

Indigenous

Perspectives

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**Working on Biodiversity and
Traditional Knowledge Protection**



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PHOTO: Indigenous Barman children of Gazipur, Bangladesh.

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Indigenous Perspectives

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Foreword

This issue of *Indigenous Perspectives*, entitled “Working for the Biodiversity and Traditional Knowledge Protection” is a collection of articles that address the issues of biodiversity, traditional knowledge, spirituality, and the need to capacitate indigenous peoples for empowerment.

Indigenous peoples occupy the most biologically diverse areas in the world. Through their traditional knowledge and practices, they have sustainably utilized, nurtured and protected their lands and the resources within it. For them, land and life is inextricably linked. It is in their ancestral lands that they practice their way of life – their cultures, traditions, rites, languages – that has sustained them for generations. Thus, ownership and control of their lands is paramount to their survival.

In the international arena, their role in biological diversity has been acknowledged, specifically by the Convention on Biological Diversity (CBD). Its implementation in the national and community levels present challenges for indigenous peoples. How can they ensure that their interests are included in government policies and programmes? What mechanisms must be in place to ensure their meaningful and effective participation? What preparations are needed in indigenous communities to make them proactive partners, as rights holders, in the implementation of programs on biodiversity?

These are the challenges that are being confronted by indigenous partners worldwide in the Indigenous Peoples Capacity Building Project for Implementation of the Convention on Biological Diversity. One such meeting in Curitiba, Brazil is the focus of indigenous writer Maurice Malanes in his article “Indigenous Peoples and Educators on Biodiversity and Traditional Knowledge.” Indigenous educators shared community-level initiatives that aim to empower indigenous peoples through education. Importantly, they identified strategies and action plans based on their priorities, but all geared towards “empowerment as they engage decision-makers who make policies and decisions, which impact on the lives of indigenous and local communities.”

As indigenous peoples strive to practice and protect their traditional knowledge, on the other hand, existing “international intellectual property system ... exposes some of their most sacred knowledge and resources to appropriation without their control.” To Preston Hardison of the Tulalip Tribes and the International Indigenous Forum on Biodiversity (IIFB), “traditional knowledge has become an object of national and international law.” In his article “Regimes on the Protection and Use of Traditional Knowledge,” he discusses the various intellectual property regimes that threaten indigenous peoples. He proposes a “*sui generis* legislation that provides extraterritorial recognition of customary law” as alternative to the current property regimes.

Colin Nicholas, on the other hand, discusses indigenous spirituality, leveraging on his experience with the indigenous Orang Asli of Malaysia in his article *Indigenous Spirituality and Governance*. He elaborates on the various taboos and practices guiding indigenous communities, showing that these “abhors practices and behavior that do not protect and care for the sustainability of nature and all things in it.” Even in the field of good governance, Nicholas states that indigenous spirituality “can offer an alternative; or at least an alternative way of considering the problem...”

In indigenous lands, entry of “development” projects - whether government or private/corporate initiatives - have been met by indigenous peoples with extreme caution, if not outright rejection. This is due to negative experiences where these projects - undertaken without free, prior and informed consent of indigenous peoples - have led to the destruction/degradation of their lands and biodiversity or to outright dispossession of their ancestral lands. The long-term impacts of these projects or of future projects, need to be addressed. Standard indicators, such as those of the Human Development Index (HDI) are inadequate, according to the paper “A Modified Socio-Cultural Index (SCDI) for the Aytas,” since this “does not include a cultural indicator.”

Thus, a group of academics and NGOs in the Philippines, working with indigenous Aytas, propose a socio-cultural index that can be used “to assess the impact of development measures in the community.” This set of indicators were developed with the Aytas’ consent and participation.

In Ruth Sidchogan-Batani’s article “Indigenous Women, Culture and Violence Against Women,” the role of culture in helping perpetuate violence against women, is expounded. She discusses the varied cases of violence that indigenous women continue to confront in Bangladesh, the Philippines, Indonesia, India and Nepal. She provides insights on the role governments play in reinforcing this tragic situation in the form of nonrecognition of indigenous peoples’ rights and militarization, among others; as well as on some elements of indigenous culture itself.

We have also included in this issue, the Kimberley Declaration and the Indigenous Peoples Plan of Implementation on Sustainable Development crafted and approved by indigenous peoples during the World Summit on Sustainable Development in 2002. These two historic documents embody indigenous peoples aspirations on sustainable development.

As “keepers of traditional knowledge,” indigenous peoples’ biodiversity, traditional knowledge, their culture, lands and resources must be nurtured and protected for the next generation, such as the indigenous Barman children in this journal cover.

Indigenous Peoples and Educators on Biodiversity and Traditional Knowledge

By Maurice B. Malanes



INDIGENOUS PEOPLES WORLDWIDE HAVE SOMETHING TO TEACH THE world. As keepers of traditional knowledge, indigenous peoples actually have been practicing what are being debated in meetings of the United Nations' Convention on Biological Diversity (CBD). Conservation, sustainable use and the equitable sharing of resources, for example, may sound like these have been invented only during the 1992 Rio Earth Summit. But these have long been part of indigenous peoples' way of life.

Still, indigenous peoples have to wrestle with UN processes such as those offered by the Convention on Biological Diversity. This means learning to find their way in the labyrinth of UN bureaucracies and processes so they can fully

and effectively participate in helping shape policies and standards that affect their lives. But this requires education and capacity-building. This is a core activity of a project of Tebtebba's Indigenous Peoples' Capacity-Building Project on CBD Implementation, which seeks to strengthen indigenous peoples' advocacy for their rights as they help implement the CBD.

As they increase knowledge about CBD processes and its implementation, indigenous peoples in various parts worldwide have been doing their part and role as educators. A workshop organized by Tebtebba in Curitiba, Brazil in between sessions of the CBD 8th Conference of Parties (COP8) meeting in March 2006 showed that various indigenous peoples' organizations are educating themselves and non-indigenous peoples as well.

In that workshop, some shared modules and approaches they have already been using in their education and awareness-raising drives. The workshop thus became a venue for inter-regional exchanges of educational approaches among indigenous peoples.

Tebtebba's Educational Resources

Tebtebba itself has educational resources, which other indigenous educators can use as references in their education work. In the Curitiba workshop, Tebtebba policy advisor Joji Cariño shared Tebtebba's educational resources on indigenous peoples and the Convention on Biological Diversity. She particularly discussed Tebtebba's capacity-building project with indigenous peoples on CBD implementation.

This project, which is overseen by a team led by Joji Cariño, has the over-all objective of deepening indigenous peoples' local-global understanding of the CBD Strategic Plan, the 2010 Biodiversity Target, as well as the CBD's cross-cutting and thematic work programs. It focuses on enabling indigenous peoples to participate in national implementation.

This project is designed around three inter-related program elements:

- International, regional and national capacity-building workshops for indigenous peoples;
- Development of local-global strategy papers and training resources on the implementation of the CBD; and
- Strengthened policy advocacy and engagement with governments for CBD implementation.

Joji Cariño cited international strategy workshops with the International Indigenous Forum on Biodiversity (IIFB) and facilitated by Tebtebba. The first was done in Bangkok, Thailand in February 2005. A second strategy meeting was held in Granada, Spain in January 2006. IIFB's work on indicators for the CBD also began in Granada, Spain.

She likewise reported about the regional and national capacity-building workshops organized by Tebtebba together with partner-organizations. There was the Asia capacity-building workshop held in Baguio City, Philippines in April 2005, which Tebtebba and the Asian Indigenous Peoples' Pact (AIPP) co-organized. A national workshop for Philippine indigenous peoples' participants and advocates followed in early May 2005 also in Baguio City, Philippines. In June 2005, an East Africa sub-regional was held in Nairobi, Kenya. Although most participants came from Kenya, a number of participants also came from Tanzania, Uganda, and Sudan.

All these strategy and capacity-building workshops aim to develop local-global strategy papers and training resources on the implementation of the CBD.

The activities of the project include:

- Together with partners, convene international, regional and national workshops to develop strategies and action plans for CBD implementation;
- Development of training resources for indigenous peoples on the CBD;
- Research on Regional and Country Frameworks and Experiences in CBD implementation;
- Strengthened participation and inputs in CBD inter-sessional activities
- Seminar-workshop with selected CBD representatives on CBD implementation; and
- Publication and dissemination of resources, papers and workshop proceedings.

Arising from these workshops, Tebtebba has been publishing written reports, which other indigenous educators could use. In addition to substantial discussion of CBD-related issues and themes, these reports also contain approaches to capacity-building work from which other indigenous educators can learn. These are:

- Report of Philippine Workshop;
- Report of Asia Regional Workshop;
- Report of East Africa Regional Workshop;
- Notes on Indigenous Peoples' Informal Strategy Meeting on CBD (February 2005);
- Outcomes from Strategy Workshop (January 2006);
- Report on IIFB Educators Workshop (March 2006).

In the process of its capacity-building workshops, Tebtebba has also developed educational materials in the form of power point presentations:

- Basic Introduction to the CBD;
- CBD and the Concerns of Indigenous Peoples;
- Introduction: International Indigenous Forum on Biodiversity;
- CBD and Traditional Knowledge;
- Access and Benefit-sharing in the CBD;
- Ecosystem Approach;
- Indigenous Peoples and Policy Advocacy;
- Asia Regional Study: Implementation of UNFF and CBD Commitments on Traditional Knowledge.

For national workshops, there is a need for country researchers. In the Philippines, for example, Atty Elpidio Peria produced a working paper, “The CBD, the Indigenous Peoples’ Rights Act, and Free and Prior Informed Consent,” which helped give a national framework and context to the issues related to the implementation or non-implementation of the CBD. In a three-day roundtable session in August 2006, which followed up the Philippine national workshop in 2005, he presented another working paper: “*Sui Generis* What? An Overview of Philippine Initiatives and Policy on the *Sui Generis* Protection of Traditional Knowledge and Biological Resources.” The paper, among other things, traced and analyzed the origins of Philippine policy on *sui generis* protection of traditional knowledge and biological resources.

Learning Activities: Poster Presentation, Mind-mapping

Joji Cariño also shared two learning methods, which have proved effective in Tebtebba’s previous capacity-building workshops on the Convention on Biological Diversity. These were poster presentation and mind-mapping. Both methods use visuals and graphics to convey information and ideas.

Poster Presentations

Through poster presentations, Tebtebba’s capacity-building workshops challenge participants to link local issues, the national context and the objectives of the Convention on Biological Diversity.

The key concept is that a poster takes the place of a paper or narrative report (a common method used in workshops or trainings) to communicate the inter-linkages of local, national and international issues and priorities related to cultural and biological diversity.

The poster presentation has two main objectives:

- To affirm the participants’ own experience and understanding of tradi-

tional knowledge and customary use and management of natural resources (cultural and biological diversity); and

- To establish the local and national context for introducing the objectives of the Convention on Biological Diversity.

The poster presentation method has four steps:

1. Participants group themselves to discuss their own experience and understanding about conservation, sustainable use and access to and benefit-sharing of natural resources; their actions undertaken to address these; as well as the relevant government laws, policies, programmes and projects. For this introductory discussion, it is not necessary to immediately introduce the terms “biodiversity” or the objectives of the CBD. The discussions will provide the local and national context for introducing the objectives of the Convention on Biological Diversity, at the end of the session.

2. Using graphical illustrations, participants draw a poster based on the following guidance:

Within the framework of indigenous peoples rights and traditional knowledge, describe the key issues and priority actions for your community and peoples, in relation to:

- Conservation of Natural Resources (Biological Diversity);
- Sustainable Use of Natural Resources (Biological Diversity);
- Access to Natural Resources and Benefit-Sharing.

List the existing and proposed Government policies, legislation, programmes or projects relevant to the above.

3. A rapporteur from each workshop group presents their poster, and other participants may ask questions. To save on time, other participants may write down their questions or comments on pieces of paper or “post-it” notes, which they stick on the poster after the presentation. These are gathered and responded to at a later session.

4. The facilitator thanks the participants for their posters which will be used as key resources and outputs of the workshop. The facilitator also affirms their understanding of the key issues being discussed under the Convention on Biological Diversity, and that their presentations concretize the objectives of the CBD into their local and national contexts.

Mind-mapping

Mind mapping has also proved to be an effective tool for participants to explore as a group their concepts of traditional knowledge.

Using colored markers or pens and large pieces of white unlined paper, participants use graphic organizers (mind maps) to visualize, clarify, and interpret

information pertaining to traditional knowledge. Through mind-mapping, participants become familiar with a comprehensive concept of traditional knowledge, how it is defined by others in their community and/or country, and the numerous facets associated with traditional knowledge.

Playing crucial roles in this activity are facilitators, who should be able to introduce and demonstrate a mind map. They should also be familiar with any educational restrictions (language, ability to work effectively in groups, etc.) that may inhibit participants' contribution and address them prior to the activity, if possible.

The activity requires some basic procedures, which facilitators explain to the participants. Divide the participants into groups, arranging them based on country or community, as appropriate. On a large piece of paper, participants will begin with the concept "traditional knowledge" in the middle of the page. As each major theme or idea emerges, participants will draw a line radiating from the center and write the ideas on these lines.

As each idea materializes, quickly check whether the idea is an extension of an existing idea. If it is, then just continue the line. If the idea is a variation of an existing idea, draw a branch off of the central line and label it. If the idea is something totally and utterly new, then draw a brand new line from the rectangle in the center of the page. Look for linkages such as pieces of information at the end of a path that can be linked together in some way. Links can be shown by labeling the common points with letters, figures or by drawing a curve between two points. If the mind map is being used as the basis for a talk or for planning purposes, then each major line radiating from the central rectangle could be labeled numerically to show its sequence.

Each participant group presents its work to the large group, describing its process of defining traditional knowledge as well as the specific areas group members have demonstrated on their mind map. A short amount of time, depending on the number of participants, should be allotted for discussion. Participants will be able to then further their analysis, either through mind mapping or traditional linear expression, through the examination of threats to as well as recommendations for the protection of traditional knowledge.

The sharing on Tebtebba's poster-presentation and mind-mapping activities generated interest from participants. One participant asked, for example, if language is a barrier in presenting a poster. Language was actually no problem because in its past workshops, particularly for national ones, participants freely used their own local language. Some also mixed both English and their local language.

Another participant asked if there was any difference between a poster presentation and a mind map. Both are actually graphic illustrations. In poster presentations, however, drawings or illustrations don't follow a pattern. Those do-

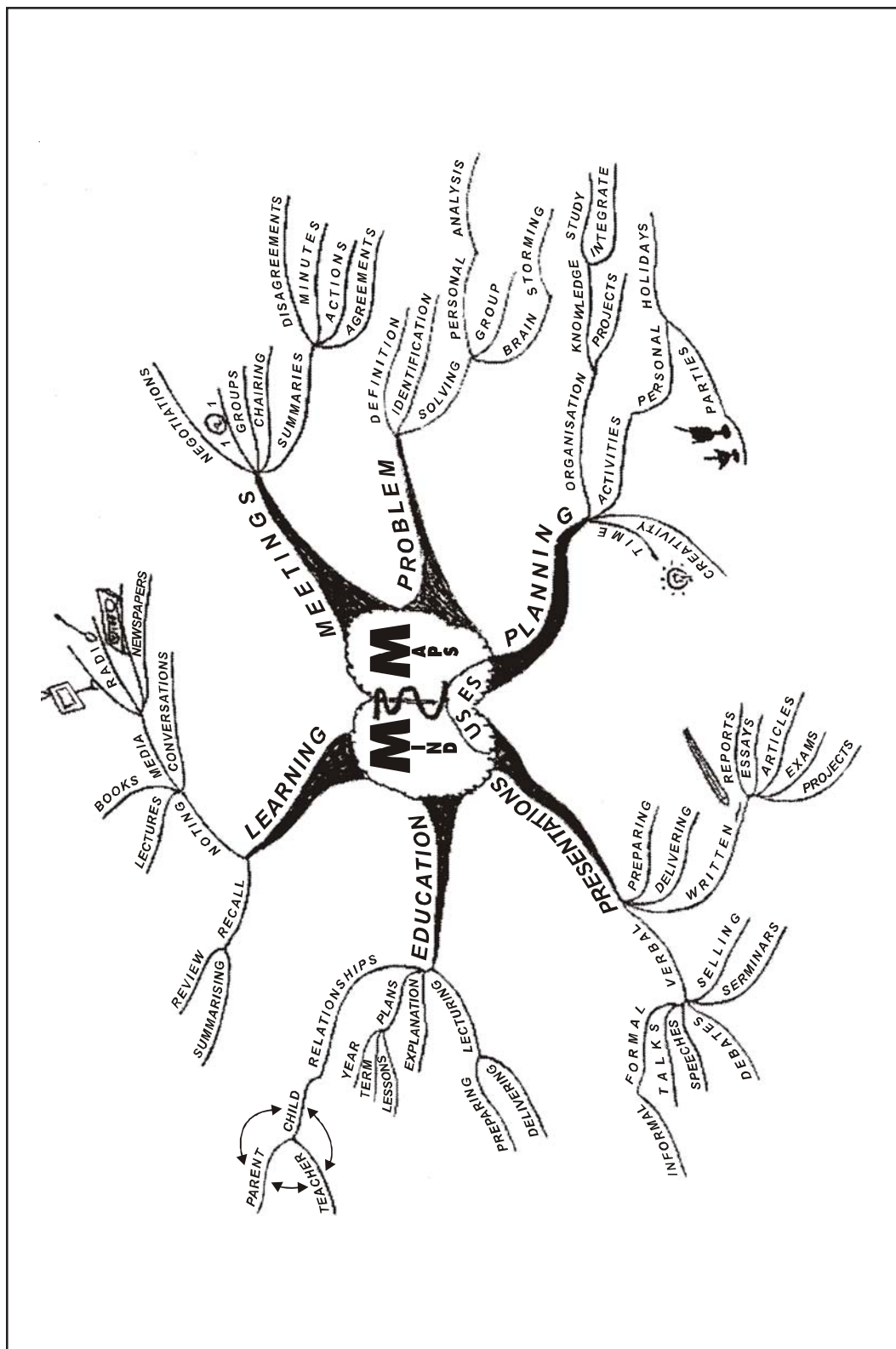
WHAT IS “MIND MAPPING”?

The acquisition of natural knowledge involves the creation and testing of interactive relationships in mental space, i.e., “spatial maps.” A spatial map is a pictorial representation of ideas and how they are related to each other, i.e., “mental map” or “mind map.” In the creation of mind maps, the mind focuses on a unifying idea or “theme.” Themes are the organizers of meaning in the creative process of “mind mapping,” i.e., “map learning.” Mind map learning is a creative process which involves the use of unifying themes in order to understand relationships. In the context of traditional knowledge the “mind mapping technique” is a powerful way to stimulate the brain to understand relationships and generate new ideas.

A mind map is a graphic “map.” It is a way of organizing something or an area of information. Like a brain cell, every mind map has a central point. This can be an image or a word. This is the main focus and represents the main subject of the map. Then, the most important themes connected to the subject branch out from the central image or word. There are then smaller branches linked to the main ones. All the branches form a connected structure.

The mind is naturally associative, not linear. Any idea has thousands of links in your mind. Mind mapping allows associations and links to be recorded and reinforced.

Natural learning is enhanced when integrated with social interaction of real life experience. Mind mapping is a strategy for helping participants order and structure their thinking through mentally mapping words or/and concepts.



ing the poster can be as creative as possible in integrating drawings with some texts or key words.

Mind-mapping, on the other hand, follows a certain pattern. From the main subject or theme at the center, this can branch out into sub-themes and other smaller branches of related ideas all linked to a connected structure.

But both are visual graphic illustrations, which can help participants grasp complex issues and processes.

Experiences from Asia

Given their various degrees of experiences in education work, participants from Asia synthesized their teaching approaches and educational training into a proposed module outline. They proposed a 40 percent theoretical and 60 percent practical module, which could be implemented in a year. Thus:

- The title of the module would be **“Indigenous representatives participating in the CBD and related process.”**

The module would be targeted to indigenous peoples participating in the CBD and related process.

- Aims and Objectives of the Module:

Aims: To enhance the capacity of the representatives of indigenous peoples so that they could better understand and effectively participate in the CBD and related process.

Objectives: After completing the training, indigenous representatives should:

- ♦ Explain the history of the CBD and related processes;
- ♦ Understand the functions (aims and objectives), funding mechanism;
- ♦ Understand linkage of the issues of CBD with national context;
- ♦ Understand the roles and rights of the indigenous peoples and their involvement in the CBD and related processes;
- ♦ Internalize the commitments of the countries (Parties) of the CBD in the convention;
- ♦ Get familiarized with the problems and issues in the CBD and related processes.
- The training could be started with an exercise of individual participants on presentation on biodiversity.
- Note down expectation of participants and clarify the objectives in the beginning of the training.

Talaandig School of Living Tradition

Bai Liza Saway, a woman elder and educator, shared the philosophy, educational tools, and activities of the Talaandig School for Living Tradition in Bukidnon Province in southern Philippines.

“We cannot afford to let the cultures, which our forebears have painstakingly preserved for us, die in our hands without passing them to the next generation,” says Liza Saway, reiterating the Talaandig School’s philosophy of commitment. “If we do, we would commit the greatest crime by killing the heritage of our past, which is the foundation of the future of our children’s generation.”

The Talaandig School for Living Tradition is an indigenous institution for transmitting the living cultures and traditions of the indigenous Talaandig peoples. It is a venue by which elders and cultural masters transmit their knowledge to children. It is also a space through which children learn and receive their cultural heritage.

Why was the Talaandig School for Living Tradition created? The school was created to protect, preserve and promote a cultural heritage. It also seeks to develop among the Talaandig peoples a sense of identity and value of the cultural self. And it was established for cultural accountability.

What do children expect to learn in the school? Children learn spirituality and how it applies to everyday lives. They also learn cultural values (i.e., respect for elders), cultural identity, unity and cooperation, self-confidence, and common sense. And they learn to tell stories, chant, dance, and play indigenous musical instruments.

In transmitting traditional knowledge, the school has adopted what is called the “common sense approach.” Through this approach, facilitators simply let children hear, see, touch, feel, smell, taste and think over anything about the community’s cultural heritage. This approach is made possible through what is similarly called “common sense institutions” where cultural masters tell, chant, demonstrate, show, create and promote indigenous learning tools that produce “common sense development” and learning. This actually is a show-rather-than-just-tell approach.

Bai Liza Saway also highlighted how the Talaandig school sees the relationship between indigenous education and modernization and change. “Indigenous education defines nature as the foundation of the modern world,” she points, reading from a prepared power point. “Modernization cannot take off without a base. Indigenous education teaches common sense as the foundation of modern science. Indigenous education is not backward; it prepares an individual to move forward effectively into the future. Culture, as the core of indigenous education, is dynamic and therefore innovative enough to respond to present needs.”

How does indigenous education respond to globalization? The Talaandig School for Living Traditions believes that indigenous education is actually indig-

enous peoples' best defense against globalization. This is because indigenous education, according to Bai Liza Saway, is holistic, and not isolated or fragmented. She also says that cultural empowerment, a significant element of indigenous education, enables any indigenous person to effectively connect with the outside world. To the Talaandig peoples, new technologies and innovations need not be feared as the tools of globalization for world control. The school believes that new technologies such as mobile phones, computers and the Internet are mere instruments to reach out to the world, but these are not necessarily instruments to control people or promote a mono culture.

And how does indigenous education relate to human rights? Bai Liza Saway shares a basic concept of the Talaandig peoples. Thus:

When God created the world, He divided everything equally among tribes and nations. God said to every human race, 'This is your land, your water, your wealth and your power. I have given everybody his or her fair share of all my creation so that all peoples may live in peace, prosperity and happiness. You will recognize your share because I gave them titles based on the language that I gave to each of you.' And so every tribe and nation got a place to stay, a territory and a homeland as a fair share from the creation of the Lord.

Then God gave every human race its share of faith, language, knowledge system, laws, economy, and weapons of security. God said:

'This is your religion, your language, your knowledge system, your laws, economy and weapons of security. The laws of nature that command and regulate all of my creation will guide your existence. All of you will secure peace, equality and justice. Recognize and respect the share I gave to you and to others as your way of respecting the will of my creation.'

So the tribes and nations got their cultural identity and integrity in the heart of God's creation and the world became beautiful.

And culture, according to the Talaandig School for Living Traditions, is "not simply a human right." It is rather "a sacred gift of creation that must be shared with the future generation."

Courting Interest

Liza Saway's presentation courted interest from other indigenous participants, who threw some questions. A participant asked, "How do elders, as spiritual leaders and keepers of traditional knowledge, participate in training?" Elders, she says, are involved in the field level when educators and participants go to the community for direct immersion and exposure.

And is the school of living tradition just for children? "Our School for Living Traditions is not just for children because our educational system is holistic," says Liza Saway. "We have a community house, for example, where children, young people and elders mingle together. Inside the community house is a variety of all cultural resources such as musical instruments and others so children

can hear, touch, and tinker with these, thus learning how to use and appreciate them in the process. Children and young people learn to play traditional instruments by doing as elders in the know teach by actually showing and performing rites that involve the use of traditional musical instruments."

"The same is true with the transmission of wisdom and oral history. At the community house, elders regularly perform rituals, recite prayers, and tell epics, which children eventually absorb and take to heart. We also ask everybody to join us when we go to the forests for a pilgrimage. So our system of education is not based on books but on actual day-to-day activities and rituals."

Another participant asked if there was any effort to systematize the curricula at the School of Living Tradition. "Some people are encouraging us to make modules or curricula and how these can be replicated around the world," says the woman elder. "But our school has no funds so we use only what are already there in the community. It is just a matter of documenting these because these are already being practiced. We can organize workshops from which other people can learn. In September 2005, Asian indigenous leaders held their workshop in our community."

She invited the other participants to her community and can learn from them. "You can learn how all the youth, elders, women there work together," she says. "Some guests from Malaysia came to our community and promised to replicate what we were doing."

Indigenous education, she explains, "is actually hands-on, particularly on the how, what, and the why of things. That's the traditional way."

Another participant asked about the specific roles of elders and how facilitators manage the learning sessions for each age bracket or age group. "The School for Living Tradition is for all," explains Liza Saway. "But we separate the 0-5 years because they are with their mothers who are weaving mats. The facilitators are cultural masters of traditional knowledge — the elders. Medium of teaching children is the local language. So they go back to their indigenous language, thus helping preserve and protect it from threats of other more dominant languages. On Mondays, in between or after their weaving and other activities, they engage in a variety of dances. Tuesdays are set aside for tribal sports; Wednesdays, epic chanting; Thursdays, music and instruments taught by masters; and Fridays, storytelling on values of tribe."

Yet, she says, children are not forced to engage in the various activities. But on their own volition, the children get influenced and eventually get to appreciate their own culture and the knowledge and wisdom of the elders.

Since 1996 the traditional school has begun making modules and writing into books the community's practice. "But a book or even libraries cannot accommodate all our knowledge and practices," says Liza Saway. "For one, indigenous knowledge is very holistic and continuing and continuous. The rain today is not the same rain tomorrow."

A woman participant from Latin America wanted to know if the School of Living Tradition separates the boys from the girls and if there are teachings given only by men to boys and by women to girls. She also says teaching children about traditional knowledge may not be enough. "We also need political education so we are able to be equipped about how to fight an oil company encroaching into communities, for example. How do you address this need?" she asks.

"Our traditional education system is a long process. We don't stop teaching children, who always have time," says Liza Saway. "There are things both boys and girls learn together. But there are things that mothers teach their daughters such as how to wear costumes and how to treat guests. The same is expected of fathers, who teach their sons to farm, hunt, gather honey, and to do other livelihood activities."

On things political, Liza Saway says elders teach children until they mature so they can bring their identity to the outside mainstream educational system and to be able to interact with the world. "We are sent here (into this workshop and into the COP8 meeting) because of our indigenous knowledge so our children must also have that identity," she says. "If we don't stress to our children their cultural identity, their culture may just be cellular phones and computers. We can rightly claim that our children can compete with other children attending universities and exclusive schools like Montessori. In facing the challenge of the world, our cultural identity is our most important possession."

India: Simulation Game and Symbolic Presentation

Ujwala Masdekar of the Adivasi Mukti Sangathan, an indigenous organization in India, shared briefly two major educational approaches, which she and other educators use among the Adivasis (indigenous peoples). These are **simulation game** and **symbolic presentation**. The simulation game is like a game through which participants are instructed to play various roles of various peoples. Through this approach, participants themselves identify loopholes as discussions emerge.

Symbolic presentation is mainly emotionally charging the people to take action. "So we act out certain situations (through role playing) and use these to motivate participants to act on these through concrete action," explains Ujwala Masdekar.

Responding to a question about how indigenous educators can also help ensure the political education of their children, the educator says: "The whole mainstream educational system makes us passive. But our indigenous educational system makes children active so they are able to question the present order of things. This, in a way, is also an element of political education."

Canada: CBD and Climate Change

Myrle Traverse, an indigenous representative from Canada, shared a module on awareness-raising on climate change for indigenous peoples in her country. Coming prepared with a power point, she presented a module complete with introduction, regional differences, objectives, key issues and gaps.

Situation and Context

The module was designed for the 633 First Nations in North America. These First Nations are very diverse in terms of geography, culture, nations, size, governance and development. In terms of development, for example, many First Nations lack access to social services, compared to non-indigenous peoples.

The impact of climate change varies from one region to another. Some areas experience unusual rise in sea level, while some suffer from droughts, floods and storms. In other areas, sea ice is decreasing and permafrost is melting.

Objectives

Based on results of a “Workshop on Climate Change – Impacts and Adaptations” in Winnipeg in April 2005, the module on climate change has the following objectives:

- Build on existing work in the South because the focus for First Nations has been North of 60 in strategy development and research;
- Raise awareness in the South on impact and adaptation at First Nations’ community or organization level;
- Increase awareness of First Nations’ issues across federal, provincial and local governments; and
- Prepare First Nations communities to be more resilient to climate change.

Key Issues

To articulate the issues affecting First Nations, Myrle Traverse quoted the reflection of an elder. Thus: “Mother Nature is warning us but are we listening? (As peoples of First Nations), we are the first to observe changes because of our close attachment to the land. Traditional knowledge can help us understand what is happening to the land. We, as peoples of First Nations, need to voice our concerns. We may not have another chance.”

Climate change is a serious environmental problem that impacts First Nations communities – be it in health, infrastructure, transportation, housing, economy and all aspects of life, including recreation and traditional activities such as fishing. Also affected are Treaty Rights and jurisdiction. First Nations are

aware of the changes, which have disrupted their holistic environmental world-views.

The impacts of climate change are observed and felt by First Nations, most obviously in the North but less noticeable in the South, because they live on the land and live with these impacts and changes. The effects are cumulative because impacts add to existing problems. First Nations are already dealing with serious environmental and social issues such as contamination, decreasing water quality, and mold.

CBD and Climate Change

Myrle Traverse shared that her organization and other indigenous participants had a CBD workshop at a national conference, which focused on an introduction to the Convention. They also incorporated the CBD into a curriculum on environmental studies, presented access and benefit-sharing issues at a national conference, conducted other national climate change workshops, and presented issues and problems on traditional knowledge at national conferences.

Gaps

For a more effective awareness-raising campaign, there is a need for more information-sharing and the need to be aware about how a clearing house mechanism works. The other gaps are as follows:

- There is no real link between national, regional and local levels;
- The local level (including leadership) is not aware or not well-versed in the CBD and other international agreements;
- There is a need for strategic planning;
- There is a need for capacity-building;
- Funding is also a big gap; and
- CEPA (Communication, Education and Public Awareness) needs to be customized for each region.

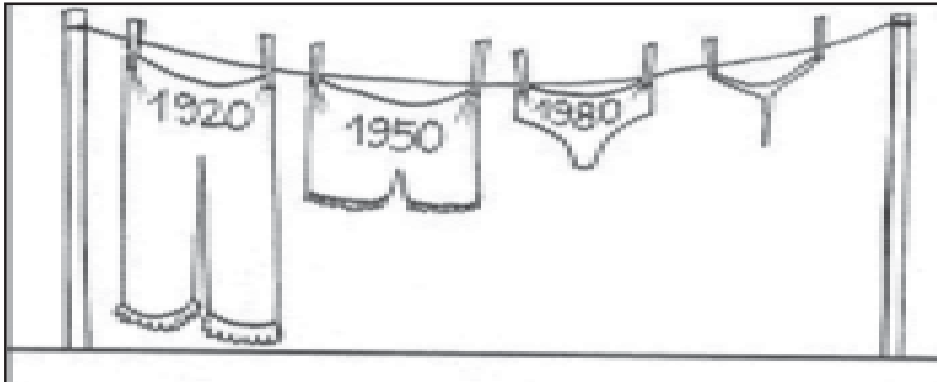
Getting Ideas

During the open forum, participants affirmed that a module on climate change and indigenous peoples is important. Other regions can get ideas from the module on climate change awareness, which Myrle Traverse presented.

Another participant highlighted the need for governments to put in money for education, be it in the area of climate change or in understanding the whole CBD process.

Others stressed the need for indigenous peoples to be conversant with the dynamics of politics at the state level and in the international level. Understanding how politics works can help indigenous peoples lobby accordingly and effectively.

In a lighter moment, Merle Traverse shared this illustration, which, she says, is proof of global warming.



Pacific: GMOs and CBD

Malia Nobrega of Hawaii presented a power point about an educational module her organization has been using in educating Hawaiian indigenous peoples about biodiversity and genetically modified organisms or GMOs.

The detailed module starts with definitions of often repeated terms and phrases such as biodiversity, bio-prospecting, biopiracy, biogenetic resources, genetic engineering and genetically modified organisms.

Complete with photos and illustrations, the power point presentation proceeds to identifying those engaged in bio-prospecting and genetic engineering, including pharmaceutical and agro-chemical companies, biotech firms, university researchers and government agencies.

The presentation also points to where bio-prospecting and genetic engineering occurs: in “biologically diverse areas where there is great diversity among species and populations,” which are in indigenous territories.

The presentation poses the next logical question: “Why indigenous territories and peoples?” There are two main reasons: “(1) We, indigenous peoples, have conserved and developed biodiversity over generations;” and “(2) Indigenous knowledge is sought about traditional uses of plants, animals and other species.”

What are the impacts of bio-prospecting on indigenous peoples? The impacts include the violation of indigenous peoples’ right to free, prior, and informed consent as genetic samples and knowledge are taken without fully in-

forming and getting permission from indigenous peoples. Worse, indigenous peoples are not acknowledged as source of these samples and the traditional knowledge that goes with the use of medicinal plants. Still much worse is that indigenous peoples don't get a share of commercial benefits from samples and knowledge taken.

Then the power point reviews a list of resolutions, declaration and legislation made in relation to the issues of bioprospecting and biopiracy. One is a November 2002 AOHCC Resolution 02-08, "urging the State of Hawai'i to place a moratorium on all bioprospecting expeditions currently being undertaken on public lands, submerged lands, and natural resources under the State's jurisdiction until such time as an appropriate legislation can be enacted." The power point lists other resolutions, declarations, and legislation that have been passed since 2002. Finally, in 2006 new bills on bioprospecting have been introduced.

The power point then zeroes in on genetic engineering and genetically modified organisms (GMOs). Under this sub-topic, the presentation tackles the impacts of genetic engineering such as health risks, crop contamination, "bio-pollution," and legal issues for farmers, which include liability, insurance, contracts and litigation.

Specifically covered under health risks are creation of new allergens in our food supply, mutations that increase food toxicity, transferring antibiotic resistance to humans and animals, and other harmful effects on human health.

To give indigenous peoples a specific illustration of genetic engineering, the presentation lists examples of genetic engineering field experiments in Hawai'i. These include the following:

- Sugarcane with human genes by Hawai'i Agriculture Research Station;
- Corn with jellyfish genes by Stanford University;
- Tobacco with lettuce genes by the University of Hawai'i;
- Rice with human genes by Applied Phytologics;
- Corn with hepatitis virus genes by Prodigene;
- Red algae with human antibodies by Mera Pharmaceuticals.

In Hawai'i, engineered crops permitted for field experiments include rice, corn, wheat, tobacco, papaya, sunflower, tomato, coffee, pineapple, lettuce, cotton, barley, sugarcane, dendrobium, peas, peanuts, potatoes and apples.

The presentation also lists corporations and institutions with permits for open-field GMO experiments in Hawai'i.

And not to be missed are the various actions and responses of Hawaiian indigenous peoples to the issue of genetic engineering and GMOs. Malia Nobrega's organization, for example, came out with an information sheet on genetically engineered taro (yam) in Hawai'i. The O'ahu Council of Hawaiian Civic Clubs

on January 21, 2006 opposed any scientific alteration and patenting of *kalo*, a local crop.

Since those engaged in genetic engineering tinker with the genes of almost any species for commercial gain, the power point presentation by Malia Nobrega ends with a challenge: "What's next?"

Latin America: Making CBD Process Work

Bernardita Calfutueo of the *Consejo de Todas las Tierras* (All Lands Council) shared the Consejo's experiences in working on biodiversity and traditional knowledge protection.

In its work, the Consejo seeks to strengthen the full and effective participation of the Mapuche peoples on biodiversity conservation, sustainable use, and access to and benefit sharing from genetic resources.

Focusing its work on the local level, the Consejo sees biodiversity as "part of us" and the recovery of land and rights as part of the struggle of indigenous peoples. To the Consejo, there is no biodiversity conservation without the participation of indigenous peoples.

Methodology

In terms of methodology, the Consejo would explain to indigenous communities that thousands of miles away indigenous representatives are working within the CBD process. But the Consejo would caution that the CBD could be double-bladed – it could either benefit or harm us "so we need to focus (on how to make the process work for our advantage)." And through "peer to peer approach," the Consejo chooses knowledgeable people with strong indigenous identity to represent their communities in the CBD.

In its education work, the Consejo engages in small group discussions "where we can gather new knowledge." These small groups work with key questions and share experiences on what they know.

The Consejo also develops support materials that people can bring to their communities. One model developed includes threats and issues the communities themselves listed. And so how does the Consejo speak about biodiversity in the community? It seeks to understand what the Mapuche people have to say on biodiversity. Spontaneously, people would ask about biodiversity, traditional knowledge, and other related questions. In the end, the bottom line is about controlling biodiversity.

On traditional knowledge, the Mapuche peoples have made it a community policy that some could be shared but some could not be shared. So they have identified aspects of traditional knowledge that could be shared freely.

In its education work, the Consejo has found out that group workshops and discussion groups are most effective.

Limitations

The Consejo, however, is constrained with some limitations. Communication and information exchange between and among participants is still not well-developed because not all indigenous communities have access to information technology.

The Consejo tried to work out educational methodologies and Mapuche culture-based curricula and has had some successes. But there is always the limitation in terms of funds. The CBD topic is also so complex that it is hard to translate at the community level.

But there are doors of opportunities, says Bernardita Calfutueo. "Indigenous peoples know that they are the owners of biodiversity resources," she notes. But she says it is time for indigenous peoples "to raise our voice and assert what we have as a people. There is more hard work ahead of us but from what we learn here (workshop in Curitiba) we can make advances."

On participants to international processes such as the CBD, Bernardita Calfutueo advises: "Explain these spaces within the CBD process (and other related processes) and bring all these materials and books (from conferences) to your communities rather than just keeping them to gather dust in your shelves."

Kuna Experience

Florina Lopez, a Kuna from Panama, also shared her organization's experience in educating indigenous peoples, particularly women. She was referring to the Napguana Association (Napguana means Mother Earth) and another foundation working for the Kuna and other indigenous peoples.

In training community women on traditional methodologies, "we go straight to the communities using our own language," says Florina Lopez. "We learned that our methodology should be simple and clear enough for people to understand, and the best way to do this is working with our own language."

Through this methodology, Florina Lopez and other indigenous educators were able to learn the various traditional knowledge and natural resource management of their people. "Through this process, we have become more and more aware of the knowledge of elders in which they are experts," she says. "More people were participating because we were using our own language."

Working with women for a long time, Florina Lopez testifies that the key is the participatory approach and that "our role is just as facilitators." Specifically, in their work with fellow indigenous women, she and her colleagues don't use the term "biodiversity." They instead use the local language version or elements in the community that indigenous women understand better.

Florina Lopez and her colleagues work with indigenous women at three levels – in the city, communities, and among women youth. So they adjust their methodologies accordingly, depending on the level of their participants. In some levels or categories, technical terms such as “biodiversity” can be discussed.

Educational training usually starts with brainstorming

In one brainstorming session, no more than five percent of some 30 women were familiar with biodiversity.

In their awareness-raising drive, Florina Lopez and colleagues would stress on laws, protection of traditional knowledge, conservation, sustainable use, and the role of women.

Best Methods

The best method tested so far was visualization through power points. On children’s education on biodiversity, using elements around them have proved effective. Drawings or illustrations, video shows (e.g., sea environment), everyday language, and pictures showing contamination and the volume of fish we now have and those we no longer have, for example, have been very helpful in getting the message across to children. Both women and children have also come to appreciate that all conservation methods are best based on traditional knowledge. On political education, children and women are prepared to defend their biodiversity resources. Using games as educational method, particularly for children, has also been very effective.

According to Florina Lopez, their methods in Panama are actually no different from those being applied or developed by other indigenous communities elsewhere in the world. The bottom line, she says, is starting from where the people are.

Onel Masardule, also of Panama, also informs that special traditional leaders, who would join capacity-building workshops, always make it a point to share with their communities what they learned.

Reflecting on the sharing from Panama, Joji Carino of Tebtebba underscored the need for trainers’ training so that those trained would eventually become the educators in their own communities.

Out of Africa

At least three representatives from Africa shared their experiences in helping educate their own people.

Nigeria

From Nigeria, Saro Pyagbara says his organization has begun tackling and working on biodiversity only in the last two years. The context and backdrop of their work are communities threatened by an oil company. Oil spills have threatened to kill marine life, vital mangroves, and important livelihoods such as fishing.

In their campaign and education work, Saro Pyagbara and his colleagues would consult community elders and would later organize public forums where they could ventilate their issues. From these, affected community members spontaneously rose up in an on-the-spot protest against the oil corporation.

The communities didn't only protest. They also protected whatever was left of their mangrove forests and replaced what were already ruined and lost.

Saro Pyagbara and other concerned educators also revived a project on traditional knowledge and looked into how traditional knowledge could be documented. So they worked closely with elders, recording all the oral histories and other stories the elders narrated.

But they could not focus on their traditional knowledge documentation project because they had to confront a major issue – oil spills, which have been now driving away, if not killing the fish that sustain coastal community life in Nigeria.

Meantime, Saro Pyagbara's organization has been reviewing current environmental laws, studying effects of climate change, and doing post-analysis of current situation since the oil company came into their communities.

Joji Carino of Tebtebba underscored the importance of the work being done in Nigeria, saying the Convention on Biological Diversity also covers environmental disasters such as oil spills. She also points the correlation between campaign and research, which both contribute to education work.

Kenya

Hussein of Kenya also reported that although CBD was a "new thing, most of our work have something to do with the CBD in one way or another." For instance, there has been an uprising or protests after outsiders took wild animals from indigenous communities. Environmental conservation is also part of indigenous culture so much so that indigenous communities are strongly attached to their forests and other ecosystems. Disturbances in their forests and other ecosystems also interfere with their culture.

In helping educate the public about environmental conservation, Hussein's organization holds seminars and public forums through which youth and women exchange information and brainstorm on issues. They also relay their issues to other prominent organizations such as the Rotary Club.

Uganda

Through 90 women's organizations in Uganda, indigenous peoples are made aware about environmental issues through mobilization, training, workshops, public forums, and radio broadcasts, reports Margaret Lomonyang, a Karamojong woman leader.

Indigenous women's organizations established what they call Traditional Knowledge Community Centers to help recover lost culture and lost species and help address current issues such as climate change. People used not to cut trees as though it was a crime, but the proliferation of guns threatened this culture. The Traditional Knowledge Community Centers also try to recover medicinal plants lost. In the past, some researchers had been coming to look for and to eventually gather and collect medicinal plants. It was only lately that indigenous women's groups had come to know about the phenomenon of bio-piracy.

Open Forum

Joji Carino recalled her visit to some of Kenya's community museums and centers, which she likens to the school of living tradition of the Talaandig peoples in the Philippines. Through these centers, the communities play central roles in recovering artifacts and cultural material.

These centers, according to Margaret Lomonyang, also serve as libraries where all literature and other reading materials taken from international conferences are shared with the rest of the community.

Asked about spiritual practices, Hussein of Kenya says indigenous peoples such as the Maasai practice their traditional religion, but most of them converted to Christianity. But he says there is now a current drive to revive the traditional religion.

In Nigeria, Saro Pyagbara says a community priest handles spiritual concerns. "And people cannot just do spiritual rites out of fun," he says. "Spiritual rites have sacred purposes."

During droughts in Uganda, indigenous peoples go to the mountains to pray for rain, says Margaret Lomonyang. It is also believed that whatever future occurrences that affect the community can be revealed through the dreams of some elders.

Liza Saway of the Philippines also says her people identify plants within their own community, and they don't have to write them down because this is just part of the community's oral tradition. Information on these plants is given generally to young women because biodiversity resources help mostly in reproductive health care such as during birth deliveries.

Another participant laments the disappearances of traditional knowledge in Congo. He says traditional medicines are also disappearing from indigenous communities, which are vital in the health care of children and mothers. He blames

this loss on various religious sects, which consider traditional knowledge on medicinal plants as part of sorcery; thus considered “evil.” “So we are now losing our culture,” he says. “As we lose our culture, we also disappear as indigenous peoples.”

In Congo, the participant says some diseases could be treated by traditional, and not by modern, medicines. Environmentalists are now trying to lobby authorities, particularly the ministry on environment, to help prevent the disappearance of traditional medicines, including trees.

Another woman participant notes that knowledge on traditional medicines is getting lost as indigenous peoples are displaced by conflicts such as wars.

At this point, Joji Carino of Tebtebba highlighted the CBD’s Composite Report on Traditional Knowledge, which suggests ways to address the various threats to traditional knowledge.

Yolanda Teran of Latin America asks how indigenous peoples in Uganda protect traditional seeds and plants “because in Ecuador, women are in charge of protecting these.”

“We visit plants (in the forests) regularly and make sure they are there,” says Margaret Lomonyang. “During droughts, we make sure we transfer certain vital plants so they won’t disappear.”

Russia: Wrestling with Oil and Coal Mine Fields

Oil and coal mine fields continue to expand in Russia’s indigenous communities, from which most natural resources, besides oil and coal, are extracted for export. Indigenous communities are spread in 66 percent of the whole Russian territory, but indigenous peoples are the minority in terms of population. Of the total population of 149 million, only 240,000 are indigenous.

Complicating the difficulty of indigenous peoples in Russia as minorities are the difficult climate conditions, under which they live.

These are the main issues and challenge faced by RAIPON or the Russian Association of Indigenous Peoples of the North. Since the past 15 years, RAIPON has sought to unite 41 indigenous peoples of the North, Far East and Siberia of the Russian Federation.

Main Centers

RAIPON has five main centers: information, cultural, health, legal and justice, education and youth centers.

Each center has a specialized focus. The Education Center, for example, has been holding various workshops on indigenous peoples’ issues and concerns such as oil and gas extraction and mining. These workshops have examined the rela-

tionship between indigenous peoples and transnational corporations. Other workshops included ecotourism and small business enterprises.

The Cultural Center also organizes workshops on culture and tradition. The Information Center handles websites and promotions as well as a magazine and other literature. The Legal and Justice Center focuses on legal cases involving indigenous rights issues.

Some Activities

In September 2005, RAIPON organized a workshop on sacred sites. The association deals with processes under the ILO 169 and the Convention on Biological Diversity. It also held an ethno-ecological experts training on the *Akwe: Khon* Guidelines in indigenous peoples-occupied Far East Russia.

RAIPON works with the Russian government's legislature and collaborates with concerned ministries. On second reading, for example, is a proposed water and forest code in which RAIPON was involved in pushing for an amendment relevant to indigenous peoples. A proposed law on natural resources has not yet been accepted because after the first reading no article ever mentions indigenous peoples. So there is a new proposed amendment to the draft legislation.

In some cases, RAIPON helps indigenous peoples get better deals with transnational corporations. One compensation agreement package, for example, involves money for the socio-economic development of indigenous communities.

RAIPON also offers its legal services to indigenous peoples. One time a community representative, for example, took an ax and faced off with representatives of a transnational company. RAIPON helped save the man from undergoing trial. In another case, RAIPON helped contest the taxes for reindeers imposed on indigenous communities.

Education Work

Indigenous peoples have ways of sharing their traditional knowledge with non-indigenous peoples. Non-indigenous peoples are invited to integrate and gain exposure in indigenous communities, where elders teach non-indigenous children on environmental protection. Elders teach children to respect elders and culture (e.g., sound, music and folklore). These children then pass on what they learn (i.e., indigenous fishing and hunting) to their parents and friends.

Indigenous scientists pass on knowledge both orally and in published forms.

Indigenous leaders working on local legislation also help educate legislators about indigenous issues. Other means of public awareness campaigns include congresses and conferences on coal mining, for example.

There is thus a public awareness program for people from all ages and sectors – from young children to legislators.

Spirituality

In an open forum, somebody asked about spirituality and if indigenous peoples in Russia practice this because “traditional knowledge is directly related to spirituality.” He asked about spirituality because there was a recent conference on spirituality and its relation to biodiversity.

A RAIPON representative says spirituality is also part of traditional knowledge and way of life among indigenous communities in Russia. But only elders, she says, are highly spiritual.

Education for Empowerment

From the presentations from the various regions, two modules have already been developed: one on indigenous peoples and climate change and the other on indigenous peoples and GMOs. These modules can help deepen the ones being developed and presented by other participants in the educators’ workshop in Curitiba, Brazil in March 2006.

Other indigenous participants to the Curitiba workshop may not have come prepared with a formal module such as a power point. But like the Talaandig School of Living Traditions, other indigenous educators actually have been facilitating education among their communities through hands-on approaches. Other indigenous educators such as those from Latin America have also developed curricula focusing on biodiversity specifically designed for children and another for women and using local languages for better understanding of complex issues.

The various approaches and experiences indigenous representatives shared in Curitiba can help build an introductory course on indigenous peoples and the Convention on Biological Diversity, which was the main aim of the three-day capacity-building exercise.

From the exchange and sharing in Curitiba, the indigenous educators and would-be educators identified needs and limitations, which they have to respond to and address. Based on these needs and constraints, they listed priorities from which they could plan out strategies and action plans.

These priorities include developing educational resources for non-literate learners. Another is preparing an introduction of basic processes of the CBD, which they see as a significant tool in helping empower grassroots communities. Related to this is some sort of a “how-to” guide on the CBD, particularly on how to use relevant policies and government commitments, to promote indigenous rights as indigenous peoples relate with local authorities.

For better and effective understanding of an introductory course on indigenous peoples and the CBD, workshop participants also prioritized the need to translate the course into local indigenous languages, if not adapt it from international languages. This priority includes other related particular considerations

such as using locally available resources, particular audiences, and which documents to use and translate.

Similarly, the participants have thought of the need to come out with a common module for the international level and another common module each for the regional down to the national and local levels. The module for the local level will particularly consider very specific contexts and the use of local languages.

Side by side with the need for educational modules, participants highlighted the need to document indigenous or traditional knowledge. They also pointed the need for a basic resource for indigenous educators, which they can use in different situations and contexts. This basic resource can be adapted for children, women and other members of indigenous and local communities.

Since each government that signed the CBD has a focal person, the participants unanimously recommended that an indigenous person must also fulfill a similar function in relation to indigenous communities. They particularly proposed if governments can provide a national focal point on education.

The participants also stressed that indigenous educators and would-be educators themselves should understand grassroots issues and contexts and how these are linked to international processes such as the CBD. Related to this is the need to raise awareness about indigenous peoples' situation in their own countries.

As they sought to customize a basic or general module and plan, the participants likewise identified a need for cultural exchange through which they can learn more from each other's experiences and approaches.

One outcome of the educators' workshop in Curitiba is the unanimous consensus to create an International Indigenous Forum on Biodiversity (IIFB) Educators Network. This network can help pursue the IIFB CEPA (Communication, Education and Public Awareness) Plan and finalize the basic module on the course on indigenous peoples and the CBD.

As they discussed modules, the participants also highlighted the need to tap whatever opportunities offered by information technology, at least for those who have access to it. Either for lack of access or the lack of know-how, many indigenous peoples have yet to put to good use the Clearing House Mechanism of the CBD, which manages the CBD website, www.biodiv.org. Linked to this is the IIFB website, (www.iifb.org), which Preston Hardison manages.

In their desire to educate others, the indigenous educators and would-be educators who gathered in Curitiba have laid out strategies and action plans based on their identified priorities and needs. And they were all inspired by a common mission to educate other indigenous peoples for their empowerment. They need such empowerment as they engage decision-makers who make policies and decisions, which impact on the lives of indigenous and local communities.❖



Regimes on the Protection and Use of Traditional Knowledge

**By Preston Hardison
Tulalip Tribes, Washington**

MANY NATIONS HAVE A HISTORY OF DEVELOPING LAWS AND legislation to address indigenous land rights and rights to tangible cultural heritage contained in archaeological sites, cultural artifacts, human remains, sacred objects and historical sites. More recently, the traditional knowledge of indigenous and local communities has become an object of national and international law. Two broad approaches are emerging internationally.

The international human rights, cultural rights and indigenous rights regimes have developed and are developing a number of instruments to protect both tangible and intangible cultural heritage and develop principles to extend the Universal Declaration of Human Rights to recognize the collective rights to self-determination of peoples. Some of the major signposts along this path are: the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO, 2003); United Nations Commission on Human Rights (UNCHR) Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People (Daes, 2000); the Draft Declaration on the Rights of Indigenous Peoples (1994); and the establishment of the United Nations Permanent Forum on Indigenous Issues under the United Nations Economic and Social Council (ECOSOC) in 2000. This regime focuses on the need to protect cultural and indigenous rights to knowledge and resources because of failures of the universal individual human rights principles to safeguard the cultural survival of local and indigenous communities.

Traditional knowledge is also being considered by regimes evolving around the wider distribution and use of traditional knowledge and traditional resources for sustainable development (Laird, 2002). They include the United Nations environmental conventions, primarily the Convention on Biological Diversity (CBD); the World Intellectual Property Organization (WIPO) in the administration of its heritage-related conventions and the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC); and the World Intellectual Property Organization through its Agreement on Trade-Related Aspects of Intellectual Property Rights, particularly Article 27.3(b) on Patentable Subject Matter.

While there is some appreciation for the need to protect the knowledge of indigenous and local communities, these regimes use instruments designed primarily for economic exchange and based on individual interests and the generalized public goods of trade and economic development, such as sustainability in development, food security, poverty reduction, public health, the provision of ecosystem goods and services, and the establishment of markets for biodiversity and biogenetic resources (Dutfield, 2004; Laird, 2002; Parry, 2004). Most of the legal analysis has focused on the modification of existing intellectual property- and trade-related regimes to accommodate the knowledge and resources of indigenous and local communities.

Traditional knowledge and traditional resources have been managed by indigenous and local communities since time immemorial, using customary law embedded in spiritual cosmology, or cosmovision. Though diverse, many commonalities among traditional cosmovisions exist: 1) Their cultures are primarily spiritual, not secular, and this spirituality is core to their identity, their health, and to their material and spiritual well-being; 2) They are tied closely to particular homelands by their cosmology and ancestry, and this relationship is both spiritual and organic; 3) Their property systems are collective and extraordinarily diverse, and their languages and concepts diverge deeply from many of the core assumptions of IPR law (particularly Anglo-American IPR law) related to copyrights, patents and other forms of property.

Property regimes are subsidiary to higher-order human rights and indigenous rights principles, and will need to respond to developments in those rights, and ensure that intellectual property principles and law do not prejudice the development of these principles. Marginal modifications to the existing intellectual property (IPR) regimes will not provide the range of protection due for traditional knowledge and resources and a *sui generis* regime is necessary. The logic of the IPR system, constructed around large-scale secular economic activity, is ill-suited to addressing the many issues involved in protecting and using traditional knowledge.

Indigenous, rights are most commonly and likely universally held to come from a cosmological order. The rights are based on their customary law, are prior to the Law of Nations, and do not come from nation states (Battiste and Henderson, 2000; Venne, 1998). The role of nation states, and the international laws they collectively construct or recognize, is to recognize these prior rights. This has been accepted by a number of nations

Agreements such as the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) are inhibiting the international recognition of genetic rights to biogenetic resources (Dutfield, 2004; Khor, 2002).

The Principle of Subsidiarity, that holds that laws occur in a natural hierarchy, in which higher order laws relating to human ends and fundamental rights should inform the laws of means, and not the other way around. Under this principle, the economic tail should not wag the human rights dog. Modern nations are often founded on principles of justice, respect for diversity, and citizen rights to secure their health, well-being and expression.

In summary, current debates over national and international law, and in particular intellectual property law, often come from two main directions - that they fail to incorporate higher order principles relating to justice (economic, environmental, social, health, well-being, among others) that apply to all citizens, and that they fail to accommodate the multiple sources of common law among groups within and among nations. There is not a single commons, but a pluricommons - a plurality of customs and norms. Indigenous peoples have their

sources of common law, local communities also have sources of common law, and these are older and often unreflected in the dominant intellectual property regimes that have been erected in the last century (Evans et al., 2002; McHugh and McHugh, 2005; Sheleff, 2000; Verdery and Humphrey, 2004). Intellectual property law has strong roots in concepts that first reached high expression in the English Enlightenment, expressed in the common law of patents and the common law of copyrights.

Many of the fundamental principle of international intellectual property law were established at the peak of the colonial period, codified in the Paris Convention (1883) and the Berne Convention (1886).

International intellectual property system has had grave implications for indigenous peoples (Buchanan, 2004). It failed to recognize principles of sovereignty and self-determination already established in a number of nations. It was premised on a model of individual human creation and individual or corporate ownership and just compensation that did not reflect indigenous views of their relationship to land, knowledge and Creation. The emerging intellectual property regime made few distinctions over the subject matter of the monopoly rights being granted or the subject matter falling into the public domain. This exposes some of their most sacred knowledge and resources of indigenous peoples to appropriation without their control. The few distinctions the intellectual property system did make were to protect national security and economic advantage, and the trade secrets and industrial property of large-scale economic ventures. The non-indigenous property systems became all-encompassing.

Indigenous peoples are faced with the burden of living with dual citizenship (Cairns, 2002). Their primary obligations are to their Creator, community or indigenous nation, and to respect customary laws that do not originate in the non-indigenous world. At the same time they have become enclaves within a wider national and international framework that imposes rights and duties upon them as citizens. Indigenous peoples do not universally reject the responsibilities of citizenship, and many willingly assume multiple identities. Their embeddedness in a context largely out of their meaningful participation and control, often from developments far outside their territorial or national boundaries, creates severe difficulties for the maintenance of their cultures and respect for their self-determined customs and traditional knowledge systems.

It is noted that the beliefs of the over 5,000 existing indigenous peoples are as difficult to characterize as the complexity of non-indigenous views of property. There are a number of principles that are nearly universal among them. Indigenous property concepts originate in their own cosmology. This cosmology is highly spiritual, and spirit infuses all things (Deloria, 1999; Martin, 2001). Spirit may be undifferentiated, or differentiated into spirits, but the spiritual is inherent and cannot be separated from the material (Mageo and Howard, 1996). The universe is alive and has a moral purpose (Deloria, 1999). The land is a living and spiritual thing, as is knowledge (Posey, 2002a, b, 2004, a, b). The relationships of

indigenous peoples to their land is a relation of living kinship, not simply a property relation. Their land is where they emerged or were created, where their ancestors still dwell, and the place to which their Creator and spirits revealed the knowledge for them to live well (Bruchac, 2003; Posey, 2000).

When knowledge is shared, it is generally shared among those who are trusted to know their roles and responsibilities in using the knowledge. Misuse of this knowledge is not simply “derogatory, libelous, defamatory, offensive and fallacious...” Misuse, even when used by others outside of the tribe, or by tribal members who are outside of the control of customary authority, can cause severe physical or spiritual harm to the individual caretakers of the knowledge or their entire tribe from their failure to ensure that the Creator’s gifts are properly used. For this reason, misappropriation and misuse is not simply a violation of “moral rights” leading to a collective offense, but a matter of cultural survival for many indigenous peoples (Tulalip Tribes, 2003). This is why indigenous peoples often claim that the concepts of “moral rights” as used in intellectual property law are an incomplete characterization of their cultural property rights, but more a matter of fundamental human rights law.

Navajo religion is a way of life based on the premise that a holistic world exists and functions between man and nature. For a holistic world to continually exist and to function in an orderly way, a Navajo medicineman must restore it regularly restore it to a harmonious state in the Navajo universe.

Glory Tacheeni-Campoy, 1984

The brief discussion of a sample of indigenous thoughts about the nature of knowledge and resources should make it clear that many of the premises of intellectual property law do not apply to their societies. The issues raised demonstrate that it is difficult to even begin the conversation across the borders of the indigenous cosmos and the non-indigenous world. The hallmark of indigenous thought is the interpenetration and relatedness of all things, and the tendency of Western law and philosophy to make dichotomous distinctions such as “tangible/intangible,” “disclosed knowledge/undisclosed knowledge,” “sacred knowledge/profane knowledge” are foreign to much indigenous thought (Fixico, 2003; McCarty and Zepeda, 1999; Waters, 2004).

A fundamental problem is that indigenous peoples define their property rights, access rules and individual and collective harms from misappropriation under their customary laws, but have little control in prosecuting and mitigating these harms outside of their communities. Beyond their territorial borders the property rules, harms and remedies are defined by intellectual property systems under foreign law. This foreign law does not recognize the full range of prior rights that indigenous peoples possess to secure their cultures and govern their self-development.

When indigenous peoples speak of the need for a *sui generis* legal system for the protection of their knowledge, they do not mean the construction of new non-indigenous law around existing intellectual property law, but the development of recognition within the intellectual property system of customary and tribal law regulating the use of their knowledge and resources. These are not viewed as the granted or extended of rights, but the recognition of pre-existing indigenous rights. Indigenous peoples are often asked to follow national and international laws developed without their participation, and are demanding reciprocity in legal recognition, and measures to weigh their rights against civil privileges.

Care must be taken with any expansion of the global public domain, as some of the knowledge currently considered to be in the public domain has originated from peoples with very different ideas about the status of their knowledge, and believe that current indigenous property law be replaced by indigenous property justice, one that recognizes their inherent rights to make the decisions about the status and disposition of their knowledge and resources.

Ethnocidal Ratchets

Many indigenous peoples have repeatedly demanded the halt of legal regimes that favor commercialization without first providing for protections, and that place large portions of indigenous knowledge into a public domain against customary law and without the prior informed consent of indigenous peoples (Nason, 1997). Failures to respect indigenous peoples' customary law and their prior rights act as ratchets that continually erode their cultures by blocking access to important cosmological and cultural resources. These regimes, they claim, act as ratchets that in the long run favor ethnocide, the deliberate destruction of indigenous culture.

Recapitulating earlier arguments, a number of such ratchets can be identified:

Ratchet 1: Doctrine of Supercedence: The extinguishment of earlier legal regimes by following regimes

Supercedence is an important principle when applied to narrowly-defined legal issues. These become problematic when laws of one domain displace laws from another domain, particularly when the displaced laws are of a higher order. IPR law, it has been argued, has been constructed largely in ignorance of national and international indigenous law. Human rights law and intellectual property law both deal with issues of property, and so there is a broad overlap in subject matter.

Current IPR law is largely a property system for allocating economic rewards to creative acts as a means of increasing the public good, while the human rights system approaches property from a fundamental rights perspective. The IPR system should be responsive to changes in higher order systems, such as evolving human rights standards. Although an efficient market for traffic in persons can be imagined and once existed, they are now universally illegal. Similarly, IPR laws should not abrogate existing rights, and civil property interests should not supersede indigenous property rights.

Existing rules regulating intellectual property rights at the global level are not conducive to the participation of indigenous peoples in the national or global economy. Current patent laws, for example, do not recognize traditional knowledge and systems of ownership. They ignore the cultural diversity inherent in customary practices of sharing innovations as well as the diversity of opinion on what can and should be owned. The patent regime, under the TRIPs agreement, renders the accumulated knowledge of indigenous peoples especially vulnerable to the interests of biotechnology companies.

UNDP, 2001

IPR laws should also not be prejudicial to the development of laws in higher level domains. Trade laws, for example, should not prejudice the development of international regimes for environmental protection, women's rights, children's rights, indigenous rights, cultural rights, educational rights, linguistic rights, land rights and the other evolving international human rights regimes, as has been argued for WTO TRIPs Agreement (Gervais, 2003; Khor, 2003). Recognition of indigenous "intangible" values and rights in land, knowledge and resources is acknowledged or is developing in a number of regimes, and IPR law should not prejudice these developments and remain adaptive to respond to them as they reach ratification.

Grants of property privileges should not supersede prior rights. IPR law needs to become more knowledgeable regarding existing national and international indigenous law, and be constructed must respect existing rights. The path to this will be best achieved through *sui generis* legislation that provides extraterritorial recognition of customary law.

Ratchet 2: Doctrine of Diminishment by Time

In Anglo-Norman common law, it is often held that property rights not defended or exercised for a given period of time are diminished or expire. For many kinds of property, such as copyrights and patents, there is a natural progression from property to the public domain over time. This is not the case for indigenous property rights, governed under customary law. Indigenous peoples in a number of countries retain prior rights until they freely cede them or until the rights are formally abrogated (Tomlinson, 2003; Wilkinson and Volkman, 1975). Indigenous peoples, for example, have claimed that regardless of how long the non-indig-

enous legal system has considered traditional knowledge to be in the public domain, rights to that knowledge is an ancestral right that has never been voluntarily ceded (Tauli-Corpuz, 2004). The issue is not that indigenous peoples have failed to take the steps to protect their knowledge, but that the non-indigenous legal systems and civil society have failed to recognize and respect their customary law. Failure of non-indigenous law and practice to recognize a preexisting right does not diminish that right.

Ratchet 3: Doctrine of Diminishment by Corruption

Some commentators have suggested that indigenous rights have been diminished by corruption of traditional culture, through intermarriage, assimilation of non-traditional beliefs, cessation of traditional practices, and loss of language among other causes. This mistakes the nature of the prior rights. Indigenous prior rights come from their cosmology and political existence as self-governing entities prior to the rise of the modern nation states, not from fulfilling a list of conditional criteria for “indigenusness.”

Indigenous peoples have reported that by their own measures, they have experienced “corruption” from all of the causes mentioned above. The legal and cultural problems caused are not surprising, given the intense colonialism most indigenous peoples have experienced in the past, often with deliberate attempts to destroy or assimilate them. Many human rights declarations and instruments have recognized a right to cultural revitalization (UNHCHR, 1994).

Article 12. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.

*Draft United Nations Declaration on the
Rights of Indigenous Peoples, 1994*

Because the rights are based on prior rights of self governance and self-determination, cultural change in itself is not a sign of corruption, and change does not signal a loss of rights. Some changes have been necessary because of events occurring outside of their control, as when a community must substitute using an invasive species for the traditional one it has displaced. Other changes occur as indigenous peoples accept human rights standards, create tribal councils, pass tribal statutes, and other self-determined activities.

Ratchet 4: Doctrine of Secular Governance

Many nations have developed doctrines of the separation of church and state, and this is reflected in legal regimes where religious and spiritual values are disallowed or discounted in favor of material values. This is reinforced in the international intellectual property system, in which property relationships of deep spiritual concern to indigenous peoples are governed through a thoroughly secular logic. IPR regimes will continually erode indigenous if they fail to address the full range of cultural harms from the misappropriation of indigenous knowledge, including spiritual harms. They will also erode indigenous cultures and rights if they treat national measures to protect existing indigenous rights as illegal trade barriers.

Ratchet 5: Doctrine of the Cultural Commons

As has been argued previously, the idea of a monolithic national or international “cultural commons” can act strongly against indigenous rights. The cultural commons movement has a tendency to dichotomize the world into a struggle between the private and the public domains. Indigenous peoples have their own varied and self-defined commons systems, with very complex property arrangements. Collectively held knowledge and resources does not imply that all knowledge and resources are held by all, but that the collective determines the property arrangements, whatever they are. Many resources are held collectively, but this does not make them part of a larger national or global public domain. Some resources may be privately held, or held by a particular family, and some may be viewed as being in the public domain by the tribes themselves, but even where private property or the public domain exist, this is collectively determined and cannot be assumed a priori.

If customary law is not recognized and enforced across tribal boundaries, this will lead to a continual loss of control over knowledge and resources. Principles such as “undisclosed knowledge is protected, while disclosed knowledge is in the public domain” will continually erode cultural security because disclosure by one irreversibly disposes for all. Such rules avoid issues like the need to obtain prior informed consent from indigenous peoples before accessing their knowledge and resources, and fail to recognize the priority of customary law in resolving property conflicts among legal traditions. Market incentives without corresponding protection will accelerate disclosure into the public domain.❖



Indigenous Spirituality and Governance

By Colin Nicholas

... I must declare that, not being an indigenous person myself, I am not writing from my own religious perspective. Furthermore, because indigenous spiritualities differ, sometimes very widely, from people to people and from location to location, I can not assert that this rendition reflects a generalized form of indigenous spirituality. I am writing from my experience and knowledge of the Orang Asli, the indigenous people of Peninsular Malaysia, and of the Semai people in particular.

INDIGENOUS PEOPLES ARE DESCENDANTS OF THE EARLIEST inhabitants of a specific ecological niche - their traditional or customary lands - in which they continue to live as distinct communities. They believe that the whole of their physical and supernatural world are imbued by spirits, both good and evil. While the latter bring harm, misfortune and disease, the benevolent spirits protect humans against all these. The good spirits can also heal illness, bring rain for crops, call fish and wild game, and bring harmony and fertility to the community.

The spirit are site-specific, co-existing with the indigenous peoples in particular geographical spaces or homeland. Within this traditional territory, indigenous peoples develop traditions and belief system that are the basis of their social organizations, economic system and cultural identification.

Indigenous peoples do not seek to define indigenous spirituality; rather they are more concerned with the proper behavior that is required for the harmonious and symbiotic coexistence of all natural and supernatural elements in their world. For them, indigenous spirituality is about acknowledgment that they are equal beings with others - animate and inanimate, seen and unseen - the created world.

Indigenous spirituality is location- and people-specific. Thus, the form and content of the spirituality varies from community to community and from environment to environment. It does not have structures beyond the community of the people who subscribe to it. For this reason, indigenous spirituality never engages in expansionist missionary activity.

Indigenous spirituality and the community

The underlying philosophy of indigenous spirituality is that the blessings of the good spirits are important for personal and community well-being. And often, appropriate good behaviors on the part of individuals is all that is required to obtain these blessings.

Good behavior simply means following and practicing the values and behaviors established by society and culture, participation in religious rituals and traditional practices, and proper respect for family, neighbors and community. It is the indigenous spirituality that shapes the social rules, taboos, rituals and belief systems that have an impact on the way indigenous people live their everyday lives - from what they eat (or can not eat), the way they do every chores, organize themselves, marry, educate their children, treat illness and bury the dead.

Failure to follow these behavioral guidelines often results in the good spirits withdrawing their blessings and protection. The result can be illness, death, drought, or other misfortune. Good behavior, on the other hand, helps to maintain social harmony, prosperity and continuity.

The teachings about the content and form of indigenous spirituality governing behavior are usually transmitted orally such as in storytelling or via myth making, ritual and symbiotic art. They are learned by participating in a specific

cultural context rather than by the articulation of an abstract religious system or theology.

Indigenous peoples are just steered to lead responsible and communal lives, not because of some intangible religious edict, but by actually practicing what their teachings require of them. The culture ensures this and their spiritual tradition cautions them that any deviation will cause harm not only to themselves but to others as well.

Indigenous spirituality, as such, brings the social, ecological and spiritual context into ailment in a way that distinguishes, but does not separate, human communities, the natural world, and the realm of the spirits power. In keeping with this spirituality, the overriding aspiration, then, of indigenous peoples is to ensure continuity and harmony continuity as a viable people and harmony between human and humans, and between human and nature.

Tenets of indigenous spirituality for governance

The fear of food shortages - the result of living close to the margin - made survival a primary concern of the indigenous peoples. Concepts which served to maintain social and distributive justice thus developed and were given potency by resorting to the supernatural realm. The basis of these concepts was common to all indigenous societies and revolved around three fundamental tenets.

Firstly, it is the acknowledgment that all living things and not just humans, are an interrelated community (the Ainu of Japan call this *ureshipamashor*). Secondly, there is an inherent essence of being human (the South African call it *ubuntu, botho*). And thirdly, that humans have the responsibility towards all others whose wellbeing must always be ensured (the Semai of Malaysia call it *tenhak*)

Indigenous daily behavior is not necessarily directly guided by these fundamental tenets, rather, a system of taboos, rituals, rules and customs are incorporated into daily living such that compliance with them will ensure adherence to the fundamental tenets of indigenous spirituality.

For example, in Semai society there is a whole range of taboos that an individual is expected to abide by. One is *penalig* where the mixing of food from different habitats is forbidden. This ensures that the community's food resources are not ever exploited and that over consumption is not a feature of Semai living. *Terlaig* is another taboo especially imposed on young children to ensure that they do not mock or harm other living beings, especially insects and small animals. To ensure that agreements (to go hunting, to meet at an arranged time and date) are kept, the concept of *srrnlong* is there. Breaking an arrangement without following the customs will place the other party in a vulnerable state, exposing him to injury or harm. And you are responsible for this, as the tenet of *tenhak* dictates. Similarly, *hoin* - not a taboo but a concept - requires that the other party's desires

and wishes be considered paramount over your own and that they be satisfied to as best as possible.

All these taboos and rules of behaving are adhered to in indigenous communities simply because the adherent believed in them and the effects of the wrath and anger of the spirits should they be violated. However, concepts, rules and taboos do more for indigenous society than just ensuring good individual behavior. They lead to practices, processes and institutions through which all in the community participate and determine the economic, political and social mechanisms that distinguish traditional indigenous societies as autonomous and self-determined, as egalitarian and sustainable. These conditions allow individuals in the community to articulate their interest, exercise their legal rights, meet their obligations and mediate their differences – contributing to what is fashionably referred to as good governance.

Thus the tenet of *tenhak* extends your responsibility to that of ensuring the wellbeing of all others (and not just your neighbors) over and above that of your own. Over-accumulation would therefore be frowned upon as it implies that some resources were kept back when it could have improved the lives of others. And because all things in nature are interrelated parts of the community, the indigenous spirituality requires that the environment and all things in it are to be protected and cared for.

A closer look at the rationale behind the various taboos and customary rules will reveal that the indigenous spirituality that oversees its form and purpose, abhors practices and behavior that do not protect and care for the sustainability of nature and all things in it.

Over-consumption, treating living things (including human) poorly, creating inequalities or allowing wide inequalities to exist, are all to detested and shunned. This, after all, is what the essence of human means.

It follows then that the concepts that determine individual and communal behavior would also ensure that in the organizations of the community, there is equitable use and sharing of resources, that leadership is by consensus, that aspirations to accumulate and expand excessively are loathed, and that violence or the use of violent means to achieve a goal is not an option. Failure to live by it is to abdicate responsibility and deny the way of life.

Thus, for example, political leadership in traditional indigenous communities in the normal sense of the term is absent. Instead there is a great respect for the elders because of their experience and the knowledge of the culture and the land. They are also sought and acknowledged because of their generosity and because they have proven their ability as keepers of the traditions. A traditional indigenous leader is also likely to be the community's link with the spirit world.

Indigenous authority, as such, is not based on the democratic principles of representation and majority. Rather, indigenous leaders act as cultural intermediaries with mainstream society and are entrusted with a mandate from their

communities and peoples. Decisions often took a long period of time because the principle of collective consensus was viewed by the community as an essential part of the decision-making process. Indigenous leaders had no authority to make independent decisions and act more as spokesperson of their people. All these terms form the nature and content of indigenous spirituality that provide the philosophical basis and practical guide to individual and communal living – to governance – in the traditional indigenous community.

Indigenous peoples, for their part, show their acceptance of the traditions and culture by believing in, and complying with, the gamut of taboos, rules, concepts and rituals that embody indigenous spirituality. They do this because, as we mentioned earlier, they are united in their common goal: achieving continuity as viable people and attaining harmony between humans and with nature. It is not surprising therefore that with indigenous peoples particularly, children feature prominently in all their considerations. They do not want their children or their children's children to be deprived or burdened by their present action or inaction.

Did indigenous (spirituality- guided) governance work?

Traditional indigenous societies have been self-sufficient, self-governing, peaceable societies before the impact of the present-day dominant ones. While their degree of prosperity may not match our current standards, they were certainly autonomous communities exercising their right to self-determination in their specific traditional territories.

The indigenous governance system was one of self-identity and self-authority where regulation and control of society was internalized. Indigenous governance as such extended, but was not confined, to material and spiritual control of territories, relations with nature, spirituality and sacred, as well as strategies for survival and the future.

Religion, economic, politics and governance were all intertwined, despite the absence of a hierarchy to account to, or to answer to.

The centrality of the land in their material and spiritual existence also meant that people were obligated to act as custodians of the earth, a role they undertook with much direction from the guardian spirits of the land, and was thus interlinked with indigenous spirituality and culture. And although egalitarianism characterized communal life, the individual had significant personal autonomy with an equally strong obligation to the community – simply because the family of the clan was the basic unit of governance and the welfare of the community depended on the strength of the individuals within it.

Traditional indigenous methods of governance as such primarily focused on maintaining and promoting the common good and were in place to deal with immediate issues facing the survival of the community. Similarly, harmony was

a fundamental value because conflict would threaten the survival of the community. Penitence and forgiveness, for example, usually involved a long process of deliberation on a transgression, and was never by itself just a personal affair. They concerned, and involved, the whole community.

The relatively small size of the community however did allow for these values and practices to be realized. Nevertheless, traditional indigenous governance did work, and can still do so.

Contemporary challenges to indigenous governance

It is often said that the main cause of our global problems today is because of greed, excessive greed.

But greed is not the main cause. Greed instead exist because of the absence of the sense of being human, *ubuntu botho*, and the rebuff of the overriding tenet of *tenhak* causing individuals to no longer feel responsible for others, including those in faraway lands

The challenges to indigenous spirituality – and, it follows, indigenous governance – are several and disparate. They include the usual fiends of modern globalized society: individualism, consumerism, globalist, commercialization, and such.

The intrusion of these new values onto traditional indigenous society has two significant effects on indigenous spirituality. One, because religion, nature and livelihoods are habitually regarded as commodities, the mainstream society regards indigenous spirituality and indigenous societies as backward civilizations drowning in superstition and paganistic rituals, and as obstacles in the path of modernization. Partly as a result of ignorance, partly out of arrogance, indigenous spiritualities are treated by the outsiders with condescension and scorn. Indigenous spiritualities are also not recognized as true religions on part with the other mainstream religions.

Two, as a consequence of such treatment of indigenous spirituality by outside factors, indigenous peoples themselves have a low regard of their own traditions and spirituality and as such succumb to the temptation to abandon them for new mainstream ones.

Furthermore, with their lands not secured from expropriation and appropriation by others, indigenous peoples become separated from their traditional territories, the very ecological niches that gave rise to their specific indigenous spirituality. Divorcing indigenous peoples from their traditional lands is in effect asking them to leave their location-specific spiritual traditions behind. This seemingly “superstitious” logic is captured well in the world of a Mexican native healer, Leandis, when he explains:

If we didn't do the ceremonies, it wouldn't mean the plants wouldn't bloom that year. It would mean we should stop having that respect and giving that praise. Then we stop having food to eat because we would lose respect and cut down the rain forest, pollute the water, and destroy the balance. That is the real truth behind this message.

Response of the indigenous spirituality

Indigenous people have had to contend with the expansionist designs of the world system and religions. Sometimes, these designs are initiated and supported by the state making it very difficult for small, frequently isolated communities to counter these threats.

Indigenous peoples affected by such threats generally fall into two categories: those who rejected their indigenous spiritualities in favor of the modern systems and now want to reassert their indigently; and those who have always kept and practice their indigenous traditions and spiritualities, and still want to do so.

For the former, the recovery of traditional aspects of the indigenous spirituality is seen as an important step towards reasserting their indigenous origins. Some do so for the sole purpose of identifying with their birth origin, others for the birth rights that come with being indigenous in particular situations. Unfortunately, such recovery of traditions and spirituality is largely confined to ritual acts and symbolism, not to the fundamental core of indigenous spirituality. For this group, the resort of revitalization of indigenous spirituality is a proxy fight for their rights, especially the right to their land.

The fight for their traditional lands, nevertheless, remains a common feature of all indigenous peoples. For most, however, it is borne out of the realization that their culture and their spirituality – and, it follows, their identity as a specific people – are directly linked to a specific ecological niche *viz* their customary or traditional land. The dispossession of the indigenous peoples from these lands effectively implies divorcing them from the basis of their indigenous spirituality.

Thus, the protection of the indigenous traditional lands goes hand-in-hand with the recovery, assertion and observance of their indigenous spirituality. For this, some indigenous peoples are willing to give up their lives. Others seek the usual avenues available to them, including resorting to the courts.

The irony is that it is the very nature of indigenous spirituality – to be peaceful, accommodating, non-aggressive, non-opportunistic – that is their biggest bane. Keeping true to their indigenous traditions often means that they are no match to the other (governments, colonials, developers, entrepreneurs, for example) whose own operating rules and religious traditions do not restrain them from taking advantage of the situation and so further marginalize the indigenous person.

The future role of indigenous spirituality in governance

The aim of good governance is to bring about the transformation of society along desired political, economic, ecological, social and spiritual goals. Politically, this would involve the genuine democratic participation of all individuals; economically, it is the shared ownership of the means of production; ecologically, it is the wholeness and interrelatedness of humankind and nature; socially, it is the restoration of community belonging and co-responsibility; and spirituality, it is the maintenance of harmony and wellbeing between fellow human beings and between human beings and nature.

People and their environments are apparently not the focus in governance anymore. The present human and environmental crisis is, after all, the direct result of human over-consumption, human disruption of natural cycles, and human simplification of eco-system – all being allowed to occur because there is no accounting to a higher ideal or higher spirituality

If good governance is not being practiced today, perhaps a corrective should be sought in the libraries of the other worldviews and other traditions than those currently being subscribed to. Certainly, for governance to be considered good in practice, its philosophical basis should be spiritual in inspiration. That of the traditional indigenous spirituality can offer an alternative; or at least an alternative way of considering the problem, just as the indigenous knowledge and management systems pertaining to the environment have come to be accepted as viable alternatives to existing systems

The key to spirituality-inspired indigenous governance, however, remains that of small, localized community. Perhaps in this regard we should move towards allowing people to govern themselves via their local governments or in their autonomous areas. For a start, we need to keep entities small, sustainable and consensual. Indigenous peoples have proven that this is possible.

Indigenous peoples have much to give to humankind about living in harmony and equilibrium with other humans and with the environment. They are willing to share this knowledge, this understanding of the purpose of living, but will not embark on activities to propagate them in an evangelical way.

Indigenous peoples know they have something good, something workable, and they are willing to share this – if only we are willing to accept them.❖



A Modified Socio-Cultural Development Index (SCDI) for the Aytas of Kanawan, Morong, Bataan, Philippines

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THE LONG-TERM IMPACT OF DEVELOPMENT INTERVENTIONS ON AN indigenous community like the Kanawan Aytas of the Philippines is difficult to assess. Standard economic indicators are not applicable to a predominantly non-monetary economy and the widely accepted Human Development Index (HDI) does not include a cultural indicator. For the Kanawan Aytas, the most important factor in assessing cultural integrity and heritage is the communal ownership of land, followed by the Magbukún language, their traditional way of choosing a tribal leader, customs, rituals and ceremonies, and their traditional costume and tools. To address this deficiency in the HDI, a modified socio-cultural development index (SCDI) was designed to help assess the effect of future biodiversity and natural product science development projects on the Ayta community. The SCDI is a composite of four indicators that are weighted according to the Aytas' consensus: 40 percent cultural integrity, 30 percent education, 20 percent income and livelihood, and 10 percent health.

Using this formula, a relatively low value of SCDI (0.524) was obtained for the Kanawan Aytas despite the high value and indicator weight of cultural integrity (0.889 out of a possible 1.0.) The low SCDI reflects the poor educational status, poor economy and poor health statistics of the community. However, because of the weighted indicators, even relatively large improvements in health and economic indicators can be negated if cultural integrity is perceived to diminish. It is hoped that this modified index, as well as the general approach to interacting with an indigenous community, can be used as a model for future development assessments elsewhere in the Philippines and the world.

Introduction

How can we ensure that your proposed activities will not damage our culture?

This was the concern raised by an Ayta leader, Belen Restum, when a public forum was held on 17 January 2004 at Bataan Technology Park Incorporated (BTPI). The purpose of this meeting was to discuss possible future tribal participation in an international project on biodiversity and drug development in the Philippines. As a member of the Ayta tribal council and chairman of the people's organization, Sakanekan, Belen Restum had very serious and valid concerns for her tribe at the Kanawan Reservation in Morong, Bataan.

The International Cooperative Biodiversity Group (ICBG) program is a United States National Institutes of Health (NIH) program co-sponsored by many NIH Institutes and Centers, including the National Science Foundation and the U.S. Department of Agriculture. The purpose of this program is to partner with colleagues in other regions of the world to build scientific and economic infrastructure, based on exploration of natural resources through modern drug discovery methods, including the study of traditional ethnobotanical medicines.

In 2003, a team of investigators representing the University of the Philip-

UP and Michigan State University (MSU) were awarded an exploratory grant to seek possible ways in which to include the Kanawan Ayta people in future natural product research projects. ICBG investigators of UP and MSU presented the project objectives and activities to officials and members of government agencies, non-governmental organizations and people's organizations. Many meetings and consultations with the Aytas were held at Kanawan and the nearby BTPI over many months to discuss community involvement in the identification, collection and processing of medicinal plants. Benefits, intellectual property rights and ownership of biological resources in their ancestral domain were discussed in view of the Philippines Indigenous Peoples Rights Act of 1997 (IPRA).

The Human Development Index (HDI) is the most widely used tool for inter-country comparison of development. It has been used by United Nations Development Program (UNDP) since 1993 for measuring development along the dimensions of life expectancy at birth, knowledge as measured by adult literacy rate and enrollment ratio, and standard of living as measured by Gross Domestic Product (GDP) per capita (Cahill 2000, UNDP 2004).

However, the development indicators used in assessing HDI are not directly applicable to indigenous tribes like the Aytas of Kanawan. For example, GDP does not take into account non-monetary economy such as bartering, food gathered from the forest, small farm production for home consumption or production of goods at home for community consumption. Life expectancy at birth can be skewed by high infant mortality rates. Even the concept of functional literacy is different. Furthermore, HDI does not include a cultural indicator, a very important concern of the Aytas.

Thus, the Ayta leader who articulated tribal concerns about a new development project, highlighted a very important potential problem that must be addressed to measure the "success" or "failure" of a modern drug discovery project from the Ayta perspective. To help assess the project's impact on the Ayta community, we have formulated a composite development index reflective of the status of the Aytas' social, economic and cultural priorities as defined by the Aytas themselves. This index will be used as a benchmark against which effects on the indigenous Ayta community will be assessed at key stages of any future projects.

Methods

The gathering of accurate information concerning life expectancy, culture, livelihood activities, and other development indicators require participation of the whole community. Since there are very few written records of this tribe, it is critical to have input from elders, tribal leaders and household representatives. The methodology described below has been arrived at over time, taking advantage of a long-standing and preexisting relationship between some of the ICBG team-members and the Ayta community. These methods were developed keep-

ing in mind both respect for the community members and attention to the methodological considerations necessary to validate results. Over the span of 10 months, several consultations, workshops and interviews were held in the Kanawan Reservation or BTPI as indicated below.

Date	Participants
Apr 24, 2004	Tribal council, elders, and community members
Sep 21, 2004	Tribal council, elders, and community members
Oct 30, 2004	Tribal council, elders, and community members
Nov 13, 2004	Tribal council, elders, and community members
Jan 15-16, 2005	Tribal council and elders
Jan 16, 17, 18 & 23, 2005	High school students and parents
Feb 5, 2005 Feb 12, 2005	Tribal council, elders, and community members Elders, Sakanekan officers and representatives of the tribal council

The ICBG team's social scientist, BM facilitated all consultation-workshops and held interviews. One of the Ayta 4th year high school students wrote the minutes of the meetings. BM has established a very good relationship with the Aytas and has gained their confidence through many months of living and working in the community. He is stationed at the dormitory for volunteers in the BTPI, sleeps periodically with an Ayta household in Kanawan, and tutors high school students staying in the dormitory for Aytas. Although the Aytas talk freely with BM, most Ayta do not freely express their views and selectively withhold information unless they are very familiar with all persons in a meeting. For this reason, other project scientists did not attend the above workshops.

At the start of each workshop, BM presented a tentative list of topics and the Aytas suggested other topics before the group agreed on a final agenda for the day. The discussions are usually led by an elder in a non-formal atmosphere so that other community members were free to ask questions, add details or make corrections. Important information mentioned by the Aytas during the discussion was noted on a blackboard. At the end of the discussion session that usually lasted four to six hours, BM verified with them and summarized the information given by the participants. When necessary, information was verified with new participants who were unable to attend the previous meetings.

The research objectives, plan of activities, and examples of ways they might participate in the ICBG project were explained to the Aytas during the first meeting. To obtain their cooperation in assessing the community's baseline development status, Belen Restum's concerns for the Ayta culture were discussed at length.

Results

The Ayta Traditional Way of Life

The Aytas belong to the “negritos” group, who are short, dark-skinned and curly haired. Traditionally, they are semi-nomadic, living in small temporary settlements with a simple political structure (Amazona 1951, Jacano 1998, Santos-Acuin et al. 1997). They subsist only by foraging, gathering, hunting, fishing, and occasional gardening. As semi-nomads, they live and roam within a forest area referred to as their ancestral domain. The Ayta settlements are generally located near rivers and creeks for easy access to water. The houses made of branches of trees, bamboo, dried banana leaves, rattan and other plants are built relatively far apart from each other to have space for planting vegetables, bananas and other crops in their backyards.

The Aytas practice swidden farming (temporary clearance of land) to cultivate supplementary food sources especially during seasons when no food can be gathered from the forest. They fallow the land for a period of time to let it recover and become fertile again. When the soil nutrients are exhausted, when no wild pig, deer and fowl can be hunted or when edible plants are not in season, they move on to another place. When the Aytas relocate, they only bring with them important tools. Usually they just abandon the area leaving almost everything behind as they look for another place where resources are plenty. They migrate from one area to another within their domain but they may return to land previously farmed when it becomes fertile again.

Women are in charge of planting and harvesting while the men are tasked to clear the fields aside from hunting and fishing. Women do household chores while men perform labor-intensive work. However, women also fish and collect shells. The children play together and are close to one another. At an early age, the boys are trained to hunt, gather edible and medicinal plants, and collect honey and other forest products.

The Aytas live in harmony with nature because they consider themselves a part of nature. They use the forest as the source of food, medicine, firewood and building materials for their houses. They generally do not gather more than what they will need for a few days. Also, the concept of individual ownership is foreign to the Ayta culture and land is considered a community property. Food is equally divided among family members. The head of a wild boar or deer serves as a reward that goes to the individual who hunted the animal. Leftover food is kept for the next day, shared with other community members or sold to non-Aytas in exchange for rice and other supplies. The sick and disabled are provided food and pregnant women receive twice the amount of food for the nourishment of their babies.

The Ayta settlement in Kanawan, Morong, Bataan

With the creation of the Bataan National Forest in 1945 (Reversing Environmental Degradation Trends in the South China Sea and Gulf of Thailand 2004) and the declaration of Kanawan as a Negritos reservation in 1987, the Ayta settlement is now restricted to a 165 hectare area (N 14° 42', E 120° 14') on a denuded mountain ridge in the northwest side of the Bataan National Park. In 2004, the Department of Agrarian Reform issued a Certificate of Land Ownership (CLOA) for the Kanawan Negritos Reservation.

Although the settlement is restricted to the reservation, they are still free to gather food and other materials from their ancestral domain that covers about 10,000 hectares including the Bataan National Forest (Figure 1). The project's social scientist was asked by the Aytas to help document all the information legally required for filing an application for a Certificate of Ancestral Domain Title (CADT) via the Philippines National Commission of Indigenous People (Indigenous Peoples Rights Act 1997).

Kanawan is on a ridge of Mt. Silangan located across the Batalan River from the Bataan Technology Park. The main access to the reservation is a hanging bridge made of steel cable and wooden planks that weather and break when the load is very heavy. The path from the hanging bridge up the ridge to the village is very dusty during the dry season and becomes a muddy and slippery path during the rainy season. A much longer narrow dirt road formerly used by loggers is passable by trucks and 4-wheel drive vehicles only during the dry season.

All houses in Kanawan originally had grass roofs but after a fire that gutted the whole village in 1992, most Aytas shifted to galvanized iron roofs. A few houses still have grass roofs; but again one of these houses burned to the ground in 2004. Every summer the village is threatened by wild fires from the parched grassland surrounding the village. The village has an elementary school and a Christian chapel. There is a small basketball court, a day care center and a multipurpose 1.5 by 3 m concrete structure that has served as a temporary home for families and at one time as a library.

Demographics

Kanawan has a small population of 289 people of which 52 percent are males and 48 percent are females. Overall, there are an estimated 2,000 Ayta living in Luzon Province, Philippines. The people are categorized into three types: the *purong* Kulot (pure Ayta, "curlies"), *mestizong* Kulot (result of intermarriages), and the Unats (straight-haired people), which comprise 51 percent, 17 percent, and 32 percent of the population, respectively. The age distribution of the three groups shown in Figure 2 is: infants 0-5 years old, child 6-12 years old, adolescent 13-19 years old, young adults 20-35 years old, old adults 36-60 years old, and those aged 61 years and above. Of 64 households, 35 (55%) are pure Kulots, 14 (22%) are mixed marriages, and 15 (23%) are Unat households (Table 1).

Drinking water in the village comes from a one-inch pipe from the spring at the origin of the Kanawan River, a tributary of the Batalan River. The parents, children and pet dogs walk about 1.5 km on a rolling hill then down to a steep path to a secluded part of the river that has big rocks and nice natural pools for their Saturday laundry, swimming and socialization. The availability of water and sanitation is a major problem in the Ayta community (Table 2). Out of 63 households only 12 have direct access to water, seven households have sanitary toilet, and three have dishwashing area.

There is no health center on the Kanawan Reservation. Pregnant and nursing mothers are assisted by the traditional Ayta midwives and healers. For more serious cases, a patient must seek medical assistance at the Morong health center about seven kilometers away from the Ayta community. The very seriously ill are carried with a hammock from the village down the Kanawan ridge then across the hanging bridge for a tricycle ride to town. Cases that cannot be handled by the municipal health center where there is only one medical doctor are brought either to Olongapo City or Balanga, the capital of Bataan. Fuel for the ambulance are paid for by patients or requested from the office of the mayor. Between 1980 to 2004, 39 deaths occurred. Of these, 13 died at the age of 25-82. The mortality rate among children is alarmingly high for the same period.

Out of 185 live births, nine survived less than a week, four lived up to two months and 13 died before the age of one year. The way of life in Kanawan has not changed much since the 80s and according to Binaritan health workers, the cause of children's deaths in Kanawan is primarily lung infection. Data obtained from the nearest health center showed that 49 percent of Kanawan children less than 6 years of age are underweight (Table 3). The estimated infant mortality rate (IMR) is 26 out of 185 or 141 per 1,000 live births for the above period. By comparison, IMR values of other Philippines indigenous groups for which data exists are: 63 per 1,000 for the Apayao, 67 per 1,000 for the Ifugao and 65 per 1,000 for the Kalinga, all three groups residing in the Cordillera Mountains.

For the purpose of assessing development status, we arbitrarily assign a rating of 1.0 to 1 percent infant mortality and a rating of 0.0 to 20 percent infant mortality. On this scale, the Kanawan Ayta IMR of 141 per thousand (14.1%) is equivalent to a rating of 0.300. For populations like the Kanawan Aytas where infant mortality is high, one approach is to calculate life expectancy at age 10 instead of at birth as a measure of other factors that affect longevity. Among the Kanawan Aytas, the average life expectancy at age 10 is 48 years. This computation is based on deaths in Kanawan over a period of 24 years and therefore not from a single cohort. In the absence of better data, we used this for estimation of Life Expectancy Index (LEI). The computation of LEI using the data for life expectancy at age 10 was done using the formula given by the National Statistics Coordination Board of the Philippines (NSCB) but with the value of 25 for minimum life expectancy at birth and 85 for maximum life expectancy at birth adjusted to life expectancy at age 10. Thus LEI for the Aytas of Kanawan was

estimated as $(48-15) / (75-15)$ or 0.550. The average of IMR and LEI, 0.425 is used here as the health component of SCDI.

Cultural Heritage and Integrity

Cultural integrity refers to the adherence of indigenous Ayta communities to their traditions and customs, and their ability to speak the tribal language. The Kanawan Ayta elders and leaders are apprehensive about the eventual loss or disintegration of their culture if the current trends cannot be reversed. For the Kanawan Aytas, the most valuable cultural heritage is communal ownership of land. Apo Alipon, father of the Magbukún tribe, admonished his descendants to preserve this heritage before he died. At the last big gathering of his descendants in Kanawan, Apo Alipon gave this advice:

.....You from my tribe, this is what you should do for all time. You should love one another, help one another, care and respect the land I gave you, plant (crops and trees), take care and nurture the land, and maintain it as a community property.

The increasing interaction of Aytas with Unats has brought positive and negative consequences. The Aytas are overcoming their shyness and they are becoming more sociable. On the other hand, only 40 percent of the younger generation can speak their native language, Magbukún.

Next in importance to communal ownership of land is the Magbukún language, followed by customs and traditional rituals, ceremonies, costumes, and tools. The Ayta elders agreed that the customs, traditions, values, traits and behavior (Table 4) have been passed on from generation to generation since time immemorial. The decline in the practice of traditional Ayta tool building, such as the use of *ú was* and *yaw ús*, is blamed on the introduction of modern tools. Switching from *úwas* to matches and lighters is inevitable. Instead of using *yawú* in hunting, they use snares. Fishing was formerly done by women kneeling on the river bed and using their hands to drive fish from under a rock toward their *pahilin*. The Aytas believe that they can no longer efficiently catch fish in the traditional way because of over fishing by non-Aytas who use illegal methods such as explosives and electrocution.

Kagon, a ritual, to drive away bad spirits that cause illness is still practiced by women "who possess the good spirits to heal the sick." However, many other rituals and dances are seldom performed. For example, *langu-langú*, the traditional wedding ceremony is no longer practiced under normal circumstances. In the past two years, *langu-langu* was presented on only three special occasions. Financial constraint is the major reason why new couples opt to celebrate with a simple civil or church wedding instead of the traditional ceremony that involves the entire community. Upon the death of an Ayta, plywood coffins are now used in place of the traditional *layan*, a coffin made of lauan bark. Similarly, the traditional embalming process using crushed santol bark and lime is no longer practiced. Wearing traditional costumes such as *bahag* (G-string), *pahilin*, and

manik can now be seen only in cultural presentations. These garments are no longer used in everyday life but the Aytas still possess them.

In summary, relative weights are given by the Aytas to various cultural indicators (Table 5). For each indicator, the Ayta discussed and assigned a percent value for cultural integrity. This was then given an equivalent rating on a 0 to 1 scale. Taking the weighted average of all indicators gives a SCDI cultural component value of 0.889.

Education

The educational level of the Kanawan Aytas admittedly is very low. The first elementary school in Kanawan was constructed in 1996 through the effort of Lawrence Ong, a volunteer who continued working with the Aytas after the nearby Philippine Refugee Processing Center of Morong was closed in 1994. Ong was instrumental in obtaining funds from the local government for the construction of the first school building consisting of two classrooms in Kanawan. The Aytas named this building after Lawrence Ong after he passed away in 2001. With Ong's guidance, the Aytas donated the building and a piece of land designated as school grounds to the Department of Education (DepEd). The formal turnover to DepEd made the school eligible for a government budget to support teachers and school improvements. Eventually DepEd constructed an additional school building with two classrooms and a one-room building now serving as the teachers' office and library. The availability of these new facilities greatly increased the enrollment rate in elementary school among Kanawan children.

The enrollment rate in high school was very low until several years ago when the Bataan Center for Innovative Science and Technology, Inc. (BCISTI) obtained private donations for the education component of the volunteers' Rural LINC program. BCISTI established a dormitory for Ayta high school students, which is supervised by the ICBG project's social scientist. Together with UP volunteers and NSTP students, ICBG staff provides tutorial services to help the Aytas adjust to a high school curriculum. For the first time in several years, a Kanawan Ayta graduated high school in April of 2005. He is now a college student at the Bataan Agriculture State College in Banas, Bangkal at the other side of BNP. In Banas he stays at his relative's house and his tuition fee is provided by the Project Development Institute (PDI).

The educational attainment of Kanawan residents, 15 years old and above is shown in Table 6. The proportion of high school graduates among them is 2/95 (0.021) and there are no college graduates. The enrollment ratio in elementary and high school among Aytas 6 to 19 years old is 49/68 (0.72) and the literacy rate among those 15 years old and above is 31/95 (0.33). We define herein as literate those who have at least gone through grade 3 since after grade 3, most Ayta think they can already read and sign documents. Thus, the average of these values gives an overall rating for the SCDI education component of 0.268.

Income and Livelihood

The livelihood of the Kanawan Aytas is primarily dependent on nature's bounty. Since time immemorial, the Aytas were free to fish, forage, and hunt within the ancestral land (Figure 1) ranging from Boton River of the Subic Bay Freeport Zone to the peak of Mt. Natib down to Gantuan River of Morong, Bataan. This forested area covers approximately 10,000 hectares of the Bataan Natural Park. Ideally, this vast land is enough to support the basic needs of a small indigenous community. However, due to previous logging activities, the encroachment of local hunters and settlers, hunting and honey gathering has become less and less productive.

Presently, the livelihood activities of the Aytas vary depending on Bataan's distinct wet and dry season (Table 7). During dry season when most of the flowering plants bloom, the gathering of mountain or wild honey begins. Usually this is from late December or January until May. Honey gathering is considered by the Aytas as one of the most profitable livelihood but signs of over gathering are becoming evident. It has become more and more difficult to find hives and these are becoming smaller. For those who have irrigated land, planting rice is the main livelihood activity in the dry season.

The ideal time to plant upland rice, camote (yam), corn and vegetables begins in June, the start of rainy season. Hunting of wild pig and deer is favorable from June to December whereas fowl and other wild animals are hunted throughout the year. Table 8 shows the various crops planted in Kanawan. September to November is harvest season, the most abundant time of the year. However, one Ayta father commented that even after a good harvest he does not give his children three meals. If they get used to eating three meals a day, he will have problems during the lean months of June to September (*tag-gutom* or "season of hunger").

The Kanawan residents are engaged in the various economic activities listed in Table 9. The main sources of income include farming, gathering food from the forest and employment either in the Subic Bay Freeport Zone or BTPI. Two Ayta families and two non-Aytas have small sari-sari (general) stores. Four households are involved in a communal beekeeping project initiated through funds from a DOST (Philippines Department of Science and Technology) grant. The small apiary in Kanawan will be used for training other Aytas, particularly the high school students and as a base for expanding beekeeping as a sustainable means of livelihood. The missionary and the daycare teacher aide are Aytas from Zambales (different Ayta subgroup.) All teachers at the Kanawan Elementary School are Unats who do not reside in Kanawan.

Estimation of an economic index value for SCDI was based on the income of households with at least one employed member and a valuation of the monetary equivalent of the food - 1 to 2 meals per day at eight Philippine pesos (PhP55 = USD1) per person per meal, utilities, educational expenses of those who depend

on farming and food-gathering from the forest. The total income of employed Kanwan Aytas is P1,500,700 and the total income of other households is P1,238,700. This gives a total income of P2,739,400 for a community of 297 Aytas and an average yearly per capita income of P9,220 (Table 9).

This translates to \$0.47 per person per day. By comparison, the World Bank's definition of extreme poverty is an income of less than \$1 per day (Economic Indicators-Sources and Definitions, Development Data Group, World Bank Indicators, 2002). A future development target would be to improve the Aytas' economic status to the next poverty line of \$2 per day, referred to by Sachs as moderate poverty (Sachs 2005). This is equivalent to P110 per person per day or P40,150 per person per year, an income that can provide three meals per day, education up to high school and other basic expenses. When the \$2 per day target is assigned an SCDI rating of 1.0, the current income of P9,220 per person per year is equivalent to a rating of 0.230.

Discussion

A Modified Socio-Cultural Development Index (SCDI)

New development indicators were suggested in light of the holistic development framework of the BCISTI-UP volunteers' Rural LINC (Rural Livelihood Incubator) program. Rural LINC is a program developed by BCISTI with the help of UP volunteers to address the needs of underserved and marginalized communities who are interested in considering new micro-enterprise opportunities. Indicators were presented to the tribal council and elders for approval, comments, and suggestions. Indicators were grouped into two categories: cultural and socio-economic. The Human Development Index (UNDP 2004) (UNDP 2002) uses life expectancy at birth as one of the indicators of the quality of life. We define SCDI as the composite of cultural integrity, education, income and livelihood, and health components. The Aytas discussed the relative importance of the socio-cultural indicators and decided to assign the relative weights shown in Table 10.

Although cultural integrity has a high rating of 0.889, the low values of the other indicators (i.e., health, economy and education) reduce the composite SCDI score down to 0.524. This current value will be the benchmark against which the effect of development on the Ayta community will be assessed. However, because of the weighted indicators, even relatively large improvements in health and economic indicators can be negated if cultural integrity is perceived to diminish. The relative weights of indicators are expected to differ for other communities depending on the priorities, values and aspirations of their members. Thus the absolute value of SCDI cannot be compared among communities. What is important will be the use of changes in SCDI value (Δ SCDI) to assess the impact of development measures on the community.

For Kanawan Aytas, the most important cultural feature is their communal ownership of the reservation and their ancestral domain. If land is parceled to individual ownership, there is great danger that these will be pawned and eventually sold to non-Aytas in times of need. The Kanawan elders worry about the possible disintegration of their culture, which is already happening to some extent in a few Ayta communities of Bataan. Without a contiguous land, members of the tribe will be scattered and eventually lose their cultural heritage. Therefore, obtaining a certificate of ancestral domain title is a high priority for tribal leadership, as the Ayta feels this will be a major step toward their legal rights to control their ancestral lands.

Summary

To assess impact on the Ayta community, we proposed a composite SCDI that includes indicators deemed important by the Aytas themselves: cultural integrity and social well-being. Educational status, food production as a source of income, community facilities, health services, and security all contribute to the social well-being of the Aytas. The community's development as measured by these indicators will be reflected by a gain in acceptance and respect for Aytas by the dominant non-Ayta population. A numerical value of SCDI was calculated. Thorough documentation of community values is critical to understand the development of a modified development index.

The rating of each cultural indicator was carefully discussed and validated by the community leaders and elders before assigning its value. In this way, the Ayta community hopes to ensure a fair assessment and judgment of their culture from the point of view of the "insider" – one they can project and articulate their preferred views to "outsiders" looking in at the Ayta culture. Information collected was gleaned from several years of interaction between the Aytas and those who go regularly to the reservation in connection with Rural LINC program, volunteer employees of BCISTI, volunteer alumni and students of UP Diliman. In the final analysis, it is clear that Ayta traditional knowledge and desire to use nature's bounty as a central theme in their culture, has proven to be in complete accordance with modern principles of sustainable development.

This modified index is necessary for carrying out an assessment of the impact of an ICBG or for that matter, any development project involving the Ayta. Discussion and opportunity for community input is instrumental in generating and sustaining understanding and cooperation on the part of the Ayta community. To sustain the positive impacts of future development projects, Aytas should be empowered to resist encroachments on their culture and land. Maintaining a balance between cultural integrity and economic development is a sensitive task. To be successful in the long term, a holistic development plan would seem to be the best strategy. Problems of non-monetary economies and the importance of cultural integrity are by no means unique to this Kanawan Aytas. Therefore it is hoped that the methods and rationale for measuring a modified

SCDI can be applied more generally to the task of assessing development program outcomes in other indigenous communities of the world.❖

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Annexes

Figure 1. Ancestral domain of the Kanawan Ayta of Morong, Bataan.

The Kanawan Aytas estimate their ancestral domain to be around 10,000 hectares. The boundary extends up to (1) Boton River in the Subic Bay Freeport Zone of Zambales to (2) Balingbakulaw (which refers to dwelling of the monkeys), passes to (3) Bakyas, (4) Gumabon, (5) Pigulangin, (6) Palakpak (near the peak of Mt. Natib), down to (7) Tawid-ilog, (8) Bitak, and up to the mountain called (9) Nagbandera (Mt. Silanganan where the Japanese soldiers set their flag), down to (10) Kataybang and (11) Gantuan River. The boundary that divides the indigenous community and local community from Gantuan River passes to (12) Baubot, (13) Manggitara, (14) Binangkula, (15) Kahirukan, (16) Nagbatalan, (17) San Isidro, (19) Lemon, Tagiti, (19) Mabayo, (20) Minanga, (21) Kalaslasan, (22) Ilalim, (23) Aydis, (24) Apaliin, (25) Putol, (26) Triboa, and Boton River.

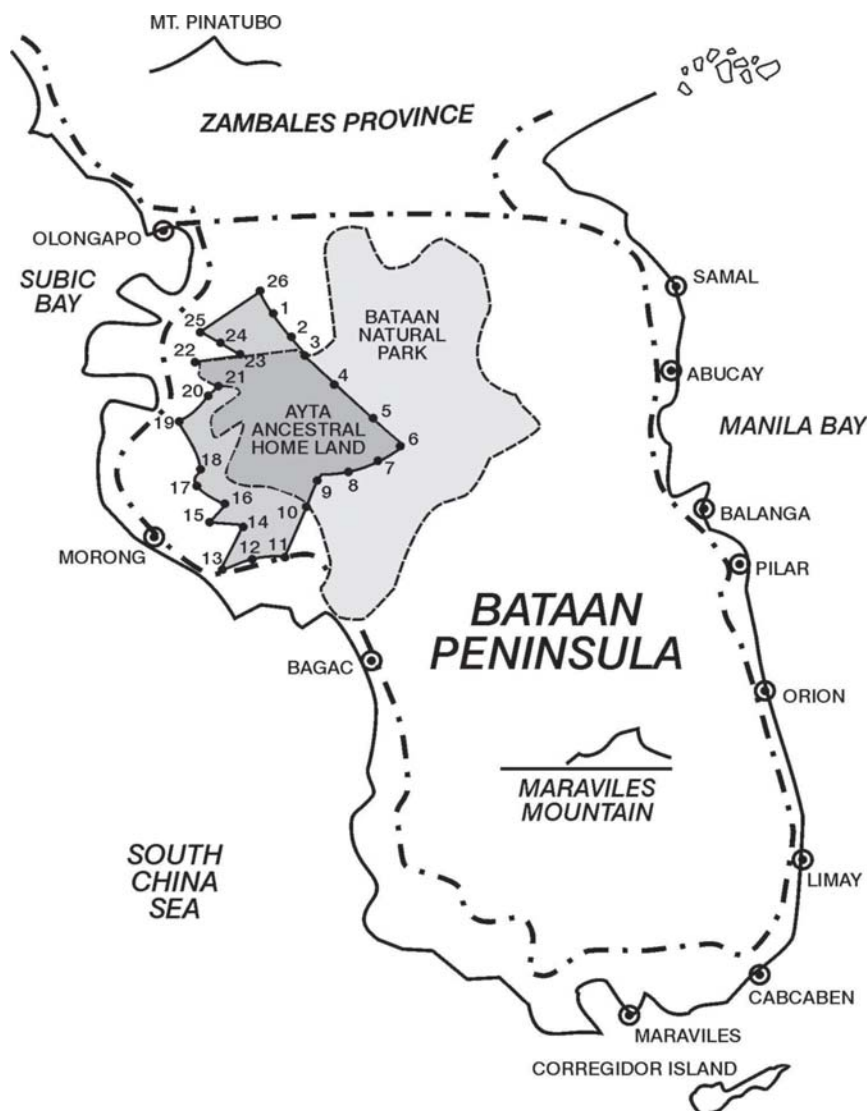
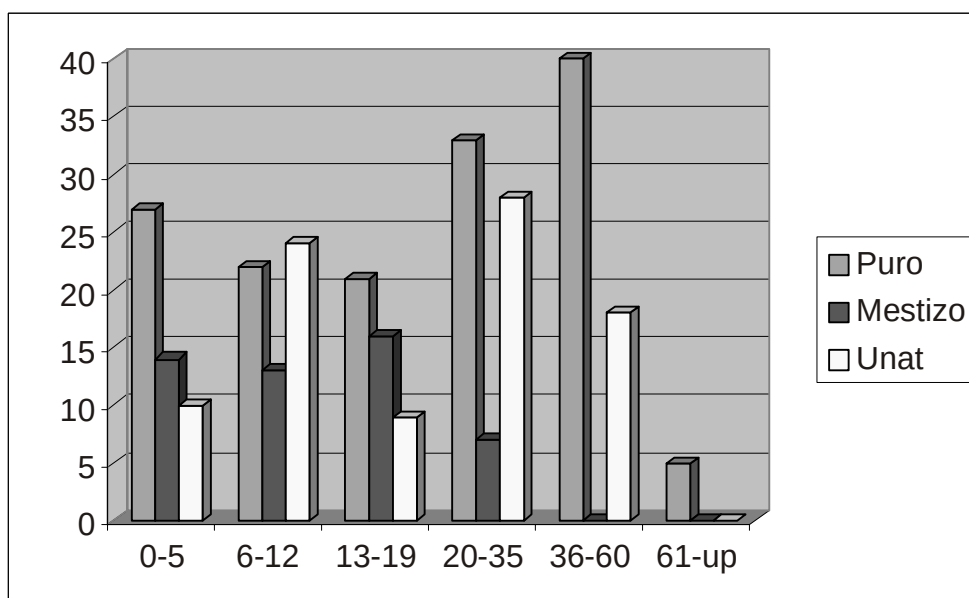


Figure 2. Age distribution of the Kanawan Ayta population**Table 1. Living facilities in the Kanawan Negritos Reservation**

Living Facilities	Kulot (Pure)	Kulot (Inter-marriage)	Unat	Total
Type of shelter				
Concrete	0	0	0	0
Semi-concrete	0	1	0	1
Light materials	35	13	15	63
Total	35	14	15	64
No of rooms per house				
One	29	6	9	44
Two	6	6	6	18
Three	0	2	0	2
More than three	0	0	0	0
Total	35	14	15	64
Appliances				
Television set	4	2	4	10
Refrigerator	1	1	3	5
Karaoke	1	3	1	5
Radio Cassettes	2	1	0	3
Washing Machine*	0	1	0	1
Total	8	8	8	24

* The Aytas insist on listing this although the washing machine is no longer functioning.

Table 2. Water and sanitation facilities in the Kanawan Negritos Reservation

Sanitation Facilities	Kulot (Pure)	Kulot (Inter- marriage)	Unat
No. of households with direct access to water	3	4	5
No. of households with sanitary toilet facilities	1	4	2
No. of households with dishwashing area	1	1	1
Total	5	9	8

Table 3. Weight distribution and diet of Ayta children in Kanawan

Weight distribution of children under 6 years (Barangay Health Center, Binaritan, Morong, 2003- 2004)	
Normal weight	21/41 (51%)
Below normal weight	20/41 (49%)
Above normal weight	0/41 (0%)
Usual diet	Rice, vegetables, salted fish
Average no. of meals per day	1-2 (Kulots)
	2-3 (Unats & intermarriages)
Mean cost of food per person per meal	P 6.00 - 10.00

Table 4. Kanawan Aytas' Assessment of Their Cultural Integrity

Customs, Traditions and Practices	% Integrity*	Rating**
A. Ownership of land by the community as a whole	100	1.0
B. Language: Magbukún		
Old generation	100	1.0
New generation	40	0.4
C. Administration of community by tribal chieftain chosen by elders or out-going chieftain with the consent of elders	100	1.0
D. Customs		
Can not stay put in a place at a given time	100	1.0
Very sensitive	100	1.0
Suspicious of outsiders	100	1.0
Do not put value on material things	100	1.0
Care of environment	100	1.0
Do not harbor hatred against others	100	1.0
Exposes oneself by the fire every morning	100	1.0
Prone to sulkiness	70	0.3
Very shy	50	0.5
E. Traditional Ceremonies and Rituals		
Dances	100	1.0
Tinalipi (a community festivity dance imitating the movements of fish)		
Sayaw bibe (imitating the movements of duck)		
Sayaw unggoy (imitating the movements of monkey)		
Pinanilan (imitating the movements of honey gathering)		
Wedding ceremony	30	0.3
Panunuyo		
Pagsusundo		
Langu-langú		
Amba		
Healing ceremony	100	1.0
Pagkakagon (driving away bad spirit through dances and amulets)		
Usú (chant) to drive away bad spirit causing illness		
Burial Ceremony	30	0.3
Embalming with mixture of santol bark and lime		
Use of <i>Layan</i> (a coffin made of bark of lauan)		
In a wake, continuous trading of riddles		
Usú (chant) to commemorate the dead		

(Table 4, continued)

F. Traditional Costume and Tools		
Use of <i>bahag</i> (G-string now used only by older generation in ceremonies and special occasions)	50	0.5
Use of <i>pahilin</i> (a piece of cloth used by women)	80	0.8
Manik (an ornament made of skin, teeth, or bone of animals like monkey, deer and wild pig; now used only by older generation in ceremonies and special occasions)	80	0.8
Use of <i>yawú</i> (bamboo spear used for hunting)	30	0.3
Use of <i>uwas</i> (bamboo shafts used for making fire)	25	0.25
Use of <i>bayngal</i> (a kind of leaves used as plate)	100	1.0
Traditional musical instruments	10	0.1

Table 5. Indicators used for assessing cultural integrity

Cultural heritage	Relative weight %	Ave. rating
Communal ownership of land	50	1.000
Magbukún language	15	0.700
Traditional way of choosing the tribal leaders	12	1.000
Customs	10	0.867
Rituals and ceremonies	7	0.650
Traditional costume and tools	6	0.536
Weighted average		0.889

Table 6. Educational status of Kanawan residents, 15 years old and above.

Educational attainment: SY 2003-2004	Kulot	Kulot Inter-marriage	Unat
Elementary			
Zero Grade	28	0	0
Grade I	16	2	7
Grade II	9	0	10
Grade III	7	1	7
Grade IV	2	0	3
Grade V	2	0	1
Grade VI	5	1	4
Total	69	4	32
Secondary			
First year	3	2	4
Second year	7	0	5
Third year	1	1	1
Fourth year	1	2	3
Total	13	5	13
College			
Attendance in College	2*	2	0
Graduated in College	0	0	1
Total	2	2	1

Table 7. Typical year-round livelihood activities of the Aytas

Month	Activity
December – May	• Gathering wild honey from the forest • Planting rice on an irrigated land
June-August June – December	• Planting rice, camote, and corn on unirrigated land • Hunting of wild pig and deer
September-November All year round	• Harvesting • Hunting of fowl and other wild animals

Table 8. Crops planted in Kanawan.

Crops Planted	No. of households		
	Kulot	Inter-marriages	Unat
Camote	3	7	1
Corn	13	6	2
Banana	2	3	2
Papaya	1	0	0
Vegetable	2	2	0
Cashew	3	1	0
Mango	1	2	0
Total households involved	25	21	5

Table 9. Employment and livelihood of the residents of the Kanawan Reservation

Employment and Livelihood activities		Kulot	Inter-marriage	Unat
Main Sources of Income				
Farming		35	15	0
Hunting		4	4	0
Wild Honey Gathering		32	15	0
Employment				
Forest Ranger		7	5	1
Ground Maintenance worker		8	2	1
Construction worker		5	0	0
Sari-sari store owner		1	1	2
Total		93	43	6
Other Sources of Income				
Fishing from the river		0	1	2
Missionary Work (2 nd yr college)		1	0	0
Bee keeping		2	2	0
Daycare teacher aide		1	0	0
Computer encoder (Unat)		0	0	1
Total		4	3	3

Table 10. Components of the Socio-Cultural Development Index (SCDI)

Development indicators	Relative weight %	Rating
Cultural integrity	40	0.889
Education	30	0.268
Income and livelihood	20	0.230
Health	10	0.425
Weighted average SCDI = $(0.889)(0.4) + (0.268)(0.3) + (0.23)(0.2) + (0.425)(0.1)$		0.524



Indigenous Women, Culture and Violence Against Women¹

By Ruth Sidchogan-Batani

CULTURE IS A CONTESTED TERRAIN. This is premised on the view that culture is imbued with power. The enduring customs and practices that are expressions of violence against women (VAW) is political; it speaks of cultural relations where power mediates. At the same time, culture is shared but one also has to ask: "Shared by whom?" and "Under what conditions is it shared?" This question is incisive in that "culture" has become the easy escape for the continuity of VAW, sometimes deliberately dropping the context under which this culture endures. This formulation of culture is used to present the enduring gender-based discrimination and other forms of violence against them. The first part discusses patriarchy as a historical and colonial creation; the second part discusses at length, the conditions under which continuing violence against indigenous women in their territories, endures; and the last part forwards recommendations

Patriarchy

The enduring patriarchal system that cuts across the subconsciousness of individuals and groups, accounts for VAW. Patriarchy, the power disparity between men and women, results to dichotomies and gender-based roles that ultimately lead to sexual discrimination to the extent that women are not only looked at as inferior but even justifies the "right and authority of men to use violence against women."

Like other societies, Asia has had diverse history which places patriarchy as socially constructed in history. On closer look, patriarchy is also a colonial construction and reconstruction and this overarching institution continues up to the present. The succeeding waves of colonialism (like nation state building), slowly absorbed formerly sovereign and autonomous ethnolinguistic groups into the patriarchal state. With new power relations, new roles and new relationships between men and women, increasing gap between genders prevail. These introduced new gender-biased texts, vocabularies, gender based roles and practices that reinforced patriarchal relations. In turn, women see it as somehow "their fault and that it is something to be ashamed of." This would have great implications to the curtailment of their rights or in accessing support for the realization of their basic women's rights.

During the second Asian Indigenous Women's Conference held in the Philippines in 2004, women participants shared the view that reproductive rights do not exist in most indigenous communities. Women do not have a say in reproductive issues such as the number of children and when to bear children, with male preference still dominant. In instances where a wife bears only daughters, she is pressured to have more births until a son is born; or the husband takes advantage by divorcing or taking another wife. In a strongly patriarchal society like South Asia, discrimination is expressed in almost all spheres of the indigenous woman's life. In Bangladesh, widows are discriminated upon by society with men taking advantage of her vulnerability through sexual harassments. In

India, it is said that widow burning still persist, although not openly. The Hindu culture that has eventually influenced the culture of the Jhummas of the Chittagong Hill Tracts (CHT) in Bangladesh, put women into the man's domain in terms of accessing and controlling of resources. For instance, while women can sell their produce, the disposal of the money lies in her husband's hands. This "culture of silence" is seen even in community work where organizational structures reveal that women do not have self esteem and confidence to assume posts that have decision making position and authority. In a recent visit to Bangladesh, women who were called to participate in a community meeting literally chose to sit behind male participants.

Decision Making

While women make everyday decisions along food security, or whenever they are weaving, sourcing water and firewood, they are not given space in governance and administration. The latter is important as decisions made at this level have far reaching and lasting effect. In the Philippines, the *ator* or *dap-ay*, the indigenous socio-political institution among the Igorots of Northern Luzon, excludes women in decision making; in Indonesia, the *adat* also excludes women. This is why, in today's process of ancestral land delineation, the women have little information which renders them incompetent when called in the negotiation processes. In Thailand, Bangladesh, India, Nepal women can not decide autonomously especially in policies or programs that affect them.

Even in the forging of the Peace Accords in the CHT, indigenous women were not given a space in the negotiations. In cases where the women were able to assert a space for themselves, the patriarchal structure do not give full recognition. In the Dayak Bahau community in Indonesia, women have become adat leader; among the Bago-Kankanaeys of Bakun, Benguet Philippines, women have become members of the council of elders. However, in high level consultations, women's interests are not accommodated. Even in progressive movements like resistance to development projects that transgress their territories, women's participation were limited. In the Marga-Benakat South Sumatra case in which PT Musi Hutan Persada seized their lands for HTI (forest industry crop), the indigenous peoples lobbied, dialogued and consolidated alliances; but the women were not given enough participation in formulating strategies and in engaging in the dialogue processes. An exacerbating factor is the lack of education (illiteracy) and lack of information. There are also policies that deliberately deny the indigenous woman access to resources (education, health, employment, credit to name a few).

In Thailand, those who do not have Thai citizenship have no access to education, health, credit and other social services. This is not to deny the fact that formal schooling also reinforces male domination in the school curriculum. A complicating factor is the value put on women who stay at the village and at home. In Peninsular Malaysia and Nepal, women who confine themselves in the

village are respected. In a strongly patriarchal society like Bangladesh, traditional leadership (headmen and *karbaries*) in 99 percent cases are men. This is further expressed in the formal local government where district councils where women occupy only six percent with the rest occupied by men (94%). At the Union Parishad level, out of 111 Union Parishads, there are 110 chairmen and one chairwoman. (CHTDF, 2006).

The far reaching effect of discrimination against women is also seen along decisions on cases of sexual harassments. As women are made invisible in decision making, a sexually abused woman can be made to marry the very same man who dishonored her integrity. Escalation of this form of human rights violations is seen in militarized areas. A case in point is a woman in the Chittagong Hill Tracts. This Chakma woman was raped by a military element, and because of taboos traditionally associated with rape, it took her sometime to come out in the open. And when she finally gained strength to seek legal aid from assisting organizations, again, the very patriarchal processes and the discriminating attitude of the legal system made difficult for her case. (Interview, 2006).

Customary practices in many indigenous communities also have gender-biased standards when it comes to property inheritance. In many parts of the Philippines, Indonesia, Bangladesh, India, and Nepal, daughters can not inherit properties such as land. What is passed on to them are beads and other body ornaments. In some cases like in Thailand and the Philippines, the eldest male child inherits family assets as he is expected to look after his younger siblings and elderly parents. With various factors coming into play, however, the burden of looking after the elderly and younger siblings falls on the daughters. This gender-biased practice therefore is no longer practical yet due to patriarchal attitude, it persists. The reasons for this is that a woman is expected to marry and so can share in her husband's properties; there is also the fear that women may marry outsiders and hence threatens the property if she is allowed to inherit.

Dowry related violence is still prevalent in many Asian countries. In Indonesia, women are valued less when the dowry is more expensive. In Bangladesh, Nepal and India, a girl-child is less preferred because of the fear of raising dowry. This also breeds discrimination in the households.

Polygamy, another custom among Islamized indigenous peoples, poses another form of violence. In the Southern Philippines, Lumad women have to live with other wives in a household and find themselves classified as first or last wife. This is revealing of a classical case of women oppressing women, with the last wife almost always as the most discriminated.

Early marriages that results from parentally-arranged marriages, on the surface, seem to be acceptable. At first, this is rationalized as a way of protecting the purity of the group but on closer examination, this is another form of restricting the woman's mobility. This is also cited as one reason why daughters can not inherit properties as they will soon share in their husbands property.

Female genital mutilation, one of the worst forms of expressions of gross human rights violations that results from power disparities, still prevail, albeit secretly among Islamized indigenous peoples. In Indonesia, female genital mutilation still persist in Adat communities, despite the observance of some gender sensitive practices. In the Philippines, this is said to have transformed as just a symbolic ritual without the actual mutilation - yet remains to be an expression of the “essentialist” approach to treating “womanhood.”

Physical wife or partner battering is more apparent in melting pot communities such as mining communities or migrant communities. In the Philippines, statistical data on the beating of Igorot women have consistently been recorded in mining communities and in the urban and urbanizing areas.

Violence against indigenous women in the context of the ongoing rights violations in indigenous territories

Whenever we talk of indigenous women and the violence against indigenous women, it has to be contextualized in the situation of ongoing rights violations against them and their communities. It is important to talk not only of their individual human rights but also of their collective rights. Such rights emanate from the lands they occupy. The almost too familiar ways of grabbing their lands and the resources therein becomes central. Lands and the resources on it, which is the material basis of their lives and existence, have been defended from the colonial times to the present. This has, however, left indigenous peoples marginalized and impoverished which has contributed to the continuity of violence against women. This situation has also provided more leeway for perpetrators to take advantage of the already vulnerable situation of indigenous women.

Militarization

The escalating human rights violations on indigenous women is due to militarization and state repression. Rape continues to be used as a weapon of war by the military to humiliate and attack indigenous communities. Girls and even older women are not spared. This leads us to the conclusion that gender-based violence continues to be an instrument of occupying indigenous peoples territories. The experiences of indigenous women in Guatemala in the 80s and in Chiapas, Mexico in the 90s (FIMI, 2006) finds resonance in the present day experiences of indigenous women in Bangladesh, the Philippines, Indonesia, and Burma, who have been subjected to harassment, torture, rape, humiliation, forced prostitution and compulsory servitude. In 1997, reports show that 10 Bodo women in Assam, India were gangraped by a 22-member military formation; indigenous women in central Luzon, and the Cordillera region in the Philippines were raped by military men but were threatened against filing cases. This has caused disintegration of communities. With security problems and increasing poverty, entering

relations with the military elements become an option, only to be abandoned by these men upon transfer to other destinations. This prompted a women's network, the AIWN (Asian Indigenous Women's Network) to coin this emerging phenomenon of "contract marriages" as another effort to dishonor and humiliate indigenous women. Military rule in indigenous communities have curtailed movement and economic activities, the entry of food supplies and basic social services and even disrupted the education of children. In Burma, women are prevented from going to their fields; in Bangladesh, Jumma women cannot bring their products to the market. This has restricted the Jumma women's mobility with the men taking over the marketing.

This would have great implications on the control of money as a resource. Jumma women, whose participation in the decision making is limited to the domestic, all the more experienced gender discrimination in this militarized situation. Under India's national security act, indigenous peoples in Nagaland have disappeared or were killed on mere suspicion of being involved in the insurgency. The military rule in Burma resulted in massive human rights violations especially on women and children. In Bangladesh, from April to August 2006, there were again seven Marma women of the Chittagong Hill Tracts who were raped and killed. The "war on terror" also is also reflected in national policies such as in the Philippines where the Anti-Terror Bill labels any indigenous person who fights for self determination as "terrorists." To date, more than 900 political activists were killed, including 72 indigenous peoples.

Aside from the state's accountability to state-instituted violence such as rape, arrest and harassment, government is also accountable when it involves policies and projects of the government that impact heavily on the lives of basic sectors of the population.

Loss of Culture

Development aggression in the form of laws, policies and programs that do not seek the free, prior and informed consent of indigenous communities usually leads to displacement. This has impacted greatly on indigenous culture (language, traditional source of livelihood, indigenous knowledge on healing, entry of fundamentalist religion that destroys images of paganism) leading to heritage loss. The entry of such elements are not gender-neutral; it impacts heavily on indigenous women. In this author's recent visit to Barman communities in Dhaka, Bangladesh, the restricted movement of Adivasi women was further reinforced by threats from the Bengalis and the non-committal stance of the police force. Aside from the situation of living under threat in their own territories, they are forced to work in the factories since their traditional source of livelihood has been forcibly taken away, leaving them helpless with very limited space for settlement. Barman women need to go out from their hamlets in groups and have to be fetched by their men after work. This is in a context where the Bengalis who

have expropriated their lands, continuously harass them while the police only serve as spectators.

Poverty

Poverty, which has been exacerbated by globalization policies, is increasing the vulnerability of indigenous women. More cases of domestic and physical violence occur as more men lose their livelihood and families are exposed to economic uncertainties. Changes in the economic system in indigenous communities such as the intensification of cash-crop production and the loss of self-reliant economies have greatly affected the reproductive health of indigenous women. In urban and other melting pot areas in the Philippines, Indonesia and especially Bangladesh, in times of economic difficulties, women serve as the de facto “coping mechanism” either by remedying the food security concerns of the household or by working outside the village. At the same time, they also serve as “shock absorbers” for husbands who find themselves out of work. Indigenous women, due to economic necessities, are forced to migrate in the cities or even abroad where they experience human rights violations and sexual harassments. By working outside their territories, they lose the protection afforded by gender-sensitive customary laws.

Forced migration is caused by the increasing poverty, the military presence in indigenous peoples areas, and development aggression. The poverty situations have also pushed women to prostitution and have become vulnerable to sexual trafficking.

In Nepal, sex trafficking is said to increase day by day where many indigenous women are lured by brokers and brought to India, Malaysia and other Arab countries. Sex trafficking across borders is also seen in Mongolia and Thailand.

A distinct problem suffered by indigenous peoples is the discrimination by government and mainstream society that has resulted from nation-state building. For many generations, indigenous peoples enjoyed territorial integrity and sovereignty, but when nation-states came into being, they were divided and separated into many provinces, districts and even countries. Nagaland, for example, used to be an independent state but when India won its independence, it colonized Nagaland. The Jumma peoples of the Chittagong Hill Tracts share a similar historical experience when they were forcibly integrated into the Bangladesh state.

In the access and control of resources indigenous woman are also discriminated. Some social services, like reproductive health services, become sites of discrimination perpetrated by health care givers themselves. In Indonesia, family planning services led to the widespread introduction of contraceptives where women were not fully informed of its side effects. Indigenous women, as a result, suffered from nausea, bleeding, dizziness, to name a few. Rukmini, an indig-

enous woman-leader led a campaign to stop the use of this contraceptive. Considering the nature of workload and the accessibility of health care services, such western-tailored contraceptives oftentimes do not fit indigenous women. Stories like this also abound in many parts of the Philippines where indigenous women are major recipients of inappropriate family planning technologies.

Formal education has also become the seat of discrimination against indigenous women. Educational curriculum reinforces discrimination against indigenous peoples. New course offerings in the Philippines like Hospitality and Tourism are perceived to be fertile grounds for reinforcing stereotypes as well as the commercialization of indigenous culture. Prostitution has also increased in tourist sites alongside the creation of cash dependence on tourists.

Against this background, what challenges and recommendations are we putting forward?

Challenges and future actions

Call to end patriarchy in all forms and at all levels.

The prerequisite for this is the eliminate gender disparities found in customary laws and in various programs and policies affecting indigenous territories.

Culture can be negotiated, can be transformed.

This is shown in the everyday lives of indigenous women. Dowry-related violence in Bangladesh and the Philippines among the educated women is gradually diminishing, if not diminished once and for all. Practice of female genital mutilation in Indonesia and in the Philippines has gone down due to their involvement in health and women-related endeavors. This is an evidence that culture can be transformed. It is therefore imperative that indigenous women are empowered by providing appropriate capacity building efforts. There is no substitute for education and awareness-raising.

Revitalizing and renewing of customary laws that are gender-sensitive and promoting values that promote gender-fair relations.

Indigenous socio-political structures have mechanisms that give high respect to the human rights of men and women. As it is, indigenous women of Bangladesh are relatively more visible and have extensive mobility than their Bengali counterpart. Marma women can pass on their properties to their daughters. Also, Marma widows are entitled to claim the whole property of their deceased husbands; similarly, the girl-child is also entitled to claim the whole property of their deceased mother. Among the Igorots of the Cordillera, Philippines, sexual harassment is a public issue. There is therefore a need to revitalize traditional sup-

port systems against domestic violence and work towards removing prejudice and negative perceptions of indigenous peoples and women which undermine their pride and self-confidence

There is a need to recognize and correspondingly give support to indigenous women's efforts at peace building.

This can be done by engendering indigenous conflict resolution that provides spaces for the full and effective participation of indigenous women in peace processes and accords. Most specifically, AIWN calls for the increased international pressure on the Burmese military regime to stop its military offensives in territories of indigenous peoples and the commission of violent crimes against indigenous women. We therefore demand for the immediate end to militarization.

We also uphold that all indigenous women and men are entitled to be free and equal to all others in terms of dignity and rights.

Every indigenous person has the right to belong to a nationality and to enjoy legal status and be granted citizenship of the country where they live. Indigenous peoples of Thailand is a case in point. Due to the long processing of citizenship documents, they are denied the most fundamental rights and entitlements, including access to education and other public services, land and property rights and social mobility - making them extremely vulnerable and marginalized. Urgent government action is needed to redress this situation. Empowerment of indigenous women for leadership and decision making is therefore imperative.❖

Endnotes

¹Paper presented during the Asia-Pacific NGO Consultation with the UN Special Rapporteur on Violence Against Women, Ulaanbaatar, Mongolia. 11-12 September 2006.

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ANNEXES

The Kimberley Declaration

International Indigenous Peoples Summit on
Sustainable Development
Khoi-San Territory, Kimberley, South Africa, 20-23 August 2002

*We, the Indigenous Peoples, walk to the future in the footprints of our ancestors.
Kari-Oca Declaration, Brazil, 30 May 1992*

We the Indigenous Peoples of the World assembled here reaffirm the Kari-Oca Declaration and the Indigenous Peoples' Earth Charter. We again reaffirm our previous declarations on human and environmental sustainability.*

Since 1992 the ecosystems of the earth have been compounding in change. We are in crisis. We are in an accelerating spiral of climate change that will not abide unsustainable greed.

Today we reaffirm our relationship to Mother Earth and our responsibility to coming generations to uphold peace, equity and justice. We continue to pursue the commitments made at Earth Summit as reflected in this political declaration and the accompanying plan of action. The commitments which were made to Indigenous Peoples in Agenda 21, including our full and effective participation, have not been implemented due to the lack of political will.

As peoples, we reaffirm our rights to self-determination and to own, control and manage our ancestral lands and territories, waters and other resources. Our lands and territories are at the core of our existence - we are the land and the land is us; we have a distinct spiritual and material relationship with our lands and territories and they are inextricably linked to our survival and to the preservation and further development of our knowledge systems and cultures, conservation and sustainable use of biodiversity and ecosystem management.

We have the right to determine and establish priorities and strategies for our self-development and for the use of our lands, territories and other resources. We demand that free, prior and informed consent must be the principle of approving or rejecting any project or activity affecting our lands, territories and other resources.

We are the original peoples tied to the land by our umbilical cords and the dust

of our ancestors. Our special places are sacred and demand the highest respect. Disturbing the remains of our families and elders is desecration of the greatest magnitude and constitutes a grave violation of our human rights. We call for the full and immediate repatriation of all Khoi-San human remains currently held in museums and other institutions throughout the world, as well as all the human remains of all other Indigenous Peoples. We maintain the rights to our sacred and ceremonial sites and ancestral remains, including access to burial, archaeological and historic sites.

The national, regional and international acceptance and recognition of Indigenous Peoples is central to the achievement of human and environmental sustainability. Our traditional knowledge systems must be respected, promoted and protected; our collective intellectual property rights must be guaranteed and ensured. Our traditional knowledge is not in the public domain; it is collective, cultural and intellectual property protected under our customary law. Unauthorized use and misappropriation of traditional knowledge is theft.

Economic globalization constitutes one of the main obstacles for the recognition of the rights of Indigenous Peoples. Transnational corporations and industrialized countries impose their global agenda on the negotiations and agreements of the United Nations system, the World Bank, the International Monetary Fund, the World Trade Organization and other bodies which reduce the rights enshrined in national constitutions and in international conventions and agreements. Unsustainable extraction, harvesting, production and consumption patterns lead to climate change, widespread pollution and environmental destruction, evicting us from our lands and creating immense levels of poverty and disease.

We are deeply concerned that the activities of multinational mining corporations on Indigenous lands have led to the loss and desecration of our lands, as exemplified here on Khoi-San territory. These activities have caused immense health problems, interfered with access to, and occupation of our sacred sites, destroyed and depleted Mother Earth, and undermined our cultures.

Indigenous Peoples, our lands and territories are not objects of tourism development. We have rights and responsibilities towards our lands and territories. We are responsible to defend our lands, territories and indigenous peoples against tourism exploitation by governments, development agencies, private enterprises, NGOs, and individuals.

Recognizing the vital role that pastoralism and hunting-gathering play in the livelihoods of many Indigenous Peoples, we urge governments to recognize, accept, support and invest in pastoralism and hunting-gathering as viable and sustainable economic systems.

We reaffirm the rights of our peoples, nations and communities, our women, men, elders and youth to physical, mental, social, and spiritual well-being.

We are determined to ensure the equal participation of all Indigenous Peoples throughout the world in all aspects of planning for a sustainable future with the inclu-

sion of women, men, elders and youth. Equal access to resources is required to achieve this participation.

We urge the United Nations to promote respect for the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded between Indigenous Peoples and States, or their successors, according to their original spirit and intent, and to have States honor and respect such treaties, agreements and other constructive arrangements.

Language is the voice of our ancestors from the beginning of time. The preservation, securing and development of our languages is a matter of extreme urgency. Language is part of the soul of our nations, our being and the pathway to the future.

In case of the establishment of partnerships in order to achieve human and environmental sustainability, these partnerships must be established according to the following principles: our rights to the land and to self-determination; honesty, transparency and good faith; free, prior and informed consent; respect and recognition of our cultures, languages and spiritual beliefs.

We welcome the establishment of the United Nations Permanent Forum on Indigenous Issues and urge the UN to secure all the necessary political, institutional and financial support so that it can function effectively according to its mandate as contained in ECOSOC Resolution E/2000/22. We support the continuation of the United Nations Working Group on Indigenous Populations based on the importance of its mandate to set international standards on the rights of Indigenous Peoples.

We call for a World Conference on Indigenous Peoples and Sustainable Development as a culmination of the United Nations International Decade for the World's Indigenous Peoples (1995-2004) and as a concrete follow-up to the World Summit on Sustainable Development.

We continue to meet in the spirit of unity inspired by the Khoi-San people and their hospitality. We reaffirm our mutual solidarity as Indigenous Peoples of the world in our struggle for social and environmental justice.

**Including the Draft Declaration on the Rights of Indigenous Peoples; the Charter of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests; the Mataatua Declaration; the Santa Cruz Declaration on Intellectual Property; the Leticia Declaration of Indigenous Peoples and Other Forest Dependent Peoples on the Sustainable Use and Management of All Types of Forests; the Charter of Indigenous Peoples of the Arctic and the Far East Siberia; the Bali Indigenous Peoples Political Declaration; and, the Declaration of the Indigenous Peoples of Eastern Africa in the Regional WSSD Preparatory Meeting.*

Indigenous Peoples' Plan of Implementation on Sustainable Development

Johannesburg, South Africa

02 September 2002

Introduction

We, the representatives of Indigenous Peoples attending the World Summit on Sustainable Development, have defined this Plan of Implementation for the next decade, based on the Kimberley Declaration, as part of our contribution for achieving human and environmental sustainability in the world.

The Plan of Implementation reflects the heart and mind of Indigenous Peoples as traditional caretakers of Mother Earth who, for many millennia, have developed and refined our sustainable societies.

Cosmovision and Spirituality

1. We will direct our energies and organizational strength to consolidate our collective values and principles which spring from the interrelation of the different forms of life in Nature. Therein lies our origin which we reaffirm by practicing our culture and spirituality.
2. We will strengthen the role of our elders and wise traditional authorities as the keepers of our traditional wisdom which embodies our spirituality and cosmovision as an alternative to the existing unsustainable cultural models.
3. We demand that the concept of cultural damage be incorporated to impact assessments as part of the legal instruments which will safeguard our cultural integrity against energy mega projects, mining, tourism, logging and other unsustainable activities.

Self-Determination and Territory

4. We will ensure the recognition, protection and respect for Indigenous Peoples' unqualified right to self-determination, which is the basic precondition to guarantee our ownership, permanent sovereignty, control and management of our lands, territories and natural resources. Any dialogue or partnership with Indigenous Peoples on sustainable development must be based on recognition, protection and respect for this fundamental principle.

5. We urge governments to establish specific legal frameworks, recognizing Indigenous Peoples' rights to self-determination, ancestral lands and territories and to adopt the Draft Declaration on the Rights of Indigenous Peoples as approved by the UN Working Group on Indigenous Populations and the UN Sub-Commission on the Protection and Promotion of Human Rights before the end of the United Nations International Decade of the World's Indigenous Peoples.
6. We continue to demand recognition of our land tenure systems and customary laws. We reaffirm our spiritual and cultural connection to our land and territories. We call for an immediate halt to all policies and law reforms that compromise our collective land tenure systems.
7. We will share experiences about our use and management systems of natural resources with other Indigenous Peoples, and promote exchanges between our Peoples.
8. We, the Indigenous Peoples, will further our global strategy for international policies, to influence and shape governmental programmes.
9. We will protect and strengthen our institutions, safeguarding customary laws and practices, which are the bases of sound sustainable management of our environment and territories.
10. We assert our rights to demarcate our traditional lands and territories with our full participation, and we request governments to agree on mechanisms with Indigenous Peoples for this purpose, respecting our right to collective ownership.
11. We urge governments to initiate a process of restitution of Indigenous Peoples' ancestral lands and territories, as a concrete way of furthering human and environmental sustainability.

Treaties

12. We urge the United Nations to promote the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded between Indigenous Peoples and States, or their successors, according to their original spirit and intent, and to have States honor and implement such treaties, agreements and other constructive arrangements.

Children and Youth

13. We will nurture an environment of intergenerational support, thereby laying a strong foundation for future generations. We will take the responsibility to pass on our indigenous way of life to safeguard our pride and dignity as peoples.
14. We will support and strengthen indigenous youth organizations to be fully empowered with resources to initiate, enable and support continuous communications

among indigenous youth to enable them to voice their concerns in the international arena.

15. We will continue to promote the participation of indigenous youth in the international, national and local decision making processes pertinent to our peoples.

16. We call for immediate measures to stop child labour, child sexual exploitation, child trafficking, child soldiers, execution of minors and all other exploitations and injustices against indigenous children.

Women

17. We reaffirm the rights of Indigenous women and their vital role in human, cultural and environmental sustainability; and we work towards fair and equitable access to land, resources, education and other social and welfare services. We will take deliberate steps to ensure that indigenous women participate in all levels of governance and leadership both locally, nationally and internationally.

18. Violence against indigenous women must be systematically addressed. We call for immediate measures against all forms of sexual exploitation, forced sterilization and trafficking of women.

19. We reaffirm the role of indigenous women as custodians of traditional knowledge, culture and the sustainable use of biological diversity.

Sacred Sites

20. We urge States, governments and civil society to work in conjunction with Indigenous Peoples to ensure that Indigenous Peoples' sacred, ceremonial and culturally significant sites and areas are preserved, respected and protected from destructive or exploitative development. We will ensure our peoples' access to our sacred, burial, archeological and historical sites, including the unqualified right to restrict access to those sites.

Food Security

21. We will promote the conservation, sustainable use and management of our traditional foods and strengthen our own models, systems and networks of production and trade, urging States to guarantee the integrity of our biological habitats for this purpose.

22. We will work against technologies, policies, and legal regimes that violate Indigenous Peoples' rights to maintain our traditional knowledge, practices, seeds and other food related genetic resources.

23. We urge governments and international institutions to develop mechanisms to

support Indigenous Peoples' own practices and institutions to ensure food sovereignty.

24. We call for an immediate moratorium on the development, cultivation and use of genetically modified seeds, plants, fish and other organisms, in order to protect human health, native seeds and other food related genetic resources, governments must declare

25. We will strengthen pastoralism, hunting and gathering as viable and sustainable economic systems that ensure food sovereignty, including government recognition, acceptance and support.

26. We will urge governments to work with Indigenous Peoples to stop the introduction of alien or invasive species which threaten the health of our traditional territories and food sources.

Indigenous Knowledge and Intellectual Property Rights (IPR)

27. We commit ourselves to safeguard, protect and reaffirm the use of indigenous knowledge and practices, respecting the spiritual values and dimensions of such knowledge. We will strengthen our own initiatives for disseminating information, research, capacity building and the exchange of experiences on biological and cultural diversity among indigenous peoples.

28. We reaffirm and commit ourselves to protect indigenous knowledge systems and the diversity of life within our territories which are collective resources under our direct control and administration. We will work against any IPR regime that attempts to assert patents, copyrights, or trademark monopolies for products, data, or processes derived or originating from our knowledge. Genetic material, isolated genes, life forms or other natural processes must be excluded from IPR regimes.

29. We urge States and international organizations to recognize and respect the establishment and development of our own systems for the protection of indigenous knowledge; and to call for the immediate halt of all biopiracy activities.

30. We call on States and governments to respect the spirit of Article 8(j) of the Convention on Biological Diversity. We demand the annulment of agreements adopted under the Trade Related Aspects of Intellectual Property Rights (TRIPs) of the World Trade Organization (WTO) that compromise indigenous knowledge.

31. We strongly assert our right to full and effective participation in the national and international decision making arenas on biodiversity and traditional knowledge, such as Convention on Biological Diversity (CBD), World Intellectual Property Organization (WIPO), UN Commission on Trade and Development (UNCTAD) and Andean Community of Nations (CAN).

Biodiversity

32. We call for the declaration of a moratorium on all activities related to human genetic diversity, specifically involving Indigenous Peoples, including access, sampling, testing, research and experimentation.

33. We demand that States establish mechanisms for returning all human, botanical and genome collections, and for providing complete and exact information of any past use of such collections to our peoples.

34. We demand the establishment of an international code of ethics on bioprospecting to avoid biopiracy and to ensure the respect of our cultural and intellectual heritage.

35. We will continue to participate actively in the full process of the Convention on Biological Diversity, through the International Indigenous Forum on Biodiversity, in order to defend and safeguard the biodiversity of our lands and territories, and we call for the coherence and consistency in the implementation of the different Rio instruments, with other local, national and regional instruments.

36. We will oppose biopiracy and the patenting of all life forms.

37. We call for constitutional and legislative recognition of our conservation and management of biodiversity, as inherent to the sovereignty of Indigenous Peoples.

Forests and Protected Areas

38. We demand that all legislation, policies or work programs on forests and protected areas guarantee and rigorously respect our lands and territories, rights, needs and benefits and recognize our full rights to control and manage our forests.

39. We will defend the cultural values and material integrity of our forests, promoting adequate policies for this defense, specifically we call for the declaration of a moratorium on any harmful economic activity, as well as on the granting of concessions for oil and timber exploitation or mining.

40. With regards to protected areas established on indigenous lands and territories, including wetlands, coasts and seas, States must transfer the territorial control, including the jurisdiction, administration and management over these areas to Indigenous Peoples.

Mining

41. We demand the declaration of a moratorium on mining activities until governments and corporations recognize and respect our fundamental rights to self-determination and to free, prior and informed consent on all forms of mining.

42. We demand comprehensive and participatory multi-criteria assessment of mining activities, which incorporates environmental, social, cultural and health impact assessments.

43. We urge governments to establish laws, rules and constitutional provisions that prohibit the confiscation of indigenous lands for mining activities. Indigenous lands and territories must not be included in the planning zones for mining.

Energy

44. We call for the declaration of governmental moratoria on the following activities:

- a. The expansion of and new exploration for the extraction of oil, natural gas and uranium and coal mining within or near indigenous lands and territories, especially in pristine areas and environmentally, socially, culturally and historically sensitive areas.
- b. The construction of large dams. Governments and multilateral institutions should utilize the framework proposed by the World Commission on Dams for an approach to development based on the recognition of rights and the assessment of risk.
- c. New nuclear power plants. We call for a phase-out and decommission of all nuclear power plants.
- d. The transportation and storage of radioactive waste on indigenous peoples' lands and territories. We firmly support the containment and monitoring of waste on-site for the duration of its radioactive life.

45. We will support and commit ourselves to promote the use of renewable energy sources to meet the energy needs of our peoples and communities. We will work towards the development of international mechanisms to support capacity building, financial mechanisms and technology transfer for our communities to address renewable clean energy development to promote sustainable development initiatives that embrace traditional knowledge.

46. We will demand that, in addition to environmental impact assessments on energy related activities, social, cultural and health impact assessments must be conducted, and we commit ourselves to participate actively in such impact assessments.

47. We will urge governments to establish laws, rules and constitutional provisions that prohibit the confiscation of indigenous lands for development energy related activities.

48. We will identify Government subsidies of unsustainable forms of energy and demand that such subsidies be phased out under a five year time frame.

Tourism

49. We will take responsibility for tourism activities we generate, that these are based on our own development strategies, incorporate the respect for our tradi-

tional values, ethics and human rights and conserve our natural and cultural heritage.

50. We invite governments to participate in our efforts to develop and apply norms, guidelines and regulations on the development of tourism, based on the principles of respect for our rights, the cultures and the integrity of ecosystems.

Fisheries, Marine and Coastal Resources

51. We will maintain and promote our traditional systems for the sustainable harvesting of marine resources.

52. We commit ourselves to maintain our marine and freshwater fisheries resources that many of our peoples depend upon, and we will fight against overfishing, waste and toxic dumping, as well as the impact of tourism, which affect the oceans, coasts and inland waters.

53. We will develop proposals for the protection and management of national and transboundary coastal areas and their biological resources, and we call on States to incorporate these proposals into legal and policy frameworks.

54. We will promote the establishment of new quota regimes on an equal footing with other stakeholders, through national and international negotiations, based on our inalienable historical rights as resource owners and managers.

Water

55. We will demonstrate our power and our common interest to protect water and life, by building water alliances and networks worldwide.

56. We call for the creation of an International Regulatory Body to track the trade of water. We oppose and denounce the privatisation of water, as well as the diversion which affects the water resources of our territories.

57. We will demand the establishment of systems for restoration and compensation, to reestablish the integrity of water and ecosystems.

Climate Change

58. We urge the United States and all other countries which have not done so, to ratify and implement the Kyoto Protocol. We urge all countries to adopt equitable cross-sectoral strategies to halt the destruction of key carbon sequestration ecosystems.

59. We demand that the Kyoto Protocol raise the 5.2% carbon dioxide reduction target and implement the recommendation from the UN Intergovernmental Panel on Climate Change (IPCC) that greenhouse gas emissions be immediately reduced

by 60% in order to stabilize global temperatures.

60. We renew our commitments to our practices and knowledge for minimizing the emission of greenhouse gases, and urge all countries to fulfill their commitments to reduce greenhouse gases emissions.

61. We oppose the implementation of carbon sinks and carbon-trading mechanisms in the Clean Development Mechanism (CDM) of the Kyoto Protocol and United Nations Framework Convention on Climate Change.

62. We urge the States to promote equitable cross-sectoral sociopolitical processes, based on an ecoregion approach, for the economic mitigation of natural disasters caused by climate change.

63. We will give priority to our own scientific and technical initiatives based on our traditional practices, which generate knowledge on production systems which have a minimal greenhouse effect.

64. We demand that Indigenous Peoples be accorded Special Status in the United Nations Framework Convention on Climate Change process.

65. We demand the creation of an Ad Hoc Open-Ended Inter-Sessional Working Group on Indigenous Peoples and Local Communities and Climate Change with the objective of studying and proposing timely, effective and adequate solutions to respond to the emergency situations caused by climate change affecting Indigenous Peoples and local communities.

66. We call upon all governments to implement Climate Impact Assessments which take into account indigenous knowledge systems and observations, as well as the full and equal participation of Indigenous Peoples in all aspects and stages of the assessment.

Health and Toxics

67. We will continue to utilize, strengthen and protect our traditional health systems within our communities. Our indigenous health systems, practices and traditional healers must be given due and equitable recognition. Our collective intellectual rights to our traditional medicines must be protected.

68. We demand financing and equitable partnerships for our own health programs, projects and initiatives.

69. We urge international institutions and governments to participate in the construction of a plural model of public health which validates our traditional knowledge, innovations and practices and healers.

70. We will cooperate to urgently establish all necessary measures to control new and resurgent diseases, such as HIV/AIDS, tuberculosis and malaria. Our traditional and customary institutions and laws should be recognized and strengthened to fight against these diseases.

71. We demand effective participation in the planning, implementation and monitoring of national and international health policies, programmes and services. We also demand that the national health systems provide treatments and vital medicines that are accessible, free of cost or at an affordable price.

72. We urge governments to recognize the particular vulnerability of indigenous children and pregnant and breastfeeding women and take the necessary steps to protect them from being exposed to harmful environmental pollutants and conditions.

73. We call for an immediate halt to all polluting activities on indigenous lands and territories and the adoption of mechanisms to contain and monitor existing pollution and its effects on the environment, including the oceans, and human health. We call for the immediate phasing out of leaded gasoline and other toxic substances.

74. We demand that industries and governments be accountable for the harms they have already caused to the environment and human health. We demand compensation and reparation for the destruction of the environment, including the oceans, and exposure to toxics.

75. We demand that governments expeditiously sign and ratify the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on hazardous chemicals and pesticides; the Basel Convention and its 1995 ban on the export of hazardous wastes from OECD to non-OECD countries and the 1996 Protocol to the London Convention on ocean dumping.

Desertification

76. We call for the full and effective participation of Indigenous Peoples and local communities, especially those of Africa, in the negotiation and implementation process of the Convention to Combat Desertification. Therefore, we call for the necessary financial resources and equitable mechanisms that will enable us to substantially contribute to this Convention and related activities.

Education, Science, Technology and Communications

77. We will revitalize, strengthen and develop our traditional education institutions and systems for learning at all levels.

78. We will work towards changing the public and private education systems to recognize and teach the cultural diversity of each country, taking into account the revision of curricula, restoration of historical truth, production of new teaching aids, and introduction of our languages.

79. We will promote capacity-building programmes in indigenous as well as non-indigenous societies on our rights and priorities for sustainable development, in order to strengthen the application of policies for cooperation with and amongst

Indigenous Peoples.

80. We will strengthen our research, planning, conservation, use and management of indigenous lands, territories and natural resources using traditional knowledge and other appropriate technologies that respect our cultures and traditions.

81. We will continue strengthening our systems of and networks for information, communications and telecommunications and will request financial resources for these purposes.

82. We will promote networks for scientific and technical cooperation between Indigenous Peoples to strengthen our specialized and diversified learning and capacity building.

Security and Conflict Resolution

83. We will strengthen the capacity of our own indigenous systems of conflict resolution and reaffirm the role of our leaders and traditional authorities in resolving issues related to security and armed conflict such as rape, torture and all other forms of human rights violations. We will ensure that Indigenous Peoples' communities will not be used against each other to escalate armed conflict.

84. We demand the immediate demilitarization in and near indigenous lands and territories and a halt to human rights violations against Indigenous Peoples. We urge States to resolve conflicts according to democratic principles and relevant international and humanitarian laws.

85. We urge governments to support the voluntary return of Indigenous Peoples, refugees and internally displaced peoples to their ancestral lands and territories. Rehabilitation efforts should address the specific interests of Indigenous Peoples.

Sustainable Livelihoods

86. We strongly reject all policies, including privatization, liberalization and structural adjustment programmes which do not recognize and respect Indigenous Peoples' rights. We strongly support the cancellation of the external debt of countries of the South which has resulted in adverse impacts on our cultures, lands and territories.

87. We urge States and the international community to develop specific instruments for the protection of Indigenous Peoples' natural, cultural, social and technological capital as a repository for our economy and the strengthening of indigenous development.

88. We request national governments and the international community to establish a legal framework that validates and enables the functioning of traditional and innovative collective economic models. These economic models should have access

to mainstream financial mechanisms, including credit, and should enable trade or barter in goods and services relevant to Indigenous Peoples and our communities.

Corporate Accountability

89. We support the adoption of a legally binding Convention on Corporate Accountability which upholds Indigenous Peoples' rights, including our free prior and informed consent to any activity of States or transnational corporations, which affects our land, territories or communities.

Governance

90. We demand Indigenous Peoples' full and effective participation at all stages and levels of decision making in programmes, policy and institutions promoting sustainable development.

91. We support the sustainable development models presented by the Arctic Council, which incorporate principles of genuine partnership between States and Indigenous Peoples, ecosystem approaches, collaboration between traditional and scientific knowledge and local, national and regional implementation plans.

92. We call for the inclusion of specific indicators of the situation of Indigenous Peoples in the assessment of the implementation of all levels of Agenda 21 and, in particular, of the progress on the implementation of Chapter 26 and 20 on the participation of Indigenous Peoples and Local Communities.

93. We demand and support the right to appoint our own governing structures. We reject so called "indigenous authorities" imposed at any level on our territories by the government, and used for implementing development models, whether sustainable or not.

Human Rights

94. In accordance with our values, we will take all necessary measures to promote human rights, including human rights education among Indigenous Peoples and within our communities.

95. We call for the strengthening of the mandate of the Working Group on Indigenous Peoples under the African Commission on Human and Peoples Rights.

96. We will continue to participate in a constructive way in the processes, institutions and bodies of the United Nations and other multilateral organizations dedicated to Indigenous Peoples, such as the Permanent Forum on Indigenous Issues, the Working Group on Indigenous Populations and the Inter-American Commission on Human Rights of the Organization of American States.

97. We urge the United Nations to organize and convene a World Conference on Indigenous Peoples and Sustainable Development in the framework of the International Decade of the Indigenous Peoples of the World (1995-2004).

98. We urge the United Nations to declare the Second International Decade of the Indigenous Peoples of the World (2005-2014).

99. We urge governments to sign, ratify and implement the International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples, in accordance with the wishes of the Indigenous Peoples in their respective countries.

100. We support the UN Permanent Forum on Indigenous Issues as a global focal point for promoting cooperation among States and Indigenous Peoples in the implementation of international policies, commitments and action plans on Indigenous Peoples and sustainable development. We will utilize the UN Permanent Forum on Indigenous Issues to monitor the fulfillment of this plan of implementation.

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