ASIA INDIGENOUS PEOPLES’ PERSPECTIVES ON DEVELOPMENT

Reports compiled and edited by:
Jannie Lasimbang
Hannah Maran
Jenifer Lasimbang

Joan Carling, Gam A. Shimray, Devasish Roy, Rukka Sombolinggi,
Famark Hlawnching

Asia Indigenous Peoples Pact (AIPP)
1. INDIGENOUS DEVELOPMENT
   1.1. BACKGROUND: Asia Indigenous Development Conferences
   1.2. CULTURE
      1.2.1. Concepts and principles
      1.2.2. Maintaining cultural integrity
      1.2.3. Value of collectivity
      1.2.4. Dynamism of cultures
      1.2.5. Indigenous spirituality and mainstream religions
      1.2.6. Language
      1.2.7. Impediments and challenges
      1.2.8. References in the UNDRIP and other instruments
   1.3. SOCIAL SYSTEM
      1.3.1. Concepts, principles and practices
      1.3.2. Social structures, institutions and organizations
      1.3.3. Social life and values
      1.3.4. Impediments and challenges
      1.3.5. References in the UNDRIP
   1.4. SPIRITUALITY
      1.4.1. Concepts, principles and practices
      1.4.2. Challenges in maintaining indigenous spirituality
      1.4.3. References in the UNDRIP
   1.5. POLITICAL INSTITUTIONS
      1.5.1. Concepts and principles
      1.5.2. Roles and functions
      1.5.3. Decision-making process
      1.5.4. Challenges and measures
      1.5.5. References to the UNDRIP
   1.6. JURIDICAL SYSTEM
      1.6.1. Concepts and principles
      1.6.2. Juridical aspect and customary law
      1.6.3. Leadership and decision-making
      1.6.4. Codification versus documentation
      1.6.5. Challenges
      1.6.6. References to the UNDRIP
1.7. ECONOMY 27
   1.7.1. Concepts, principles and practices 27
   1.7.2. Issues and challenges 28
   1.7.3. References to the UNDRIP 28
   1.7.4. References to the ILO No. 169 28

1.8. NATURAL RESOURCE MANAGEMENT 29
   1.8.1. Concepts, principles & practices 29
   1.8.2. Challenges 29
   1.8.3. Good Practice 31
   1.8.4. References to the UNDRIP 32
   1.8.5. References to other instruments 32

1.9. TECHNOLOGY and INNOVATIONS 33
   1.9.1. Concepts, principles and practices 33
   1.9.2. Challenges 33
   1.9.3. Good Practices 34
   1.9.4. References to the UNDRIP and the ILO No. 169 35

1.10. HEALTH 36
   1.10.1. Concepts, principles and practices 36
   1.10.2. Challenges 36
   1.10.3. Indigenous Peoples’ Health in Asia 38
   1.10.4. References to the UNDRIP 39

1.11. INDIGENOUS EDUCATION or WAYS OF LEARNING 40
   1.11.1. Concepts 40
   1.11.2. Principles and Practices 40
   1.11.3. Challenges 42
   1.11.4. References to the UNDRIP and other instruments 42

1.12. INDICATORS OF INDIGENOUS DEVELOPMENT 45

2. Annex 47
   2.1. Recommendations Submitted to the UN Permanent Forum
        on Indigenous Issues (UNPFii) at its 9th Session, 2010,
        by Asia Indigenous Peoples Pact (AIPP).
ACKNOWLEDGEMENTS

AIPP wishes to express its deepest appreciation and gratitude to all the participants and resource persons to the Asia Indigenous Development Conferences organized by AIPP in 2005-2008. This publication would not have been possible without their full cooperation and active participation to the above-mentioned Conferences. We wish to thank Datu Vic Saway of PANAGTAGBO for his report submissions, as well as his invaluable contributions in all the Indigenous Development Conferences.

We would also like to acknowledge the support of donors to the conduct of the Asia Indigenous Development Conferences particularly ICCO, International Labour Organization (ILO) and Tebtebba Foundation.

Finally, AIPP wishes to thank the continuing support of its CORE Funders namely, ICCO, the International Work Group for Indigenous Affairs (IWGIA), and the Swedish Society for Nature Conservation (SSNC) for their financial contributions for the preparation and publication of this document.

ACRONYMS

A
AIPP Asia Indigenous Peoples Pact Foundation

C
CARE Cooperative for American Remittances to Europe
CBD Convention on Biological Diversity
CEDAW Convention on the Elimination of Discrimination Against Women
CER Convention on the Elimination of Racial Discrimination

F
FPIC Free Prior and Informed Consent

I
ID Indigenous Development
ILO International Labour Organization
IMPECT Inter Mountain Peoples Education and Culture in Thailand
IWGIA International Work Group for Indigenous Affairs

J
JKKK Jawatankuasa Kemajuan dan Keselamatan Kampung or Village Development and Security Committee

M
MLE Multilingual Education

P
PACOS Trust Partners of Community Organizations Trust
PESA Panchayat Extension to Scheduled Areas Act

S
SSNC Swedish Society for Nature Conservation

U
UNDRIP United Nations Declaration on the Rights of Indigenous Peoples
UNESCO United Nations Educational, Scientific and Cultural Organization
UNPFii United Nations Permanent Forum on Indigenous Issues
INTRODUCTION

The mainstream development paradigm being promoted by capitalist countries is now proving to be very unsustainable with the worsening financial and economic crises adversely affecting the majority of the world’s population. This form of modern development is very extractive and extremely destructive to the natural environment, exploitative by nature, highly materialistic, and mainly driven by greed and profit. It has also stirred more conflicts over the control of resources in trade through economic and political dominance. Worst, it has only benefitted a few countries while the majority remains in abject poverty. It has led to greater inequity and inequality with the widening gap between the poor and the rich people. Indigenous peoples across the globe are grappling with the impacts of modern development resulting to their further discrimination, exploitation, oppression and marginalization. They continue to suffer and remain subjected to the whims of the global market economy that continues to wreak havoc on their already deplorable condition.

However, indigenous peoples continue to practice and assert their distinct ways of life and worldviews. Despite the impositions of modern development on them, their simple lifestyles have proven to be more resilient and sustainable. Their traditional livelihood activities ensure food security and the conservation of nature for the survival of future generations. The traditional knowledge of indigenous peoples is becoming very crucial in addressing the impacts of climate change, as well as in developing more sustainable use and management of resources.

The present financial and economic crises are now igniting debates about more appropriate development paradigms as well as in developing alternatives that are more sustainable, environment friendly and equitable. The need for a paradigm-shift in meeting development challenges is now increasingly being recognized as social movements including indigenous peoples movements are gaining ground at the local, national, regional and international levels.

This publication on the Asia Indigenous Peoples’ Perspectives on Development is intended to highlight the views, concepts and principles of indigenous peoples relating to development that are consistent with their simple lifestyles and symbiotic relationship with their natural environment. This publication summarizes the results of the four Asia Indigenous Development Conferences organized by the Asia Indigenous Peoples Pact (AIPP) from 2005-2008. It embodies the linkage of development with sustainable use and management of resources, the importance of culture and maintaining social harmony and cooperation through their own political and juridical systems, the transfer of indigenous knowledge, and the development of self-reliant local economies among others. It also includes invaluable concepts and principles that uphold the common good or the interest of the majority over personal interests, cooperation, accountability, humility and simplicity, and the regard for nature as the source of life that must be nurtured and protected. It also contains good practices and lessons learned relating to development by indigenous peoples in different parts of Asia. This publication also includes reference provisions in the United Nations Declaration on the Rights of Indigenous Peoples and other International Instruments upholding the rights of indigenous peoples to self-determined development.

Since the theme of the 9th session (2010) of the UN Permanent Forum on indigenous issues (UNPFii) is on Development with Culture and Identity, this publication is also intended to contribute to the deliberations of indigenous experts as well as to draw the attention of states, UN agencies, funds and programmes on the development perspectives of indigenous peoples in Asia and to consider the recommendations in promoting sustainable
development for indigenous communities. A summarized version of this publication was submitted to the UNPFii and included as annex to this publication.

With this publication, AIPP hopes to contribute in raising awareness on the perspective of indigenous peoples to development towards its greater recognition and appreciation. It also intends to generate greater reflection and re-thinking in the current debate on alternatives to the crisis-prone development paradigm that is causing more misery and hardship not only to indigenous peoples but also to the majority of the world’s population.

Joan Carling
Secretary General
AIPP
1. INDIGENOUS DEVELOPMENT

1.1. BACKGROUND: Asia Indigenous Development Conferences

“The growth or progress of an indigenous community in their originality or within the context of their ethnic identity, in a holistic way”.

This definition was drafted during the Indigenous Development Framework Conference in 2005 by the Asia Indigenous Peoples Pact (AIPP). Subsequently, AIPP organized a series of conferences on Indigenous Development (ID) from 2005 to 2008 to provide a venue for indigenous peoples in Asia to draw out the common elements and components of the concepts, principles and characteristics, and to come to a common understanding of the same, as well as to address the challenges in maintaining a progressive continuity of indigenous development. With this in mind, the first indigenous development framework conference was held in Tulongan, Mindanao, Philippines (2005). Subsequent conferences were held in Toraja, Indonesia (2006), Pokhara, Nepal (2007) and Sabah, Malaysia (2008). AIPP also organised conferences on two inter-related sub-themes of the indigenous development i.e. indigenous education in 2007 and indigenous health in 2008 to contribute to the study of the UN Expert Mechanism on the Rights of Indigenous Peoples (2009). The outcomes of these conferences have been reflected in this report as well since the theme of the final ID conference (which is yet to be held) is directly related to these two topics.

These conferences were attended by representatives from thirteen Asian countries namely: Bangladesh, Burma, Cambodia, India, Indonesia, Laos, Malaysia, Nepal, Philippines, Timor Leste, Thailand, and Vietnam. The holding of these conferences is unique and significant because they were hosted and held in the local community areas only with the active participation of knowledgeable community leaders. Further, it served as an important opportunity for indigenous representatives and experts to identify the most difficult challenges to future options and to openly discuss about their dilemmas. Through this process, indigenous peoples realised that they themselves are beginning to lack a systematic understanding of their own indigenous systems because of the distortions and erosions that are occurring under the influence of external forces. Hence, their participation constitutes both of self-learning and an active involvement towards the reconstruction of what constitutes indigenous development and self-development.

The long term objective of this endeavor is to create a process towards the restoration of their economic self-sufficiency, social cohesiveness and spiritual integrity with nature. This objective sets out to reaffirm the right to self-determination of indigenous communities and the necessity to empower them for the exercise of self-determined development which is intrinsic to one another. The initiative has triggered a process of creating space for indigenous peoples in Asia to come to a common understanding of the concepts, principles and characteristics of indigenous development, identification of common threats and needs, and strategies for the revitalization of different aspects of indigenous development. In other words, the initiative has ignited a process of critical reflection among indigenous experts, leaders and community members on the underlying values of their systems, and how they can determine their development endogenously without being coercively influenced by external forces and in the light of the new challenges.

Indigenous identity and development vision are based on ten aspects and or components of indigenous systems, which are interrelated and interdependent, and indivisible as well. These aspects and or components are culture, social system, spirituality, politics/institutions, juridical system, economy, natural resource management, technology and innovations,
health and education/ways of learning.

The adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in September 2007 has provided affirmative support to indigenous peoples’ perspective of development, and developing its elements and or components as well as the normative rights framework. Furthermore, it creates the basis for indigenous peoples to pursue development models based on such a framework and to inform the government of their duties and obligations to change the models of development that are detrimental to them.

1.2. CULTURE

1.2.1. Concepts and principles

Culture is of crucial importance to indigenous identity. It is based on the concepts of respect for others, self humility, and mutual support for one another. The dignity of all peoples and maintenance of cultural integrity are the principles that bind communities together and ensure harmonious relationship. The maintenance and development of indigenous culture ensure the protection of knowledge and traditions, in particular, the concept of the home and family. The concept of the home, in relation to traditional territories, is the sphere in which indigenous peoples practice their culture. In order to maintain and develop indigenous culture and the connection to their home, community and territories are indispensable even for those who have migrated to other places for work or for education.
It is the land, more than anything else, which gives life and meaning to our whole being; for it is in our land that our history, identity and culture are contained. The traditional land base holds important symbolic and emotional meaning for us as it is the repository of ancestral remains (Sasan and Ading), clan origin, sites, and other sacred features important to our religious and cultural system. We Adivasis have a high regard for our land because we know that our very existence depends on our nurturing of, and respect for, the land we hold. This has enabled us to develop ethos which represents a quality of being and living that is more integrated, more humane, and more egalitarian than the ethos of many modern civilizations. It is an ethos that has evolved out of our experiences over a very long period of time. Our attitude is to enjoy the fruits of the present without risking the next generation, to ensure continual enjoyment of scarce resources in a situation of relative plenty. At the core of this ethos lies the concept of harmony – harmony with nature, and harmony within community. The central concern of our Adivasi religion is to preserve and maintain our intimate relationship with nature in such a way that nature would always remain bountiful to us.

Thus, based on a world view that is an antithesis of the dominant capitalist world-view, we Adivasis have been able to develop a highly efficient and viable social order that gives us a distinct identity and enables us to have genuine progress, a progress that is both sustainable and equitable. But today the identity of the Adivasis and their continuity as a people are threatened due to the neo-colonial and national vehicles of oppression. In the name of development for national interest, the Adivasis are being robbed, oppressed and discriminated against by the rulers of the country. The Adivasis are continuing their long standing struggle to re-establish their traditional rights to develop and preserve their language, culture, religion and social institutions. They are re-asserting their right to develop and progress as a distinct people based on a social order that they themselves determine. Our struggle, therefore, is for the right of self-determination and recognition as indigenous people of India, which the Government of India has been denying since independence.

We involve and encourage our young generation to participate in all our cultural, religious and social activities. Earlier, there was a sort of inferiority complex among our young people but gradually they are discovering and realizing that Adivasi culture and traditions are far more superior, humane and harmonious. And they are determined to preserve, develop and transfer to future generations their ancestral territories and their ethnic identity as a basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, legal systems and customs.

1.2.2. Maintaining cultural integrity

Cultural integrity cannot exist without people practicing their customs and traditions. As access to traditional territories and resources diminishes, new meanings, forms and activities may be necessary to revitalize cultural practices, which are no longer applied. New realities have given rise to new challenges and there must be conscious efforts to maintain
traditional values and instill cultural strength, pride and dignity in the community. In this endeavor, the institution of the family needs to take a major role, as the cohesiveness of many communities is on the decline. Part of these conscious efforts may be in the form of traditional ways of learning to transfer indigenous knowledge, culture and traditions to future generations. For example through oral traditions, stories could be told to children to make them proud of their identity and culture. Alternative modern means and use of technologies can also be encouraged and applied to preserve and promote culture.

1.2.3. Value of collectivity

Collectivity is closely linked to the respect for integrity of the community and elders, and the unity with our ancestors and spirits. In many communities, the value of collectivity and the tradition of working and spending time together are eroding and being rendered irrelevant. For example, in most modern farming systems, communal participation is not seen as necessary and is being taken over by wage laborers or technology intensive systems. Conscious efforts by elders and youths are thus needed to maintain collectivity. The value of collectivity is also weakened by superimposed administrative structures by the state. In the past, most of the indigenous communities had councils of elders dealing with the affairs of the community. However, many of these affairs are now administered by the government officials and offices in which communities have limited say.

This value of collective support system and bonding is also threatened by the introduction of money or cash economy and gradual monetization of the society. The practice of payment in cash for work or selling of labour as a commodity has become part and parcel of many indigenous communities.

1.2.4. Dynamism of cultures

Music, performing arts, literature, visual and other forms of arts are undergoing enormous changes. Many of these changes are also being introduced consciously to attract and draw the attention of the youths. However, the introduction of changes requires careful moderation to ensure that it is adaptive and not disruptive. Change is natural, but it should be through an adaptive process and organic in nature to maintain the essence of indigenous cultures. When the practice of cultural activities is disrupted or restricted, for example, due to loss of land or control over natural resources, the dynamic process of adaptation would be severely hindered or in some cases, come to a complete halt. Under such circumstances, culture stops being dynamic and gets frozen in time. What remain of a culture can only be the static traditions.

The intimate relations of indigenous peoples to their lands and traditional territories are the bases for their cultural growth and integrity. In this context, there are fundamental problems and challenges on how people can continue practicing their customs and traditions, and retain the cultural integrity when dispossessed of one’s ancestral land. In connection to this is the increasing migration of indigenous peoples from rural to urban areas which leads to the gradual loss of their spiritual connection with their lands. Often, the youths leave their villages in search of work or for education. These trends or factors are posing greater challenge in transferring indigenous knowledge to the younger generations. This is creating generation gaps and is beginning to threaten the social and cultural integrity of many indigenous societies.
There are eight distinct indigenous ethnic groups in Cambodia. Although some indigenous cultures remain, many of the groups are struggling with loss of identity and culture. The problems relate especially to land. Most indigenous peoples who are experiencing loss of identity and land live close to outsiders or near the towns. In rural areas, the culture and identity are maintained to a higher degree. There exists very little documentation on indigenous culture and transfer of traditions and knowledge regarding natural resource management as it is done orally. The challenges caused by land loss are being addressed by working with various organizations in order to protect our land and identities, and by strengthening the unity within and between the communities. Such initiatives and measures are important as business brokers and rich people are constantly trying to break up the solidarity of indigenous peoples for their own benefits. These organizations are now promoting awareness on the rights of the indigenous peoples.

Ms. Dam Chanty, Coordinator Highlander Association, Cambodia

1.2.5. Indigenous spirituality and mainstream religions

Consideration of indigenous spirituality is often lumped together with cultural development. A separate chapter (chapter 1.4.) will deal with this topic in more details. Mainstream religions can be a threat to cultural development, particularly if governments adopt policies to promote one or more mainstream religions and prohibit or discriminate against indigenous spiritual values and practices. There is a need, therefore, to make a distinction between culture and indigenous spirituality.

1.2.6. Language

Language is an essential part of culture, as language embodies many indigenous values and concepts. Unfortunately, there are numerous concerns regarding the loss of indigenous languages due to its non-recognition and the introduction of mainstream language as the national or official language(s), and as the medium of instruction and interaction in government education systems. Hence, measures against such marginalization, and proactive policies and programmes for the promotion of indigenous languages are therefore central to cultural development, especially by the governments.

The following is a listing (preliminary) of endangered languages in Asia, with the name of the language followed by the recorded number of speakers:

- **Afghanistan**: Tirahi (100)
- **Cambodia**: Samre (50)
- **China**: Ayizi (50)
- **East Timor**: Makuv’a (50)
- **India**: A-Pucikwar (10 or less); Khamyang (50); Nagarchal; Nefamese; Ruga; Ullatan; Urali
- **Indonesia (Kalimantan)**: Lengilu (4)
- **Indonesia (Maluku)**: Amahai (50); Emplawas (250); Hoti (10); Hulung (10); Ibu (35); Kamarian (10); Kayeli (3); Loun (20); Naka’ela (5); Nusa Laut (10); Pauloхи
<table>
<thead>
<tr>
<th>Country</th>
<th>Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia (West Papua)</td>
<td>Burumakok (40); Duriankere (30); Dusner (6); Kanum, Bädi (10); Kayupulau (50); Kehu (25); Kembra (20); Kwerisa (32); Liki (11); Mander (20); Mapia (1); Masimasi (10); Massep (25); Mor (25); Morori (50); Namla (30); Saponi (4); Tandia (2); Woria (6)</td>
</tr>
<tr>
<td>Japan</td>
<td>Ainu (15)</td>
</tr>
<tr>
<td>Laos</td>
<td>Arem (20)</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Mintil in Peninsular Malaysia (40); Punan Batu 1 (30) and Sian (50) in Sarawak</td>
</tr>
<tr>
<td>Nepal</td>
<td>Chukwa (100); Kusunda (7); Lingkhim. (97); Pongyong; Saam (23)</td>
</tr>
<tr>
<td>Philippines</td>
<td>Agta of Alabat Island (30); Agta of Isarog (6); Arta (15); Ata (4); Ayta of Sorsogon (18); Ratagnon (2)</td>
</tr>
<tr>
<td>Thailand</td>
<td>Mok (7)</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>Arem (20); Gelao, Red (20); Gelao, White (20)</td>
</tr>
</tbody>
</table>

Source: http://www.ethnologue.com/nearly_extinct.asp#Asia

1.2.7. Impediments and challenges

There are several impediments and challenges with respect to the customs and practices of indigenous cultures, which include restrictions of property inheritance for women. There are issues of such complex nature that impede the exercise of the rights and freedom of indigenous women that require urgent attention for rectification. Such rectification is a necessity, and is part of the process of the dynamic growth of a society. This dynamic character of a society that is inherent in nature may sometimes be seen as challenging the “purity” of its culture. However, this should not be the case with indigenous peoples as they have always embraced dynamism as expressed in their customary law. Hence, indigenous customs and practices must be able to adapt and adhere to its principle of dynamism by responding to the changing needs and remaining relevant. Likewise, for example, if indigenous traditions run counter to the international human rights standards, indigenous culture and law must show its ability to adapt and accordingly change in order to truly reflect justice for both women and men, and young and old. This is reflected in the UNDRIP.

1.2.8. References in the UNDRIP and other instruments

A number of references are made in the UNDRIP on indigenous peoples’ cultural rights and the duty of states to fulfill such rights. Preambular Paragraphs 2, 3, 4, 5, 7 and 11 affirm that while indigenous peoples are equal to all other peoples, they also have the right to consider themselves to be different. This does not only contribute to the diversity and richness of cultures and civilizations, but also to sustainable and equitable development. Articles 8, 11, 12, 13, 14, 15, 16, 31, 33 and 34 of the UNDRIP further elaborate on different aspects of indigenous cultural rights, and measures that states should take to ensure its effective protection and promotion, as well as mechanisms to prevent, or provide redress for forced assimilation, prejudice and discrimination.

The UNESCO Universal Declaration of Linguistic Rights (1996) (http://www.linguistic-declaration.org) which was written and signed by academics, independent writers, and non-governmental organizations, is also a useful tool for the promotion and protection of indigenous languages.
1.3. SOCIAL SYSTEM

1.3.1. Concepts, principles and practices

The core concept of indigenous social system is that every individual member of an indigenous society is an integral part of that society with specific norms of social behavior that are based on their own collective indigenous economic, socio-cultural and political systems. It is the principle of collectivity over individualism that sets apart the social practices of indigenous peoples to sustain their distinct and collective cohesion and survival and as well as harmonious relations to each other.

Indigenous social system embodies the respect for the dignity of all members of the community, which is expressed through the practice of reciprocity, mutual trust and service to others. It upholds and recognizes the principles of equal rights, worthiness and usefulness of members of a community. A balanced, harmonious, cohesive society, emphasizing the co-responsibility to each member is therefore ensured and maintained through social structures and institutions.

1.3.2. Social structures, institutions and organizations

Indigenous peoples have unique social structures and institutions that have developed over time. These structures often have the family as a primary unit, which then expands to larger communal and societal institutions. Even villages are spatially structured to strengthen integrity within families and extended families. Children follow the examples of their parents, and thus parental leadership is the greatest leadership that exists in the community.
The close relationship among members of an indigenous community is one of its key characteristics though the relationships among members may vary. In Malaysia and Indonesia, the pattern of relationship is generally governed by the adat (custom), from birth to death, which is peculiar to each ethnic group. Indigenous communities are predominantly egalitarian in their social organization.

Traditional ceremonies and practices reinforce the solidarity within these social structures and networks. These practices depend on the surrounding environment, and an indigenous social system cannot exist in isolation from its ancestral lands and territories. The close and symbiotic relationship among members of the indigenous community is maintained and strengthened by active participation in gatherings, rituals or ceremonies and festivals. Practices, such as labour sharing, which is a common practice among indigenous communities not only lightens the burden of work, but also fosters a sense of social responsibility and solidarity.

1.3.3. Social life and values

Many indigenous societies have developed elaborate social systems based on various concepts that uphold collective survival or social security and prosperity, and mutual responsibility and accountability. These notions and concepts that guide indigenous peoples’ way of life and behavior include the concept of reciprocity, communal harmony and integrity, respect for elders, shared-labour, respect for the environment, and concepts relating to taboos and prohibitions, etc. Issues are dealt with on a communal basis by the community councils or a council of elders with the aim of restoring or maintaining the harmony in the community.

---

**Examples of social concepts and practices in Asia**

**Concepts of respect**

Among the Kadazan in Sabah, Malaysia, the concepts related to respect for elders are referred to as Ovusung, respect for community members in general as Oguhian and Opuunan, respect for the environment as Ohusian. Among the Toraya people of Indonesia such social behavioral codes are referred to as Tarrate.

**Concept of shared-labour**

There are important concepts related to labour exchange or shared-labour and mutual cooperation as well. These are referred to as Maleya or Bala in Chakma (Bangladesh), Siarak in Toraya (Indonesia), Hakawak in Timor Leste, Ngalang or Tampla in Tangkhul Naga (Northeast India/Burma), Hapa palaknai in Tripura (Bangladesh/Northeast India), and Mitabang in Kadazan (Sabah).

**Social responsibility**

Some good examples on social responsibility can be found among the Chin (Burma) on adoption of children and the setting up of social granaries to help widows. Among the Chakmas (Bangladesh) too there are good practices in relation to extension of social support and pre-natal and post-natal support for pregnant mothers, or to the families of the deceased during funerals.
The social life of many indigenous societies, especially among tribal villages is based on the principles of upholding the common good over narrow self-interest, “do no harm” and collective responsibility over the consequences of individual action. Harmonious and peaceful co-existence between and among tribes requires the behavior of each member to be accountable to the clan and the tribe. For example, if any member of the clan does harm to a person from another clan, the clan of the person who caused the harm is directly made accountable, and not only the individual. In the same manner, if a member of a tribe caused harm to another person from another tribe, the tribe of the one causing the harm is also made responsible and accountable by the action done by any of its member. Because of these social norms of proper behavior, members of clans and tribes are already taught at an early age to always take into account the consequences of their individual actions. These are very invaluable principles and practices in sustaining harmony and peace by members of the tribe and in maintaining peaceful co-existence with other tribes. While others may regard this practice as unfair or just, it is in the spirit of upholding social order and the common good that each member is expected to act responsibly.

1.3.4. Impediments and challenges

Nevertheless, some gender gaps still exist within the indigenous social systems such as the exclusion from, or inadequate representation of women in decision-making processes and leadership roles (traditional and state), and administrative justice mechanisms. Other gender inequalities may be seen in certain ceremonies, and practices related to birth prohibitions and bride price. Gender-based violence has also been reported.

In order to ensure social development as well as to protect and maintain indigenous social structures, it is necessary to gain formal recognition of indigenous social values and systems. Intervention without due respect to or imposition on indigenous political/institutional and juridical systems by the state systems is often the main cause of the weakening and declining of indigenous social systems and institutions. In some instances, the erosion or disintegration of indigenous value systems is due to abject poverty, which in a community can challenge traditional values of sharing and hospitality and encourage individualism.

As mentioned in the section on culture, the impact of migration of youths to other places is a threat to indigenous value systems in this case as well. A growing number of indigenous youths perceive traditional social values as irrelevant. This worsening situation of inter-generational knowledge transfer is aggravated by external factors such as the mass media (for example television, newspaper, magazines and internet) as well. In addition to these, the other important issue that indigenous peoples feel the need to be addressed is the retention of their positive value systems and practices in the face of increased exposure to modernization, urbanization, changing patterns of occupations and economic activities that are negatively impacting on the indigenous societies. In such changes, indigenous community members are seldom able to participate in important events during difficult times, festivities and other social events. Erosion of indigenous peoples’ social systems can also be attributed to the prohibitions of mainstream religions, particularly ceremonies and rituals where traditional social arrangements become the backbone in the conduct of such practices. Another major concern is the undermining of indigenous institutions. In many parts of Asia, governments have replaced traditional councils with development committees. Although these committees¹ include different positions to ensure cohesiveness in society, including a focal person in charge of social development, the committees

¹ Jawatankuasa Kemajuan dan Keselamatan Kampung or village development and security committee in Malaysia; Commune Councils in Cambodia; gram-sabha in India, Union Council in Bangladesh; Village Development Committee in Nepal, etc
have a number of flaws. At the outset, one of the main problems is that, these committees
take over the traditional institutions that have governed the communities for generations.
Secondly, the governments require members to these committees to be educated and in
general, supportive of the government. In many countries, the committee members are
appointed, rather than elected by the communities themselves. They often promote new
ideas or concepts of development which are contrary to traditional customs and values.

1.3.5. References in the UNDRIP

Article 3 of the UNDRIP states the pursuit of social development by indigenous peoples
as an important aspect of right to self-determination. Preambular paragraph 7, and Articles
20 and 23 underscore the importance of maintaining traditional social structures or institu-
tions in exercising the right to development. Articles 21 and 32 outline the responsibility
of states to effectively improve the indigenous peoples’ social conditions and to provide
effective mechanisms for just and fair redress when external developments bring adverse
social and other impacts to indigenous peoples.
1.4. SPIRITUALITY

1.4.1. Concepts, principles and practices

The concept of indigenous spirituality is the application of respect for the “Creator” that has given life to all creations, and these creations shall maintain harmony as interdependent elements. The concept of life and “supreme being” is not merely in the physical world but also in meta-physical forms that are important in maintaining harmony between and amongst living beings and those in nature.

Often, belief in the creator and the existence of the next world provide hope and a basis to respect all natural phenomena. The respect for the natural environment, including trees, rocks, water bodies and wild animals, are an intrinsic part of indigenous spirituality. Natural sites are used as places of worship or for holding rituals and ceremonies. Indigenous spiritualities are inclusive with children, elders, men and women participating in spiritual activities. They may include formalistic rituals and seemingly informal and casual, but nevertheless regarded with high esteem and reverence. It is a democratic spirituality and learning is natural.

Among the important elements of indigenous spirituality are maintaining connections with their ancestors and spirits or deities, and maintaining social relations and respect for nature. Holding rituals, ceremonies, as well as applying positive and respectful values as part of social practices, are also components of indigenous spirituality. Efforts are also taken to ensure that these elements are transferred between generations.

Indigenous spirituality is also closely linked to other indigenous systems of the society i.e. health, natural resource management and culture. Spiritual leaders mediate between ancestral spirits/souls and members of the community by evoking ancestral spirits to bless
the community. Ancestral spirits/souls also protect nature by providing guidance to community members on how to relate with nature.

Indigenous peoples often adhere to numerous spiritual traditions, including those from mainstream traditions, prompting some to regard such as syncretism– the co-existence of diverse and seemingly opposed traditions. Other mainstream perspectives also view indigenous spiritual traditions as polytheism– belief in more than one god. However, it is perhaps best viewed simply as spiritual pluralism.

### Kadazan beliefs and roles of priestesses

Minamangun (God) created all things, including spirits. There are four types of spirits – Sunduvan or Koduduvo, Tombiivo, Rusod and Logon. Sunduvan refers to the soul of a living person whereas Tombiivo refers to the spirit of a dead person. Tombiivo becomes a Hozop when it goes into Kahazapan (spirit world) and therefore a Hozop refers to a spirit of persons who died sometime ago. Rusod are spirits of animals and all living things apart from humans. Logon generally refers to both good and bad spirits. Good spirits called Gompi or Miontong live with families to protect them from bad spirits. The bad spirits are those that can cause hardship and sufferings to humans and they often live separately from humans. Spirits called Moinat dwell in caves, trees and large bodies of water or rivers.

Among the Kadazan, the Bobohizan or priestesses play a central role in sustaining spirituality. They provide the link between humans and the spirit world through rituals and ceremonies. During a state of trance, a priestess can travel to the spirit world to learn its mysteries and can communicate with them. She can bring back instructions to restore harmony between humans, the spirit world and other creation of Minamangun (God). Acquiring the knowledge to be a Bobohizan requires long apprenticeship, being gifted or a special divine calling.

Excerpts from “Traditional systems of indigenous peoples of Sabah, Malaysia”

### 1.4.2. Challenges in maintaining indigenous spirituality

Indigenous spirituality practices pluralism as one can belong to many different faiths. Non-indigenous peoples often lack information and knowledge about indigenous beliefs and spirituality, and may lack respect for indigenous beliefs. Many regard mainstream religions to be superior and constantly attempt or force indigenous peoples to convert.

Many spiritual leaders have been forced to denounce their beliefs and practices, leaving a huge spiritual gap among the new generation. It is a difficult task to fill in the understanding and knowledge needed to conduct rituals, ceremonies and other concepts of indigenous spirituality and belief systems as they have already been lost.

The participants of the conference found that maintaining indigenous spirituality and belief systems to be one of the most challenging tasks. This indicates the extent of its erosion. It is also one of the most controversial topics as many indigenous participants have already embraced mainstream religions.
Spiritual development depends upon the political system of the society. Individual or community faith and/or beliefs flourish only in democratic political system, because true democracy recognizes and respects pluralistic cultural systems. Spirituality cannot flourish under autocratic or authoritarian regimes, and many indigenous spiritual leaders have to conduct ceremonies and rituals in a clandestine manner.

Spirituality refers to the respective spirits, and it is referring to life. It is the basis of our community, and we must make sure to take it forward. Spirituality is like a stream flowing from the creator, and spiritual development means facilitating the flow. Spiritual development takes place through the practice and through the promotion of the same and transmitting the knowledge to the younger generations.

Conversion to mainstream religions stops the flow from the creator and erodes indigenous spiritual beliefs. Conversion has created confusion, and as such, we must take time to reflect and understand our indigenous spirituality. Once we have discussed these issues deeply, and are able to understand our own spirituality, then we can promote respect for, and defend our belief systems. State administrations and mainstream religions do not respect our beliefs and treat us as people without religion. We must change this. We must redefine the relationship between indigenous peoples and the outsider. We must keep a space for lobbying and advocating our right to be different in order to avoid discrimination.

Finally, we were all reminded by a Toraja elder about how difficult it is to reconstruct spirituality. Once it is lost, it is lost. We must therefore be extremely cautious and take care to maintain our spirituality and not to let it disappear, because spirituality is the soul of cultural integrity!

Datu Victorino Saway, Talaandig elder

1.4.3. References in the UNDRIP

Article 12 of the UNDRIP states that indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; as well as the right to maintain, protect, and have access in privacy to their religious and cultural sites. The state has an obligation to provide redress through effective mechanisms, including restitution, when religious and spiritual property are taken without the indigenous peoples’ free, prior and informed consent or in violation of their laws, traditions and customs; or as in Article 32, when external development brings adverse spiritual impacts.
1.5. POLITICAL INSTITUTIONS

1.5.1. Concepts and principles

Traditional political institutions embody democratic principles and are manifested in power-sharing and co-responsibility among its members. Personal integrity, reliability, honesty and foresight are principles and qualities applied in selecting representatives from the community, apart from their legal knowledge, wisdom and sense of justice. Traditional institutions are made up of a council of elders and as the highest arbiters, administer all matters in order to maintain peace, harmony and well-being in a community.
Traditionally, indigenous political institutions were generally localized, usually restricted at the village level. However, modern communication systems have allowed its administrative sphere to expand to clusters of villages or even to the whole of a community of a particular indigenous group.

Selection of members of a traditional institution or council takes different forms, but it is primarily guided by the criterion of who is considered a good and a wise leader. The position of some members of the traditional council may be hereditary but upholds democratic principles of having adequate representation and consultations in governing a community. Thus the ills of money-oriented electioneering may be averted, while providing nuanced custom-based pressure on the hereditary or quasi-hereditary leaders to adhere to and respect community wishes.

1.5.2. Roles and functions

The village chief or elder is often tasked with the overall administration of the village. He/she presides over community meetings and hearings and ensures that customary laws and rituals are followed. He/she also ensures security, peace and stability in the community.

The role of other council members is to advise the village chief or elders in important matters concerning the administration of the village. They take co-responsibility in the administration of the village, and help in other matters such as social relations and settlement of conflicts.

Some communities have priests/priestesses whose role is to advise the council on spiritual matters. This involves all aspects of life such as birth, marriage, death as well as farming, war, hunting and fishing. The influence of the priest/priestess depends on his/her integrity, knowledge, wisdom and skill.

---

**Thakali governance system**

Thak Saat, the traditional homeland of Thakali has 15 villages. These villages are divided into 11, 8 and 6 regions for efficient administration work. The territory of Thak Saat has been recognized during the time of Malla dynasty. Among 13 villages, Cobang is the centre/capital of Thakali community. 13 Chief system or Mukhiya system was established around 1750-1760 AD. The custom of Khambek was established before the formation of this state. The Mukhiya used to collect revenue from the people and pay to the government. The Mukhiya are powerful as they regulate economic, social and justice systems. People usually try to resolve disputes on their own but when the conflicting parties are not satisfied, then they can go to Mukhiya with an offer of 4 pennies. If the Mukhiya of that village could not resolve the dispute then the parties can go to the main Mukhiya who is called Mir Mukhiya. Among 13 Mukhiya, Mir-Mukhiya is like the president, Upamir-Mukhiya, the vice-president and Tabil-Mukhiya, the secretary. Tabil-Mukhiya documents the trial. Ten other Mukhiya are like members. All the documents are put in a copper box with three lockers, and the keys to the lockers are kept by Mir-Mukhiya, Upamir-Mukhiya and Tabil-Mukhiya. All trials are documented in Tamrapatra (copper-tooling), Silapatra (stone graving) and Bhojipatra (writing on Bhoj tree leaf/bark). Mukhiya has to be chosen by consensus.
At first, a complaint is put in front of the village Mukhiya and he has to resolve the dispute. If he could not resolve the dispute then parties could appeal to Mir-Mukhiya. Appeal has to be made in written form. During the dispute resolution process, conflicting parties and Mukhiya have to touch the holy water from Kali-Gandaki river and swear. If the dispute is serious, then they have to touch the holy book of Thakali called Dhorchecho. This kind of dispute settlement process is called Dharamasava or holy assembly, not the dispute resolving assembly. Even to this day, people in Mustang are using it and they have not used the state court or police. In Mustang, only two cases were filed in court and they do not belong to the Thakali community.

Imparted by Purna Prasad, Tulachan, Nepal

1.5.3. Decision-making process

Decision-making process is generally by consensus and is inclusive and participatory in character. Even in hierarchical societies, the decisions by the leader (village head, chief or king) are made after seeking advice from counselors. This applies to setting standards for the community, including guidelines for the management of resources and judicial matters. In major issues that dramatically affect the survival of the community, such as in the case of war or dispute over important resources, a unanimous decision is required from all council members and the community as a whole.

Many traditional institutions have evolved over time, but the decision-making process is basically maintained and in some cases, has involved wider sections and also different sectors of the community, especially women and youth. Improved communication technologies within indigenous societies have also made information sharing easier.

Indigenous women are demanding representation in the indigenous decision making bodies and a reinterpretation of customary laws for the intentions to be understood better. Women are further demanding that studies be carried out on indigenous governance systems and structures to provide a better understanding of its philosophies and principles in order to understand the role of women and to enable women to participate equally in governance and decision making. They are also demanding and lobbying that woman should be represented in the state’s governance and decision making institutions/bodies as well.

The high levels of literacy and education among indigenous women, as well as they being holders of indigenous knowledge provide both the scope and the rationale for their active involvement or inclusion in the governance of both the state and indigenous institutions. In a positive development, most governments are now more sensitive to the representation of women in the decision-making bodies and national laws are making provisions for their participation.

There is also a wide opinion that since cultural events and festivals are learning centers as well, women can be responsible on the governance of such aspects.
1.5.4. Challenges and measures

The interface between indigenous political institutions with the State has brought about numerous problems. One of the key issues is the appointment of traditional leaders by the government, such as the case in Sabah, Malaysia. Another issue is, in the changing times and situations, there is a requirement for resolving system conflicts caused by modern or state impositions over the traditional, or as is often the case, where a hybrid system exists. In such situations, the traditional institutions are often undermined by the state or hybrid systems. Therefore, it is necessary to redefine the relationship between indigenous peoples and the state through effective negotiation processes.

At the same time, customary law is perceived to be dominated by men and therefore seemingly reluctant to support changes to norms that are unfair to women. Thus, this clearly represents another area of challenge requiring reforms.

The other major challenge to the indigenous political systems is the building of the capacity of these institutions to address more effectively the more complex present-day realities and situations of indigenous peoples. For example, indigenous institutions are increasingly confronted by outside entities such as corporations and International Financial Institutions promoting “development projects” that entail the extraction or expropriation of indigenous lands and resources. Likewise, the changing patterns of land tenure, including selling of lands to outsiders, the emergence of new types of leaders who are not accountable to the indigenous communities, the influx of non-indigenous migrants, among others, are complex issues that indigenous political systems have to address. These developments are directly impacting on the capacity of traditional political systems to maintain cohesion, unity and cooperation among the members of indigenous communities. At the same time, these systems are ensuring and upholding the interest of the community members and the recognition of their rights and welfare.

Hybrid institutions of indigenous peoples and the state

Hybrid institutions are different from the traditional institutions and they have strong support from the state. Often they bring conflict. We have to be careful about the hybrid institutions as they could play the role of ‘divide and rule’. Thus when we talk of development initiatives, consultation should start from the indigenous system as well as hybrid institutions but the indigenous system should be given more power in decision making. This includes making more resources available to the indigenous leadership, supporting our indigenous system of governance and leadership.

There is no sufficient training given to village heads and village elders so that the judicial and administrative decision-making processes can result to quality judgments and decisions. Some village leaders will need help and support to organize their assembly. We also face the problem of representation. We need to ensure that our leadership is recognised. We need to come up with criteria and inform governments about these criteria so that they can easily determine who the real leaders are.

Some lessons learned from the Conference and recommendations for leaders in contemporary indigenous institutions:
In 1991, an Experts’ meeting organized in Nuuk, Greenland, outlined the following as characterization of indigenous self-government in an attempt to establish measures to recognize indigenous governance/institutions:

- The exercise of adequate powers and self-government within the traditional territories of indigenous peoples as a prerequisite for the development and maintenance of traditional indigenous cultures and for the survival of indigenous peoples;
- A redefinition of the relationship between indigenous peoples and the States in which they now live, in particular through the negotiation process;
- Self-government as a means of promoting better knowledge about indigenous peoples vis-a-vis the wider society;
- The assumption that the exercise of self-government presupposes indigenous jurisdiction, that is, the right of indigenous peoples to establish their own institutions and determine their functions in fields such as lands, resources, economic, cultural and spiritual affairs;
- The possibility to establish relations with other ethnically similar peoples living in a different region or State;
- The establishment of mechanisms for joint control by an indigenous autonomous institution and the central government;
- The necessity to clearly delimit areas of competence in order to avoid conflict; and
- The establishment of conflict resolution mechanisms.
1.5.5. References to the UNDRIP

Preambular Paragraph 16 and Article 4 of the UNDRIP provide for indigenous peoples’ right to establish autonomous areas or self-government as a means of self-determination, among others, while Articles 5 and 20 (1) affirm the right to maintain and revitalize political institutions. These are further elaborated in Articles 34 and 36 which recognize indigenous peoples’ right to promote, develop and maintain their institutional structures, networks and their distinctive customs.

Experiences on interface of indigenous institutions with state institutions

**Malaysia:** Hybrid organisations i.e. Village Security and Development Committees (JKKK) in Malaysia are also seen as tools of the government to dominate and control the indigenous peoples or for them to be used as the ears and eyes of the government. They are also given a lot of resources compared to traditional leaders. People are concerned that the government is appointing traditional leaders (village heads) even if the people don’t want them. In Sarawak, traditional associations and tiers - clan headman and territorial headman exist but political interference also gave rise to ethnic-based associations that have become platforms for political mileage. Traditional institutions are no longer institutions governed and managed by communities as a collective responsibility, but left on the shoulder of one person, the village headman. If we look at the responsibilities of the headmen and the leaders, these responsibilities have become too heavy.

**Thailand:** Equality between women and men involves an equation of 50:50 participation. There is a need to know the rights of women as enshrined in CEDAW and CBD, and to lobby with village headmen and get every community to support the effort. Women’s role in indigenous societies needs to be improved. The thinking that men are better than women or that men should be before women, must be eradicated. This condition must change and gender equality instilled through seminars or conferences where the women leaders can exchange views.

**Indonesia:** It is a common thing to see two types of leadership in each community – kepala adat (indigenous leader) and kepala desa (administrative leader). For indigenous peoples’ rights, it must be the indigenous leader who decides but often that right is transferred to the kepala desa. An academic paper is being prepared together with the government on the process whereby the village leader will be selected by the community but the government can appoint a leader for administrative duties. If the government is only interested in the administrative matters why don’t they just employ someone to do the job and leave the matter of custom and adat to the community leaders.

**Burma:** There has been only one free elections since the 1960s. There is a general tendency to focus only on customary laws and traditional institution. To avoid exploitation by the state systems, there is a need to expand our own scope and participate in the state processes and institutions. Indigenous peoples can be represented through their own political party drawing from their traditional system that will be accountable to the community.
Philippines: Based on the partylist system of representation of marginalized sectors to which indigenous peoples belong, they can vote for their own representative to the national legislative body. The election of partylist is based on .8% of the total votes cast in the election. Noting that the total population of indigenous people in the country is 15%, there is high probability of winning a seat(s) in Congress. Further, it is up to the partylist organisation to choose its representative in Congress as the vote is not for the candidate but for the partylist organization. Partylist organizations are expected to be cause-oriented in promoting the rights, interests and welfare of the sector they are representing.

Cambodia: There is a concern with the leadership in the community where two systems are recognised. At the community level, it is only the traditional leadership that is actually recognised. However, there is also the leadership who is elected through the state election. The elected representative is often more powerful politically in many instances being backed by the state. Nonetheless, in situations of conflicts in the community, the two systems have worked together. In terms of promoting women leadership, the state is encouraging women to participate in the elections of the community. We are also demanding to the government to ratify the ILO Convention 169.
1.6. JURIDICAL SYSTEM

1.6.1. Concepts and principles

Indigenous juridical systems include judicial, legislative and procedural aspects. The judicial aspects would include rulings of courts by indigenous chiefs, headmen, elders, councilors etc when administering customary law and resolving disputes. The concept of indigenous juridical system is to maintain harmony among members of the community, and is based on the principles of collective indemnity and communal solidarity. Fines and compensations are meted out to provide wrongdoers an opportunity to ask forgiveness from the aggrieved party and the whole community and to redress part of the injury suffered by the aggrieved party.

Indigenous justice systems are seldom adversarial, unlike some mainstream systems, wherein the adjudicators are meant to act as neutral umpires in a dispute between two protagonists and decide which of the two is at fault. In contrast, indigenous systems seek not so much to identify the offender and punish him or her (unless where deemed necessary), but to reconcile the disputing parties with each other and with the rest of society. Various elements of indigenous justice resolution mechanisms may be found in mainstream practices of arbitration and alternative dispute resolution mechanisms.
The Ho community from Jharkhand, India has its own age-old administrative system, although the British and India governments have forced many changes onto the traditional system of governance. However, the system is still in practice somehow. Each village has a headman designated as Munda and five to six or more villages are headed by a person called Manki. The post of Munda and Manki system is hereditary. These Mundas and Mankis are responsible for maintaining peace, law and order in their respective jurisdictions. The system has been very effective during the British reign but after the independence of India, the Panchayatiraj system was imposed in Jharkhand area and the Munda Manki system faced a big setback. The Jharkhand state government however has initiated some efforts to revive the age old system of Munda Manki by paying honorarium etc to the Mundas and Mankis.

Customary laws relating to landed property, marriage, succession, etc. are protected by the Indian constitution. The church and missionary schools have played an important role in imparting education among indigenous people along with their efforts to convert them into Christianity. Of late, the national and international industrial companies have been trying their level best to acquire or usurp the lands of the indigenous people of Jharkhand. Jharkhand is the richest state of India so far as mineral wealth is concerned though the indigenous people of this area are one of the poorest people of India.

Most of the minor civil matters are tackled and disposed of by the village panchayat headed by Munda. Serious criminal cases are referred to the criminal courts of the districts through police stations. However, the Government of India has enacted a new law – Panchayat Provisions (Extension to the Scheduled Areas) Act, 1996 (PESA) which provides that the villages in Scheduled Areas can have their own self governance system for their development and for resolving minor disputes among them. People are quite enthusiastic to constitute their village councils or gram-sabha, which are still in the nascent stage, but excessive interference by the government, is creating problems for the villagers. The right is given to the village traditional head but the government interferes with this right.

Mr. Ramesh Jerai, Jarkhandis Organization of Human Rights (JOHAR), India

1.6.2. Juridical aspect and customary law

Customary law has two components: personal law and territorial law. Personal law includes those related to the social, cultural, language, spiritual, traditional economy, property etc. aspects. Territorial law refers to land, natural resources, soil, and sub-soil. However, territorial law has a social dimension as well.

Customary law applies to persons as individuals, as well as to persons in a community. The nature of a case determines the law that will be used, as well as the body that has jurisdiction. The identity of the institution that has authority to implement and resolve the problems regarding territory and community depends on the nature of the cases. If the case relates to customary personal laws, then the customary institutions generally resolve the disputes whether or not they are formally recognized by law. However, in the case of
In Timor Leste, the main traditional social structures that continue to profoundly shape the Timorese identity and culture, and effects their communal relations are the concept of Uma Lulik (sacred house pertaining to powers and relations), the structures of traditional leadership (political, spiritual and judicial), and the practice of having sacred objects (sasan lulik). Leadership roles concentrate on three individuals, each representing a particular element of power. The Liurai-king (political power) is associated with sacred houses in different kingdoms and political authority. His role revolves around external relations, making peace or war between kingdoms, and managing diplomatic relations with external entities. The King is a hereditary king selected by the Dato (Visible Lord) who is the ritual authority. The Dato is connected to the spiritual world and therefore is able to make decision based on ancestral order and values and communicating with the spiritual world gives them the legitimacy to dictate bandu and other social norms that community members must follow to achieve spiritual harmony and physical stability. The third functionary is the Lia Nain, the judicial authority or the conflict arbitrator. Lia Nain are considered as owner of words (Lia=words, nain=owner) because only they have the knowledge of traditional rules and can therefore determine compensation and interpret laws for the community once decisions are reached. They solidify the agreement through a juramentu that binds parties to the terms of the agreements.

Excerpts from ID Conference Report, 2007

1.6.3. Leadership and decision-making

Indigenous juridical systems are also linked to indigenous political administrative structures that are based on leadership and decision-making by consensus. The preferred model for decision-making is one that is effective and participatory, and allowing equal opportunity through two modes: firstly, through a general meeting that includes all level of the community, and secondly, through a process involving just the leaders. Fully indigenous courts were generally preferred over state courts, such as in Northeast India, Chittagong Hill Tracts, Bangladesh and Jharkhand, India. Hybrid organizations between community leaders and the government were found to be unfavorable in some places (e.g., Sabah, Malaysia and Jharkhand, India), as they are deemed to be government tools to dominate indigenous peoples.

1.6.4. Codification versus documentation

An important issue regarding indigenous juridical systems is whether customary law should be codified or documented. Documentation is most favored as it promotes flexibility and relevance over time. This could be a listing of indigenous principles to keep customary laws that would allow communities to easily access information on the contents of the laws and to accommodate progressive change through direct democratic methods of consultation and consensus. This way, customary law could be written and preserved without formal
codification. Formal codification has the risk of freezing dynamic development of law, and promoting uniform modes that do not fit different socio-cultural contexts (which oral customs can generally accommodate). Codification normally also involves endorsement by a formal legislative body in which indigenous representation is all too often absent or marginal.

1.6.5. Challenges

Often, more than one legal system exists in the interface between the state and indigenous institutions (e.g. syariah and statutes of the state). In all cases, indigenous peoples face enormous problems in the maintenance of traditional juridical systems. Some of the challenges include the non-acceptance of legal pluralism, and lack of administrative and financial support by states; the increasing lack of opportunities for, and customary knowledge of, traditional leaders to enable them to update customary laws; as well as the lack of respect for indigenous juridical systems by other legal systems. If access to customary justice systems continues to be denied to indigenous societies, more and more community members may turn to, and in many cases have already turned to, state institutions for justice. However, here too they face difficulties as litigation in mainstream systems is expensive, time-consuming and complicated. In other words, indigenous communities may effectively end up with having little or no access to justice, either from their own leaders or from the state.

Indigenous people also face significant challenges in freely exercising their juridical rights and pursuing juridical developments within their communities. A high degree of juridical autonomy is recognized by state legislations in a few countries only, such as in Northeast India, Sabah-Sarawak, Malaysia, Northwest Pakistan and Southeast Bangladesh. Here too, the major challenge is in implementing these constitutionally protected rights. In most countries of Asia, indigenous communities face problems in obtaining formal state recognition of their customary laws and justice systems. In special contexts, such as the autonomous district councils in Northeast India, the councils too may pass laws, including on customary laws of the indigenous (“tribal”) peoples. Indigenous peoples – whether councils, assemblies, chiefs, traditional courts – also amend existing customary law principles or introduce new ones. In our context, we would include such exercises within legislation. In the same vein, the rulings of indigenous chiefs, headmen, elders, councils etc in administering customary law and other disputes would also be considered as the exercise of judicial authority.

Customary legal systems: advocacy of indigenous peoples

In Indonesia, there are too many cases not heard in the Supreme Court. The option is for the Supreme Court to integrate the indigenous juridical systems but there is no consensus. From an indigenous perspective, it is to maintain the cosmic balance and to re-harmonize kinship system, and to have justice. It is not about winning or losing, or even getting a win-win situation. This is the reason why the proposal to incorporate customary law into the state judicial system was rejected.

Among the Kachin in Burma, they rarely go to the national court. Conflicts are resolved in traditional or customary courts. However, customary law is not fair to women in some cases e.g. in cases of adultery and inheritance. If a husband dies, the woman has to marry the younger brother. In the case of rape, if the boy or man
is prepared to marry the woman, the case is over. If not, there will be a process in which decision on the amount and kind of compensation for the victim is taken. In the case of divorce, the children will go to the father because the mother is assumed to be incapable of raising the children. Also in the case of inheritance, the man gets everything. Advocacy to strengthen customary legal systems will need to change such deficiencies towards women.

In **Northeast India**, village heads are comfortable in their positions and do not see the problems that arise as a result of the conflict between state policy and the customary law e.g. in the management of forests. Nevertheless, the Autonomous District Councils in some Northeast Indian states can establish their own courts, including chiefs and headmen. Judges and village authorities are all men. The system can be changed if there is awareness.

In the **Chittagong Hill Tracts** region of **Bangladesh**, the courts of the traditional chiefs and headmen are recognized, and the civil courts are barred from exercising jurisdiction over customary personal and other law matters that are tried in the courts of the chiefs and headmen. At the higher levels, the state courts have revisional and appellate authority over the traditional leaders’ courts. The major challenges here include sensitization of the traditional leaders on women’s rights and child rights, obtaining state support for the traditional courts, and documentation of customary law (as opposed to formal codification), among others. The three traditional Circle Chiefs are recognized but their powers are limited. In **Nepal**, much of the customary legal system is destroyed by the national or Hindu legal system and it is hard to revitalise because it was not well documented. Many indigenous systems have also been assimilated into the state legal system. Except those in the interior where they still practice their own code system, or have no faith on the modern system which discriminates them, the practice of indigenous system hardly exists. The challenge is greater in situations where the inhabitants are of mixed population. In such a situation, most indigenous peoples in Nepal don’t have a choice but to go to the state court. Different communities are attempting to get traditional legal system recognised by the state. The effort to move towards ethnic autonomy (especially the Limbus) has received some extra boost after the ratification of ILO Convention 169 by the government of Nepal. At the same time this also opens up opportunity for re-establishing a working customary law.

In **Thailand**, the issue is the non-recognition of customary laws and indigenous peoples have no option but to follow the national laws e.g. marriages still have to be registered with the official registrar. Customary laws also have no jurisdiction with respect to the forest. Customary laws are still respected only in the villages and are seen as better than national laws with easy steps to clear a conflict.

In **Cambodia**, customary law still exists, and customary land laws are incorporated in the national law; but the problem is that the communities do not obey customary laws.

In **Sabah and Sarawak, Malaysia**, native courts are recognized by the state but there are still many problems. Very little money or human resources are allocated to native courts and their role is now limited to family law matters. We also need to have a dialogue with the state and the syariah system in Sabah. The jurisdiction of our na-
tive court does not include natural resource management thus we need to widen the jurisdiction again. This is a case where the state gives recognition to customary law and yet enacts laws to undermine indigenous systems at the same time. There are also too many cases in our native courts, so an association of village leaders was set up to give more voice and bring up issues. We want to get support to hold meetings to review the adat and expand the scope of their jurisdiction to cover natural resource management. In Sarawak, there are currently about 141 cases being filed in court by the indigenous peoples to challenge the encroachment on our native customary land by companies and government. So far there are few court decisions that have been made in favour of the recognition of indigenous peoples’ customary land rights.

**Excerpts from ID Conference Report, 2007**

On the acceptance of customary law, the challenge to indigenous peoples is to demonstrate that traditional courts and customary laws are still relevant to their society. There are difficult questions on the application of customary law in a mixed society. Similar question arises on its applicability on an indigenous person who has changed his/her religion and where religious practices are in conflict with customary law.

Other challenges include finding means to increase gender equity, sustaining orally-transmitted customary laws, and resolving tensions in the interface between indigenous authorities and state authorities. Another issue on the level of indigenous peoples was to provide more training to chiefs and village elders in order to facilitate decision-making processes that yield quality judgments and decisions. In the Chittagong Hill Tracts, Bangladesh, there were some good practices on trainings of indigenous headmen and elders.

### 1.6.6. References to the UNDRIP

There are several references in the UNDRIP on indigenous juridical systems, in particular Article 34 stating the recognition of indigenous peoples’ right to promote, develop and maintain their own distinct procedures, practices and, in the cases where they exist, juridical systems or customs.

Articles 27 and 40 stress on States’ duty to establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used.
1.7. ECONOMY

This we know, the Earth does not belong to man; man belongs to the Earth. This we know, all things are connected, like the blood which unites one family. Whatever befalls the Earth, befalls the sons of the Earth. Man does not weave the thread of life; he is merely a strand in it. Whatever he does to the web he does to himself.

*Chief Seattle, Patriarch of the Duwamish and Squamish Indians of Puget Sound, 1855*

1.7.1. Concepts, principles and practices

Indigenous peoples’ concept of economic development underlines the specific relationship of indigenous peoples to their land. This concept of development is part of the various inter-related and long-standing systems that govern the way life of indigenous communities. The concept ensures that as the community develops, exploitation among members of the environment may be avoided. This perhaps explains why traditionally there has been a narrow gap between members of a community in terms of living standards.

The political economy of indigenous peoples may be described as one that spreads horizontally, in contrast to the conventional vertical relationship which is the result of domination of one group over the other. This involves a highly-localized system in which both production and consumption occur locally; where trade happens between two relatively equal parties and leads to a transaction that does not impoverish either party.
Indigenous peoples’ economic practices recognize that human beings are not merely consumers of energy and necessities and seek to create a condition where members of the community may individually and collectively realize their human potentials and exercise them. Indeed, the focus is on providing a place for each individual to play meaningful roles in personal and social life.

This concept stems from underlying principles of sustainable utilization of resources, simplicity, social responsibility and maintaining a harmonious relationship through cooperation and reciprocity. Indeed, indigenous economic systems differ starkly from the market economy since in principle, it seeks to maintain an adaptive and harmonious spiritual relationship with the environment.

Some examples of existing traditional indigenous occupations are shifting cultivation, handicraft-making, fishing, hunting, agricultural production, animal husbandry, liquor and beer making, and salt making. The modes of payment are through barter system, sharing of goods and cash. The agricultural implements that are used are designed to avoid over exploitation of resources and to serve the collective needs of the community.

Aside from providing economic and biological sustenance, these practices also contribute to social cohesion through the inter-generational transference of knowledge that occurs when traditional occupational knowledge is passed down from the elders to the youths.

1.7.2. Issues and challenges

Indigenous peoples in Asia face numerous challenges with respect to their economic practices which are often subsumed under the prevailing culture of consumerism and economic globalization. The major challenge is in getting the government to respect the concepts and principles of indigenous economic systems and to legally recognize the traditional occupations and economic activities of indigenous communities for its continuity and free propagation.

Non-recognition and negative branding of traditional occupations of indigenous peoples such as on shifting cultivation also pose threats to its continuity as it has already been wiped out in many parts of the world. Another issue is the declining number of youths pursuing their traditional occupations due to lack of appreciation and ignorance of its worth, as well as the influence of modern technology and values.

1.7.3. References to the UNDRIP

The UNDRIP sets out several provisions for indigenous communities to practice and apply the principles of their traditional economic systems. Preambular paragraphs 4, 6 and 11 provide the right to indigenous peoples to be free from discrimination in the exercise of their traditional economic practices. Articles 2, 13, 20, 27, 31 and 32 further reiterate the right of indigenous communities to maintain, protect and practice all elements related to their conception of economic development. States parties are called upon to take effective measures to legally recognize and protect these rights.

1.7.4. References to the ILO No. 169

Article 23 (1) requires state parties to recognize the importance of community-based subsistence economies and traditional activities such as hunting, fishing, trapping, and gathering, in maintaining indigenous economic self-sufficiency and development. State parties are to ensure that these activities are strengthened and promoted.
1.8. NATURAL RESOURCE MANAGEMENT

‘My people venerate each corner of this land, each shining pine needle, each sandy beach, each wreath of mist in the dark woods, each glade, each humming insect; in the thought and practice of my people, all these things are sacred. The sap rising in the tree carries the memory of the red man.’

*Chief Seattle*, Patriarch of the Duwamish and Squamish Indians of Puget Sound, 1885.

1.8.1. Concepts, principles & practices

The indigenous peoples’ concept of natural resource management is rooted in the overall conception of their spiritual relationship with Mother Earth and the respectful dependence that they have on land. Resources are thus harvested only in as much as the needs of the community, using tools that purposefully do not destroy the environment.

The principles of reciprocity and social responsibility guide indigenous communities in their management of natural resources. Their approach is driven by a strong sense of sharing and kinship, ensuring that the basic needs of the community are met.

In order to guarantee the sustainable use of natural resources, indigenous peoples continuously develop and institutionalize various resource management practices, including the zoning of land for different uses, rotational cultivation and the non-wastage of resources.

Indigenous communities also maintain simple lifestyles and utilize available local materials for crafts, weaving and tools. Regulatory mechanisms are additionally put in place to ensure resource sustainability. These regulatory mechanisms become part of customary law and are enforced by the village chief along with the council of elders. Such regulatory mechanism or customary law is made to be understood from a young age in the community.

1.8.2. Challenges

The traditional institution of resource management effectively regulates the sustainable use of natural resources. However, indigenous peoples face enormous challenges and difficulties that are posed or created by external forces that compel indigenous peoples to overexploit natural resources. The diminishing and disappearance of indigenous knowledge have also led to the erosion of customary law and effective governance of natural resources.

In many cases, Indigenous peoples’ method of cultivation and livelihood systems are accused of causing damage to the environment. Indeed, many indigenous peoples have lost their lands to more favorable land uses such as loan schemes and contract farming schemes. Exploitative forms of development and extraction of resources have also encroached widely into indigenous lands through large scale plantations, logging and mining, and even the resettlement of non-indigenous communities.

Indigenous peoples are addressing this issue by widening their support network and alliances in efforts to change national or state resource management laws and policies. They are utilizing international instruments such as the CERD, UNDRIP, the Convention on Biological Diversity (CBD) and the ILO no. 169 to identify gaps in natural resource management laws and policies in order to affect change on national laws and policies.
Demonstrations are often conducted against large-scale development that has eroded their resource management traditions. Ultimately however, long term goals of sustainability are achieved only when indigenous communities are in control of their resources and are able to deal with issues affecting them in their own terms.

As with the other indigenous communities in the state of Sarawak, we Penan have our own customs and practices. According to the Penan custom, if an area of land or forest or river has been occupied or inhabited by a group or “panyen” from our ancestors, then that particular area of land or forest or river rightfully belongs to that particular group or “panyen”. According to our custom, a group or “panyen” would identify their boundary with another group or “panyen” by using the hills, rivers, valleys or rocks as the marker. Each group or “panyen” would only move around to hunt fish or collect forest resources in the area within their boundary, respectively.

We Penan have stayed or occupied our land since our forefathers and continue to do so until now. Our custom allows us to occupy and inhabit the land, which means that we have the right to the land and the forest within our ancestral territorial boundaries.

The Sarawak state government has issued licenses for logging and tree plantation to several private companies which include our land, forests and rivers that are within our territorial boundary. Logging activities and tree plantations have damaged our lands and forest resources. Our rivers are also polluted thus, threatening our livelihood. The government has also gazetted Permanent Forest Estate (PFE) within our customary lands and territories which have resulted in the extinguishing of the Penan’s right to their customary land. Interestingly, such lands are later converted and licensed to private companies for logging or tree plantation.

To date the Penans have taken the following actions:

(i) We have voiced our concerns as mentioned above to various parties, representatives, government officials through various documents and during meetings or dialogues held;

(ii) Because the logging companies continue to trespass into our customary land and the authorities are not assisting us to solve this problem, we decided to close the logging roads that run through our customary land since we had no other choice. The blockades were erected within the boundaries of our customary land.

Until now, the logging companies that are logging in our customary lands have not showed us any court order proving that their activities are legal. The Sarawak state government since the Brookes and the British have never given us any notice saying that the land that we occupy belongs to the state and we are deemed squatters. Similarly, until now, none of the Penans were arrested and sued by the authorities or found guilty by the court because we occupy these lands.

1.8.3. Good Practice

The Tagal system in Sabah, Malaysia is an example of a state government recognizing an indigenous customary approach as a successful system of natural resource management. For many years, the Fisheries Department of Sabah struggled to curb the problem of overfishing in the states' rivers. The indigenous peoples' practice of Tagal which involves a communal agreement on the conditions for fishing was used in a pilot project in 2000 by the Fisheries Department which yielded positive results. In 2002 and 2003, amendments were made in the relevant state enactments recognizing the Tagal system to be used as an effective means for conservation of fish resources. To date, 207 areas involving 107 rivers spreading across 11 districts in Sabah are revitalizing this traditional practice of natural resource management. Awareness-raising and cooperation efforts are also conducted between indigenous peoples and the government.
The Tagal (which means ‘prohibition’ in the Dusun language) system was formally introduced in 2008. There are 128 families who are members, with a total population of 1111 people. The Tagal committee enjoys the cooperation of the local government, the Member of Parliament, the district office, the native Chief, the Village Development and Security Committee (JKKK) as well as the Headman.

The Headman of the village, Mr Joti Jr. is only a recent advocate of the Tagal system, having doubted its practicality and usefulness in the beginning. The village agreed to introduce the Tagal system after seeing how the fish stock in the river had been severely depleted due to over-fishing by the community as well as the use of illegal fishing methods, such as poisoning and electrification via generator.

The Tagal committee manages 1.7 km stretch of river according to three types of zones i.e. red, green and yellow. The red zone is for breeding purpose and is strictly out of bounds. The yellow zone is for research while green zone is open to the community. The Tagal committee decides on two annual dates to lift the Tagal (prohibition). At other times, sport fishing is allowed using the catch-and-release method. A fee of RM 50.00 is charged per day, while a guide (at RM 50.00 per day) is required for every two persons. The income from these fees goes to the Tagal association which in turn is used for the benefit of the community.

Excerpts from ID Conference in Sabah, Malaysia, 2008

1.8.4. References to the UNDRIP

There are several UNDRIP provisions related to indigenous peoples and their right to natural resource management. Preambular paragraph 11 and articles 25, 26, 27, 29 and 32 all accord the right for indigenous communities to use, develop and conserve their lands and its natural resources thereof, according to their needs and traditions.

1.8.5. References to other instruments

Chapter 26 of Agenda 21 (resulting from the Rio Earth Summit) guarantees the right for indigenous peoples to actively participate in the shaping of national laws and policies in the management of their natural resources. The Convention on Biological Diversity (CBD) in article 8 (j) and the ILO Convention no. 169 in article 15 (1) both provide for the right of indigenous peoples to use, manage and conserve natural resources associated with their lands and to participate in decisions affecting its use and management.
1.9. TECHNOLOGY and INNOVATIONS

1.9.1. Concepts, principles and practices

The concept of indigenous technology and innovations is rooted in indigenous communities’ tradition of ensuring the sustainability of resources and being sensitive to community needs. The principles behind indigenous technology and techniques can be described as ‘do no harm’ (conservation), ‘take only what you need’ (conservation), ‘harvest only certain species’ (selective), ‘let nature decide’ (in harmony with nature), and ‘food-security first’ (well-being of community).

Indigenous technology and techniques can be categorized into: resource collection, agriculture production, food storage and processing system, transportation, communication, beliefs and rituals, home industries and exchange/trading. Examples of the different categories listed above can be seen in practices such as construction of waterways and irrigation systems, different systems of weights and measures, calendars and time systems, modes of transportation, as well as weaving and basketry.

Despite the enormous diversity and variety of technologies and innovations that indigenous peoples utilize and practice, a common denominator behind these technologies and techniques is to cater to the economic needs and wellbeing of the community, and a sustainable management and a harmonious relationship with nature.

Indigenous agricultural implements do not destroy the environment and are used by men, women and even children. For example, farm implements like ploughs, levelers and hoes can be used with minimal instruction and are not designed to over exploit resources like modern tractors and chainsaws.

1.9.2. Challenges

With the rapid globalization of market economy, indigenous societies have been penetrated too. This has impacted on traditional technologies in several ways. The increasing influence from consumerism and demand for cash is driving many communities to move from a subsistence form of production to intensive commercial form of production. As a consequence, indigenous technologies are getting marginalized in favour of modern technologies for higher production or higher yielding varieties at the cost of the environment and the community’s wellbeing.

Indigenous peoples face the challenge of how to continue developing their technologies, techniques and economic systems in the midst of these adversarial situations. It is only when these concepts and systems are properly understood and valued can they actually be considered as alternatives. Nevertheless, some encouragement can be drawn from the success stories in which protest against the construction of mega-dams led to the state or other agencies like World Bank withdrawing from the projects. The increasing appreciation for small-scale technologies as a solution to such mega-projects is a positive sign that one can count on. More of such resistance on the ground, lobbying and direct intervention in the policy-making processes are of immense value in this regard.

The increasing demand for organic products and the uptrend towards funding conservation and natural resource projects may provide indigenous peoples with opportunities to revitalize indigenous technologies and economic systems.

Further, exchange of experiences and ‘know-how’ among indigenous communities can offer solutions to many of the problems faced by them. For example, indigenous communities
with land scarcity and where expansion of farm lands for increasing productivity is not possible, the vertical and horizontal approach of multiple cropping systems practiced in Mindanao, Philippines which can increase productivity by multifold is a potential solution to this problem. This is in contrast to the mono-cropping agriculture promoted by commercial plantations and agribusiness corporations.

1.9.3. Good Practices

Indigenous technologies and innovations can be used as a basis for designing and implementing various kinds of development projects that are small in scale and sustainable, particularly those related to land and resource management. Projects can benefit from the holistic knowledge that indigenous people have of their surroundings and of ways to make use of resources with minimal cost to the environment. There are numerous case studies to show that in several development projects, the application of indigenous know-how and holistic approaches have resulted in environmentally sustainable and cost-effective outcomes.
The Bethma Practice: promoting the temporary redistribution of lands during drought periods.

Bethma is an old indigenous methodology that is still practiced in some areas in Sri Lanka. It aims to provide farmers the opportunity to cultivate in drought situations when water in the reservoirs is insufficient for cultivation of the entire command area. It involves the temporary redistribution of plots of land among paddy landowners during drought periods. Bethma may be practiced in combination with field rotation and the farmers may decide to cultivate either paddy or other field crops, depending on the water level in the tank. In some cases, the land distribution is proportional to the land size, which is usually 1/4 acre per acre of landholding. At other times, land distribution may be non-proportional, that is 1/4 acre per landowner regardless of the original share of land owned. Allocation of the plots is usually done by either the vel vidane (water headman) or the farmer organisation.

The average village utilising the bethma practice is composed of approximately 150 families, in which between 70 and 95 percent of the families are landowners of paddy land in the command area belonging to the largest tank. Generally, several tanks can be found within the administrative boundaries of a village, but only those landowners who have land in the command area of the tank where bethma would be practiced have rights to land allocation under bethma. Since most farmers have lands in the command area of more than one tank, including the largest tank, most paddy land owners thus have access to the bethma system.

The bethma practice allows farmers to cultivate in areas otherwise difficult to cultivate due to water shortages. This practice provides economic sustainability by enabling food supply and income through cultivation. It also enables the individual landowners to benefit from the system. Further, the efficient use of water through the rotational distribution system contributes to environmental sustainability. Furthermore, this method can improve food security and maintain equity among the landowners in the command area of the tank.

Adapted from the UNESCO Register of Best Practices on Indigenous Knowledge, http://www.unesco.org/most/bpikreg.htm

1.9.4. References to the UNDRIP and the ILO No. 169

Article 8 and 11 of the UNDRIP provide for the right of indigenous people to maintain, protect and develop their traditional technologies. Further, the provisions include the right not to be subjected to programmes that lead to the destruction of their culture. Article 14 (1) of the ILO No. 169 specifically draws attention to indigenous peoples and their practice of shifting cultivation that should be respected and taken into consideration.
1.10. HEALTH

1.10.1. Concepts, principles and practices

Indigenous peoples see maintenance of the health of their community members as an integral part of their life and spirituality. Their concept of health revolves around respect for the environment and people. Other concerns involve taking care of how we relate to the spirits, plants and animals; and even our behavior with others in the community.

It is believed that when disrespect occurs, the environment and spiritual imbalance will lead to ill-health and even death. Spiritual healers, herbalists and other health practitioners are called upon to remedy ill-health and restore balance.

The principles of indigenous peoples health, like all other indigenous concepts are based on the philosophy of being a part of the environment, and of being sensitive to practicing good stewardship with our bodies and our actions that affect our surroundings. The principle of prevention is a large part of the indigenous approach to health.

Indigenous peoples uphold the principle of prevention through practices such as avoiding certain foods and environments that are deemed unhealthy. If a member of the community falls ill, the practices to cure ailments involve the restoration of balance through rituals, using traditional medicines (herb or animal-based medicine etc.) and massages, as well as eating the right foods and steering clear of particular environments.

---

Passing on the Knowledge of Generations in Sabah, Malaysia.

In Sabah, Malaysia, a number of communities have been establishing community herbal gardens to promote traditional health care and also a way to pass on knowledge and practices to the next generation. Some communities are linking this to a project called “Grandmothers’ Walk” where children are taken to the herbal gardens to identify various medicinal plants and their uses. The community also maintains a registry of the plants and their uses, but these pieces of information are kept strictly within the community to protect against misappropriation or bio-piracy.

Through this project, community members have easy access to herbal medicines and some also hold workshops to demonstrate simple processing of these medicines as a way of promoting their use among families. This allows them to exchange views about the use and protection of traditional medicines. Most of those involved in the protection and promotion of traditional medicines are women who still hold special knowledge. They are active practitioners as it has always been their traditional role to maintain good health of the family.

Jannie Lasimbang, PACOS Trust

---

1.10.2. Challenges

Indigenous peoples’ health systems are hardly recognized by the state, and hence, they lack meaningful participation in the formal health care systems. Indigenous peoples therefore continue to struggle to assert their right to establish their own traditional health institutions and for these to be supported by national policies and provided funding. Further, indigenous
peoples are demanding to be allowed to freely share their knowledge and participate in the planning, programming, implementing and decision-making of health services for their own communities.

In advocating for a human rights-based approach to health, indigenous peoples are asking for equality and non-discrimination to be ensured for all indigenous peoples. This includes increased access to health services, even in remote areas. Most states do not recognise indigenous health practices involving midwives, herbalists, shamans and masseurs and are discriminated against, often their knowledge labeled as “quack.” Based on mutual agreement, traditional health practices and practitioners are now being introduced alongside formal (state) health system in some countries like Vietnam, but indigenous healthcare often is not given equal support. Traditional knowledge and medicines are also not given adequate protection from exploitation and Intellectual Property Rights systems. There is strong need to recognize indigenous peoples’ right to intellectual property and regulation of traditional use and access through customary laws.

States should be accountable and supportive to indigenous peoples by ensuring quality health services with the full and effective participation of the concerned communities. Ongoing data gathering and the monitoring of outcomes using appropriate indicators could also be used for ensuring that the health services provided are suitably tuned to the needs of indigenous peoples.

As inter-generational transfers of knowledge are dwindling and indigenous peoples are losing knowledge on traditional health systems, urgent steps must be taken to conserve this knowledge and to use it in conjunction with programs that target indigenous peoples’ health.
1.10.3. Indigenous Peoples’ Health in Asia

Asia as a region has witnessed unparallel economic growth in the last twenty years. Yet, not all peoples have benefited from the improvement in the life conditions supposedly brought about by the economic successes. Indigenous peoples in Asia are generally the most marginalised and have much lower standards of health and hygiene than other sections of the society in their respective countries. By recognising and promoting indigenous health systems, indigenous peoples could lessen their economic burden by not depending on modern health care system.

Orang Asli concept of health and illness

Traditionally in Orang Asli settings, when a person suffered an illness that was serious enough to warrant some action, it becomes a concern of the whole community. Like most traditional communities, the Orang Asli have long perceived disease as being the result of a spirit attack, or of the patient’s soul being detached and lost somewhere in this world or in the supernatural world. The Orang Asli also believes that both their individual and communal health are linked to environmental and social health. If there is too much pollution, for example, or too much blood spilled, and taboos governing correct behavior have not been followed, then disease and even death will strike.

Healing is often a community effort. The shaman or healer (who may also be the midwife in some communities) is an important anchor in the traditional Orang Asli health system. As Wolff noted, the intimate ties created between patient and healer in a traditional framework reinforce a strong sense of socio-medical reciprocity that government officials or western-trained doctors are rarely able to replicate. It is not surprising therefore that the Orang Asli have an intense desire for healing to be integrated within their local socio-cultural context. Traditional healers and their methods are thus unlikely to disappear easily from Orang Asli culture.

Furthermore, the Orang Asli’s traditional medical system is an ordered and coherent body of ideas, values and practices embedded in a given cultural and ecological context. Health is viewed as a communal or kinship responsibility, that taboos and all other practices related to maintaining health and preventing illness are necessary, and that any breach by one individual will have repercussion on others. The Orang Asli are also very clear about the link between maintaining their environment and maintaining their health and sustenance.

Orang Asli health today

The most recent review of the Orang Asli’s health situation shows that the crude death rate for Orang Asli is twice that for all of West Malaysia. It is worth emphasizing here that most Orang Asli lack food security. With the majority of them living below the poverty line, their narrow margin of survival makes the Orang Asli’s health situation precarious. They are also vulnerable to natural hazards and the whims of ecosystem destruction by others.
The underlying assumption in state policies is that Orang Asli’s backwardness is a result of their way of life and remote location. Government policy therefore is to introduce strategies and programs to integrate them into the mainstream. Such an objective has ramifications for the Orang Asli, even in aspects of healthcare delivery and their general health situation.

Viewed as backward and ignorant, the Orang Asli are often blamed for any outbreak that happens within their communities. For example, in July 2004, when a university study found out that high levels of Escherichia coli in Tasik Chini lake caused rashes and diarrhea in some Orang Asli living in five lakeshore villages, the minister in charge of Orang Asli affairs immediately suggested that the Orang Asli be resettled into one place so that they can attain proper amenities. However, as the village batins there pointed out, the problem only started when the authorities dammed the Chini River to prevent the lake water from flowing into the Pahang River. Moreover, the university study plainly said the contamination was due to improper sewage disposal by a local resort and by the Tasik Chini national service camp at the lakeside.

The poor nutritional status of Orang Asli children living in regroupment schemes shows that the scheme’s social objectives are not being met. For example, Orang Asli children living in resettlements still have a poor nutritional status. In hospitals and medical institutions, Orang Aslis are often treated with ridicule and derision. Two studies conducted in 2001 and 2004 showed that Orang Aslis were adamant to go to hospitals because of the unfriendly and rude treatment they got from staff.

With increasing pressures to privatize healthcare in Malaysia, and the unwillingness of the state to accord the political and social recognition that is due to the Orang Asli as the first peoples on this land, it is difficult to see how Orang Asli healthcare will improve through the initiative of the state and its functionaries. It remains a major project, therefore, for the Orang Asli to assert the recognition of their rights as a people, and with it, the delivery of a more sensitive and effective healthcare system.

Excerpts, Colin Nicholas and Adela Baer, Health Alert Asia Pacific Issue No. 10, 2007 (Supplementary issue).

1.10.4. References to the UNDRIP

Articles 23, 24, 29 (3) and 31 guarantee the right for indigenous peoples to maintain their health practices and traditional medicines. Articles 24 and 21 (2) specifically provide for indigenous peoples to have full access to all health services without discrimination.
1.11. INDIGENOUS EDUCATION or WAYS OF LEARNING

1.11.1. Concepts

Traditional education can be described as a lifelong pedagogical process and an inter-generational transfer of knowledge aimed at maintaining a flourishing and harmonious society or community. Children from a young age receive guidance on various aspects of indigenous development from older members of the community to prepare them for life and their responsibilities towards their community. Intergenerational transfer of knowledge ensures that community members enjoy adequate economic security in an environment of socio-cultural and political stability. For this to be realized, states should enable indigenous peoples to maintain and develop their political, economic, social systems and institutions.

1.11.2. Principles and Practices

Traditional education is achieved through the principles of participatory learning, holistic growth, nurturance and mutual trust. Participatory learning requires community members to be fully engaged in the learning process, through exposure, observation, practice or dialogue. Except for certain specialized knowledge and skills, children are exposed from an early age to different types of life-skill activities in the community. Through the examples taught by adults around them, children learn indigenous ways of life. Children also learn customary laws, expressed through prohibitions and limitations of what one can do in a community.

2 See A/HRC/12/33, pg 41 - 50
Holistic growth involves education on the community’s ideals, knowledge and perspectives in developing its own cultural, social, spiritual, economic, political, juridical, natural resources, health and technological systems. Learning is conducted in a participatory way that encourages nurturance and mutual trust between learners and teachers, with the active giving and sharing of knowledge. As it is based on the concept of lifelong education, there are no barriers such as time frames, grading or age limits.

Holistic traditional education includes imparting knowledge on sustainable use and management of resources and the importance of their relationship with their lands and territories. Further, ensuring the continuity of this relationship and access to their land territories and resources is a prerequisite for the transfer of fundamental elements of traditional knowledge. Traditional skills and knowledge may be transmitted through apprenticeship, repetitive practice and instruction and direct observation. Transmission of spiritual knowledge may come in other forms, such as dreams or as gifts. In most indigenous societies, learning is mainly conducted through oral tradition, making the maintenance of language a vital part of education.

Specific traditional occupations that require a high degree of discipline, technical and spiritual understanding such as healing, carpentry and blacksmithing are learned through apprenticeship. Repetition and application are central to learning the oral tradition. These techniques are employed in transmitting knowledge related to healing (such as knowledge of plants and animals), cultures (languages, songs, dances, weaving), economic and resource management (such as farming or water management), governance (customary laws and political institutions), and social relationships (kinship, behavioural norms and so on). Direct observation through active involvement in activities encourages reflection. With prompting from elders, children learn what is necessary to prepare them to be an adult and an effective member of the community.

Communities particularly in the rural areas continue to maintain indigenous inter-generational educational systems to maintain their cultures, way of life and values. In the Philippines and Malaysia, indigenous educational institutions have been established to primarily promote indigenous values and education systems, and in an environment that replicates the traditional way of learning.

The Talaandig School of Living Tradition in Mindanao, Philippines has allowed community members to systematically learn and teach indigenous cultures and traditions in an everyday setting. Physical centres were build where the community members can dance, play music, perform rituals and discuss and resolve issues collectively. The activities and the institution are guided by respected elders in the community.

In Sabah, Malaysia, years of experience in establishing and implementing community preschool education as well as community organising work has led an indigenous organisation, PACOS Trust to set up community learning centres that will bring together community members to plan and control educational activities that are important to them. This decision was taken partly due to the government’s policy to start its own preschools without taking into account the initiatives taken by the indigenous organisations, and thereby attempting to render their community preschool centres redundant.
1.11.3. Challenges

Issues and challenges in maintaining indigenous ways of learning are mainly due to the non-recognition of traditional education and institutions and therefore, the difficulty in getting support to establish and control these. Efforts to introduce indigenous perspectives in mainstream education system are hampered by the lack of understanding by the government and the poor interface between traditional and mainstream education systems and institutions. The problems pertain particularly to the teaching of indigenous languages, certification of teachers, discrimination and poor accessibility especially for women and girls, inadequate public spending, institutionalization of educational services, lack of shared governance and creating appropriate curriculum, and gaps in educational quality and measurements for indigenous students.

The limited ratification of relevant international human rights instruments by many States is a major obstacle to the recognition of indigenous peoples’ rights. As a result, traditional education and institutions in particular do not get the necessary legislative support of international standards. In Asia, where indigenous peoples’ rights are not always recognized or protected under the law, indigenous organizations have pressed their Governments to recognize traditional education and institutions and to respect indigenous values and knowledge systems by using national constitutional provisions prohibiting discrimination on the grounds of ethnic origin, religion or gender.

The assimilationist model of education has accelerated the transformation and ultimate disappearance of indigenous cultures and languages. Urgent efforts to revitalize traditional education should be made, particularly among the younger generation. Considering the lack of understanding of and respect for the concepts and principles of traditional education, Governments must attach greater importance to building understanding and to providing adequate funding for initiatives by indigenous organizations to establish traditional education institutions.

1.11.4. References to the UNDRIP and other instruments

Article 14 of the UNDRIP acknowledges that indigenous peoples have the right to establish and control their educational systems and institutions that provide education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. This reaffirms existing international human rights law, including article 29 (2) of the Convention on the Rights of the Child and article 27 (3) of ILO Convention No. 169. The right of indigenous peoples to establish and control their education systems and institutions applies to traditional as well as formal education systems and institutions.

Numerous other provisions of the UNDRIP (articles 1, 2, 3, 4, 8 (1), 8 (2), 12, 13, 14 (2) and (3), 17 (2), 31, 44) either reaffirm and apply the essence of already existing human rights treaty obligations on the right to education, or are inseparably linked to provision on the right to education of the UNDRIP, applicable to both traditional and mainstream education.
Good examples on indigenous educational institutions that promote the interface between indigenous and State educational systems.

In Bangladesh, as indigenous children are disadvantaged when they join primary schools because they could not speak the national language, the Shishur Khamatayan Project was set up so they could gradually move from a mother tongue based education to the national language. From age 4-6, mother tongue based multilingual education is taught in more than 150 primary schools. This effort is recognized by the government as it has been demonstrated that MLE is an effective method for indigenous children to acquire second language. Part of MLE is implemented in the formal education system, but involving local councils, the community and teacher/parents in national education planning and in producing reading materials in indigenous languages.

In Ratanakiri province of Cambodia, many of the educational opportunities are not available to indigenous peoples which make up 57 percent of the population in the province. An international NGO, CARE in close cooperation with the government has established a participatory community school model of bilingual education. Indigenous students are taught their mother tongue and the national language, Khmer is then progressively introduced. A participatory approach is applied where communities establish their own school boards based on traditional decision-making processes and it is they who are involved in developing books and materials, in managing the schools and selecting community members to be trained as teachers.

In India, the Students Educational and Cultural Movement of Ladakh in northern India has succeeded in radically changing the school system, and reverted to the use of the indigenous language spoken by a quarter million of persons. Similarly in Mizoram state of Northeast India, the Mizo language is being taught from primary to tertiary level which is fully supported by the government.

In Malaysia, more than forty community preschools have been established independently by indigenous organisations. An appropriate curriculum based on a guide provided by the government is developed, incorporating indigenous languages, indigenous cultures and taught in the community preschools by teachers from the community who were selected among the communities themselves. Community preschool committees assist the teachers in managing the schools and link it with other programmes and activities in the village. A national network of indigenous preschool teachers was also formed to share experiences and face challenges.

In the Philippines, the setting up of the Apu Pulumguwan Cultural Education Centre in Mindanao has enabled the development of culture-based curriculum for preschool and primary school that is taught in the Binukid language. The integration of indigenous principles into the education programme provides students the opportunity to develop life skills and also the awareness of their culture and way of life. At the same time, indigenous students confidently engage academically and attend mainstream government schools at the higher levels.

In Nepal, a policy to allow mother tongue classes up to primary level was approved. In 2007, the Sunuwar Welfare Society developed a curriculum and published a textbook on mother tongue education with financial and technical support and active
participation from the Sunuwar community. Thus far, textbooks and capacity building training were successfully done and up to primary two has been developed and being taught in some schools.

In Thailand, there was collaboration among the Mau Wa Hki community leaders, an indigenous organisation (IMPECT) and the Non-formal Service Centre of Chiang Mai province in 1992 to establish a community primary school in a Pgaz K’Nyau (Karen) village. A local indigenous core curriculum is being taught by village teachers, along with the Thai official curriculum taught by government teachers from grades one to six. The teaching of the local curriculum, which includes indigenous history, culture, language and script (lix wa), rituals, beliefs, music, arts, crafts, healthcare, agriculture and other economic activities, take place in the school, at home and in the forests and fields.

Prepared by Jannie Lasimbang
1.12. INDICATORS OF INDIGENOUS DEVELOPMENT

The Asia Indigenous Development Conferences elaborated on the 10 elements or components of indigenous systems, and also developed a set of indicators of the goals and aspirations of indigenous peoples, as outlined in the following paragraphs related to Cultural Integrity and Empowerment (social, cultural, spiritual and education development), Technical integrity and Environmental Sustainability (Technology, Natural Resource Management development), Wellbeing (Economic, Health development) and Governance (Political and Juridical development):

- Collective values and identity are maintained;
- Indigenous perspectives and values are actively promoted;
- Traditional land use and ownership systems are alive;
- Traditional social and political institutions exist and customary laws are enforced to regulate indigenous way of life;
- Indigenous skills and knowledge system on social, cultural, spiritual practices and education are intact and actively promoted;
- Traditional defense and security systems exist;
- Indigenous languages are widely used in the community and taught in schools;
- Transparent and good systems of resource distribution;
- Traditional belief system (e.g. rituals, ceremonies) are freely practiced;
- Shamans, ritualists are free to practice rituals and ceremonies;
- Venues for community gatherings exist;
- Indigenous knowledge systems are intact and actively promoted, in particular indigenous natural resources management and indigenous technology;
- Modern technology does not take over indigenous technology;
- Promotion and development of indigenous skills and knowledge on natural resources management and indigenous technology;
- Environmental integrity of indigenous peoples’ territory;
- Traditional institutions actively enforce sustainable use of natural resources;
- Customary laws are in place to regulate technology and resource use;
- Indigenous peoples own and control their lands and natural resources, and collective rights over lands and resources is recognized by government and non-indigenous people;
- Active lobbying against globalization that negatively impacts on the lives of indigenous peoples;
- Transparent and good systems of resource distribution;
- Indigenous production systems are encouraged, practiced and maintained;
- Subsistence economy is recognized and thriving;
- Indigenous knowledge systems are intact and actively promoted within indigenous economic and health systems;
- Indigenous healing is practiced and recognized, and indigenous healers are free to use and promote their knowledge;
- Protection of traditional medicines – both resources and knowledge by setting up laws, community protocols;
- Participation in development processes and in decision-making;
- Active lobbying to change laws and policies affecting indigenous peoples negatively;
• Traditional defense and security system exist, including the freedom to develop own defense and protection mechanism;
• Indigenous knowledge systems on governance and juridical knowledge are intact and practiced;
• Community organizations exist to ensure that community issues are addressed;
• Human rights and fundamental rights of indigenous peoples are recognized and guaranteed by governments;
• Traditional institutions are gender sensitive;
• Full and effective participation of women and youth;
• Indigenous peoples are guaranteed citizenship;
• Genuine autonomy is achieved or being advocated; and
• Strong foundation of traditional leadership exists e.g. based on responsibility and accountability.

Parameters

Parameters to measure the extent to which indigenous perspective of development should interface or relate with external or non-indigenous development models and the extent to which indigenous development can be promoted independently:

• Enactment of laws that ensure protection of indigenous peoples in defending their lands;
• The full-implementation of FPIC as a basis for interfacing with outside interventions and all development programmes of the government;
• National governments ratify/implement international instruments/standards that protect indigenous peoples rights such as the UN Declaration on the Rights of Indigenous Peoples, ILO Convention 169, Akwé: Kon Voluntary Guidelines developed under the Convention on Biological Diversity, etc.;
• National government legitimize and provide legal and political recognition to customary governance;
• Aspirations for genuine autonomy are seriously considered by national governments;
• Multilingual education is approved as a government policy and implemented state-wide;
• Establish indigenous peoples defense systems to secure peace and security over traditional territory;
• Use cultural impact assessment (cultural accounting and inventory) to evaluate outside development intervention over traditional territory; and
• Establish legal support groups to advocate for the protection of indigenous rights in government policies and laws.
2. Annex


With the decision of the UN Permanent Forum on Indigenous Issues (UNPFii) to dedicate its 9th Session in 2010 on the theme “Indigenous peoples: development with culture and identity; articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples”, AIPP decided to put together recommendations based on the results of the Indigenous Development Conferences. The following recommendations were submitted to the UNPFii for its consideration:

I. CULTURAL, SOCIAL AND SPIRITUAL DIMENSIONS

For Indigenous Peoples:

1. To strengthen efforts to maintain traditional and collective values through the promotion of traditional ways of learning and the transference of indigenous knowledge.

2. To address gender gaps such as the exclusion from, or inadequate representation of women in decision-making processes and leadership roles, justice mechanisms and ceremonies, and issues of birth prohibitions, bride price and gender-based violence.

3. To initiate inter-faith dialogues to promote understanding and respect for indigenous spirituality.

For States and UN agencies:

4. To promote cultural development by respecting indigenous spirituality and refraining from adopting policies that promote a particular religion; and to respect the right of every indigenous person to choose, follow and practice a religion of choice.

5. To ensure social development and protect social structures, states must recognize indigenous social institutions and values such as sharing and hospitality; and avoid intervention and imposition on indigenous governance systems.

II. POLITICAL/INSTITUTIONAL AND JURIDICAL

For Indigenous Peoples:

6. To develop means to resolve conflicts in areas where traditional political system is affected by impositions of modern or state structures, or where hybrid institutions exist. The values of honesty, accountability, transparency and upholding community interest/common good over personal interest must be strengthened.

7. To find means to increase gender equity, sustain orally-transmitted customary laws, and enhance the capacity of traditional leaders for quality judgments and decisions especially in broader decision making mechanisms.

For States and UN agencies:

8. To respect and recognize the political institutions of indigenous peoples, any initiative to establish other organizations must be based on the full participation and consent
of indigenous communities, and such organizations must not be designed to replace indigenous political institutions.

9. To allow indigenous communities to select their traditional leaders based on their own system, and to freely exercise their juridical rights and pursue their juridical developments within their communities.

10. To refrain from codifying customary law, and instead to formalize it through documentation efforts.

11. To assist in maintaining and promoting traditional juridical systems if more than one legal system exists in the interface between the state and indigenous peoples.

III. ECONOMY, NATURAL RESOURCES AND TECHNOLOGY

For Indigenous Peoples:

12. To enhance efforts to utilize indigenous technologies over modern technologies and to prioritize the continuance of this knowledge transmission between generations.

13. To encourage youths to appreciate and pursue traditional occupations, and to be critical of modern technologies and values that have negative impacts.

14. To take concrete measures to combat the disappearance of indigenous knowledge that leads to the erosion of customary law and governance of land and natural resources.

For States and UN agencies:

15. To legally recognize the principles of indigenous economic systems based on sustainability and self-reliance, and allow indigenous peoples the freedom to practice and apply these principles. The negative branding of indigenous practices such as on shifting cultivation should be avoided.

16. To adhere to accepted international human rights standards and norms on promoting and respecting indigenous peoples’ rights to their lands, territories, natural resource management and governance.

17. To increase funds allocated for conservation and natural resource management projects subject to the consent of indigenous communities as a means of revitalizing the use of indigenous knowledge and technologies, and economic systems that are based on collective social responsibility and reciprocity. Indigenous knowledge, technology and innovations should be explored as a solution to food sovereignty and for adaptation and mitigation to climate change.

18. To provide technical assistance in renewable energy development and other sustainable and environment friendly technologies in enhancing the self-reliance and comprehensive development of indigenous peoples subject to their Free Prior and Informed Consent.
IV. HEALTH AND INDIGENOUS EDUCATION

For Indigenous Peoples:

19. To take steps to encourage inter-generational transfers of knowledge and conserve this knowledge to be used in conjunction with programs that target indigenous peoples’ health.

20. To find means to stimulate interest in maintaining indigenous ways of learning within the community based on indigenous peoples’ own needs.

For States and UN agencies:

21. To recognize indigenous health systems and practices, and to protect traditional knowledge and medicines by recognizing their right to intellectual property, and through alternative legislations using customary law to regulate access.

22. To allow indigenous peoples to participate in the planning, programming, implementing and decision-making of health services for their own communities. Equality and non-discrimination must be ensured particularly in relation to access to health services in remote areas and to ensure that health services are suitably tuned to the needs of indigenous peoples through ongoing data gathering and the monitoring of outcomes using appropriate indicators.

23. To support indigenous peoples’ right to maintain and develop their education systems and institutions, and also to assist in initiatives to develop multilingual and culturally-appropriate curricula within the mainstream education system.

24. States should support the efforts of indigenous peoples to maintain and develop their own political, economic, social, cultural and education systems and institutions. National law and policy frameworks should be enacted or reformed, and budgets allocated to support traditional as well as formal education institutions that are established with the aim of developing and implementing appropriate programmes and activities for and by indigenous peoples.