Fourth World Journal

Center for World Indigenous Studies

Winter 2010 *Volume 9 Number 2*

Fourth World Journal

Center for World Indigenous Studies

Winter 2010 *Volume 9 Number 2*

ISSN: 1090-5251

Editors

DAYKEEPER PRESS
Center for World Indigenous Studies
PMB 214, 1001 Cooper PT RD SW 140
Olympia, Washington 98502 U.S.A.

(Cover photographs by Morgan A.D. Rÿser: Phases of the Red Moon - 20 December 2010 as seen from South Western Central Mexico *)*

Fourth World Journal
A Publication of the Center for World Indigenous Studies

Volume 9 Number 2 Winter 2010 pp i – vi

LUKANKA

(Lukanka is a Miskito word for "thoughts")

Rudolph C. Rÿser
Editor in Chief
Fourth World Journal

The Fourth World Journal is devoted to advancing the application of traditional knowledge to understanding and promoting constructive and peaceful relations between peoples; and to the examination and explanation of solutions to challenges that rankle the human condition. Each year our publication demonstrates growing improvement and expansion of indigenous sciences and their beneficial uses helping us understand better approaches to solving difficult predicaments experienced by indigenous peoples the world over as well as challenges faced by metropolitan populations.

It is essential that we all understand our world and interact with all its parts with greater ease and success. To do so, requires that we draw on the best knowledge, the best scientific tools and the most

effective application of both.

There are certain aspects of knowledge and scientific tools whether produced by the experiences of indigenous peoples or metropolitan peoples that stand as universal. These seem to be hardwired into all human being. Yet, there are other knowledge systems that are unique to groups of people and even localities largely defined by human relationships to each other and to the land and the cosmos. Those unique knowledge systems can explore the mundane as well as the sublime and help explain suitable truths about living in a specific locality.

When more closely examined, it is sometimes the case that the unique knowledge systems of indigenous peoples may have wider applications—utility in other places—by other indigenous peoples and metropolitan societies.

Considered without bias, indigenous scientific knowledge from different localities may indeed prove to be beneficial for the security, health, happiness and/or spiritual growth of other peoples. It is also true that some scientific knowledge is really beneficial in the locality of its origin. In either case, it is a valuable to gain access to traditional knowledge and indigenous sciences and add them to the global body of knowledge and systems of thought.

The United Nations Framework Convention on Climate Change Secretariat invited the Center for World Indigenous Studies (and therefore this Journal as well) to join in partnership with the Nairobi Work Program. CWIS has agreed to contribute to the growing dialog aimed at identifying sciences and suitable knowledge to uncover strategies for climate change adaptation and mitigation. We are quite frankly pleased to join in this effort to promote traditional knowledge and indigenous sciences as a part of this critical effort.

The Center for World Indigenous Studies, as a part of its efforts to address food security, climate refugees, land tenure policies and implementation of relevant parts of the UN Declaration on the Rights of Indigenous Peoples recognizes the importance of the Nairobi Work Plan. CWIS research and policy development outcomes in these and related fields are being documented and will be reported to the UNFCCC-Nairobi Work Program and shared with indigenous peoples, NWP partners as well as states' government parties, international non-governmental organizations, non-governmental organizations, research institutes and the in-country private sector.

The Nairobi Work Program focuses on adaptation, assessment methodologies, and the range of vulnerabilities appropriate to local, regional and international environments.

The Center is uniquely positioned due to our emphasis on indigenous peoples to contribute to this process in ways that can directly benefit indigenous peoples as well as promote constructive and cooperative efforts to advance adaptation policies and practices with states' governments.

Our emphasis in the partnership is on the application of traditional systems and traditional knowledge as effective approaches to climate change mitigation and adaptation. We have called for the application of traditional knowledge to constructive responses to climate change. We have emphasized the importance of identifying the mechanisms of traditional knowledge that result in effective adaptation at the level of indigenous communities. These may include governance, health, social organization, economics and cultural standards for customary regulation.

In this issue of the Fourth World Journal we benefit from the considerable efforts of contributors

concerned with indigenous research, comparisons of state treatment of indigenous peoples, story telling, and recent accomplishments by indigenous peoples in the diplomatic arena.

Central to this issue of FWJ, as always, is the systematic understanding of indigenous peoples' perspectives, application of traditional knowledge and achievements in the reduction of conflict between indigenous peoples and states' government that compete for land and resources as well as political influence in relations between nations and states.

Louis Botha, Lecturer at the Department of Education and International Studies at Oslo University College in *Brief excursions into reflexive writing as a method: Indigenous Research* writes in this **Peer Reviewed** essay with passion and clarity about his experiences collaborating with indigenous peoples in research considering the possibilities that can come from "reflexive ethnographic" writing. His essay is both revealing of research methods and of the relationship between an indigenous epistemology and that of a social scientist studied in western European epistemology.

Patricia Spence is an educator, counselor and practitioner of depth psychology from Manitoba, Canada fascinated by the "story" and it's affects on the quality of human happiness. In *The Land, the Storyteller and the Great Cauldron of Making Meaning* reveal the knowledge of "story" learned among Cree in Ontario and Manitoba revealing the intricacies of the storyteller's mind.

Wilson Manyfingers, a Cree from near the southeastern part of Hudson Bay, Canada offers an exciting proposal for the convening of an international conference in 2014 entitled, *Toward the*

Coexistence of Nations and States: A Congress of Nations and States on the heals of a United Nations General Assembly vote in favor of a Bolivia government resolution calling for the UN to sponsor an International Conference on Indigenous Peoples in 2014. We welcome Mr. Manfingers back to the Fourth World Journal's pages after a long hiatus.

Dr. Kanchan Sarker of the Irving K. Barber School of Arts and Sciences, University of British Columbia offers in his essay *Indigenous Peoples in India and Canada: Issues in Inclusion* a tightly woven analysis of indigenous peoples and their relations with each of the governments of Canada and India. His comparative analysis is both telling and informative, offering the potentiality for rapprochement between indigenous peoples' governing institutions and states' governments.

In **Rudolph C. Rÿser's** *Comments and Recommendations on the United States Review of the UN Declaration on the Rights of Indigenous Peoples* (UNDRIP) I offer in this issue an insight into the debate on UNDRIP describing some of the key issues affecting or perhaps influencing the US government's policy regarding the UN Declaration. Noting that the US government switched its vote in the UN General Assembly from opposition to support for UNDRIP I update the original submission to the US Department of State with an epilog discussing the actual meaning of US "support."

Though originally published in 1993, Associate Scholar and Contributing Editor **Jay Taber** writes in this issue's **Book Review** a brief but important review of *Brotherhood to Nationhood* by Peter McFarlane. Taber's review describes the McFarlane's story of Chief George Manuel's rise from leader of the National Indian Brotherhood to a

global leader who was nominated for the Nobel Peace Prize.

We are grateful to our loyal supporters and readers for continuing to stimulate us and encourage us as we publish yet another issue of the Fourth World Journal.

Editor in Chief

Fourth World Journal
A Publication of the Center for World Indigenous Studies

Volume 9 Number 2 *PP 1 – 29*

Peer Reviewed

Brief excursions into reflexive writing as a method

by Louis Royce Botha
Oslo University College

This article is an attempt at locating my research practices as a westernised scholar in the field of decolonising research with indigenous people. It makes use of less conventional 'new paradigm' (Guba and Lincoln 2005) styles of analysing and presenting social science research in which the theory and analyses are not always explicitly expressed or applied, but it is there because you and I have it, or will have it at a later reading. Such an unorthodox concept of research practice is possible when one accepts the merits of a critical methodology which favours creative adaptations of methods over mechanical applications of them. (Yanchar, Gantt and Clay 2005) A critical methodology sees the concepts of research as similar to elements of an argument in that they are situated in values and contexts that are alterable and therefore methods should also be subject to change. Thus, with a more sociological as opposed to

anthropological understanding of my research practice, I examine my and others' lived experiences of interaction and collaborative efforts between western and indigenous people with the broader view of exploring the possibilities offered by reflexive ethnographic approaches to this arena. By scrutinising some of the methodological tools I have employed, I hope to instigate further reflection about the assumptions that western researchers in general make about the way in which research with indigenous people can be approached. Personalising the research and reflexive practices as I have tried to do does, however, give rise to some tensions, especially in light of my overall goal of trying to counter ways in which western knowledge still tends to undermine indigenous ways of knowing. On the one hand, the positivist legacy of objective science which denies that which is personal and subjective continues to penetrate social scientific research, marginalising other ways of knowing. On the other hand, in academia postcolonial and postmodernist attempts that *oversubjectivise* and *individualise* these experiences of marginalisation tend to focus attention away from collective struggles and to neutralise and fragment their potential *counterhegemonic*, anti-colonial stance. (Dei 2000)

So as not to downplay the influence of power relations and diverging assumptions existing between indigenous and western knowledge systems, I will foreground their epistemological variance in order to explore some of the ways in which this variance manifests in research procedures and the products and representations of western academic activity.

I believe the most appropriate way for me to try to balance the tensions of subjectivity is to personalise this western research activity while

simultaneously being reflexive at a more general and theoretical level. However, as Fine, Weis, Weseen and Wong (2000:109) warn, 'Simply briefly inserting autobiographical or personal information often serves to establish and assert the researcher's authority', while a preoccupation with the self can further silence other participants. Bearing this in mind, I hope to write myself into the text in the way that Tomaselli, Dyll and Francis (2008) suggest, so as to counteract the depersonalising agenda of dominating positivistic approaches which generally run contrary to the values espoused by indigenous ways of knowing. Allow me to therefore start by introducing myself – I am a male South African labelled by the apartheid government as "Coloured", an identity, which continues to have significance, not least in the contexts in which I am doing my research. I identify myself as black, though, in accordance with the South African black consciousness movement's interpretation of that term as a political identification. (see for example, Gerhart 1978) I have looked to education as a vital resource in the ongoing struggle against inequality and marginalisation in its many forms. In this article it is as a scholar from a typical modern western educational tradition that I intend to engage this struggle, using my experiences and interpretations as I attempted an ethnographic fieldwork in a fairly traditional rural community in the Eastern Cape of South Africa.

From traditional ethnography..

In trying to make use of my experiences as part of an analytical strategy, I occasionally go through my research diary or old documents and papers. The following excerpt from my original research proposal reminds me the conventional approach I started out with:

> I hope to do an ethnographic study, living and working in a rural Xhosa community. This part of the research entails gathering information about indigenous knowledge and principles through observations, in-depth interviews and conversations to develop what Geertz (1973) calls 'thick description' of local knowledge and practices.

Following that proposal I engaged in seven months of fieldwork in South Africa, , accompanied by my wife, Go Eun. Of these, five months were spent living in a small rural village in the Eastern Cape in the area once known as Pondoland, close to the present day town of Port St Johns. According to Mcetywa (1998) this area has been the home of the Mpondo[1] since 1620, where they have been pastoralist and cultivators, sharing their resources with the San, KhoiKhoi and occasional shipwrecked Europeans as owners of the land until 1894 when it was annexed by the British (Hunter1979).

The community in which we lived and collected most of the data was called Izolo. Predominantly Mpondo in cultural orientation, this village comprises of about 40 families, many of whom are related. Also resident here are a few white people, some on a more or less permanent basis, and many seasonal visitors. The seasonal residents are the owners of holiday cottages along the coastal fringe of the village. Their presence provides most of the local economic activity in the form of domestic work or tourism related projects, goods and services that make Izolo wealthier than most of its neighbours. The fieldwork, which also included taking photographs, collected data with the original intention of comparing traditional indigenous and modern western systems of knowledge production and application, looking more specifically at how they compare in terms of their respective ethos. In this respect it was very much what O'Bryne (2007) calls a 'traditional ethnography', where someone

from a majority culture, in my case the culture of western research, investigates a marginalised culture like that of the indigenous Mpondo community which formed the basis of my study.

During the course of the fieldwork I was exposed to situations such as initiation celebrations, funerals, and ritual slaughtering which provided excellent opportunities for photographic documentation and visual ethnographic analysis. Through interviews and conversations I gained some understanding of people's daily lives and concerns, and my recorded observations heightened my awareness of my surroundings and the people with whom I had contact. This traditional ethnographic research therefore afforded some understanding of and insight into the everyday realities of the indigenous community in which we lived for those months. However, it was while reflexively analysing the data, especially during the transcribing and *thematising* processes that I realised how significant the emotional and relational elements of my connection with the people from the community had become. My desire to get to know individuals and the community from more than an academic perspective, pushed me to critically evaluate my methods and my position as a researcher. Fortunately critical methodology embraces such an evolutionary approach to methods, advocating for the application as an extension of the theoretical insights and research focus. (Yanchar et al. 2005) Thus, although this did not happen in a linear way, I eventually adopted more reflexive methods to try and make sense of my experiences as a researcher.

.. toward a reflexive ethnography

> Writing "from within" is not an option here, but writing and researching as a westerner allows me to perceive exactly that aspect of relations which I am

> interested in, namely, how the western ideas meet the traditional and non-western knowledge concepts and ways of living within a local (rural) context/community. It highlights aspects such as assumptions, thought processes, procedures, priorities, etcetera, that are unique to the area or in some other way comparable to what I am familiar with. (Field diary, 8 June 2007)

I had not been familiar with the method at the time that I wrote the above entry, but I believe that by being open and actively searching for a way to acknowledge and express the experiences of the research, my reading and writing lead me to reflexive ethnography. Reflexivity, according to Guba and Lincoln (2005:210) 'is the process of reflecting critically on the self as researcher, "the human instrument"'. It involves critically assessing the multiple identities with which we engage our research contexts, using the very methods whereby we create these selves and the relations around them.

As Denzin (2003) shows, reflexivity may be of different types, of which he identifies three, namely, confessional, theoretical and deconstructive reflexivity. Nevertheless, the common thread that binds ethnographic reflection would be the use of personal experience for making insights into cultural phenomena, although the ways in which the self and its individuality is recognised in this process may vary.

Chiu (2006) identifies the roots of the reflection she associates with action research as originating with Schon's concepts of reflection-inaction and reflection-on-action which are tacit and cognitive modes of learning, respectively. Thus, 'reflection can be seen as a necessary component of knowledge production through experience with different aspects: cognitive, emotive and dialogic.' (Chiu

2006:186) Building on Heron and Reason's (1997) notion of an 'extended epistemology' that recognises experiential, presentational, propositional and practical forms of knowing, Chiu calls for a multi-dimensional reflexivity that incorporates first, second and third person perspectives in the generation of knowledge through participatory action research. While her model usefully combines the theory and practice of reflection at personal, interpersonal and socio-political levels, my impression is that her understanding locates too much of the initiative, direction and outcomes of the research with the researcher. Nicholls'(2009) application of this three dimensional reflexivity, however, is framed in a counter-colonial 'paradigm of relationships' (121) which is much more attentive to renegotiating researcher-other relations within a collaborative research project. I therefore find it useful to present the reflections of my research using primarily these critical reflective concepts.

Briefly, first person or self-reflexivity requires that researchers examine components of their identity and choices that influence the research. These may include theories, professional experiences, cultural frame of reference, expectations, and a host of other hidden assumptions that affect how the research is carried out and presented. I have only hinted at my anti-colonial stance and non-indigenous identity here, but I have attempted to leave further clues about my personal orientations in the hope that readers will be invited into this process of reflexive construction.

At the level of intersecting identities is the second layer which is 'relational –reflexivity (second person), which calls for an evaluation of interpersonal encounters and the researcher's ability to collaborate with others.' (Nicholls 2009:122) The researchers' critical gaze is directed at the way in

which their social political position impacts upon the dynamics of collaboration. Nicholls contends that the co-inquirers in her research 'communicated the idea of positionality as a fine balance of commitment to relationships and self-checking.' (Nicholls 2009:122) My own position has been toward committing to relationships and an ongoing struggle against the exploitation of marginalised people. In this respect I take a slightly different view to the one that contends that research is not about social activism (Tuhiwai Smith 2005).since I interpret the message from people I worked with as indicating a desire to engage the resources of my profession for mutually beneficial gain. As Tuhiwai Smith (1999) herself points out, indigenous people, like other marginalised people, have extensive experience with research and researchers. What our self-checking and collaboration and shifts of *positionality* have denied them, however, is a researcher that is prepared to share more than the research problem.

This is addressed to a large extent by the third layer of reflexivity which examines the overall structure of the research design and process with the view of assessing how effectively participation was organised in instigating social change. At this level there is a greater potential for negotiating the entire scope of the research process, but ultimately the research and the researcher hold their status. That is, relations are seldom negotiated to the extent where the researchers hand over the baton and simply get their hands dirty in the community's daily life. We research and represent our way beyond the lived life without professional analysis to one where, ultimately, the community's activity, whatever it may be, revolves around our research. The autoethnographic approaches from which I am occasionally borrowing in this article illustrates quite informatively this capacity for researchers to

insinuate themselves. However, in addition to "juggling" reflexively around the hyphen (Nichols 2009) to maintain various researcher positions, the new ethnographic practices also enable innovative research and relationships to develop according to local and individual commitments.

Autoethnography

> The shift from an objectifying methodology to an intersubjective methodology entails a representational transformation. (Tedlock 2000:471)

As implied earlier, during the process of my research I began to question my researcher position in greater depth, and hence also epistemological and methodological issues. By revisiting the lived experiences and the processes and products of my fieldwork, and filtering those experiences through my professional academic and personal emotional selves, I began to critically evaluate the limitations of being a westernised researcher engaging with issues of indigenous knowledge making. In this article I draw attention to this positionality and the relationship between western and indigenous knowledges by sometimes using my experiences during fieldwork in an autoethnographic manner. According to Ellis and Bochner (2000:739):

> Autoethnography is a biographical genre of writing and research that displays multiple layers of consciousness, connecting the personal to the cultural. Back and forth autoethnographers gaze, first through the ethnographic wide angle lens, focusing outward on social and cultural aspects of their personal experience; then, they look inward, exposing their vulnerable self that is moved by and may move through refract, and resist cultural interpretation...

Through this type of reflexive ethnography cultural experiences are examined from both a broader structural perspective as well as through personal, relational and emotional understanding. Something of a 'when–the-student-is-ready-the-master-will-appear' approach, it is intended to acknowledge and engage the roles that we as researchers play in the presentation and interpretation of social research. Apparently it has been around since the seventies in various forms and under a variety of labels like personal narratives, complete member research, personal ethnography, self-ethnography, evocative narratives, reflexive ethnography, narrative ethnography and many others (Ellis and Bochner 2000). As should be apparent from the above-mentioned nomenclature, these ethnographic approaches involve a combination of personal and reflexive elements engaged in the understanding of broader social and cultural phenomena. In this article the introspective elements of autoethnography are directed at my understanding of the relationship between western research and indigenous communities. Thus, in addition to the subjectivity connected to my professional practice, my personal life, personal feelings and interpersonal relationships became another site for gathering data about collaborative research.

When using autoethnography to try and make sense of and extract value from experiences in the field, I am continuously exploring the reflections and representations being produced in the process of this research. The observations, photographs and responses of myself and of Go Eun, who acted as my research assistant and the main photographer during our stay, form the basis of the stories and the reflexive process generated by the meeting of local or indigenous perspectives and experiences, and those originating from a more westernized worldview. The story of our encounter with Makhosi

is one such reflexive analysis intended to tease out some of the westerner-indigene aspects of my, and hopefully broader, research relations.

Interview with Makhosi, the traditional healer

I must admit I was more than a bit apprehensive as we approached Makhosi's homestead, even though we were there by appointment. The sense of formality that cloaks a pre-arranged interview can be intimidating somehow, with the sense of expectation hanging over the meeting like a chemical test – ready to turn blue or green in disappointment or approval., Moreover, my researcher's training tells me that in this kind of interview situation I have to prioritise getting information over politeness and discretion. I have in mind Charmaz (2006:28): 'What might be rude to ask or be glossed over in friendly agreement in ordinary conversation – even with intimates – becomes grist for exploration.' This approach makes me uncomfortable. Already I have noticed that the seemingly carefree and raucous young men I interviewed become remarkably subdued in the interview situation and reacted with embarrassment at some questions, which I thought quite straightforward.

Also disquieting was that this would be my first meeting with a practicing traditional healer and my

initial reading from Hunter (1979), Hirst (2005), and other such anthropological texts gave me the distinct impression that there were strict and complex protocols involved in meetings with such a spiritual person.

Nevertheless, fortified with my research diary, interview questions and digital voice recorder, but mostly the more relaxed presence of my camera-wielding wife, we wait in the midday heat for the healer to finish with a client. I try to establish some confidence and authority by noting down some observations in my diary and occasionally directing Go Eun's attention and camera toward what I think is a culturally interesting artifact. Eventually the traditional healer appears, a slim woman in dusty, well-worn clothes and a scarf on her head.

I believe it would be fair to say that a test result of that initial meeting would probably have been a disappointing blue. Makhosi could not have been very impressed with me and I was a little disheartened at first, as well. I do not wish to speculate further about her expectations, but I realise now that my own misgivings about being taken advantage of must have immediately raised my guard and impeded any significant connection we might have made at that stage. After several weeks of being bombarded by villagers selling all

kinds of goods and services, and asking for money or favours, I had become quite cynical about any transaction here, imagining that I was being viewed as little more than an easy target. So it's not hard to imagine that our first exchanges are a bit strained:

"Okay..Can I try some questions?" I ask once we are settled in the hut.

"First I must ask what are you going to give the ancestors?" she replies. "Because now I'm wasting my time, and my ancestors want to work." I have since come to the conclusion that as a sangoma, trained to "smell out" the physical and psychosocial conditions of her patient through keen observation and intuition, Makhosi sensed my apprehension and perhaps resigned herself to getting paid or getting our meeting over with. I, on the other hand, still naively imagining that she attaches the same value to my academic research as I do, try to impress her with noble intentions.

"Well..I don't know in terms of material things," I say. "What we want to do is promote the traditions..so that young people can appreciate the ancestors more.."

Makhosi emits a loud shout from deep inside herself. We are taken by surprise. "Yes, as I just say now I'm working now. The ancestors want me to work…."

"We don't know what is the right thing to give. If it is money.." I'm a little embarrassed now. Trying to cover up my reluctance to pay. Also, my western researcher's sensibilities are offended and vaguely concerned about paying for an interview. Clearly Makhosi has other priorities.

"Money. You must put...", she says, indicating to a bowl on the floor, "… then I can start."

"We first put some money, and then some more money..in the beginning and in the end? Is that how it works?" I ask, recalling Hunter's (1979) anthropological explanations of similar transaction. But Makhosi just laughs.

"And the questions must not be big..just a little bit," she says, eyeing the meager sum we have deposited in the bowl.

Toward the end of the brief interview the traditional healer becomes distracted, searching among her things until she finds a photograph.

"I would like to make this picture big. I like this one. I'd like to put it on the wall." Some of the five or six children whom we later discover are cared for by Makhosi, now make their way into the hut and gather around to look at the photograph.

"When you are dressed, we can take another picture." Go Eun offers in response to the traditional healer's earlier request that she not be photographed at this time when she was not prepared.

"Yes, then you can get your picture," Makhosi smiles.

We bid her farewell and promise to have the enlargements when we return from our trip to Johannesburg.

Writing and reading this initial encounter, even now, offers me several insights, some of which I share simply as an illustration, and in the hope that it does not delimit the reader's own interpretations of the above account since autoethnography prefers being 'used rather than analysed.' (Ellis and Bochner 2000:744)

Firstly, the set up of the interview situation does not conform to interactions that occur naturally for the traditional healer. Earlier Makhosi had tried to organize the situation into a more familiar and profitable arrangement by offering a divining session, but I had resisted, as I did her subsequent efforts when she asked that we recognize and reward the presence of her ancestors. I see myself as trying to impose an interview structure on our meeting despite the difficulties I have with this kind of exchange, mostly because I believe in the authority of my western research methods. The voice recorder, camera and research diary belong to an empirical tradition of knowledge making that does not wish to recognize the ancestors and their role in this potential knowledge-making encounter. While I

acknowledge the possibility of spiritual and intuitive forces in this situation, perhaps I am intimidated by them. I am also aware of the authority and respect owing a traditional healer, and my awe of such a person's knowledge together with my uncertainty about appropriate protocols makes the prospect of the meeting all the more intimidating. I resort to symbols of power such as my research diary and voice recorder, as cultural artifacts from an imperious western power/knowledge to try to re-establish the researcher-researched, westerner-indigene relations I am more familiar with.

Furthermore, coming into this encounter, I bring with me a history of engagements with people from the area, which has been predicated on my status as an outsider with some financial means. In these beginning stages of our stay I had been solicited on an almost daily basis by people wishing to sell, borrow or beg, and my attitude had not been improved by remarks from the residents, both black and white, that such entreaties were to be expected. Knowing that Makhosi performed paid ceremonies for visitors, I felt anxious about being perceived as just another economic opportunity. I believe that, in the anxiety of not wanting to associate my research with the traditional healer's more commercial activities, I made several normative assumptions from a privileged western stance, which precluded any fruitful exchange, both financial and cultural, between myself and Makhosi.

Fortunately the traditional healer takes the initiative of shifting negotiation to the photographs proposed by Go Eun. Perhaps noticing that we are too stingy she makes, in Engestrom's knotworking terms, a sideways move, and presents an alternative exchange – the opportunity to photograph her in exchange for an enlargement of one of her photographs. This trade is more appealing as it

allows us to break out of the visitor-with-money mold that we dislike, and contribute in a manner that we feel is more meaningful. Go Eun and I understand Makhosi's suggested trade as recognition of us as individuals with some useful and interesting skills and resources.

I have tried to make explicit one or two reflections, which go into and are developed by the construction of such a text as the one about this interview. However, as anecdotes, which ultimately wish to emulate the functions of indigenous narratives, engagement with such text should ideally be a spiritual, emotional and intuitive process.

Writing as method

While constructing the above account, and again when writing my reflections about it, my understanding of what happened during that encounter with Makhosi deepened considerably and I gained further insights into other relations and aspects of my research experiences. As Richardson (2000) explains, in trying to creatively represent my interactions with the traditional healer and others I am employing a method of discovery and analysis that sheds light on both my topic and me. Like Richardson (2000:924): 'I write because I want to find something out. I write in order to learn something that I did not know before I wrote.'

The above anecdote is one of many written in the hope of learning more about the way that I interacted with the people of the community, how we perceived each other, and related to each other. When writing such texts, I make use of recorded interviews, photographs, recollections and reflections. How these combine to produce a particular understanding may be the result of what has happened before, after or during the composition of the text, or perhaps just good fortune. I therefore

try to be open to the mental and emotional stimuli that I receive from repeatedly revisiting interviews and photographs. As I weave these into a story that is more colourful than the "scientific" and "objective" register of the usual academic texts of social science a particular version of events may emerge, such as in the case of the above text where an interpretation that highlights my fallibility has developed. Through my choice of emotive words tone, register, plot, descriptions, and so forth I colour and carve character into the account, setting up one or other aspect for examination. For example, by portraying me, the researcher, as uncomfortable and intimidated in the interview situation I am impelled to explain why I am nervous and how I have responded. In this way the text pushes descriptions and explanations, of the flawed character, for instance, as far as I am willing to go in the public context of this text, thereby provoking deeper reflection and revelations, which may be enlightening. I do this so that I may critique my interactions at a personal and sociological level. As Richardson (2001:35) puts it: '*Writing is a method of discovery*, a way of finding out about yourself and your world.' In this instance it means that I can explore the possible outcomes of my actions from those or similar situations, as well as evaluate my constructions of those situations. How honest and critical can reflective non-fictional representations of myself be in this space? (Convery 1993) Yet, if I want these accounts to be credible and have some impact I have to be willing to expose myself honestly so that other researchers connect with the experiences I portray. For Ellis (2000) a story can be appraised by its ability to engage at an emotional and cognitive level. She asks: 'Do I continue thinking about and/ or experiencing the story or does my consciousness easily flow to something else – the mail, the newspaper, a phone call I need to

make?' (Ellis 2000:273)

Assigning academic merit to this kind of work in such a manner, and using writing as a method of inquiry, in general, means one has ventured to the edge of what is accepted as knowledge and representation by conventional academic research. At these borders the ways of knowing of conventional science are supplemented by creative arts (Richardson 2000), bringing about alternative ethnographic practices and ways of valuing them. Evaluating the anecdotes I have constructed for the purpose of learning from my research experiences, I use Richardsons four criteria of 1) *substantive contribution*, which asks if the text has enhanced our understanding of social life; 2) *aesthetic merit*, an additional measure of the capacity to add value to and incite engagement with the ethnographic work; 3) *reflexivity*, the author's awareness of herself or himself in relation to the representations of the text; 4) *impact*, which gauges the text in terms of how it moves the reader (Richardson and St. Pierre 2005).

Including the above elements in an ethnographic research underscores the creative component to knowledge making that foregrounds its narrative nature. Realising that the writing process relies upon such elements as trust, respect and interest to make its claims, I try to use writing as a method of inquiry to connect with others, 'making communion – community – possible.' (Richardson 2001:37) The relationships that I seek are ones of openness, that allow emotions and ideas to flow honestly and intuitively, the way Heshusius (1994) and Bishop (2005) propose in their understanding and application of the concept of participatory consciousness. Considering how Elisabeth St. Pierre collects 'dream data, sensual data, emotional data, response data ... and memory data' (Richardson and St. Pierre 2005:970) through writing, and relies on

'accidental and fortuitous connections' (ibid) of the writing process for analysing these data, it is not difficult to see how this form of writing as a method of inquiry can be associated with the spiritual and ethical values of indigenous methodologies which are characterised by knowledge that 'is said to be personal, oral, experiential, holistic, and conveyed in narrative and metaphorical language.' (Castellano 2000:25)

Further reflections on representation

Interview with Makhosi, the traditional healer. *(continued)*

> ***The next time we visit Makhosi I am a little more relaxed and she is perhaps also a bit more excited, both of our attitudes improved by the large white envelope and its contents that Go Eun holds in her hands. Friendly greetings soon turn to squeals of delight, hugs and animated exchanges as the traditional healer unveils the enlargement of the photograph she had given us some weeks earlier. As curious and amused members of her household gather around the proud sangoma, I notice and share Go Eun's enjoyment of their lively and sincere display of appreciation. Then the inspired Makhosi makes her way into her hut to change into her traditional healer's outfit and prepare for a photo session.***

Looking back at our second meeting with Makhosi it is not difficult to see how those gratifying moments and the friendly relationship that developed from them, inspired a change in the way that I approached my fieldwork. I wanted more

people to respond as Makhosi had – to find some joy and benefit from our activity in their village.

The contrast between our first and second encounter highlights how huge the distance between researchers and research participants can be in contexts such as this. With limited access to libraries, internets, political networks and so forth, people in Makhosi's situation see little practical value in research activity, and very seldom see it translated into benefit for themselves and their communities. However, by mobilising our resources in a minor way where she saw immediate results, by making good on a small commitment, a different relationship between researcher and participant was initiated. It is my hope that this practical, everyday benefit she got out of our research relationship will be just a start to a more meaningful one that has mutual value for all involved.

The successes of our experience with Makhosi alerted me to the possibilities of modifying my rigid ideas about researcher-participant interactions. For example, when we thought it desired, we photographed individuals and families, and through the seemingly trivial act of presenting people with photographs of themselves, I felt that we had acquired some value and a modest platform from which to build relationships with individuals and to some extent the village. In this way, the photographs from the fieldwork portray a change in my approach to research in addition to relationships established in that context, while also forming the basis for further reflexive analysis on western representation of a marginalised "other". Consider, for example, the photograph of Makhosi, taken when she eventually emerges from her hut that day.

Photograph 1: Makhosi , traditional healer.

Some of my reflections about the above photograph relate to Wong's assessment of the early ethnographic photographic images of anthropologist Torii Ryuso: 'Its significance lies as much in the

social relations behind the picture – the intent of its creator, the historical circumstance in which it was produced and the interpretation of it by viewers – as in its subjects.' (Wong 2004:284) In the case of the photograph of Makhosi, and others, I ask to what extent does the representation reflect a definition of indigenous people which situates them in the past? How much of the scientific-realist illusions about capturing an objective piece of data on film remain? Were our ways of being respectful and negotiating with the individuals we photographed sufficiently reflexive and ethically sensitive practices of research and representation?

Makhosi 's photograph was taken primarily according to her wishes. When my wife offered to photograph her, she immediately understood that there was benefit in this for both parties. She set out the conditions specifying when and how she would like to be photographed. However, as Nicholls (2009:122), drawing on Hersusius (1994), warns, reflecting in a self-centred manner about such a collaboration creates the mistaken impression that one knows how to deal with self-other relations in research. Thus, without deeper layered reflexivity there is an inherent danger of presenting this collaboration as a consensus, thereby disguising deeper structural forces that have conditioned the parameters within which the negotiation of this image could occur. Pointing out that the represented reality is a product of the relationship between the researcher and informants, Pink warns:

> In relation to this, researchers should maintain an awareness of how different elements of their identities become significant during research. For example, gender, age, ethnicity, class and race are important to how researchers are situated and situate themselves in ethnographic contexts. (Pink 2007:24)

At face value the above photograph may appear to be the iconic image that Makhosi wants to display of herself, quite literally as well, but how is this image shaped by her perception of us. What kind of "other" am I to Makhosi and how does she respond to that identity? For example, how does the "Coloured" identity assigned to me by apartheid affect the way the *sangoma* and other people relate to me in this traditional, rural community where few people would subscribe to the idea that I share their struggles? To most I am not an indigenous African, I do not share that cultural heritage or world view, and I do not share their daily economic hardships. In general, relations between "Coloureds" and indigenous black people (labelled "African" under apartheid) are still characterised by suspicion, jealously, disrespect, and a host of other apartheid-induced and individually reinforced attitudes and emotions. In a close community like Makhosi's, she may not want to be seen as too readily dancing to this outsider's fiddle. Pink (2007:24) further points out with reference to researchers' identities:

> In some fieldwork locations where photography and video are prohibitively costly for most local people, their use in research needs to be situated in terms of the wider economic context as well as questions of how the ethnographer's own identity as a researcher is constructed by her or his informants.

A more critical reflection would therefore have to ask to what extent Makhosi, as a struggling head of a household of about seven, was actually able to negotiate the terms of her being photographed. How can she ensure that we have lived up to our end of the bargain? Does she have control over the less flattering images we have of her? In order to obtain the photographs she wanted, she had to surrender herself to some extend to our goodwill. That is not to say that she was without agency in this situation

or that the need for trust and good will is not mutual - bear in mind she is also a traditional healer, after all, with significant influence in the community and perhaps also the spiritual realm. Ultimately though, it is considerations such as the way in which we as researchers and participants conduct ourselves, the mutuality of our satisfaction, the relationship that this establishes between us, and so forth, that determines how I evaluate such representations in my research.

Concluding remarks

The portraits taken with various individuals in the village may have started as an attempt at 'giving something back', but they have gradually become more of a continuous flow of objects and ideas that nurture the 'interlinkages between the researcher's personal autobiographical narrative and the research narrative.' (Pink (2007:59) More and more I am viewing the collaboration evidenced in photographs and stories such as those of Makhosi in terms of the promises we made, the fulfillment of those promises and the relationships that are being established. The images, along with the short passages about the fieldwork, are increasingly being used to expose my researcher self and critique the relationships that we as researchers build with the people that we research and represent.

Looking at Patience's photograph, I am warmed and become fiercely loyal again as I construct stories in which she features from diary entries like the following:

> Met Patience the mat-maker at the *spaza*. She came for her photo and was very pleased. "Now my children will have something to remember me when I'm gone."

As I continue to engage with narratives like this

I become hopeful that some day we may move beyond *telling* stories and *taking* pictures and learn the art of *making* them.

Biographical note

Louis Botha is currently lecturing at the Department of Education and International Studies at Oslo University College. He is a Research fellow from Centre for the Study of Professions (SPS), Oslo University College. His research is related to the inclusion of indigenous knowledge systems into mainstream knowledge making. He holds a Masters of Philosophy in Multicultural and International Education from Oslo University College.

Contact:

Louis Royce Botha
Oslo University College
Faculty of Education and International Studies,
Pilestrede 40
Postbox 4, St Olavs plass
0130 Oslo, Norway
E-mail: Louis-Royce.Botha@lui.hio.no
Tel.: +47 22 452112

References

Bishop, R. (2005). Freeing ourselves from neo-colonial domination in research: A Kaupapa Maori approach to creating knowledge. In N. Denzin & Y. Lincoln (Eds.), *Sage handbook of qualitative research* (3rd ed., pp. 109 – 138). London: Sage.

Castellano, M.B. (2000). Updating aboriginal traditions of knowledge. In G.J. S. Dei, B. L. Hall & D. G. Rosenberg (Eds.), *Indigenous knowledges in global context:Multiple readings of our world* (pp. 21 – 36). London: University of Toronto Press Incorporated.

Charmaz, K. (2006). *Constructing grounded theory. A practical guide through qualitative analysis*. London: Sage publications Ltd.

Chiu, L.F. (2006). Critical Reflection: More than Nuts and Bolts. Action Research, 4(2), 183-203.

Convery, A. (1993). Developing fictional writing as a means of stimulating teacher reflection: A case study. *Educational Action Research*, 1(1), 135 – 151.

Dei, G.J.S. (2000). Rethinking the role of Indigenous knowledges in the academy. *International Journal of Inclusive Education, 4*(2), 111– 132.

Denzin, N. (2003). Performing [Auto] ethnography politically. *The Review of Education, Pedagogy, and Cultural Studies*, 25, 257 – 278.

Ellis, C. (2000). Creating criteria: An ethnographic short story. *Qualitative Inquiry*, 6(2), 273 – 277.

Ellis, C. & Bochner, A. (2000). Autoethnography, personal, narrative, reflexivity: Researcher as subject. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (2nd ed., pp. 733 – 768). London: Sage.

Fine, M. Weis, L. Weseen, S. & Wong, L. (2000). For whom? Qualitative research, representations, and social responsibilities. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (2nd ed., pp. 107 – 131). London: Sage.

Gerhart, G. M. (1978). *Black power in South Africa: The evolution of an ideology*. London: University of California Press, Ltd.

Geertz, C. (1973). *The interpretation of cultures*. New York, NY: Basic Books.

Guba, E. & Lincoln, S. (2005). Paradigmatic controversies, contradictions, and emerging confluences. In N. Denzin & Y. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 191 – 215). London: Sage.

Heron, J. & Reason, P. (1997). A participatory inquiry paradigm. *Qualitative Inquiry*, 3(3), 274 – 294.

Heshusius, L. (1994). Freeing ourselves from objectivity: Managing subjectivity or turning toward a

participatory model of consciousness? *Educational researcher*, 23(3), 15 – 22.

Hirst, M. (2005). Dreams and medicines: The perspectives of Xhosa diviners and novices in the Eastern Cape, South Africa. *Indo-Pacific Journal of Phenomenology*, 5(2), 1 – 22.

Hunter, M. (1979). *Reaction to conquest: Effects of the contact with Europeans on the Pondo of South Africa*. Cape Town: David Philip.

Mcetywa, S.A. 1998. Mpondo heritage: an expression of ubuntu. Durban: IBR/Madiba Publishers.

Nicholls, R. (2009). Research and Indigenous participation: Critical reflexive methods. *International Journal of Social Research Methodology*, *12*(2), 117 – 126. doi: 10.1080/13645570902727698

O'Byrne, P. (2007). The advantages and disadvantages of mixing methods: An analysis of combining traditional and autoethnographic approaches. *Qualitative Health Research*, *17*(10), 1381 – 1391. doi: 10.1177/1049732307308304.

Pink, S. (2007). *Doing visual ethnography. Second edition*. London: Sage Publications Ltd.

Richardson, L. (2001). Getting personal: writing-stories. *International Journal of Qualitative Studies in Education*, 14(1), 33 – 38.

Richardson, L. (2000). Writing: A method of inquiry. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (2nd ed., pp. 923 – 948). London: Sage.

Richardson, L. & St. Pierre, E. (2005). Writing: A method of inquiry. In N. Denzin & Y. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 959 – 978). London: Sage.

Tedlock, B. (2000). Ethnography and ethnographic representation. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (2nd ed., pp. 455 – 486). London: Sage.

Tomaselli, K., Dyll, L. & Francis, M. (2008). "Self" and "other": Auto-reflexive and indigenous ethnography

In N.Denzin, Y.Lincoln & L.Tuhiwai Smith (Eds), *Handbook of critical and indigenous methodologies* (pp.347 – 372). London: Sage.

Tuhiwai Smith, L. (2005). On tricky ground: Researching the native in the age of uncertainty. In N. Denzin & Y. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 85 – 107). London: Sage.

Tuhiwai Smith, L. (1999). *Decolonizing methodologies: Research and indigenous peoples.* London: Zed Books Ltd.

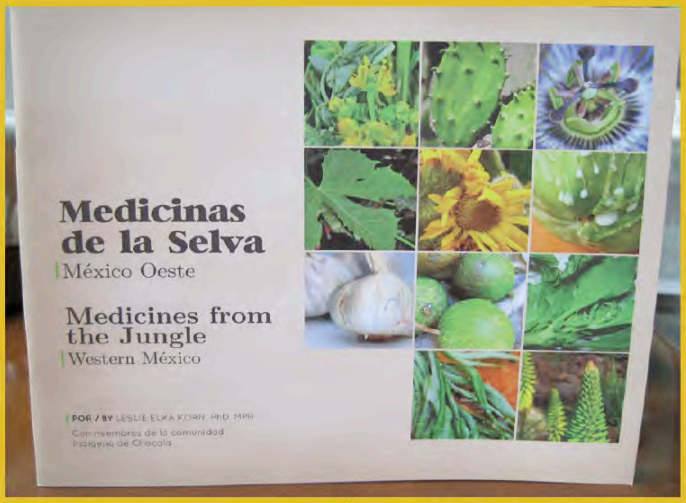
Yanchar, S., Gantt, E. and Clay, S. (2005). On the nature of a critical methodology. *Theory & Psychology*, 15(1), 27 - 50.

Wong, K.F. (2004). Entanglements of ethnographic images: Torii Ryozo's photographic record of Taiwan aborigines (1896-1900). *Japanese Studies*, 24(3), 283-299.

[1] Although differences between the amaXhosa and the amaMpondo are not insignificant, they may be considered negligible in the context of this research.

Adequiere la edición limitada aqui

Get your limited Edition Copy



En Español and English

"I loved this book. It honors our past, our natural resources and the thirst for remedies for common daily ailments that do not merit a trip to the doctor."

Antonia Lavender
Directora de Comercialización, Oficina de Convenciones y Visitantes de Puerto Vallarta, A.C.

Leslie Korn shares her experience and the heritage and culture of the indigenous community of Chacala in her book, Medicines of the Jungle. The original edition of the book, published in Spring 2001 has been edited and redesigned with new photos, recipes and insights from Dr. Korn. The book is the result of a community project to preserve traditional healing practices with community healers, elders, and young people in a communidad in western México.

Available at CWIS DayKeeper Press
http://store.cwis.org/

DIGITAL DOWNLOAD COPY
3.65 EURO
$5.00 USD
$60 MexPeso
35.95 Rand

DayKeeper Press
Center for World Indigenous Studies
PMB 214 1001 Cooper Pt RD SW 140
Olympia, Washington 98502 USA

Payment in USD online

Fourth World Journal
A Publication of the Center for World Indigenous Studies

Volume 9 Number 2 *PP 31 – 38*

THE LAND, THE STORYTELLER, AND THE GREAT CAULDRON OF MAKING MEANING

by Patricia Spence

Part 1

Once upon a time in a land like ours in some ways and not like ours in others, there were great storytellers. Into each generation, century after century, a storyteller was born. The storyteller had a very important task. These stories kept the land, as it should be—operational and human. Everyone knew this deep down inside, although they rarely thought about it. Life went on with its joys, turning points, work and sorrows. All these things the storyteller wove together to create the richest of fabrics, and the fibers from which it was made were your own! Life made sense and you lived it, with your strengths and your weaknesses, but overall you tried to do your best. When the storyteller told your story you knew who you were and you knew you belonged no matter what.

The storyteller of each generation was just a little different from other folks, even as a child. The old people liked to try to figure out which child was

going to be the next storyteller. They were enthusiastic about this and from time to time even laid wagers—just to spice things up a bit. They watched for five things in a child. **First**, the child looked at things very carefully. **Second**, the child listened to things very carefully. **Third**, the child touched things very carefully. **Fourth**, the child had a wonderful imagination, and last, the child asked, "Why?" more frequently than anyone else, and especially more often than any of the adults. The trick was to catch the child doing these things and the old people kept very spry tracking the adventures of the children. However, the wager was not settled until the child disappeared one day. Then and only then was it certain to the old people. Others rarely noticed the child's disappearance. He was so much a part of them, that when he was gone, it just didn't feel that way. But because time was short, the old ones were more attuned to what was precious.

Well, when Zaddik was born, the old people did not even bother to lay wagers. It was clear to them from the start that he was the new storyteller. They kept spry following him around just because it was so much fun! When Zaddik looked he saw the smallest of details. When he listened no sound seemed to escape his attention. And when he touched the animals and birds, and the ladybugs and grasshoppers sat in the palms of his hands, he felt right into the heart of all these creatures so that he knew how it was with them.

On top of all of this Zaddik had an extremely vivid imagination, so it was no wonder he could tell a good story. When he spoke you could hear the hush of a bird's wing or feel the tiny feet of a ladybug. One story everyone liked to hear over and over was the one Zaddik made up about how ladybugs came to wear tiny little, very minuscule, boxing gloves when they got mad so they wouldn't

hurt each other. Zaddik said that ladybugs, those sweet looking creatures, didn't get mad very often but when they did - watch out! Zaddik frequently changed the names of the ladybugs to those of some of the adults he knew. The children howled and the adults grinned and went home thinking less of their grudges and more of themselves.

When he was twelve, Zaddik disappeared, like all the storytellers who came before him. He heard something calling him, and because this was destiny he had no choice but to follow the voice. No one but Zaddik, like all the storytellers who came before him, ever knew where it was he went. What Zaddik heard calling him was the *Oracle of the Great Cauldron of Making Meaning*. And it was to the place of the Cauldron that the Oracle guided him. This was the place the Oracle said where the heavens worked on behalf of all mankind.

The Cauldron of Making Meaning was so wondrous, so vast, with a glow like liquid gold that it took Zaddik quite a while before he could hold his eyes steady on it. But when he did the Oracle began to teach him. He was taught the sacred nature of stories, in that *without exception all stories were sacred*. He was taught to take the bare bones of any story, whether humble or horrific and to throw, to *hurl* them into the cauldron, without hesitation. The Great Cauldron in turn knew the essence of those bare bones and fleshed them out, until they were full of meaning, and leapt from the Cauldron dancing the dance of life, and the sun, the moon, the stars, the planets, the earth and all that lived there in and there upon danced too.

Before Zaddik went back to his home the Oracle had him practice throwing the bare story bones into the Cauldron. This was not as easy a task as might be thought. The Cauldron was so awe

inspiring that it did not feel right to put something in that seemed trite or foolish or mean or uneducated. But it was the storyteller's responsibility, the Oracle told him, not to leave anything out. His abilities to see, to listen, to touch and feel, to imagine and ask "why" were very important, but they did not count in the least if anything was held back. So when Zaddik hesitated, the Oracle would bellow, "Hurl, Zaddik!" scaring him half out of his wits, but it worked and Zaddik hurled.

A storyteller, whose job was to help people see the meaning in things had to put aside modesty or pride, assumptions and reservations, or any wishes he might hold for a particular ending. The story was its own law and was to be respected no matter what. Some very strange things indeed came out of the Cauldron of Making Meaning, when the storyteller took it into his head to omit one of the bare bones. Things like cows barking and dogs mooing and budgie birds who told you that you were stupid, which is not very nice even if it is true. Once the Oracle was satisfied with Zaddiks ability to "hurl," Zaddik was instructed to take a cup, dip it into the Cauldron, and drink every last drop. This he did. The liquid was bitter, sweet, salty, and sour all at once, but it was the most satisfying thing Zaddik had ever tasted.

"Now, said the Oracle, "a portion of the Great Cauldron lies inside you, and it will always be there as long as you allow every bone of every story to fall into the cup that is yours to carry. Do not forget the Law of the Story. Do not forget that the gods are working on behalf of mankind in the place of the Great Cauldron of Making Meaning. If you should ever lose your portion of the Cauldron, the Great Cauldron does not cease to be, even if it feels

that way. Go now. It is your turn to tell the story."

So Zaddik made his way home, and when the storyteller who came before him said goodbye to the earth and hello to heaven, Zaddik took his place. The land seemed to glow more brightly with the wonder of his stories and the lives of people felt full of meaning and purpose. They loved it when Zaddik took their names and made them part of a story, just as he had done in the tale of the ladybugs. They laughed, they cried, and they learned. And everyone knew they belonged, no matter what.

Part 2

In time, something new came into the land from far away. It was very difficult to see the form of this new thing. When you looked for it all you could see was its shadow, and sometimes you could not even see that. This happened when *you were in its shadow, and you didn't know it had been there until it was gone.* The people asked Zaddik to tell them what this was, and he did not know what to say. He could not see or hear this new thing any better than they could. But when he got close to it, or it to him, he felt that this was darkness pretending to be light. It was sickness pretending to be health. It was senselessness pretending to be sense. But to Zaddik, worst of all, he felt that it was evil pretending to be holy. He told the people this but for the first time they could not understand what he was saying. As their confusion grew greater, the shadow grew darker. It went right inside people and they started to do terrible things, for which they felt great shame but they continued to do terrible things in spite of this. It was as if their eyes were not their own and the world looked bleak and strange. It was as if their ears did not belong to them anymore and they began to hear the sound of screams. But to the despair of

their souls their hands seemed to take on a life of their own and to move now in hurtful ways and not in the ways of love.

No one wanted to hear Zaddik's stories. To the degree that they had once loved to be part of his stories, they now abhorred the thought. They could not bear to hear their own names. They hid themselves where he could not look or listen or feel or ask why. Zaddik did remember the Law of the Story, that he was to leave nothing out, but what could he do when just about all the bare bones were hidden? When he threw a bit of a bone that he came across into the portion of the Cauldron that was his, the story that came out was so distorted it could not be understood. Zaddik did still have a supply of old stories and he decided that he would tell these. Perhaps the people would remember the old fabric of life and things would be as they used to be. So Zaddik walked the land and he told the old stories over and over. No one came to hear him but he told them anyway. He stood outside of buildings and houses and told the stories. He brought the old stories up from his portion of the Great Cauldron of Making Meaning hour after hour and day after day. Sometimes children or old folks would pause to hear him as if they wanted to catch his words, but they were so dispirited by the sickness around them that Zaddik's stories did not enliven them, and Zaddik wore out the old stories, just as we can wear out the soles of a pair of shoes. Eventually the entire sole will disappear, and eventually the portion of the Great Cauldron which was in Zaddik disappeared altogether. He continued to try to tell the stories but all that came from his mouth were echoing, hollow, terrifying sounds.

And then Zaddik began to weep, and he wept and wept and wept. His grief was so great that all

the people in the land heard and they too began to weep. The Oracle of the Great Cauldon of Making Meaning which lived outside of Zaddik heard his weeping and the weeping of the people, and called to him, just has she had done when he was twelve. So Zaddik went with his great grief to the Great Cauldron of Making Meaning, the place where the heavens always work on our behalf. The Oracle asked him why his cup was empty and he told her that a terrible thing had happened. He had not been able to put the bare bones of a single story into the Portion of the Cauldron that was his, and he had used up all the old stories and he had nothing. "Ah," said the Oracle, "but you have all the bones of nothing, Zaddik. You have the bone of the grief of nothing. You have the bone of the longing of nothing and you have the bone of the love of nothing. And you have your own story of nothing. You forgot about your own story. So, Zaddik, take all the bones of nothing and take your own story of nothing and throw those bones into The Great Cauldron of Making Meaning which lies outside yourself."

Zaddik bent down then and slowly picked up the bones which had been lying at his feet all the while, and the Oracle bellowed, "Hurl, Zaddik!" and Zaddik hurled with all his strength, and a great light rose from the cauldron, and a new story was born, a story of redemption beyond anything the land and its people and even all mankind had ever thought possible and the impossible righting of the most terrible wrongs became possible and the land glowed as it had never done before. It shone so brilliantly that the gods in the place of the Cauldron of Making Meaning saw, and danced a brand new dance which moved even the sun, the moon, the stars, the planets, the earth and all the creatures that lived therein and there upon with wild and boundless and immeasurable joy.

Biographical Note

Patricia Spence lives in Riding Mountain, Manitoba Canada. She has lived and worked with the indigenous peoples of Northern Ontario and the Yukon for 35 years. She has been a special education teacher, social worker and mental health counselor and holds a Masters degree in Depth Psychology. She recently developed a curriculum entitled, "Sexual Abuse-the Shadow of Colonization in Canada. Ms. Spence in currently working on a book with her colleague Dr. Darrel Racine with the title: "Soul Loss and Colonization."

Contact

patriciaspnc95@gmail.com

Fourth World Journal
A Publication of the Center for World Indigenous Studies

Volume 9 Number 2 *PP 39 – 50*

Toward the Coexistence of Nations and States:

A Congress of Nations and States

by Wilson Manyfingers
Associate Scholar
Center for World Indigenous Studies

On September 13, 2007 the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples—a landmark action for the international community. After more than twenty years of United Nations consideration of the "situation of indigenous peoples" by the UN Working Group on Indigenous Populations headed by Dr. Erica Irene Daes, a scholar from Greece, and later headed by Dr. Miguel Alfonso Martinez, a scholar from Cuba more than 145 states' governments lent their endorsement. The Declaration sets the minimum criteria for establishing states' government policies regarding treatment and relations with indigenous peoples inside and outside their claimed domains. It establishes the key principles now applicable to indigenous peoples: The right of self-determination (Article 3):

> Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (UNO, 2007)

And, it also includes a statement of principle for the right of "free, prior and informed consent" (Article 10).

Before the Declaration was adopted with its sweeping implications for political change worldwide, the International Labor Organization revised and updated the then only international instrument (ILO Convention 107 [1957 – in force 1959] Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries). In 1989 the International Labor Organization adopted Convention 169 (ILO 1991*)* now ratified by twenty states' governments including the Plurinational State of Bolivia, Brazil, Denmark, Mexico, Norway, Peru, and the Netherlands among others. Spain and Nepal became the most recent states to ratify this new international law. As the ILO notes, the new law does not provide a criteria for defining indigenous peoples but only describes the peoples it aims to protect. The Convention aims to protect traditional life styles, social organizations, customs and laws. It advances the legal concept of non-discrimination and establishes "special measures to be adopted to safeguard the persons, institutions, property, labour, cultures and environment of these peoples. In addition, the Convention stipulates that these special measures should not go against the free wishes of indigenous peoples." (ILO 1991: Article 4)

As the ILO moved to conclude Convention 169 and the UN was reviewing the final draft of the UN Declaration on the Rights of Indigenous Peoples in

1991 the United Nations was considering language in the new Convention on Biodiversity (concerning benefit sharing between indigenous peoples and states' governments). Intellectual property of indigenous peoples was being considered within the framework of the new World Intellectual Property Organization and increasingly prominent consideration was being given to participation of indigenous peoples in the negotiation of a new Climate Change Treaty to amplify the Kyoto Protocols.

In the Spring of 2010, the Plurinational State of Bolivia proposed and the UN General Assembly adopted a resolution to convene an International Conference on Indigenous Peoples in 2014. Indigenous peoples the world over will become the focus of global attention with this new international platform that could change the global dynamics even more than have the numerous international declaration and laws adopted by states' governments.

A new era is emerging where nations and states must seek early accommodation and cooperation to avoid a future of conflict that would plunge nations and states into a period of darkness. It is no accident that after the collapse of several of the worlds' more prominent states (USSR in 1991 for example) long persistent bedrock nations re-emerge to claim their responsibility as full members of the international community.

The lessons we must collectively learn from the experience of political events over the last three decades should be these:

1) The State system is not perfect. It is an experiment of human problem solving that does not always lend itself well to solving problems for all of humanity.

2) Non-state nations are natural human organisms that persist and must have an acknowledged place as active participants in international geopolitical discourse in coexistence with international states.

3) Where States exist and serve the needs of human society they should be nurtured and celebrated, but where States fail to serve the needs of human society, they should be allowed to disassemble in a planned process which permits the non-state nations within to systematically reassume their governing responsibilities.

4) If a State is no longer viable politically and economically and it does not have distinct nations within, its structure should be replaced temporarily with international supervision followed by the formation of an internationally recognized variant of human organizational structures deemed appropriate to the extant human cultures and geography of an area such as a trust territory, freely associated state, commonwealth, or other configuration established for a protected population; such a non-self-governing status must have the potential of being changed to a self-governing status in the future.

5) Nations that do not wish to remain within an existing state must have the reasonable option of changing their political status through peaceful negotiations in accord with Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.

As of the present date, there are 195 States that comprise the membership of the world's state system of governments. Of these states, 192 are members of the United Nations, fewer are members of the International Court of Justice, the World Bank, the International Monetary Fund, and the International

Labour Organization. The "State" is a rational organizational construct created to solve specific social, economic and political problems, and it is made legitimate by virtue of recognition extended to it by other established states. All established States are said to be sovereign political personalities having the recognized capacity to protect their own borders, carry out political intercourse with other states and perform those necessary activities (economic, social and political in character) sufficient to maintain the loyalty of an established number of human beings.

There are no fewer than 6000 indigenous nations across the continents with some located wholly inside an existing state, many divided by introduced states' boundaries and still others traversing the landscape following their nomadic cultural practices. The very existence of indigenous nations inside or partially inside various states accounts for their wealth and stability in many cases, and often their instability owing to corrupt and bankrupt governments.

Not all of these States can be accurately described as politically and economically viable. Indeed, no fewer than thirty States are in a condition of perpetual disarray, collapse, or they are essentially defunct political and legal organisms. The Fund for Peace identifies 37 states in 2010 in a condition of perpetual dysfunction or in actual collapse. Half of twenty of the states that are in critical condition (nearly collapsed or collapsing) are located in Africa: Somalia, Chad, Sudan, Zimbabwe, D.R. Congo, Central African Republic, Guinea, Cote d'Ivore, Kenya, Nigeria, Ethiopia and Niger. The other ten include collapsing states in the Middle East, Asia, South and South East Asia, the Caribbean, Arabian Peninsula and Melanesia: Afghanistan, Iraq, Pakistan, North Korea, Burma,

Haiti, Yemen, and East Timor.

In general a failed state has lost physical control over its territory or the "monopoly on the legitimate use of physical force," it does not exercise legitimate authority to make decision for all its citizens, its lacks the ability to provide public services and it does not have the ability to engage other states through diplomatic, economic and cultural institutions. Added to these characteristics a failed state may also demonstrate a condition of "widespread corruption and criminality" and as a consequence of internal violence or calamity large parts of the population are forced to move *en masse* from their homes in to areas of refuge.

Most collapsed or collapsing states have two or more non-state nations within their borders. Ethiopia, for example has eleven major nations including Amara, Trigraway, Somalie, Guaragie, Sidama, Hadiya, Affar, Gamo, Gedeo and Oromo within a state population of 88 million. The Oromo represent a third of the total state population with about 30.4 million followed by the Amara with a population of more than 23.6 million. A smaller nation, the Gedeo, have a population of about 1.14 million.

The Sudan has been a state where state-sponsored terror emanating from Khartoum erupted into gang attacks on the indigenous peoples of South Sudan resulting in more than 2 million deaths over a thirty-year period. Finally a peace agreement brokered by the United Nations and the United States of America laid the basis for a plebiscite where the peoples of South Sudan could decide whether to remain part of Sudan proper or separate and become an independent state. All indications are that what is in fact a corrupt and bankrupt state of Sudan will be broken into two or more pieces. It is possible that the region known as Darfur,

frequently attacked by the Sudanese government and its helpers, could also break away leaving Sudan without much more than desert to call its own.

Nigeria has an overall state population in excess of 152.2 million people and in this population there are 250 nations. This complicated multi-cultural state includes the Hausa and Fulani, Yoruba, Igbo, Ijaw, Kanuri, Ibibio, Ogoni and Tiv combined comprising more than 88% of the overall population. It is possible that Nigeria cannot hold together due to internal corruption and especially conflicts between the central Nigerian government and the rump Republic of Biafra—that includes Igbo, Ijaw, Igbibio, and Agoni with a combined population of perhaps 40 million people.

Similarly Afghanistan and Pakistan—both at serious risk of collapse—include in their borders all or parts of non-state nations (some bisected by state boundaries). The Pashtun (the original Afghans) include a population estimated in excess of 49 million people with as many 350 to 400 clans. Nearly twenty-seven million Pashtun are located inside Pakistan while another 12.18 million live in southern Afghanistan. Other nations inside Afghanistan include the Tajik (also in Tajikistan), the Hazara, Uzbek (also in Uzbekistan) and Balochi (also in Pakistan). Pakistan contains an equally complex combination of non-state nations including the Punjabi, the aforementioned Pashtun, sindhi, Sariaki, Muhajirs and the Balochi (also mentioned before).

These five examples (Ethiopia, Nigeria, Sudan, Afghanistan and Pakistan) illustrate how complex will be the task of restoring stability to a region with so many different non-state nations as players. Some argue that such states cannot be permitted to collapse. They should be propped up no matter what the cost. Others, this writer included, would argue

that it is essential to be proactive and consider now what must be done to as easily as possible perform *triage* on those states that need to be disassembled within a framework of planned actions by the international community or a combination of willing states, international institutions and non-governmental organizations.

International institutions and neighboring states which deem the continuity of even defunct states as essential to their own stability are obliged to provide support politically, militarily and financially. Instead of strengthening the state system, this process tends to further weaken an increasingly fractured system.

The United Nations adopted the UN Third Committee resolution to organize and convene a World Conference on Indigenous Peoples in 2014. The resolution was sponsored initially by Bolivia, but later cosponsored by more than thirty-five other governments. The Bolivian government's rational is that such an international conference is warranted as a follow-on to the Bolivian Government's sponsored First World Peoples' Conference on Climate Change and the Rights of Mother Earth (Cochabamba, April 2010) and the UN General Assembly's adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007. The announced purpose of the conference is "to adopt measures to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples." (UN Department of Information, Document A/C.3/65/L.22/Rev.1)

The new political era of nations and states into which we are now passing is beginning to take shape where pressures build for the world's nations to resume their duty as active participants in the formulation of international rules of conduct. What we now call indigenous nations must become co-equal partners with states as international political

persons. They must carry out their responsibilities as mature political personalities with a full commitment to the establishment of mutual coexistence between nations and states. Nations, with a combined population estimated at 360 million to 1 billion people, must fully commit their peoples to the advancement of human rights and the democratization of international relations. Nations must also adopt existing international instruments for the promotion of peaceful relations between peoples, and they must work to establish new international instruments for the establishment of constructive relations between non-state nations and between non-state nations and states.

States governments are obliged to recognize that they do sometimes fail to adequately serve the peoples for whom they were established. States governments must embrace the changing world, which includes many kinds of political personalities--not just states. The state system is useful for some purposes, but not all peoples in the world must live within a state structure. Where there are no mechanisms for nation and state cooperation, states must reach out to the nation and seek accommodation, as should the nation to the state. States governments must rework their foreign policies to recognize that nations are a part of the international fabric-an essential element of the international family of peoples. They must learn the courage to seek constructive new relations with nations to maximize cooperation and mutual benefit.

Diversity is sloppy and uncomfortable at times, but the new political era of nations and states is necessarily a mirror of the cultural diversity of humanity. We are looking at reality when we see many thousands of nations and scores of states. We are seeing the success of humans in their many nations. We are seeing the experiments of the

human spirit when we see the scores of states. Reality demands that we stretch our minds to find ways to creatively accommodate the many differences we see among human beings. Reality demands that we accept the challenge of human success.

I propose that the world's indigenous nations convene sub-regional conferences in 2011 followed by regional conferences in 2013 to develop agenda proposals for the United Nations World Conference on Indigenous Peoples in 2014. Nations in Canada where my people are located ought to convene a sub-regional meeting, as should nations in the United States and México. These sub-regional meetings ought to form the basis for convening a North American Regional Meeting in 2013 where agreement should be worked out on a North American agenda. The same should take place in South America, Africa, Melanesia, the Pacific Islands, Asia, south Asia, Central Asia, and Europe. When each region has concluded its regional agenda then representatives from each region should be designated to convene a World Conference on Indigenous Peoples Preparatory meeting including representatives from the United Nations and specialized agencies, and states' government representatives from each of the regions. While nations are working on their agenda proposals, states governments ought to do the same, as should the United Nations and relevant agencies. A two-week meeting of the Preparatory Body should convene in late 2013 considering agenda items the fall within the mandate for developing protocols for implementing the UN Declaration on the Rights of Indigenous Peoples.

The three-tiered process leading to convening the World Conference on Indigenous Peoples can provide a smoother, more representative agenda and

conference structure leading to international protocols, which provide for new approaches to peace resolution of differences between nations, and nations and states within the framework of the UN Declaration on the Rights of Indigenous Peoples.

New structures, perhaps based in the Geneva Protocols II, for resolving emerging and raging conflicts between nations, and nations and states should also be developed as a reasonable agenda item. The United Nations World Conference on Indigenous Peoples should build on constructive discussions many nations and many states that have been conducting at non-governmental conferences and within the United Nations under the Economic and social Council, during the negotiations of new protocols for the Convention on Biodiversity (Nagoya, Japan, 2010) and the years of discussions and negotiations of a treaty on climate change (United Nations Framework Convention on Climate Changes) to replace the Kyoto Protocols of 1998 .

The opportunity exists now like never before in history for nations to fulfill their obligations as mature members of the international community to work toward a peaceful world. States, the children of nations, must turn now to realistically work with nations to build a democratized international community, which ensures broad support by all of the peoples of the world. The fragile condition of states' governments, many near or actually collapsed demands proactive steps to prepare and developing protocols for implementing the UN Declaration on the Rights of Indigenous Peoples provides the most realistic opportunity.

This is not simple idealism. The means exist for representatives of nations and states to begin the process of constructively re-ordering the world. We need to establish a peaceful and creative political climate for human development. We must put aside

our fears seek political courage to take the next step toward a new international paradigm of nations and states. A World Conference of Indigenous Nations is that next logical step as a Congress of Nations and States.

Bibliographic note

Mr. Wilson Manyfingers is a noted international relations analyst with roots in his own Cree Nation. He is an Associate Scholar at the Center for World Indigenous Studies. Mr. Manyfingers has served as an indigenous peoples' policy analyst and researcher having written numerous essays on topics ranging from human rights, international indigenous law and land rights among aboriginals in Canada, Australia, South America and South Asia. He was among the earliest contributors to the Fourth World Journal in the 1980s and 1990s.

References

ILO (1991) Convention Concerning Indigenous and Tribal Peoples in Independent Countries. Convention 169. Adopted at the 76th Session of the Conference on 17 June 1989 and coming into force on 5 September 1991.

UNO (2007) UN Declaration on the Rights of Indigenous Peoples. UN General Assembly (A/Res/61/295)

UNO (1993) Convention on Biological Diversity. Opened for Signature at the Earth Summit in Rio de Janeiro on 5 June 1992 and entered into force on 29 December 1993. (Currently 193 signator Parties)

Fourth World Journal
A Publication of the Center for World Indigenous Studies

Volume 9 Number 2 *PP 51 – 88*

Indigenous Peoples in India and Canada: Issues in Inclusion

by Kanchan Sarker,Ph.D

The Irving K. Barber School of Arts and Sciences
The University of British Columbia

In both Canada and India, indigenous peoples have been the interest of discussion for many years to the academics, policy makers, and politicians. Numerically they constitute 8.2% of India's population and 3.8% of Canadian population. Indigenous peoples are regarded as the oldest inhabitants of Canada as well as of India, but they are at the bottom of socio-economic ladder of both the countries. Their political representations at different power levels vary from very low to moderate. Thus, in spite of being original inhabitants, these people do not have much say in the policy making of both of the countries. They are "socially excluded" as well as politically and economically. However, both the democracies have taken some measures for social, economic, and political *upliftment* of these "excluded" peoples so that they become part of the "mainstream" society. There are differences in of approaches and degrees of successes in this regard

between the two countries.

This paper is an attempt to find out the differences of approaches, degree of successes, and whether the measures taken by these two countries are sufficient to bring justice to the people who are the original inhabitants of the two countries and now reduced to the level of a marginal presence in both the countries.

DEFINING SOCIAL EXCLUSION:

Lenoir developed the concept of social exclusion in its general form first in the mid-1970s. However, the concept of economic discrimination goes back to Gary Becker in 1965 (Thorat 2008). Lenoir categorized the 'excluded' as mentally, physically handicapped, suicidal individuals, aged invalids, abused children, substance abuses, delinquents, single parents, multi-problem households, marginal, asocial persons, and other social 'misfits' (Sen 2000) . Later literature added new categories to the group of excluded persons including those who have been denied "a livelihood, secure, permanent employment, earnings, property, credit or land, housing, consumptions levels, education, and cultural capital, the welfare state, citizenship and legal equality, democratic participation, public goods, nation or dominant race, family, and sociability, humanity, respect, fulfillment, and understanding" (Ibid, 2000). Today, we recognize a wide range of domain being affected by the process of social exclusion. Buvinic (2005) summarizes the meaning of social exclusion as "the inability of an individual to participate in the basic political, economic, and social functioning of the society", and goes on to add that social

exclusion is "the denial of equal access to opportunities imposed by certain groups of society upon others" (Thorat 2008). This definition captures the three distinguishable features of social exclusion- firstly, its effects on culturally defined 'groups'; secondly, the fact that it is embedded in social relations (the process through which individuals or groups are wholly or partially excluded from full participation in the society in which they live; and finally, it delineates the consequences of exclusion (Sen 2000). Thus the outcome of social exclusion in terms of low income and high degree of poverty among the excluded groups depends crucially on the functioning of social and economic institutions through a network of social relations, and the degree to which they are exclusionary and discriminatory in their outcomes.

Amartya Sen draws attention to the various dimensions of the notion of social exclusion (Sen, 2000). Distinction is drawn between the situations wherein some people are being kept out (or at least left out) and wherein some people are being included (may be even being forced to be included) - in deeply unfavourable terms. The former is described as 'unfavourable exclusion' and the latter as 'unfavourable inclusion'. The latter, with unequal treatment, may carry the same adverse effects as the former. Sen has also differentiated between 'active' and 'passive' exclusion'. For casual analysis and policy response, Sen argues, "It is important to distinguish between 'active exclusion'—fostering of exclusion through deliberate policy interventions by the government or by any other willful agents (to

exclude some people from some opportunities) and 'passive exclusion,' which works through the social processes in which there are no deliberate attempts to exclude, but nevertheless, may result in exclusion from a set of circumstances." Sen further distinguishes the 'constitutive relevance 'of exclusion from its 'instrumental importance.' In the former, exclusion or deprivation has an intrinsic importance of its own. For instance, not being able to relate to others and to partake in the community life can directly impoverish a person's life, in addition to the further deprivation that it may generate. This is different from the social exclusion of an 'instrumental importance' in which exclusion in itself is not impoverishing, but can lead to the impoverishment of human life.

THE INDIAN SCENARIO

Who are aboriginals: Some anthropologists have described the phenomena of castes and tribes as colonial construction in the sense that the character of these groups was solidified by the British through process of classification and enumeration. Prof. Andre Béteille argues that this is truer of tribes than it is of castes. However, that does not mean to convey the claim that the groups so identified did not have a distinct identity of their own. Indeed, not only did these groups see and identify themselves as being different, they were also seen as being different by others. However, the general category of tribe was absent. According to Prof. Béteille the distinction between tribe and caste must have been less clear in ancient times than it is today (Xaxa 2008).

Colonial administrators used the term tribe to describe people who were heterogeneous in physical and linguistic terms, demographic size, ecological size, ecological conditions of living, regions inhabited, stages of social interaction, and levels of acculturation and development. The need for such as a category was necessitated by a concern to subsume the enormous diversity into neat and meaningful categories for both classificatory purposes and administrative convenience. Hence, tribe as a category and a as a point of reference may be treated as a colonial construction, however, the image and meaning underlying the category was far from being colonial construction. The term tribe since the 16th century has been referred to groups and/or communities living under primitive and barbarous conditions. Sanskrit and Hindu religious texts and traditions describe and depict tribes as *dasyus, daityas, rakhasas, and nishads* (Ibid 2008).

When British began to write on India in the 18th century, they made no distinction between tribe and caste. Rather, the two terms were used synonymously or even cognately, notwithstanding the fact that the British did treat a segment of population known later as tribes as different from the rest of India's population. The difference was conceived more in terms of ethnicity than in terms of caste and tribe. This can be inferred from the nature of the administrative set-ups. Laws meant for general population were usually not applicable in the case of groups called tribes. More often, than not, special laws, that is, laws in consonance with the tribal system of administration, were framed for their governance. In colonial administration parlance, the nature of such administration was described by terms such as

non-regulation tracts, scheduled areas, excluded and partially excluded areas. This difference was invariably linked with different conceptions of the two sects of people.

The attempt at delineating tribes with the need to provide detailed and classified information about people began in the census. Accordingly, a certain group of people was categorized as a tribe when the census began to be undertaken in the 19th century, though the criteria used were far from unambiguous. After 1901, however, a somewhat clearer criterion began to be used. Tribes were identified and described as those groups that practiced animism; later the phrase tribal religion was used in its place. The use of this criterion was continued in subsequent census enumerations, but some other dimensions were also added. Thus, the 1921 census report described them as hill and forest tribes, and in 1931, when J.H. Hutton, the anthropologist cum administrator was the Census Commissioner, tribes were also referred to as primitive and backward tribes, elements of geographical isolation and primitive living conditions were added to the distinction between tribes and non-tribes. These elements were, however, never explicitly employed in delineating tribes in census enumeration. What was employed was the aspect of religion. That is, tribes were those groups that did not adhere to religions such as Hinduism, Islam, and Christianity. If a group were shown to be animist, it was treated as tribe. This distinction was not satisfactory for it is not difficult to show that caste practiced elements of animism (Ibid 2008). Subsequently, however, a list of tribes began to be drawn up with a view to giving up them certain political and administrative concessions.

After independence, greater attention was paid to the criteria for determining tribes. However, even today, there is no agreement among scholars on this subject. Tribes are seen as not yet contaminated by the influence of Hindu civilization, living in inaccessible places, speaking a tribal dialect, practicing animism, and engaging in primitive occupations. In addition such groups were said to belong to Negrito, Australoid, or Mongoloid stock, with nomadic habits and love for dance and music.

Tribes in India are thus defined not as much in terms of coherent and well-defined criteria but in terms of the administrative classification that divides the population into tribal and non-tribal. Tribes are treated as those groups enumerated in the Indian Constitution in the list of Scheduled Tribes (S.Ts.).

Population and habitat:

According to 2001 Census, the population of Scheduled Tribes in the country is 843 millions, which is 8.2% of the total population of the country, world's largest tribal population. The population of Scheduled Tribes has been on the increase since 1961.

Tribal communities live in about 15% of the country's areas in various ecological and geo-climatic conditions ranging from plains to forests, hills and inaccessible areas. There are over 500 tribes (with many overlapping communities in more than one province) as notified under article 342 of the Constitution of India, spread over different provinces and Union Territories of the country, the largest number of tribal communities being in the province of Orissa. The main

concentration of tribal population is in central India and in the Northeastern provinces. However, they have their presence in almost all provinces and Union Territories except Haryana, Punjab, Delhi, Pondicherry and Chandigarh. The predominantly tribal populated provinces of the country (tribal population more than 50% of the total population) are: Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Union Territories of Dadra & Nagar Haveli and Lakshadweep. Provinces with sizeable tribal population and having areas of large tribal concentration are A.P. Assam, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orrisa and Rajasthan.

GOVERNMENT POLICIES

Precursor

After India became independent, formulating and implementing an appropriate policy for tribes assumed crucial importance. Even before independence, the nature of the policy to be adopted had become a matter of heated debate between two scholars, namely Verrier Elwin and G.S. Ghurey. Elwin, though once advocated for a policy of isolation, later argued that problems faced by the tribal population could not be considered apart from those faced by the general village population and thus he advocated the same policy for the majority of the tribal population as the policy advocated for the general population (Ibid 2008).

As against this, Ghurey advocated the policy of assimilation. He advocated that tribes were Hindus, or, to put it more bluntly, backward Hindus. He thought of them as inferior and

backward because they were cut off from the large mass of the Indian population. He also identified them as standing a step lower on the evolutionary ladder, and in fact, not being very different from the mass of India's population. His considered that tribes should be assimilated into the larger society so that they could be lifted out of the poverty and base living conditions. The view placed tribal at the lowest position of tribe-caste-class continuum, a continuum paradigm used for understanding the process of change in tribal life. For Ghurey, this continuum suggested a movement of the tribals from the tradition to modernity, from pantheism to a higher form of religion, from the base and crude way of life to one morally and ethically superior. This was a way of tracing the assimilation-integration stage of the tribals into the national mainstream.

Neither of the two policies was thought adequate in independent India by the nationalist leadership. This is evident from the nature of the provisions laid down in the constitution for tribals. The provisions pointed to an approach that was quite different from those propagated by Elwin and Ghurey. The provisions included statutory recognition, proportional representation in the legislatures, the right to use their own language for education and other purposes, the right to profess with their own faith, and the right to pursue development according to their own genius. The constitution also empowered the state to make provision for supervision for reservation in jobs and appointments in favour of tribal communities. In addition, the Directive Principles of State Policy of the Constitution required that the educational and economic interests of the weaker sections of society, including tribals, be

especially promoted. Moreover, the constitution empowered the state to bring areas inhabited by the tribes under the Fifth and Sixth Schedules for the purpose of special treatment with respect to the administration of tribal people. These constitutional provisions thus aimed at safeguarding, protecting, and promoting the interest of tribal people. Thus the Indian constitution clearly adopts a policy of integration rather than of isolation or assimilation, albeit without using the term and concept of integration even once.

In fact, the five principles mentioned by Pundit Jawaharlal Nehru in his forward to Elwin's *A Philosophy for NEFA* (North Eastern Frontier Province), which was proclaimed as the guide for tribal development, were no more than an enunciation of the principles underlying the constitution provisions (Ibid 2008).

The principles are:

People should develop along with the lines of their own genius, and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.

Tribal rights in land and forest should be respected.

We should try to train and build up a team of their own people to do the work of administration and development. We should avoid introducing too many outsiders into tribal territory.

We should not over-administer these areas or overthrow them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.

We should judge results not by statistics of

the amount of money spent, but by the quality of human character that is evolved.

The State Agenda for Tribals:

The different measures taken for their upliftment can be divided broadly into three categories, namely: protective, mobilization, and development.

Protective safeguards: Laws have been enacted in almost all the states with tribal populations to prevent alienation of land from tribes to non-tribes.

Mobilization Strategies: Mobilization strategies refer to the reservation extended to tribals in fields such as education, employment, and politics. The Constitution of India ensures the political representation of Scheduled Tribes in the Parliament, in the State Legislative Assemblies, and in local self –government (municipality and *panchayat*) through reserved seats. Indian Constitution provides for the reservation of seats for Scheduled Tribes in educational institutions as well as in government employment. Depending on the respective positions, posts reserved for members of "Scheduled Tribes" are either in proportion to the tribal population of the state in question, or –in most cases—comprise 7.5% of the total number of government jobs.

In addition, there are constitutional provisions for tribal self –rule in tribal dominated areas and one provincial governor has the extensive power to prevent and amend any law enacted that could harm tribal interests.

Development Measures: It includes

programmes and activities meant for the uplift and progress of tribal people. One of the most comprehensive strategies for the development of Scheduled Tribes is the introduction of Tribal Sub-Plan (TSP) in the Fifth 5 yea Plan (1973). It is in a way, the lifeline for the socio-economic development of tribal people.

Wide-ranging *sector programs in tribal areas* have been implemented since the launch of the TSP by the different line agencies, with both state and central government funds. The focus has thus far clearly been on the development of physical infrastructure and on establishing and improving service institutions.

In addition to that, the central (federal) government has a special Commission for Scheduled Castes and Scheduled Tribes which issues an annual report on illegal actions against SCs and STs and make recommendations to improve their position.

CONDITIONS OF EXISTENCE:

Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted a mainstream way of life at one end of the spectrum, there are 75 Primitive Tribal Groups (PTGs), at the other, who are characterized by (a) a pre-agriculture level of technology, (b) a stagnant or declining population (c) extremely low literacy and (d) a subsistence level of economy (Government of India 2005).

Despite the constitutional provisions and the special policies and programmes adopted by the state for the welfare and benefit of tribal people,

the condition of the tribals continues to be deplorable. In a study on Development and Deprivation of Scheduled Tribes (2006), the authors calculated inflation adjustment HDI for all India and Scheduled Tribes; respectively the figures are 0.343 and 0.253, results in a 36% difference (Sarkar et al 2006).

Land and life supports system of tribals continues to be passed from tribes to non-tribes through such means as fraudulent transfers, forcible eviction, mortgages, leases, and encroachments despite legislation restricting the alienation of lands from the tribes to non-tribes.

Displacement is another important factor accounting for the loss of control and ownership over land and forest by the tribals. Displacement has occurred primarily because of large-scale projects like industries, irrigation and hydraulic projects, ands mining. The Scheduled Tribes account for 55% of the total displaced population in India. It is reported that 8.5 million tribals have been displaced in the name of so-called development projects. Though over 3,000 dams are located in tribal areas, only 20% tribal areas were irrigated in 1981 as compared to 46% of agricultural land overall. Tribal lands account for 56% of the total mineral revenue in India. 3,500 mines out of the 4, 175 mines in India are in tribal areas. And yet they have not benefited from the extraction of minerals. Seventy one per cent of total forestland in India is populated by tribal communities. But, different acts in the name of forest conservation sidelined the Scheduled Tribe population in their use of forests. However, Forest Rights Act of 2006 has returned some of the basic rights the tribal communities used to enjoy in the past.

As compared to the sex ratio for the overall population (933 females per 1000 males), the sex ratio among Scheduled Tribes, as per 2001 Census is more favourable, at 977 females per 1000 males (Census of India 2001).

Education: The literacy rate for overall population has increased from 52.2% to 65.38% between 1991 and 2001. In case of Scheduled Tribes, the increase in literacy has been from 29.62% to 47.10%. The female literacy rate among tribals during the same period increased significantly from 18.19% to 34.76% which is still lower by approximately 20% as compared to literacy rate of the females of the general population. The Scheduled Tribe male literacy has increased from 40.65% to 59.17% (Census of India 1991 and 2001).

The drop out rate among Scheduled Tribe population is higher than the over all population of India in both rural (87.7% compared to 75.1%) and urban areas (67. 9% compared to 51.2%) and much higher compared to other social groups like upper caste Hindu, 35.2% and 34.2 % respectively for rural and urban areas (Mohanty 2006).

The completion rates of higher secondary (HS) among STs are roughly three-fourths the national average of 17.8%. Scheduled Tribe population comprises only 3.9% of college arriving population of India (Hasan et al 2006).

Employment and Occupation: Almost 50% of tribal populations are engaged in either agriculture labour or other types of labour jobs and close to 40% are self-employed (Mohanty 2006). The remaining 10 % work in government, semi-government, private enterprises, banks, financial services, education services etc. Compared to the

percentage of upper caste Hindu population in these categories (13.4%), the representation of Scheduled Tribe population is not much different.

However, sheer quantity does not tell everything. Despite reservation policies, the percentages of Scheduled Tribes among different categories of central (federal) government services are: Group A (3.06%), Group B (3.02%). Group C (6.27%), Group D (6.71%), and Sweepers (8.26%); a total of 6.33 per cent in 1997(Louis 2003). Representation of Scheduled Tribes among employees in Public sector banks: Officers (3.65%); Clerks (4.71%), Sub-staff (including sweepers: 5.54% in 1996 (Karade 2008). Among the school teachers, the percentages of tribal's representation are 5.74% primary (7.64%), Upper Primary (6.44%), Secondary (3.57%), and Higher Secondary (2.37%) in 1997; the representation of STs is only 1.5% (1992-93) among the university and college professors. These data clearly show that corresponding to their share in Indian population, Scheduled Tribe populations do not hold many good jobs.

Income: In a country, where organized sector can accommodate only 8% of its workforce, it is extremely difficult to calculate the average incomes of different social groups; the National Sample Survey Organization (NSSO) of India does survey on consumption pattern. On the basis of that survey, the percentage of population below poverty line in urban areas among the Scheduled Tribe population is 35.15% compared to 20.01% among others and 23.09% among all households in 2000. The corresponding figures for rural areas respectively are: Scheduled Tribes (48.2%), others (23.23%), and all household (28.93%).

Housing: More than 90% of Schedule Tribe populations of India live in villages. In India, a typical village house is mud-built with thatched roof. Most tribal people live in those houses. The condition of mud-built houses is not bad always depending on the affordability of the owners; however as the economic condition of the tribal people is worst, the condition of their homes is also not good: small, with no proper sanitation and inadequate maintenance.

Health: Malnutrition, chronic diseases, morbidity are the common features of tribal health. Infant mortality and under-five mortality per thousand live births are as high as 83 and 126.6 among Scheduled Tribes population respectively compared to 61.8 and 82.6 respectively for general population. Child mortality rate among the Scheduled Tribes is much higher than that of the all- India population: 46.3 for STs as against 29.3% for all India. Eighty percent of tribal children are anemic and 50% percent are underweight. The incidence of anemia among tribal women is high as 65% compared to 48% of the general population.

Criminal justice: In 1871, the British Government of India "notified" certain tribes as “criminals” and passed the notorious “Criminal Tribes Act of 1871.” Such people were notified, who, according to the British, were nomadic cattle grazers, wandering singers, acrobats, etc and also those who resisted the British aggression from time to time. The logic was simple. These people lived in forests, or were nomads. Only the criminals would do this. As Indians follow caste professions, these mysterious (to the British) people too are hereditary criminals. Thus history's most heinous crime was perpetuated in this Act.

From 1871-1944 this Act was amended, new areas and new communities were roped in. In 1952, Government of India officially "denotified" the stigmatized ones, without making any provisions for their livelihood. In 1959, Government of India passed the "Habitual Offender's Act" which is not much different from the "Criminal Tribes Act, 1871." From 1961, Government of India, through the state machineries is publishing state-wise lists of "Denotified and Nomadic Tribes." The police officers posted in any province face no difficulty in identifying the denotified groups. All over India, the denotified communities are jailed, mob-lynched, tortured in police lock-ups. Worst of all, even India's other tribes treat the denotified tribes as "expendable ones."

Language and Culture: Indian Constitution grants cultural and linguistic minorities the right to conserve their language and culture. There are more than 16 hundred languages in India: twenty-nine languages are spoken by more than a million native speakers, 122 by more than 10,000.

In India, Hindi and English are used as official languages of the union. In addition to that, 20 other languages are listed in the 8th schedule of the constitution for official uses in the provinces. The Indian constitution does not specify the official languages to be used by the states for the conduct of their official functions, and leaves each state free to, through its legislature, adopt Hindi or any language used in its territory as its official language or languages. The language need not be one of those listed in the Eighth Schedule, and several states have adopted official languages which are not so listed. Examples include Kokborok in Tripura; Mizo in

Mizoram; Khasi, Garo, and Jaintia in Meghalaya; and French in Pondicherry. In addition, a candidate appearing in an examination conducted for public service at a higher level is entitled to use any of these languages as the medium in which he/she answers the paper. Among the 22 languages listed in the 8th schedule of the constitution, 5-6 languages may be regarded as tribal languages.

However, there are hundreds of tribal languages/dialects in India. The infiltration of non-trbal people in tribal areas indirecltly endangered the tribal languages by setting up schools and imparting instructions through the language and culture of the dominant group in those areas. Another problem is the onus of responsibity to conserve the culture and language on the group itself. How can the group who is socially, economically, and politically week, can preserve its langugae and culture if there is no government support?

Still, Indian tribal people speak in their own lanaguages and are able to retain their culture to a significant level notwthstanding the continuous presssure of dominant language and culture.

Political Rights and Representation:

In the two houses of Parliament, the *Lok Sabha* and *Rajya Sabha* 7.5% (41) seats are reserved for Scheduled Tribe population and similar representation occurs in the provincial assemblies in proportion to the percentage of Scheduled Tribes in the province. Besides some important union minister portfolios occupied by the members of Scheduled Tribe community, India had Scheduled Tribe President, Deputy Prime

Minister, and currently the Speaker of *Lok Sabha,* Mrs. Meira Kumar is a Scheduled Tribe woman.

In 1951, the Fifth and Sixth Schedules under Article 244 of Indian Constitution provided for self-governance in specified tribal majority areas. Government of India also established a Ministry of Tribal Affairs. It carved out the states of Chhattisgarh and Jharkhand in acknowledgment of tribal sentiment.

THE CANADIAN SCENARIO:

Aboriginal identity refers to those persons who reported identifying with at least one Aboriginal group, that is, North American Indian, Métis or Inuit, and/or those who reported being a Treaty Indian or a Registered Indian, as defined by the *Indian Act* of Canada, and/or those who reported they were members of an Indian band or First Nation.

Aboriginal ancestry refers to the ethnic or cultural origin of a person's ancestors, an ancestor being usually more distant than a grandparent. In the census, if a person reports at least one Aboriginal ancestry response, the person is counted in the Aboriginal ancestry population.

Population and Habitat:

In 2006, Aboriginal peoples accounted for 3.8% of the total population of Canada enumerated in the census, a total of 1,172,790 people identified themselves as Aboriginal persons, that is, North American Indian/ First Nations, Métis or Inuit in the 2006 Census (Statistics Canada 2008).

Almost three-fourths (73.7%) of all

Aboriginal Peoples live off-reserve in Canada, and the rest of them live on-reserve. Eighty per cent aboriginal peoples live in Ontario and four western provinces. In Nunavut and North-West Territories, concentration of aboriginal population is highest, 85%, and followed by 25% in Yukon; among the provinces, Manitoba, and Saskatchewan, the percentages of aboriginal populations are 15% each (Ibid 2008).

The Aboriginal population is becoming increasingly urban. In 2006, 54% lived in an urban centre, an increase from 50% in 1996. Urban areas include large cities, or census metropolitan areas, and smaller urban centres. In comparison, 81% of non-Aboriginal people were urban dwellers in 2006. The difference between the two proportions is due mainly to the large share of First Nations people who live on reserves (Ibid 2008).

GOVERNMENT POLICIES

Precursor

Treaties and acts are the best-regarded instruments, which historically determine the relations between Aboriginals and Colonists. The first recorded treaty was the Great Peace of 1701. Since then, there are major and minor treaties and some very important acts like Royal Proclamation Act, 1763, British North American Act, 1867, The Indian Act, 1876, The Constitution Act, 1876 dictates the terms and conditions of aboriginals' existence. After the formation of confederation of Canada in 1867, Government of Canada has undertaken some measures for the upliftment of its original inhabitants, which are discussed below.

The State Agenda for Tribals:

Unlike India, Government of Canada does not have any kind of reservation for the upliftment of its aboriginal populations; however, there are several government-assisted programmes for the aboriginal peoples. For example, housing on the reserve is fully funded by the government of Canada; in addition, aboriginals on reserves and off reserve get full financial support for education of their children from kindergarten to Grade 12 and only status Indians receive some funding for post-secondary education. In regard to taxation, Indians who live on reserve are exempted from property tax for personal property; the act says that a Status Indian working on a reserve is exempt from income taxes. However, there is a complicated formula involved here – the location of the duties and residence of the employee and employer must be taken into consideration. And Status Indians do not generally pay the federal goods and services tax or provincial sales tax if they buy something on a reserve or if it is destined for a reserve.

In addition to that, the federal government also funded for the preservation of aboriginal languages and culture.

CONDITIONS OF EXISTENCE:

Education: In 2006, those without a secondary school diploma are from 32% of the aboriginal, more than double the rate of the rest of Canadians (15%). 36% aboriginal men and 27% of Aboriginal women had not completed high school compared to 17% non-Aboriginal men and 12% of non-Aboriginal women. Only 8% of Aboriginal peoples have a bachelor degree or higher- and the rest of

Canadians -22%. The 28% of non-Aboriginal women who have a university degree or higher are double the rate of for Aboriginal women. Among the aboriginal men, where only 8% have a university degree or higher, which is less than a third of the 25% for non-Aboriginal men (Wilson et al 2010). Despite the increased educational attainment for Aboriginal men and women, the disparity between non-Aboriginal populations is growing, not diminishing. The drop -out rate for Aboriginals before completion of grade 9 is about 20 percent and 40% before completion of grade 12, compared to 3% and 16% respectively for the non-aboriginal population (Macionis et al 2005).

Employment and Occupation: Canada's Aboriginal labour market segmentation occurs in four ways: between east and west, and on and off -reserve. In the east and off –reserve, the Aboriginal labour market is not too far different from the Canadian norm. On –reserve and in the west, the Aboriginals labour market is much worse than the Canadian norm.

Canada's aboriginal people remain more than twice as likely to be unemployed as non-aboriginal people (respectively 14.8% and 6.3%). This finding comes even though unemployment rates are dropping more quickly for aboriginal people than non-aboriginal people. The unemployment rate among core working-age aboriginal people — those aged 25 to 54 — in 2006 was down by 4.2 percentage points to 13.2 in 2006 from 17.4 per cent in 2001 while the unemployment rate for non-aboriginal people dropped only 0.8 percentage points to 5.2 per cent. The labour force data showed that employment rates were up for Inuit, Métis and First Nations groups. As a whole, the employment rate for aboriginal Canadians in 2006

was 65.8 per cent, an increase from 61.2 per cent five years earlier. The growth (2001-2006) of self-employment for aboriginals and non-aboriginals respectively are 7% and 25% (Wilson et al 2010).

About 35% of the aboriginal populations work in primary sector (agriculture) compared to national average of only 2%. Only 2.2 % of the white collar jobs like administrative and foreign service, executive and operational, scientific professional, and technical jobs are occupied by aboriginal peoples in 2009 (Statistics Canada 2010). Aboriginals Canadians made up only 2% of all university teachers (CUTA 2010).

Income: Aboriginal peoples are among the poorest in Canada. The median income for Aboriginal peoples was $18,962 compared to $27,097 for the rest of the Canadians in 2006- a 30% difference (Wilson et al 2010). The difference is decreasing, but marginally.

Housing: The house ownership rate among aboriginals is 28.5 per cent, compared to 67 per cent for the Canadian population as a whole. The Indian Act prevents Aboriginals on-reserve from obtaining title to land. The Act also forbids the seizure of Indian lands under legal process, preventing legal recourse to enforce a mortgage. The Act thus prohibits the development of successful housing programs. Some bands have used innovative means to establish and maintain successful ownership programs despite the Act. The growing aboriginal population off-reserve is trapped, in many cases by inadequate income, in others by lack of housing supply, or a combination of both. Many aboriginals migrate to larger cities where rents and house prices are very high. (Aboriginal Housing in Canada: Building on

Promising Practices by International Housing Coalition, Case Study: 3; 2006)

The Assembly of First Nations (AFN) says there is a current urgent need for 80,000 new units across Canada, and 44 per cent of the existing 88,750 houses are in critical need of repairs. As years pass without new building goals being met, the number of units urgently needed to house the aboriginal population increases exponentially. According to the 2001 census, 54 per cent of houses on-reserve is in substandard condition. Eleven per cent is overcrowded compared to one per cent elsewhere in Canada.

The Congress of Aboriginal Peoples (CAP) represents Aboriginals off-reserve. It cites an unacceptably high degree of core housing need for Canadian aboriginal families and individuals living off-reserve. In addition, many others do not qualify because they are living with family or friends, or have no housing at all. The homeless peoples are difficult to quantify since they have no stable location.

Aboriginal renter households live in lower quality dwellings than the rest of the population. More than 16 per cent of rented dwellings are in need of major repair. Thirty-seven per cent of aboriginal households spend more than a third of their income on rent and 15 per cent have a severe rent burden, paying more than half their income for shelter. The study says aboriginal income is roughly 87 per cent of non-aboriginal income, meaning aboriginal families and individuals have

even less money to spend on rent and other necessary expenses (NAHA 2004).

Health**:** The life expectancy for aboriginal people approximately 6.5 yrs lower than that of non-aboriginals**.**

Canada's overall suicide rate is typically about 14 per 100,000 people; suicide rates are five to seven times higher for First Nations youth than for non-Aboriginal youth. Suicide rates among Inuit youth are among the highest in the world, at 11 times the national average. Suicide rates in the Canadian Native population are more than twice the sex-specific rates, and three times the age-specific rates of non-Native Canadians (56.3 per year per 100,000 persons for Native males and 11.8 for Native Females). Among Aboriginal males, the rate for the 15-24 year age group was 90. This is more than double that for all Aboriginal males: 39. Suicide among northern Native youth has reached epidemic proportions.

Language and Culture: Retaining of mother tongues varies widely among 3 aboriginals groups. There are 60 aboriginal languages spoken by First Nation Peoples, grouped in distinct language families, which include Algonquian, Athapaskan, Siouan, Salish, Tsimshian, Wakashan, Iroquoian, Haida, Kutenai and Tlingit. Knowledge of an Aboriginal language among the First Nations population holds steady at 29 per cent, the same as in 2001. Cree is spoken by the largest number of First Nations speakers.

Michif is the traditional language spoken by Métis people, which are evolved from the intermingling of Cree and French languages. However, most commonly spoken aboriginal language among the Métis is Cree. Knowledge of

an Aboriginal language among the Métis population is down by one per cent when compared to the 2001 census. Only about four per cent of Métis said they spoke an aboriginal language.

There are five primary distinct Inuit language dialects, collectively known as Inuktitut, spoken throughout Canada. Inuit were most likely to speak an aboriginal language, according to the 2006 census. Just over 32,200 Inuit, or 64 per cent of the total, said Inuktitut was their mother tongue. Knowledge of Inuktitut among the Inuit population is down by three per cent when compared to the 2001 census (Census 2006).

According to Indian and Northern Affairs Canada, in a 2002 publication entitled *From Generation to Generation: Survival and Maintenance of Canada's Aboriginal Languages Within Families, Communities and Cities*, aboriginal languages already extinct include Huron, Petun, Neutral in the Iroquoian family, Beothuk, Pentlatch and Comox in the Salish family, and Tsetsaut and Nicola in the Athabaskan family. And more than a dozen aboriginal languages are near extinction, the 2002 report said.

The federal task force said aboriginal languages range from "flourishing" to "critically endangered." "Even languages with a large number of speakers may be flourishing in some regions and be in a critical state in others," it reads. It concludes: "Some are spoken by only a few elders, others by tens of thousands. Large language groups like the Cree, Ojibwa and Inuktitut are viable, having at least 25,000 speakers, ranging from the young to the elderly. However, all languages, including those considered viable, are

losing ground and are endangered."

When language is critically endangered, culture cannot be protected. The invasion of dominant European languages and culture along with imposing of Christianity has jeopardized the aboriginal culture to such an extent that the traces of aboriginal culture could only be seen in museums or formal theaters.

Criminal justice: Aboriginal peoples accounted for 24% of those admitted to provincial or federal custody in 2006-2007 (Globe and Mail, Dec. 28, 2009). High level of alcohol abuse is also found in Aboriginal communities, where one in five people are admitted to hospital for an alcohol-related illness on an annual basis. Domestic violence is also common as 80% of Aboriginal women have stated that they have experienced some form of physical abuse at some point in their lives (Canadin Criminal Justice System 2000). Countrywide, a recent report estimated that 22 percent of all gang members in Canada are aboriginals (The Forgotten People 2009).

Political Rights and Representations

It is most often stated that Aboriginal people received the right to vote in 1960. This statement, however, is incorrect. While most Status Indians received the unconditional right to vote in 1960, the Inuit received the right to vote in 1950, and still other Aboriginal people (such as the Métis and Non-Status Indians) received the vote alongside other Canadians.

However, the existing studies show that Aboriginal participation rates are, on average, lower than their Canadian counterparts. Studies also show that turnout varies dramatically among

Aboriginal peoples and across regions. According to the results of a public opinion poll, the participation rate of Aboriginal people on reserves was 52 percent, whereas the participation rates of those living off reserves was 67 percent (Elections Canada 2005).

The historical reasons, as Robert Milen (1991) has suggested, arose from the legacy of colonialism and, specifically, the federal government's assimilation-through-enfranchisement policy. Thus, Aboriginals view the electoral system with suspicion. However, Milen has noted that Aboriginal concerns regarding the franchise were not homogenous:

- Métis organizations consistently advanced proposals for guaranteed representation during the Constitutional conferences of the 1980s.
- Various treaty nations have rejected offers of Canadian citizenship and electoral participation on the grounds of sovereignty and nationhood.
- Many treaty nations choose to stay outside the Canadian electoral process because of their nation-to-nation relationship with the Crown.

Aboriginal representation in Canadian Parliament is very low. There are only 5 aboriginal MPs out of 308 MPs 7 aboriginal Senators in a total of 105 senators in the current parliament in Canada. None of them has any ministerial portfolio.

Self Determination

Throughout history, Aboriginal people's civil

and political rights have been restricted, which was another expression of the racist attitudes and policies that were directed at Aboriginal peoples. This includes the denial of the right to vote, which was only reinstated in 1960. Aboriginal people were not only denied many rights throughout history, but were also denied the political system required to address the many issues that are a part of their reality.

In response to the many oppressive forces that Aboriginal peoples have faced and continue to deal with, they have long expressed their determination of returning to self-governance in line with their political traditions. Native traditions of governance and diplomacy such as the League of Six Nations were sophisticated systems that embodied highly democratic values. Decision-making by consensus, the liberty of the individual, and leadership by persuasion rather than coercion were the norm in most communities and are still important values. Aboriginal people were self-governing until the Indian Act imposed alien and seriously flawed forms of limited self-government in the form of the band council system.

In 2001, the then Minister of Indian and Northern Affairs Canada, Robert Nault, proposed Bill C-7. Bill C-7 was to be the First Nations Governance Act, and would amend parts of the Indian Act that dealt with governance issues. Though it seemed as though someone in government was finally addressing the need for self-governance, there was an outcry from Aboriginal communities and peoples all across Canada. Many Aboriginal people thought that the FNGA "reflect(ed) the same mentality that produced the first Indian Act, the same old Indian

Agent thinking". It was largely seen as just another attempt to assimilate Aboriginal people into mainstream society.

The Royal Commission on Aboriginal Peoples identified the need to negotiate and reconcile Aboriginal governments within Canada as one key step towards resolving the concerns of Aboriginal peoples and building a new relationship between Aboriginal and non-Aboriginal peoples based on mutual respect, recognition and sharing. Aboriginal peoples are now looking towards and fighting for a future that includes the right to have their beliefs and values at the core of a governing body.

CONCLUSION

> On the 26th January 1950 we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principal of one man, one vote, one value. In our social and economic life we shall by reason of our social and economic structure, continue to deny the principle of one man, one value, how long shall do so, only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment. *Babasaheb Ambedkar, Father of Indian Constitution and a dalit leader. 1951*

> I am an Indian. I am proud to know who I am where I originated. I am proud to

> be a unique creation of the Great Spirit. We are part of Mother Earth.... We have survived, but survival by itself is not enough. A people must also grow and flourish. *Chief John Snow, These Mountains Are Our Sacred Places. 2005*

The above quotations are from two different persons from two different countries in two different time periods. However, the reader must have seen the similarities (underlined) among those two sayings.

Despite the similarities, it is really difficult to compare the conditions of aboriginal peoples in two countries, as the history, geography, colonialism, economy, and society of these two countries are different; in addition to that, types of available data are also different. So, instead of direct comparison, it is probably better to compare through Marshall's conception of citizenship rights available to the aboriginal peoples of these two countries.

Marshall's Citizenship Rights:

Civil Rights are protection of individual freedom like liberty of the person, freedom of speech, thought, and faith, right to own property, and right to justice.

Indian aboriginals do enjoy more civil rights than their counterpart in Canada. Canadian aboriginals who live on reserve do not have any property right on reserve land or the houses they live on reserve.

The Indian Act of 1876 is probably the most notorious act for the aboriginals. According to this act an aboriginal woman married to a non-aboriginal man, will lose the Indian status. It

had put many restrictions on aboriginal civil rights such as aboriginals can only drink when they are on reserve, banned potlatch ceremony (1884); powwows (1925) was also banned; the act was so limiting that First Nations band members could not leave the reserve without a special pass.

However, when the Indian Act was revised in 1951, Indian status and enfranchisement clauses were retained. The law banning Indian ceremonies was repealed, and First Nations members were given the right to enter public bars.

Perhaps the most terrible aspect of this act probably was setting up of residential schools in mid -19th century for aboriginal children; they were forcefully taken away from their parents and placed in the residential boarding schools. These children were snatched of their own religion, language, and culture. There were many incidents of physical, sexual, and psychological abuses in those residential schools. The last residential school was closed in 1996 leaving behind a dreadful story of forced assimilation.

In both countries, aboriginal peoples were forced to covert to Christianity under several conditions. The process of conversion was much more forceful and coerced in Canada than in India.

Political Rights are right to participate in the existence of political power as a member of a body invested with political authority or as an elector of the members of such a body.

It was not until 1960 that all Canadian aboriginals were allowed to vote in federal elections. So, it took almost 100 years since the formation of confederation that all aboriginals got the voting right. Whereas Indian aboriginals

(tribes) got the same right in 1951, the year Independent India's first general election was held. In both Canada and India aboriginals were given autonomy in some regions where they have clear majority. However, in regard to numerical representation in the law making bodies, Canada does not have any reservation for its aboriginal populations at any level of power structure. While in India, tribes (aboriginals) have proportional representation in all the 3 tiers of power structure i.e. local (municipality and *panchayat*), state legislature, and the parliament.

Social Rights are compulsory education, health, and social services.

As a nation, while India is struggling for mass literacy, Canada is concerned with post-secondary education. While 68% of Canadian aboriginals have a secondary school diploma compared to 85% of the rest of the Canadians (2006), the literacy rate of India's tribal population is 47% compared to 65% of overall literacy (2001). Both countries have free secondary education system. In addition to that, India has a system of free mid-day meals at primary schools to attract poor students and reduce the rate of dropouts.

There is no doubt that overall health care system in Canada is much more developed than that of India and it has universal health care system; yet compared to general population, conditions of aboriginal heath in Canada is deplorable. The same is true for India, despite its free health care system in government hospitals.

As discussed before, there are many social assistance programs in India for socio-economic development of its tribal population, yet the tribes are the most disadvantageous group in Indian

population. In Canada, aboriginals on reserve get free housing and education, but there are no other programs for their socio-economic upliftment. Obviously, the condition of aboriginals in Canada is also worst compared to other ethnic groups. In both countries, they are the poorest, most vulnerable, and socially excluded population with some important differences.

In Canada, aboriginals are much more socially excluded than the tribes in India. Why?

Analyzing historically, India's first Prime Minister's forwarding note to Verrier Elwin's book set the trend for tribal policy in India: integration whereas, in Canada the path was forced assimilation. The rulers in Canada are outsiders: ethnically, culturally, linguistically, socially, religionwise and politically they are different. A completely different system brought from outside and was imposed on the aboriginals of Canada. The norms, values, institutions in Canada were not developed from within the country. Thus aboriginals in Canada do not find any similarities with either the English Canada or the French Canada. They are isolated, alienated, and socially excluded. In India, the institutions are much more organic, except the political institution, which has huge colonial impact. The dominant religion in India is Hinduism; it gradually evolved within the country after the Aryans came to India. But almost 70% traits of Hindu religion are indigenous. Tribes are at the bottom of the socio-economic ladder of Indian society, but they are integral parts of Indian society. Their culture is indented by the dominant cultures in India, but those are also Indian. In regard to language also, dominant as well as dominated both are Indian. Moreover, Canada dose not have any reservation system for

its aboriginal people in education, job, and politics, which India does have. Though, government of India's policy of reservation failed to bring expected success due to many reasons like corruption, political opportunism, etc. yet government initiatives, at least insert a kind of belief among the beneficiaries that "sarkar' (government) is trying to do something for their good. There were massive exploitation of tribal people by the non-tribal people, there were atrocities against the tribals, there were killings of tribals in India, but there were no mass killings of tribal people at any time of history continuing for decades after decades in this country. These are some the issues in the process of inclusion of aboriginal peoples in India and Canada and these are the reasons why aboriginals in Canada is much more excluded than their counter part in India.

The process of inclusion is still an uphill task in India and in Canada because of the various institutional forms of resistance working against the process. But the governments concerned must accept the challenges and work out strategies and plans taking lessons from the past and continue the process of inclusion till success is achieved.

Biographical Note

Dr. Kanchan Sarker is on the Sociology Faculty at the University of British Columbia—Okanagan. He has been a researcher at the Sociological Research Unit of Indian Statistical Institute, Kolkkata and worked extensively with tribes in India.

Contact information

Department of Sociology
The Irving K. Barber School of Arts and Sciences
The University of British Columbia, Okanagan
Kelowna, BC Canada V1V 1V7

REFERENCES:

Thorat, Sukhdeo. 2008. "Social Exclusion in the Indian Context: Theoretical Basis of Inclusive Policies." *Indian Journal of Human Development* 2(1): Pp 165-181.

Buvinic, Mayra. 2005. "Social Inclusion in Latin America. Pp 3-32 in Myra Buvinic and Jacqueline Mazza (eds), *Social inclusion and Economic Development*. Baltimore, MD. Johns Hopkins University Press.

Sen, Amartya. 2000. "Social Exclusion: Concept, Application, and Scrutiny". *Social Development Paper No. 1*. Asian Development Bank. June. Pp 7.

Ibid. Pp 7.

Ibid. pp 4-5.

Xaxa, Virginia. 2008. *State, Society, and Tribes.* Delhi. Pearson Longman. Pp 1-2

Ibid. Pp 1-2

Ibid. Pp 5-6

Government of India. 2005. Report of the National Commission for Scheduled Tribes. Delhi. Pp 1.

Sarkar, Sandip., Sunil Mishra, and Dev Nathan. 2006. "Development and Deprivation of Scheduled Tribes." *Economic and Political*

Weekly 41(46). Pp 4824-4827.

Government of India. 2001. Census of India. New Delhi

Hasan, Rana, and Aashish Mehta. 2006. "Under-representation of Disadvantaged Classes in Colleges: What Do the Data Tell US?" *Economic and Political Weekly* 41(41): 3791-3796.

Mohnaty, Mritunjoy. 2006. "Social Inequality, Labour Market Dynamics and Reservation." *Economic and Political Weekly* 41(41): 3777-3789

Louis, Prakash. 2003. "Scheduled Castes and Tribes: The Reservation Debate." *Economic and Political Weekly 38(21): 2475-2478*

Karade, Jagan. 2008. "Development of Scheduled Castes and Scheduled Tribes in India." Newcastle. NE: Cambridge Scholars Publishing. Pp 114-132

Statistics Canada. 2008. "Aboriginal Peoples in Canada in 2006: Inuit, Métis and First nations, 2006 Census" Ottawa. ON.

Wilson Daniel and David Macdonald. 2010. The Income Gap between Aboriginal Peoples and the Rest of Canada. Canadian Centre For Policy Alternatives. Ottawa, ON. Pp 1-34

Macionis, John J. and Linda M. Gerber. 2005. Sociology. Toronto, ON. Pearson Prentice Hall.

CAUT. 2010. Bulletin 57(2). Ottawa, ON.

CREA. 2006. Aboriginal Housing in Canada: Building on Promising Practices. IHC Case Study. Vancouver, BC. Pp 1-34

NAHA. 2004. A New Beginning: The National Non- Reserve Aboriginal Housing Strategy. Ottawa, ON. Pp 1-64

The Globe and Mail. 2010. Dec. 2

Canadin Criminal Justice Association. 2000. Aboriginal Peoples and the Criminal Justice System. May 15. Pp 1-3

The Forgotten People. 2009. The Voice of Off-reserve Indian and Métis Peoples throughout Canada. Winter. pp 10

Election Canada. 2005.

Milen, Robert A (ed.). 1991. Aboriginal Peoples and the Electoral Reforms in Canada. Vol. 9. Ministry of Supply and Services Canada. Toronto, ON.

Snow, Chief J. 2005. These Mountains Are Our Sacred Places. Fifth House. Calgary, AB.

Acknowledgement:

I wish to acknowledge my deep indebtedness to Dr. Virbinia Xaxa, Professor of Sociology, University of Delhi, India for his outstanding book: ***State, Society, and Tribes: Issues in Post-Colonial India***. I also extend my gratitude to Dr. Gregory Younging of Indigenous Studies of the University of Columbia-Okanagan for his suggestion to submit this paper to the Fourth World Journal.

Fourth World Journal
A Publication of the Center for World Indigenous Studies

Volume 9 Number 1 *PP 89 – 109*

Comments and Recommendations on the United States Review of the UN Declaration on the Rights of Indigenous Peoples

Originally transmitted to the US Department of State in June 2010

by Rudolph C. Rÿser
Center for World Indigenous Studies

The Center for World Indigenous Studies has served as a research, education and policy analysis institution since its founding in 1979 when American Indian government officials meeting in a Conference of Tribal Governments called for the establishment of a documentation center. In the more than thirty years of our service we have contributed to and originated efforts to advance traditional knowledge and a constructive relationship between indigenous nations and states' governments in North America and throughout the world.

This analysis offers six specific recommendations that provide substantive guidance as well as significant improvements for US policy in the field of indigenous peoples' affairs.

It was in line with the Center's mission of advancing traditional knowledge that we actively supported and participated in the work of the United Nations Working Group on Indigenous Peoples throughout the years from 1982. We were instrumental in offering language for the development of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and worked to facilitate indigenous leadership participation in the more than 12-year dialogue that eventually became the approved Declaration.

The United Nations Declaration on the Rights of Indigenous Peoples is perhaps the most significant international statement of consensus since the completion of the Universal Declaration of Human Rights (10 December 1948). It significance for the United States of America is considerable due to the extensive embrace of historic US values contained in the UNDRIP. Fairness, compliance with democratic principles, peaceful conflict resolution, respect for the individual and inclusiveness without regard to race, color, creed, religion, and association are all values contained in the UNDRIP that the United States, its leaders and its people have celebrated for more than two centuries.

The United States government, to the surprise of virtually all participants in the UN Working Group process during the 1980s and 1990s, actively opposed and even attempted to undermine efforts to engage constructive and cooperative dialogue to find an appropriate international consensus on the "situation of indigenous peoples." That this opposition carried over the terms of four US Administrations was an even greater surprise to those in the world who believed the United States of America, of all countries, would not actively oppose the application of widely accepted principles of

Human Rights to more than one-sixth of the world's population. Officials of the US Government never explicitly stated its objections to proposed language being discussed in the United Nations Working Group. Indeed, US officials working in concert with officials from Australia, New Zealand and Canada simply created obstructions objecting to the use of terms such as "self-determination," "territory," "peoples," and "collective ownership."

We at the Center for World Indigenous Studies believe that virtually all states' governments, including the United States of America have several potentially legitimate concerns that ought to be forthrightly addressed. Without explicit US governmental statements as to its objections (other than the rather stretched suggestions that the Declaration should be consider an "aspirational document" and consideration within the legal framework of existing US law) undertaking a thorough review of US/Indigenous concerns regarding adoption of the UNDRIP can be hazardous. Since the US position is precisely the position taken by the government of Canada, one must wonder if there isn't a truly hidden explanation since everyone knows and understands that the Declaration is a consensus document expressing principles that should guide and not legally bind states' governments in their development of legal structures internally. That is after all, the nature of such international declarations.

These are concerns we believe have potentially legitimated value, which should be thoroughly reviewed and settled with the full transparency so often called for in public statements from the US. Some of these concerns may include: Stability of the State System, Economic Market Growth, Refugees – Due to Violence or Climate Change, US Military Engagement of Indigenous Peoples, and Interference

in the Internal Affairs of Existing States,

Stability of the State System

There are in the world perhaps as many as 38 failed or bankrupt states that threaten, by their instability, the economic and political system of states. No fewer than 10 of those failed or bankrupt states stand on the brink of collapse or chronic instability. *Foreign Policy* and Fund for Peace in a collaborative study for 2010 identify Somalia, Zimbabwe, Sudan, Chad, Dem Rep of the Congo, Iraq, Afghanistan, Central African Republic, Guinea, and Pakistan as the top ten states suffering from complex demographic, refugee, economic, and political instabilities. We agree that the social, economic, and political indicators used by the *Foreign Policy*/Fund for Peace study accurately reflects the condition of states in the throes of collapse or chronic instability. We note that these conditions are serious and quite threatening to regional and global peace. All of the states have in their collective populations sizable groupings of indigenous peoples. In some instances, the many indigenous groups within the state dominate the state's population or one indigenous population rules over many other distinct indigenous groups. We suspect that some in the US government have reasoned that recognized indigenous peoples' rights might further exacerbate already messy situations for many states. It might, therefore, constitute a legitimate basis for opposing adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Indeed, a rather limited vision may draw the conclusion that indigenous peoples might begin to seek separation from already laboring states. There are many indigenous peoples living under repressive conditions that compel consideration of separation

and independence. Some argue that accepting such separations guarantee the collapse of those states directly affected. When a people experiences such repression that separation is the only realistic alternative to perpetual suffering or even destruction, then either violent revolt becomes an option or peaceful, negotiated transition becomes an option. Continued repression cannot be considered a serious option. Indeed, an international system that has worked hard to establish documents like the Universal Declaration of Human Rights cannot countenance repression or violence being done to indigenous peoples located inside an existing state.

The League of Nations came close to considering a new international framework regarding the situation of populations living without their consent inside an existing state. This noble effort became the stage where the "blue water rule" was instituted, permitting the decolonization of territories and peoples separated from the colonizing power by "blue water." This doctrine has proved enormously beneficial to the freedom of peoples. The other much more complex problem faced by the League concerned the political status of peoples located inside an existing state seeking separation. Indeed, the principle of self-determination arose from the recognition of just such circumstances in Central Europe after World War I. The breakdown of states has been a phenomenon since the establishment of San Marino, the first modern state in 301 AD. Though the Republic of San Marino with its population of 30,000 seems unremarkable, it has never the less seen scores of states disappear and become replaced by different political formations. That process continues to the present day. The phenomenon has occurred so frequently it should be considered a normal part of international life. We have seen the breakdown of the Union of Soviet Socialist Republics, Czechoslovakia, and Yugoslavia

in just the last generation and note that Belgium stands ready to break up between the Walloons and Flanders. Many thoughtful foreign policy analysts hold the view that maintaining the *status-quo* embracing the principle of "non-self-dismemberment of existing states" is the formulae for state system stability. The problem with this view is there is no sufficient evidence that enforcing the *status-quo* actually produces stability. Indeed, there is a great deal of evidence that enforcing the principle of "non-self-dismemberment" actually contributes to resentment, growing tensions, violence and what is often referred to as civil war (merely a useful term to avoid casting such conflicts as having international implications).

There is no evidence that adoption of the United Nations Declaration on the Rights of Indigenous Peoples will stimulate a people to separate from an existing state—as if to suggest a kind of license to do so. Where such separations appear to be imminent one need only look closer at the history of relations within the suspect state to see that conditions and intentions relating to separation existed long before adoption of the Declaration. The Declaration, therefore, cannot be considered the cause of any people to actively move toward political independence. Indeed the Declaration offers the prospect for developing new and forward looking international agreements and domestic state laws that can help stabilize shaky states and ease the process of separation. Instead of ignoring conflicts within a state, until they become too great and affect sub-regional and regional stability, states and indigenous nations must be proactively engaged to facilitate "break-ups" or help counsel through mediation settlements that will avoid separations. While this is a complicated process due to many different interests (neighboring states, resource access, economics and social), it is

more sensible to prevent violence through intentional mediation and structural adjustments. Again the United Nations Declaration on the Rights of Indigenous Peoples now provides the underlying framework for developing international agreements, domestic laws and protocols that will ease the breakdown of states in recognition of an historical phenomenon that will continue to occur.

Some may regard the Declaration's reference to "free, prior and informed consent" as a virtual veto granted to indigenous peoples over states' government economic and political decision-making. Recognizing, as is stated in Article 10 of the Declaration, that indigenous peoples "shall not be forcibly removed from their territories" and that such "peoples" should be recognized to have the right to refuse seems consistent with democratic values and supportive of peaceful conflict resolution. In other words, it would seem that honorable governments should seek accommodation and compromise through negotiations to avoid what would be an inevitable conflict that could have violent features. When a state seeks to impose through force (political or violent) a decision that favors the state it engages in anti-democratic behavior.

There is common recognition that negotiated settlements of differences (though laborious and often time consuming) is preferred to *coerced* decisions. In the United States, we (Indian governments and the US government) have worked in fits and starts over the last forty years to establish a constructive relationship between Indian governments, the US government and even with state governments. These efforts were rewarded in 1992 when an Indian government initiative aimed at establishing a framework for government-to-government relations resulted in more than 300

negotiated compacts of self-governance. Though only a small first step, the negotiations did produce new mechanisms for resolving differences between the United States and Indian governments on matters involving the Bureau of Indian Affairs and the Indian Health Service.

That such efforts produced an important step toward a balanced intergovernmental relationship between Indian governments and the United States cannot be denied. Free, prior and informed consent is the focus of a dialogue begun by President Barack Obama in November 2009 when he held a meeting with Tribal Leaders to, among other things, discuss ways to improve "consultations." While succeeding generations of tribal leaders engaged all US Administrations since Franklin D. Roosevelt in discussions concerning tribal consent and methods of consultation, little progress was actually achieved. Under the present administration there is some progress now being made—in large measure because of the successes of the government-to-government agreements on self-government initiated by Indian governments with the first George Bush presidency. "Consultation" is the framework within which "free, prior and informed consent" must be applied. The US government is already moving with tribal governments to establish this framework though there is still no formal structure within which negotiations to establish a framework can be conducted.

Given the focus of Indian government and US government intergovernmental development over the last forty years, it seems rather disingenuous of US officials at worst and ill informed at best, to oppose internationally what it is itself attempting to institute. US foreign policies are simply not in alignment with internal policies regarding indigenous peoples. Such a circumstance creates

structural and policy conflicts when complex issues such as Human Rights, Ocean wildlife management (i.e., salmon and whaling) Climate Change, World Trade, and regional security (i.e., migration from indigenous communities in Mexico, Guatemala and elsewhere, violence and wars in Nicaragua [1981-1991]) involve both the interests of the United States and the interests of American Indian nations, Alaskan Natives or Hawaiian Natives. When internal indigenous nations' interests and US interests agree, there is little conflict. When those interests diverge, there is substantial conflict. A coherent internal and external indigenous policy is essential and adoption of the UN Declaration on the Rights of Indigenous Peoples provides a substantive balance to developing internal indigenous peoples' policies.

It is in the interest of the state to have constructive and stable relations with indigenous peoples. To act coercively instead of cooperatively and constructively is to contribute to instability. The United Nations Declaration on the Rights of Indigenous Peoples offers the prospect of stability and comity whereas rejection of the principles contained in the Declaration actually contributes to the breakdown of the state system.

In sum, state instability is caused by **not enough** communication, constructive and cooperative relations—not **too much**. The UN Declaration offers more means for constructive and cooperative relations that can lead to greater stability—especially with the development of new international instruments implementing principles outlined in the Declaration, and similarly, new domestic state laws also implementing these principles.

Free, prior and informed consent constitute merely favorable recognition of a time honored

democratic principle. Peoples must be able to freely choose their social, economic, political, and cultural futures without external coercion. Without such a principle, the world will necessarily be totally ruled by violence. Recognition of this principle sets the stage for mutually established and conducted negotiations where mediation can help resolve difference and affected parties can achieve their interests.

Economic Market Growth

Article 26 of the Declaration announces a principle that is applied to every other group of human beings in the world. No people may be deprived of their lands, territories, and resources on which they must necessarily depend for their livelihood. Such thinking in the abstract seems quite acceptable except when states' parties and economic interests look upon land and natural life as free bounty that has no value unless it is exploited and converted into a commodity. It is the conflict of perspectives that these ideas represent. Climate Change concerns call into question the right of anyone or group of people to engage in unlimited exploitation of lands and natural life. The Convention on Biodiversity urges us all to recognize that the common life on which all living things must depend requires a conscious and thoughtful respect for limitations. Indigenous peoples occupy 80% of the world's last remaining biodiversity. Their cultural practices ensure the continuity of that diversity. The sheer diversity of life in indigenous territories sustains life throughout the planet. Without recognizing indigenous peoples' right to "own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use" (Article 26) one substantial part of humanity

would be allowed to commit suicide for all of humanity by virtue of its greed when unlimited growth and development degrades natural, living diversity. The UN Declaration on the Rights of Indigenous Peoples constitutes a framework for rethinking growth, development, and uncontrolled exploitation of living things. Indigenous peoples benefit all of humanity by virtue of their continued uses of living things that promotes diversity and therefore life-sustaining potential as climate changes. Economic growth and natural life exploitation may be seen now in the long term as counterproductive while "sustained and limited growth that matches the capacity of nature to renew itself" may prove to be the best approach for all of humanity.

Refugees: Violence and Climate Change

The vast majority of refugees (17 million presently) are indigenous peoples forced from their homelands either by violence, economic, state population transfers, or climate change related events. There is no existing capacity to effectively deal with the traumatic events leading up to or following the mass movement of peoples. That such refugee problems affect the stability of existing states is not challenged. The sudden mass movement of human populations challenges many states economically, politically, and socially. Engaging indigenous peoples and their political and religious leaders in a dialogue in advance of potential challenges to population security will require new institutions, rules and protocols. The US Department of Defense cautions the necessity to consider climate refugees as well as refugees from violence as security risks. Indeed, they are. But, waiting until after movement has occurred is enormously expensive and risks serious security

problems, whereas instead proactively engaging indigenous peoples to work out plans in advance can minimize costs and security risks. Proactive planning and organization in regions of the world where it is known that climate change or violence can force the movement of peoples, is critical. The United Nations Declaration on the Rights of Indigenous Peoples provides the framework for developing international and domestic rules and laws for actively engaging the consequences of violent and climatic disruptions. While the cost would seem prohibitive in advance, the truth is that waiting for the disaster simply hides the costs that will overwhelm.

The United States is experiencing a massive migration of indigenous peoples from Mexico, Honduras, and Guatemala and farther from other southern countries. A major contributor to these "economic refugees" and "drug violence refugees" is the unintended consequences of the North American Free Trade Agreement. It was this agreement that eventually caused the Mexican government to abandon the constitutionally guaranteed protection of *ejido lands* from sale. That system allowed indigenous peoples throughout Mexico to produce their own food and excess foods that they could sell. In a fit of economic liberalism, both the United States and Mexico created economic refugees—six million of which remain undocumented inside the US. Meanwhile, the US government exercised its judgment to bring force onto the drug cartels in Columbia to shut down a violent movement that hurt indigenous peoples and city dwellers alike. So effective was the effort that it also closed down trafficking of drugs through the Caribbean to Florida, New York and the rest of the US. The response of drug producers was to shift their operations into Mexico creating enormous pressures on the Mexican population and particularly on the

indigenous peoples. Drugs are being shipped, though not exclusively, from Mexico into the United States through indigenous communities in Mexico and then through indigenous communities in the US like the Tohono O'odham. Indeed, indigenous communities like St. Regis Mohawk have become smuggling routes for as much as 20 percent of all "high-potency marijuana grown in Canada." (Tim Johnson, *McClatchy-Tribune News Service* in *The Bulletin*, July 05, 2010) Consequently, indigenous communities in Mexico, United States and Canada are becoming brutalized by the violence of drug trafficking resulting in migration of populations away from their homelands to avoid violence.

Wars in Guatemala, Nicaragua and El Salvador during the 1980s created hundreds of thousands of refugees that fled to the United States—many becoming undocumented residents. Virtually all of these refugees are from indigenous communities. While the census takers use the term "latino" to identify peoples coming from these countries and Mexico as well, the truth is they are indigenous peoples from Mayan, Cora, Zapotec, Miskito, and Pipil and many other indigenous communities. Indeed, there are now more than 1 million Mayans from southern Mexico, Guatemala, Honduras, and El Salvador inside the United States—many undocumented. Many of these people do not speak Spanish; rather, they speak their own native language instead. These refugees now scatter throughout the US and constitute an area of policy the US government has not considered. The UN Declaration will help provide guidance in the development of policies and laws to assist in the establishment of protection, order and regulation of such populations.

Articles 7 and 22 of the United Nations Declaration on the Rights of Indigenous Peoples

offers principles to guide the development of new international agreements and state, domestic laws to protect indigenous peoples from the consequences of economic and drug related violence. As noted earlier, Article 26 also contributes important guidelines for the development of domestic and international laws that ensure that indigenous peoples are not moved off their lands and territories or denied access to life supporting plants and animals. By so ensuring such security, states' governments will contribute to the reduction of refugees.

US Military Engagement of Indigenous Peoples

The United States of America is clearly a world military power with numerous social, economic, and political responsibilities needing guarantees of safety and security. Unfortunately, the US government's foreign policies emphasizing *exceptionalism* has put the government and the military in the position of serving as one of the world's major antagonists against indigenous peoples. The US government is engaged in violent conflicts with indigenous peoples in Iraq, Afghanistan, Pakistan, Iran, the Philippines, Sudan, Columbia, Peru, Guatemala, Somalia, Sudan, Congo, Nigeria, and elsewhere. These engagements put the US government in the forefront of those states doing violence to indigenous peoples. Due to the expansive definition of terrorism, the United States government has been placed in the awkward position of becoming a major contributor to human rights violations in the world. Whether intended or not, the past policies have done enormous damage to US credibility. Indeed, the US generalized practice of designating various groups as "terrorists" at the request of various states that have had long and contentious conflicts with various

indigenous groups has caused the US government to violently and legally confront indigenous peoples either engaged in defensive or self-determination conflicts with states that claim their territory as part of their domain. Despite the fact that these populations could not threaten the US government or its people, various indigenous peoples have become targets of violent attack by the US military or various security agencies.

Adoption of the UN Declaration on the Rights of Indigenous Peoples would force the US government to reevaluate its foreign and military policies in very fundamental ways. This could be a rather important concern.

By adopting the UN Declaration, the United States government would position itself to revise its stance regarding indigenous peoples...many of which it considers enemies today. This would certainly be the case for the US government's activities in Pakistan, Afghanistan and Iraq.

Recommendation 1: Adopt UNDRIP

Formally approve the UN Declaration on the Rights of Indigenous Peoples without reservations.

Recommendation 2: Convene Congress of Nations and States

Begin preparations to convene an international Congress of Nations and States to formulate new international conventions implementing aspects of the UN Declaration particularly those dealing with Refugees, State Stability, and Climate Change.

(Note: The Center for World Indigenous Studies worked in 1992 to facilitate the development of the Congress of Nations and States with the governments of the Russian Federation, German Federation, Japan and

the United States. In addition, ten indigenous nations including Tibet, Haudenosaunee, San Blas Kuna, and seven other nations agreed to sit with the four states to plan and convene the Congress. When the United States government (Legal Affairs in the Department of State) waved the Russian government off of the effort, negotiations came to a sudden halt. It remains a viable plan with even greater chance of success using the UN Declaration on the Rights of Indigenous Peoples as the consensus foundation.)

Recommendation 3: Summit on Framework for Government-to-Government Relations

After adopting the UN Declaration, convene a countrywide Summit on a Framework for Government-to-Government Relations involving all American Indians, Alaskan Natives, and Hawaiian Natives (as governmental representatives) to negotiate and conclude a multi-lateral agreement and protocols for the conduct of intergovernmental relations (including consultations).

Recommendation 4: Indigenous Peoples Participation in Climate Negotiations

Recognizing that Climate Change negotiations continue in Ad-Hoc Intergovernmental sessions between Conference of Parties meetings to conclude a new treaty to replace the Kyoto Protocols, and noting that indigenous peoples have not been permitted to participate in these meetings in their own right, but have been relegated to the role of non-governmental, civil society organizations, and recognizing that indigenous peoples exercise greater responsibilities over land and peoples in a manner similar to states' governments, the US should undertake to support the formation of an intergovernmental contact group on climate change

including representatives from states' governments and indigenous governments. Through this mechanism appropriate and substantial contributions to the treaty negotiating process will be the officially made – thus beginning the process of implementing major aspects of the UN Declaration on the Rights of Indigenous Peoples. In any case, the US government will be better positioned to facilitate contributions by indigenous peoples into the all important discussions and negotiations that will produce a global agreement on Climate Change.

Recommendation 5: Comprehensive "Indigenous Policy Training"

Develop and execute a comprehensive "indigenous policy" curriculum as a part of the George P. Shultz National Foreign Affairs Training Center to facilitate the improved knowledge of the US Diplomatic Corps and its work in regions of the world...emphasizing the establishment of proactive communications and constructive relations with indigenous nations.

(The Center for World Indigenous Studies consulted with the Dean of faculty of the George P. Shultz National Foreign Affairs Training Center in Arlington, Virginia during the 1990s regarding the inclusion of curricula focusing on the social, economic, political, cultural and diplomatic position of indigenous peoples in countries with which the US Department of State must deal diplomatically. We discussed a specific curriculum for the Middle East and western Asia as well as other parts of the world. We met with Department of State officials as well as Senator Daniel Akaka of Hawaii to consider providing funding to the Training Center so that it could undertake this important curriculum development and teaching effort for the benefit of the US Diplomatic corp. In the end, "money" was used as the reason why this effort could not be undertaken on a comprehensive basis to prepare the

US foreign service for a much more complex mission that involves the need for extensive knowledge of indigenous peoples.)

Recommendation 6: Inter-Agency Policy Group

Establish an Inter-Agency Policy Group between the Department of State, Department of the Interior, Department of Justice, Department of Energy, Environmental Protection Agency, Department of Health and Department of Education with a liaison to the National Security Council, Senate Indian Affairs Committee and the House Interior Committee with the mission of coordinating internal and external policies on indigenous affairs.

Conclusions

The United States has confused its internal and external policies as they relate to indigenous peoples, and it has done so for quite a long time. When negotiating the Helsinki Accords to settle spheres of influence over Central Europe with the Union of Soviet Socialist Republics during the 1970s, the issue of American Indians played an important role in decisions about the Human Rights basket and the application of Principle 7 and Principle 8. The Convention on Biological Diversity calls on states including the United States to engage in "benefit sharing" with indigenous peoples, among other things to preserve global biodiversity. Intellectual Property Rights involves the United States in questions concerning genetic research and control over genetic resources as well as traditional knowledge. The US government is deeply engaged in conflicts throughout the world where indigenous peoples are the complex issues of self-determination verses state stability play a major role. Refugees are

primarily indigenous peoples moved from their homelands by violence or climate change and the US is called on to deal with this complex issue. Economic and trade matters involve the US government in questions concerning indigenous peoples' land rights and competition with industrial farming. The United Nations Declaration on the Rights of Indigenous Peoples offers the United States government the opportunity to constructively stabilize shaky states that lack control over their territory; it offers the opportunity to open new international channels of cooperation and constructive engagement. State system stability, economic growth and Refugee concerns as well as military and security policy can be enhanced by US adoption of the UN Declaration. While the Declaration complicates some policy arrangements, it clarifies others. Most importantly for US policy, adoption of the Declaration will bring the United States of American into alignment with the international community and it will begin to bring US foreign policy as relates to indigenous peoples into alignment with its internal pronouncements. The Declaration's principles will serve as a constructive framework on which new domestic legislation can be developed to enhance the quality of relations between Indian governments and the US government while improving the quality of life for American Indians, Alaskan Natives, and Hawaiian Natives. In addition, the US will be able to develop a policy regarding indigenous peoples that permits the beneficial development of policies concerning more than 1 million Mayans originating from Guatemala now resident in the United States.

Post Script:

The US government announced its "support" for the United Nations Declaration on the Rights of

Indigenous Peoples. The US government's position in support may be characterized as a policy of "yes, but no!" The position now appears to be a significant blow to indigenous peoples around the world. The US government has essentially given countries around the world license to ignore or interpret articles of the UNDRIP in ways adverse to the interests of indigenous peoples.

Authoritarian governments wishing to undermine indigenous peoples on Climate Change, Biological Diversity, Intellectual Property and fundamental territorial rights and self-determination may now take the US government's interpretation released by the US Department of State in a 17 page statement to limit exercise of the right of self-determination. The Department of State's explanation of US policy on UNDRIP limits the principle of "free, prior and informed consent" where: "the US Department of State contemplates the UNDRIP principle of "free, prior and informed consent" as meaning, essentially, that American Indian, Alaskan Natives and Hawaiian Natives have the right of "free, prior and informed consent" unless the United States disagrees with the decision made by the indigenous people.

A central argument in the effort to embed in a Climate Change treaty (being negotiated annually) principles that recognize the right of free, prior and informed consent (FPIC), application of traditional knowledge, and the direct participation of indigenous nations in negotiations consistent with principles in the UN Declaration on the Rights of Indigenous Peoples will have become much more difficult. Years of persistent effort promoting and advancing discussions of these concepts have made some progress, but the US positions on self-determination and FPIC allow other governments to simply say..."The US government does not recognize

indigenous peoples' right to "consent" or self-determination. Neither shall we."

Upon careful consideration one must conclude that the fundamental principles on which the UNDRIP was built have been deluted by the US position at the expense of indigenous peoples domestically and indigenous peoples throughout the world. The indigenous nations of southern Sudan would not be recognizable by the US given its position narrowing the right of self-determination "specific to indigenous peoples." This position allows other states' governments to clamp down on any indigenous population seeking to change its political status when the states' government violates human rights of the indigenous population. The people of Somaliland are a target for forcible reintegration into Somalia. The Republic of Georgia is now increasingly vulnerable to attack from Russia not to mention Chechnya.

American Indian nations, Alaskan Natives and Hawaiian Natives have a considerable task turning the United States into a full supporter of the human right of free, prior and informed consent as well as the full exercise of the right of self-determination. Neither of these is guaranteed as a result of US "support" for the UNDRIP.

Biographical Note

Dr. Rudolph Rÿser is Editor in Chief of the **Fourth World Journal** and Chair of the Board of Directors for the Center for World Indigenous Studies.

Fourth World Journal
A Publication of the Center for World Indigenous Studies

Volume 9 Number 1 *PP 111 – 113*

Book Review

Brotherhood to Nationhood

By Peter McFarlane (*)

Published by: Between the Lines, Toronto, ON, Canada
http://www.btlbooks.com/home.php
September 1993
Hardcover: 328 pges
ISBN-13 978-0921284673

by Jay Taber

I just finished reading ***Brotherhood to Nationhood*** by Peter McFarlane, the biography of the legendary First Nations leader and world indigenous organizer, the late Grand Chief George Manuel from British Columbia. As the principal strategist and spokesman for the self-determination of Canadian Indians from the 1950s to the 1980s, it's hard to overstate the key role he played in changing the relationship between Ottawa and the hundreds of Indian bands, as well as the public understanding of aboriginal rights worldwide.

Suffice to say that the voice the Maori, the Saami, the Bushmen, and the Basques now have in

bodies like the UN, are in no small part due to his efforts. The fact that he gave his life to this cause is well known; the fact that he was willing to die to preserve the Indian way of life perhaps less so.

Few likely recall that in the early 1970s, extermination of indigenous societies in North America was still the agenda of all three federal governments—Mexico, Canada and the United States of America, forcing Mohawk, Lakota, and later Maya warriors to literally take up arms in defense. As the premier leader of the liberation struggle in Canada, Manuel had to take into account the possibility of going underground should the Canadian government escalate its violence toward the First Nations movement.

Accordingly, Manuel assumed his responsibilities, as a War Chief preparing for that eventuality should his diplomatic efforts fail--duties that prompted him to consult with both the African National Congress and the Irish Republican Army. To his relief, the pressure he was able to bring to bear against Canadian apartheid, through European states, organizations, and institutions, was sufficient to forestall armed conflict.

And maybe that's his greatest legacy: the recognition and willingness of Euro-Canadians to respect and coexist with the First Nations as they continue to negotiate their relationships into the future--a future that was purchased by more than just rhetoric and public relations. Anyone who thinks that the powerful can be made to cooperate, through reason alone, should read this book.

Biographical Note

Jay Taber *is an Associate Scholar at the Center for World Indigenous Studies, a correspondent to Fourth*

World Eye, and a contributing editor of Fourth World Journal. Since 1994, he has served as the administrative director of Public Good Project, a volunteer network of researchers, analysts and activists engaged in defending democracy. As a consultant, he has assisted ethnic minorities and indigenous peoples seeking justice in such bodies as the European Court of Human Rights and the United Nations.

(*) Peter McFarlane is a writer, translator and journalist living in Montreal.