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IN THIS ISSUE

Anti-Atlas dolls, 1998; Rossie, 2005a, 166-169; photo J.-P. Rossie

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ON THE COVER   Women working in Fields
Photo by Husain Akbar

EDITORS

LUKANKA

Lukanka is a Miskito word for "thoughts"

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Forty years ago in the Spring of 1979 during a session of the Conference of Tribal Governments in Tumwater, Washington, USA Muckleshoot Tribal Chairman Clifford Keline turned to his colleagues and said, "we need to share information more between our governments—our successes and failures in social, economic and cultural developments to benefit each "nation", he said. Gaining agreement from tribal officials such as Quinault's President Joe DeLaCruz, Squaxin Island Tribal Chairman Calvin Peters, Yakama Nation Councilman Russell Jim, Colville Councilwoman Lucy Covington, Lummi Chairman Sam Cagey and representatives from Nooksack, Jamestown Sklallam, Suquamish, Snohomish, Tulalip, Samish, and Puyallup to name more present, Chairman Keline declared it was appropriate that a documentation center should be established to hold tribal economic, political, social, cultural and historical documents and records that tribal officials might go to obtain information they can use. It was thus that the Center for World Indigenous Studies was authorized and established with yours truly given the responsibility to set up the center and to collect the documents and other materials. That was the beginning of what was then called the "beer-box collection" of documents since that is

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how the materials were delivered to be included in the Center's archives.

The concept of "sharing" information was in the beginning, and remains to the present day, a central operating principle of the Center for World Indigenous Studies 40-years later. Sharing and giving opens the door to new knowledge and beneficial changes in the way we think and respond to the world and environment around us.

We are proud of this issue reflecting as it does, the sharing tradition of the Center's founding. While we have roots in the "beer-box collection" our view has stretched the world over. Since Chief George Manuel asked that the Center serve as a documentary secretariat for the World Council of Indigenous Peoples, we have extended the tradition of our progenitors to the peoples in Uryghuristan, the Tuareg, Amazigh, rule of law as it relates to Fourth World peoples and Founding Board member, Dr. David Hyndman's expose on the role of anthropology in counter insurgency and the security state (United States, United Kingdom, Canada, Australia, New Zealand) as these states seek to understand culture and cultural factors of Fourth World nations' behavior in conflict situations. In this issue Fourth World activists, scholars and researchers open our eyes

to relevant and powerful subjects affecting the lives and cultures of Fourth World peoples and, indeed, the peoples of the world.

In this CWIS 40th Anniversary Celebration edition of the Fourth World Journal, we have the benefit of scholarly and activist works in the study areas of biocultural/biodiversity understanding of permaculture, play among the children of the Amazigh, a perspective on the rule of law in the international arena in relation to Fourth World peoples, the dimensions of standards for contemporary ethnographies as well as the horrors of cultural genocide now perpetrated on the peoples in western China. This is the benefit of these articles:

Play, or playing, is a deeply important activity in life for socializing, educational, spiritual development. **Jean-Pierre Rossie** in **"Amazigh Children's Toys and Play Cultures"** lends depth and context for experiencing and understanding "play" as a skill development, sociocultural development and creative activity. Rossie beautifully describes how Amazigh culture is transmitted through play and playful enactments with dolls and games made and used by Amazigh children. The Amazigh story is reflective of what children do in virtually every culture and in Rossie's telling "play" is demonstrated to be a profoundly important part of cultural life and continuity.

Anthropology and environmental sustainability researcher **Cora Moran** joins former CWIS Intern **Susan R. McCleary** to author **"Heritage Food Security in a Changing Climate."** In this clearly written and detailed discussion of permaculture and its beneficial influence on food security for Fourth World peoples, McCleary and Moran argue that forest foods can and do provide a "substantial proportion of the caloric requirements for a community." This article complements the widely understood fact

that Fourth World peoples occupy territories that comprise 80% of the world's remaining biodiversity. This article bolsters the argument that Fourth World peoples' intimate relationship to their environment is crucial to ensuring biodiversity and sustainable sources of foods in a time when global warming threatens food support systems all over the world.

Dr. Tony Benning has contributed insightful and clearly written articles for FWJ in the past and his article **"Twentieth Century Ethnographies of Coast Salish Ceremonialism: Contextualization and Critique"** is no exception. Benning undertakes a critique of documented ethnographic accounts of Coast Salish ceremony and discusses the differences and similarities between the narratives depending on the periods during which they were written. He adds to this discussion by pointing to different voicing by authors and their emphasis on self-reflection. Finally, Dr. Benning points to the shortcomings of ethnographic narratives describing Coast Salish ceremony that "lags contemporary standards of ethnographic research." This is an intensely important analysis since much contemporary knowledge and understanding of cultural differences and content depends on advancing knowledge of the researchers about techniques and methods.

In **"China's Crime Against Uyghurs is a form of Genocide"** researcher **Joseph E. Fallon** delivers a detailed discussion of the government of China's deliberate cultural genocide of more than 11 million Uyghurs in Uyghuristan, a region bordering Western China, Mongolia, and Kazakhstan. Fallon's perceptive assessment and analysis of the deliberate effort to destroy the Uyghur people in whole or in part through acts of mass detention and "reeducation," violent community control and relocation programs is chilling for its intensity and persistence

benefitted by global inattention. Fallon discusses the history of Uyghur relations with its neighbors and the persistent violation of Uyghur human rights. China has renamed Uyghuristan as the Xinjiang Uyghur Autonomous Region that is economically, politically and strategically important to China. It is the region through which China seeks to extend gas pipelines and construct the "Belt and Road" land route from China to Europe. It is also the territory where China has conducted its nuclear detonation tests and where it stores nuclear waste—all conveniently distant from China's populations. This is a powerfully important article.

Claudia Masoni has written a pointed analysis in **"Indigenous Peoples and the International Legal System: A Still Inaccessible Domain?"** pointing to what may be cynically referred to as the fiction of international law intending to protect indigenous peoples' rights. Masoni explains that languages of indigenous peoples remain seriously threatened even though the international community "celebrates Indigenous Peoples' languages." She is impatient for the international system to implement its proclamations of support for indigenous rights and the placement of indigenous peoples at the table as participants with a voice in the international discourse. Indigenous peoples, Masoni argues, are compelled to use the international legal system in a defense way to seek justice and protection of culture, but the limitations and slow process of the legal system prevent sufficient progress to avoid the destruction of indigenous societies.

On a more hopeful plain, **R. Ramasamy and N. Kishore** offer **"A critical analysis of laws relating to "Protection of Life of Indigenous Peoples: An International Perspective."** These authors recount the numerous international laws that can benefit Fourth World peoples, but they note that, while such laws exist, when there is a failure to comply with provisions of those laws, there are limitations on holding perpetrators accountable for their violation of agreed laws. "Cooperation is absolutely crucial" write these authors, pointing to the needed commitment of states, international organizations and civil society.

Book Review

Finally, I have the pleasure of knowing **Dr. David Hyndman** and reviewing his latest book entitled **"The Crisis of Cultural Intelligence."** Dr. Hyndman discusses in great detail what he refers to as the relationship between militarized anthropology, settler colonialism, indigenous peoples' militancy and the UN Declaration on the Rights of Indigenous Peoples. In his frank and sometimes stark discussion of "anthropology" as a military tool in wars such as Vietnam, Afghanistan, and Iraq, Hyndman calls attention to the need to understand the use of anthropology, its production of cultural data and analysis in counterinsurgency, peace-building and conflict prevention operations. This is a deeply important discussion since revelations about cultural life as produced by anthropologists can and have been used to manipulate indigenous societies to the strategic interests of combatant states—in this case Canada, the United States, Australia, New Zealand and the United Kingdom.

Salish Country Cookbook

Traditional Foods & Medicines from the Pacific Northwest

"Salish Country Cookbook" by Dr. Rudolph Rÿser, is a celebration of Salish knowledge with ancient roots in the land and the sea. Salish Country Cookbook contains recipes that use Northwest native foods and medicines gathered and prepared in ways suitable for the 21st century kitchen.
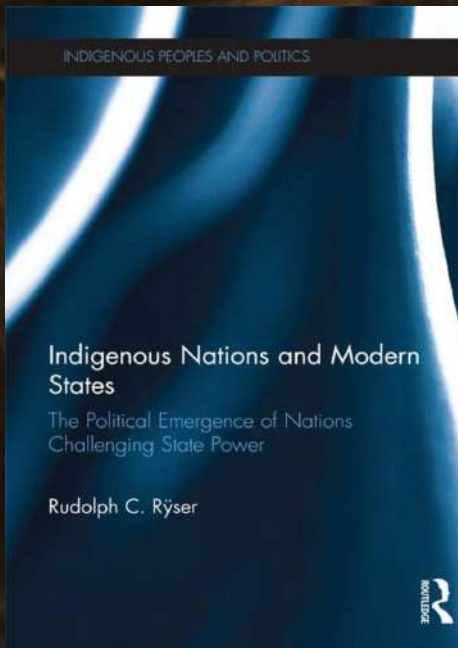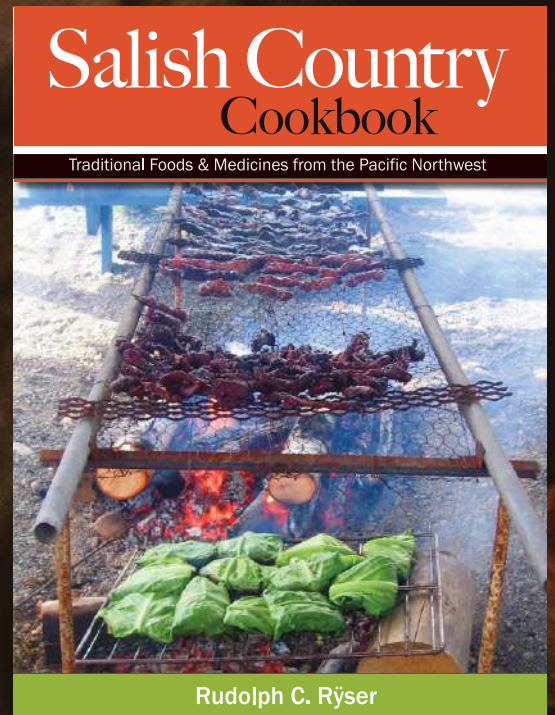
Indigenous Nations and Modern States

The Political Emergence of Nations Challenging State Power

In this volume Rudolph C. Ryser describes how indigenous peoples transformed themselves from anthropological curiosities into politically influential voices in domestic and international deliberations affecting everyone on the planet.

Dr. Rudolph Ryser founded the Center for World Indigenous Studies in 1979 and is widely recognized around the world as the principle architect of theories and principles of Fourth World Geopolitics.

Find them at the CWIS Bookstore

Amazigh Children's Toys and Play Cultures

By Jean-Pierre Rossie

ABSTRACT

This article shows handmade toys, and the games in which they are used, by indigenous children from the large group of Amazigh peoples living in North Africa and the Sahara.

Key Words: play, toys and games, Amazigh, Shawia, Tuareg

The Amazigh (also referred to as Berbers by outsiders) are the native inhabitants of Northwestern Africa with a history extending back in time for 10,000 years, before the beginning of the Christian era. They were in contact with the Greeks, Carthaginians, and Romans. The worldwide population of Amazigh is estimated to be as high as 50 million people. The populations mentioned in this article are the Anti-Atlas, High Atlas and Middle Atlas Amazigh in Morocco, the Kabyle of the Kabylia Mountains, the Shawia of the Aurès Mountains and the Mozabite of the Saharan Mzab Valley in Algeria, and the Tuareg living all over the Sahara Desert and the northern Sahel. Amazigh peoples are not only located in Morocco but also in Algeria, northern Mali, Mauritania, Morocco, northern Niger, Tunisia, Libya, and a part of western Egypt—essentially all across the northern tier of the continent of Africa.

The information on Amazigh children's toy and play cultures comes from the author's fieldwork in the Atlas Mountains (1992-present) and the examples from the other Amazigh communities

Amazigh children talking about their games, Anti-Atlas, 2007, photo Kh. Jariaa

were found in documents published in the first half of the 1900s. With few exceptions, these children live in rural areas where tradition and modernity go hand in hand but where the influence of the toy, entertainment and high tech industries and of globalization slowly or quickly overturns children's own ways of producing play materials. A PowerPoint presentation with additional photographs is available on the two websites mentioned in the References.

MAP of the mentioned Amazigh peoples
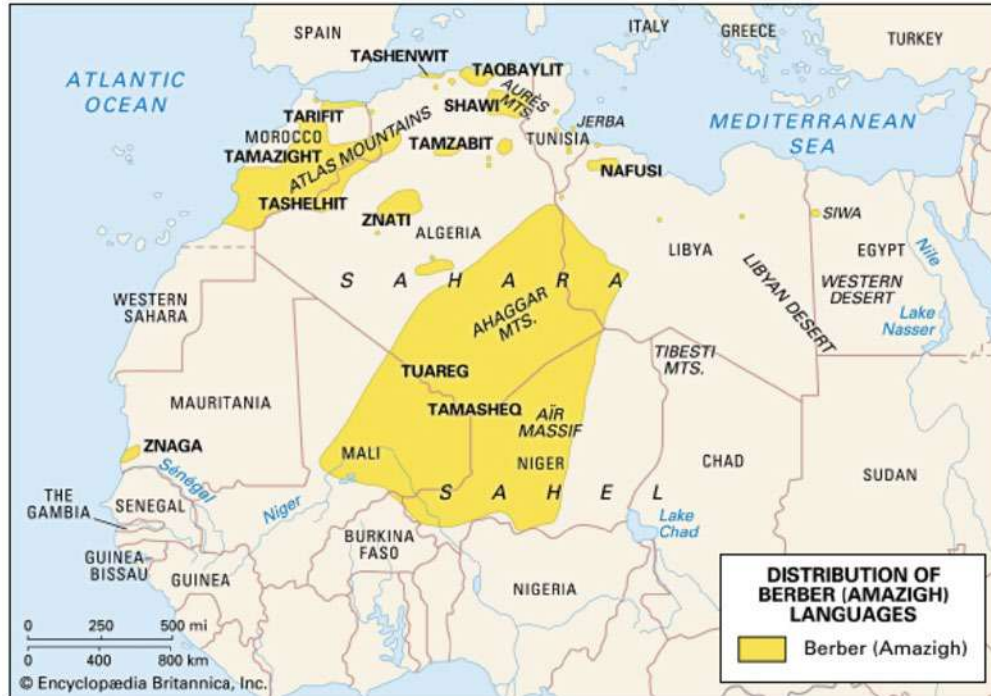
After an overview of these children's toy and play cultures of dolls, toy animals, toys referring to domestic life and to technical activities and of skill games, some sociocultural aspects will be discussed: creativity, signs and meanings, communication, interpersonal relations, continuity and change.

Children's toy making and play activities

The age of the children whose toys and games have been studied ranges from about three to about fifteen years. There is little or no information on babies and tots because, as a male researcher, I hardly have access to infants living closely with their mothers. Fortunately, since 2005, I could rely on the collaboration of Khalija Jariaa, an Anti-Atlas woman, who became a mainstay for my research on children in this region. Children mostly represent the source of information, but the memories of adolescents, adults and older people have also been

used. This range of sources starting at the beginning of the 20th century and until today offers a view on the evolution of these children's play and toy cultures.

Since thousands of years ago until present times, children have been making toys with natural materials (such as sand, clay, stones, pebbles, flowers, plants, leaves, branches, sticks, reed, bark, ear of maize, nuts, dates, summer squash, potatoes, bones, horns, snail shells, hair, skin, intestines, dung and children's hair) or waste material (such as earthenware, wood, paper, cardboard, glass, plastic, rubber, metal, paint, makeup products, parts of toys, furniture, bicycles, cars, and, nowadays, also polystyrene packaging). The oldest toy made with waste material I know about was collected in 1935 and made by a Tuareg boy with a piece of wood and four round tin cans as wheels (Rossie, 2013, 122). However, child toymakers often combine natural and waste materials. When creating toys, rural

children use locally found objects as hand tools, e.g. stones or other heavy objects and the child's own teeth or other sharp objects.

Amazigh children's playgroups consist of family members and neighbors, which surely favors the communication of the childrens' culture. These children's toys and games are inspired by the world of the adults living in their communities. However, I view their play activities not as imitation but as an interpretation through children's eyes. In this context Brian Sutton-Smith wrote: "Play schematizes life, it alludes to life, it does not imitate life in any very strict sense... it is a dialectic which both mirrors and mocks reality but never escapes it" (1986, p. 141).

Dolls

Among the Moroccan Amazigh, the Kabyle, Shawia and Mozabite, during the 19th and 20th centuries and sometimes until today, girls, less often boys, use a cross-shaped frame of two reeds or sticks to dress it with rags or, since a few decades, with pieces of shiny packaging *(Figure 1)*. This figure also shows the traditional coexistence of dolls with and without facial features:

Figure 1: Anti-Atlas dolls, 1998; Rossie, 2005a, 166-169; photo J.-P. Rossie

Tuareg children made two different types of dolls, the woman sitting in the tent, and the warrior or notable man possibly riding a camel *(Figure 2)*.

Figure 2: Algerian Tuareg, about 1940; Rossie 2005a, 52-68/78-87; photo M. Delaplanche/D. Ponsard).

With few exceptions, the dolls themselves and the play activities for which they are used symbolize socially valued characters and activities. In the sphere of the male world, the doll becomes a bridegroom, camel rider, horseman, herdsman, warrior or nobleman. In the sphere of the female world, doll play refers to playing household roles, enacting festivities, especially weddings, staging a pregnancy, childbirth or burial. Girls sing, dance and tell riddles or stories during doll play. Moreover, they treat the dolls they made with a lot of indifference when the play activity is over and rarely reuse them for another make-believe play.

Around 1937, girls and boys created female dolls and used them in make-believe games (Rossie, 2005a, 107-109). This mention that Shawia boys regularly made female dolls, shows that one should be careful with generalizing statements about girl versus boy toys and play.

Toy animals

The toy animals made by Amazigh children represent domestic animals (e.g., dromedaries, horses, mules, donkeys, cows, zebus, sheep, goats, dogs, cats, rabbits and chickens), and wild animals (such as elephants, rats, turtles, birds, snakes, scorpions and fish).

The oldest toys in northern Africa are clay animals dating back to two thousand years. They were excavated in 1981 at the Inland Niger Delta in Mali at the southern border of the Sahara. These toy animals are special because their front legs are assembled in a single leg. The last example of a three-legged toy animal belonged to a Tuareg child and was mentioned in a book from 1958 (Rossie, 2005/2013, 83-88). It surely is remarkable to find such a two thousand-year-old, and probably much

older, clay toy tradition in the southern part of the Sahara.

Shawia boys from the Aurès Mountains (Rossie, 2005b, 80-84/91-92) and Moroccan Amazigh boys and girls (Rossie, 2005/2019) enjoy playing with toy animals and sometimes with live animals. When creating such toys these last decades, children living in the Atlas Mountains often combine natural and waste material. A good example is the chicken created by an eight-year-old boy with a plastic bag, reed and feathers *(Figure 3).*

Figure 3: Anti-Atlas, 2007; Rossie, 2018, 166-169; photo Kh. Jariaa

Through play activities related to the animal world, rural children learn a lot about the natural, animal and human environment in which they grow up, an apprenticeship still important today.

Toys referring to domestic life

Creating toys and playing games related to adult life is strongly represented in Amazigh children's play world as it is with other North African and Saharan children (Rossie, 2008, 2019). This make-believe play not only embraces games referring

to household duties and subsistence activities but also to entertainments, rituals and feasts. The children's creativity is not limited to adults' everyday life but refers not only to tradition but also to modernity. The toy making and play activities, in which children recreate the life of their parents and other members of their family and community, familiarize them with the material culture, the ways of communication, the relationships, the economic activities, the customs and beliefs of their social group. Moreover, this socialization largely takes place through the children's own effort. These play activities are very often collective and open air games bringing together children from the same family and neighborhood in girls' or boys' playgroups, seldom in mixed playgroups.

The tradition of modeling toys in clay-earth, drying them in the shade, baking them in mother's bread oven or in an oven made by girls, and possibly decorating them, is still popular in the Atlas Moun-tains' villages. Preferably during a rainy period, girls, and less often boys, model large series of min-iature toy utensils, household items and furniture *(Figure 4)*.

Toys referring to technical activities

The themes arising in the games and toys related to technical activities of Amazigh children in Morocco as well as among the Kabyle, Mozabite, Shawia and Tuareg peoples, are very varied but they can be divided in three groups: hunting and fighting, transport and communication (Rossie, 2013).

No doubt that games and toys referring to these three groups are the preserve of boys but girls sometimes make such toys and play with them. This gender differentiation surely reflects the division of Amazigh adults' duties into male and female occupations.

The toys used in this make-believe play are created with a lot of natural and waste material. However, these last decades the use of waste material became prevalent. Amazigh and other North African and Saharan children are very prompt in using whatever new waste material becomes available in their environment. One of the recent examples is the use of polystyrene for making weapons, cars, busses or airplanes (Rossie, 2013, 80, 149, 173, 231) *(Figure 5)*.

Figure 4: six-year-old girl playing household and bak-ing bread, Anti-Atlas, 2002; Rossie, 2008, 213; photo J.-P. Rossie):

Figure 5: car made by a seven-year-old boy, Anti-Atlas; Rossie, 356-358' photo J.-P. Rossie

Girls also use pieces of polystyrene packaging to make dolls or a hospital bed (Rossie, 2005a, 176; 41, 54). Toys created for games referring to transport and communication technology show that Anti-Atlas children closely follow recent technological developments, e.g., in about 2005 boys and girls started modeling their own digital phone in clay (Rossie, 2013, 246-247).

Toys for games of skill

To play some games of skill Amazigh children do not need toys and play materials, but for several other ones they must use different play materials and/or make toys. Self-made toys or materials children find locally are, among others, balls, bows and arrows, hoops, hopscotch and other designs, kites, musical instruments, seesaws, skateboards, skipping and other ropes, slingshots, spinning wheels, stones, swings, stilts, strings, tops and windmills. Natural and waste materials are used in making these toys, e.g. tops modeled with clay and a soccer table created with different waste materials *(Figure 6).*

Figure 6: playing on a self-made table soccer, High Atlas, 1994; photo J.-P. Rossie

Amazigh children play many games of physical skill, e.g. games of dexterity, aiming, equilibrium, strength, fighting, speed, self-control, teasing, daring, ball games and games using the natural elements. They also play games of intellectual skill, e.g., games of wit, insight, strategy and board games. Several games of skill are based on cooperation between playmates and some contain an element of competition. However, the same game can serve both purposes following the wish of the playgroup members. Some games of skill are typical for girls and others for boys, but a lot are played by both sexes, mostly in separate playgroups. These games can be played alone or in a group, for the fun of the exercise or to show one's skills, and occasionally they become competitive games.

The games of skill and the self-made toys used for them are directly related to the ecological environment in which the children grow up. Factors such as climate, relief, desert, rural or urban areas, availability or lack of water and vegetation directly influence the possibilities for playing and making toys. Factors related to the human environment are not less important, among which the customs, norms and beliefs of the society, the family and community organization, the means of subsistence, the role of age, sex and social group and the impact of environmental, technological and sociocultural change.

Sociocultural aspects of Amazigh children's toy and play cultures

The play and toy cultures of Amazigh peoples belong to the tangible and intangible heritage of humanity and the communication to the next generation of these heritages is largely the

responsibility of older children and peers. This communication not only includes games and toys but also the non-verbal and verbal transmission of knowledge, beliefs, attitudes, behavior, skills, sensibilities and emotions related to toy-making and play activities. These children's play is very important for their informal learning and for their integration into the family and community. However, these children do not play to become culturally and socially adapted nor to become skilled, but for the well-being and pleasure it offers them.

Communication in toy making and play

Amazigh children's toys are objects intentionally designed by children for children, rarely by adults for children. Girls and boys alike create dolls mostly representing adults in socially esteemed roles, e.g., Tuareg warriors, Amazigh brides or bridegrooms, mothers and grandmothers. They also make valued items such as miniature household items and furniture, musical instruments, vehicles and more recently airplanes, helicopters and digital phones.

An interesting aspect of giving meanings to toys and transmitting these to others is the way Atlas children bestow new significations on traditional toys and imported dolls. For example, when a reed toy with a turning blade becomes a helicopter or when a slender plastic doll becomes a traditional well-fed woman because it is being dressed in hand sewn local outerwear. Making a traditional toy to sell it to tourists is rather exceptional in the Atlas Mountains even today. I know only one exception, namely the animal toys boys weave with palm leaves and sell to tourists at the spectacular Todgha Gorges in the eastern part of the High Atlas

Mountains. When I visited that area in 1992 this was already the case and outside the touristic season one could pick up several of these thrown away, unsold toy animals.

When making toys children must look for specific material in relation to particular purposes. When analyzing North African and Saharan toys the first aspect I thought about was shape and its role in children's choice of materials. A good example is shown to the right of Figure 2, where the jawbone of a goat or sheep is used as basis for creating a camel or a horse. The possibility of holding the elongated part of the bone in a child's hand makes it easy to imitate the animal's movements and the hollow on top of the jawbone is useful to put a toy saddle and a rider on. Sometimes it is a part of the object that makes it important, like when High Atlas girls give very long hair to their reed doll by choosing a reed with long green leaves at its top which they split with their finger nails into small strips.

The difference between the non-durability of most toys created by Amazigh children and the durability of toys from the toy industries should be stressed. Traditional child-made toys are mostly not intended to be long lasting. On the contrary, when the play activity stops, the toy becomes an object that can be left on the spot or thrown away. Moreover, making a new toy is seen as part of the play activity.

Non-verbal communication, especially visual communication, gestures and movements, is important in the playful communication between Amazigh children but verbal communication, through monologues, dialogues and songs, is more or less present. Gilles Brougère writes on playgroups:

There has to be agreement not only initially but in pretend games throughout a play process, which is characterized by a series of decisions. These decisions have to be communicated by the players to become acts of play on condition that they are agreed with the other player(s). Consequently, play forces the child to make use of a variety of complex abilities in the area of communication (1994, 284-285).

In dolls and doll play, for example, a lot of symbols, significations, esthetic, social and moral values are transmitted from one generation to the next and interiorized by the children in a playful way. Traditional toys and games still made and played today in the Anti-Atlas rural areas show that the communication of the local toy and play culture between older and younger children functions well. However, it is unknown how far this still is the case in other Amazigh regions, as I did not come across relevant recent research.

Through their toy making and play activities Amazigh and other North African and Saharan children have been developing their interpretation of the adult material world, of female and male roles and duties, of festivities and rituals, of convictions, beliefs and morals. Yet, children are not only quickly adapting to internal and external changes but some-times even advancing these changes. In 2002 for example, in a make-believe play about the wedding feast, the bride doll refers to traditional occupations. However, during this game, two Anti-Atlas village children use a mobile phone toy, in reference to high tech preoccupations at a time when no mobile phone network was locally available.

The basic role in this communication does not belong to adults but to children. It occurs between older and younger children and between peers, whereby long lasting playgroups based on family and neighbour relationships play an important role. Play areas in villages and popular quarter streets of towns are real laboratories for development. It is there that children from the age of about three, daily interact with children of their own age, older children and sometimes adolescents. Yet, in this process, verbal instruction is rather seldom and learning how to do and how to behave is largely dependent on observation, participation and demonstration.

Children's creativity in toy making and playing

Amazigh girls and boys not only show fidelity to the traditional canons of the local play culture but also show much creativity. When looking for creativity in the toys they make and in their games, an important distinction should be made between an individual and a collective creativity. In the first years of my research, I was inclined to stress children's collective creativity in these regions. However, the more I learned on Moroccan children, the more I became aware that beneath this apparent similarity of toys and games particular to each community, there were individual variations according to each child or small playgroup. Because of the significant importance of Amazigh children's playgroups, I put forward the hypothesis that their creativity in making toys and playing with them is more often expressed through children's interactions within playgroups rather than in the case of isolated players. However, individual creativity regularly exists and this is easily attested by asking local children who is a specialist in making dolls or

vehicles and who excels in one or the other game of skill; the reply indicated a particular girl or boy.

Gerhard Kubik's statement on children's creativity in sub-Saharan Africa can be applied to North African and Saharan Amazigh children as well:

> *The culture of sub-Saharan Africa emphasizes the children's huge creative potential, despite the ephemeral nature of most of the objects: things are made, but just as quickly discarded. In many areas, the children's creativity is allowed to be expressed autonomously and without limitations, because adults are usually not interested and intervene only when they feel disturbed or threatened (1997: 117).*

The interested reader will find more information and concrete examples of Amazigh children's creativity in two chapters (Rossie, 2005/2013, 93-103; and Rossie, 2008, 364-371).

Children's interpersonal relations in play and playgroups

In Amazigh regions in general, and in the Atlas Mountains in particular, children's leisure activities are very often outdoor and collective. From the age of about three years onwards, playgroups become, along with family, the basic social groups for children. Mixed playgroups with girls and boys up to about six-years-old are regularly under the supervision of an older girl, exceptionally of an older boy, whereby the young ones engage in parallel or collaborative play. What young children experience and learn through their playful relations with same age or older children is without any doubt of fundamental importance for their development and for the relationships they will build out as

adolescents and adults. Moreover, the close contacts between children in playgroups strongly influence their socialization and the development of skills, intelligence, communication, worldviews, beliefs and morals. In such children's societies, girls and boys learn most games, venture to make toys, integrate the rules managing playgroups and gender differences, learn the non-verbal and verbal child culture, and so on. In small children's playgroups supervised by an older girl or possibly an older boy, as well as in playgroups formed by children of primary school age, situations of informal learning regularly occur especially when creating toys.

About the age of six years, children progressively escape the control of an older child and start organising their own playgroups with peers, although there can be some difference in age in such peer groups. The fact that peer groups are based on kinship and neighbourhood strengthens the cohesion between its members. From that moment on, comrades of age become an important reference group and long-lasting friendships are built that may continue into adulthood. Although mostly composed of same sex children, mixed groups can occasionally be found. Yet, in older girls' playgroups one can find small boys and girls they are caring for.

Playgroups organized according to sex are a key factor in children's lives from the age of about seven years. This gender differentiation is clearly seen in make-believe play as children mostly find inspiration in the local adult world with its separation into male and female spheres. So, dinner play and games linked to household tasks and wedding feasts are girls' games in which small boys can participate. Nevertheless, examples from the Moroccan Atlas Mountains refer to places where boys like to model toy utensils and hand mills but

not necessarily for playing dinner or household. On the contrary, a few examples from the Anti-Atlas show that some boys made this type of clay toys to sell them to girls. Play referring to male subsistence activities belongs to the boys' games, yet girls sometimes also play them. The play activities related to music, dance, rituals and feasts are girl games as well as boy games. The same gender division is found in games of skill but seemingly in a less pronounced way. Some of my Amazigh female informants stressed that as a child they liked to play together with their brothers, cousins and other boys from the neighborhood, for example, football or climbing trees. This makes it clear that the local cultural norms are not the only determining factors in children's play but that the personality and wishes of the players must also be taken into account. Moreover, there is no doubt that Amazigh girls more easily play boy games than boys play girl games.

Especially from the age of about eight years, the freedom of movement of girls and boys is strikingly different. Normally, one finds girls' playgroups nearby their homes or at least at a surveyable distance from home. Two reasons explain this situation: the girls should remain available for helping in the household and teenage girls must remain under closer supervision than teenage boys. Boys' playgroups can be found further away, the distance broadening as the boys become older, like in the case of an Anti-Atlas group of boys playing in the sea at two hours walking from their village.

Gender mixed playgroups sometimes exist but when children are about eight years it is often a question of parallel play in which girls play female roles and boys male roles. It should also be stressed that Amazigh girls more easily play boy games than boys play girl games.

The intergenerational transmission of Amazigh children's culture is based on contacts between older children or adolescents and young children, seldom between adults and children. Adults rarely interfere in children's play except when children disturb a lot, ask for help, or when a situation becomes dangerous. This non-interfering or even indifferent attitude to children's toy making and play is not only the case in Atlas families but also among most Moroccan preschool and primary school teachers. Yet, there is one special period in a year when Moroccan parents and other adults traditionally offer toys, sweets and new clothes to children. This is Ashura, a ten-day feast at the beginning of the Muslim year.

Changing children's toy and play cultures

Amazigh children's use of natural materials to create toys has been prominent for a very long time but these last decades, waste and imported materials became prevalent. Moreover, children are very quick in finding ways to use new materials that become available to them for making toys, such as shining gift packaging and polystyrene packaging. Using waste and imported materials however is not a recent phenomenon. For example, older girls from Mozabite families in the Algerian Sahara already used in the 1920s European pasteboard heads to make a type of dolls, which is exceptional in Northern Africa. The girls' fathers, almost all tradesmen, imported these doll heads from the North of Algeria. Another example from the same population and the same period refers to little households imported from Europe (Rossie, 2005a, 105 and 2008, 167).

My information on the Anti-Atlas villages shows

that plastic dolls slowly infiltrate the children's playgroups and that this doll and the traditional self-made doll still coexist. However, it remains to be seen for how long the traditional doll will survive. The import from China of very slender dolls does not only disable the use of the cross-shaped doll structure in reed or branches but at the same time proposes a fundamental change in the local vision of the ideal female body. These "Barbie-like" dolls in High Atlas communities are associated with a 'living skeleton'. A woman with such a figure is viewed, among older people, as a very lean woman whose appearance is to be attributed to one of the following pitiful conditions: poverty, sickness, having social or emotional problems, if not a combination of these.

The influence of the toy industry, especially from China, is even more striking in respect to plastic toys related to household, playing music, combat, transport and communication (e.g., utensils, drums, flutes, guitars, weapons, cars, trucks, boats, telephones and electronic toys). These imported plastic toys are gaining importance through factors lying outside Amazigh children's toy and play cultures: Since they are purchased and as such have a financial value; they are imported and thus belong to the outside world; they still are rare items in villages and therefore they bring prestige to those who have them and longing to those who do not have them. But maybe more importantly, they very often are a gift from an adult to a child, something that was only exceptionally done in former times.

In Amazigh children's play from the end of the 20th and the beginning of the 21th century, the relation between play, on the one hand, and reality, on the other, is really strong. From rural Morocco, I can offer no examples of games and toys referring

to a fantasy or virtual world. In opposition to this, it can be said that the inspiration for pretend play comes, today more than in the past, from situations and information that are not related to local life. Television and smartphones bring Amazigh children in contact with the way people eat, dress, play, go to school, travel and celebrate in North African and foreign countries. Watching news from all over the world and movies and comics, i.e. from Brazil, Egypt, Japan, Turkey and the United States, expose them to divergent multicultural information. European tourists and tourists of Moroccan origin living abroad also influence these children's ideas and behaviour. Their influence is obvious in recent Anti-Atlas girls' doll play (Rossie and Daoumani 2018, 38-39, 94-105).

Notwithstanding the evolution of Atlas children's play heritage away from tradition, many play and toy-making activities popular among their grandparents are nowadays regularly found in these rural communities. However, it remains to be seen what the result will be in one or two decades of recent technological and sociocultural changes.

Using indigenous play and toy heritages for pedagogical and sociocultural purposes

International organizations promoting the development of Third World children and stimulating a locally adapted educational system put forward the following principles:

• Respecting local child and family identities and cultures;

• Relating actions to families and local environments in which children grow up;

• Using young children's mother tongue;

• Involving children in their development by

taking into account their experiences;

• Stimulating children's resilience;

• Helping children to develop physically, socially, emotionally, intellectually and morally through playful activities.

These principles clearly demonstrate the need to respect, study, promote and use children's cultures not only in education, but also in the strategies of organizations addressing children, women and families. So, I like to add to *Children are the future of a country another saying, namely Development neglecting children's participation has no future.* Knowing that games and toys as well as other forms of entertainment, like storytelling, music, dance and feasts, are very important in children's lives, one should recognize their value for an ecologically, culturally, socially and educationally adapted development.

Formal and informal education can surely benefit from a well-considered use of play, games and toys. If this is true for Moroccan schools, where Arabic is the language used, this is even more so when the educational system needs to adapt to Amazigh-speaking children enrolled in preschool or primary school. Talking with children in their own language about play and toy-making activities will establish a positive relationship between teachers and children and reduce the gap with local children and families. It certainly is indicated to start from the knowledge children acquired about their natural and human environment to teach lessons about these topics. The information on children's play teachers can gather can be used to develop lessons on many subjects. The verbal component of games—such as specific words and expressions, riddles, dialogues and songs—represents a gold mine for learning

languages. Several games of skill developing dexterity, equilibrium, suppleness, speed, strength and self-control can be included in the curriculum. Two Indian scholars, Arvind Gupta and Sudarshan Khanna, show how experiences gained in creating toys are useful for the technical and scientific training of children.

A recent evaluation by the Moroccan Ministry of Education and UNICEF offers a diagnosis of the preschool establishments and realistic proposals to ameliorate the Moroccan preschool (GEF, 2014). Comparing the role of play activities in Moroccan preschools with the situation in other countries, this study stresses that all analysed models show that play activities in the preschool are fundamental (2014, 7-8). It also states that in about 80% of the Moroccan preschools, play is not a priority, as compared to reading and writing (2014, 13). In the conclusions one reads that a major obstacle for a high quality and generalised preschool education in Morocco comes from a policy lacking educational principles and clear values appropriate for these children, and where learning through play is not a pedagogical priority.

It should be emphasized that efforts in Morocco and other North African and Saharan countries to change mentalities about the pedagogical value of local play and toy heritages need to be complemented with campaigns to change parents' ideas towards this new strategy. Indeed, a member of Alliance of Labor Training and Action for Children (ATFALE), a non-governmental organization promoting quality preschools in Morocco, wrote that not only the pedagogical staff but also parents demonstrate a negative attitude towards children's play and toys in school (Bouzoubaâ, 1998, 16).

Intercultural and global education, a pedagogical field of growing importance, is discussed through the author's attempts of using Moroccan Amazigh-speaking and Arabic-speaking children's toy making and play activities for workshops with children, children and adult family members, pupils, students, teachers in training, appointed teachers and volunteers. These activities took place in museums, toy libraries, children's libraries, preschools, primary and high schools and in sociocultural associations in Argentina, Belgium, France, Greece, Italy and Morocco (Rossie, 2005/2013, 205-209; Rossie, 2013, 269-289).

The universality of the major categories of games such as pretend play, construction play, games of skill, games of chance and of the toys used in these games, favours a comparative approach. During workshops it has been quite easy to stimulate insight, empathy and creativity in children, adolescents and adults by showing them the diversity and creativity in the Atlas Mountains and other rural children's play culture. The positive image of African children transmitted in such workshops contrasts with the often negative images of miserable or starving African children shown in the media.

The reader will find examples of using children's play and toy heritages in European and South American countries together with several photos in my publications (Rossie, 1984; 2005/2013, 187-204; 2013, 262-268). Here follow some outstanding examples from this last decade.

In July 2008, the Museum of Childhood in the Greek town Nafplion invited me to develop an educational program related to Anti-Atlas children's play heritage. Inspired by toys Amazigh children had made, Nafplion children between six and twelve years old created their own toys during six workshops. These children made masks and dolls with natural and waste material they searched in the park surrounding the museum. Since then, using natural and waste material to create masks, dolls and possibly other such toys, has been a recurrent theme in my workshops up to the last one organised for children and their family members in the Musée du Jouet de Moirans-en-Montagne in 2014.

Two outstanding events have marked these intercultural activities. The first one took place in Argentina at the end of October 2010 at the Instituto de Formacion Docentes de Bariloche where I was asked to intervene in the training of their students and to show the possibilities of using children's play and toy cultures not only for a more holistic children's development but also for promoting intercultural and international understanding.

In order to give this message a more concrete expression, a workshop in creating toys with natural and waste material as Amazigh children do, was planned with pupils, teachers in training and appointed teachers. After my stay in Bariloche, similar workshops have been organised in Neuquén, another Argentinian town, in a primary school, a centre for professional education and a teacher training institution. The enthusiasm of the children and adolescents participating in these activities has been inspiring and stimulating.

The second example is special because the workshop was integrated into a larger project made possible by the author's gift of about hundred Anti-Atlas children's toys to the Associazione Lucertola Ludens of Ravenna in Italy. This project was called I Giocattoli in valigia because I brought them in a luggage from southern Morocco to Ravenna. When staying in Ravenna in September 2011, I conducted

a training seminar and a workshop for children and their parents who created dolls and cars with natural and waste material.

Next to organising workshops or seminars, I donated about 1,200 toys, mostly created by Moroccan Amazigh children, to museums and sociocultural organisations in Australia, Belgium, France, Italy, Morocco and Portugal. The major reasons to offer these toys to institutions outside Morocco are the preservation and exposure of this vanishing children's culture, the lack of interest of Moroccan cultural institutions and the integration of these remarkable artefacts into the cultural heritage of humanity.

I would like to emphasise the necessity of linking an intercultural approach to play, into which my research fits, to a playful approach to the intercultural. This is essential, because today's individuals cannot survive in a multicultural and interdependent world if they do not understand the universality and the specificity of the living conditions in their own group and in other societies. Using children's play and toy heritages from all over the world for pedagogical and sociocultural activities offers a non-threatening, positive and joyful way to relate children, adolescents and even adults to other ways of life and to the natural and sociocultural environment in which populations thrive.

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Los Juguetes y las Culturas del Juego de los Niños Amazigh

Por Jean-Pierre Rossie

Traducción de Inglés a español por Aline Castañeda Cadena, Directora de Edición de Fourth World Journal.

RESUMEN

Este artículo muestra juguetes hechos a mano y los juegos en los que son utilizados por niños indígenas del extenso grupo de pueblos amazigh que viven en África del Norte y el Sahara.

Palabras Clave: juego, juguetes y juegos, Amazigh, Shawia, Tuareg

Los amazigh (también conocidos como Bereberes) son los habitantes nativos del noroeste de África con una historia que se extiende a 10,000 años, antes del comienzo de la era cristiana. Tenían contacto con los griegos, cartagineses y romanos. Se estima que la población mundial de amazigh es mayor a los 50 millones de personas. Las poblaciones mencionadas en este artículo son los amazigh del Anti Atlas, el Alto Atlas y el Atlas Medio en Marruecos, el pueblo cabilio de las montañas de Cabilia, los shawia de las Montañas Aurès y los mozabitos del Valle de M'Zab del Sahara en Algeria, y los tuareg que viven en todo el desierto del Sahara y Sahel del norte. Los pueblos amazigh no sólo están ubicados en Marruecos, sino también en Algeria, Mali del norte, Mauritania, Nigeria del norte, Túnez, Libia y parte del oeste de Egipto – la línea norte del continente de África.

La información sobre los juguetes y las culturas del juego de los niños amazigh surge del trabajo de

Niños amazigh hablando de sus juegos, Anti-Atlas, 2007, fotografía Kh. Jariaa

campo del autor en las Montañas del Atlas (de 1992 a la fecha) y los ejemplos de otras comunidades amazigh fueron encontrados en documentos publicados en la primera mitad de los 90's. Con pocas excepciones, estos niños viven en áreas rurales donde la tradición y la modernidad van de la mano, pero donde la influencia del juguete, el entretenimiento y las industrias de alta tecnología de la globalización, lenta o rápidamente anulan las

MAPA del pueblo Amazigh
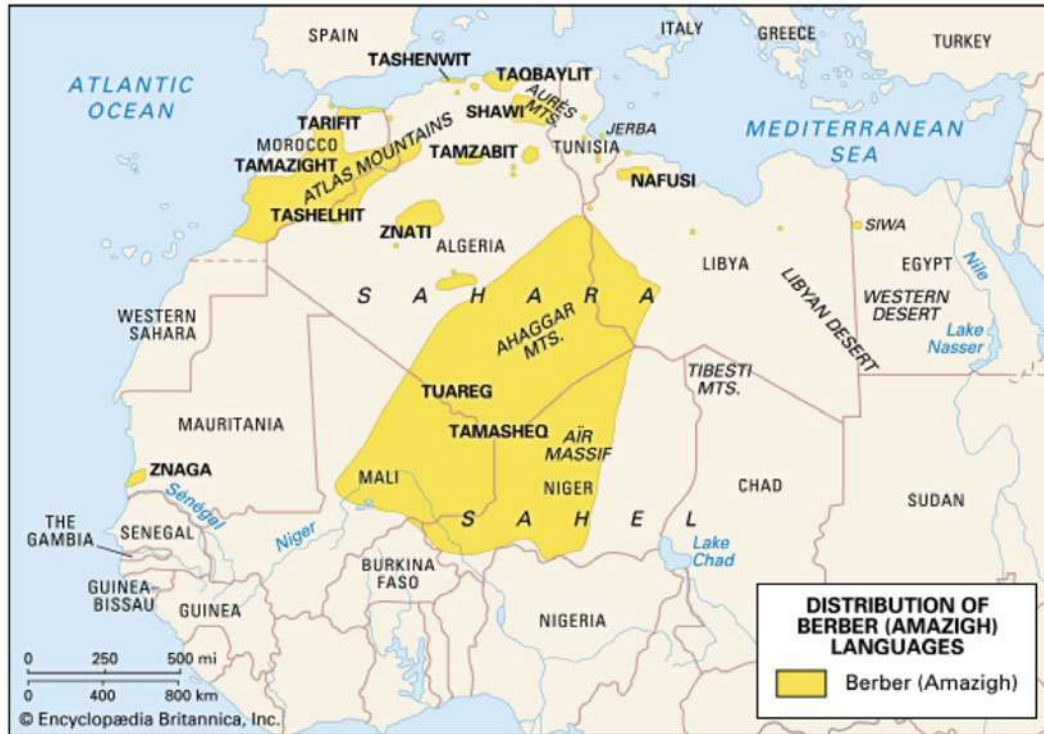
únicas formas de producir materiales para juego de los niños. Una presentación Power Point con fotografías adicionales está disponible en los dos sitios mencionados en las referencias.

Después de una introducción a los juguetes y las culturas del juego con muñecas, juguetes de animales, juguetes que se refieren a la vida doméstica y a las actividades técnicas y juegos de destreza de estos niños, se discutirán algunos aspectos socioculturales, señales y significados, comunicación, relaciones interpersonales, continuidad y cambio.

Fabricación de los Juguetes infantiles y actividades de juego

La edad de los niños cuyos juguetes y juegos han sido estudiados oscila entre los tres y los quince años. Hay muy poca o nula información sobre los bebés y niños pequeños porque, por ser un investigador hombre, casi no tengo acceso a niños que viven muy cerca de sus madres. Afortunadamente, desde 2005, pude confiar en la colaboración de Khalija Jariaa, una mujer del Anti-Atlas que se volvió un pilar en mi investigación sobre los niños de esta región. Los niños representan, en su mayoría, la fuente de información, pero también se han utilizado las memorias de los adolescentes, adultos y personas mayores. Esta variedad de fuentes empieza a principios del siglo 20 y hasta hoy ofrece una visión de la evolución de los juegos y culturas del juguete de estos niños.

Desde hace miles de años hasta el presente, los niños han hecho juguetes con materiales naturales (como arena, piedras, piedrecillas, flores, plantas,

hojas, ramas, palos, carrizo, corteza, espigas de maíz, nueces, dátiles, calabaza, papas, huesos, cuernos, caparazón de caracol, pelo, piel, intestinos, estiércol y cabello) o con material de desecho (como barro, madera, papel, cartón, vidrio, plástico, caucho, metal, pintura, productos de maquillaje, partes de juguetes, muebles, bicicletas, carros, y hoy en día, también empaques de poliestireno). El juguete más antiguo hecho con material de desecho que conozco, fue encontrado en 1953 y hecho por un niño Tuareg con un pedazo de madera y cuatro latas redondas como llantas (Rossie, 2013, 122). Sin embargo, los niños que hacen juguetes, con frecuencia combinan materiales naturales y de desecho. Cuando crean juguetes, los niños de las zonas rurales utilizan objetos encontrados en la zona y herramientas de mano, por ejemplo, piedras u otros objetos pesados; sus propios dientes u otros objetos afilados.

Los grupos de juego de los niños amazigh están conformados por miembros de la familia y vecinos, que sin duda favorece la comunicación de la cultura de los niños. Estos juguetes y juegos infantiles están inspirados en el mundo de los adultos que viven en sus comunidades. Sin embargo, veo sus actividades de juego no como una imitación sino como una interpretación a través de su mirada. En este contexto, Brian Sutton-Smith escribió: "el juego esquematiza la vida, alude a la vida, no imita la vida en el sentido estricto... es una dialéctica que refleja y se burla de la realidad, pero nunca se escapa de ella" (1986, p. 141).

Muñecas

Entre los amazigh de Marruecos, los Cabilios, Shawia y Mozabitos, durante los siglos 19 y 20 y algunas veces hasta hoy en día, las niñas y, con

menor frecuencia los niños, usan un cuadro en forma de cruz de dos carrizos o palos para vestirlas con trapos o, desde hace unas décadas, con piezas brillantes (Figura 1). Esta figura también muestra la coexistencia tradicional de muñecas con y sin rasgos faciales:

Figura 1: muñecas Anti-Atlas, 1998; Rossie, 2005a, 166-169; fotografía: J. P. Rossie

Los niños tuareg hicieron dos tipos diferentes de muñecas, la mujer sentada en la tienda y el guerrero u hombre importante que monta un camello *(Figura 2).*

Figura 2: tuareg Algeriano, alrededor de 1940; Rossie 2005a, 52-68/78-87; fotografía M. Delaplanche/D. Ponsard).

Con pocas excepciones, las mismas muñecas y las actividades del juego para las que son utilizadas simbolizan los personajes y actividades socialmente valiosos. En la esfera del mundo masculino, la muñeca se vuelve un esposo, jinete de camello, jinete de caballo, pastor, guerrero o noble. En la esfera del mundo femenino, el juego de la muñeca se refiere a desempeñar papeles del hogar, celebración de festivales, especialmente las bodas, embarazo, nacimiento o entierro. Las niñas cantan, bailan y cuentan acertijos o cuentos durante el juego con la muñeca. Además, tratan a las muñecas que

hacen con mucha indiferencia cuando la actividad del juego se termina y raramente las vuelven a utilizar para otro juego de fantasía.

Alrededor de 1937, las niñas y los niños crearon muñecas femeninas y las utilizaban en juegos de fantasía (Rossie, 2005a, 107-109). Esta referencia de los niños Shawia haciendo muñecas femeninas, muestra que uno debería ser cuidadoso en no generalizar afirmaciones sobre juguetes y juegos de niña versus juguetes y juegos de niño.

Animales de Juguete

Los animales de juguete hechos por los niños amazigh representan animales domésticos (por ej, camellos, caballos, mulas, burros, vacas, cebús, borregos, cabras, perros, gatos, conejos y gallinas), y animales salvajes (como los elefantes, ratas, tortugas, aves, serpientes, escorpiones y peces).

Los juguetes más antiguos de África del Norte son animales de barro de hace dos mil años. Fueron descubiertos en 1981 en el interior del delta del Níger en Mali en la frontera sur del Sahara. Estos animales de juguete son especiales porque sus patas delanteras están ensambladas en una sola pata. El último ejemplo de un animal de tres patas pertenecía a un niño tuareg y se mencionó en un libro de 1958 (Rossie, 2005/2013, 83-88). Es sin duda llamativo encontrar la tradición de un juguete de barro de dos mil años de edad, y probablemente más viejo, en la parte sur del Sahara.

Los niños shawia de las montañas Aurès (Rossie, 2005b, 80-84/91-92) y niños y niñas amazigh de Marruecos (Rossie, 2005/2019) disfrutan jugar con animales de juguete y a veces con animales vivos. En estas últimas décadas, cuando crean ese tipo de juguetes, los niños que viven en las montañas Atlas con frecuencia combinan materiales naturales y de

desecho. Un buen ejemplo es la gallina creada por un niño de ocho años con una bolsa de plástico, carrizo y plumas *(Figura 3).*

Figura 3: Anti-Atlas, 2007; Rossie, 2018, 166-169; fotografía Kh. Jariaa

A través de las actividades de juego relacionadas con el mundo animal, los niños de las zonas rurales aprenden mucho sobre el ambiente animal y humano en el que crecen, un aprendizaje que sigue siendo importante.

Los juguetes relacionados con la vida doméstica

Crear juguetes y jugar juegos relacionados con la vida adulta es una representación en el mundo de los juegos de los niños amazigh como con otros niños de África del Norte y del Sahara (Rossie, 2008, 2019). Este juego de fantasía no sólo abarca juegos relacionados con las obligaciones del hogar y actividades de subsistencia sino también con entretenimiento, rituales y fiestas. La creatividad de los niños no está limitada a la vida diaria de los adultos, también se refiere tanto a la tradición como a la modernidad. Hacer juguetes y las actividades de juego en las que los niños recrean la vida de sus padres y otros miembros de su familia y comunidad, los hace familiarizarse con la cultura material,

las formas de comunicación, las relaciones, las actividades económicas, las costumbres y creencias de su grupo social. Además, esa socialización en gran medida tiene lugar en el esfuerzo de los mismos niños. Estas actividades de juego son, con mucha frecuencia, colectivas y al aire libre, lo que junta a niños de la misma familia y del vecindario en grupos de niñas o niños, raramente en grupos mezclados.

La tradición de modelar juguetes en barro, secarlos a la sombra, cocinarlos en el horno de pan de la madre o en un horno hecho por las niñas, y posiblemente decorarlos, aun es popular en los pueblos de las montañas Atlas. Durante los periodos lluviosos, las niñas, y con menos frecuencia los niños, modelan una serie de utensilios de juguetes en miniatura, artículos para el hogar y muebles *(Figura 4).*

Figura 4: niña de seis años jugando al hogar y horneando pan, Anti-Atlas, 2002; Rossie, 2008, 213; fotografía J. P. Rossie

Juguetes relacionados con actividades técnicas

Los temas que surgen en los juegos y juguetes relacionados con las actividades técnicas de los niños amazigh en Marruecos, así como entre los

pueblos cabilios, mozabitos, shawia y tuareg son muy variados, pero pueden ser divididos en tres grupos: caza y pelea, transporte y comunicación (Rossie, 2013).

No hay duda de que los juegos y juguetes a que se refieren esos tres grupos son propiedad de los niños, pero las niñas a veces hacen esos juguetes y juegan con ellos. Esta diferenciación de género seguramente refleja la división de los deberes de los adultos amazigh en ocupaciones femeninas y masculinas.

Los juguetes utilizados en este juego de fantasía son creados con muchos materiales naturales y de desecho. Sin embargo, en estas últimas décadas ha prevalecido el uso de material de desecho. Los niños amazigh y otros de África del Norte son muy rápidos para utilizar cualquier material de desecho nuevo que esté disponible en su entorno. Uno de los ejemplos recientes es el uso de poliestireno para hacer armas, carros, autobuses o aviones (Rossie, 2013, 80, 149, 173, 231) *(Figura 5)*.

Figura 5: Carro hecho por un niño de siete años, Anti-Atlas; Rossie, 356-358; fotografía J. P. Rossie

Las niñas también utilizan piezas de poliestireno para hacer muñecas o una cama de hospital (Rossie, 2005a, 176; 41, 54). Los juguetes creados para juegos relacionados con el transporte y tecnología de la comunicación demuestran que los niños Anti-Atlas siguen de cerca los recientes desarrollos tecnológicos; por ejemplo, cuando alrededor de 2005 los niños y niñas modelaron en barro su propio teléfono digital (Rossie, 2013, 246-247).

Juguetes para juegos de habilidad

Para jugar juegos de habilidad, los niños amazigh no necesitan juguetes ni materiales de juego, pero para muchos otros, deben utilizar diferentes materiales de juego y/o hacer juguetes. Los juguetes o materiales de fabricación propia que los niños encuentran localmente son, entre otros, pelotas, arcos y flechas, aros, tableros y otros diseños; cometas, instrumentos musicales, subibajas, patinetas, cuerdas de saltar, resorteras, ruletas giratorias, piedras, columpios, zancos, cuerdas, trompos y molinos de viento. Los materiales naturales y de desecho son utilizados para hacer estos juguetes; por ejemplo, los trompos modelados con barro y una mesa de futbol creada con diferentes materiales de desecho *(Figura 6)*.

Figura 6: juego de futbol de mesa de fabricación propia, Alto Atlas, 1994; fotografía J. P. Rossie

Los niños amazigh juegan muchos juegos de habilidad física; por ejemplo, juegos de destreza, puntería, equilibrio, fuerza, pelea, velocidad, auto control, bromas, valentía, juegos de pelota y juegos donde se utilizan elementos naturales. También juegan juegos de habilidad intelectual, por ejemplo, juegos de ingenio, perspicacia, estrategia y juegos de mesa. Muchos juegos de habilidades se basan en la cooperación entre compañeros y algunos tienen un elemento de competencia. Sin embargo, el mismo juego puede servir para ambos propósitos siguiendo el deseo de los miembros del grupo. Algunos juegos de habilidad son típicos de niñas y otros de niños, pero muchos los juegan ambos sexos, en su mayoría en grupos separados. Estos juegos se pueden jugar solos o en un grupo, por la diversión del ejercicio o para mostrar las habilidades, y ocasionalmente se vuelven juegos competitivos.

Los juegos de habilidad y los juguetes de fabricación propia utilizados por ellos están directamente relacionados con el medio ambiente ecológico en el que los niños crecen. Los factores tales como el clima, relieve, desierto, áreas urbanas o rurales, disponibilidad o falta de agua y vegetación influye directamente en las posibilidades de jugar o de hacer juguetes. Los factores relacionados con el ambiente humano no son menos importantes, entre los cuales se encuentran los trajes, las normas y creencias de la sociedad, la familia y la organización de la comunidad, los medios de subsistencia, el papel de la edad, sexo y grupo social y el impacto del cambio ambiental, tecnológico y sociocultural.

Aspectos socioculturales de los juguetes y las culturas del juego de los niños amazigh

El juego y las culturas del juego de los pueblos amazigh pertenecen a la herencia tangible e intangible de la humanidad y la comunicación con la siguiente generación acerca de esta herencia, es en gran parte la responsabilidad de los niños más grandes y sus compañeros. Esta comunicación no sólo incluye los juegos y juguetes, sino también la transmisión verbal y no verbal del conocimiento, creencias, actitudes, comportamientos, habilidades, sensibilidades y emociones relacionadas con hacer juguetes y actividades de juego.

Estos juegos infantiles son muy importantes para su aprendizaje informal y para su integración en la familia y la comunidad. Sin embargo, estos niños no juegan para volverse cultural y socialmente adaptados ni para volverse hábiles, sino por el bienestar y el placer que les ofrece.

Comunicación en la real- ización de los juguetes y el juego

Los juegos de los niños amazigh son objetos diseñados intencionalmente por niños para niños, muy rara vez por adultos para niños. Las niñas y los niños crean muñecas que en su mayoría representan a los adultos en papeles socialmente valorados, por ejemplo, guerreros tuareg, novias o novios amazigh, madres y abuelas. También hacen artículos valiosos como artículos domésticos y muebles en miniatura, instrumentos musicales, vehículos y más recientemente, aviones, helicópteros y teléfonos digitales.

Un aspecto interesante de dar significado a los juguetes y transmitirlos a otros es la forma en la que los niños del Atlas aportan nuevos significados a los juguetes tradicionales y muñecas importadas. Por ejemplo, cuando un juguete de carrizo con una navaja giratoria se vuelve un helicóptero o cuando una muñeca de plástico delgado se convierta es una mujer en buena salud porque está vestida con ropa

local cosida a mano. Hacer un juguete tradicional para venderlo a los turistas es bastante excepcional en las Montañas Atlas incluso hoy. Sólo conozco una excepción, principalmente los juguetes de animales que los niños ondean con hojas de palma y venden a los turistas en las espectaculares Gargantas de Todgha en la parte este de las Montañas del Alto Atlas. Cuando visité esa área en 1992, en la época turística éste ya era el caso y fuera de la temporada turística, se podían recoger algunos de estos animales de juguete desechados y sin vender.

Cuando hacen juguetes, los niños deben buscar materiales específicos con relación a propósitos particulares. Al analizar los juguetes de África del Norte y el Sahara, el primer aspecto en el que pensé fue la forma y su papel en la elección de materiales que hacían los niños. Un buen ejemplo de ello se muestra en el lado derecho de la figura 2, donde se utiliza la quijada de una cabra o borrego como base para crear un camello o un caballo. La posibilidad de sostener la parte alargada del hueso en la mano de un niño, vuelve fácil imitar los movimientos del animal y el hoyo en la parte superior de la quijada es útil para poner una silla de montar de juguete y un jinete. Algunas veces, es una parte del objeto lo que lo hace importante, como cuando las niñas del Alto Atlas ponen cabello muy largo a sus muñecas de carrizo y escogen carrizo con largas hojas verdes para la parte superior y lo separan con las uñas para hacer tiras más pequeñas.

Se debe subrayar la diferencia entre la no durabilidad de la mayoría de los juguetes creados por niños amazigh y la durabilidad de los juguetes hechos por la industria del juguete. Se espera que la mayoría de los juguetes tradicionales hechos por niños no duren mucho tiempo. Por el contrario,

cuando la actividad de juego se detiene, el juguete se vuelve un objeto que puede dejarse en algún lugar o tirarse. Además, hacer un nuevo juguete forma parte de la actividad del juego.

La comunicación no verbal, especialmente la comunicación visual, los gestos y movimientos, son importantes en la comunicación lúdica entre los niños amazigh pero la comunicación verbal, por medio de monólogos, diálogos y canciones, está más o menos presente. Gilles Brougère escribe sobre los grupos de juego:

Tiene que haber un acuerdo no sólo inicialmente sino en los juegos fingidos durante todo el proceso de juego, que se caracteriza por una serie de decisiones. Esas decisiones tienen que ser comunicadas por los jugadores para volverse acciones de juego con condiciones que han acordado con el otro jugador o jugadores. Consecuentemente, el juego fuerza al niño a hacer uso de una variedad de habilidades complejas en el área de la comunicación (1994, 284-285).

En las muñecas y los juegos de muñecas, por ejemplo, se transmiten muchos símbolos, significados, valores estéticos, sociales y morales de una generación a la siguiente e interiorizados por los niños de una manera lúdica. Los juguetes tradicionales y los juegos que se hacen y juegan en las áreas rurales del Anti-Atlas muestran que la comunicación del juguete local y la cultura del juego entre niños de diferentes edades funcionan bien. Sin embargo, no se sabe hasta qué punto esto sigue siendo el caso en otras regiones amazigh, ya que no encontré investigación reciente relevante.

Por medio de la elaboración de juguetes y actividades de juego, los amazigh y otros niños de África del Norte y el Sahara han estado

desarrollando su interpretación en el mundo material adulto de los papeles femenino y masculino y sus obligaciones, de festividades y rituales, de convicciones, creencias y moral. Pero los niños no se están adaptando rápidamente a los cambios internos y externos, sino que a veces se adelantan a estos cambios. En 2002 por ejemplo, en un juego de fantasía sobre la fiesta de bodas, la muñeca novia se refería a ocupaciones tradicionales. Sin embargo, durante este juego, dos niños del pueblo Anti-Atlas utilizaban un teléfono celular, con referencia a las inquietudes sobre la alta tecnología en una época en la que ninguna red de teléfonos celulares estaba disponible.

Este papel básico en la comunicación no pertenece a los adultos sino a los niños. Ocurre entre niños mayores y menores y entre pares, donde los grupos basados en las relaciones de familia y vecinos juegan un papel importante. Las áreas de juego en los pueblos y calles populares de ciudades son verdaderos laboratorios para el desarrollo. Es ahí donde los niños de la edad de tres años interactúan diariamente con niños de su misma edad, niños más grandes y a veces adolescentes. Aun es este proceso, la instrucción verbal es más bien rara y aprender cómo hacer y cómo comportarse depende, en gran medida, de la observación, participación y demostración.

La creatividad de los niños en el juego y en la elaboración de juguetes

Las niñas y niños amazigh no sólo muestran fidelidad a los cánones tradicionales de la cultura del juego local, sino que también muestran mucha creatividad. Cuando buscan la creatividad en los juguetes que hacen y en sus juegos, debería hacerse una distinción importante entre un individuo y la creatividad colectiva. En los primeros años de mi investigación, me inclinaba a poner más énfasis en la creatividad colectiva de los niños de estas regiones. Sin embargo, entre más aprendía de los niños marroquíes, más me daba cuenta que entre esta similitud aparente en los juguetes y los juegos particulares a cada comunidad, había variaciones individuales de acuerdo con cada niño o pequeño grupo de juego.

Debido a la importancia significativa de los grupos de juego de los niños amazigh, propuse la hipótesis de que su creatividad en la elaboración de juguetes y jugar con ellos se expresa con frecuencia a través de las interacciones de los niños dentro de los grupos de juego más que en jugadores solitarios.

Sin embargo, la creatividad individual regularmente existe y se puede comprobar preguntando a los niños locales que son especialistas en hacer muñecas o vehículos que sobresalen en uno y otro juego de habilidad: la respuesta indicaba a un niño o niña en particular.

La afirmación de Gerhard Kubik sobre la creatividad de los niños en el África subsahariana puede ser aplicada a los niños de África del Norte y el Sahara también:

La cultura del África subsahariana hace énfasis en el gran potencial de creatividad de los niños, a pesar de la naturaleza efímera de los objetos: las cosas son elaboradas, pero rápidamente son desechadas. En muchas áreas, se permite que la creatividad de los niños sea expresada de manera autónoma y sin limitaciones, ya que los adultos generalmente no están interesados e intervienen sólo cuando se sienten molestados o amenazados (1997: 117).

El lector interesado encontrará más información y ejemplos concretos de la creatividad de los niños amazigh en dos capítulos (Rossie, 2005/2013, 93-

103; y Rossie, 2008, 364-371).

Las relaciones interpersonales de los niños en el juego y los grupos de juego

En las regiones amazigh en general, y en las montañas Atlas en particular, las actividades de esparcimiento son, con mucha frecuencia, en el exterior y colectivas. Desde la edad de aproximadamente tres años en adelante, los grupos de juego se vuelven, junto con la familia, los grupos sociales básicos para los niños. Los grupos de juego mezclados con niños y niñas desde seis años y, por lo regular, bajo la supervisión de una niña más grande, excepcionalmente de un niño más grande, donde los más chicos participan en un juego paralelo o de colaboración. Lo que los niños más pequeños experimentan y aprenden a través de sus relaciones lúdicas con niños de su edad o más grandes es, sin duda alguna, de fundamental importancia para su desarrollo y para las relaciones que construirán como adolescentes y adultos. Además, los contactos más cercanos entre niños en los grupos de juego influyen fuertemente en su socialización y desarrollo de habilidades, inteligencia, comunicación, visión del mundo, creencias y moral. En tales sociedades de niños, las niñas y los niños aprenden la mayoría de los juegos, se aventuran a hacer juguetes, integran las reglas de manejo de grupos y diferencias de género, aprenden la cultura infantil verbal y no verbal, y sucesivamente. En los grupos pequeños de niños supervisados por una niña mayor o posiblemente por un niño mayor, así como en grupos de juego formados por niños de primaria, las situaciones de aprendizaje informal regularmente ocurren cuando crean juguetes.

Aproximadamente a la edad de seis años, los niños escapan progresivamente del control de un niño mayor y comienzan a organizar sus propios grupos de juego con compañeros, aunque puede haber algunas diferencias de edad en tales grupos de pares. El hecho de que los grupos de pares se basan en la afinidad y la comunidad refuerza la cohesión entre sus miembros. Desde ese momento, los camaradas de la edad se vuelven un grupo de referencia importante y se construye una amistad duradera que puede continuar en la edad adulta. Aunque la mayoría se componen de niños del mismo sexo, también se encuentran grupos mixtos. Pero en los grupos de juego de niñas mayores, se pueden encontrar niños y niñas pequeñas que están a su cuidado.

Los grupos de juego organizados de acuerdo al sexo son un factor clave en las vidas de los niños de la edad de siete años. Esta diferenciación de género se ve claramente en el juego de fantasía ya que los niños encuentran inspiración en el mundo adulto local con la separación de las esferas masculinas y femeninas. Así, los juegos relacionados con comida y juegos ligados a las tareas domésticas y banquetes de bodas son juegos de niñas en donde los niños pequeños pueden participar. Sin embargo, los ejemplos de las Montañas Atlas de Marruecos se refieren a lugares donde a los niños les gusta modelar utensilios de juguete y molinos de mano, pero no necesariamente para jugar al hogar. Por el contrario, algunos ejemplos del Anti-Atlas muestran que algunos niños hacen un tipo de juguetes de barro para venderlos a las niñas. Los juegos que se refieren a la supervivencia masculina pertenecen a los juegos de los niños, aunque a veces las niñas también los juegan.

Las actividades de juego relacionadas con la música, danza, rituales y fiestas son juegos de niñas y niños. La división del mismo género se encuentra

en juegos de habilidades, pero de una forma menos pronunciada. Algunas de mis informantes amazigh subrayaban que de niñas les gustaba jugar con sus hermanos, primos y otros niños de la comunidad, por ejemplo, futbol o a trepar árboles. Esto aclara que las normas de cultura locales no son factores determinantes en el juego de los niños, sino que la personalidad y deseos de los jugadores también deben tomarse en cuenta. Además, no hay duda de que las niñas amazigh juegan más fácilmente juegos de niños que los niños juegos de niñas.

La transmisión intergeneracional de la cultura de los niños amazigh está basada en los contactos entre otros niños o adolescentes y niños más jóvenes, rara vez entre adultos y niños. Los adultos rara vez interfieren en los juegos infantiles excepto cuando los niños molestan mucho, piden ayuda, o cuando hay alguna situación peligrosa. Esta actitud de no interferencia o incluso de indiferencia hacia la elaboración de juguetes y al juego no es sólo en las familias del Atlas sino también entre los maestros de primaria y preescolar marroquíes. Aunque hay un periodo especial del año cuando los padres marroquíes y otros adultos ofrecen juguetes, dulces y ropa nueva a los niños. Es Ashura, una festividad de diez días al comienzo del año musulmán.

El cambio en los juguetes infantiles y las culturas del juego

El uso que hacen los niños amazigh de materiales naturales para crear juguetes ha sido notorio por mucho tiempo, pero en las últimas décadas los materiales de desecho e importados han estado más disponibles. Además, los niños son muy rápidos para encontrar maneras de encontrar materiales nuevos para elaborar juguetes, como envolturas de

regalo brillantes y poliestireno

Sin embargo, utilizar materiales de desecho e importados no es un fenómeno reciente. Por ejemplo, ya en 1920, las niñas mayores de las familias mozabites en el Sahara algeriano ya utilizaban cabezas de cartón europeo para hacer un tipo de muñecas, que es excepcional en África del Norte. Los padres de las niñas, casi todos comerciantes, importaban esas cabezas de muñeca del norte de Algeria. Otro ejemplo de la misma población y el mismo periodo, se refiere a pequeños hogares importados de Europa (Rossie, 2005a, 105 y 2008, 167).

Mi información en los pueblos Anti-Atlas muestra que las muñecas de plástico se infiltran lentamente en los grupos de juego de los niños y que esta muñeca y la muñeca tradicional hecha a mano coexisten. Sin embargo, falta ver por cuánto tiempo sobrevivirá la muñeca tradicional. La importación de China de una muñeca muy delgada no inhibe el uso de una muñeca con forma cuadrada en carrizo o ramas, pero al mismo tiempo propone un cambio fundamental en la visión local del ideal del cuerpo femenino. Estas muñecas "parecidas a Barbie" en las comunidades del Alto Atlas se relacionan con un "esqueleto viviente". Una mujer con tal figura es vista, entre los mayores, como una mujer muy esbelta cuya apariencia se atribuye a una de las siguientes condiciones penosas: pobreza, enfermedad, con problemas sociales o emocionales, o una combinación de ellos.

La influencia de la industria del juguete, especialmente de China, es sorprendente con respecto a los juguetes de plástico relacionados con el hogar, tocar música, combate, transporte y comunicación (por ejemplo, utensilios, batería,

flautas, guitarras, armas, carros, camiones, barcos, teléfonos y juguetes electrónicos). Estos juguetes de plástico importados están tomando importancia por medio de factores externos a los juguetes y las culturas del juego de los niños amazigh: desde que son comprados tienen un valor financiero; son importados y por lo tanto pertenecen al mundo exterior; aún son artículos raros en esos pueblos y, por lo tanto, dan prestigio a aquellos que los tienen y un fuerte anhelo en aquellos que no los tienen. Pero quizás más importante es que, con mucha frecuencia, son el regalo de un adulto a un niño, algo que se hacía sólo de manera excepcional en el pasado. En el juego de los niños amazigh de finales del siglo 20 y principios del 21, la relación entre el juego, por un lado, y la realidad por el otro, es muy importante. No puedo ofrecer ejemplos del área rural de Marruecos de juegos y juguetes que se refieran a la fantasía o al mundo virtual. Contrario a esto, se puede decir que la inspiración para pretender jugar viene, más ahora que en el pasado, de situaciones e información que no están relacionadas con la vida local. La televisión y los teléfonos inteligentes tienen contacto con los niños amazigh con la forma en la que la gente come, se viste, juega, va a la escuela, viaja y celebra en África del Norte y los países extranjeros. Ver las noticias de todo el mundo, películas e historietas, por ejemplo, de Brasil, Egipto, Japón, Turquía y los Estados Unidos, los expone a información multicultural divergente. Los turistas europeos y los turistas de origen marroquí que viven en el extranjero también influyen en las ideas y el comportamiento de estos niños. Su influencia es obvia en el reciente juego de muñeca de niñas del Anti-Atlas (Rossie y Daoumani 2018, 38-39, 94-105).

A pesar de que la evolución de la herencia del juego de los niños del Atlas se aleja de la tradición, muchos juegos y actividades de elaboración de juguetes se encuentran hoy en día entre sus abuelos en estas comunidades rurales. Sin embargo, falta ver cuál será el resultado en una o dos décadas de los cambios tecnológicos y socioculturales recientes.

El Uso del juego indígena y las herencias del juguete con propósitos pedagógicos y socioculturales.

Las organizaciones internacionales que promueven el desarrollo de los niños del tercer mundo y estimulan un sistema educativo adaptado localmente presentan los siguientes principios:

- Respetar la identidad y las culturas del niño y su familia;

- Relacionar las acciones a familias y ambientes locales en los que los niños crecen;

- Utilizar la lengua materna de los niños más pequeños;

- Involucrar a los niños en su desarrollo al tomar en cuenta sus experiencias;

- Estimular la resiliencia de los niños;

- Ayudar a los niños a desarrollarse física, social, emocional, intelectual y moralmente por medio de actividades lúdicas.

Estos principios claramente demuestran la necesidad de respetar, estudiar, promover y utilizar las culturas de los niños no sólo en la educación, sino también en las estrategias de organizaciones dirigidas a los niños, mujeres y familias. Por lo tanto, me gustaría añadir al dicho: los niños son el futuro del país, otro dicho: el desarrollo que niega la participación de los niños no tiene futuro. Conocer estos juegos y juguetes es también otra forma de entretenimiento, como contar cuentos, la música, la

danza y las festividades son muy importantes para la vida de los niños, uno debería reconocer su valor para adaptarlos al desarrollo ecológico, cultural y educativo.

La educación formal e informal seguramente puede beneficiar un buen uso del juego y los juguetes. Si esto es verdad para las escuelas marroquíes, donde el árabe es la lengua usada, esto es más cuando el sistema educativo necesita adaptarse a los niños que hablan amazigh inscritos en escuelas primarias o preescolar. Hablar con los niños en su propio idioma sobre juegos y elaboración de juguetes establecerá una relación positiva entre los maestros y los niños y reducirá la brecha con los niños y familias locales. Ciertamente, está indicado empezar con el conocimiento que los niños adquirieron de su ambiente natural y humano para enseñar lecciones sobre estos temas. La información sobre los juegos infantiles que los maestros pueden obtener puede ser utilizada para desarrollar lecciones sobre muchos temas. El componente verbal de los juegos – como palabras y expresiones específicas, adivinanzas, diálogos y canciones – representa una mina de oro para aprender idiomas. Muchos juegos de habilidad que desarrollan la destreza, el equilibrio, flexibilidad, velocidad, fuerza y auto control pueden incluirse en el plan de estudios. Dos académicos hindúes, Arvind Gupta y Sudarshan Khanna, muestran como las experiencias obtenidas al crear juguetes son útiles para el entrenamiento técnico y científico de los niños.

Una evaluación reciente del Ministro de Educación Marroquí y la UNICEF ofrece un diagnóstico en niños de preescolar y las propuestas realistas de mejorar la escuela preescolar marroquí (GEF, 2014). Al comparar el papel de las actividades de juego en las escuelas preescolares marroquíes con la situación en otros países, este estudio subraya que todos los modelos analizados muestran que las actividades de juego en la escuela preescolar son fundamentales (2014, 7-8). También indica que en cerca del 80% de las escuelas preescolares marroquíes, el juego no es una prioridad, comparado con leer y escribir (2014, 13). En las conclusiones se lee que el mayor obstáculo para una educación preescolar de alta calidad y generalizada en Marruecos viene de una política que carece de principios educativos y valores claros apropiados para estos niños, y donde aprender a través del juego no es una prioridad pedagógica.

Debería hacerse énfasis en que los esfuerzos en Marruecos y otras ciudades de África del Norte y el Sahara en cambiar la mentalidad acerca del valor pedagógico del juego y las herencias de los juguetes, necesita ser complementada con campañas para cambiar las ideas de los padres hacia esta estrategia. De hecho, un miembro de la Alianza de Capacitación Laboral y Acción para los Niños (ATFALE, por sus siglas en inglés) una organización no gubernamental que promueve la calidad de las escuelas de preescolar en Marruecos, escribió que no sólo el equipo pedagógico, sino que también los padres demuestran una actitud negativa hacia el juego infantil y los juguetes en la escuela (Bouzoubaâ, 1998, 16).

La educación intercultural y global, un campo pedagógico de importancia creciente, se discute a través de los intentos del autor de utilizar actividades de juego y elaboración de juguetes infantiles de niños que hablan árabe y amazigh para talleres con niños, miembros de familias adultos y niños, alumnos, estudiantes, maestros en entrenamiento, maestros titulares y voluntarios.

Estas actividades se llevaron a cabo en museos, librerías, librerías infantiles, escuelas de preescolar, primarias y secundarias y en asociaciones socioculturales en Argentina, Bélgica, Francia, Grecia, Italia y Marruecos (Rossie, 2005/2013, 205-209; Rossie, 2013, 269-289).

La universalidad de las mayores categorías de juegos tales como los juegos de construcción, juegos de habilidades, juegos de oportunidad y los juguetes utilizados en esos juegos, favorece un enfoque comparativo. Durante los talleres ha sido muy fácil estimular la introspección, la empatía y la creatividad en niños, adolescentes y adultos mostrándoles la diversidad y creatividad de las culturas del juego infantil en las montañas del Atlas y otras zonas rurales. La imagen positiva de los niños africanos transmitida en esos talleres contrasta con las imágenes negativas de los niños en extrema pobreza y muriendo de hambre de África que muestran los medios.

El lector encontrará ejemplos de los niños utilizando los juegos infantiles y herencias de juguetes en países europeos y de Sudamérica junto con muchas fotografías en mis publicaciones (Rossie, 1984; 2005/2013, 187-204; 2013, 262-268). Aquí puede seguir algunos ejemplos destacados de esta última década.

En julio de 2008, el Museo de la Infancia en la ciudad griega de Nauplia me invitó a desarrollar un programa educativo relacionado con la herencia del juego infantil del Anti-Atlas. Inspirado por los juguetes que habían hecho los niños amazigh, los niños de Nauplia de entre seis y doce crearon sus propios juguetes durante seis talleres. Esos niños hicieron máscaras y muñecas con materiales naturales y de desecho que buscaron en un parque cerca del museo. Desde entonces, utilizar

materiales naturales y de desecho para crear máscaras y cualquier otro juguete, se ha vuelto un tema recurrente en mis talleres. Como en el último organizado por niños y los miembros de su familia en el Musée du Jouet de Moirans-en-Montagne (Museo del Juguete de Moirans-en-Montagne) en 2014.

Dos eventos destacados han marcado estas actividades interculturales. El primero se llevó a cabo en Argentina a finales de octubre de 2010 en el Instituto de Formación de Docentes de Bariloche donde se me pidió intervenir en el entrenamiento de sus estudiantes para mostrar las posibilidades de utilizar el juego infantil y las culturas del juguete no sólo para un desarrollo más holístico de los niños, sino para promover el entendimiento intercultural e internacional. Para darle a este mensaje una expresión más concreta, se planeó un taller para crear juguetes con materiales naturales y de desecho como lo hacen los niños amazigh con alumnos, maestros en entrenamiento y maestros titulares. Después de mi estadía en Bariloche, se han organizado talleres similares en Neuquén, otro pueblo en Argentina, en una escuela primaria, un centro para educación profesional y un instituto de entrenamiento a profesores. El entusiasmo de los niños y adolescentes que participan en estas actividades ha sido inspirador y estimulante.

El segundo ejemplo es especial porque el taller estaba integrado en un proyecto más grande y fue posible por un regalo del autor de alrededor de cien juguetes de niños del Anti-Atlas a la Associazione Lucertola Ludens de Rávena, en Italia. Este proyecto se llamó I Giocattoli in vagilia (juguetes en maleta) porque llevé los juguetes en una maleta desde el sur de Marruecos a Rávena. Mientras me quedaba en Rávena en septiembre de 2011, dirigí un seminario

de entrenamiento y un taller para niños y sus padres que crearon muñecas y carros con materiales naturales y de desecho.

Además de organizar talleres o seminarios, doné cerca de 1,200 juguetes, la mayoría elaborados por niños amazigh de Marruecos, a museos y organizaciones socioculturales en Australia, Bélgica, Francia, Italia, Marruecos y Portugal. Las razones principales para ofrecer estos juguetes a instituciones fuera de Marruecos fue la conservación y exposición de esta cultura de niños que se desvanece, la falta de interés de las instituciones culturales de Marruecos y la integración de estos artefactos extraordinarios a la herencia cultural de la humanidad.

Me gustaría hacer énfasis en la necesidad de ligar un enfoque intercultural al juego, en el que se ajuste mi investigación, a un enfoque lúdico a la interculturalidad. Esto es fundamental, ya que los individuos de hoy no pueden sobrevivir en un mundo multicultural e interdependiente si no entienden la universalidad y la especificidad de las condiciones de vida en su propio grupo y en otras sociedades. Utilizar el juego infantil y las herencias del juguete de todo el mundo para actividades pedagógicas y socioculturales ofrece una manera no amenazante, positiva y alegre para relatar a los niños, adolescentes e incluso adultos, otras formas de vida y el entorno natural y sociocultural en el que las poblaciones se desarrollan.

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Jean-Pierre Rossie recibió su doctorado en Historia de África y Filología y ha realizado trabajo de campo con los semi-nómadas Gharib en el Sahara tunecino y con los amazigh en Marruecos. Su investigación se enfoca en la socialización infantil, aspectos culturales y sociales de los juegos infantiles y la elaboración de juguetes. Es investigador adjunto en el Musée du Jouet, Morains-en-Montagne, Francia. Es miembro del Consejo Asesor de la Red de Diseño Social Felissimo/UNESCO y es Investigador Asociado en el Centro de Estudios Filosóficos y Humanistas de la Facultad de Filosofía en la Universidad Católica de Portugal, en Braga. Ha donado cerca de 1,200 juguetes amazigh hechos a mano y de niños de otros pueblos del Cuarto Mundo en África del Norte a museos y asociaciones socioculturales.
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Heritage Food Security in a Changing Climate

By Susan McCleary and Cora Moran

ABSTRACT

In addition to providing support for cultural heritage, permaculture guild food forests also provide potential to improve the food security of indigenous peoples in a changing climate. Far from simply being supplemental to people's diets, in many instances food forests have the potential to provide a substantial proportion of the caloric requirements for a community, reducing their reliance on remotely produced grain crops. This paper advocates further research in this area, using work by McCleary (2016) as a template to assist indigenous communities in maintaining their food security and cultural traditions in a rapidly changing climate.

Key Words: marginalized communities, high density food, forest gardens, food security, food sovereignty

Permaculture is an agroecological practice that can integrate traditional ecological knowledge into sustainable agriculture such as forest gardening. The term is derived from the words 'permanent agriculture' and 'culture', as created by David Holmgren and Bill Mollison, who developed the permaculture design system during the mid 1970s (Mollison & Holmgren, 1978). One goal of permaculture design is to create a regenerative closed loop ecosystem. Currently, there are many uses for it. Permaculture has been described as a development strategy (Veteto & Lockyer, 2008), a conscious landscape design (Holmgren, 2002), an agriculture philosophy (Mollison, 1998), and a design system for the application of agroecology. Furthermore, one of the widely held definitions is that permaculture is a design system that is based on agroecology, indigenous farming systems and traditional ecological systems.

Permaculture is also broadly classified as a holistic section of the ecological design of sustainable development (Rhodes, 2012) that is a practice of agroecology. Permaculture practitioners claim that their techniques have a wide range of positive effects on the social and ecological environment (Mollison & Holmgren, 1978; Ferguson & Lovell, 2014). In comparison to industrial agriculture, these benefits include reduction of water pollution, increased biodiversity, enhanced soil quality, and increased food yields (Rhodes, 2012), with practices that are organic and biodiverse. These practices incorporate techniques such as companion planting, water harvesting and sustainable resources use such as composting manure use (Conrad, 2013). Mollison & Holmgren define permaculture as a:

design system [that] allows individuals to use their knowledge of large abstract issues and then implement small changes within their own lives to make a difference. This is one of the fundamental benefits that the design system provides. The framework is also loose enough that it can be applied per the needs of the user in extremely varied situations. The users of the permaculture design in these cases have all focused on improving local food security by growing food for local and subsistence purposes and wish to increase their communities' capacity to become self-sufficient (Mollison & Holmgren, 1978, p.151).

Practitioners and professionals have embraced permaculture across fields ranging from governments [e.g., Cuba] to smaller social justice organisations [e.g., Movement Generation] as a way to create sustainable development on a local level (Starr & Adams, 2003). The nature of permaculture practice can be, in principle, a form of community participation that promotes social justice by creating a space that is separate and resistant to the capitalist form of agriculture that plays a prominent role in widespread food insecurity (Starr & Adams, 2003). As such, permaculture can be used as a strategy to help enable economically marginalised communities to reduce their food insecurity and levels of economic inequality, and as such merits further investigation. Permaculture is an eclectic and adaptive approach that emphasises local and bioregional perspective and practice. At the same time, it is informed by a global view, maintains a strong tradition of technology and knowledge transfer across diverse areas and cultural traditions, and is fundamentally based on

empirical observation and experimentation (Veteto & Lockyear, 2008).

Permaculture, Forest Gardens and Tree Guilds

There is a growing amount of evidence that permaculture methods offer a way to address soil degradation, and food insecurity and Food Sovereignty through regenerative or restorative agroecology (Rhodes, 2012). Permaculture also helps to increase overall soil health (Rhodes, 2015), along with natural and social capital in marginalized communities (Altieri, 2009), which helps in addressing food sovereignty. In creating a permaculture design, patterns of landscape and function are emphasised to incorporate the principles of permaculture to minimise waste and energy inputs, by creating systems that are holistic and resilient (Rhodes, 2012). Figure 2 captures the complex interactions that occur in the soil food web system. *(Figure 2).*

Permaculture designs are created to mimic natural interactions such as the soil food web as illustrated. These designs are created to evolve into complex systems that are capable of producing a high density of food with minimal energy input (Rhodes, 2012). These principles are an important consideration in the experimental design of this research project since permaculture can regenerate and maintain soil health of the project. It can help also grow perennial culturally appropriate food with little input or maintenance requirement. One method of the permaculture design is the forest garden.

Permaculture growing methods such as forest gardening offer the potential to further the preservation of such species including those that are even
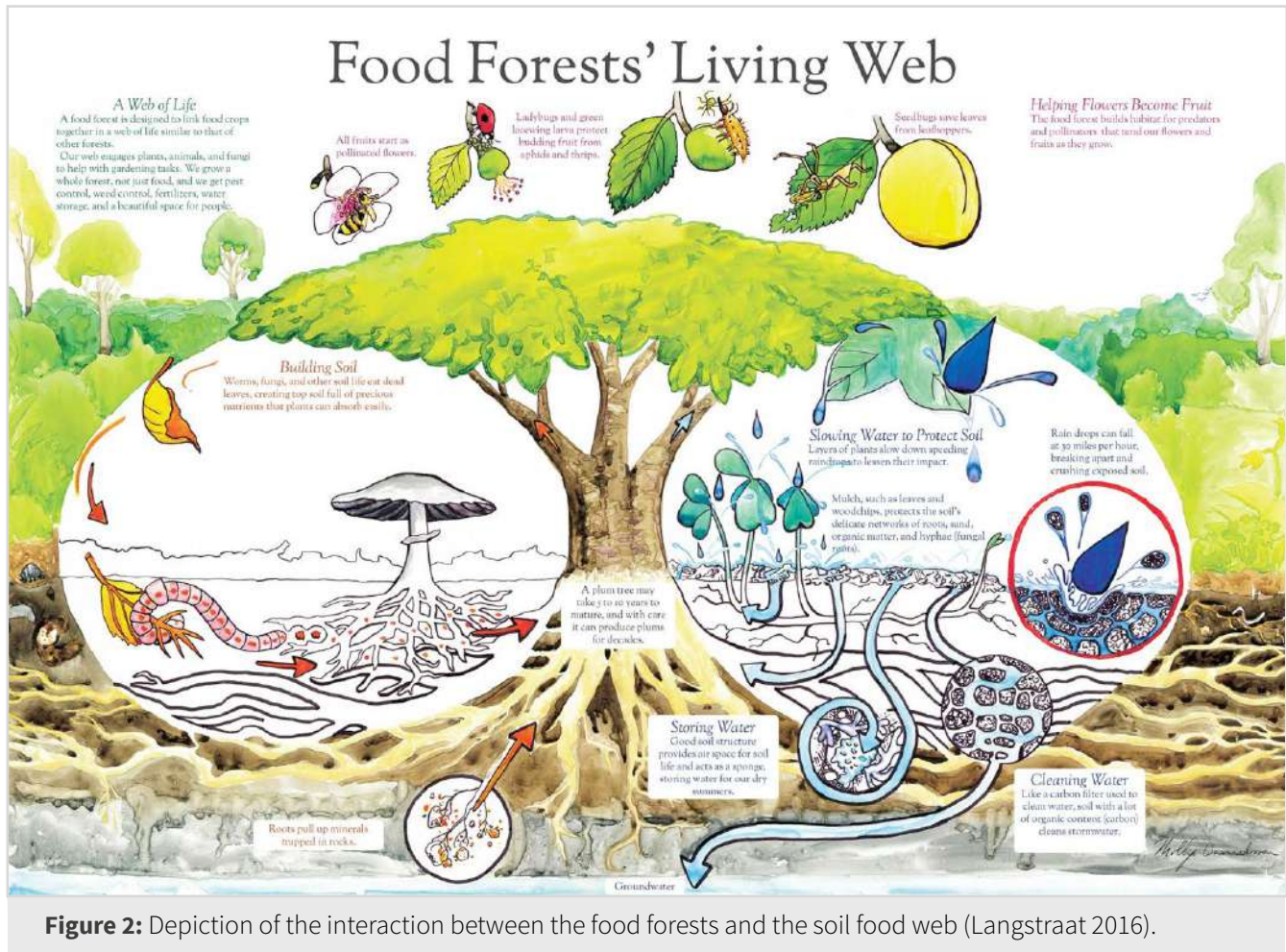
Figure 2: Depiction of the interaction between the food forests and the soil food web (Langstraat 2016).

more obscure than those mentioned above. Preservation is achievable for species such as an only regionally found sister species to Hopniss, Apios Priceana from Kentucky (Robins, 2012). Forest gardening offers a range of benefits over annual monocropping, as the plants grown are predominantly perennials there is a reduced need for fertiliser inputs and have reduced cost outlays beyond initial start up, such that new seed is not needed to be purchased every year (Eliade, 2011). Most modern cultivars of annual crop have been bred for yield and are very vulnerable to climate change, yields often being drastically cut by erratic weather. Perennial plants have often undergone less intensive selec-

tion and have greater capacity to cope with erratic weather. Forest gardens are also polycultures and as functioning ecosystems have greater subsidiarity of functions, many different species within the overall system can stand in for one another and maintain system stability in the face of adverse conditions (Eliade, 2011). Another method of the permaculture design is the permaculture guild or the tree guild.

A permaculture guild is defined as "a grouping a plants, trees, animals, insects, and other components that work together to help ensure their health and productivity" (Never Ending Food, 2019).

The permaculture tree guild as depicted in Table 1 below is a component of the "food forest" design.

The food forest was the framework for the design of the permaculture community agriculture project. A permaculture tree guild has seven levels:

Table 1:

Seven Levels of a Forest Garden:	
1	Fruit tree or nut tree level
2	Lower tree level
3	Bush or shrub level
4	Herbaceous level
5	Rhizosphere level
6	Grown cover level
7	Vertical/ climbers level

A permaculture tree guild utilises the concept of companion planting, which is the close planting of plants that benefit from each other's growth and/or they protect each other from pests (Food Forest and Gardens, 2010). This is one of the fundamentals of permaculture gardening *(see Figure 3)*. As a self-sustaining system with multifunctional plants that maximizes plot space (Food Forest and Gardens, 2010) it reduces the need for physical energy and chemical amendments.

Food Security in the Face of Climate Change

There have been many international declarations throughout the years, for example, The Universal Declaration of Human Rights (1948); The Interna-

The Seven Layers of a Forest Garden

1. Canopy (Large Fruit & Nut Trees)
2. Low Tree Layer (Dwarf Fruit Trees)
3. Shrub Layer (Currants & Berries)
4. Herbaceous Layer
5. Rhizosphere (Root Crops)
6. Soil Surface (Ground Cover Crops)
7. Vertical Layer (Climbers, Vines)

Figure 3: The components of a Food Forest Tree Guild (Eliade, 2011)
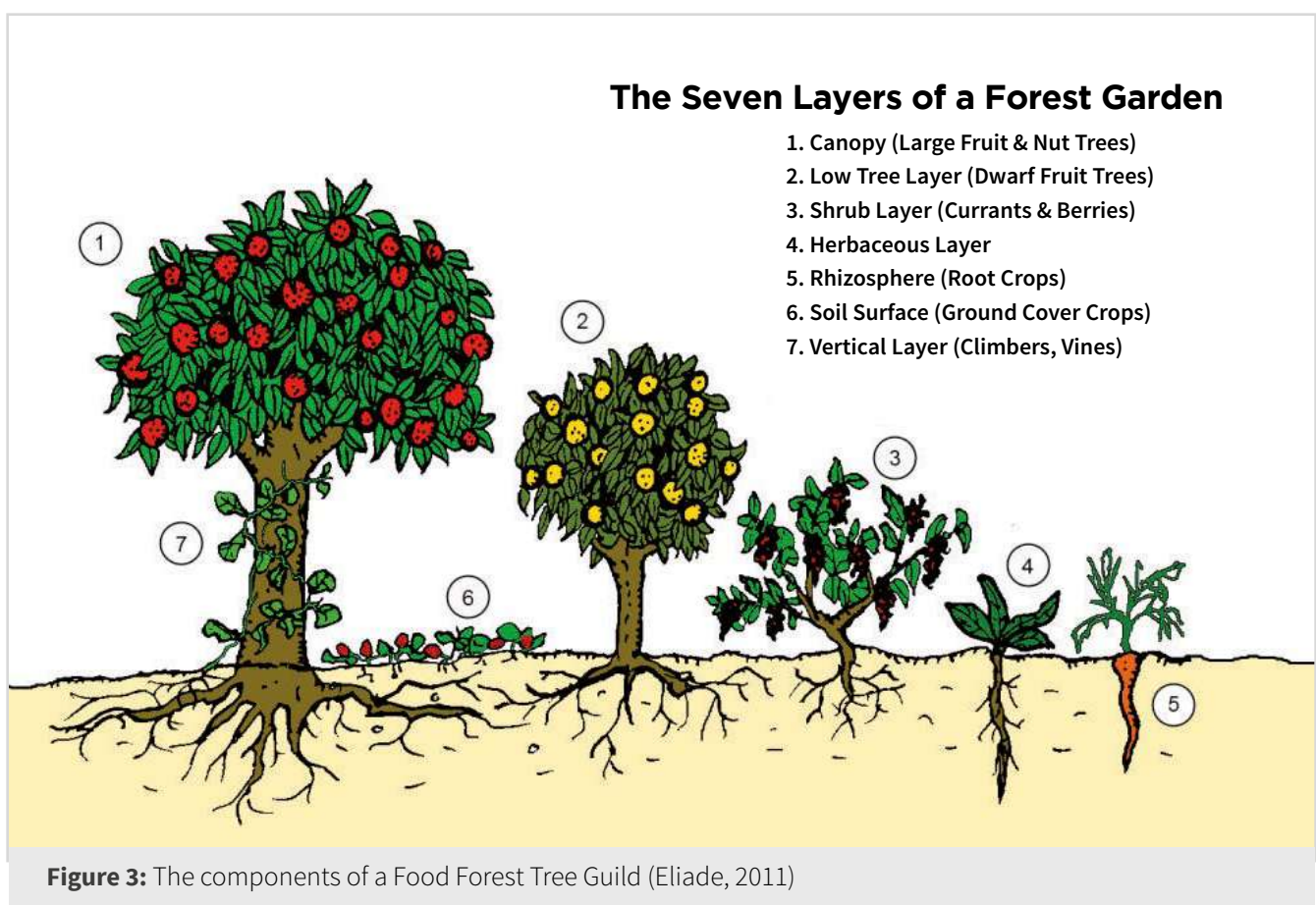
tional Covenant of Economic, Social and Cultural Rights (1964); and the UN Millennium Declaration (2000) and the UN 2015 Sustainable Development Goals (2015) that have declared freedom from hunger as a basic human right (Gregory, 2009). However, this right is being contravened in many of the countries that signed those declarations including the U.S. despite identifying specific goals relating to hunger. Rates of hunger globally have been increasing since 2014, with 821 million people undernourished as of 2017 (FAO, 2018). This can in part be attributed to an increasing number of adverse climate events in addition to economic and geopolitical issues in different regions of the world (FAO, 2018).

Current farming systems have continued to improve yields from the mid-20th century to the present. However, the majority of global calories are provided by a small number of crops, partly due to their ability to be produced on a very large scale with minimal labour and stored for long periods, making them a highly profitable commodity. Wheat, rice and maize currently provide more than half of the calories for humanity globally (Awika et al 2011, p.1).

Of these only a few main cultivars are grown and a combination of rising global demand and the increasing prevalence of extreme weather events due to climate change means the risk of shortages is increasing annually. This is a risk that is being further exacerbated as a few main countries only supply products for international markets. There has been an average of one degree of warming so far globally and yields of major crops are predicted to decline with every degree of warming (see Figure 1 below), though global population is set to continue to increase. It also seems most likely that ambitions to meet the Paris Climate Goals are unlikely to be
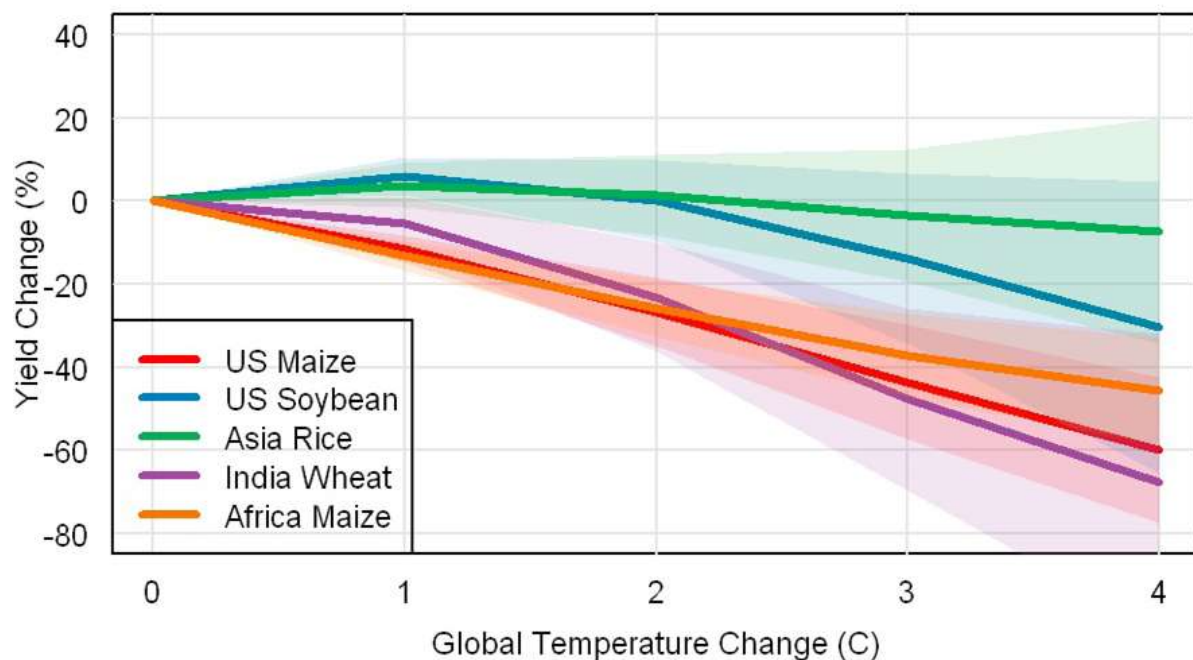

Figure 1: Loss of Crop Yields per Degree of Warming (climatechange-foodsecurity.org, 2019)

met (Raftery et al., 2017) with capacity for much greater warming than currently experienced. There is also a substantial risk that positive feedback loops within natural systems will be triggered which will irreversibly change the climate and substantially increase the total amount of warming (Alfthan et al 2019, p.48), exacerbating the effects on agriculture.

The use of a wider range of crops than the few main grain crops that provide the majority of global calories has great potential to improve levels of food security, particularly for marginalised groups. Some plants that were the staples of indigenous peoples around the world have become popular global commodities such as maize from what is now Mexico and potatoes from the Andes. Many of these plants are still used as staples amongst indigenous peoples, alongside other crops that though not known well globally are still grown at scale within specific regions. For example, in Andean South America root vegetables such as Ulluco, Mashua and Oca are grown as subsistence crops alongside the more widely known potato (International Potato Center, 2018). There are other unusual plants like Yakon that are also locally cultivated (International Potato Center, 2018). Promoting wider scale planting of such crops will provide a greater level of resilience to climate disruption in agriculture.

A variety of other crops that are less well known have also recently been popularised for use in forest gardening; often to the extent that it has helped preserve the viability of the species. For example, North American plants such as Apios Americana or 'Hopniss' (Medik, 2012) and Sagittaria Latifolia or 'Wapato' (Willd, 2012) have been largely preserved through domestication.

In addition to food staples, plants grown by indigenous peoples are used in a vast range of medicinal and other uses and are integral to their cultural heritage (Mahapatra, 2017). Promoting the use of such plants can play a critical role in helping preserve this heritage alongside helping to promote food security for often marginalised groups in a changing climate (Mahapatra, 2017). Small-scale programs have also been set up by indigenous peoples planting forest gardens to regain access to plants that used to be found in the wild but which have been lost due to climate change and offer potential to improve their food security and maintain their cultural traditions (Gamble, 2019).

The Utility of Permaculture Methods for Indigenous Peoples

Permaculture is derived from long-held knowledge of plant and animal systems that combine ecology and environmental sustainability and as such its foundation is in traditional ecological knowledge (Gomez-Baggethun et al, 2013). Historically, indigenous agricultural knowledge, the cultural significance of food and the specific nutritional needs of indigenous populations have been ignored by efforts to introduce non-traditional agricultural techniques. The lack of acknowledgement of the holistic nature of indigenous food insecurity has resulted in a failure of an adaptation of the western type of cultivation practices (Deur & Turner, 2005).

The lack of access to nutritious food has become a critical issue in marginalised and indigenous communities (FAO, 2010; Vivas, 2014). For instance, in the First World reservations of North America, pover-ty, unemployment and food deserts are major

drivers of food insecurity (Sarche & Spicer, 2008). Food security research in these communities is primarily focused on access to food, including the distance needed to travel to reach adequate food and the abil-ity to afford nutritious food, rather than the ability to grow food (Sarche & Spicer, 2008). Yet there is a growing shift in food security research to encompass community agriculture as a possible solution to food insecurity in marginalised communities (Hallberg, 2009). In the context of a rapidly changing cli-mate, permaculture design systems present a useful framework, which indigenous communities can use as a tool for community schemes towards this end.

The foundation for traditional ecological knowledge (TEK) as is with permaculture is that everything is interrelated and both knowledge systems teach to work in partnership with the land (Krohn, 2007). For example, within the context of North America, Elders in "Indian country" define wealth as having strong cultural traditions, having access to traditional foods and medicines, as having knowledge of how to gather and prepare the foods and medicines (Krohn, 2007). Bruce Miller explains,

> "We call the plants the First People. They were the first created in our oral tradition before the animal, before the fish, before the birds, and their duty was to hold the earth together and live their life as a teaching for those who would be created in the future (Bruce Miller, no date; Krohn 2007).

It is an example of the oral traditional ecological knowledge that is used to depict the interconnect-edness of the ecosystem. Table 2 lists the different aspects of Tribal food sovereignty:

Table 2:

Tribal Food Sovereignty (Native Food Systems 2017)

Communities that exhibit tribal food sustainability and food sovereignty are those that:

1	Have access to healthy food
2	Have foods that are culturally appropriate
3	Grow, gather, hunt and fish in ways that are maintainable over the long term
4	Distribute foods in ways so people get what they need to stay healthy
5	Adequately compensate the people who provide the food

Tribal communities are implementing food sovereignty; they are taking control of their food supply by planting culturally appropriate, tradition-al foods and medicinal plants. They are also working to regain and retain the rights to tribal lands so that they can hunt and gather their foods (Native Food Systems, 2017).

Some initial studies have been made to inves-tigate the efficacy of permaculture to aid in this Native Food Systems. Research by McCleary (2016) assessed the socio-cultural viability of communi-ty sustainable agriculture projects with a focus on permaculture and the use of traditional knowledge and practices as examples of this by American Indian communities in the Pacific Northwest of the U.S. The fieldwork focused on the introduction of a permaculture community project with participants creating a community permaculture food forest with the integration of TEK, historical agricultural prac-

tices and tribal cultural practices. Permaculture principles were utilised as a framework to create a small-scale sustainable agriculture project, which was designed to honor the patterns and history of the traditional agriculture of the tribal peoples.

Conclusions & recommendations for further research

In summary, permaculture is forwarded as a possible way to establish Indigenous Food Security and Food Sovereignty, which allows for communities to be able to control their whole food systems and to lessen their dependence on industrial food systems while maintaining the ecosystems for future generations (Mollison & Holmgren, 1978). Research by Ray, et al. states that Indigenous food and food systems are intrinsic to the health and well-being of Indigenous people (Desmarais and Wittman, 2014), but in the past there has been little research that specifically addresses Indigenous food and food systems. Given the interconnectedness of food systems, Indigenous health and climate change, this paper advocates further research in this area to assist indigenous communities in maintaining their Food Sovereignty and cultural traditions in a rapidly changing climate.

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Patrimonio de la Seguridad Alimentaria en un Clima Cambiante

Por Susan McCleary y Cora Moran

Traducción de Inglés a español por Aline Castañeda Cadena, Directora de Edición de Fourth World Journal.

RESUMEN

Además de proporcionar apoyo para la herencia cultural, los gremios de bosques de alimentos con permacultura también proporcionan potencial para mejorar la seguridad alimentaria de los pueblos indígenas en un clima cambiante, lejos de simplemente ser suplemento para la dieta de las personas, en muchos casos los bosques de alimentos tienen el potencial de proporcionar una proporción sustancial de los requisitos calóricos de una comunidad, reduciendo su dependencia en cultivos de granos producidos remotamente. Este artículo promueve una mayor investigación en esta área, utilizando el trabajo de McCleary (2016) como modelo para ayudar a las comunidades indígenas a mantener su seguridad alimentaria y sus tradiciones culturales en un clima que cambia rápidamente.

Palabras Clave: Comunidades marginadas, alimentos con alta densidad, jardines forestales, seguridad alimentaria, soberanía alimentaria

La permacultura es una práctica agroecológica que puede integrar conocimiento ecológico tradicional en agricultura sostenible como la jardinería forestal. El término se deriva de la palabra "agricultura permanente" y "cultura", creado por David Holmgren y Bill Mollison, quienes desarrollaron el sistema de diseño con permacultura a mediados de los años 70 (Mollison & Holmgren, 1978). Un objetivo del diseño con permacultura es crear un ecosistema regenerativo de ciclo cerrado. Actualmente, hay muchos usos para eso. La permacultura ha sido descrita como una estrategia de desarrollo (Veteto & Lockyer, 2008), un diseño consciente del paisaje (Holmgren, 2002), una filosofía de la agricultura (Mollison, 1998) y un sistema de diseño para la aplicación de la agroecología. Además, una de las definiciones ampliamente sostenida es que la permacultura es un sistema de diseño que está basado en la agroecología, sistemas de agricultura indígena y sistemas ecológicos tradicionales.

La permacultura también está ampliamente clasificada como una sección holística del diseño ecológico de desarrollo sostenible (Rhodes, 2012) que es una práctica de la agroecología. Los practicantes de la permacultura afirman que sus técnicas tienen un amplio rango de efectos positivos en el ambiente social y ecológico (Mollison & Holmgren, 1978; Ferguson & Lovell, 2014). En comparación con la agricultura industrial, esos beneficios incluyen la reducción de la contaminación del agua, aumento de la biodiversidad,

mejoramiento de la calidad del suelo, y mayores rendimientos alimenticios (Rhodes, 2012), con prácticas que son orgánicas y biodiversas. Esas prácticas incorporan técnicas como la asociación de cultivos, captación de agua de lluvias y el uso de recursos sostenibles como el uso de estiércol de compostaje (Conrad, 2013). Mollison & Holmgren definen la permacultura como

> un sistema de diseño que permite a los individuos utilizar su conocimiento sobre grandes asuntos abstractos y luego implementar pequeños cambios dentro de sus propias vidas para hacer una diferencia. Este es uno de los beneficios fundamentales que el sistema de diseño proporciona. El marco es lo suficientemente libre que puede aplicarse a las necesidades del usuario en situaciones sumamente variadas. Los usuarios del diseño con permacultura en esos casos se han enfocado en mejorar la seguridad alimentaria local al cultivar alimentos para propósitos locales y de subsistencia y en incrementar la capacidad de sus comunidades en volverse autosuficientes (Mollison & Holmgren, 1978: p. 151).

La permacultura ha sido adoptada por practicantes y profesionales de campos que oscilan entre gobiernos [por ejemplo, Cuba] a pequeñas organizaciones de justicia social [tales como Movement Generation] como una forma de crear desarrollo sostenible a un nivel local (Starr & Admas, 2003). La naturaleza de la práctica de la permacultura puede ser, en principio, una forma de participación comunitaria que promueve la justicia social al crear un espacio separado y resistente a la forma capital-

ista de agricultura que juega un papel importante en la inseguridad alimentaria general (Starr & Adams, 2003). Como tal, la permacultura puede ser utilizada como una estrategia para ayudar a habilitar económicamente a las comunidades marginadas para reducir la inseguridad social y los niveles de desigualdad económica, y como tal amerita futura investigación. La permacultura es un enfoque ecléctico y adaptado que se enfoca en la perspectiva local, bioregional y en la práctica. Al mismo tiempo, está informada por una visión mundial, mantiene una fuerte tradición de tecnología y transferencia de conocimiento en diversas áreas y tradiciones culturales, y está basada fundamentalmente en la observación y experimentación empíricas (Veteto & Lockyear, 2008)

Permacultura, Bosques de Alimentos y Gremios de Árboles

Hay una cantidad creciente de evidencia que los métodos de permacultura ofrecen una manera de abordar la degradación del suelo, la inseguridad alimentaria y la soberanía alimentaria mediante la agroecología regenerativa o restaurativa (Rhodes, 2012). La permacultura también ayuda a mejorar la salud del suelo en general (Altieri, 2009), lo que ayuda a abordar la soberanía alimentaria. Al crear un diseño con permacultura y patrones de paisaje, su función se enfoca en incorporar los principios de permacultura para minimizar el desperdicio y gasto de energía, creando sistemas que sean holísiticos y resilientes (Rhodes, 2012). La figura 2 refleja las interacciones complejas que ocurren en el sistema de red alimenticia del suelo.

Los diseños con permacultura son creados para imitar las interacciones naturales tales como la
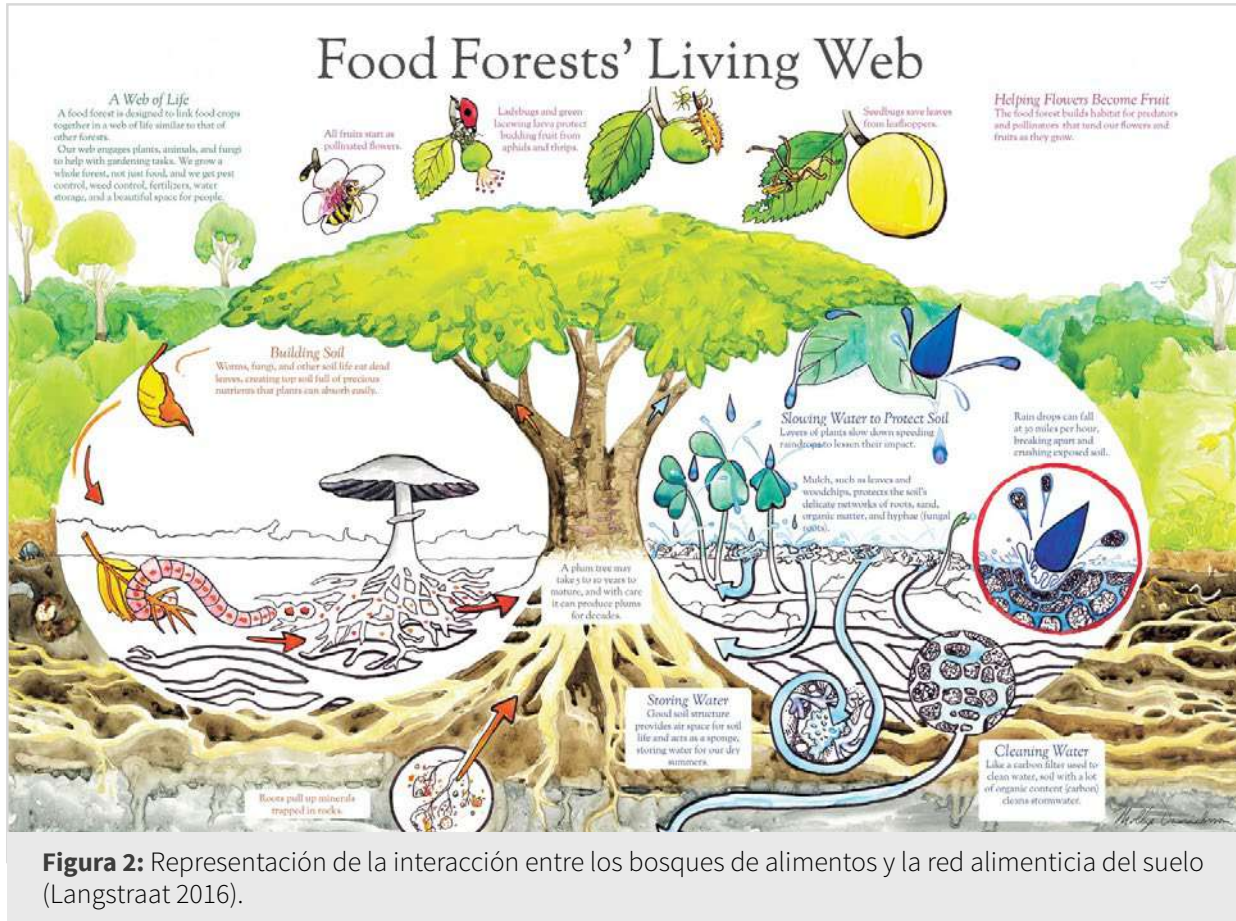
Figura 2: Representación de la interacción entre los bosques de alimentos y la red alimenticia del suelo (Langstraat 2016).

red alimenticia del suelo ilustrado anteriormente. Esos diseños son creados para desarrollar sistemas complejos que sean capaces de producir una alta densidad de alimentos con mínimo gasto de energía (Rhodes, 2012). Estos principios son una consideración importante en el diseño experimental de este proyecto de investigación porque la permacultura puede regenerar y mantener la salud del suelo. También ayuda cultivar alimentos perennes culturalmente apropiados con poco gasto o necesidad de mantenimiento. Un método para el diseño con permacultura es el jardín forestal.

Los métodos de cultivo con permacultura tales como la jardinería forestal ofrecen el potencial para la conservación de tales especies, incluyendo aquellas que son más oscuras que aquellas antes mencionadas, tales como una especie hermana de Hopniss, Apios Priceana encontrada regionalmente en Kentucky (Robins, 2012). La jardinería forestal ofrece una variedad de beneficios en el monocultivo anual, debido a que las plantas crecidas son predominantemente perennes, hay una menor necesidad de insumos de fertilizante y se han reducido los gastos de inicio, por lo que no es necesario comprar semillas nuevas cada año (Eliade, 2011). La mayoría de los cultivares modernos de cultivo anual se han reproducido para obtener producción y son muy vulnerables al cambio climático, las producciones son drásticamente cortadas por el clima errático. Las plantas perennes a menudo son sometidas a una selección menos intensiva y tienen mayor capacidad para hacer frente a un clima errático. Los jardines

forestales también son policultivos y como ecosistemas funcionales tienen mayores funciones, muchas especies diferentes dentro de todo el sistema pueden sustituirse unas con otras y mantener la estabilidad del sistema de cara a las condiciones adversas (Eliade, 2011). Otro método del diseño con permacultura es el gremio de permacultura o gremio de árboles.

Un gremio de permacultura puede ser definido como "una agrupación de plantas, árboles, animales, insectos y otros componentes que funcionan juntos para ayudar a asegurar su salud y productividad" (Never Ending Food, 2019).

El gremio de árboles de permacultura, como se muestra en la Tabla 1, es un componente de diseño de "bosque de alimentos". El bosque de alimentos

fue el marco para el diseño del proyecto de agricultura comunitario de permacultura. Un gremio de árboles de permacultura tiene siete niveles:

Tabla 1:

Siete Niveles de un Bosque de Alimentos:	
1	Nivel de árboles frutales o árboles de nueces
2	Nivel de árboles bajos
3	Nivel de árboles o matorrales
4	Nivel Herbáceo
5	Nivel Rizosfera
6	Nivel de cobertura de suelo
7	Nivel de enredaderas

Las Siete Capas de un Bosque de Alimentos

1- Canopea (frutales altos y árboles de nueces)
2- Nivel de árboles bajos (frutales pequeños)
3- Nivel de arbustos (grosellas y moras)
4- Nivel de herbáceas
5- Rizosfera (cultivos de raíz)
6- Cobertura de suelo (cultivos que cubren el suelo)
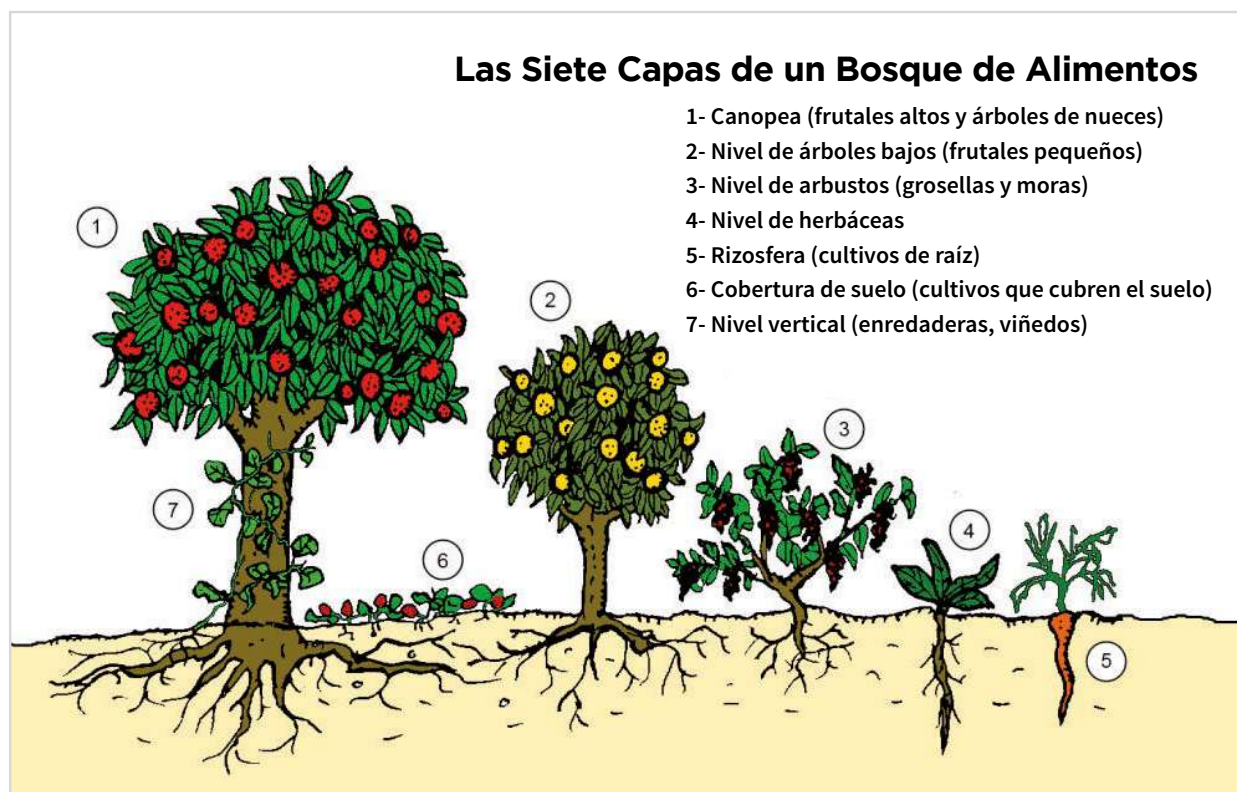7- Nivel vertical (enredaderas, viñedos)

Figura 3: Los componentes de un Gremio de Árboles en un Bosque de Alimentos (Eliade, 2011)

Un gremio de árboles de permacultura utiliza el concepto de asociación de cultivos, que es la plantación cercana de plantas que benefician el crecimiento de las otras o que se protegen de las plagas entre sí (Bosques de Alimentos y Jardines, 2010). Esto es uno de los fundamentos de la jardinería de permacultura (ver la figura 3). Como un sistema auto sostenible con plantas multifuncionales que maximiza el espacio de la parcela (Bosques de Alimentos y Jardines, 2010) reduce la necesidad de energía física y modificaciones químicas.

Seguridad Alimentaria de Cara al Cambio Climático

Ha habido muchas declaraciones internacionales a lo largo de los años, por ejemplo, la Declaración Universal de los Derechos Humanos (1948); el Pacto Internacional de Derechos Económicos, Sociales y Culturales (1964); y la Declaración Milenio de las Naciones Unidas (2000) y los objetivos del desarrollo sostenible de las Naciones Unidas 2015 (2015) que han declarado la libertad del hambre como un derecho humano básico (Gregory, 2009). Sin embargo, este derecho ha sido violado en muchos de los países que firmaron esas declaraciones incluyendo los Estados Unidos a pesar de identificar objetivos específicos relacionados con el hambre. Los índices mundiales de hambre han ido aumentando desde 2014, con 821 millones de personas desnutridas desde 2017 (FAO, 2018). Esto puede ser atribuido en parte a un número creciente de eventos climáticos adversos además de asuntos económicos y geopolíticos en diferentes regiones del mundo (FAO, 2018).

Los sistemas de jardinería actuales continúan mejorando la producción desde la mitad del siglo 20

al presente. Sin embargo, la mayoría de las calorías mundiales provienen de un pequeño número de cultivos, en parte debido a su habilidad de ser producidos a gran escala con trabajo mínimo y almacenados por periodos largos, convirtiéndolos en productos altamente rentables. El trigo, arroz y maíz actualmente proporcionan más de la mitad de las calorías para la humanidad mundial (Awika et al 2011, p. 1)

De éstos, sólo unos pocos cultivares se cultivan, y la combinación de demanda mundial en aumento y el predominio de los fenómenos meteorológicos extremos ocasionados por el cambio climático, significa que el riesgo de escasez aumente cada año. Este es un riesgo que se está exacerbando ya que la producción para mercados internacionales sólo es proporcionada por muy pocos países. Hasta ahora ha habido un porcentaje de un grado de calentamiento global y se predice que la producción de cultivos principales bajará con cada grado de calentamiento (ver la Figura 1), mientras que la población mundial está determinada a continuar aumentando. También parece más probable que las ambiciones para alcanzar los objetivos climáticos de París sean poco probables (Raftery et al., 2017) con capacidad para calentamiento mucho mayor del experimentado actualmente. También existe un riesgo sustancial de que los circuitos de retroalimentación positiva dentro de los sistemas naturales serán disparados, lo que cambiará irreversiblemente el clima y aumentará sustancialmente la cantidad total de calentamiento (Alfthan et al 2019, p.48), exacerbando los efectos en la agricultura.

El uso de un mayor índice de cultivos en lugar de los pocos cultivos de granos principales que proporcionan la mayoría de las calorías mundiales tienen
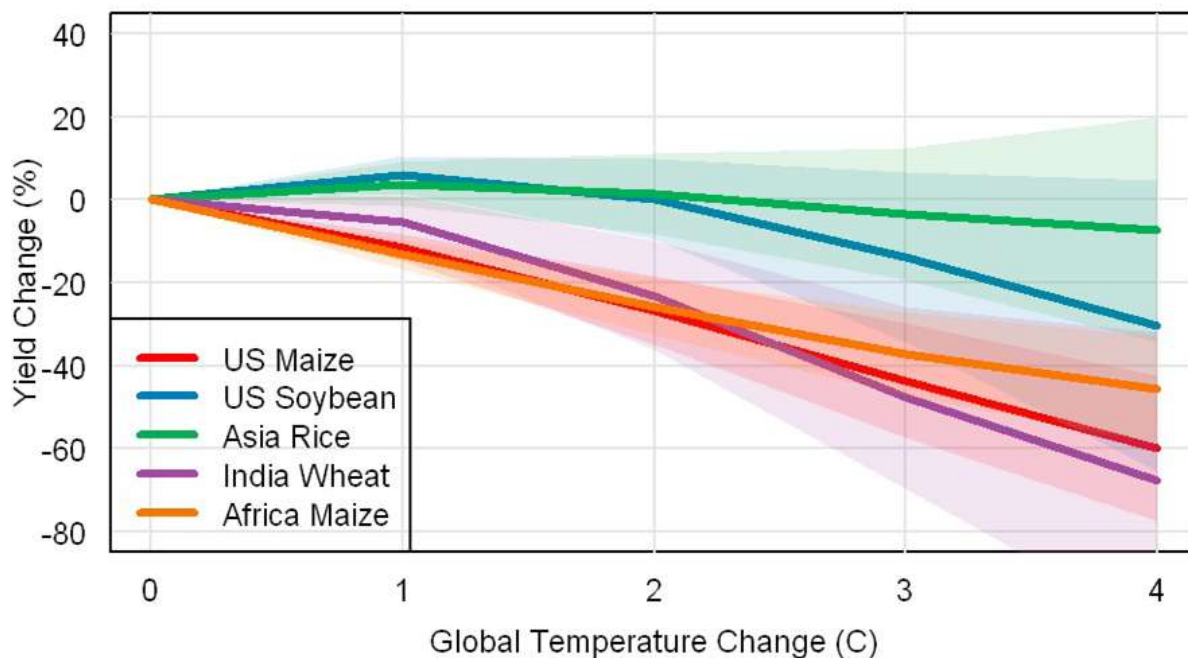
Figure 1: Pérdida de Producción de Cultivos por Grado de Calentamiento (climatechange-foodsecurity.org, 2019)

el gran potencial de aumentar los niveles de seguridad alimentaria, particularmente para los grupos marginalizados. Algunas plantas que fueron alimentos de primera necesidad para los pueblos indígenas alrededor del mundo se han vuelto artículos de lujo populares tales como el maíz de lo que ahora es México y papas de los Andes. Muchas de estas plantas siguen utilizándose como alimento básico entre los pueblos indígenas, junto con otros cultivos que, aunque no son bien conocidos mundialmente, aún se cultivan a escala dentro de regiones específicas. Por ejemplo, en Sudamérica Andina, los vegetales de raíz como el olluco, mashua o papa amarga y oca son cultivados como cultivos de supervivencia junto con la ampliamente conocida papa (International Potato Center, 2018). Hay otras plantas inusuales como el yacón que son cultivadas localmente (International Potato Center, 2018). Promover el cultivo

a mayor escala de tales cultivos proporcionará un mayor nivel de resiliencia a la alteración del clima en la agricultura.

Una variedad de otros cultivos que son menos conocidos han sido popularizados recientemente para uso en jardinería forestal; con frecuencia al grado de ayudar a preservar la viabilidad de las especies. Por ejemplo, las plantas norteamericanas como Apios Americana o 'Hopniss' (Medik, 2012) y Sagittaria Latifolia o 'Wapato' (Willd, 2012) han sido conservadas en gran medida gracias a la domesticación.

Además de los alimentos de primera necesidad, las plantas cosechadas por los pueblos indígenas son utilizadas en una amplia variedad de usos medicinales y otros y son esenciales para su herencia cultural

(Mahapatra, 2017). Promover el uso de tales platas puede jugar un papel crítico en ayudar a preservar esta herencia junto con ayudar a promover la seguridad alimentara para grupos marginados en un clima cambiante (Mahapatra, 2017). Los programas a pequeña escala también han sido ajustados por los jardines de bosques de alimentos de los pueblos indígenas para recobrar el acceso a las plantas que solían encontrarse en estado salvaje pero que se han perdido debido al cambio climático y ofrecen potencial para mejorar su seguridad alimentaria y mantener sus tradiciones culturales (Gamble, 2019).

La Utilidad de los Métodos de Permacultura para los Pueblos Indígenas

La permacultura se deriva de conocimiento de larga data sobre sistemas de plantas y animales que combinan ecología y sostenibilidad ambiental y, como tal, su base se encuentra en el conocimiento ecológico tradicional (Gomez-Baggethun et al, 2013). Históricamente, el conocimiento de agricultura indígena, el significado cultural de los alimentos y las necesidades nutricionales específicas de las poblaciones indígenas, han sido ignoradas en los esfuerzos por introducir técnicas de agricultura no tradicionales. La falta de reconocimiento de la naturaleza holística de la inseguridad alimentaria indígena ha resultado en una incapacidad de adaptación de las prácticas de cultivo de tipo occidental (Deur & Turner, 2005).

La falta de acceso a alimentos nutritivos se ha convertido en un asunto crítico en comunidades marginadas e indígenas (FAO, 2010; Vivas, 2014). Por ejemplo, en las reservas primermundistas de América del Norte, la pobreza, el desempleo y los desiertos alimentarios son conductos principales de la inseguridad alimentaria (Sarche & Spicer, 2008). La investigación en la seguridad alimentaria en esas comunidades está enfocada principalmente en el acceso a los alimentos, más que en la capacidad de cultivar alimentos (Sarche & Spicer, 2008). Sin embargo, hay un cambio creciente en la investigación de seguridad alimentaria para abarcar la agricultura comunitaria como una posible solución a la inseguridad alimentaria en comunidades marginadas (Hallberg, 2009). En el contexto del cambio climático apresurado, los sistemas de diseño con permacultura presentan un marco útil que las comunidades indígenas pueden utilizar como herramienta para esquemas comunitarios para este fin.

La base para el conocimiento ecológico tradicional (TEK, por sus siglas en inglés) igual que para la permacultura es que todo está interrelacionado y que ambos sistemas de conocimiento enseñan a trabajar en compañía con la tierra (Krohn, 2007). Por ejemplo, dentro del contexto de América del Norte, los ancianos en "país indo" definen la riqueza como tener tradiciones culturales fuertes, tener acceso a los alimentos y medicinas tradicionales, así como tener conocimiento de cómo recolectar y preparar alimentos y medicinas (Krohn, 2007). Bruce Miller explica,

"Llamamos a las plantas los Primeros Pueblos. Fueron creados primero en nuestra tradición oral, antes que los animales, antes que los peces, antes que las aves, y su obligación era mantener a la tierra junta y vivir su vida como enseñanza para aquellos que habrían de crearse en el futuro (Bruce Miller, sin fecha; Krohn 2007).

Es un ejemplo del conocimiento ecológico tradicional oral que es utilizado para representar la interconexión del ecosistema. La tabla 2 enlisa los diferentes aspectos de la soberanía alimentaria indígena:

Tabla 2:

Soberanía Alimentaria Indígena (Sistemas Alimentarios Nativos 2017)
Comunidades que exhiben sostenibilidad alimentaria indígena y soberanía alimentaria son aquellos que:
1   Tienen acceso a alimentos saludables
2   Tienen alimentos que son adecuados culturalmente
3   Cultivan, recolectan, cazan y pescan de maneras que son sostenibles a largo plazo
4   Distribuyen alimentos de maneras que el pueblo consiga lo que necesitan para mantenerse saludables
5   Compensa de manera adecuada al pueblo que proporciona el alimento

Las comunidades indígenas están utilizando la soberanía alimentaria; están tomando control de su suministro alimentario al sembrar culturalmente alimentos tradicionales y plantas medicinales de forma adecuada. También están trabajando para recuperar los derechos de las tierras indígenas para que puedan cazar y recolectar sus alimentos (Sistemas de Alimentos Indígenas, 2017).

Algunos estudios iniciales se han realizado para investigar la eficiencia de la permacultura para ayudar en eso; la investigación llevada a cabo por McCleary (2016) evalúa la viabilidad socio cultural de los proyectos sostenibles agrícolas comunitarios con un enfoque en permacultura y el uso de conocimiento tradicional y prácticas como ejemplo de estas comunidades amerindias en el Noroeste del Pacífico de los Estados Unidos. El campo de trabajo, enfocado en la introducción de un proyecto de comunidad de permacultura con participantes, creando una comunidad de bosque de alimentos de permacultura con la integración de conocimiento ecológico tradicional (TEK, por sus siglas en inglés), prácticas históricas de agricultura y prácticas de cultura indígena. Los principios de la permacultura fueron utilizados como marco para crear un proyecto de agricultura sostenible a pequeña escala, que fue diseñado para honrar los patrones y la historia de la agricultura tradicional de los pueblos indígenas.

Conclusiones y recomendaciones para la futura investigación

En resumen, la permacultura se promueve como una manera posible de establecer Seguridad Alimentaria Indígena y Soberanía Alimentaria, lo que permite a las comunidades controlar su sistema alimentario completo y reducir su dependencia a los sistemas de alimentos industriales mientras mantienen los ecosistemas para generaciones futuras (Mollison & Holmgren, 1978). La investigación de Ray y otros, expone que los alimentos indígenas y los sistemas alimentarios son intrínsecos a la salud y bienestar de los pueblos indígenas (Desmarais y Wittman 2014), pero en el pasado ha habido poca investigación dirigida específicamente a los alimentos indígenas y sistemas alimentarios. Dada la interconexión de los sistemas alimentarios, la salud indígena y el cambio climático, este artículo recomienda más investigación en ésta área para ayudar a las comunidades indígenas a mantener su soberanía alimentaria y tradiciones culturales en un clima que cambia rápidamente.

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ACERCA DE LAS AUTORAS

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Cora Moran es una investigadora experimentada con títulos en Antropología y Sostenibilidad Ambiental. Ha trabajado en los sectores de Ambiente Construido & Energías Renovables por cierto número de años. Escribe sobre una variedad de asuntos ambientales para revistas y publicaciones de prensa; sus principales áreas de investigación son la Permacultura y la Sostenibilidad Urbana con un enfoque en Objetivos De Desarrollo Sostenible de las Naciones Unidas.

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Susan McCleary es una investigadora independiente con maestría por la Universidad de Escocia en la Escuela de Geociencias de Edimburgo. En su detallado ensayo *An Introduction and Long-Term Viability of Community Sustainable Agriculture Projects within Marginalized Communities*, McCleary aplica teorías y métodos multidisciplinarios para revelar las complejidades del conocimiento tradicional Salish en el manejo de agricultura a menor escala en el Noroeste del Pacífico de los Estados Unidos y Suroeste de Canadá. Su artículo ilustra un demostrado ejemplo de una combinación ciencia del Cuarto Mundo y ciencia convencional enfocada en la soberanía alimentaria y seguridad alimentaria.

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Twentieth Century Ethnographies of Coast Salish Ceremonialism: Contextualization and Critique

By Tony B. Benning

ABSTRACT

The mid and late-twentieth century periods each constituted distinct socio-cultural epochs with respect to the Native North American socio-historical context. This paper critically examines ethnographic accounts of Coast Salish ceremonialism from those periods arguing that they each reflected the respective epochs in which they were written. This paper then goes on to examine those ethnographies in the light of contemporary emphasis on self-reflexivity and issues around authorial voice and representation. The paper concludes that the ethnographic accounts of Coast Salish ceremonialism lags contemporary standards of ethnographic research.

Key Words: Indigenous ethnographies; critical anthropology; Coast Salish; ceremonialism

Coast Salish is a broad term that refers to indigenous peoples of the Pacific Northwest (Northwest United States and Southwest Canada). By drawing on ethnographic sources from the mid twentieth century (Barnett, 1938, Barnett, 1955; Duff, 1955; Jenness, 1955) and late twentieth century (Jilek, 1981), I describe the key elements of the centerpiece of Coast Salish ceremonialism, the winter spirit dance or ceremonial. The terms spirit dance, spirit initiation, winter ceremonial, and so forth, will be used interchangeably in this paper because for all intents and purposes, those terms are synonymous. I will pay attention to three issues: The first is the relationship between empathy, consciousness, and ritual in the context of spirit dance ceremonialism. Where it illuminates the issue in question, I will draw on cross-cultural sources on shamanic ritual and ceremony. Second, I aim to examine the socio-cultural context within which each of the ethnographies was produced—inquiring into the way those contexts may have influenced the respective ethnographic accounts of Coast Salish ceremonialism. Third, I intend to situate those ethnographies within the evolving critical ethnographic scholarship. That is to say that I will be asking if they measure up to the self-reflexive epistemologies that contemporary ethnography prizes. Given that the extant ethnographies of the Coast Salish spirit dance are written exclusively by non-indigenous scholars, the question that arises is: can those ethnographies be expected—realistically— to deliver anything other than an outsider's perspective?

With respect to future directions, it will be argued—in keeping with some major trends within postcolonial scholarship—that considerations of authorship and representation cannot justifiably be ignored and

that there is a need for representation of indigenous voices in the literature on Coast Salish ceremonialism. Failing that, the next best thing would be for ethnographers to make some sort of statement about their own positionality and its inherent biases.

Epochs within Twentieth Century North American Aboriginal History

In North America, the early and mid-twentieth century periods were characterized by highly de-humanizing government policies with respect to Indigenous or Native subjects. One example from Canadian history that stands out, from the 1930s, was the trial of the BCG vaccine for tuberculosis on native children on the Qu'Appelle reserve in southern Saskatchewan, without the consent of the children or their parents (Lux, 1998). A further dark moment in Canadian Indigenous history was when, during the summers of 1953 and 1955, several Inuit families were removed from their homes in Fort Harrison and Port Inlet and relocated to new communities in the High Arctic. Morrison (1993) relates how the Canadian Inuit (still referred to as Eskimos at the time) were treated as "childlike wards of the paternal state" (p. 181). The decision to affect this relocation, or piece of "social engineering" as Morrison (p. 181) calls it, was made at the first so-called Eskimo Affairs Conference, in Ottawa, in 1952, where no single Inuit had been invited to participate. The situation for Indigenous people south of the border, in the US, at that time, was also very difficult. The mid-1940s to the mid-60s came to be known as the time of "Indian termination" (Metcalfe, 2002) since it was a period when policies and legislation reflected an urgent desire on the part of government to

effect assimilation of Indian people into mainstream American culture by encouraging them to live in towns and cities. The intention and outcome of the new policies was to terminate many tribes through cutting federal funding and through ceasing formal acknowledgement of their legitimacy. The incident on the Q'Appelle reserve in the 1930, the relocation of Inuit to the High Arctic in the 1950s, and the decades-long Indian termination policies in the US, are all examples that point to a climate of heavy governmental subjugation of Indigenous people that existed in the early and mid-twentieth century, both in Canada and the US. While ethnographers of that time period were unlikely to have consciously colluded with the governmental and administrative tyranny against indigenous people, one cannot help but notice that they showed very little or no interest in documenting first person narratives of indigenous people. The voices of indigenous people do not appear anywhere in the ethnographic writings of Barnett (1938, 1955) or Duff (1955). What the eye of history discloses then, in relation to those ethnographers, is that they replicated the colonial dynamic of othering—doing so by always talking and writing about their subjects, thereby denying them any authorial voice or mechanism for self-expression.

That said, the oppressive climate of the early and mid-twentieth century may well have furnished the very conditions that were necessary for the winds of change to gather momentum and take hold. As early as 1956, Fred Voget, in an essay in American Anthroplogist, wrote about "the beginning of a great awakening" (p. 259) in the context of an essay on Indian reform movements. However, it was not until the 1970s and early 1980s that the climate was to change significantly. It was only then, for example, that there started to be seen a renewed

determination on the part of indigenous peoples to embrace their identity and engage in ceremonial practice (Jilek, 1978). The so-called potlach ban in Canada had been lifted in 1951, but fear of reprisals from the authorities was so deeply entrenched in the minds of indigenous peoples in British Columbia's Fraser Valley that they continued to hold back from openly engaging in their traditional ceremonial practices for several decades after the ban was lifted (Benning et al., 2017). Some commentators considered this period of renewed confidence to have been part of a more widespread pan-continental Native American Renaissance (Lincoln, 1985), one that was characterized by increased literary output by indigenous writers and scholars. The nature of various social and political phenomena of the time also lends support to the claim that the 1970s and 1980s was represented an epoch of resurgence of indigenous identity and increased "native assertiveness" (Morrison, 1993, p. 181) across the North American continent. The pre-eminent (although certainly by no means the only) example of that was the so-called red power movement that gained momentum following the 1969 occupation of Alcatraz Island in San Francisco by "Indians of all tribes" (as cited in Johnson, Nagel, & Champagne, 1997, p. 27). As Nagel wrote, the red power movement itself stood alongside such movements as the civil rights, black power, anti-Vietnam war, and so forth. All those movements taken together constituted a wave of social activism that was sweeping across the North American continent at the time.

From a North American Westerner's perspective, the 1970s were also a time when there was increasing interest among North Americans in engaging with and exploring non-Western spiritual traditions—including indigenous traditions. The works of

Carlos Castaneda are often considered (e.g., Walsh, 2007; Znamenski, 2007) to have had a major influence on the way in which Westerners imagined indigeneity. A phenomenon that was seen in this social milieu was the founding of such institutions as the Foundation for Shamanic Studies, the Institute of Transpersonal Psychology, the California Institute of Integral Studies (all in California) and Naropa University (in Boulder, Colorado), and so forth.

Against such a socio-cultural backdrop, something started to be seen with respect to health service delivery in the 1970s and early 1980s that arguably has not been seen since, which is a great enthusiasm for exploring the possibility of collaborative partnerships between mental health clinicians and indigenous healers. Several publications from the period speak to that interest in collaborative/integrative approaches to health service delivery—especially in mental health. They include Attneave's (1974) Medicine men and psychiatrists in the Indian Health service, Beiser and Degroat's (1974) Body and Spirit Medicine, Jilek and Todd's (1974) Witchdoctors succeed where doctors fail, Fuller-Torrey's (1972) Mind game: Witchdoctors and psychiatrists, Ruiz and Langrod's (1976) The role of folk healers in community mental health services and so forth. This was the milieu in which Jilek's (1981) ethno-psychiatric study Indian Healing was written.

Basic Morphology of the Winter Spirit Ceremonial

Upon entering the smokehouse or longhouse the would-be initiate or novice is subject to a "surprise attack" (Barnett, 1938, p. 137) from one or more relatives. Herein begins the initiation phase of the process from which the novice will eventually emerge (usually within 4 days) as a dancer. Barnett (1938)

observed how "the novice was beaten, smothered, and choked until he was unconscious—'dead' they say" (p. 137). The initiate is then taken to a corner of the longhouse and placed behind a screen where he is watched over by attendants. It is understood that the initiate will be bestowed by the power from a Guardian spirit during this unconscious phase of the initiation, or in the context of a dream. One of the functions of those who are closely attending to the initiate during those 4 days is to do what they can to "bring out" the initiate's "song" (p. 137). Every spirit, according to Barnett (1955), "bestowed a song as a token of the help it promised to give its seeker" (p. 145). According to Barnett (1955), when the song is brought out, the initiate will spring into action, a state that Barnett observed to be an "uncontrollable ecstatic trance" (p. 137).

Ethnographic Accounts of the Winter Spirit Dance Ceremonial

Eliade (1989) identified the ritualistic enactment of death followed by rebirth, or renaissance as an important and ubiquitous initiation motif in many of the worlds' shamanic traditions. That motif is integral to the Coast Salish winter ceremonial, too. Upon entering the long house or smokehouse the prospective initiate is subject to a ritualistic "clubbing to death" (Jilek, 1981, p. 68) by the ritualist's gentle wielding of a ceremonial staff. The novice or aspirant then enters what Jilek refers to as the incubation phase in which she is deprived of drink and food for up to 4 days. That phase is characterized by seclusion, restricted mobility, sensory, as well as sleep deprivation. Jilek (p. 47) notes that in some of the Coast Salish groups of Puget Sound, the incubation —or death— phase may last up to 8 days. Also of interest to students of comparative shaman-

ism is the fact that in the shamanic initiation rite of the Yurak-Samoyed of Northern Siberia, the future shaman "lies unconscious for 7 days and 7 nights while the spirits dismember and initiate him" (Eliade, 1989, p. 278). In the Coast Salish ceremonialism, the guardian spirit will often appear (in a dream or vision) to the initiate as a human "tutelary" (Duff, 1955, p. 103) and once a spirit song has been bestowed, the tutelary morphs back into its original or "true form of animal, bird, fish, etc." (p. 103) before disappearing. The initiate emerges from ritual death then having acquired a spirit song and power from her guardian spirit. In a trance state she then leaps ecstatically into the main hall of the longhouse dancing, with abandon, to the sound of rhythmic drumming and clapping and cheering crowd. The new initiate or baby dancer is adorned with a headdress and various other regalia. The headdress will have undergone a purification rite by having been passed through fire 4 times by senior dancers. Since the newly initiated "baby" (p. 134) is understood to not possess full control of the power with which she has been invested, it is required that she be closely watched by "babysitters" (p. 134) as she dances. One manifestation of the shift that the ceremony occasions in an initiated individual's state of consciousness is the emergence of an empathic connection between her and her surroundings. This is to say that there is a heightened potentiality of some sort of energy transfer being occasioned between that which is inside and that, which is outside the new initiate. Describing such a phenomenon, Jilek (1981) wrote "indeed the effects of the rhythmic drumming may contribute to the 'contagiousness' of a spirit power which often seizes uninitiated persons present at ceremonials" (p. 75). This empathic connection can be dangerous. Jilek wrote about the

fact that the new initiate is advised not to physical-ly touch anyone because doing so might occasion him or her harm. Because of the same concerns, of harming others energetically, pointing her finger towards others is strictly forbidden. Unborn children are understood to be particularly vulnerable to the transmission of such untamed power and so pregnant women are asked to avoid contact with the initiates.

One of the functions achieved by the ceremonial is something that is arguably of importance to all shamanic ceremonialism, which is the reinforced sense of connectedness, for the healer, the healed, as well as the audience. Sandner (1991), in the context of a discussion about healing rituals among the Navaho, wrote that healing is entailed by, "Bringing the patient into a strong, symbolic relationship with his social, cultural, and natural environment" (p. 25).

Barnett (1955) and Jilek (1981) addressed the interesting question of the way in which Coast Salish ceremonialism differs between ordinary seekers and prospective shamans. Barnett, for example, noted that the guardian spirit of the mythical serpent bestows its power only to shamans even though "a shaman might also have any number of the lesser spirits …" (Barnett, 1955, p. 147). Noting that most shamans are men, Barnett wrote about the unique ability of the shaman to transfer his power to others without the assistance of guardian spirits:

> Shamans everywhere tried to impart some of their supernatural strength to sons by singing and working over their prostrate forms. Spirit power manifested itself as a rod-like thing wellbeing up in the throat and chest. After the shaman had worked himself into the proper state, he clutched his power and made mo-

tions of thrusting it into his son; then he blew on the boy's chest and smoothed the power down with his hands (Barnett, 1955, p.149).

Duff (1955) related having been told by some of his informants that in some vaguely defined way, the shaman's relationship to his guardian spirit animal had an especially intimate quality to it. He also discussed the nature of the abilities and powers that may be acquired and possessed by shamans: "Some shamans had the powers of far-sightedness and prophecy; they could see what was going on in distant places and could foretell future events" (p. 100).

The Reflexive Turn in Contemporary Ethnography

The so-called reflexive or interpretive turn in ethnography is often traced to developments that occurred in academic circles in relation to anthropological theory and practice in the 1970s and 1980s. The anthropologist Clifford Geertz (Geertz, 2000; Inglis, 2000) is often credited with having been a major exponent of a new approach to ethnography that sought to distance itself from positivist assumptions that had been all too pervasive in traditional ethnography which understated the influence of the ethnographer in the research process, assuming she was and could be a neutral observer of the phenomena and processes under study. Under those conditions, the experience—a far and detached stance of the researcher, one that could not really appreciate the research subject's experience from an insider's perspective— was rarely acknowledged. Reflexive methodologies, by contrast, acknowledge the researcher's subjectivity and participation in the research process. As Davies (2008) put it, reflexiv-

ity means a "turning back on oneself, a process of self-reference" (p.4) and the practice of not declaring the role of the agentic and intentional "I" on the part of the researcher that was all too acceptable and expected in traditional ethnography gets inverted following the reflexive turn. That is to say that it now becomes desirous, in any ethnographic account, to write from a first-person perspective because doing so acknowledges the ethnographer's dual role as both observer and participant. There are innumerable examples of reflexive ethnographies. Examples of ethnographies that have as their subject shamanism and that that bring a reflexive methodology to that study include William Sax' (2009) God of Justice and Larry Peters' (2007) Tamang shamans: An ethnopsychiatric study of ecstasy and healing in Nepal.

Ethnographies of the Coast Salish in the Light of the Reflexive Turn: Do they Measure Up?

If the defining attribute of reflexive ethnography is an acknowledgement of the subjectivity (we may alternatively use the word positionality) of the researcher/author, then all the ethnographies we have drawn on: Barnett (1938; 1955), Duff (1955), Jenness (1955), and Jilek (1981) fail to measure up. I want to go on to discuss—albeit briefly—an area that Western academics have always had an uneasy relationship with, the purportedly supernatural aspects of shamanic ritual (Turner, 1993). The secular worldview (Harner, 1980), by which many a Western academic has remained hamstrung, has resulted in often approaching those not-easily explained or explainable aspects of shamanism with an attitude that can be best described as a hermeneutic of suspi-

cion. That sort of attitude was typified in the following excerpt from Jenness (1955, p. 47) in his attempt to explain the apparently supernatural phenomenon of spirit song: "In many cases, he probably developed a half-conscious predilection for a certain song and dance long before his initiation, and this predilection found utterance under the hypnotic strain to which he was subjected by the priests and old dancers" (p. 47). Interestingly though, I did not find that sort of skepticism among all the ethnographers of the period. Barnett (1955) and Duff (1955) were cases-in-point, referring, throughout their respective works, The Coast Salish of British Columbia and The Upper Stalo Indians of the Fraser Valley, British Columbia, in a matter-of-fact sort of way to the supernatural beliefs of the Coast Salish without conveying an obvious attitude of skepticism.

Alice Kehoe's (2000) Shamans and religion: An anthropological exploration in critical thinking has come to be a much-cited critique of the widespread use of the term shamanism. Kehoe's repudiation of the legitimacy of the term shamanism is firmly consistent with the self-reflexive turn in ethnography, one that is critically attuned to Western academia's all too un-reflexive inclination to apply Western constructs to non-Western cultures. Incidentally, this sort of criticism overlaps with Jonathan Smith's (1982) and Tomoko Masuzawa's (2005) argument that the major religious categories (such as Hinduism, Buddhism, Christianity, and so forth) say more about the hegemony within religious discourse of Western constructs than they do about the reality of religious experience. Of note is the fact that Barnett (1955), Duff (1955), and Jilek (1981) used the term shaman quite liberally in their writings without any critical discussion of the term. In Table 1 (below) I

Table 1: Comparison of five ethnographic studies across five dimensions

	Barnett 1938	Barnett 1955	Duff 1955	Jenness 1955	Jilek 1981
Self-reflexive declaration of author or researcher's positionality	No	No	No	No	No
Use of word *shaman*	Yes	Yes	Yes	"Medicine Man"	Yes
Excerpts of first person indigenous narrative	No	No	Yes	Yes	Yes
Materialistic explanation of supernatural events	No	No	No	Yes	No
Consideration of shamanism within biopsychosocial perspective	No	No	No	No	Yes

have represented my analysis of the ethnographies across five dimensions.

It is easy to be critical of ethnographers from earlier generations but it is also worth recalling that at around the time that the likes of Barnett, Duff and Jenness were carrying out their fieldwork and writing it up, other academics, such as Kroeber (1952), were busy trashing shamanism, arguing that shamans were psychiatrically sick individuals. When we recall the fact that that was the default position of many academics of the time, the attitude of the likes of Barnett, Duff and Jenness emerges as decidedly progressive! As such, Jenness (1955) is to be credited for including first person narratives in his ethnographic study, The Faith of a Coast Salish Indian. In the same vein I want to credit Jilek (1981). The

fact that he drew on several paradigms or levels of explanation in his 1981 study of Coast Salish Ceremonialism Indian Healing is laudable. Jilek drew on the subjective narratives of indigenous people while explicating Coast Salish ceremonialism with appropriate references to Western psychological theory and neurophysiological concepts, including those that have sought to map altered states of consciousness to neuronal wave patterns as demonstrated on electroencephalograms. Jilek was committed to trying to understand how concepts from Western psychotherapy may inform our understanding of the mechanism by which healing is occasioned among the Coast Salish. I will mention here just a couple of the concepts from which he draws by way of illustrating the general point. He draws on

Eriksonian theories of personality development to speculate that one reason that the spirit dance initiation is therapeutic for adolescent initiates is that it facilitates the teenager in her developmental task of forging peer-group identification and avoiding role-confusion. One of the most salient therapeutic effects of the ceremonial, according to Jilek, stems from the fact that social bonds are consolidated. To reinforce that point, Jilek drew on the principles of group therapy as described by Frank and Powdermaker (1959) who suggested that support, protection, acceptance, and stimulation are the fundamental therapeutic factors of groups. For Jilek, all those factors contribute significantly to the healing that takes place in the winter ceremonial: "Perhaps the most relevant group-therapeutic aspect of the winter dance ceremonial is that the participant is turned from egocentric preoccupations to collective concerns and the pursuit of collective goals" (Jilek, 1981, p. 88).

Jilek's approach was a multi-perspectival one and the quality of his analysis was enormously enriched by such an approach. It is certainly one that I have found beneficial, as I have attempted to grasp the essentials of Coast Salish ceremonialism. The late 1970s and early 1980s were significant moments the in conceptual development of Western psychiatry since the so-called biopsychosocial model (Engel, 1977, 1980) was very much in the ascendant at the time. That model reflected what was a growing commitment among medical and psychiatric clinicians at the time to view illness and its treatment from different perspectives (the biological, psychological, and the social) and Jilek's approach reflected that multi-perspectival ethos.

Writing about neuro-electrophysiological changes in shamanic altered states of consciousness or

drawing on theoretical constructs from Western psychology are necessarily academic crimes as long as those sorts of findings are not interpreted in reductionist terms that hold them to be the only or the highest levels of explanation. Jilek was writing not primarily as an anthropologist, but as a psychiatrist. One the one hand, Jilek and other Western scholars of shamanism and indigeneity could be criticized for being excessively interested in altered states of consciousness, a tendency among Western scholars arguably reflecting the legacy of Castaneda's works. However, as Atkinson (1992) wrote, it was multidisciplinary engagement with the subject of states of consciousness and healing that helped to revitalize the academic study of shamanism. For me, Jilek's (1981) work represented precisely that sort of multidisciplinary engagement.

We find a contemporary example of a multidisciplinary, biopsychosocial approach to the study of shamanism in Winkleman's (2010), one that does justice to the various levels of explanation without taking a reductionist approach. Having said that, I am not convinced that Jilek's theorizing completely accounts for some of the phenomena about which he himself wrote, namely those that suggest a powerful empathic attunement between the initiate and those in her environment. Ultimately, a greater understanding of empathy may prove to be the key that opens the door to a greater understanding of the mechanism which shamanic and other spiritual healing is occasioned, although it is striking that neither Jilek nor any of the other ethnographers I have discussed in this paper have addressed it.

In the contemporary anthropological and cross-cultural psychiatric literature there are few more penetrating analyses of the concept of empathy in relation to spiritual healing process than

those that are found in the works of Joan Koss-Chioino (2006a, 2006b). Based on her three-decade long study of spiritual healing process in the context of the Puerto-Rican Spiritist tradition, Koss-Chioino identifies three core features of spiritual healing: spiritual transformation, relation, and radical empathy. She echoes and articulates very well the conclusion that I have drawn based on my own overview of the literature on Coast Salish Ceremonialism, as follows: "Explanations in the anthropological literature simply did not fully account for the healers' work, the spirits' diagnosis and predictions, or the effects on healers and supplicants" (2006b, p. 46). With a comparative approach not entirely dissimilar from that taken by Jilek in Indian Healing, Koss-Chioino contextualizes her discussion of the role of empathy in the spiritual healing process by reviewing the concept of empathy as it has been elaborated by a host of Western thinkers. Martin Buber (Koss-Chioino, 2006a) and his much-cited I-Thou concept is presented, as are the ideas of such luminaries in the Western psychological canon as Heinz Kohut, pioneer of self-psychology, and Carl Rogers, pioneer of client-centered therapy (2006b). However, Koss-Chioino maintains that none of those thinkers' formulations of empathy adequately capture the meaning of the word in the spiritual healing context because all those theories are couched within a modern ego-centric view of the ideal person, one which "subscribes to the ideal of the autonomous, integrated individual as normal and (preferable)" (2006b, p.52). An altogether new understanding of the nature and possibilities of empathy (at least in the Western literature) needs to be formulated as far as Koss-Chioino is concerned, if all the phenomena on record are going to be adequately accounted for.

At this point Koss-Chioino introduces the concept of "radical empathy" (2006a, p. 652; 2006b, p. 45), the defining and distinctive attribute of which is "the idea not only of experiencing what another person feels but also of participating in that experience" (2006b, p.56). On the one hand, radical empathy has similarities to the concept of empathy as understood in analytical psychology, a point on which Koss-Chioino elaborates by drawing on the concept of "embodied transference" (p. 57) as articulated by Jungian scholar Andrew Samuels. Such concepts do suggest a somewhat expanded view of empathy since they posit a transcendence of self/other boundaries that the likes of Rogers and Kohut fail to achieve. But even this transcendent psychoanalytic conceptualization falls short of Koss-Chioino's concept of radical empathy. This is because the psychoanalytical relationship, ultimately, remains a dyadic one (between analyst and patient). In contrast, spiritual healing entails a "three-party relationship" (p. 57): between the healer, the sufferer and the spirits. My reading of Koss-Chioino is that this idea is fundamental to her notion of radical empathy. How exactly radical empathy is learned is quite another issue and is probably one that cannot be done justice to within the present space constraints, but my provisional understanding from reading Koss-Chioino is that it is likely a multi-step process; the healer experiences spirits during an illness or initiatory crisis. I gather that that intervention, in a sense, engenders in the future healer (through whatever mechanism) an enhanced empathic capacity. A strong empathic connection with the sufferer (within the context of consciousness altering ritualistic practice) then somehow facilitates further involvement of spirits whose presence

effects healing. As Koss-Chioino writes, the healer acts as the sufferer's "conduit to the spirit world" (p. 57). This is to say that the work of healing is done not by the healer, but by the spirits. Furthermore, spirits are accorded an ontological reality that one would rarely find in the Western literature (Turner, 1993); as Koss-Chioino puts it: "for those who are involved and experience them, spirits exist" (p. 57). In reflecting on the possible mechanisms that subserve spiritual healing (including shamanic healing) I have come to suspect—in large part because of my encounter with the analysis of the likes of Koss-Chioino—that the empathic connection between the healer and the beneficiary is of central importance to the healing process, regardless of cultural context. A valuable contribution to the understanding of the relevance of empathy to spiritual healing comes from the Indian psychoanalyst Sudhir Kakar. In his paper, Psychoanalysis and Eastern Spiritual Healing Traditions, Kakar (2003) brought attention to some potentially important processes that are thought to mediate the relationship between healing and empathy in the Guru-Disciple relationship that is ubiquitous in the Eastern spiritual traditions. Kakar explained how the culturally mandated interaction (one in which the disciple is subservient) between Guru and Disciple in Eastern cultures is meant to "loosen the seeker's self-boundaries" (p. 665). In elaborating on this point, Kakar found correspondences with the Sufi concept of "annihilation of oneself in the master" (p. 664). This merger, between the Disciple and Guru (or master), is thought to engender within the seeker a sense of self that is not centered at the ego, and that process of merger is facilitated by what, in psychoanalytical jargon, Karkar described as the "idealizing transference"

(p. 665). Meditative practices have the same effect, in that they "weaken" what Kakar, citing Brickman (1998), refers to as the "encapsulation of the self" (p. 671). That weakening of the ego-encapsulated leads, if a spiritual discipline is followed, to "an empathic responsiveness to the surround, that can extend to the point of a high degree of identification with another person" (p. 671). The parallels between the concept of ego-annihilation as discussed by Kakar and the concept of ritualistic death as seen in many indigenous initiation rituals, and the concept of "life-threatening illness" (Koss-Chioino, 2006b, p. 49) are clearly very striking. As the works of the likes of Koss-Chioino and Kakar illustrate, the literature on spiritual healing has started to explore the question of the role of empathy in spiritual healing in novel ways, and with increasing depth and penetration. The absence of any such discussion in the extant ethnographic literature on Coast Salish ceremonialism is noteworthy and constitutes a major limitation.

Future Directions

After centuries of having been the passive and silent subjects of the ethnographic research endeavor, there is an increasing appreciation within academia, thanks in large part to the influence of such key texts as Shawn Wilson's (2008) Research is Ceremony, and Linda Tuhiwai-Smith's (2012) Decolonizing methodologies, of the importance of indigenous people being involved in all stages of the research process. For too long, indigenous peoples around the world were not afforded the opportunity, because they did not have the authorial power, to represent themselves. As such the academic literature was made up exclusively of non-indigenous people's

representations of and talk about indigenous people. A great recent example of a work that has sought to re-claim an indigenous-centered perspective is the book Jung and the Sioux Traditions by Vine Deloria, Jr. in which the author brings attention to the fact that Swiss psychiatrist Carl Jung's understanding of the Taos Pueblo of New Mexico (based on his isolated visit in 1925), though presented with customary authoritativeness, was partial and incomplete: "... there is inferential evidence that Jung left Taos believing that he had acquired knowledge of the essential elements of the American Indian psyche sufficient to use in the practice of comparative scholarship" (2009, p. 21).

Works such as Kopenawa and Albert's (2013) The falling sky contribute to an emerging new wave of indigenous literature which, in its first-person voice, redress the imbalance of more than a century. Future ethnographic studies of Coast Salish ceremonialism, then, would benefit from the sort of insider's perspective that can only really be provided if the study were to be conducted by indigenous people, and the results analyzed within indigenous frameworks of understanding. I am not by any means asserting that future ethnographic studies of Coast Salish ceremonialism conducted by non-indigenous people would not have any value. I believe that they would have much value, but those studies would need to be conducted within a methodology, epistemological, and ethical framework that is in line with contemporary standards of ethnographic writing and researching. It is no longer tenable to perpetuate the positivistic assumption that the author is an impartial detached observer operating from an assumed position of neutrality and objectivity. As well, if further ethnographic studies are to be conducted, researchers could do a lot worse than

approaching their area of study, especially when it comes to altered states of consciousness, armed with phenomenological (Rock & Krippner, 2011) and participatory (Ferrer & Sherman, 2009) methodologies that are increasingly recognized as being necessary if research is going to stand any chance of capturing the lived reality of people and societies experiencing altered states of consciousness.

In this paper, by drawing on ethnographic studies from the mid and late twentieth centuries, I have outlined the major morphological features of the Coast Salish winter spirit ceremonialism. A particular focus has been, first, on the interplay of empathy, consciousness, and ritual. Second, it has been argued that a deeper understanding of each of those ethnographies can be gained when they are contextualized within the wider socio-cultural epoch or milieu in which they were produced. Third, I have argued that, for the most part, the ethnographic literature that I have studied fails to meet contemporary standards of self-reflexivity. Some aspects of that literature (more than others) are characterized by outsider-orientated hermeneutics of suspicion and an uncritical use of terms such as shaman. In addition, the ethnographic literature that I have examined has not achieved an understanding of the role played by empathy in the healing process, something that contemporary scholarship suggests is an important key to understanding spiritual and shamanic healing.

That said, I have advocated for a balanced critique that complements criticism of those ethnographies with an appreciation of them because, in many respects, they were quite progressive for their time, especially when one considers the sort of rampant denigration and pathologization of shamanism that other scholars of the period were engaged in. Many

of those ethnographies include first person narratives of indigenous people. That said, there remains a need for more insiders' perspective and indigenous authorial voice. That can only be occasioned by more indigenous ownership of future ethnographic studies of Coast Salish ceremonialism. If further ethnographies are to be undertaken by non-indigenous people, they will need to catch up with and conform to the standards of self-reflexivity that are prized (with good reason) in contemporary ethnography. And they could do a lot worse than approach their subject matter with a hermeneutic of faith rather than one of suspicion.

ACKNOWLEDGEMENT

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China's Crime Against Uyghurs is a Form of Genocide

By Joseph E. Fallon

A map showing some Belt and Road Initiative land routes that run through China, Uyguristan.

ABSTRACT

The importance of the Xinjiang Uyghur Autonomous Region to China, economically, politically, and strategically, cannot be overstated. Covering 640,000 square miles, Uyghuristan is approximately the size of Iran. Located in the far west, it is Beijing's largest administrative unit encompassing one-sixth of China's territory. Due to an abundance of coal, natural gas, and oil, accounting for roughly a quarter of China's total reserves, Uyghuristan has been described as the country's "national energy strategy base." These energy resources have been indispensable to "growing" the Chinese economy and maintaining the Chinese Communist Party in power. Strategically, Uyghuristan is the vital link for the Chinese economy's increasing need for imported oil from Central Asia and, through the Pakistan pipeline corridor, the Persian Gulf. It is the key to the success of Beijing's ambitious "One Road, One Belt Initiative" to link the economies of Eurasia to China through infrastructure development. The most important strategic value of Uyghuristan, however, resides in its geography. Consisting mostly of mountains and deserts, the sheer vastness of this inhospitable land provides a natural barrier protecting "China Proper", the heavily populated lands in the east of the country lying between the Yellow River in the north and the Xi River in the south, from land invasions.

For these reasons, China will not relinquish control over Uyghuristan, its resources or its people. The people are Uyghurs, a Turkic Muslim nation, who have been seeking their political independence for most of the Twentieth Century. The fall of the last imperial dynasty of China, the Qing, in 1911, was followed by the collapse of the Chinese state. In the ensuing political instability, the Uyghurs declared their independence as the East Turkestan Republic - twice. The first time was in 1933 and endured until suppressed by Nationalist Chinese forces under Chiang Kai-shek in 1934. A second East Turkestan Republic was established in 1944 and lasted until it was overthrown by Communist Chinese forces under Mao Zedong in 1949.

Since the 1990s, Beijing has initiated measures to permanently secure Uyghuristan to China by colonizing the land with Chinese settlers. These policies have succeeded in reducing Uyghurs from a majority to a plurality. The objective appears to be to make Uyghurs a demographic minority in their own homeland. Chinese colonization has provoked riots by Uyghurs, ethnic clashes between Uyghurs and Chinese migrants, and repeated calls by Uyghurs for their right to self-determination. Beijing's response as reflected in its 2014 "strike hard campaign against terrorism, separatism, and religious extremism" has, itself, been extreme. In the words of a UN human rights panel, Uyghuristan now resembles a "massive internment camp that is shrouded in secrecy, a sort of 'no rights zone'...members of the Uyghur community and other Muslims were being treated as 'enemies of the state' solely on the basis of their ethno-religious identity." This article will examine these issues and the fundamental question they raise -- are Uyghurs victims of genocide as legally defined by the Convention on the Prevention and Punishment of the Crime of Genocide?

Key Words: Uyghuristan, Muslim, colonization, concentration camps, Article 14, Ban Ki-moon, Big Brother, biometrics, blowback, breaking lineage, breaking roots, breaking connections, and breaking origins, Cantonese, Chen Quanguo Chiang Kai-shek, China's Syria, Chinese Civil War, Chinese Communist Party, CIA, colonization, concentration camps, Convention on the Prevention and Punishment of the Crime of Genocide, cultural cleansing, Cultural Revolution, detention camps, East Turkestan Republic, educational transformation training centers, ethnic conflicts, ethnic minorities, extremism, final solution, five guarantees, forced adoption, forced assimilation, forcible separation of families, genocide, Great Western Development, Han, Hui, Human Rights Watch, intermarriage, internment, Islam, Kashgar, Long March, Mandarin, Mao Zedong, militarization, mind control, Muslim, Naming Rules for Ethnic Minorities, national self-determination, national unity, no rights zone, permanent cure, population transfer, re-education camps, riots, sinicization, South Chinese, Soviet Union, Stalin, strike hard campaign against terrorism, separatism, and religious extremism, surveillance, thought crime, thought police, Tibetans, U.S. Congressional Executive Commission on China, U.N. Committee on the Elimination of Racial Discrimination, United Nations Declaration on the Rights of Indigenous Peoples, United Nations Outreach Programme on the Rwanda Genocide, Urumqi, Uyghur, violent separatist groups, Xinjiang, Xinjiang Uyghur Autonomous Region Regulations on De-radicalization.

In 1934-1935, facing annihilation at the hands of Chiang Kai-shek's Chinese Nationalist forces, Mao Zedong and his Chinese Communist Party fled into the minority populated areas of China for political survival. Termed the "Long March," Chinese Communists trekked 6,000 miles from their besieged base in the southeast to the relative security of the northwest close to the Soviet border. From there, they reorganized and sought "alliances" with Tibetans, Muslims, Mongols, and other ethnic groups in a renewed war against the Nationalists, promising each minority the right to political independence when the Communists assumed power.

Article 14 of the 1931 Constitution of the Communist Party of China had already affirmed *"The Soviet government of China recognizes the right of self-determination of the national minorities in China, their right to complete separation from China, and to the formation of an independent state for each national minority."* [1]

However, after seizing power, the Chinese Communists refused to implement this article. Instead, they aggressively pursued the policies of previous imperial and nationalist governments "to impose ritualistic, linguistic, and political uniformity throughout its border." [2] The first victims were the Tibetans. Now, it is the Uyghurs of Uyghuristan in northwest China.

The driving force behind this policy is fear. As Professor James Leibold, La Trobe University, Melbourne, Australia, wrote in "Mind Control in China Has a Very Long History", published in *The New York Times*, November 28, 2018: "It is the regime's fundamental insecurity—the fear of rebellion and eventually China's dismemberment—that drives it deeper and deeper into the private lives

of its citizens, only alienating them. The repression of Uighurs in Uyghuristan is just the extreme manifestation of the C.C.P.'s virulent—and unsustainable—pursuit of total control." [3]

To Beijing, the escalation of ethnic clashes in Uyghuristan between Chinese and the local Uyghurs, a Muslim, Turkic people numbering approximately 11 million, confirmed the Uyghurs pose a threat to Chinese "national unity." These clashes, which began in the late 1990s, reached a peak in 2009 with riots in Urumqi, the capital of Uyghuristan, that resulted in 200 deaths. Conflicts continued on a smaller scale in 2012, 2013, and 2014.

The reason for Uyghur unrest is Beijing's "Great Western Development" campaign in Uyghuristan. Uyghurs have seen their land colonized by Chinese. The Uyghur percentage of the population has dropped from 82 percent in 1949 to 46 percent in 2010. Uyghurs have been reduced from the majority to a plurality, facing the prospect of becoming a demographic minority in their homeland. This is physical destruction of an ethnic group and violates Article II, Section C, Convention on the Prevention and Punishment of the Crime of Genocide: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in

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[1] Communist Constitution 1931, November 7, 1931, *Legal Materials on Tibet*, Third Edition, https://sites.google.com/site/legalmaterial-sontibet/home/communist-constitution-1931

[2] "The Question of Minority Identity and Indigeneity in Post-Colonial China", Cultural Survival, September 1997, https://www.culturalsurvival.org/publications/cultural-survival-quarterly/question-minority-identity-and-indigeneity-post-colonial

[3] James Leibold, "Mind Control in China Has a Very Long History", The New York Times, November 28, 2018, https://www.nytimes.com/2018/11/28/opinion/china-reeducation-mind-control-xinjiang.html

whole or in part". [4] Physical destruction is separate and distinct from killing members of a group, which is Section A.[5]

The decades' long dispossession of Uyghurs reflects the words of Ban Ki-moon, Secretary General of the United Nations: "Genocide is not a single event but a process that evolves over time, and requires planning and resources to carry out." [6]

And acts of genocide are not confined to times of war. As the United Nations Outreach Programme on the Rwanda Genocide declared: "The Convention confirms that genocide, whether committed in time of peace or war, is a crime under international law..." [7]

But Beijing vigorously denies ethnic clashes in Uyghuristan reflect Uyghur anger over dispossession. Instead, it asserts such clashes are the machinations of "violent separatist groups." In May 2014, the Chinese government launched the "strike hard campaign against terrorism, separatism, and religious extremism", which Beijing claimed was undertaken to prevent Uyghuristan from becoming "China's Syria." [8] The target is the Uyghur population.

This confirms the observation by Professor Jörg Friedrichs, from St. Cross College, Oxford, that "If Hui [Chinese-speaking Muslims] loyalty to China is sometimes questioned, Uyghur disloyalty is mostly taken for granted." [9]

On August 29, 2016, Beijing transferred Chen Quanguo, the Communist Party Secretary of Tibet, to Uyghuristan. "Chen's system combines hyper-securitization and militarization with efforts to accelerate the political and cultural transformation of local people. Its stated aim is 'breaking lineage, breaking roots, breaking connections, and breaking origins' of Tibetans and Uyghurs." [10]

This is the Stalinist model, "National in Form, Socialist in Content"; Marxist ethnocide, whereby the state may allow displays of a people's traditional dress, dance, and music, while systematically erasing their history, culture, and identity. In Uyghuristan, Uyghurs are being forced to abandon their language, culture, and many aspects of their religion. Business Insider, May 17, 2018, quotes Professor James Millward, China historian, at Georgetown University, "Cultural cleanings is Beijing's attempt to find a final solution to the Uyghuristan problem." [11]

In April 2017, the Xinjiang Uyghur Autonomous Region Regulations on De-radicalization was issued.

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[4] Convention on the Prevention and Punishment of the Crime of Genocide, United Nations Human Rights, Office of the High Commissioner, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx

[5] Ibid

[6] "Background Information on Preventing Genocide", Outreach Programme on the Rwanda Genocide, http://www.un.org/en/preventgenocide/rwanda/about/bgpreventgenocide.shtml

[7] Ibid

[8] "Protecting peace, stability is top of human rights agenda for Xinjiang", Global Times, 2018/8/12, http://www.globaltimes.cn/content/1115022.shtml

[9] "Ethnic cleansing of Uyghur identity by China" Publications Study Papers, EFSAS, European Foundation for South Asian Studies, August 2018, https://www.efsas.org/publications/study-papers/ethnic-cleansing-of-uyghur-identity-by-china/

[10] "The origin of the 'Xinjiang model' in Tibet under Chen Quanguo: Securitizing ethnicity and accelerating assimilation", International Campaign for Tibet, December 10, 2018 https://www.savetibet.org/the-origin-of-the-xinjiang-model-in-tibet/

[11] Gerry Shih, "'Permanent cure': Inside the re-education camps China is using to brainwash Muslims", AP, Business Insider, May 17, 2018, https://www.businessinsider.com/what-is-life-like-in-xinjiang-reeducation-camps-china-2018-5

"The regulations target non-officially sanctioned interpretation, practice and dissemination of Islamic teachings in order to identify them as terrorism and to launch counter-measures." [12] Signs of extremism now include "quitting smoking...not singing at weddings or crying during funerals of relatives" [13] and "the refusal to listen to public radio and television broadcasts." [14]

According to Human Rights Watch, Beijing's counter-measures include requiring Uighurs to provide state authorities with DNA and biometric samples. "Inside political education camps, detainees are forced to learn Mandarin Chinese, sing praises of the Chinese Communist Party, and memorize rules applicable primarily to Turkic Muslims...people are punished for peacefully practicing religion... the government's religious restrictions are so stringent that it has effectively outlawed Islam .... The Uyghuristan authorities have made foreign ties a punishable offense, targeting people with connections to an official list of "26 sensitive countries," including Kazakhstan, Turkey, Malaysia, and Indonesia." [15]

Beards, headscarves, and studying Islam by children are forbidden. Fasting during the holy month of Ramadan is prohibited. Uyghur names connoting "extremism" are proscribed. The official list of banned baby names appears in "Naming Rules for Ethnic Minorities" and includes Hajj, Imam, Islam, Quran, Mecca, Medina, and even Muhammad. [16]

Along with prohibitions, Beijing is employing coercions. According to Radio Free Asia, from February 6, 2019, Xinjiang authorities are "...forcing some Muslims to drink alcohol, eat pork, and display emblems of traditional Chinese culture." Forcing Uyghurs to drink alcohol and eat pork in violation of their religious beliefs may have a traumatic psychological effect on those individuals and, therefore, would violate Article II, Section B, Convention on the Prevention and Punishment of the Crime of Genocide: "Causing serious bodily or mental harm to members of the group". [18]

Uyghurs, individually and as a people, are being "required" to adopt Chinese culture as defined by Beijing and to speak Mandarin. Such policies violate Article 8, Sections 1 and 2, of the United Nations *Declaration on the Rights of Indigenous Peoples* to which China is a party.

Article 1 affirms: "Indigenous peoples and individuals have the right not to be subjected to forced

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[12] Shih Chienyu, "China's brutal treatment of Uyghurs is failing: Forcing Muslim minority to become loyal supporters of the Chinese Communist Party is more than a misstep", UCA News, November 28, 2018 https://www.ucanews.com/news/chinas-brutal-treatment-of-uyghurs-is-failing/83945

[13] "Suspected of Extremism if not Singing at Weddings", Uyghur Human Rights Project, November 6, 2018, https://uhrp.org/news/suspected-extremism-if-not-singing-weddings

[14] "China region gives legal basis for Muslim internment camps", The Sydney Morning Herald, October 11, 2018, https://www.smh.com.au/world/asia/china-region-gives-legal-basis-for-muslim-internment-camps-20181011-p508y4.html

[15] "Eradicating Ideological Viruses: China's Campaign of Repression Against Xinxiang's Muslims", Human Rights Watch, September 9, 2018, https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs

[16] "China Bans 'Extreme' Islamic Baby Names Among Xinjiang's Uyghurs:, Radio Free Asia, 2017-04-20, https://www.rfa.org/english/news/uyghur/names-04202017093324.html

[17] "Chinese Officials Force Muslims to Drink, Eat Pork At Festival", Radio Free Asia, 2019-02-06, https://www.rfa.org/english/news/uyghur/festival-02062019140637.html

[18] Convention on the Prevention and Punishment of the Crime of Genocide, United Nations Human Rights, Office of the High Commissioner, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx

assimilation or destruction of their culture." [19]

Article 2 mandates: "States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action, which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them." [20]

To further undermine Uyghur group identity and cohesion, Beijing is "promoting" intermarriage between Uyghurs and Chinese. This echoes Soviet policies of encouraging mixed marriages to create "a new historical, social, and international community of people". It is, also, a violation of Article II, Section D, Convention on the Prevention and Punishment of the Crime of Genocide: "Imposing measures intended to prevent births within the group". [21]

In violation of the Convention on the Prevention

and Punishment of the Crime of Genocide, Article C: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" [22] and Article D: "Imposing measures intended to prevent births within the group" [23], Beijing issued new laws limiting Uyghur births. The Guardian reported, on October 10, 2018, "Last year, authorities ended an exception that had allowed Uyghur and other ethnic minorities to have more children than their Han Chinese counterparts." [24]

The most dramatic action undertaken by Beijing, the one that has led to an international outcry, has been the creation of what the Chinese media describes as "de-radicalization training classes," "educational transformation training centers", "re-education camps" and "free vocational training centers that make life more "colorful". [25] These are euphemisms for internment.

An internment on a vast scale

On August 10, 2018, Reuters reported, "A United Nations human rights panel said on Friday that it had received many credible reports that 1 million ethnic Uyghurs in China are held in what resembles a 'massive internment camp that is shrouded in secrecy, a sort of 'no rights zone'... members of the Uyghur community and other Muslims were being

[19]   United Nations Declaration on the Rights of Indigenous Peoples, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

[20] Ibid

[21]   Convention on the Prevention and Punishment of the Crime of Genocide, United Nations Human Rights, Office of the High Commissioner, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx

[22] Ibid

[23] Ibid

[24]   Lily Kuo, "China 'legalises' internment camps for million Uighurs", The Guardian, October 10, 2018, https://amp.theguardian.com/world/2018/oct/11/china-legalises-internment-camps-for-million-uighurs

[25] Alexandra Ma, "China claimed its re-education camps for Muslim minorities are 'free vocational training' that make life 'colorful'", Business Insider, October 16, 2018, https://www.businessinsider.com/china-calls-xinjiang-uighur-detention-camps-free-vocational-training-2018-10

treated as 'enemies of the state' solely on the basis of their ethno-religious identity." [26]

Satellite images show there are currently 28 internment camps in Uyghuristan, which have been continually expanding. Between 2016 and the end of 2018, the size of these camps increased by 400 percent.

The U.S. Congressional-Executive Commission on China has called the internment of Uyghurs "the largest mass incarceration of a minority population in the world today," [27] in what US Senator Robert Menendez calls "concentration camps;" [28] where, according to Amnesty International, "at best they will be brainwashed but at worst they will be tortured, but there's a real possibility of death." [29]

In addition, Uyghur children of "internees" are being placed in orphanages where they "are taught in Mandarin and penalized for speaking in their native tongues." The Financial Times reported on July 9, 2018, "Beijing...has forcibly separated families, sending thousands of children to de facto orphanages...One county in Kashgar built 18 new orphanages

in 2017 alone...orphanages are being built under a new 'five guarantees' policy begun in 2017 that aims to provide orphans with state-sponsored care until they turn 18." [30] As Darren Byler, researcher of Uyghur culture, University of Washington, explained: "This is an ethnic group whose knowledge base is being erased." [31] It is also a violation of Article II, Section E, Convention on the Prevention and Punishment of the Crime of Genocide: "Forcibly transferring children of the group to another group." [32]

After originally denying existence of internment camps, Beijing faced a public relations dilemma when the U.N. Committee on the Elimination of Racial Discrimination called on Beijing to "halt the practice of detaining individuals who have not been lawfully charged, tried, and convicted for a criminal offense in any extra-legal detention center." [33]

For there was no legal basis in Chinese law for internment

So Beijing retroactively amended the Xinjiang Uyghur Autonomous Region Regulations on De-radicalization so that "government agencies at the county level and above 'may establish occupa-

[26] "U.N. says it has credible reports that China holds million Uighurs in secret camps", Reuters, August 10, 2018, https://www.reuters.com/article/us-china-rights-un-idUSKBN1KV1SU

[27] "Chairs Urge Ambassador Branstad to Prioritize Mass Detention of Uyghurs, Including Family Members of Radio Free Asia Employees", Congressional-Executive Commission on China , April 3, 2018, https://www.cecc.gov/media-center/press-releases/chairs-urge-ambassador-branstad-to-prioritize-mass-detention-of-uyghurs

[28] "Top US lawmaker compares China's Uyghur internment facilities to "concentration camps"", CNN, 2019-01-28, https://www.msn.com/en-ca/video/watch/top-us-lawmaker-compares-chinas-uyghur-internment-facilities-to-concentration-camps/vi-BBSQMGL

[29] Sara Vui-Talitu, "China's disappearing Uyghurs", RNZ, December 3, 2018, https://www.radionz.co.nz/national/programmes/voices/audio/2018673567/china-s-disappearing-uyghurs

[30] Emily Feng, "Uighur children fall victim to China anti-terror drive", Financial Times, July 9, 2018, https://www.ft.com/content/f0d3223a-7f4d-11e8-bc55-50daf11b720d

[31] Yanan Wang and Dake Kang, "China separates Uyghur kids from their families and treats them like orphans", The Star, September 21, 2018, https://www.thestar.com/news/world/2018/09/21/china-separates-uyghur-kids-from-their-families-and-treats-them-like-orphans.html

[32] Convention on the Prevention and Punishment of the Crime of Genocide, United Nations Human Rights, Office of the High Commissioner, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx

[33] Rosie Perper, "The UN is calling on China to 'immediately release' one million Muslim Uighurs who may be held in detention centers", Business Insider, August 31, 2018, https://www.businessinsider.com/un-china-immediately-release-one-million-uighurs-xinjiang-2018-8/

tional skills education and training centres, education transformation organisations and management departments to transform people influenced by extremism through education'." [34] This "transformation" is to be achieved by teaching Uyghurs Mandarin and providing them with occupational education. De-radicalization is "therapeutic rehabilitation." [35]

To Professor Rian Thum, Loyola University, New Orleans, the internment of Uyghurs is repeating "some of the worst human rights violations in history...The closet analogue may be the Cultural Revolution." [36] "[M]ass murder and genocide do not look like impossible outcomes." [37]

Perhaps, a better analogue would be the book 1984 with "thought crime," "thought police", and "Big Brother is watching you." An official research paper published in June 2017 by a Uyghuristan state journal reported that "most of the 588 surveyed participants did not know what they had done wrong when they were sent to re-education. But by the time they were released, nearly all—98.8 percent—had learned their mistakes." [38] Its conclusion:

"transformation through education 'is a permanent cure.'" [39]

The policies pursued by Beijing toward the Uyghurs of Uyghuristan are just the most extreme example of a "sinicization" campaign launched throughout China in "pursuit of total control" arguably strong evidence of cultural genocide. While Uyghurs are targeted because they are perceived to be a secessionist threat to China's territorial integrity, two other groups are targeted because they are perceived as rivals to the power of an atheistic, Mandarin-speaking dominated Chinese Communist Party: religions and non-Mandarin languages.

Beijing is attacking Islam, Christianity, even traditional Chinese Buddhism and Daoism, claiming these religions are not authentically Chinese or not sufficiently Chinese and must be "Sinicized". This process requires these religions receive official sanction to operate, have their practices dictated by the state, and their holy books reflect the thoughts of President Xi, Chairman Mao, and the Chinese Communist Party.

By implementing such policies, Beijing, having already made enemies of 23 million Muslims [40] with the repression of Uyghurs, is alienating nearly 70 million Christians [41], approximately 250 million

[34] Lily Kuo, "China 'legalises' internment camps for million Uighurs", The Guardian, October 10, 2018, https://amp.theguardian.com/world/2018/oct/11/china-legalises-internment-camps-for-million-uighurs

[35] Shih Chienyu, "China's brutal treatment of Uyghurs is failing: Forcing Muslim minority to become loyal supporters of the Chinese Communist Party is more than a misstep", UCA News, November 28, 2018 https://www.ucanews.com/news/chinas-brutal-treatment-of-uyghurs-is-failing/83945

[36] Ryan Grenoble, "Who Are The Uighurs? China Is Detaining This Muslim Minority By The Million", Huffington Post, August 29, 2018, https://www.huffingtonpost.com/entry/who-are-uighurs-china-muslim-detention-million_us_5b7195cee4b0ae32af9a085a

[37] Rian Thum, "China's Mass Internment Camps Have No Clear End in Sight", Foreign Policy, August 22, 2018, https://foreignpolicy.com/2018/08/22/chinas-mass-internment-camps-have-no-clear-end-in-sight/

[38] Gerry Shih, "'Permanent cure': Inside the re-education camps China is using to brainwash Muslims", AP, Business Insider, May 17, 2018, https://www.businessinsider.com/what-is-life-like-in-xinjiang-reeducation-camps-china-2018-5

[39] Ibid

[40] "Muslim populations by country: how big will each Muslim population be by 2030?", The Guardian, Datablog, https://www.theguardian.com/news/datablog/2011/jan/28/muslim-population-country-projection-2030

[41] Eleanor Albert, "Christianity in China", Council on Foreign Relations, October 11, 2018, https://www.cfr.org/backgrounder/christianity-china

Buddhists [42], and almost one billion practitioners of Daoism/folk religions.[43]

The other target of "sinicization" is the population of south China. Mandarin and the languages of south China—Hakka, Gan, Min, Wu, Xiang, and Yue (Cantonese) —are mutually unintelligible. Dismissing these languages as not "Chinese", Beijing has been imposing Mandarin on the south. Speaking Mandarin is a test of Chinese patriotism. In pursuing this policy, Beijing has shattered the illusion of "Han" unity, and has turned traditional allies into adversaries. An adversarial population that numbers approximately 250 million, roughly one-quarter of China's population, and is responsible for creating the most productive and prosperous provinces in all of China.

In alienating potentially hundreds of millions of people, many vital to China's economy or located in strategic, but vulnerable parts of the country, Beijing's "sinicization" campaign to insure state security and "national" unity may provoke "blowback."

"'Blowback' is a CIA term first used in March 1954 in a recently declassified report on the 1953 operation to overthrow the government of Mohammed Mossadegh in Iran. It is a metaphor for the unintended consequences…." The "unintended consequences" of the 1953 coup d'état to restore the Shah to power was the 1979 Iranian Revolution and transformation of Iran from Western ally to Western adversary. For China, the unintended, unwanted consequence would be destabilization, if not disintegration, of the Chinese state and the Chinese Communist Party.

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[42] Eleanor Albert, "Christianity in China", Council on Foreign Relations, October 11, 2018, https://www.cfr.org/backgrounder/christianity-china

[43] Katharina Wenzel-Teuber , Translated by David Streit, People's Republic of China: Religions and Churches Statistical Overview 2011, pp. 34-35, https://web.archive.org/web/20170427151725/http://www.china-zentrum.de/fileadmin/downloads/rctc/2012-3/RCTC_2012-3.29-54_Wenzel-Teuber_Statistical_Overview_2011.pdf

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El Crimen que comete China en contra de los Uigures es una forma de Genocidio

Por Joseph E. Fallon

Traducción de Inglés a español por Aline Castañeda Cadena, Directora de Edición de Fourth World Journal.

Mapa que muestra algunas de las rutas terrestres de la iniciativa Un Cinturón Una Ruta que atraviesa China, Uiguristán.

RESUMEN

La importancia económica, política y estratégica que tiene la Región Autónoma Uigur de Sinkiang para China no puede ser exagerada. Cubriendo 640,00 millas cuadradas, Uiguristán es aproximadamente del tamaño de Irán. Localizada en el lejano oriente, es la unidad administrativa más grande de Pekín y comprende un sexto del territorio de China. Debido a su abundante carbón, gas natural, y petróleo, lo que representa aproximadamente un cuarto de las reservas totales de China, Uiguristán ha sido descrita como "la base de la estrategia energética" del país. Estos recursos energéticos han sido indispensables para la "creciente" economía de China y para mantener al Partido Comunista Chino en el poder. Estratégicamente, Uiguristán es el vínculo vital para la economía creciente de China de petróleo importado de Asia Central, a través del corredor de oleoductos de Pakistán, el Golfo Pérsico. Es la llave para el éxito de la ambiciosa "Iniciativa Un Cinturón, Una Ruta" de Pekín para unir las economías de Eurasia y China a través del desarrollo de infraestructura. El valor estratégico más importante de Uiguristán, sin embargo, reside en su geografía.

Ya que consiste principalmente de montañas y desiertos, la vasta inmensidad de su tierra inhospitalaria proporciona una barrera natural que protege a "China propiamente dicha", las tierras densamente pobladas al este del país situadas entre el Río Amarillo en el norte y el Río Xi en el sur, de las invasiones terrestres.

Por estas razones, China no renunciará al control sobre Uiguristán, sus recursos o su gente. La gente son los uigures, una nación túrquica musulmana, que han estado buscando su independencia política durante la mayor parte del Siglo Veinte. La caída de la última dinastía imperial de China, el Qing, el 1911, fue seguida del colapso del Estado Chino. En la subsiguiente inestabilidad política, los Uigures declararon su independencia como la República del Turkestán Oriental – dos veces. La primera fue en 1933 y perduró hasta que fue suprimida por las fuerzas Nacionalistas Chinas bajo Chiang Kai-shek en 1934. Una segunda República del Turkestán Oriental fue establecida en 1944 y duró hasta que fue derrocada por las fuerzas Comunistas bajo el mandato de Mao Zedong en 1949.

Desde la década de los 90, Pekín ha iniciado medidas para asegurar de manera permanente Uiguristán a China colonizando la tierra con colonizadores chinos. Estas políticas habían logrado reducir a los uigures de una mayoría a una pluralidad. El objetivo parece ser hacer a los uigures una minoría en su propia tierra. La colonización china ha provocado disturbios por parte de los uigures, choques étnicos entre los uigures y migrantes chinos, y llamadas constantes por parte de los uigures por su derecho a la autodeterminación. La respuesta de Pekín, como se refleja en su "campaña de lucha contra el terrorismo, separatismo y extrem-ismo religioso" lanzada en 2014, ha sido, en sí misma, extrema. En las palabras de un panel de Derechos Humanos de las Naciones Unidas, Uiguristán ahora parece un "campo de detención masiva envuelto en el secreto, una especie de "zona sin derechos" … los miembros de la comunidad uigur y otros musulmanes eran tratados como "enemigos del Estado" únicamente sobre la base de su identidad etno-religiosa." Este artículo examinará esas cuestiones y la pregunta fundamental que surge – ¿los uigures son víctimas de genocidio como lo define legalmente la Convención para la Prevención y la Sanción del Delito de Genocidio?

Palabras Clave

Artículo 14, Ban Ki-Moon, Gran Hermano, biometría, retroceso, linaje roto, raíces rotas, conexiones rotas, y orígenes rotos, cantonés, Chen Quanguo, Chiang-Kai-shek, Siria de China, Guerra Civil China, Partido Comunista Chino, Agencia Central de Inteligencia (CIA, por sus siglas en inglés, colonización, campos de concentración, Convención para la Prevención y la Sanción del Delito de Genocidio, limpieza cultural, revolución cultural, campos de detención, República del Turkestán Oriental, centros de entrenam-iento para la transformación educativa, conflictos étnicos, minorías étnicas, extremismo, solución final, cinco garantías, adopción forzada, asimilación forzada, separación forzada de familias, genocidio, Gran Desarrollo Occidental, Han, Hui, Defensores de Derechos Humanos, mestizaje, detención, Islam, Kasgar, Gran Marcha, mandarin, Mao Zedong, militarización, control mental, musulmán, Reglas Designadas para las Minorías Étnicas, auto determinación nacional, unidad nacional, zona sin derechos, cura permanente, traslado de población, campos de reeducación, disturbios, sinización, China del Sur, Unión Soviética, Stalin, campaña de lucha contra el terrorismo, separatismo, y extremismo religioso, vigilancia, crimen de

pensamiento, policía del pensamiento, tibetanos, Comisión Ejecutiva del Congreso de los Estados Unidos sobre China, Comité para la Eliminación de la Discriminación Racial de las Naciones Unidas, Declaración de las Naciones Unidas de los Derechos de los Pueblos Indígenas, Programa de Divulgación sobre el Genocidio en Rwanda y las Naciones Unidas, Urumqi, Uigur, grupos separatistas violentos, Uiguristán, Reglamento para la Desradicalización de la Región Autónoma Uigur en Sinkiang.

En 1934-1935, frente al aniquilamiento a manos de las fuerzas Nacionalistas Chinas de Chiang Kai-sheik, Mao Zedong y su Partido Comunista Chino huyeron a las áreas pobladas por las minorías de China para su supervivencia política. Conocida como la "Gran Marcha" los comunistas chinos emi-graron 6,000 millas de su base sitiada en el suroeste de la relativa seguridad del noroeste cerca de la frontera soviética. A partir de ahí, se reorganizaron y buscaron "alianzas" con tibetanos, musulmanes, mongoles y otros grupos étnicos en una guerra ren-ovada en contra de los Nacionalistas, prometiendo a cada minoría el derecho a la independencia política cuando los Comunistas asumieran el poder.

El artículo 14 de la Constitución del Partido Co-munista Chino de 1931 ya había afirmado "La Repú-blica Soviética de China reconoce el derecho de auto determinación de las minorías nacionales en China, su derecho a la completa separación de China, y a la formación de un estado independiente para cada minoría nacional." [1]

Sin embargo, después de tomar el poder, los Comunistas Chinos se negaron a implementar este artículo. En cambio, ejercieron agresivamente las políticas de los gobiernos nacionalistas e imperi-ales anteriores "para imponer uniformidad ritual, lingüística y política a lo largo de su frontera" [2]. Las primeras víctimas fueron los tibetanos. Ahora, son los uigures de Uiguristán en el noroeste de China.

La fuerza impulsora detrás de esta política es el miedo. Como lo escribió el Profesor James Leibold, de la Universidad La Trobe, Melbourne, Australia en "La Vieja Obsesión del Partido Comunista por tener el Control Absoluto", The New York Times, 30 de noviembre de 2018: "es la inseguridad fundamental del régimen – su temor a la rebelión y la desinte-gración eventual de China – que lo lleva a invadir cada vez más la vida privada de sus ciudadanos, con lo que sólo logra aislarlos. La represión de los uigures en Uiguristán es sólo una manifestación extrema de esa obsesión virulenta – e insostenible – de con-trol total por parte del Partido Comunista Chino." [3]

En Pekín, el aumento de choques étnicos en Uiguristán entre chinos y uigures, un pueblo túrqui-co, musulmán con una población confirmada de 11 millones, aproximadamente, los uigures representa una amenaza a la "unidad nacional" de China. Estos choques, que empezaron a finales de la década de los 90, alcanzaron su apogeo en 2009 con distur-bios en Urumqi, capital de Uiguristán, lo que resultó en 200 muertes. Los conflictos continuaron a una escala menor en 2012, 2013 y 2014.

[2] "The Question of Minority Identity and Indigeneity in Post-Co-lonial China", Cultural Survival, Septiembre 1997, https://www.culturalsurvival.org/publications/cultural-survival-quarterly/question-minority-identity-and-indigeneity-post-colonial

[3] James Leibold "La Vieja Obsesión del Partido Comunista por tener el Control Absoluto", The New York Times en Español, 28 de noviembre de 2018 https://www.nytimes.com/2018/11/30/china-partido-comunista-control/

[1] Communist Constitution 1931, 7 de noviembre de 1931, Legal Materials on Tibet, Tercera Edición, https://sites.google.com/site/legalmaterialsontibet/home/communist-constitution-1931

La razón del problema uigur es la campaña de "Gran Desarrollo Occidental" de Pekín en Sinkiang. Los uigures han visto su tierra colonizada por los chinos. El porcentaje de población uigur ha caído de 82 por ciento en 1949 a 46 por ciento en 2010. Los uigures han sido reducidos de la mayoría a una pluralidad, enfrentando el prospecto de volverse una minoría demográfica en su tierra. Esto es destrucción física de un grupo étnico y viola el Artículo II, Sección C de la Convención para la Prevención y la Sanción del Delito de Genocidio: "Sometimiento intencional del grupo a condiciones de existencia que hayan de acarrear su destrucción física total o parcial" [4]. La destrucción física es separada y distinta a la de matar miembros de un grupo, que se refiere la Sección A.[5]

El despojo por décadas de uigures refleja las palabras de Ban Ki-moon, Secretario General de las Naciones Unidas: "el genocidio no es un evento aislado sino un proceso que evoluciona con el tiempo, y requiere planeación y recursos para llevarse a cabo." [6]

Y los actos de genocidio no se limitan a tiempos de guerra. Como declaró el Programa de Divulgación sobre el Genocidio de Rwanda: "La Convención confirma que el genocidio, ya sea cometido en tiempos de paz o de guerra, es un delito bajo la ley internacional…" [7]

Las negaciones de Pekín sobre conflictos étnicos en Uiguristán refleja la cólera del pueblo uigur por el despojo que sufre. En cambio, afirma que tales conflictos son maquinaciones de "grupos separatistas violentos". En mayo de 2014, el gobierno chino lanzó la "campaña de lucha contra el terrorismo, separatismo y extremismo religioso", y que Pekín afirmó que fue para evitar que Uiguristán se vuelva "Siria de China." [8] El objetivo es la población uigur.

Esto confirma la observación del Profesor Jörg Friedrich, de la Universidad St. Cross en Oxford, "si la lealtad a China de los Hui [musulmanes de habla china] a veces es cuestionada, la deslealtad de los uigur se da especialmente por sentado." [9]

El 29 de agosto de 2016, Pekín transfirió del Tíbet a Uiguristán a Chen Quanguo, Secretario del Partido Comunista. "El sistema de Chen combina exceso de titulización y militarización con esfuerzos para acelerar la transformación política y cultural del pueblo indígena. Su objetivo declarado es "poner fin al linaje, romper las raíces, romper las conexiones y romper los orígenes" de los tibetanos y uigures." [10]

Este es el modelo Stalinista, "Nacional en la Forma, Socialista en Contenido", el etnocidio Marxista, donde el estado permite exhibir la ropa tradicional, la danza, y la música de un pueblo, mientras borra sistemáticamente su historia, cultura e identidad.

[4] Convención para la Prevención y la Sanción del Delito de Genocidio, Derechos Humanos de las Naciones Unidas, Oficina del Alto Comisionado, https://www.ohchr.org/SP/ProfessionalInterest/Pages/CrimeOfGenocide.aspx

[5] Ibid

[6] "Antecedentes acerca de la Prevención del Genocidio", Programa de Divulgación sobre el Genocidio de Rwanda y las Naciones Unidas, http://www.un.org/es/preventgenocide/rwanda/backgrounders.shtml

[7] Ibid

[8] "Protecting peace, stability is top of human rights agenda for Xinjiang", Global Times, 2018/8/12, http://www.globaltimes.cn/content/1115022.shtml

[9] "Ethnic cleansing of Uyghur identity by China" Publications Study Papers, EFSAS, European Foundation for South Asian Studies, August 2018, https://www.efsas.org/publications/study-papers/ethnic-cleansing-of-uyghur-identity-by-china/

[10] "The origin of the 'Xinjiang model' in Tibet under Chen Quanguo: Securitizing ethnicity and accelerating assimilation", International Campaign for Tibet, December 10, 2018 https://www.savetibet.org/the-origin-of-the-xinjiang-model-in-tibet/

En Uiguristán, los uigures están siendo forzados a abandonar su lengua, cultura y muchos aspectos de su religión. El 17 de mayo de 2018, el Business Insider cita al Profesor James Milward, historiador de China de la Universidad Georgetown, "la limpieza cultural es un intento de Pekín de encontrar una solución final al problema en Uiguristán." [11]

En abril de 2017, se expidió el Reglamento para la Desradicalización de la Región Autónoma Uigur en Sinkiang. "El reglamento aborda la interpretación sancionada de manera no oficial, la práctica y la divulgación de enseñanzas islámicas para identificarlas como terrorismo y lanzar contramedidas." [12] Signos de extremismo incluyen "dejar de fumar... no cantar en bodas o llorar durante los funerales de familiares" [13] y "negarse a escuchar la radio pública y transmisiones televisivas". [14]

De acuerdo con el Observador de los Derechos Humanos, las contramedidas de Pekín incluyen solicitar a los uigures que proporcionen a las autoridades estatales muestras biométricas y de ADN. "Dentro de los campos de educación política, los detenidos son forzados a aprender chino mandarín, cantar alabanzas al Partido Comunista Chino, y

memorizar reglas válidas para los musulmanes túrquicos, principalmente... la gente es castigada por practicar la religión de manera pacífica... las restricciones religiosas por parte del gobierno son tan rigurosas que prácticamente ha prohibido el islam... las autoridades de Uiguristán han hecho de los lazos extranjeros una ofensa pública, señalando gente con conexiones a una lista oficial de "26 países", incluyendo Kazakhstan, Turquía, Malasia e Indonesia." [15]

Las barbas, velos, y niños que estudian el islam están vedados. Ayunar durante el mes sagrado de Ramadán está prohibido. Los nombres uigures que impliquen "extremismo", proscritos. La lista oficial de nombres prohibidos para bebés aparece en las "Principales Reglas para las Minorías Étnicas" e incluye Hajj, Imam, Islam, Quram, Mecca, Medina, e incluso Muhammad. [16]

Junto con las prohibiciones, Pekín está empleando coerciones. De acuerdo con Radio Free Asia, el 6 de febrero de 2019, las autoridades de Uiguristán están "...forzando a algunos musulmanes a beber al-cohol, comer carne de cerdo y exhibir emblemas de la cultura tradicional china." [17] Forzar a los uigures a beber alcohol y comer carne de cerdo en violación de sus creencias religiosas puede tener un efecto psicológico traumático en aquellos individuos y, por lo tanto, viola el Artículo II, Sección B de la Convención para la Prevención y la Sanción del Delito

[11] Gerry Shih, "'Permanent cure': Inside the re-education camps China is using to brainwash Muslims", AP, Business Insider, May 17, 2018, https://www.businessinsider.com/what-is-life-like-in-xinjiang-reeducation-camps-china-2018-5

[12] Shih Chienyu, "China's brutal treatment of Uyghurs is failing: Forcing Muslim minority to become loyal supporters of the Chinese Communist Party is more than a misstep", UCA, News, November 28, 2018 https://www.ucanews.com/news/chinas-brutal-treatment-of-uyghurs-is-failing/83945

[13] "Suspected of Extremism if not Singing at Weddings", Uyghur Human Rights Project, November 6, 2018, https://uhrp.org/news/suspected-extremism-if-not-singing-weddings

[14] "China región gives legal basis for Muslim internment camps", The Sydney Morning Herald, October 11, 2018, https://www.smh.com.au/world/asia/china-region-gives-legal-basis-for-muslim-internment-camps-20181011-p508y4.html

[15] "Erradicating Ideological Viruses: China's Campaign of Repression Against Xinjiang's Muslims", Human Rights Watch, September 9, 2018, https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruse/chinas-campaign-repression-against-xinjiangs

[16] "China Bans 'Extreme' Islamic Baby Names Among Xinjiang's Uyghurs", Radio Free Asia, 2017-04-20, https://www.rfa.org/English/news/Uyghur/names-04202017093324.html

[17] "Chinese Officials Force Muslims to Drink, Eat Pork At Festival", Radio Free Asia, 2017-04-20, https://www.rfa.org/english/news/uyghur/festival-02061019140637.html

de Genocidio: "Provocar daño mental o físico serio a miembros del grupo." [18]

Los uigures, tanto individualmente como pueblo, son "requeridos" a adoptar la cultura china como lo define Pekín y hablar mandarín. Tales políticas violan el Artículo 8, Secciones 1 y 2 de la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas del que China es parte.

El Artículo 8, Sección 1 afirma: "los pueblos y los individuos indígenas tienen derecho a no ser sometidos a una asimilación forzada ni a la destrucción de su cultura." [19]

El Artículo 8, Sección 2 exige: "Los Estados establecerán mecanismos eficaces para la prevención y el resarcimiento de:

a) Todo acto que tenga por objeto o consecuencia privarlos de su integridad como pueblos distintos o de sus valores culturales o su identidad étnica;

b) Todo acto que tenga por objeto o consecuencia desposeerlos de sus tierras, territorios o recursos;

c) Toda forma de traslado forzado de población que tenga por objeto o consecuencia la violación o el menoscabo de cualquier de sus derechos;

d) Toda forma de asimilación o integración forzada;

e) Toda forma de propaganda que tenga como fin promover o incitar a la discriminación racial o étnica dirigida contra ellos." [20]

Para perjudicar más la identidad y cohesión del grupo uigur, Pekín está "promoviendo" el mestizaje entre uigures y chinos. Esto resuena a las políticas soviéticas de fomentar los matrimonios mixtos para crear "una nueva comunidad histórica, social e internacional". También esto es una violación al Artículo II, Sección D de la Convención para la Prevención y la Sanción del Delito de Genocidio: "Imponer medidas dirigidas a prevenir nacimientos dentro del grupo". [21]

En violación a la Convención para la Prevención y la Sanción del Delito de Genocidio, el Artículo II, inciso C: "Sometimiento intencional del grupo a condiciones de existencia que hayan de acarrear su destrucción física total o parcial" [22] y el inciso D: "Medidas destinadas a impedir los nacimientos en el seno del grupo", [23] Pekín aprobó nuevas leyes que limitan los nacimientos uigures. El 10 de octubre The Guardian reportó, "el año pasado, las autoridades dieron fin a una excepción que permitía a los uigures y otras minorías étnicas tener más hijos que sus homólogos chinos Han." [24]

La acción más dramática llevada a cabo por Pekín, la que ha levantado la protesta internacional, ha sido la creación de lo que los medios chinos describen como "entrenamiento de desradicalización", "centros de entrenamiento de transformación educativa", "campos de reeducación", y "centros vocacionales gratis que vuelven la vida más "colorida". [25] Estos son eufemismos para la detención.

[18] Convención para la Prevención y la Sanción del Delito de Genocidio, Naciones Unidas Derechos Humanos, Oficina del Alto Comisionado, https://www.ohchr.org/SP/ProfessionalInteres/Pages/CrimeofGenocide.aspx

[19] Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas, https://www.undocs.org/es/A/RES/61/295

[20] Ibid

[21] Convención para la Prevención y la Sanción del Delito de Genocidio, Naciones Unidas Derechos Humanos, Oficina del Alto Comisionado, https://www.ohchr.org/SP/ProfessionalInterest/Pages/CrimeOfGenocide.aspx

[22] Ibid

[23] Ibid

[24] Lily Kuo, "China 'legalises' internment camps for million Uyghurs", The Guardian, October 10, 2018, https://amp.theguardian.com/world/2018/oct/11/china-legalises-internment-camps-for-million-uighurs

[25] Alexandra Ma, "China claimed its re-education camps for Muslim minorities are 'free vocational traininig' that make life 'colorful'", Business Insider, October 16, 2018, https://www.businessinsider.com/china-calls-xinjiang-uighur-detention-camps-free-vocational-training-2018-10

Detención a gran escala

El 10 de agosto de 2018, Reuters reportó "Un panel de derechos humanos de las Naciones Unidas dijo el viernes que recibí muchos reportes confiables que un millón de la etnia uigur en China son detenidos en los que parece un 'campo de detención masivo cubierto por el secreto, una especie de 'zona sin derechos' sólo en la base de su identidad étnica y religiosa." [26]

Imágenes satelitales muestran que actualmente hay 28 campos de detención en Uiguristán, que se expanden continuamente. Entre 2016 y finales de 2018 el tamaño de estos campos aumentó un 400 por ciento.

La Comisión Ejecutiva del Congreso de los Estados Unidos en China ha llamado a la detención de uigures "el más grande encarcelamiento de una minoría en el mundo actualmente." [27] En lo que el senador Robert Menendez llama "campos de concentración." [28] Y donde de acuerdo con Amnistía Internacional, "en el mejor de los casos, les lavarán el cerebro, en el peor, serán torturados, pero hay una posibilidad real de muerte." [29]

Además, los hijos de los "internados" uigures son llevados a orfanatos donde "se les enseña en mandarín y se les penaliza por hablar en su idioma natal." El 9 de julio de 2018 el Financial Times reportó, "Pekín... tiene familias separadas a la fuerza, enviando, de facto, a miles de niños a los orfanatos... un condado de Kashgar construyó 18 nuevos orfanatos sólo en 2017... los orfanatos se construyen bajo una nueva política de "cinco garantías" que empezó en 2017 cuyo objetivo es proporcionar a los orfanatos cuidado auspiciado por el estado hasta que cumplan 18." [30] Como explica Darren Byler, investigador de la cultura uigur de la Universidad de Washington: "Este es un grupo étnico cuya base de conocimiento está siendo borrada." [31] También es una violación al Artículo II, Sección E, de la Convención para la Prevención y la Sanción del Delito de Genocidio: "Traslado por fuerza de niños del grupo a otro grupo." [32]

Después de negar originalmente la existencia de campos de detención, Pekín enfrentó un dilema de relaciones públicas cuando el Comité para la Eliminación de la Discriminación Racial de las Naciones Unidas hizo un llamado a Pekín para "detener la práctica de detener individuos sin antecedentes penales, enjuiciados y condenados por una ofensa criminal en cualquier centro de detención extra legal." [33]

[26] "U.N. says it has credible reports that China holds million Uighurs in secret camps", Reuters, August 10, 2018, https://www.reuters.com/article/us-china.rights-un-idUSKBN1KV1SU

[27] "Chairs Urge Ambassador Branstad to Prioritize Mass Detention of Uyghurs, Including Family Members of Radio Free Asia Employees", Congressional-Executive Commission on China, April 3, 2018, https://www.cecc.gov/media-center/press-releases/chairs-urge-ambassador-branstad-to-prioritize-mas-detention-of-uyghurs

[28] "Top US lawmaker compares China's Uyghur internment facilities to "concentration camps", CNN, 2019-01-28, https://www.msn.com/en-ca/video/watch/top-us-lawmaker-cmpares-chinas-uyghur-internment-facilities-to-concentration-camps/vi-BBSQMGL

[29] Sara Vui-Talitu, "China's dissapearing Uyghurs", RNZ, December 3, 2018, https://www-radionz.co.nz/national/programmes/voices/audio/2018673567/china-s-disappearing-uyghurs

[30] Emily Feng, "Uighur children fall victim to China anti-terror drive", Financial Times, July 9, 2018, https://www.ft.com/content/f0d3223a-7f4d-11e8-bc55-50daf11b720d

[31] Yanan Wang and Dake Kang, "China separates Uyghur kids from their families and treats them like orphans", The Star, September 21, 2018, https://www.thestar.com/news/world/2018/09/21/china-separates-uyghur-kids-from-their-families-and-treats-them-like-orphans.html

[32] Convención para la Prevención y la Sanción del Delito de Genocidio, Naciones Unidas, Derechos Humanos, Oficina del Alto Comisionado, https://www.ohchr.org/SP/ProfessionalInterest/Page/CrimeOfGenocide.aspx

Pues no hay base legal en la ley china para la detención.

Así que Pekín enmienda retroactivamente el Reglamento para la Desradicalización de la Región Autónoma Uigur en Sinkiang para permitir a las "agencias gubernamentales a un nivel de condado y más arriba 'debe establecer centros de educación y capacitación en habilidades ocupacionales, organizaciones de transformación educativa y departamentos de gestión para transformar a las personas influenciadas por el extremismo a través de la educación." [34] Esta "transformación" deber ser alcanzada enseñando a los uigures mandarín y proporcionándoles una educación ocupacional. La desradicalización es "rehabilitación terapéutica." [35]

Para el Profesor Rian Thum, de la Universidad Loyola en New Orleans, la detención de uigures está repitiendo "algunos de las peores violaciones a los derechos humanos en la historia... el análogo más cercano puede ser la Revolución Cultural." [36] El ase-

sinato en masa y el genocidio no parecen resultados imposibles." [37]

Quizá, un mejor análogo sería 1984 con "crimen de pensamiento", "policía del pensamiento", y "El Gran Hermano te observa". Una investigación oficial publicada en junio de 2017 por un periódico estatal de Uiguristán "reportó que la mayoría de los 588 par-ticipantes encuestados no sabía que habían hecho algo mal cuando fueron enviados a reeducación. Pero para cuando fueron liberados, casi todos – 98.8 por ciento – había aprendido sus errores." [38] Su conclusión: "la transformación a través de la educación es una cura permanente." [39]

Las políticas aplicadas por Pekín en contra de los uigures de Uiguristán son sólo el ejemplo más extremo de una campaña de "sinización" lanzada por toda China en la "búsqueda del control total". Mientras que los uigures son señalados porque son percibidos como una amenaza secesionista a la integridad territorial de China; otros dos grupos son señalados porque son percibidos como rivales al poder de un ateo, el Partido Comunista Chino dominado por el habla mandarín: las religiones y los idiomas que no son el mandarín.

Pekín está atacando al islam, a la cristiandad, incluso al budismo chino tradicional y daoismo, declarando que esas religiones no son auténticas chinas o no suficientemente chinas y deber ser "sinizadas". Este proceso requiere que esas religiones reciban sanciones oficiales para poder operar, tener

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[33] Rosie Perper, "The UN is calling on China to 'immediately release' one million Muslim Uighurs who may be held in detention centers", Business Insider, August 31, 2018, https://www.businessinsider.com/un-china-immediately-release-one-million-uighurs-xinjiang-2018-8/

[34] Lily Kuo, "China 'legalises' internment camps for million Uighurs", The Guardian, October 10, 2018, https://amp.theguardian.com/world/2018/oct/11/china-legalises-internment-camps-for-million-uighurs

[35] Shih Chienyu, "China's btural treatment of Uyghurs is failing: Forcing Muslim minority to become loyal supporters of the Chinese Communist Party is more than a misstep", UCA News, November 28, 2018, https://www.ucanews.com/news/chinas-brutal-treatment-of-uyghurs-si-failing/83945

[36] Ryan Grenoble, "Who Are The Uighurs? China is Detaining This Muslim Miority By The Million", Huffington Post, August 29, 2018, https://www.huffingtonpost.com/entry/who-are-uighurs-china-muslim-detention-million_us_5b7195cee4b0ae32af9a085a

[37] Rian Thum, "China's Mass Internment Camps Have No Clear End in Sight", Foreign Policy, August 22, 2018, https://foreignpolicy.com/2018/08/22/chinas-mass-internment-camps-have-no-clear-end-in-sight/

[38] Gerry Shih, "'Permanent Cure': inside the re-education camps China is using to brainwash Muslims", AP, Business Insider, May 17, 2018, https://www.businessinsider.com/what-is-life-in-xinjiang-reeducation-camps-china-2018-5

[39] Ibid

[40] "Muslim populations by country: how big will each Muslim population be by 2030?", The Guardian, Datablog, https://www.theguardian.com/news/datablog/2011/jan/28/muslim-population-country-projection-2030

sus prácticas dictadas por el estado, y que sus libros sagrados reflejen los pensamientos del presidente Xi, el vicepresidente Mao y el Partido Comunista Chino.

Al implementar tales políticas, Pekín, habiendo ya hecho 23 millones de enemigos musulmanes [40] con la represión de uigures, está alienando a cerca de 70 millones de cristianos [41], aproximadamente 250 millones de budistas [42], y casi un billón de practicantes de daoismo/religiones populares. [43]

El otro blanco de "sinización" es la población del sur de China. El mandarín y los idiomas del sur de China – Hakka, Gan, Min, Wu, Xiang, y Yue (cantonés) [44] – son ambas ininteligibles. Rechazando esas lenguas como "no chinas", Pekín ha estado imponiendo el mandarín en el sur. Hablar mandarín es una prueba del patriotismo chino. Al ejercer esta política, Pekín ha roto la ilusión de la unidad "Han", y ha convertido a los aliados tradicionales en adversarios. Una población adversaria que enumera 250 millones [45], aproximadamente un cuarto de la población de China, y es responsable de crear las provincias más productivas y prósperas de toda China.

Al alienar potencialmente a cientos de millones de personas, muchos de ellos vitales para la economía de china o ubicados en lugares estratégicos pero vulnerables del país, la campaña de "sinización" de Pekín para asegurar la seguridad del estado y unidad "nacional" puede provocar "retroceso".

"'Retroceso' es un término que la Agencia Central de Inteligencia (CIA, por sus siglas en inglés) utilizó por primera vez en marzo de 1954 en un reporte recientemente desclasificado en la operación 1953 para derrocar al gobierno de Mohammed Mossadegh en Irán. Es una metáfora para las consecuencias no intencionales…" [46] Las "consecuencias no intencionales" del golpe de estado de 1953 para restaurar el Shah al poder fue la Revolución de Irán de 1979 y la transformación de Irán de un aliado del Oeste a un adversario del Oeste. Para Cina, la consecuencia no intencional y no deseada será la desestabilización, si no desintegración, del estado chino y el Partido Comunista Chino.

Este articulo debe citarse como:

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Indigenous Peoples and the International Legal System: A Still Inaccessible Domain?

By Claudia Masoni

ABSTRACT

The paper illustrates that, while Indigenous Peoples' cultures and traditional knowledge are today widely studied and discussed at the international level, Indigenous holders and stakeholders of traditional knowledge still struggle to attend in person those international forums where their issues are being discussed and cannot personally deliberate on matters that would ultimately greatly affect their lives. The consequence of this is serious: not only Indigenous Peoples are often forbidden any actual participation, but they are also denied any right to intervene in the law-making process that so deeply affects their cultures and traditional way of living. The article explains that Indigenous Peoples are the sole stakeholders of their cultures and should personally manage the process of selection of the representatives who will attend international forums in total respect of the traditional roles of the keepers of knowledge and the customary laws of the community. This would avoid any corruption of the information presented and, consequently, would prevent any manipulation of legal and economic assessments. Only then, actual Indigenous representation will be de facto attained.

Keywords: Indigenous' culture, participation, fairness, identity, customs

2019 is the year that celebrates Indigenous Peoples' languages worldwide;[1] and yet, those languages seem to be still widely unheard. While awareness for Indigenous traditions has, over the years, slowly risen, Indigenous Peoples still struggle to make an appearance and be heard in those international forums where issues and topics of great importance for their future are discussed. Though the international system speaks a language of respect and reconciliation, in actual fact, things are changing at a very slow pace and Indigenous Peoples are still widely discriminated. The article intends to shed some light on why Indigenous Peoples' voices are today still internationally widely unheard, and why the system that pretends to support them does not give them the space and attention to bring forth their issues in person. Indeed, without a voice, no matter which language one speaks, one can hardly be heard.

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Indigenous Peoples' Cultural System

Indigenous Peoples today exist in many regions of the world. They are the descendants of the original inhabitants of those territories taken over by aliens through conquest or settlement. Their cultures are generally holistic; where holism [2] can be rightly interpreted as the spiritual and symbolic element that integrates and gives life to all the other parts of the cultures of Indigenous Peoples. It is the spiritual belief that bonds together the members of an Indigenous community and ties them to their land and their shared traditions, while, at the same time, inspires the continuous creation of idiosyncratic forms of cultures, traditional knowledge (TK) and traditional cultural expressions (TCE) [3]. Through their way of living, ceremonies and rituals, Indigenous Peoples keep these traditions alive and convey them to future generations. Holism, as such, is the common understanding of life as perceived by Indigenous Peoples worldwide. It is collective in nature and transmitted from one generation to another orally or through cultural/symbolic creations. Indigenous culture can generally be held collectively or safeguarded by a restricted number of members of a community. The elders and guardians are carefully selected for the purpose, and have a duty of care to manage the most sacred and secret knowledge of the community: to preserve it and pass it on.

Today, Indigenous Peoples' organizations, NGOs, and stakeholders are actively trying to safeguard what is left of Indigenous cultures, through restitution, reparation and pressure for the adoption of sui generis legislation at national and international level.

From a realistic viewpoint, in fact, while it is true that history cannot be changed or cancelled and the changes that every society have gone through during its history are undeniable, regardless of the just or unjust reasons that determined such changes, it is also obvious that, in order to redress wrongs done in the past, Indigenous Peoples are compelled to use the existing legal systems in a 'defensive' way to seek justice and safeguard their cultures. In other words, they are 'forced' to adjust their claims, needs and expectations to the cultural and legal standards of the society they inhabit disregarding much of their traditional human and cultural rights. Today, they are still a vulnerable minority in a global context, which speaks and reasons differently.

Human rights systems advocate the importance to respect and preserve all cultures, and yet, Indigenous Peoples' traditions are still globally marginalized and exploited. At the same time, whilst it is correct to say that the international legal community is slowly including Indigenous cultures in their reasoning, it is also true that, in taking decisions of vital importance for Indigenous Peoples, international forums only in rare cases confer directly with Indigenous representatives to find ad hoc, sui generis legal solutions for the preservation of their traditions.

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[1] "In 2016, the United Nations General Assembly adopted a resolution proclaiming 2019 as the International Year of Indigenous Languages, based on a recommendation by the Permanent Forum on Indigenous Issues. At the time, the Forum said that 40 per cent of the estimated 6,700 languages spoken around the world were in danger of disappearing. The fact that most of these are indigenous languages puts the cultures and knowledge systems to which they belong at risk", UNESCO portal, retrieved from https://en.iyil2019.org/

[2] "Holism is a theory that the universe and especially living nature is correctly seen in terms of interacting wholes (as of living organisms) that are more than the mere sum of elementary particles", Merriam-Webster dictionary, retrieved from www.merriam-webster.com/dictionary/holism

[3] For the definitions of TK and TCE see the World Intellectual Property Organisation (WIPO), retrieved from www.wipo.int/tk/en/tk/

Regrettably, the Western legal system still organizes everything according to Western methods, and in this legal monopoly 'Indigenous issues' are not granted venues where Indigenous claims are presented with Indigenous epistemological instruments.[4] The Western-built legal institutions that host and analyze Indigenous cultural claims, most of the time, in fact, tend to deconstruct and decontextualize Indigenous cultures.[5] Moreover, in these forums Indigenous traditional holders and custodians of knowledge are not allowed to present their own claims and fight for their own rights in their own 'languages'. At the same time, for the Western legal system, Indigenous 'customary laws' have no legal validity whatsoever.

Hence, in 2019 Indigenous Peoples and Traditional Knowledge holders are still struggling to live by their customs and safeguard what is left of their traditions. The struggle they face is legal and political, as well as moral and psychological. It is internal within the community, as much as external in the world at large. Time has changed and awareness has arisen, but Indigenous voices still go widely unheard.

Indigenous Peoples: "Where Are Your Voices?"

It is true that we entered the twenty-first century and Indigenous Peoples (like it or not) are now part of the 'global family' inhabiting this world. In this perspective, the mixing of Indigenous cultures with the world culture could be, when not forced, rightly considered the result of evolutionary patterns we are all subjected to. It is also true that the mixing of such distinctive cultures (Western and Indigenous) is never easy, straightforward and painless.

Over the centuries, the transmission of Indigenous cultures has remained a fluid, complex phenomena of internal and external forces. The existence of such Indigenous knowledge and epistemology, being it a reflection of traditions existing prior or post colonization, is enough to justify the existence of Indigenous rights over their culture and traditions.[6] For this reason, Indigenous Peoples, being the holders, guardians or the totality of the community, should be considered legal personalities and granted the full accessibility to their knowledge, and the right to dispose of it as they so decide.

It goes without saying that the first act of violence starts when, in order to be heard, Indigenous representatives are 'forced' to shift from their epistemological system of knowledge to the Western one; a shift that often causes objective problems (linguistic, cultural, etc) in the translation of values and knowledge that are alien to the Western auditorium and, most of the time, non-translatable. In addition to that, today, international and national fora are often inappropriate venues to address Indigenous issues, and mostly because none of them is Indigenous-oriented. At those venues, Indigenous representatives can only attend as observers with no voting rights,[7] even when the decisions at stake have profound implications for their lives. How can

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[4] L. M. Semali and J. L. Kincheloe (eds),(1999), What is Indigenous Knowledge? Voices from the Academy (Falmer Press, New York and London), 31

[5] "In this Western gaze, indigenous knowledge is tacitly decontextualized, severed of the cultural connections that grant meaning to its indigenous producers, archived and classified in Western databases, and eventually used in scientific projects that may operate against the interests of indigenous peoples", Ibid. 21

[6] R. J. Coombe (1998), The Cultural Life of Intellectual Properties (Duke University Press, Durham and London), 218

[7] See Rule 39 – "Observers shall not have the right to vote", World Intellectual Property Organization, General Rules of Procedure CRNR/DC/9 Rev WIPO, retrieved from www.wipo.int/edocs/mdocs/diplconf/en/crnr_dc/crnr_dc_9.doc

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Indigenous issues be de facto resolved if they are presented by non-Indigenous representatives, and any follow-on resolution is voted by non-Indigenous people? [8]

"We … the Original Stakeholders of Our Cultures"

Indigenous Peoples are the stakeholders of their knowledge, and as such they should be entitled to more decision-making rights over issues that concern the livelihood of their communities and have profound implications for their future. Generally, Indigenous stakeholders attending international fora include specific Indigenous communities, local, national and international organizations and NGOs that play a representative role of Indigenous Peoples' interests; while member states' stakeholders include countries that are either members of organizations—e.g., World Trade Organization (WTO), United Nation (UN)—or signatories of international instruments that deal with Indigenous Peoples' issues—UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the Convention on Biological Diversity (CBD), the International Labour Organization Convention 169 [9]. The latter are generally considered as regional blocks with the power to "exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa".[10] In the case of industrial stakeholders, these organizations must have "direct

or indirect commercial interests in traditional knowledge and are involved in the debate at the international level". [11]

The recent growing concern over Indigenous Peoples' cultural survival has resulted in the growth of Indigenous representatives-stakeholders who are convinced that currently no existing forum is appropriate to host and address their claims. Additionally, in many cases, the stakeholders representing Indigenous Peoples' interests are profoundly bureaucratized individuals with well-defined political and social agendas that often operate at a considerable geographic, cultural and linguistic distance from the communities they intend to represent. This distance can result in a tendency to oversimplify and romanticize the Indigenous issues at stake.

At the same time, while it is true that the organizations sometimes provide the economic and legal resources to support Indigenous issues, they often build around Indigenous claims unrealistic and exaggerated expectations about the economic potential of

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[10] Principle 39.2 - Rules of Procedure for Meetings of the Conference of the Parties to the Convention on Biological Diversity (CBD), retrieved from www.cbd.int/convention/rules.shtml

[11] Ibid.

[12] "Researchers of all sorts, religious organizations, international funding agencies, corporations, and state bureaucracies all influence and complicate the politics of indigenous representation in accordance with their own agendas. … dissent and internal discussion within indigenous groups over the issue of representation often gives potential credence to both sides of the argument, just as it reveals the problems inherent in negotiating collectively owned cultures with only a selection of indigenous brokers. Because of the collective nature of claims to culture as property, there is a common assumption on all sides of the debate that indigenous collectives must possess a centralized structure of representative authority comparable to that of consolidated nation-states with which external actors can negotiate. Establishing who are the legitimate representatives of indigenous collectives is, however, often a matter of internal and external debate", S. Greene, (2004), "Indigenous Peoples Incorporated? Culture as politics, culture as property in pharmaceutical bioprospecting" , Current Anthropology 45 (2).

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[8] C. K. Maina (2011), "Power Relations in the Traditional Knowledge Debate: A Critical Analysis of Forums", in the International Journal of Cultural Property, 18, 145-178, 158.

[9] "Member states stakeholders are either individual states or regional blocks such as the African Union or the European Community (EC)", Maina (2011), 154

Indigenous Peoples' intellectual property claims.[12] In other cases, NGOs stakeholders tend to legitimize those Indigenous groups which conform to the political, institutional and social objectives of the organization, without confronting the complex realities of Indigenous lives and customs in their environment.

The situation has become so intolerable for Indigenous Peoples that, in 2012, Indigenous representatives have 'unanimously' walked out of the UN World Intellectual Property Organization's Intergovernmental Committee (IGC) in Genève.[13] They justified the act by stating:[14]

We, the Indigenous Peoples and Nations present at the International Indigenous Forum during WIPO IGC 20, have evaluated our participation in all of the proceedings of this Committee, and we note with concern the continued reduction of the amount and level of our participation in this process. We Indigenous Peoples have participated as experts in the IGC sessions, we have worked in good faith, and we have made efforts over the years to submit to the IGC sessions our collectively developed and sound proposals, which have been ignored or left in brackets in negotiation texts. The IGC, in its overall procedures, has systematically ignored our rights, as Indigenous Peoples and as Nations with internationally recognized collective rights, to self-deter-

mination and full and equitable participation at all levels. The draft study of the Secretariat on the participation of observers before the IGC does not contain modifications proposed by the Indigenous Peoples to WIPO's rules of procedure. The States have obligations under their constitutions that have not been observed in the IGC, nor have they submitted proposals that could resolve the existing deficiencies in order to improve our participation. Distinguished delegates: we, the Indigenous Peoples, are the titleholders, proprietors and ancestral owners of traditional knowledge that is inalienable, nonforfeitable and inherent to the genetic resources that we have conserved and utilized in a sustainable manner within our territories. For this reason, we appeal to the States to acknowledge that the discussion on intellectual property rights and genetic resources should include Indigenous Peoples on equal terms with the States since the work will directly impact our lives, our lands, our territories and resources, and will reach to the very heart of our cultures, which are the inheritance of future generations. Therefore, the Indigenous Peoples present at IGC 20 have reflected seriously on our role in this process and have decided, unanimously, to withdraw our active participation in the work developed by this Committee until the States change the rules of procedure to permit our full and equitable participation at all levels of the IGC and until the instruments recognize and are consistent with the existing international frameworks for the rights and interests of Indigenous Peoples within the scope of the IGC. Thank you, Mr. Chairman. February 21,

[13] Retrieved from www.ip-watch.org/2012/02/22/indigenous-peoples-walk-out-of-wipo-committee-on-genetic-resources/

[14] WIPO International: Final Statement of The International Indigenous Forum at WIPO – IGC 20 – Indigenous Peoples Issues and Resources, retrieved from www.materialworldblog.com/2012/02/statement-from-the-indigenous-forum-at-wipo/

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2012.

In their statements, Indigenous representatives explained that their act was dictated by the unjustifiable lack of equal participation of the attending members. [15]

For Indigenous representatives, the fact that they are not given effective decision-making power has profound repercussions. First of all, they are not recognized as having any authority to influence the decisions of international and national organizations or to intervene in the standards of their agendas. Second, the lack of Indigenous decision-making allows powerful stakeholders to dictate and direct the agendas limiting the participation of Indigenous Peoples and minimizing the importance of their claims.

In the World Intellectual Property Organization's General Rules of Procedure, for example, the Observers "may take part in debates at the invitation of the Chairman, but they may not submit proposals, amendments or motions".[16] The same happens within the Working Group on Article 8 (j) of the Convention on Biologic Diversity (CBD),[17] where Indigenous Peoples can participate only as Observers. Similarly, in the CBD's Rules of Procedure it is stated again that "Observers may, upon invitation of the President, participate without the right to vote

in the proceedings of any meeting unless at least one third of the Parties present at the meeting object" and "may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the meeting object".[18] In the case of WTO and the meetings of the TRIPS Council (managing The Agreement on Trade-Related Aspects of Intellectual Property Rights), Indigenous Peoples cannot participate at all.

For the last twenty years, Indigenous Peoples have tried to convince the international fora that, as holders of Indigenous knowledge, they are the only ones who know what traditional knowledge is and, as custodians, they should be legally entitled to suggest and work on solutions that involve the management of their own culture. In the Kimberley Declaration,[19] Indigenous Peoples expressed their position on the intrinsic value that their TK has for the livelihood of their communities, and how important is the preservation of Indigenous identities for future generations. The Declaration reads:

> Our traditional knowledge systems must be respected, promoted and protected; our collective intellectual property rights must be guaranteed and ensured. Our traditional knowledge is not in the public domain; it is collective, cultural and intellectual property protected under our customary law. Unauthorized use and misappropriation of traditional knowledge is theft.

[15] Ibid

[16] Rule 24, WIPO's General Rules of Procedure

[16] The Convention on Biological Diversity (CBD) entered into force on 29 December 1993. It has 3 main objectives: The conservation of biological diversity; the sustainable use of the components of biological diversity; the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

[16] The Convention on Biological Diversity (CBD) entered into force on 29 December 1993. It has 3 main objectives: The conservation of biological diversity; the sustainable use of the components of biological diversity; the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

[18] See CBD Rules of Procedure, Rule 6.2 and 7.2.

[19] International Indigenous Peoples Summit on Sustainable Development, Khoi-San Territory, Kimberley, South Africa, (20-23 August 2002), retrieved from www.ipcb.org/resolutions/htmls/kim_dec.html

The usage of strong words, such as 'theft', proves that Indigenous Peoples are fully aware of the manipulative neo-colonialist forces that today dictate national and international economic agendas. Such feelings are clearly stated a few lines later:

Economic globalization constitutes one of the main obstacles for the recognition of the rights of Indigenous Peoples. Transnational corporations and industrialized countries impose their global agenda on the negotiations and agreements of the United Nations system, the World Bank, the International Monetary Fund, the World Trade Organization and other bodies which reduce the rights enshrined in national constitutions and in international conventions and agreements. [20]

Consequently, the representatives gathered at Kimberley, urged the United Nations: [21]

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

The general sentiment of Indigenous elders, guardians and representatives at international summits is unequivocal, and yet, where does the opposition lie to enforce mechanisms guaranteeing the participation and representation of Indigenous Peoples?

At the G8 Summit held in Hokkaido, Japan (2008), Indigenous representatives prepared a Declaration in which they expressed their profound concerns for the "continuing egregious violations of our civil, political, economic, cultural and social rights". They also stated how real is "the continuing racism and discrimination against us and against our use of our own languages and practice of our cultures", the "non-recognition of our collective identities as Indigenous Peoples" and the "theft of our intellectual property rights over our cultural heritage, traditional cultural expressions and traditional knowledge, including biopiracy of genetic resources and related knowledge". [22]

At the G8 Summit (2008), among other important things, Indigenous Peoples requested that the international community "effectively implement the United Nations Declaration on the Rights of Indigenous Peoples and use this as the main framework to guide the development of all official development assistance (ODA), investments and policies and programs affecting Indigenous Peoples".[23] In the same vein, Indigenous representatives demand-

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[20] Retrieved from www.ipcb.org/resolutions/htmls/kim_dec.html

[21] Ibid.

[22] Indigenous Peoples' Declaration on G8 Summit (Hokkaido, Japan, 2008), retrieved from www.dominionpaper.ca/weblogs/lia_tarachansky/1925

[23] "Ensure that we, Indigenous Peoples all over the world, take up the responsibility to implement the UN Declaration on the Rights of Indigenous Peoples, themselves, and enter into constructive dialogue with States, the UN System and the other intergovernmental bodies to discuss how they can effectively implement the Declaration at the local, national, regional and international levels. 3. Use the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on Indigenous Peoples' Rights, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as mechanisms to monitor and ensure the implementation of the UNDRIP by the aforementioned actors", Indigenous Peoples' Declaration on G8 Summit

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ed that states "support the fundamental rights of Indigenous Peoples to practice and to enjoy their cultural history and the right to protect and to teach their cultural heritage through the establishment of Indigenous-owned and controlled cultural centers within states and local jurisdictions". [24]

In 2007, before the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), it was reported that "a set of initiatives to promote the participation of Indigenous and local communities has culminated in the creation of an Indigenous-chaired panel as opening segment of each session of the IGC, and the successful launch of a Voluntary Fund directly to support the participation of these communities". [25]

Although the initiative of WIPO is admirable, it does not take into account important aspects of the issue. It is unrealistic to believe that all Indigenous Peoples are informed about the traditional practices (and related cultures) happening within the community, otherwise there would be no need for the role of the elders, guardians and TK holders. On the other hand, the custodians are, most of the time, holders of sacred/secret practices that cannot be disclosed to the general public inside and outside the community. Additionally, Indigenous guardians are not the custodians of the resources (natural and non), but of the knowledge that comes with the use of the resources. While resources can be static, the knowledge and cultural practices connected to them are dynamically evolving and, consequently, mostly unfixable. It is the knowledge that brings value to the resource. Without it, the resource would be valu-

able only in its potential unexplored intrinsic value. To add a problem to a problem, not all Indigenous representatives or stakeholders might have at heart the best interests of their communities. Moved by easy profit, some Indigenous representatives who grew up outside the educational values of the community might be capable of exploiting the cultural expressions of that same community they represent. This scenario is today far from being unrealistic. In this case, the selection-process of Indigenous representatives within international fora becomes of strategic importance.

This raises the question whether Indigenous experts are actually chosen by Indigenous communities. In this regard, WIPO remains vague. It says that over the years the "WIPO Secretariat has continued its practice of consulting with interested representatives of Indigenous and local communities on draft documents and other material being developed for the IGC", [26] but it does not explain who these representatives are, why they have been chosen and what credentials they bring to the forum. Additionally, when it comes to Indigenous representatives, WIPO explains that their role is limited to 'consultation', without any active participation in the voting system.

It is obvious that such selection processes are of key importance for the correct and effective representation of Indigenous communities within national and international fora. It is also clear that the participation in the decision process of traditional knowledge holders should be more effective and incisive.

In the Mataatua Declaration on Cultural and

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[24] Ibid.

[25] WIPO, Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Genève, 2007) Doc WIPO/GRTKF/IC/11/9, 4

[26] WIPO, Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Genève, 2007) Doc WIPO/GRTKF/IC/11/9, 13

Intellectual Property Rights of Indigenous Peoples (1993), Indigenous representatives insisted that "existing protection mechanisms are insufficient for the protection of Indigenous Peoples Intellectual and Cultural Property Rights".[27] They stressed that the beneficiaries of the knowledge "(cultural and intellectual property rights) must be the direct Indigenous descendants of such knowledge".[28] They added that they are "the guardians of their customary knowledge" [29] and consequently have the right "to protect and control" its dissemination [30] and to be "the first beneficiaries of Indigenous knowledge".[31]

Over time, Indigenous statements and declarations have repeated the same view that "… Indigenous Peoples and Nations … are capable of managing our intellectual property ourselves, but are willing to share it with all humanity provided that our fundamental rights to define and control this property are recognized by the international community". [32]

Who should be then called to represent Indigenous peoples' interests?

In the management of intellectual property, for example, Indigenous Peoples often refer to the role of the guardians as keepers of the knowledge who are the only ones entitled by customary laws to manage the diffusion and transmission of the knowledge.[33] They are the representatives that should be informed of the decisions taken at national and international fora, and should be the only representatives to attend such meetings. How could it be otherwise?

How can representatives who know little of Indigenous cultures fight for their protection?

It is true that one can present and discuss the material manifestation of such knowledge which has already entered the public domain through art, medical remedies, songs, etc. And yet, there is a difference between the intrinsic spiritual values of the cultural expression that is embodied in the expression, and the abstract knowledge (sacred or not) that was channeled in that specific form. By saving the expression of the knowledge, do we save the knowledge? Or is the intrinsic knowledge manifested in material form that should be safeguarded?

In the second case, it is the role of the guardian/elder that becomes essential for any assessment, as well as the customary laws that control such role. This means that the values of the guardianship associated with the custody of the knowledge are the ones that need to be defined and protected, as living manifestations of the sacred knowledge itself.

Indigenous Peoples have repeatedly said that knowledge has always existed. The guardians and TK holders have been selected and granted the access and the task to ensure protection of that knowledge because they were judged suitable to guarantee its perpetual protection. All the rights over the knowledge reside in the community customary laws. Knowledge creates the laws and the laws guarantee the continuation of the knowledge. To intervene in this circular mechanism means to interrupt or dis-

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[27] The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples Commission on Human Rights Sub-Commission of Prevention of Discrimination and Protection of Minorities Working Group on Indigenous Populations (Whakatane, Aotearoa, New Zealand, 1993), Article 2, retrieved from www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/mataatua.pdf

[28] Art 2.5.

[29] Art 2.1.

[30] Art 2.1.

[31] Art 2.1.

[32] The Julayinbul Statement on Indigenous Intellectual Property Rights (1993)

[33] The Manukan Declaration of the Indigenous Women's Biodiversity Network (IWBN) Maunkan, Conference of the Parties to the Convention on Biological Diversity (COP 7) (Sabah, Malaysia, 4-5 February, 2004)

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tort (alter) the flow of the knowledge itself.

In this light, is it correct to use the Western legal framework as the referential point from where all laws depart if those laws where de facto never inclusive of Indigenous rights?

At present WIPO seems divided between the interests of TK holders and the political pressure of industrial and states stakeholders: the first stressing the holistic nature of TK and TCE that cannot become subject of "private IPRs in the hands of outside parties";[34] the second insisting on the importance to work with a broader notion of protection in which Indigenous custodians, as a minority in the great scheme of things, must try to accommodate their claims in order to be heard. After years of debates, it seems, however, that both requests cannot be accommodated at the same time. While a one-size-fits-all approach will not be workable for Indigenous Peoples, dividing IPRs into Indigenous Peoples and the rest of the world seems, politically and economically, not only unpractical but unrealistic. In fact, how can the world safeguard Indigenous knowledge from commercialization while commercializing it?

In Western societies, human knowledge and the reproduction of that knowledge entails an idea of reward, personal control, dissemination and commercial agreement between the right-holder and the society that is manifested in the commercialization of the property and its protection from the commercialization's mechanisms. Intellectual property rights regulate the protection of the knowledge and

its representations.[35] On the other hand, the safeguarding of Indigenous knowledge can be guaranteed not in the control of the dissemination, but in the restriction of the access. In this case, Indigenous Peoples already possess a code of laws which guarantee the restriction of the access to the knowledge through "locally-specific system of jurisprudence with respect to the classification of different types of knowledge, proper procedures for acquiring and sharing knowledge, and the rights and responsibilities which attach to possessing knowledge, all of which are embedded uniquely in each culture and its language" [36] that are not recognized by national and international laws, and yet remain the best system of regulations that Indigenous Peoples possess. In this light, in today's multicultural world, a workable compromise between Western-based legal systems and Indigenous customary laws becomes of crucial importance.

Conclusion

2019 is the year of Indigenous Languages. The world is, again, celebrating 'difference'. And yet, are those languages let free to speak and tell their truths? Can those voices actually speak loud and be heard in those forums where Indigenous legal, human and cultural issues are discussed?

There are many different legitimate Cultures in this world and they cannot be understood and safeguarded by Western standards alone. Globalization and the explosion of media information have brought together cultures so fundamentally different that the whole system based on Western 'universalism' has been shaken to its foundations. Today,

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[34] Ibid., 20, para 24

[35] J. Gibson (2005), Community Resources: Intellectual Property, International Trade and Protection of Traditional Knowledge (Ashgate Publishing, Aldershot,), "Introduction".

[36] WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Genève, 2007) Doc WIPO/GRTKF/IC/11/9, 20, para 25

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multiculturalism insists that international human and cultural rights are not, or should not, be oriented toward one culture at the exclusion of another. No culture is, in this regard, better than another one. Thus, Indigenous cultures cannot still be judged in universalistic, neo-colonialist terms for the simple reason that they are intrinsically idiosyncratically different from the Western idea of culture. As such, they should be epitomized, nationally and internationally, by representatives and stakeholders who actually know what they are talking about. Until that day, Indigenous Peoples' languages will remain voiceless.

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• UNESCO Portal, URL https://en.iyil2019.org/

• World Intellectual Property Organisation (WIPO), URL www.wipo.int/edocs/mdocs/diplconf/en/crnr_dc/crnr_dc_9.doc

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A Critical Analysis on Laws Relating to Protection of Indigenous Peoples— An International Perspective

By R. Ramasamy and V. Udayavani

ABSTRACT

"A true civilization is where every man gives to every other every right that he claims for himself."
—*Robert G. Ingersoll*

The term 'indigenous people,' though of recent coinage at the international level, has been in use in India for a long time. It is only with the internationalization of the rights and privileges associated with it that the use of the term 'indigenous' has come to be critically examined or even challenged in the Indian context. Only those people that have been subjected to domination and subjugation have come to constitute the component of the indigenous people. The Indian experience, it is stated, is different from that of the New World where it was marked by conquest, subjugation and even decimation. It is hence argued that it is not only the point of departure that is problematic but also the Indian experience. The health and wealth disparities between indigenous and non-indigenous populations are universal. Though modern constitutions, without exceptions, ensure citizens equality and equal protection besides right to life, liberty and property, they are yet to go a long way in accommodating the rights and interests of resident aliens.

Key Words: Indigenous, Indian, protection, interest, ethnic identity, international law, lacks, court, last resort.

"What I think is that wellbeing is living better, living well. Because . . . 'wellbeing' means being well in the family, being well in the home, in good health, not ill, and another thing is eating, or having food in the home—there's beans, corn, food; it means not suffering hunger, not suffering illness, not suffering in your thinking either, because if you're bad in your mind, that means not living well. That's what well-being is about."[3] "What sets worlds in motion is the interplay of differences, their attractions and repulsions [:] Life is plurality, death is uniformity.

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[3] Bristow, F., Stephens, C., Nettleton, C., Utz, W'achil. (2003). "Health and Wellbeing among Indigenous Peoples". London: Health Unlimited/London School of Hygiene & Tropical Medicine.

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By suppressing differences and peculiarities, by eliminating different civilizations and cultures, progress weakens life and favors death. The ideal of a single civilization for everyone implicit in the cult of progress and technique impoverishes and mutilates us. Every view of the world that becomes extinct, every culture that disappears, diminishes a possibility of life!" [4] The word "Indigenous" etymologically refers to the natives, belonging naturally to the soil. As a concept it has been broadly defined as, "Those whose ancestors were the original inhabitants of lands later colonized or settled by others." It is said [by the United Nations] that the indigenous people number approximately 370 million in more than 70 countries around the world (several UN member states claim they do not have indigenous peoples inside their territories—India, China, Russia for example—but the actual total taking into account all states in the world is a number closer to 1.3 Billion). Very interestingly, it is continued that among the characteristics indigenous people share is that their self identified names (e.g., Inuit, Kayapo, Hamong, Maori) generally mean "people" and the names of their lands generally translate as "our land," reflecting the strong, fundamental relationship they maintain with their land. A number of tribes—such as the various Naga and Kol groups, the Garo, the Dophla, the Maler, the Birhor, the Bondo, the Kuiloka, the Maria, the Koracha, the Kadar, the Kurichchian, the Arayan, the Allar Malakkaram, the Malia Kuravans, the Maha Malasar, the Pariekkars, and the Malayalar Kattunayakan in India—have given themselves names that just mean "man" or "human beings."

[4] Paz, O. (1985). The Labyrinth of Solitude. New York: Grove Press.

[5] Pati, Rabindra Nath, Dash, Jagannatha. (2002). Tribal and Indigenous People of India: Problems and Prospects. APH Publishing, pg.3.

Indigenous people consider themselves part of their ecological settings. [5]

Objectives

- To trace the available protection to indigenous people.
- To study the international law on indigenous people.
- To understand the loopholes on laws.
- To observe the society of indigenous people.
- To suggest solutions for current issues.

Hypothesis

Null Hypothesis—The laws relating to indigenous people are not sufficient to protect their interest.

Alternate Hypothesis—The laws relating to indigenous people are sufficient to protect their interest.

Aim of The Study

The aim of this paper is to study the concept of justice for poor and to analyse protections available to indigenous people.

Research Methodology

Only secondary sources have been referenced in this study. The primary sources including interviews with the people were not possible due to financial constraints. Secondary sources include books related to indigenous people and research articles on the Indigenous persons. Ample websites and blogs have also been referred for this study. This paper was completed through descriptive methodology.

Protection of Indigenous People in India

In his published lectures, On the India Lately Discovered (1532), de las Casas surmised that the Indians are not of unsound mind, but have, according to their kind (class), the use of reason. "This is

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clear, because there is a certain method in their affairs, for they have polities which are orderly arranged and they have definite marriage (a particular way of getting married) and magistrates, overlords, laws, and workshops and a system of exchange, all of which call for the use of reason; they also have a kind of religion."[6] De las Casas, having spent several years as a Roman Catholic missionary among the Indians, gave a contemporaneous account of the Spanish Colonization and settlement, vividly describing the enslavement and massacre of Indigenous People in the early sixteenth century in his *History of the Indies*.[7] John Marshall,[8] following Vattel's [9] preference for people who are non-nomadic, described the Indians as

> fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country was to leave the country a wilder men; to govern them as a distinct people was impossible because they were as brave and high-spirited as they were fierce, and were ready to repel by arms every attempt on their independence. [10]

Human rights have always been important in India and included the welfare of all, i.e., vashudhai-va- kutumbakam. They understood the concept of human beings created in the image of God certainly endows men and women with a worth and dignity from which there can logically flow the components of comprehensive human rights jurisprudence.[11]

Indigenous people have inhabited all continents since time immemorial. They have lived on their sacred lands, nurtured their spiritual and cultural values, maintained and cultivated their environment and kept their traditions alive over centuries. For long periods of time they had to face attempts of forced assimilation into societies radically different from their own. They were politically marginalized and suffered from economic, cultural and religious dispossession, a situation that to a large extent persists today.[12] Indigenous cultures not only find expression in their land, but also in their specific knowledge of the use of the land and its resources, in their medicinal and spiritual knowledge and in traditional art, beliefs and values as they have been passed on from generation to generation. Knowledge and traditional resources are central to the maintenance of identity for indigenous peoples and cannot clearly be distinguished from one another.[13] A dichotomy between land/environment, religion/spirituality and indigenous ancestry, therefore, runs counter to an essential pillar of indigenous culture and indigenous identity. This explains the great

[6] Published in de Victoria, Francisco. (1917). "De indis et de ivre belli relectioner". Classics of International Law Series. (translations by J.Bate based on Iaquer Boyer ed., 1557; Alonso Munoz ed., 1565 & Johann G.Simon ed., 1696)

[7] de las Casas, Bartolome. (1971). History of the Indies: Selections (Andree Collard, ed. and trans.).

[8] Fourth Chief Justice of United States of America from 1801-1835.

[9] An international lawyer- he is famous for his works – The Law of Nations.

[10] Anaya, S. James. (2004). Indigenous Peoples in International Law. Oxford University Press, 2nd edition, pg.23..

[11] Mishra, Prakash. (2012). Human Rights in India. Cyber Tech Publication, pg.6, para.2..

[12] Von Lewinski, Silke. (2008). Indigenous Heritage and Intellectual Property- General Resources, Traditional Knowledge & Folklane. Klumer Law International, 2nd Edition, pg.7.

[13] Daes, Erica-Irene A. (1993). Study on the Protection of the Cultural and Intellectual Property of Indigenous Peoples. E/CN.4/Sub.2/1993/28, para.24.

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importance indigenous peoples attach to the issue of land rights. It also explains the call for rights in natural resources and in the knowledge of them.[14] Since time immemorial, forest has been playing a central role in the life and culture of the Indian tribes. Forests and tribal peoples have been observed to be inseparable from each other. Forest had contributed significantly and specifically to the techno-economic conditions of the tribes. In India's context, forests have not only been considered to be closely associated with the tribal cultures in a general sense, but they also treated as cherished home of the tribes. Systematic evidence on the patterns of health deprivation among indigenous peoples remains scant in developing countries. The Republic of India Constitution at Article 342 defines a tribe as "an endogamous group with an ethnic identity, who have retained their traditional cultural identity; they have a distinct language or dialect of their own; they are economically backward and live in seclusion governed by their own social norms and largely having a self-contained economy." The historical writings and scientific research today argue that before European invasion most of the indigenous groups were able to control diseases and enjoyed higher levels of mental and physical health (Colomeda and Wenzel 2002), which is revealed by the following statement:

"Skeletal remains of unquestionable pre-Columbian date ... are, barring a few exceptions, remarkably free from disease. Whole important scourges [affecting Europeans during the colonial period] were wholly unknown... There was no plague, cholera, typhus, smallpox or measles. Cancer was rare, and even fractures were infrequent ... There were, apparently, no nevi [skin tumours]. There were no troubles with the feet, such as fallen arches. And judging from later acquired knowledge, there was a much greater scarcity than in the white population of ... most mental disorders, and of other serious conditions.[15]

Indigenous and ethnic peoples throughout the world have learnt to live in most hostile environmental condition in this universe.[16] The most interesting feature associated with these indigenous and ethnic groups has been that they are located in areas that are biologically diverse. India is a country with a large and varied ethnic society and has immense wealth due to its rich biodiversity. There are 45,000 species of wild plants, out of which 9,500 species are ethno-botanically important species. Of these 7,500 species are in medicinal use of indigenous health practices. The ethnic and indigenous people have to depend upon several wild species for fruits, seeds, bulbs, roots and tubers which are edible. The ethnic community of India has played a vital role in preserving biodiversity of several virgin forests and have conserved several flora and fauna in sacred tribal groves, otherwise these flora and fauna might have disappeared from natural ecosystems. A. marmelos is one of such trees which has been conserved since ages, under acts such as

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[14] Davis, Michael. (2001)."Law, Anthropology, and the Recognition of Indigenous Cultural Systems." Law & Anthropology, 11, 298-320, (299).

[15] Report of the Royal Commission on Aboriginal Peoples, (1996),111, cited in Manual (1999).

[16] Rai, Rajiv, Vijendra Nath. (2000). The Role of Ethnic and Indigenous People of India and Their Culture in the Conservation of Biodiversity. http://www.fao.org/docrep/article/wfc/xii/0186-a1.html.

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Indian Constitution Article 46 (to promote the educational and economic interest and to protect them from social injustice and exploitation); and under Article 48A (to protect and safeguard the environment, the forests and wildlife of the country). Thus, in 1982 the Committee on the Forest and Tribals of India has strongly recommended "The symbiosis between the tribal community and the forest management should be established through imaginative forestry programmes and conservation and reorganization of traditional skills of tribals". The health and wealth disparities between indigenous and non-indigenous populations are widespread.[17] The Indian government identifies communities as scheduled tribes based on a community's "primitive traits, distinctive culture, shyness with the public at large, geographical isolation and social and economic backwardness"[18] with substantial variations in each of these dimensions with respect to different scheduled tribe communities.[19] While "scheduled tribes" is an administrative term adopted by the Government of India, the term "Adivasis" (meaning "original inhabitants" in Sanskrit) is often used to describe the different communities that belong to scheduled tribes. The Adivasis are thought to be the earliest settlers in, and the original inhabitants of, the Indian peninsula, with their presence dating back to before the Aryan colonization.[20] The sub-

optimal health status of indigenous peoples and the health inequalities between indigenous and non-indigenous populations reflect a fundamental failure to ensure the freedom of indigenous peoples to fully realize their human, social, economic, and political potential. The traditional rights, concessions and privileges of tribals in respect of forest produce, grazing and hunting should not be abridged. Further, they should be appropriately incorporated in the record of rights. National parks, sanctuaries, biospheres, etc. should not be located close to the tribal villages. Persons displaced on account of their creation should be properly rehabilitated. The Bastar forestry project was based on years of planning by international forestry experts and was implemented in 1975 by the World Bank and the Indian government. The project sought to industrialize a backward region of Madhya Pradesh and to deal with the problem of national balance of payments. Little scientific attention was paid to the views or conditions of the 1.8 million forest dwellers of Bastar. Their role, however, was probably decisive in the project's termination in 1981. In addition to unresolved technical issues (pine plantation growth rates, land use, pulp and paper mill organization, public and private investment), the eventual hostility of tribal people reverberated to the top of the political system. Distressed by outside political interference (including the killing of their king), and under the influence of a messianic prophet during the evolution of the forestry project, the people reasserted a long history of resistance to commercial penetration of their forest.[21]

[17] Stephens, C., Nettleton, C., Porter, J, Willis, R., Clark S. (2005), "Indigenous peoples' health—Why are they behind everyone, everywhere?", Lancet 366: 10–13.

[18] India Ministry of Tribal Affairs. (2004), The national tribal policy (draft). New Delhi: India Ministry of Tribal Affairs. Available at http://tribal.nic.in/finalContent.pdf.

[19] Basu, S. (2000), "Dimensions of tribal health in India". Health Popul Perspect Issues 23: 61–70.

[20] Thapar, R.A. (1990), A History of India. New Delhi: Penguin. 384 p.

[21] Anderson, R. S., Huber, W. (1998). The hour of the fox: Tropical forests, the World Bank, and indigenous people in central India. pp.173. Seattle: University of Washington Press.

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Protection of Indigenous People under International Law

The term indigenous, or similar terms such as native or aboriginal, within international institutions and international law just as in the domestic legal regimes of many countries, has long been used to refer to a particular subset of humanity that represents a certain common set of experiences rooted in historical subjugation by colonization, or something like colonialism.[22] Citizens have rights under International law against their own State with respect to its violations that have only internal effects.[23] For many kinds of violations—police brutality, press censorship, bribed or coerced judges—only the population of the delinquent state is likely to feel the effects. Other states are unlikely to protest, let alone take weightier measures to end the violations, even though the violator may have broken it, obligations erga omnes, vis-à-vis all other states or at least those within a given treaty regime.[24] More recently, international law has penetrated the once exclusive zone of domestic affairs to regulate the relationships between governments and their own citizens, particularly through the growing bodies of human rights law and international criminal law.[25] In 1956,

Phillip Jessup made a hegemonic move, claiming for international lawyer not only the classic domain of international law, but also "all law which regulates actions or events that transcend national frontiers", which he dubbed "transnational law" (Phillip Jessup , Transnational Law 2, 1956).[26] As Blackstone wrote in 1765:

> The law of Nations is a system of rules, deducible by natural reason, and established by universal consent among the civilized inhabitants of the world; in order to decide all disputes, to regulate all ceremonies and civilities, and to ensure the observance of Justice and good faith, in that intercourse which must frequently occur between two or more independent states, and the individuals belonging to each.[27]

International Human Rights law point to the direct application of international law to individuals and in some instances even gives individuals direct access to international legal machinery. More than anything, these developments demonstrate that individuals, regardless of strict positivist doctrine, are now to be properly considered subjects not only of private, but also of public international law.[28] The traditional positivist doctrine was restated as late as 1955 in Lauterpacht's revision of Oppenheim's classic international law treatise: Since the law of nations is primarily a law between states, states are,

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[21] Anderson, R. S., Huber, W. (1998). The hour of the fox: Tropical forests, the World Bank, and indigenous people in central India. pp.173. Seattle: University of Washington Press.

[22] See Working Paper by the chairperson-Rapporteur, Mrs. Erica-Irene A.Daer, on the concept of "indigenous people", U.N. Doc.E/CN.4/Sub.2/AC.4/1996/2 (1996) (Surveying Historical and Contemporary Practice).

[23] Evans, Malcolm D. (2010). International Law. Oxford University Press, 3rd edition, pg. 800.

[24] Barcelona Traction, Light and Power Company, Limited, Second Phase, Judgment, ICJ Reports 1970, p. 3, paras 33-34.

[25] See Slaughter, Anne-Marie and William Burke-White. (2002). "An International Constitutional Moment". 43 Harv. INT'L. J. 1

[26] Ku, Charlotte and Paul F.Diehl. (editors). (2010). International Law Classic and Contemporary Readings. Lynne USA: Rienner Publishers Inc, 3rd edition.

[27] Blackstone, W. (1765-1769). 4 Commentaries on the Laws of England 66 (1sted.)

[28] Diaz-Gonzalez, L. (1985). Second Report on Relations Between States and International Organizations (Second Part of the Topic). U.N.Doc. A/CN.4/391.

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to that extent, the only subjects of the law of na-tions.... But what is the normal position of individu-als in international law, if they are not regularly subjects there of? The answer can only be that, generally speaking, they are objects of the law of nations.[29] Human rights and fundamental freedoms have all along been the basic norms of democracy and democratic values. Though modern constitu-tions, without exceptions, ensure to citizens equality and equal protection besides right to life, liberty and property, they are yet to go a long way in accommo-dating the rights and interests of resident aliens.[30] Human rights are natural rights, which every human is entitled to possess being a human being. Though a very ancient concept, the present day nomenclature appeared only during the last century, when violation of natural fundamental rights escalated. Currently in the era of globalization, Human rights are much debated and have become of prime importance.[31] European conquest and settlement raised early questions regarding the legality and morality of European claims to the newly discovered territory. According to Francisco de Vitoria, a Spanish scholar of theology at the University of Salamanca during the first half of the sixteenth century, Indians shared in all attributes of rational human beings with natural rights and legal principles, which were to be recognized. Despite these attempts to acknowledge rights of indigenous peoples, it was not until the mid-twentieth century that international law recognized the issues of

indigenous peoples.[32] While the conquest of Mexico and South American territories by the Spaniards and the Portuguese led to indigenous people being forced to pay tribute to the crown, the British colonial power relied less on the mere exercise of force than on negotiation and persuasion.[33] The tendency clearly is towards recognition of indige-nous groups as peoples without recognizing a right to external self-determination. While a right to internal self-determination finds more and more acceptance among states, the extent of such a right is contentious, as it has not only political but also economic aspects. The economic side of the right to self-determination is derived from the parallel Article 1(2) of the ICCPR and the ICESCR.[34] Al-though human rights treaties do not require that state action have a systematic character before it can constitute a violation, in practice other than states and international organs are likely to take notice only when such is the case. But the violation and injury are rarely idiosyncratic, disconnected from a larger political system or prevailing common prac-tices. They tend to fall within a practice or pattern—perhaps widespread torture or abuse of prisoners, electoral fraud, and repression of religious worship, gender discrimination, or disappearance of political dissenters. Human Rights norms may then threaten a State's political structure and ideology, for often government practices and policies that amount to systemic violation of human rights will appear essential to maintaining authorization rule. To the

[29] Oppenheim, L. (1955). 1 International Law 636, 639 (8th ed. Lauterpacht).

[30] Chandra, Satish. (2009). Law of Global Village- A Few Aspects. Deep & Deep Publications Pvt. Ltd, pg. 13.

[31] Mishra, Prakash. (2012). Human Rights in India. Cyber Tech Publication, pg.6, para.2..

[32] Anaya, S. James. (2004). Indigenous Peoples in International Law. Oxford University Press, 2nd edition, pg.23.

[33] Grote, Rainer. (1999)."The Status and Rights of Indigenous Peo-ples in Latin America", Heidelberg J. Int' l L., 59 : 497-528.

[34] Nowak, Manfred CCPR Commentary (Kehl, 1993), Art. 1, para. 39.

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extent in which they are successful, pressure by other states or international organs to terminate the violations may therefore have deep and widespread structural effects within the delinquent state, far more so than would international responses to a state's violation of trade, commercial, or environmental treaties, or rules of the law of the sea. Commonplace illustrations of systemic violations whose termination would shake the viability of authoritarian regimes and increase the chances for fundamental change include denial of the right to associate and suppression of an independent press. Acute conflict may result between the state's 'Supreme law' and international norms, between a traditional conception of state sovereignty and international human rights. Currently, there are two international instruments exclusively related to the tribal and analogous peoples: the International Labor Organization (ILO) Convention 107 of 1957 concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries; and the ILO Convention 169 of 1989 concerning indigenous and tribal peoples in independent countries. Another international instrument, namely, the Universal Declaration of the Rights of Indigenous Peoples, was approved by the UN General Assembly in 2007 and affirmed for implementation with an Outcome Document by the UN General Assembly in 2014. While the first Convention considers the tribal and indigenous population as representing a socially and economically less developed stage than that of the general population of the country in a unilinear schema of human evolution, the later convention emphasizes viability and distinctiveness of tribal and indigenous social entities. The Human Rights Committee has continued to favour an interpretation of Article 27 of

the International Covenant on Civil and Political Rights ('ICCPR')[35] that includes strong indigenous land rights. [36] In addition, the Committee on the Elimination of Racial Discrimination ('CERD') has intensified its monitoring of indigenous issues. Following its 1997 General Recommendation 23 on indigenous peoples,[37] CERD, through its monitoring process and interpretation of human rights standards, has positively contributed to indigenous rights, often promoting the collective element in indigenous rights. In the Saramaka Case, the Court concluded that: the natural resources found on and within indigenous and tribal people's territories that are protected under Article 21 are those natural resources traditionally used and necessary for the very survival, development and continuation of such people's way of life.[38] The United Nation had proclaimed 1993 the "International Year for the World's Indigenous People". In view of the development of the so-called indigenous peoples, declaration of the "Indigenous People Year (1993)" is definitely a laudable step, but not enough. It is quite appreciable that many World and National (India) Councils have been organized to set up the rights of such people. The ILO has also taken timely steps to define their state and rights in its conventions. European settlers invoked the concept of terra nullius for

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[35] International Covenant on Civil and Political Rights, opened for signature on December 16, 1966, 999 UNTS 171 (entered into force March 23, 1976).

[36] Äärelä and Näkkäläjärvi v Finland, HRC, Communication No 779/1997, UN Doc CCPR/C/73/D/779/1997 (October 24, 2001)

[37] CERD, Report of the Committee on the Elimination of Racial Discrimination, UN GAOR, 52nd sess, Annex V, UN Doc A/52/18/ (SUPP) (September 26, 1997) (General Recommendation No 23: Indigenous Peoples)

[38] Saramaka People v Suriname [2007] Inter-Am Court HR (ser C) No 172 [122].

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asserting their rights over the territories in respect of which they did not enter into any treaty with the indigenous political authorities. In May 1982 the Economic and Social Council (ECOSOC) of the UN authorized the Human Rights Commission for the establishment of an annually Working Group on Indigenous Populations to review the developments, promotion and protection of human rights and fundamental freedoms of indigenous populations and to give special attention to the evolution of standards concerning the rights of indigenous populations. No discussion of indigenous people's rights under international law is complete without a discussion of self-determination, a principle of the highest order within the contemporary international system. Indigenous peoples have repeatedly articulated their demands in terms of self-determination, and, in turn, self-determination precepts have fueled the international movement in favor of those demands. Affirmed in the United Nations Charter [39] and other major international legal instruments, self-determination is widely acknowledged to be a principle of customary international law and even jus cogens, a peremptory norm. The regulated relationships are principally between the duty-bearing State and rights bearing non-state actors—that is, individual or institutional actors that are neither part of government, nor so closely associated with the State as to have their actions attributed to it. With few exceptions, States alone are charged with the duties imposed by international law, principally the duty to respect the declared rights. Failure to fulfill these duties constitutes a violation of international law. As human rights treaties were negotiated at different times over several decades, they changed

in both substance and strategy. The overlay political obstacles to change were evident enough from the start. Compliance can be said to occur when the actual behavior of given subject conforms to prescribed behavior, and non-compliance or violation occur when actual behavior departs significantly from prescribed behavior. For experts on human rights, it is clear that the protection of individuals from violation of human rights and humanitarian law requires appropriate mechanisms to enforce the law. For decades, international law lacked sufficient mechanisms to hold individuals accountable for the most serious international crimes. The problem is that it is precisely when the most serious crimes were committed that UN Member State courts were least willing or able to act because of widespread or systematic violence or because of involvement of agents of the State in the commission of crimes.

When state courts fail to act as enforces of international laws, cooperation from states is required at all stages of proceedings, such as by executing arrest warrant, providing evidence, and enforcing sentences of the convicted. Co-operation is absolutely crucial. But State courts will never be able to end impunity alone. Its success will depend upon the support and commitment of states, international organizations and civil society. The court is complementary, as we note, to national jurisdictions and states will continue to have the primary responsibility to investigate and prosecute crimes. The State courts being only a court of last resort. There will be situations where national systems do not work properly or are unable to work. Because the court's jurisdiction is limited to territories of states parties, continued ratification of the statute is essential to the court having a truly global reach. We have to follow much more intensive as well as extensive

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[39] U.N. Charter art. 1, para.2.

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steps at this end. An opportunity to call attention to their ways of life and discrimination and disadvantages they face should be given. Enormous charges have overtaken these people, with economic developments such as mining, the construction of dams and extensive logging, destroying the foundation of many of their cultures, displacing and impoverishing them. Often, indigenous people have not been parties of the decisions affecting their societies. We need to help them address their needs, promote an understanding of their cultures and incorporate indigenous communities into the decision-making process. Socioeconomic status differentials substantially account for the health inequalities between indigenous and non-indigenous groups in India. However, a strong socioeconomic gradient in health is also evident within indigenous populations, reiterating the overall importance of socioeconomic status for reducing population-level health disparities, regardless of indigeneity.

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The Crisis of Cultural Intelligence, The Anthropology of Civil-Military Operations

By David Hyndman and Scott Flower

By Rudolph C. Rÿser

What does it mean when the investigator into the most intimate details of cultural life for a community uses the data and findings to guide states' government strategic and military operations? David Hyndman and Scot Flower's book The Crisis of Cultural Intelligence gives a clear and unambiguous picture of what is meant when social scientists are not restrained by ethical commitments, but use their knowledge and skills to expose the weaknesses and character of cultures for so they can be exploited.

Hyndman traces the path of understanding "culture and the cultural environment of conflict zones through anthropology" using what he refers to as the "exclusive club based on military culture, common language, and common history"—the alliance between America, Britain, Canada Australia and New Zealand (ABCA). Anthropology, Hyndman suggests became essential to the conduct of warfare for these "Anglo-Saxon" states as they pursue complex insurgency and counter insurgency

wars in a world of transnational, asymmetrical and non-state actor forces. Counter insurgency against asymmetrical forces such as militias, tribal warrior groups requires tactical methods to target suspected insurgents for abduction or assassination in the war environment. Conventional counter insurgency techniques frequently faltered forcing consideration of a different approach. Generals leading ABCA forces in Iraq, Afghanistan and other theatres such as Vietnam, Guatemala, Niger, and Somalia considered anthropology to be the discipline "invented to support war fighting in the tribal zone" as Hyndman quotes Montgomery McFate, seated as the Minerva Chair at the US Naval War College in the United States of America.

Seeing the common "settler colonial" history of the ABCA as a feature drawing these states together in their joint diplomatic concerns, Hyndman calls attention to the common commitments and shared views on strategic military initiatives as well. Recalling Franz Boas' 1919 The Nation article "Scien-

tists as Spies" Hyndman notes that Boas offered an ethical critique of social scientists working in World War I as government agents. He goes on to point out that half of the "anthropologists in the 1930s and 1940s worked with the Applied Anthropology Unit at the Bureau of Indian Affairs and the Community Analyst Program under the War Relocation Authority." A similar practice occurred in Australia, Canada, Britain and New Zealand. Each of these states having a similar "settler colonial" experience viewed the commitment of indigenous nations to collective ownership an obstacle to assimilation claiming as Hyndman quotes Wolfe as writing that these nations "were the original communist menace."

"Anthropologists as Spies" dedicated to advancing the strategic interests of the ABCA countries is a remarkable admission by Franz Boas that got him into trouble with his academic brethren in Cambridge and the American Anthropological Association. Similarly, Hyndman's exposition has the potential of drawing criticism from academic as well as government institutions interested in maintaining cover for the social scientist now acting as sources for "cultural intelligence" useful for strategic and counter intelligence activities. The use of anthropologists in clandestine activities in America's wars grew in importance from World War II through the Korean, Vietnam, Somalia, Afghanistan, Libya, Syria and Iraqi wars since indigenous peoples' combatants were and are present in all of these theaters.

Meanwhile The Crisis of Cultural Intelligence becomes a primer on the struggle within the social science and especially the social anthropology community over ethical questions of the profession contributing to the strategic problems for Fourth World peoples. Hyndman's detailed discussion of personalities and ethical contests within the Amer-

ican Anthropological Association reveals how many professional anthropologists became vigorous opponents to the American (Australian, Canadian, New Zealand) war in Vietnam resulting in a split between those anthropologists who directly engaged in "cultural intelligence" for the American Central Intelligence Agency (CIA) and other security agencies, and those who specifically rejected such participation. Hyndman's discussion of the political splits especially in the United States may well reflect Hyndman's dilemma as a professional anthropologist and scholar. When Fourth World nations began to arm themselves (Karen in Burma, Mayans in Guatemala, African nations in South Africa, Papuans in Indonesia, Naga in India, Uyghurs in China to name a few), states turned more vigorously to anthropologists for "cultural intelligence" but instead of an overwhelming wiliness to aid and assist the strategic interests of the ABCA states, there was often vigorous opposition. As Hyndman tells the story, the American Anthropological Association that once criticized the suggestion that Anthropologists could be acting as spies in indigenous communities now had developed an ethical code to which it wanted to bind its members. When some members acted to join in intelligence gathering as professional anthropologists especially during and after the war in Vietnam, the American Anthropological Association became the public forum on state policies and violations of the new ethical codes that essential argued—do no harm—as the medical associations stated in their ethical codes.

The Crisis of Cultural Intelligence takes the reader into the history of the American Indian Movement in the United States that was echoed in its persistent demand for indigenous rights as occurred in Australia, New Zealand and Canada. Chief

George Manuel's political influence and leadership in the World Council of Indigenous Peoples and new anthropological publications by Richard Lee and Susan Jurlich, Robert Carmack, David Hyndman himself, John H. Bodley and the works of Bernard Q. Nietschmann dramatically influenced a redirection of anthropological inquiries into the conflicts between states' governments and Fourth World nations. The literature as well as the rapidly emerging political analysis from Chief George Manuel, Russell Means, Joe DeLaCruz, Mel Tonasket, Ramona Bennett, and other leadership from indigenous communities began to change the anthropological landscape. Rapidly unfolding conflicts around the world involving indigenous nations defending against development projects, state military insurgencies, and genocidal attacks destabilized many states. These events were supplemented by the rapid-fire development in the 1980s and 1990s of new international instruments intended to register the fundamental rights of indigenous peoples as matters of international concern. Hyndman examines the significance of these new conflicts as well as the new international declarations and conventions that presumed to protect indigenous peoples' rights. While discussing all of this Hyndman carries through the theme of his book the role of anthropology in the changing social, political and strategic environment between the ABCA and indigenous peoples.

The Crisis of Cultural Intelligence ends with an open-ended coda where the ABCA continue to work in concert dealing with counter insurgency strategies and continuing to reach out to social scientists, but the controversy rages on within the profession: When Fourth World nations are enticed to trust a social anthropologist, can they know that the knowledge thus obtained will be used for the benefit or disadvantage of the people from whom cultural information has been received?

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Rudolph Ryser has worked in the field of Indian Affairs for more than thirty-five years as a writer, researcher and Indian rights advocate. Rudolph has taught widely on historical trauma, cultural models of addictions recovery, diabetes and culture, foods and medicine. He is the leading architect of the discipline of Fourth World Geopolitics--the study and practice of the social, economic, political and strategic relations between Fourth World nations and between Fourth World nations and States. He has developed and conducted tribal and intertribal workshops and seminars on health, community organization, self-government, law enforcement, and natural resource management. He has led these programs in the United States, Canada, Australia, Mexico and in Peru in Indian and other indigenous communities. Ryser served as Acting Executive Director of the National Congress of American Indians, and as former staff member of the American Indian Policy Review Commission. He holds a doctorate in international relations and he is the author of Indigenous Nations and Modern States, published by Rutledge in 2012.