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## Introduction

The recorded 200 to 500-odd years of conquest, genocide, occupation, theft and slavery commonly understood as European colonization have officially gone on historical record (despite the persistent racist deviance of school text books in many countries, which it might merely be a matter of time to correct) as being just that. It's process, progress, impact and debris (radioactive or dead) have now officially been initiated into the realm of critical rather than laudatory analysis and remedy, however biased, lopsided, obviously absurd, inadequate and insincere. With the anomaly (a rather large one) unfortunately, of cultural "India" and its diaspora.

India's experience of colonization<sup>1</sup> from the west is multiple, acutely racist and violent, enshrined in religious dogma, social institutions, political processes and economic opportunities for over 5,000 years; additionally reinforcing and reinforced by the second wave<sup>2</sup>. In order therefore, to conceive a more realistic and faithful paradigm of endogamous development, this history must be the frame within which the analysis of present day India is acknowledged, diversity in visions and their legitimacy addressed and future courses charted.

The political monolith of what is today called India is seriously questioned; its definitions (territorial and other) as well since the period of its conceptualization by the Mountbatten, Indian National Congress coterie that decided the territorial and demographic configurations of successor states in South Asia. Not that these have remained fixed. On the contrary, they have mutated not entirely inexplicably and indicators of further mutation<sup>3</sup> are distinctly signaled for discerning observers of sub-continental politics. Indeed the very structure and composition of "State" as a construct<sup>4</sup> have already undergone such radical changes in the last 30 years that mere physical boundaries are only barely significant<sup>5</sup>.

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<sup>1</sup> The Aryan invasion, circa 3000 BC: Archaeologists, researchers, historians debate the term "invasion". It could no doubt, have at one point started as a general migration, a search for greener pastures by the nomadic-pastoral Aryan. That there was or even perhaps were, at some later point between 500 to 1500 years after, several extremely violent wars between indigenous and the Aryan is clear. That over this period the Aryan (whether still racially "pure" or not) then devised a system of racial segregation, the caste system or *varna* that afflicts the Indian social psyche like the TB virus afflicts its population is not debatable. The native peoples across the sub-continent and the North Eastern region are clearly identifiable and as clearly different from the three ruling castes: the Brahmin (the dictators of dogma), the Kshatriya (rulers and warriors) and the Vaishya (the controllers of the economy). Whether there was "an" Aryan invasion or not. There was is still is, an Aryan *occupation* of "India".  
See the Mahabharata, by Vyasa; the Bhagavad Gita specifically and the Ramayana

See the Veda, particularly the Rig Veda and the Upanishad, the most sacred texts of Hindu dogma together with the Purana

<sup>2</sup> The Magellan-Columbus-Cook initiative in "discovering" continents in 1518, 1483 and 1553 respectively

<sup>3</sup> The innumerable independence and self determination movements in the sub-continent, from Nepal to Sri Lanka, from Afghanistan to Burma

<sup>4</sup> As a sovereign self determining nation to various stages of sectoral global governance and control including the question of "pre-emptive strikes due to internal political instability

<sup>5</sup> Not one state with the possible exception of Bhutan and the Maldives, of the 7 South Asian countries has retained its boundaries unaltered over the last half century.

From voluntary and certainly locally autonomous, sovereign and economically self-reliant peaceful federation envisaged by the “father of the nation” it has emerged in spurts and fits into a militaristic, oppressive successor State in the best tradition of such. Remnants of colonial<sup>6</sup>, martial law<sup>7</sup> are enhanced with the most contemporary flavours of national security. Troops are routinely employed to eradicate democratic dissent against government policy<sup>8</sup> and against resistance movements<sup>9</sup> disputing the occupation of sovereign lands and peoples since the birth of the Union. Even accepting “nationalization”<sup>10</sup> of the resources in the territories within the Union, these are gifted to corporations<sup>11</sup>, national or transnational without a thought of the repercussions on the impacted peoples<sup>12</sup>, apart from the coercive and often brutal suppression of their objections.

This forging of over 500 independent kingdoms or principalities and over 1000 indigenous nations<sup>13</sup> into a single, “post-colonial”, nation-state has been done at the barrel of an AK 47<sup>14</sup>, with a middle class, upper caste bureaucrat’s finger on the trigger.

Endogamous development in India: constraints and potential:

When we speak therefore of “endogamous development” in India, we must be clear that the paradigms vary dramatically from caste to caste<sup>15</sup>, class to class<sup>16</sup>, people to people, religion to religion and locale to locale<sup>17</sup> with sex and gender in each case as if there are not enough variables. Within the political and socio-economic complexity this generates in the technocratized universe heading for catastrophes of global warming, biosphere devastation, hegemony of the global market, neo-colonization and its monoculture<sup>18</sup>, this complex of multiplanary coordinates, to site endogameity is intricate, perhaps even convoluted. It must be done, however: the survival of this planet we know it marks its urgency. The upside of course is that the diversity affords opportunity for infinite experimentation.

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<sup>6</sup> Including the land laws, the penal code, judicial and governance systems

<sup>7</sup> The infamous Armed Forces Special Powers Act, TADA, its alter ego POTA, the National Security legislation overall have been in operation since Indian “independence”. All these are various forms of “soft?” martial law giving over-riding jurisdiction to military over civil governance, with legal impunity in Indian courts of law including the Supreme Court.

<sup>8</sup> Such as protests and movements against mining, dams or other “development” initiatives

<sup>9</sup> Khalistan, Jammu and Kashmir, the numerous movements of indigenous peoples in the North East

<sup>10</sup> Based on the doctrine of “terra nullius” which has absurdly been incorporated into the foundation of Indian sovereignty and territorial control

<sup>11</sup> At ridiculously low costs, even with subsidies encouraging corporations to grow richer at the cost of local communities whose rights certainly pre-exist India let alone the corporations or their money

<sup>12</sup> The sequelae of displacement and eviction on indigenous peoples is well known

<sup>13</sup> Already under 5000 years of suppression, occupation of lands, arbitrary appropriation of their cultures, their knowledge systems, their natural resources (unto their physical selves and their progeny) and intermittent war with their colonizers or enslaved and totally expelled from the realm of the even human has merely buttressed the millennia of oppression and disinheritance

<sup>14</sup> The most common weapon given to security forces deployed within India in “disturbed” Areas

<sup>15</sup> Each with innumerable sub-castes

<sup>16</sup> From bonded labour across generations who own neither themselves nor their children to some of the wealthiest individuals / families in the world

<sup>17</sup> Ranging between the Siachan glacier and the most mountainous terrain to deserts and coastal plains

<sup>18</sup> Human beings today are the largest and growing number of consumers of the narrowest range of biosphere resources, mineral, vegetable or animal and the only species to produce more free carbon than it captures in the history of life on earth

Reflecting local bio-specificities, indigenous cultures have developed language to reflect their images of the world and how to survive and thrive in it. The rapid attrition of indigenous and other languages similarly reflects the shrinking poverty of the natural resource base, human civilization is reducing itself to in the pursuit of global commerce. Never before have we as a species depended on such a narrow spectrum of foods, construction and clothing materials, medicines and indeed technologies as a whole. With a narrower range of images in the world of each culture, the reduction in the variety of cultures, languages will naturally and irreversibly die. They have no specific reality to reflect, internal and interpreted or external and symbolic. The artificial maintenance of "languages" exclusively through schooling stimuli is an effort in museumization if there is no living culture that it represents.

A living culture is one that must advance and therefore change through its own primary impetus. It must possess its own valid and rational worldview and be able to envisage its growth. Stimuli may appear from any or many sources including contact with other cultures. However, for the culture to survive and flourish it must integrate self-selected elements from these encounters into itself.

Indigenous cultures are under threat as are the natural environments they are born of and have lived in for millennia. There is no possibility therefore that the one will continue to be relevant without the latter. Without relevance, experienced as need, in ordinary life, the languages will die.

The second issue is one of languages themselves, their form and methodology. Specifically I refer to languages possessed of a script, with or without variations to the dominant form as opposed to those that do not as well as languages characters that possess the standard representation of phonetically rendered characters rather than "rudimentary" or complex symbologies as written records. There is a definite hierarchy between the two groups in favour of the former. The hierarchy of enscripted languages over oral languages is understandable<sup>19</sup> if not exactly excusable in the technological era previous to the simple, inexpensive and easy accessibility of audio and visual documentation-recording, transmission-transportation and storage-retrieval. Subsequently, it is not clear on what exactly the basis of the hierarchy stands.

Oral languages:

The discussion of oral languages must include the broad interpretation of the methods of communication retention and retrieval skills and technologies, through time as well as in dimensions of subject and content. Cultures which or perceive

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<sup>19</sup> in terms of expediency, at least

themselves as either never having had or as having lost written forms of language have refined a broad array of methodologies of acquiring, retaining and transmitting knowledge. Audio-visual observation and mnemonic techniques are efficient and sophisticated, as are the transmission processes. Frequently these require the simultaneous development of refined levels of concentration and absorption techniques including control of trance and other mind / perception alteration states and regular periods of consciousness immersion in knowledge acquisition processes consonant in difficulty with the level of skills and knowledge being attained. Additionally the learning processes of such knowledge systems require the holistic development of the human: bodily and sensory, emotional, intellectual, spiritual and social.

Case: the Lai Haraoba: an archive of Meitei knowledge

The *Lai Haraoba* is an up to forty day ritual enactment of the entire cosmology, technology and history up to the twelfth century (approximately) of the Meitei people by members of the *Loisang* or Institution of priestesses, the *Maibi*. The *Maibi*, once primary advisors to the warlords, queens and common people of the Meitei are dedicated oracles and celebrants of Meitei spiritual and religious ceremonies. The primary document of this massive record is maintained in the form of songs and dances which have been handed down in oral tradition from elder to aspirant *maibi* for more than five thousand years, according to some local experts, according to existing scripted records and documents, for at least thirteen hundred years, unchanged in the slightest nuance of sound or posture, or else the structure of the world would be altered. There are of course innumerable other bodies of lore and practice which are also or at least have been the province of the *maibi* to learn and to pass on to future generations, as well as various minor ceremonies that are to be performed as is common in shamanistic traditions.

All this is learned and taught in the archaic form of *Meiteilon*, the Meitei language, which apparently only the *maibi* speak in ritual settings or perhaps in private communication with each other, a language that has certainly been dead for several centuries, which has no original written form and is now used regularly only by illiterate women. Apparently, one of the first and clearest indications of being called or chosen by the deity to enter the priesthood is an involuntary use of this language when the aspirant first experiences possession by the gods or spontaneous trance states. The sheer quantum and precision of learning demanded for the aspirant to become a full shaman or priestess both in terms of disciplining the body to arduous ritual performances as well as exhaustive memorization and skills at interpretation into contemporary terms and contexts indicate a high level of not only memorization but assimilation and extrapolation that is the hallmark of a sophisticated learning and teaching process, a pedagogy, in fact in addition to the knowledge being passed on itself.

Education and schooling:

The "western model" of education is based on the principle of "schooling": the trained obligatory and formulated response to a command or prompt. It goes, in general, very little beyond that for the vast majority of those subjected to its rigours. It is militaristic in its discipline, and was devised as a means to pre-train for the benefit of industry and trade and for the efficient rule of empire, what we could, even in the fields of the technologies and the sciences call a bureaucracy.

The actual acquisition of either knowledge itself or skills to learn is secondary, sometimes actively antithetical to this system: the object or at least the first object, is to inculcate conformity to established hierarchies of power, usually political and economic power and control. Deviation (or deviance, even precocious mastery) is quite obviously punishable and punished unless and until it actually demonstrates higher order furtherance of the primary objectives. The learner is rarely perceived as subject, but as "raw material" to be fashioned to a crude or precision tool to further the objectives of the masters of the specific society.

Case: Indian schooling and education

Leaving aside the caste and class ramifications that have plagued classical Indian learning, pedagogies and knowledge, the primary mode of imparting knowledge has been oral. With the introduction, whether imposed or sought, of the English form of schooling as a key tool, in India's reckless efforts to get itself on par with its erstwhile colonizers, the devastation to the indigenous cultures and knowledge resources is evident. In the mere sixty years since mass schooling has been seriously taken up by government policy, not only has the level of knowledge in the most depressed communities gone down, but the attrition of languages (as a knowledge base and key) and the consequent attrition of the knowledge bodies themselves whether of agriculture or herbal healing, whether of fauna or the tides and the weather is tragically enormous and very soon irretrievable.

The further consequences of such attrition are self evident, increasing unemployment when essential services lack skilled practitioners, this is only the one effect. More devastating is the extinguishment of true self worth that allows a people to accept itself warts and all, at peace with its fellows<sup>1</sup> and forge ahead with hope of eventually extinguishing the warts and gaining economic and political equilibrium.

The Millennium Development Goals (MDG)

Touted as a positive and concrete international initiative in addressing the decline in standards: increasing poverty reflected in health, education and access to other basic services of the majority of the peoples of the world, with passing references to the need for environmental sustainability, growing inequities among different groups of people and human rights the MDG have yet to prove their significance or value in achievement. While presenting the situation and the targets, they fail to establish and identify the root causes and dynamics relating to the fundamental or structural inequalities, denial of social justice, economic inequities, imposition of adverse policies, among others, as critical issues that must be addressed by the United Nations, governments and International Financing Institutions if these goals are to be actually achieved.

Indeed according to Jeffrey Sachs' it is the stepping up of privatization, liberalization, expansion of the global market even more, reproducing by economic

and social monoculture promotion and cultural colonization the ever narrowing dependence on a increasingly identical and therefore voluntarily reduced as well as automatically overexploited and shrinking resource base, and the selective strengthening of governments that support this process against the “terrorists” who will inevitably protest or obstruct it, that will somehow solve the crises of survival this has generated or radically exacerbated for millions currently if barely surviving.

Additionally as an index, the measures employed, whether US dollars or proportions of populations are inappropriate, disguising rather than reflecting socio-economic realities of human individuals and social groups. Certainly as the indicators of existing conditions or targets, they cannot be accurately applied to indigenous peoples or population segments.

Reports say that “between 1990 and 2001, the proportion of people living in extreme poverty (less than 1 dollar a day) has declined from 28 to 22 percent or by 137 million people.” What is not commonly known is that this alleged decline is mainly attributed to Asia, in particular China and India, both of which have excellent reasons and the capacity to display convincing statistics if not actual attainment. Most developing countries are not even in the dubious position of offering evidence of being on track of achieving MDG. It is crucial therefore to disaggregate data and to probe the figures presented for consistency and contextualize them with other verification methodologies, preferably the simple testimony of eyewitness. The reality for some groups of people will otherwise certainly be masked and that for almost all will be distorted. In many countries, public spending in basic social services “systematically discriminates against minorities and indigenous peoples”<sup>20</sup> In all countries, public spending on social services has significantly declined as have incomes of the poor and working classes, while costs of living have simultaneously risen steeply. With indigenous, the situation is of course far more complex.

Studies done by the World Bank, Inter-American Development Bank and the Asian Development Bank on the poverty situation of indigenous peoples show that they are over represented among the world’s poor and the poverty map coincides with their territories<sup>21</sup>. Some United Nation’s bodies and agencies have figures that confirm these conclusions at least regionally or at country level where such data is made available. Information from the UNICEF’s Latin America and Caribbean office<sup>22, 23</sup> show that indigenous populations in the region are the poorest of the

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<sup>20</sup> HDR2004

<sup>21</sup> Psacharopoulos & Patrinos, 1994:  
Plant, 1998,  
Plant, 2001

<sup>22</sup> State of the World’s Children, 2004

poor. The condition of poverty in relation to indigenous peoples is not simply measured by the level of income, material possessions, in purchasing power or monetary terms. It is considerably more comprehensive and indeed culture and situation specific, contextualized in an array of collective survival and development markers, as unique and distinguished as distinct peoples in their own diverse territories.

#### Learning, Education, Knowledge, Skills Development, Heritage, Culture

Part of the aim of the United Nations International Year of Dialogue among Civilizations is to highlight the plight of indigenous cultures. The Convention on Biological Diversity, which is managed by UNEP and which grew out of the Rio Earth Summit of 1992, recognizing the critical role played by indigenous peoples and traditional knowledge in conservation and enhancement of biodiversity makes specific reference to the need to protect the world's indigenous cultures and traditions. Article 8j of the Convention states: "(The state party)...subject to its national legislation, (undertakes to) respect, preserve, and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional life styles relevant for the conservation and sustainable use of biological diversity...." This respect, preservation and maintenance requires the integrity of indigenous lands as the foundation.

UNESCO is listing world cultural and heritage sites, developing its role to help local communities conserve and protect sacred sites such as ancient groves or other natural shrines, which are invariably located on precious biodiversity or archaeological conserves. It also recognizes the "complex inter-relationship between man and nature in the construction, formation and evolution of landscapes".

The statist-westernized view of the individual, of humanity as well as of the natural environment and the assumption of mutual antagonism<sup>24</sup> between them are being challenged by the very sciences that were born of this view and assumption. Indigenous values of respectful co-existence are being re-instated by evidence of the catastrophic results<sup>25</sup> of their disregard despite massive and powerful opposition.

But far more effective, intensive and urgent action is needed to safeguard indigenous cultures and their knowledge and this cannot be done without their assured unhindered and undisputed access and control over ancestral lands. This is essential not only for the future of Indigenous Peoples' or the survival and

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<sup>23</sup> Patricia Bustos, MD, Hugo Amigo, PhD, Sergio R. Muñoz, PhD, and Reynaldo Martorell, PhD; Growth in Indigenous and Nonindigenous Chilean Schoolchildren From 3 Poverty Strata, May 2001

<sup>24</sup> An assumption of even Marx's political philosophy of dialectic

<sup>25</sup> Global warming, climate change and bio-diversity depletion

development of indigenous children, but for the very continued existence and heritage of the world as we know it.

#### Language, Literacy, Education

Some studies estimate that there are 5,000 to 7,000 spoken languages in the world with 4,000 to 5,000 of these classed as indigenous. Others (UNESCO, 2005) estimated over 6000 in India alone, most of them indigenous. Two hundred and thirty four<sup>26</sup> have already died out in the last half century. Over 1,000 languages are spoken by between 101 and 1,000 individuals. A further 553 are spoken by only up to 100 Peoples. Around a third, or 32 per cent of the world's spoken languages, are found in Asia; 30 per cent in Africa; 19 per cent in the Pacific; 15 per cent in the Americas and three per cent in Europe.

The main ones under threat are those with 1,000 speakers or less with the mother tongue only spoken by older members of the tribe and increasingly shunned by the young. Some researchers estimate that over the next 100 years 90 per cent of the world's languages will have become extinct or virtually extinct. With these, a substantial and irreplaceable proportion of the world's existing conceptual frameworks and knowledge systems, data and information will also cease to exist. In this age of information the ironies are inescapable. So will be the magnitude of losses.

Much of this knowledge is passed down from generation to generation orally and audio-visually: in art works or in the designs of handicrafts such as baskets, clothes, textiles, songs, dance, games and stories, even body art, rather than being written down. So losing a language and its cultural context is like burning a unique library of reference books of the natural world. The alienation of Indigenous Peoples from traditional habitat and use of lands or coercion into exotic lifestyles through incompatible development of their lands, ecosystem modification or into other territories is like losing the primer in which the codes of the language are generated, recorded and interpreted<sup>27</sup>.

The reports also link a profusion of languages with a wealth of wildlife and biodiversity, underscoring how native Peoples have thrived on a rich natural environment and managed it for the benefit of animals and plants. More than 2,500 are in danger of immediate extinction and many more are losing their link with the natural world. Enshrined in these cultures, day to day life work, experience and customs are also secrets of how to manage, enhancing the proliferation of precious species, the abundance of their habitats and the land in environmentally supportive, sustainable, ways which are economically extremely low cost and productive.

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<sup>26</sup> in India

<sup>27</sup> UNESCO, 2004

The large number of indigenous cultures and knowledge systems based in the oral traditions are seen as and indeed are acutely vulnerable to extinction. In greater part, the problem is compounded by the discriminatory approach in both hierarchies of knowledge based on literacy norms as a standard in measuring education attainment and the use of literate skills as the single approved knowledge recording and transmission methodology in imparting education.

This has over the last one hundred years, particularly, provoked a tendency, perhaps a fashion, to "literate" or impose a foreign dominant language script on an indigenous oral language often in order to legitimize it as a medium of schooling, often in order to communicate propaganda and sometimes in order to engineer compatibility with dominant technologies for access. Experience clearly indicates that this "literation" or "enscription" process fundamentally transforms and compresses the language: its character, scope and the very refined nuances of world-view and knowledge, which are an intrinsic and desirable characteristic.

Unless the intrinsic value of an oral learning tradition (and there are innumerable values that distinguish its skills requirements and capacity enhancement from literate forms) are identified, recognized and promoted with as much investment as in the literate traditions it is unlikely that most of these languages or skills will survive, despite their obvious relevance in the age of electronic and audio-visual communication, information documentation and conservation and media. There are only 300-600 oral languages (and therefore oral bodies of knowledge and cultural frameworks) left as unthreatened languages, transmitted by the parent generation to children; these would probably be those languages that today have more than one million speakers, and a few others.

#### Attributes of Oral cultures

"The magic of oral cultures lies in intimate connection. Word and spirit, spirit and being, words and essence, words and things: all are interrelated." Oral culture is different from most of ours today, not only "temporally, but temperamentally," not "merely by reason of position in time and of social institutions generally but also specifically by reason of the way in which it is oriented toward the word itself." A critical element for prophets is that "truth is relational in oral cultures. ? The credibility of the message [is] based entirely on the credibility of the messenger." Oral culture is also dialogical, not linear, and meaning grows out of shared experiences.<sup>28</sup>

If the (spoken) word is a symbol of the significant empirical image and/or response, then the written word is one step further in the abstraction process: it is the

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<sup>28</sup> Nancy J. Willbanks, *Women's Voices/Prophetic Voices: Women as Prophets/Women as Other*; OLDT613, *Feminist Biblical Hermeneutics*; WUNRN: [wunrn@whathelps.com](mailto:wunrn@whathelps.com) Sun, Jun 11, 2006

symbol of the symbol of the signifier. The development of an (any) oral culture and language must clearly be more directly linked to collective and inherited (bio-culturally) memories of empirical reality and experience. The learning process of oral culture (even in "literate cultures") taps into this vast reservoir for retention, transmission and retrieval.

More than that, its evolution almost always requires states of altered perception and observation, retrieval and memory (heightened states of consciousness)<sup>29</sup> that at its best reaches to archetypal access and collective unconsciousness spanning minutiae of observation in the present to "seeing" and prophecy: the intelligent and informed vision of the unknown. Regrettably too much of this process has been resigned to the domains of superstition and quacks, ignoring the validity of the essential and powerful process itself, in order to entrench the dominant literary and militaristic logical (and so very limited) processes of memory and learning, extrapolation and invention that we call development. Even acknowledged geniuses of this (contemporary dominant) process are recognized as being "intuitive". But what is intuition if not this process.

The increasingly rapid loss of oral cultures may be, each of them, one of the greatest cultural losses of our time, greater by far than those of tangible artifacts and monuments which are after all only mnemonic aids and yet almost nothing is invested in their conservation. The politics and the economics motivations and consequences of this must be horrifying to any of us who have the slightest inkling of their worth as repositories, as techniques and skills, in this world of rapidly dwindling resources.

#### Gender and sex

We will not here enter into the relatively superficial realm of girls' access to schooling, though its significance, as a corollary of the discussion, will be immediately evident. We address here the links between gender differentiation, patriarchal appropriation of knowledge and the eradication of oral cultures. The institution of patriarchal hierarchies has in many, if not all cultures gone hand in hand with the purposeful eradication of oral knowledge systems and cultures, often with the vicious persecution of women acknowledged as knowledge holders or practitioners of different sorts in various specializations. From the now well known middle ages and inquisitorial drive to exterminate "witches" or adepts in healing in Europe to the little known but similar mass persecutions and killings of the maibi among the Meitei in the first conversion drive to Hinduism the instances are innumerable. The simultaneous restriction of literacy to the male, the profanation of the female (such as during menstruation) and the appropriation and

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<sup>29</sup> such as involuntary states of panic or exultation as well as controlled and induced processes employed by shamans, mystics, prophets, seers, visionary inventors, prodigies, artistes etc. (I use these terms generically without gender distinction, at present)

reconstitution of female knowledge and hierarchies are markers of this socio-cultural cross-over.

One reason, often perceived as a historical "given" might be the preeminence of the Warrior King, divine right and more fixed social classes, the rise of jealous warrior gods and the formation of the Theatre State in its multi-le variation across the literate world. The concentration of power conferred by literacy to male priests and kings became a valuable tool leading to colonization and Empire, whether Chinese, Indian, Roman or Persian, British or as it undoubtedly is today "white American male" (conceptually, not merely literally)

### Schooling and Education

Educational models for indigenous and minority children which use mainly dominant languages as languages of instruction can and do have extremely negative consequences for the achievement of goals deduced from human rights instruments and thus for the right to education. Research results from international law, education, applied linguistics, psychology and sociology. In discussing the legal basis for education, using the interpretations of the former UN Special Rapporteur on the right to education, Katarina Tomasevski that this dominant language-medium education prevents access to education, due to the linguistic, pedagogical and psychological barriers it creates.

This education has a range of serious harmful consequences that violate various aspects of their right to education and perpetuates poverty. Without binding educational linguistic human rights, especially a right to mainly mother tongue-medium (MTM) education in state schools, with good teaching of a dominant language as a second language, given by competent bilingual teachers, most indigenous peoples and minorities have to accept subtractive education through the medium of a dominant/majority language. They learn a dominant language at the cost of the mother tongue, which is displaced, and later often replaced by the dominant language.

In this enforced language regime, the children undergoing subtractive education, or at least their children, are effectively transferred to the dominant group linguistically and culturally. This also contributes to the disappearance of the world's linguistic diversity, when a whole group changes language. Optimistic estimates of what is happening suggest that at least 50% of today's spoken languages may be extinct or very seriously endangered ("dead" or "moribund") around the year 2100. Pessimistic but still completely realistic estimates claim that as many as 90-95% of the spoken languages may be extinct or very seriously endangered during this century. Most of the disappearing languages will be

indigenous languages, and most indigenous languages in the world would disappear according to these estimates.

Education<sup>30</sup> is one of the most important direct causal factors in this disappearance - behind it are of course the world's political, economic, techno-military and social forces. Research conclusions on results of present-day indigenous and minority education show that the length of mother tongue-medium education is more important than any other factor (including socio-economic status) in predicting the educational success of bi- and multi-lingual students. The worst results, including high push-out rates, are with students in programmes where the students' mother tongues are not supported at all or where they are only taught as subjects.

The report argues, with Amartya Sen, that poverty is not only about economic conditions and growth; expansion of human capabilities is a more basic locus of poverty and more basic objective of development. Dominant language-medium education for indigenous children curtails the development of their capabilities and perpetuates poverty. Present practices of educating indigenous children through the medium of dominant national/state languages are completely contrary to theories and research results about how best to achieve the goals for good education, and to the rights to education that indigenous children have in international law. In addition, present practices also violate the parents' right to intergenerational transmission of their values, including their languages.

#### Learning, Language and Land

Indigenous knowledge is so intimately connected to specific local natural elements that particular earth, water or rock formations are identified, recognized and named by the concerned knowledge holders in relation to the proliferation of specific sub-species in season. This knowledge is their birthright, the foundation of their heritage, which they cannot access without their lands intact. Indigenous children have the right to learn their lands in the traditional manner through the experience of it, and so inherit the guardianship of their peoples since time immemorial. Safeguarding these rights is vital as a resource not only for indigenous peoples but for all peoples.

Indigenous children's rights to participate in their own cultures, to leisure and recreation are therefore integral with full and free access to their traditional lands. Through games, leisurely exploration, rituals, songs and stories, and practical participation in community responsibilities according to their age and capacity, the roles, characters and settings of which are tangible or immediately verifiable and

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<sup>30</sup> The Navhind Times, discussion, 15 – 30 August 2006: argument regarding conversion of all government subsidized schools to the English medium of teaching in response to demands from parents. Parents believe that this affords a more useful language grounding since higher education and consequent employment opportunities are dependent on English language skills. More and more young people are seeking careers where these skills are of paramount importance in placement

experiential ingredients or members of their life experience, children learn to enjoy and explore their natural, cultural and bodily space. Norms of behaviour and conduct towards the natural and social environment are absorbed with very little teaching rather through simple encounters with the world that commands respect of its very nature.

In indigenous understanding, culture and identity cannot be separated from the land and survive, any more than a foetus can survive severed from its umbilical connection. Certainly these languages cannot. Indigenous peoples draw their spirituality, cultural values and collective identity from the land, and their traditional languages, laws, customs and practices reflect this attachment. The Earth lies at the centre of their cosmologies, and connects them with their past, as home of their ancestors, their present, as provider of their material needs, and their future, as a legacy that they hold in trust for their children. It is not only a resource for survival, but also the fundament, source of and intrinsic element in, indigenous understanding of reality structure: the very bones of their languages

#### Indigenous Knowledge

Indigenous communities share a very close interdependent relationship with their ancestrally inhabited territories or lands of origin, since time immemorial. This relationship has helped them develop a very distinctive but sound understanding of their natural environments. Consequently, this understanding, developed into knowledge systems handed down from one generation to another evolved into the basis for a vast array of processes from complex and sophisticated technologies of land and water management to health and pedagogies. These systems of knowledge are known as Indigenous Knowledge. Indigenous Knowledge having developed in tandem with the natural world has a direct impact on biodiversity conservation and proliferation and vice versa.

Since complex terrain and rich biodiversity is the direct causative impulse to the breeding of Indigenous Knowledge, including its languages, it is very locale specific. The retention and continued relevance of Indigenous Knowledge is thus closely intertwined with the conservation, control over and free access of topographical and bio-resources available in communities' traditional habitats or territories. Complex legal and operative frameworks of rights, powers and obligations relating to the use and management of the natural resources has often developed inextricably with the actual usage technologies. These may be termed as customs or customary laws<sup>31</sup>. Customary practices pertaining to biodiversity may take the following forms:

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<sup>31</sup> As in Indian law where colonial-derived law is largely recognized as "law" and traditional and indigenous legal systems as "common" or "customary" law or practice. The codified law is that which invariably takes precedence in dispute

Belief systems which guide people's relation with the entities around them (for example, the concept of sacred groves)

Socio-political and economic systems including the mode of resource use, relations of property and custodianship, patterns of leadership etc.

Knowledge systems which may be either purely oral in retention and transmission format such as the knowledge held by "tribal communities" and scripted systems such as Ayurveda and other traditional sciences.

Case: The Indigenous Thesaurus of Human Rights terms<sup>1</sup>

Over the last decade and a half almost, the array of issues concerning the rights and cultures of Indigenous Peoples have found some substantial space in the United Nations system. One of the major problems encountered in the negotiations is the incongruity of terms used for fundamental concepts such as "Land" and "lands", "health", "knowledge", "people" or "persons" and "community".

A preliminary effort to provide a sort of ready reckoner in several languages of the UN to facilitate indigenous peoples' access to international legal documents and human rights terminology has manifested in a rough first effort at a "thesaurus" of such commonly used terms. Eventually the idea has been to encourage the building up of this "thesaurus" at regional and local levels providing terminology translation in non-UN languages and eventually in non scripted languages with the facility of electronic technologies.

Very soon it has become evident that the task is not only gargantuan because of the overwhelming numbers of indigenous languages, but that the complexity of indigenous languages in reflecting the natural world in what one might call high precision terms, makes translation or even identifying equivalents a dauntingly intricate task. For indigenous languages do not (as might be said of all languages perhaps) contain a mere objective reflection of the worlds they perceive, but explicate their relationship in more or less elaborate terms.

An added problem is that many modern languages claim an objectivity indeed a so perceived impartiality which indeed they lack and which imbues the world view they project in usage, more insidiously for their determined claim.

### Protection Promotion and Transmission of Indigenous Knowledge

The protection under intellectual property rights of traditional and indigenous knowledge has received growing attention since the adoption of the Convention on Biological Diversity (CBD) in 1992. There is need to provide some form of protection to traditional knowledge. For this reason, it is necessary to understand the importance and scope of traditional knowledge – which includes its widespread use in traditional medicine and farming, along with the question of its definition.

Why there is a need to protect it, and what can be achieved? The main arguments for protection are considered under the headings of equity, conservation,

preservation of traditional lifestyles, prevention of bio-piracy, and promoting the use of traditional knowledge and its importance in development. Intellectual Property Rights, as a legal tool, may be appropriate and efficient under certain circumstances, but inadequate, ineffective or actually counter-productive in others. For example, the recognition or establishment of new types of Intellectual Property Rights on traditional knowledge may reduce rather than promote the use of such knowledge (eg in medicines or in the exchange of farmers' materials) and policy-makers need to balance the expected benefits against the comprehensive costs of such limitations. Another problem is the essential incompatibility between the concepts of western Intellectual Property Rights and the practices and cultures of local and indigenous communities.

Since different objectives (such as equity, conservation, preventing misappropriation, etc) may be sought when the "protection" of traditional knowledge is pursued, a basic point is the extent to which particular forms of Intellectual Property Rights may be suited or not to reach the objectives. Different strategies may be followed to protect traditional knowledge under Intellectual Property Rights, including the application of existing modes of protection, the development of a *sui generis* regime, or a combination of both.

As is another option - the enforcement of customary laws which, in some cases, recognize certain forms of ownership over traditional knowledge are concerns about the feasibility, effectiveness, costs and acceptability of possible legal systems for traditional and indigenous communities.

Alternatively, protection may be seen as a mechanism to prevent third parties from unduly appropriating traditional knowledge - the misappropriation. The development of a misappropriation regime requires the documentation of traditional knowledge, the ability to prove the origin of resources used in Intellectual Property Rights claims, and a requirement for consent from its traditional owners. In any case, the difficulties of effectively enforcing rights may be significant and dilute the value of any legal approach.

The issue of traditional knowledge protection has been addressed in some national laws and constitutions. A clear legislative pattern, however, does not emerge so far. Debates have also taken place in different international fora, where numerous studies and proposals have been made. Despite all these efforts, many questions about objectives, tools and feasibility of traditional knowledge protection and access remain unanswered in the dominant paradigm. While work on the subject needs to be pursued with the participation of the rights holders, attention to legal protection should not overshadow the fact that the access to land and the preservation of the communities' own lifestyles, are indispensable conditions for

the preservation and further development of traditional knowledge. It seems premature to promote international Intellectual Property Rights-type standards for traditional knowledge protection at present framework and global rules to prevent misappropriation of traditional knowledge without a clear analysis, comprehension and agreement of the traditional systems of rights-holding and benefit sharing.

Indigenous and local communities have used traditional and indigenous knowledge for centuries under local laws, customs and traditions. It has been transmitted and evolved from generation to generation. Traditional knowledge has played, and still plays, an important role in vital areas such as food security, the development of agriculture and medical treatment. However, government policies have not, in general, recognized any significant value in traditional knowledge nor any obligations associated to its use, and have passively consented to or accelerated its loss through the destruction of the communities' living environment, cultural values and denial of political recognition.

Recently, Western science has become more interested in traditional knowledge and realized that traditional knowledge may help to find useful solutions to current problems, sometimes in combination with "modern" scientific and technological knowledge. Despite this growing recognition, it has generally been regarded under Western intellectual property laws as information in the "public domain", freely available for use by anybody. Moreover, in some cases, diverse forms of traditional knowledge have been appropriated under intellectual property rights by researchers and commercial enterprises, without full knowledge and consent let alone compensation to the creators or possessors, a form of intangible "terra nullius" with modern day academic Magellans, Columbuses and Cooks occupying evicting dispossessing and excluding the rightful owners of this heritage.

The current intellectual property rights system cannot protect traditional knowledge and intangible heritage for several reasons among which are:

The current system seeks to privatize ownership and is designed to be held by individuals or corporations, whereas traditional knowledge has collective ownership.

Second, this protection is time-bound, whereas traditional knowledge is held in perpetuity from generation to generation.

Third, it adopts a restricted interpretation of invention, which should satisfy the criteria of novelty and be capable of industrial application, whereas traditional innovation is incremental, informal, embraces the system that generates it (is not viewed as discrete and separate units) and occurs over time.

A *sui generis*, or alternative law is therefore necessary to protect indigenous knowledge, its rightful owners and its heirs.

Case: VXP<sup>1</sup>

The video experience, VXP, is an effort to combine the traditional forms of recording and transmitting knowledge and discourse with the latest in technological audio visual documentation techniques. Such experiments have been conducted in several cultures and languages, now, in different modifications and several of them have engendered spontaneously, without reference to each other.

The methodology is a combination of street theatre and installation art revolving around subjects of importance in specific communities. Once a discourse situation and discussion have been recorded on video, interleaved with traditional forms of art and knowledge, the product is carried to other venues where similar discussions are wanted acting as a resource among different groups of people recorded as a sort of contemporary palimpsest of information, situations and views.

Conclusions and recommendations:

Effective communication, effective development

Effective communication is fundamental to all relationships, developmental or other.

Such communication must be between or among equals with full respect for the manner, frameworks and content of each other's cultures

Development dynamics as they are today are not equal between the various "stakeholders". They do not recognize "rights holders" as a distinct category with special privileges and responsibilities above and beyond other stakeholders

Actually, we are not in a developing dynamic of the so-called developing countries but in a dynamic of impoverishment, if we understand development not only in financial and socio-economic terms but also as "expansion of human capabilities" (Sen). In the indigenous understanding this would intrinsically incorporate the well being of the natural world as well as the human in a gender sensitive manner

Many countries, such as India, are dealing with cultural diversity that colonization tried and still try but did not succeed to suppress in the same manner with the same genocidal and ethnocidal results

Languages, which reflect perceptions of the world and its character, how to survive and flourish in it, together with the natural world, express this diversity, in which humanity survives. This diversity of languages cannot be maintained outside of a given culture, outside of a given territory, out of a given natural or social environment and constant reference to its reality.

Alien and imposed abstractions and encription of languages impoverishes the forms (skills of communication) meanings, attitudes and the images of the language

Indigenous culture survival and evolution (learning, education, knowledge, skill development, heritage etc), requires preservation and maintenance of integrity of indigenous lands and environments and of its social and cultural structures

A culture can survive and flourish only if it can integrate self-selected elements from encounters with other cultures

Developers, therefore, must also know and understand the implications of indigenous communication: that the credibility of the message, in oral societies, is strongly predicated on the credibility of the messenger and remembered experiences of encounters

Indigenous knowledge is preserved and transmitted through very different means: dances, trance communications, songs, handicraft etc. Its retention, transmission and evolution is managed through a complex legal and operative framework of rights, powers and obligations relating to the use and management of the land and the natural resources it contains.

These "customary laws and practices" are the guarantee of the on-going creation and maintenance of diversity, including biological diversity.

Dominant schooling and education are totally unable to transmit indigenous knowledges because of its abstract language and because it occurs in an abstract space with little or no life-relationship with what is taught. Indigenous education has to be done in indigenous languages, indigenous territories and indigenous cultural and physical environments in indigenous methodologies and by teachers properly trained in indigenous methodologies, cosmologies, and knowledge content.