

Creating Space for Indigenous Voices: Conflict and Its Resolution

JOSEPH DOYLE HANKINS



Participants at workshop with CERD president Dr. Regis de Gouttes (fifth from left, next to Dr. Mario Jorge Yutzis, General Coordinator of IMADR's Latin American Base) (October 2006, Argentina)

Over the course of 2006, IMADR's Latin American base organized and participated in activities to eliminate racism and continue developing modes of conflict resolution for the people of Argentina, particularly aboriginal people. Working with partner organizations, IMADR coordinated two workshops geared to this event and organized an official visit to the country, and to local activists, by Dr. Regis de Gouttes, current president of the United Nations Committee for the Elimination of Racial Discrimination (CERD).

All these activities were organized and facilitated by IMADR's Latin American base, together with local partners, and served to strengthen ties between the United Nations and local community activists, as well as strengthen networks among local groups. Given the history of colonialism and racism throughout Latin America, conflict and conflict management have been permanent fixtures in the lives of aboriginal peoples. All events were organized with local organizations in a way that strived to put aboriginal peoples—their decisions and their opinions—first. In coming together to welcome the CERD president and organize and participate in community workshops, indigenous peoples carved out space for their own self-empowerment, and strengthened the basis for a path

forward, toward more constructive forms of conflict resolution.

DE GOUTTES IN ARGENTINA: COMBATING RACISM IN THE ADMINISTRATION OF JUSTICE

The primary purpose of de Gouttes's three-day visit (October 23-25) was to hold a public discussion on the recently approved UN General Recommendation XXXI (GR XXXI), which focuses on the prevention of racial discrimination in the administration and work of penal justice. This UN document acknowledges the ubiquity of racism, stating that "no country is free from racial discrimination in the administration and functioning of the criminal justice system," and points out that racism in the administration of justice has increased over the past several years, "partly as a result of the rise in immigration and population movements... and partly as a result of security policies and anti-terrorism measures adopted by many States, which among other things have encouraged the emergence of anti-Arab or anti-Muslim feelings, or, as a reaction anti-Semitic feelings" (GR XXXI). Along with this analysis of the relationship between racism and penal justice, the document also offers governments



L: Workshop on combating racism in the administration of justice



R: Group activities at Humahuaca workshop on constructive conflict resolution

concrete recommendations for the elimination of racism in the administration of justice. The recommendations include suggestions for gauging the existence and extent of racism; strategies for preventing racial discrimination, such as better education and proper representation of people of color in the police and the justice system; and proposals for making the law more accessible to all. The recommendations also make very specific procedural suggestions regarding arrest, detention, questioning, and trial. The full text of the General Recommendation is available online at http://www.ohchr.org/english/bodies/cerd/docs/GC31Rev_En.pdf.

The public meeting with de Gouttes focused on this document and its implications in the Argentine context. Organized in concert with the Argentine Secretary of Human Rights in the Ministry of Justice, the event brought de Gouttes and several well-known professors of human rights into direct discussion with each other, and with the public, including several representatives from Argentina's aboriginal communities. The meeting consisted of presentations by de Gouttes and these professors, followed by a lively and extended open discussion. We believe that discussions such as these result not only in potential improvements to national and international policies but also in increased organization among local activist groups.

During his three-day visit, de Gouttes also met with a host of human rights-related organizations and individuals, including the Permanent Assembly for Human Rights of Argentina, the Vice-Chancellor, the Foreign Office's human rights work group, the National Under-Secretary for Human Rights, the president of the National Institute Against Discrimination, Supreme Court judges,

and representatives from the French Embassy.

ANALYZING VIOLENCE AND DEVELOPING CONSTRUCTIVE FORMS OF CONFLICT RESOLUTION

In many places in Argentina, particularly in locations with large aboriginal populations, conflict is characterized by self-damaging violence. In the recent past, violence has consistently bred more violence, continuing in a cycle that harms people and dismantles their optimism. In 2006, IMADR's Latin American base participated in two workshops designed to analyze this violence and develop other, more constructive, forms of conflict resolution.

The first of the two workshops was held over three days in September and was co-organized with the United Evangelical Lutheran Church in Argentina. The event was held in the southern city of Bariloche, which is located in an area heavily populated by the Mapuche people. The workshop introduced basic techniques for resolving area conflicts between Mapuche and non-Mapuche peoples, and coordination of the event was done locally, and focused on the participation of community and political leaders. Altogether, 25 people well-versed in the Mapuche situation attended the session, with the aim of analyzing the local situation and strategizing ways to empower people from area communities. Specifically, the workshop examined typical forms of conflict resolution, teased out the pros and cons of those approaches, and used that analysis to construct potentially better strategies. The facilitators focused on the relationship between conflict and culture, conflict and communication, and methods for analyzing conflict situations. One of the primary results of this workshop, in addition to skill sharing,



L: Participants at the Humahuaca workshop on constructive conflict resolution
R: Bariloche seminar on constructive conflict management

was convincing people that violence is not merely the problem of those who commit violence or suffer from it; rather, there is a larger social structure that creates violence as a viable option in the first place. It is the responsibility of all members of that society to change the structure for the elimination of destructive violence. This analysis also mobilized people who up to that point had felt powerless to change the situation. The workshop ended with agreements for future cooperation among the participants.

Similarly, IMADR sponsored another event co-organized by the Youth Aboriginal Association of Argentina and the municipal government of Humahuaca. The Humahuaca area is populated primarily by Omapuaca aboriginals and characterized by intra-community territorial conflicts, scarce citizen participation, exploitation by the mining industry, a lack of conflict resolution alternatives other than the judicial system, and deep-seated tensions between the authorities of the aboriginal communities and those of the provincial departments. It was specifically for these reasons that the workshop, the first of its kind in the area, was organized here, and one of the first moves of the event was to lay out an analysis of regional violence. The facilitators pointed out that although the Department of Humahuaca insists that judicial intervention is readily available to those in conflicts, recourse is actually only available in the provincial capital, which is located beyond the functional reach of the majority of the population in the area. Furthermore, though many communities maintain their traditional ways for resolving conflicts, those traditions are curtailed by national legislation: traditional methods for conflict resolution are not officially recognized by

the state if the concerned parties are not from the same community, and the issues that such traditional methods can address are limited to such topics as water rights. The organizers of the workshop pointed out that a persistent lack of alternatives generates a sense of frustration among people in the area, and that that frustration frequently becomes channeled through acts of violence.

Working from this analysis, the 34 workshop participants, including aboriginal representatives and authorities from the neighboring provinces of Jujuy and Salta, developed alternative strategies for the resolution of local conflicts. They stressed the importance of communication, and provided concrete examples of effective communication to deal with conflict or to prevent it from developing in the first place. Participation was enthusiastic, and discussions over the three days went much longer than anticipated: one day, the participants even stayed past 11pm to continue the conversation they had started. To conclude the workshop, participants decided to form a network to continue their training and immediately started planning future workshops and activities to apply what they had learned over the three-day period. Viviana Figueroa, lawyer and leader of the Youth Aboriginal Association of Argentina, called this workshop “the beginning of a new social process, based on the promotion of respect for cultural diversity, dialogue and process of collaboration.”

Editor's note: This article was compiled from reports by Dr. Mario Jorge Yutzis (Vice-president of IMADR), Alicia Larsen (church leader, United Evangelical Church of Argentina and Uruguay) and Viviana Figueroa (Leader of the Youth Aboriginal Association of Argentina).