Indigenous peoples' rights and the politics of the term 'indigenous'

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Fig 1. Front cover of the New Humanist,118(3), 1 September 2003.

This article forms part of an ongoing debate on rights and the use of the term 'indigenous', which has so far included exchanges in Current Anthropology, *the* New Humanist, and ANTHROPOLOGY TODAY, *as indicated in the bibliography. The authors here respond specifically to an article by Adam Kuper, published in* Current Anthropology *and the* New Humanist. *Professor Kuper has been invited to respond and has indicated his intention to do so in the forthcoming issue of* ANTHROPOLOGY TODAY. *Readers are invited to contribute their own views to the debate. [Ed.]*

In the July 2003 issue of *Current Anthropology*, Adam Kuper vehemently attacked the indigenous peoples' movement, claiming it to be retrograde, anti-progressive and right wing. He has given these views extensive publicity by speaking on BBC radio and having his article reprinted in the *New Humanist*, illustrated by a cartoon that forcefully equates indigenous peoples' struggles with European fascism (Kuper 2003b, BBC 2003).

As an analysis of the international indigenous peoples' movement and of the particular situations of certain indigenous peoples, Kuper's polemic is misleading in a number of ways, and would perhaps be better ignored. However, as an example of the potential academic arguments can have to reinforce discourse that serves to conceal discrimination against such peoples, the article must be taken seriously. Its potential for 'spin' is confirmed by the recent explicit and implicit promotion of Kuper's conclusions by organizations wishing to justify actions that may be in conflict with the rights of indigenous people.[1]

Kuper's position has dismayed many professional anthropologists working with indigenous peoples and prompted some of them, ourselves included, to write to *Current Anthropology* to correct inaccuracies and refute certain key claims (Asch & Sampson, Kenrick & Lewis, Saugestad, and Turner, all forthcoming in *Current Anthropology* 45[2]). In the present article we draw on these letters and offer what we believe to be better ways of understanding the indigenous peoples' movement, through an approach that is not essentialist and that does not deny the acute problems those peoples labelling themselves as 'indigenous' are concerned to address.[2]

Misrepresenting the international indigenous peoples' movement

Kuper's argument against supporting the rights of indigenous peoples rests on a surprisingly inaccurate analysis of the history of the indigenous peoples' rights movement, in which he merges many different historical processes into a single stereotypical presentation. On the basis of this straw man Kuper argues that indigenous peoples are seeking 'privileged rights' over others (2003a: 390), and that they base this claim for privileged rights on a 'blood and soil' ideology of descent that echoes Nazi or apartheid ideologies (2003a: 395).

In contrast to our own and other anthropologists' experience and work, Kuper's polemic ignores the context of the extreme discrimination faced by indigenous peoples and their many experiences of dispossession by more powerful groups. Even the most cursory consideration of this history of discrimination and dispossession against indigenous peoples demonstrates the degree to which they are denied the rights enjoyed by other groups constituting
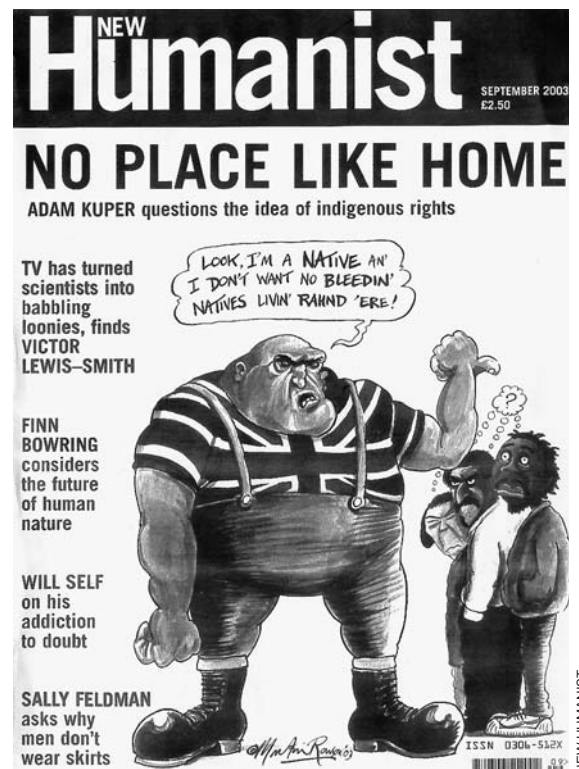

national populations. That this remains a contemporary problem is demonstrated by continuing attempts to dispossess them of their land and resources, and by severe and widespread pressures for cultural assimilation. We discuss some current examples later in this article. As Turner (2004) points out, indigenous peoples and their supporters are struggling to end these abuses and to defend the principle that cultural difference should not be used to justify the denial of rights.

Instead of considering these key issues, Kuper attacks the indigenous movement as a recrudescence of apartheid, on the grounds that it employs the principles of descent and collective ethnic characteristics to identify ethnic groups that can make claims to rights. By extension, he argues, the indigenous peoples' movement is racist, despite the fact that apartheid and indigenous activism employ these principles for opposite purposes. In contrast to the dominant population of a nation-state, indigenous identity is almost everywhere primarily defined in terms of relative historical priority of occupancy of a territory. As Turner (2004) points out, this identity is established not simply by descent, but by direct participation in indigenous communities or cultural enclaves, involving a variety of kinship, affinal and adoptive relations. Nation states themselves employ the legal calculus of descent in their laws concerning citizenship, property and inheritance, without being considered racist for doing so.

The opening paragraph of the article by Kuper in *Current Anthropology* contains a number of inaccuracies. His most serious mistake is to confuse the United Nations Working Group on Indigenous Populations (WGIP), which was established in 1982 and meets yearly in Geneva, with the Permanent Forum on Indigenous issues, which was inaugurated in May 2002 at the UN headquarters in New York (Saugestad 2004). The creation and activities of these two organizations reflect the history of the international

Fig. 2. Mbendjele Yaka boys in Congo-Brazzaville may be unable to hunt when they reach their fathers' age due to pressure from international conservationists and loggers.

3. E/CN.4/Sub.2/ACV.4/ 1996/2. Cited, i,a,. by Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, in his report on Indigenous issues, E/CN.4/2002/97, para. 99 ('UN Indigenous peoples mandate and activities of the special rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Documents relating to the Special Rapporteur', www.unhchr.ch/indigenous/ documents.htm#sr).

Asch, M. 1984. *Home and native land: Aboriginal rights and the Canadian constitution.* Toronto: Methuen Publications.
— 2001. Aboriginal rights. In Baltes, P. & Smelser, N. (eds) *International encyclopaedia of the social and behavioural sciences*, pp. Oxford: Pergamon.
— & Samson, C. 2004 (forthcoming). Comment on Kuper's 'Return of the native'. *Current Anthropology* 45(2).
BBC 2003. Interview with Adam Kuper. In 'Thinking Allowed', presented by Laurie Taylor, Radio 4, 9 July. www.bbc.co.uk/Radio4/Fa ctual/Thinkingallowed.Sht ml.
Bell, D. 2001. Respecting the land: Religion, reconciliation, and romance – an Australian story. In Grim, John A. (ed.) *Indigenous traditions and ecology*, pp.465-484. Cambridge: Harvard UP.
Berg, J. & Biesbrouck, K. 2000. *The social dimension of rainforest management in Cameroon: Issues for co-management.* Kribi: Tropenbos-Cameroon Programme.
Bowen, J.R. 2000. Should we have a universal concept of 'indigenous peoples' rights'? Ethnicity and essentialism in the twenty-first century. *Anthropology Today* 16(4): 12-16.
Cobo, J.M. 1986. *Study of the problem of discrimination against indigenous populations.* (E/CN.4/Sub.2/1986). New York: United Nations.
Colchester, M. 2002. Indigenous rights and the collective conscious. *Anthropology Today* 18(1): 1-3.

indigenous peoples' movement and the process through which local struggles on the ground came to be taken seriously by the international community. This history is composed of 20 years of debates, meetings and resolutions, achievements as well as disappointments, and with the participation of thousands of activists, advocates and academics. What has emerged through this is a working definition of what 'indigenous peoples' means – one that has provided vital international support to such peoples' often desperate struggles to address their dispossession by vastly more powerful economic and political forces.

Thus, an obvious point of departure for any debate on the concept of 'indigenous peoples' should be to examine its codification within the UN system. Although there is no official definition, Saugestad (2001a, 2004) argues that there is a working definition that has stood the test of time remarkably well (Cobo 1986). From a list of a few salient criteria, and with a pragmatic approach to how the criteria should be combined when in use, a *de facto* definition has emerged. WGIP emphasizes four principles to be considered in any definition of indigenous peoples: (1) priority in time, with respect to the occupation and use of a specific territory; (2) the voluntary perpetuation of cultural distinctiveness; (3) self-identification, as well as recognition by other groups and by state authorities, as a distinct collectivity; and (4) an experience of subjugation, marginalization, dispossession, exclusion or discrimination, whether or not these conditions persist.[3]

These criteria are inevitably open to interpretation, strategic use and opportunism, not only by people claiming indigenous status but also by lawyers and academics. Kuper's characterization is both inaccurate and idiosyncratic. His claim that in the indigenous peoples' movement 'descent is tacitly assumed to represent the bedrock of collective identity' (Kuper 2003a: 392) ignores decades of open and explicit – not tacit – debates seeking to identify the complex strands of history and social relations that make up the indigenous predicament (Saugestad 2004). At a minimum, an anthropologist should consider the interesting and often sophisticated debates within the discipline (e.g. Bowen 2000, Colchester 2002, McIntosh, Colchester & Bowen 2002, Rosengren 2002).

Kuper opens his article with a description of a delegation of South African Boers gatecrashing the Forum in Geneva. He states that they demanded 'to be allowed to participate on the grounds that they too were indigenous', before being 'unceremoniously ejected' (2003a: 389). In fact, as Saugestad notes (2004), they were not ejected but demonstratively ignored. During their speech much of the audience left the hall. Kuper's comparison with European fascism portrays the indigenous peoples' rights movement as an aggressive movement. As Saugestad points out, what actually happened is much more representative of a core characteristic of indigenous peoples' responses: that of quiet withdrawal.

Kuper misrepresents the international indigenous peoples' movement by seeking to make what is a generally peaceful movement look aggressive, an open process look closed, and by the way he portrays attempts to resist discrimination and achieve progress towards equality as attempts to assert privilege based on racist principles. Unfortunately, such an account is painfully similar to the way indigenous peoples' more powerful neighbours often seek to represent as favouritism indigenous peoples' attempts to secure progress towards equality through land claims or compensation (see also Thomas 1994).

The Canadian Innu situation
Kuper suggests that the Canadian Innu of Labrador '*demand[s]* the restoration of ancestral lands' (2003a: 392; our italics). As Asch & Samson (2004) explain, in fact

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their demoralization owing to the continued appropriation of their lands, and the crippling conditions in Labrador Innu villages – some of the highest rates of suicide in the world, mass alcoholism, and epidemics of child solvent abuse – have led to the Innu Nation continually *reducing* the size of its land claims. Indeed, it has made massive concessions to the Canadian state, despite the state selling off land supposedly still under negotiation in the Comprehensive Land Claims process. Notwithstanding Innu Nation *demands*, it is the Canadian government that persistently claims and successfully obtains lands from the Innu (Samson 2003, Asch & Samson 2004).

Kuper wrongly claims that 'the government excludes Settlers from collective land claims and treats them as squatters' (Kuper 2003a: 392). Settlers and businesses who have acquired land in a land claim area have equal rights to it, no matter how they came by it. Non-Aboriginals are parties to Comprehensive Land Claims negotiations. Canada has authorized a multi-billion-dollar nickel mine at the site of Innu burials, caribou migration routes and prime hunting areas, and brokered a deal for what may become the world's second largest dam on the Lower Churchill River, in the heart of Innu lands. By no stretch of the imagination can this be described as discrimination against Settlers in favour of the Innu. Rather, it illustrates that Canada continually violates its own rights policies (Samson 2003, Asch & Samson 2004).

The argument that recognizing indigenous peoples' collective rights amounts to privileging their rights over others echoes former Canadian prime minister Trudeau's 'just society' campaign of 1969, which claimed that all Canadians should be treated equally. According to Evie Plaice, Trudeau's policy 'came with a legacy of racist policies that had shaped Canadian-Native relations… To the cynical at least, the rapid development of the Canadian North over the ensuing decades exposed the "just society" as no more than a ruse to cover an intended "land grab" resulting in large scale resource extraction that seldom benefited local, especially Native, inhabitants of the North' (Plaice 2003: 396). As an example of this process, Plaice describes how Smallwood, the Premier of Labrador, 'succeeded in converting Labrador into a vast mining and hydro-electric enterprise' (ibid.).

In such situations, indigenous peoples are being persistently and profoundly discriminated against, and the argument that they possess collective rights as indigenous peoples provides a last-ditch defence against a process that colonizes their land and resources. Increasingly,

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Fig. 3. Twa evicted from Mgahinga National Park squatting in huts made from plastic bags on wasteland in Kisoro town, south-western Uganda, 2002.

Feit, H. 2001. Hunting, nature, and metaphor: Political and discursive strategies in James Bay Cree resistance and autonomy. In J.A. Grim, (ed.) *Indigenous traditions and ecology*, pp 411-452. Cambridge, MA: Harvard University Press.

Ingold, T. 2000. *The perception of the environment*. London: Routledge.

Kenrick, J. 2004 (forthcoming). Equalizing processes, processes of discrimination and the forest people of Central Africa. In Widlok, T. & Tadesse, W. (eds) *Property and equality: Encapsulation, commercialisation, discrimination*. Oxford: Berghahn.

— & Lewis, J. 2001. Discrimination against the forest people ('Pygmies') of Central Africa. In Suhas Chama & Marianne Jensen (eds) *Racism against indigenous people*, pp. 312-325. Copenhagen: IWGIA.

— & — 2004 (forthcoming). Comment on Kuper's 'Return of the native'. *Current Anthropology* 45(2).

Kuper, A. 2003a. The return of the native. *Current Anthropology* 44(3): 389-402.

— 2003b. The return of the native. *New Humanist* 118(3): 5-8.

Latour, B. 1993. *We have never been modern*. Cambridge, MA: Harvard University Press.

Lee, R. 1992. Art, science, or politics? The crisis in hunter-gatherer studies. *American Anthropologist* 94: 31-53.

indigenous peoples' collective rights are being recognized in international law (Colchester 2002), although the strongest resistance to this move has come from settler societies such as Canada, Australia and America, and from their political allies such as the current UK government (Asch & Sampson 2003).

The fallacy of using a literal interpretation instead of an anthropologically informed translation may lead to serious misunderstandings. To conflate the Cree and Inuit peoples' ancient arrival in their current territories with that of the arrival of European colonizers casts them both as immigrants while ignoring issues of priority in time and colonization. Thus the point made by a Cree PhD student quoted by Brody (2001:113), who claimed that 'there had been no immigration, but an emergence', is lost in Kuper's interpretation. The key point in the Cree woman's response is that Cree identity is not based on technical arguments about descent from participants in narratives of migration and conquest, but on social, economic and religious practices that emphasize emerging as a Cree person through participation in relationships with the human and non-human environment (Ingold 2000, Feit 2001, Scott 1996). Additionally, the idiom of emergence used by the Cree student is anthropologically useful. It implies a dynamic view of how culture is negotiated and transformed as it emerges in and between individuals in a particular place, rather than being a static body of unchanging values and practices to which an individual conforms.

Indigenous peoples in Africa

In contrast to the situation in Asia or Africa, defining indigenous peoples in the context of the white colonial settler societies in places such as North and South America and Australasia may seem comparatively straightforward, despite important local differences. In these cases, the concept is often used to refer to societies established before European settlement and profoundly disadvantaged by that settlement. But how does the concept apply in the African context?

The predicament of the hunter-gatherer and former hunter-gatherer peoples of Central and Southern Africa is well characterized by the four UN principles for the definition of indigenous peoples outlined above. However, to understand their current situation requires that these four principles be applied in terms of relationships and processes, rather than as abstract categories (Saugestad 2001a). In Africa, the term 'indigenous' is best understood relationally.

Africans view themselves as indigenous relative to colonial and post-colonial powers. Additionally, Africans who

live in the same regions as African hunter-gatherers and former hunter-gatherers recognize these groups as being indigenous relative to themselves. Quite widely, they are referred to as 'first people' (Woodburn 2001). We are aware of the difficulties that can arise when African peoples who are not locally acknowledged as prior occupants of the land claim indigenous status, but no such problems arise in relation to the hunter-gatherer and former hunter-gatherer groups on whom we focus here.

Hunter-gatherers in Central Africa

Central African hunter-gatherers call themselves, and are called by their farming neighbours, 'first people' (Kenrick 2004, Lewis 2001). Both black and white colonizers of their forest lands have dispossessed them and discriminated against them. Their mobile way of life, that varies regionally but generally includes regular hunting and gathering in addition to some farming and wage labour, remains unrecognized locally or nationally as a legitimate use of land, and does not confer any rights over the land and resources so used. Indeed, their way of life is stressed in the construction of racist stereotypes that often seek to portray hunter-gatherers as animal-like, childish and lacking culture, and which are often used to justify segregating them from others in habitation, commensality and sexual relations, and as a basis for conferring on others the right to intervene to take their land and to destroy their livelihood strategies with impunity (Kenrick & Lewis 2001, Lewis 2001, Woodburn 1997).

Thus, when the Ugandan government established the Mgahinga and Bwindi wildlife parks on traditional Batwa forest land in 1991, they classified the Batwa hunter-gatherers that they had evicted as landless squatters or casual labourers. The authorities did not recognise the Batwa's mobile hunter-gatherer lifestyle as conferring rights to land. In contrast to their treatment of the Batwa, the government viewed the farming activities of the Batwa's neighbours as legitimate claims to land and provided compensation despite the fact that agricultural fields were primarily responsible for destroying forest within and around the parks. The majority of Ugandan Batwa have now become impoverished, easily exploitable and landless squatters or tenants (Lewis 2000).

Some of these Batwa are now seeking recognition of their rights through the mechanisms made available to indigenous peoples by UN resolutions. This has not led to the privileging of their own interests over those of others, but has provided a way for their voice to be heard. By using the legal concept of indigenous rights they seek recognition for their collective rights to their land and their livelihood strategies within state structures that otherwise systematically discriminate against them. Since their eviction, neighbouring farming groups who live on land once belonging to Batwa vehemently object to any recognition of Batwa rights to their forest, or to compensation for their exclusion from the forest. They base their objections on similar arguments to those that Kuper promotes, claiming such compensation would 'privilege' the Batwa. It is an argument that, in both cases, results in the reinforcement of structures of severe discrimination and marginalization (Kenrick & Lewis 2001, 2004).

In order for their voices to be heard when resisting dispossession, Central African hunter-gatherers, use references to ancestry to claim a proprietary right to land on the basis of ancestral occupation, just as other private landowners claim rights based on inheritance. If private landowners can secure rights to land through inheritance, then to deny this right to Central African hunter-gatherers because they may make collective claims is discriminatory.

There are significant differences between the 'blood and soil' ideology Kuper attributes to indigenous peoples and

Fig. 4. Wildlife wardens and Ugandan military personnel financed by tourist revenue in south-western Uganda are central to enforcing the appropriation of Twa forest lands and to preventing Twa from carrying out forest-based subsistence practices.

Lewis, J. 2000. *The Batwa Pygmies of the Great Lakes Region*. Minority Rights Group Report. London: Minority Rights Group International.

— 2001. Forest people or village people. Whose voice will be heard? In Barnard, A. & Kenrick, J. (eds) *Africa's indigenous peoples: 'First peoples' or 'marginalised minorities'?*, pp 61-78. Edinburgh: Centre of African Studies.

— 2004 (forthcoming). Whose forest is it anyway? Mbendjele Yaka Pygmies, the Ndoki Forest and the wider world. In Tadesse, W. & Widlok, T. (eds) *Property and equality: Encapsulation, commercialisation, discrimination.* Oxford: Berghahn.

McIntosh I., Colchester M. & Bowen J. 2002. Defining oneself, and being defined as, Indigenous. *Anthropology Today* 18(3): 23-25.

Pinkoski, M. & Asch, M. 2004 (forthcoming). Anthropology and indigenous rights in Canada and the United States: Implications in Steward's theoretical project. In A. Barnard (ed.) *Hunter-gatherers in history, archaeology and anthropology.* Oxford: Berg.

Plaice, E. 2003. Comment on Adam Kuper's 'The return of the native'. *Current Anthropology* 44(3): 396-397.

Povinelli, E.A. 1998. The state of shame: Australian multiculturalism and the crisis of Indigenous citizenship. *Critical Inquiry* Winter: 575-610.

Rose, D.B. 1999. Indigenous ecologies and an ethic of connection. In Low, N. (ed.) *Global ethics and environment*, pp. 175-187. London: Routledge.

Rosengren, D. 2002. On 'indigenous' identities: Reflections on a debate. *Anthropology Today* 18(3): 25.

the inclusive land tenure systems of Central African hunter-gatherers. Although it is always clear which group has ulti-mate responsibility for any area of forest or resources, ownership is not primarily about exclusion but about including those who establish 'good relationships' (Berg & Biesbrouck 2000: 38) based on a robust egalitarianism (Lewis 2004). Central African hunter-gatherers do not see their relationship to the forest or land as being based fun-damentally on ancestry. Rather, it is based on inclusive processes of present-day interaction. They talk about land in terms of proper sharing and inclusion, rather than exclu-sivity or domination (Kenrick 2004, Lewis 2004).

Our argument for a 'relational' understanding of the term 'indigenous' emphasizes both the negative experi-ences of colonization (in its broadest sense), those of dis-crimination and dispossession, and the positive resilience of the social, economic and religious practices through which indigenous peoples experience their relationships with their land, resources and other peoples.

The San and Southern Africa

In the context of Southern Africa the ghost of apartheid looms large. This legacy has resulted in many Southern Africanists equating the recognition of 'culture' with apartheid's systematic oppression of people in accordance with a principle of ethnicity. It would appear that Kuper is a victim of this political correctness when he suggests that the recognition of indigenous rights goes hand in hand

with apartheid and runs counter to liberal-democratic values. This conflation does not lead to fruitful insight. As Asch (1984) notes, it was M.G. Smith (1969) who pointed out that liberal democracies do not require the incorpora-tion of citizens solely as individuals, on the basis of pur-portedly universal criteria. There are states, which Smith called consociations, that recognize the collective rights of ethnonational communities within a single liberal-demo-cratic state without sacrificing individual rights. Smith cites the example of Canada, a liberal democracy that has functioned as a federal state since 1867. As Asch explains, Canada has a constitution that both protects the rights of its citizens as equal individuals and safeguards certain collec-tive rights of a Francophone community that is dominant in Québec and an Anglophone community that is domi-nant in the rest of Canada. It is clearly possible for liberal-democratic states to accept that indigenous peoples have collective rights without themselves becoming racist or endorsing apartheid.

In Africa, and particularly in Southern Africa, peoples' claims to indigenous status have tended to be dismissed as essentializing and primitivist (Kuper 2003a, 2003b). This view, which argues that social and cultural practices are an outcome of power and class, appears to stem both from academic reactions to apartheid and from the extreme polarization caused by the Kalahari debate. In this debate those characterized as isolationists or traditionalists (e.g. Solway & Lee 1990, Lee 1992) argued that the San were,

Fig. 5. Like other Botswanan San, the Tlhallfang family were forcibly relocated in early 2002 from their ancestral land here at Gope, within the Central Kalahari Game Reserve (CKGR).

SURVIVAL INTERNATIONAL

Fig. 6. Khwe woman polishing pieces of ostrich egg shell when she lived at Molapo, Central Kalahari Game Reserve (CKGR), Botswana. Molapo residents were forcibly removed from the CKGR in 2002. Along with others who were relocated, 72 Molapo residents have taken the Botswana government to court. Last month 51 Khwe returned to Molapo.

SURVIVAL INTERNATIONAL

Samson, C. 2003. *A way of life that does not exist: Canada and the extinguishment of the Innu*. London: Verso Press.

Saugestad, S. 2001a. Contested images. First peoples or marginalised minorities in Africa? In Barnard, A. & Kenrick, J. (eds) *Africa's indigenous peoples: 'First peoples' or 'marginalised minorities'?*, pp 299-322. Edinburgh: Centre of African Studies.

– 2001b. *The inconvenient indigenous: Remote area development in Botswana, donor assistance and the first people of the Kalahari*. Uppsala: The Nordic Africa Institute.

— 2004 (forthcoming). Comment on Kuper's 'Return of the native'. *Current Anthropology* 45(2).

Scott, C. 1996. Science for the West, myth for the rest? The case of James Bay Cree knowledge construction. In Nader, L. (ed.) *Naked science: Anthropological inquiry into boundaries, power and knowledge*, pp.69-86. London: Routledge.

Smith, M.G. 1969. Some developments in the analytic framework of pluralism. In Kuper, L. and Smith, M.G. (eds) *Pluralism in Africa*, pp. 415-458. Berkeley: University of California Press.

Solway, J.S. & Lee, R.B. 1990. Foragers, genuine or spurious? Situating the Kalahari San in history. *Current Anthropology* 31: 109-146.

Sylvain, R. 2002. 'Land, water, and truth': San identity and global indigenism. *American Anthropologist* 104(4): 1074-1085.

Taylor, C. 1994. The politics of recognition. In Gutmann, Amy (ed) *Multiculturalism: Examining the politics of recognition*, pp 25-73. Princeton University Press.

Thomas, N. 1994. *Colonialism's culture*. Princeton Univ. Press.

until very recently, relatively autonomous hunter-gatherers with a unique culture, whilst the so-called revisionists (e.g. Wilmsen & Denbow 1990, Wilmsen 1989) described the San as having been a dependent underclass for centuries, whose ethnic status was imposed in a process of rural class formation. Each perspective highlights different aspects of San experience. But both obscure the dynamic and relational nature of social life, in which people draw on their own cultural and social resources in the interplay between creative autonomy and the constraints of dominating forces.

Despite very different economic situations, the Nyae Nyae Ju/'hoansi San former hunter-gatherers and Omaheke San farmworkers both claim land rights and self-determination on the basis of a demand for the restoration of social and historic justice (Sylvain 2002). Despite their important differences, the success of their struggles rests on their ability to mobilize their cultural strengths to highlight the injustices that must be rectified, and to highlight the resilience of their own ways of doing things and their own capacity for self-determination. If only a biased picture of a people shaped by powerlessness, class and dispossession is conveyed, the response is in terms of handouts, welfare and assimilation. If the particularities of injustice and dispossession are highlighted alongside the ways San have resisted and developed their own social and cultural patterns, including their relationships to the land and natural resources, then it becomes possible to address these injustices by supporting the San in their attempts to determine how the situation can be resolved and to shape their own future (Saugestad 2001a, 2001b).

The indigenous peoples' rights strategy makes a claim to legitimacy and authority that is not about individual rights in a state context, but about community rights in relation to nation-states in an international context. This international context would benefit from being considered as a plurality of communities rather than a hierarchy of powers. It should be emphasized that the nation-state, as a category, is even more elusive than the indigenous category. As Rosengren reminds us, '[t]he image of the nation is largely the product of dominant elites whose definition of self and society, though virtual, acquires an air of solid reality. Indigenous peoples' claim for the right to self-def-

inition challenges this image, making their request subversive and dangerous to the established order of things' (2002: 25).

Indigenous realities and dominant 'double-speak'

The extent to which many dominant groups of people define themselves as 'modern' on the basis of an assumed superiority of their own culture and knowledge, whilst denying that their knowledge is socially constructed, is the hallmark of the 'cultural double-speak' within which and against which indigenous peoples have to struggle (Latour 1993). There is a tendency among such dominant groups to believe that they have moved beyond being defined by something called 'culture' and are thus able to organize society rationally in ways that those thought of as still defined by 'culture' are incapable of doing. The assumption that modern society is no longer defined by 'culture' obscures the influence the dominant groups' cultural assumptions can have.

One example of this influence is evident in the demands made on indigenous peoples when they seek redress for their dispossession. Legal processes require us all to fit an image emanating from a modern worldview that obscures the practical reality of many peoples' experiences, including those of indigenous peoples. The focus in the courts is rarely on the ongoing processes of dispossession, disempowerment and systematic inequality. Far too often court proceedings are dominated by debates on whether these people are adequately similar to, and at the same time adequately different from, the dominant society, to justify their claim for redress. Thus in Canada indigenous peoples have to demonstrate that they were at 'a certain level of social organization' – at a tribal, not just a band level – at the time of colonial penetration, in order to demonstrate that they had notions of property that were similar enough to our own to mean they might be considered to have some rudimentary form of land rights (Pinkoski & Asch 2004). They also have to display naïvety by maintaining a tradition untainted by change (Bell 2001 and Povinelli 1998 offer Australian examples).

In the context of such court cases – in which peoples have to strategically both display and conceal their culture

EVA SCHONVELD

Fig. 7. Eva Schonveld's cartoon points out the fallacy of equating indigenous people's claims for land rights with right-wing nationalism among dominant populations.

Tully, J. 2000. A just relationship between Aboriginal and non-Aboriginal peoples of Canada. In Cook, C. & Lindau, J.D. (eds) *Aboriginal rights and self-government: The Canadian and Mexican experience in North American perspective*. Montreal: McGill-Queen's University Press.

Turner, T. 2003. Class projects, social consciousness, and the contradictions of 'globalization'. In Jonathan Friedman (ed.) *Violence, the state and globalization*. New York. Altamira.

— 2004 (forthcoming). Comment on Kuper's 'Return of the native'. *Current Anthropology* 45(2).

Wilmsen, E.N. 1989. *Land filled with flies: A political economy of the Kalahari*. University of Chicago Press.

— & Denbow, J.R. 1990. Paradigmatic history of San-speaking peoples and current attempts at revision. *Current Anthropology* 31(5): 489-523.

Woodburn, J. 1997. Indigenous discrimination: The ideological basis for local discrimination against hunter-gatherer minorities in sub-Saharan Africa. *Ethnic and Racial Studies*, 20/2: 345-361.

— 2001. The political status of hunter-gatherers in present-day and future Africa. In Barnard, A. & Kenrick, J. (eds) *Africa's indigenous peoples: 'First peoples' or 'marginalised minorities'?*, pp 1-14. Edinburgh: Centre of African Studies.

(Povinelli 1998) while anthropologists argue over categories – it is superficially easy to argue that indigenous peoples are not really different from other citizens, and that if they pretend they are it is simply to take advantage of the system to privilege themselves over others (Kuper 2003).

This denial is welcome to those who do not wish to address the historical processes of dispossession. They tend to insist that, at best, this is simply a problem of poverty that requires measures to alleviate it, and at worst these are examples of people fabricating cultural stories to privilege themselves over others. Rather than being able to reflect on the ongoing nature of the colonial encounter and the complexity of their socio-cultural and historical experiences, indigenous peoples are constrained to present their cultures in ways that reinforce the dominant societies' worldview. In contrast to the courtroom scenario, the way such people define themselves (as is reflected in the way the increasingly powerful international indigenous peoples' movement define the category) is not a product of a modern Western imagination but of their lived experiences.

Despite many attempts to dismiss it, the 'problem' of indigenous peoples will not go away. This is because the problem is not indigenous peoples and the question of how to define them. Rather it is the existence of a particular system of empire, currently involving the expansion of predatory corporations and moneyed elites whose wealth is built on the exploitation and impoverishment of the social and environmental support systems on which we all depend. The recognition of the rights of indigenous peoples within the legal and moral system that is used to justify and give legitimacy to this process of expansion does not work. This is not because there is something illegitimate about the category of indigenous peoples, but because there is something profoundly illegitimate about a system that cannot acknowledge any values that threaten either the power relations sustained by the increasing inequality of the global market or the dominant societies' belief that all societies must come to resemble their own.

The corporate and elite groups that drive globalization have created conditions that Turner (2003) argues are undermining the identity of the nation. This has opened the way for historically marginalized groups, such as indigenous peoples, to assert their equality with nationally dominant groups. It is significant that they do this on the grounds of the very cultural differences that had previously served to legitimize their exclusion. Turner argues that the indigenous movement's championing of cultural difference, or distinctive cultural identity, is an emancipatory development of world historical significance. These social processes are reflected in contemporary social theory, wherein the conception of culture has shifted away from the idea of an inherited stock of traits to the active process of self-making, sometimes referred to as the production of identity. This is more than identity politics. It is about recognizing the centrality of identity production in building global alliances to resist global processes of dispossession.

The necessity of a relational approach

We, like others, argue that the indigenous rights movement is best understood as a response to processes of severe discrimination and dispossession. These responses are increasingly shaping an emerging international political process. This process recognizes that equality has to be based on a recognition and negotiation of difference rather than upon an insistence on the creation of cultural homogeneity in a situation of ever-increasing economic inequality (Asch 2001, Feit 2001, Povinelli 1998, Rose 1999, Taylor 1994, Tully 2000).

There is no reason to assume that all people claiming indigenous status are seeking a privileged position. Rather, the majority are seeking equal rights based on an acceptance of the legitimacy of the economic and social basis of their ways of life. They are seeking equal rights through reversing their continuing history of dispossession. Historical injustices against indigenous peoples should be addressed through compensation, reparations and restitution. These rights are necessary because of the modernist bias towards individualism underpinning much property and rights law. This bias discriminates against the ways that many communities express their social and environmental relations.

In contrast to Kuper's caricatured and essentialist definition of 'indigenous', Saugestad (2001a) suggests that the term is following a similar path to that travelled by the notion of 'ethnicity' and that we should understand it in a relational rather than an essentialist way. A relational understanding of the term focuses on the fundamental issues of power and dispossession that those calling themselves indigenous are concerned to address, and on the enduring social, economic and religious practices that constitute their relationships with land, resources and other peoples. From this perspective, 'indigenous' describes one side in a relationship between certain unequally powerful groups of people. The indigenous side is the one which has been dispossessed, not the quintessential primitive as Kuper misleadingly suggests, and indigenous rights describes a strategy for resisting dispossession that employs a language understood by those wielding power.

If Kuper was asking us to dispense with the term indigenous peoples in order to better focus on the particular processes of domination and dispossession experienced by such peoples then his argument could be useful. However surprisingly, it seems clear that in suggesting that we should simply dispense with the term, Kuper's argument appears blind to the suffering of indigenous peoples and serves to reinforce the processes that seek to disempower them and deny their contemporary and historical experience of discrimination, marginalization and dispossession. We hope that this piece serves to put the anthropological debate on indigenous peoples and their rights back onto a constructive path that will address these urgent issues.

For anthropologists to support indigenous people in their attempts to identify and disentangle processes of dispossession and domination is to restore some measure of trust and equality, rather than cynicism and superiority, to the anthropological endeavour. But to support such marginalized and dispossessed peoples effectively and appropriately we must focus attention on the processes and sources of empowerment, in addition to those of disempowerment. ●