

INDIGENOUS PEOPLE AS VICTIMS OF GLOBALIZATION: HOW REAL IS ETHICAL GLOBALIZATION?

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ABSTRACT

The complex processes of globalization have had far reaching effects on nearly every person on the planet. While the changes in communication, trade, political regimes and culture have been beneficial to many, globalization's impact on indigenous peoples has often contrasted greatly with the experience of the majority of the western world. In fact our times are defined by globalization with its inexorable logic and irresistible momentum threatening integrity of cultures and sovereignty of states. While global Human Rights standards and institutions have been put in place, assaults on human dignity continue. Globalization is central to our attempts at describing our contemporary world. And there is no denying that globalization has led to the marginalization of a large number of already vulnerable sections of society and indigenous people are arguably among the most disadvantaged and vulnerable groups of the world today. Traditionally and historically, the debate on 'development' has ignored local or indigenous perspectives usually dubbing them as 'traditional', 'obsolete' and 'outdated.' In the name of modernizing backward countries and regions and civilizing the 'less civilized' indigenous people in these areas, the current form of liberalization, privatization and globalization is creating wealth for the modernizing elites at the cost of the livelihood and security of the indigenous people in these areas. New challenges emerge requiring new ways to remedy the costs of globalization.

INTRODUCTION : IDENTIFYING INDIGENOUS PEOPLE

There are approximately 370 million indigenous people spanning 70 countries, worldwide according to the United Nations (U.N.) Permanent Forum on Indigenous Issues. Under international law, there is no official definition of *Indigenous*, although the United Nations generally identifies Indigenous groups as autonomous and self-sustaining societies that have faced discrimination, marginalization and

assimilation of their cultures and peoples due to the arrival of a larger or more dominant settler population. The word Indigenous was adopted by Aboriginal leaders in the 1970s after the emergence of Indigenous rights movements around the world as a way to identify and unite their communities and represent them in political arenas such as the United Nations. *Indigenous* was chosen over other terms that leaders felt reflected particular histories and power dynamics, or had been imposed by the colonizers. Given the diversity of Indigenous

experience, no universally accepted definition has been drafted.

Nonetheless, in the 1980s, the United Nations Special Rapporteur on Discrimination against Indigenous Populations, José Martínez Cobo, developed a working definition for use with the Working Group of Indigenous Populations: Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.¹

Thus, there does not seem to be one definitive definition of indigenous people, but generally indigenous people are those that have historically belonged to a particular region or country, before its colonization or transformation into a nation state, and may have different—often unique—cultural, linguistic, traditional, and other characteristics to those of the dominant culture of that region or state. Historically they have often been dispossessed of their lands, or in the center of conflict for access to valuable resources because of where they live, or, in yet other cases, struggling to live the way they would like. Losing access to their lands and territories makes indigenous peoples feel deprived of their material and spiritual sustenance. Traditional livelihoods are discontinued, traditional knowledge lost, rituals linked to the land or ancestral spirits can no longer take place,² and social disintegration is often a result.³ Indeed, indigenous people are often amongst the most disadvantaged people in the world. Many populations have been ravaged by new diseases, by changes in their habitat, by forced displacement from their land, by civil wars, and by the need to adapt to drastically different habits and lifestyles. Even the increased attention of

NGOs to the plight of indigenous peoples can backfire when the agendas of large, powerful international organizations clash and often overwhelm smaller and weaker local groups. As the United Nations Permanent Forum on Indigenous Issues (UNFPII)⁴ formed in 2000 notes, Indigenous peoples around the world have sought recognition of their identities, their ways of life and their right to traditional lands, territories and natural resources; yet throughout history, their rights have been violated. Indigenous peoples are arguably among the most disadvantaged and vulnerable groups of people in the world today. Traditionally and historically, the debate on 'development' has ignored local or indigenous perspectives usually dubbed as 'backward', 'traditional', and 'out-dated.' The international community now recognizes that special measures are required to protect the rights of the world's indigenous peoples.

GLOBALIZATION VIS-À-VIS INDIGENOUS PEOPLE

Globalization is really a painting of the earth whose rendering can never be truly fixed. Yet, it is emblematic of the social dimensions of human interactions. Globalization has particular urgency for the world's Indigenous Peoples. Many Indigenous systems of collective economic production and distribution do not conform to capitalism's cultural emphasis on individual accumulation. This manuscript explores the challenges to Indigenous societies from economic hegemonic regimes, bio prospecting, nature conservation, and extended continuing and derivative impacts. Crucially, Indigenous Peoples do not passively accede to domination by global market forces. Resistance, negotiation, and consultation are common features of Indigenous communities' interactions with transnational corporations and international economic policy bodies, but the definition and content of these terms play out very differently for distinct societies. Indigenous peoples today stand at the crossroads of globalization. In many ways, indigenous peoples challenge the fundamental

assumptions of globalization. They do not accept the assumption that humanity will benefit from the construction of a world culture of consumerism. Indigenous peoples are acutely aware, from their own tragic experience over the past 500 years, that consumer societies grow and prosper at the expense of other peoples and the environment. Growth has been at the expense of many important and highly diverse ecosystems, and the Indigenous peoples who live within them. Even national parks, biosphere reserves, and the lands set aside for Indigenous peoples have been opened to mining and logging-in particular in Latin America and Asia. Large scale development projects such as hydroelectric dams, transmigration programs, and the so called "Green Revolution" have not just displaced millions of people, leveled rainforests, emptied rivers and exterminated more of the world's biological diversity. These projects also set ethnic and social conflicts into motion that may haunt us for generations yet to come.

More than 5,000 distinct indigenous societies continue to exist today; most are eager to retain their ancestral lands, sovereignty, governance systems and economic, cultural and spiritual practices.

Though some indigenous societies have been impacted for centuries by the global reach of colonizing societies, all now face an ever more aggressive effort by global corporations and bureaucracies seeking access to the resources and lands that native peoples have protected for millennia, and on which they depend. Notable among the impacts are incursions by global corporations to exploit forests, minerals, oil, fish and wildlife, thus affecting the viability of native traditional livelihoods; development of giant infrastructures like pipelines, dams, waterways, ports, roads bringing environmental damage to native lands; forced displacement of native populations to make way for industrial agriculture, or for transmigration and settlement of new populations; military interdictions; culturally devastating tourism; and bio prospecting by genetic scientists.

Most such projects have been encouraged or financed by institutions like the World Bank, WTO, or development banks and export credit agencies. All seek to separate indigenous peoples from control over their lands and resources, to feed the appetites of global trade and development interests. Efforts by hundreds of indigenous groups to defend themselves against these incursions have been paid little attention by the mass media, NGOs, and most importantly, governments and agencies mandated to protect peoples and resources.

THE RAVAGES OF GLOBALIZATION- THE INTELLECTUAL PROPERTY AND CULTURES OF INDIGENOUS PEOPLES

The globalization of trade and communications presents opportunities as well as challenges for Indigenous peoples - as indeed it does for all of us. Thus, globalization is creating two potentially opposing forces: the global marketing of goods and the global marketing of ideas. Indigenous peoples are rich in ideas and stories; it has always been their principal form of capital.

Globalization presents us with a profound contradiction, however. It is creating a global market for dissemination of fresh ideas and new voices, while making it easier for one voice to drown out all the others. It is providing each of us with finger-tip access to the whole range of human cultural diversity while, at the same time, it is dissolving all cultures into a single supermarket with standard brands. It is making it possible for even the smallest society to earn a livelihood by selling its ideas, rather than selling its lands or forests. But it is also threatening the confidentiality of Indigenous peoples' most private and sacred knowledge. For Indigenous peoples, the major problem of the future will not be gaining access to the internet, but keeping their most private and sacred knowledge out of the internet. Globalization of communication has made it far easier than ever for Indigenous peoples' sacred and special knowledge to be

appropriated illicitly. At the touch of a finger, volumes of confidential material can be placed irreversibly in the global public domain - the global commons - where it can then be transformed and commercially exploited by others. In countries such as India, Brazil, Thailand, and Malaysia, multinational companies have been accused of participating in "biopiracy" whereby biological resources used by communities openly for generations (decades, centuries, or even millennia in some cases) have been patented away, leaving the local people unable to use their own local plants and other resources

The promotion by the World Bank of the idea of a global database of Indigenous knowledge, and of its decision to develop an African regional prototype is contentious. Having financed some state projects that seized or destroyed Indigenous people's lands, the World Bank will now use the funds to put Indigenous peoples' knowledge into the public domain. If an element of knowledge is sacred or confidential, how can disclosing it worldwide protect it? The proponents of a knowledge database evidently believe that it will put corporations on notice of prior art and priorities - and thereby deter corporations from seeking patents. But this is entirely wrong-headed. Indigenous peoples would have standing to bring prior art challenges whether or not they previously disclosed the contents of their knowledge. Nor would a global database overcome the most important obstacle that Indigenous peoples currently face when they discover an infringement of their traditional knowledge: they cannot secure or afford adequate legal representation in national courts - particularly if their dispute crosses national borders. If the World Bank, the European Patent Office, or the World Intellectual Property Organization is serious about supporting the legal interests of Indigenous peoples, they should help pay for legal services, not build only databases.⁵

The Convention on Biological Diversity was a crucial step for the protection of intellectual property. It recognizes the need to "respect, preserve and maintain", the ecological knowledge of Indigenous peoples and local communities, and to

ensure that the benefits of commercial applications are shared equitably. The Convention has been almost universally ratified, which enhances its importance as a legal foundation for future elaboration. But ninety five percent (95%) of the world's Indigenous peoples live in the developing countries, and legislation enacted by these countries is insufficient, by itself, to prevent the piracy of Indigenous knowledge by researchers and corporations in industrialized countries. The real issue is not the problem of defining Indigenous cultural and intellectual property, nor of agreeing that the heritage of Indigenous peoples, should in principle, be protected by law, like other property. The real issue is *enforcement*, where disputes routinely cross international frontiers, and generally involve parties with vastly different levels of power, information and financial resources. Suppose, for example, that a University professor from a developed first world country obtains sensitive information from an Indigenous healer in a poor developing nation, and subsequently obtains a patent or copyright in his home country. How will Indigenous people learn about the infringement? Can they afford to take the necessary legal action in the country of the perpetrator of the infringement? Can they rely on their home state to represent their interests? And assuming that there is a relevant indigenous legislation, would the violator country courts enforce it? From a practical viewpoint, these are very serious problems which the international community has failed to address until now.⁶

The model legislation on folklore prepared by the World Intellectual Property Organization and UNESCO is criticized for its definition of "folklore", as well as its general orientation of regarding folklore as property of the state, rather than of peoples or communities. Not only does it mean that Indigenous peoples must rely on state officials to prevent infringements, and to give them their fair share of any royalties or compensation; it also means that the state determines through legislation, the standards and procedures under which Indigenous peoples may use, learn, and teach their own intellectual heritage. The same state-centered philosophy

characterizes the Convention on Biological diversity and the proposed revisions of the International Undertaking. In fact, many State parties to the Convention have adopted access and benefit-sharing laws that are very similar to the model folklore provisions, insofar as the State retains the authority to grant research, access, and use licenses affecting Indigenous peoples and their ancestral territories.⁷

The efforts by states and intergovernmental bodies to define Indigenous people's rights and responsibilities in their own heritage are contrary to the principle of Indigenous self-determination. The authority to license or veto research should be vested in the Indigenous peoples themselves the customary law should be the ultimate determinant of rights and responsibilities in relation to Indigenous cultural and intellectual property.

It is a matter of a particular concern that the persistent crimes of some States and corporations against Indigenous peoples, such as the physical destruction of the ecosystems on which they depend for their livelihoods, or forced assimilation, are not defined as crimes against humanity in the International Criminal Court Statute. The strongest new legal system to emerge is the World Trade Organization, but it is clear that rich countries are the main plaintiffs and also have the economic power to pay their fines and avoid complying with the spirit of World Trade Organization rulings. Without explicit protection for vulnerable groups such as Indigenous peoples and, even more crucially, guarantees of genuine access to the judicial and political process for such groups, new national and international legal regimes will simply reinforce existing inequalities and injustices.⁸

We need more than a strong international consensus that Indigenous peoples are the owners of their own intellectual and cultural heritage. Indeed, continued efforts to define and codify the nature of Indigenous peoples' intellectual property rights would be counterproductive and incompatible with these peoples' right to self-determination. The crucial challenges are: First strengthening the trans-boundary jurisdiction of national courts to enforce private international law; and second international

respect for the customary intellectual property laws of Indigenous peoples, as a matter of choice-of-laws.

THE EROSION OF ROLES OF INDIGENOUS WOMEN

Indigenous women face significant challenges to the full enjoyment of their human rights. As the United Nations Permanent Forum on Indigenous Issues (UNPFII) has stated, globalization presents additional challenges in many parts of the world. Indigenous women's roles have eroded due the compounding factors of loss of natural resources and depletion of the ecosystems, their transformation into cash economies, changes in local, social and decision-making structures, and their lack of political status within States.⁹ Indigenous women from around the world are linking cultural rights to the protection of women's rights. They are articulating the centrality of cultural rights to the exercise of the collective rights of indigenous peoples—including rights to territory, natural resources, education, language, religious expression, and self-determination—and arguing that only the protection of those rights enables indigenous women and their families to enjoy the full range of their human rights as women, including their right to a life free of violence.

The very existence of the world Indigenous movement is a *product of globalization*, especially in the field of information technology, air travel, telephone and now the internet, which have helped to link Indigenous peoples together worldwide, to increase the visibility of Indigenous peoples, and to amplify Indigenous peoples' collective voices. In many countries there are Aboriginal Peoples Television Networks. Indigenous peoples have mapped their ancestral territories and asserted land claims using *global positioning system* (GPS) and remote sensing satellite technology. Indigenous peoples worldwide are using the globalization of communication of ideas in order, among others, to combat the globalization of reckless consumption.

THE INDIAN MILIEU AND THE MORALITY OF IT ALL

Since the onset of the current era of economic liberalization, privatization and globalization (LPG), the areas inhabited by indigenous peoples have been subjected to incessant social unrests and protests. The sustainable subsistence livelihood of these people is now under threat thanks to the free flow of global capital to these regions which is intent on exploring and exploiting their mineral resources. Globalization has led to a new trend of homogenization in development process all over the globe.

In the name of modernizing backward countries and regions and civilizing the 'less civilized' indigenous people in these areas, the current form of LPG development is creating wealth for the modernizing elites at the cost of the livelihood and security of the indigenous peoples in these areas. The elites believe that investment by multinational companies (MNCs) in mineral-based industries in the backward tribal regions that are rich in mineral resources will increase export earnings and accelerate economic growth, which in turn will develop basic infrastructure and bring about the progressive socio-economic transformation of the indigenous population. In the name of modernization and development, they have invited foreign capital and technology to explore and exploit the unexploited mineral and other natural resources of the so-called backward areas in India which are inhabited largely by tribal people and poor peasants.

The mainstream LPG development model promotes mega development projects in the developing countries to accelerate the process of development by increasing economic growth expressed in terms of gross national product (GNP). In the name of development it is causing the massive displacement of human populations and the decimation of the sustainable subsistence agriculture of the peoples who have traditionally been dependent upon their local ecosystems for their survival.¹⁰

According to the World Bank, development projects every year involuntarily displace one million people in their land and homes.¹¹ In India alone, between 1951 and 1990 around 21.3 million persons were displaced by development projects. Among this number 8.54 million (40 per cent) were tribal or indigenous people and only 2.12 million (24.8 per cent) were resettled¹² According to the latest estimates, the total number of people displaced during the last 60 years has reached almost 60 million.¹³ In recent years this displacement has become more intensified due to the conditions created by globalization and economic liberalization, which favor the growth of many mineral based industries set up by the MNCs and large Indian corporate houses (ICHs) in the mineral rich tribal regions of the country. This problem has created increasing conflict between these ecosystem dependent peoples and the elites. The former are fighting to defend their traditional and sustainable forms of subsistence and the latter are intruding into the territory of these people to exploit the land, forests and minerals in their ecosystems. In the name of development and of civilizing, assimilating and mainstreaming the tribal people, the affluent elites are evicting these poor people from their homes and land.¹⁴ Mega development projects like multipurpose river dams and large scale mining generate benefits for the few relatively better off sections of population while marginalizing and excluding the poorer tribal people.¹⁵ The majority of the latter become the victims of development. It is found that in large mining projects tribals lose their land not only to the project authorities, but also to non-tribal outsiders who converge on these areas and corner both land and the new economic opportunities in commerce and petty industry.¹⁶ Their status changes from self-sustaining members of their local ecosystem to ecological refugees who are forced into the slums of the large urban centers and urban-industrial towns created by the development pathologies of our time.¹⁷

The MNCs in the developed countries of the world are almost at the verge of exhausting the non-renewable mineral resources in these countries.

Fortunately for them, the LPG model of development has opened avenues for the MNCs to locate their mineral and metal processing activities in the developing countries at the cheapest possible price for both the land (natural resources) and the local labour they need. As a result, in recent years the regions inhabited by indigenous peoples all over the developing world are witnessing massive social, economic and ecological changes. In the name of economic development, the indigenous peoples are involuntarily displaced from their lands and homes without any sincere efforts being made for their proper rehabilitation and integration into the modern development process.¹⁸

It should be noted that during the first wave of economic transformations that led to the birth of settled agricultural economies, the indigenous peoples were pushed into the hilly and mountainous regions by the more technologically advanced sections of the population. Now in the current era of globalization in the name of modernization and higher economic development, they are being pushed into oblivion and displaced by the modernizing invaders.

STATE OF CONFLICT- PRECARIOUS PERCH OF TRADITIONAL LIVELIHOODS

Owing to an acute shortage of land for agriculture and the lack of efforts by the state to provide the agriculture dependent poor people with the technical knowledge and skills they need to make a living from secondary and tertiary sector occupations, the post reform years of market led growth and globalization in India have been met with opposition. The acquisition of land for large industries, mines or special economic zones has given rise to the livelihood insecurity of the poor and less privileged people. People in the urban hinterlands and even in the sparsely populated rural areas now strongly resist the state's efforts to transfer and convert agricultural land to industry and mining activities. This is because the perennial

income generating capability of land and its operational holding capacity have been diminished by this process of conversion while acute population growth has further aggravated the situation. This is clearly evident from the resistance of people to industry even in the progressive Left Front ruled state of West Bengal, where the Left Front Government has earned the distinction of ruling over the state for more than 30 years at a stretch. Because of the land reform measures undertaken by the Left Front Government in the past, it was able to retain its popularity among the toiling masses. However, as discussed in the following pages as the protests and resistance to displacement by tribal people and poor peasants have resulted in killings in different parts of the state, popular support for the state has declined. The people most affected by displacement do not expect to get fair treatment in terms of resettlement and rehabilitation (R&R), which might enable them to earn a decent living.¹⁹

On June 20th 1997, General Assembly of the United Nations (UN) adopted 'Agenda for Development' as a result of four years' extensive deliberations made by the member states and secretariats of the United Nations. The then Secretary General of UN, Mr. Kofi A. Anan remarks on the 'emergence of globalization and interdependence as key features of the new international environment' as follows: On the positive side, increased trade and communications present opportunities for all nations to enjoy. But many long standing problems and their solutions have increasingly taken on international dimensions as well. Environmental degradation, extreme poverty, sudden population shifts, massive human rights violations, illegal drug trafficking and organized crime are all threats to development that can no longer be resolved by national efforts alone, no matter how important those efforts may be. The way in which the world copes with this global interdependence to ensure equitable and sustainable development is one of the great challenges facing the international community

GLOBALIZATION - NOT ALL IS LOST

All however is not bad. There are reasons to hold hope though this newly acquired political influence does not mean that the abject poverty, exclusion, and exploitation common among the world's indigenous populations are things of the past. Moreover, indigenous political influence is still quite recent and is often misused by politicians to advance their own interests; sadly, these abusive politicians are often indigenous themselves. But setting aside these caveats, the growth in political influence of indigenous groups over the last three decades has been enormous.

The short answer is globalization. Environmentalists, human rights activists, anti-poverty campaigners, and countless other nongovernmental organizations (NGOs) are now able to recruit, raise funds, and operate internationally faster and farther than ever before. While technology has facilitated travel and communication among these latter-day Good Samaritans, the global spread of democracy has also produced other trends that highlight the plight of indigenous populations, thus boosting their political weight. Decentralization and devolution of political power to state and local governments have enabled the election of indigenous representatives in areas where such populations are most numerous as for example, in Peru, Bolivia, and New Zealand, global and local activism has transformed intolerance for human rights violations, for ecological abuses, and for discrimination of any kind into increasingly universal standards among governments, multilateral bodies, NGOs, and the international media. During the 1980s, for example, the United Nations spurred the internationalization of the indigenous-rights movement by launching an initiative to establish a universal declaration of indigenous rights. A working group representing governments and indigenous organizations has met annually in Geneva and, although the declaration remains bogged down, the process has helped

create an active and relatively well-funded global network of indigenous groups and other organizations interested in the subject. The Confederation of Indigenous Nationalities of Ecuador is now a fundamental political force in its home country. So is Bolivia's Movement Toward Socialism, which supports the Bolivian ethnic groups that depend on coca leaf production for their livelihoods. Last August the Canadian government gave the Tlicho Indians ownership of a diamond-rich area in the Northwest Territories, equivalent in size to Switzerland, and another 29,000 square miles to the Labrador Inuits. Indigenous groups have also gained political influence in Brazil, Colombia, and throughout Central America. Constitutional changes in all these countries and regions have given indigenous peoples far more political advantages than ever before. In Mexico, the rebellion in Chiapas brought indigenous groups to the forefront of national politics; recently they declared their autonomy in 30 municipalities. Guatemala's Rigoberta Menchú, a Nobel Peace Prize winner, has become an international icon symbolizing the fight for indigenous groups' rights. Australia's Aborigines and New Zealand's Maori are regaining more and more control of their ancestral lands. The Maori, who now field a growing number of elected government officials, are claiming rights to an area that holds an important part of New Zealand's oil reserves.

The increased reach and influence of the environmental movement and the equally intense increase in the activities of Multi-National Corporations around the globe have converged to boost the political fortunes of indigenous groups. As the geographical scope of corporations involved in agriculture, logging, mining, hydroelectric power generation, oil, and other natural resources has expanded, their operations have increasingly encroached on indigenous lands. Environmentalists and indigenous populations are thus obvious political allies. Environmentalists bring resources, the experience to organize political campaigns, and the ability to mobilize the support of governments and the media in rich countries. Indigenous groups

bring their claims to lands on which they and their ancestors have always lived. And when idle land suddenly becomes a prized corporate asset, the political and financial appeal of the struggle increases significantly.

Globalization has also brought indigenous peoples powerful allies, a louder voice that can be heard internationally, and increased political influence at home. More fundamentally, globalization's positive impact on indigenous peoples is also a surprising and welcome rejoinder to its role as a homogenizer of cultures and habits. When members of the Igorot indigenous tribe in northern Philippines and the Brunca tribe from Costa Rica gather in Geneva, their collaboration helps to extend the survival of their respective ways of life. In short, globalization's complexity is such that its results are less preordained and obvious than what is usually assumed. As the Maori, the Mayagnas, and the Tlcho know, it can also be a force that empowers the poor, the different, and the local.

CONCLUSION - NEED FOR GREATER ACCOUNTABILITY

The major challenge before States is not how to fight globalization but how to make it compatible with good governance which in fact is a arduous test for the implementation of the whole concept of 'ethical globalization'. It is being increasingly recognized that making globalization benefit all means taking steps to involve those who have been most excluded from shaping their future. The political challenge and ethical obligation of the human race thus is to make globalization a positive force for all worlds' people and to make it inclusive and equitable. The new

world order needs to be fair and square-if not absolutely, then in comparative terms to the times preceding the present-we owe it to evolution! All of us share a heavy historical responsibility for managing the next stage of globalization better than we managed previous stages of the process. In particular, we must continue to insist that the rules of the international marketplace are not only procedurally neutral, but substantively fair. If it is true that the world is rapidly becoming a global village, then we have more reason and responsibility than ever to treat others with respect and reciprocity.

New international tribunals cannot hope to secure their credibility unless the same principles of individual responsibility and accountability apply to each country's powerful business corporations. The intergovernmental organizations themselves such as the United Nations as it undertakes a growing number of peace-building missions must assume more direct liability for its own actions. There is an alternative to open the doors of public international legal processes to wider standards and participation. The globalization of the rule of law depends foremost on the quality of national legal systems and cooperative relationships between judicial systems of neighboring States. Only by this means will we develop a world legal regime in which international standards are truly enforceable. The fate of international law will depend on the growth of competent, consistent, and effective national court systems - a culture of international judicial courage and neutrality, in an international political environment of clear respect for law.

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¹ Global Actions, Indigenousfoundations.arts.ubc.ca

² Kenrick, Justin. 2000. "The Forest Peoples of Africa in the 21st Century". Indigenous Affairs, Hunters and Gatherers, 2/2000: 10-24. Copenhagen: IWGIA. Available online at <http://www.iwgia.org>

³ Wesley-Esquimaux, Cynthia C. 2007. "The intergenerational transmission of historic trauma and grief". Indigenous Affairs, Social Suffering, 4/2007: 6-11. Copenhagen: IWGIA. Available online at <http://www.iwgia.org>

⁴ The UNPFII is an advisory body that submits recommendations and reports to the U.N. Economic and Social Council. Its 16 members—half appointed by member states and half by Indigenous organizations—serve three-year terms, State representatives are by region, using the same categories as the United Nations: Latin America and the Caribbean, Africa, Asia, Eastern Europe, Western Europe, and Other States.

⁵ The impact of globalization on Indigenous Intellectual Property and Cultures **Lecture by Professor Dr. Erica-Irene A. Daes, 25 May 2004, Museum of Sydney, Sydney Australia**

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ United Nations. *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 3.

¹⁰ Blaser, M., Feit, H.A. and McRae, G. (eds.) (2004) *In the Way of Development-Indigenous Peoples, Life Projects and Globalization*. London and New York: Zed Books.

¹¹ World Bank (1994) *Resettlement and Development – The Bank-wide Review of Projects Involving Involuntary Resettlement 1986-93*. Washington DC: World Bank, Environment Department

¹² Government of India (2002) *Tenth Five Year Plan (2002–2007), Vol. II, Sectoral Policies and Programmes*. New Delhi: Planning Commission.

¹³ Mathur, H.M. (2008) 'Introduction and Overview', in H.M. Mathur (ed.) *India Social Development Report 2008: Development and Displacement*, p.3

¹⁴ Gadgil, M. and Guha, R. (1995) *Ecology and Equity – The Use and Abuse of Nature in Contemporary India*. New Delhi: Routledge and Penguin Books India.

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¹⁶ Fernandes, Walter (1994) *Development Induced Displacement in the Tribal Areas of India*. New Delhi: Indian Social Institute.

¹⁷ Omvedt, Gail (1993) *Reinventing Revolution: New Social Movements and the Socialist Tradition in India*. Armonk, New York: M.E. Sharpe Inc.

¹⁸ Blaser et al., 2004, op.cit.

¹⁹ Sarkar, Abhirup (2007) 'Development and Displacement- Land Acquisition in West Bengal', *Economic and Political Weekly* 42(16): 1435–42.