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SAVING THE LOCAL AT THE GLOBAL TABLE.

Graduate Thesis

by

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Declaration

I hereby declare that I am the sole author of this thesis. I authorize the Faculty of Humanities, Charles University in Prague, to file a copy of this thesis in the Library of Social Sciences of T.G. Masaryk in Jinonice, Prague. No part of this thesis may be published without my prior written consent.

Prague, 4th February 2010

Liliana Huszthyova

Abstract

A concern with the other has been present for half a millennium in western thought. The classic concept of indigenusness denoted the lowest position in the scale of civilization by creating the remote other. However, the historical changes can be traceable also in the different positioning of the remote other. The fall of colonialism brought about fundamental challenges and redefined the terms of this relationship.

In this thesis I have discussed the relationship between the human rights and anthropology with a special focus on the indigenous rights, as they form a unique crossroad between various disciplines and sciences. In order to closely analyze the transnational activism I held a specific focus on the United Nations Permanent Forum on Indigenous Issues (UNPFII) in the broader context of the historical developments of the indigenous rights. It was shown, how the indigenous people were initially constructed as distinct, and subordinate groups via the polyvalent discourses of the noble and ignoble savages. Although created half a millennium ago, the relics of the stereotypical thinking have craved their ways into the modern institutional setting. Despite the fact that currently there are more opportunities for indigenous peoples to participate in institutional activities than ever before, the issues indigenous people confront are continuously stable. It is, therefore, important to pay closer attention to the effectiveness of the existing framework. By ethnographic description focusing on the social agency within the institutional framework I aim to depict the organizational setting of a specific space, a United Nations' mechanism. Where the legal and political theory mainly approaches the institutional system, in this thesis I tried to capture the human component of the system. Moreover, by highlighting the discrepancies between the rhetorical and actual spheres, I hope to shed some light on the possible space for improvement.

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"The last thing we need is a law of indigenous peoples' human rights that romanticizes indigenous peoples and situates them permanently in a primitive subsistence state as guardians of the rainforest."

Robert Williams 1992:199

1 Introduction

On the quest to discover new ways to India Europeans discovered Americas. The embarking of few men at Guanahani hundred years ago brought about destruction of immense scale. The extent of casualties cannot be retraced, nonetheless as Derrida pointed: "[...] *never before, in absolute figures, have so many men, women and children been subjugated, starved or exterminated.*" (Derrida 1994:85).

Five hundred years ago Columbus founded a legacy in a way that was repeatable, and repeated in different times and spaces (Sale 1990, Churchill 1990). Many communities have experienced several waves of Europeans, often from different countries depending on the actual power composition. The encounters with novelty, perceived as intrinsically different, created bundles of moral, ethical, and legal questions, which needed to be solved (Pagden 1990:184-185). A new pattern, the process of constructing the remote other in order to provide arsenal for domination, has emerged (Todorov 1999: 3-34, 245-255, Williams 1992: 53-118).

The underlying validating argumentation, in Koskenniemi terms the apologist pole of domination, can be based on the imaginery of unilinear pace, the hierarchical perception of societies, with the European societal structures on the top of the imagined pyramid of civilizations (Koskenniemi 1989). The aim of the others, of the peripheries, should be to accelerate their cultures and societies towards development within the linear reading of history. The forming sediments of non compliance with the unilateral pattern of human improvement can be observed at the very beginning of the rhetoric of colonization. After landing in the New World the core questions raised

where whether the newly comers have a right for the lands inhabited by the others, and consequently whether use of force could be justifiable (Keal 2003:87).

Notwithstanding that the discussion consisted of various layers of arguments – theological, moral and historical, it nevertheless addressed the core issues that later became the major sphere of lawyers. Admittedly, the impact of the discourse of natural children should not be underestimated since it: “[...] supplies a legal basis to the wars of colonization which had hitherto none.” (Todorov 1990:150). The dynamic of difference has reserved the peripheries for the non-European cultures, which needed to be advanced and developed – under the meticulous supervision of the European cultures. It follows that the case of indigenous peoples and their relationship with international law is example *par excellence* in the sphere of interrelation between the changing social context and its reflections in normative frameworks. Embryonic concepts of international law have been constructed throughout the following 400 years, reserving the right of marking boundaries for all by few (Keal 2003:120).

Recently, indigenous peoples, indigenous rights and indigenous issues have become commonly used terms within the legal framework, especially within its human rights paradigm. The expression ‘Indigenous peoples’¹ is the dominant denominator used to describe a variety of cultures, life styles, experiences. The denominator ‘indigenous’ became more visible in the legal parlance fifty years ago (see Barsh 1983:369-373), and ‘indigenous issues’, ‘indigenous peoples’ and ‘indigenous rights’ became commonly used terms in contemporary international legal discourse. Moreover, the term ‘indigenous’ has been, and to a limited extent still is, complemented with other denominators. In this manner one could speak in French about ‘peuples autochtones’, about the Native Americans in north of the continent, or of the коренных малочисленных народов России (the literally Russia’s Rooted Small-Numbered Nations is customary translated as indigenous small-numbered peoples of Russia). Illustrative of the dominance of the international denominator, the biggest online translator translates the Russian ‘terminus technicus’ in English as ‘Indigenous Peoples of Russia’

¹ For the purposes of this thesis the terms indigenous people, indigenous peoples and indigenous communities are used interchangeably.

and in French as 'Les peuples autochtones de la Russie'. Given that peoples are entitled to self-determination this translation would be very welcome by the indigenous peoples, were it official (compare Barsh 1996).

However, despite this linguistic recognition of the existence of indigenous peoples, in the past the claims of the indigenous peoples have not been heard, their lives have been subjugated into categories imposed upon them, and the idea of indigenous rights seemed incongruous. This change in perception, the shift from disciplining to liberating framework, is the departing position of this thesis. The trigger of this research is curiosity and awe; its main aim is to illuminate the road.

The transformation of conceptualizing indigenous peoples is reflective of the transformations undergone by the human community. Within the last sixty years for the first time in history all human beings are entitled to universal rights by the mere fact of their existence as humans (Patterson 1995:16). Moreover, the fall of colonialism regimes brought fundamental challenges into international law that redefined the terms of the relationship between peoples. For the purposes of this thesis law' represents a *"complex aggregation of principles, norms, ideas, rules, practices, and the activities of agencies of legislation, administration, adjudication and enforcement, backed by political power and legitimacy"* as defined by Falk Moore (1978:718).

Nonetheless, in practical terms, the content and scope of the normative framework is filled with expectations, hopes and miseries of concrete people. The social agency encaptured in the iron cage of legal thinking seems to be continuously underemphasized. Being on a crossroad of various disciplines the lack of research in the area of social agency within institutional setting; be it empirical research or in depth theoretical discussion, seems to be a pertinent factor. According to Manguashca the reason for this omission is the perception of the normative considerations - such as the role of ideology, culture and ethics as secondary (2004:38). In similar veins, many anthropologists have raised their concerns about the exclusion of anthropological knowledge and methodology from the human rights project (Dembour 1999, Messer 2003).

Therefore this research is particularly aimed as an anthropological discussion of a specific social agency within the institutional framework. The United Nations and its many subsidiary and affiliated organisations are an increasingly tangible presence in societies the world over. As a civilising project of nation states forever falling short of their loftier, world-government goals, they are nevertheless one of the most important forces of present-day globalisation. Based on participatory observation within a closed circle of indigenous rights activists and attendance of both major indigenous rights mechanisms, I attempt in the following pages to provide a current analysis of a specific, growing movement as it articulates its claims and desires at the ultimate global authority (Thies 2008:56).

What triggered this research is the very shift the indigenous people were able to apply: *“this unbelievable paradox that the reprehensible notion of blood in the definition of the Indian Act, which was European and foreign to the aboriginals, may somehow continue on a new treaty”* (Canadian senator quoted in Blackburn 2009:72). The outcome of this work is expected to be an anthropological perspective on the current status of the global indigenous movement, its standing in the UN system and the possible future trajectories as these are depicted by all the participants of this work.

In the first part of this thesis, I outline the constrained circle of specific developments relevant to indigenous rights supplemented with the opinions of the research participants. In the second part we proceed to an anthropological discussion of a specific indigneous space within the institutional framework, namely the e 8th session of the United Nations Permanent Forum on Indigenous Issues (henceforth UNPFII) which aimed at demonstrating the current status, issues and capacities of indigenous rights.

Celebrating
**Indigenous
Peoples'**
Cultures



"If we wish to understand the deepest and most universal of human experiences, if we wish our work to be faithful to the lived experiences of people, if we wish to use our privileges and skills to empower the people we study, then we should value the narrative."

Laurel Richardson 1990:133

2 Research Relevance and Objectives

In recent years a trend emerged followed by many anthropologists turning from treating human rights doctrines, actors, and institutions as instruments to be used (e.g., as a tool of advocacy on behalf of indigenous peoples) to treating them as subjects of ethnographic research (For instance Merry 2003, Riles 2000, 2006, Wilson 2001, 2009, Coxshall 2006, Klein 2003, Goodale 2001 etc.).

Anthropology has broadened its scope and is researching actors from all sides of the legal spectrum, investigating the process of creation of legal documents as can be seen in the works of Riles 2000, Holmes 2000, Rajagopal 2003. On the other hand, some authors focus on analyses of corpus of the documents themselves, such as Kennedy 2004. A traditional topic of this trend are indigenous people (see for instance Bowen 2000, Wolf 1994, Kuper 2003) whose daily lives have been researched by anthropologists for decades. However, as has been noted by many authors such as Habermas 1992; Kymlicka and Norman 1995; Ong 1996, 1999; Rosaldo 1997; Turner 1990, the changes brought about with the processes of globalization, and the rise of identity politics, have formed a basis of the developments of transnational and differentiated forms of citizenship. According to Young differentiated citizenship refers to the legal entitlement of particular groups to different rights in addition to the individual rights common to all citizens of a polity (Young 1995:201). In this aspect the indigenous peoples' constitute a paradoxical example. Their self-identification as members of nations deserving special status rights distinguishes them to a controversial level. From the anthropological perspective this controversy has been

supported mainly by Hodgson's work from 2000, and Kuper's award winning articles from 2000 and 2003. On the other side, some anthropologists, for instance Plaiice (2000) and Ramos (1997, 2004), perceive the claims of indigenous peoples as valid and important. Therefore, I feel the need to clarify what is the prism of this thesis.

Even though I hold that Kuper is right and the indigenous category has no biological reality, the social realities of peoples (identifying as indigenous) are not products of scientific investigations. As Hvalkof underlined in his lecture (05.03.2009 in Copenhagen, Denmark) in some Latin American countries the category indigenous is permissible and was firstly created by the state, which knotted together the decimated populations and demarcated their living areas. Thus, rather than focusing on particular legacy of life style, indigeneity may be seen as a product of state structures. In line with Tauli - Corpuz I believe that the indigenous movement is a construct (Tauli-Corpuz 2008:79). However, it is not as Kuper would have it an intellectual construct. If not for other reasons, then at least because of its political-institutional reality based on its diverse emic foundation. Therefore, I follow Barnard's argumentation who questions the validity of "indigenous peoples" as an anthropological concept while recognizing its validity as political and legal tool.

It follows that the question of the concept of the indigenous peoples being universalistic itself, forgetting or undervaluing the variety of the different groups within the concept, loses its importance. According to this, human rights in the context of the indigenous people is not any more a threat itself in the sense of the cultural relativistic thoughts, as globalization has already been affecting these communities. Instead, human rights can be seen as something protective against these exact threats, as the process has opened the international fora and the language of rights to indigenous peoples. Finally, echoing Jackson's pragmatic universalism what needs to be recognized is *"that this interaction takes place on a global level, and that no man of woman is any longer outside the influence of global forces."* (1999:21). Hence, indigenous rights are for the purposes of this thesis seen a fluid, polyvalent political tool of self-defined activists rather than an atemporal clear-cut given.

2.1 Writing a Fragmented Narrative

The following pages are aimed as an anthropological discussion of the developments and current status of a specific institutional space for indigenous peoples. In this manner the following pages shall provide ethnography, more precisely ethnography as a fragmented narrative that is a nonlinearly describing rearranged events in atemporal, paradigmatic relationships. (Atkinson 1990, Emerson et al.1995). Moreover, this narrative is a combination of various voices presented in various styles:

- (i) the first-person point of view where “the researcher presents the details he saw, experienced, and now remembers from his own perspective and his own voice” (Emerson 1995:53).
- (ii) the third-person point of view used to describe what others are doing and saying (Emerson 1995:54).

The structure of the thesis is reflecting the various methods used. In each chapter the reader can find a compendium of relevant literature combined with the viewpoints of research participants. The chapters are thematically organized to allow explanations of the beginnings of the movement, its relationship with anthropology, and its main issues. In order to better address the actual work of the activists in the second part of the thesis, I provide an ethnographic account of the eighth session of the United Nations Permanent Forum on Indigenous Issues (henceforth UNPFII). This description is the stepping stone of the overall analysis as the UNPFII is the major event of indigenous rights activism. Bureaucratic practices have their own logics, concepts, and norms, but scholars need to account also for how they engage (or do not engage) with people, places, and things to make bureaucratic objects or, in Mol’s terminology (2002), bureaucratic objects are "enacted" in practice. Hence, in accord with Handelman (1989) I intent to analyze public events, namely UNPFII, as devices of praxis that merge horizons of the ideal and the real, to bring into close conjunction ideology and practice, attitude and action.

2.2 Trajectory of the Research

As any qualitative research this work can be divided into three phases:

(i) data collection, (ii) analysis and interpretation and (iii) writing. Naturally, the three phases of the research are interwoven and in this research this interconnection was even more pertinent as some data were collected when other have been already analyzed and written. This anastomosis resulted mainly from the nature of the research and possibilities it uncovered. Initially, the research was aimed as an ethnographic description of a specific group (activists) of a specific transnational movement (indigenous rights). Hence, in order to facilitate contact with the activists I decided to contact a major non-governmental organization (for the purposes of this thesis NGO) working in the respective area. However, the initial communication lead nowhere, as my email enquiry about volunteering options was not responded by the NGO. In this moment, my enquiry was supported by initiative of one of my key informants – Line. As she has previously served as the executive director of the NGO sending an email highlighting that simultaneously to being anthropology student I am also studying international human rights law, Line managed to open the doors for me.

Arguably thus, the NGO can be seen as a closed network approachable primarily via recommendation from inside of the network. According to Silverman (2000) official acceptance is a necessary attribute of the research. However, what is seen as the more essential attribute is the acceptance by the members. In my case, after unsuccessful initiative the official acceptance was granted by my dual academic background. The actual acceptance has however come gradually in several stages.

2.2.1 Becoming a Volunteer

My first personal encounter with the NGO occurred in January 2009 when I, more puzzled than neat, rang the bell. What awaited me inside of the doors was a team of 12 avowed individuals centering their professional careers for “providing decency to these peoples, as they are the hope of mankind” (Annette paraphrasing Claude Levi Strauss’ famous quote: *The best preserved of primitive society are permanent*

hope for mankind (Levi Strauss 1978). From the first day, the dichotomy was set and clear: *we* are doing good for *them*, *we* are working for *them*. Unsurprisingly, the *we* was constituted without any of *them*.

As already stated, the visit was facilitated by one of my key informants Line who informed me that she: "Hmm, pulled some strings...you know it is actually funny...Rita, when I worked there...she started her career as my assistant... and now she is the director. Anyways, it was never too hierarchical...So, I call her and tell her you are a student of anthropology and human rights who is interested in the indigenous rights and you would like to conduct some research about the activists in this area. Well, we will see what comes up."

The polite small talks filled with information what am I doing there took half of the day after which I was left with the administrative staff. Apparently, getting into the building does not mean getting into the office.

The two rather baffled women (Lise and Christiane) wondered what to do with me:

"I do not know how could I help you...I only do the administrative things, I am not sure it would be of any relevance for your research."

Lise's crossed hands, head directly turned to the computer and no eye contact only enhanced my feeling of being a burden and I decided to be '*eastern Europeanly honest*'.²

"I understand you are busy and I really do not want to hinder your work or be of any trouble to you...actually, maybe I could help you somehow."

"Well, I do not know...I do not see how could you help here...like we are not used to volunteers, and I really cannot think of anything...maybe if you can think of something send us an email?"

Mumbling affirmative words I left the house and almost left the idea of researching the activists.

² For the majority of my informants Slovakia (or more precisely Czechoslovakia) is an Eastern European country. The stereotype of direct and honest people from the East has been often referred to and associated with me throughout the research.

2.2.2 Becoming a Researcher

However, as is typical for anthropological research, luck played a crucial role in my research as well. As there was no raid from which I could have ran alongside the activists (Geertz 1997), I accredit the possibilities that were opened to me, to luck, endurance and a party.

After a week of contemplating, I sent an email suggesting that I would organize the library. In her email Lise replied that I could come any time it suits me and we can agree about the possibilities. My following visit to the NGO brought about an agreement about my presence in the NGO. Thus in order to be able to emerge into the network, I twice a week carried books from the dusty cellar to a 'nearby' bin 'organizing' thus the library that was unkept for years. The monotonous work was after few weeks supplemented by the possibility to double click in order to clean up the database, moving me closer to the people I wished to get to know.

Once in the building, facilitating communication proved much easier. Sharing the office with Lise and Christiane expanded the compulsory "Where are you from?" and "How do you like the city?" to more substantial and personal topics. Moreover, given that the majority of the NGO employees have similar academic background, be it anthropology or human rights, these disciplined served as conversation starters while preparing coffee in the kitchen. Thirdly, Cecile one of my key informants, was new in the city as well. Furthermore, as she was a friend of a friend I was invited to her welcome party that proved as a unique occasion for discussions about my research. Indeed, as the people attending the party were all current/past employees of the NGO, the relaxed environment fueled passionate discussions about the current standing of indigenous rights. Naturally, my interview requests were met with positive feedback.

After the party, I felt more accepted also in the NGO, my volunteer duties have been transformed and I was able to help in more substantial activities. The days of volunteering let me 'one foot in' and I was not only able to interview activists outside the NGO circle but I was also able to participate on the major event(s) of the

transnational network - the United Nations' mechanism. Thus, the scope of the research was broadened enabling me to participate at the events of the NGO, provided the opportunity of meeting, and interviewing, other activists within the indigenous rights network.

2.2.3 Me as a Researcher...or Activist?

As a researcher I entered a matrix of meanings when entering the NGO. These meanings were particular and selected and clearly they were never all-encompassing (Emerson 1995). Moreover, my presence, was consequential and undeniably the following pages provide a snapshot of the social reality that was read over the shoulders of everyone participating in this research (Geertz 1979). It is difficult, to judge what the actual consequences of my presence were.

At the beginning, my idea was to observe, I had no intention of bringing in or promoting my ideas and opinions; I wanted to keep a low profile. However, observing in a small group is a specific type of observatin, when the researcher acts as participant-as-observer, is part of the group, her presence is influential and noticeable on the behaviour of the reseach participants as well as on the group dynamics (Runcie 1980). In this sense, such setting cannot be seen as mere observing but needs to be perceived as interaction. Thus, in order for the research to be meaningful the need for grounded identity as well as continuous reflexivity is vital (Rabinow 1970). Given the specific setting of this research and in order to attain balanced viewpoint after every activity related to NGO I wrote my perceptions, feelings and observations to my field notes.

Understanding is continuously constructed within the variations and nuances of the relationship between the researcher and the researched. Throughout the research my identity was influenced by two factors. First, I was a student of anthropology conducting anthropological research mostly with people with at least partial anthropological background. As Jorge put it: "I am an international lawyer, but I read Kuper and support my anti-arguments with Foucault. Everyone, and I mean everyone, even the World Bank bueracrats. Dealing with

indigenous peoples you have to come across anthropology...one way or another." Not only were the people I met and interviewed knowledgeable of the anthropological research, but they were moreover highly interested in my research as it was concerned with the bedrock of their professional lives.

Therefore, after the rocky beginnings, the research participants actively cooperated in my work; the NGO staff enabled me to further the scope interviews and all my informants often provided valuable recommendations for literature and reports to search for. As the research developed, and I became a more stable presence in the premises of the NGO, the relationship with the research participants changed and became more informal. About four months after the start of my work, I realized how much trust I was granted by the research participants when their joint effort enabled me to schedule an interview with Jane. Thus, this could be interpreted as a clear example of how research participants became co-producers of the following pages. The people I spoke to enabled this research, their help and interest, the animosity and openness, the heated discussions and biased explanations contributed, shaped and formed this research.

According to Emerson (1995), the ethnographer can and should engage in what goes on, even in highly participatory roles. Hence, I attended the 'ice-breaking party' despite of the persistent fear of becoming too little of an observer and too much of a participant. This feeling was further supported by the double role by which I was introduced - as a student of both anthropology and human rights. As a volunteer I gradually felt more accepted, more trusted. This increased rapport is also reflected in the interviews I was able to conduct. Similarly to Burgois (1995) my identity was by time grounded as an insider-outsider identity. My educational background as well as my cooperation in the NGO constructed me as an insider within the activists circle. My outsider identity was constructed via the fact I am a researcher conducting fieldwork. Hence, as an outsider I heard words that was uttered in utmost confidence, for some I served as a channel of criticism or praise, for some I was a "mirror" they used to polish their viewpoints.

2.3 The People

The research consists of participant observation in small and large setting as well as from interviews with 15 activists. Some of them work directly in the NGO, others are lecturers, lawyers, or indigenous leaders. What unites them is their effort to advocate for indigenous rights.

Throughout the research my identity as a researcher was open and known to all research participants (Guillemin, Gillam 2004). On the contrary, the names of the research participants have been altered in order to provide them with anonymity. In order to allow the reader to see who will be the main characters of the next pages highlights of their professional lives are described below.

Line

(60 years) Is a professor of anthropology, her interest in the indigenous rights commenced in 1960s. In the 1990s she used to serve as a director of the NGO, still upkeeping the contact and interest in the indigenous issues. Nonetheless, in her research she has not worked on the topics relevant to indigenous communities nor their rights for decades.

Lise

(29 years) Since 2004 works as an administrative coordinator in the NGO. She holds a strong interest in the issues relevant for indigenous communities as can be demonstrated by her intention to write a PhD in the topic of land rights and gender in a Bolivian community which she has been visiting for the last 5 years.

Christiane

(48 years) Since 1992 works as an administrative coordinator in the NGO, bears the main responsibility for events organized by the NGO. She decided to work in the NGO as she wanted to "do something useful...as all of us here" and she is not intending to leave the NGO until she retires.

Cecile

(28 years) Started to work for the NGO in March 2009 after graduating from anthropology. She works as a Project Coordinator with regional focus on Africa. In September 2009 she has started a part time graduate course in human rights in order to be able to better address the needs of indigenous communities on the African continent. She hopes to be able to prepare a case for a specific community in order to receive acknowledgement of the existence of indigenous peoples on the continent where, in general, the existence of a specific indigenous peoples is denied with the emphasis on global continental indigeneity.

Rune

(35 years) Works as a Project Coordinator in the NGO with regional focus on the Russian Federation. Rune joined the NGO in 2005, and has since published two books about the status of indigenous communities in Russia, he bi-monthly visits the local partners, and serves as focal point for the inquiries from Eastern Europe. He initiated and granted the resources for the representation of Crimean Tatars at the United Nations' mechanisms.

Annette

(37 years) Works as a Project Coordinator in the NGO, with thematic focus on human rights due to her legal background. Her intention is to strengthen the advocacy practice of the NGO by creating a case to be brought to the African Commission on Human and Peoples' Rights.

Andres

(38 years) Professor of International law. His interest in indigenous rights comes from his interest in history of law and he perceives the indigenous rights as "one of the biggest puzzles of history of law." He has initiated and lead several indigenous rights cases in Latin America. In his academic lectures he focuses on indigenous rights, and he organizes a weekly meeting of indigenous migrants in his town.

Jorge

(34 years) Professor of International law, along with Andres, he lead several indigenous rights cases. The most famous case from Latin America was initiated by Jorge, when while accompanying his partner in land mapping in an indigenous community he decided to bring their case against an oil company to the regional mechanism.

Jens

(58 years) Professor of International law, one of the most known indigenous rights authors. He teaches and publishes on indigenous rights for the last 30 years.

Jane

(56 years) Indigenous activist involved in indigenous rights since 1970s. Initially her interest was more grounded in marxist ideology, but gradually she has become one of the "symbols of indigenous rights" (Line).

Thomas

(68 years) Indigenous activist involved in indigenous rights since 1960s. Currently, his main activities are in the sphere of indigenous rights with the focus on intellectual property rights.

Maria

(58 years) Indigenous activist involved in indigenous rights since 1980s, focusing mainly on cultural rights of indigenous peoples in Latin America. The importance of indigenism in her personal life can be demonstrated that all her daughters won the Miss Indigena, one of them currently serves as a mayor of their village.

Sarah

(32 years) Indigenous activist involved in indigenous rights since 2003 when her community was forced to leave their traditional lands.

Peter

(28 years) Indigenous activist involved in indigenous rights since 2005. Peter is a relative of Thomas, and he has enrolled into a graduate legal course from September 2009.

John

(31 years) Professional working for an Inter-Governmental Organization since 2006. His interest in indigenous people, or 'IPs' in his words, streams from his responsibility for the REDD project in the Andean Region. In order to change the negative perception of 'IPs', he is learning Spanish.

2.4 The Setting

The research was conducted from January till October 2009. The majority of the research was carried out within the premises of the NGO. Parts of the research were conducted in the premises of the United Nations.

The NGO was established forty years ago in order to "react..to do something for the grievance atrocities that were going on I was there...young and enthusiastic...I just graduated actually...and then we saw these Picture of the Indians in Times, that is a major newspaper here. I can still clearly recall those Picture...it was awful, people were slaughtered as animals...we felt we need to do something...and we found more people felt that way...you see it was 1968 after all." (Line) Having started as an initiative of few young zealots, the NGO is currently one of the leading NGOs in the sphere of indigenous rights.

According to its web-site, the main aim of the organization is "*furthering the understanding and knowledge of, and the involvement in, the cause of indigenous peoples*". This is conducted primarily by extensive publishing about the issues and affairs of indigenous peoples worldwide. Aside of publishing a quarterly journal, the NGO annually produces "in average 10 publications" (Lise). According to Andres, these are "generally perceived, like I personally think so but I am quite

sure if you ask anyone here they would agree tha they are doing a good job.”

The main activity of the NGO is supplemented by networking, organizing and attending conferences, launching campaigns and managing projects carried out with close cooperation with the local partners. As the NGO does not have any field offices it heavily relies in its work on its local partners, who are particularly due to the renome of the NGO, “chosen very attentatively...like we check and well you know how it works, when you work in this area for years you know with whom to deal and with whom rather not.” (Rune)

Clearly, the following pages are centered around the vivid network of the NGO, which on one side enabled conducting the research on the other set its limits.

2.5 Methods Used

While conducting this research I have combined several methods. First, in order to understand the emergence of indigenous rights movement I have studied the available pertinent literature. The forming method of this research is however participant observation in its broader sense.

2.5.1 Participant Observation

According to Disman (2002) the aim of participant observation is understanding people in social situations. In general, participant observation can be comprised of several methods including non-formal talks, direct observation, participation on daily the research community daily activities, discussions, analysis and personal narratives (Hammersley, Atkinson 2007). During this research I have used this broader sense of participant observation. I have actively participated in the daily life of the NGO, I have lead formal and informal interviews with the staff of the NGO as well as with other activists I was introduced to. These activities provided the opportunity to interview and observe a wider network of activists.

Nonetheless, this thesis is not aimed to provide an ethnography of the daily functioning of the NGO. The main rationale for this omission is my belief that such an exercise would be of a rather limited relevance. Nonetheless, the talks, interviews, discussions and events from the daily observations in the premises of the NGO provide the forming fundamentals of this research. Indeed, they allowed the scope and form of this research. Hence, rather than describing these activities in detail given the dearth of existing research (Béllier 2007), I provide an ethnography of the annual event of the transnational movement - of the 8th session of UNPFII (see chapter At the battlefield).

As described by Denzin and Lincoln (2005) participant observation can be divided into three phases. First, the research puts down 'everything' trying to capture a detailed description of the surrounding social reality. In the second phase, the researcher's attention is more focused. Hence, in my fieldnotes I tried to pinpoint the generally defined categories (such as gender, clothes etc.) In the third phase I concentrated on the specific forms of interaction of the group.

2.5.2 Analysis of the Data and Writing of Ethnography

As suggested by Emerson (1995) I have regarded my field note reports as a data set. Thus, I have coded them by the line-by-line open coding that were meant to serve as possible stepping-stones for further analysis. While providing line-by-line open coding bears no primary analytical focus. On contrary, its main purpose is to shed light to as many possible paths as possible. In combination with the study of literature the paths were restricted and the following questions were sought to be answered:

Q1 The emergence of the transnational movement, its relation towards anthropology, the current status of indigenous rights, the main issues and problems as they are reflected by indigenous activists.

Q2 The discrepancies between the rhetoric and actual strata:

Q2 (i) on the institutional level

Q2 (ii) on the movement level

with regards to these questions, and the character of the research I believe it is important to emphasize the interconnection between the method and the final ethnography. This relationship is dialectic, with continuous influence of one on the other. Writing ethnography means continuous construction and reconstruction of the social reality we are trying to capture. This capturing is for me the effort to understand the other, to compose their reality in my words. For the purposes of this thesis in order to stay as close to the indigenous meanings I decided to stay in the language of interviews, reports and literature in order to avoid the major loss and estrangement of translation.

2.6 The Tangible Web of Research Ethics

This composition is written by my words but its main aim is to adduce a narrative of someone to someone else. The anthropological research entails the researcher, the participants and the audience. In this case, the researcher is a student. A woman. From Slovakia, with Hungarian nationality. She is studying a community of professional activists, referred to as the neo- Blod und Sturm movement (Kuper 2003). Women and men. Indigenous and “Westerners”. Non-governmental professionals, academics, governmental or inter-governmental officers. Her words will be read by academics, activists and colleagues. She made the decisions of how to act in the field, and while writing. Even though the American Anthropological Association provides anthropologists with a Code of Ethics³ given that the ethics of ethnography take very much place at the level of practice it is difficult to follow any general ethical principles of research (Murphy and Dingwall 2001). Deciding how to act in certain situations, as well as the decisions of how to present the research participants constitute a tangible web. I tried to knit this web as ethically as possible. What is presented on the following pages, is a reading of the current status of a global force captured by all of the research participants.

³ Available at <http://www.aaanet.org/committees/ethics/ethicscode.pdf>.

"Many things can be changed, being as fragile as they are, tied more to contingencies than to necessities, more to what is arbitrary than to what is rationally established, more to complex but transitory historical contingencies than to inevitable anthropological constants."

Michel Foucault

“From anthropological perspective the human rights culture is peculiar in two senses - it is rather declared than lived, and is future oriented rather than traditional.”

Kirsten Hastrup 2001:73.

3 Anthropology and Human Rights

The relationship of the science profoundly occupied by micro level, by difference, by constructing and deconstructing *the other* and the theory and application of a global monolithic set of patterns has always been ambiguous. On the one hand, anthropology is inherently focused on the special features of local levels, on the impossibility to judge, and on the methodological concern with no-influence. On the other hand the international human rights law is concentrated on generating judgments and principles universally, promoting same values and categories all over the world and considering it right to try to make as much impact as possible. With the emergence of the new meta-narrative of human rights discourse (i.e. Rorty 1993; Bobbio 1996; Mutua 2002) on one hand, and the grey assessment of anthropology⁴ on the other, the need to stress the interrelation between human rights and anthropology has been increasingly present. It might therefore be instrumental to sketch a short outline of this relationship through decades, or as human rights lawyers like to put it, in different generations.

The first generation of the relationship between anthropology and human rights can be traced back to the very beginning of universalization of human rights. The anthropological reaction, known as cultural relativism, was led in Boasian tradition by Herskovitz and manifested in the American Anthropological Association's 1947 Statement on Human Rights. The main idea of the reaction and the underlying validation for rethinking the universalism/relativism debate can be found in the 63 years old statement submitted to the United Nations: *“Today the problem is complicated*

⁴ “[...] anthropology's center is fragmented and, while not empty literally, is indeed empty of coherent ideas about what anthropological research is, does, and means in the contemporary world.” Marcus 2008: 23.

by the fact that the Declaration must be of world-wide applicability. It must embrace and recognize the validity of many different ways of life. It will not be convincing to the Indonesian, the African, the Chinese, if it lies on the same plane as like documents of an earlier period. The rights of Man in the Twentieth Century cannot be circumscribed by the standards of any single culture, or be dictated by the aspirations of any single people. Such a document will lead to frustration, not realization of the personalities of vast numbers of human beings."

Cultural relativism is a widely (miss) interpreted way of thinking which can lead to continuous cultural laissez faire. For more on cultural relativism and its critiques see, amongst others, Steward 1948; Herskovitz 1958; Geertz 1989; Borofsky 2002; Rylko-Bauer 2006. Even though I am well aware of the omnipresent debate, this thesis is not aimed as a contribution to it; primarily because I hold together with Merry that both 'isms' are: "[...] *logically coherent, although empirically implausible.*" (Merry 2006:5).

Ever since that time, the arguments for and against cultural relativism have been broadly analyzed, commented and used. No matter how far the definitions of culture have come since the Boasian days of the Statement of the American Anthropological Association (AAA) on Human Rights, one thing remains more or less central in anthropology: the principle of admitting as a fact that it is difficult and many times impossible to understand completely the reasons and meanings behind other cultures worldviews. From this doctrine of cultural relativism follows the principle of 'no judgments' on other cultures. The principle is not a promotion of an ideology of tolerance or non-discrimination as such, but simply a statement that if it is not possible to see the reasoning behind, it is logically not acceptable to do any judgments either.

On the other hand, in the world of human rights the theories of anthropology are introduced through the lenses of the international human rights law. In no time the whole discipline gets equated with the theory of cultural relativism, a theory that due to the universal scope of these rights has to be quickly explained away, if not otherwise then by showing its nature to be somehow naive. That is if anthropology is being introduced at all. This process is called by Dembour the 'Footnote Number 10' phenomenon. Dembour is referring to a major 800-pages-book on international human rights that mentions the cultural relativism in one footnote only (Dembour 2001:73).

Messer has come to a similar conclusion and gives the burden of cultural relativism as the reason for what she calls the apparent exclusion of anthropology from the field of human rights (Messer 1993:224).

The second generation of the relationship between anthropology and human rights can be defined specifically through its contrasting position with the first and third generations. Adopting the lenses that silence is a statement (Williams 2003, Pink 2006) the second generation can be labeled in our opinion as Schrödinger's cat experiment. Universalization of human rights is the box in which anthropology is the dead/alive cat. The absence of statements on human rights can for instance be illustrated by the fact that the American Anthropological Association has issued its first statement on human rights in 1947 and kept silent till 1999 when a new declaration was prepared (Declaration on Anthropology and Human Rights Committee for Human Rights American Anthropological Association). In the meantime, that is in the second generation, the cat's actions were not visible from outside and the cat could have been thought of as both dead and alive. It is only by opening of the box that we learn that the cat is alive.

Continuing the argumentation through the prism of the American Anthropological Association the importance of the discussed relationship can be demonstrated by the creation of the Practicing Advisory Work Group (PAWG). The main role of PAWG is to advise the Executive Board on how the Association could enhance its actions for the needs of increasing numbers of anthropologists working outside the academia. Naturally, due to the inherent interests of anthropology these anthropologists work in the areas within which the inalienable human rights are violated. The jurisprudence of the Inter - American Court for Human Rights in the famous case of *Awás Tingni*⁵ and successive cases⁶ is illustrative of the rising involvement of anthropologists (both social

⁵ *Awás Tingni* case available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_79_ing.doc visited 20.08.2009

⁶ for instance the Case of the Sawhoyamaya Indigenous Community v. Paraguay, case available at http://www.corteidh.or.cr/docs/casos/votos/vsc_cancado_146_esp2.doc visited 20.08.2009

and forensic)⁷ in legal systems and reflects the reclaiming of applied-public-activist anthropology (see Bourgois, 1990; Messer, 1993; Shepper-Hughes, 1995). The mixed terms mirror the internal inconsistency, which has been addressed by several anthropologists (e.g. Baba and Hill 2006, Lassiter 2008).

However, from the perspective of human rights paradigm, we can assume with Merry that: *"Lawyers fail to see that anthropologists have moved beyond a static and bounded conception of culture as "values" to a much more dynamic, hybridic, fluid culture concept."* (2003:67)

Nonetheless, for the involvement of anthropologists in a human rights field, a theoretical arsenal has been created. Many theorists of different disciplines relevant to human rights have argued against the relevance of the cultural relativistic claims with reasoning related to the facts of globalization. Ulrich has formulated one of the common reasoning of the human rights world in this context into a philosophical theory - Constructivist Theory of Human Rights.⁸ The constructivist formulation sees the individualistic law as a part of these developments and belonging to the capitalistic modernization, which is spreading now as the main feature of globalization. From this perspective, the human rights law is the follower of the capitalistic modernization and its main task is to protect capitalistic modernization from the harms it will cause. The effects of globalization could be said to have already realized the biggest fears that classical cultural relativists once had when opposing the idea of universal human rights (corrupting influence on cultures for example by destroying diversity and undermining the social fabric). (see Ulrich 2001:219). The globalization reasoning is

⁷ Pink, 2006: 212-220; with regards to forensic anthropology for example see the case of general Krstic, available at <http://www.un.org/icty/krstic/TrialC1/judgement/krs-tj010802e.pdf>

⁸ First he describes constructivism [...] as a common denominator for theories that [...] in contrast to legal positivism keep sight of the moral aspect of human rights and insist on the possibility of articulating criteria for their universal validity. The central exponents of this approach are Habermas and Rawls " [...] human rights are not timeless principles but a construct that respond to [...] a particular type of social formation emerging on the world stage during a particular historical epoch. Ulrich 2001: 195-223.

informed by the idea that human rights could be protecting cultures and diversity in a similar way that was attempted by cultural relativists themselves.

In the social sciences the argument has been put in the following form: Human rights are a modern concept now universally applicable in principle because of the social evolution of the entire world toward state societies (see Howard 1992:81). This argument is supported for instance by Dembour (1996:23) who demonstrates that the reasoning of the constructivist theories in the context of globalization is not unfamiliar in anthropology. Another related anthropological concept is the pragmatic universalism presented by Sjørsløv. The concept recognizes that political life, as social life in general, is messy and full of contradictions and paradoxes. At the same time it would recognize that a universal framework is necessary in order to deal with some of the toughest social and political problems of today's world (Sjørsløv 2001:57). These types of theories have given a possible framework to avoid the juxtaposition of the universalism and cultural relativism debate.

The constructivist human rights theories, especially in the globalization context, could serve well to overcome the general dilemmas that anthropologists deal with in the context of universalism and human rights. With the understanding proposed by the theory the arguing "for or against" cultural relativism loses its meaning. Moreover, it even permits us to some extent, to keep a relativistic understanding of the concept of cultures since the theory is not directly opposing (the its facts only "getting over" the problems it shows in the context of human rights) unclear, needs to be rewritten.

What happens to the theory once it is taken to the grass root-level and in the context of real cases which is the main interest area of anthropologists? It could be argued that when one takes a closer look into specific situations, it is not self evident any more that human rights are able to protect from the effects of globalization. We will concentrate on taking a closer look at the only real exception to the 'non-participation' of anthropology in the human rights world, i.e. —the rights of the indigenous peoples. The whole concept of indigenous peoples has been under a lot of anthropological criticism. One of the main critiques echoed the exact claims of cultural relativism. It

cannot be denied that a few anthropologists seem to be comfortable with this category as such (Sjørsløv 2001:54).

The concept of indigenous peoples, no matter how defined, is clearly a universalized category (Sjørsløv 2001:56). On the one hand the human rights law captures this in by admitting the impossibility of finding an unproblematic definition of the term (Tauli-Corpuz 2008:89-94). On the other hand, many critical anthropologists have stated that it does not fit to the present understanding of 'culture' as something dynamic, interactive and to some degree hybrid (Sjørsløv 2001:43) and that it encourages an essentialist understanding (Kuper 2003:387) of various aspects of indigenusness by putting it all in just one box of the Western world view. Bowen has described the anthropological relativistic critique to the concept of indigenous peoples in two arguments:

- (i) Local conditions differ so much that the term loses its relevance in a global context; and
- (ii) "Indigenusness" refers to first-comers and is based upon the Western idea of unbroken genealogical decent, tainting the concept with unpleasant connotations of "sons-of-the-soil" and other ideas whose dangerous potential the world should be well aware of (Bowen 2001:54).

Both modernization and globalization have demonstrated that they can be threats to indigenous populations. Tauli-Corpuz has pointed out that it is in fact a central factor in defining who these peoples are and a failure to approach the issue without linking it to "*[...] the history of oppression and discrimination from colonization up to the nation-state building which is accompanied by the ideology of one-nation, one-culture, one language as well as modernity and development*" (2008:91) would end up weakening the whole concept. Or to put the same thing in the words of Jackson in his argument for the pragmatic universalism: "*it should be recognized that this interaction takes place on a global level, and that no man or woman is any longer outside the influence of global forces.*" (Sjørsløv 2001:57). The participants of this research are all familiar with anthropology: some of them held graduate degrees in anthropology; others have closely cooperated with anthropologists while pursuing their professional goals. Hence, in several occasions the interrelation between anthropology and human rights has been verbalized.

For instance, Line while discussing her prior professional involvement said:

"Anthropology has always been perceived as opposite to human rights...like when we went somewhere there were very few anthropologists, in conferences, in meetings and well, you know we are a bit weird and different so in rooms full of lawyers it was... well, noticeable that we do not really fit in."

What do you mean? You don't fit in?

"Like from the nature, how could someone advocate for a doctrine? Even if, lets say for now... this doctrine is aimed at enhancing lives and all that, no doubt, the rhetoric is valuable and I believe we all would sign it...right to water? Sure! But at the end you need to think...to think about to what extent is it enhancement and to what extent is it domination? Too often human rights have been the ideological disguise, and let me be clear, a not too well masked disguise, of the most crude territorialism."

So you think it is an ideology?

"I agree with Mutua, I think it is the meta narrative of our times, everybody is speaking of rights based approach to this and that, we have right for good environment and we all support it. That is no doubt nice, but how does it help the communities on the ground? And especially now, projects are being limited but the preparations for the December conference are just enormous! Have you seen it? They are building new conference centers, hotels, roads... the whole city is preparing to welcome all the diplomats, representatives...do not get this wrong I am proud we are organizing it and it surely is important to negotiate! But when I saw it all I could think of is the rejected projects...would not it be possible to spare some of this money for something actually helping on ground? I do not know if this can be said like an anthropological deviance, this preference of improving things from bottom up not the other way around. Like the opposition of anthropology and human rights is I believe diminished on the ground... it is different. In our natural habitat (laughs)... well many anthropologists work on the ground and I am not saying it is because they believe in human rights or right to development or any of this...but if you think of it and you do your job well it can be useful. Then, the problem is you need to work in their way with their words, I mean right to this, violating convention that...repeating and

repeating the same blast formulas zillion of times in order to get some attention. Well, to answer ...I do not know if it is an opposing position, for me it is generally perceived so, I felt it and I think it is due to the natural interest of anthropologists in the local and small...for me this human rights are a narrative...and my relationship to it well it depends, I would say its ambiguous...can be both good and bad."

To compare, Rune, who is still working in the advocacy NGO, said:

"I would not say anthropology and human rights are necessary in opposition. For instance, most of my colleagues are anthropologists, who conducted fieldworks with indigenous communities and saw the atrocities there and felt they need to do something. Then, they, naturally turn to international legal framework. You see anthropology and human rights work hand in hand. The anthropologists worked with indigenous communities, they are still there in the field, drawing attention to what is going on and helping with the legal means."

So you are advocating for indigenous communities using the legal framework?

"You mean if we have cases? Or?"

I mean how do you use the international legal framework?

"Well it is important to say that as such we do not lead any cases. What we focus on is network building, advocacy, like spreading the word also about the legal framework. For example, the declaration (referring to the United Nations Declaration on the Rights of Indigenous Peoples) we published thousands of it in English and Spanish. Now, we are actively cooperating on the translations to major indigenous languages so that the people know their rights."

And why do you not lead cases?

"We prefer to focus on the areas of our expertise, like capacities building rather than entering into cases as such. Now I think, see we might follow the Latin American example in Africa but it is a long process and I do not know that much about it."

Annette stated:

"Yes, we are thinking about getting more involved in this sphere. You know, it was not the strategy of the NGO at all and most of us do not have the right background for such a positioning. On the other hand, we have extensive local networks that could prove useful...and well it is a long run, but I hope we will get more involved into this direction."

Do you think it is a good direction?

"Well yes, I think. For example, you know in Latin America the indigenous communities do not speak Spanish. But everybody knows 'ciento sesenta y ocho'⁹."

Really?

"That is what they say...like I have never been to Latin America, but I heard so. And yes, it is a good illustration of the need for using the existing instruments. But it also proves that our work, the capacity building, the publishing is important as it...enlightens the indigenous communities."

The above excerpts are illustrative of the perception of human rights and anthropology. What remains from the abstract and complex disciplines is what is 'useful'. In rhetoric, it is useful to stay local utilizing the rights-based approach. Hence, the focus on "our network on the ground" is emphasized. On the other hand, this network is the communities of indigenous individuals that are enlightened by the publishing production of the NGO. It follows that cross connections between the NGO and the local communities can be identified. I believe that it is possible to argue that this connection is of reciprocal type. From the local communities perspective the support from 'Western' (or more stylishly, from Northern) NGOs can be in cases essential (Iverson 2000, Keck Sikkink 1998). In the information age this support is further attainable utilizing the means of new media as can be demonstrated by the increasing emergence of multiple indigenous rights web portals (see e.g. <http://www.treatycouncil.org/home.html>, www.cwis.org)

⁹ Referring to ILO Convention no. 168.

From the perspective of NGOs the perseverance of local communities constitutes the essence of their existence. If the indigenous communities disappear, the NGOs would. In other words, in order for NGOs to survive it is vital to formulate activities in a manner that allows for their continuous presence. Hence, publishing, networking and capacity building are the main activities arched over with words of the dominant discourse - that of human rights.

It is here, where the difference between the practicing activists and their currently academic predecessors is noticeable. The directness with which the common disbelief (Riles 2008) in the meta narrative of human rights is reflected, is apparent. Thus, for Line it is clear, and claimable, that human rights are a tool for obtaining the pursued paths. For Rune and Cecile though, anthropology and human rights (can) work hand in hand to obtain better conditions for people in the ground. When asked, if they see any progress they unisomo way replied:

"It depends on how you look at it...there has been something achieved. But we are still fighting the same! People disappearing, women raped, children undergoing ethnocide! This has to stop only then we can speak of progress!" (Rune)

"I would not say it was a success! Yes, we have a declaration, but the states keep on undermining its legal status. Yes, there is mechanisms within the UN, there is national measures taken... but they are continuously understaffed and facing severe financial limitations. All this should have been here years ago. No, I think there is much more ahead than done." (Andres)

Reiterating with Hastrup it needs to be stressed that indeed the activists culture "*is rather declared than lived, and is future oriented rather than traditional*" (Hastrup 2001:7).

"The idea of primitive society therefore provided an idiom which was ideally suited for debate about modern society, but in itself it was neutral. It could be used equally by right or left, reactionary or progressive, poet and politician."

Adam Kuper 1998:224

4 Anthropology and Indigenous Rights

Even though it is hardly 'correct' to speak about savages, or primitives, in 2009; the roots from which the contemporary indigenous rights grew, are the roots of the imaginaries of the savage (Williams 1983:215 -216; Béllier 1998:187-191). Above all it needs to be put clearly and bluntly that this sentence is not saying that the indigenous peoples are primitive, or that they are savages. To say that the indigenous rights are rooted in the imaginaries of the primitive is to state the apparent facts: without the historical experience of colonization and the portrayals it produced, the indigenous struggle would be not only incomprehensible, but most probably the indigenous struggle would be needless.

The neutrality of categories can be illustrated on a simple example of basic categories; time and space. People segmented the determining phenomena into unified patterns. Consequently one can say that Europeans tend to spend 200 hours of 52 weeks of 40 years working (on the arbitrariness of the schedule see Zerubavel 1989:45-48). However crude, the example of classifying natural boundaries is not completely incidental; it provides the initial orientation of this thesis. I will try to illustrate that particularly with regards to (the classification of) natural boundaries the indigenous peoples have been constructed by the polyvalent discourses.

More precisely, indigenous peoples are represented as distant from the West in both sets of natural boundaries; both in time and in space. In other words: the western world is defined by indigenous people due to their remoteness from it (see Fabian,

1983, Todorov, 1999, Trouillot in Fox, 1993). If this is the claim, the question then is: according to what criteria, what is the 'table' and how exactly is the classification decided? More precisely, for the purposes of this thesis, what is the filter used in the case of classifying people?

According to Todorov, classification of people and the relation to the other is constituted on several dimensions (Todorov 1999:185). The focal point, from which the classification starts, is self, the self-identity of the classifier: "*the other [...] is my equal or my inferior (for there is usually no question that I am good, that I esteem myself* (ibid, 185). In a similar vein with Foucault we can echo: "*identity and what marks it are defined by the differences that remain.*" (Foucault 1979:xxi). Classifying people can then be explained as following the simple pattern: the more similar, or less different, to the classifier, the better, or less bad. Europe is the mirror into which Janus is looking, furthermore as will be shown in the next part, Europe imagined Janus. To wit, if Columbus did not discover Indians the West would have to invent them...or did it?

The representations of indigenous peoples are concealed as distinctive from West positioning the indigenous peoples outside the West in time as well as in space. It is this distance from the classifier, from West, that marks the indigenous peoples as the remote other. The representations of the indigenous peoples are formed by contrast, as the *alter-egos*¹⁰ of the West.

These relationships form the foundations of the polyvalent discourses on indigenous peoples. These polyvalent discourses can be summarised as noble savage and ignoble savage. The role of discourses resides in wider social processes of legitimization and power. The discourses can be thus seen as representations of power. Polyvalence refers to the possibility of shifts and reutilizations of identical formulas pursuing different objectives. To put it differently, due to the tactical polyvalence, the same discourse may be used in multiple ways. This reversibility, the heterogeneity, the unstableness of power is traceable in the discourses through which power speaks (Foucault 1980:220, Dreyfus; Rabinow 1991:208).

¹⁰ Reading over the shoulder of Todorov 1982, Kuper 2003.

Hence, the discourse on the ignoble savage represents the antecedent state that has been overcome by the West during the process of modernization. The ignoble savages represent the point where humans emerged from nature; nonetheless they live under a direct influence of the nature in Hobbesian state of nature.¹¹ Given that the table according to which people categorize is self perception, the indigenous people live “as our ancestors must have lived 10,000 or 20,000 years ago.” (Langenhove 1954:12). It follows, that when the portrayal of the ignoble savage is being drawn the need to overcome the “developmental or historical distance” is emphasized (Fabian 1993:173). Thus, the need to help and develop the living conditions of the ignoble savages is stressed “in order to overcome the degradation of the Indians, their whole existence has had to be changed.” (social anthropologist J.Rens, quoted in Rodríguez-Piñero 2005:83). This discourse has been dominant in the periods when the western way of life is perceived as alluring. In these periods the savage was epitomized as ignoble, the one who needs be joined in the march of progress, the one who needs to be saved.

The other topos¹² of indigenous peoples is the topos of noble savage. Also located in the past and outside the West, this representation draws an opposite portrait of indigenous peoples as the bearers of what the West has lost during the process of modernization. In this manner for instance Burger points that “what modern civilization has gained in knowledge, it has perhaps lost in sagacity.” (Burger 1990:1). Thus, compressed the noble savages are represented as communities¹³ living in harmony with nature by the means of premodern, pre-industrial life styles. The harmony is

¹¹ For instance according to Ortiz, a companion of Cortes: “On the mainland they eat human flesh. They are more given to sodomy than any other nation. There is no justice among them. They go naked. They have no respect either for love or virginity. They are stupid and silly.” Quoted in Todorov 1999: 50. Hobbes’ moral and political philosophy based on dichotomization between individuals and states and on the linear depiction of evolutionary stages starting in the ‘state of nature’

¹² “a set of references, a congeries of characteristics, that seems to have its origin in a quotation, or a fragment of a text, or a citation from someone’s work....or some bit of previous imagining, or an amalgam of all these.” Said 1979:177.

¹³ Or peoples, the collectivity is the bedrock. Fabian 1993:165.

flowing from different spirituality¹⁴ which is endangered by the dominant cultures (Compare with Levi Strauss 1992: 380-3960). In this respect, the portrayals of noble savages can serve as critical assessments of the West (See Williams 2005:120 Lam 1992:617). Thus in periods of disenchantment with the western life style the savage is typized as noble, the one who needs to be excluded from the march of progress; indeed the one who can save those who have been trampled by the march.

In this manner we can see that what used to be perceived as negative life style “[...] *the tribes of Indians inhabiting this country were fierce savages [...] whose subsistence was drawn chiefly from the forest*”¹⁵ can be also conceptualised as a positive pathway: “*Most indigenous cultures are based on a profound respect for nature [...] one main reason for hope [...] is to start perceiving indigenous peoples as a source of solutions in achieving the goals of sustainable development.*”¹⁶

These polyvalent representations, as has been already stated, are often constructed with very limited analytical value (compare Said 1979:32- 48). Therefore, what shall be emphasised from these representations is the missing voice of the agency they depict. It follows that the need for challenging these portrayals depicting indigenous peoples as passive subjects of idealised imagineries needs to be emphasised. Especially within the broader context of centuries - long encounters with the colonial powers, the practical as well as the symbolic value of active participation of indigenous peoples has been emphasised (Tuhiwai Smith 1999:19-37). Indigenous people have challenged the topos of the ignoble savage that is stripping them of the decision making power by the prominent focus on active participation, or in other words on self-determination. With regards to the noble savage representation some indigenous people have challenged the idealised picture of nature guardians (compare Williams 1992); others have voiced claims against the romanticised portrayals “*frozen in the past*” (Rosaldo in Marcus;

¹⁴ Thus in the draft of the recommendations for the 8th session of UNPFII the indigenous peoples recommend “*That the Permanent Forum communicate to the General Assembly that all indigenous political proposals are based on our spirituality.*” Point 9, Human Rights.

¹⁵ Johnson v. M'Intosh, 21 U.S. 543 (1823) available at <http://www.enfacto.com/case/U.S./21/543/> consulted 28.07.2009.

¹⁶ United Nations Environment Programme statement to the First meeting of the United Nations Permanent Forum on Indigenous Issues 2002: 1.

Clifford 1986:96). However, as the next chapter discusses, a long road towards the recognition of indigenous voices has been undertaken by indigenous people.

As already outlined, anthropology, as a discipline, is known to the participants in this research. For instance when I was introduced to Jorge, an international lawyer, he leered. "Ah, another anthropologist?!" What he, and the other activists, see as the input of anthropology, and their own, to indigenous rights is presented in the following pages.

To Line the relationship between anthropology and indigenous rights is clear cut:

"Initially, of course it was the anthropologists who were discovering the other cultures, and to a large extent served as the right hand of the dominance. Nonetheless, as a discipline anthropology has undergone a turn and I think today's indigenous rights are the product of this turn to a large extent. I think, without anthropologists the indigenous rights would not work, without their presence, their reports, their interest no one would learn about what is happening."

In similar veins for Cecile:

"Anthropology and indigenous rights...for me it is a small piece of the overall mosaic...let us not pretend! I think it is terribly important to help these people, because... because we, it is even a stupid question as it is so apparent that we have to as we are responsible for their miseries! Like yes, I know there are so many terrible things going on all over the world, but the indigenous communities have suffered from centuries and they still do! And now when we finally have some means it is...critical to help!"

For Rune, again an anthropologist:

"I did my fieldwork with indigenous communities so it is just a natural continuum to be involved in indigenous rights."

And do you think anthropology as a discipline is beneficial for these rights?

"Clearly, we could go on with this theme for years! Sincerely it is I think one of the favorite topics here...For me? What can I say, I do not know, maybe for someone else it is clear but ok let me blunt, it is relative...nothing is black and white, and there are various

aspects...but for me, well I would say now I think anthropologists we are doing more good than bad."

Given the academic background and professional career paths the answers are not accidental. Being all anthropologists involved in capacity building of indigenous communities, a positive interrelation between ones background and beliefs needs to be balanced.

However, to Jorge the involvement of anthropologists in indigenous rights is more controversial:

"Of course anthropologists are active in the indigenous rights movement. They went after missionaries to examine the left-overs of indigenous cultures, to sketch they reports, write their notes. Actually, when I saw you in the caucus, I just thought of it...when you stood up with your notebook in one hand and counting with the other, I knew immediately, ah she is an anthropologist. And then Rune introduced you as so, he did not even have to say a word."

"Really? How come?"

"Well, I saw many anthropologists in work and you all look the same field noting (laughs).

No, I do not mean in it in a bad way or so...really ... hmmm my partner; he is an anthropologist too, so I know this and that about anthropology.

But as I was saying, the involvement is not surprising to me at all...and I think it can be useful in a way. For instance, when I was working as the assistant international lawyer in a case in Latin America, we supported the claims by anthropological knowledge. But that is exactly what is my problem with anthropological knowledge...we had the exact same map drawn by the community, but we still needed to further support it by two 'experts - anthropologists' who drew ethnographic maps. The borders were matching; it was actually the exact same maps as the community provided. However, in contrast to the community's map was not admissible the ethnographic, sorry I mean anthropological, maps were valid proves. In this way anthropology continues the domination."

Aha, and for you this movement is a bottom up?

"Ah you mean that me as a lawyer saying anthropology is domination when they were all displaced by law and only then anthropology came in?"

Sort of...

"Ok so then you are asking if the indigenous movement is bottom up?"

Yes it is. I believe so! The question of leadership is also an important question, and all that...but I believe, we all, and especially we from Spain, or France, or Belgium...I mean we bear a special guilt for what has been done and therefore we should do more! See for me, living in Seville you see, I was faced with all that since I was little, and somehow I always felt it is unfair and inhuman and I have to do something to change it. For me it is deeply personal."

Still, to indigenous activists anthropology is linked to knowledge management:

For Jane:

"Me personally, you are the third anthropologist I am doing an interview with, but I have met, throughout my career several anthropologists. And well, I think in general this is the area where one meets anthropologists. Also, now in our community there was a young student researching the changing roles of women. Previously, another girl was collecting our dances. The situation now is more acceptable for us. We are protected, we can choose with whom we cooperate with whom we do not. If we do not want to, they cannot access our land, our houses...but before? It was difficult, we were exposed, our knowledge, customs, were stolen...Now we can choose, with whom we cooperate, in my community we have started the process for having legally guarded our customs, especially dances and healing knowledge. For me this is the minimum. Undeniably, I am happy to share our knowledge, our culture...I am happy that people are interested. It means they care and that is important! But our rights need to be guarded, the knowledge of our fathers needs to be protected, we shall be the beneficiaries of their efforts not the multi national companies who come and steal what we worked for."

Or for Maria to domination:

"I do not like it...of course it is hard to generalize, here i have met nice anthropologists, those who help and care. But back home? It is, imagine they want to come to your house, they offer you money, they want to learn everything, see everything, ask about everything...but they are not from us, they come from the North, they use our children as research assistants and they build their careers on us. We should be signed under each anthropological research. It is us not them who creates it...but they come, research, climb the ladder of academic ostentation, and we stay...then more of them come, compare the research and still see we stayed the same...no I do not think it is of any good, taking what is ours for their benefit."

Were there many anthropologists researching in your community?

"Too many...people are exposed, they say it is different but it still feels...it is the same."

The same?

"What I am saying is my personal opinion. For other people, it is different...I suppose...you need to think of it in context. It brings...well, it is a life style for many people...But you cannot have it like this...this is what has been done to us for centuries and it continues now."

So anthropological research is just continuing the past?

"Well yes...but it is normal no? Like, it continues so on the one hand and I think it is important to speak of it, about how unfair it is to have people coming in and researching and researching and getting all the credit for it. Then you also have the other side of anthropology, like people who come here, because they have been to the field and have seen what is going on and that inspired them to leave their chairs and come to speak with us here...That is important that they are here with us... on equal footing, trying to help us because they bear a huge role for it too."

What stems clear from these disparate answers is that the role of anthropology in indigenous rights is perceived ambiguously whereas the own positioning involvement is lucid. With regards to personal involvement all the participants display it as doing good. On the contrary, the involvement of anthropology is perceived differently in

relation to the speaker's current position. For anthropologists, self-reflexivity for the 'initial sin' (Rosaldo 1987) is important and clears the way. Moreover, it validates the current involvement.

For the international lawyer, anthropology can be a useful tool. In this manner the perception of the relationship between anthropology and human rights for international lawyer is revert to the perception held by anthropologists (see previous subchapter). As human rights narrative is a tool for anthropologists, anthropology is a tool for the international lawyer. Correspondingly, both professions perceive the respective tool as the continuum of domination over the indigenous communities.

For the representatives of the communities, anthropology, and its practitioners, is seen as a tool but one that is using them. In the discourse of the indigenous activists they emphasize the need for shared credit and participant presentation.

Where these viewpoints meet is a defined space at the global level. Human rights is already a globalised theme, however globalization is working in two directions: a progressive direction and a retrogressive one, or what De Santos (2002, 2005) likes to call "*globalization from above*" and "*globalization from below*". On the one hand retrogressive globalization implies retrogressive human rights which will always be a neo-colonial instrument and an ethnocentric claim in which "*their global competence will be obtained at the cost of their local legitimacy.*" (De Santos 2002:324) The history of anthropology is not spotless; it has been used as a regulatory tool in the early stages of colonization. Labels as a "white man science" or "colonial scouts" have been used to describe the classical anthropology. Anthropology regained its conscience and turned over colonial practices and ambitions, and in this context became the voice of the oppressed peoples, not too long after the anthropological gaze shifted to modern states, there was clearly much to condemn.

Therefore, anthropology has a persistent role to play in the transformation process in the global order as general and in contextualizing human rights, which are becoming more and more the first universal ideology. This task cannot be done without a dynamic understanding of human rights, context and culture. Human rights were not

and should not be a static concept that is limited to the rights in existing instruments. Anthropology has a duty to keep the catalogue of human rights updated and valid. As the word context is usually used in the form of singular, it is very pluralistic and most of all dynamic. Culture as well is not static and its existence is not limited to the isolated islands of the Caribbean or the bushy rainforests in the Amazons and Africa. Culture is everywhere - in the conference halls of Geneva and New York, where decisions are being made and resolutions are being adopted. Without a broader perspective anthropology will be captivated between the ancient relativity and the artificial universality.

"Someone once said that the United Nations is a dream managed by bureaucrats. I would correct that by saying that it has become a bureaucracy managed by dreamers."

Thomas G. Weiss 2005:342

5 The Global Forces

The United Nations and its many subsidiary and affiliated organizations are an increasingly tangible presence in societies the world over. As a civilizing project of nation states forever falling short of their loftier, world-government goals, the UN is nevertheless one of the most important forces of present-day globalization. Simultaneously, the paradigm of human rights emerged after the historical experience of the Second World War (Gomez Isa, 2006:19). In order to avert the repetition of destruction on a similar scale, an international framework protecting human beings was drawn with the aim of universal coverage (See Steiner; Alston, Goodman, 2006, Schoenbaum, 2006, Gomez Isa 2006). Nonetheless, the aim has been contested not only by theoretical critiques but, more importantly, by daily realities of the majority of the world's population. In this manner the human rights project functions as a trajectory – at the beginning of which the need to avert and at the end with the need to aid. For the first time in human history people were granted specific rights only on the basis of their humanity. Arguably, for people initially positioned outside humanity, human rights constitute not only possible legal remedies, but also a symbolic bracketing incorporating them into humanity. This can be seen in the opening statement of Kofi Annan at the first session of UNPFII when he welcomed the indigenous peoples at their home at the UN (UN Doc. E/CN.19/2002/3/Rev.1).

This bracketing can be traced back at the international level to 1919, when the League of Nations Covenant, in Article 22, gave "*advanced nations*" the responsibility for "*peoples not yet able to stand by themselves under the strenuous conditions of the modern world.*" By placing indigenous peoples, along with other minority groups, under a "*sacred trust of civilization,*" the League of Nations gave a clear message to the world

that there was a hierarchy among peoples and that the principle of equality of peoples is not universal. In 1945 the United Nations Charter in Article 73 and 74 continued this guardianship practice by allowing indigenous peoples to be considered and treated as wards under the authority of a UN trusteeship thereby prolonging the positioning of indigenous people outside the modern world. Hence, the dominant topos continues to be the one of the ignoble savage.

This discourse can be identified also at the oldest component of the United Nations System – the International Labour Organization (ILO). It was the ILO who has started addressing the issues of indigenous peoples as the first on the international level (See paragraphs. 31-134 Martinez-Cobo Report, UN Doc. E/CN.4/Sub.2/1982/2/Add.1, 16 May 1982). The ILO is interesting from an anthropological perspective especially due to the high involvement of US anthropologists at the ‘indigenous problem’ (compare Rodríguez-Piñero 2005:80-104). Even though predominantly mandated in the areas related to labour, the activities of ILO are reaching out beyond the narrow sense of labour in line with its expressed concern for social justice (Thornberry 2003:323).

Positioned within the broader context of the colonial era the activities of the ILO were in line with the trusteeship paradigm. In this manner the activities of the ILO concerning indigenous peoples during the 1920s, and 1930s were related to formulating international standards for protection of indigenous/native workers. As a practical exemplification of the protective aspiration, the Governing Body of the ILO established a Committee of Experts on Native Labour in 1926. The work of the experts has served as a basis for several Conventions, the most important culmination being the Convention (No. 107) concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries. The Convention No. 107 since its creation was ratified by 27 states and is now closed for ratification. However, according to Thornberry, Asian and African states will probably upkeep the older standards (2005:326). Convention No. 107 remains valid for those countries that have ratified it but have not ratified Convention No. 169.

Right from the beginning the Convention clearly articulates the issues at stake: *“protection and integration of indigenous and other tribal and semi-tribal populations.”*¹⁷ The integrationist approach of the Convention No. 107 positioned the Member States into the role of integrating *“into the national community”* in order to achieve the goal of integration *“both for humanitarian reasons and in the interest of the countries concerned [...] continued action to improve the living and working conditions of these populations by simultaneous action”* (Preamble, art.1) shall be considered. The premise of assimilation would accord the discourse benefit both the dominant population and the periphery—the indigenous people that could be advanced (Article 1(1) to the same level of the dominant population. The distinctiveness of indigenous groups is thus recognized. Nonetheless is recognized as a hindering force that needs to be overcome (for a thorough discussion see Rodríguez-Piñero, 2005).

To sum up Convention No. 107 emphasized the assumption that the peoples covered by it would disappear in time through the process of integration and assimilation. However, the ignoble savage of the Convention No. 107 did not disappear. In the years following the adoption of Convention No. 107, its limitations became evident and indigenous groups themselves began to call for new international standards. This phenomenon became particularly evident since the 1970s when the international indigenous movement became more vocal and visible. On the indigenous movement see Armstrong 2004, 1994, Wilmer, 1993, Thies, 2008). After controversial developments the Governing Body of ILO has decided to include in the agenda of the 75th session a discussion about the revision of Convention 107. The recent trend of allowing indigenous representatives to speak at the United Nations should not be underestimated.

Nevertheless, the revision produced a new Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries¹⁸ can be seen as a shift towards *“responsiveness to indigenous peoples demands through international law”* (Anaya 2003:48). The revised discourse as captured in Convention No. 169 shifts in the direction of articulated respect for cultures and institutions of indigenous and tribal

¹⁸ June 27, 1989, ILO, entered into force Sept. 5, 1991, hereinafter Convention No. 169.

peoples, and presuming their right to continued existence within the borders of nation states. On the one hand, Convention No. 169 can be seen as an improvement on the original instrument as it implies recognition for a collective nature of rights¹⁹. Furthermore, Convention No. 169 omits the language of integration and focuses on participation and consultation²⁰. Moreover, Convention No. 169 expressly refers to the existing human rights framework²¹ thus fortifying the project of universal equal rights. In contrast to its predecessor, Convention No. 169, provides that indigenous peoples have the right to continue to exist as distinct segments of the countries in which they live. In this manner, the distinctiveness of indigenous peoples is not only recognized but is recognized in a paradigm that protects this distinctiveness. However, the wording of the legally binding instrument leaves substantial space for state sovereignty²² and even though the convention uses the term 'peoples' it clearly states that it "*has no implication as regards to self-determination as understood in international law.*" (Anaya 1996:49). As of July 2009, twenty Member States have ratified Convention No. 169. The two ILO Conventions establish minimum standards and create binding obligations on the Member States that have ratified them and are further supplemented by the United Nations Declaration on the Rights of Indigenous Peoples.

The process leading to the current status was further strengthened in 1982 when the Working Group on Indigenous Populations (WGIP) was established by ECOSOC Resolution 1982/34. Ultimately, WGIP served as a space that indigenous peoples carved within the UN. WGIP formed the global space where the indigenous identity between indigenous and non-indigenous individuals, institutions and organizations has been discussed for over two decades forming "*a far more extensive role than it mandate would suggest*" (Muehlebach 2000:418-420). Initially attended by thirty indigenous representatives, WGIP has welcomed at its last meeting more than a thousand representatives. Above all, the content and value of the dialogue, the learning process of global institutional negotiations with the aim of securing better living conditions in local settings, can be seen as much in the process as much as in the

¹⁹ For instance articles 5(2), 8(1), 9(1), 11, 15(1), 20 (1).

²⁰ Article 6, 17, 22(1), 25(2), 27(1), 33(2).

²¹ Preamble of Convention No. 169, paragraph 3.

²² Article 8(1), article 10 (1).

actual result. In this sense, having secured the institutional space with WGIP, the institutions have consecutively taken actions in order to further address the indigenous peoples voices²³. Hence, due to Spain's strong opposition towards proclamation of 1992, the UN proclaimed the year 1993 as the International Year for the World's Indigenous Peoples. In 1994, the United Nations General Assembly launched the International Decade of the World's Indigenous Peoples (1995-2004) to increase the United Nations' commitment to promoting and protecting the rights of indigenous peoples worldwide. Currently, we are experiencing the Second International Decade of the World's Indigenous Peoples (2005-2015).²⁴

Simultaneously, the idea of establishing other mechanisms specifically designed to addresses indigenous peoples rights and freedoms as well as an integrative and coordinating mechanism within the institutional setting has been repeatedly presented indigenous peoples at the WGIP in the latter part of 1980's (Beckett1999:8). The World Conference on Human Rights, held in Vienna in 1993, echoed the request of establishment of such a mechanism. The World Conference recommended that the General Assembly consider the establishment of a permanent forum for indigenous peoples within the United Nations system.²⁵ Consequently, the Commission on Human Rights,²⁶ requested the WGIP further consideration and to transmit its '*suggestions for alternatives*' through the Subcommittee to the Commission.²⁷ Since the World Conference on Human Rights, two UN workshops on the Permanent Forum for

²³ Exemplified by the United Nations Working Group on the Draft Declaration on the Rights of Indigenous Peoples established in 1995 in accordance with Commission on Human Rights resolution 1995/32 and Economic and Social Council resolution 1995/32. Also see the Report of the First Session of the Human Rights Council (A/61/53). The General Assembly approved the Declaration on 13 September 2007 (Resolution 61/295).

²⁴ On 22 December 2004, the General Assembly adopted Resolution A/RES/59/174 for a Second International Decade, which commenced on 1 January 2005.

²⁵ A/CONF.157/23, the importance of consideration of a permanent forum was later recognised by the General Assembly in resolution 48/163 of 21 December 1993.

²⁶ 1994/28 of 4 March, 1994.

²⁷ The suggestions were outlined in UN Doc E/CN.4/Sub.2/AC.4/1994/13.

indigenous peoples have taken place.²⁸ Within the context of the International Decade, the Secretary-General prepared a Review of the existing mechanisms, procedures and programs within the United Nations concerning indigenous peoples.²⁹ In the review, it is stated, inter alia, that although there is a noticeable difference in the level of activity among United Nations bodies whose mandates have a bearing on indigenous peoples concerns, there is a growing interest and concern for indigenous issues among the different organizations and departments of the United Nations system. The review states a gap in the institutional arena that is lacking a mechanism aimed at ensuring regular exchange of information between the concerned and interested parties - Governments, the United Nations system and indigenous people - on an ongoing basis.

The Permanent Forum was established by the United Nations Economic and Social Council (ECOSOC) resolution 2000/22 on 28 July 2000. In this resolution the UNPFII was given a mandate to "*discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights.*"³⁰

According to its mandate, the Permanent Forum focuses mainly on:

- providing expert advice and recommendations on indigenous issues to the Council, as well as to programs, funds and agencies of the United Nations, through the Council
- raising awareness and promoting the integration and coordination of activities related to indigenous issues within the UN system
- preparing and disseminating information on indigenous issues

The Permanent Forum is comprised of sixteen independent experts, functioning in their personal capacity, who serve for a term of three years as Members and may be re-

²⁸ The first was held in spring 1995 in Copenhagen, Denmark and the second in Santiago, Chile in June and July 1997. Detailed analysis of the steps leading towards the establishment of UNPFII can be found in Lola Garcia, 1999.

²⁹ A/51/493.

³⁰ Established by the United Nations Economic and Social Council (ECOSOC) resolution 2000/22 on 28 July 2000

elected or re-appointed for one additional term. The Permanent Forum holds annual two-week sessions. The first meeting of the Permanent Forum was held in May 2002, and yearly sessions take place in New York. The Forum, which includes eight indigenous experts, is the first and only international body in the United Nations that has indigenous persons as members. UNPFII serves as an advisory board to the Economic and Social Council, discussing indigenous issues relating to economic and social development, culture, the environment, education, health, and human rights. From these discussions, the forum provides expert advice and recommendations to the Council, raises awareness of indigenous issues within the UN system, and prepares and disseminates information on indigenous issues.

The work of UNPFII is also supplemented with other two mechanisms specifically devoted to the indigenous peoples. Chronologically first, the mechanism of the UN Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples was established in 2001 by the Commission on Human Rights³¹. James Anaya currently holds the mandate to report to the Human Rights Council, undertake country visits, gather information on violations of human rights of indigenous peoples, and formulate recommendations to prevent and remedy such violations. Specifically mentioned within the mandate, the Special Rapporteur is requested to work in close cooperation with the UNPFII.³²

The third institutional mechanism addressing the concerns of indigenous peoples is the Expert mechanism on the rights of indigenous peoples established in 2007 by the Human Rights Council.³³ The main area of expertise of the mechanism shall be thematic research that may lead to proposals to the Council for its consideration and approval.³⁴ In order to avoid duplication the mandate of the Expert Mechanism sets forth the need for cooperation between the mechanisms.³⁵

³¹ Human Rights Council Resolution 6/12.

³² Ibid, 1 (e).

³³ Human Rights Council Resolution 6/36.

³⁴ Ibid, article 1 (a),(b).

³⁵ Ibid, article 5.

A clear visual summary of indigenous space within the UN may be helpful here

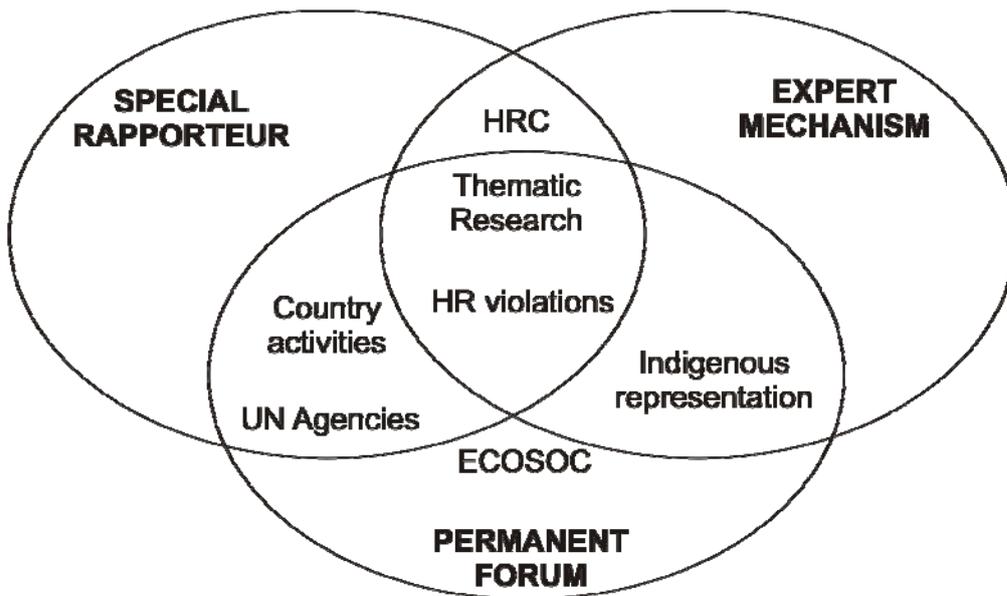
Mechanism	Mandate	Membership and Participation	Action	Comments/Observations
<p>Special Rapporteur on the situation of human rights and fundamental freedoms of the indigenous people</p>	<p>To examine ways and means of overcoming obstacles to the protection of the human rights and fundamental freedoms of indigenous people and, to identify, exchange and promote best practices</p> <p>To gather, request, receive and exchange information and communications from all relevant sources, on alleged violations of indigenous peoples' human rights and fundamental freedoms.</p> <p>To formulate recommendations and proposals.</p>	<p>One independent expert</p> <p>Receives information from all relevant sources including indigenous peoples</p> <p>Meets indigenous peoples' representatives in country visits and in the course of his work.</p>	<p>Submits annual thematic reports on issues that have an impact on the rights of indigenous peoples to Human Rights Council</p> <p>Conducts official missions to countries upon the invitation of the Governments concerned and presents reports on his findings and recommendations to the Government and Human Rights Council.</p> <p>Sends urgent appeals to governments in cases of danger of violations of the rights of indigenous peoples.</p>	<p>Created in 2001 by Commission on Human Rights resolution 2001/57</p> <p>Mandate expanded and extended by Human Rights Council resolution 6/12</p> <p>Communications issued by the Special Rapporteur are confidential and the sources are not disclosed.</p>

Mechanism	Mandate	Membership and Participation	Action	Comments/Observations
<p>Permanent Forum on Indigenous Issues</p>	<p>To provide expert advice and recommendations on indigenous issues to the ECOSOC, as well as to programs, funds and agencies of the United Nations, through the ECOSOC</p> <p>To raise awareness and promote integration and coordination of activities relating to indigenous issues within the United Nations system</p> <p>To prepare and disseminate information on indigenous issues</p>	<p>16 members. (independent experts on indigenous issues)</p> <p>8 nominated by the Governments and elected by the ECOSOC and 8 members appointed by the President of the ECOSOC on the basis of consultation with indigenous organizations.</p> <p>Observers: Governments, UN system, NGOs and all indigenous peoples and organizations</p>	<p>Discusses indigenous issues within the mandate of the ECOSOC relating to economic and social development, culture, the environment, education, health and human rights</p> <p>Gives advice to the ECOSOC on economic and social issues as they relate to indigenous peoples.</p> <p>Coordinates, as part of the UN Department of Economic and Social Affairs, the implementation of the Second Decade of the World's Indigenous Peoples.</p>	<p>Established through ECOSOC resolution 2000/22.</p> <p>Based in the UN Department for Economic and Social Affairs in New York.</p> <p>Holds annual sessions of 10 days in New York.</p> <p>Held its first meeting in 2002, attended by one hundred representatives. The 8th session hosted more than two thousand representatives.</p> <p>Inter-agency Support Group on Indigenous Peoples' Issues created to cooperate with Permanent Forum and in general on indigenous issues</p>

Mechanism	Mandate	Membership and Participation	Action	Comments
<p>Expert Mechanism</p>	<p>Provide the HR Council with thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council</p> <p>The thematic expertise will focus mainly on studies and research-based advice (already carried out a 10.000 words study on education and indigenous peoples).</p> <p>The mechanism may suggest proposals to the Council for its considerations and approval.</p>	<p>5 members. (independent experts on indigenous issues)</p> <p>Observers: Governments, UN system, NGOs and all indigenous peoples and organizations</p>	<p>Gives advice to the HR Council on issues as they relate to indigenous peoples.</p> <p>Organizes expert meetings as approved by HR Council.</p>	<p>Based in Geneva, streams from an informal meeting, which took place in Geneva on 6-7 December 2007, with the purpose of “exchanging views on the most appropriate mechanism to continue the work of the Working Group on Indigenous Population”.</p> <p>Met two times until September 2009.</p> <p>Serves as ‘think tank’ for indigenous peoples.</p>

Clearly, the existing mechanisms provide powerful possibilities for indigenous peoples to bring their causes to the centre of international community. However, as indicated below, these mechanisms provide also substantial space for duplicity and flowering bureaucracy (Rodríguez-Piñero 2005:197).

Indigenous Space at the United Nations



The precarious puzzle with such overlapping mandates is two fold. On the one hand the overlaps, if not addressed, may duplicate the work of the mechanisms. For instance, all three mechanisms are mandated to provide thematic research.³⁶ In order to avoid duplication of work clear and specific discussion between the three mechanisms is needed. Already outlined in the mandates and strived for by the respective representatives³⁷ this issue seems to be pertinently addressed. The second

³⁶ The Permanent Forum is mandated to "provide expert advice and recommendations on indigenous issues" (ECOSOC Resolution 2000/22, paragraph 2 [a]). Similarly, the Human Rights Council requested the Special Rapporteur "to deliver a report on the implementation of its mandate to the Council" (Resolution 6 / 12 of the Human Rights Council, paragraph 1 [j]). Finally, the main function of the Expert Mechanism is to "bring knowledge to the subject on the rights of indigenous peoples", focusing mainly on "advice based on studies and research" (Resolution 6 / 36 of the Human Rights Council, paragraph 1-1 [a]).

³⁷ In this manner for instance the Special Rapporteur specified his understanding of his mandate in his statement at the 8th session of UNPFII.

facet related to the mandates of the three specific 'indigenous mechanisms' lies in the fact that having secured such specific mandates the indigenous concerns may not be addressed by other UN mechanisms. This concern can be seen at the bottom line of the complex nexus of mainstreaming the human rights of indigenous peoples within the UN system. In this manner "*the specifically indigenous identity as a viable and long-run strategy for liberation*"³⁸ may meet its limits. In order to avoid such overlaps a possible proposal, as will be further addressed in the last chapter, could suggest the need to (i) improve the knowledge level of the institutional personnel by (ii) a more efficient utilization of general human rights mechanisms by indigenous peoples.

Leaving the community and arriving to the headquarters in New York, or the human rights centre in Geneva to present statements can be seen as a component of a wider progressive trajectory.

From the three indigenous mechanisms, two can be seen as organized meetings around which the indigenous activists workload circles. In order to actively help indigenous communities a strong belief in the need to be present at these meetings was iterated by all research participants. Despite their varying attitudes towards the UN (as will be discussed in upcoming pages) all the informants anticipated, prepared and attended the meetings of Expert Mechanism and the Permanent Forum. For Boden, meetings are planned gatherings where the participants have a perceived role, where it is some forewarning of the event, and where the event has purpose, a time, a place and an organizational function (Boden 1994:84). Walking on the colorless grounds of the UN in Geneva and New York, one cannot stop recalling Schwartzman's division between scheduled and unscheduled meetings (1989:62-64). Scheduled meetings have a set time, a high formality and the participants are formally responsible, as they are within the doors of conference rooms at the Expert Meeting or Permanent Forum. However, once outside the round rooms the attributes of unscheduled meetings- no set time, a low formality and the participants are not formally responsible to other groups

³⁸ According to Wright for the formulation of this strategy the influence of Latin American intellectuals was crucial. In the same lines Rodríguez-Piñero 2005, highlights the indigenous movement.

(Schwartzman 1989:63) occurs. More or less accidentally bumping into an important person or finally meeting the right advocate at the lobbies of skyscrapers is at least as important part of the attending as listening to the repeated allegations and improvements during the official meetings. I have studied the meetings I attended in this sense and thus they may be seen as instances of bureaucracy - bureaucratic in the Weberian sense in that they are governed by explicit rules, the participants are regarded as expert and the product of the meeting are written documents (Weber 1946:196-244).

The materialization of words into a printable document is a moment in which it becomes possible to see the "*work done*."³⁹ Practices of documentation are a pervasive feature of our times; it can be argued that the ability to compose, organize and maintain documents is the emblem of legitimate modern bureaucracy (Dery 1998, Sarat; Scheingold 2001, Megill 1997) . It follows that as a part of the United Nations, one of the main objectives of the attended mechanisms is to create a document that can gain the assent of every national government (Riles 2000). To assure such an objective is met, a convoluted organizational process has been devised. The steps crossed until the production of the final report⁴⁰ are clearly set and defined from topics covered⁴¹ to speakers heard.⁴²

For the seasoned delegates and activists conferences they attend, and documents these conferences produce, form a chain (Riles 2000:80). It is in this manner that the delegates flew to Geneva in October, to Manilla in January, to New York in May, again to Geneva in August, and to Copenhagen in December to discuss and draft texts. The history of documents is created through unfolding one conference from materials produced at another, through incorporation of one text into the other (Wagner 1986: 81).

³⁹ Tonya Gonnella Frichner, Vice Chair Person of 8th session UNPFII, 18.05.2009.

⁴⁰ E/C.19/2009/10.

⁴¹ E/C.19/2009/1.

⁴² To be heard the representatives were requested to sign up on speakers lists a day prior they indented to deliver the speech.

5.1 Going Global

In general, the current indigenous rights can be perceived as the outcome of the efforts of the indigenous people (Anaya 2005, Kuper 2000). In this sense the indigenous rights constitute a turning point in the international legal framework, when uniquely; the law is co-created by its subjects (Barsh 1994, Thies 2008). In order to achieve the transformation from object to subject of international law a strong internationally present community of indigenous leaders and activists emerged in 1970s globally. How do the current beneficiaries and disciples of these efforts view the beginnings of the global movement?

For Andres the beginnings of the current status are tied to the end of an era:

"Indigenous rights are intrinsically tied to the fall of colonialism. Without this failure, it would never be feasible. As the colonized revolted against the oppression, the indigenous communities also felt the need to exercise their right for self-determination. But, the creations of the new states rarely brought about substantial changes in their lives. On the contrary, even now, the valid claims of indigenous people are often being labeled as terrorist, people are still kidnapped and murdered...they live in constant fear because they stand up for what is their right. And even these are limited, like the indigenous communities, despite that they permanently claim the opposite; they are not even allowed for full self-determination. What they are left with is 3 options...did you read Kingsburry? He explains it nicely...well anyways, what I mean is that after all these years, the fifty years in which you can speak of something like indigenous movement still, any negotiations start with the obligatory clarification that peoples bears no legal implications."⁴³

For his colleague, Jorge, the process also started in the second half of the last century:

"One can start speaking of a global movement in the seventies, I think that...before there were efforts of indigenous leaders to mitigate their rights, but these were more individual, I mean on national level...

⁴³ As in international law peoples are entitled with the right to self-determination (ICCPR art.1, ICESR art.1)

sure you know Sanders or Burger⁴⁴... so I will just tell you my idea how it went....So, yes already in 1923 Deskaveh came to Geneva, and his efforts were also followed by others. However, as I see it the major change came about after the world war, and then especially with the failure of colonialism. So to position it to time I would speak of the seventies. In Northern America alongside the black panthers the Native Americans united, more centrally in Canada, the US was a bit more dispared...and then the backyard national movements arose. For instance, in Chile the Mapuche formed ADMAPU, in Colombia there was CRIC, you still find people from these organizations coming here today, say Tupac was a founder of CONAIE, they are still here today... and this was a worldwide process. And then this raise, the efforts climaxed from 1975 with the conferences of the World Council for Indigenous People, that would be the turning point for me, the fundamentals of today's status."

Thus, for both professors the current indigenous rights emerged with (i) the failure of colonialism and (ii) was further strengthened with the global unification. To the question 'why did these rights emerge' they both replied:

Jorge:

"Clearly, the situation has just been worsening, the lands have been further occupied, people murdered, whole communities disappearing...I think it started as the last resort to stop the unstoppable. It was just impossible to bear it more and the fact that it was so to so many communities was why this time, one can speak of at least some outcomes."

Andres:

"Why did these rights emerge? Because it was just impossible to go on like this. For five centuries indigenous peoples could not find any standing, even this cannot be going on for years."

Thus, the current institutional space, according to the international lawyers, is a result of the raise of the agency - the indigenous peoples.⁴⁵ This raise was forced by the

⁴⁴ Authors describing the beginnings of the transnational movement.

⁴⁵ Both lawyers are attentively using the word peoples.

“unbearable” living conditions of indigenous people worldwide. It is this global scope that is emphasized by the activists of indigenous origin.

Hence, for Jane the indigenous movement:

“Started when I attended the conference in Panama⁴⁶ in 1984. Of course, we knew this and that about other communities even before... but going there was; it gave me the feeling that I am not alone, that we are not alone. Seeing my brothers and sisters are undergoing the same struggle... it empowers, I immediately felt more energy, I knew when we all unite we can do it.”

For Sarah:

“For us, it is new...our community has not been so active in this field. It was just recently we learnt about ... all this. Actually, this is the first I came here with my brothers. And it is, I do not know how to say it...but it is unique to see so many people from everywhere. Listen and speak to them, it is not only us who is being poisoned by the state, people in Asia, Latin America are undergoing the same, we all are suffering the same.”

For Maria:

“The beginnings? It is long ago, see, I am old woman...I have been doing this for years, coming here, to Geneva, to...anywhere to speak for us. To let people know what is going on with us, to meet my brothers and sister who are also losing their lands, their culture...their lives...Look around, all of us here, I think it is our space and it was created by all of us for us and now it is our duty to come here, to make people listen to us, to speak for...us, for Mother Earth, for the future of everybody...we can offer a lot to people, you can learn from us, we have been living in peace with Mother Earth for centuries, and we need to protect her, we are here for her.”

For Thomas the indigenous movement commenced:

“For me it all started when the colonizers took our land. Now, we speak about global indigenous movement but what needs to be stated clearly is that it is a movement asking for what belongs to it,

⁴⁶ One of the conferences organized by the World indigenous peoples council. According to Maiguasca it was the “most important step in the process of ideology building” 1994:25.

nothing more. We did not go anywhere, we did not steal, kill and murder, we lived our lives on our lands, and that is what we want now."

Some people said it started in the seventies?

"You know, we can speak about it in seventies, or even in 1923 with Deskaveh, or even before, or Geneva 1982, New York 2000... it is all important dates...but what is often forgotten, and that is why i said is so, it is not twenty years, fifty years or a century, no! It is centuries of oppression, of neglect, assimilation and genocide."

For a governmental representative the indigenous movement is entirely tied to the support of states:

"As you know, my country was the first to grant the right to self-determination to our indigenous citizens. We as government acknowledged the mistakes of the past, and together with the elders, as partners we agreed on the future cooperation. So to speak of the start of the indigenous movement, it is important to say that we were very supportive, many activists NGOs are from my country the first conferences took place in my country, I believe as Danes we all know that we bear responsibility and we did our best to face the grievances of the past for better future. My government is one of the catalysts of the indigenous rights supporting the indigenous rights with considerable financial and technical platform."

And for the intergovernmental professional John the beginnings of the indigenous rights:

"Yes, I personally have been working on the issues of IPs for the last 2 year, explaining how our project can benefit their communities, what they need to do and trying to find the best solution for all the stakeholders."

And on a more general level how do you see the beginnings of the indigenous rights?

"The beginnings? Oh, I am glad you asked. I am sure everybody is probably mentioning the Working Group in 1982, then the 2nd Working Group on the Draft Declaration, the Declaration itself. Of course, all of this are important points, but let me mention here that it was however the World Bank that facilitated the indigenous rights in a

substantial manner. As in the past we have been closely working on projects affecting indigenous people there was a need to address these issues. Now the Operational Directive 4.11⁴⁷ is in place. This document clearly defines rights and obligations, and I believe it is beneficial for IP' rights. Moreover, in cases they think something was violated they can bring a claim to the World Bank Panel that will perform a transparent investigation of the claims."

We can see from the discourses that each stakeholder group highlights different points. In this sense, we can reiterate with Sikkink and Keck that "*discourse can provide opportunities for activists to expose the gap between discourse and practice, and that this has been an effective organizing tool.*"(1998:206). On the following chapters, we will see examples of the usage of this tool and its analysis.

⁴⁷ Also see Operational Directive 4.20.

“So, there are three characteristics of ethnographic description: it is interpretive, what it is interpretive of is the flow of social discourse; and the interpreting involved consists in trying to rescue the “said” of such discourse from its perishing occasions and fix it in perusable terms.”

Clifford Geertz 1973:20

6 At the Battleground⁴⁸

Discussions, negotiations, deliberations and decisions in our modern days are almost entirely performed in meetings (van Vree 2002). This is especially true in the context of the United Nations. Decisions, negotiations and discussions between the various stakeholders are for the most part performed in meetings. It is a way to organize transnational actors. One aspect that is particularly important in the shaping of the decision-making process is the timing in bureaucratic organizations, for example the length of the meetings and the considerations that have to be taken in order to coordinate with other meetings. In the following pages the global indigenous caucus as well as the UNPFII will be analyzed as a transnational locality where the residues of representations of indigenous peoples, the noble and ignoble savage, are discursively spatialized (Gupta; Ferguson, 1997:3). Conceptualizing the discourse of UNPFII by the means of ethnographic description shall shed light and nuance the argumentative imagery of the interventions in a more complex picture. By focusing on the social agency that is on the people within a concrete example of the institutional system, I aim to *“open the possibility of an analysis which attends to the substance rather than to reductive formulas professing to account for it.”* (Geertz 1973:432).

The form of the UNPFII has an increasing public character as can be seen in the increasing number of delegations that attend the UNPFII. The increasing importance of

⁴⁸ After Maignasca 1994: 30.

the forum can be also seen in the fact that gradually the forum is visited not only by the members of state's permanent missions but also by "*diplomats from the capitals.*"⁴⁹

The rubric United Nations Permanent Forum on Indigenous Issues (UNPFII) is, just as is the case of the rubric of any other public occasion, multilayered. The bracketing layers of the forum, as has been shown in the previous chapter, stream from its mandate⁵⁰ which authorizes the forum in six different, yet interwoven, areas. As will be shown in the coming pages, the layers of UNPFII emit from its substance, the people, which concede UNPFII as a blend of political, personal, social and symbolic venue within the institutionally set coordinates. By the denomination these coordinates position the forum as permanent. Such identifier, unique within the United Nations' system, qualifies the forum with enduring footing. On the one hand, this can be seen as the displacement of the periphery (as does Béllier 2004), on the other hand the adjective seems to imply that the 'issues' of indigenous peoples will be permanent as well. Moreover, the last denominator - issues, is in line with states' efforts to avoid the term peoples that could bear legal obligations. On the other hand, ascribing a forum with such a denomination is felt as alienation by the people for whom this forum is aimed.⁵¹ Furthermore, such an approach can be interpreted as a continuum of conceptualizing the indigenous people in negative connotations, as exemplified by the ILO Indian problem discourse (see Rodríguez-Piñero 2005:53-78).

Public events can function as occasions that address, and redress inherent problems of social relationships (Gluckman 1962). This aspect of UNPFII becomes apparent when the indigenous representatives address the forum describing concrete violations of international human rights framework at their community. The perpetual verbalization of states' non-compliance with their obligations in praesenti of their representatives provides the indigenous people with the opportunity of transmitting the social relationships in the sphere of public events. Public events can be also conceptualized as a cognitive experience following certain phases (a breach in social order through crisis

⁴⁹ Statement by Elsa Stamatopulu from the Secretariat of UNPFII.

⁵⁰ E/HRC/2000/22.

⁵¹ As iterated in first points of the draft Global Indigenous Peoples Caucus Recommendations (on file with the author).

and final reintegration. In this vein Sjørsløv described the UNWGIP in 1994:40). This interpretation of public events comes to mind while listening to statements emphasizing the reintegration of the marginalized. Moreover, public events serve as narratives as *“a story they tell themselves about themselves”* (Geertz 1993:448). It could be argued that the narrative representations of human rights are suiting other narratives, rather than providing an exact reference or representation of facts with the aim of clarifying. The narrative’s function is therefore to create meaning. This layer is apparent when the indigenous representatives interpret the world order delineating self descriptions.

As outlined, various interpretations can be found in the fluid rubric of the forum, which can be seen as a performance declarative of our humanity uttering the uniqueness of particular cultures (Turner 1974:41). When looking at the actual scene however, what strikes the eyes is the actuality of the Permanent Forum as a convergence of globalization from above and its utilization from below; the disciplined order of the institution is supplemented with symbolism setting. Hence, UNPFII may be seen as simultaneously facilitating, delaying and providing a space for different players to achieve a variety of goals (Following de Sousa Santos 2005:129).

Still before I proceed to the description of caucus itself, it might be helpful to specify what a caucus actually is. The term caucus is in modern English mainly used to describe ‘a meeting of the members of a legislative body who are members of a particular political party, to select candidates or decide policy’; for instance in the United States one can speak of the Iowa Caucuses or Congressional Black Caucus. Nonetheless, the term, most probably, comes from the Native American Algonquian language group and means ‘counsel, counselor’. Therefore, it is natural that the indigenous peoples opted for its usage to denominate their meetings before the major United Nations mechanisms concerning indigenous peoples. Traditionally, these meetings have been held before the sessions of the United Nations Working Group on Indigenous Populations (UNWGIP) *“in order to agree on strategies and produce joint resolutions.”* (Muehlebach 2000:421).

As can be expected several caucuses have been formed, not only regional, such as the North American Caucus or the Global Indigenous Caucus but also thematic caucuses such as the Global Women's Caucus or Global Youth Caucus. Due to the effectiveness of the caucuses, the tradition continues also during the weekends prior the annual sessions of UNPFII as well as during the duration of the sessions as such. Nonetheless, in comparison to past years when these continual caucuses were held daily before the start of UNPFII sessions, this year the caucuses were held only twice a week, on Tuesdays and Thursdays mornings. The reason for the decrease in the number of the daily caucuses was according to chair person of the Global Indigenous Caucus: "Since they were not attended by the people and we have to pay for the rooms, we opted to reduce the number of caucuses this year."

6.1 At the Global Caucus

On a Saturday morning, with a map in one hand and a coffee in the other, I wander around the empty United Nations Plaza trying to decipher what could the 'opposite of the main UN building' note by Lise mean. In the vain effort to silence the persistent internal voice assuring me that I will be late, I notice a couple of traditionally dressed Bolivian women. As to-be anthropologist, I decide to follow the observation skills I have acquired during studies, and enter the same skyscraper as the indigenous women. Still in the rotating doors I hear the bored voice of a security officer: "*Indigenous? 2nd floor.*" Accordingly, I push the button in the lift.

The door opens and I hesitantly leave the 'safe area' of the lift and follow the noise into a half full room. Immediately, seven posters positioned on the windows, opposite to the entrance doors, catch my attention. The content of the colorful statements is aimed at the approximately one hundred people present in the room. Two posters, positioned at the sides of the windows, are invitations to a side event which will take place on the first week of the UNPFII. The five middle posters are handwritten on monochromatic red, orange, pink and yellow papers. The content is country specific, following the name and shame policy. Thus, Canada, New Zealand, Australia⁵² are requested to

⁵² This comes as an oddity given the official endorsement of Australia to UNDRIP in April 2009.

respect the human rights of indigenous peoples. United States of America, the remaining state voting against the UNDRIP is omitted from the posters. The two remaining posters, appeal for the 'adoption of the UN Declaration on the Rights of Indigenous Peoples' and declare 'support for the UN Indigenous Declaration'. The posters are evincing the multilayered role of the caucus; the caucus is meant as a 'safe preparatory space', where one can "*share experience*⁵³" in a full hearted "*language, that will need to be translated for the UN*⁵⁴" amongst "*family*". According to Appiah the metaphors of family support the omnipresent ambient of *communitas*: "*We are supposed to love our brothers and sisters in spite of their faults and not because of their virtues.*" (Appiah 1992:17). The metaphors of family are indicative of the overall ambient of the movement in general and the event in particular. The global caucus is the space of indigenous people for indigenous people. As one of the research participants, Andres, emphasized: "*The global caucus is indigenous space. It's where they can agree about what is the most important for them.*"

Is it possible to attend the caucus?

"No! As I said, it is their space and it is for them...I personally have never been there...it is their right to agree about what they want without us."

Nonetheless, it was possible to attend the caucus, and I was, by far not the only non-indigenous person there. Still, it is important to state that caucus may be seen as "*poetry of politics [...] the feeling of people with whom we are connected*" omnipresent at the event (Blyden, quoted in Appiah 1972:14). It is so to the extent that I remain the (invisible) shadow of my Sudanese colleague for whom getting hold of anything, be it a

⁵³ Wilton Littlechild.

⁵⁴ Shannon Rivers, 18.03.2009, New York, transcript on file with the author. An example of the translation could be "That nomad people assert the right to land" from 1st draft of the Global Indigenous Peoples Caucus Recommendations/Interventions p.2, point 9 in 2nd International Decade of World's Indigenous Peoples. The presented text reads: "We urge the Permanent Forum to call upon the member states to respect the rights to land and territory for nomadic, uncontacted, and displaced indigenous peoples, as well as those indigenous peoples in voluntary isolation and those facing extinction.: point 8 under agenda item 3(c) in the Opening Statement by the Participants at the Global Indigenous Peoples' Caucus meeting from May 16-17, 2009.

translation machine, a draft document or a leaflet, is somehow easier. Color matters. For once, at the caucus, the darker the better.

The setting of the room is horizontal; in front of the posters a long table is formed from two tables. Behind the tables five indigenous people look busy working on their notebooks. On their left hand side a speaker's table with microphone is used by a tall Native American man has just started his speech. As I learn later, the tall man is the chair of the caucus, Shannon Rivers, and the five indigenous people on his right are his co-chairs and rapporteurs of the caucus⁵⁵. His "dear brothers and sister"⁵⁶ are seated on chairs which divide the space into eight rows, forming two 'wings'. The setting of the room resembling a classroom from primary school with the teacher in front is somehow desentizing the ambient. Conceivably also for this reason as the day passes, the continuous murmur from the lobby spreads to the small space in the back of the room. Here, people standing in circles involve into discussions while in front of the room the speakers present their recommendations for the UNPFII. As a result, the level of noise increases and the translators⁵⁷ are unable to carry out their work. Consequently, the chair person is several times compelled to ask for silence.

With all the noise, activity and work the atmosphere of the caucus resembles a crowded bee-hive with an ever-changing mother queen at the microphone; and the busy working bees coming and going to and from the hive.

Forty eight speakers have presented their statements during the two day session, the vast majority of them being indigenous serving thus the inherent intent of the event to

⁵⁵ Given the composition of the assembly, gender as well as regional balance seems to be considered while forming the group. The rapporteurs were Mayra Gomez, Gabriel Muyuy Jacanariyo, Nicolas Chango, and the co-chairs were Ben Koissaba, Miki'ala Catalfano and Gulnara Abbasova.

⁵⁶ Shannon Rivers.

⁵⁷ Translation to/and from English, Spanish and French was provided. No translation to/nor from Arabic, Chinese neither Russian was available during the caucus. The omission of the last language caused some difficulties for the Russian member of the UNPFII who was not able to follow the debate until a translator was assigned for him.

settle and unite viewpoints by the indigenous people themselves. The first non-indigenous speaker was a representative from the Esperanto International Association, who enlightened the audience about the usefulness of the Esperanto language that could be "indeed helpful in venues like this."⁵⁸ The second non-indigenous speaker was a representative from the World Council of Churches who apologized for the past atrocities and expressed hopes for a more cooperative future. In a way thus the circle of colonization is, at least discursively, closing - at the beginning the church stood as the decoy, at the end it is the church who offers help and apologies for the past atrocities.

The forty-six indigenous speakers addressed a wide array of issues; the mixture of geographical variety of the speakers was reverse to the unity of lived experience as it was presented in the speeches. The dialogue thus focused on topics that are felt to be in most urgent need of enhancement. Along these lines representatives reported about the situations in their communities, words about continuous human rights violations were heard again and again, rapes of women, murdering of leaders forced migration of communities' prompt indigenous people to relentlessly attend UNPFII. Some of the statements contained measures for improvement, principally calling on respective states to comply with their international obligations; others served a more informative function. Much discussion took place on the procedural character of UNPFII; the new bi-annual form⁵⁹ of the UNPFII was also explained by members of UNPFII on Sunday. At the global caucus, the local nuances were streamed into a united statement presented in the report of the caucus for the UNPFII.⁶⁰

⁵⁸ James Harrison.

⁵⁹ As outlined in the previous chapter, one year is devoted to reviews, the following year the forum discusses a concrete topic.

⁶⁰ Opening Statement by the Participants at the Global Indigenous Peoples' Caucus meeting from May 16-17, 2009, available at http://www.7genfund.org/current_actions/news-from-the-field/united-nations-statements-2009/opening-statement-by-the-participants-at-the-global-indigenous-peoples%E2%80%99-caucus-meeting-from-may-16-17-2009/ , retrieved 06.06.2009.

For the research participants the role of the caucus is clear. As already outlined the global caucus is the space for indigenous people, and is so perceived by both the non-indigenous activists:

Cecile:

"I have read about caucuses before and I am thrilled that I can be here now...it's great to see all this, the indigenous leaders agreeing upon the right way to go."

As well as by the indigenous participants:

For Peter:

"It is our space, here you realize how similar our situation is. For me, it is as I said the first time and I can't believe my ears...we all go over the same things, in some countries this state of physical violence has passed and the states are more responsible...but here, many many people say the same I came to say, the state doesn't care about us, the state only wants to take our lands and resources."

For Maria:

"The global caucus is a place to unite! We come here before the main events in the UN and agree about what is necessary to do, the newcomers learn what to expect and how it all will look, you can meet James⁶¹ or Victoria⁶² who will explain what is happening how to proceed, what to do."

For Jane:

"The global caucus is the space were we speak and agree about what we need to tell to the UN. We meet here, we see and compare what has happened in the year, how the situation changed...and then we need to settle what is it that is the most urgent, that needs to be set aside and what emphasized."

And who decides about this?

"Well, you see...the topics are almost same everywhere, wherever you go our people face extinction, their lands are stolen, their knowledge taken, they are forced to move and live with, well live in cities leaving the community behind. For us this new lives are a way of ethnocide, we are forced to abandon our culture and what will happen

⁶¹ UN Special Rapporteur on the Human Rights of Indigenous People

⁶² Traditionally the chairperson of UNPFII.

to our children in the cities? Moreover, if we, the safeguards of nature are disappearing what will happen to the mankind?"

Finding out who decides about the words put into the final report presented to the UN was again covered with words of unity by Thomas:

"If you look closely at it, it is not that it is important to choose what is in the report and what not ...poor health and education conditions in our communities are appalling. We all face the same! And for our efforts... all of us what we try to do is utilization of a more holistic approach towards Mother Earth that would advance all the people everywhere. And this is what you can read in the final report and this is what we all agree on."

His words are reflected in the final report that starts by acknowledging the spirituality of indigenous peoples and a call for a convention for the "Human Rights of Mother Earth".

What stands clear is that the caucus should serve as a space for indigenous people at which they align their issues into one direction. What also stands clear is that this alignment is done via emphasizing the dominant components of the indigenous rights discourse (Thies 2008, Tennant 1994). In this manner, the indigenous people continue to position themselves in contrast to the dominant society. Hence, reading the final report one is faced with the collective identity of all of the more than 400 million indigenous people,⁶³ represented by the 120 participants of the global caucus: *"recommend that the Permanent Forum carry out a study assessing the implementation of the Millennium Development Goals recognizing and respecting the principles of Declaration on the Rights of Indigenous Peoples, notwithstanding the global economic crisis, to be presented at its 9th session in 2010."*

What emerges less clearly from the global caucus however is how, by whom and with what legitimacy were these words created.

⁶³ Exact figures vary from over 350 million to over 500 million indigenous individuals depending on the literature used. Compare for instance Anaya 1995, Indigenous World 2009 and Martinez Cobo 1987.

6.2 At the 8th Session of United Nations Permanent Forum on Indigenous Issues

The thick blue⁶⁴ carpet soon becomes covered with about two thousand persons on the Monday morning. The overwhelming ambient bestowed by the kaleidoscopic juncture of indigenous costumes is here and there interfered with the shades of grey suits. As much as UNPFII is an advisory body⁶⁵ a forum of oral presentations transcribed into written statements,⁶⁶ its non- verbal elements bear additional information to the words.

Faithful to tradition, the spirituality of the indigenous peoples is the starting point of the 8th session of UNPFII (compare Daes in Hannum 2004:32). The Chief of the indigenous peoples of the territory, Tododaho Sid Hill Chief of Onondaga Nation, opens the session with an invocation. In his prayer he addresses, amongst others "his sisters and brothers" acknowledges "the plants...the birds...the wind" and thanks to "sun and his sister the moon". Concluding the prayer with wishes for successful activities the Chief extracted the forum from the institutional setting and inserted 'community', 'spirituality', and 'nature' into the institutional setting. In other words, what is heard at the beginning of the 8th session are the attributes on which the discourse of the 'noble savage' was constructed. The primacy of indigenous peoples at the UNPFII is extended by the song honoring indigenous women. Holding each other hands, standing in a circle dressed in traditional dresses the indigenous women bolster the symbolism of the moment by singing a traditional song. In support the audience claps converging thus the message. After the applause, the representatives of the institution take the floor. The president of the United Nations General Assembly, wearing a coat donated by Evo Morales, addresses the: "shining example of

⁶⁴ As stated in A/107 (1946) and A/C.6/75 (1946) the colour blue is the dominant colour of the UN flag symbolizing the water encompassing the world. Within the western symbolism blue is the opposite colour of red which is the symbol of war.

⁶⁵ E/2000/22, paragraph 2.

⁶⁶ E/2000/22, paragraph 5. Compare with Day 2001:727 who analyses documents as both a utopian modernist vision of world peace through transparency and information as well as an ongoing critique of that vision

collaboration and dialogue between indigenous peoples, Member States, the United Nations system and civil society at large.”⁶⁷

As the President of General Assembly delivers his speech, Carlos Mamani Condori, member of the UNPFII for Bolivia,⁶⁸ leads the election of the chair person of the eighth session. Almost a customary law, Victoria Tauli Corpuz is elected by acclamation to chair the session. From the centre of the massive wooden table the subtle chairperson outlines the schedule of the eighth session. The morning session continues with two additional introductory statements preparing the way for the “symbolic moment of our struggles.”⁶⁹ The speech of Kim Morf, the great granddaughter of Levi General- Chief Deskaheh, at the United Nations is a symbolic validation; in this manner UNPFII is a celebration of visibility of people once without voice (Muehlebach 2000:417).

As the chair person adjourns the morning session at 1 p.m. the space in the lobby becomes filled with the indigenous representatives. Some of them will remain in the lobby; others will attend one of the seven side events of the day. In general the side events focus on particular topics and are attended by smaller groups of people allowing thus for more in depth discussions than the main forum. Altogether more than sixty side events took place during the breaks between the main sessions of the UNPFII. This year, the main themes of side events⁷⁰ can be seen in issues related to gender (8), climate change (6), and culture (7). A substantive portion of side events addressed issues streaming from the cooperation between corporations in the area of

⁶⁷ H.E. Miguel D'Escoto Brockmann, available online at <http://www.docip.org/Online-Documentation.32.0.html> retrieved 03.06.2009.

⁶⁸ http://www.un.org/esa/socdev/unpfii/en/member_mamani.html

⁶⁹ Tonya Gonnella Frichner, Vice Chair Person of 8th session UNPFII, 18.05.2009, New York, transcript on file with the author.

⁷⁰ From the list of ‘Special Events and other Parallel Events at the Seventh Session of the United Nations Permanent Forum on Indigenous Issues 18 - 29 May 2009’ available at http://www.un.org/esa/socdev/unpfii/en/session_eighth.html consulted 06.06.2009.

extractive industry and the UN program REDD. Some of the side events combined interlinked topics.⁷¹

The windowless conference room with no outside indicators of passage of time becomes gradually full at 3 pm. As the eighteen scheduled speakers fluctuate at the microphone, the more or less typical picture of the upcoming sessions stabilizes: in the course of time it seems that the permanent flux of words spreading from the podium pressures people; at half past four even the Tuaregs resign and uncover their faces. To catch new breath some delegates leave their seats and walk, others talk to their neighbours, few surrender to the jet lag and (day)dream. Rabinow argues that the extreme boredom and irritation produced by the successive panel presentations as "*constitutive elements of such events.*" (Rabinow 1996:327).

6.3 The Discursive Strata

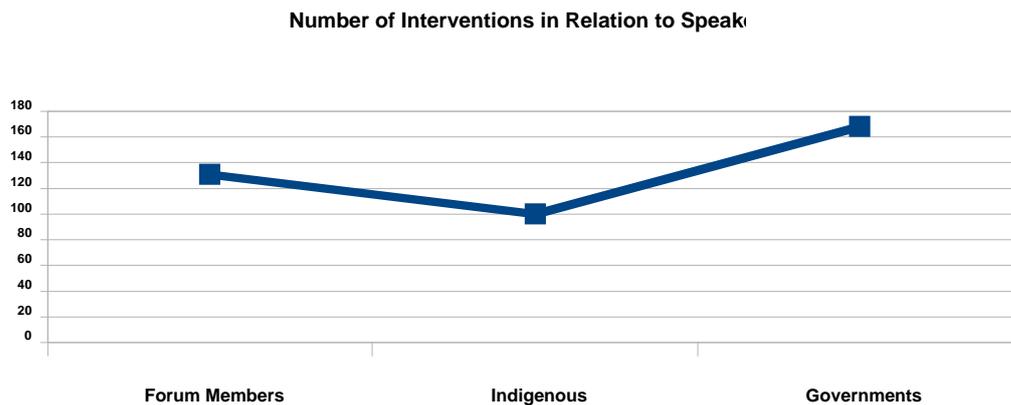
During the nine days of the Forum more than 500 people presented their statements addressing arrays of issues affecting indigenous peoples' lives. The mere fact that more than two thousand representatives from all over the world gathered in New York to attend this year's session is arguably supporting the continuous legitimacy of the Forum (compare with Thies 2008).

The steps that led to creation of the final report of the 8th session engraved a trajectory of work that will further shape the trajectory of the document as it will be incorporated at other conferences and documents they shall produce.

Above this all the trajectory of the UNPFII is congested with words. As is the case at any conference, the representatives present at UNPFII utter and yield to a deluge of words that describe and prescribe, allege and conceal, condemn and support. Pregnant with possibilities words come and go. The variety of topics set out by the agenda oscillated within the mandated areas. The majority of the speakers, above 200, were

⁷¹ E.g. Celebrating Indigenous Peoples and Biodiversity: Engaging with Climate Change or Indigenous Women's Human Rights Concerns in Urban Areas.

listed on the agenda number 4a human rights. Due to the gridlock of time, not every speaker has begotten the chance to express their statements. The graph below breaks down the number of interventions in relation to whether the person is an indigenous delegate, a representative of UNPFII or speaking on behalf or government.



The overwhelming majority of indigenous speakers addressed the audience with strikingly similar issues, thus upholding the rooting of indigenous struggle not only in comparable histories of oppression but as well in the discourses cautiously crafted to jointly address the oppression (Muehlebach 2000:421). Whether one was listening to speakers from Latin America, Asia or Africa the grievous violations of international law were inwrought with descriptions of stagnating, if not worsening, living conditions. The room was repeatedly filled with stories and narratives of tragedy and fatality that were presented in words of beauty. Thus, speaking about rapes the indigenous speakers adhered to the discourse about the need of promotion and protection of human rights; descriptions of poverty of communities were transformed into words of socio economic development discourse and continuous neglect of the free prior informed consent was framed as lack of implementation of article 13 of UNDRIP.

Furthermore, the indigenous speakers filled discursive strata articulating the tangible web of *“what is and what should be, the gain of humans against the loss of nature, the power of states against the needs of peoples, historical expediency against cultural memory and vision.”* (Lam 1992:617). Specifically, the indigenous delegates repeatedly voiced dissatisfaction with the current situations, the need to improve the living conditions of indigenous peoples specifically through the means of rights contained in international

legal instruments. The hundreds of interventions presented by indigenous speakers throughout the years they positioned their struggles into the international sphere have been based on the politics of difference (Wright 1988:375-380). As has been shown in the previous chapter, the West initially constructed this difference in order to discipline the other peoples; nonetheless currently this difference is serving a liberating facet for indigenous people. Applying such discursive practices can be interpreted as a consequence of years of moral exclusion (Muehlebach 2000:426) where using moral bracketing can evoke the notion of moral community (compare Wilmer 1993:67-93, Sachs 1997:8). In the discourse presented at the 8th session the indigenous people epitomized their struggle to be one that encompasses socio-cultural, economic, political and ecological justice in the past, present and above all the future. For instance the indigenous delegates, especially from Latin America, emphasized the need for a more holistic and ecological approach towards Mother Earth. On the environmental discourse and its interconnectness with the indigenous struggle see Williams 1992.

The review of intergovernmental agencies scheduled for Friday shed light on the activities concerning indigenous peoples of Office of the United Nations High Commissioner for Human Rights, Food and Agricultural Organization of the United Nations, International Fund for Agricultural Development, United Nations Development Program, United Nations Population Funds and lastly the Department of Economic and Social Affairs of the Secretariat. (The high involvement of forum members as well as indigenous representatives reflects the significance the representatives attributed to the possibility of discussing the existing issues emerging from the activities of the agencies. Amongst the major issues the indigenous people perceived the lack of importance of FPIC. For some indigenous speakers this is just "a continuation of dominance...you still treat us as subjects of activities and not independent objects."⁷² The possibility to address the involved agencies provides the indigenous people with the opportunity to further highlight the existing framework and raises hopes for further improvements. Thus, the adjusted scheme of reviewing the recommendations may in general be interpreted as an effectual step.

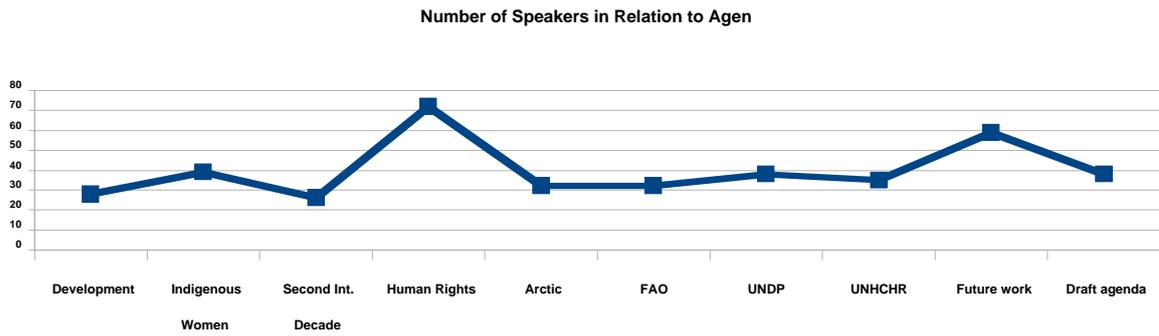
⁷² Gonnella Fischner, Member of UNPFII.

With regards to governmental representatives the uniformity of statements presented at the 8th session would inspire even the most disconsolate indigenous person. Expiring words of support inflated with concrete projects' descriptions and exact figures the governmental representatives assured the audience of the support of their governments for indigenous peoples' rights. For instance we can recall how in this manner the Chilean representative - bypassing any notion about the grave situation of indigenous peoples in May 2009 - argued that the Chilean government "*has taken the necessary measures to adapt national legislation in accordance with binding international legal framework.*"⁷³ On the other side, countries with no indigenous populations declared their support,⁷⁴ mainstreaming thus the universal idea of human rights for all people.

Lengthening the idea of equality of nations at the United Nations the Permanent Forum is organized with the aim for a balanced footing for indigenous speakers and government representatives. The high number of speakers and the density of agenda resulted into a limited time for speaking. For the delegates working at the Forum, time and institutional progress were bound together, forming the two key parameters of work. Thus, repeatedly and repeatedly the chair asks the speakers to uphold the set time limit of 3 minutes. In this manner, the majority of seasoned indigenous speakers decide to omit the descriptions of the situation in their communities and proceeds directly to suggesting recommendations on how to improve the situation on the grounds. In contrast, speakers present in the Forum for the first time often opt for describing the situation at home. Before the time limit of 3 minutes is over they hardly ever get to draw conclusions or address concrete steps to be taken for improvement, thus reinforcing the symbolic component of the Forum. The graph below illustrates the number of speakers in relation to agenda they addressed.

⁷³ Alvaro Marifin, New York.

⁷⁴ For instance Germany is supporting several indigenous projects. Statement of Germany's representative, 22.05. 2009.



The Permanent Forum remains the sole mechanism within which indigenous peoples voices can be heard. Clearly, this symbolic function of the Forum bears remedial capacities for indigenous peoples. Nonetheless, it seems that with the increasing number of speakers this function of the forum is being accommodated. In line with the best practices of business and bureaucracy the aim is to find solutions, and consequently to act upon these solutions. Thus, action becomes the new meta goal of the discourse.

"When I use a word," Humpty Dumpty said in a rather a scornful tone, "it means just what I choose it to mean – neither more nor less."

Humpty Dumpty
in *Carol* 1872:72

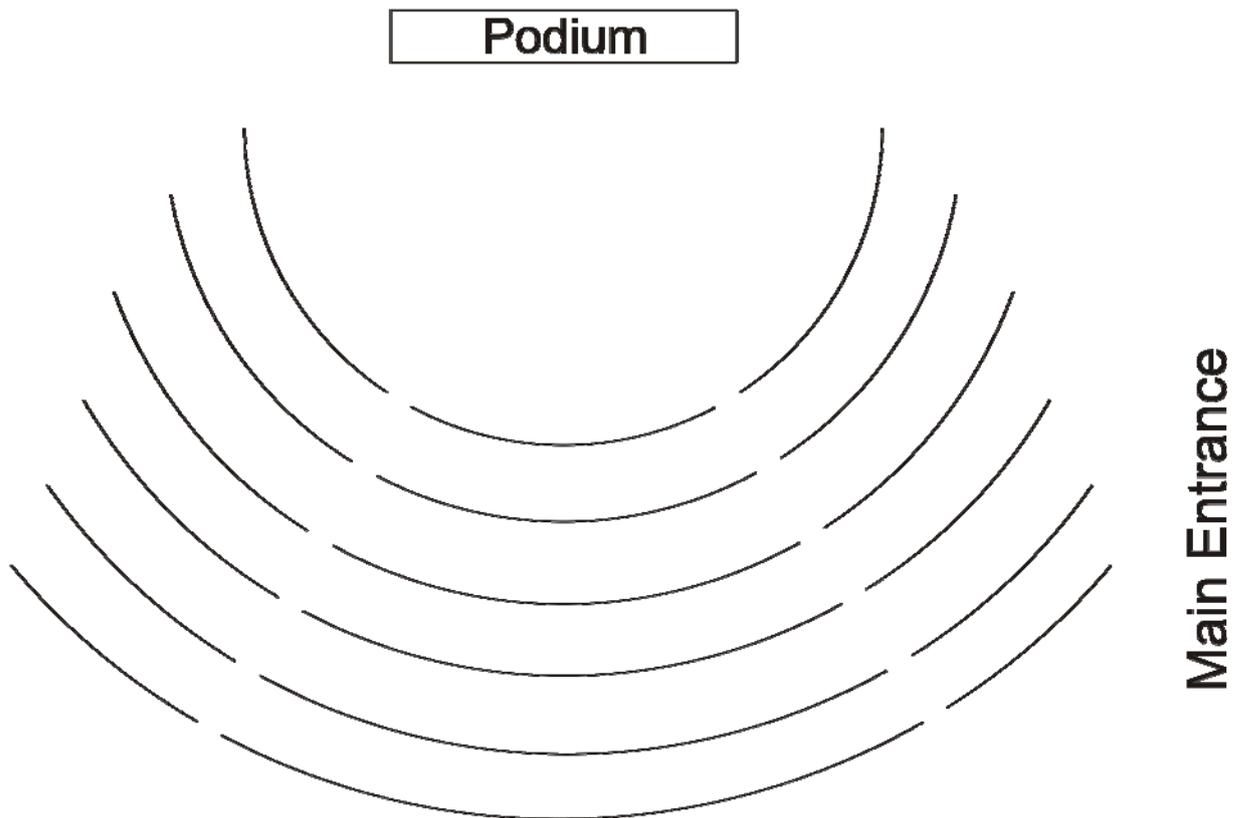
7 Facta Sunt Potentiora Verbis

Clearly, what is exhaled in a conference room is often of limited impact to the agents of these expirations. For the organization the human activity that is of interest to its functions is perceived through simplified approximations. Hence, statistics, numbers, and united discourse are part of the game. (Scott 1997:412). As Carsten Smith, member of the UNPFII, put it: *"Listening to the statements it seems that the states line up here to assure us, to pay tribute to their supportive actions and activities encouraging the effectiveness of the indigenous rights⁷⁵."* However, other, non-verbal aspects often form another strategy of the engaged agents often with the aim to challenge the discursive strata.

⁷⁵ Carsten Smith, Member of UNPFII.

7.1 The Setting

During the nine working days, as people leave and come, the seating order shifts. The words spread over the room divided into several areas the main space forms a semicircle.



The circular shape can be interpreted as a tool of dislocating the typical hierarchical structure with the leader in front and the followers behind. The circle as a symbol of continuum shall set ahead the egalitarian footing of representatives. Nonetheless, seating in a circle also allows for better control given that one can surveillance everyone (compare with Foucault 1977:202-203). Moreover, the centre of the room is the elevated podium at which the main speakers of the day are seated thus reinforcing the hierarchy. It follows that the rows closer to the podium, closer to the centre, can be perceived as the more principal rows. These rows have been occupied by the members of the forum thus asserting their primacy within the institutionalized space. In the

rows behind them, the states' representatives have been situated in the right wing⁷⁶ of the room. Assessing with Hertz we can note that the convolutions of right side are associated with the function of model, whereas the left side is serves the role of mirroring auxiliary (Hertz 1988:3).

During the nine days, the middle and right hand side tables, still equipped with state or intergovernmental organizations labels were in use by the indigenous peoples' and non-governmental organizations' representatives. Some indigenous delegations covered these labels with papers indicating the name of their respective organization. By physically covering the state name indigenous representatives symbolically enclosed the domination. Despite the changing seating order, the right and left seating order was stable. Thus the non-verbal space contradicted the verbal. Based upon the seating order it seemed that the polarized positions of the different parties were opposing the converging perspectives of the speeches. Considering the seating order of the eighth session it seemed that the indigenous peoples sit down to assure us of the lack of implementation of their rights.

7.2 The People and Their Clothes

Just as the suppression of identity may take up bodily forms - from prohibitions to physical violence - confirming dignity and acceptance can as well take up bodily forms. In this respect, clothes are embodiments of cultures; clothes can be seen as reliable indexes signifiers of the people who wear them and the settings in which they are worn (Barthes 1985). The social meaning of clothes elucidates a spectacle of meanings, garments serve as statements simultaneously personal, collective, aesthetic and political (compare with Hall, Jefferson 1976, in which they describe the sometimes bizarre dresses worn by rockers and punks as forms of (class) resistance.).

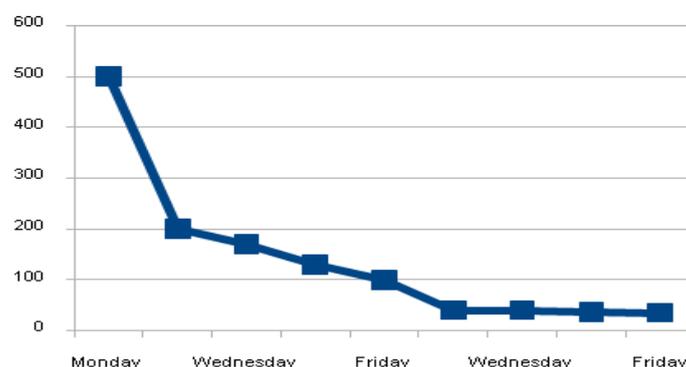
Thus, when together with others, Hassan Al Balkassm wears his traditional jelibab on the Monday's opening ceremony he embodies his culture, proudly demonstrates his difference to the institutional setting and likeness with the other indigenously dressed people.

⁷⁶ From the main entrance's perspective.

On the other hand, when he wears a suit on Tuesday, he demonstrates not only the ability of understanding the dress code of the setting; he demonstrates the good will to participate. Just like anyone wearing a suit for a job interview manifests willingness and ability to play by common rules, so does the Amazigh leader pursue by his clothing respect. With the experience of observational objects and the reservoirs of past, this willingness is further supported as an abridging pursuit of even (more?) recognition.

The shifts within the dress codes can be seen as revelations of the underlying ability of transformation between worlds. On one hand the indigenous people emphasize their difference; on the other hand indigenous people limit this difference before it can continuously serve as the basis for their restrains. Additional support for such analysis can be seen in the facts, depicted in graph 2 that at the beginning of the session, the majority of the indigenous peoples wore ethnic clothes. Given that this ethnic aspect gradually faded away clothes, as embodied cultures function as conscious cultural choices. To add significance to the forum as a space of difference, the indigenous people celebrated their diversity at the beginning of the forum. To signify the forum as a space of dialogue, the indigenous people endorsed with the uniformity throughout the duration of the forum.

Ethnic Dressess on 1st week of UNPFII



To supplement the analysis it is noteworthy to pay a look at the regional representation with relation to the clothes as a tool of ethnic classification.

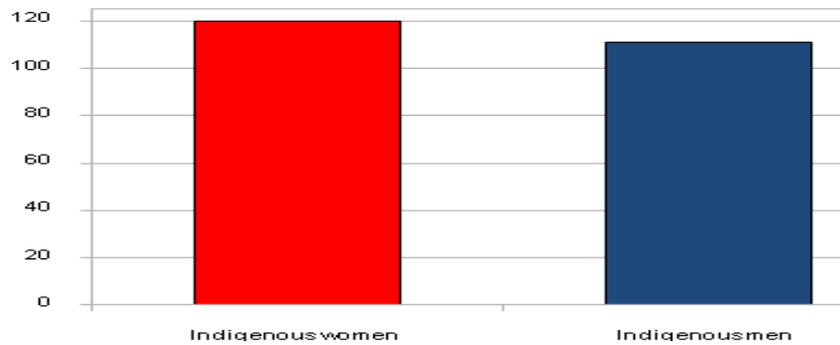
Generally, the North Americans preferred to wear a small symbol of their culture, such as a hair clip or a belt. Nonetheless, assuring the more culture and more empowerment strategy, the Chief of unlisted tribe wore her leadership insignia throughout her presence in the UNPFII. According to Coombe: *“Those who can make the strongest claims to possessing a culture are more internationally empowered to protect local injustices’.”* (Coombe 1998:16)

Additional ambiguity can be observed within the Latin American indigenous peoples: whereas women presented their cultures by typical clothes steadily, their male companions were dressed with less ethnic focus. With regards to the Northern Europeans as well as Africans it is stressed that their presentation of cultures was enduring, whereas the Asian representatives provided for only a small part of the ethnic richness of the region, irrespective of their gender.

7.3 The People and Their Gender

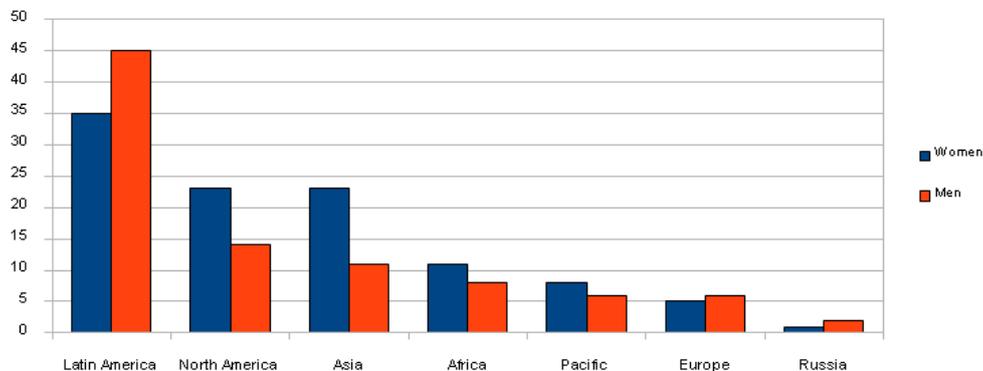
When looking at the assembly of the conference room one cannot fail to notice the strong representation of women, both in the audience as well as at the podium. Illustratively when substituted, the chairperson herself a woman, was always substituted by another woman. Analysis of the statements presented by indigenous people during the nine working days of the UNPFII, as depicted in graph 3, supports this statement: more than 120 indigenous women, compared to 111 indigenous men spoke during the session. This proportion indicates a more than 4% domination of women over men.

Gender Aspect of Indigenous Speakers



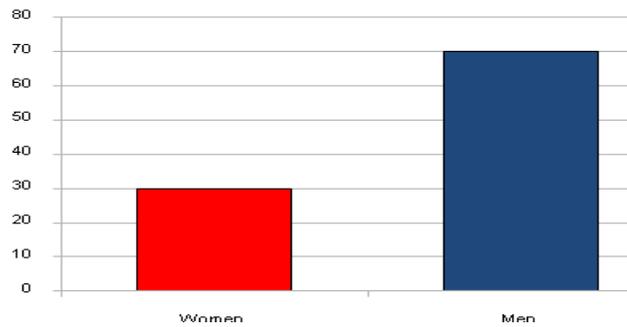
A more detailed look into the quantified representation reveals significant regional variations. Still, four of the seven regions are more represented by female speakers. The region of Asia holds the primacy of female voices heard in the 8th session, whereas Latin America's statements are vocalized mainly by its male inhabitants.

Gender Aspect of IP According to Regions



If we compare these findings with the number of interventions articulated by state representatives, the differences between the centre and the periphery become visible again. Women representing states at the 8th session of UNPFII formed 30 percent of the overall state representatives, as is depicted in graph 3. In this respect, the findings of more than a decade old UNDP report are still valid (Human Development Report 1995).

Gender Aspect of Government Speakers



What the comparison clearly demonstrates is the difference between the prominence of women in the representations. Clearly, for the indigenous communities, just in line with their statements and requests, the voices of women bear a high significance. The extent of this significance can be demonstrated by the situation during which Tomas Fortune, a Tuareg, passed the microphone to his sister to speak instead of him claiming, in clear English, that: "she shall speak because she is a woman."

A plausible explanation of the significance of gender lies in the aspirations of indigenous people to preserve their cultures. Given the emphasis on preserving culture the central role of women "as keepers of the values"⁷⁷ the significance of women voices seems congruent.

Such a positioning of women can be seen in line with the emphasis on 'community' by which the indigenous peoples are represented, in contrast to the representation of the West of them as an individualized fragmented society. In fact, traditional links between women and households have been scrutinized as disciplining (Beauvoir 1949, Butler 2000). However, in the discourse of indigenous women, and men, these ties are seen as natural and important. Furthermore, the fact that these ties are voiced by women themselves at public fora, to a large degree, liberates the discourse from such a reading. The presence and activities of women are an inherent part of the indigenous

⁷⁷ Tonya Gonnella Frichner, Vice Chair Person of 8th session UNPFII.

representation. In this manner at the UN, the balance in gender is central to periphery and peripheral to the centre.

7.4 The People and Their Unity

In contrast to the previous analysis, in this subchapter I aim to highlight on the core issue of the UNPFII – on the question of legitimacy and impact. By emphasizing the role of social agency we aim to gain insight into the functioning of the concrete institutional space and the actors that form it. The analysis of the verbal strata, especially when compared with the other strata of institutional behavior, such as non-verbal or a gender aspect revealed certain discrepancies.

Indigenous delegates have managed to carve out a space for themselves within the normative framework. They have been able to overcome the stereotypical discourses, have proven to be mobilized when discussing their identities, their futures. The space enacted by these achievements is an open space filled with multilayered facets. Notwithstanding that participation of indigenous peoples at the global arena is a significant continuation of the participatory democracy shaping the UN, the overarching question clearly stands – to what extent can, and does, the universal forum provide remedy for indigenous peoples? After all that has been said and seen the question that remains to be answered is: what is the actual outcome of all these activities?

For Jorge:

“The first that comes to mind is the Declaration, you need to see it as a materialization of the years and years of hard work.”

Yes, well but how does the Declaration help the indigenous communities?

“OK, I see. First, even though the governments claim the Declaration is of non binding character, I believe that parts of it constitute a legally binding instrument. As such, the Declaration clearly specifies the limits, obligations and rights of indigenous peoples. Moreover, it

provides the existing mechanisms considerable power, the Permanent Forum is specifically mentioned, Article 42 of the UNDRIP on the work of the Forum, it may serve as a way of treaty body to monitor the implementation of the Declaration by the states and other actors A broader reading allows for stronger protection and that is why we are trying to get the Optional Protocol n. 1 to be accepted as part of the Final Report of the eighth session."

And what would happen then?

"Then we would have a better position for advocating the existing rights."

Still, your position on the Declaration is not shared with state representatives.

"Exactly! And that is the problem! That is why we need to incorporate the Optional Protocol and that is why, in due time we will call for the Convention!"

And with the Convention?

"Yes, but that is a long way ahead! Nonetheless, with the Convention no one will be able to...I mean Convention is without any doubt a legally binding instrument to which its signatories have to adhere."

In similar veins Andres, emphasized the need for creating yet another document that will enhance the lives of people on the ground.

For Andres:

"The outcomes? Now we live in the post-declaration era, what is important is firstly to utilize to maximum what has been achieved and then of course the Convention!"

For Jane:

"For me it is several things, this whole activities...Me for instance, I have been in the plane most of the past 30 years, flying from here to there, asking for help, seeking cooperation. See, it is a process of getting more rights, assuring we are heard."

And in your community?

"Of course it makes an impact for the people...especially for the younger generation! They see that someone, an old woman one of them can go and do all these...we still have the picture of the first meeting in Geneva and when I show it to my grandsons classmates...they are surprised, and I think they can't believe it when I just say it...their faces change when they see that some one from their community goes to Geneva, wherever that is (smiles) and speaks to all these people...and it gives them some pride I think. And that is what is also important, that they know that it can be done and things can get changed you just need to take off the earplugs of your ears and do something!"

Like the Declaration?

"Of course it is important step! I have worked so hard on it, all the negotiations and it was...it seemed we will never reach anything! So, of course it is ...it is crucial!"

Are there any steps towards a Convention?

(smiles)

"Well yes and no...of course, I have been coming here... and we all wish it to come true...but it is too soon to speak of it...there is I believe, there is a pertinent need for a more legal grounding and I am sure we have capable individuals who will guide the way."

For Sarah

"You know it is my first year here, we have never participated before but we were welcomed most warmly and this was...it is for me, when I spoke in the plenum, my voice trembled and I was...but the support from all my brothers and sisters is...the clapping gave me strength and I want to bring that back home! To tell my people we are not alone there are others suffering the same and others who have already suffered and know what to do."

And how did you learn about this event?

"A priest told us."

Really?

"Yes, we are...he is a priest in a city nearby and he...well he is in contact with my brothers. And well he saw how our children are poisoned and he I think he... contacted a organization...and then he came to our community."

And he told you about this event here?

"He had some leaflets in English about the Declaration and he gave us some websites and contacts. So we checked and send emails and we decided to come."

And what do you think about it?

" I believe it was good to come, we saw we are not alone and we learnt...what to do and, and I mean the governments learnt about us they now know what...I when I said what I said they listened and maybe it will change...it is the United Nations and it...it is important!"

For Maria:

"I think it helps all of these things, the UN, the meeting in Alaska,⁷⁸ it is all linked and it all will help us. I, I can see it on myself...I knew nothing the first time I came, not even where to turn on the translation machine. And now? I speak English to you, I travel half the world, I go home and tell my people that the World Bank cannot take our land...there are people who can help!"

For Thomas:

"More work!" (laughs)

"...ok, besides more work, more fun?" (smiles) "And now seriously, as you have the dictaphone I should be more serious...what is the outcome? I think for all of us is this unity, the feeling that we are together, then the proves, such as the Expert Mechanism or the Declaration that together we can achieve something."

⁷⁸ Referring to a meeting of 'Global Summit' of over 400 indigenous people from 80 countries in Anchorage, Alaska.

For John the outcomes are:

"The outcomes of indigenous rights? I do not think I am competent to tell you much about this; I am not working in this for enough time... I can tell you what I think...from my perspective the indigenous rights are...they are, personally I would say it is cool... OK, what I mean all these people unite and try to get their rights straight and I think it is impressive their effort, there are lots of shortcomings still, and representing the World Bank is not...well it is not easy, but I am...you see I am learning Spanish, and I am trying to be fair, but sometimes it is just impossible from all the sides...I am speaking on my personal account...but I think now, it is really well established and there are many avenues and if these are fully utilized I believe we can start a new era. "

For Cecile

"I always wanted to work with indigenous people...it is... I think it is important. I have worked in grassroots organization in Indonesia and I saw what is needed. I think now I can help it as I work and I have the ability to help."

For Rune:

"I have been working for indigenous peoples for years and I think, let me be completely sincere here... I would not do it if I did not see any results. Maybe these are slow, and not to the amount we wish...but things are changing. You need to be optimistic to work in this sphere. So, yes there are outcomes, the UN process, the Declaration, the development projects that try to save the communities...but yes I still receive tens of emails daily asking me for help, for doing something...and you cannot, you need to choose and ... I try to look at the other outcomes, because I hope we save more than we loose."

For Annette:

"What is crucial is to see all of this in context. From one side of the coin the indigenous people have been trying hard for years, and I am afraid there is a lot ahead still. On the other flip, well you have the states that do not want to hear anything and the ones that are helpful also outside the conference rooms. Sometimes it is easier, with some it is more difficult. But now I think, it is getting

somewhere, there is places to go to, people know what is their rights,
and they receive support...I think, especially now with the crises
things will change and people will more turn into indigenous cultures,
as the dominant culture is falling apart. I think it will be better
and finally we will wake up!"

For Line:

"What are the outcomes of these efforts? I do not know what to say, if
you want to be negative you can say...well you can say it has not much
impact, people still die, people still suffer...On the one side you
have this, then you have this, what could be called professional
circle, that travels and advocates and networks.

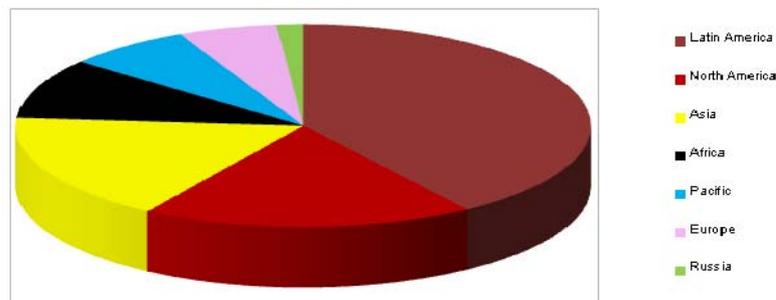
So, I think for the anthropologists the impact is apparent not only
on the level of this new social class of indigenous communities. They
are facing it in daily fieldwork in communities...I just tell you what
happened to me...I have been going to this community for years, and then
I was going there with the NGO and now i sent a PhD student of mine
there...and she was well she was repeatedly asked about what projects
could she grant, like bring about. So, I think there is impact. For
us... with romanticizing prism this is the impact that the good Indians
need development money...but is it now what we wanted? I think it is
fair to end with a question."

Clearly, in spite of the universal claims of the human rights meta-narrative as seen by
Rorty1993; Bobbio 1996; Mutua 2002, its implementation lags behind the declarative
statements. Admittedly, the difference between the extents of implementation divides
the space of the globe challenging thus the universal scope aims of the
project(Compare the Human Development Report 2007/2008, Fighting Climate
Change: Human Solidarity in a Divided World). This macro level challenge can also be
seen in the interventions at the forum.

With regards to the quantity of interventions the region of Latin America is the most
represented, while the region of Russia is the least represented by indigenous speakers.
From the list of side events, it seems that the regional differences between the majority
population from the North and the South are experienced also by the indigenous
peoples. For instance while indigenous peoples from the North mainly discussed

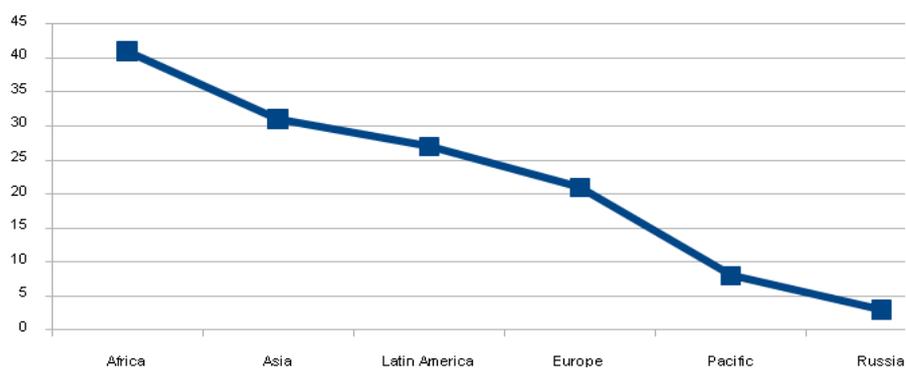
questions of self - determination, events organized by Southern delegates focused more on different issues related to extractive industries, violence, or devastation of nature.

Regional Representation of IP



Similar patterns are revealed when the interventions by forum members are quantified:

Interventions by Forum Members in Relation to their Regions



Attending a side event organized by the Saami the feeling of disparity is fueled. The topic of the event - 'Self- Determination of the Saami', is advertised on colorful leaflets with the promise of 'sandwiches served'. Wondering how full will the room be of

interested disputants and to what extent the option to save 10 dollars saturates the interest, I open the door. Inside, 5 Saami men with the help of PowerPoint presentations and a board, present their position on the new taxation system that lowers the income of the autonomous Saami community.

Searching for a free spot among the chewing Latin Americans, the picture of yesterday's side event of the World Bank visualizes in front of my eyes. John speaking English broken with some Spanish phrases, explains to the four present indigenous women that the new REDD program can be beneficial for the "indigenous peoples". In reply, the women again and again proclaim how the World Bank does not listen to them and that they know their rights. Further, they demand respect of their rights as well as the rights of Mother Earth.

John smiles and answers with clear references to paragraphs in the REDD manual, saying that free prior informed consent is an inherent right of the communities. Without enquiring as to how this consent is defined, the women repeat their accusations, descriptions of past atrocities and demand respect that cannot be bought with dollars. After twenty minutes of this exchange the debate is terminated and the side event is over.

In a way, yesterday's Kocurkovo ambient is present today as well. The traditionally dressed man is pointing with his laser pointer to the board claiming the need for support by the governments because: "We have been the peaceful inhabitants of these territories for years, we were divided, forced to join the artificial states... for years we have been used. When they started to see our knowledge is valuable they took that too. Now, we are at the borders of disappearing and we are left with...with bread-crumbs."

Because of historical guilt the governments shall pay. The next page shows clear, concrete amounts of how much and for what. Moreover, the audience is instructed on how these resources could be utilized, for example by supporting the publishing of Saami literature. The audience continues chewing. Maslow had a point.

7.5 The People Doing Good. To what end?

The indigenous rights have become a valid and confirmed institutional sphere. However, as Foucault put it: “*Obviously, the results very rarely coincide with the aim.*” (2000:385). Unable to judge to what extent the words of beauty in the conferences rooms, offices and lobbies help the people they are aimed at; I still see the following points as in need of improvement. The implementation would be simple and the enhancement complex.

The focus point that shall be addressed in the nexus of amendable issues is the complexity of knowledge about indigenous peoples and their rights. The need to increase knowledge about indigenous rights needs to be emphasized at the institutional level, but as these pages argue this need is pertinent also among the activists themselves. Moreover, this need is particularly strong given that regional differences are enormous - the knowledge and claims of indigenous representatives from Latin America are as far from the knowledge and claims of the Saami as is their geographical distance.

In particular, the differences in the answers, the prism through which the problems are seen, are inherently tied to the background of the respective activist. Thus, for instance the lawyers emphasize the need of convention, the indigenous people stress the ambient of brotherhood, and the NGOs affirm the need for further capacity building and all of them emphasize that action needs to be taken.

Taking into account the high expectations that individuals and communities attach to their activities in this sphere we believe that instead of action, implementation and evaluation, should be emphasized.

For instance, indigenous people attending UNPFII have been repeatedly voicing severe violations of their rights in their home communities. However, there is no procedural mechanism to retain such complaints. It follows that despite all the high expectations of the representatives the UNPFII is not mandated, and thus, is not able to address directly such issues.

The combination of high hopes and vague information can prove lethal for people on the grounds that send their representatives to the global arena. The amount of resources available is limited and therefore it is crucial to utilize what is already present. In our opinion a good crossroad of the utilization of expert knowledge and expectation is this voicing of human rights violations.

Certain simple specific steps enabling the meeting of this expert knowledge and its wide constituency could prove effective. Hence, for instance, a special side event could be devoted at the beginning of the two weeks session to discussing specific issues and possible pathways within the existing legal framework to address these. Or for instance, clear, simple and specific methodologies could be developed to receive complaints of violations of human rights by the Special Rapporteur during the annual sessions of the Permanent Forum (and the Expert Mechanism). Sharing of adequate information on all the sides could booster the effectiveness of the enterprise. Along similar lines, at the end of the session the indigenous representatives could outline the best and worse practices that their respective governments apply in order to address their living conditions. A comparative angle could shed light on more effective practices to deal with commonly shared issues.

“The international movement of indigenous peoples is thus more than just offshoot of human rights movement, more than a nascent expression of globalization, more even than the sum of total efforts to protect distinct indigenous groups. It derives much of its energy from a wide audience, a nonindigenous public, and is therefore also an expression of popular misgivings about the impact of technology and pace of life, and corresponding eclectic search for spiritual expression, in modern society.”

Ronald Niezen 2003:52

8 Concluding Remarks

This thesis attempted to illuminate the road on which the indigenous rights activists walk via the specific prism of anthropological lenses. In the first chapters I sought the answers for how anthropology, as the science of local, interplays with the universal claims of a normative framework. The questions were further broadened with the specific interest in how anthropology is perceived by activists from different academic background, trying to emphasize the polyvalent role of anthropology in relation to ones academic background. The discrepancies that emerged were further fueled in the chapter discussing the interrelation between anthropology and a specific sub-group of the normative framework indigenous rights. Hence, in the first chapters we could find the answers for how the science of local and the order of global intervene, with a special focus on indigenous rights.

Where and how this interplay actually occurs is the main theme of the subsequent chapters. In order to enable better understanding of the actual standing of indigenous rights in the global arena I have described the path that lead to the current status. Having described the boundaries within which the social agency can maneuver, I turned to discussing a concrete example of the maneuvering. In the second part of the thesis we saw how these aspects interplay in a specific institutional space. Hence, in the second part of the thesis discusses a specific mechanism, the 8th session of the United Nations Permanent Forum on Indigenous Issues. The multilayered fabric of UNPFII was analyzed through the anthropological prism with the special focus on the social agency within the institutional framework. By emphasizing the role of social agency I aimed to gain an insight into the functioning of the concrete institutional space and the actors that form it.

The analysis of the verbal strata, especially when compared with the other strata of institutional behavior, such as non verbal or gender aspect revealed certain discrepancies. Hence, we could see that despite the unified discourses presented in the conference room the speakers displayed alternative behavior in their seating order, or clothing style. Thirdly, the question of gender representation proved as worth of further analysis given the discrepancy between the 'up down' efforts to increase the representation of women and the 'bottom up' eminence of such representation. The most diverging factor is however, in my opinion, within the movement itself. Given that in the dominant discourse one of the main components of indigenism is unity, the gaps between the various regional representations are striking. Understandably, this gap is due to complex historical developments and international relations. However, as the discourse of the movement is a discourse of unity the regional discrepancies within the indigenous rights movement can be seen as inconsistent with such discourse. In particular, taking into consideration the long tradition of the movement and its calls for governmental and international action, the regional differences could prove as an exemplary area of success action governed within the movement itself. Especially, given the current possibilities.

Indigenous rights activists have managed to carve out a space for themselves within the normative framework. They have been able to overcome the stereotypical discourses, have proven to be mobilized when discussing their identities, their futures. The space enacted by these achievements is an open space filled with multilayered facets. Notwithstanding that participation of indigenous peoples at the global arena is a significant continuation of the participatory democracy shaping the UN, the overarching question clearly stands - to what extent can, and does, the universal forum provide remedy for indigenous peoples at the ground? Only when the local communities that send their representatives to annual sessions in New York or Geneva will experience the full extent of the words presented in the conference rooms the universal human rights project will be fulfilled.

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