

FOREWORD

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There are an estimated 300 million indigenous peoples living in approximately 70 countries in the world, mainly in developing countries. They have diverse cultures, traditions, and languages, and are among the poorest and most disadvantaged, living as they often do in remote, isolated areas. They are also often marginalized from socioeconomic and political processes that affect their well-being and their lives, and seldom have rights over their lands and their resources.

However, this is gradually changing, and new developments challenge the existing status quo of marginalization and isolation. Increasingly, indigenous peoples are making themselves heard, and exploring new avenues to ensure their participation and involvement in national and international development initiatives. This has resulted in a gradual shift in perception with growing recognition of indigenous peoples and their rights to their culture, customs, and traditions. They, too, demand the right to have their voices heard, and their opinions and value systems taken into account.

With this as an integral principle to its work, the Saami Council has sought, through this project, to initiate a process of analysis and examination of different indigenous cultures and traditions. This has been done within the rights framework, focusing on law and policy, as a means of drawing greater clarity and focus to the issue of cultural preservation and ethnic diversity.

Directly or indirectly, indigenous peoples have been influenced by the pervasive influences of the market economy, and have had to respond to such challenges. They have created their own approaches, trying to ensure a balance between pragmatism and cultural protection. There has been little documentation or research done on this issue in a methodical and comprehensive manner, and seldom have the peoples themselves taken a lead role in the process. This project, *Culture, Customs, and Traditions of Indigenous People* seeks to contribute toward addressing this gap. It has been undertaken with the financial assistance of the European Commission and the Swedish International Development Cooperation Agency (SIDCA).

The project seeks to facilitate a better understanding of the historical and cultural context of indigenous peoples, and to help us look beyond our own borders and listen to the voices of the marginalized and dispossessed. It aims to provide an insight into the cultures, customs, and traditions of indigenous peoples in different parts of the world as a source of inspiration and respect for cultural diversity.

Defending Diversity is within the framework of indigenous customary law, with an indigenous orientation and perspective. The focus of the project has been to compare the experience and traditional knowledge of indigenous peoples in protecting their cultures, customs, and traditions. It is in the form of analytical and descriptive case studies, which highlight the lessons learned from the experiences of the indigenous peoples in the process, complemented by a video that provides a visual testimony to the struggles of indigenous peoples to maintain their culture, customs, and traditions.

The case studies from selected areas are within the conceptual framework of cultural preservation and customary law. They include: the Maasai in Kenya and Tanzania; the Jumma peoples of the Chittagong Hill Tracts, Bangladesh; the indigenous peoples in the Philippines; the Saami in Finland, Norway, Russia, and Sweden; and the Maya in Guatemala. There is also an introductory chapter that provides an overview of the studies. The different sections include analyses on the collective aspects of issues crucial to indigenous rights such as self-determination, land, the environment, culture, and intellectual property. Gender is also addressed as a cross-cutting issue. A common element in the studies is to examine the linkages and divergences between indigenous rights and national and international law. The contributors are all lawyers, with many years of experience in defending and advocating the rights of their peoples both at home and abroad, and are thus, knowledgeable about the practical and legal implications of the issue.

Defending Diversity hopes to place indigenous cultures and traditions firmly on the developmental agenda, from a legal perspective. By examining their ways of life, their cultures and traditions, their customs and laws, and their strategies for survival, the studies will draw lessons from past experiences as a way of identifying practical approaches to cultural survival. The orientation has been to highlight the positive contribution indigenous peoples have made, and continue to make, to law and democracy within the context of cultural preservation and customary law.

The objective of the comparative study is to focus attention on the importance and prevailing nature of culture, customs, and traditions in any society, from an indigenous perspective and with indigenous peoples as both subjects and objects. The studies have been implemented on the fundamental basis that indigenous peoples have the right to have their voices heard and have the right to be engaged in seeking their own solutions based on their needs and priorities in the process of socio-economic development.

This project seeks to facilitate the creation of a platform for discussion and active involvement of indigenous peoples in devising development strategies and plans for action. It is specifically designed to advance this aim and to stimulate constructive measures at the international level that strengthen the conceptual framework for legal approaches to this key question. It is also hoped that *Defending Diversity* will serve as a building block in strengthening the capacity of indigenous peoples to be more proactive in their development, and in developing exchanges and cooperation between and among different indigenous communities and peoples – an area that needs to be explored and developed further.

I hope that this project will serve as an impetus to the international community, the European Commission, SIDCA, development agencies, the Saami Council, and to each and every one of us in exploring new approaches to ensure that indigenous culture, customs, and traditions continue to flourish for generations to come.