hispanic communities.

### African American farmers

The issue of foreclosure, dispossession and land loss continues to be a major factor in rural America, even in situations where communal ownership is not involved. In another effort to fulfil campaign promises, President Obama announced plans in May 2009 to provide US \$1.25 billion to settle a long-standing \$3 billion class action discrimination lawsuit brought by African American farmers against the US Department of Agriculture (USDA).

In the 1990s, African American farmers filed a lawsuit (*Pigford v. Glickman*) charging the USDA with a history of racism and discrimination in its federal loan and subsidy programmes. Their charges were supported by the lead plaintiffs' evidence as well as by government reports, investigations and studies over a 30-year period. All concluded that the USDA treated African American, Hispanic, Native American and women farmers unfairly by taking longer to process their loan applications and denying a higher percentage of their loans.

The lack of access to credit over the years may have contributed greatly to a general loss of African American farmland due to foreclosure. In 1978, over 30,000 African American farmers owned land in the US, and it is estimated that currently some 53 per cent of the USDA's land holdings once belonged to African-American farmers.

In 1999, a US District Court judge certified the discrimination case as a class action suit. The USDA agreed to an out-of-court settlement of between US \$450 and US \$600 million. Although it was the biggest settlement in history for a civil rights case, it was considerably less than the farmers had asked for and the plaintiffs were barred from participating.

With over 14,000 outstanding complaints and another 3,000 submitted that have not been processed, in 2009 the president decided that the US \$1 billion the government has already provided was insufficient, and requested instead a US \$1.25 billion settlement package. The USDA also ordered a temporary suspension of all foreclosures.

### Hispanic farmers

Other minority farmers with similar complaints of discrimination have also been seeking redress. During 2009, more than 100 mostly Mexican American farmers in several states sought to have charges of loan grant discrimination against the

USDA treated as a class action suit in light of their land losses.

The suit was first filed in 2000 and sought to end what the Hispanic farmers claim is blatant discrimination in the awarding of operating and disaster loans between 1981 and 2000. Furthermore, in 2009 they stated that nothing has changed since the suit was filed nine years ago and cited the continuing power loan officials have to influence land ownership and profitability, which, when misused, can become an effective instrument for dispossessing them of their land and water rights.

Hispanic farmers claim that the members of local USDA loan boards were mostly prosperous farmers who gave loans to their friends and acquaintances. This caused excluded Hispanic farmers to go bankrupt, leading to foreclosures. The lands would then be put up for auction and bought, usually by prosperous local white farmers.

Although a federal judge granted class-action status to the case filed by the over 14,000 African American farmers in 1999, another judge denied the same designation for the 100 plus Hispanic farmers. Using the example of the African American farmers' lawsuit, lawyers for the Hispanic farmers petitioned the US Supreme Court in 2009, seeking a review of the decision that their clients cannot sue as a class. Thus far the court has rejected their request. ■