

# *Anthropology and the 'Indigenous Slot'*

## Claims to and Debates about Indigenous Peoples' Status in India

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**Abstract** ■ This article examines the present mobilization of indigenous peoples in India and their assertions of indigeneity at the United Nations. The notion of 'indigenous peoples' is highly controversial in India, and both the government and leading social scientists/anthropologists claim that it is neither possible nor desirable to single out any such category of peoples in the country. Above all, the fear is that the indigenous rights' agenda will lead to further divisions of the society and fuel violent ethnic separatism. This, however, does not prevent marginalized 'tribal peoples' from asserting themselves as indigenous and claiming rights on the basis of this identity. Particularly during the last ten years an increasing number of indigenous delegates from India have participated in the United Nations (UN) Working Group on Indigenous Populations' annual sessions in Geneva. At the UN these delegates express solidarity and a common plight with the world's indigenous peoples. What is this all about and how should we as anthropologists relate to the emerging globalized field of indigenous politics? These are questions I address in the article. As a minimal requirement, I claim that anthropologists need to move beyond the sterile debate about whether the concept of indigenous peoples is relevant and take note of the fact that the concept is already out there.

**Keywords** ■ anthropological engagements ■ globalization ■ India ■ indigenous peoples ■ social movements ■ United Nations

Speaking at the 19th session of the United Nations (UN) Working Group on Indigenous Populations (WGIP) in Geneva, in July 2001, the chairperson Professor Erica-Irene Daes – who has been chairing these sessions since 1984 – stated that the Working Group has reformed the UN system. It has allowed indigenous organizations as well as other non-governmental organizations (NGOs) to participate 'at nearly all levels of decision making'. The indigenous peoples (IPs) are thus 'the first grassroots movement to gain direct access to the UN'. She further asserted that the

Working Group has provided a global democratic and liberal forum and a gathering place for indigenous peoples during the almost 20 years of its existence. According to her, it is the IPs themselves who – to a great extent – have set the agenda and who have moral and intellectual authority over the issues at hand. Daes argues that this is a great achievement but it is nevertheless just the beginning of the struggle to secure basic rights and freedoms for the world's IPs. In her opening speech she went on to talk about the many difficulties and drawbacks the Working Group has been facing. Perhaps the most important ones have to do with the UN Declaration on the Rights of Indigenous Peoples, a declaration that, after years of negotiations, still remains a debated 'draft'.

The Working Group has become a critical site for the indigenous cause, and I suppose most observers would agree that it has played a major role in placing indigenous issues on the global agenda (see Brysk, 2000; Niezen, 2003). For reasons that are far from easy to comprehend, everyone nowadays seems concerned about the plight of indigenous peoples. International development agencies, not least the World Bank, environmental organizations and state institutions, are all busy acknowledging the importance of special safeguards and policies for IPs. This, of course, need not imply changes in these agencies' actual mode of operation in the field. However, as Professor Daes rightly claims, remarkable things are evidently taking place. What we are witnessing can perhaps be described as the creation of a new globalized political space. To assert oneself as an 'indigenous people' or to claim, what the anthropologist Tania Murray Li (2000) calls, the 'tribal' or 'indigenous slot'<sup>1</sup> is to situate oneself within such a space. Being 'indigenous' is thus a new way of placing oneself in the world, and as such of pursuing a new type of politics. From the simple fact that more and more peoples are claiming the indigenous slot, we can assume that indigeneity resonates well with the experiences and aspirations of many marginalized peoples in the present-day nation-state system. The emerging 'global' indigenous subject, struggling to rectify past and present injustices, is a phenomenon that a critical anthropology (or the social sciences in general), which seeks relevance and engagement in contemporary society, needs to address. Anthropologists have also been involved in the indigenous peoples' movement in various capacities, not least through advocacy work in organizations like Survival International, Cultural Survival and International Working Group on Indigenous Affairs (IWGIA). Within the anthropology world there remains a fair amount of scepticism relating to the very notion of indigenous peoples and subsequently to the idea that peoples designated as such should be regarded as bearers of certain rights. Two types of argument are usually raised against the usage of the term 'indigenous peoples' or for dismissing it as a misnomer. The first type of opposition, which we can call 'substantivist', relates to the impossibility of finding universally acceptable criteria or definitions of IPs because history and present-day situations in different parts

of the world vary so greatly. Existing definitions are scrutinized and found utterly inappropriate.<sup>2</sup> Peoples' own assertions of being indigenous are equally questioned, and dismissed or declared as unfounded on historical or other grounds. The commonly held position is simply that the entire exercise of establishing who is indigenous or not is a futile one. The other type of opposition, the 'political', often but not always goes hand in hand with the 'substantivist' one. Here it is argued that political mobilization based on indigeneness is most likely to prove disastrous or result in undesirable consequences. Such politics might lead to ethnic conflict, or pit different marginalized groups against one another. This critique often has a leftist ring to it, favouring instead wider class-based alliances or a joint struggle of all the oppressed groups in society.

In this article I will concentrate on the issue of indigeneity in India. Many leading scholars in India have taken a critical stance against using the term 'indigenous peoples' in the country, basically arguing along the lines of the 'substantivist' and/or 'political' critiques referred to above. Anthropologists like André Béteille (1998) and B.K. Roy Burman (1996) are examples of such critics. Their dismissal of the term is based on the notion that the whole IP discourse has been imposed on India, mainly by Western institutions, scholars or naïve human rights advocates. The discourse simply obscures rather than encourages the fight for basic freedom and social justice on the subcontinent.<sup>3</sup> Instead of elaborating their critique any further, as I have done elsewhere (Karlsson, 2000, 2001), I will take a closer look at the discourse of those who themselves claim the indigenous slot. I will do this by looking at statements and interventions<sup>4</sup> made by indigenous representatives at the UN Working Group on Indigenous Populations in Geneva. Getting hold of this material turned out to be harder than I initially thought. The statements were, surprisingly, not filed or made accessible at the UN itself,<sup>5</sup> but, as I later found out, were kept by a Geneva-based NGO called DoCip (Information and Documentation Centre on Indigenous Peoples). Through them I finally gained access to the major part of the statements given by indigenous delegates from India.<sup>6</sup>

## In Geneva

In her revealing account of indigenous cultural politics at the UN, anthropologist Andrea Muehlebach (2001: 421) notes that there is a 'striking unity of the indigenous arguments in the hundreds of indigenous interventions made before the WGIP'. This is so both in the case of the old-timers, like representatives from the Americas, who have participated in these sessions from the very beginning, and representatives who are in Geneva for the first time. According to Muehlebach, this cannot only be explained by shared histories of oppression. It must also be attributed to 'the carefully crafted discourse' that has developed over time. Particular

trajectories of oppression – experiences and memories of genocide, ethnocide, loss of land, economic deprivation and political marginalization – are thus translated into a new language that emphasizes a common indigenous predicament. Many different actors have contributed and continue to contribute to the crafting of the indigenous discourse, and a lot of it takes place in Geneva itself, as Muehlebach's study so eloquently shows. Indigenous representatives have meetings and consultations prior to the WGIP sessions, where they share experiences and 'agree on strategies and produce joint resolutions' (2001: 421). Indigenous delegates often arrive in Geneva with half-written statements which are then re-formulated in discussions with other delegates and the various advocacy NGOs or scholars that are present at these events. I experienced this at the 2001 session, where I was asked by a delegate from western India to help re-draft his statement in English. As much as I tried not to influence the text, it is clear that I nevertheless did suggest formulations or particular concepts. At this session, there were also separate strategy meetings for Asian and Indian delegates. Delegates are thus socialized into speaking a certain language or learning to use the common terminology of indigeneity; for example describing their relationship to land as a spiritual one ('Mother Earth') and, most importantly, insisting on indigenous peoples' right to self-determination as fundamental to their overall freedom and development. To some this might raise questions about the authenticity of the indigenous voice, which is a relevant concern but one that tends to overlook the fact that the indigenous movement is in its very nature a transnational phenomenon.

'Indigeneity' is a travelling discourse that has emerged and developed in dialogue with various social movements and non-indigenous actors, and not something that reached us straight from the mud-hut, bush or wherever one is to locate the 'authentic' tribal spokesperson. The indigenous discourse, like any other discourse, enables certain articulations and, at the same time, excludes or suppresses others. Rather than authenticity, a critical concern of mine is exactly this, that is, what is being left out or silenced by the predominantly legalistic, rights-based language of indigenous activism? As a political strategy, claiming indigenous status certainly empowers marginalized communities, but as with all forms of politics there are also risks involved or a price to be paid. It could for example be argued that all rights-based assertions are a sell-out to the neo-liberal agenda, and that they therefore undermine radical political change and eschew fundamental critique of global capitalist hegemony. These, however, are issues that exceed the scope of this article. As a point of departure, I simply note that people choose to assert themselves as indigenous peoples and seek collective rights on the basis of this status, regardless of outside approval.

The first Asian delegates to participate at the WGIP were hill peoples from Bangladesh and Burma at the 1984 session. The year after, the Indian situation was brought to public attention through a statement delivered

jointly by the Anti-Slavery Society, a well known London-based human rights organization, and Lokayan, an Indian NGO. This statement is important as it opens the whole issue of whether the term 'indigenous peoples' could at all be considered applicable in the Indian context. The point of departure is the report of the UN Special Rapporteur, José Martínez Cobo, from 1982–3 (1986), that includes what commonly is taken as the unofficial UN definition of the term 'indigenous peoples'.<sup>7</sup> The Anti-Slavery/Lokayan statement asserts that the term 'indigenous peoples' does apply to the 'indigenous tribes people of India'. These peoples are today 'reduced to a colonial situation and are dominated by a system of values and institutions maintained by the ruling groups of the country'. Subordination, often attributed to or described in terms of 'internal colonization', and cultural difference is thus stressed, whereas the question of being 'original settlers' is regarded as less significant. The statement needs to be understood in relation to the position of the Indian state – a position that has been stated over and over again by the permanent Indian delegation at the UN – that neither the so-called Scheduled Tribes (i.e. officially recognized and listed tribal groups that are subject to affirmative action like reservation quotas in the legislative assemblies, in government jobs and higher education and, in addition, entitlement to various welfare schemes and development programmes)<sup>8</sup> nor any other category of people in India can be singled out as IPs. According to this position, India is a 'melting pot' and a country of migration where it is impossible to establish who the original settlers in a particular place or region are. The term 'indigenous peoples' is therefore claimed to be inapt on the Indian subcontinent; sometimes with the conclusion that there are no IPs in India or, alternatively, that all Indians are indigenous.<sup>9</sup>

The first indigenous delegates from India started to participate in the WGIP meetings between 1985 and 1990. During that period, the main concern continued to be to refute the state position and to claim indigenous status for peoples previously known as tribals – mainly those recognized as Scheduled Tribes (STs), but also communities regarded as tribal but lacking government recognition as STs. One of the most important goals was to make the term 'tribal peoples' and the Indian term '*Adivasis*' (original inhabitants, a Sanskrit derivation)<sup>10</sup> equivalent to the new international term 'indigenous peoples'. In 1987, a delegation consisting of five indigenous delegates from different tribal communities asserted that they had come to Geneva to express their 'unity and solidarity' with all the IPs of the world. They challenged the state's position, saying that they were IPs and that since pre-historic times have remained distinct peoples, 'reduced to a colonial situation', subjugated by a 'system of values and institutions maintained by the dominant ruling group'. They stated that it was important for them to secure 'the collective right of self-determination' and thus restore 'land and forest rights to their people'. The delegation represented the newly established organization called the Indian Council of Indigenous

and Tribal Peoples (ICITP), which is affiliated to the World Council of Indigenous Peoples. One of the leading figures in ICITP is Professor Ram Dayal Munda. He holds a PhD in linguistics from the University of Chicago and has been Vice-Chancellor of Ranchi University and a prominent leader of the Jharkhand movement. He and other ICITP leaders have also attended most of the WGIP sessions during the second half of the 1980s and throughout the 1990s. A critique raised against ICITP is that it never really managed to get an all-India coverage because most of the leaders, like Munda, come from the Jharkhand area in central India. It also lacks a grassroots base and, over the years, has become alienated from the daily struggles of local people.<sup>11</sup> Such a critique is commonly made against indigenous leaders who participate at a national and a transnational level, and thus end up spending considerable time outside the very group or community they are said to represent.<sup>12</sup>

In the 1990s, new organizations also emerged on the scene, and the number of statements delivered by Indian delegates in Geneva increased substantially, to more than 20 in 1999. The All-India Coordinating Forum of Adivasi/Indigenous Peoples, a network of indigenous organizations, was created as an alternative national platform to the ICITP. The Coordinating Forum plays an important role in identifying Indian delegates eligible for travel grants from the UN Voluntary Fund. The fund finances indigenous participants' travel to the WGIP's annual session. The Working Group is an open forum that allows all organizations that identify themselves as indigenous to attend. Financing is of course a crucial matter in deciding whether a particular organization can participate at these sessions. The Voluntary Fund provided travel grants to a total of 78 delegates for the 2002 session. Eight of these delegates were from India.<sup>13</sup> In addition to the Voluntary Fund, various international organizations, bilateral aid donors or larger NGOs can also cover representatives' travel expenses. Delegates might also self-finance their participation.<sup>14</sup> Lack of transparency over how and on what mandate certain delegates have ended up in Geneva seems to be a source of controversy within the Indian indigenous 'caucus'. An experienced female delegate told me that they have been trying to build a common platform and agree on criteria upon which to base the selection of candidates who participate in the WGIP meetings. She added that unfortunately these efforts have to a large extent been unsuccessful. Many of the delegates know each other well and there seems to be a core group of regular participants that supervise newcomers and organize formal meetings where common strategies and key issues are worked out. More or less all the Indian delegates at the UN meetings belong to tribal communities. An exception to this is a Dalit delegation that has participated four times in the WGIP's annual sessions, and claims that they, the former 'untouchables' who now call themselves 'Dalits', should be regarded as indigenous people. With a population of 250 million people, the Dalits consider themselves to be the largest indigenous population in the world.

The only other exception is a delegate from the Kashmir Democratic Forum who participated twice and claimed that he represented the 13 million indigenous people of Kashmir. None of the tribal organizations has expressed support for either of these two groups' claim for IP status. In the case of the Dalits it is clear that the indigenous platform is just one of many political platforms, and hardly the most important one, in their struggle against discrimination and for equal rights.<sup>15</sup> However, in the 2002 WGIP session, a Dalit delegation participated again and claimed status as IP.

Throughout the 1990s, the ICITP has continued to push for tribals to be considered indigenous peoples. In a statement from 1991, they argue that the Indian government persistently dismisses the term 'indigenous peoples' because they want to keep the tribals as dependent receivers of welfare assistance rather than as peoples in their own right able to pursue development in the way they find most suitable. According to the ICITP, the government's greatest worry is that the right to self-determination attached to IP status can fuel ideas of secessionism. This fear is ungrounded because, as the ICITP states, the indigenous organizations only aspire to self-determination within the framework of the Indian Constitution. An important exception to this is the case of the Naga people who, since independence, have been struggling for a sovereign state in northeast India and adjoining parts of Burma.<sup>16</sup> The Nagas joined the WGIP sessions in 1993, and have been the single most active 'ethnic organization' from India. Isak Chishi Swu, Chairman of the National Socialist Council of Nagaland (later changed to 'Nagalim'), says in his first statement to the Working Group that they are committed to the cause of the world's IPs although, as he points out, their situation appears different to that of most IPs. Swu does not explicitly refer to the Naga as an indigenous people, but talks instead of an independent nation that is fighting a war of resistance against invasion by Indian and Burmese forces. Nagaland, according to him, has never been part of India nor Burma. The right to self-determination is Swu's main concern, and he describes it as an 'inalienable birthright'. The Naga claim for full independence is controversial and several Indian indigenous delegates have told me that there is a fear the entire indigenous movement will be discredited or marked as 'secessionist' as a consequence of the Nagas' claim. Interestingly, Ram Dayal Munda, then President of ICITP, in a statement from 1995, supports the Nagas' right to establish a sovereign 'nation-state'. An experienced Naga delegate told me that there were initially some controversies within the WGIP itself concerning their participation, because of their insistence on independence. The chairperson Erica-Irene Daes also states in several UN documents that the Working Group has no intention of promoting the break-up of existing states.<sup>17</sup> As most of the later Naga statements focus on human rights violations and, towards the end of the 1990s, on the ongoing peace negotiations with the Indian government, one can assume that their participation later became less of a problem for the WGIP.

The contentious nature of demands for self-determination was forcefully brought home by the reactions to the statement that B.K. Hrangkhawl, President of the Indigenous Nationalist Party of Tripura, delivered at the 2002 session in Geneva. Hrangkhawl questioned the Tripura Kingdom's merger with India in 1949 and argued that it opened the area for large-scale immigration from neighbouring East Pakistan (later Bangladesh). He further argued that, as a result, the indigenous Borok people have become 'refugees in their own country'. He also referred to the ongoing armed struggle in the state, saying that self-determination is the 'born right' of every man and woman, and that the organizations that have taken up arms for this cause cannot be branded secessionist, as 'Tripura was never an integral part of India'.<sup>18</sup> The issue became particularly sensitive because Hrangkhawl has a previous record as an underground leader and is presently a member of the legislative assembly in the state of Tripura. Hrangkhawl was labelled 'anti-national' in the press and some questioned whether he had violated the Indian Constitution. A court case has been filed against him and he is currently under police investigation for his alleged 'seditious speech' in Geneva.<sup>19</sup> Hrangkhawl has responded to these allegations by stating that his party's demand for self-determination is within the framework of the Constitution.<sup>20</sup>

Many of the statements by Indian delegates address the particular topics on the agenda for the respective sessions; these could be the situation of indigenous children, language, education, development, health or relation to land. These statements are fairly uncontroversial and mainly confirm the urgent need to improve the situation for the tribal or indigenous peoples in these fields. In a second type of statement, delegates focus on single cases, like the building of dams or the establishment of wildlife sanctuaries that are said to severely threaten the lives and livelihoods of particular communities. It is a question of alerting the 'international community', urging states and multilateral donors to withdraw funding and putting pressure on the Indian government. A third type of statement was mainly delivered by delegates from northeast India, who, similarly to the Naga leader Isak Chishi Swu, present themselves and their plight to the international community. Apart from the Nagas, the most persistent participants at the WGIP are Bodo organizations who advocate for the formation of Bodoland, a separate ethnic homeland for the Bodos comprising about half of the present state of Assam. The first Bodo representative went to Geneva in 1996, and since then they have participated every year. In 2001, I was quite surprised to find as many as seven Bodo delegates at the WGIP session. They were there to assert their right to self-determination, arguing that they are the indigenous people of the region. In addition to the number of delegates, the importance attributed to the WGIP was clear from a magazine distributed by the leader of the Bodo delegation in which the previous year's statements were reproduced and where pictures showed Bodo women dancing at a

cultural event in Geneva and Bodo delegates in discussion with the UN High Commissioner Mary Robinson.<sup>21</sup>

### The Martínez report controversy

The single most controversial issue for the Indian delegates relates to a report by the UN special rapporteur Miquel Alfonso Martínez. The report was on the agenda at the 1998 WGIP session and was up for discussion again at the 1999 session, when the final version of the report was to be submitted. Martínez had been given the task to follow-up on some of the recommendations made by the earlier special rapporteur José R. Martínez Cobo. He had been working on the report entitled, *Study on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Populations* for almost a decade.<sup>22</sup> Unexpectedly, Martínez's treaty study questioned what the Indian indigenous delegates had aimed for in Geneva, that is, to establish themselves as indigenous peoples. According to Martínez, neither the Asian nor African situations qualify for the usage of the term 'indigenous peoples'. '[I]n post-colonial Africa and Asia', he states, 'autochthonous groups/minorities/ethnic groups/peoples cannot claim for themselves . . . the "indigenous" status in the United Nations context' (1999: 15, para. 88, emphasis added). Subsequently, Martínez suggests that cases relating to any of these continents should be handled in forums other than the WGIP, preferably at the newly established Working Group on Minorities (1999: 16, para. 90). Martínez insists on a 'clear-cut distinction between indigenous peoples and national or ethnic minorities'. He criticizes his predecessor José Cobo for his too-inclusive 'working definition' of indigenous peoples, that has tended to 'lump together situations that this Special Rapporteur [i.e. Martínez himself] believes should be differentiated because of their intrinsic dissimilarities'. Martínez does not give his own definition, but points out that the distinction he applies relates above all to the different historical trajectories of, on the one hand, 'territorial expansion by indigenous nations into adjacent areas' and, on the other, 'organized colonization, by European powers, of peoples inhabiting, since time immemorial, territories on other continents' (1999: 13, paras 71, 72 and 73). The term 'indigenous peoples' should thus only be reserved for cases of the latter kind. Martínez states further in the report that, with this distinction in mind, he has in the final phase of his work limited the study to 'cases and situations in which the "indigenous peoples" category is already established *beyond any doubt* from a historical and modern-day point of view' (1999: 12, para. 69, emphasis added).

The response of the Indian delegates was extremely critical. The ICITP president Ram Dayal Munda points out in his statement at the 1999 session that Martínez's 'selective view of the colonial background' has misled him

to preclude the existence of indigenous peoples in Africa and Asia. He adds that the study remains incomplete as long as the 'mosaic of indigenous peoples' on these continents is not properly investigated. Another delegate, Mr Roy Laifungbam from the Centre for Organization, Research and Education in Manipur, is similarly critical of Martínez's limited understanding of the colonial process. He points out that Martínez has failed to grasp 'the process of re-colonization of indigenous peoples and nations by successors of European colonial governments in Asia and Africa'. He goes on to give an example from the type of treaties and agreements that the Manipuri people established under the British colonial period and later the independent Indian state. Luingam Luithui, a Naga human rights activist representing the Asia Indigenous Peoples' Pact, similarly expressed grave concerns regarding the conclusion of Martínez's study. He described it as 'erroneous' and 'going against the advancement of the universal rights of indigenous peoples'. Luithui's main criticism also relates to Martínez's understanding of colonization. According to Luithui, Martínez advocates a simplistic theory of salt-water colonization, meaning that colonization only occurred when the colonizers came sailing across the sea from other continents, as in the case of the European conquest of the Americas or, for example, Australia. Only in such situations should one apply the term indigenous peoples. Hereby Martínez, according to Luithui, marginalizes 'a huge number of indigenous peoples who have been subjected to some of the worst forms of oppression in the world's history'. Most outspoken was the lawyer and activist Ratnaker Bhengra from the Jharkhandis Organization for Human Rights, who claimed that Martínez was racist, and that he was applying the same type of racist-caste discrimination his people had been suffering from in India for millennia. According to Bhengra, denying the Adivasis of India indigenous status under international law would have severe consequences and further an 'enhanced cultural genocide' of their peoples. He further pointed out that Martínez's study approves of the position taken by many Asian states, which deny the existence of IPs in their country or who claim that all are indigenous. He stresses that Martínez has not properly studied the historical and present-day situation of IPs in Asia and Africa. The situation, according to Bhengra, could be described as 'complex' in these continents, but not 'confusing' as Martínez claims.<sup>23</sup>

Martínez mentions in the final report that he has been heavily criticized for his views by delegates from Africa and Asia, who have been in total disagreement with most of his findings relating to their continents. He claims to have listened to their arguments – but not to 'absurd' accusations of him being chauvinistic or racist in his outlook and in the way he carried out his work. Nevertheless, he found no reason to alter his views (1999: 15, para. 87).<sup>24</sup> Without entering into an elaborate discussion of the content of Martínez's report, I cannot but agree with the Indian indigenous delegates that there is a remarkable superficiality regarding the African and

Asian situations.<sup>25</sup> The Special Rapporteur alludes to this himself, saying that he 'has not been in a position to assess all possible overlaps and contradictions of every treaty-related issue and the overall indigenous *problématique* in the African and Asian contexts' (1999: 14, para. 80, emphasis in original). Although he states that he interprets his mandate as 'universal, dealing with any part of the world' (1999: 7, para. 35), as mentioned, he limits the study to situations where IP status has been established 'beyond any doubt'. Yet Martínez includes Saami cases in his study. In Sweden, there are still those who object to a straightforward application of IP status to the Saamis. Sweden has not ratified the International Labour Organization (ILO) Convention 169, mainly objecting to paragraph 14 which would demand recognition of Saami landownership. The stumbling block for the state today is not so much the 'indigenous' part of the term but rather 'recogniz[ing] the Saami as a "people" according to accepted terms of international law' (Beach, 2000: 242; relating to ILO 169, see Beach, 1994). It is hardly a question of colonization of the Saami by people from other continents, but rather by an expanding Swedish state. Pointing to the Saami case is not to argue for their exclusion from the IP category, but rather to point out Martínez's rather arbitrary selection of cases to consider in his study, and hence in deciding who to regard as IPs. Many of these problems would not have appeared had he simply stated that he had restricted his study to certain areas, and in so doing refrained from any statements regarding the 'indigenous *problématique*' in Africa and Asia. In his introduction, Martínez says that according to the mandate, following the recommendations of his predecessor José Cobo, the treaty study should be carried out in collaboration with all concerned parties and consider the points of views of both states and indigenous nations (1999: 2, paras 1–4). Martínez also thanks a large number of indigenous peoples' organizations and individuals for their assistance, but not a single one from India (neither from Asia at large nor from Africa, as far as I can make out). This absence is quite remarkable. By not engaging with the indigenous organizations of these regions and imposing his own understanding of what constitutes indigeness, he is violating the central principle of self-identification, that is, that the IPs themselves should be part of the process of identifying who the indigenous peoples are. Self-identification is of course in itself problematic, but it has nevertheless been adopted as one of the fundamental principals in international law and practice relating to IPs (for example in ILO Convention 169).<sup>26</sup> Self-identification is also crucial to indigenous peoples who claim it is the central aspect of their self-determination.<sup>27</sup> Cobo, the previous Special Rapporteur, was clear about this, arguing that the 'right of indigenous peoples themselves to define what and who is indigenous must be recognised', and that '[A]rtificial, arbitrary or manipulatory definitions must, in any event, be rejected' (Cobo, 1986: paras 368, 369 and 372). It is hard to place Martínez's study in the overall global indigenous framework. Indigenous

organizations in the Americas have responded very positively to the findings of his study, treating it as an important document in favour of their struggle. Martínez is also a highly regarded expert in the field of indigenous rights. He is a member of the UN Working Group and was elected as chairperson of the recent 2002 session. Nevertheless, his limited or exclusive understanding of indigeness goes against the grain of the general development within the UN system as well as in other international forums. The most recent advance within the UN is the establishment of a Permanent Forum on Indigenous Issues where we find indigenous representatives from Asia and Africa along with those of other regions.

The controversy relating to Martínez's report reveals a difficulty that seems to continue to haunt the indigenous peoples' issue on the global scene. The term 'indigenous peoples', initially developed in the context of white settler colonies, has travelled to other parts of the world and different situations. As the term travels, it takes on new meanings and poses new questions, but the 'archetypical case' against which indigeness is to be measured remains that of 'white settler' colonies. It is certainly more complex in a country like India to establish who to recognize as indigenous than in, for example, Canada. Proposing a more exclusive or restricted understanding of indigeness could be instrumental in turning indigenous peoples into rights-bearing subjects under international law. Such efficacy may be achieved at the price of excluding large numbers of peoples seeking this recognition. As must be clear from my discussion above, I find such a move highly questionable. Besides having both scholarly and ethical objections to Martínez's findings, I would say that the situation on the ground renders them obsolete. Indigeness is a political and social reality worldwide today. People in Asia and Africa who currently claim indigenous status will certainly continue to do so regardless of whether Martínez and other experts or scholars agree with them or not. Although indigenous delegates from India find reasons to castigate Martínez's report, it certainly benefits Asian states (like India) that claim that the term does not apply in their countries. Martínez also fuels the anxieties of these states by explicitly arguing that the ('newly established') post-colonial states have a legitimate right to maintain their sovereignty and 'their fragile territorial integrity', and that there is an obvious risk that recognition of IP status for certain groups could lead to the disintegration or break-up of such states (1999: 15, para. 89). Martínez plays on the basic fear of all states, that is, 'balkanization' (to use his terminology). By associating assertions of indigenous identity with division of states, Martínez not only misrepresents the aspirations of most indigenous peoples who are seeking self-determination within the existing nation-states, but also what the Working Group itself is working for, namely, as Erica-Irene Daes points out, to make states more 'inclusive and democratic' (see note 17). It is important to note, however, that the UN Draft Declaration on the Rights of Indigenous Peoples does speak about the right of

self-determination as including the right to 'freely determine their political status' (Article 3), which as far as I understand includes the right to secede. Many indigenous organizations also want this as an option (a last option) to be recognized under international law (see e.g. Trask, 1998).

But again, why does being recognized as 'indigenous peoples' matter so much to the Indian 'tribal' organizations? They are, after all, already recognized as belonging to a special category of peoples, that is, the Scheduled Tribes, that entitles them to certain rights and privileges. The short answer to this would be that indigenous peoples status has a wide range of internationally approved rights and safeguards attached to it, above all the right to self-determination, which is regarded as empowering in negotiations or conflicts with the state and other powerful interests.

### Anthropology and indigeness

To conclude, I would like to return to the question of anthropology and anthropologists' (or other scholars') engagement with the indigenous peoples' movement. What kind of roles or positions ought to be encouraged? This type of question is usually debated under the heading of 'anthropology and advocacy'. It raises issues such as: is the scholar morally obliged to assist the people that she is working with (say in a land conflict or in situations of human rights violations) or avoid 'getting involved' or 'taking sides'?<sup>28</sup> The anthropologist who does not shun political engagement might, as John Gledhill put it, run into delicate problems. One such problem is how to 'balance the interests of an indigenous group in Amazonia with those of poor people' who have migrated into the region and who 'may find themselves worse off than ever if the specific rights of indigenous people are recognized' (Gledhill, 1994: 207). These questions have recently surfaced in a debate in the journal *Anthropology Today* relating to the term 'indigenous peoples'. John R. Bowen opened the debate with an article entitled 'Should We Have a Universal Concept of "Indigenous Peoples" Rights?' (2000, emphasis added). Bowen's answer to this question is 'no'. Indigenous peoples might be an appropriate term for 'analysis and political struggle' in certain regions (pointing, like Martínez, to the American and Oceanic contexts), but he would refrain from 'granting' it a 'universal legal privilege' (2000: 16). Through examples from his own field in Indonesia, he argues that the term 'indigenous peoples' is neither helpful as an analytical tool (it would miss the key terms of local significance) nor as a basis of policy intervention (it would lead to ethnic polarization and thus undermine the larger project of a peaceful transition 'towards a decentralized Indonesia'). Bowen's objections are thus both 'substantivist' and 'political', to use the terms I initially proposed, and are well-founded and decisive. My main problem, however, is in his very point of departure: the question and, in particular, the 'we' in the title of the

article. As I argued above in the case of India, the concept 'indigenous people' is already out there and as a minimal requirement the concerned anthropologist should at least take note of this empirical situation, and preferably also engage with the claims of the indigenous subjects. It is a rather futile exercise to go on debating for or against the notion of indigenous peoples as if this was an open question and, even more so, as if this was up to 'us' (anthropologists) to decide upon. I am not arguing against a critical interrogation of the term or an analysis of how, for example, indigenosity is appropriated in local and national contexts or, more generally, the larger implications of the emergence of indigenous peoples as rights-bearing global subjects. On the contrary, this article is an invitation to anthropologists and other scholars to pursue such research.<sup>29</sup>

In a later editorial in *Anthropology Today*, Marcus Colchester<sup>30</sup> takes a more activist stance and argues that it is high time for anthropologists to seize the moment of international recognition of indigenous peoples' collective rights and thus to 'start work directly for the indigenous peoples themselves' (assisting them in taking control of their own destinies) (2002a: 3). Colchester is less troubled with the present predicament relating to the lack of precise definitions of the term 'indigenous peoples', noting that the United Nations still has not defined the term 'peoples'. He points to the principle of self-identification and the recognized indicators within the UN framework, that is, that indigenous peoples 'tend to be those with close ties to their lands, with identities and languages distinct from the national mainstream, who govern themselves according to their customs and who have had a history of political marginalization' (2002a: 2).<sup>31</sup> He points out that not all marginalized ethnic groups assert themselves as indigenous peoples, but choose other avenues for political recognition. Commenting on both Colchester and Bowen, the director of *Cultural Survival*, Ian McIntosh, claims that the 'unresolved issue of definitions' remains a stumbling block in securing justice and basic rights for indigenous peoples. He states that all peoples might have the right to self-determination under international law, 'but not all peoples are indigenous'. McIntosh hopes that the new UN Permanent Forum on Indigenous Issues will take on the task of bringing 'definitional clarity' (2002: 23–4). Like Colchester, McIntosh argues that the term 'indigenous peoples' is of 'strategic importance' and to retreat from it, pointing to Bowen, could be seen as a 'retreat from the fight for the rights of these most marginalized of peoples' (2002: 23). In a response, Colchester (2002b: 24) points to the dangers of 'fixed definitions', arguing instead for a flexible framework that allows for local variations and changing situations. To him, the issue is to 'establish international principles' through which indigenous peoples can 'renegotiate their futures with national governments'. One has to accept that the solutions are bound to be 'messy' and vary from place to place (2002b: 24). In a closing comment, Dan Rosengren (2002: 25) returns to the troubling aspect of first-ness in defining indigenosity. Rosengren refutes Bowen's

claim that being first is '*the crucial factor*' that distinguishes the rights of indigenous peoples from those of, for example, minorities.<sup>32</sup> In the context of the UN and other international bodies, as well as the indigenous peoples' own World Council of Indigenous Peoples, first-ness is one aspect or factor among many that can help in identifying IPs in a particular place/region (Rosengren, 2002: 25). As mentioned earlier, in the first statement regarding IP status in India, it was claimed that being the 'original settlers' is not the most relevant criterion. It is the history of colonial and postcolonial subjugation and cultural difference vis-a-vis the majority population (see the joint statement by the Anti-Slavery Society and Lokayan in DoCip, 2001). First-ness can, however, have several different connotations. A lot could be gained, I would add, by reframing this as a question of *prior* dwelling, of being there *before*, rather than indigenous peoples being the *first* ever to set foot in a particular place. The 'before' would, under present-day conditions, mainly refer to situations of intruding nation-states trying to appropriate the lands and resources of marginalized peoples who want to maintain a distinct identity and form of life.<sup>33</sup> Rosengren sides with the 'activists' Colchester and McIntosh who speak in favour of the concept of indigenous peoples. He agrees with Colchester that we have to accept that the indigenous category remains a fuzzy one. I would also go along with such a line of reasoning.

Where does this leave us? Assertions of indigeness come in different forms, and being in favour of some need not imply that one is not horrified by others. Bowen points to the 'scary' tendency today to distinguish between natives and aliens, and that the 'trope of indigenous/foreigners has been invoked to justify violence' (2000: 14). In Western Europe we see this in the form of racist assertions against immigrants. In India, in the wake of the *hindutva* movement this mainly takes the form of hatred of the Muslim other, dubbed as 'foreign' or alien to the sacred Bharat Mata (Mother India). Mahmood Mamdani (2001), in his account of the genocide in Rwanda, gives a chilling example of how the colonial distinction between indigenous and alien has been turned into an ideology propelling the Hutu massacres of the Tutsi (castigated as aliens). Does the present-day indigenous peoples' movement, and support of it, lend itself to such logic? In the case of Rwanda, those commonly regarded as 'indigenous' are neither the Hutu majority nor the Tutsi minority, but rather the Twa (traditionally described as 'pygmies'). Working for the collective rights of the Twa, as one of Africa's indigenous peoples, cannot, as far as I see, be conflated with the type of indigeneity politics enacted in the Rwanda genocide. Power is a central aspect to be considered. Claims to indigeness by dominant, majority groups are an altogether different story. One would be naive to assume that indigenous subjects are somehow less prone to intolerance and, at times, hatred against those perceived as intruders or outsiders.<sup>34</sup> In Northeast India, where I presently work, inter-ethnic violence is on the increase and the mentioned Bodo aspiration for

Bodoland, for example, has triggered killings of Muslim immigrants and Santhal 'tribals'. The Bodo assertion of indigenosity in the global arena – delegates participating in the WGIP meetings and their present claim to the international status of indigenous peoples – is a recent strategy to enhance their demand for self-determination. The violence is not related to this, but has a longer and more complex history. However, Northeast India is a region of extreme ethnic complexity and it is rather obvious that separate homelands for each ethnic community cannot produce a viable political solution. It is necessary to think beyond the imaginary realm of the territorial nation. I believe that the collective experience of the global indigenous movement, shared in forums like the WGIP sessions, can be useful. There is no blueprint for indigenous sovereignty and, as far as I can see, asserting the right to self-determination need not imply the exclusion of non-indigenous, ethnic others, but can as well facilitate peaceful 'inclusive alternatives'.<sup>35</sup> In this process of formulating justifiable indigenous futures, the concerned anthropologist could have a role as critical interlocutor and partner in a dialogue.

## Notes

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- 1 A term she has taken from Michel-Rolph Trouillot's the 'savage slot' (1991).
- 2 See for example Tim Ingold's discussion on indigenous peoples in his recent book *The Perception of the Environment* (2000: ch. 8). Ingold bases his critique of the term on the ILO definition, focusing entirely on the issue of indigenous peoples being 'descendants' of the original population in a particular region.
- 3 A recent and quite telling example of such reasoning is by the historian Sumit Guha, who argues in his book *Environment and Ethnicity in India* (1999) that present-day articulations of an indigenous identity by forest dwellers is the handiwork of 'international experts', who have started to classify tribal communities as indigenous. In his account there is no trace of indigenosity as a self-chosen identity. It is something that has been imposed on them by outsiders. For a more balanced account of the tribal-indigenous issue in India, see Xaxa (1999).
- 4 A statement or an intervention is made in the form of a five-minute long oral presentation to the assembly of the Working Group. It is later also submitted and circulated in a written form.
- 5 I find this surprising as I thought the statements were regarded as official documents, filed and accessible to the public.

- 6 DoCip has recently produced a CD with documents relating to the Working Group on Indigenous Populations, 1982–2000 (<http://www.docip.org>).
- 7 Cobo's 'working definition' is as follows, '[I]ndigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, considering 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' (Cobo, 1986: 29, para. 379).
- 8 Roughly 8 percent of the Indian population belong to the Scheduled Tribes, thus making up a total number of about 80 million people.
- 9 Many other Asian states take a similar stand, for example Bangladesh, China, Indonesia and Laos (see further Kingsbury, 1998).
- 10 See Hardiman (1987) for a history of the term, and for its present-day usage in the international arena, see Bhengra et al. (1999).
- 11 This critique has been raised in private discussions with tribal activists from different parts of India. It is important to note, however, that I have not conducted any in-depth inquiry into the matter.
- 12 See, for example, Conklin and Graham's discussion on the problems of native leadership, or 'indigenous mediators', in Latin American Indian rights struggles (1995: 704–5).
- 13 The eight Indian delegates who received UN travel grants belong to different types of organizations; some are mainly cultural or religious organizations whereas others are more directly political (for the complete list see E/CN.4/Sub.2/AC.4/2002). In interviews with these and other Indian delegates, I also found that the organizations they represented differed greatly; some were large organizations with a strong community base whereas others were smaller NGOs with a rather unclear base.
- 14 As I heard from some of the delegates, there are said to be cases where representatives from India have been paid by the Indian government to go to Geneva.
- 15 Dalit organizations participated in the recent UN conference on racism in Durban. The issue was to notify the world community about the various forms of discrimination (social degradation, exclusion and economic deprivation) on the basis of caste. Caste discrimination was then equalled to racism, or described as 'worse than racism' by the Dalit activists (see, for example, [www.dalitindia.com](http://www.dalitindia.com)). The issues discussed in this context are certainly related to but still very different from those of the indigenous movement (inclusion/equal rights vs. self-determination).
- 16 There are also other organizations from Northeast India, like the United National Liberation Front: Manipur (UNLF) and the United Liberation Front of Asom (ULFA), who have been voicing demands for their right to full independence at the WGIP. A delegate from UNLF says in their first statement at the 1995 session that Manipur is 'under the colonial occupation of India' and that the indigenous Manipuri people never supported 'the so-called merger agreement'. The general secretary of UNLF states that their main issue is to 'exercise their right to self-determination and regain their freedom and independence'.
- 17 Daes also states this in her opening speech at the 2001 session, saying, for

- example, that the Working Group 'has never been interested in dismembering states, or promoting conflict and divisions within states', but rather wishes to 'build better, more inclusive and democratic states' (pp. 6–7, a print-out of her speech was made available at the meeting).
- 18 Quoted from B.K. Hrangkhawl's statement at the 20th meeting of the WGIP, held in Geneva, 22–6 July 2002.
  - 19 See for example the discussion in *The Telegraph* (5, 20 and 21 November 2002) and also *People's Democracy* (Weekly Organ of the Communist Party of India-Marxist), 1 September 2002 (available at: [http://pd.cpim.org/2002/sept01/09012002\\_tripural.htm](http://pd.cpim.org/2002/sept01/09012002_tripural.htm)).
  - 20 See interview in *tripurainfo.com* (<http://tripurainfo.com/interview/interviewofmonth5.shtml>).
  - 21 *The Indo-Mongolian Gazette*, 3rd issue, Aug. 2000 (Guwahati).
  - 22 United Nations, Economic and Social Council, Commission on Human Rights, 22 June 1999 (E/CN.4/Sub.2/1999/20).
  - 23 Statements at the 17th Session of WGIP, 1999, in Geneva.
  - 24 At the 16th session of the Working Group, Martínez responded to a critique of his study, saying that he mistakenly had been attributed the denial of the existence of indigenous peoples in Africa and Asia. His findings had in fact led him to the opposite conclusion, namely that all peoples of these continents are indigenous and could thus claim that status (see WGIP, 1998: para. 113, E/CN.4/Sub.2/1998/16).
  - 25 Also African indigenous representatives dismiss Martínez's recommendations, describing indigenism in Africa and Asia as deeply problematic and even 'flawed' (see, for example, WGIP, 1998: para. 108).
  - 26 According to ILO Convention 169, '[S]elf-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining groups to which the provisions of this Convention apply' (Article 1).
  - 27 In the 'Baguio Declaration', for example, made at an Asian Indigenous Peoples' workshop on self-determination in the town of Baguio in the Philippines (April 1999), it is stated that governments' acknowledgement and respect for indigenous self-determination includes the 'right to self-identification' (see para. 22).
  - 28 See, for example, the rather heated debate about Kirsten Hastrup's and Peter Elsass's article 'Anthropological Advocacy: A Contradiction in Terms?' (1990), and an additional comment and reply in *Current Anthropology* 31(4).
  - 29 A recent example of such a critical interrogation of indigenism/indigenization is Elizabeth Rata's work on the Maori people in New Zealand, concerning what she identifies as the emergence of 'neotribal capitalism' (see, for example, Rata, 2002, 2003). In short, Rata refers here to the emergence of a new class of wealthy and influential Maoris, consisting of those who have been able to assert property rights over (tribal) territories and natural resources and subsequently utilize these resources for commodity production. The exploitive nature of this set-up is concealed by a (neo) traditionalist ideology that stresses communal 'ownership' and indigenous political leadership. Many Maoris, particularly those living in cities, have lost out in the process and find themselves excluded from both the 'tribal' society and from the dominant New Zealand society. 'Indigeneity', according to Rata, has thus, contrary to its intention, 'become a part of the mechanisms of dispossession and disenfranchisement' (Rata, 2002: 195).
  - 30 Colchester is an anthropologist and director of the Forest Peoples Programme, World Rainforest Movement.

- 31 See further, Erica-Irene Daes' discussion on the definition of indigenous peoples (1996).
- 32 For an interesting attempt to differentiate between indigenous peoples and other national/ethnic minorities ('nations-within' or 'stateless nations'), see Kymlicka (2001: esp. ch. 6).
- 33 Andrew Gray makes a similar point (see 1995: 39–40).
- 34 As the international indigenous movement often back their claim with moral arguments and seek popular support through human rights channels it is, as Ronald Niezen (2003: 117) points out, critical that indigenous forums not only focus on human rights abuses against indigenous peoples but also address those committed by the indigenous peoples themselves.
- 35 I refer here to an article by Tania Murray Li (2002), where she points to the dilemma of supporting indigenous rights claims: that it builds on a 'sedentarist metaphysic' that legitimizes a sort of 'hierarchy of belonging', which can translate into exclusion and violence against migrant and other non-indigenous communities. Her call is instead for 'more inclusive alternatives' (Li, 2002: 362). For a most interesting exploration of alternative forms of indigenous governance, see Alfred (2001).

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