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Non-Governmental Organizations and
International Human Rights Law (II)

by John D. B. Lewis

Background and Introduction

The Yanomami Indians are an indigenous people who have lived in the Amazonian rain forest for countless generations. Only in the last twenty years have they been exposed to the outside world. But once gold was discovered in August of 1987, what had begun as a trickle of missionaries into the Yanomami's traditional territory deep in the remote Brazilian states of Roraima and Amazonas, became a torrent of men with decidedly less spiritual intentions. Within two years, 45,000 gold prospectors, known as garimpeiros, poured into the Indians' heartland.

Along with their hunger for instant wealth, the garimpeiros brought disease and illness to the rain forest. The long-isolated Yanomami had no resistance to most of these scourges. To make matters worse, garimpeiro mining operations polluted the region's waterways, disrupting the Yanomami's ancient food-chain. Malnutrition, and even starvation, followed. This public health and environmental disaster has already resulted in the death of 1,500 to 2,000 men, women, and children -- as much as one-fifth of the Brazilian Yanomami -- leading a number of responsible observers to conclude that the Yanomami are experiencing genocide.

Prominent among the groups that have responded to this crisis is the Indian Law Resource Center, a United States-based Indian rights organization that has been providing legal help to the Yanomami since 1978.

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This column previously discussed the Center's human rights activities in behalf of the Yanomami.¹ That article described what the Center accomplished last year at the 46th Session of the United Nations Commission on Human Rights ("the Commission"), a huge forum that addresses almost every human rights issue during the course of its annual winter meetings in Geneva, Switzerland.² In addition to doing litigation and other conventional legal work for its American Indian and other indigenous clients, the Center is a non-governmental organization (NGO) in consultative status with the Economic and Social Council, the United Nations "parent" of the Commission.

In order to more fully inform readers about the practice of human rights law as conducted by NGOs, the present article primarily focusses on the Center's activities in behalf of the Yanomami during periods when international human rights bodies, such as the Commission, are not in session.

¹ See Lewis, "Non-Governmental Organizations and International Human Rights Law," N.Y.L.J., April 13, 1990, at 1, col. 1.

² The prior article recounted how lawyers for the Center, seeking to focus the United Nations' attention on the Yanomami, helped prepare an intervention (i.e., an official statement) to be delivered orally at the Commission by Claudia Andujar, a Brazilian expert on the Yanomami. An eloquent eyewitness to tragedy, Ms. Andujar had just emerged from the rain forest, where she had been serving as interpreter for an emergency medical team trying to stem a deadly outbreak of malaria. The article additionally noted that in support of the spoken intervention, the Center's lawyers submitted two written interventions (which were distributed as U.N. documents), lobbied the Brazilian delegates to the Commission, and obtained newspaper and television publicity.

Safeguarding Human Rights

No less than at the time of the several-weeks-long session of the Commission, the year-round job of any NGO engaged in the protection of human rights is to influence governments to safeguard those rights. As a threshold matter, an NGO does this by gathering information that will support a claim that a government is violating human rights -- such as the right to personal integrity free from arbitrary killing or genocide -- and then bringing that information to bear against the offending government. For obvious reasons, the most reliable and persuasive information is likely to be that which is acquired by trained observers who have been able to freely speak and travel in the areas where human rights violations are occurring.

Once gathered, the information must be disseminated in order to achieve the NGO's objectives. This is done privately or publicly, narrowly or widely, depending on its strategy. Thus, the information may be imparted solely to a single policy-making body or person, or it may be used to mobilize and sway worldwide opinion.

In the Yanomami case, the Indian Law Resource Center has employed each of these approaches. Since the session of the Commission that ended in March, 1990, the Center submitted official statements to the 1990 session of the Commission's subordinate body, the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities (the meetings of which are held each summer in Geneva), and to this year's

Commission. The Center also played a leading role in the last U.N. Working Group on Indigenous Populations (an organ of the Sub-Commission, the Working Group meets immediately before that body). And the Center regularly supplemented the complaint it had previously filed in behalf of the Yanomami with the Organization of American States Inter-American Commission on Human Rights ("the Inter-American Commission").

Finally, after conducting its own fact-finding visit to Yanomami territory last fall, the Center arranged for the Yanomami spokesman called Davi³ to meet this spring with officials from the State Department, the World Bank, and the Inter-American Commission, as well as the United Nations, where the indigenous leader had an unprecedented meeting with Secretary-General Javier Perez de Cuellar.

The Yanomami's Needs; Brazil's Response

Some of the recent positive developments in the Yanomami case are in large measure attributable to the Center's tactical decisions regarding the best utilization of its information. However, insofar as needs dictate strategy, and not vice versa, we start with the Yanomami's needs.

These needs, or objectives, have remained essentially unchanged ever since the lethal aftereffects of the 1987 gold

³ Strictly speaking, the Yanomami, like many indigenous Indians, have only one name. In the name Davi often uses -- Davi Kopenawa Yanomami -- the appellations Kopenawa and Yanomami are merely (animal and tribe) names that Davi employs to further identify himself to people not from his malocca (communal dwelling, or village).

rush became evident. In fact, the Yanomami's most basic objective -- the securing of their traditional lands -- has been pursued by the Center since 1979, when earlier incursions sparked international concern and prompted the government's first promise to demarcate the Yanomami territory. The Center has also demanded that the garimpeiros be removed from the indigenous lands and that a level of medical care sufficient to overcome the health emergency created by their influx be guaranteed.

It is widely recognized that the persistence of the Yanomami's suffering is traceable to Brazil's continuing failure to commit adequate resources to the attainment of these three objectives. For years, the national government's lack of political will has been reflected by low levels of federal funding, and bureaucratic inertia. Furthermore, the deleterious impact of Brasilia's lethargy has been magnified by countervailing political pressures at the local and regional levels, where resistance to any policy that impedes mining remains very strong. Under such circumstances, it is hardly surprising that virtually every initiative to alleviate the Yanomami's plight has been effectively stymied.

The history of the abortive implementation of President Fernando Collor de Mello's plans to forcibly remove the garimpeiros and dynamite their airstrips, which were announced with great fanfare in March, 1990 (his first month in office), are illustrative of this frustrating pattern.

The Continuing Presence of the Garimpeiros

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Slightly more than a year after a dizzying series of back-and-forth developments culminated in the partial eviction of miners from Yanomami territory, current estimates place at least eight thousand garimpeiros in the area between the Catrimani and Uraricoera rivers in Roraima, the heart of Yanomami territory. Thousands more are poised just outside this area or in illegal occupation of nearby areas inhabited by other indigenous groups, such as the Macuxi. Many of these garimpeiros were evicted in 1990; they were only able to return because the Brazilian government failed to allocate funding to the Federal Police and the National Indian Foundation (FUNAI), the principal agencies responsible for keeping invaders out of Yanomami territory.

President Collor's latest order to expel the garimpeiros was issued to the Federal Police on June 21, 1991. Although expulsion operations were scheduled to begin on July 19, Federal Police chief Romeu Tuma has delayed, declaring that evicting the garimpeiros should be put off until the end of the Amazonian rainy season in September. It ought be noted that when the police gave the same excuse for suspending expulsion operations in 1990, many garimpeiros took advantage of the halt to re-establish themselves in Yanomami territory.

While 658 million cruzeiros (1.8 million dollars) has now been allocated to back up the government's expulsion order, the latest reports from Brasilia are that the government intends to place several thousand garimpeiros in agricultural projects. These reports have stirred up considerable anxiety. If, as seems

likely, the projects border Yanomami territory, many fear that the garimpeiros -- who have neither experience, training, nor desire to work in agriculture -- will simply re-invade the territory.

Furthermore, even if the reports of the agricultural projects are spurious, it is not at all clear that the local and regional authorities will cooperate in carrying out President Collor's orders to remove the garimpeiros.

Nor has the much-ballyhooed plan to dynamite the garimpeiros' illegal landing fields had long-lasting results. After less than half of the estimated one hundred twenty airstrips were blown up, Brazil's largest circulation newspaper, Folha de Sao Paulo, reported on June 18 that twenty of the forty-nine destroyed strips were repaired and back in operation. In a related development, government officials who accompanied Davi on a flight over the Uraricoera River on June 15, were able to observe at least sixty rafts, used for dredging the river, once again in operation.

Demarcating Yanomami Territory

In contrast to the government's lack of substantive progress in expelling the garimpeiros, it is clear that important steps have been taken to protect the Yanomami's traditional lands. The most recent actions of President Collor -- such as the firing of FUNAI head Cantidio Guerreiro Guimaraes on June 21 for having delayed the demarcation of Yanomami territory, and his replacement with Sydney Possuelo, who publicly announced that his

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first priority is the Yanomami problem -- appear to reflect a new resolve.⁴

Mr. Possuelo was true to his word. On July 25, FUNAI published an official statement and recommendation, or paracer, calling for the demarcation of the entire Yanomami area of 9.4 million hectares. Under applicable procedures, the ultimate responsibility for determining the extent of that area now reverts to President Collor. But this does not occur until after the expiration of a thirty-day period, during which the public may register its views.

At this writing -- one week into the thirty-day period -- there has already developed a firestorm of opposition from mining interests, garimpeiro leaders, the military, and the governors of the three states in the region. Predictably, these groups are railing against "internationalization" of the Amazon and "outside interference" in Brazil's "internal affairs." There are even threats of armed resistance. Unless President Collor can withstand this furor and carry through with his announced intention to demarcate and protect the area, all of the recent positive steps will be entirely negated.

⁴ President Collor made these changes within days of returning from the United States in mid-June. During his trip, the President was severely embarrassed when the Environmental Defense Fund, the National Wildlife Foundation, and a number of Indian support groups informed him that, despite his prior orders, no progress had been made in demarcating the Yanomami's traditional territory and, in addition, the garimpeiros had once again invaded an extensive part of those aboriginal lands.

The Fact-Finding Visit

In the course of its efforts in behalf of the Yanomami, the Center has worked with other indigenous rights organizations. Two of these allies are Brazil-based Indian rights groups: the Commission for the Creation of a Yanomami Park (CCPY), headed by Claudia Andujar, the Center's expert at the 1990 Commission, and the Union of Indian Nations of Brazil (UNI), coordinated by Ailton Krenak, a member of the Krenak nation, an indigenous people from Minas Gerais state in central Brazil.⁵

CCPY and UNI have long been in the forefront of the indigenous rights struggle in Brazil. But the Indian Law Resource Center was the only Indian rights organization with the requisite legal experience and contacts to devise and carry out a complex strategy of maintaining pressure against Brazil while invoking the assistance of the international community. Therefore, even though CCPY and UNI had been providing the Center for years with a constant flow of reliable information about the Yanomami, it was imperative for the Center to develop its own information regarding the unfolding situation in the rain forest.

Accordingly, in September, 1990, Armstrong Wiggins, director of the Center's Central and South American program, was deputed to visit a number of areas in Roraima and Amazonas in order to

⁵ The Center has also worked closely with UNI's offspring and affiliate, the Nucleo de Direitos Indigenas (NDI), the first Indian legal rights office in Brazil. Staffed in part by Brazilian attorney Ana Valeria Araujo Leitao, who trained as a human rights intern in the Center's Washington, D.C., office, NDI has in its own right done important work on the Yanomami case.

assess conditions among the Yanomami. Although this was not the first time that Center personnel had traveled to the Brazilian Amazon in connection with the Yanomami, the Wiggins trip was the group's most extensive.

Mr. Wiggins, a University of Wisconsin-educated Miskito Indian from the Atlantic Coast area of Nicaragua, has a substantial background in international human rights work, having been with the Center for over ten years. During the course of his trip in the Amazon area he spoke with a wide variety of individuals, including the indigenous inhabitants, and established an excellent working relationship with Davi, the knowledgeable and articulate Portuguese-speaking Yanomami spokesman.

The conditions observed by Mr. Wiggins during the fact-finding trip confirmed that there was gross and ongoing violation of numerous human rights throughout Yanomami territory. These rights included the right to life as set out in both article 3 of the Universal Declaration of Human Rights⁶ and article 6 of the International Covenant on Civil and Political Rights⁷, as well as

⁶ Article 3 of the Universal Declaration of Human Rights reads as follows: "Everyone has the right to life, liberty and security of person." (The Universal Declaration was adopted and proclaimed by General Assembly Resolution 217 A(III) of December 10, 1948.)

⁷ In pertinent part, Article 6 of the International Covenant on Civil and Political Rights reads as follows: "1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." (The Covenant was adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) on December 16, 1966. Its entry into force (fn. cont'd.)

the rights to adequate food and medical care, to be free from hunger, and the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources, as set forth in articles 11, 12 and 25 of the International Covenant on Economic, Social and Cultural Rights.⁸

The Plan to Aid the Yanomami

Upon returning from Brazil, Mr. Wiggins conferred at length with colleagues at the Indian Law Resource Center, notably executive director Robert T. Coulter and senior staff attorney

was on March 23, 1976.)

⁸ In pertinent part, Article 11 of the International Covenant on Economic, Social and Cultural Rights reads as follows: "1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food... The States Parties will take appropriate steps to ensure the realization of this right... 2. The States Parties...shall take needed measures (a) to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge..."

In pertinent part, Article 12 reads as follows: "1. The States Parties...recognize the right of everyone to the enjoyment of the highest attainable standard of...health. 2. The steps to be taken by the States Parties...to achieve [this] right shall include... (a) The provision for the reduction of the stillbirthrate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness."

Article 25 reads as follows: "Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources."

(The International Covenant on Economic, Social and Cultural Rights was adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) of December 16, 1966. Its entry into force was on January 3, 1976.)

Steven M. Tullberg, both of whom were thoroughly acquainted with all aspects of the Yanomami case. Their discussions concentrated on the multi-faceted plan to assist the Yanomami that the Center had initiated more than two years earlier.

While this plan addressed each of the Yanomami's three needs, from the plan's inception the greatest emphasis was placed on the necessity to obtain emergency medical relief.

The Indians' health situation was deteriorating rapidly. The Yanomami were (and, in fact, remain) at grave risk from various strains of malaria and other diseases.⁹ Furthermore, the need for medical aid was especially critical because at the same time the garimpeiros overran the Yanomami, the Brazilian government expelled all the doctors and other medical personnel who had been aiding them.

Under the Center plan, its objectives were to be accomplished by a variety of means. In Brazil, indigenous rights groups would maintain steady pressure on the government. Internationally, unremitting efforts would keep the Yanomami's

⁹ Malaria, previously unknown to the Yanomami, quickly reached epidemic proportions in the rain forest. In some communities in the Toototobi area, for instance, ninety percent of the population is infected. In the Catrimani area, Dr. Gorete Selau, a CCPY-affiliated physician, recently reported that every one of the eighty Yanomami blood tested there was infected -- many with Falciparum, a lethal strain of the disease.

Yanomami have also succumbed to hepatitis, tuberculosis, skin and respiratory diseases, and intestinal parasites, all of which were imported by the garimpeiros. And on July 16, 1991, the newspaper Diario las Americas -- in an article entitled "First Yanomami Indian death in Brazil from AIDS" -- noted that "an investigation has revealed that a number of Yanomami have become infected with the AIDS virus as a result of contact with the garimpeiros." (Trans. by author.)

plight before public human rights forums, such as those at the United Nations. Meanwhile, alert human rights observers everywhere would strive to insure that no opportunity was lost to obtain sympathetic coverage for the Yanomami.

The Appeal to the U.N. Secretary-General

While it has played a conspicuous role in the work in the public forums, perhaps the Center's most significant contribution to the Yanomami cause has been its development and implementation of an unobtrusive campaign to reach out to major figures in the international diplomatic community. Because Brazil under President Sarney (and historically as well) was not only unresponsive to issues concerning indigenous people but also resistant to pressure from other countries, the cornerstone of the Center's strategy was its effort to involve an international figure widely recognized as transcending considerations of nationhood and geopolitics -- the Secretary-General of the United Nations.

The decision to seek help from Javier Perez de Cuellar was triggered in 1988 by reports that the Yanomami were dying in large numbers. The passage of time has proved these reports all too accurate. But even in cases involving human rights and the actual loss of lives, a direct request for the U.N. leader's assistance had only rarely been attempted; there was no manual with instructions on how to accomplish it.

The Center's lawyers resolved to ask Elsa Stamatopoulou, a respected attorney at the U.N. Centre for Human Rights with whom

they had worked on human rights issues, to help them in approaching the Secretary-General. Ms. Stamatopoulou readily agreed.

The lawyers prepared a detailed factual report focussing on the loss of life among the Yanomami as well as the Brazilian government's continuing denial of medical aid and refusal to remove the garimpeiros from the Indians' traditional territory. At the Center's urging, other respected NGOs and indigenous peoples' organizations signed the report and joined the appeal for the Secretary-General's intervention.

The document was turned over to the office of the Secretary-General in January, 1989. The thorough, indeed exhaustive, independent study subsequently overseen by John L. Washburn, Director of the Executive Office of the Secretary-General, concluded that the Center's findings were entirely accurate. During this period, the Center was in frequent contact with Mr. Washburn and his staff, and supplied numerous items of additional information. As these were subjected to the same scrutiny as the initial report, and were no less well-documented, the Secretary-General's staff learned that they could rely with confidence upon the Center's assertions and judgment.

Although all details of the Secretary-General's intervention in human rights matters such as the Yanomami crisis are strictly confidential, the Center has learned that Secretary-General Perez de Cuellar personally spoke with President Sarney in 1989. Within a few months, an emergency medical program was mounted in

the first weeks of the following year -- concededly too small to stop the deaths, but an important start nonetheless. (This was the program that Ms. Andujar served as interpreter [see footnote 2].)

Following President Collor's election, the Secretary-General intervened several more times, on each occasion urging that Brazil accept U.N. agency assistance to counter the devastating health problems afflicting the Yanomami. Meanwhile, although government doctors and private medical teams affiliated with indigenous organizations such as CCPY had been permitted to re-enter Yanomami territory as early as December, 1989, they were not free to remain there and, as it turned out, not until March, 1991, did Brazil agree to accept U.N. support.

Brazil Accepts U.N. Agency Assistance

President Collor's March 13, 1991 letter accepting Secretary-General Perez de Cuellar's offer of assistance from the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), and other U.N. agencies, was a milestone. Brazil had previously viewed any offer of aid as "outside interference," as such offers were routinely characterized, and categorically rejected it. Sharply breaking with the past, the President's letter in response to the Secretary-General's offer (conveyed in his letter of February 11) stated that the United Nations proposal would "not only be welcomed but would also help accomplish our goals" [emphasis supplied].

President Collor promised the Secretary-General that the Yanomami Indians would receive "special care from my government," and acknowledged that Brazil's constitution and laws "guarantee[] [the Yanomami] the means of survival their culture deserves." The President assured the Secretary-General that the Yanomami were already "receiving help from various competent government sectors involved in the expulsion of garimpeiros, health treatment and environmental protection."¹⁰

President Collor's letter anticipates the enormous attention that will be concentrated on Brazil in 1992 when, in addition to the quincennial observances of Columbus's first Atlantic crossing taking place throughout the Americas, it will host the United Nation Conference on Environment and Development. The President is doubtless aware that nothing would more fuel the demonstrations and boycotts already planned for the Columbus anniversary than the failure of his nation -- a country whose Indian population has shrunk to 220,000 from the estimated 5,000,000 of the Columbian era -- to markedly improve conditions among the indigenous Yanomami.

Nevertheless, adequate funds have yet to be released to back up the Brazilian leader's promises and, as a result, no concerted action has been taken to provide a level of medical care sufficient to overcome the health emergency. Apart from the news

¹⁰ The quotations from the Collor correspondence appear in CCPY's "Yanomami Update", No. 39, dated July 1, 1991. (Trans. by CCPY.)

that the U.N. has just approved \$550,000 in humanitarian aid, there is little specific funding progress to report.

One glaring example of the government's inertia is its reaction to the excellent proposal known as the Yanomami Health Project. Largely conceived by Brazilian NGOs, the idea of the project was brought by the NGOs to various agencies, where it was discussed for months. After further NGO pressure, a government-sponsored conference to formally discuss the proposal was held in Manaus in November, 1990. This conference was attended by government officials from nine agencies, as well as by NGOs and other interested parties.

Yet, at this writing, the proposal itself is still in the drafting stage. One tragic consequence of such lassitude has been the unimpeded spread of the garimpeiros' diseases to the most remote Yanomami villages, to which they have presumably been brought by the semi-nomadic Yanomami themselves. In April, 1991, Davi told this writer of a recent trip he had made to the Parafuri and Yuribektheri areas of Surucucus, where he found that many villages had completely ceased to exist, their entire populations wiped out by disease.

The Role of the Working Group Chairman

Besides the Secretary-General, the Center also approached Erica-Irene Daes, the energetic and seemingly ubiquitous

Chairman-Rapporteur (sic) of the United Nations Working Group on Indigenous Populations.¹¹

In July, 1988, the Center conveyed an invitation from the Yanomami to the Working Group's Chairman-Rapporteur to visit Brazil for the purpose of assessing conditions within the traditional territory. Even though the visit would not be undertaken by the Chairman in her official capacity, and she had no mandate from any U.N. body, diplomatic protocol required that she obtain permission for the visit from the host country. This permission is customarily given in the form of an official invitation from the government. But when Chairman Daes, hoping that her visit would serve as a catalyst for change, sought an invitation, Brazil blocked the visit simply by failing to respond to her request. And there -- despite several U.N. queries -- the matter lay for nearly two years.

The Brazilian government, however, could not put off the U.N. forever; the pressure of the work in the public forums and the domestic spotlight were simply too intense. Even so, when the green light was finally given, and the visit scheduled for

¹¹ The Working Group is perhaps the most important international organization to which indigenous people are bringing human rights complaints today. It is the first and only U.N. body exclusively involved with matters concerning the human rights of Indians and aboriginal people. Established in 1982 under the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the purpose of the Working Group is to (1) review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations and (2) give special attention to the evolution of standards concerning the rights of indigenous populations.

late 1990, it was with the explicit understanding that it would be a private, not official, visit.

Moreover, although it was understood that Chairman Daes would be visiting Yanomami territory in order to evaluate conditions there, and see how the international community might help, Brazilian authorities were adamant that the trip not be perceived as having been taken for the purpose of monitoring human rights conditions among the Yanomami. Nor, it was made clear, would Brazil appreciate public criticism or discussion of its record with respect to the Yanomami.

On the United Nations side, in accordance with Brazil's position, the visit was characterized solely as a humanitarian gesture. Notwithstanding this plethora of disclaimers, the significance of Chairman Daes's visit could not be minimized: it was the first time Brazil had allowed even a "humanitarian" visit from a human rights official. Insistent pressure from the NGOs had finally carried the day. Thus, when Brazil itself later decided to publicize the visit, that transparent attempt to engender favorable public relations merely served to draw attention to the significance of the U.N. official's "humanitarian gesture."

The Daes visit was largely planned in reliance on the information, contacts, and suggestions of the Center. As a result of this advance work, the December 2-9, 1990 trip was a success from the point of view of the United Nations as well as the Center.

In addition to facilitating meetings and discussions with others, the Center arranged for Chairman Daes and Ms. Stamatopoulou (who accompanied her throughout the trip) to meet at length with Davi. The Center also helped to arrange helicopter fly-ins to Yanomami villages in Roraima and Amazonas, and to non-Yanomami Indian villages in Para state, vital visits for purposes of comparison.

Although some of the Brazilian authorities were considerably less than enthusiastic about the scope of the Daes visit, the Chairman was ultimately allowed to go everywhere and to speak with everyone she wished. From all accounts, the conversations with the Yanomami Indians from areas ravaged by disease and environmental disaster made an especially powerful impression on the Working Group leader.

As agreed to by Brazil, which had otherwise restricted the dissemination of information, the Chairman reported her observations directly to the Secretary-General. Consistent with the restriction, a subsequent written statement amplifying the Chairman's oral report was also submitted only to the Secretary-General.

The Working Group Chairman's reports detailing the desperate straits of the Yanomami fully corroborated the Center's findings. As previously noted, the Secretary-General's letter offering U.N. agency assistance to the Brazilian President followed on February 11, 1991, with Brazil's acceptance being announced one month thereafter. While that offer was likely instigated by the

reports from the Chairman-Rapporteur, surely it was no less the fruits of the patient and determined efforts of the NGOs.

A Historic Meeting

Extraordinary as Brazil's announcement accepting U.N. aid unquestionably was, the most significant development in the Yanomami case to date was the April 25, 1991 meeting between the Secretary-General and Davi.

Davi was then at the end of an exhausting three-week-long trip to the United States sponsored by Survival International, a London-based NGO, and the Environmental Defense Fund, of Washington, D.C.¹² The Center had arranged for Davi to speak with officials from the U.S. State Department, the World Bank, and the Inter-American Commission on Human Rights, where he had met with Joao Clemente Baena Soares, the (Brazilian) Secretary-General of the Organization of American States (the Inter-American Commission's "parent").

In addition, Davi had had a veritable blizzard of discussions, interviews, and conferences with politicians, university teachers, media figures and the like. Even so, in terms of the long and arduous struggle for the Yanomami's human rights, the meeting with the United Nations Secretary-General was the trip's high point.

¹² In an interview in New York City on April 13, Davi told the writer that his trip was almost cancelled when, having previously contracted malaria, he had a malarial attack, replete with severe headaches, dizziness, and high fever, just before his scheduled departure.

Indians and other indigenous people have typically been treated as quaint, if not irrelevant, players on the world scene. Only with the end of World War II did this reception slowly begin to change as people throughout the world increasingly came to the view that all individuals and all peoples have certain basic human rights which all countries must respect.

In accordance with that belief, and to help safeguard those rights, special international laws and organizations started coming into existence at an astounding rate. There are now literally thousands of international NGOs concerned with human rights, and many of these concentrate on indigenous people.

Often paralleling this solicitude for indigenous peoples is a concern for the state of their environments. Conditions in the world's rain forests, and the Amazonian rain forest in particular, are considered to be of special importance and interest.

In Brazil, with the advent of gold prospecting, the interests of indigenous people have become pitted against those of the garimpeiros, among others. This struggle over the fate of the land and its riches is being waged with tragic results for the Yanomami.¹³ Besides disease and despair, they have also suffered greatly from the violence that is frequently perpetrated

¹³ Soaring death rates among Indians throughout Brazil attest that the carnage is not confined to the Yanomami, or even to the Amazon. See, e.g., Brooke, "For Brazil's Indians, a Final Way Out," New York Times, June 1, 1991, p. 4, col. 4-6 (describing suicide among the Kaiowa in southwestern Brazil as an expression of despair over their loss of the land, lack of prospects, and lack of a future).

against Indians and their allies throughout the country. And, like disease and despair, almost always there is no recourse for the victims.

Before the recent convictions for the murder of Chico Mendes, the internationally known environmentalist and union leader slain for his organizing work among the rubber-tappers, there had never been an arrest, much less a trial, for any of the many hundreds of killings of Indians and others sympathetic to their causes that have occurred in Brazil.

With this background in mind, when death threats were made against Davi by garimpeiro interests in Boa Vista, in Roraima state, just before he left Brazil for the United States in April, they were taken very seriously. While these threats cast a pall over his trip, they also lent an air of immediacy to Davi's discussion with the Secretary-General on April 25.

Death threats or no, the one-to-one discussions between the world organization's highest official and the indigenous spokesman constituted a watershed event. The meeting was the first ever between a U.N. Secretary-General and a representative of aboriginal groups that, world wide, number over two hundred million people.

In order to prepare the Secretary-General for the meeting, separate talks were held with the Secretary-General's staff and the U.N. Centre for Human Rights on April 18. This meeting insured that the staff would be able to brief the Portuguese-speaking Secretary-General so that when he and Davi later met,

they could, free of staff and interpreters, devote themselves to a personal discussion of the situation in the indigenous territory and to the possibilities for remedial action.

From the U.N. perspective, such care and thoroughness mirrored not only the importance of the April 25 meeting and the issues to which it was devoted, but the necessity that that body diligently address the special problems of indigenous people the world over. In this light, the Secretary-General's decision to hold a news conference the following day to report on his meeting with Davi further underscored its significance.

Conclusion

One hopes these developments also indicate that the United Nations will maintain its current high level of activity and vigilance toward the Yanomami. At long last, it seems that Brazil, or at least President Collor, is listening. But the Collor administration has yet to deliver on much of its leader's rhetoric. At this point, then, only one thing is certain: NGOs such as the Center cannot let their guard, and the Yanomami, down.