

Community Rights in Global Perspective

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Introduction

Let me first of all express my deep gratitude for the honour of addressing this highly important III MMSEA conference. It is indeed a rare opportunity for myself to learn and be associated with the distinguished participants here who are in the know, actually a great deal more so than I. In this regard, may I also convey my everlasting thanks to all the Thai friends and colleagues as well as Dr. David Thomas for their kind support and collaboration in bringing me up into this realm of creative down-to-earth learning. That was a most refreshing experience, still vivid in my mind with a kind of intellectual uplifting for me as student of politics. I am glad they also take an active part in this forum right from the beginning with Chiangmai conferences some seven years ago. One only hopes all these persistent and continuing efforts will eventually bear fruits in fulfilling the common people's aspiration to be free to live their own lives with dignity.

Looking over the scheduled agendas, it is obvious that practically everything is well taken care of. On my part and with all due respect, I only wish in my small way to add something to enlarge the scope of our thought. It is not about the body of knowledge and expertise as such which I shall have nothing to contribute to, but concerning the ways and means of social learning on the local people's part. I am sure this is the true and ultimate purpose of the whole dialogue, which we could not afford to lose sight of. This point just cannot be overemphasized. In view of the current trends of global disorder and transnational threat to biological resources and indigenous knowledge, the time has now come for a real and urgent need for the common people's direct action in order to protect their own legitimate rights and liberties, and thereby rectifying the existing imbalances in political and economic relationships. It is the question of how social learning and action could possibly be made to proceed in constructive and peaceful manner, with a view to setting out the path towards a new social order based on freedom and justice at all levels of human society. Presumably this is going to be a very hard and long, long process that requires a high degree of tolerance, perseverance, and wisdom. Nevertheless, it is the nature of things and common challenge we all should have in mind.

Meanwhile, there is the other side of the coin, too. As one western writer pertinently voices the call for an alternative global economic order that is geared to the real needs of people and the Earth, and which "must accept that the era of 'the wealth of nations' is past, and treat the 21st century as a multi-level one-world economy."¹ The rationale is none other than the neo-liberalism's own built-in indulgence in over-production and over-consumption for the sake of profit maximization, ostensibly dubbed economic growth. This line of rethinking and articulating is getting more and more hearings all over, East and West, as the time goes by. That, mind you, should not too naively and conveniently be construed as consolation and reason for rejoice. It is essentially to serve as an objective understanding of the dynamics of life, and then to get prepared and be ready for constructive changes. This is going to be quite an enormous task for the oppressed and the oppressors alike.

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Creating a sense of regional identity

That is why, in addressing ourselves to the concern for indigenous knowledge and bio-diversity, it is vitally important for all of us, to begin with, to take a fairly long range view of the whole matter. That is to say, a certain perspective beyond the immediate needs of making a living and day-to-day resource management. If I am not mistaken, at least from our own empirical research evidence, we have quite a good number of exemplary cases of ethnic and rural communities with well established traditional practices for sustainable livelihoods and resource management. And of course we can take the relevant individual cases for appropriate application elsewhere, as we have been doing nowadays. But that is actually only part of the whole story. The real and long-term problem is how a sense of commonality, inter-relatedness and solidarity could be instilled into the people's mind, and where to start. In fact, if one may say so, the very title of this conference already suggests itself: Montane Mainland Southeast Asia. Here is the key to further understanding of what we have been trying to do and to achieve - the holistic dimension of Southeast Asia *as tropical resource base and its integrity*. That is to say, not just pieces of bio-diversity and indigenous knowledge in isolation from one another.

As we all know, Southeast Asia constitutes both as the strategic sea route from the middle east to the Pacific coast, and as one among the world's most tropical resource-rich regions. As such, it has always been subject to the Western powers' rivalry and domination ever since after the Industrial Revolution and imperialism that followed. The achievement of national independence and so-called self-determination after the World War II does not help much in actuality. It only brings about forces that accelerate and intensify divisiveness and resource exploitation even further in the course of nation building, modernization and then misdirected development. All along, Southeast Asia's precious biological resources, indigenous knowledge, and thus local communities, constantly fall prey to all sorts of exploitations, abuses, and marginalization, as we all are witnessing today. And right now with the economic globalization and biotechnological advancement intensifying during the past two decades, genetic resources become the main target for gaining the decisive power over the world economy under the mere motive force for profit maximization and economic growth. All this is the obvious threat to the earth's fragile ecosystems, and for that matter, to the people living in them. In short, the threat to the people's basic right to life.

Under the circumstances, then, the issues of bio-diversity and indigenous knowledge needs somehow to be conceived of in perspective of a regional whole, not just so routinely in parts: i.e., in qualitatively holistic rather than quantitatively reductionist terms. Implicit in all this is a keen sense of geographical unity as well as a kind of people-to-people inter-relatedness. Nowadays there are so much talks about and action programmes for strengthening and empowering the local people and communities. But without a sufficient awareness of and positive steps taken towards the goal of commonality and solidarity, all these talks and efforts will come to naught, however earnest and enthusiastic they might be. And exactly this is one most difficult part of the whole task, as far as the speaker's own experience can tell. Nonetheless, it is absolutely a prerequisite that must come before all else. For this very reason, three shared and interrelated perceptions are to be taken note of here for the benefit of further dialogue.

(i) Bio-diversity to be understood and acted upon as constituting one unifying tropical resource base, and thus commonality and consolidation transcending the existing inter/ intra-national boundaries and divisions among local communities;

(ii) Inter-relatedness between the mountain, lowland, and maritime areas and peoples to form one unifying network of resource-based local communities collectively marginalized in the face of the common threat of globalization and alienated elitism; and,

(iii) Collective recognition of the real need for self-reform on the basis of self-reliance and the right to development, so that the endogenous sources of knowledge and creativity could be revitalized and developed as the basis upon which modern knowledge could also be effectively and appropriately adapted and assimilated.²

All these, to be sure, come more or less within the purview of this conference. Only that it is so vitally important as to deserve to be emphasized and put into a coherent policy and strategic plan of common action. As a matter of fact, initiatives have already been taken on the part of local peoples and communities themselves the world over. So much so that there have now been emerging the new concept of collective rights based on the community ways of life, and naturally in a great variety of forms and practices. This current trend of cultural pluralism is admittedly the new phenomenon in the Western self-proclaimed style of universal, individualistic and mono-cultural sphere of influence in the field of human rights. It is inevitably bound to meet with powerful resistance and opposition, or destruction if possible. Since it obviously not only poses a spiritual and intellectual challenge, but also stands in the way to the ultimate goal of domination and hegemony inherent in the Western civilization ever since after the Scientific and Industrial Revolutions centuries ago. This is indeed the real “clash of civilizations”, to borrow Samuel Huntington’s notorious phrase, though in entirely different context of Globalization vs. Re-localization. Or, in the more familiar political economy jargons, Global Totalitarianism vs. Grassroots Emancipation and Democracy. This trend of cultural confrontation is most likely to be characteristic of and long lasting into the 21st century. So let us try to explore and assess the potential forces of both the pros and cons, so that ways and means could be found to collectively set our global society on the path towards real freedom, justice, stability, and peace.

A Certain Progressive and Democratic Global Framework

All the above considerations take the whole subject matter under discussion into the world of politics of human rights. It is therefore deemed appropriate to look into how it is worked out in real life. For this purpose, two preliminary interrelated points are suggested here. The one is concerned with the nature and reality of human rights itself; the other with the creation of progressive and democratic international human rights instruments on the part of the United Nations.

First, human rights are certainly not something to come by as gifts. They are, from Tony Evans’ historical observation, “concerned with establishing and maintaining the moral claims that legitimate particular interests”, or in Neil Stammers’ more precise explanation, “ideas and practices concerning human rights are *created by people* (sic) in particular historical, social, and economic circumstances”³ To put it strictly on empirical ground, they are the straightforward result of struggles, and hardly characteristic of any specific culture or tradition. Perhaps, Heiner Bielefeld’s analysis can very well help clarify the issue here:

... Human rights did not develop as a “natural unfolding” of humanitarian ideas deeply rooted in the cultural and religious traditions of Europe. On the contrary, people in the West, too, had (and still have) to fight to have their rights respected. ...These rights ... are achievements brought about in long-lasting

*political conflicts during the process of modernization in Europe. They are by no means the eternal heritage of an original cultural endowment of Europe.*⁴

On this account, all the ambivalence should now be put to rest as to the current controversy about both cultural essentialism and relativism. The one, Western claiming monopoly of the definition on human rights; while another, non-Western denying the fundamental universality of human rights, i.e., human life and dignity. The two, thus far, can only indulge in self-styled polemics and actually get us nowhere in terms of human progress, to be here defined as freedom from domination according to W.F. Wertheim's Emancipation Principle.⁵ As a matter of fact, both human freedom and human progress simply constitute two sides of the same coin. One cannot do without the other. The inclusive "four freedoms" – freedom of expression, religious freedom, freedom from want, freedom from fear – that Franklin D. Roosevelt advocated towards the end of World War II underlying the vision of peace, security and human rights, are basically along the same line of thinking. As we all well remember, it is this global vision that brought about the establishment of the United Nations and subsequently the Universal Declaration of Human Rights. From then on, the world body takes upon itself the major task of gradually and persistently expanding and broadening the scope of human rights even further. And it is still going on fairly consistently, in spite of its inherent weaknesses and limitations, both legal and operational, as international organization. But at the very least, it can afford to provide a certain legitimate democratic groundwork for the rights holders, the people, to work their way out with a moral support of global public opinion. Fortunately enough, the subject matter of bio-diversity and indigenous knowledge, our main concern here, also falls within the purview in such global democratic perspective. It is worthwhile then to briefly inquire into how well it fares under the auspices of the United Nations, so as to get the idea as to what more needs to be done and how.

This leads us to the second point: that is, the question of international law and order and that of human freedom and progress. For the purpose, I shall gratefully draw on part of one IUCN-commissioned study under the rubric: *Traditional Resource Rights: International Instruments for Protection and Compensation for Indigenous Peoples and Local Communities.*⁶ This is just to give a rough outline of what is in stock with regard to the existing state of international human rights instruments, both legally binding and not legally binding. Those legally binding consist of four main agreements: UN International Covenant on Civil and Political Rights (ICCPR) 1976, UN International Covenant on Economic, Social and Cultural Rights (ICESCR) 1976, International Labour Organization Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (ILO169) 1989, and Convention on Biological Diversity (CBD) 1992. For those with non-legal binding, three deserve to be referred to here as guidelines for further action: UN Draft Declaration on the Rights of Indigenous Peoples (DDRIP) 1994, UN Draft Declaration of Principles on Human Rights and the Environment (DDHRE) 1994, and the Leipzig Declaration on Farmers' Rights. From these somewhat scattered provisions, a number of relevant points could be drawn with regard to the *traditional resource rights* of indigenous peoples, as follows.

- (i) Self-determination and development;
- (ii) Disposal of natural wealth and resources;
- (iii) Protection of minority culture;
- (iv) Religious freedom;
- (v) Environment integrity;
- (vi) Intellectual property rights;
- (vii) Recognition of customary law and practice;
- (viii) Farmers' Rights.

The two, (i) and (ii), in particular are technically ambivalent regarding the question of jurisdiction. While the CBD confirms the sovereign rights of States over indigenous peoples' lands, territories, and natural resources, both the ICESCR and ICCPR stress the rights of all "peoples" in plural number to self-determination and to freely dispose of their natural wealth and resources. So under the circumstances, indigenous peoples are concerned, quite justifiably, that such sovereign rights might just as well be extended and encroaching upon their traditional knowledge, innovations, and practices. On the other hand, the view in favour of minorities is opposed by national governments for fear of the national integrity and their own sovereign rights being eroded thereby. All in all, then, as far as the international agreements with legal binding are concerned and under the existing structure of power relationships, there is bound to be a gap and insoluble contradictions. In this perspective, it makes sense for a new initiative being taken from within the United Nations in a long process of consultation with indigenous leaders, and that resulted in the DDRIP with a fairly comprehensive framework to work with. Though not legally binding, it is meant to serve as the standard international document and thus the basis for any further discussions and negotiations concerning indigenous peoples that are to follow suit. Its principal features of indigenous peoples' rights are well summarized in the above-mentioned IUCN study, and therefore to be cited in full here for the benefit of fellow participants as well as community leaders in general.⁷

- (i) Right to self-determination, representation, and full participation;
- (ii) Recognition of existing treaty arrangements with indigenous peoples;
- (iii) Right to determine own citizenry and obligations of citizenship;
- (iv) Right to collective, as well as individual, human rights;
- (v) Right to live in freedom, peace, and security without military intervention or involvement;
- (vi) Right to religious freedom and protection of sacred sites and objects, including ecosystem, plants, and animals;
- (vii) Right to restitution and redress for cultural, intellectual, religious or spiritual property that is taken or used without authorization;
- (viii) Right to free and prior informed consent;
- (ix) Right to control access and exert ownership over plants, animals and minerals vital to their cultures;
- (x) Right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal areas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used;
- (xi) Right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral tradition, literature, designs and visual and performing arts;
- (xii) Right to just and fair compensation for any such activities that have adverse environmental, economic, social, cultural or spiritual impact.

Legally binding or not, the effectiveness of all these numerated rights – i.e. moral claims - depends in the last analysis on the strength of their being recognized and respected as legitimate in society. Thailand is a good example. In spite of currently constitutional provisions for community rights with regard to indigenous knowledge and bio-diversity, the very issues under discussion in this forum, all these moral claims are still far from being realized in practice. This is because a mere legal or moral formula cannot just exist on its own without social and cultural backup. This is certainly not a matter of disappointment or outright despair. That would unfortunately be too light-hearted and superficial. It all is the nature of things, that is, the

beginning of a social process just like any strenuous process of struggles for freedom in human history. The crucial difference is that indigenous peoples and rural communities nowadays do not just stand alone in all this. A meaningful and substantive beginning has already been made with at least a sector of world public opinions and people's movements behind it, even though still very much in face to face with the power that be.

Retrogressive and authoritarian global politics of human rights

There are two major and interrelated factors that stand in the way of development towards human freedom and progress: one conventional and another a new market totalitarianism. The first has something to do with the good old definition of human rights itself. It is of course the historical West that did inspire the whole world with the modern ideas of human rights and dignity. And yet it only falls back on and confines itself to those created in "particular historical, social, and economic circumstances" of the seventeenth and eighteenth centuries. That is why the meaning and scope of human rights is narrowly defined as those strictly concerned with individual liberties, property rights, and the rule of law. In short, just those with judiciable qualifications. In Jeremy Bentham's classic polemic against the French Revolution's Declaration of the Rights of Man and of the Citizens expounding the natural and inalienable rights of all people:

*"Right...is the child of law; from real laws come real rights; from imaginary laws, from laws of nature, fancied and invented by poets, rhetoricians, and dealers in moral and intellectual poisons, come imaginary rights, a bastard brood of monsters"*⁸

That is also why the collective economic and social rights are seen in the West as out of bound of the human rights standards, and just as a matter of specific concerns for humanitarians and philanthropists, as well as social welfare. And all this, despite the UN long-established principle of the indivisibility and interdependence of the civil and political rights, and the economic, social and cultural rights. The reason is not hard to find, and for a very good historical reason too. After all, the real motivating forces behind all the past liberal revolutions were none other than the commercial and middle classes, the haves. And to these days, all the cherished value and tradition of liberalism are still energetically sustained by exactly the same forces, with instinctive and adverse attitudes towards both the state and the have-nots. It is the latter adversary that still remains the main and exclusive target, now that the liberals have come to assume the power of the state itself. In this context, it is of no surprise as to why it is only and purely the civil and political liberties that count as the standard measure of human rights. All of which should have nothing to do with the mere "imaginary" collective economic, social and cultural rights.

In such a state of affairs, Western liberalism turns itself into the sharp divide between the haves and the have-nots, the rich and the poor, the ruling and the ruled, domination and freedom. Whatever angle one looks at, they amount to practically the same predicaments. Following the Industrial Revolution, the politics of the haves – Western styled property rights – fast developed into a three-pronged cult of industrial capitalism dealing with human, nature, and market. All of which, under the guise of economic science with the celebrated Adam Smith as progenitor. From then on, the economic system is to take precedence over society. And that, in the distinguished economic historian Karl Polanyi's words, "means no less than the running of society as an adjunct to the market. Instead of economy being embedded in social relations, social relations are embedded in the economic system".⁹ In this scheme of thought, then, human

beings are to be valued and treated as mere units of labour, and nature as raw materials. And both, the natural and human substance of society, are to be transformed into material commodities, and therefore to be subject to the market mechanism which is steadfastly held to be self-regulating beyond social control. This is how the market economy historically came about in commercial-made society, and hence the creed of free trade and free market.¹⁰ All of which, solely and infinitely for the sake of industrial progress and capital accumulation.

Against such an extremist ideological background, colonization and appropriation of nature proceeds in full force ever since. Here we can see how the Western tenet of rights and liberties comes into play, that is, within the framework of individualism, property rights and the rule of law. Of all this, the determining factor lies with property rights which, according to John Locke's three-century old theory of value, are created by extracting resources from nature with one's labour. That is how capital comes into being and as a result, as Vandana Shiva succinctly puts it,

*"...only capital can add value to appropriated nature, and hence only those who own the capital have the natural rights to own natural resources; a right that supersedes the common rights of others with prior claims. Capital is thus defined as a source of freedom, but this freedom is based on the denial of freedom to the land, forests, rivers and bio-diversity that capital claims as its own."*¹¹

And all this is emphatically and nonchalantly defined as a matter of economic freedom and the interplay of market forces in the industrial West! Vandana Shiva, again, so appropriately brands this as the process of theft and robbery. It is not only the people's freedom and collective rights that are endangered and lost. But most importantly it is the human right to life itself that is subject to constant threat and destruction, as everyone knows full well how all these commons are valuable and indispensable as the life support and sustenance base of local people and communities. So along the process of appropriation and privatization of the commons, the indigenous peoples and rural communities' rights and livelihoods become thereby marginalized and impoverished, as we are all witnessing today. But then, again, that is of no serious concern, especially now that a remedy has been found by way of the so-called "social safety net" as defined by the World Bank, whereby all the expected troubles and threats to the status quo can be contained. Needless to say, this kind of pejorative idea and measure is well shared by many a distinguished economist and academe alike.

Nor is that all. The colonization of nature is now reaching its new height with the all-powerful capital extending from manipulation to monopoly of life itself, through biotechnological capabilities and the accompanied intellectual property rights regime. This in itself explains the actual state of science and technology in the contemporary world. It is all practically corporate-oriented and under the same old paradigm of industrialism, something to beware of for the common people who struggle for freedom. As Andrew Kimbrell very well describes:

Biotechnology extends humanity's reach over the forces of nature as no technology in history has ever done. Bioengineers are now manipulating life forms in much the same way as the engineers of the Industrial Revolution were able to separate, collect, utilize, and exploit inanimate materials. Just as previous generations manipulated plastics and metals into the machines and products of the Industrial age, we are now manipulating and indeed transferring living materials into the new commodities of the global age of biotechnology.

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*The raw material for this new enterprise is genetic resources. Just as the powers of the Industrial age colonized the world in search of minerals and fossil fuels, the biocolonizers are now in search of new biological materials that can be transformed into profitable products through genetic engineering.*¹²

In the recent past, bio-technological development has been well known and taken for granted in the areas of disease-causing bacteria for the benefit of mankind. Life forms, i.e., products of nature themselves, are presumed under the traditional legal doctrine to be non-patentable. All this, however, has been radically changed by the US Supreme Court's decision in 1980 to the contrary that life is indeed patentable. The brand new policy is thereby unilaterally created, opening the way for the US transnational corporations, with all the capital, technology and market well under control, to acquire the patenting of indigenous plants and animals, and hence knowledge. Since then, a good number of patents have been issued on cases like the neem tree and Basmati rice of India, Jasmine rice and medicinal plants of Thailand, and still many others to follow. All these incidents are already well known and so blatantly arbitrary. On top of that, there is also now the planned global patent regime under negotiation in the World Trade Organization, known as Trade Related Intellectual Property (TRIPS), to be imposed on the Third World countries.¹³ If getting through, it is not only bio-diversity and indigenous knowledge that is in grave danger of extinction, but also a total and absolute control on the whole life on earth. And all, again, in the name of economic liberalism and free market.

It is also how the Western self-styled concept of human rights has been working within the framework of individualism, property rights and the rule of law. As Professor Edward Herman of Wharton School succinctly and instructively puts in his opening remarks:

*Doesn't a growth process in which large numbers are immiserated while a small elite prospers necessarily entail serious human rights violations? In liberal theory, and in the definitions used by the major human rights organizations of the West: No. Human rights are political and personal rights ...; they do not include economic rights to subsistence, education, health care, housing and employment. Thus if immiseration follows from the normal workings of the market system, based on the economic power of private corporations and banks, and with the help of the IMF, World Bank, US government, and a nominally democratic regime like that of Mexico or Chile, no human rights violations are involved.*¹⁴

Looking ahead

So after three full centuries, the celebrated liberalism of the West only ends up by imposing its own specific set of human rights on the whole world as something absolute and universal. Might thus makes right, and unilateral "right" brings in its train arbitrary rule and social disintegration. This is the crux of the matter. The alternative way out of this destructive end, as Karl Polanyi suggested in his highly insightful reading into the history of Industrial Revolution, is to turn to "*the principle of social protection aiming at the conservation of man and nature as well as productive organization, relying on the varying support of those most immediately affected by the deleterious action of the market ...*".¹⁵ Or what, in the contemporary context, James Robertson conceives of as creating a global economy that is both *human enabling and nature conserving*.¹⁶ The social principle and practice such as this of course

sounds quite familiar to our fellow indigenous peoples and rural communities. After all, it is precisely their traditional way of everyday life. There is nothing extraordinary about it. But, mind you, it becomes something so alien and subversive in the current world of industrialism, where the freedom of capital and free market turns into absolutism and totalitarian control over life on earth.

It is in this global perspective that the issue of bio-diversity and indigenous knowledge must needs address itself. As emphasized earlier on, it is the whole question of human freedom and progress that is at stake. But first and foremost, the grassroots peoples and communities must pull themselves together as united front in face to face with the transnational structure of power. As a matter of fact, because of its own overbearing abuse and aggrandizement, the agents of industrial capitalism – transnational corporations, the IMF, the World Bank, etc. – have to confront with strong protests and increasingly steadfast opposition from the common people, urban and rural, everywhere. But street actions and manifestoes in themselves would be of no avail without community rights being recognized and realized at the grassroots level, both in principle and in practice. As for the role of nation-states, little, if any, can be expected under the contemporary elite system that, more often than not, tends to be alienated from its own people. On the other hand, empowering local communities would greatly help consolidate nation-states vis-à-vis transnational encroachments. Humanity has gone through the age of nation building, modernization and development patterned upon Western industrial capitalism. Throughout, local communities have been neglected and their traditional resource rights marginalized and trampled upon. The result is human impoverishment and natural degradation. In the circumstances, then, a new democracy is to be required and worked out with local communities as its base. Indeed, indigenous peoples and rural communities can significantly provide part of the answer.

There remains one final point to be taken note of here. The need for self-reform has already been earlier mentioned. The emphasis is on the principle of self-reliance and right to self-development. Community rights are being raised here, not just for the sake of defense mechanism against encroachment from outside, but mainly as the foundation of a new global democratic order, so that the principle of social protection and human-enabling/ nature-conserving economy can realistically be established. It is that, on top of the traditional resource rights as well comprehensively prescribed in the Draft Declaration on the Rights of Indigenous Peoples, something needs to be done with regard to the existing structure of power relationships within community itself. For one thing, for community rights to be universally recognized and respected, the value and rights of individuals must be well taken into account. In this respect, we can learn a good deal from the West, despite all its shortcomings. Coming into the changing and globalizing world, local communities also need human creativity. And true creativity can only come from free and open society. The point is that community rights as a system also need to allow for individual rights and creativity. Undoubtedly this is a highly delicate task inevitably involved in the process of social change. It is the fundamental question of how human aspirations and rising expectations, especially of new generations, can be accommodated and fulfilled. So this is problem of the future, and no status quo can ever provide solution. It is indeed the great challenge, that is, challenge from within. One only has high hope that local traditional knowledge and wisdom will be able to live up to its potential creativity in the common task of social reconstruction, globally and locally.

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- ¹ James Robertson, *Future Wealth: A New Economics for the 21st Century*, London, Cassell Publishers Limited, 1990, p. ix.
- ² Saneh Chamarik, “Technological Self-Reliance and Cultural Freedom”, in C.G. Weeramantry, ed., *Human Rights and Scientific and Technological Development*, Tokyo, United Nations University Press, 1990, p. 56.
- ³ Tony Evans, “Introduction: power, hegemony and the universalization of human rights”, in Tony Evans, ed., *Human Rights Fifty Years On*, Manchester University Press, 1998, p. 4.
- ⁴ Heiner Bielefeld, “WESTERN VERSUS ISLAMIC HUMAN RIGHTS CONCEPTION? A Critique of Cultural Essentialism in the Discussion of Human Rights”, *Political Theory*, vol. 28, No. 1, February 2000, pp. 96-97.
- ⁵ W.F. Wertheim, *Evolution and Revolution: The Rising Wave of Emancipation*, Middlesex: Penguin Books, 1974, p. 47.
- ⁶ Darrell A. Posey, *Traditional Resource Rights: International Instruments for Protection and Compensation for Indigenous Peoples and Local Communities*, IUCN – The World Conservation Union, 1996, particularly Chapters 1-5.
- ⁷ *Ibid.* p. 28.
- ⁸ Cited in *The Economist*, “The Politics of Human Rights”, August 18th-24th 2001, p. 9.
See also, Onuma Yasuaki, “The Need for an Intercivilizational Approach to Evaluating Human Rights “ , and Chris Jochnick, “Human Rights for the Next Century”, *Human Rights Dialogue*, Volume 10, September, 1997, pp. 4-7.
- ⁹ Karl Polanyi, *The Great Transformation: the political and economic origins of our time*, Boston, Beacon Press, 1957, p. 57.
- ¹⁰ *Ibid.*, p. 42-42, 132, 135-140.
- ¹¹ Vandana Shiva, “The Enclosure of the Commons”, *Third World Resurgence*, Issue No 84, 1997, p. 6.
- ¹² Andrew Kimbrell, “Biocolonization: The Patenting of Life and the Global Market in Body Parts ”, in Jerry Mander and Edward Goldsmith, ed., *The Case against the Global Economy and for a Return toward the Local*, San Francisco, Sierra Club Books, 1996, pp.131-132.
- ¹³ *Ibid.*, 133-137.
- ¹⁴ Edward S. Herman, “Immiseration & Human Rights”, *Third World Resurgence*, Issue No. 58, June 1995, p. 41.
- ¹⁵ Karl Polanyi, *op. cit.*, p. 132. Italics mine
- ¹⁶ James Robertson, *op. cit.*, p. x. Italics mine