participation such as placing a vote in the ballot box, towards broad participatory principles and a more complex notion of participatory democracy.'[5]

**Protection for traditional knowledge**

The rights of indigenous societies to control access to and use of their cultural knowledge is an issue being debated in the United Nations, in the biodiversity and human rights movements, within the pharmaceutical industry, in government and private corporations, among social and applied scientists, and, most importantly, among indigenous leaders. The collective traditional knowledge of indigenous peoples is the very foundation of their cultures and is indivisible from their identities, value systems and cosmovision.

Indigenous cultures embody rules and regulations about communicating, sharing, using and applying traditional knowledge. These rules and regulations are cultural obligations that indigenous peoples must comply with and are part of their customary laws. This distinctive spiritual and material relationship with ancestral territories and their environments calls for shared responsibilities that indigenous peoples must meet when using plants, animals or other living beings for their own needs.

Indigenous peoples argue that their cultural obligations towards communicating, sharing, disseminating, using and applying their knowledge should be legally recognized and respected by the non-indigenous actors of the Information Society. Similarly, they ask for their cultures and traditional knowledge to be fully acknowledged for their contributions to human progress and sustainable development.

From this point of view, Article 31 of the Declaration on the Rights of Indigenous Peoples is one of the most important. It states unequivocally that indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions. These include manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.

**Building networks to strengthen rights**

Indigenous peoples are dispersed throughout the world. One way of helping to overcome their isolation and to share information is the potential offered by new information and communication technologies – provided that they are owned and managed by indigenous peoples themselves and not imposed by communication conglomerates or well-meaning outsiders. Networking by means of web-based technologies as well as radio and television satellite broadcasting are two possibilities.

In 1997 the Latin American Association for Radio Education (ALER) began working towards a satellite platform that would enable the continent's community radio stations to link up. Today that initiative is called the ALER Intercontinental Satellite System for Radio Communication. As part of it, a communication proposal was developed to create a network for the Quechua and Kichwa people of Bolivia, Peru, and Ecuador, now called the Kiechwa Satellite Network.

Ten years on and discussions are taking place to elaborate a Continental Indigenous Network whose aim is to give indigenous peoples access to communications by means of a platform based on new information and communication technologies to enable different first peoples to interconnect and coordinate their work.

The idea is that the Continental Indigenous Network would produce and broadcast specialized radio programmes in local languages based on the cosmovisions of the first peoples of Central and South America. It would also encourage programming from the grassroots upwards to national and continent-wide broadcasting



on themes such as land, rights, gender, environment, health and cultural enrichment.

Such a proposal reflects the thinking of representatives of indigenous organizations from 13 Latin American countries who met in Santa Cruz, Bolivia, 13-15 September 2006, for an International Encounter on Indigenous Peoples' Communication and Development.

Participants affirmed the importance of communication as a fundamental element in the liberation, transformation and development of society and the validation of the rights of indigenous peoples. They also called for guarantees in the exercise of the right to communicate, closely tied to equitable access to the media and information and communication resources.

These are questions of communication rights, human dignity, and solidarity that affect all the peoples of the world. As Mary Robinson, former President of Ireland and former UN High Commissioner for Human Rights, has pointed out:

> 'Freedom, justice and their embodiment in human rights require and promote solidarity between all human beings on the basis of the inviolable and equal dignity of each. The establishment of such a peaceful, just and free society on earth constitutes the present political challenge and ethical obligation of the human race.'[6]

**Notes**

1. 'Mitochondrial DNA and human evolution', by Rebecca L. Cann, Mark Stoneking & Allan C. Wilson. *Nature* 325, 31-36 (1 January 1987).
2. 'The Challenges of Implementing the UN Declaration on the Rights of Indigenous Peoples', by Victoria Tauli-Corpuz. http://indigenous.developmentgateway.org/uploads/media/indigenous/vicky_speech_nibutani2008.pdf
3. Joe Shirly, Jr., President of the Navajo Nation addressing the official WSIS Plenary in Tunis, 18 November 2005.
4. 'On the brink', by Jacob Manastowa-Bailey. *Cultural Survival Quarterly*, Vol. 31 Issue 2, Summer 2007, p. 12.
5. 'Minority and indigenous rights at "the end of history"', by Patrick Thornberry. *Ethnicities*. Vol. 2 No. 4 December 2002, p. 532.
6. 'Ethics, Human Rights and Globalization,' by Mary Robinson. Second Global Ethic Lecture, University of Tübingen, Germany, 21 January 2002.

*This* No-Nonsense Guide *is a resource compiled by Philip Lee and published by the World Association for Christian Communication (2009).*




Printed in Canada



# *The* No-Nonsense *guide to* Indigenous Peoples' Communication Rights

WACC

We were all indigenous once. In 1987 three scientists announced the discovery of a genetic link between every human being on the planet leading back to a woman who lived in Africa 200,000 years ago.[1] Following the female line, she was the most recent common ancestor of all humans living today. Every single person can trace his or her genetic heritage back to this one woman.

The scientists discovered the woman's existence by looking at the cells of living people and analyzing short loops of genetic code known as mitochondrial DNA (mtDNA). Anthropological geneticists have since used mtDNA to trace the evolution and migration of the human species out of Africa to every other part of the world.

These First Peoples were subsequently submerged by wave upon wave of assimilation, colonization, 'civilization', and – from time to time – genocide. That history of protracted discrimination against indigenous peoples has led to the politicization of what it means to be 'indigenous', how indigenous peoples are seen by others, and how they see themselves.

Today, among the world's current population of 6.7 billion people, there are more than 370 million indigenous people in over 72 countries. Practising unique traditions, they retain social, cultural, economic and political characteristics that distinguish them from those of the dominant societies in which they live. From the Arctic to the South Pacific, they are the descendants – according to a commonly accepted definition – of those who inhabited a country or a geographical region at a time when other people of different cultures or ethnic origins arrived.

To date no official definition of 'indigenous' has been adopted by any United Nations body. However, there is a generally accepted modern understanding of the term based on:

- Self-identification as indigenous peoples at the individual level and accepted as a member by a community.
- Historical continuity with pre-colonial and/or pre-settler societies.
- Strong link to territories and surrounding natural resources.
- Distinct social, economic or political systems.
- Distinct language, culture and beliefs.
- Form non-dominant groups of society.
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

Indigenous peoples are distinctive through their particular way of life, beliefs, and relationship to the environment. Many have left their traditional life for towns and cities, or work for wages part of the time and return to the land at other times. Indigenous people often practise mixed livelihoods, but in most cases, a subsistence economy is the basis of how they make their living. For indigenous peoples, 'traditional environmental knowledge' is at the heart of their identity and culture - understood as the actual living of life rather than just the knowledge of how to live.

Indigenous peoples are the custodians of unique languages, knowledge systems

and beliefs and possess invaluable knowledge of practices for the sustainable management of natural resources. They have a special relation to their traditional land which has intrinsic meaning for their collective physical and cultural survival.

Indigenous peoples often suffer from poor political representation and participation, economic marginalization and poverty, lack of access to social services and cultural discrimination. Despite cultural differences, indigenous peoples the world over share common problems: striving for recognition of their identities, their ways of life, and their right to traditional lands, territories and natural resources.

**Declaration on the Rights of Indigenous Peoples**

On 13 September 2007 the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP), reflecting global concern that indigenous peoples continue to suffer from historical injustices that prevent them from exercising their rights.

The Declaration acknowledged the fact that indigenous peoples are organizing for political, economic, social and cultural development, and that they have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.

Moreover, the Declaration affirms several key rights that indigenous peoples hold, including the following:

- The right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures.
- The right to establish their own media in their own languages and to have access to all forms of non-indigenous media.
- The right to the improvement of their economic and social conditions, including education, employment, training, housing, sanitation, health and social security.
- The right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.
- The right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Many of the problems that the Declaration addresses are not exclusive to indigenous peoples. Some are typical of those who suffer from social exclusion; yet the Declaration affirms the specificity of the problems of indigenous peoples and the particular difficulties that they face in overcoming them.

With that in mind, Ellen L. Lutz, Executive Director of Cultural Survival, has called on the new U.S. President to make indigenous people's rights a global issue; to embrace the UN Declaration on the Rights of Indigenous Peoples; to protect the planet so that indigenous peoples can continue to thrive in their ancestral homelands; to prepare to meet the consequences of global climate change in a just manner that respects the rights of indigenous peoples; and to honour promises made to native Americans (*Cultural Survival Quarterly*, Vol. 32 Issue 2, Spring 2008, p. 3).

Speaking at the Indigenous People's Summit in Ainu Mosir (Hokkaido, Japan, 1-4 July 2008), Victoria Tauli-Corpuz, Chair of the UN Permanent Forum on Indigenous Issues emphasized how the UNDRIP could be one framework for solving some of the global issues that undermine the rights of indigenous peoples. These include climate change (e.g. mitigation measures under the Kyoto Protocol such as carbon offsets, large-scale hydroelectric dams, and degradation of tropical and sub-tropical forests), biological and cultural diversity (e.g. biofuel monocrop production such as oil palm, soya, corn, and sugar cane), inequitable food production and distribution, and the curtailment of public services that liberalization, deregulation and privatization have exacerbated.

*Centro de Educación y Comunicación para Comunidades y Pueblos Indígenas (Bolivia) recently organised gender awareness training for indigenous women using a variety of approaches including drama. (Photo credit: CECOPI).*

Tauli-Corpuz pointed to the difficulty of getting UNDRIP implemented, but she also stressed the importance of the Declaration to everyone:

> 'Implementation of the Declaration will not only benefit indigenous peoples but will also benefit the earth and the rest of the world. If we are allowed to continue practicing our sustainable ways of caring for the earth and caring for our relatives, not only human beings, but also plants, animals and all other living things, then this will redound to the benefit of everybody. If we are able to continue speaking our languages and practicing our diverse cultures, then the world's cultural heritage will be enriched. If our diverse economic, cultural, spiritual, social and political systems can co-exist with other dominant systems then we can bequeath to our children and our children's children a more diverse and exciting world.'[2]

**Communication rights and indigenous peoples**

The Declaration on the Rights of Indigenous Peoples fails to mention the right to communicate or communication rights. Nevertheless, it includes a number of communication issues that are already entrenched in traditional liberal freedoms, such as access to information, media representation, intellectual property rights, ownership and control of the media, and cultural diversity.

Article 11: '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, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.' Joe Shirly agrees:

> 'Within the deep roots of our Indigenous families is buried a timeless wisdom. This wisdom has kept our peoples self-sustainable for thousands of years. Information is not wisdom. Information is without value if it is not available to those who need it. Knowledge, combined with the wisdom of our peoples, is what creates true opportunity.'[3]

Article12: 'Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to use and control of their ceremonial objects; and the right to the repatriation of their human remains.'

Article 13: 'Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.' Jacob Manastowa-Bailey comments:

> 'There is both great denial and a severe lack of awareness about the imminent loss of the vast majority of indigenous languages. The reality is that our tribal languages have become like the handful of speakers who carry them: old and frail. Without decisive action they will not be with us much longer. When a language dies, the loss to a tribal community – and to the world – is beyond measure. Entire systems of thought, belief and practice become permanently removed from the storehouse of human knowledge.'[4]

Article 14: 'Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.'

Article 16: 'Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.'

Article 18: 'Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.'

As Patrick Thornberry notes, decision-making and listening to what indigenous people themselves have to say go to the heart of the matter:

> 'We will not hear minority and indigenous voices unless they have a platform, unless they participate in decisions affecting them. Participation suggests a voice for communities, not just disembodied or decontextualized individuals. We need to hear voices and, to hear them, they need the security to articulate their concerns, which is their human right, including their economic right. The texts of minority and indigenous rights go beyond the simplicities of