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UNION VIEW

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→ REUTERS

The alliance between the indigenous peoples and trade unions in Latin America

Discrimination, feudal exploitation, poverty, isolation, forced labour…the indigenous peoples of Latin America are marginalised and with trade union support denounce the pillage of their ancestral lands.
Reports about the Marlin gold mine in Guatemala and the El Chaco region in Paraguay. Testimony from Brazil. The trade union priority is the implementation of ILO Conventions 169 and 29, particularly in relation to international trade agreements.

ITUC CSI IGB

Guatemala: "The Rape of Mother Earth" Marlin Gold Mine

A classic example of the mega-projects that destroy the environment and leave indigenous peoples feeling bitter and pillaged.

A lake of toxic industrial waste has formed on the valley floor. It includes cyanide, used in the extraction of gold from the mine, which is thought to have polluted the groundwater.
→ D.B.

The Mayan peoples

Officially, 22 Maya groupings are recognised. Together they make up 41-percent of the population, some 4.6-million people of a total population of 11.2-million, according to the 2002 Census.

On a good day, when the narrow road is not crowded with traffic, it takes nearly three-hours to cover the 50-kilometres from San Marcos to the Marlin gold and silver mine at San Miguel Ixtahuacan.

We are driving through the altiplano, or highlands, of western Guatemala, around 30-kilometres from the Mexican border and 350-kilometres northwest of the capital, Guatemala City.

The road is in relatively poor repair. Twisting and turning through spectacular mountain countryside, it is littered with the debris of fatal accidents.

Terraced farms are carved into the hillsides. In their smallholdings subsistence farmers grow onions, corn, beans, carrots, cabbages and potatoes.

In roadside hamlets and on hills, cleared of pine and cypress trees, there are simple single-story houses made of mud adobe bricks, with tin roofs. Other houses of the same style are made of wood, a few of concrete breeze blocks.

The people here are Maya. This is their land and last refuge.

Alongside their Christianity, and despite centuries of oppression and genocide, they still hold sacred their most precious Mayan world view, a cosmovision called *"Ut'z Kaslemal"* in the K'iche language; which means living in perfect harmony with nature and the elements of air, water, energy and earth.

A gaping wound

The closer one gets to the Marlin mine, the greater the evidence of deforestation and the scars of mega project development which tears at the land and this Maya vision of harmony.

Near the town of San Miguel Ixtahuacan, the road, now widened and freshly surfaced, spirals down into a valley. There at the valley bottom, growing like a rash along the valley hillside, is the mine; ripped into the earth, a massive excavation that threatens to eat everything in its path.

The Marlin Mine is the largest gold mine in Guatemala, one of the poorest countries in Latin America, and accounts for 95-percent of the country's precious metals exports. It is 100-percent owned by Montana Exploradora de Guatemala, a wholly-owned subsidiary of Canadian mining group Goldcorp Inc., who have head offices in Vancouver.

"The project lies within a highly prospective land package of approximately 100,000 hectares that encompasses the main Marlin deposit and other mineralised zones," a Goldcorp company report states with covetous relish.

The mine is a conventional milling operation with a combination of open pit and underground mining which began commercial production in December, 2005.

Poverty

An estimated 50-percent of the population live below the poverty level and 15-percent live in extreme poverty. Half the indigenous population rely on agriculture for survival and over 60-percent of people in rural areas are illiterate.

"Genocide"

During the 30-year civil-war, from 1966 to 1996, San Marcos and Huehuetenango were the epicentre of genocide and ethnic cleansing as 500,000 indigenous people were murdered by government forces.

Cyanide pollution

The valley floor has been dammed to form a glistening, toxic-coloured lake of industrial effluent containing cyanide and copper. And, it is alleged, mercury and lead.

At the Marlin mine cyanide is used to separate gold particles from rock in a process known as *"leaching"*. The process has been banned in several countries, but in Guatemala it continues.

Opponents say this waste has polluted the local water and eco systems and is making people sick.

Mine managers claim they have given employment to 1,000 people, most of them locals. Opponents say the figure is closer to 800 jobs, and that many of the workers are not locals.

Goldcorp says it has paid US$9-million in taxes to the national and local governments, improved infrastructure and built schools since the mine opened. But anti-mine activists say that the money is a pittance compared to the profits the Canadian company is making.

According to Goldcorp's own production figures, in 2009 they milled 2.16-million tonnes of ore and produced 274,900 ounces of gold and 4.15-million ounces of silver, recovering 93-percent of all gold deposits and 69-percent of silver deposits.

Five years ago gold cost in the region of US$300 an ounce on the world market. During the second quarter of this year increasing concerns over the European debt crisis and the slow recovery of the global economy pushed gold prices to a new record high of around US$1,200 an ounce.

Local people are reluctant, even afraid, to talk to outsiders about the mine.

But Adilia Macario, a local schoolteacher, recently told Al Jazeera television that she had noticed lesions and sores on some of her pupils' arms and bodies; but was asked by parents who worked in the mine to keep quiet.

"I'm not very close now with the people who work in the mine. They look at me differently," she said. *"If you claim your rights, they think you are against development. But when I look around me I don't see any development."*

Juana Bamaca, a homemaker, is convinced that the child she lost two-years-ago was poisoned by chemical waste from the mine.

"We are angry with the mine because of the damage it is doing to us," she said.

Goldcorp's denial

For its part, Goldcorp refuses to talk to the press, but issued the following denial:

"Investigations have been conducted in Guatemala by credible experts, trained medical staff, government agencies, international institutions and Goldcorp in response to allegations of medical illnesses and skin rashes. No evidence exists that these conditions are related to the operation of Marlin Mine in Guatemala."

Instead, Goldcorp conducts a costly publicity campaign showing a happy, smiling miner in a well-lit underground passage, with the slogan *"Desarrollo = Trabajo = Mejor Calidad de Vida"* – Development equals Work, which equals a Better Life.

And on its website, Goldcorp boasts of *"sustainability"* and "corporate engagement" and "community engagement".

It extols the work of the Marlin Mine's *"Fundacion Sierra Madre"*, created, it says, *"to initiate sustainable development and capacity building programs in the local communities surrounding the project."*

The foundation is working with communities, organizations and women's groups *"to identify, plan, and implement sustainable economic development initiatives, with the goal of facilitating locally based development that will continue well beyond the life of the mine itself,"* says the Goldcorp propaganda, claiming *"the foundation has been very active constructing, improving or supporting health clinics, banks, school projects, bridges, and water delivery systems."*

All this noble rhetoric stands in sharp contrast with the assessment of Canada's highly-respected Jantzi Social Index for ethical investment.

In 2008 the Jantzi Index removed Goldcorp from its list of socially responsible companies for *"Goldcorp's overall poor environmental and compliance record" and "the growing opposition from local indigenous communities to the Marlin mine."*

The Maya communities have even harsher words, labelling the mine *"illegal and illegitimate."*

Bishop Ramazzini, a brave man

Bishop Ramazzini is going abroad early the next morning, but he has agreed to meet me at very late notice at 8pm at his bishopric, this modest family-style house just around the corner from the cathedral and Masonic lodge on the upper slopes of the small city of San Marcos.

Alvaro Ramazzini Imeri, Bishop of San Marcos, is a brave man.

By embracing the liberation theology of a Christian church that champions the struggle of the indigenous Mayan people for social justice, he has quite literally put his life on the line. Bishop Ramazzini wouldn't be the first *"troublesome priest"* to be murdered by right-wing death squads in this beautiful yet tragic country.

"I am not afraid of death," he tells me, "I know I could be killed at any time."

Bishop Ramazzini is the driving force behind COPAE, the pastoral commission for peace and the environment, which was founded in 2007 to support the demands of local people who are opposed to mining and hydro-electric mega projects in their communities.

But COPAE is more than this narrow definition. As a true democratic movement of the people, that gives voice to the wishes of the people, it has the full backing and support of the ITUC and many ITUC-affiliated trade unions in Guatemala.

In 2009, COPAE, which has a staff of nine activists and investigators, published the findings of a two-year study on the quality of surface waters surrounding the Marlin mine.

The study found that water used by the people of San Miguel Ixtahuacan for human consumption, for animals and to irrigate crops had been polluted by arsenic and copper. Levels of contamination exceeded official Guatemalan standards, international World Health Organisation standards and safety levels

set by the United States Environmental Protection Agency.

"Here in San Marcos, we are not in agreement with the extractive industry of gold and silver," stresses Bishop Ramazzini.

He adamantly rejects the notion that the Marlin mine is good for the local economy and brings jobs and money for local people.

"This type of mining development is very bad for the country. Ninety-nine percent of the people will see no benefits whatsoever. The only people who profit from this are the trans-national companies and the oligarchy in Guatemala," he argues.

"One of our biggest environmental problems is the lack of water. In the mining zone the people do not have enough water for irrigation and even drinking water. Then along comes the mine and they are using thousands and thousands of litres of water every day.

"This is an excessive use of our very limited water resources. We are also afraid that the river running past the mine will be polluted and the ground water also polluted. What good will it do if we have gold but no water?

"Of course, development is necessary. But it should be integrated and of the type that respects the environment. If we are left with no water, then we will face an environmental catastrophe. This is not development.

"It is not only a problem for the indigenous people. It is a national problem. And we cannot deny that it is the indigenous people and the campesinos who have suffered the most. It is not to their benefit."

The gold rush, a third wave of colonial exploitation

COPAE and its adherents, the democratic indigenous assemblies, believe the mining and hydro-electric mega projects herald the third great wave of colonial and neo-colonial exploitation.

First came the Conquest, then came the great post-colonial land grab by the new neo-liberal oligarchy, who created coffee estates by clearances that forced native people to the mountains.

Now comes unfettered globalisation and the rush for gold.

Under ILO Convention 169, which Guatemala signed and ratified in 1996 (see page 12), developments like the Marlin Mine should only be undertaken after "consultation and agreement" with the indigenous population.

But nowhere, within the hundreds of mining projects currently being undertaken in Guatemala, have the people been consulted by government or mine developers – in total violation of the law.

The same prevision, of consulting with the people, lies in Guatemala's own 1997 Mining Law. It states that before such projects start extensive environmental impact studies should be carried out, economic benefits should be proved and that there should be consultations and agreement with local people.

Since Guatemala ratified ILO Convention 169, 137 prospecting mining licences have been issued, 26 of them during this current administration of businessman Alvaro Colom, whose election in 2007 seemed to hold out so much promise for the left.

Alvaro Ramazzini Imeri, Bishop of San Marcos. → D.B.

Most of these licences are for precious metals: gold, silver, copper, lead, nickel, zinc and uranium. And the greatest numbers have been given out for the Department of San Marcos and the neighbouring Department of Huehuetenango.

Under the 1997 Mining Law, mine owners effectively only have to pay a paltry one-percent of their profit in tax. Half a percent goes to the local municipality and the other half goes to central national government. And there isn't even a reliable auditing system to verify levels of annual production.

Opposition to outside intervention and coercion persists. Perhaps rightly, outsiders are viewed with suspicion.

Opposition from indigenous movements

The fight against the mega projects has coalesced into an eco-socio-political organising movement of tribal people under the umbrella of the Consejo de los Pueblos Occidente, the Council of the Western Peoples.

Since 2005, indigenous organisations, such as the Huehuetenango Assembly of Natural Resources, the Council of K'iche Peoples for the Defence of Mother Life and COPAE itself, have held 43 of their own public consultations, independent of government, to vote on mining and hydro-electric projects.

The democratic polling of men, women and youth has seen a massive and overwhelming rejection of all mega projects. In all consultations, over 500,000 votes have been cast against these so-called development projects; while just 1,234 were recorded in favour. It's a message not lost to right-wing elements in the establishment.

Indigenous organisations have faced the full plethora of murder, assassination, harassment, threats, disinformation, hostility, bribery and corruption from the oligarch-controlled state and its cohorts.

Instead of mega projects, indigenous activists are calling for an integrated national development programme that revitalises and rescues the rural agricultural economy.

And in terms of mining, they want greater controls over the shipment and handling of toxic substances; more detailed environmental impact studies; an independent monitoring system; a disasters and emergencies fund; transparent

The Breakdown between Words and Practice

"Every Guatemalan government since 1996 has imposed a questionable development model that has increased levels of exclusion. This has made the indigenous peoples ever more determined in their struggle for the respect of their right to achieve their aspirations, determine their own development and preserve their culture and identity, intrinsically linked to their environment and nature."

The report exposes the reality of the situation in Guatemala and the failure to consult indigenous peoples as required by ILO Convention 169 on Indigenous and Tribal Peoples, confirming the findings of the International Labour Organisation's supervisory bodies that the indigenous peoples of Guatemala continue to be the victims of racism, discrimination, repression and exclusion.

Although Convention 169 was an integral part of the Peace Accords signed in 1996, recent United Nations reports and indicators show that the exclusion of these peoples has been exacerbated, notes the report. It goes on to conclude that the crucial problem in Guatemala is not the lack of legislation but the state's lack of political will.

Report on the Guatemalan peoples' right to consultation, 1996-2010, (TUCA, CPO, MSICG, ITUC)

A school teacher detected rashes and lesions on her pupils' arms and bodies. Goldcorp has, however, denied any link between these skin infections and the mine. → D.B.

auditing of materials being mined; free access to information and rigorous control over the discharge of residual waters used in the industrial mining process.

"Like anyone else, of course we want to live well," says K'iche community leader Aura Lolita Chavez Ixcaquic. *"But we can still live well in Guatemala without gold, without mines. Of course we need food, water, land, clothing. You can have one vehicle; but you don't need 10."*

Aura is a small woman with a soft voice yet steely determination.

"This is more than an environmental crisis; this is a crisis of civilization," she warns. *"We believe we can make a vital contribution to this debate: how to live in harmony. This is not a battle. There are no winners and losers. This is about life.*

"Ours is a democratic and non-violent movement. We need the international community to know what is going on. We are not alone in this; 375,000 people have said 'No' to the Marlin mine. We have no confidence in these mining companies, based on their activities around the world.

"They have already cut a deal with the government. This is illegal, unjust, illegitimate. It is savage capitalism, economic gangsterism. They are cheating us once again, this time in the name of progress and development.

"Our concept of living well is living in harmony with nature: air, water, energy, earth. In our culture we do not talk about so-called progress and development.

"This is a new confrontation between the Mayan People and the state. We have a different way of looking at the cosmos and life and they are breaking the relationship between man and nature. Where is the reciprocation?

"We are not the owners of the earth. We have to live in harmony. They are raping our territory. They are violating Mother Earth, there is no consensus.

"They – the state, the army, trans-nationals, the big families – are not consulting us. They are taking the land, as if they were the private owners."

Her views are echoed by Francisco Rocael Mateo Morales, co-ordinator of the Huehuetenango Assembly.

"The Marlin mine is not a project that will benefit the local communities. It was imposed by the government without any consultation with local people. From every perspective, from the cultural, economic, social and environmental view, it is not sustainable," he says.

"We have to stop global warming. This will only contribute to global warming. The use of cyanide is polluting our water and aquifers. We view this as a new theft, yet another form of colonialism.

"We have denounced this nationally and internationally as an abuse of human rights. They have made private property sacred. We say public property should be sacred.

"We are very preoccupied and fearful that we might be killed. But where are we to go? Where can we go? To the moon? We do not want to provoke conflict and violence. But this is not their territory. It belongs to the indigenous people."

David Browne

Guatemala: ITUC denounces bill that seriously threatens indigenous peoples' rights

In June 2011, the ITUC and its affiliated organisations in Guatemala called on the International Labour Conference meeting in Geneva to firmly remind the Guatemalan government of its obligations regarding respect for indigenous peoples' rights. A new bill conflicting with ILO Convention 169, concocted by the private sector in cahoots with the Guatemalan government, is before parliament.

"This bill poses a serious threat to the fundamental rights of indigenous peoples, especially with regard to consultation. It violates ILO Convention 169 and responds exclusively to national and international private economic interests," said ITUC General Secretary Sharan Burrow. *"The international trade union movement also recalled in Geneva that Guatemala must comply with the precautionary measures advocated by the Inter-American Commission on Human Rights, which has called for a suspension of works at the Marlin gold and silver mine - an immense operation violating the Mayan peoples' rights,"* added Manuela Chavez of the ITUC Department of Human and Trade Union Rights.

N.D.

Paraguay: Forced Labour in El Chaco

Thousands of indigenous workers and their families are victims of feudal exploitation on large farming estates and ranches.

El Chaco is a region straddling Bolivia, Argentina and Paraguay inhabited by the Guarani indigenous people. In Paraguay, foreign settlers, mainly from the Christian Mennonite sect, have set up vast farming estates, on which indigenous people are often used as forced labour.

Carlos Mamani Condori is an angry man. As a highly-respected professor of history at the University of San Andres in La Paz and current president of the United Nations Permanent Forum on Indigenous Peoples, the 52-year-old Bolivian, whose name means "Condor" in both his own native tongue and Spanish, has won most of life's honours.

But he remains determined to right the wrongs of what he terms "genocide" against the indigenous people of "El Chaco".

From the roof of the hotel in the Paraguayan capital, Asunción, where the ITUC recently held a ground-breaking seminar on forced labour in this South American nation, we've a clear and spectacular view of the river and seemingly endless plain below.

Mamani, as he prefers to be called, points across the River Paraguay and says with a rhetorical flourish: "El Chaco? The Chaco starts right there."

The vast territory covers six-million square kilometres and stretches beyond Paraguay, south into Argentina and north into Bolivia and Brazil.

In Bolivia alone it covers three departments, or states, and in Paraguay it measures 200,000 square kilometres, about half the country.

Before the 16th Century Spanish Colonial Conquest, it's estimated there were around four-million indigenous peoples living in the Chaco, says Mamani. The indigenous population has now fallen to 300,000.

"We talk about the genocide against the Armenians, the genocide against the Jews. This here is also another genocide," the Bolivian academic affirms. "The land was stolen and the people enslaved."

And the practice of slavery continues, say trades unions and indigenous activists, in contemporary form as forced labour, whereby many thousands of indigenous men toil for a pittance as farm workers and cattle herders on vast cattle and dairy ranches. Meanwhile the women, and many children, are exploited as domestic workers.

"In Paraguay we have a situation of half-slavery in Asunción and complete slavery in the ranches of El Chaco. The women work and have no salary and are completely unprotected," says Martha Dora Peralta, head of the Women's Department of the CUT-Autentica, affiliated to the ITUC, who also attended the seminar.

"For the indigenous people, it's as if colonialism has never stopped," says Carlos Mamani Condori, a history lecturer at the University of San Andres in La Paz and chair of the United Nations Permanent Forum on Indigenous Questions. → D.B.

"We estimate that almost half of the women in Paraguay work as domestics. This has a double effect as other women in the family have to step into the breach to look after children, do the cooking and household chores while mothers are away."

"There are also networks of sexual exploitation, trafficking of women and surrogate 'womb renting'." says Martha.

Held between November 11th and 12th last year and chaired by the ITUC's Manuela Chavez, of the Department of Human and Trade Union Rights, the Asunción seminar drew together over 30 top-level regional and national trade union coordinators, other international trade union delegates and indigenous activists and leaders.

And it signals the start of a major ITUC campaign to eradicate forced labour of indigenous people in Paraguay's El Chaco.

Among the delegates to the seminar was 47-year-old Crecencio Caceres, coordinator of the Chaco Inter-ethnic Council based in Paraguay's Mennonite-dominated Boqueron Department.

"The people who suffer the most are the estate workers," says Crecencio. "If they're lucky they may earn 800,000 to one-million Guarani a month (between around US$175-US$220), and out of this they must pay for their food and social security. Children have to go to school and they must pay for this too. Workers receive nothing if they are ill, and they have to pay for medicines."

"They work for a minimum eight-hours-day, often much longer, looking after 3,000-5,000 cows for six-days-a-week, in the best of cases. And this goes on day after day. I think our Brothers experience total discrimination. They shouldn't be living like this."

For Mamani and most supporters of the historical rights of indigenous people, land lies at the heart of the forced labour issue:

"The situation is very alarming. It is most preoccupying and unfortunate to see the situation of the indigenous people. It's colonialism, pure and simple. For the indigenous people, it's as if colonialism has never stopped. And the worst thing is that some of the biggest abuses have been by the Mennonite Christians: with their concept of 'The Promised Land' and being 'God's Chosen People'. It's a system of apartheid."

"The 1932-1936 Chaco War between Bolivia and Paraguay for control of the territory was a colonial dispute, because the land belonged to neither country. It belonged, and still belongs, to the indigenous Guarani. The victims of this war were the Guarani, who have been forgotten."

"Our mandate is to expose this and show the world what is happening. It is absolutely necessary to state unequivocally that this land belongs to the indigenous people."

From Asunción, the Trans-Chaco Highway runs straight as an arrow over 800-kilometres north-west to the Bolivian border.

Soon the road and flashing scenery become one, merging to a pin-point destination on a flat, endless horizon that rolls ever forward, unbroken by mountain, or even hill. The land has a heavy, magnetic pull and shimmers, like a semi-arid desert, in the heat of day.

But behind the tree-line along the two-lane highway, lives a

Crecencio Caceres, coordinator of the Chaco Inter-Ethnic Council, is fighting against the exploitation and discrimination faced by indigenous workers. → D.B.

wealth of flora and fauna, birdlife, exotic animals, rare woods and medicinal herbs. The secrets of this unique eco-system unfold slowly.

Off the highway, dirt roads have been bulldozed through terrain that was once only passable on foot or horseback for most of the year.

Today everywhere is dry. There has been some little rain, but locals speak of a drought that has now lasted two-years. It is the result, they say, of climatic change and regional and local deforestation.

Paraguay's El Chaco is the ancestral homeland of seven principal "Pueblos" or "Peoples", each with their own culture and language. They comprise the Nivacle, Manjwi, Ayoreo, Angaite, Enxlet, Guarani Occidental and Guarani Niandeva.

But the creation of massive ranches, or estancias, in the region by foreign settlers, most notably the fundamentalist Christian Mennonite sect, fleeing persecution in Germany and Russia in the late 19th century, has transformed the landscape and effectively stolen the indigenous peoples' birthright.

"The ethnic communities have always got along," says indigenous leader Crecencio Caceres. *"There's no history of struggle or massacre between us. It was necessary that we united for the indigenous cause, so that the Pueblos could move forward with common purpose."*

"The Council is a way for all of us to maintain our indigenous cultural identity. Of the 126 indigenous communities in my home Department of Boqueron, the leaders of 80 have joined."

Yet the rule of law and order and writ of the central Paraguayan government counts for little in El Chaco.

Its three departments, Presidente Hayes, Boqueron and Alto Paraguay, are dominated by Mennonite dairy farmers, Criollo ranchers and a motley crew of carpetbaggers, who

range from illegal wood loggers and arms traffickers to drug dealers and shady foreign corporations.

Taking a six-hour bus ride from Asunción, I visit the indigenous community of La Herencia in Presidente Hayes Department. Everybody refers to La Herencia as Kilometre 320, the distance it lies from the capital.

The community of nearly 700 Enxlet Indians can only be described as dirt poor, with most houses made of wood and thatch. But La Herencia also has a number of brick buildings, a primary school, a medical clinic and a rudimentary electricity supply. Most importantly the community has title to 16,000 hectares of its ancestral land, bought from the Paraguayan State by Anglican Christian missionaries in the mid-1980s, who returned it to the Enxlet.

Other smaller tracts of ancestral land -- 9,000 hectares at Kilometre 345 at La Patria and El Estribo at Kilometre 370- have also been given back to the indigenous people. After centuries of colonial and dictatorial exploitation, it's the start of some form of restitution.

Yet the figures have to be put into perspective. Compared to the lush eastern part of Paraguay, the land is relatively poor. Here it's commonplace for an individual or a single family to own 40,000, even 100,000-hectares of land. And La Herencia's 16,000-hectares has 660 people to support.

Apart from cultivating vegetable plots, seemingly the preserve of womenfolk, there's little honest work for the men in the community. So they look for work on the surrounding cattle ranches and dairy farms.

Feudal system

In La Herencia I meet 39-year-old Oscar Gonzalez Lopez, an indigenous cowboy, who has worked on farms and ranches since he was a boy.

The father-of-four is engrossed in repairing an old motorcycle and at first is slow and reluctant to talk.

Then his story comes tumbling out. For 15-years he worked on a large ranch owned by a Paraguayan Criollo. He received free food and accommodation but was, astonishingly, only paid US$2-a-month.

"There were always many problems," says Oscar. "They didn't pay even the little money. There was always a problem with money. You were basically working there for free."

More recent employment, on a relative small Mennonite dairy farm of 200 hectares, near the town of Filadelfia, some two hours drive to the north, was better rewarded.

"They paid me 900,000 Guarani (US$200) for the first three-months and then raised my wages to 1.2-million (US$260). I was the only worker and I worked without problems," says Oscar with surprising equanimity, without a hint of anger, perhaps unaware that even in this *"good job"* he was still receiving less than his country's minimum wage of US$300-a-month.

"You see there is no other form of work, so it's very difficult for our people," explains La Herencia's Community Leader, Wilfredo Alvarenga. *"They are the peons of the estancia (estate). They're basically slaves. This is a feudal system. Indigenous workers are paid half the wages of a Paraguayan worker."*

"An employer may give a worker only a day to do a certain job. And if the work is not completed on time, they fire the worker, saying the man doesn't want to work. So the worker has to work hard without rest because he's afraid of losing his job."

"Here in La Herencia it's a little bit better because we've been fighting for our rights. But in other communities the situation is much, much worse. You will see greater poverty, children suffering from malnutrition, no schools. The Paraguayan government has received billions in aid, but we see very little of this money."

Debt servitude

Lorna Quiroga, an Argentine sociologist with the Indigenous Rights group TierraViva, who has been working with the community in La Herencia for two-years, explains the cycle of debt bondage that entraps many estancia workers.

"They have a salary of 800,000 Guarani (US$175), but they have to buy food and other items from a store that is run by the owner; at much higher prices. So often they spend more than they earn. And in this way they have a debt that just keeps on growing and they are compelled, forced to keep working, never being able to pay it off. Often it is not just the man who is expected to work, but the whole family without receiving payment. It's a feudal system."

"Just yesterday I was talking to a young man who had been working with Mennonites. When it came to the end of the month, he only received 300,000 Guarani (US$65) of his 800,000 (US$175) salary. Five-hundred thousand had been docked for his food. What can he do with 300,000 Guarani? It wasn't even enough to visit his family."

"It would be good if unions could help and get better working conditions for indigenous workers; even for Paraguayan Criollos. They get paid more than the indigenous workers, but their conditions too are far from good."

For Crecencio Caceres, *"Seventy-percent of our indigenous Brothers don't know their rights and it's important to inform them as workers. We want to form an alliance with trade unions. It is the only way to defend our rights, so that every year we see some improvement. Workers need to be more insistent and fight harder for their rights. If we solved our labour problems, we could solve many problems."*

"It's necessary to have indigenous political strength to defend the land and our natural resources," says Crecencio.

"Land is being cleared for cattle ranches, and there's a lot of deforestation in El Chaco. If you don't defend it, it could be destroyed within 20-years. Many plants have moreover been lost and it is very difficult to recover them."

"Many things are dependent on protection of the environment: natural medicine, the original trees, the animals, the foxes and the fauna. We have all kinds of wood, like Palo Santo, a hard wood that is sold all over Europe, and Samu wood that is used for handicrafts."

"The best way forward is to educate our people. We want free education for our young people and we want to take control of our own education so we don't lose our culture. Our old people can still teach our young people many, many things, so that we don't lose our traditional way of life."

"Health is also very important. As well as modern medicine, we want to promote our shamanic medicine as valid. We are working to make sure that this doesn't die."

Two dollars a month! That is the wage paid for 15 years to Oscar Gonzalez Lopez, an indigenous cowboy who was lodged and fed at his bosses' ranch. He has now changed jobs and is happy to be earning 240 USD a month, that is 60 dollars less than the legal minimum wage! → D.B.

"Water is also a big problem; there is not a lot of it. We have been suffering from drought for the last eight-months, for example. And the whole of the central Chaco doesn't have drinking water," says Crecencio.

Paraguay's current government is an alliance between the Liberals and the party of a former Roman Catholic Bishop, Fernando Lugo.

With a reactionary, military-backed oligarchy still hovering in the political background, President Lugo doesn't just have one hand tied behind his back, but both. And a recent scandal of him fathering children while still a priest has further undermined his fragile authority.

There are other worrying signs

In local municipal elections, held towards the end of last year, the Colorado Party, the party of the old dictator Stroessner, returned to power in Asunción and many other municipalities throughout the country:

"People are still not prepared for democracy," says Martha Peralta (CUT-Autentica). *"It's 20-years since the fall of Stroessner, and yet we haven't reached a true transition to democracy. Paraguay can't continue to live like this under circumstances of slave labour, salary discrimination and no worker rights."*

Historically in Latin America, the indigenous movement has had important assistance from trades unions, Socialist parties and the international media.

"The alliance in Paraguay between the indigenous peoples and the trade unions is very significant," believes Mamani. *"If, for example, we want to denounce the way indigenous workers are being treated and exploited, then we can do this through the trade unions. Because they are members of the ILO, they can take the fight to an international level."*

"The exploitation that's happening here is the same as in other Developing countries. All that governments and trans-national companies want to do is to exploit indigenous lands. They destroy homes, establish private police forces and divide the communities. All these entities have so-called 'Social Responsibility' laws and programmes. But these are only cosmetic operations, designed to deflect criticism and avoid true responsibility."

"Paraguay still has a very weak system because of the long legacy of dictatorship. But in Bolivia there have been great advances. We have adopted the UN Declaration on Indigenous Rights as national law. In Bolivia we view indigenous territories as stolen land and so we have been returning it since 2008. What's happening there is an example to the rest of El Chaco."

"Forced labour won't be finished within one year. It's still going to take some time," concludes Crecencio Caceres. *"But now we've started. And slowly but surely we're going to eliminate forced labour in the ranches."*

"The seminar in Asunción was very important for us. It was like a door opening and a tremendous opportunity to develop good relations with the trade union movement, and vice-a-

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versa."

"We have seen that there is a great will to help indigenous people, especially in El Chaco, so that we can achieve our objectives. Our aim is to make a revolution, not with arms but with intelligence and wisdom. We are equally capable of campaigning with force. Little by little the people of El Chaco are waking up and demanding their rights."

David Browne

"Debt bondage" among the indigenous people of El Chaco

Although the working conditions vary from one place to the next, many indigenous workers find themselves trapped in debt servitude. There are a variety of factors behind these debts. Firstly, indigenous workers generally receive wages far below the legal minimum wage and are usually paid less than their non-indigenous colleagues for work of the same value. It should also be noted that the minimum wage varies in accordance with the size of the estate, even though the employees put in the same amount of work.

Women domestic workers, for their part, usually receive half the amount their male counterparts earn, and sometimes nothing at all if they are considered to *"belong to their employer"*. As for children, they are only considered to work if they are paid. According to estimates from 2002, 20% of children aged between 10 and 11 and 31% of those aged between 12 and 14 were working.

Employees are supposed to be paid after a month, but some have to wait for three or four months. During that time, they buy provisions from their employer's shop, where the prices are much higher than elsewhere, but they have no real alternative. The long working hours, the distance between the estates and the nearest town, the cost of transport and the lack of free time means they are not able to shop anywhere else. A large portion of their wages then goes towards partly or wholly paying off the debt.

Some workers receive a basket of basic staples as a large part of their pay. Its content is usually of poor quality or hugely overpriced and insufficient to cover the family's needs, leaving workers with no option but to buy from the estate shop, and accumulate more debt. Finally, high illiteracy rates and the fact that few of these workers speak Spanish make them even more vulnerable.

A.C.G.

→ D.B.

Trade unions and indigenous organisations working together to combat forced labour

According to the International Labour Organisation (ILO), there are some 1,200,000 victims of forced labour in Latin America, which is the second highest rate in the world. Indigenous workers, lured by advances on their pay or other forms of manipulation, are the worst affected. In overall terms, indigenous people are faced with serious discrimination in employment and are the most vulnerable.

→ D.B.

In 2006 and 2007, the ILO office in Peru and Building and Wood Workers' International (BWI) signed an agreement aimed at raising public awareness about the problem of forced labour in Peru. A pilot project funded by the Dutch trade union federation FNV was then launched in 2008, aimed at combating forced labour in the forestry sectors in Peru and Bolivia. The project was set in motion by the wood and allied workers' federation FENATIMAP, which brings together workers from unions and associations linked to the forestry sector. Representatives from indigenous communities are involved in the actions organised by FENAMITAP, which offers education and training aimed at drawing their attention to the issue of forced labour and raising their awareness about their rights and how to defend themselves.

A.C.G.

Exploitation of domestic workers

Children are an important part of domestic work.

CUT-Autentica began campaigning for domestic workers in 2005, forcing the issue on to the political agenda and highlighting the exploitation of indigenous women workers in El Chaco and the big estancias in the eastern part of the country.

According to Martha Dora Peralta (CUT-Autentica), *"Workers who live with their employers start work at 5 a.m. or 6 a.m. They cook, look after the children and elderly and finish after 14 or 18-hours work. If their employers need them at night, they have to go. Even so-called part-time workers work at least 12-hours from 6 a.m. to around 6 p.m. or 7 p.m. before they go home."*

Although Paraguay's legal minimum wage is 1.5-million Guarani a month, around US$330, the wage is "the ceiling and not the floor".

One bizarre provision of the Labour Code, for example, states that domestic workers should be paid only 40-percent of the minimum wage, while another states they should be paid 60-percent if aged between 14 and 17-years-old.

"In Paraguay the minimum wage is not a minimum wage, it is a maximum wage," says Martha Peralta *"We need to have a universal minimum wage that is applied throughout the country."*

"One of our major preoccupations is that many domestic workers are children. Their families send them to Asunción to work as 'baby-sitters'. It's supposed to be combined with them receiving an education from the employer. But nothing happens. Their education is so poor they don't even finish primary school."

Martha Dora Peralta is a trade union official with CUT-Autentica and is campaigning for better pay and working conditions for domestic workers, many of whom are children, and are often deprived of an education. → D.B.

"We would like to see the different work ministries and departments transformed into a single Ministry of Work and Social Security. This has always been one of CUT-Autentica's main objectives. At this moment the government is seriously studying this proposal. We have had many meetings with the government over this," says Martha.

D.B.

A convention to fight discrimination

Combating discrimination against indigenous and tribal people? It is possible, thanks to ILO Convention 169.

Over the centuries, indigenous people have regularly been driven off their lands and stripped of their resources. Still today, millions of people belonging to these communities continue to be stigmatised, exploited and marginalised. To combat this discrimination, the International Labour Organisation (ILO) adopted, in 1989, Convention 169 on indigenous and tribal peoples.

→ D.B.

Who are they?

Some 370 million persons forming part of approximately 5000 peoples, living in 70 countries, are covered by this text.

As explained in an ILO guide (1), it is difficult to produce a universal definition that embraces such diversity, and the consensus is that it is neither necessary nor desirable to adopt a formal definition of the term "indigenous/tribal people". ILO Convention 169 does not therefore propose a definition of the peoples it aims to protect, but seeks, rather, to describe them. Article 1 refers to tribal peoples as "peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations". Indigenous people, for their part, are described as "peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply," states the text.

Three elements therefore characterise indigenous and tribal peoples: distinct (cultural, economic, social and political) institutions, historical attachment to ancestral lands, and a sense of belonging to an indigenous or tribal group.

Why such a convention and what are its key aims?

The chief aim of this legal instrument is to promote and protect the rights of indigenous peoples, be it their right to the land, to employment, to education and training, or health and social security.

As regards land rights, to which all of Part II is devoted, the Convention states, for example, that, "The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised" (Article 14).

Part III of the Convention addresses issues linked to recruitment and conditions of employment, setting out the duties of governments to "do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers", in particular as regards access to employment, equal pay, the right to freedom of association and to exercise trade union activities, the right to working conditions that are not hazardous to their health, the elimination of all forms of forced labour, equality between men and women and protection against sexual harassment (Article 20).

One might ask why a specific convention devoted to indigenous peoples was deemed necessary; do the fundamental rights enshrined in the Universal Declaration of Human Rights not apply to them in the same way as they do to all other human beings? "Unfortunately, their histories are often marked by genocide, ethnocide, discrimination, forced labour – and, in many cases, violations of their fundamental rights still continue," explains the ILO guide (2). The types of violations they still face include denial of citizenship, debt servitude, human trafficking and restricted access to education and health services, etc. It is noted that women often face the worst discrimination.

Specific protection thus seems necessary to guarantee that all human rights are applied to indigenous peoples without discrimination, as well as to ensure respect and recognition for their traditional specificities as well as their current aspirations.

It is by no means a bid to grant greater privileges to

indigenous people than to the rest of society, but simply an attempt to rebalance the situation.

The Convention could be resumed into five fundamental principles:

1. the right to non-discrimination;

2. the right to preserve and develop their identity, which includes the right to respect for their traditions;

3. the right to be consulted "whenever consideration is being given to legislative or administrative measures which may affect them directly" (Article 6). Article 15 stipulates that States have an obligation to consult them before any exploitation or exploration of the natural resources on their lands;

4. the right to determine their own priorities with regards to development (Article 7);

5. the right to participation, in the broadest sense of the term. This includes participation in the formulation, implementation and assessment of measures and programmes directly affecting them, as well as full participation as citizens in the political life of the country.

What obstacles were faced in securing its adoption?

The road to adopting Convention 169 was long and arduous. Although the ILO had already adopted a Convention on forced labour (no. 29) in 1930, it was whilst monitoring its implementation that it realised the need to devote a text to indigenous peoples.

In 1957, it was done: a convention (no. 107) regarding indigenous and tribal people came into being. It was, however, soon called into question, due to a number of paternalistic elements in the text, reflecting the vision of development at the time (describing indigenous peoples, for example, as "less advanced"), and because it advocated the "gradual integration" of indigenous populations, rather than their right to develop and preserve their identities (3).

In 1986, a committee of experts convened by the ILO Governing Body concluded that the "Convention's integrationist approach was obsolete and its implementation was detrimental in today's world". The text was therefore revised.

The discussions preceding the adoption of the new Convention were nonetheless heated. One of the most controversial issues, for example, was the use of the term "people". Many governments feared this term would pave the way for indigenous peoples' right to self determination and, by extension, to independence, which led to a clause being inserted into the Convention stating that "The use of the term peoples in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law" (Article 1, point 3).

Indigenous peoples contested this clause but it was, nevertheless, retained.

In 1989, ILO Convention 169 was adopted. It came into force two years later. In 2007, the UN General Assembly in turn adopted a Declaration on the Rights of Indigenous Peoples (DRIP).

These two instruments (ILO Convention 169 and the UN Declaration) are different in terms of their legal nature. The Convention is an international treaty and is legally binding for States that have ratified it, whilst the Declaration is not subject to ratification and does not have legally binding status.

It is hoped that the UN Declaration will provide fresh impetus for the ratification and implementation of ILO Convention 169, given that only 22 countries (4) out of the 183 member states of the International Labour Organisation had ratified it as at 1 May 2011. The 17 countries in which Convention 107 remains in force should, however, be added to this (5). The initial text was signed by 27 countries but is no longer in force in countries that also ratified Convention 169.

What mechanisms ensure its effective implementation?

Article 2 of ILO Convention 169 on indigenous and tribal peoples states that governments have a responsibility to protect their rights and assist in eliminating socio-economic gaps that may exist between them and other members of society.

Each signatory country must provide regular reports on the measures taken to implement the provisions of the Convention. The ILO encourages governments to involve indigenous peoples in this assessment, but their participation is in fact very rare.

These reports are examined by the Committee of Experts on the Application of Conventions and Recommendations, which issues observations and requests for information. Although these recommendations are not binding, they are published in the ILO annual report and, as such, exert moral pressure to which governments are usually sensitive.

Whilst it is not provided that indigenous organisations or the NGOs working in partnership with them can directly submit their remarks or complaints to the Committee of Experts, workers' and employers' organisations can do so and can act on behalf of indigenous communities (see Article 24 of the ILO Constitution). These organisations therefore have an important role to play in the effective implementation of the Convention, and all the more so given that the reports are examined during the annual session of the International Labour Conference by the tripartite committee on the application of standards. This tripartite body provides employers' and workers' representatives with an opportunity to take part on an equal footing with governments in all the deliberations and decisions of the ILO.

The monitoring conducted by the ILO is also accompanied by far-reaching technical cooperation programmes (such as the INDISCO programme), through which the ILO contributes to projects to improve the socio-economic conditions of indigenous peoples.

Although the Convention is not exempt from criticism (it is reproached for the inclusion of terms such as "wherever possible" in many articles, limiting its reach), it is, nonetheless a precious negotiating tool for indigenous peoples and organisations - such as trade unions - fighting for the elimination of all forms of discrimination. Moreover, its impact and influence extend far beyond the circle of countries that have ratified it.

(1) Indigenous and Tribal Peoples' Rights in Practice. An ILO Guide to Convention 169, Geneva, ILO, 2009, 200 pages, p. 9. Available online at: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_116818/lang--fr/index.htm
(2) Op. cit., p 32
(3) To find out more about this Convention or to read the text, see: http://www.ilo.org/indigenous/Conventions/no107/lang--fr/index.htm
(4) Argentina, Brazil, Chile, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Spain, Bolivia, Fiji, Guatemala Honduras, Mexico, Nepal, Nicaragua, Norway, Paraguay, Netherlands, Peru, Venezuela, Central African Republic
(5) Angola, Bangladesh, Belgium, Cuba, Dominican, Egypt, El Salvador, Ghana, Guinea Bissau, Haiti, India, Iraq, Malawi, Pakistan, Panama, Syria and Tunisia.

Anne-Marie Impe

Brazil criticised over poor application of Convention 169

Land disputes, poverty, geographic isolation and discrimination... trade unions are pressing the government to act in defence of Quilombola communities and indigenous peoples. Expedito Solaney* (CUT-Brazil) explains.

→Jamil Bittar / Reuters

The inequalities experienced by the indigenous peoples of Brazil date back to Portugal's invasion of the territory and the subsequent decimation and enslavement of its native inhabitants. Between the years 1500 and 1930, Brazil's economy was largely agricultural, as were its exports, whilst all manufactured and processed goods were imported, leaving it subordinate to the interests of the colonial powers and key capitalist countries, in spite of its formal independence.

Aftereffects of slavery

In social terms, the consequences of this economic model were conflicting. Whilst a national elite was gradually being forged out of this relationship of dependence with the key powers, the population at large was brutally exploited and the indigenous peoples were practically annihilated. Today, Brazil has the lowest percentage of indigenous peoples in the Americas, in terms of total population. Following the abolition of slavery, the black population in Brazil received no form of reparation and was condemned to marginalisation in the country's urban centres or inhuman means of survival in its rural inland. The countless uprisings of the masses, indigenous and black peoples seen over the centuries offer proof of the revolt and upheaval surrounding Brazil's economic and social construction. The fight for the recognition and demarcation of the lands belonging to indigenous peoples and descendants of Maroon slaves (Quilombolas)is still ongoing, with progress being blocked by the intransigence of the big landowners who exert considerable influence over government actions, although these are nonetheless slowly moving towards the recognition of these historically marginalised peoples' rights.

The CUT report

In a bid to tackle this situation, the national workers' confederation CUT produced a document in 2008 entitled "Comments on the Application of ILO Convention 169", recalling the situation of the Quilombolas and indigenous peoples. The document addresses a range of issues, presented under the following headings: self-identification, consultation and participation, the right to land and natural resources and, lastly, health.

The report highlights that the principle of self-identification was transposed to national legislation through the decree establishing the procedures concerning the granting of deeds for the lands occupied by the Quilombolas still living in communities. In 2007, the government reaffirmed this principle on formally recognising the self-identification of traditional peoples and communities as being one of the objectives of the National Policy on the Substantial Development of Peoples and Communities. At the same time, the

Palmares Cultural Foundation, a governmental organisation, had set objective criteria for the recognition of Quilombola communities, thus blocking their right to self-identification and clearly infringing the provisions of ILO Convention 169.

Flawed consultation and participation

As regards consultation and participation, although there are many discussion forums on indigenous peoples, the report indicates that their effectiveness is called into question. The reasons are diverse: absence of the parties concerned, poorly prepared debates, superficial discussions and failure to take on board the opinions of social actors, etc. Finally, as Expedito Solaney, national secretary of social policy at the CUT, explains "It seems that public consultations, once performed, serve the sole aim of upholding public policies."

Given that the consultation and participation of these peoples are flawed, so too are the public policies in this area. In the case of the Quilombolas, the main problem is the inadequacy of the public policies. The "Brasil Quilombola" and "Bolsa Família" programmes only benefit a very small number of communities. Furthermore, in 2007, when seeking to extend the benefits of the "Bolsa Família" programme for Quilombolas, the government realised the lack of information concerning these communities and the difficulties linked to their geographic isolation. Forced labour is also a serious cause for concern. In 2007, the Labour Ministry's mobile inspection team freed over a thousand indigenous Brazilians working in slave-like conditions in Mato Grosso do Sul.

Land rights violated

The right to land and natural resources represents one of the most serious problems facing both the Quilombolas and indigenous peoples. The decisions to relocate these communities when deemed necessary also constitute a violation of the rights in force. A decline has been observed in the amount of lands recognised and the funds allocated to the process of granting lands, leading to an increase in violence in these territories, as shown in the report. The mineral mining operations in the areas where the remaining indigenous peoples live are also a source of conflict.

The case of the Raposa Serra do Sol indigenous land in the state of Roraima provides a solid example of how land rights are violated. In March 2009, a Federal Supreme Court (STF) ruling established the definitive demarcation of the territory, following a long battle. But invasive agribusiness operators ignored the ruling. Some eighteen thousand indigenous people living in the area were awaiting the withdrawal of the operators following the homologation of the land in 2005. They had been battling for their land for over 30 years; more than 20 of their leaders were murdered in the process, many were injured, and bridges and schools were burned down, to quote but a few examples of the violence faced.

In its latest report, the CUT underlines that "Protecting the health of indigenous and Quilombola communities constitutes another of Brazil's weak points, and is clearly linked to land issues, poverty, geographic isolation and discrimination. It is a vicious circle: the lack of land makes subsistence impossible, generates food insecurity and causes a deterioration in their health, which is exacerbated by deficient health care services." This has given rise to very high rates of malnutrition and infant mortality, raising the concern, in 2006, of the ILO Committee of Experts.

Promoting social dialogue

In its conclusion, the report calls on the Brazilian government to "Effectively implement the Convention by regularising, as a matter of priority, the lands (as a prerequisite for subsistence, violence control and the conservation of cultural heritage) by fostering social dialogue (as a prerequisite to the legitimacy of all public policy). To achieve this, technical assistance from the ILO and experience exchanges between South American countries would be extremely useful."

Applying its own conclusions, the CUT took part in March 2010 in a debate on Convention 169 in Guatemala, where there are also countless problems with its application. A number of joint actions with respect to the ILO were established, to put pressure on the governments. In April 2010, the CUT also took part in a conference on the promotion of ILO Conventions 111 and 169 and indigenous peoples, in Temuco, Chile, organised by the AFL-CIO Solidarity Center. Then, in November 2010, the CUT took part in an activity organised by ITUC/TUCA, in Asunción, Paraguay, on the issue of forced labour and other violations of indigenous peoples' rights in the Chaco Region (see page 6).

Expedito Solaney of the CUT explains: "We view these experiences positively; they show that there are shared features within our diversity, both at the level of indigenous peoples, and their plight, and the trade union movement. The advance of capitalism gives rise to similar social consequences in different situations: on the one hand, it creates inequalities and, on the other, it unites the working classes in the fight against its dynamics.

The government and its responsibilities

The Brazilian government has drawn up a detailed report of the situation of indigenous and tribal peoples in Brazil, and has committed to holding a meeting with the national trade union confederations before the end of 2011 to discuss the issue. In light of this, the CUT has agreed to withdraw Brazil from the list of countries violating ILO Conventions, in exchange for the pledge to deal with the problems raised in its report. To date, 343 indigenous territories and 87 Quilombola territories have been registered. There are still, however, 283 indigenous and 590 Quilombola territories awaiting the completion of the administrative procedures for their registration. In addition, there are 224 indigenous lands for which no registration procedures have been initiated to date. This situation adds to the violence in the territories concerned, where indigenous people are repeatedly faced with murder, as seen in the state of Mato Grosso do Sul.

"The course of the relations developed with the organisations in these sectors, the history of the mass movements in Brazil and the action of the CUT have all demonstrated the need to ally these forces with the international action offered by the ILO. We have made an important step forward but we still have a long way to go," concludes Expedito Solaney.

A-C.G

*Expedito Solaney is the national secretary of social policies with CUT-Brazil.

(1) The "Quilombolas" emerged during the fights against slavery and racial discrimination in the country, during which black communities with social and community relations were formed.

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"The European Union must respect ILO Convention 169"

The indigenous peoples of Colombia and Guatemala have demanded their right from the European Parliament to be consulted over free trade and association agreements.

On 22 June 2011, the European Parliament held a conference on indigenous peoples' rights to prior consultation and finally gave the representatives of these peoples attending the event in Brussels an opportunity to speak and express their views.

At the time when the EU launched a proposal for an association agreement with Central America and free trade agreements with Colombia and Peru, the indigenous peoples in the countries concerned were not consulted.

In June, 39 members of the European Parliament wrote to Catherine Ashton, vice president of the European Commission and High Representative of the European Union for Foreign Affairs, expressing their concerns at the serious violations of the prior consultation rights of the indigenous peoples of Guatemala and Colombia, and their impact on their survival and well-being.

One of the indigenous representatives at the European Parliament on 22 June, Francisco Morales from the general assembly of Huehuetenango peoples for the defence of their territories (ADH, Guatemala), pointed out that since the free trade agreement was concluded with the United States, indigenous peoples have witnessed new forms of land grabbing and the exploitation of their natural resources without prior consultation.

Luis Evelis Andrade, secretary of Colombia's national indigenous organisation ONIC recalled that there are over 40 million indigenous people in Central America and that, over the years, they have all been the victims of "development" policies imposed by the international order.

Francisco Morales added that "Fifty eight popular consultations have already been held with indigenous peoples in Guatemala, and over a million people have marked their opposition to this form of development. And although their demands are always expressed in a democratic manner, the response is invariably violent."

Manuela Chavez, who in charge of trade unions and indigenous peoples in Latin America at the ITUC, delivered a clear message to the members of the European Parliament: "ILO Convention 169 must be included in the free trade agreements, with strict control mechanisms to ensure that governments and companies respect the Convention and indigenous peoples' right to consultation."

Global persecution

A number of Central American countries have seen a mineral boom in recent years, and the agreements signed with other countries offer major incentives. Fidel Mingorance of Human Rights Everywhere underlines, moreover, that if all the operating requests submitted before 2011 are authorised, the number of mining operations will be multiplied by six. Yet the adverse effects of this growth are not purely material.

Aura Chavez of the policy council for Guatemala's western regions explains that the foreign companies in his region are stepping up the tactics used to achieve their ends: indigenous people are criminalised, accused of blocking "development", women and community leaders are persecuted, people are disappearing, children are educated in the values of the companies, politicians close to the companies receive funding for their re-election and the municipal authorities are becoming more openly corrupt. Fidel Mingorance also explains that it is not unknown for paramilitaries to massacre the indigenous people living on land that can be mined so that they can take it over and sell it on to companies.

An ONIC report likewise underlines that "All armed actors (state, paramilitary and guerrilla) violate indigenous peoples' right to life, land, autonomy and culture. Conflict has intensified over recent years in mineral-rich regions (...). In 2010 alone, 122 indigenous people were murdered, over 1400 were displaced and nine cases of rape against indigenous women were reported." The report also indicates that the number of endangered indigenous peoples in Colombia is now as high as 35.

One way development

The indigenous representatives were finally given an opportunity to express their opposition to the development model that has been imposed on them to date and risks being reinforced if the EU agreements are ratified without consideration for their views and accounts.

Their main hope at present is that the foreign companies established on their lands will stop promoting economic development to the detriment of the integration of the people, the fight against poverty, greater well-being and the quest for harmony with Mother Nature, so cherished by these peoples. Until now, the establishment of mining industries has only benefited the companies, over the short term, and has brought nothing but violence and suffering to the indigenous communities. Moreover, once established, these foreign companies leave only 1% of their revenues in the countries where their operations are based. Then, once they have exhausted the resources, they move on, seeking more elsewhere.

The indigenous peoples of Colombia and Guatemala are therefore asking for a commitment from their governments, that European companies apply their own countries' laws and standards, accompanied by effective control and monitoring mechanisms. But, above all, they are asking that their demands and concerns be taken into account before the agreements are ratified. Unfortunately, there is no scope for any amendment of the free trade agreements with Peru and Colombia before the vote is taken. As for the association agreement with Central America, the few MEPs sensitive to this issue still have a year to try to convince their colleagues to listen to the views of the indigenous peoples before making their decision.

Manuela Chavez, who in charge of trade unions and indigenous peoples in Latin America at the ITUC, delivered a clear message to the members of the European Parliament: "ILO Convention 169 must be included in the free trade agreements, with strict control mechanisms to ensure that governments and companies respect the Convention and indigenous peoples' right to consultation."

Anne-Catherine Greatti

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