

# ‘WE ARE NO LONGER PREPARED TO BE SILENT’ THE MAKING OF SÁMI INDIGENOUS IDENTITY IN AN INTERNATIONAL CONTEXT

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## ABSTRACT

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In April 2008, at the annual session of the Permanent Forum for Indigenous Issues in New York, indigenous peoples celebrated the adoption of the UN Declaration on the Rights of Indigenous Peoples (2007). The approval of the UN Declaration was seen as a symbol of the beginning of the end of marginalization and an opportunity for indigenous peoples to govern issues related to their lives. However, the UN Declaration does not define who indigenous peoples are, instead providing them with the right to identify themselves as indigenous peoples according to their own traditions and customs without it leading to discrimination, with the result that the concept has raised considerable debate in research. This article traces the history of the international indigenous movement and the emergence of indigenous identity as a valued status with material and spiritual significance, with a particular focus on the Sámi, using as data the experiences of key indigenous players in the struggle for international recognition.

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Keywords: indigenous identity, indigenous rights, international indigenous movement, Sámi

## *Introduction*

Along with other ethnic groups and gender researchers, indigenous peoples have joined in the critique of the Western research tradition and ethnocentrism both in their new social movements and in the context of research and university education. The development of the indigenous movement, as well as methodologies connected with its study, is part of a larger ongoing process. In the late 1960s, the discussion concerning the decolonisation of indigenous peoples, their wish to separate themselves from their colonial past, and the colonisation of cultures escalated in different parts of the world. At the same time there was a paradigmatic change towards post-colonial and post-modern research. In anthropology a process of self-criticism was initiated by recognition of the ways in which the discipline had been a product and beneficiary of colonial expansion, and furthered by considerations of whether and how it may have inadvertently aided the designs of the colonizers. Anthropologists had ignored, for example, questions of racism and economic exploitation as these would have required study of both the colonizing and colonized

societies (Davies 1999: 10–16; Eriksen 2001 [1995]: 30). In recognition of this lacuna, growing attention began to be paid to study of the colonial forms, their interrelationships with native peoples and, finally, to a study of the colonizers themselves.

Postcolonial research ‘deals with the effects of colonization on cultures and societies’ (Ashcroft et al. 1998: 186). As Löytty (2005: 172) notes, the aim of post-colonialist theory is to challenge and redefine the ‘Otherness’ produced by a Europe-centred conception of the world. Post-colonialism may be defined in several ways but in my own research I use the concept to refer to the way communities of indigenous peoples are disengaging themselves from hegemonic cultural and research traditions in order to reclaim their own cultures and, furthermore, lay claim to research into them. In this case, the purpose is to make the voice of the subordinated and colonized minorities and indigenous peoples heard. In a challenge to earlier social research, post-colonialists deny the separation of political and ethical considerations from the analytical considerations of social theories. In this view, all perspectives are also political perspectives. They argue that the positivist goal of value freedom is really a disguised political position, one that supports existing power relationships—in part patriarchal and class-based forms of oppression. These perspectives have provided the argument that social research can also be politically committed (Davies 1999: 16), a stance that has been spurred by the work of indigenous scholars themselves.

As early as 1969, Vine Jr. Deloria wrote an ironic analysis of anthropologists and their work among North American indigenous peoples which provided an example for future indigenous scholars (see, for example, Keskitalo 1994; Kovach 2005: 22–24; Kuokkanen 2007, 2009: 123–124; Lehtola 2005; Stordahl 2008; Tuhiwai Smith 1999). The work published by the Maori researcher, Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (1999), has inspired researchers of indigenous peoples all over the world to take a critical stance towards the Western research tradition from the perspective and world-view of the indigenous peoples themselves. Tuhiwai Smith (1999: 2) emphasizes the fact that in a decolonizing framework, deconstruction is part of a much larger intent. The deconstruction process includes taking apart and revealing underlying texts, giving voice to different things and explaining experiences. My work contributes to that of the international community of indigenous researchers, especially of the younger generation, that has begun to address social issues within the wider framework of decolonization, social justice and self-determination.

This article is drawn from my ongoing research into Sámi nation-building, identity and language within the Sámi movement in the context of a broader international level between 1960 and 2008. In this paper I focus on how transnationalism and the international indigenous movement are creating a supranational imagined community and a new type of identity. I discuss the international activism of indigenous peoples and the development of indigenous identity in the UN, especially during the process of formulating the UN Declaration on the Rights of Indigenous Peoples, which took approximately thirty years. This Declaration was the first international instrument in the preparation of which indigenous peoples actively took part since work on it started in the early 1980s. The Declaration was adopted in 2007 by a majority of the UN member states, 143 nations; there were only 11 abstentions, while four states cast a dissenting vote: the United States, New Zealand, Australia and Canada. Of these four states, Australia and

Canada have since approved the Declaration. I approach this task from the native point of view, as a Sámi myself, thus from an emic perspective. In addition to my academic work, I have actively participated in both Sámi and international indigenous movements for thirty years, while simultaneously cooperating with mainstream society and researchers.

Fieldwork methods contributing to the data discussed here have included interviews and observation of participants. Between 2005 and 2008, while taking part in a range of meetings and conferences concerning indigenous affairs, I conducted interviews in northern Finland, northern Norway and in the cities of Helsinki, Oslo and New York. To assist the objectivity of my study I interviewed people of both genders, of different ages, and from different parts of the indigenous world. Most interviewees have been active in indigenous organizations and have thus become very conscious of the situation of indigenous peoples and the development of issues concerning their rights, identity and cultures. A strong element of reflexivity attending the interplay between researcher and interviewees must be noted, because of my familiarity with the phenomenon under examination (see Davies 1999; Korhakangas et al. [eds] 2005; Pöysä et al. [eds] 2010; Ruotsala 2005). The objective of the fieldwork was to understand the attitudes and viewpoints held by, in particular, those indigenous individuals who have been involved in the Sámi and international indigenous movement and associations, and thus to clarify the cultural contexts within which activities performed by indigenous people occur.

The following section discusses the indigenization of the Sámi who established their own transnational organisation, the Nordic Sámi Council in 1956, which can be regarded as a model for the establishment of other indigenous organisations all over the world. The Sámi were also among the first indigenous peoples to become members in the first international indigenous organisation, the World Council of Indigenous Peoples in 1975, via the Nordic Sámi Council. Since the 1980s, when indigenous affairs became part of the international agenda, they have been active participants on the global level. In the final sections, I discuss the broader context of the international indigenous movement, how it came to be, and its objectives, and how it has managed to attain full participation in the decolonization process of the United Nations' system from which indigenous peoples have been largely excluded.

### *The indigenization of the Sámi*

Within the United Nations, an in-depth study on indigenous issues was conducted in 1971–1984 by the expert José R. Martínez Cobo. In the final report—*Study of the problem of discrimination against indigenous populations: Conclusions, proposals and recommendations*—the following definition was presented:

379. Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns. (Martínez Cobo 1986–1987)

In recent times, however, some social anthropologists and certain other researchers have expressed criticism regarding the scientific validity of the term 'indigenous peoples', and they have even been unwilling to use the term (e.g. Dove 2006; Kuper 2003, 2006; Valkonen 2009: 186–201). The term is criticized because it essentialises, idealises and politicises indigenous peoples. Cynical claims, such as 'we all are indigenous' or 'indigenous is a paternalistic concept', are also frequently made (Gray 1995: 35). Many have commented on the politicised nature of the claim by saying that indigenous peoples themselves use the term to justify their juridical claims, especially those concerning their right for land, even though these claims are based on vague anthropological concepts and romantic, even erroneous, ethnographic visions (Dove 2006: 192; Gupta 1998: 289; Kuper 2003: 395; Valkonen 2009).

Sanna Valkonen, in her study *Politiittiset saamelaiset* ('the political Sámi', 2009: 176–211), discusses indigeneity as an ethno-political resource and practice for the Sámi. Indigeneity as a political resource is based on the possibility of the 'practice of grouping', and therefore all localities in the Sámi region can be described in terms of a globally-originated discourse. In addition, Valkonen argues that indigeneity has been politicized and that it has become a normative and a generalizing concept, which cannot include all present-day Sámi people because of the term's excessive emphasis on tradition. Furthermore, it is claimed that the term is problematic because it appears to collectivize many distinct populations whose experiences under imperialism have been different (Dove 2006: 192). According to Asbjørn Eide (2007: 62) the definition of indigenous peoples is clear at its core, but controversial in its boundaries. Tuhiwai Smith (1999: 5) has, however, provided the following answer to the criticism concerning the political and subjective nature of the research on indigenous peoples: 'research is not an innocent or distant academic exercise; it is action with high stakes that takes place in different political and social circumstances'. Certainly it is a fact that international research on indigenous peoples, or 'indigenous studies', has developed in close parallel with the social indigenous movement, and that the political nature of this field of research, and its connections to broader society, have always been clear.

The idea of the Sámi movement is connected to the birth of organisations, ethnic awareness, and politics. Although there were sporadic attempts at organizing the Sámi in the late nineteenth century, they were short-lived. These movements were not supported by the states involved, as they were afraid that these would be detrimental to their assimilationist policies. At the same time, the Sámi themselves did not feel it was necessary to organize. The first local organisations were established in the South Sámi region in the early-twentieth century. The entire twentieth century was a period of awakening ethnic awareness and intensifying organisation. (Drivenes and Jernsletten 1994; Eidheim 1997; Jernsletten 1998; Lantto 2003; Seurujärvi-Kari 2005a.)

Over a period of one hundred years, the Sámi have become one of the most organized indigenous peoples in the world. Estimates show that the Sámi have almost one hundred different cultural, professional and political organisations. The Sámi had to overcome numerous obstacles before they were able to found their first common socio-political forum, the Nordic Sámi Council (the name was changed to the Sámi Council at the 1992 Sámi Conference in Helsinki, when the first Sámi organisation from Russia also became a member), and act through that on their own terms. They had been forced into

a difficult predicament as increased settlement, farming and industry encroached ever deeper onto Sámi lands. The greatest obstacle, however, has been the fact that the Sámi are divided between four different countries (Norway, Sweden, Finland and Russia) as a result of colonialist policy. Globalization and modernization have encouraged integration, however, thus reinforcing the Sámis' own identity. Attempts to strengthen this, along with the concept of Sáminess, were subsequently made during integration into modern society, which in turn made it possible for the Sámi to mobilize their political resources and to function as 'an imagined political community' in Benedict Anderson's (1991 [1983]) words. That was the start of Sámi nation-building at the national level as well as across borders (Seurujärvi-Kari 2005a).

The strategy in the making of the Sámi people has been to build a unity based on a common ethnic identity and language, to provide an administration and a cultural policy and system of their own, to found and to maintain an open relationship with authorities and governments, to establish genuine identity talks with the authorities, to obtain support for their requirements as a people and, most of all, to strengthen their right to self-determination in their own affairs (Jernsletten 1998; Lantto 2003; Myntti 1997; *Sámiid kulturpolitii'ka* 1974; Seurujärvi-Kari 2005a).

The Sámis' firm awareness of themselves and of being an indigenous people in its own right has arisen as a result of a long period of negotiations and interaction with the majority cultures which surround them. In addition to that, their participation in the cooperation of indigenous peoples and the active promotion of indigenous peoples' rights in the UN and other international forums has brought with it a completely new international aspect, one in which—as with other types of global-local cooperation—the national level is often forgotten (Eidheim 1997: 29–61). It meant a radical change in Sámi identity politics towards internationalism by the end of the 1970s, and especially in the 1980s. Sámi identity policy led finally, within a couple of decades, to a new legislative foundation in the Nordic Countries (Seurujärvi-Kari 2005a).

### *The international indigenous movement*

International indigenous activity was given impetus by international development, in particular by the establishment and activities of the United Nations whose investigative and reporting processes after World Wars I and II were instituted by a number of nation-states of whom most were Western European colonising powers. Without being regarded as colonial settler nation-states, Scandinavian countries belonged to the core of this founding group. This development is seen as a continuation of the decolonizing process begun in Asia and Africa which established the possibility of peoples controlling their own destinies (Hirtz 2003; Gray 1995: 42). Most of these founding countries were moving from strong policies of assimilation towards '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 Francesca Merlan (2009: 306) notes. According to Merlan (*ibid.*: 316), in the 1960's there was great demand in the liberal democracies for change, not only equalization and the reversal of oppression but the recognition of difference.

Throughout the twentieth century, indigenous peoples and other ethnic groups all over the world made proposals aimed at establishing cooperative organisations. At the regional and international level, their efforts did not make any headway until the end of the 1960s, when the movement of indigenous peoples began to spread across the American continent, the wide Antarctic region and, finally, worldwide. However, the Nordic Sámi Council, an umbrella organization of the Sámi people in Scandinavia, was founded as early as in 1956. Another international initiative arose out of the frustration experienced by North American indigenous people who founded an umbrella organization called National Indian Brotherhood (NIB) in 1969. Such regional organisations as the American Indian Movement (AIM), the Inuit Circumpolar Conference (ICC), the International Indian Treaty Council (IITC), the Coordinating Body for the Indigenous Peoples of the Amazon Basin (COICA), the Coordinating Body of Indian Peoples (CORPI) and the Council of Indian Peoples of South America (CISA) were founded between 1960 and 1980. In 1974, AIM called a meeting of grassroots indigenous peoples from the Western hemisphere and the Pacific. Over 5,000 persons from hundreds of local organisations founded the International Indian Treaty Council (IITC) (Salo and Pyhälä 1991: 189–193; Gray 1995: 42–43; Seurujärvi-Kari 2005b). These organisations have stretched out from their local communities and interests to meet and support one another. Thus the ‘pyramid’ of building indigenous international organisational structures took off: locally, nationally, regionally and internationally. The organisations of indigenous peoples started to join the new social movements during the 1960s and 1970s—during that great division of late modernism.

The new social movements such as the feminist, environmental and indigenous movements are a global, cosmopolitan phenomenon and ‘an invention of modern times, and they have developed hand in hand with the development of a modern state’ (Kaldor 2006: 116). These movements are characterized by certain kinds of action and protest models. They advocate and defend issues and principals that concern people in general. Instead of indirect influence, they have chosen to have a direct and autonomous impact. The movements primarily use petitions and declarations when acting and protesting. Other efficient forms of action include co-lateral international summit meetings, conferences, and utilization of the media (Kaldor 2006: 116–117; WCIP Charter 1975).

The World Council of Indigenous Peoples (WCIP), the first global indigenous organisation, was established in 1975 in Canada. The immediate background for the first initiative to form a global indigenous organisation was the political battle in Canada over indigenous issues around 1970. The liberal Trudeau government launched a new program aiming at including ‘First Nations’ in Canadian society in order to expunge all special rights and to transfer all matters concerning indigenous peoples to the Provinces. This was followed by the growth in organizations and institutions among all ‘First Nations’ as they began to call themselves. This growth culminated in founding the National Indian Brotherhood (NIB) of Canada. The leader of the new organization was George Manuel who was invited to travel with cabinet ministers in delegations to different conferences such as to an environmental conference in Stockholm in 1972. During his travels he built a network of organizations and individuals from New Zealand, Australia and the Nordic countries (Minde 2008: 59).

The idea of founding a global indigenous organisation arose at the conference for Arctic peoples that took place in Copenhagen in 1973. After this meeting, preparations for an indigenous conference were quickly instigated. The first ordinary preparatory meeting was held in Georgetown, the capital of Guyana, in April 1974. The first international indigenous conference was held in a Šešath village near Port Albern in British Columbia in October 1975. This conference gave rise to a new organisation, the World Council of Indigenous Peoples (WCIP), which was founded at the initiative of the world's indigenous peoples in order to protect their interests. It also provided the impetus for the indigenous peoples' international movement. The father of the organisation is considered to be George Manuel who was naturally elected the first President of the WCIP, with Sámi Aslak Nils Sara as vice-president. Representatives from 24 countries from different parts of the world, including America, Sápmi, Greenland and Australia, took part in this historic conference. The declaration of principles of the WCIP was adopted at the conference. The WCIP aimed at preventing possible physical and cultural genocide, opposing racism, ensuring the political, economic and social rights of indigenous peoples, as well as creating and intensifying the rights of indigenous peoples in particular, including their cultural rights (WCIP Declaration 1975; WCIP Charter 1975). The WCIP was created as an international organisation, the aim of whose member organisations was to increase the economic independence of indigenous peoples and work towards their self-determination (Seurujärvi-Kari 1994: 170–178).

In 1975, the Sámi joined the WCIP via the Nordic Sámi Council. The active role the Sámi have played in the WCIP since its establishment is evident from the fact that WCIP's second conference was held in Kiruna, Sweden in 1977 and the sixth one in Tromsø, Norway in 1990. In the Sámi discussion, the new key topic became the cooperation of indigenous peoples from around the world. This is a prime example of cooperation between local and the global aspects, in which the national level has been left out, thus leading to religious-ethnic groups, provinces and regional organisations, as well as the international cooperation of the indigenous peoples and their networks, now perceived as being on a par with the nation-states (Appadurai 1996; Eriksen 2001: 298). At that time, the essential goal of indigenous peoples was, and still is, to preserve themselves as groups sustaining their own culture and language. These objectives, however, seldom require the foundation of a sovereign state.

Social movements are not usually everlasting, they can rise and die. Their survival is dependent on many inside and outside factors (Kaldor 2006: 117–118). The WCIP, which was financially rather poor and could not regenerate quickly enough, no longer functions. However, the activities of the WCIP answered the aims that were established at its foundation, and it played a very influential role in promoting the common objectives of the world's indigenous peoples, in particular those in Central and South America, and reinforcing mutual understanding.

### *Indigenous internationalism and indigenous rights*

On March 15th, 1977, dozens of indigenous organisations, including the Nordic Sámi Council, were granted the status of non-state organisations at the UN, which led to new

opportunities for political influence in international arenas (Rights of Indigenous peoples 1998). In this way, many indigenous organisations became advisory bodies or NGOs. Their advisory status entitles them to take part in meetings and conferences between countries and governments. In 1977 and 1981, international conferences on indigenous issues were held in Geneva. Not only were these conferences a sign of the activeness of national networks, they also demonstrated the actions taken by governments to settle indigenous issues. The conferences were also the impetus that drove global actors to cooperate with each other, which led to the voice of indigenous peoples in international arenas gaining in strength (Oreskov 1988: 157; Tauli-Corpuz 2007a: 5–6).

In the 1980s, the international situation started to be more favourable due to the solutions proposed by the UN for minorities and non-colonialist actors and due to the reactions against the oppressive situations of people in the ‘Fourth World’ (Minde 2003: 95–96). This in turn led to indigenous peoples becoming a more close-knit global community, which allowed them to participate and influence international systems and decision-making bodies. The study of cooperation amongst indigenous peoples conducted by Special Rapporteur José R. Martínez Cobo—appointed by the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities—led to the establishment in 1982 of a special body in the UN to deal with indigenous issues, the Working Group of Indigenous Populations (‘populations’ was replaced by ‘peoples’ in 1989, hereinafter WGIP), a subsidiary organ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in Geneva. (Rights of Indigenous peoples 1998.)

Soon after the WGIP was established in Geneva, it became the first real international arena for indigenous peoples. The Sámi took part in WGIP work for the first time in 1983, when the (Nordic) Sámi Council sent two delegates, Lars-Ande Baer and Liv Östmo, to the meeting, after which they immediately left for the Sámi Conference being held in Utsjoki (interview with Leif Dunfjeld 2006). The working group’s meetings were open to all indigenous organisations and their representatives, all NGOs and any other interested parties. The Voluntary Fund for Indigenous Populations, established in 1985, was used to provide financial support so that as many indigenous peoples could participate in the working group as possible. As the Nordic Sámi Council was one of the parties that had proposed founding the fund, a delegate from the council, Sámi lawyer Leif Dunfjeld, was made a member of the board. Dunfjeld served for years as the Sámi coordinator for international affairs and as an expert on international law in Geneva starting in 1984. (interview with Dunfjeld 2006; Rights of Indigenous Peoples 1998). The work of the Nordic Sámi Council itself also started to focus more on international issues. Since then, the Sámi had been one of the primary forces in the international indigenous arena.

The Geneva delegates had to first learn to trust each other:

Our first talks at the working group in the summer of 1982 were as fragmented as clay pots. We had to learn trust each other, but our experience did not allow such trust. It was a time of listening. It was a time of understanding our teachings and experiences. In all the languages of the earth, we discussed our suffering and our dreams. (Battiste and Henderson 2000: 3)



‘We didn’t look upon each other very kindly, but we quickly reached a mutual understanding’, states Andrea Carmen, head of the International Indian Treaty Council (personal interview 2008 in New York). Gradually, they learned to find new ways to work more efficiently and effectively in the UN’s system and to rise to the challenges set forth by governments by starting to hold their own preparatory, strategic meetings—an ‘indigenous caucus’—before the WGIP meetings. Leading the caucus required great diplomatic skill since there were also those who wanted to have their own specific situation recorded in the final statement. One strategy that many people tried to use was pulling out of a meeting in order to have the statements amended to their liking, while other people waited until the last minute to propose amendments. ‘At the beginning of the process, we were not used to displaying a united front. But in the end, we found a common stance in the meeting room,’ Carmen told me.

At the WGIP, the first point of discussion was whether indigenous delegates should be heard in meetings. Andrea Carmen, who participated in the process, told me:

The states said ‘no’ as they felt the process was solely between the governments. We did not accept this and marched out of the meeting room. The second year, we had to walk out of the meeting room to ensure that indigenous peoples would be part of the process. We held a peaceful hunger strike. We wrote a statement which said that not a single indigenous declaration approved by the UN was legal unless we, its subjects, were part of the preparatory process. In this way, we received permission to speak on equal grounds with the government representatives in all sessions. (Interview 2008)

The demands by indigenous peoples to be afforded the same rights to participate as states were finally taken seriously and work got underway. ‘We’re stubborn people’, Kenneth Deer told me about the first victory in the long process (personal interview in 2008 in New York). Deer comes from a Mohawk nation in Canada and has represented his people in international arenas for over 30 years.

Indigenous people gradually learned to work effectively in the UN and in their own meetings: ‘we were so tactical that other groups started to copy us’, as Deer also remarked. As the success story of the caucus and the WGIP started to be heard around the world, interest in their work grew and at the end of the 1980s, new indigenous delegations started to appear in Geneva from Central and South America, the Ainu (Japan) and Cordillera (Philippines) from Asia, and after the fall of the Soviet Union, indigenous delegations from Russia (Gray [ed.] 1988: 169). The number of registered participants at the UN Indigenous Forum in 2008 reached an all-time high of 3,300. The international meetings of indigenous leaders and representatives have been ‘junctures of histories, longings, and potentialities’ (Niezen 2003: 25). Things can be said to be looking up, particularly in the long run, as the movement has brought about many changes and reinforced the identity of indigenous peoples. In addition, the political atmosphere is more favourable towards the demands of these peoples. The meetings have directed the attitudes of indigenous peoples towards themselves, and those of the states concerned in particular, in a more positive direction in spite of the fact that there are still countries that do not respect the rights of indigenous peoples (Oreskov 1988: 157; interview with Deer 2008; interview with Carmen 2008; interview with Dunfeld 2006; Niezen 2003: 25; author’s notes from the UN Permanent Forum for indigenous issues 21–29.4.2008). The knowledge and experience that has been gained from the WGIP, the indigenous caucus

held in conjunction with it, and the WCIP, have created a new phenomenon nowadays called 'indigenous internationalism'.

The WGIP took a decisive step when it started preparatory work on the UN Declaration on the Rights of Indigenous Peoples in 1984 once Special Rapporteur José R. Martínez Cobo had finished his study on indigenous issues (Martínez Cobo submitted his *Study of the Problem of Discrimination Against Indigenous Populations* to the Sub-Commission between 1981 and 1984). The WGIP used the proposals contained in Martínez Cobo's study when preparing the UN Declaration on the Rights of Indigenous Peoples, in particular the definition of the word 'indigenous' (see above), as well as the revised ILO-Convention (No. 169, 1989) which signified the first major advance in protecting the rights of indigenous peoples (Makkonen 2000: 117). The three main objectives of the ILO-Convention (No. 169) are, according to Article 2:

1. ensuring the human rights and equality of indigenous and tribal populations,
2. promoting the full realisation of the social, cultural, and economic rights of these peoples with respect for their identity, customs and institutions, and
3. assisting these peoples in eliminating socio-economic gaps between them and other members of the national community.

The Convention (No. 169) allows for 'positive discrimination', that is, special measures to safeguard the persons, institutions, property, labour, cultures and environment of the peoples concerned in agreement with the peoples concerned (Article 4). Since day one, the WGIP has stressed the development of international standards pertaining to the rights of indigenous peoples in its work. One of the special challenges of indigenous organisations has been the right to traditional ways of life such as fishing, hunting and reindeer husbandry, as well as the right to one's own language and culture; therefore, there is good reason to discuss both general human rights and rights specific to indigenous peoples. In addition to the rights of the individual, issues pertaining to indigenous rights and their protection also contain a collective element (Mynnti 1997: 8; personal interview with Joffe 2008). It is important for indigenous peoples to exercise their rights and practice culture together, collectively. Eliminating all types of discrimination is also an extremely multifaceted affair, and thus the right to participate in political decision-making on all levels is significant.

At the initiative of the indigenous peoples and in order to speed up preparatory work on the UN Declaration, the WGIP strove to achieve a mutual consensus amongst indigenous peoples, governments and the international community on the key concepts and definitions pertaining to rights, identity and culture. Mrs Erica-Irene A. Daes, chairperson of the WGIP and the UN Special Rapporteur, proposed the key principles to be included in the process: the plural form 'indigenous peoples'; the combining of individual and collective rights; the right to self-determination; the protection and cultivation of the identities, languages, beliefs, traditions, and customs of indigenous peoples; and the right to land and natural resources (Daes 1996: 2).

After ten years of preparations, at its 11th session in 1995, the WGIP reached a consensus on the text to be included in the draft UN declaration and sent it to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, which in turn sent it to the UN Commission on Human Rights for consideration (Daes 2000b: 67–68). The UN Commission on Human Rights created a working group to finalize the draft that the WGIP had prepared and the sub-commission had approved, ‘since the states did not like the draft. The process was slow, since even this group’s work continued up until 2006’ (interview with Deer 2008). The states insisted that the original text be amended: for example, the USA could not accept the term ‘indigenous peoples’. Without any specific reason, the USA stated that it ‘cannot be construed as having any implications as to rights under international law’ (Tauli-Corpuz 2007a: 7). In addition, the African countries did not approve of some of the articles contained in the draft declaration as they considered them a threat to their integrity. During this time, indigenous peoples tried to defend the draft they had envisaged and to prevent it from being amended (interview with Deer 2008). Most of the indigenous representatives did not approve of the proposed major changes even though there were several parties trying to make amendments. Even those countries that were sympathetic towards indigenous peoples, including the Nordic Countries, proposed compromises, thus leading to further years of delay. The commission had intended to have the draft UN declaration approved at the UN General Assembly by the end of the first International Decade of the World’s Indigenous People (2004). This proved, however, to be too ambitious a goal as Article 3 of the draft declaration, which discussed the right to self-determination, was too much for many governments.

Finally, in June 2006, the Human Rights Council (formerly known as the Commission on Human Rights) voted on the UN Declaration. Even though no consensus had yet been reached on the entire text, a consensus had been reached between the states and indigenous representatives on the majority of articles. The indigenous people started to organize strategic meetings of their own and to lobby the states. The suspense grew when the representatives of the African countries announced in a session of the Human Rights Council that they still wanted to negotiate with their governments about certain articles. They wanted to amend Article 46, which pertained to territorial integrity. Deer (interview 2008) narrated the tension that took place in the session of which he was a part:

We, the stunned indigenous representatives, kept the package intact. We spied negative issues. Once voting began, we didn’t know how it would turn out and how the representatives would vote. We thought that the Latin American countries and EU Member States would vote for it, but we weren’t sure what the Asian and African countries would do. Suddenly, the Argentinean representatives requested a break so they could negotiate with their government. This made us nervous. We thought the South American countries would stick together.

According to Deer, additional suspense was added when voting started, as the voting buttons malfunctioned. He remembers:

Guatemala was the first to raise its hand and vote ‘yes’ and then one after another each country voted in favour, a total of 30 countries, but Canada and Russia voted against it. In the end, only twelve countries abstained. We were surprised, we all clapped as we thought we had won.

The UN Human Rights Council proposed the adoption of the Draft UN Declaration on the Rights of Indigenous Peoples to the United Nations General Assembly (Human Rights Council First session Agenda item 4; HRC/1/L.3. 6/25/2008). The draft UN declaration was not approved, however, in the General Assembly of September 2006, since two countries voted against it and twelve abstained. The representatives of 30 countries, including the Nordic Countries, Mexico and Peru, voted in favour of the declaration. African and Asian countries were among those who abstained. These countries still felt that the content of the declaration was not appropriate to their circumstances, as they felt that all peoples were indigenous peoples. Questions and doubts also arose about the articles pertaining to the right to self-determination and land, which they felt went too far and would thereby provide people with a direct opportunity to gain independence (author's notes from the UN Permanent Forum for indigenous issues 21–29.4.2008; Suurpää 2007).

On September 13th, 2007, the UN General Assembly finally adopted the UN Declaration on the Rights of Indigenous Peoples by a strong majority: 143 voted for it, including the Nordic Countries, four voted against it (Australia, Canada, New Zealand and the USA), and eleven abstained. The approval of the Declaration was considered a historic victory for indigenous peoples everywhere as the UN Declaration on the Rights of Indigenous Peoples promoted their rights on a global level and is, above all, the main instrument between them and the states. This was stressed by Victoria Tauli Corpuz, who was the chairperson of the UN Permanent Forum on Indigenous Issues, in the 7th session of the forum held in New York on April 21st, 2008: 'Don't miss the Declaration, because our elders took part in the drafting of the Declaration' (author's notes 2008). Evo Morales, who is the first indigenous president of Bolivia agreed: 'For many Bolivians, the Declaration represents a road map.' Bolivia is the first country in the world to adopt the UN Declaration as national law. It is an important symbol of the beginning of the end of invisibility, marginalization and oppression, according to Morales. He also emphasised 'the permanent struggle for justice' and 'many shared memories' over the last 500 years, which have resulted in indigenous peoples nowadays being regarded as human beings (author's notes 2008).

### *Difficulties facing the acceptance of indigenous self-determination and collective rights*

In global arenas, the indigenous movement has striven to create an alternative vision of democracy and development. This includes the opportunity for indigenous peoples to govern their environment and development on their own terms, and to discuss legal, administrative, and other arrangements that affect and are related to their lives with the governments of the countries in which they live. As the UN Special Rapporteur of Indigenous Peoples, James Anaya says: 'Self-government is the overarching political dimension of ongoing self-determination' (1996: 150). The inherent right of self-government is a human right that flows from the right of self-determination.

Indigenous peoples use the term 'the right to self-determination' to refer to the right to make decisions about matters concerning them. In its fourth general assembly in Panama in 1984, the declaration of principles approved by the WCIP sets forth in a concise

fashion the most important issues and objectives of the WCIP and of the hundreds of indigenous organizations and their representatives that participated in the WCIP's work. The right to self-determination, and economical, social, religious and cultural rights, are some of the significant rights stipulated in the declaration of principles approved by the WCIP:

All indigenous nations have the right of self-determination. By virtue of this right they may freely determine their political status and freely pursue their economic, social, religious and cultural development. (IWGIA Newsletter 1984: 129)

The Vienna Declaration adopted by the Conference recognized 'the inherent dignity' of indigenous peoples, as well as the 'value and diversity of their distinct identities, cultures and social organizations', and the importance of respecting the rights of indigenous peoples for ensuring national stability and development (Daes 2000a: 11). In its declaration, the 1993 UN Conference on Human Rights already recognizes the right of these people to live life on their own terms. This declaration also stresses their right to participate in society and the particular right to participate in decision-making that affects their interests and their traditional areas.

According to these peoples' holistic cosmic view, human rights, land rights, environmental issues, cultural rights and political rights are all interconnected. Many people have been barred from participating in social and political arenas and they have therefore submitted demands about their limited political agency: they feel that it is important to have their basic democratic rights acknowledged. In these situations, organizing locally, nationally, regionally and internationally has been a way of attaining a common goal. On the other hand, many have felt that it is important to be recognized as an indigenous people in order to preserve and develop their language and culture (Aikio 2006; Independent Commission on International Humanitarian Issues 1977: 36–37).

It is crucial for indigenous peoples to preserve and transmit their cultural heritage from generation to generation. The heritage of indigenous peoples is comprised of all objects, sites and traditional knowledge which have been transmitted, and which are regarded as pertaining to a particular people or its territory. The heritage also includes literary or artistic works which may be created in the future based upon its heritage (Battiste and Henderson 2000: 65).

The effective protection of the heritage of the indigenous peoples of the world benefits all humanity. Cultural diversity is essential to the adaptability and creativity of the human species as a whole. To be effective, the protection of indigenous peoples' heritage should be based broadly on the principle of self-determination, which includes the right and the duty of indigenous peoples to develop their own cultures and knowledge systems, and forms of social organisations. Indigenous peoples should be the source, the guardians and the interpreters of their heritage, whether created in the past, or developed by them in the future. (Daes 2000a: Articles 1–3)

The two international human rights covenants (the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights) both state in Article 1: 'All peoples have the right of self-determination'. One may then query why it was so important for the UN Declaration to include the right of self-

determination if it was already a part of international human rights law. The response could be that many countries that have ratified the two international Covenants have not applied the right of self-determination to indigenous peoples. Several countries have vehemently opposed the movement's vision of a right to self-determination, which is evident in the fact that the draft UN Declaration was not adopted in December 2006 (interview with Paul Joffe 2008 in New York). The movement has requested that new alternative and positive mechanisms be created and that interaction between the dominant society or ruling group and indigenous peoples be improved, thus fostering understanding. Indigenous peoples have usually claimed recognition as indigenous peoples from the countries they live in, and often (internal) self-government, and in the case of some indigenous peoples this claim has been realized. For example, the Constitution Act of Finland (1973/1995, renewed in 2000) guarantees the Sámi, as an indigenous people, self-government or cultural autonomy in matters concerning their language and culture within the Sámi Homeland. Representatives of the indigenous movement have defended the draft by specifically emphasizing that the right to (internal) self-determination (autonomy, self-government) can be implemented in many different ways (interview with Joffe 2008; interview with Tauli-Corpuz 2005 in Helsinki; Stavenhagen 2008: 13).

The right of self-determination was not the only thorny issue, though, as land rights also proved to be a difficult subject, since it once again covered both individual and collective rights. The main issue of the WGIP became whether the right to land and natural resources should be considered an essential part of the right to self-determination. The issues of indigenous rights usually reflect beliefs that indigenous peoples have a close connection to the earth that they have occupied and used since 'time immemorial'. Discussions and research have been actively conducted on a national and international level to reach a conclusion on whether this traditional idea of a connection to nature is sufficient grounds for the indigenous peoples successfully claim ownership of the land. In addition to the right of self-determination, indigenous peoples have themselves stressed the right to land and other natural resources as a key indigenous issue. They have justified their demands by showing that indigenous cultures have been based on a collective identity and a sense of community, on the consensus of the community and, above all, on continuity. In traditional communities, land ownership has been based on collective ownership and the joint ownership of family; a ceremonial life and animism have also played key roles. In this way, indigenous peoples feel that losing their land has impoverished and marginalized them as the land is the foundation of their life (Martínez Cobo 1986–1987: 196–198, 580; author's notes from the UN Permanent Forum for indigenous issues 21–29.4.2008).

Many of the rights of indigenous peoples have traditionally been collective customary regulations, but recognizing their collective nature in international law has been slow and somewhat cautious. Development, however, has been moving towards expanding the rights of indigenous peoples to include collective rights now that the UN Declaration on the Rights of Indigenous Peoples—which includes a large number of collective rights (Portin 2005: 2)—has been approved. The Declaration has a total of 24 preambular and 46 operational paragraphs and states in Article 3: 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' Thus: 'The UN

Declaration links the right to self-determination (Article 3) with the exercise of autonomy or self-government in matters relating to their internal and local affairs (Article 4)' (Stavenhagen 2008: 13). According to the Declaration, the right to self-determination is a collective human right. Other rights affirmed in the Declaration often have both collective and individual dimensions. However, the rights in the Declaration are predominantly collective in nature.

It is also stated that indigenous peoples have the right to the lands, territories and resources which they have owned; furthermore, they have the right to own, use, develop and control those lands and resources (Articles 26–28). The right to the lands and resources and the right to participate in controlling and using the lands and resources strengthens indigenous self-consciousness, identity and history, thereby creating a situation where their rich cultural heritage can be preserved and the challenges of marginalization can be faced. In addition, the UN Declaration differentiates between traditional rights and the implementation of general rights as regards the majority (Articles 1–2). It is also essential that indigenous peoples be allowed to preserve the characteristics of their own culture such as languages, to collectively decide on future development, and to be guaranteed the right to participate in the political, economical, social and cultural life of the countries in which they live (Articles 5, 11–16). Thus, 'culture and rights have been portrayed, sometimes as natural allies, at other times as strange bedfellows' (Cowan et al. 2001: 3). Culture is studied as the target of discourse concerning rights. This discourse, in which it is required that 'Others' must be treated fairly, also subsumes cultural diversity and cultural differences: indigenous peoples shall also not be denied the right to equally enjoy the human rights afforded other peoples under international law (Article 1).

### *How to be indigenous*

Through the WGIP, indigenous organisations were able to formally participate as full members in the international community and could thereby express their opinions and positions about their own situation without apprehension which, in turn, led to their becoming the actual driving force behind the changes emerging from the various forums and conferences around the world. They expressed their opinions, proposed initiatives, and stipulated that indigenous rights should be officially incorporated into the international human rights' mechanism (WGIP 1993). As Andrea Carmen (interview 2008) concluded:

The Declaration didn't come true because of the UN but because of indigenous peoples themselves. We came year after year together, planned, drafted together in Geneva. We will not allow our rights to be negotiated, compromised or diminished in this UN process, which was initiated more than 20 years ago [1983–1997] by indigenous peoples. The United Nations itself says that human rights are inherent and inalienable, and must be applied to all peoples without discrimination.

This international process comprises both local and global dimensions, both grass roots and the United Nations, and produces the phenomenon of indigenous internationalism.

In the growing interchange between indigenous representatives and international bodies and institutions in the UN and elsewhere, there has been a two-way process:

indigenous people have begun to go out into the world as the outside world has started to come to them. Many have begun to see themselves as a part of something bigger, a part of internationalism; as it is framed in many contexts: 'They are no longer prepared to be silent.' The long process, lasting more than forty years, has instilled indigenous peoples with a sense of hope, helped develop a sense of self, and, in the end, created a poetics of a new kind of 'First World' identity. The efforts devoted to bringing positive meanings to the notions of 'First World' and 'nationalism' can be interpreted as a move to create new, homogenizing narratives of resistance to domination by nation-states which must be located within the yet further overarching narrative of world community provided by the UN. We can think of the indigenous movement as well as any other 'non-aligned movement as representing a "rainbow coalition" of dispossessed peoples united by their constitutional rights as citizens of the world of nation-states' (Gupta 1997: 185). The movement's efforts at imagining collectivity are thus caught between multiple levels of identification and organisations.

Like 'gender', 'ethnicity' and 'culture', 'indigenous peoples' is a concept that continues to stimulate debate and scepticism. The main concerns with the concept are that indigeneity has developed into a global movement, and that it has become absolutely crucial to assure such new rights as self-determination and land rights for the world's indigenous peoples. Like ethnicity, culture or gender, indigeneity is also seen as somewhat incoherent in the sense that its features cannot be generalized globally. Nevertheless, while the terms cannot be used in the same way all over the world, they are useful or even necessary. While it is often wrongly assumed that the term only subsumes the ethnic characteristics attributable to 'indigenous peoples', it seems to be 'as much a concept of political action as it is of semantic reflection' (Gray 1995: 40–41). Despite its historical or 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' (Merlan 2009: 319). It is also a product of post-colonialisation and an effort to move away from colonial relations towards more equal relations, towards a recognition of difference and the destruction of Otherness (Hall 1996; Tuhiwai Smith 1999).

The recognition of indigenous peoples and the emphasis on the plural form of the designation have been prominent themes of debate in international politics. As Victoria Tauli-Corpuz noted in 2005 (personal interview): 'Indigenous peoples with its plural form "-s" is a very central issue for us, because it unites us, and because it emphasizes our common problems and experiences, such as colonization in general.' Indigenous peoples are not mere 'populations' or 'citizens'. Nor should they be viewed as 'minorities' under international law, but as 'distinct peoples' or 'nations' in the spirit of the ILO convention (No 169) and the UN Declaration. The UN Declaration does not, however, define who the indigenous peoples are, instead providing them with the right to identify themselves as indigenous peoples according to their own traditions and customs without it leading to discrimination, as 'recognition is a matter that starts with us, with our people, it is a matter that carries us forward; it should be made by the hands of the community itself. The process is not an easy one and it has been a mutual learning process' (interview with Carmen 2008). The UN Declaration states the following in Article 9:



Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Over the past decades indigenous peoples have sought explicit affirmation of their legal status as 'peoples' and their right to self-determination, and to strengthen a way of articulating goals associated with human rights and equality which are particularly connected to an extensive right of participation and mutual respect between different peoples and nations. The concept 'indigenous peoples' constructed by the movement is so closely related to the concepts of culture, human rights and development that:

Through the adoption of the Declaration on the Rights of Indigenous Peoples, the United Nations marks a major victory in its long history towards developing and establishing international human rights standards. It marks a major victory for Indigenous Peoples who actively took part in drafting this Declaration. (Tauli-Corpuz 2007b)

It is still worth noting that the term indigenous peoples and other collective terms like the First World, First Nations, Indians and Sápmi all include many diverse communities or peoples and language groups, each with their own identity joined together under a single title. Although there is a high level of indigenous consensus in identifying issues, their colonial and national experiences differ widely.

### *Conclusion*

To conclude, the strong spirit of solidarity among indigenous peoples has been created through diverse social and political processes and is now sustained by political organisations and international networks. In the indigenous movement, the understanding of indigenous peoples has always been constructed from their own perspectives, whereas prior to that others had made the decisions concerning them and written their stories of identity as Otherness. The cooperation of indigenous peoples within the WCIP, WGIP and other international fora around the world meant a new and essential context in the indigenous discourse. The UN Permanent Forum on Indigenous Issues is the context in which indigenous peoples are nowadays communicating with each other and other international agents and pressuring a range of international UN agencies and member states in light of international instruments to further their rights and cultures. The Sámi have played a decisive role in this movement and they, as well as other indigenous peoples around the world, have become increasingly aware of the common fate that they have shared, meanwhile beginning to realize what it means to be an indigenous people.

The concept of 'indigenous peoples' has not only brought together different peoples of the world with varying colonial and national experiences, but it also involves identity and political mobilization. According to the indigenous movement indigeneity is not simply a matter of ethnographic analysis, as so many anthropologists seem to claim, but it seems to be also a matter of life and death for the millions of people covered and identified by the term. Nowadays, there is even a high level of indigenous consensus and even

international legal consensus in identifying issues. The UN Declaration on the Rights of Indigenous Peoples is a good example of this, because most UN member states supported the Declaration in 2007, and of the four dissenting states, Australia and Canada have recently adopted it, thus modernizing relations with their aboriginal peoples and making a commitment to promote indigenous rights. The UN Declaration seems to have become one of the new roads to a better future for these peoples. So far, it is difficult to know how the UN Declaration may change the situation of all indigenous peoples and contribute to the possibility of greater future realization of indigenous peoples' claims—particularly in the context of resource development—as well as helping to translate new rights such as self-determination into practice in different local contexts. Much will depend on the goodwill of the nation-states as well as the negotiating power of the various indigenous peoples themselves.

The rise of ethnicity in the movement of indigenous peoples is a direct indication of the dynamics and regenerative power of indigenous peoples. Not only has the indigenous movement been a political mobilization, it has also been a movement of transformation and renewal. It has promoted an image of indigenous peoples as victorious rather than victimized, challenged images of indigenous peoples as powerless casualties of history, and redefined indigenous identity as a valued status with material and spiritual significance. Activism has also led to the revitalization of indigenous cultures, languages, traditions and rights. Indigenous activists in cooperation with wider society in many different localities have been modernizing identifications and traditional communities by maintaining—but also recreating and inventing—traditions and forms of lives and values in the changing world in an ongoing process. In summary, as a result of the indigenous movement and research conducted by a new wave of scholars, indigenous cultures are no longer regarded as static, homogeneous, primitive and inferior and instead are seen as capable of conceptual innovation and vibrant social reproduction. This development has caused a shift in the paradigm towards a perspective of decolonised equality arising from recognition of indigenous cultural heritages and epistemologies.

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