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Commentary on *How the Subaltern Took Agency in the United Nations*

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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>.

This commentary is in a series on the Indigenous Peoples Movement. See the introduction to this series and links to its other articles: <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-HardinAskew.pdf>.

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Commentary on *How the Subaltern Took Agency in the United Nations**

Kiyoteru Tsutsui**

Good morning. I want to start by thanking the organizers for including me in this panel and allowing me the opportunity to comment on Jen Dahl's research. I'm a big fan of his book so I jumped at the opportunity to speak here. So just quickly, my background on indigenous politics: I've studied indigenous politics in Japan, in Northern Japan, an indigenous people called "Ainu." This is a group that was politically largely dormant until the 1970s and their movement was constituted by their exposure to international indigenous movements. Subsequently they started going to the UN Working Groups and Permanent Forum to advance their movement and made some significant strides. In 2008, they were recognized by the Japanese government as an indigenous people. I've written about this history somewhere else so I'm not going to go into details, but I will just say that I have been involved in helping Ainu representatives when they go to the UN and I have participated in the Forum almost every year until recently. Dahl's book has lots of photos of these forums and I actually tried to see if I

* 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>.

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was in one. Sadly, I am not. Also, I have some “Ainu nerd”-type questions I can ask later, such as: they claim they were the first to bring a laptop to the Working Group/Forum sessions and the first to wear traditional garb for the entire length of the Forum.

Here I want to focus on Dahl’s presentation and book. His research—the way I see it—has been tackling three questions; this presentation focused on the third. Those three questions are: First, why did indigenous peoples become so politically active since the late 1960s? This is not to say they were previously completely inactive, but they have seemingly exploded into the human rights world since the late 60s. Second, why did they go to the UN and the international community as opposed to their own country’s governments? And third, why did they succeed in carving out their own space in the UN?

Dahl’s presentation today focused on that last issue, so I’ll just give a quick overview of the suggested answers to the first two questions. On the first question, Dahl and others like Nietzen outline a few factors that account for the increase in activism post-1960s: (a) *failed governmental assimilation policies* that inadvertently created solidarity and political unity among indigenous peoples; (b) *the reality of the global political economy today*—since the 60s/70s global multinational corporations went around the world trying to find places to extract resources from, and governments were complicit and helped corporations extract the goods/minerals, which led to disturbing the indigenous peoples who were on the valuable extractable land, governments started repressing them, so indigenous peoples rebelled in response; (c) *the rise of an indigenous middle class* with a greater resource capacity to engage in collective political organizations; and finally, (d) *normative change*: the rise of human rights concerns, the increasing global acceptance of self-determina-

tion, the fight against fascism and colonization. It shouldn't be neglected that the impact of the civil rights movement in the 1960s in the US was quite significant. These are some of the factors that explain the rise of indigenous activism.

To answer the second question, Dahl theorizes that indigenous peoples went to the UN because domestic politics provided no remedies for them. Governments had an easy time repressing them with impunity. But now – here I think Keck and Sikkink's "boomerang" pattern is observed – domestic recourse is not available, so they go to an international forum to then pressure the government to make changes. First, indigenous groups from developed nations (the US, Canada, Scandinavia) started becoming active on the international stage, and that opened doors for those from developing countries to join that international movement later. It seems to me that a lot of early indigenous peoples coming to the UN realized the importance of the cumulative effect of more indigenous peoples coming and exerting pressure on governments. Also, this is interesting because the payoff for working with the UN wasn't clear in the early stages, but still somehow people came and started developing camaraderie and solidarity.

Now to the third and main question here, why did indigenous peoples succeed at the UN and create an identity at the UN? Dahl mentions a few key factors: the Indigenous Caucus allowed different indigenous peoples to form solidarity between groups; there was an international network of indigenous activists that helped push for success; the informal/democratic style of deliberation within the Caucus with consensus-based decision-making process made decisions easier to reach. And finally, the indigenous peoples did not challenge the overall structure of the UN. They worked within it.

From these, I want to pull out one question about the international networks formed: it is true that (and Dahl makes this point)

those individual activists who are detached from states and communities had the capacity to push the indigenous movement forward in global forums and establish norms about indigenous rights precisely because of their detachment, and I agree with his assessment. But I wonder as we move from establishing international norms—like drafting the UN Declaration on the Rights of Indigenous Peoples—to implementing real changes, if the detachment from local communities these individual activists have might actually be a problem. Some activists never go back to their communities—sometimes because they can't, which is completely understandable considering government repression etc. and I'm not pointing to these cases as a problem here—because they no longer have connection with their local communities and make a living being international activists. Again, they were helpful in the institution-building process at the UN, but are they capable of bringing fruits of international indigenous activism back to local communities when they have no more connections there?

My second question concerns the process of informal democratic consensus-style of the forum: It sounds fantastic (though perhaps time consuming), and it seems to work well. But this brings up the issue of a potential tension between early joiners and late comers to the UN indigenous forums, and who is a legitimate international people and who is not. I witnessed some tensions between more established indigenous peoples in the UN and other newer participants to the UN forums. Early joiners feel like they have more legitimate claim to indigenusness, and although they don't block late-comers' participation *per se*, when there are limited resources, they make the argument that they deserve the resources – such as travel grants to participate in UN forums – more than the late comers. And these tensions might grow in the UN forums. And early

comers to the forum might use this consensus-based decision-making to exclude late comers and make the argument that they don't belong. I don't want to overblow this point, as this is not exactly a wedge issue in UN indigenous forums as far as I can tell, but just want to point to this issue of who has legitimate claim to indigeness as a potential problem for the future of global indigenous rights activism.

Finally, there is also this argument about how these indigenous peoples became powerful because they didn't fight the state-centered structure in the UN. I agree with that but, I still wonder why the governments really enabled the indigenous peoples to have that much space. Because they are a threat to those governments. They could make territorial claims and claims to resources and so on, but still the governments at the UN enabled them to take hold in the UN forums. Was it because they seemed so small and powerless to the governments or because their claims were normatively so strong that the governments couldn't argue against them? Or did the indigenous peoples make a clever, slightly sneaky, effort to get in there and expand their claims gradually over time. I wonder if you could speak to this process of carving out their space in the UN?

Thank you again for this opportunity to comment on this excellent presentation.