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Introduction

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## Claims, Rights, Voices, and Spaces in the Global Indigenous Peoples Movement

Rebecca Hardin and Kelly Askew

This is an introduction to a series on the Indigenous Peoples Movement, which includes the following articles and their corresponding commentaries:

- Dalee Sambo Dorough, *The Ongoing Indigenous Political Enterprise: What's Law Got to Do with It?*, 2 J. L. PROP. & SOC'Y 71 (2016), <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Dorough.pdf> (commentaries by Philip J. Deloria & Monica Hakimi)
- Jens Dahl, *How the Subaltern Took Agency in the United Nations*, 2 J. L. PROP. & SOC'Y 105 (2016), <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Dahl.pdf> (commentaries by Bruce Mannheim & Kiyoteru Tsutsui)
- Virginius Xaxa, *The Global Indigenous Peoples Movement: It's stirring in India*, 2 J. L. PROP. & SOC'Y 141 (2016), <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Xaxa.pdf> (commentaries by Richard Tucker & Mayank Vikas)
- Kennedy Gastorn, *The Emerging Constitutional Indigenous Peoples Land Rights in Tanzania*, 2 J. L. PROP. & SOC'Y 181 (2016), <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Gastorn.pdf> (commentaries by Daniel Halberstam & Kelly Askew)

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# Claims, Rights, Voices, and Spaces in the Global Indigenous Peoples Movement

Rebecca Hardin and Kelly Askew\*

It is an auspicious day when a formal academic conference about property opens with reflections from those who have, historically, been evicted or displaced. When the Association of Law, Property and Society (ALPS) met on May 2 and 3, 2014, for its 5th Annual Conference, Elder Larry Grant of the Musqueam First Nation was the first Plenary Speaker. Standing at the podium in a recently erected, elegantly appointed amphitheater, he addressed property, sovereignty and belonging. He both welcomed participants to the event, and reminded those assembled that, from his vantage point, the site on which this University of British Columbia Law School stands is part of his people's "un-ceded lands . . . yet Canadian law does not recognize this."<sup>1</sup>

This issue of JLPS considers milestones on the journey toward such recognition. It considers in particular the United Nations Declaration on the Rights of Indigenous Peoples ("UN Declaration"), passed in 2007. That declaration redefined the parameters of global indigenous rights movements. Steadfast and ever-broadening mobilization over a thirty-year period paid off with the consensus reached on this international declaration recognizing indigenous peoples

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<sup>1</sup> The meetings were held at the Allard College of Law at the University of British Columbia in Vancouver, Canada.

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<http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-HardinAskew.pdf>

throughout the world as self-determining actors, rights-holders and property-owners.



Musqueam Elder Larry Grant, at the dedication of a Musqueum Post at Allard Hall from <http://aboriginal.ubc.ca/files/2012/04/housepost-grant-500.jpg> (last accessed Aug. 28, 2016).

As significant as the UN Declaration is, and whatever future outcomes it may yield, it would not exist save for the conjoined efforts of activists from First Nations in North America, island communities in the South Pacific, Amazonian and Mayan communities in South America, Inuit and Sami communities in the Arctic Circle, Aboriginal clans in Australia, hill tribes in India and Myanmar, and pastoralist and hunter-gatherer groups in Africa, to name but a few. In this special issue, we present perspectives on the rise and outcomes of this unprecedented global movement. Through synthesis papers we consider how it has enabled a new set of spaces, discourses, and networks to advance the territorial rights, intellectual property, and cultural rights of indigenous groups throughout the world. Through more case specific papers we explore how in national contexts or subnational and transnational territorial conflicts this movement has begun to influence outcomes, set precedents, and redefine political

ecologies and legal possibilities for belonging to, using resources from, or protecting aspects of particular places.

As such this special issue tackles several distinct aspects of this truly *global* movement, tracing productive tensions between lived experiences and legal categories that shape it. Authors and commentators came together at the May 2015 ALPS meeting, in Athens Georgia.<sup>2</sup> Meeting organizers were conscious of moving forward on the kinds of challenges reflected in Elder Grant's Plenary speech; the papers in the panel, however, had previously been presented at a symposium on "The Global Indigenous Peoples Movement" hosted by the University of Michigan International Institute on November 7, 2014. The convergence of these two distinct conversations unfolding among scholars and activists gave rise to the collection of essays and responses presented in this issue of JLPS. It combines two in-depth essays offering regionalist perspectives – one on India and one on Tanzania, preceded by two offering more macro analyses – one on the legal underpinnings of this movement and another on the cultural and institutional networks that sustain the movement.

The first is by Dalee Sambo Dorough, former Chairperson of the United Nations Permanent Forum on Indigenous Issues and a professor of political science at the University of Alaska Anchorage. She analyzes the international legal precedents of the UN Declaration. A longtime activist for Inuit rights, she traces key tenets back to the

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<sup>2</sup> The panel was entitled "The Global Indigenous Peoples Movement: A Special Issue" and we thank Ben Barros for attending that session to offer feedback and guidance on the selection and revision of essays for publication. We editors of the special issue are grateful both to the University of Michigan International Institute and the ALPS leadership, especially Jim Smith, as well as to JLPS editorial staff for their support of this endeavor. We also thank anthropologists Pete Brosius and Laura Zanotti and legal scholar and geographer Hari Osofsky for sharing insights at that panel that shaped our ability and willingness to move forward with this special issue as a valuable interface between legal scholarship and research in the social sciences, especially anthropology.

*International Labor Organization Convention 107 (1957), International Covenant of Civil and Political Rights (1966), and the International Covenant of Economic, Social and Cultural Rights (1966).* The latter two documents both affirmed the right to self-determination for all peoples of the world, and committed signatory states to the pursuit of eliminating human rights violations against indigenous peoples. Getting a majority of states to publicly support these precepts has, she claims, had salutary and what will likely be long-lived effects on the very institution of the United Nations. Her paper is followed by comments from Monica Hakimi and Phil Deloria, professors of law and of history/American culture respectively at the University of Michigan.

Anthropologist Jens Dahl is a key figure in the Denmark-based NGO called International Work Group for Indigenous Affairs (IWGIA) as well as being on the faculty of Cross-Cultural and Regional Studies at the University of Copenhagen. He has followed the rise of the global indigenous peoples movement from its beginnings in multiple sites across the globe. He observed firsthand many of the delicate negotiations required to craft an international declaration that binds signatory states to principles and goals they would not have opted to support on their own. How did this come about, asks Dahl? He explains how the movement succeeded in generating a united global indigenous identity made manifest through shared symbols, shared networks, and shared institutions. He highlights the dynamism of this long process through which interests that started out divergent coalesced into a shared agenda. His paper is followed by comments from Bruce Mannheim, professor of linguistic anthropology, and Kiyoteru Tsutsui, a professor of sociology and director of the Human Rights program, both at the University of Michigan.

We then offer two national contexts for consideration: on the state of the indigenous rights movement in India and in Tanzania, respectively. By considering both local instantiations and global circuits of the movement, we obtain a multi-faceted understanding of how internationally driven discourses and principles are, or are not, gaining purchase in national contexts.

### Paradoxes and Precedents of Indian Indigenous Rights

The first national context summary comes from sociologist Virginius Xaxa, formerly of the Tata Institute of Social Sciences and now at Tezpur University in Assam and an expert on affirmative action policies for indigenous peoples in India. Light years ahead of most national constitutions, the Indian constitution actually accords significant rights and protections for indigenous peoples (although the legal term for such groups is the problematic “scheduled tribes”). Xaxa explores the contradiction between India’s lauded constitutional gains and the continuing violations of these rights as indigenous peoples lose ever more of their territorial lands and forests to foreign and state interests. He moreover charts the divide in social indicators between indigenous peoples and others, exposing high rates of poverty, illiteracy, poor health, poor access to education and overall marginalization. Their engagement with the global indigenous rights movement has provided some international recognition of their plight as well as afforded them access to new networks and practices of mobilization. His paper is followed by extensive comments by Mayank Vikas, a researcher at International Forestry Resources and Institutions and in the Environmental Justice program at the University of Michigan, and Richard Tucker, an emeritus historian of India.

The following paragraphs, drawn from a previous version of comments written for this special issue by Vikas, clarify the particularities of the Indian case in a world where broader phenomena of globalization are influencing indigenous movements and identities. We reproduce them here as a crucial cautionary note about how not only are rights frameworks but also forms of discrimination are globalizing and finding new valences within world regions and new relevance across them.

The deeply entrenched caste system in South Asia is the cause of many social injustices that have plagued the region for centuries. This ancient system of social stratification placed “forward castes” or Savarnas at the top of the social order, and ostracized certain caste groups as “untouchables” (today called Dalit, a self-identified neologism). Other social groups like indigenous peoples found space outside the caste continuum, often in extreme marginalization. That said, the endurance of traditional land ownership systems and self-governance ensured the distinct identity of indigenous peoples despite centuries of assimilation.

Xaxa identifies this distinctive social structure and relative autonomy as key features of Indian indigenous groups. This assessment of a synergistic relationship between Indian and international indigenous movements speaks of non-linear processes of knowledge transfer and translocal engagement between groups facing similar challenges. These engagements have had tangible impacts on the articulation of indigenous rights in India.

But social problems are becoming relevant beyond their original geographical borders through diasporic labor markets and social lives across work sites. This is happening in relation to the discourses on indigenous identity that also today travel across the world. If

rights discourses are assuming transnational aspects with more localized results, so too more locally rooted modes of discrimination are getting new transnational traction, and this in turn is creating new pressures on Indian society.

In the last several decades, South Asians have migrated to all corners of the world. Unlike the earlier migration of poor indentured Indian laborers to the Caribbean by British colonialists, recent migrants are more often formally education and/or highly skilled workers, the majority composed of Savarnas. While the role of caste has diminished within Indian origin communities in the Caribbean, the newer migrants have exported and nurtured caste prejudices. A study commissioned by the British government revealed the existence of caste-based discrimination within communities of South Asian origin, across religions.<sup>3</sup> In recent years, the European Parliament has also passed resolutions against caste-based discrimination.<sup>4</sup>

A court in Great Britain interpreted the provisions of the Equality Act of 2010<sup>5</sup> to encompass caste-based discrimination,<sup>6</sup> however the application is contextual since caste has not been specified in the legislation. In

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<sup>3</sup> The report is entitled: "Caste Discrimination and Harassment in Great Britain," Research Findings No. 2010/8, Government Equalities Office. It notes: The study found evidence of caste discrimination and harassment in Britain in areas relevant to the Equality Act 2010, namely in work and the provision of services. It also found evidence of caste discrimination and harassment in other areas, namely education (pupil against pupil bullying), voluntary work (dismissal), worship and religion and public behavior (harassment in public places). The consequences of these could be severe for the victims.

<sup>4</sup> European Parliament resolution of 10 October 2013 on caste-based discrimination (2013/2676(RSP))

<sup>5</sup> *Chandon & Anor v Tirkey* (2014) UKEAT0190\_14\_1912

<sup>6</sup> Parvathi Menon, *Woman gets £184k in U.K. caste bias case*, HINDU (Sept. 24, 2015) <http://www.thehindu.com/news/international/woman-gets-184k-in-uk-caste-bias-case/article7682113.ece>.

this case, caste was interpreted as a form of discrimination based on “descent” and “ethnic origin” (which are included in the anti-discriminatory provisions), leading activists to demand the specific inclusion of caste in the Equality Act.

Whenever finally amended, the Equality Act may help recognize caste-based discrimination as a form of racism within England. At the same time, several Indian rights-based groups are leveraging international platforms to demand greater rights and protections for vulnerable communities. Much to the Indian government’s chagrin, human rights groups have been campaigning for the international recognition of casteism as a form of racism. This demand is not restricted to the geographical confines of the subcontinent, since caste is no longer just a South Asian malaise.

The Indian Government has been consistently against Britain including caste-based discrimination within racism.<sup>7</sup> The Indian Government’s official position has been to view caste-based and race-based discrimination as two separate issues.<sup>8</sup> The government’s attempts to make caste invisible and framed outside racism, aligns predictably with its denial of separate indigenous communities. It reiterates the Indian state’s complicity in the systemic oppression of indigenous peoples. Discrimination due to caste and racial biases<sup>9</sup>

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<sup>7</sup> Avinash Pandey Samar, *Casteism Is Racism And India Should Stop Interfering In “Internal Affairs” Of Britain!* (Sept. 10, 2010), <http://www.countercurrents.org/samar100910.htm>.

<sup>8</sup> Dean Nelson, *India clashes with Britain over Equality Bill racism law*, TELEGRAPH (Mar. 31, 2010), <http://www.telegraph.co.uk/news/worldnews/asia/india/7541598/India-clashes-with-Britain-over-Equality-Bill-racism-law.html>.

<sup>9</sup> *Northeast students question “racism” in India*, INDIA EDUNews (June 7, 2009), [http://www.indiaedunews.net/in-focus/june\\_2009/northeast\\_students\\_question\\_racism\\_in\\_india/](http://www.indiaedunews.net/in-focus/june_2009/northeast_students_question_racism_in_india/).

is an everyday reality for many Indians, especially people from Northeastern India. Scheduled Tribes (“STs”) form the majority population of most northeastern states, and face racially charged harassment<sup>10</sup> and housing discrimination in major cities like Bangalore and Delhi.<sup>11</sup>

African immigrants also battle racism,<sup>12</sup> however there is no legal recourse since India does not have laws against race-based discrimination. Galvanized by the international movement against racism, there is increasing pressure on the Indian Government to legislate anti-racism laws within the country.<sup>13</sup>

Vikas reminds us of the urgent need for analysis and advocacy grounded in specific legacies of social asymmetry, but also for efforts to advance globally relevant but regionally implementable improvements in human rights regimes. To take seriously and advance indigenous rights can also mean fundamental changes in other deeply entrenched social structures of inequality. This special issue takes that challenge quite seriously, and seeks to demonstrate the kinds of careful, collective work entailed.

Finally, Vikas considers the ways in which these internal struggles for India shape the experiences of immigrants from Africa, many of whom may have experienced exclusionary practices within

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<sup>10</sup> *Students from North East tired of discrimination*, NDTV (Oct. 26, 2009), <http://www.ndtv.com/india-news/students-from-north-east-tired-of-discrimination-403765>.

<sup>11</sup> *Housing apartheid flourishes in Delhi*, HINDU (July 16, 2012), <http://www.the-hindu.com/news/national/housing-apartheid-flourishes-in-delhi/article3613994.ece>.

<sup>12</sup> *Africans decry “discrimination” in India*, ALJAZEERA (Dec. 2, 2013), <http://www.aljazeera.com/indepth/2013/11/africans-decry-discrimination-india-201311139485418912.html>.

<sup>13</sup> *India campaigners push for anti-racism law*, BBC NEWS (Feb. 17, 2014), <http://www.bbc.com/news/world-asia-26222493>.

their own countries. He thus suggests the importance of struggles in any national context for the matrix of possibility and oppression facing marginalized peoples as they become more mobile across regions and nations.

### Territorialized Identities and Social Transitions in Tanzania

The second national context synthesis is offered by Kennedy Gastorn, newly appointed Secretary-General of the Asian-African Legal Consultative Organization (AALCO) based in New Delhi and professor of law at the University of Dar es Salaam, Tanzania. His paper examines the draft constitution that Tanzania has been deliberating for well over a year now, specifically the precepts, rights and language that hold significance for indigenous communities (who are indirectly subsumed within the problematic term “minority groups”).

In direct contrast to the situation in India described by Xaxa, Tanzania officially refuses to acknowledge the presence of indigenous peoples within its borders yet as a signatory state to the UN Declaration is bound to its precepts. Still, for several decades now, the government has taken a strong stance against nomadic pastoralism and instituted policies that undermine the traditional mode of subsistence of indigenous Maasai, Barabaig and Taturu pastoralists. Together with the hunter-gatherer Akie, Sandawe and Hadzabe peoples, these indigenous communities face increasing conflicts and persecution as their ancestral lands are invaded by state and foreign interests seeking land for conservation or investment purposes.

Gastorn mines the existing constitution, and the proposed constitution currently under debate, for nascent principles that could protect the land rights of indigenous groups. His essay is followed by comments from Daniel Halberstam and Kelly Askew, professors of

constitutional law and of anthropology/African studies respectively. The following paragraphs, drawn from Askew's work with fellow anthropologist Rie Odgaard on these issues in East Africa, help offer background on the differences and similarities in our two cases:<sup>14</sup>

It was a Tanzanian Maasai, Moringe ole Parkipuny, who, in 1989, first attended the United Nations Working Group on Indigenous Populations to lay claim for an African presence in that august entity.<sup>15</sup> Through Maasai mobilization efforts and the support of some international associations, the United Nations Working Group for Indigenous Populations (UNWGIP) belatedly accepted African communities (Maasai, Pygmy, San, Berbers, Amazigh and others) within their mandate. In this context, "indigenous" is defined not in terms of place of origin or priority in time (Maasai being no more or less "indigenous" to Africa than, say, Yoruba or Luo people) but by the vulnerability and marginal position of their way of life in the face of state policies of neglect or outright oppression. Thus, in international arenas, "indigenous" populations are those who "struggle for rights being denied them" (Dahl 2012, 189), and in East Africa, it is pastoralist (e.g., Maasai, Barabaig, Turkana, Rendille, Samburu) and hunter-gatherer groups (e.g., Akie, Sandawe, Hadzabe, Borani, Okiek) who self-identify as such.

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<sup>14</sup> Excerpted from Kelly Askew and Rie Odgaard, *The Lions of Lesoit: Shifting Frames of Parkuyo Maasai Indigeneity*, in *THE POLITICS OF IDENTITY: EMERGING INDIGENEITY*, ed. Michelle Harris, Martin Nakata, and Bronwyn Carlson (Sydney: University of Technology Sydney Press, 2013).

<sup>15</sup> Dorothy Hodgson, *Becoming Indigenous in Africa*, *AFRICAN STUDIES REVIEW* 52, no.3 (2009): 1-32; DOROTHY HODGSON, *BEING MAASAI, BECOMING INDIGENOUS: POSTCOLONIAL POLITICS IN A NEOLIBERAL WORLD* (Bloomington: Indiana University Press, 2011); JENS DAHL, *THE INDIGENOUS SPACE AND MARGINALIZED PEOPLES IN THE UNITED NATIONS* (Basingstoke: Palgrave Macmillan, 2012).

Pastoralist and hunter-gather communities in East Africa suffer the disdain of the majority Bantu farmers who view their claims to land as suspect, and they suffer open discrimination from their national governments. Recent statistics indicate that Tanzanian pastoralists currently number around 1.5 million (in a total Tanzanian population of around 46 million) and contribute at least 30% of the agricultural GDP, producing some 90% of meat and milk products.<sup>16</sup> Yet, despite making critical contributions to national economic growth, pastoralists in Tanzania are consistently discriminated against and denied basic human rights.

Pastoralism as a way of life is popularly viewed as incompatible with modern development goals and in need of eradication. Indeed, the former president of Tanzania, Jakaya Mrisho Kikwete, in his opening speech to Parliament on December 30, 2005, insisted:

Mr. Speaker, we must modernise animal husbandry. We will have no alternative. We must abandon altogether nomadic pastoralism which makes the whole country pastureland. . . . The cattle are boney and the pastoralists are skeletons. We cannot move forward with this type of pastoralism in the twenty first century.<sup>17</sup>

It is a sentiment one finds echoed in other mass-mediated formats, such as newspaper editorials:

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<sup>16</sup> Helen de Jode and Ced Hesse, *Strengthening Voices: How Pastoralist Communities and Local Government Are Shaping Strategies for Adaptive Environmental Management and Poverty Reduction in Tanzania's Drylands* (Tanzania: IIED, KDSC and TNRF, 2011), p. 9.

<sup>17</sup> Cited in Navaya ole Ndaskoi, *Pastoralism on the Horns of a Dilemma: A Report of Consultancy Commissioned by PINGOs-Forum* (Arusha: Pastoralist Indigenous Non Governmental Forum, 2009), p.3.

Why does it seem that livestock keepers never do something, anything, to minimise their losses through drought and, instead, practically sit on their hands, watching their herds die off as a matter of course? I mean, for example, why do they not sell them off when the going is still good?<sup>18</sup>

One scholar, an advocate for pastoralist rights, argues that government officials

fail to see a vibrant system of livelihood that supports an energetic and vibrant population of Tanzanians. A system that at minimal cost provides stable sources of animal protein to the majority of Tanzanians that ranching, with all its sophisticated paraphernalia, has failed to deliver.<sup>19</sup>

In recent decades, laying claim to “indigenous” status has offered marginalized communities, like African pastoralists and hunter-gatherers, routes to international alliances, collective strategies and financial support to combat their mistreatment at home. *Indigeneity* - impossible to define and always contested - tends to be affiliated with the following characteristics:

The indicators, of which some but not necessarily all will be present at any time, are self-identification, historical continuity as a people, firstcomers, aboriginality, territorial connection with a region, distinct identity, marginalisation and discrimination, non-dominance, distinct culture

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<sup>18</sup> *The Citizen*, 14 September 2011.

<sup>19</sup> Ringo Tenga “Seeking redress from courts of law by pastoralists in Tanzania.” Paper presented to the conference on Half a Century of Struggles by Pastoralists for Land Rights: Examining Achievements, Challenges and the Proposed New Constitution as a Window of Opportunity, organised by ALAPA & PINGOs Forum, Arusha, 24-25 November 2011, p.19.

and language, and being in a minority position. A few indicators could be seen as essential, such as self-identification, a wish to retain a specific identity, connection to a specific region, and a history of being dominated through eviction, assimilation, marginalisation, genocide or other forms of suppression or colonisation. Indigenesness seems further to be inevitably linked to the formation of modern states, which is part of the explanation why indigenesness acquired its global significance following the independence of former colonial territories in Asia and Africa and the collapse of the Soviet Union . . . .<sup>20</sup>

The majority of Tanzanians are cultivators who owe their ancestry to a Bantu expansion that originated in West-Central Africa. Nevertheless they claim longstanding land rights as tillers of the soil, marking the earth with their crops, their graves and their permanent dwellings - all visible evidence of human occupation. Pastoralists, however, traverse the landscape leaving few traces of their engagement with the land. Until recently, they did not bury their dead. Until recently, they constructed temporary structures, easily dismantled or simply abandoned when the household would move in search of better pasture or water. Thus, the reiterated narrative one finds in Maasai communities of being originally from a vaguely but proudly identified elsewhere, while perhaps an attempt at reclaiming distinctiveness in the face of political marginalisation, inadvertently contributes to their marginalisation by offering neighboring farming communities fodder for denying the legitimacy of their claims to land and to equal representation in politics. Moreover, the connotation of foreignness that they encourage allows government officials to frequently evict

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<sup>20</sup> DAHL, *supra* note 15, at 190-91.

them on grounds of being non-citizens, of being Maasai from Kenya who wandered over the border illegally, a claim difficult to refute since many Maasai lack official identification like passports or identity cards or birth certificates. One doesn't, however, hear similar accusations lodged against the other ethnic groups (e.g., Luo, Kuria, Digo) similarly divided by the colonial borders and living in different nation states.<sup>21</sup>

Indigeneity is a frame of discourse that has recently come to be embraced by Maasai, as discussed at length by Hodgson (2009, 2011) and Dahl (2012). One need only consider the number of NGOs focused on pastoralist issues in Tanzania with the term embedded within, such as the Parakuiyo Pastoralists Indigenous Community Development Organization (PAICODEO) and the Pastoralists Indigenous NGOs Forum (PINGOs). Unpopular with their government for claiming this status, which implies they precede other groups in the area, Maasai employ different self-labels as situations demand. For as Dahl argues, indigeneity proves to be less about prior settlement or authenticity than about vulnerability and rights denied.

“Indigenous peoples” is not an anthropological idea, nor is it only a modern term for earlier ideas of “tribes”, “primitive people”, or “natives” as Be-telle (1998) seems to indicate but a term used by an increasing number of peoples who themselves have been united by specific historical and global circumstances and conditions [that] precisely like all other social phenomena have trajectories in relationship with other peoples, movements or the creation of new political units such as the state.<sup>22</sup>

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<sup>21</sup> See, e.g., ANDREW COULSON, *TANZANIA: A POLITICAL ECONOMY* (Oxford: Clarendon Press, 1982).

<sup>22</sup> DAHL, *supra* note 15, at 190.

These comments emphasize the historical and material nature of indigenous politics. In Tanzania, the northern area of Loliondo has emerged as a crucible for local, national and international alliances. Allocations of vast tracts of Maasai territory have garnered international attention and condemnation, including from the European Parliament. One concerns an allocation of 1,500 sq. km. encompassing nine fully registered and vibrant Maasai villages that has been granted to a luxury hunting and safari company catering to royalty of the United Arab Emirates. A second allocation of 10,000 acres to an American safari company denies Maasai access to water sources and pastures they have utilized for generations. In both cases, local communities have suffered killings, beatings and injuries. International linkages through entities such as the United Nations or social media like WhatsApp and Facebook enable both the spread of knowledge and tactics, and the building of coalitions. Whether such alliances can outweigh the conflicts among groups experiencing these constraints is an urgent question for the fabric of rural African lives. Smallholder farmers, for instance, and groups who have historically been hunters and foragers, are often pitted against one another in local and regional land use debates in African settings, whereas the larger interests at play may seem out of their reach.

#### Global Indigenous Rights Across Places and Frameworks

These two more detailed “dives” into Indian and Tanzanian contexts, respectively, help us to consider the ways in which colonial legacies, political institutions and contemporary economies interface with basic subsistence ecology, language, values, and affective or artistic legacies to forge distinct and/or merging indigenous identities today. Mannheim notes the wide diversity of indigenous groups in the context of Peru and that wider region, while Tsutsui notes the

power of a particular iconic group in the history and literature of Japan and that wider region. Each world area has unique trajectories on these issues that are nonetheless dynamic, and increasingly interwoven across continents.

Frontiers of research and action on this issues are shaped by what some in our discussions have termed an emerging “diaspora” of indigenous activists and experts, increasingly mobile, themselves, and networked with one another across continents, and across urban and rural landscapes worldwide. The *Barisan Pemuda Adat Nusantara* (BPAN), or Indonesian Archipelago Indigenous Youth Front, offers one example. In August 2016 they co-organized a three-week long training of indigenous youth from across Indonesia, held in a longhouse in West Kalimantan.<sup>23</sup> One observer described it as follows:

The training supported the emergence of the next generation of indigenous leaders, with the calling, awareness, skills and love of their culture to defend and look after their territories. Solidarity with other indigenous peoples was part of the training. Tanzanian Maasai indigenous peoples were being arrested and beaten at this time. Apai Janggut, an elder of the Iban people of Sungai Utik longhouse, suggested that the youth write a message to the Maasai. And these signs were the messages they decided to send:

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<sup>23</sup> Their co-organizer was LifeMosaic, a Scottish NGO focused on indigenous issues.



Photos taken August 25, 2016, by Serge Marti, LifeMosaic. Used with permission.

Similarly, movements such as “Idle no More,”<sup>24</sup> founded by four individual women to emit a call for broad engagement and action to protect indigenous rights and lands, are explicitly pan-indigenous.

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<sup>24</sup> <http://www.idlenomore.ca/> (last accessed Aug. 28, 2016).

They have been deemed “seeds for a good anthropocene,”<sup>25</sup> wherein the creative and persistent struggles of such groups slow rapacious practices within “production-consumption systems”<sup>26</sup> that too often see profits accrue to too few.

Such intersectional analyses of social, economic, ecological and other metrics for evaluating the reach of indigenous social movements are in their infancy. At the same time, conventional approaches to institutional and intellectual work on linked environmental and social dynamics as pillars of “sustainability” show increasing skepticism about attaining goals through existing political and economic systems. Even established scholars are calling for work within widespread, popular social movements. Gus Speth, the founder of organizations like the Natural Resources Defense Council and World Resources Institute, concludes his memoir by remarking that the avenues he pursued in his career are no longer effective for making social progress, and that wider circles of public engagement will be crucial.<sup>27</sup>

In the case of the pipeline protests at Standing Rock, North Dakota in the U.S.A. where more than 4,000 indigenous peoples from over 280 tribes have assembled, some see history in the making with

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<sup>25</sup> In particular, they have been linked to elements of hope, see Seeds of Good Anthropocenes website, a project that spans South Africa, Sweden and Canada <https://goodanthropocenes.net/2016/05/26/idle-no-more-indigenous-activists-call-for-peaceful-revolution/> (last accessed Aug. 28, 2016).

<sup>26</sup> Matson, Pamela C. , William C. Clark and Krister Andersson. *Pursuing Sustainability: A Guide to the Science and Practice*. Princeton, NJ: Princeton University Press.

<sup>27</sup> We are indebted to Alan Miller for reminding us about how Speth reflects in his memoir on his childhood as well as his later career as Dean of Yale’s School of Forestry and Environment, and ends in fairly radical terrain. See Speth, Gus. 2014. *Angels by the River* . White River Junction, VT: Chelsea Green Publishing.

respect to new platforms for cross-tribal collaboration.<sup>28</sup> Beyond that are a politics of converging environmental activisms among widely varying constituents from proponents of the “Black Lives Matter” movement to liberal religious traditions steeped in Judeo Christian and even more Animist or Neo-Pagan European traditions.<sup>29</sup> At the same time, the movement there has galvanized statements of support in the most prominent scientific journals of record.<sup>30</sup>

In other words, struggles for indigenous peoples recognition and rights are catalyzing much deeper historical memories of oppression and marginalization, mobilizing them to prompt collective social action with wider repercussions for broad environmental and social engagement. We hope this special issue can create dialogue among legal, anthropological, and other experts who are documenting and analyzing these developments and their ecological, political, and economic consequences.

Our contributors all acknowledge that the road ahead will prove difficult to navigate. They highlight the need for indigenous activists to remain rooted in their communities and yet also seek ways to make international legal provisions relevant locally. The two case studies from Xaxa and Gastorn present sobering evidence that even legislation intended to protect indigenous lifestyles and land rights can produce opposite outcomes. With the world’s nation-states now

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<sup>28</sup> See, for instance, this opinion piece claiming the camp in North Dakota as the most significant unification of tribes for defense of homeland in recent history <http://grist.org/justice/president-obama-should-listen-to-the-indigenous-people-fighting-the-dakota-access-pipeline/> (last accessed September 30, 2016).

<sup>29</sup> See, for instance the social media around the Standing Rock Activists, and their allies; <https://www.facebook.com/pages/Standing-Rock-Indian-Reservation/109268902425837>

<sup>30</sup> See Januchowski-Hartley, Stephanie R., Anne Hilborn Katherine C. Crocker, Asia Murphy. Scientists stand with Standing Rock *Science* 30 Sep 2016 Vol. 353, Issue 6307, pp. 1506.

committed on paper to the principle of self-determination for indigenous communities, it is no less urgent – nearly a decade after the UN Declaration – to forward efforts to ensure that it is effectively implemented to the benefit of indigenous communities worldwide. Site-specific struggles that are deeply historically rooted and culturally expressed can and must nourish more nuanced yet robust legal and policy frames for a planet facing rising social and environmental volatility.