

# **Cultural Survival's Submission to the Study of the UN Expert Mechanism on the Rights of Indigenous Peoples— Promotion and Protection of the Rights of Indigenous Peoples with Respect to their Cultural Heritage**



Through resolution 27/13, the Human Rights Council requested the Expert Mechanism to carry out a study on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage, including through their participation in political and public life, to be presented to the Council at its 30th session (September 2015). In December 2014, the Expert Mechanism requested States' contributions to the study. Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC since 2004. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*, and on its website: [www.cs.org](http://www.cs.org). Cultural Survival like to submit the following submission to the study.

## **Executive Summary**

Cultural Survival argues and recommends that community media (radio, television, digital media), produced by Indigenous communities for Indigenous communities, promotes and protects the cultural heritage of Indigenous Peoples, especially oral traditions and Indigenous languages, and can even halt language decline. Protection happens through sensitization of and instilling pride in new Indigenous audiences and through inspiring new language learners via community media.

## **Promoting Cultural Heritage of Indigenous Peoples Through Community Media**

According to UNESCO, the term cultural heritage encompasses several main categories of heritage, including tangible cultural heritage such as movable cultural heritage (paintings, sculptures, coins, manuscripts), immovable cultural heritage (monuments, archaeological sites, and so on), underwater cultural heritage (shipwrecks, underwater ruins and cities), as well as intangible cultural heritage: oral traditions, performing arts, rituals, and language.

How do Indigenous communities maintain cultural heritage in a world where western languages and practices marginalized those that do not conform? To maintain cultural heritage, Indigenous Peoples must be allowed the space to create their own forms of media to uphold Indigenous values, oral traditions, identities, languages, and cultures, but also to communicate their rights as Indigenous Peoples to be informed and organized to deal with extractive companies and governments that intend to strip them of their lands and resources. There are many instances where cultural revitalization was achieved by Indigenous Peoples through the use of community media (radio, television, digital media).

## **Language Decline: A Global Phenomenon**

Language is an essential part of cultural heritage, however, according to many linguists, half of the world's 6,000–7,000 languages will be gone in the next century, and Indigenous languages are at the forefront of those going silent. Of the original 300 tribal languages spoken in North America, just 175 remained in 1997. Of these, 125 were spoken by very few, mostly elders, and 55 were spoken by 1 to 6 people (Indigenous Language Institute). When a language goes silent, we lose more than just a grammatical system or a vocabulary. Each language represents a unique worldview or cosmology. Languages embed knowledge about cultural values, spiritual practices, oral traditions, and ancient knowledge accumulated through long-term interactions with natural environments and resources. In losing a language, we lose part of our cultural diversity and a priceless record of local biodiversity and cultural heritage.

While documentation is undeniably important, no dictionary, database, or static audio recording can match the importance of creating fluency. And this is where community-controlled Indigenous media, especially community radio, comes in. While there are few quantitative

studies to substantiate the methodology of coupling language revitalization efforts with Indigenous language radio in stopping language decline, there is ample proof in the communities themselves.

To save a language, it must be transmitted to the next generation. Radio raises the prestige of a peoples' heritage language and instills pride in younger generations, solidifying the fact that their language is relevant, living, and useful—not a relic of the past. In many Indigenous communities around the world, people already have a radio on daily. Even if they do not, it is relatively easy to create the necessary infrastructure for a community-based volunteer-run station. Efforts of immersion classes and traditional forms of language revitalization can be greatly amplified through the use of radio.

Cultural Survival's experience working with community radio stations over the past nine years has identified four primary contributions of radio to language revitalization and sustainability. Community radio:

- supports successful revitalization of an endangered language
- promotes language use and halts further language decline
- builds awareness of language loss and inspires new language learners
- serves as a source of alternative media for broadcasting in Indigenous communities.

### **Successful Cultural Revitalization**

As in the case of Poqomam, an Indigenous language in Guatemala, two decades ago, the Māori language was facing a sharp decline in fluent speakers. The experience of the Māori of Aotearoa (New Zealand), exemplifies the powerful combination of formal educational instruction/immersion and radio broadcast. At the August 2012 Our Voices on the Air conference organized by the Smithsonian Museum of Natural History, the Smithsonian Center for Folklife, the Smithsonian National Museum of the American Indian, and Cultural Survival, Wena Tait, the General Manager of Wellington-based Māori radio station *Te Upoleo o Te Ika*, credited this model with the successful revitalization of the Māori language. Both the schools and the radio stations started as grassroots community efforts that later gained government support.

#### *The Maori Case*

Two decades ago, the Māori language was facing a sharp decline in fluent speakers, with only 9% of the native population fluent in the native tongue. This epidemic threatened to destroy their language along with their valued traditions. However, the revitalization efforts through classroom teachings, increased emphasis on Māori language use in the homes, and the support of electronic media, has kept the language and culture of the Māori very much alive. This had much to do with the various Māori radio community-based radio stations that had been set up across New Zealand devoted to reviving the Māori language since the New Zealand Broadcasting Act of 1989. The Act was promoted by the Waitangi Tribe, who were concerned about the lack of radio frequencies devoted to their people. There are now 21 Māori language radio stations active throughout the islands, broadcasting from New Zealand to New York, delivering eight hours of Māori language content daily. Government funding today provides for a

radio distribution system that links all 21 stations as a national network, a national radio news service and midnight to dawn programs available through the network system, and a pool of Māori music.

With the assistance of radio, youth are steadily beginning to pick up the pieces of a broken language and string them together word by word. The beauty of this important language is in the process of rediscovery. Wena Tait, station manager of *Te Upoleo o Te Ika*, believes that “broadcasting brings to Māori language revitalization a powerful medium for social change. Radio and television make a culture and language accessible and raises their profile.” We have seen throughout the world that the new revolution of social media in the form of radio, TV, Facebook, Twitter and so on, allow waves of change to radiate over vast distances with powerful and lasting effects. This revolution is by no means an experience that the Māori have faced by themselves, but a global revolution using the channels of media to preserve a culture that is threatened by the expansive influences of western culture and society.

### *The Poqomam Case*

The Poqomam people of Palín, Guatemala have suffered the same hardships in their struggle to prevent the extinction of their Mayan language. Palín is only 40 kilometers from Guatemala City and their language is constantly threatened by the expansion and domination of the Spanish language in Guatemala. Radio has become a popular medium to make information accessible and to facilitate the strengthening of Indigenous identity. On July 30, 1997, Radio Qawinagel was founded after the signing of the Peace Accords established the Accord on Rights and Identity of Indigenous People, which gave Indigenous communities in Guatemala the right to community Radio. Without a recognized license, it was not easy to purchase a radio frequency, and many sacrifices were made for the radio station to become functioning. However, after fifteen years of hard work, public opinion has started to sway in favor of the radio station and there has been a surge of positive feedback from members of the community learning to speak the native language. Palín is not the only town where Poqomam is spoken, so part of the Poqomam Linguistic Community’s action plan for 2013 is to seek out media organizations in the towns of Mixco and Chinautla in the department of Guatemala to replicate what is being done in Palín.

### **Halting Language Loss**

In Hawaii, as recently as 2001, native speakers amounted to less than one-tenth of one percent of the statewide population. However, increased attention to promoting the Hawaiian language has halted further language loss. Hawaiian-language immersion Pūnana Leo preschools were started in 1984; the first students to attend immersion schooling have graduated from college, and many are fluent Hawaiian speakers. In 1972 the radio program *Ka Leo Hawai‘i* (The Hawaiian Voice), was broadcast on KCCN-AM as the first and only secular radio show to use Hawaiian fully for the purpose of maintaining the language. Several programs have since followed, continuing to bring the Hawaiian language into people’s homes and daily lives.

In McLaughlin, South Dakota, KLND-FM 89.5, "The Lodge of Good Voices," conducts some of its broadcasts in Lakota. "In the morning we have one fluent Lakota speaker and we do the best we can to add vocabulary to all of our programs. [Our] programs vary from 'Voices from the Circle,' in which we try to speak mostly in Lakota, to news, sports, as well as music," explains station DJ Virgil Taken Alive. "We have gotten a lot of comments from the younger people saying how much they enjoy hearing their own language. Speaking our Indigenous language is important because when you are speaking it, you are more connected to the land around you."

### **Building Cultural Awareness and Inspiring New Language Learners**

Indigenous language radio shows alone do not produce fluent speakers, but they do build awareness of the impacts of language and cultural heritage loss, instill pride in a community's heritage language, and encourage new language learners. In communities like Sumpango, Guatemala (see here), it is often the radio enthusiasts that bring attention to reviving a language. Given the discrimination that they have faced in the past, the people of Sumpango have stopped speaking Kaqchikel to their children and have prohibited their children from speaking it as well. Consequently, Kaqchikel is spoken mostly in rural areas and only by those older than 50 years of age. Sumpango's community radio station *Radio Ixchel* has made great efforts to promote and rescue the language. Segments like "word of the day" and station-sponsored training workshops on language revitalization are bringing awareness of language loss into the community.

Some 2,000 miles north, in Sapulpa, Oklahoma, Yuchi language revitalization efforts center around master-apprentice instruction at the Yuchi House. Renee Grounds, Yuchi language instructor, says, "Yuchi radio is an important reminder that our language is alive and relevant to contemporary culture. We encourage youth to speak on the broadcasts so that they are recognized for learning the language and are role models for other young people. It lets our young people know that their language is important, appearing in public media like any other language." Once a week, *hUda: yUdjEhaA nÔ'wAdA* (Listen: We Are Speaking Yuchi) on Sundays on KCFO-AM 970 broadcasts songs and practical learning tutorials that make the language accessible to all listeners—at least a half million people. "We don't look at the broadcast as a significant teaching source, but primarily an inspiration for community members and family members who can hear their kids speaking in their heritage language and as a way to raise the prestige of the language," says Grounds.

### **Medium of Choice**

Small, community-based radio stations may seem an outdated mode of communication, but for many Indigenous Peoples the low cost of community radio makes it the ideal tool for defending their cultures, their lands and natural resources, and their rights. Even in very poor communities lacking electricity, many can afford a small battery-powered radio. In communities where Indigenous languages are relatively strong, radio plays an important role as the alternative source of media informing people in their own languages, broadcasting information that is culturally appropriate and relative. High levels of illiteracy in many Indigenous communities in developing countries prevent people from accessing information from print sources. And in many remote areas, Indigenous people, especially elders, may only speak one language;

important messages broadcast in other languages in mainstream media often do not reach this population.

In Kenya, Serian 88.9 FM is a Samburu community radio station started in 2008 by Reto Women Association, catering to a pastoral audience and broadcasting in the Samburu language. "The aim of the radio is to broadcast to the people living on arid and semi-arid areas so as to entertain, inform, and educate, especially on the climatic changes they are facing and challenges they are experiencing as pastoralists," says Nick Lenyakopiro. "It's [also] an important space for creating dialogue around the negative sides of culture like [female genital mutilation]. Change will only happen through a radio, which is a source of information and communication."

In Australia, community radio serves as a voice for those who wouldn't otherwise have access to information relevant to their local areas. It also provides training opportunities for individuals so that people can learn what is involved in radio production. Aboriginal community radio stations in Australia are very strong, as they have received significant government funding since 1984. In 1987 the Broadcasting for Remote Aboriginal Communities Scheme (BRACS) was established to give Indigenous people access to and control of their own media at the community level. Currently the Indigenous Broadcasting Program supports 77 Indigenous communities' broadcasts across the nation.

In Nepal, Radio Sagarmatha was established in 1997 and was the first independent public and community radio of Nepal. Community radio in Nepal is independent and nonprofit. Presently there are 144 stations in operation, aimed at serving the rural population who are deprived of easy access to public resources and government services. Unfortunately, 11 Nepali languages have already died, 19 are very close to becoming extinct, and 23 are severely endangered. Radio Nepal has been broadcasting the news in some of the endangered major ethnic languages for over a decade in order to revitalize them, and is an essential source of information for many Indigenous communities.

### **Challenges and Lessons Learned**

Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, on World Radio Day 2012, made the following statement:

"Radio has been a fundamental means for Indigenous Peoples to maintain their languages and to exercise and defend their rights. As recognized by the [United Nations Declaration on the Rights of Indigenous Peoples](#), Article 16: *1. Indigenous peoples have the right to establish their own media in their own languages and access to all other non-indigenous media without discrimination. 2. States shall take effective measures to ensure that the media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.*"

Despite international protections, in many places around the world, Indigenous people are officially barred from broadcasting their views and languages on air. Cultural Survival's work with community radio stations in Guatemala speaks to this point. Indigenous Peoples' right to their own media is guaranteed in the 1996 Peace Accords and the constitution; however the Guatemalan telecommunications law does not allow licenses for non-profit community radio.

Defiantly, stations operate, but under the threat of being raided by police, having their equipment seized, and their operations shut down. The struggle to pass a Guatemalan Community Media Law exhibits how a national government can just as easily impede the exercise of self-determination of Indigenous Peoples. The continued existence of community radio stations shows how important the stations are to communities.

The value community media brings to Indigenous people is innumerable. It is imperative that governments support Indigenous media and radio producers, volunteers, and language activists in their efforts to legalize community-controlled media as a form of supporting Indigenous Peoples' rights to self-determination and maintaining cultural heritage. Recognition, private and government funding for Indigenous language programming can truly make a difference in reversing language decline. The examples of Māori and Poqomam demonstrate that immersion or bilingual schools, coupled with radio stations, can be effective tools in the hands of communities wishing to revitalize their languages. New Zealand has further demonstrated how government funding can support Indigenous self-determination by backing local initiatives to increase their scale and impact. Through the tireless efforts of the numerous radio volunteers and producers, we have seen how collective action to build awareness of the importance of one's language, together with the creation of opportunities for new language learners, can stop, and in many cases reverse, the tide of language loss. As Hawaiian radio producer Kaimana Barcarse says, "If not now, when? If not us, who? If not on our Indigenous lands, then where?"

### **Community Media Provides Access to Information about Indigenous Rights**

Community media has been essential to the revitalization of Indigenous languages as well as Indigenous traditions, but radio has also served an additional purpose by strengthening Indigenous communities by informing them about their rights through relevant programming. The promotion and protection of the rights of Indigenous Peoples with respect to their cultural heritage is strengthened when communities have access to their own means of media, as is their participation in political and public life.

### **Recommendations**

Cultural Survival make the following recommendations:

- that governments support and encourage Indigenous community media efforts and make these part of National Action Plans as recommended by the World Conference on Indigenous Peoples Outcome Document;
- that governments support Indigenous community media efforts through funding and providing access to training and resources;
- that governments legally guarantee the right of Indigenous Peoples to community media as it states in Article 16 of the UN Declaration on the Rights of Indigenous Peoples;
- that governments encourage the media to respect Article 17 (d) of the Convention on the Rights of the Child stating that children have certain linguistic needs, particularly those who belong to a minority or indigenous group;

- that governments respect indigenous forms of media as an extension of Article 19 of the ICCPR regarding freedom of expression;
- that governments protect journalists and media creators. This includes ensuring that no legislation is passed to unduly limit the freedom of expression of journalists, ensuring the physical and psychological integrity of journalists, and taking steps to tackle impunity for perpetrators of human rights violations against journalists;
- that governments combat impunity and to prevent human rights violations against journalists;
- that governments, as part of their positive obligation to promote the right to freedom of expression, should give full political support to strengthening media freedom and ensuring that independent, plural and diverse media can flourish. Any laws regulating the work of the media should adhere to the highest international standards on freedom of opinion and expression and allow uninhibited debate in the media, in line with principles of diversity and plurality.