



Alaska (US)

CANADA

NORTH
PACIFIC

UNITED STATES

ATLANTIC
OCEAN

Hawaiian Islands (US)

MEXICO

CUBA

DOMINICAN REP.

Puerto Rico (US)

HAITI

BELIZE

JAMAICA

GUATEMALA

HONDURAS

EL SALVADOR

NICARAGUA

COSTA RICA

VENEZUELA

PANAMA

GUYANA

Guyane (Fr.)

COLOMBIA

SURINAM

ECUADOR

PERU

BRAZIL

BOLIVIA

PARAGUAY

SOUTH
PACIFIC

CHILE

URUGUAY

ARGENTINA

Americas

Maurice Bryan

The Americas display a diverse indigenous and minority profile. Besides large populations of mixed ethnicity, there are significant numbers of people of African descent as well as immigrants from European, Asian–Pacific, Arab and other Middle Eastern countries.

The most disadvantaged and vulnerable minorities continue to be those of African and indigenous origin. Even when examining specific national trends, such as the substantial growth of Latino/Hispanic minorities in the USA to almost 42.7 million, in the end this involves largely indigenous, African descendant or Afro-indigenous and *mestizo* migrant populations from Central and South America and the Caribbean.

Americas: Afro-descendants

African descended populations represent a majority on most of the islands of the Caribbean and constituted substantial minorities in many Central and South American states; especially in Brazil, Colombia and Venezuela, as well as the USA.

The African presence in the Americas goes back to the earliest formation of colonial societies and is mainly – though not exclusively – the result of several centuries of large-scale importation of millions of people from the African continent to provide forced labour on plantations and in mines and other commercial enterprises.

Although forced labour was instituted mostly for economic reasons, racist beliefs became entrenched. Across the Americas mainstream society continues to favour white people and assimilationist cultural values. As a result, the main issues affecting the Afro-descendant minority population group today are still mostly related to discrimination and exclusion.

In Caribbean and Latin American economies, discrimination against Afro-descendant citizens is effected in the public and private sector through preferential hiring and credit practices, racial profiling by law enforcement agencies and insufficient allocation of government resources in the public sector.

This has a particularly negative impact on both African descended and indigenous people, who share a history of discrimination, marginalization and exclusion that continues to affect their present socio-economic condition.

Nevertheless, in countries such as Brazil, Canada, Cuba, the USA and Venezuela, Afro-descendant

individuals have increasingly attained high-level positions in the government, military and private sector. However, as a group this population continues to experience significant covert and overt discrimination and racial prejudice, and they still make up the poorest strata of their national societies.

Human rights organizations in the Americas reported in 2005/6 that most Afro-descendant populations continue to have severe disadvantages in education, income, health, life expectancy, literacy and employment.

Countries with statistics disaggregated by race, such as Brazil, Canada, Colombia and the USA, continue to show a persistent socio-economic gap between blacks and whites. According to *The State of Black America 2005*, the income level of African-American families is only one-tenth that of white families, 78 per cent of Afro-Brazilians live below the poverty line, compared to 40 per cent of white Brazilians. According to the World Bank, Afro-Colombians, although they constitute approximately 25 per cent of the entire population, represent well over 75 per cent of the poor.

In the Caribbean area, decades of studies have also suggested that Afro-Puerto Ricans are disproportionately present in deprived urban neighbourhoods and low-paid informal-sector employment. This is hardly different from Cuba, where Afro-Cubans live in the most neglected parts of cities such as Havana. Moreover, Afro-Cuban activists continued to report, in 2006, that most Afro-Cubans remain economically marginalized from the dollarized tourist sector and external investment initiatives, and have to create their own informal sector opportunities.

Most of the predominantly Afro-descendant areas in the Americas continue to be poorly served or completely lacking in many basic services and social programmes. The majority of the region's Afro-descendant population continued to live in isolated rural communities or overcrowded urban zones, with poor health, education and social services. Many of these locales lack adequate roads, electricity, communications and water supply, and appear to have been abandoned by federal, state and municipal governments.

This discrimination is especially evident in legal responses, and in the allocation of national resources and social sector investment. Mainstream political and

economic elites continue to ignore the acute economic and social problems that affect the region's Afro-descendant populations and the zones they inhabit. In great measure this is essentially a reflection of their *de facto* invisibility as a population group.

Statistical invisibility

Despite a long historical – and substantial contemporary – presence in the Americas, Afro-descendant minorities continue to be subjected to official and statistical invisibility. Even though numbering in the tens of millions in some countries, Afro-descendants are still not recognized or acknowledged as a distinct cultural group in the national constitutions of states such as Bolivia, Brazil, Mexico, Peru or Venezuela. The presence of small historical Afro-descendant populations in Argentina, Chile and Paraguay is also still officially ignored. Recently, in a break from the national norm, the state of Oaxaca became the only government entity in Mexico to officially recognize Afro-Mexicans as a distinct ethnic group.

Afro-descendant activists continue to argue that the first step towards addressing invisibility and related socio-economic disparities is the collection of disaggregated census data on African descended populations in these and other countries.

In Venezuela in 2005, the Network of Afro-Venezuelan Organizations pressured the Chávez government to collect data on Afro-Venezuelans in the next census. Similar advocacy is also taking place in Bolivia, Costa Rica, Ecuador, Honduras and Peru. Through the *Todos Contamos* programme supported by the World Bank and Inter-American Development Bank, Colombia received funds to incorporate racial indicators into the recent 2005 census. Similarly, Bolivian government authorities in the state of Santa Cruz agreed to a census of Afro-Bolivians for 2006.

Moreover, Afro-descendant activists continue to highlight the need for census methodologies that adequately capture how African descendants describe themselves. Only 1 per cent of blacks self-identified as 'Afro-Colombian' in that country's official census; however an independently conducted survey conducted by the City of Cali in 1998–9, based instead on self-descriptions by skin colour, found that over 30 per cent of residents at that time identified themselves as black or mulatto. This resulted in a radically different Afro-descendant count from the official version.

Political participation

There is a notable increase in Afro-descendant participation in the political processes of a number of countries in the Americas. Following the 2002 election, for the first time in its history, Brazil appointed four Afro-Brazilian national ministers, three of whom were women. This pattern of inclusion is set to continue with the re-election of President Lula da Silva to a second term in October 2006. Likewise, in Suriname, Afro-descendant Maroon political parties participated in the May 2005 national elections, with voters electing eight Maroon representatives of whom three obtained cabinet positions.

Afro-Ecuadorians have gained more visibility through the presence of black politicians and Afro-Ecuadorian non-governmental organizations (NGOs). In Peru, there were three Afro-Peruvians in the 2004 Congress. However, while the election of Evo Morales in Bolivia in 2005 promised to end Afro-Bolivian exclusion, in mid 2006 there were complaints about the lack of Afro-Bolivian candidates included in the new Constituent Assembly.

In 2006, there was one Afro-Uruguayan representative in Congress, who made efforts to increase general awareness of the country's African ancestry and cultural heritage and to promote positive discrimination in congressional policy.

Significantly, in the USA just as in Latin America, the African-American minority remains massively politically under-represented. Despite constituting 12 per cent of the US population, African-Americans currently hold only about 2 per cent of political offices across the country, and, at the highest level, even fewer – notwithstanding the appointments of Colin Powell and Condoleezza Rice during the Bush presidency.

This is hardly any different from Panama where, despite their high numbers, Afro-Panamanians remain markedly absent from positions of political and economic power. As of 2004 there was one Afro-Panamanian in the 13-member National Cabinet and the Solicitor General was an Afro-Panamanian woman.

In spite of their small numbers, since 1996 Afro-Costa Ricans have increasingly become elected representatives and gained cabinet-level appointments. This includes the 2005 nomination by the Citizen Action Party of a female Afro-Costa



LAMIÉVALEZ A SAMBIEA. CONSTITUJENTE

SIMBOLOS PATRIOS DE BOLIVIA

Pa Pa Kuu Kay Killar Kio Parpuq Kill



PAPA TARPUY KILLA

PRIMAVERA

VERANO

Kul chagra grumir Kaw Sas Mio K'ir Ha q'uy

chagra putus Kaw Sas

M Tñin

Sana parpuq Kaw Sas Mio K'ir Ha q'uy

Mio K'ir Ha q'uy

Left: Indigenous Bolivian man in Cochabamba holds a sketch book showing his vision of Bolivia's new Constituent Assembly

Rican for the vice-presidency of the nation. Similarly, in Canada in 2005, Her Excellency the Right Honourable Michaëlle Jean of refugee Haitian origin, who migrated to Canada in 1968, became the first Afro-descendant woman to be sworn in as Governor General of Canada.

In the USA, the disenfranchisement of large numbers of the Afro-descendant minority continues to be of concern. Denial of voting rights particularly affects minority communities, whose residents make up a disproportionate number of those held in the US prison system. An estimated 2 million African-American and Latinos have lost their right to vote because of felony convictions and incarceration.

There are now 39 states in the US legislatively supporting the reinstatement of the voting rights of former offenders. In June 2005, both Iowa and Rhode Island took legislative steps to restore voting rights to parolees and probationers.

Profiling and incarceration

This problem points to an ongoing issue of unequal legal treatment and the remarkably high rates of incarceration experienced by Afro-descendant populations in most of the countries of the Americas; especially in Brazil, Colombia, Cuba, Dominican Republic, Panama, Puerto Rico, the USA and Venezuela.

This is largely a reflection of the strong racial prejudice that operates against African descendants. Discrimination is particularly violent in poorer areas, where police forces often act with impunity and racial profiling is rampant. In the USA, principally, there were continuing concerns in 2006 about the extraordinarily high incarceration rates and long sentence periods for African-American and Latino minorities. These are far higher and longer than those for white Americans. Consequently African-Americans, who only constitute 12.9 per cent of the US population, make up 38.9 per cent of that country's prison inmates.

Likewise, in Brazil investigators found that Afro-Brazilians receive longer sentences than white counterparts for the same crime and are more likely to suffer discrimination in prison. This matched the USA, where, despite an ongoing debate, convictions

for crack-cocaine possession (mostly non-white users) continue to be harsher than for powder-cocaine (mostly white users), leading to the disproportionate imprisonment of black, Latino and Native Americans.

There is increasing concern in the USA that the legal system is now affecting an even higher percentage of non-white women than men. In its March 2005 report, Fair Laws for Families revealed that, since 1986, there has been an 800 per cent increase in the number of African-American women behind bars in state and federal prisons.

Rights activists also point out that, because of the discriminatory patterns of arrest and excessive use of physical and deadly force against African-descendants, they are much more likely than other group to end up dead after encounters with the law enforcement agencies.

With the USA being one of the few Western democracies still employing the death penalty, blacks are sentenced to death four times more often than whites. A December 2005 study by the University of Maryland indicated that those who killed a white victim were still two to three times more likely to be sentenced to death than those who killed a non-white.

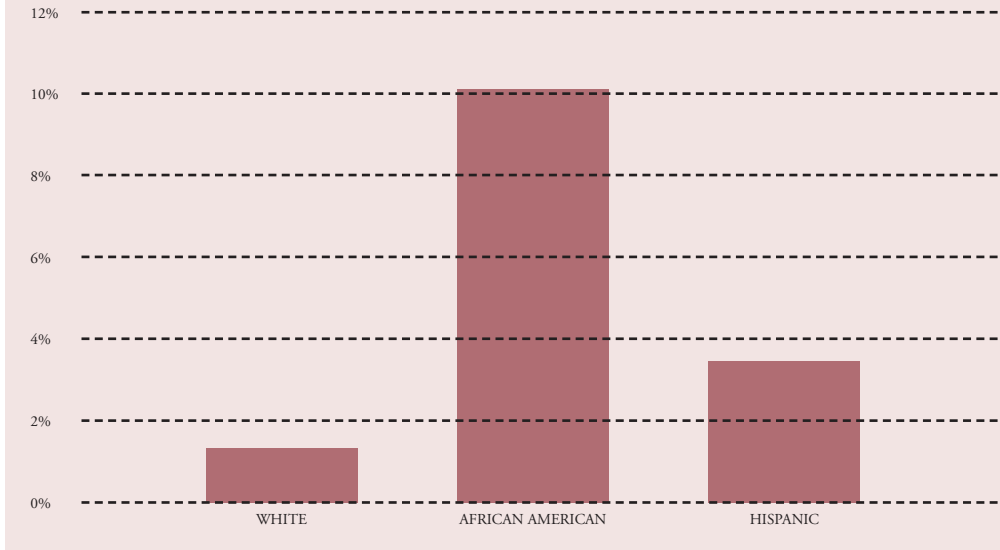
A report by the UN Special Rapporteur on Torture also found that most torture victims in Brazilian prisons were of Afro-Brazilian descent. The Institute of Applied Economic Research (IPEA) found that Brazil's people of colour are five times more likely to be killed by police than whites, and the Institute for Religious Studies (ISER) found that, in the extra-judicial police killings that were investigated, 64 per cent of the victims were shot in the back at close range and the majority were of African descent.

Also, in Cuba, activists continued to report that approximately 80–90 per cent of that country's large prison population are estimated to be Afro-Cubans, who only make up about 50 per cent of the national population. The same pertains in nearby Puerto Rico, where sociological studies indicate that Afro-Puerto Ricans still disproportionately occupy youth detention centres.

Racial prejudice is particularly rampant in the identification of potential offenders based on looks – also known as 'racial profiling'. In February 2005, Afro-Canadian police officers in Toronto testified that racial profiling was an existing policy and that

Percentage of men aged 18–29 in prison in the USA, by race/ethnicity

Source: Prison and Jail Inmates at Midyear 2005, Bureau of Justice, May 2006



they themselves experienced racism on the job. The same pattern is again revealed in Cuba where, although there are many Afro-Cuban police officers and army-enlisted personnel, racial discrimination in policing is common. In 2006, Afro-Cubans continued to complain of frequent and disproportionate stops for identity checks.

In Puerto Rico, many people from the Dominican Republic are classified as black and 'mulatto'. However, there is also a significant native Afro-Puerto Rican population, consequently local authorities sometimes arrest Afro-Puerto Ricans, assuming them to be illegal Dominican migrants. Likewise, police in the Dominican Republic often arrest Afro-Dominicans, assuming them to be illegal Haitians. Once in the USA, police similarly target both Puerto Ricans and Dominican immigrants.

Racial profiling by the police, immigration and airport officials is particularly widespread in the USA. The recent concern about terrorism has only exacerbated the problem. Following the attacks of 11 September 2001, profiling has greatly expanded. Approximately 32 million Americans have reported being victims of racial profiling. In Canada, the targeting of young African-Canadians, including those from Somali and Rastafarian communities, continued to be a major concern in 2006. The

African Canadian Legal Clinic attributes this increase to the new Canadian Anti-Terrorism Act (ATA). Moreover, Somali Canadians, being Muslim, are doubly discriminated against.

Besides Canada, Rastafari in the Caribbean also continue to be a vulnerable minority. Reports persisted of Rastafari being profiled because of hair length and beards, and being subjected to harassment and discrimination by both the state and private sectors.

Conflict

In Colombia, after years of isolation, the zones inhabited by Afro-Colombians have now become the most affected by the ongoing war. Almost four years after the most violent massacre in the history of Colombia's 40-year conflict in 2002, when 119 people were killed in a small Afro-Colombian fishing village, the Association of Afro-Colombian Municipalities reported in 2005 that as many as 40 per cent of paramilitary and guerrilla recruits in coastal regions are now African descendants.

In 2006, ethnic tensions between minority groups such as African descendants and those of East Indian origin in Guyana and Trinidad continued to be driven by competition for political dominance. Following elections in August 2006, grassroots Afro-

Guyanese increased calls for greater inclusion of their community by the predominantly Indo-Guyanese-based governing party.

Haitian migrants and refugees have continued to endure particular troubles that set them apart from other Afro-descendants in their destination countries, particularly in the Dominican Republic and the Bahamas. In March 2006, a mob seeking to avenge the murder of the mayor of the village of Las Matas de Farfan in the Dominican Republic caught two Haitians, doused with them with gasoline and set them ablaze.

Themes and initiatives

The annual regional Meetings of Legislators of African Descent (last held in Costa Rica in 2005) have continued to be of particular importance to Afro-descendant leaders. In these encounters, delegates from 19 countries gather to discuss ways of fostering democratic participation; to reaffirm their Afro-descendant identities; and reiterate national government commitments to combat prejudice and exclusion.

The Inter-American Convention against Discrimination

Another important emerging initiative is the Inter-American Convention against Discrimination, currently under consideration by the Organization of American States (OAS). This proposal attempts to provide people of colour throughout the Americas with a regional mechanism to redress rights violations specifically related to discrimination. Currently, cases of racial discrimination need to be tried as generic human rights violations, since no OAS statute exists that oversees discrimination cases.

Activists see the creation of the Inter-American Convention as a vital step towards providing African descendants and other minorities with a form of redress in countries where national courts have been reluctant to tackle racial inequities.

Brazil has taken a leadership role in this initiative and is also the sole supporter of the Special Rapporteur for African Descendants; however, the initiative has been strongly opposed by the US government. Also, in Brazil, the policy debate has continued during the Lula da Silva presidency regarding how best to address discrimination/exclusion of the African-descended population. This

has included discussions on whether to emulate the US model of positive discrimination, quota systems and the criminalizing of discrimination. However, in 2006 a group of prominent opinion-makers, including several leading Brazilian academics, wrote a controversial letter to the Brazilian press condemning quotas, while in the US itself there were increasing attacks and legal challenges to the policy of 'quotas' and 'reverse discrimination'.

In July 2005, Canada signed the Council of Europe's first Additional Protocol to the Convention on Cybercrime, Concerning the Criminalization of Acts of a Racist and Xenophobic Nature as Well as Hate-motivated Threats and Insults Committed Through Computer Systems. This is significant given Canada's close communication/cultural links with the USA. According to an October 2005 FBI report, 67.9 per cent of the victims of the 9,528 hate crimes in the USA were of African descent.

Inter-American Court of Human Rights and Afro-descendants

In June 2005, the Inter-American Court of Human Rights (IACHR) found the government of Suriname guilty of human rights violations in the case of the 1986 massacre at the Afro-descendant N'Djuka village of Moiwana and the intentional destruction of their property by a National Army unit. The IACHR ordered the government to pay reparations to each survivor, investigate the crimes and conduct a public ceremony recognizing state responsibility and apologizing to the N'Djuka people.

Also, on 8 October 2005, the IACHR ruled against the government of the Dominican Republic in the case brought on behalf of two Dominican girls of Haitian ancestry who were refused birth certificates.

In December 2005, the foreign ministry indicated that, even though the verdict was considered unjust, they would abide by it. However, in essence the government has rejected the ruling and legal decisions in 2006 indicate that the courts are determined to continue using 'transit' classifications for Dominican-born Haitians.

Americas: indigenous peoples

Significant numbers of indigenous nations live in the Americas. In Latin America, indigenous people number around 52 million, about 11 per cent of the total population. There are also another 2 million indigenous people in Canada and the USA.

The present indigenous populations are the descendants of the millions who settled the entire hemisphere for several millennia before the start of the European colonial era. They developed thousands of nations, each with a distinct language, political tradition and social structure, and material cultures that ranged from nomadic hunter-gathering to monumental high-culture civilizations.

Canada has 612 different indigenous nations. Colombia has more than 80 indigenous peoples, living in a variety of ecological zones. Ecuador has 14 distinct indigenous ethnic groups. In Bolivia, Guatemala and Peru, indigenous populations constitute as much as 63 per cent of the national total. Mexico, with 62 groups numbering over 15 million people, has the largest number of indigenous people of any country in the region.

From the beginning of European settlement, indigenous communities in the Americas have been affected by successive attempts at extermination, enslavement, massacres and violent dispossession by those wishing to claim their lands and the terrestrial and subterranean wealth they provide.

From the outset, indigenous populations have faced two main survival choices: either total cultural assimilation or complete marginalization and exclusion from a mainstream society that is heavily oriented towards European socio-cultural values and life choices, and that negatively prejudices and discriminates against the culturally different.

In a pattern remarkably consistent with that established from the very beginning of fifteenth-century colonial contact, indigenous people today continued to face significant political and economic discrimination, particularly the invasion and loss of their ancestral lands in all of the countries of the Americas.

Despite constitutional reforms in most of Latin America during the 1980s and 1990s that recognized indigenous rights, and even with legal measures such as the International Labour Organization's Convention No. 169 on the Rights of Indigenous and Tribal Peoples (1989), indigenous populations continued to be threatened by the inroads of investors and private enterprises onto their territories. Ironically, this is often encouraged by the same state authorities that are signatories to the supposedly protective treaties.

NGOs in almost every country in the hemisphere continue to complain that the major threat facing

indigenous people is their ongoing relentless dispossession of land by national settlers and expanding investment by international commercial interests. The latter include tourism, real estate development and natural resource exploitation – particularly mining, oil exploration and logging ventures. These activities invariably threaten the cultural and economic vitality of indigenous communities, as well as the natural environments they inhabit.

Indigenous peoples continued to display much higher levels of poverty, disease, malnutrition and illiteracy than the rest of the national populations. As for Afro-descendants, with whom they have historically shared the negative effects of forced labour and dispossession, the ongoing prejudice and discrimination against indigenous people continues to be a major issue.

In many countries across the region, racial and ethnic discrimination is a daily occurrence, especially for those rurally based indigenous individuals who leave their communities and venture into large urban areas. Furthermore, organizations like Amnesty International (2004) have found that indigenous females experience disproportionate levels of economic and social marginalization, and experience double discrimination based on their identity as both female and indigenous people.

In recent years, indigenous NGOs and advocacy groups have become increasingly mobilized locally and internationally to address some of the issues affecting them. However, there continues to be a remarkable lack of political will on the part of governments to honour their international and constitutional obligations, and consequently indigenous peoples' lives continue to be negatively affected.

Sometimes this has encouraged growing partnerships between indigenous rights activists and environmental movements. It has also widened the debate regarding the place and function of indigenous people in their societies, and the need for continued cultural preservation. For example, in Peru, NGOs seeking convergence of indigenous activism and global environmentalism have become involved in the protest campaigns of Ashaninka communities against logging and oil exploration corporations.

On the other hand, modernizing trends, including the advent of new communications technologies and increased physical access to formerly isolated

indigenous areas, are prompting new cycles of change. In places such as the gold-rich rainforests of Brazil and the Guianas, consumer goods acquisition is increasingly becoming a measure of status and devaluing indigenous traditional agriculture and other socio-cultural practices.

Many of the large South American Altiplano and other *campesino* indigenous populations in the region have been marketplace oriented since the colonial period, including through slave/indentured labour and land dispossession. However, many lowland communities have tended to be smaller, more isolated and less connected to the national/global economy. This has often made them much more vulnerable to contemporary natural resource exploitation.

In an increasingly globalized environment, continuing poverty and the desire for material goods means that indigenous youth in these zones are increasingly seeking ways to join the contemporary cash economy. Finding opportunities for income generation has therefore become a major concern. This is especially because the loss of traditional land usually hastens cultural disintegration and brings an end to traditional means of survival.

In communities across Central and South America, and especially in the rainforest zones, land dispossession has continued, prompting new waves of indigenous migration into hostile urban areas to seek often poorly paid wage labour and to face a landless future that promises generations of struggle to escape from the bottom of the urban socio-economic scale.

Economic development

After centuries of interaction, increasing numbers of indigenous people of varying social classes now live in the region's urban areas, from Canada to Argentina, and in some cases have achieved economic and social standing greater than mainstream non-indigenous middle-class residents.

This is especially true in the wealthy industrialized northern countries like the US where half of the Native American population lives in cities and towns, largely integrated with the general population. In Canada, only about a quarter of all indigenous people still live on their ancestral lands, and a well-organized network of 117 indigenous-controlled Native Friendship Centres exists to provide services in urban areas.

Moreover, many North American indigenous nations continue to move increasingly towards economic self-sufficiency, with sizeable revenues being accrued from casinos, resource extraction and other ventures.

Nevertheless, for the vast majority of indigenous people in the Americas, the communities and areas where they live continue to be chronically impoverished and lack adequate education, housing, electricity, health and other social services. In Latin America, most indigenous people in 2006 continued to eke out a marginal existence as the poorest of the poor, using various subsistence measures to survive in remote, hard-to-reach, poorly serviced interior areas of their countries. This has a negative impact on family and environmental health, education and infant mortality.

Moreover, all across the Americas the municipalities and regions with the highest numbers of indigenous peoples continue to be among the poorest, regardless of the size and wealth of the country.

In the USA, Native American reservation housing is still substandard, often without electricity, indoor plumbing or refrigeration, except on the wealthiest reserves. In Canada, a Community Well-Being Index, developed by the Department of Indian Affairs and Northern Development (2004), found that, of the bottom 100 Canadian communities in the country, 92 were indigenous communities. In Chile, the 600,000 indigenous Mapuche remain among the poorest, least educated and most malnourished sector of Chilean society.

In cases where indigenous people are supposed to be owners of their resources, the issues of land titling, resource rights and revenues are still major concerns. Unregulated non-participatory resource extraction means that the major share of revenue usually goes to the state and does not benefit the indigenous economies. Consequently, indigenous rights issues are still closely linked to the demand for greater autonomy and social sector investment.

Land/property rights

In some countries like Canada, Colombia, Guyana and Nicaragua, indigenous groups have title to significant land areas. In September 2006, the Ministry of Amerindian Affairs of Guyana in South America indicated that 13 per cent of that country's land (11,205 square miles) has now been deemed to be indigenous property; however, this does not

include subsurface mining rights, which, as in the rest of Latin America, are still held by the government.

That is in contrast to the USA and Canada, where territorial rights include subsoil resources. Nevertheless, disputes persist. In March 2006, following urgent requests from the Western Shoshone people whose land claims cover 80 per cent of the State of Nevada, the UN Committee for the Elimination of Racial Discrimination (Early Warning and Urgent Action Procedure) called on the USA to freeze any plans to privatize Western Shoshone ancestral lands for transfer to multinational mining and energy interests, and to desist from activities being carried out without consultation.

Although, on paper, Latin American governments have shown an increasing willingness to begin the

Below: Quechua Indian woman and daughter with hoes for tending their land in Chimborazo, Ecuador. Jeremy Horner/Panos Pictures

process of land titling, this still did not translate into increased security, autonomy or greater material benefits. Despite new legislation or constitutional amendments promising respect for indigenous territorial rights, private interests and states' economic agendas are still prioritized over the demands of local indigenous communities.

Consequently, indigenous people continued to face the centuries-old limits on their ability to participate in decisions affecting their lands, traditions and natural resources, causing some indigenous organizations to engage in protests that



have sometimes led to violent confrontations.

In May 2006, Quichuan organizations in Ecuador set up a series of protests and roadblocks that led to the retreat of a US oil company. In Colombia, the U'wa peoples continued their struggle against oil exploitation in their territories, despite winning legal victories against multinational oil companies before the Colombian courts. Indigenous leaders in Paraguay have stepped up protest campaigns against deforestation and the pollution of water sources. Furthermore, the presence of international corporations and tourism operators on indigenous ancestral lands in Venezuela caused protests over the deterioration of the environment and indigenous peoples' traditional ways of life.

Among other land/resource rights issues across the region that have raised the concern of activists are petroleum discoveries on Maya land in Belize; rubber, tin, gold mining and cattle ranching on Urueu-Wau-Wau lands in Brazil; petroleum extraction on Waroani land in Ecuador; ranching on Ayoreo land in Paraguay and also on Yabrana lands in Venezuela; and gold, oil and mineral exploitation in Guatemala and Honduras.

In Brazil, French Guiana, Guyana and Suriname, a relentless increase in rainforest exploration and gold mining activities is bringing with it a host of irreversible social and environmental changes. In 2006, indigenous community groups in these countries continued to complain about the allocation of mining and logging rights without adequate consultation, and are particularly concerned about continuing environmental degradation and social disruption, including mercury poisoning, community violence, prostitution, alcohol abuse, youth suicides and family disintegration.

The link between culture and ecology is often at the heart of indigenous group survival across the Americas, and is invariably linked to safeguarding the environment.

In Honduras, the Tawanka are struggling to have their inhabited zone in the Moskitia rainforest declared an eco-cultural biological reserve. In Nicaragua's Caribbean Coast region, indigenous populations are seeking to safeguard their communal lands in the second largest rainforest after the Amazon. This area continues to be invaded by Pacific region settlers, who deforest lands for cattle-raising in a zone already designated as a Biosphere Reserve

Moreover, conflict between indigenous peoples and the state over land use and titling has also occurred in some instances where the stated aim is environmental and cultural preservation.

This includes archaeological parks of so-called Mayan ruins in Guatemala and the establishment of national parks in Argentina, French Guiana and Honduras. Indigenous leaders often cite lack of consultation and limited participation in planning processes, which do not take into account spiritual perceptions and traditional land-use patterns.

It should be noted that much of the conflict over inadequate consultation is related to disregard for, or non-compliance with, ILO No. 169, which commits governments to prior consultation with indigenous groups over development projects that may affect them, and also mandates compensation.

While Argentina, Guatemala and Honduras have ratified ILO No. 169, France has not. Indigenous groups in French Guiana, which is an overseas *département* of France – have had to base their arguments on the international agreements of the 2003 World Parks Congress of Durban, which require the involvement of local populations in all stages of protected area design.

Prevention of conflict/genocide

The continued dispossession of indigenous populations and the resulting protests are invariably accompanied by violence against indigenous leaders and rights activists in many Central and South American countries. In Honduras and Mexico, as in the rest of the region, leaders who speak out for political change are singled out for persecution by powerful landowners who wield inordinate influence over local police, and the political and judicial systems.

In Bolivia, systematic attacks, killings and other violent acts are perpetrated against indigenous Guarani leaders in the lowland region around Santa Cruz, carried out by thugs recruited by large landowners.

The Arhuaco lands in the high coastal Sierra Nevada region of Colombia in 2006 have continued to be the battleground between growers of illicit crops and the Colombian government, and in Venezuela the most serious threat facing the Wayúu is still their location, close to the war-torn Colombian border.

A particularly unsettling development for indigenous activists is the opportunistic attempt by

some governments to link international anti-terrorism efforts to the suppression of local indigenous search for rights. In Chile the government's 2004 counter-terrorism legislation has been used against indigenous Mapuche fighting for territorial rights. This led to the arrest and imprisonment of many Mapuche leaders. International protests and prisoner hunger strikes pressured the government to agree, in 2006, that the anti-terrorist law would not be applied to those involved in communal actions related to the recuperation of indigenous lands. However, many Mapuche activists still remain imprisoned under Chile's counter-terrorism law.

This development must be seen in light of the consistent failure by Latin American governments to prosecute those who have consistently terrorized and perpetrated violence on indigenous rights advocates. In Honduras, there is continuing concern regarding the apparent inability of the authorities to pursue justice related to past assassinations and the continuing threats and harassment directed at Garifuna, Lenca and Xicacque–Tolupan indigenous land rights activists. Also, in Guatemala the government's efforts to acknowledge and prosecute abuses have been marred by charges of judicial corruption evidenced by the light sentencing in cases of gross violations of human rights. Few of the people responsible for the genocide of nearly 200,000 indigenous people during the 1980s civil war have been brought to justice.

Education reform

In seeking avenues to safeguard their rights, indigenous groups continue to explore ways to increase educational levels. Access to education continued to be a problem for many of the region's indigenous children. In addition to scholarships being allocated to indigenous secondary school students in a number of countries, indigenous organizations continued the debate over the form and content of bilingual/intercultural education programmes, many of which were mandated in the constitutional reforms of the 1980s and 1990s.

In what are often criticized as easy token gestures designed to conform to clauses of ILO No. 169, many governments – including El Salvador and Panama – have willingly engaged in bilingual education programmes, even in cases where the constitution does not guarantee it, such as Peru.

Ironically, in Peru, despite the much-publicized development of a Microsoft Word Quechua language program, many Quechua and Aymara reject bilingual education, arguing instead for better education in Spanish in order to properly confront the racism of mainstream Peruvian society and advance economically.

A similar debate exists in Guatemala, where, although a bilingual programme exists, children in densely indigenous municipalities are still taught in Spanish by indigenous teachers. By 2005 there were 7,832 schools in departments with significant indigenous Maya populations, but only 1,869 provided bilingual education. These concerns have practical origins and, in Guatemala, are partly connected to the restrictions of indigenous rights in judicial proceedings where, in 2006, many Maya continued to be tried in Spanish, even though they do not speak that language.

On the other hand, in Argentina the bilingual intercultural education issue has united members of Aymara, Chiriguano, Mapuche, Mbyá Guaraní, Mocoví, Quechua, Toba and Wichí nations, and even non-indigenous linguistic minorities.

Still others in the Americas see cultural protection and bilingual education as important to social and ecological preservation. In most cases, however, curricula have failed to develop new methods or cultural knowledge content relevant to indigenous people's contemporary needs.

In Chile, Mapuche organizations continue to be involved in many schemes in rural and urban areas to try to reform the teaching methods as well as bilingual education content. This accords with other initiatives, such as eco-friendly tourism, which local Mapuche have often turned to their advantage, allowing them to publicize their 'cause' to foreign travellers.

However, in general across the region in 2006, bilingual education programmes continued to be constrained by a shortage of government resources and/or a lack of political will to enforce laws and implement local legislation or international treaty commitments. In many countries, efforts continue to be more theoretical than practical because of resource and training shortfalls.

Public participation

The issue of exclusion is particularly relevant in the political arena and progress has been slow. In most of

the Americas, including those countries with large indigenous populations in the Yucatan and the South American Andes, political power continues to be in the hands of the *mestizo* elite. National political parties routinely restrict the election of indigenous members to the decision-making leadership posts within the internal party structures, thereby effectively excluding them from the wider political arena.

Changes are beginning to occur, however. Although not willing to self-identify as the first 'indigenous president' in the history of Bolivia, the election of Evo Morales in 2005 raised hopes for change across the region. The new government has implemented parliamentary reforms to encourage the increased participation of indigenous people at a national level. In July 2006 it was announced that an indigenous woman would preside over the new Constituent Assembly.

In Peru, where quotas now require that 15 per cent of candidates be indigenous, President Alejandro Toledo created the Instituto Nacional de Desarrollo de los Pueblos Andinos, Amazónicas y Afro-Peruano in 2004. This body, consisting of NGOs, sector ministry representatives and delegates elected by indigenous and Afro-Peruvian communities, promotes policy coordination between the government and indigenous organizations.

Chile is one of the few Latin American countries that has not provided constitutional recognition of indigenous people or ratified ILO Convention No.169. Congress has continually rejected the proposals and, overall in 2006, indigenous people continued to have barely any representation in the Chilean Congress and Senate.

Although Canada has never ratified ILO No. 169, nevertheless it has remained in the forefront of trends in the region towards reform and reconciliation between government and indigenous nations. This includes the granting of greater degrees of autonomy, self-government, land titling and indigenous control over resources. In January 2006, the incoming Conservative government in Canada indicated its commitment to continue this responsiveness.

Inter-American Court and indigenous rights

In 2006, the text of the Declaration on the Rights of Indigenous Populations in the Americas being developed by the Inter-American Commission on

Human Rights (the Commission) still remains at draft stage, nevertheless indigenous groups have increasingly been taking their concerns to this international court.

In 1998, the Toledo Maya Cultural Council (TMCC) of Belize submitted a petition to the IACHR regarding government recognition of traditional Maya land rights and resource control, and calling for a moratorium on logging permits and other activities.

In late 2003, the IACHR issued a preliminary report on this case, built upon the jurisprudence of the precedent-setting *Awas Tingni* case (2001) against the government of Nicaragua, which for the first time ruled on the collective rights of indigenous peoples and mandated the government to title community lands.

According to the IACHR's ruling on Belize, the government violated the provisions of the American Declaration on the Rights and Duties of Man that affirm the rights to property and equality before the law by failing to protect Maya lands and resources, and by failing to obtain Maya consent for activities on their traditional lands. Despite the favourable IACHR decision, the Belize government in 2006 continued to issue leases, concessions and other interests that encumber Maya traditional lands.

The USA and most of the common law countries of the Caribbean have still not agreed to be bound by the jurisdiction of the IACHR; nevertheless, at the end of 2005, the Inuit Circumpolar Conference (ICC) submitted a communication to the IACHR claiming that the US failure to control emissions of greenhouse gases is damaging Inuit (Eskimo) livelihoods in the Arctic. ■