# <u>I</u>ndigeneity
## Global and Local

## by Francesca Merlan

The term *indigenous*, long used to distinguish between those who are "native" and their "others" in specific locales, has also become a term for a geocultural category, presupposing a world collectivity of "indigenous peoples" in contrast to their various "others." Many observers have noted that the stimuli for internationalization of the indigenous category originated principally from particular nation-states—Anglo-American settler colonies and Scandinavia. All, I argue, are relevantly political cultures of liberal democracy and weighty (in different ways) in international institutional affairs. However, international indigeneity has not been supported in any unqualified way by actions taken in the name of several nation-states that were among its main points of origin. In fact, staunch resistance to the international indigenous project has recently come from four of them. In 2007, the only four voting countries to reject the main product of international indigenist activity over the past 30 years, the Declaration on the Rights of Indigenous Peoples, were Australia, the United States, Canada, and New Zealand. In these locations, forms of "indigenous relationship" emerged that launched international indigeneity and that strongly influenced international perceptions of what "indigeneity" is and who "indigenous peoples" may be. Some other countries say the model of indigenous relationship that they see represented by the "establishing" set is inapplicable to themselves (but have nonetheless had to take notice of expanding internationalist indigenism). The apparently paradoxical rejection of the draft declaration by the establishing countries is consistent with the combination of enabling and constraining forces that liberal democratic political cultures offer.

The term *indigenous* has long been used as a designation distinguishing those who are "native" from their "others" in specific locales and with varying scope. In recent decades, this concept has become internationalized, and "indigeneity" has come to also presuppose a sphere of commonality among those who form a world collectivity of "indigenous peoples" in contrast to their various others. The principal institutional home of international indigenism is within the UN system.

In the global expansion of indigenist activity, it has become evident that a variety of claims and a diversity of situations are now being related to emergent international conceptualizations of it. There have been acceptances, rejections, and strategic uses of the concept of indigeneity. It (or an equivalent term) has been rejected by states including China, India, Myanmar, Indonesia, and others who claim it does not apply to them (e.g., Baviskar 2007; Gladney 1997; Karlsson 2003; Li 2000; Tsing 2007). Partial equivalents have been produced

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in post-Soviet modifications of systems of ethnopolitical categorization (Sokolovski 2000). On the other hand, it has been enshrined in foundational state documents in the Philippines (Hirtz 2003). Indigeneity is claimed by or attributed to groups in parts of Africa in ways that obviously differ from and conflict with internationalist understandings of the term (Nyamnjoh 2007). Concepts drawn from internationalist indigeneity are used strategically in a range of contexts, including by such groups as the Basters of South Africa (Peeters 1993), descendants of mixed European-African origin whose history intersects with those of other Africans but differs from them in many ways. Indianist movements emergent (or recently reoriented) in many parts of Latin America (e.g., Hale 2006; Ströbele-Gregor 1994; Tilley 2002) take part in internationalist indigenous activity. Yet in the growing diversity and mobilizing inclusiveness of the term, it is also apparent that there are persistent ideas concerning what may be taken to characterize indigeneity. These are often used strategically (e.g., China's and other states' denial of the applicability of the term to them, and some of these rejecting states' insistence on narrow identification of the growth of internationalist indigenism with settler colonialism). There are also groups who have long been characterized as "indigenous peoples" with

general national and international acceptance.[1] This paper explores the conditions for international indigenist activism in two establishing locations and the ways in which these developments have shaped some particular but common understandings of indigeneity as a global category.

*Indigeneity* is taken to imply first-order connections (usually at small scale) between group and locality. It connotes belonging and originariness and deeply felt processes of attachment and identification, and thus it distinguishes "natives" from others. Indigeneity as it has expanded in its meaning to define an international category is taken to refer to peoples who have great moral claims on nation-states and on international society, often because of inhumane, unequal, and exclusionary treatment. Within some of these contexts, there were considerable historical similarities of settlement, colonization, and marginalization of native peoples. But indigeneity in the first-order sense of local connections and belonging is a very general concept, with diverse moral shadings, that has been applied much more broadly than to just those we might understand as "indigenous peoples." As a general concept, indigeneity is susceptible to arguments for greater or lesser inclusiveness, with a variety of possible (and often contested) implications.

I argue that the impetus for internationalization of indigeneity has come from contexts of liberal democratic "political cultures." Within such cultures, there are values that facilitate both recognition and regulation of those who are not only patently "different" but also marginalized and disadvantaged. This produces both enablement and tensions consistent with a range of actors reaching out to "higher authority" (de Costa 2006) to overcome them. Patterns of struggle and enablement within liberal democratic environments led to the initial establishment of an international indigenist movement that is also constrained by the very dynamics that gave rise to it. Because indigeneity can signify claims of a high moral order, it is difficult to take a critical view of it as an interactive and contradictory product: many would defend it as a self-evident designation. And clearly, nobody would deny that the emergence of this category has and will continue to have real and important effects—it is "out there" (Karlsson 2003).[2]

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1. The name of the recently created UN Permanent Forum on Indigenous Issues, established in 2000, reflects long-standing national and international debate over use the word *people* instead of *peoples*, taken by states and some other actors to be controversial because it is understood to imply sovereignty (Niezen 2003, 48, chap. 5).

2. Following formation of the Working Group on Indigenous Populations in 1982, the United Nations declared 1995–2004 the "indigenous peoples' decade," and 2005–2015 has been declared a second decade. In 2002, a UN Permanent Forum on Indigenous Issues was created that reports in advisory manner directly to the Economic and Social Council with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, and health. The World Bank (1991) has issued directives on recognition of indigenous peoples and operationalization of their own activities so as to realize "culturally compatible social and economic benefits." The indigenous category has a wide and expanding presence; see, e.g., Tennberg (2006).

On September 13, 2007, a UN Declaration on the Rights of Indigenous Peoples, some 30 years in the making, was put to the vote. The thrust behind the declaration was to create an international instrument that would frame and bolster the rights of "indigenous peoples," setting benchmarks for change in domestic regimes. This was adopted by 143 nations (according to GA/10612 [United Nations 2007]), with 11 abstentions and rejections from four voting states: the United States, New Zealand, Australia, and Canada. It had also long been evident that these states opposed the declaration on a number of grounds (Barsh 1996). In what follows, I attempt to take a historical and critical perspective on the liberal democratic origins of the international indigenist project, arguing that these developments—emergence from the context of liberal democratic political culture, uneven international expansion, and rejection by some of the states of origin of the international declaration following many years of concerted activity and diffusion—are linked rather than opposed or inconsistent.

The paper first briefly reviews definitional debates concerning "indigenous peoples," showing that the range of characteristics cited as relevant has never unproblematically bounded off a class of referents for all purposes. In international settings, a range of open and more restricted definitional practices are variously applied. A second section shows wide agreement that internationalist indigenist activity was given impetus by international investigative and reporting processes after World Wars I and II, its focus then reoriented and driven from within a small range of nation-states. Although most of these were colonial settler nations, some (in Scandinavia) were not. I argue that the common thread of establishment countries is the liberal democratic orientation they have brought to pressures during recent decades to modernize their internal social relationships. Consideration is given to the generally different role of Latin American countries in the early formative period of internationalist indigenism. A third section attempts to exemplify conditions relevant to the emergence of recognition politics, and particularly internationalist indigenism, in the establishing countries post–World War II. A fourth section examines tendencies inherent in liberal democratic orientation that both enable and delimit the governmental relevance of acknowledged difference, generating tensions that have fostered the establishment of international indigenist activism. Finally, we return to the draft declaration to consider in greater detail the terms of its rejection by those very countries whose liberal democratic culture stimulated the growth of the geocultural "indigenous" category, showing what is argued to be a characteristic relation fostered between enablement and constraint.

## Definitional Frameworks

Indigeneity has been defined for academic and regulatory purposes in ways that I will distinguish as "criterial" and

"relational."[3] By "criterial," I mean definitions that propose some set of criteria, or conditions, that enable identification of the "indigenous" as a global "kind." By "relational," I mean definitions that emphasize grounding in relations between the "indigenous" and their "others" rather than in properties inherent only to those we call "indigenous" themselves. These two emphases cannot always be neatly distinguished, but in many definitions there is a predominance of one or the other.

The relational kind of definition is well exemplified by David Maybury-Lewis's (1997, 54) assertion that "indigenous peoples are defined as much by their relations with the state as by any intrinsic characteristics that they may possess." De la Cadena and Starn (2007, 4) argue that indigeneity acquires its meaning not from essential properties of its own but in relation to what is not considered indigenous in particular social formations. Dyck (1985, 237) had written earlier of the different but related term *Fourth World*—an addition to the "Three Worlds" conceptual schema—that the peoples concerned might be "envisioned as comprising not so much discreet [*sic*] groups of people or specified Aboriginal societies as complex political, economic and ideological relations between modern nation-states and a distinctive category of people." He defined these relations as including the historicity of indigenous-settler interactions, a (failed) ideology of tutelage, and asymmetry arising from the related issues of power imbalance and assertion of indigenous difference, all relational criteria.

Among criterial definitions, Martinez Cobo (1986, 5, par. 379), for the United Nations, defined indigenous communities, peoples, and nations as "those which have a historical continuity with preinvasion and precolonial societies that developed on their territories, consider themselves as distinct from other sectors of societies now prevailing in those territories . . . and are determined to preserve and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples." That definition, too, has traces of relationality in it and also requirements of reflexivity that keep it from being purely descriptive or essentialist. However, it mainly purports to describe a kind of people rather than a relation. Former UN Special Rapporteur and anthropologist Rodolfo Stavenhagen delivered a somewhat later and much more relationally oriented definition, writing in contrasting vein to Martinez Cobo that "indigenousness, independently of biological or cultural continuity, frequently is the outcome of governmental policies imposed from above and from the outside" (Stavenhagen 1994, 14–15, cited in Muehlebach 2003, 244).

The International Labour Organization (1989), more in the vein of Martinez Cobo, defines *indigenousness* as describing (*a*) "tribal" people whose social, cultural, and economic conditions distinguish them from other sections of the national community; (*b*) people descended from populations that inhabited the country, or parts of it, at the time of conquest or colonization; and (*c*) people retaining some or all of their own institutions. Despite traces of other definitions, this definition shifts the focus away from the question of relations between people who define and treat each other as different and toward specifying descriptions of what people must be and how they must differ from others in order to be considered indigenous.

The current rhetoric of social mobilization within the UN system presents indigeneity as a large and self-evident category that has at last been appropriately recognized. Neither intrinsic properties nor relational ones are foregrounded in statements such as the following, provided as information for the UN International Year for the World's Indigenous People in 1992 (United Nations 1992):

> The world's estimated 300 million indigenous people are spread across the world in more than 70 countries. Among them are the Indians of the Americas, the Inuit and Aleutians of the circumpolar region, the Saami of northern Europe, the Aborigines and Torres Strait Islanders of Australia and the Maori of New Zealand. More than 60 per cent of Bolivia's population is indigenous, and indigenous peoples make up roughly half the populations of Guatemala and Peru. China and India together have more than 150 million indigenous and tribal people. About 10 million indigenous people live in Myanmar.

Counts such as this, oriented toward mobilization and participation in the settings that declare them, are consistent with open access to at least some processes there. Sanders (1989, 419) noted that rules about attendance at the Working Group on Indigenous Populations (WGIP; an elected and advisory subsidiary body of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, formed in 1982) were very flexible from the start, and this continues to be the case. This has promoted a certain malleability of the category (as well as continuing subterranean commentary, in the face of expanded attendance in UN settings, about who "really" belongs).

Open participation and self-ascription, however, do not relate to local and governmental processes of social definition with any degree of delicacy. This raises the question of the social processes that link global discourses and practices with local settings (Merry 2006). Clearly, there have been and will continue to be debates of many kinds, not only over some of the obvious, at least partly strategizing claims that self-definition allows (Corntassel 2003, 76; Peeters 1993) but also over the question of how inclusive the indigenous category

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3. Indigenous representatives have long argued that "self-definition" is a crucial right; As what? is immediately a relational issue. The principle was enshrined in International Labour Organization Convention 169, Art. 1, Sec. 2: "Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply." This Convention is only binding on signatories, of which there are relatively few (outside Latin America, only Denmark, Norway, Fiji, and the Netherlands have signed). See Corntassel (2003) for a recent review of definitions and consideration of "nationalist" and "peoplehood" conceptual frameworks to the question, Who is indigenous? with a view to including a dimension of self-definition.

may become in light of the universalist moral and the mobilizing forces that the international frameworks rest on. It used to be assumed, for example, that territorial precedence or originariness was a primary indicator of what it meant to be indigenous. However, emphases may differ situationally (e.g., originariness may be stressed less in some contexts where it is deemed invidious or politically inflammatory, such as in Indonesia, and internal or external colonization may be stressed more). In many instances, including those of the "classical" or early-accepted indigenous groups, the introduction in some countries of frameworks that rest on traditionalist assumptions of the centrality of territorial connection have been seen as effectively having a dispossessory effect (e.g., Merlan 1998; Povinelli 2002; Sylvain 2002). Although territorial connection is still often invoked, it has been seen as "not necessary for the identification and articulation of what it means to be 'indigenous' at the UN today" (Muehlebach 2003, 265). Thus, internationalism fosters and perhaps depends on at least some processes of more open definition based on self-identification, participation, and acceptance. Also consistent with this sort of open definition is the importance of internationalization in constituting for its participants "an identity community" through which they "imagine and share newly dignified understandings of indigeneity" in expanded patterns of circulation (Tilley 2002, 146; see also Niezen 2005) rather than in advancing juridical and political norms. But wide circulation is not a certainty, and internationalization may create new socially selective settings that are discontinuous with local ones.

Criterial and relational definitions of indigeneity may differ as a matter of emphasis and intersect in some ways. Mobilizing definitions are often more inclusive, involving ecumenical, open processes based on self-ascription and agreement. Closer and more legalistic forms of definition came into play not over who is indigenous but over what this implies when the draft declaration was at issue.

These various modes of definition are all relevant to understanding the range of circumstances, claims, and kinds of transactions being made in the name of the concept of indigeneity. We recognize in internationalized indigeneity a social construction: something that could be and was formerly otherwise (Hacking 1995). It has become an important geocultural category in our contemporary world, one in which both those we designate indigenous and those we designate nonindigenous are participants. Partly because of its fundamentally broad basic meaning, it is not a designation with a fixed, natural set of referents.

In trying to attend to the way in which the internationalist category has meaning, it is important to pay attention to Ian Hacking's (1995) question about social construction: The social construction of what? The internationalist category "means" by presupposing a general concept. It continues understandings of indigeneity as resting on specific relationships between peoples, places, and cultures and as distinguishing some people as native relative to others. But it is now pro-

jected onto an arena of internationalist ideas and institutions. There are many complex questions about how the geocultural category intersects with formal and informal systems of categorization and the social processes involved in the scaling up of particular relations. Indigeneity has become "globalized" in the sense that it is associated with some universalist moral frames (Merry 2006), and the idea that relationships between peoples and their "others" can be generalized. We assume that it can meaningfully refer to people who are understood in a certain way through this prism. Once we see that the category works as a kind of presupposing construction, we can better understand the selectivity with which people on whom it is projected think of themselves in these globalized terms—some do not participate in the social construction. Many still think of themselves first and foremost in terms of attachment to a locality, a set of people, a way of life, and other locally relevant social identities. Globalized indigeneity can be, in this sense, socially shallow, or have varying presence, in many places to which it notionally applies.

Like all categories that have any efficacy, growing familiarity with it and its international matrix of institutions and meanings may make a difference in how people think of themselves. People who start out being outside the classification and processes of its production may wind up adapting to, reproducing, and perhaps modifying it.

## The Growth of an Internationalist Category

Efforts to build a "vibrant international indigenous peoples' movement in the 1970s," says Kingsbury (1998, 421), were "driven primarily by groups from areas of European invasion and settlement." In her treatment of the building of connections between what she calls "tribal" and "global" villages in Latin America, Brysk (2000, 101) observes that the "global native rights movement has been led by residents of the northern hemisphere commonwealth countries" (see also Feldman 2002; Muehlebach 2003, 264–265). The Scandinavian countries also need to be counted among this core group (Sanders [1989] labels it "Western Europe and others"); the patent meaning of invasion does not apply to the Lapps or Sami (Eidheim 1968, 1971; Minde 2003; Sanders 1989). All of these countries share forms of liberal democratic orientation that, in postwar "modernized" forms, involved establishment of frameworks of recognition that had historical, moral, and legal dimensions but also carefully delimited their implications as part of the process. Recognition occurred within the terrain of the state itself and became an important criterion of state legitimacy. For the most part, this occurred after policies aimed at assimilation or absorption had become politically discredited (or marginalized). In this section, examples of this are considered. But we also need to consider the international

dynamics that established conditions for the emergence of an international indigenous category.[4]

Many elements of indigenous internationalism were launched as interstate regulatory and reform efforts. The aftermath of World War I is recognized as an important period in the development of internationalism and a context in which some of today's "indigenous peoples" became visible as disadvantaged minorities in various problem frameworks. Investigations within the International Labour Organization (ILO), established as an agency of the League of Nations, prepared the ground for broadened, internationalist attention to labor, human rights, and land-rights deficits. As this happened, it also became clear that structures of internationalism would be both advanced and constrained by power relations among nation-states. In preparing its first report of 1919, the ILO weathered a first period of debate between rather stark alternatives concerning conditions of labor in general, the most radically opposed positions being those of Britain on the one hand and the United States on the other. There was demand for abolition of wage labor by socialist and communist representations and for an authoritative international body on the one hand, versus the notion of a draft charter of workers' rights and a body that only had powers of recommendation on the other. This was a period in which some political actors close to forms of state power could espouse radical positions. Samuel Gompers, head of the American Federation of Labor, was elected the first chairman of the ILO, and needless to say, he represented the predominantly "American" draft charter and recommend-only side of the debate. This also illustrates that there has long been such a thing as "conservative" or "state-centered" internationalism, which the United States continues to exemplify in many ways.[5]

Having headed off the radical internationalist challenge and

having become an agency of the United Nations after the League of Nations was wound up in 1946, the ILO conducted an investigation in 1957 into the working conditions, "protection and integration of indigenous and other 'tribal' and 'semitribal' populations in independent countries."[6] This initiative was aimed at amelioration of the conditions of these people, was assimilationist in expectation, and was later widely criticized for this as emphases on forms of mobilization shifted from "peasant" and "Marxist" in the 1960s and 1970s to "indigenist" terms in the 1990s (Tsing 2007, 46).[7]

In 1974 and 1975, the first international indigenous organizations, the International Indian Treaty Council and the World Council of Indigenous Peoples (WCIP), were founded in the United States and Canada.[8] The founding of the WCIP in 1975 was at the initiative of George Manuel of the National Indian Brotherhood of Canada partly in response to the Trudeau government's promulgation of a white paper proposing the elimination of Indian status and repeal of the Indian Act (Perry 1996, 150). Manuel's father, too, had been an Indian activist, and Manuel was aware of the relative successes of contemporary Maori activism. In strengthening Canadian Indian and wider indigenist organizing, the focus of the organizers was on the continuing lack of control of their destinies and the inadequacies and disappointments that came from the treatment of Indian issues as "internal" and domestic problems.

The 1977 UN NGO Conference on Discrimination against Indigenous Populations was the first formal UN forum attended by indigenous representatives. Sanders (1989, 407) gives a close-up account of the subsequent formation at the United Nations in 1982 of the Working Group on Indigenous Populations, following a long period in which, although reporting under the rubric of discrimination had succeeded in defining "indigenous populations" as a category distinct from

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4. The focus here is on recent relationships between native peoples and nation-states. Obviously, also important are the many instances, early and late, in which colonized native peoples attempted to appeal to higher authority, to which I can only allude here. The page of the UN Permanent Forum on Indigenous Issues pictures as a precedent the approach of Deskaheh, a Six Nations Cayuga Indian, to the League of Nations in 1923 and mentions the rejection of Maori activist T. W. Ratana's attempt to appear before the League of Nations in 1924. Perry (1996) gives summary accounts of Canada, Australia, and the United States; Jones and Hill-Burnett (1982) examined the formation of a national Aboriginal movement in Australia; for New Zealand, see Sissons (2000) inter alia. These and many other sources examine questions of the formation of structures of collective sentiment and action over the longer term. My general point for the countries mentioned here is that while many accounts specifically written in sympathy with mobilization emphasize continuities of protest, they often require clearer periodization; and especially for the recent period, many such accounts tend to underestimate and undertheorize exposure to values, organizing principles, institutions, people, and changing dynamics of the wider societies as relevant to activist subjectivities.

5. Of the various ILO charters, as of now, the United States has only ratified two (those on forced labor and on abolition of child labor), contrasting strikingly with, e.g., Great Britain, which has ratified all (including those on freedom of association and collective bargaining) and even contrasting with China, which has ratified more of these international standards than the United States.

6. I am indebted to the archival work reflected in Rowse (2007) for much of my understanding of the content of the Labor Conferences of the American States of 1946 and 1949. Rowse notes that the first referent of "indigenous" in 1926, when the ILO began its investigation of working standards, was to non-European subjects of the former colonies of Germany and that its first use in relation to people who formed part of the population of "independent" ("nonmetropolitan") nations came in 1944, followed by the setting up of a Committee of Experts on Indigenous Labour in 1946.

7. Rowse (2007) summarizes: "The ILO Report presented at Montevideo in 1949 confirmed Latin American governments as the leaders of international thought and action on the 'indigenous' problem," making it clear that this was in a context in which the proposed policy aimed at "state-managed modernization of agriculture." This emphasis shows that a different conception of indigeneity was involved than the present internationalist one. Although forms of the word *indigenous* have been continuously employed in Spanish usage, what this connotes requires changing interpretation, and such mentions as the above cannot be taken as coinciding with more recent internationalization in all respects. See also below.

8. The Shuar Federation was founded in the early 1960s in the Ecuadoran highlands by Salesian fathers initially brought in because their order "emphasized technical training and other modernizing activities, and was dedicated to working with the emerging urban working classes" (Brysk 2000, 212).

minorities, it had also seriously stalled. Representatives to the new body were appointed from membership of the Economic and Social Council's Sub-Commission on Prevention of Discrimination and Protection of Minorities, one from each of five world regions—Africa, Asia, Eastern Europe, Latin America, and "Western Europe and others."

Sanders's (1989, 418–419) summary of the first indigenous NGOs accredited by the Economic and Social Council gives close insight into the processes of formation of the working group. The International Indian Treaty Council (generally identified as the diplomatic arm of the American Indian Movement) and WCIP were the first indigenous NGOs to gain consultative status within the United Nations. Others were the Inuit Circumpolar Conference, the Indian Council of South America (which was formed from within the WCIP but attained separate status), the Nordic Sami Council, the Indian Law Resource Center in Washington, DC (a public interest law firm), the National Indian Youth Council (United States), the National Aboriginal and Torres Strait Islander Legal Services Secretariat (Australia), the Grand Council of the Cree (Quebec, the first single-tribe group to apply for NGO status), the Four Directions Council (comprised of four Indian delegations who met in Geneva), and a very small group called Indigenous World (see also Williams 2003 [1990], 181–187).

How did Sami, from being considered an ethnic "minority," come to be seen as linked to a widening indigenous movement? Sanders (1989, 414) says of Norway that it faced a paradox: early on, it made indigenous peoples part of its foreign policy concern, but the concept was taken to apply to native minorities facing dominant settler populations—as in the United States, Australia, and so on—as also reflected in the UN definition authored by Martinez Cobo. Although under internal and external pressure to reconsider its relationships with the Sami, Norway did not recognize them as an "indigenous" population.

In the meantime, Sami (Lapps) had begun to absorb wider perspectives of various kinds (Red Power, neo-Marxist, and neocolonialist critiques) in the 1960s and 1970s, partly through higher levels of university education of young Sami (Minde 2003, 79). During conflicts in Norway over a hydroelectric project on the Alta River in the early 1970s, environmentalism and growing indigenism came together for the first time in a confrontation that lasted for some years. Minde recounts how in meetings to form the WCIP that occurred before the Alta affair, the Sami were regarded with some suspicion by other delegates, to whom they seemed too European. Amid debate among "internationalists," "anti-internationalists," and a "Nordic camp," Sami membership of the WCIP was approved at the Nordic Sami Councils conference in Norway in 1976, and "immediate enthusiasm" carried the "whole of the organized Sami movement into this collaborative work" (Minde 2003, 86). The Alta affair became defined as an indigenous people's issue and further stimulated Norway, also concerned with its reputation and the relation between international and domestic norms, to develop new policies and ways of working with the Sami.

Gray (1995, 43) notes that by 1985 the participants at the UN working group were predominantly from North America and Australia but that attendance from Central and South America was increasing. The early internationalist extension of the indigenous category—especially to Amazonian and other forest-dwelling groups of South America—was partly accomplished in connection with environmentalist activism and was rather successful from the point of view of gaining media attention and international support (Maybury-Lewis 1997; Ramos 1997, 1998; Tsing 2007). The first Asian representatives to the WCIP came from the Chittagong Hill Tracts (Sanders 1989, 423–427) and the Philippines, followed by representatives from West Papua and the South Moluccas, the Karen and Kachin from Burma, the Nagas from Bangladesh and the Adivasi from India (see Karlsson 2003, 407), and the Ainu from Japan (Gray 1995, 43; Muehlebach 2003, 263). While the indigenous status of some of these groups has always been relatively well accepted, its extension to others has seemed less self-evident, and in fact in many places it continues to be contested on a variety of grounds (de la Cadena and Starn 2007).

Australia figured prominently in the set of early participants in international and UN indigenous affairs. The WCIP held its third general assembly in Canberra in 1981 and examined a range of reports on issues from Canada, Scandinavia, Greenland, Chile, Bolivia, and North America. Despite this early involvement, to my mind, Australia also illustrates limited linkage of internationalist activity to everyday national and local affairs and the integral relationship in recent decades between a moral project of recognition and regulation that has become part of international understanding of a certain kind of indigenous relationship.

Following a notoriously destructive colonial settlement period, Australian policy for most of the twentieth century was broadly articulated in terms of assimilation, or integrating Aborigines into a homogeneous national citizenship as the desired norm, whatever it might take to achieve that.[9] At no stage has this mythical space of homogeneity incorporated any very widespread positive view of racial admixture, a Mexican-style glorification of *mestizaje*. Indeed, miscegenation was highly stigmatized, and much was done officially to try to prevent it. Especially in the first half of the twentieth century, being of mixed race was taken as an appropriate ground for

9. The native peoples of Australia include those now often termed *Aborigines* and those who are Torres Strait Islanders, a combination I have abbreviated here as ATSI. The term *indigenous peoples* is now used in the media and other contexts to refer to both, but is used relatively little among Aboriginal community members in northern Australia, in my experience. I have observed the term gradually entering the vocabulary of some Aboriginal people who, e.g., work for national parks and in other areas of service and bureaucracy, indicative of their having been sensitized to how their situation is seen in the wider public sphere and with perspectives many others around them do not (yet) share.

intervention, mainly in the form of removal and institution-alization of children (Wilson 1997). Correspondingly, asser-tions of pride in what came to be called *aboriginality* in the 1960s (Attwood 2003, 330–334) have, with few exceptions, tended to downplay "white" ancestry by inverse application of a "one-drop" principle.

Compared with activisms of the earlier twentieth century, heightened national mobilization of the 1960s began to ad-vocate not homogeneous integration and equality of rights for Aborigines and Torres Strait Islanders (ATSI) but recog-nition of them as distinct people(s)—a shift in the moral weighting of their "difference." Rowse (2005) identifies four emergent foci of recognition: population; land base; custom-ary law; and organized, distinct indigenous representation.

Through a federal referendum in 1967, the commonwealth, or federal government, assumed the capacity to legislate about Aborigines (and so began to exercise that power concurrently with the states) and to include people of more than 50% Ab-original descent in those national population tables that are used for calculating each state's share of federal electorates. Although the referendum campaign highlighted equality and inclusion—values central to assimilation policy—within a few years, federal policy had shifted from assimilation to "self-determination" (Stokes 2002). The new policy accommodated and revalued the most divergent social forms (e.g., supported "outstation" movements from settlements back to local home-lands, mainly in parts of remote Australia) that assimilation had sought to extinguish.[10] Previously diverse forms of struggle for land rights converged on recognition in Aboriginal socio-cultural terms, eventually implemented only selectively rather than on a national level, as sometimes envisioned (Merlan 2005).

There has been a drawn-out and highly legalistic devel-opment of land-rights and native-title provisions, one result of the former having been the formal making over of about half the land area to Aboriginal (permanent communal free-hold title) in the Northern Territory.[11] There has been wide-spread recognition of some aspects of Aboriginal "culture" that can be viewed as national assets—prominent among these

today, Aboriginal art. Especially following the crafting of the Aboriginal Councils and Associations Act, 1976, hundreds of organizations especially oriented to ATSI clientele—con-cerned with land holding, representation, and service deliv-ery—have come into being, forming what Altman and Rowse (2005) call the "indigenous" sector. There has been extensive inquiry into possible recognition of aspects of Aboriginal "customary law." Representation has undergone cyclical de-velopment, revision, and curtailment over recent decades, with elected advisory assemblies periodically reorganized. The most recent developed representative body, the Aboriginal and Torres Strait Islander Commission (ATSIC), was dismantled by a federal government highly critical of its operation in 2005. It was briefly replaced by a national consultative com-mittee that has now also been disbanded, and representation is being considered anew.

Recently in Australia there has been negative evaluation of the consequences for local communities of the policy mix of the last 3 decades, loosely ranged under the umbrella label of "self-determination." Views that "welfare colonialism" and mineral wealth have overall benefited Aboriginal communities much less than might have been expected have gained ground in government and media and have had some deleterious ef-fects.[12] In 2007, this kind of assessment led to direct common-wealth "intervention" into Aboriginal communities in the Northern Territory on announced grounds of the urgency of prevalent deplorable social conditions, including child sexual abuse and drug and alcohol dependency (Altman and Hinkson 2007). There have been calls for critical assessment of the social and economic viability of remote communities and for better integration of Aborigines into education and forms of the labor market (whether mainstream or alternative).

For the federal government to take responsibility for Ab-original affairs was something many activists—Aboriginal and others—strove for (Merlan 2005, 481), given the effects of their previous carriage by the states. In other words, until around

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10. This period also saw a move away from a previous, more fully racially based definition of "Aboriginal" and emergence of a common-wealth definition that has three elements: descent, self-identification, and community recognition.

11. A land-claim process was established in the Northern Territory (not a state) on the basis of a federal statute of 1976. The territory is remote from major population centers, is sparsely populated, and has a high proportion of Aboriginal population (approximately one-fourth, compared with 1%–2% for Australia as a whole). The commonwealth has had a role in Aboriginal affairs here since 1911. The proportion of Australia's land mass currently under some form of Aboriginal title is about 20% (Altman and Rowse 2005, 162). Native Title (enacted 1993) is widely recognized as a cumbersome and legalistic process, frustrating to many coming at its requirements from many different perspectives—not least for would-be claimants—and as having yielded less than hoped for. Compare Stocks (2005) on Latin America, where conditions and timing have been quite different but where land-tenure and titling pro-cesses have also become stymied.

12. Peterson (1985) has suggested that the federalization of Aboriginal affairs—and in fact the timing of the three major land-claim settlements that took place in the United States, Canada, and Australia within the period 1971–1976—must be understood in the context of expanded world-wide mineral exploration from the 1960s and the subsequent minerals boom. He argues that governments had to confront the cumulative dis-advantage, social and economic exclusion, and cultural difference of native peoples that had left them outside the mainstream. He refers to the Ab-original Land Rights (NT) Act, 1976, in Australia, the Alaska Native Claim Settlement Act (ANCSA) in the United States, and James Bay and Northern Québec Agreement of 1975 in Canada (with the Nunavut agreement not finalized until 1993). This time period also saw establishment of the Wai-tangi Tribunal in New Zealand in 1975 as a commission of inquiry into cases in which the principles of the Treaty of Waitangi of 1840 are seen as inadequate protection of Maori rights. While resources issues are undoubt-edly important in every instance in which Aboriginal relations to land are undergoing contemporary reformulation (e.g., as they are in the entire circumpolar region), I am concerned with understanding how these issues are variously formulated and dealt with. I believe that concern for resources must figure in such an examination but take this as only one element of a broader historical and sociopolitical picture.

1970 there was still a sense of yet-to-be-invoked federal "higher authority" that might deal with a range of fundamental matters—recognition, improvement of living conditions, and others—that remained unaccomplished. Some long-term issues (e.g., the idea of a belated "treaty" between the state and Aboriginal peoples) had long been advanced mainly by a range of nonindigenous intellectuals and professionals (as Ramos [1998] also notes for Brazil). The mobilization in the 1960s saw the growth of a cohort of largely urban-based Aboriginal activists and collaborations with nonindigenous institutions and professionals. This resulted in ATSI people, many associated with recently founded legal and medical services and other service organizations, taking part in international forums such as the WCIP. The influence of collaborations among Aboriginal and non-Aboriginal professionals and others and representative, service, and other organizations have remained relatively underdescribed. Attwood (2003) observed that most of the events he surveys in the Aboriginal struggle for rights cannot be explained unless the white activists' role is acknowledged (Merlan 2005). Analyzing the scene about a decade after the federalization of Aboriginal affairs, Jones and Hill-Burnett (1982, 224) commented on the overwhelming tendency of a recently emergent indigenous middle class to become professionally absorbed into government (see Sanders 2004 on the growing assertiveness of this sector).

A variant effort at recognition and civil-society building took the form of "reconciliation" in Australia, its peak period being between 1991 and 2000. Under this rubric (which had currency at the time in other reconciliation and human rights processes worldwide), the aim of creating a new relationship between "mainstream" and ATSI or indigenous Australia was understood. Although initially called by some of its representatives a "people's movement" (see Merlan 2005, 485), this, too, was "statalized," accompanied by the creation of human rights processes and a statutory authority (Council for Aboriginal Reconciliation, 1991) that after its final year became a much lower-profile, nongovernment, not-for-profit foundation. The issuing of an apology to the "stolen generations" (children removed from their families; Wilson 1997) by the recently elected Labor government has reversed the refusal of the previous Liberal government to do so, a refusal based on political principles and continuous caution concerning any implications for material compensation.

Sanders (1989, 412) has written that "concern with indigenous peoples began in relation to Latin America." However, many of the social processes of interrelationship have been very different in this diverse continent from "Western Europe and others." Hale (1997, 571) observes that "scholars began to place the analysis of the Latin American peasantry in a global context" from the 1960s and relates the erosion of national popular political visions to the rise of Latin American identity politics. Latin American countries were not at the forefront of internationalization in the same way.

The term *indígena* (a much more ordinary-sounding one in Spanish than is its counterpart in English) had a long history of use throughout Spanish America, but in many places it connoted not simply previous belonging but inferior, native status, overlapping with *indio*. For a long time, the term *indigenismo* referred primarily to movements and activities in defense of native peoples (of Mexico, Guatemala, the Andean region, and elsewhere), often sponsored or supported by elites critical of the abuses perpetrated on them. "Indigenismo" cannot be elided with recent "indigenism" in the sense of the recent "international movement that aspires to promote and protect the rights of the world's 'first peoples'" (Niezen 2004, 3). In the twentieth century, Latin American governments also declared it their duty to protect native races in many national and international forums (e.g., the Social Economy Congress of Rio de Janeiro in 1923, the International Economic Conference of Buenos Aires in 1924, the first Inter-American Indigenous Congress at Patzcuaro, Mexico, in 1940). Indigenismo, especially as elite driven, lost its credibility (partly in encounter and contrast with the model of U.S. Native American activism in the 1960s; Tsing 2007, 46).

Clearly, most Latin American states of the period of internationalist institutional foundation we have been considering (1970s on) did not fall into the liberal democratic category that I am suggesting promoted the emergence of international indigenist activism. Brysk (2000, 10) describes most as "military dictatorships," although these were not closed to international influence; there were varying intensities of in-country indigenist activism, and some Indian groups were involved from fairly early on in the WGIP.[13] Under the conditions in the mid-twentieth century, much assistance and effective stimuli to form organizations as well as a sense of the collective interest at an international level came from external agents rather than through processes of state recognition, building of institutions, and struggle over achievement of goals with some direction of energy into internationalist activity.[14]

13. Swepston (1990) comments on the "north-south" split among NGOs at the ILO's 1989 Convention on Indigenous and Tribal Peoples (see Niezen [2003, 70–71] on the extent of overtly repressive regimes in Latin America; Maybury-Lewis [1997] differentiates among Latin American cases). This is despite rhetorics of inclusion, as Hale (2002, 500) puts it, at the level of "national political declaration," sometimes in the language of homogeneous citizenship and also of *mestizaje*, the latter having no real Anglo-settler parallels.

14. Among these were aid programs (e.g., Peace Corps and comparable European programs), religious organizations including the Catholic Church (and specific religious orders, such as the Salesians, active in Ecuador and Brazil), Protestant church groups and affiliates such as the Summer Institute of Linguistics, as well as professional and scholarly networks and foundations (e.g., Cultural Survival). Through such interactions, a wide range of native rights and service organizations was founded, the first of which was the Shuar Federation in 1964 by the Silesian fathers. This was originally mandated by the state to serve not Indians at all but urban migrants to the Amazon (Brysk 2000, 212, see also 86–105 for an outline of organizations of quite variable scope). A first international symposium was sponsored by the World Council of Churches and the University of Berne in 1971 and resulted in the Declaration of Barbados and the stimulation of UN work on discrimination against "indigenous populations." Hale (1997, 577) observes that most

Sanders (1980) observed that the position and activism of indigenous groups at the WGIP in its formative period reflected strong differences in their relations to home governments. Delegates who came from North America, New Zealand, and Australia, he notes, were largely there as members of government-sponsored, politically autonomous or semi-autonomous groups; that is, they had some kind of government support and recognition. Sanders noted that while "the Sami, the North American Indians, the Maoris and the Australian Aborigines could understand each others [*sic*] situation quite easily," the degree of difference in their relations to home governments from those of some Latin American delegates was most "graphically conveyed" when it was later learned that some of the latter had faced imprisonment and, in one case at least, torture on return to Latin America.

No single Latin American case can adequately epitomize the kinds of transformation that have occurred within the last (approximately) 30 years of international indigenous institutional formation (Brysk 2000, 26; Sanders 1989, 413), but we can usefully compare Bolivia with Norway and Australia in some respects. By any kind of social categorization, Bolivia has a majority of "native" people and one of the highest proportions of any country in Latin America (see Ströbele-Gregor 1994, 107, on counts; on indígena and mestizo as social, not biological, categories; and other aspects of political organization and mobilization; see also Goodale 2005; Yashar 1998). The aim of the revolutionary nationalist state established in 1952, dominated by a small *criollo* majority, had been to assimilate and "civilize" the Indians. Although not simply assimilated, they were "peasantized," and *mestizaje* was idealized in the interests of national unification. Economic hardship and the introduction of a neoliberal economic program in the 1980s brought an end to this period of revolutionary nationalism, with its emphases on incorporation and *mestizaje*. New forms of Indian self-consciousness and ethnic polarization have developed as processes partly linked with increasing state incapacitation, with many parallels under similar recent conditions of stress elsewhere in Latin America.[15]

of the anthropologists involved in the resulting calls for activism and Indian liberation were Latin American mestizos.

15. Van Cott observes that there have been 17 Latin American countries with an indigenous population asserting autonomy claims over the last 2 decades, sometimes with significant alteration of the basis and connotations of indigenous status. Before the appearance of these claims on national and state political agendas in the 1980s and 1990s, there had only been one successful autonomy claim (in Panama 1925–1938, and that with the support of the United States) despite struggles for democracy in the late 1970s and 1980s in some of these countries. Autonomy claims have converged with indigenous demand "for political and administrative self-government powers, legal jurisdiction . . . and the right to manage their own resources and those of the state corresponding to their territory and/or the population thereon" (Van Cott 2001, 34). Van Cott (2001) cites the relevance of decentralization as part of the recent neoliberal policy package in explanation of the advancement and success of this recent spate of autonomy claims (along with other factors, including strategic political alliances and presidential reformers sympathetic to indigenous rights). She finds no strong correlation of successful autonomy

Drawing on Central American ethnographic perspectives, Hale (2002, 2005) argues that new "state" or "neoliberal multiculturalism" is congruous with rather than opposed to neoliberal economic policies since roughly the 1980s. Goldstein (2005) has argued that lynchings and other forms of vigilante justice in neighborhoods of Cochabamba, Bolivia, are to be understood as an integral aspect of the violence produced by the radically neoliberalizing Bolivian state—a privatization of justice and of corruption in a situation of progressive incapacitation of the state—not as evidence of the "primitive" nature that so many would readily ascribe to the largely Aymara and Quechua people involved. Albro (2006) describes the renovation of popular protest and political subjectivity in Bolivia, dislocated through recent processes of neoliberal reforms, in terms drawn from indigenous cultural resources and movements—even as "indigenous Bolivia" becomes an "increasingly migratory, displaced, and urban category of cultural identity" (Albro 2006, 403).

Certain Latin American states have "caught up" at the declarative level with international human-rights-linked indigenous discourses and standard setting. Some of these (e.g., Stocks 2005), stimulated by impulses from ILO conventions and with the recent growth of NGO support groups, have instituted land titling and other legal-bureaucratic regimes comparable with those in the "liberal democracies." Stocks observes, however, that there is a big gap between policy and application, and this is more evident in some parts of Latin America than in others. State capacity to quell overt violence toward indigenous peoples from competitors is quite variable (Whitten 2004). Albro (2006, 388) discusses recent statements of the fragility of democracy in Latin America; Yashar (1998) relates the rise of the indigenous movement to weak processes of democratization and state presence in the countryside.

I began this section by citing common understandings that the recent period of international indigeneity was stimulated from particular countries and settler-colonial and Scandinavian nation-state locations. Varying somewhat by location, the 1960s onward saw the retreat of strong policies of assimilation and integration through homogenization and the foregrounding of politics of recognition. Norway and Australia have recently "modernized" their relations with native peoples, producing a specific kind of indigenous relationship by taking many issues onto state terrain, including the importance of acknowledgment of indigenous identity and questions of indigenous administration and political association. New versions of state recognition are much later emerging in Latin America. (Hale [1997] considers developments over a longer term.) These continue very different histories and are conditioned in many cases by incapacity and weakening of

claims with proportional size to the indigenous population. This suggests the importance in decentralization of the political and economic limitations of state capacity under conditions of intensifying demand on it rather than of the moral appeal of identity politics and indigenous autonomy claims. See Stocks's (2005) treatment of Latin American land-tenure processes in terms of state incapacity (Yashar 1998).

the state in the context of neoliberal globalization. They are accompanied by wider participation in internationalist activity but in conditions that are frequently insecure (Goldstein 2005; Whitten 2004).

Some commentators have viewed indigenism as "a form of transnational solidarity invading the institutional space of states" and as acting "as a counterweight to the hegemonic strategies of states" (Niezen 2003, 198). I think the cases above show the partiality of this kind of characterization for all of them. While there is clearly much that is oppositional about activisms in Australia and elsewhere, the accounts of Australia and Norway suggest that the related processes of recognition and regulation require different characterization in some of their developmental dynamics. There is some level of agreement on principal values, objectives, and institutional means, even if these remain contested. Tensions are produced in the relations of the state with indigenous people that animate statements such as the following by Les Malezer, of the Gabi-Gabi Community and chairperson of the Global Indigenous Caucus, who has been much involved in debates over the draft declaration (Malezer 2007).

> Governments do not want to discuss topics of self-determination with Indigenous Peoples and they are not ready to return to the Natives the right to their lands and to their resources. So, it's important to turn to an international audience where we can face these topics.

Internationalization affords both openings and constraints. The United Nations remains an organization of member states. It has hosted the concerns of indigenous peoples, but its output continues to be the product of member nation-states and reflects their interests in ways often felt by indigenists to be limiting (Corntassel 2007, 155). Its rhetoric calls on states for action and implementation.[16] Although recourse to the UN system originates in efforts to redefine relationships in terms of international standards, it meets the machinery and limitations of states and of established bureaucratic and legalistic process, again at a higher level.

## Building Indigenous Relationship

Merry (2006) has recently directed our attention to questions of the circulation and change in discourses and practices between cosmopolitan and local levels. This kind of question is also relevant to internationalization of indigeneity. There may be a tendency in literatures of settler colonies, at least, to represent indigenous activism as sole authored, or at least not to pay adequate attention to relationships *between* indigenous activists and elites, professional sectors and governmental institutions of dominant societies, and their conditions of pos-

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16. This is exemplified by forms of statements authored by the Permanent Forum on Indigenous Issues, e.g., "all UN agencies and States to support the reclamation of traditional practices and laws leading to global solutions to climate change."

sibility. But it is in that interactive space that values and tensions within liberal democratic political culture are important. I will attempt to identify some of these in the following section. But first, let us consider some of the specific processes and forms of this relationship.

No more than a brief mention is possible of the very large literature on mobilization and the kinds of persons and relationships that played central roles in recent movements in the establishing countries under consideration here (e.g., see Nagel 1995 for the United States; Sissons 2000 for New Zealand; and Attwood 2003 for Australia). According to Eidheim (1968, 209), there were a few postwar Lapp innovators who attempted to assert that their own group had a moral right to distinctness and to enact what he calls Norwegian role behavior without giving up important Lapp relationships. Such people were regarded with suspicion by Lapps and Norwegians alike. An important step in galvanizing a Lappish movement that eventually changed this situation included the formation of voluntary associations. These still failed to spur the participation of most ordinary Lapps. Lapp representatives of such groups in Norway, however, persuaded the central government to name a committee of experts to examine the Lappish question. The report produced as a result was sent to township boards and committees and sparked debate in townships that had Lapp minorities of some magnitude. Prominent Lapps took radically opposing stands on certain issues, some arguing for measures that would protect Lapp difference, others arguing that these would retard Lapp integration. The struggle to win space for a degree of Lapp separateness and specialness was carried forward principally by young Lapps "able to demonstrate that standard of social life in the plural society for which the pioneers had worked" (Eidheim 1968, 214). These people attended to Lappish cultural practices (about which there was a newly explicit consciousness) as well as to the maintenance of careers and other roles in Norwegian society. From this position, they were able to point out the extent of inconsistency between principles of the dominant moral order and its lack of application with regard to the Lappish population.

Eidheim's discussion points to the significance of interaction of members of the disadvantaged Lapp group with members and institutions of the dominant society. A key first step toward change was for some Lapps to gain access to education, to apprehend mainstream normative understandings (e.g., of equality), and to embody behavioral roles with some fluency, thus becoming "modernizing" Sami while at the same time maintaining a distinctive sense of identity and allegiance to their disadvantaged group. Some, who came to occupy Lapp leadership roles, could see the implications of the normative moral system for the disadvantage they labored under, and they work for the extension of those principles to themselves and their group in practice. Eidheim's description suggests the importance of Sami being able to make their case for recognition both on what they saw as their own terms and on the basis of principles that, they could claim, sectors

of the mainstream population notionally subscribe to already but inconsistently and in ways that discriminate against persons as members of marginalized groups. The demonstration can result in challenges to systems that allow such inadequacies to persist unaddressed. In the case of Norway, not only was equality a deeply entrenched ideal but also postwar Norway's international standing in support of human rights made it doubly susceptible to demonstration of inconsistent treatment (Sanders 1989, 414).

Following on models of earlier Sami councils, the Norwegian Storting (Parliament) created the Sámediggi (Sami Parliament) in 1987, as expressed in Article 110a (inserted into the Norwegian constitution in 1988). There has been comparatively close interaction between national and international human rights standards in subsequent developments relating to Sami issues. Norway has recognized Sami as a distinct people, and Østerud et al. (2003) characterize them as having the strongest rights in a hierarchy of minorities within Norway (most of the others immigrant groups). The Sámediggi is, however, a consultative organization rather than one with executive powers. Josefsen (2003) presents a concise picture of many aspects of land-use administration, environmental protection, reindeer husbandry, mining, and other interests, concluding that Sami rights are reflected in Norwegian legislation only to a small degree (Josefsen 2003, 38). The paper also shows the intricacy of the regulatory systems that affect many areas of Sami interest. While some forms of Sami activism (in Norway and neighboring countries) have periodically shaped around the imagery of environmentalism and indigenous ecologism, to a greater extent, Sami activity has focused on language rights and on parliamentarianism and the political-administrative regulation characteristic of the principal host nation, Norway.

How did Aboriginal Australians and their interests begin to gain recognition and moral authority? The anthropologist Stanner (1979) gave the label "great Australian silence" to the main tenor of national historiography well into the twentieth century. Aboriginal people were mentioned little (and when they were, they were often idealized or romanticized) or not at all. But there were many forms of activism over many decades. Given vastly unequal treatment and discrimination, these mainly focused on the struggle for rights and equality (Merlan 2005). As Attwood (2003) has recently emphasized, most involved collaborations and long-standing personal and institutional relationships between Aborigines and whites. Before the commonwealth takeover of responsibility, many of these "helping" agents were church people, unionists, sports clubs, philanthropic societies, academics, student groups (Curthoys 2002), and, perhaps most dreaded by government in parts of the twentieth century, Communists. The period before the 1967 referendum saw an enlarged spectrum of such interactions (Attwood 2007). The entry of the commonwealth into Aboriginal affairs resulted in greater focus on the building of health, medical, housing, and other organizations, and new forms of black-white interaction, indirect as well as interper-

sonal. Aboriginal "urban radicals" centrally involved in the formation of legal and medical services and other organizations of the 1960s that became participants in international forums were closely involved with white professionals and organizations. There was widening recognition of distinctive Aboriginal identity in the media. Activists made contacts with the United States, more with Black Power groups than with Amerindian ones. They also articulated an idealized precolonial tradition for which contemporary remote-area Aborigines were often taken as living exemplars (repositories of "tradition" and living distinctive, morally valuable ways of life).[17] Activists combined powerful discourses of injustice and the recuperation of rights and equality but also of "Aboriginality," the dignifying and idealizing of a stigmatized identity (see Sissons 2000 on *maoritanga* in New Zealand).

As a white Australian professional, Batty (2003) has recently described his work in establishing a Central Australian broadcasting service, the Central Australian Aboriginal Media Association (CAAMA) from 1980, in the midst of the "self-determination" era. This came after a period (1970–1978) in which attempts to establish broadcasting services for Aboriginal people in northern Australia had been proposed but had stagnated. Conducting an examination from his experience of how "self-determination" works in practice, Batty writes of "partnerships" that emerged between Aboriginal and non-Aboriginal people involved in projects such as CAAMA under a normative assumption that whites like himself would deemphasize their (in reality, crucial) contribution to the establishment of organizations and services of the "indigenous sector." He also points to assumptions made by all participants that such organizations would establish Aboriginal voices and perspectives free of government control while at the same time taking for granted that government control was required to achieve this. Offices of the state, for their part, could see the articulation of such expressions of independence as fulfillment of their policies of "self-determination," which for many had a strong moral appeal but only weakly developed plans for implementation. Batty depicts an intense governmentalization of this particular area of activity. This involved techniques of regulation and representation of regulatory processes as noncoercive and as operationalized through an indigenized Aboriginal "self." Batty suggests there were several images of the governmentally relevant Aboriginal subject: the "administratively competent" (ruled by accountability), the "culturally authentic" (ruled by traditional custom), and the "resistant" (ruled by freedom) subject.

Clearly, what emerged here as particular conditions for the realization of indigenous relationship in Norway and Australia were and are not ones of equality. But they represent a shift from more coercive and overtly assimilationist norms to increasingly channeled and negotiated transaction types (Boy-

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17. This often left an invidious comparison between those who appeared in these terms as racially and culturally distinctive Aborigines and others, in some ways inverting mainstream values of the "assimilation" period.

koff 2007) with the potential to cycle back and forth between more and less assimilationist moments.

## Political Cultures of Liberal Democracy

Certain political science traditions have long suggested we need a concept of political culture that enables us not only to recognize the specificity of political systems and institutions but also to raise questions of how they are embedded in (or integrally related to) patterns of ideas and action more general than the elements of political systems per se (Almond 1956). Both liberalism and democracy are protean, neither limited to a political system but perfusing political cultures in different ways, orienting participants in their reactions to the acceptability or otherwise of the ways in which things are done. Liberal democracies exhibit many differences but also great commonalities, elements of which we typically think of as including high valorization of liberty, equality, civil rights, and a rule of law.

I take *liberalism* as the name we give to modern tendencies toward minimization of the explicit exercise of governmental power and preferences for less overtly coercive modes of governance. Waldron (1987, 129) writes that a "conviction about the importance of individual freedom lies close to the heart of most liberal political positions." Historically, liberalism refers to a spectrum of forms of governance that arose as part of the processes of limitation of absolutist state powers, promotion of policies of toleration, and the rise of market society. Liberal positions thus have political, sociocultural, and economic dimensions, all having the securing of the conditions of personal liberty central to them. Many countries (including many not characterizable as liberal democracies) have had periods of liberal tendency more or less firmly linked to established, broad-based democratic franchise.

The major political goods of liberal democratic systems are "freedom, mass welfare, and security" (Almond 1956, 398) that should notionally be available to all. Their political systems are characterized by a high degree of "role stability" that allows a diffusion of power and influence and points of access throughout their institutions (governmental agencies, parties, pressure groups, and the media). Stability is achieved through universalist norms, administrative and regulatory systems that are expected to operate in an evenhanded manner but can only do so by considering certain sorts of difference not to be governmentally relevant.

Liberal positions take varying views of the state, but many have seen its main role as guaranteeing personal security and noninterference in "private" pursuits or things held to be publicly indifferent. One of the paths toward liberalism was the promotion of political indifference through the removal from public concern of that which may be divisive. There is a place for that which is overtly "different" in the realm of civil society—taken to be a sphere of institutions notionally separate from the state, protected by the rule of law—within

which individuals and groups of divergent values and beliefs may coexist peacefully.

Ideas of individual freedom are consistent with the idea of individuals as equal before the state. Each political person is notionally equal to every other for governmental purposes. The state's "neutrality" consists of the requirement to treat individuals equally.[18]

Thus, forms of equality, being "the same," are fundamental to political minimization.[19] Turner (1986) distinguishes several possible forms of equality: ontological, of opportunity, of condition, and of outcome. The concepts of equality most consistent with ideas of persons as governmentally equivalent are those of ontological equality and equality of opportunity rather than more strenuous notions of equality of condition (involving an attempt to make the conditions of life equal for relevant social groups) or equality of outcome. To be committed to these strenuous versions of equality is necessarily to bring in differences, attachments, and social conditioning to one's understanding of governmental relevance.

Consistent with an understanding of liberalism as the minimization of overt exercise of power and the promotion of freedom, the distribution of resources, rather than their concentration in the state or elsewhere, is also seen as a check on political power. The equivalent of ontological equality in the area of resources—that is, the least strenuous version of their distribution—is the notion of equal effort: anyone can compete and gain access to them by trying. The tendency to concentrate on equality of opportunity has been, since Locke and his emphasis on labor, among the ways of effecting separations within liberal systems of economic dimensions from political dimensions as governmentally relevant. The overall effect might be described as the constitution of economy, or economic forces, as having significant determinant powers (Wood 1995), large areas of life understood to be determined by them. Although resources are obviously unequally distributed, this is by and large taken to be the outcome of differential exercise of effort and strategy and not a reason to reset the fundamental political value of the equivalence of persons as governmentally relevant.[20] Equivalence is expressed in the

18. However, as Spinner (1994, 10) says, while "Liberals frequently celebrate the neutrality of the state," they "rarely note that a certain cultural group controls the state."

19. One of my original purposes was also to describe concepts of indigeneity such as are found in what might be called "nonliberal" contexts, where discourses of "like" and "unlike" seem to be fundamental. My own experience is based on assertions of forms of indigeneity in rural Europe. However, I leave examination of a more inclusive spectrum of "indigeneities" for another place.

20. Changes in some of these dimensions relative to others can transform liberal political systems into what we refer to as "neoliberal" ones. By this is meant the placing of supreme emphasis on market freedom and what are understood as economic forces and less on individual values and freedoms not integral to our performance as "market individuals." This may place developmental, expressive, and other values and freedoms that play some role in liberal understandings of personhood at the limits or outside the frame of important values and institutional orientations.

exercise of democratic participation through electoral and other means; with respect to *what* is a matter of considerable difference among liberal democratic states, particularly (e.g., as between the Anglo-American and Scandinavian states) the extent to which economic arrangements are overtly subject to the exercise of political decision.

The formal democratic state bases its claims to universality on the possibility of maximally extensive exercise of governmentally relevant expression by all persons without according special privilege to persons or groups on account of ways in which they differ from others. There are also, however, many approaches to the capacity for and actuality of liberal systems' incorporation of forms of difference; recognition of "differentiated citizenship" (Young 1989) or particular measures for accommodating difference remain compatible with liberal values and political culture (Benhabib 1996). Kymlicka (1995) has long been concerned with "actually existing" liberal multiculturalism and the "risk" factors that restrict its practice and internationalization. Taylor (1994), while observing that liberalism cannot be culturally neutral, writes of liberalisms more and less inhospitable to difference and the significance of the tension and balance between recognition in terms of a universalist and egalitarian "politics of equal dignity" and that consistent with "authenticity," something that we have to attain if we are to be true and full human beings. Wilson (2006, 77) remarks of modern emancipatory frameworks (he refers to human rights) that they are (perhaps inherently) plural in conceptualization, extend to the possibilities of group rights, and may span incompatible alternatives.

While I share Tully's (2002) view of the promise that inheres in constant contestability in constitutional democracies, my less liberatory point here is the frequency in practice with which "otherness" is seen as threatening to the extent that it exceeds a comfortable recognition space that is compatible with dominant liberal democratic values. And because liberal forms of thought and action attribute a considerable but distinct role to economic factors, there is also objection to economic expenditure in the name of that which is demonstrably outside mainstream norms. Indigenist and other "difference" politics can always thrive on some of the openings in such political cultures, but they will also be constrained by the possibilities inherent in liberal architecture. (For grounded views of struggles within liberal democratic contexts, see, e.g., Lambert's [2007] characterization of state limitations placed on the pursuit of self-determination by Choctaw and Chickasaw; Tuhiwai Smith's [2007] account of ways in which New Zealand's neoliberal model shapes Maori issues but is less than completely hegemonic.)

The judiciary is sometimes said to be a separate branch of government. But it is highly influential, belonging to both civil society and the state, in institutionalizing generalized norms of the public sphere, in carrying state and class imperatives, and in shaping recognition of basic rights and constructing the norms of civil society (Cohen 1999). The role of the judiciary, in short, is central to the wider system of governance and political culture. In its commitment to impartiality lies one way of making compatible disparities between "differences," as these may be recognized within civil society, and the universalistic principles of modern constitutional democracies.

Because there is a normative public ethic of equality, people in private and institutional capacities are sensitive to failures of equal treatment, perceptions of which are conditioned by the normative orientations described. The standing possibility of legal recourse and its normative neutrality perhaps goes a long way toward defusing the radicalizing potential of actually existing social and economic inequalities. Consistent with explicit understandings of the architecture as minimizing power concentrations and dividing powers, legal expert Alexander Bickel can call the judiciary "the least dangerous branch"; that is, it has no enforcing power, so "however revolutionary a judicial decision may be on paper, the changes it effects in the real world depend on how the political system as a whole responds to it" (Russell 2005, 5; the same point is made regarding the difference between recent judicial findings and implementation in Norway in Josefsen 2003, 41).

With colonization and/or marginalization (and their routinization) from such political cultures, "a series of universal ideologies were introduced into indigenous lives that connected indigenous individuals and communities with much larger processes and ideas of morality" (de Costa 2006, 9–10), even if unevenly, and these ideological interventions were sometimes abetted by colonial and state authorities. While some of these ran contrary to the basic logic of colonialism, they gave indigenous people the sense that they could present their situations at least partly in terms of their own forms of thinking and moral sensibility. It is not surprising that a great deal of ameliorative activity takes place in legal terms (e.g., battles for equal "rights," the advance of land-claim processes through judicial action and decision). These are areas in which claims, although perhaps differently grounded in the thinking of claimants (e.g., in originary occupation), can be viewed by courts through familiar lenses (as "property rights" or special statutory systems and arrangements to guarantee their equivalent; "human rights," although this invokes separations of individual and collective, human and nonhuman). Given the pervasiveness of particular values of personal freedom and equality and the relative stability of institutions, there is great potential for the attracting of support from sectors of the dominant society, including agencies of the state itself, academia, the media, the judiciary, and others, without which change will be unlikely. In the case of Norway, the central government's undertaking a report on the Lapps' condition was such a step. In the Australian case, the referendum of 1967 was brought onto the electoral agenda and celebrated as a watershed of equalization.

Rather than by "saturation," these processes are achieved through the interaction of progressive, educated, or otherwise modernizing persons from disadvantaged groups with mainstream institutions and persons. Change in attitude and be-

havior within the disadvantaged group may be slower and partial, something Eidheim (1968, 1971) sought to schematize for the time at which he was writing. In the 1960s, there was great demand in the liberal democracies for change, not only equalization and the reversal of oppression but the recognition of difference in more thoroughgoing ways and with broadened community involvement. While such pressures may be kept up by indigenist activists, it seems to me that their vitality at the community level varies by constituency and in relation to wider political conditions.

Crucial dimensions of the indigenous relationship between peoples and liberal democratic states include (1) activism in defense of a way of life valued by its insiders and under threat as the result of absorption of liberal values by some (usually educated or otherwise elite) members of disadvantaged groups and recognition of inadequacies in their distribution relative to that way of life; (2) the struggle to extend moral foundations of the nation-state; (3) selective or wider support from members and institutions in the wider society that see the position similarly; and (4) diverse efforts to target audiences, extend understandings of the issues involved, and engage more widely within the disadvantaged group as well as outside it. These are all broadly kinds of contestation and participation that are typically seen as within the realm of democratic process.

Liberal states in the postwar years regarded all of these as matters they needed to develop more fully within the state. This was partly driven by issues of legitimation and partly by issues of control. With the growth of internationalist activity after the two world wars, it became impossible for states espousing both liberal principles of freedom and democracy to continue to resist pressures on them to acknowledge the conditions of native (and other) minorities and the special disadvantages affecting them. In bringing matters of recognition as well as social participation and economic support onto the terrain of the state, the liberal democracies extended their administrative and bureaucratic functions to regulate them. Many forms of regulation are, almost by definition, different from the range of usual community practices, and the resulting regulatory systems are both enabling and constraining, may stimulate opposition, and may bear the unmistakable stamp of the liberal political cultures that house them.

Taken most broadly, these dimensions of relationship are not exclusive to people we now might term indigenous; they are also crucial to other social movements in liberal democratic contexts. But given some of the specificity of historical relationships between colonized and other marginalized peoples and nation-states, they take a particular form. And given the degree of difference and disadvantage that may characterize many such communities, forms of regulation and administration may only with difficulty be considered genuinely democratic. Within the dynamic of enablement and constraint, terms often considered definitional of indigeneity—*originariness, human-environment relationship*—crystallize ideologically as grounds of difference and boundedness with respect to mainstream societies. Conditions and understand-

ings of these terms of relationship are not shared across the range of peoples on whom indigeneity is projected globally; nor are they equally distributed within any given population.

## The UN Draft Declaration on the Rights of Indigenous Peoples

The Draft Declaration on the Rights of Indigenous Peoples, so long in the making, came before the United Nations for a vote on September 13, 2007. Many of its 46 articles are informed by wordings of previous charters (UN Charter, 1945; Universal Declaration of Human Rights, 1947). Its sections are on the issues of (1) self-determination; (2) lands, territories, and resources; (3) international peace and cooperation; (4) cultural, political, and social rights; (5) relocation and occupation; and (6) treaties. Four countries responded in ways that showed they considered the document a threat to their political and territorial integrity. Eleven abstentions were based on a range of views concerning the incompatibility of the document's provisions with current state arrangements. Some of the countries that voted for the declaration did so on the basis that they did not consider its provisions applicable to themselves, and others were overtly supportive of what they took to be its support for indigenous peoples. The declaration is universal in scope; it is assumed to apply to indigenous peoples everywhere, although *indigenous peoples*, as we have seen, is not an uncontested term of reference. The declaration is nonbinding, but it is taken by advocates to be useful in stimulating change and standard setting.

For representatives of some states, one of the most general problematic issues was whether the provisions of the declaration were statements of "rights." Much earlier in the process, some countries had expressed a view that the declaration's provisions concerning land go beyond traditional ideas of human rights (Barsh 1996, 801). The suggestion that land issues be seen as distinct from human rights posits a kind of separation antithetical to indigenist understanding of landedness as fundamental to specific ways of life. Other countries, including Japan and Slovakia, found the collective nature of recognition of rights a problem, assuming that their proper application is to persons.

Let us selectively consider what were seen as some of the most problematic issues for the United States, Australia, Canada, and New Zealand, the only four countries that voted against the declaration (GA/10612 [United Nations 2007]). These have arguably gone the farthest to publicly articulate the fact that historical injustices were done to their native peoples. Their representatives often claim that they are among the progressive countries in terms of policy (see, e.g., Wilkinson 1987 and Lambert 2007, 154, on this as a form of understanding in the United States within the Bureau of Indian Affairs), and they made statements of that kind in their responses to the vote. In a country-by-country view of states' positions around midterm of this drawn-out process, Barsh (1996) had noted the negative positions of these countries,

often called the CANZAUS group. Many people of liberal persuasion in Australia were appalled by the 2007 outcome and found it hard to understand. Why should there be objection to broad statements of liberationist principle, especially when so many assurances were built into it that the declaration implied no right to secession, degradation, or impairment of national unity? Some critics of the no-vote saw it as a serious tactical error, making the four states stand out as colonial, white, and anachronistic in a world where decolonization has become part of the international vocabulary. Others approving the negative votes in Australia blogged that it was about time for indigenous people to join the "real world" and stop trying to assert special interests. The no-votes were undoubtedly state-centric, grounded in concerns that provisions of the declaration had distinctly political implications not being recognized as such and that might be turned into realizable measures.

Problematic as ever was the notion of peoples to whom the declaration might apply in conjunction with the concept of self-determination. Article 3 as adopted affirms indigenous people's right of self-determination, by virtue of which they freely "determine their political status" and "pursue their economic, social and cultural development." Senator Robert Hill of Australia lodged an objection to this article and queried whether Australia's indigenous people would qualify as relevant groups in relation to it. Referring to Australia's indigenous people as an "undefined subgroup of a population," he asserted that self-determination applies "to situations of decolonization and the breakup of states into smaller states with clearly defined population groups" and that "a part-group with a defined territory is disenfranchised and is denied political or civic rights." This may be taken to refer, in part, to the established statistic that the vast majority of self-identified indigenous Australians do not live in territorially distinct communities and in fact live in regional towns and major cities (Taylor and Biddle 2008). Hill's statement implies a denial that indigenous Australians are disenfranchised or denied rights, apparently relying on a notion of formal inclusion (as established in Australian national consciousness by the 1967 referendum) over the effective exclusions and distorted participations that characterize life for many. The same could doubtless be said of all the liberal democracies.

Article 4 affirms the right "to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State." Some effort was made (led by particular states, including Mexico) to amend Article 46 in order to deflect objection to it, which in final form contains the added explicit assurance:

> Nothing in this Declaration may be interpreted as implying for any State, people, group or person, any right to engage in any activity or to perform any act contrary to the Charter of the UN, or construed as authoring or encouraging any

action which would dismember or impair, totally or in part, the integrity or political unity of sovereign and independent states.

A joint statement following an earlier vote of June 29, 2006, by the United States, Australia, and Canada indicated that the way the right of self-determination was articulated within the declaration, despite assurances to the contrary, "could be misrepresented as conferring a unilateral right of self-determination and possible secession" and thus in fact threatening their political unity, territorial integrity, and stability (Canadian Government 2006). The expression of the declaration does, in fact, appear to be in political terms that might be taken to anticipate the establishment of distinct institutions of governance in various domains and to assume the distinctness of indigenous social, legal, and other norms.

Other contentious issues centered on land and resources. Article 26 states that "indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights." As has been noted, the ILO Convention formula C169 (International Labour Organization 1989) secures rights to land and resources that remain in use rather than this broader claim. In commenting on its vote, New Zealand's spokesperson observed (GA/10612; United Nations 2007) that it was possible that the "whole country" could be "potentially caught within the scope of Article 26." It has seemed evident for some time that those countries with land-claim tribunals and related mechanisms (around which at least acknowledgment of the significance of territoriality has generally been won) would be unlikely to approve these measures. They preferred the ILO Convention formula that secures rights to land and resources that remain in use rather than the broader claim.

The following articles affirm a right to restitution of such lands where possible (27), and where not, a right to fair compensation and redress (28). Articles 19 and 32 assert the right to "free, prior and informed consent" before legislation or development activity that might affect indigenous people. These were found to be problematic by the CANZAUS group.

While these were not the only contentious issues in recent discussions, they were important ones. In a joint statement, Australia, New Zealand, and the United States asserted that the final text of the declaration was "confusing and would risk endless and conflicting interpretation and debate in its application." The paradoxical outcome is that the four states that have long articulated indigenous recognition and put in place a variety of organizational forms relating to this are least willing to extend broad statements of recognition that might

open the way to what is thought might be incalculable extension of them. A clear indication of the concern that rights may be linked to material measures has been the insistence of a number of governments that the declaration cannot create legally enforceable rights to social expenditures.

The activities that surrounded the draft declaration are born of definite tensions within the liberal democratic environments of the no-voting states. Some specifically relate to the colonial settler countries. On the one hand, provisions of the declaration problematize the long-standing doctrine of "discovery," which recognizes the rights of settler states to regulate their activities and thus relegate the colonized to a secondary legal status.[21] On the other hand, these are states that have over time established regulatory systems regarding specific areas of indigenous claim and whose indigenous people were able earlier than others to gain international access to attempt to effect standard setting and to promote change in domestic regimes they regard as inadequate. As some of the commentary from participants in the UN system indicate (Corntassel 2007), they find many practices there assimilatory, requiring them to participate in ways that reinforce kinds of procedure and ways of conceptualizing issues they consider alien.

Although Norway approved the draft declaration of 2007, it had previously been reluctant to accept Article 26. Minde (2003, 97–99) refers to its preference for rights of "use" of land rather than ownership during the framing of Convention 169, the successor to 107. This position was held to be weak compared with indigenist demands then being made by the WGIP and reflected in the eventual Article 26. Minde describes the gradual change as an example of the state's becoming "conditioned . . . to the acceptance of new norms, standards and concepts through participation in international fora" (Minde 2003, 99) The example of the negative votes on the declaration, however, seems to show distinct limits to such conditioning on the part of particular states, especially those that consider themselves to already have made provisions for kinds of recognition within frameworks they have delimited.

Notable among abstaining countries were the positions of India, Myanmar, Indonesia, and Bangladesh that their populations are entirely "indigenous," rejecting any distinction made in terms of degree of originariness. Baviskar (2007) shows that when "tribals" contesting the Narmada Dam on grounds of originariness were unable to effect outcomes in the 1990s, some turned to identify with the Hindu "right," consistent with tendencies within India to see the "Hindu" category as coinciding with full entitlements of citizenship. The Indian state does not support any interpretation of

"scheduled tribes" and Adivasi in the internationalist terms of indigeneity, but participation in the United Nations from India has increased notably (see Karlsson 2003).

Other African and Asian countries consider themselves to have recognized internal diversity but in ways that do not recognize a category of "indigeneity" consistent with internationalist understandings, including the dimension of originariness. Nigeria abstained on the basis that internal diversity was already recognized (other countries, including Canada, also took this view). In some African postcolonies, drives to achieve Africanization of government and promote the inclusion of blacks involve competition for the mantle of first peoples but the sidelining of groups that would be taken as autochthonous (e.g., Bushmen) by internationalist standards (Fisher 2002; Nyamnjoh 2007; Thornton 1994). Questions of citizenship are not settled as a matter of normative juridico-political membership of a notionally evenhanded legal state, even in countries such as Botswana, widely seen as the most democratic in Africa (Nyamnjoh 2007). There have also been what many indigenous activists have seen as strategically argued cases, such as that of the Rehoboth Basters of Namibia (Ross 1976; Waldman 2007). Mixed scions of mainly Dutch settlers in the Cape Colony and Khoi and other African women, the Basters have roots in both African and European social traditions and undoubtedly also self-consciously styled an approach to the WGIP (Peeters 1993) in terms they recognized as ones of international indigeneity, declaring themselves an "indigenous people" of the Republic of Namibia in 1992. As part of this global indigenist identification, they also declared that they would consider themselves entitled to international conventions applicable to indigenous peoples from Columbus Day, Monday, October 12, 1992 (reflecting the influence of quincentenary commemorations in North and South America; Brysk 2000).

Colombia, the only Latin American country not to vote for the declaration and one with high levels of internal conflict, saw it as contrary to military security provisions. Other countries with high levels of internal diversity saw these as compatible with a yes-vote, while still other abstaining countries (e.g., Russia) saw them as problematic.

The Philippines voted yes to the declaration and has enshrined indigeneity in foundational state documents. In 1997, the Philippines enacted an Indigenous Peoples' Rights Act (IPRA; Hirtz 2003, 900–903), and many sections of their constitution make reference to indigenous rights. To be understood fully, this needs to be placed in the context of a long history reaching back to the policies of the first Philippine Commission in the early twentieth century (Finin 2005). Finin (2005) describes American colonization of Luzon, pacification of the Cordillera, and the growth of regional solidarity of the Mountain Province complemented by a highland-lowland differentiation. More recent events have seen the creation of indigenous relationship on bases partly similar to and partly differing from developments in the core liberal democracies. In the 1960s, there was large highland participation in uni-

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21. The rhetoric of "government to government" relations between the United States and Indian tribes in the U.S. response to the vote has to be relativized to a history of recognition with significant reservations. Famous and still relevant are U.S. Chief Justice John Marshall's brisk observation in 1823 that "conquest gives a title which the courts of the conqueror cannot deny" (cited in Russell 2005, 32) and, in the 1831 *Cherokee Nation* case, his definition of Indians' status as "domestic dependent nations" similar to that of a "ward to his guardian" (Russell 2005, 83).

versity education and in student organizations in Manila and elsewhere. Student activism and demonstrations against the Marcos government and supportive of indigenous issues reached unprecedented levels. Marcos declared military law in 1972, one of the factors that stimulated mass resistance to the Chico River Dam hydroelectric scheme and mobilization of the Communist Party of the Philippines with young high-landers joining the New People's Army (NPA). A Permanent Peoples' Tribunal, created in 1981, was an important step in the establishment of indigenous rights. After a 10-year struggle, under Cory Aquino there was recognition of an "auton-omous region" encompassing the original American-created Mountain Province.

Also very important in the Philippine situation has been the tension between Muslim populations of the area and cen-tral government and grave concern over this, with periods of significant involvement of Muslim states including Indonesia, Malaysia, and Libya. The so-called Tripoli agreement of 1976, brokered by Libya, was a template for recognition of minor-ities in the 1987 constitution. This introduced the term *in-digenous cultural communities* (ICC). Its "Declaration of State Principles" says that "the state recognizes and promotes the rights of indigenous cultural communities within the frame-work of national unity and development" (Art. II, Sec. 22). Rights of ICCs are also referred to in articles on local gov-ernment, social justice and human rights, national economy and patrimony; and Article XI, Section 12, provides for a presidential advisory board, the National Commission on In-digenous People.

Thus, indigeneity has been articulated in the constitution as part of wider processes of political reform—a kind of step that is still being considered, albeit with caution, in Australia (and one which, if it comes to pass, will certainly not involve declaration of autonomous regions). Although different from colonial and western European liberal democratic situations of intensive settlement, the Philippines has experienced some of the conditions of an indigenous relation of enablement and regulation in colonial administration, education, internaliza-tion of liberal principles on the part of student activists and others, support and collaboration with many institutions of Philippine society and other states, and continuing conscious-ness-raising among regional populations. The fact of en-shrinement in the constitution does not eliminate contesta-tion over who is considered indigenous, on what basis, and with what entitlements, nor does it ensure implementation in the face of resource struggles (Bennagen 2007).

## Conclusion

Everywhere, indigeneity in its broadest sense is taken to imply first-order connections at small scale of group and locality. The globalization of indigeneity in its guise as a search for authority beyond states is often considered to arise in reaction to histories of settler oppression and/or as a function of the continuing distinctiveness of originary peoples. It is also often implicitly assumed that indigeneity refers to characteristics attributable to "indigenous peoples." In other words, there is a certain hypostatization of indigeneity, as if it were a free-standing characteristic of a certain "kind" of people. But I have argued that despite its powerful historical and emotional content, indigeneity does not have meaning on the basis of something that is "simply there" or objectively ascertainable about those we call indigenous people but, like many other social categories, is a contingent, interactive, and historical product. Nor can indigeneity as a category and a set of in-stitutions be adequately understood as based on oppositional relations between native peoples and their others. I have tried to develop a view that does not deny the relevance of op-position but tries to understand how it is channeled in liberal democratic contexts. Those involved in internationalist in-digenism make assumptions about what this category means, and I have argued that some of these understandings are clarified through consideration of the emergence of inter-national indigeneity and particular views of what it entails that were established as a result.

There appears to be reasonable consensus that the impetus for recent initiatives to institutionalize internationalist indi-geneity came primarily from certain nation-state locations. While scholars have generally agreed on this, they have tended to characterize these locations in different ways ("Western Europe and others," "colonial settler nations," etc.). The sig-nificance of these locations has tended to be seen mainly in terms of what have undoubtedly been histories of coloniza-tion, marginalization, and oppression. But internationalist in-digeneity, with some of its origins in investigative standard setting of both postwar periods, is a product of the "post-colony" (Hall 1996), the effort to move away from colonial relations, and not simply of direct and overt oppression. While most of the establishment countries were colonial set-tler nations, not all were, and I have argued that more relevant to them as a group was being countries of liberal democratic orientation with significant populations that had been re-garded as "native" and whose assimilation had been central government policy. After World War II, changing standards of national legitimation and a range of other material and social conditions led to a revised politics of widened recog-nition, discourses of multiculturalism and pluralism, and a changed consciousness about the acceptance of difference. This has been complemented by careful delimitation of in-digenous entitlement.

I have suggested that within political cultures of liberal democracy—with their central values of liberty, equality, and democracy—certain tensions are inherent. In both Norway and Australia, we have seen that the struggle for equality was a starting point of activism. Indigenist activists (including mainstream persons and institutions) can see injustices in light of values of the wider society and are prepared to fight for change. In Norway and Australia, we have seen how this kind of indigenous relationship emerges in several kinds of transformative processes. "Modernizing" activists seem to be

people who maintain identifications with their groups of origin but have absorbed or recognized the possible relevance of perspectives, forms of life, and values of the wider society. (This often is the result of schooling and the cultivation of personal and institutional connections.) Such people come to see the injustices of their situation in light of values and principles that supposedly operate in the wider society, alongside what they see as their own group's sociocultural principles. They can put forward the case for action, especially to audiences susceptible to recognizing the disparity between allegedly general principles and values and the way they fail to apply to disadvantaged groups. Support of sections of the wider community can be gained in the name of the effort to address moral issues of inequality and unfairness. Despite degrees of change in the public acceptability of difference politics, populist objections regularly emerge when struggles go beyond a rhetoric of equalization to what are seen as "special" rights, when difference appears not as cultural but political, and when what it may involve is seen as violating canons of economic rationality.

Understandings of equality in ontological terms allow particular constructions of sameness.[22] Assessments of the Australian 1967 referendum show that the high level of yes-voting was based on an assumption that the equality of Aborigines with others was the main issue, the Aussie "fair go" for everyone. (Steinlien [1989] makes a similar point concerning Norway: there is popular resistance to anything that appears to go beyond rights that apply to everyone.) The extension of arguments for the recognition of difference was strongly evident in (especially federal) Australian politics for a while thereafter, but the extension of rights has always run counter to deeply entrenched understandings of democracy. According to these, the legitimacy of political association depends on everybody being treated the "same." Thus, considerations that seem to be particular to native peoples are regularly characterized as "special" and requiring something beyond "equal" treatment. Liberal democracies offer explicit prospects of equalization that are often integrally linked to a further-reaching politics of recognition, but liberal democratic norms and the continuing tension between notions of equality and democracy delimit these prospects. The interaction of these values and related institutional systems sets up dynamics that enable and constrain demands for recognition and institutional realization, stimulating the search for authority beyond the state. Within this dynamic, there has been sufficient enablement for disadvantaged groups to build institutionally, including at the international level—but it is evident that higher authorities such as UN subsystems are not independent of states or of liberal democratic universalist values and procedural forms.

22. Bases of "nonliberal" political forms seem to me to lie partly in the presumption that governmentally relevant "sameness" is not a given, so forms of likeness and unlikeness are a constant object of consideration and differential action.

The cases I have considered here suggest that one view of the geocultural category "indigeneity" is as a relation of schismatic complementarity, a working against and within that liberal democratic environments facilitate. Recognition and institutional support are complemented by regulation and delimitation. The CANZAUS countries regarded the declaration as going well beyond limits of recognition that they were prepared to accept and themselves as already having engaged in a progressive manner with their indigenous peoples. The enabling and constraining dimensions of indigenous relationship that are characteristic of these countries cannot be readily extended to other places where sociopolitical conditions are understood very differently, even though there are peoples there who are demonstrably descendants of the originary populations and appear to have some of the same characteristics as the recognized "indigenous." The kind of relationships characteristic of the "establishing" states underlie perceptions of the category that some actors, including some states, regularly draw on when they claim that the concept of "indigenous peoples" does not apply to them. While many have said that it is time to get past sterile arguments about definitions of indigeneity and note that the concept is already "out there" (Karlsson 2003), it is also important to observe that there is not just one concept out there but a range involving different histories and positions that, in the interests of international mobilization, are often treated as if they were one.

## Acknowledgments

# Comments

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Human rights, while universal, rely almost entirely on nation-states for their recognition and protection. This has been the case since at least the *Déclaration des droits de l'homme et du citoyen* in 1789, which offered its protections to all under the sovereignty of the nation as constituted in the Assemblée Nationale. Consequently, nation-states have always had a vested interest in determining the content and application of human rights instruments as they flourished over the last 2 centuries. In 2007, the passage of the Declaration on the Rights of Indigenous Peoples in the UN General Assembly

set out a broad range of entitlements that apply only to a subset of all humanity, perhaps 5% of the global population. In so doing, that body of nation-states sought to reinforce the central relation of human rights once more, authorizing the content of the declaration in significant ways while reinscribing a status quo in which it is stated who determines the populations to whom the declaration will apply.

What, then, should we make of the quartet of nations in the UN General Assembly that rejected the Declaration on the Rights of Indigenous Peoples—four states whose political cultures and specific histories suggest that their decision raises serious questions about the universality and future of indigenous rights? In this important article, Francesca Merlan writes of indigeneity as a global "geocultural category" but one that enjoys only a partial and fragmented institutionalization.

Merlan is, I think, correct to look to underlying cultural and economic norms shared by the four. Her history of the globalization of indigeneity—which emphasizes the early role of the liberal democratic states—is persuasive. Elsewhere I have also argued for the growing availability of communications and transportation technology and for allied processes of urbanization and economic expansion, and it may be insightful to think of these developments as manifestations of a deeper commitment to personal freedom and prosperity. All these conditions provided the specific circumstances conducive to a projection of indigeneity, making indigenous peoples aware of global processes of liberation, enabling the forms of learning and differentiation from decolonization movements and of the limits of civil rights that the global indigenous movement went through.

The key idea of this piece is to extend to global discourse and institutions the dyadic enablement/constraint model of indigeneity that Merlan has long seen as characteristic of domestic liberal democratic states, a set of processes that have identified peoples as indigenous and sought to manage them within dominant norms of progress and development. Does the initial influence of the "establishment states" mean that the declaration has enshrined the same relational mode of indigeneity for the planet?

It is too early to conduct this analysis properly, but we must soon ask what the declaration has achieved. More importantly, we will have to ask who the chief beneficiaries are. One suspects that, as with most human rights law, those who live in highly democratic cultures with effective public institutions will be best able to assert their entitlements. Even within such states, many to whom it is applied may be uninterested in it or ignorant of it. Merlan's argument is that a particular section of the indigenous political class will benefit: those who are close to the apparatus of the liberal democratic order in which such instruments and their inherent values and identities must operate.

We do not yet know how the declaration may change the context in which indigenous peoples engage a range of nation-states. It is true that declarations by the UN General Assembly (other than the Universal Declaration of Human Rights) tend

to have a weak status as international law. Moreover, "legal transnationalism," in which particular judges adopt specific lines of justification drawn from selected international instruments, is an opaque process indeed. We can be more confident about its influence on international agencies; the Permanent Forum on Indigenous Issues is the context in which indigenous peoples are pressing a range of UN agencies in light of international agreements. This will filter into those agencies in complex ways in areas such as development and heritage protection. We might also expect the document to have a symbolic and hortatory role in a range of indigenous-state interactions around the world.

It is on the materially substantive issues about governance and self-determination that the real tests await. Many in this 5% category reside in resource-rich areas, and the declaration encourages the view that access to those lands and resources will be conducted according to the principles of rights and justice it contains. Merlan points out that in the CANZAUS group, a cluster of processes has emerged in recent decades that exemplify the enablement/constraint principle in relation to lands, resources, and governance issues, including treaty negotiations and native-title determinations. All of these emerged because social (mainly but not solely indigenous) mobilization and progressive jurisprudence that drew on international developments, including developments in the other four countries, forced the hand of reluctant states. Most of these processes are also sites of wider social discontent that the norms of equality are being exceeded.

Members of the quartet could yet endorse the declaration. The Australian government is currently canvassing opinions on doing so, while the main opposition party in Canada has said it would do so if elected. Such developments would be seen by indigenous peoples as opportunities to attempt more fundamental reconstructions of their economic and cultural relations to the dominant society. However, we have not really seen what other states' ratification means. Indigeneity, as both institution and geocultural marker, remains a work in progress.

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In *Democracy in America*, Tocqueville draws attention to the paradox that, absent any limits to democracy, the exclusion of Native Americans—popularly endorsed—would confront no checks in the new republic (Tocqueville 1945, esp. 353–354). This aspect of the U.S. democracy, in Tocqueville's assessment, potentially lends a legal imprimatur to even fatal prejudice, because federal resistance to popular movements of exclusion cannot be reliably achieved by democratic means. This is the kernel of his contempt for Andrew Jackson, who, in his view, exploited this structural weakness to aggrandize his popularity as president (Tocqueville 1945, 431–432). In

relation to the CANZAUS position, the relationship of executive power to the political status of indigenous people remains a relevant question.

Francesca Merlan analyzes the no-votes as evidence of a paradox within liberalism: a cultural tension between values of diversity and equality that makes for a precarious ambivalence as between inclusion and exclusion of cultural minorities. There is no gainsaying the value for anthropologists in honing our alertness to the key terms of oppositional political discourses and their corresponding social effects; there is also great value in acknowledging that outcomes have alternatives, at least in theory. That said, countries are not actors, except in the legal sense, and the relevance of political culture (if this means the discourses of actual political communities) to executive action (e.g., through the agency of a UN delegation) is problematic.

At a minimum, Merlan's argument would seem to call for evidence from public debate along a discursive trail (Greenhouse 2005) linking political communities to governmental action. In Australia—apparently the prime mover in opposition—as well as in New Zealand and Canada, the declaration was a contentious public and partisan issue before and after the vote (Edwards 2007; Nason and Franklin 2007). In the United States, this was not the case at all; the declaration received only the briefest public notice (Hoge 2007; Pisik 2007). A Sense of the Congress resolution in support had passed in 1993 (U.S. Congress 1993*a*, 1993*b*). Yet in 2006–2007, the United States joined with the others in actively making a united front. For the United States, then, lacking evidence from public political arenas, we need another sort of account.

This is where Tocqueville's insight is helpful in pointing to executive power as a location where the structural weakness of U.S. democracy with respect to indigenous peoples potentially materializes as a political interest. Like Prime Minister Harper in Canada, President Bush reversed his predecessor's position on the declaration. Harper reportedly reversed his own position (although this was disputed) in consequence of Australian Prime Minister Howard's visit to Ottawa (Galloway 2007; O'Neill 2007). Howard visited President Bush at the White House a week later (where the public talk was mainly about their partnership in Iraq and the War on Terror; White House 2006*a*, 2006*b*). But the Bush administration would have had interests of its own in joining Australia, Canada, and New Zealand. The allies' position in this case was consistent with its opposition to other internationalist measures primarily on the grounds of a necessary connection between the requirements of state sovereignty and a commitment to strong executive power—notably (but not only) as instrumental in the War on Terror (see Greenhouse 2005). Examples from this period include the administration's opposition to the creation of the UN Human Rights Council (although on different grounds; see U.S. Senate 2006).

In accounting for their own votes, the four allies emphasized issues of national sovereignty, presenting their case jointly in 2006 (at an earlier stage in the debate) and by the United States

in similar terms in 2007 (U.S. Mission to the United Nations 2006, 2007). In common, they claimed a contradiction within the declaration as between the terms of its application (e.g., in the term *implementation*) and its aspirational purpose. The threat to sovereignty created an impasse (so their argument went) with respect to ownership of natural resources and land. Taking this stated objection into fuller account raises additional considerations (although in no way compelling us to reject Merlan's analysis), highlighting a contradiction within the *neo*-liberal governmentality at issue in the debate. The nays were preoccupied with the relationship between strong states and transnational capitalism, insistent on the incompatibility of state sovereignty and the empowerment of nonstate territorial peoples in relation to global markets. Yet they took this position in a broader scenario in which global markets featured as key to demilitarizing international security (i.e., in the Bush administration's National Security Strategy; White House 2002). They resolved this contradiction in their public statements by collectively affirming their respective domestic rights regimes and the rule of law. Thus, while the four executives were differently situated in relation to domestic political processes involving the declaration, it seems that each relied on their mutual support for the political space to make the case as they did. I am not proposing that the wrenching complexities of the issues Merlan addresses should be reduced to logrolling or simple interests. On the contrary, the question of how we read the votes of "countries" tests our willingness to assume crucial aspects (including the historical specificity) of the relationship between interests and discourse and, more concretely, the pragmatics of executive accountability vis-à-vis other branches of government and (other) constituencies at home and abroad.

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This fascinating article puts forth two principal arguments, one general and definitional and the other specific and explanatory. The first posits an approach to the meaning of the term *indigenous*, emphasizing its constructed and relational character, and then shows that as the term goes global, it takes on radically different meanings according to context. This facet of the article hones what I suspect has become something of a consensus position that "indigenous," an eminently political category, has no single a priori or fixed meaning. My comments focus on the second argument that a wide array of forces converge in the construction of indigenous identity, that the liberal state has been the quintessential actor promoting and facilitating a limited version of indigenous rights, and that this contradictory recognition (rather than outright

refusal) holds the key to the four most prominent liberal states' no-votes on the UN declaration.

Perhaps because I have advanced a version of this broader argument myself, I am especially attentive to its dangers. In our enthusiasm to elucidate the cultural-political logic of interpellation, making full use of Foucault and his interpreters, there is a constant temptation to give these processes a little too much reach, conflating the logic of dominant discourses with their ultimate consequences. Liberal democracies surely have developed their own recognition projects for indigenous peoples, and white allies (from liberation theologians to multiculturalist fellow travelers) surely have played crucial roles that often are strategically airbrushed out of the narrative. But this should not negate the central role of collective indigenous agency and self-making that push the process in directions that cannot be fully accounted for (or understood) with analysis from above. The transition from ideologies of *mestizaje* to neoliberal multiculturalism in Latin America is a good example: while this transition did have a logic associated with the rise of neoliberal capitalist democracy, it also occurred in response to intense indigenous mobilizations that in turn left their mark on the contours of the resulting regimes of recognition. I applaud Merlan's effort to narrate the rise of indigenous rights with reference to the constitutive contradictions of liberalism, but I wish she had squared off more explicitly with the crucial question: how much of the whole story does she purport to be telling?

I am intrigued but not completely convinced by the explanatory punch that comes with this argument: these constitutive contradictions explain the four no-votes. Merlan notes persistent tensions in liberal doctrine between equality and difference and associated realpolitik calculations; the language of rights in the declaration goes beyond the comfort zones of these four states, raising fears that the balance of powers could tip in dangerous ways. I am left wondering, however, whether these calculations derive directly from the contradictions of liberalism or rather from some other characteristic of the recalcitrant four. Surely most other states that voted yes deploy their own versions of what Merlan aptly calls the balance between "enabling and constraining" recognition; but the four, for some reason, have greater fears of the enabling effects or less confidence in their ability to constrain them. Why did other (neo)liberal states not have similar qualms? Take, for example, Mexico. With profound discontent (erupting into open rebellion) in many heavily indigenous areas, Mexico must figure prominently among those states worried about greater indigenous empowerment. Yet Mexico led efforts in support of the declaration. Is the Mexican state less committed to liberal principles? Is it more comfortable pledging allegiance to principles that will never be respected? Perhaps. But in the salutary effort to fashion an argument with global reach, Merlan may have jettisoned too much of the previous analysis that emphasized particular features of the naysayers (e.g., histories of imperialism and settler colonialism) as explanatory factors. As framed, I fear her ar-

gument could inadvertently reinforce these four states' self-exculpating discourses of exceptionalism.

Finally, while I take Merlan's "less liberatory point" that liberal recognition must be subjected to rigorous critical scrutiny, I find it odd that this would be a primary message regarding the UN declaration. After all, the four "quintessential" liberal states were outvoted, highlighting their pariah status in relation to international indigenous rights regimes. The declaration, with all its problems, adds a tool to the political arsenal. Indigenous movements that I know (again, mainly in Latin America) use this arsenal with seasoned skepticism regarding *all* state-centered rights regimes. Their attitude is, we will take what can advance our political struggle, which we insist on defining in our own terms. By placing all the emphasis on state-centered logics of indigenous identity and rights, Merlan leaves too little room for these alternative political visions that the declaration does not embody but may well foster. My own friendly amendment to her argument, in sum, is that the declaration forms part of a contingent space of struggle with potential for both menace and contestation and with more surprises in store than Merlan's cogent, challenging, but ultimately top-down gaze would lead us to expect.

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I am in broad agreement with Merlan's argument, but I would draw somewhat different conclusions. To clarify the points of divergence, let me rephrase her argument in the following way. (1) "International indigeneity" has emerged primarily out of a handful of "establishing countries" that share a liberal democratic political culture. These liberal democratic cultures both enable and constrain indigenous claims-making, facilitating efforts by indigenous elites to protest exclusion and to build alliances for recognition but constraining these efforts within the limits of liberal democratic norms of equal citizenship and economic rationality. (2) To overcome these built-in constraints, indigenous peoples have internationalized their struggles, particularly through the UN Declaration on the Rights of Indigenous Peoples. (3) The establishing countries have voted against the declaration because it goes "well beyond limits of recognition that they were prepared to accept." (4) Many other countries are also resisting this internationalization on the grounds that the "enabling and constraining dimensions" that are characteristic of liberal democracy "cannot be readily extended to other places where sociopolitical conditions are understood very differently." (5) As a result, international indigeneity faces a dilemma: the UN declaration is not workable in nonliberal societies because they lack the enabling conditions that make the relevant types of rights claiming possible, and it is not accepted in liberal

societies because it does not recognize the inherent constraints of liberal democratic values. (6) Therefore, we need to develop a more differentiated approach to international indigeneity, one that distinguishes the conceptions of indigeneity that are appropriate or workable in liberal and nonliberal contexts. The last two claims are only hinted at in Merlan's paper, but they seem to capture her "original purpose" in pursuing this research (n. 19) and to reflect the logic of her analysis.

As I said, I broadly agree with this analysis, and I have offered a similar account in my own work on the internationalization of minority and indigenous rights. International norms of minority and indigenous rights clearly reflect the emergence of new models of governing diversity in the West since the 1960s that are liberal democratic in spirit and that are both inspired and constrained by liberal democratic values (Kymlicka 2007).

I differ from Merlan, however, on the implications of this analysis. Let me focus on two issues, one about liberal democratic states and the other about nonliberal states. First, Merlan claims that the establishing countries voted against the declaration because it goes "well beyond limits" of their current domestic policies and of the liberal democratic approach to indigeneity. I disagree. In reality, the declaration is fully consistent with a liberal democratic conception of indigenous rights. There is nothing in the declaration that is not already operational in various Western democracies. Whether we look at land rights, legal pluralism, self-government rights, duties of consultation, affirmative action, or guarantees of political representation, all of these are already found within most of the establishing countries and are integrated into the basic architecture and jurisprudence of the liberal democratic constitutional state.

Why then did the establishing countries not vote for the declaration? Well, some of them *did* vote for it (e.g., the Nordic countries), and the opposition of the CANZAUS countries (Canada, New Zealand, Australia, and the United States) was largely partisan. At the time of the UN vote, these countries were ruled by right-wing conservative parties rather than center-left social democratic parties (or, in the New Zealand case, by a coalition that included a right-wing populist party). While the current Conservative government in Canada opposed the declaration, the previous Liberal government supported it, as did all of the other national political parties, representing 66% of the electorate. Similarly, while the conservative government in Australia voted against the declaration, it has now been replaced with a Labor government that favors the declaration. Had the UN vote taken place 2 years earlier or later, the results would have been different. There is nothing in the "logic" of liberal democracy that determined how these votes went.

Moreover, if we look at the reasons why the CANZAUS governments opposed the declaration, they were often quite pragmatic. One concern was that the declaration could destabilize very delicate political settlements, often worked out over many years and based on specific, even idiosyncratic, termi-

nology and procedures. For example, since the 1980s, New Zealand has built up a remarkable series of laws and policies around the Treaty of Waitangi. These laws and polices have repeatedly been praised by various UN agencies and offered as a model for other countries. Yet from a legalistic point of view, it is possible that some of the terms and procedures used in the Waitangi Commission do not comply with the letter of the UN declaration—so, too, with some of the land claims and self-government agreements negotiated in Canada (e.g., in James Bay or Nunavut), involving huge swaths of land and large cash settlements. While often cited as "best practices" by the United Nations itself, the Canadian government worried that they could be judged inconsistent with the UN declaration (e.g., because they focused on securing current indigenous land usage rather than attempting to determine the precise extent of land usage in the distant past). In response to this concern, the main indigenous organizations in Canada emphasized that the declaration would not delegitimize these existing agreements but rather was intended to force the government to fulfill them and to negotiate comparable agreements for indigenous groups that lack them—in short, to "level up" to current best practices. So the declaration did not go "well beyond limits" of current liberal democratic best practices in Canada or elsewhere—indeed, there was never any chance that the United Nations would endorse a declaration that did so—but rather was intended to establish these best practices as international standards.

So I think Merlan exaggerates the extent to which the declaration departs from liberal democratic models of indigeneity. While Merlan acknowledges that liberal democracies have developed models of citizenship that recognize indigenous difference, I think she underestimates the scope for such recognition and exaggerates the constraints on it. Liberal democracy certainly puts constraints on recognizing indigenous rights; for example, liberal democratic states insist that indigenous governments comply with international human rights standards. But this constraint is also explicit in the UN declaration and was not contested by indigenous advocates during the UN negotiations. In short, when indigenous peoples from the establishing states sought to internationalize their struggles, they were not primarily seeking to transcend the inherent constraints of liberal democratic political values. They had other, more strategic reasons for internationalizing their struggles, just as CANZAUS states had other, more contingent reasons for voting against the declaration.

Let me turn now to the second issue, about nonliberal states. I share Merlan's concern that the model of indigeneity generated within liberal democracies "cannot be readily extended" to nonliberal states. In the absence of a liberal democratic political culture, it is more difficult for indigenous peoples to mobilize and build alliances. Moreover, even if recognition is granted in nonliberal states, it is more likely to take tokenistic, paternalistic, or essentializing forms, serving not to empower indigenous peoples as political actors but rather to impose on indigenous peoples various "cultural

scripts" in which they are expected to act out stereotypical traditions and customs in order to prove their "authenticity." The United Nations has not adequately examined the dilemmas and dangers of disseminating models of minority and indigenous rights based on liberal democratic political cultures in societies that lack those political values and habits. The results are not only ineffective but potentially counterproductive (Kymlicka 2007).

What should we do about this? Merlan hints that the solution is to distinguish liberal from nonliberal conceptions of indigeneity. That is an interesting idea, but it is unlikely to be adopted by international organizations because virtually all states today pay lip service to liberal democratic ideals and pretend to be moving in that direction. A more promising approach, therefore, might be to ask how different forms or conceptions of indigenous rights affect the process of democratization. When does the recognition of indigenous difference (in this or that form) help to build a broader culture of democratic citizenship and human rights, and when does it risk subverting it?

We have the seeds of an answer to this question. Several scholars argue that the struggles of indigenous peoples in Latin America have been a potent symbol of, and contributor to, the democratization process, helping to discredit old authoritarian ideas of nationhood and to replace them with more inclusive and participatory ideas of democratic citizenship (Van Cott 2000; Yashar 2005). By contrast, many scholars argue that the heightened salience of ideas of "indigeneity" or "autochthony" in Africa have weakened democratic movements and reinforced authoritarianism and exclusion (Geschiere 2005). A key task for analysts of the international indigenous movement is to drill deeper into these cases to see why claims to indigeneity have such different results. The presence or absence of a liberal democratic political culture is part of the story, but only part.

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We cannot possibly disagree with Merlan's concluding point that "indigeneity" is not a permanent condition "that is 'simply there'" but a historically constructed interaction between parties engaged in unequal power relations. We can also agree about the importance of studying the contemporary internationalization of indigenous movements that has projected previously local issues involving indigenous peoples onto a world scenario. The amount of interest in this matter is evidenced in Merlan's list of references. A possible novelty is the author's insistence in attributing to "the core liberal democracies" the merit of providing the necessary conditions for the growth of the indigenous movement in international forums. Merlan defends the idea that "the impetus for internationalization of indigeneity has come from contexts of liberal democratic 'political cul-

tures.'" Included in these liberal democracies are the CANZAUS countries—Canada, New Zealand, Australia, and the United States—precisely those that voted against the UN Declaration on the Rights of Indigenous Peoples approved in 2007. In her attempt to explain this seemingly unexpected rejection, Merlan calls it a "paradoxical outcome."

It is not unusual, not to say commonplace, for observers occupying distinct positions to arrive at divergent conclusions. Speaking from Australia, Merlan finds it paradoxical that her country joined the other three in the no-vote, having "long articulated indigenous recognition." Speaking from Brazil, I find the no-vote of the four "core liberal democracies" perfectly consistent with their interethnic histories. The United States promoted the Dawes Act and the Trail of Tears in the nineteenth century, declared the "termination" of the Potawatomi and Menomini in the 1960s, and to this day requires of its Indians proof of their Indianness via the infamous blood quantum—"the only minority [in that country] still subjected to this racist exigency" (Vásquez León 2004, 6). Canada launched development projects that destroyed the life of the Crees, bringing about famine, thirst, and a rash of suicides as late as the 1980s (Niezen 2003, 61). New Zealand repeated with monotonous precision the practice of usurpation of Maori lands. And Australia's clumsy attempt at eradicating aboriginality led to the ignominious policy that produced the Stolen Generation (Povinelli 2002, 22).

In light of such miserable experiments with internal alterity, to sustain at face value that these countries with their liberal democratic vocations paved the way to the internationalization of indigenous movements invites skepticism. The legacy of ruthless conquest, whether by means of warfare or forceful encroachment, makes it difficult to accept Merlan's assertions about enlightened liberalism without more convincing evidence. Instead, some statements point to a different direction. Let us consider the possibility that the four no-voting countries "responded in ways that showed they considered the document a threat to their political and territorial integrity." Why should they feel threatened "especially when so many assurances were built into it that the declaration implied no right to secession, degradation, or impairment of national unity"? Having posed this important question, Merlan leaves the reader without a satisfying answer, perhaps because no answer would be satisfying short of suggesting a chronic arrogance on the part of at least some of those countries when it comes to complying with international protocols.

In sharp contrast to her praise of the enlightened four, Merlan characterizes all Latin American countries as democratically deficient and unremittingly anti-indigenous. Ironic to a fault, none of them voted against the declaration. One would expect of such "undemocratic," often violent, fragile states that they would object to the terms of the declaration, but there was not a single no-vote from Latin America, a fact oddly unexplored in Merlan's article.

There is no shortage of irony in the realm of comparative indigenism. Indigenous autonomy—a sore thumb in most

countries, including the CANZAUS group—is taken for granted in Brazilian indigenism. Despite its many distortions, Brazil is one of the very few countries to concede full autonomy to indigenous peoples regarding internal affairs, a right guaranteed to them in the national constitution, itself a product of efficient organizing. Neither the state nor any other outside agent should interfere in the Indians' internal affairs. Abuses often occur, such as inapt police action within the boundaries of Indian areas, but they are recognizably illegal acts with no official sanction. I mention this simply to point out the dangers of hasty descriptions about such a vast continent as indigenous Latin America. About Bolivia, for instance, Merlan repeats the old refrain of violence, corruption, and state incapacity while ignoring the significance of a freely elected indigenous president. To overlook such a meaningful event may possibly be attributed to her sources, which include precious few Latin American authors. Surrogate academics are fine as long as they do not contribute to silencing authors who are better positioned and informed and can thus reduce the risks of leading one astray in untrodden fields.

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I imagine there are many scholars and teachers in the field of indigenous politics who have quietly wondered about the participation of Sami in the formation of the World Council of Indigenous Peoples (WCIP). I certainly have. I have argued that indigeneity has its roots in settler colonialism and that indigenous cultures are "cultures that have been transformed through the struggles of colonized peoples to resist and redirect projects of settler nationhood" (Sissons 2005, 15). But even as I wrote this, I was aware that the foundational presence of Sami leaders appeared to contradict it, at least partially. I chose in my book to treat Sami as historically anomalous. After all, as Merlan notes, other indigenous leaders were uncertain about their indigenous status. I am, therefore, grateful for the opportunity to address this issue more directly, prompted by Merlan's bold rethinking of the origins of indigeneity in a way that more readily accommodates Sami activism and the Norwegian state.

Indigeneity as a concept is undoubtedly "out there," dressed up in a variety of guises and in the service of a wide range of interests. For some, including myself, it is most fundamentally a category that references coloniality and invasion. For others, it references a mode of belonging to place or locality. Merlan proposes yet a third meaning: indigeneity is essentially a historical product of a liberal democratic political environment; moreover, the impetus for its internationalization originated within liberal democratic cultures that exhibit common patterns of struggle and enablement. The main difficulty with this argument for me is that, as Esman (1977)

and many others since have noted, ethnic mobilization in general arose out of such conditions. It is now widely accepted, for example, that common timing, new positive self-categorizations, tertiary educated elites, links with the left, and liberal government responses characterized ethnic politics, particularly those centered on language rights, in the late 1960s and early 1970s. Todal has noted that these features also characterized indigenous movements in Norway, Canada, New Zealand, and the United States (Todal 2003, 187). However, indigeneity is not ethnicity. If we want to account specifically for the internationalization of the category of indigeneity, we need to understand the ways it has acquired meaning in relation to the changing imagination of settler nationhood. Postsettler nationhood is not simply an ideological expression of liberal democratic politics but a new mode of engagement in which new forms of indigenous agency are pursued. In my view, Merlan credits this agency with too little significance.

But, to return to my initial question, if international indigeneity has its roots in related projects of postcolonial nationhood, why were Sami leaders prominent in the formation of the WCIP and in subsequent UN activities? The answer has, I think, less to do with the liberal democratic nature of Norway than associations that were actively developed between Sami and Inuit leaders. Merlan builds her case for the formative role of the Norwegian political environment by drawing on a useful analysis by Eidheim (1968, 1971) of early Sami mobilization. However, "Sami" were still "Lapps"—ethnic rather than indigenous—at the time Eidheim was writing in the 1960s. Ethnic Lapps became indigenous Sami in the early 1970s when they hitched their local ethnic politics to an emerging postcolonial wagon, a politics led by indigenous elites in Canada, the United States, Australia, and New Zealand. As Todal makes clear, before the initial WCIP meeting in 1975, "scholarly contact was established among Inuit in Greenland, Inuit and American Indians in Alaska and Canada, and Sami in Scandinavia in order to discuss educational questions" (Todal 2003, 189). Strong networks were established through the First International Conference on Cross-Cultural Education in the North (1969) and the many meetings that followed. It was at this time that Lapps became Sami, thus highlighting their links with colonized Arctic peoples. Prominent Sami leaders who participated in these Arctic forums channeled an emerging international politics of indigeneity into their national arenas.

Welsh speakers who, as a linguistic minority, were in a similar position to Sami did not take on the indigenous label despite active cooperation between Welsh and Sami activists in the 1970s. Although both ethnic movements emerged within liberal democratic contexts that were similarly limiting and enabling, only Sami, because they had established associations with postcolonial projects elsewhere, became an indigenous people. I would argue, therefore, that postcolonial projects initially pursued "elsewhere" rather than the Nor-

wegian liberal democratic context are critical for explaining Sami indigeneity as distinct from Sami ethnicity.

Finally, the fact that liberal democratic Norway approved the UN Draft Declaration on the Rights of Indigenous Peoples must weaken Merlan's argument that its rejection by the CANZAUS states was consistent with the enabling and constraining forces of liberal democracy. Merlan is right to suggest that shared forms of political engagement with indigenous interests among CANZAUS states help to explain their rejection of the declaration, but she needs to go farther and recognize that these engagements have also included shared forms of indigenous agency and that they have, for the most part, been neither liberal nor democratic.

# Reply

My thanks to all the commentators for their constructive and useful remarks. Everyone (except perhaps Ramos) seems to accept one of the paper's central arguments, that international indigeneity emerged within the international system from a small set of "establishing countries" of liberal democratic orientation, with the important addition of some European countries with strong social democratic and liberal tendencies. I believe we must also accept that initial transnational notions of "indigeneity" were strongly influenced by these origins and that early-established understandings of indigeneity play a considerable role still, partly as they are used in justification of some national positions.

There are some differences in what we see as the significance and implications of these origins. While Kymlicka asserts that nothing in the declaration goes beyond standards of liberal democratic countries' conception of indigenous rights, what counts here is not what I might have to say about this but what the no-voting state actors said. Although these countries have institutionalized forms of indigenous rights and consider themselves front-runners in this respect, they all took the view that the wording of the declaration lacks clarity and is unimplementable—is, in short, aspirational—and goes well beyond their conceptions of what is effectively manageable and compatible with national sovereignty.

In giving their no-votes, the four Anglo settler countries represented themselves as having (in the words of Canada's John McNee [United Nations 2007]) "long demonstrated . . . commitment to protecting and promoting indigenous rights at home and around the world," having given strong recognition to land and treaty rights (and, in the case of Canada, protection of these in the constitution). McNee, however, declared his country unable to support the declaration in that it did not provide for "harmonious agreements" between indigenous peoples and the states in which they live; its provisions on lands and territories were overly broad, unclear, and capable of a wide variety of interpretations, and

they discounted the need to recognize a range of rights over land and possibly put into question matters that had been settled by treaty. It aspired, in short, to too much, or at least left large areas open to possible contestation.

De Costa asks whether the enablement/constraint model can be seen to extend to the international level or whether the declaration will contribute to the possibility of greater future realization of indigenous people's claims, particularly in the context of resource development. This is an interesting question but not one I asked directly. The above example of Canada shows this state's concern to constrain at the international level. Almost certainly, many states and companies wish to be seen as doing the right thing by including provisions relating to indigenous people and their interests in their plans and operations, and the declaration may support growth of this trend. De Costa and Kymlicka both suggest that some of the four no-voting countries could yet endorse the declaration: the new Labor government of 2007 expressed an intention to revisit Australia's no-vote, but it remains unclear whether or when it may.[23] Kymlicka and perhaps de Costa ask whether there is anything systemic to the opposition of these countries to the declaration or whether it is simply a matter of which party is in power. Back in 1995, when the draft declaration was subjected to a preliminary political reading in the United Nations by a working group of the Commission on Human Rights, some nations, including the United States, contended that the text as a whole was not a "reasonable evolution from existing human rights law" and was intrusive into national legal systems and priorities (Barsh 1996, 788). Yet in 1995, a Democrat (Clinton) had been in the White House for more than 2 years, and a Labor government had been in power in Australia for 5 years. Whatever else is the case, it is doubtful that the documented long-term objections of these countries to aspects of the declaration can be seen as closely linked to the incumbency of more or less "liberal" versus "conservative" parties in government (despite the fact that there is, indeed, a general difference between such parties in their expressed views and intentions concern-

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23. On April 3, 2009, the Australian federal Labor government (elected in 2007) endorsed the declaration, making good on its statement of intention to do so. That this happened is important and certainly shows what some commentators have suggested, that government position can make a difference in relation to acceptance of the declaration. However, the contentious nature of any decision to approve the declaration also remains in focus. Much comment in Australia has been to the effect that the endorsement entails no changes in law, and that nothing in the declaration is enforceable. This has caused even some advocates of its acceptance to see it as token. The federal government's engagement for over a year in an "intervention" in Aboriginal communities in the Northern Territory is also seen to be at odds with principles of the declaration. (The intervention was originally declared on the grounds of preventing child abuse, which some considered to have reached unacceptable proportions and to be associated with a range of other dire social issues and conditions.) And it should also be noted that the acceptance was not bipartisan. In Australia's Westminster system, the opposition has indicated it may reverse approval if and when it regains government. New Zealand is reported to be considering its position.

ing the declaration). Here, Carol Greenhouse contributes very usefully to the discussion.

Greenhouse points out that it is not straightforward how we are to read votes such as this as expressions of the views of countries. She also points out that we cannot take levels of public discussion as decisive indicators: there was almost no public discussion of the declaration in the United States (nor much in Australia until after the vote). Overall, she correctly sees the four no-voters as having characterized the declaration as incompatible with national sovereignty and interests in a variety of ways. There was also a neoliberal preoccupation, she suggests, with the contradiction between indigenous peoples' rights and transnational capitalism. The latter is not explicit in what respondents for the four countries actually said but may well be part of what lay behind their objections to the declaration's phrasings as unclear, lacking in transparency, and incapable of implementation.

Characterizing my position as pivoting on the combination that he calls "contradictory recognition"—the combination of enablement and constraint—Hale asks whether the no-votes can be explained as arising from the pressurizing of the international forum. Surely, all (neo)liberal states have to strike some such balance, yet most voted for the declaration. Hale raises the example of Mexico as a country that is (neo)liberal in current tendency, has many indigenous people, yet did not vote against the declaration but led efforts in support and amendment of it. Indeed, former President Vicente Fox even went to the United Nations for the earlier vote of 2006, partly to support the Mexican delegation's pro-declaration stance. Some Mexican commentators have understood this as Mexico acting internationally in line with the government's proclaimed proindigenous reforms but without Fox's having moved substantively to guarantee indigenous demands such as are articulated in the declaration.

Hale also asks how much of the story of indigenous internationalization I purport to be telling by reference to the contradictions of liberalism. The only possible answer is some of it but certainly not all of it. Hale is correct to indicate that much remains unsaid in such an account about the role of collective indigenous agency and that the voting in of the declaration contributes to future political possibilities despite the negative four. I completely agree that the declaration debate forms part of a contingent space of continuing struggle.

But while I agree that my version of the story is a "top-down" one, I would also submit that explorations of states as actors are necessary and significant and an area arguably underdeveloped in anthropology. It bears repeating that the positions of states on indigeneity remain disparate and important to how that space of struggle continues to be defined. Although only four countries voted no, a number of others effectively voted negatively by abstaining (e.g., Nigeria, the Russian Federation, and others where "diversity" issues are highly contentious). There also remain a significant number of countries that, in their guise as state actors, simply continued to deny the applicability of the UN processes to themselves, either by claiming all their people are indigenes or by denying that they have any (India, Iran, Turkey, and Indonesia among them). Other countries implicitly rejected the applicability of the category to themselves (Pakistan), while some yes-votes were accompanied by considerable qualification (e.g., the Philippines' statement that land ownership and natural resources vest in the state).

Sissons's main point links to Hale's about the significance of indigenous agency. Sissons took this occasion to look more closely into the recognition of Sami as indigenous and found that they had made effective common cause with Arctic groups that early drew them into the developing circuitry of international indigenous connections (Todal 2003). While there is merit in the view that Sami inclusion in the indigenous category was facilitated partly through such linkages, it is also undoubtedly the case that there was continuing intraindigenous controversy about Sami status with respect to the emergent internationalist category (Minde 2003, 64–66) and that national and international recognition of Sami as indigenous was consolidated more by the high-profile Alta River Dam controversy of the late 1970s and early 1980s than by anything else. In this controversy, the Norwegian state was galvanized by a politics of potential national embarrassment. The key transition Minde (2003, 79) sees the Sami as having made is from a pressure group for the disadvantaged to a "mouthpiece for international human rights." The liberal orientation and role of the Norwegian state in this evolution was crucial. Norway outgrew its earlier "domain structure," the old distribution of power with respect to Sami politics that treated them as a disadvantaged ethnic minority, in a way that Sweden and Finland did not (Minde 2003, 101).

Norway thus looks somewhat different from the other establishing states, and in some respects, from its Scandinavian neighbors. Both sets of differences have to be taken seriously. Sissons and Kymlicka have relevantly raised the point that Norway voted for, not against, the declaration. But this yes-vote developed over a period of time. Norway long resisted breaching social democratic understandings of equality (my paper mentions continuing opposition to measures that appear to other Norwegians to be distinctive to Sami). Norway also earlier held a position on land rights incompatible with developing indigenous aspirations. Into the late 1980s, Norway strongly opposed notions of land rights as derived from ILO Convention 107 but came to accept the eventual declaration language mediated by the new ILO Convention 169 of 1989. Convention revision was such that the new document did "not proceed any further with regard to land rights than could be ratified by Norway" (Minde 2003, 97–100). In commenting on Norway's 2007 yes-vote for the declaration, Johan Lovald (United Nations 2007) noted that with respect to land, the country relied on the relevant language of the ILO Convention 169, which secures rights to land and resources that remain in use rather than the broader claim of the declaration to lands traditionally owned. Norway's was thus a yes-vote—

befitting its international reputation as a leader in rights issues—but with under-the-radar qualifications.

Ramos reads my paper as finding particular "merit" and "enlightenment" in those countries that were among the leaders of the proindigenous activism of the 1970s. I do not recognize this as my argument. Rather, I argue that their front-running arose from contradictory tendencies and capacities within these states to both recognize and constrain difference. Based on her reading of my paper, Ramos seems to want to compare Brazil with other settler nations in terms of enlightenment, but I would rather not. I would be personally reluctant to give very high marks for enlightenment to any of these countries, including Brazil. I refer the reader to Ramos (1998, 82) on Brazil's apparently "liberal" but covertly "genocidal" indigenous policies, its authoritarianism, militarism, and aggressive developmentalism, all of which have contributed to difficult and oppressive conditions for Brazil's very diminished indigenous minority. The military takeover of Brazil in 1964 no doubt hampered activism. During the aggressive developmentalism of the 1970s (Trans-Amazonian Highway, mining, hydroelectricity), "genocide" of the indigenous peoples of the Brazilian Amazon was most clamorously denounced by the French, the Germans, the Dutch, and the Scandinavians—along with some Latin American anthropologists who participated in the Declaration of Barbados. They largely saw the Brazilian government's Indian agency, then called the SPI (Serviço pela Proteção aos Índios), as complicit. The most active and influential international organizations were Survival International (United Kingdom), IWGIA (International Work Group for Indigenous Affairs, with Danish and Norwegian leadership, headquartered in Copenhagen), and Cultural Survival, founded by David Maybury-Lewis at Harvard in 1972. Ramos would have to suggest an alternate account of the development of international indigenism in order to make good her implications concerning Brazil's position in it, and she does not.

I hope to look at other aspects of this geocultural development in work on the role of indigenous and other activists and intellectuals.

—Francesca Merlan

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