

Lantos Commission Hearing on Indigenous Peoples

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This is a period of great effervescence in Latin America, marked by a profound discussion about how democratic governments will address the issues of poverty, inequality, and social exclusion. Providing social justice is critical to the longevity of our political institutions.

Democracy has to deliver the goods. It has to deliver benefits and services to the poorest and most vulnerable members of our societies to give them a stake in those societies and their governments. Without authentic social inclusion, we, as a hemisphere, will not have achieved our potential or guaranteed the durability of our institutions. One of the central challenges within this framework is how our societies deal with the unique obstacles faced by indigenous peoples. As the Secretary said earlier this year, “we seek to engage women and historically marginalized populations, such as indigenous peoples and Afro-descendants, to give them a chance to contribute to and share in... the benefits of the society at large.”

We are well aware of the specific circumstances which indigenous peoples refer to, including pervasive discrimination, the need for consultation, and the requirement to respect their culture, heritage, and customs.

I want to cover three topic areas quickly with you: first, the legal framework in four Andean nations with large populations of indigenous peoples; second, what we are doing in those countries to achieve the goal set for us by the Secretary; and finally, some of the continuing areas of conflict which must be addressed.

The legal framework in this case is important. For much of the 19th and 20th centuries, indigenous peoples were not recognized as having rights at all.

Colombia, Ecuador, Peru, and Bolivia now have altered their constitutions and laws in profound ways designed to recognize the unique nature of indigenous peoples and the need to respect their culture and traditions. To cite a number of examples quickly, some or all four countries recognize their rights to:

- existence as indigenous peoples, i.e., their right to national “plurality;” – both Ecuador and Bolivia refer in their constitutions to the concept of “plurinationality”
- to speak and in some cases receive education in their languages
- to hold land in common and in some cases to formal reserves,
- to maintain separate legal systems, and
- to assigned seats in the legislative assembly.

These nations deserve credit for incorporating these concepts into their constitutions and laws. Admittedly, it is as important to note how they are respected in practice, but a sound legal framework is a worthy beginning.

We are making increasing efforts in each of the four countries noted and more broadly in the hemisphere to reach out to indigenous peoples so we can know their experiences, encourage communication between governments and indigenous peoples, and provide assistance to meet the indigenous peoples’ specific needs. Asst. Administrator Ballentyne has addressed the last issue in detail.

Our embassies are coming up with imaginative and effective ways of addressing the other issues – an example of the space that now exists for a new type of diplomacy.

In Bolivia – where perhaps more than 50% of the population is indigenous peoples – the public affairs section provides programming in Aymara and Quechua to 250 radio stations on a bi-monthly basis, telling America’s story and providing useful educational background. PAS also has proposed a country-specific International Visitor Program to bring six leaders of indigenous peoples here for a three-week period to exchange ideas with Native Americans here. PAS will also bring Alaskan Natives to Bolivia to conduct seminars on the Alaskan Native corporation model and is looking at an exchange program with the Choctaws through Mississippi State. We are looking to incorporate these ideas as a best practice.

Embassy La Paz also has a locally-employed indigenous peoples' advisor, who reports to the Chief of Mission and is responsible for helping the mission understand and maintain contact with indigenous peoples throughout the nation.

Embassies La Paz and Lima have internship programs for indigenous people and Afro-descendants to work at the Embassy.

In Bolivia, Colombia, and Ecuador, we have offered to create Joint Action Plans to Eliminate Racial and Ethnic Discrimination and Promote Equality. The model here is our "JAPER" with Brazil, signed in 2008; we are close to concluding one with Colombia. The plans recognize that we have multic-ethnic, multi-racial democracies, and that shared experiences can strengthen the ties of friendship between our nations. Fields of cooperation include education, culture, labor, justice, health, and the environment, and partners share best practices, resources, and information to promote equality of all racial and ethnic groups.

In Colombia, we have focused on building links with the leadership of indigenous peoples. Ambassador Brownfield met with the head of ONIC, the National Organization of Indigenous Communities, and during his recent trip to Colombia, A/S Valenzuela did as well.

In Ecuador, with some 25% of the population being indigenous peoples, we have devoted considerable focus to addressing the special needs of indigenous peoples in the northern border area, as this area is affected by narcotics trafficking and related criminal activity.

In Peru, with 45% of the population being indigenous peoples, we have worked on environmental programs to increase the capacities of indigenous peoples to manage their lands for commercial timber production.

Finally, let me touch on four continuing challenges we see for indigenous peoples and governments, including ours.

Resources: Local law and fundamental fairness establish that indigenous peoples must at a minimum be consulted on the use of

resources in their areas. Tensions have arisen between governments and indigenous peoples over the failure of consultative processes. There is the tragic case of Bagua last year, in which 34 people lost their lives, occasioned by a dispute over land rights. Other disputes can arise over how indigenous peoples themselves may choose to exploit resources, as in the Madre de Dios controversy of earlier this year, where the Peruvian government clashed with artisanal miners over environmental laws.

Integration into political and economic systems: It is becoming well established that indigenous peoples have the right to their separate culture and structures. Yet as a matter of policy, we believe it is essential that indigenous peoples also incorporate themselves into the political life of the. These political systems cannot be fully representative without their participation. This is not necessarily a point of tension, but it does go to the heart of our belief about the need to make democracy work.

Security: In Ecuador, Peru, and especially Colombia, indigenous peoples find themselves in areas of conflict between terrorist groups and narcotraffickers on the one hand, and government armed forces on the other. The governments have the responsibility to directly confront violent terrorist organizations, and at the same time the responsibility to ensure that innocents, including indigenous peoples, are not harmed. This has proven difficult to pull off in practice, and there have been a number of deeply regrettable incidents. The Colombian government is committed to the legal requirement to prior consultation (“consulta previa”) with indigenous peoples about security force presence and operations in their areas. But the indigenous peoples complain that the consultas are not done with sufficient advance warning or sufficient detail to make them of value.

Economic advancement: The Secretary said that “the income gap continues to widen; too few girls and boys finish their educations; women, rural farmers, Afro-descendants and indigenous people remain trapped on the bottom rung ... with too few opportunities to move up.” To help remedy this situation, we have worked with others in the hemisphere to create Pathways for Prosperity, an initiative to promote inclusive growth, prosperity, and social justice. Pathways is designed to help countries learn from one another’s experience

through the exchange of best practices for spreading the benefits of economic growth widely. Pathways countries recognize the benefits of trade, but as well that the gains from trade have not been equitably shared and the promise of economic and social opportunity remains elusive for too many. Pathways seeks to close the gap by empowering small farmers, small businesses, and vulnerable groups, including indigenous peoples.