Journal of Law, Property, and Society

Volume 2 **Article**

November 2016

How the Subaltern Took Agency in the United Nations

Jens Dahl

Commentaries on this Article:

Bruce Mannheim:
http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Manheim.pdf

Kiyoteru Tsutsui:
http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Tsutsui.pdf

This article 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.

Recommended citation: 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.

Journal of Law, Property, and Society

ISSN 2373-5856

A publication of the Association for Law, Property and Society

How the Subaltern Took Agency in the United Nations

Jens Dahl*

The achievements of indigenous peoples in the United Nations took their form when the indigenous movement became global. People from five continents unified behind common symbols, common interests and under the construction of a common indigenous identity. How did this take place? This presentation discusses the means adopted in a process that most observers consider as unique: Indigenous peoples unified across cultural and political boundaries, and the achievements on the international stage are impressive. Indigenous peoples shared the vision but did not all play the same role in the process, and some are better than others at putting the achievements into practice.

* Department of Cross-Cultural and Regional Studies, University of Copenhagen.

http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Dahl.pdf.

I. Introduction

Once, twice, or three times a year, indigenous peoples from all corners of the world convene in the buildings of the United Nations (UN) in Geneva or New York. On the morning of the first day, we see them queuing in a long line for registration. Some are there for the first time, looking bewildered, while others are old-timers looking forward to meeting old friends, and hugging and greeting each other. There is a murmuring of people speaking Spanish, English, French, Russian, or other languages that you guess must be local languages from Africa, Asia, the Americas, or the Arctic.

The story about indigenous peoples in the United Nations is the story about how ethnic groups or nations from all parts of the world have been able to overcome cultural differences and cracking the codes, which are similar to all of them, but expressed in ways very specific to each group. It has been a process of cultural learning, understanding and acceptance, resulting in the construction of common interests, common symbols, creation and re-creation of identities and finally making common platform for agency. I guess that seen as a process of cultural understanding, the indigenous UN process has been unique and it is naturally then to ask what we, as researchers or engaged observers, can learn from it.

First, some historical remarks.

In September 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples. This landmark decision followed more than 20 years of negotiations between governments and indigenous peoples. I have the words of government diplomats, each having decades of experience defending human rights within the frames of the United Nations, that this

has been the most difficult and complicated process that they have ever been involved in.

This long process tells about how indigenous peoples, who have used 25 years to educate government representatives and observers, simultaneously have been able continuously to challenge the authority or monopoly of states or researchers to determine and control what it means to be indigenous. Instead, indigenous peoples have taken control of the right to identify themselves, because "We know who we are," as it is sometimes expressed. In this process that was formed by indigenous peoples themselves, the notion of being indigenous has also changed. Being indigenous in 2014 is different from how indigenous peoples saw themselves in 1982 and this has implications for my analysis on what it means to be indigenous. In accordance with the practice adopted by the United Nations, I take a relational or constructivist approach to the *identification* of indigenousness rather than a static or positivist approach as favored by those who insist on having a *definition* on what it means to be indigenous. Indigenousness is an evolving concept and, in the United Nations, people identify themselves as indigenous in their interactions with each other and with governments. I think it is necessary to mention this position of mine although time does not allow me to go further into a discussion on the intricacies of the issue.

In the United Nations, indigenous peoples organized a process that created unity among themselves vis-à-vis states, but at the same time it was also a social transformation of their own internal understanding of who they were, of their identity. However, the process also reflected what took place outside the corridors of the United Nations. In very simple terms, an Inuit woman and political leader, Rhoda Innuksuk, once gave an account of the outcome of the indigenous organizing process simply stating, that "we came as Eskimos

and left as Inuit."[1] Although the term "Inuit" in this sense can be seen as a product of colonialism, it is more than a name change because it indicates a wish to turn alterity into a self-determined development. In a similar way the historian Henry Minde described how Sámi resistance to the Alta hydroelectric scheme in Norway turned an environmental issue into a question of Sámi rights and ending up as an indigenous peoples issue.[2] Likewise, in the United Nations, indigenous peoples have turned a process of exclusion into a process of *inclusion* by transforming symbols of authenticity into symbols of otherness and then to symbols of common identity. People come to the United Nations as pastoralists, hunters and gatherers, fishermen, farmers, academics, and so on and they come from backgrounds where they belong to scheduled tribes, minorities, indigenous minorities, indigenous communities, Aboriginals or Métis, and so on, but they leave the United Nations as indigenous, being part of a global indigenous space and the global indigenous movement.[3]

While government representatives and others were occupied with the definitional issue, indigenous peoples themselves created a global movement, united by a claimed global indigenous identity. By organizing themselves, indigenous peoples have forced governments and researchers to take their own notion of being indigenous serious. It has not been easy and it is still controversial. Most difficult for observers is it to accept that indigenousness is a strategic and dynamic process, which reflects power relations between indigenous

---

[1] Rhoda Innuksuk, "Every Child Needs A Safe Home," in *Arnait Nipingit: Voices of Inuit Women in Leadership and Governance*, ed. Louis McComber and Shannon Partridge (Iqaluit: Nunavut Arctic College, 2010), 60.

[2] Henry Minde, "The Alta Case: From the Local to the Global and Back Again," in *Discourses and Silences. Indigenous Peoples, Risks and Resistance*, ed. Garth Cant, Anake Goodall, and Justine Inns (Christchurch: University of Canterbury, 2005), 19.

[3] Jens Dahl, *The Indigenous Space and Marginalized Peoples in the United Nations* (New York: Palgrave McMillan, 2012), 219-20.

peoples and states on one hand but on the other hand, indigenousness also reflects the scope and the level of indigenous unity.

When indigenous peoples, in 1977, for the first time in a collective effort knocked on the doors of the United Nations they came primarily from the Americas but were soon joined by ethnic groups from the Arctic, Hawaii, Australia and New Zealand. In the United Nations they called themselves with the common term "indigenous peoples." At home these people saw themselves, first of all, as Sámi, Inuit, Haudenosaunee, Maori, etc. but in the United Nations they met people from other parts of the world with the same experiences and the same frustrations. It started with a small group but soon people from other parts of the world heard of these meetings - and became attached. Ethnic minorities from all parts of Asia soon joined, and in 1989 the first person from Africa took part in a meeting, followed next year by the first representative of people from Russia.

It is human rights violations that make people from the far corners of the world take the long journey to the polished floors of the United Nations in Geneva and New York. Geneva is where human rights institutions are located and meetings take place and, since 2002, New York has been the headquarters of the United Nations' Permanent Forum on Indigenous Issues. For indigenous peoples, their first encounter with the United Nations was the human rights mechanism, and it was within this framework that a particular indigenous space emerged. At home, they had tried all legal and political means to ensure they were treated as equal citizens, to get their civil, political, economic, and cultural rights recognized, but in vain. They had knocked their heads against a brick wall and there was no other way forward except to appeal to the international community.

The international legal system gives some protection to indigenous peoples collective rights but the story of indigenous peoples in

the United Nations is, above all, a story of how groups of marginalized peoples from a plethora of global cultures have been able to confirm these rights and develop new instruments and a common understanding for their legal and international protection. Without any comparison, indigenous peoples have been able to create a unique space for themselves within the United Nations, an Alternative Indigenous Space.

The Indigenous Space is *nurtured* within the confines of the UN system but nevertheless has its own existence as relatively independent of states and of indigenous communities at home. It is an "in-between" space rather than an oppositional structure or a structure set aside. It is a main argument of mine that indigenous peoples in the United Nations have been able to create structures and procedures that, at the same time, break with both their own cultural traditions and those of the states in a process of creating an alternative space. This dislocation from local and bounded communities has given indigenous peoples new opportunities. While the Indigenous Space is a non-bounded community nurtured by the UN system, it is still rooted in a vast number of indigenous communities.

One of the most fascinating aspects of the indigenous presence in the United Nations has been that of observing how solutions were found to the most contentious cultural and political issues when traditional oppositions were set aside and new alliances created. In my analysis, this was possible because indigenous peoples as well as governments could use the United Nations as a relatively autonomous space.

It was aboriginal people from the American and Pacific settler countries that were the first to seek the attention of the United Nations and, as such, the indigenous UN agenda long reflected their situation and the demands made by them. They opened the gate for peoples from other parts of the world—people who, at least in the

first instance, seemed to have much more to gain from the United Nations. The newcomers were welcomed and supported by the old-timers, sometimes reluctantly maybe, due to the enormous differences on the ground between, for example, the North American Indians and the destitute hunter-gatherers of Africa. The newcomers may have blurred the process as viewed by the old-timers. In a global political perspective, however, the participation of indigenous peoples from Latin America, Asia, Africa, and Russia made the indigenous issue a *global issue* and alliances were created with governments who otherwise would never have cared.

The implications of the annual indigenous presence in the United Nations and of the establishment of an indigenous space are twofold. First there is the process by which indigenous peoples were able to have an impact upon rules and procedures and second there is the configuration of a global indigenous identity. To gain access to the United Nations, indigenous peoples had to abide by rules and procedures but the amazing fact is that indigenous peoples continuously challenged these and, over the years, they managed to get these changed significantly. All indigenous peoples present were allowed to address the meeting and give their reports; indigenous organizations without official NGO status were allowed in; indigenous peoples insisted on starting all the meetings with a prayer or invocation although religious manifestations are disallowed in the United Nations; and in the end they also managed to have a rearrangement of the sittings in the room. In my interpretation, this was only possible because indigenous peoples did not seriously challenge the overall structural framework of the United Nations whereby the states hold superior power. Indigenous peoples only wanted to be recognized as equal participants, although different – as peoples in accordance with international law.

So, the *forms* have changed but connected to this is the substance from which the creation of common identity among people with so different *cultural* backgrounds developed. Thirty or more years of indigenous presence in the United Nations has refuted the question posted by anthropologist Gayatri Spivak: Can the subaltern speak?[4] A question, which she herself answered negatively. However, in the United Nations, indigenous peoples have shown that subaltern can create their own agenda, take agency and speak on terms and conditions that have their own logic and formed by them.

The question is then *how* indigenous peoples did overcome their cultural differences? And how indigenous peoples have been able to crack codes that are specific to one or a group of other peoples, and adopt these codes as symbols that make meaning to everyone although often interpreted differently?

II. The Indigenous Caucus

Within the indigenous UN space, by far the most important innovation was the creation of a new institution called the Indigenous Caucus. Although informal and with no written rules, the Indigenous Caucus is where a consensus that everyone abides by is reached. Every day after or in-between the official UN meetings, indigenous peoples meet and discuss issues, strategies, and so on. The caucus rests on consensus, which again is based upon open access, equality, and acceptance of differences. The Indigenous Caucus is an

[4] Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Basingstoke: Macmillan Education, 1988).

informal body in which the participants change from day to day albeit usually with a small core of people with long UN experience.[5] In principle, the caucus members are all indigenous persons present at the UN meeting. Although the Indigenous Caucus is not an elected or appointed body and thus does not strictly represent all indigenous participants, it has been very efficient in setting the indigenous stage, and both indigenous peoples and governments usually consider the caucus as representing the indigenous "group." The Indigenous Caucus is the epitome of the Indigenous Space at the United Nations. The structure – or maybe more correct – the idea of the Indigenous Caucus is copied and used in most other international indigenous meetings.

The Indigenous Caucus is, by and large open to those who want to participate. The indigenous UN space is thus open and inclusive. There are no guards at the entrance of the meeting room; no membership form to be filled out; no-one is a priori excluded. "Membership" is not discussed as such but still silently negotiated and in this way indigenousness is under continuous construction and reconstruction, which explains why to be indigenousness in 2014 is different from what is was in the 1970s and 1980s. Everyone will be allowed to speak in the official meetings as well as in the Indigenous Caucus. Everyone is listened to, and in this silent process emanates a common understanding about who belongs and who does not belong. This is cross-cultural communication leading to cultural understanding. Only by careful observation and from listening to an enormous amount of statements matures the common understand-

[5] Muehlebach (2001) has a key analysis of the Indigenous Caucus and its dealings with self-determination. See Andrea Muehlebach. "'Making Place' at the United Nations: Indigenous Cultural Politics at the U.N. Working Group on Indigenous Populations," *Cultural Anthropology* 16, no. 3 (2001): 415–48.

ing and manifestation of interests that has created a global indigenousness so powerful that consensus could be reached, which culminated with the adoption of the Declaration on the Rights of Indigenous Peoples in 2007.

Some people came to the indigenous UN meetings only to realize, through this silent process, that they themselves did not belong there. I could mention the Tamils from Sri Lanka, the Kurds and the Palestinians. Others exclude themselves such as the Celts. I recall once when the Celts were represented by a group calling themselves the Delegation of Celtic Women. We had come close to the end of the meeting and were dealing with item 5, "Proposals to be submitted to the Human Rights Council for its consideration and approval." The Chair, José Carlos Morales, indigenous from Costa Rica, gives the floor to a representative from the Delegation of Celtic Women. She starts: "I, the feverish planet, do not wish to end my days as dust under the watch of my guests. Human reptiles passing over my soul, you have bled dry almost all of my natural resources without watching your waste. You're choking me . . . " She is now interrupted by the Chair for not sticking to the item on the agenda, but when she continues in the same way, she is simply being cut off by the Chair, who gives the floor to the next speaker. The Chair has to give the floor to all speakers equally, indigenous or non-indigenous, but in this case he uses his right to interrupt those who do not stick to the item on the agenda in a selective manner. Many participants often do not adhere to the agenda and are also often cut off. During this meeting, however, several indigenous peoples from the Americas talked in similar terms about the rights of Mother Earth and if they were interrupted by the Chair, the indigenous audience sometimes loudly aired its protests. In the case of the Celtic woman, however, nobody raised an eyebrow. Why? Because she was simply not con-

sidered an indigenous person and no one needed to say so. It is silently understood by the audience that the Chair can do so because the speaker has no indigenous legitimacy.

Still others marginalize themselves. They continue to participate in the official meetings but they never attend the Indigenous Caucus and make no impact on the negotiations. There are also those, like the Dalits of India, who use any international forum that they can think of and, finally, there are those who try the indigenous "slot" to use the anthropologist Tania Li's concept, simply because they have no alternative.[6]

Caucus meetings may often look chaotic and they often *are* chaotic. Everyone is allowed to speak and even if a person completely disregards the agenda or time constraints, he or she is treated with the same respect that is shown to all other speakers. I interpret the open negotiations as trust or willingness to show respect to other people and to honour the integrity of everyone.

The unity of the Indigenous Caucus was often severely challenged during the long process of drafting the Declaration. In these situations, it was extremely important that the Indigenous Caucus remained united and undivided and that "the participants agreed that an attack on one indigenous region would be treated as an attack against all," as expressed by anthropologist Andrew Gray in the mid-1990s.[7] This is an important point, which can be taken as an indicator that the construction of a global indigenous identity at that time was in the making.

---

[6] Tania Murray Li, "Articulating Indigenous Identity in Indonesia: Resource Politics and the Tribal Slot," *Comparative Studies in Society and History* 42, no. 1 (2000): 149-79.

[7] Andrew Gray, "Indigenous Peoples at the United Nations. The Declaration Reaches the Commission on Human Rights," *IWGIA Yearbook 1995–96* (1996), 253.

The ability to overcome differences and the will to work for the common good in order to create consensus and unity only leads to success in the United Nations if internal inclinations to exert power are subdued for the common good. The often outspoken opposition to anyone who tries to act in a way that could be interpreted as monopolizing power is frowned upon by others and this has similarities with Pierre Clastre's notion from societies where "the chief who tries to act the chief is abandoned."[8] The most distinguished and respected chair of the Indigenous Caucus is the one who is able to reconcile differences, nullify the interests of his/her own group, and who has the knowledge and oratorical skills to speak to both the Caucus and governments.

Like the caucus itself, consensus is a loosely defined zone of convergence rather than something carved in stone and written down. The result is that even when everyone agrees that a consensus has been reached, there are often several interpretations of it. The ability of indigenous peoples to reach a consensus on matters of key concern to them is probably the greatest achievement of any subaltern actor that has approached this institution. In the Indigenous Caucus, consensus is first and foremost a method of negotiation. Apart from very few cases, voting never takes place in the caucus, and because the caucus is not an official decision-making body where the outcome of voting is noted in official documents, consensus as a matter of decision making is less relevant to this forum.[9]

Concerning the strategies adopted by indigenous peoples in the United Nations, these are in a way well-known from many other contexts.

---

[8] Pierre Clastre, *Society Against the State* (Oxford: Basil Blackwell, 1977), 131.
[9] For this distinction, see Courtney B. Smith, *Politics and Process at the United Nations* (Boulder, CO: Lynne Rienner Publishers, 2006), 218.

III. Being Different

In the policies of the states and in the view of indigenous peoples, indigenous cultures represent *the other*. To cope with this, indigenous peoples highlight and are often proud of being *different,* and the notion of being different creates commonness. The essentialist language of the states, the oppressors, has been turned upside down in the hands of indigenous peoples, who reconstitute the essentials to become symbols of indigenous identity and of the indigenous movement.

Each indigenous group present in the United Nations share a "holistic discrimination" with other peoples who may have different livelihoods but who face the same types of discrimination from the same type of state, the same type of colonialism. It is a process from sharing the same discrimination that brings about shared concerns, then to shared interests and, finally, to a shared common identity.

From the viewpoint of the states, those in power, indigenous peoples are different and treated as such. And the commonness of the global indigenous movement is partly constituted through the dynamic process of acceptance, resistance and opposition. It was specifically in the first years of indigenous presence in the United Nations that they played the card of being different – of being the *other,* but outside the control of governments. And they played the exotic card to the outmost – showing up in exotic clothing with a lot of regalia, which set them completely aside from all other participants in the UN meetings. And there were many of these spectacular looking peoples. And, as already mentioned, indigenous peoples insisted on starting all official meetings with a prayer or invocation to mention another way of emphasizing "otherness." There were several of these manifestations and the unification process was easy to observe.

This strategy had its own dynamic, and what indigenous peoples did was to do two things at the same time: First, they created an identity of resistance and difference, which excluded the oppressors, but second, and no less important, they established and reconstructed an identity for the inclusion and empowerment of other (indigenous) groups in the same position.[10]

Besides being "the other" indigenous peoples soon adopted a strategy of embarrassment and shaming. They were the victims – it was David against Goliath. It was the evil capitalists against people who have lived in peace and harmony with nature since time immemorial. Again, indigenous peoples set themselves aside and created unity behind a number of symbols, such as "the role of elders," "self-determination," sovereignty, "rights of Mother Earth," "spirituality," etc.

As the years passed, indigenous peoples were recognized as a group with their own inherent rights. And this changed their strategies because governments could no longer completely ignore them being a political reality. Indigenous peoples were no longer only victims; they were also agents. Or, as expressed by an indigenous representative from Asia: "When we first came we were on the menu-card, now we are sitting on chairs around the table." In this situation, the most radical means adopted by indigenous peoples is the walk-out. You have to imagine a room with 400 participants and suddenly 350 leave the room. In such a situation you cannot continue to discuss and negotiate the rights of those who left the room. It does not make sense – even not to governments. The most successful walkout was at a point during the drafting of the Declaration when indigenous in unity left the room because the chair refused to give indigenous peoples the same status as governments. It worked!

---

[10] Dahl, *supra* note 3, 175.

IV. Patience

Having talked about the Indigenous Caucus, about inclusion and about being the *other*, I would also like to mention patience. As said earlier, indigenous peoples often talk about how they have to educate governments about indigenous societies and cultures. Some of the indigenous representatives have been in the process for more than 25 years but government delegates change continuously. Patience has meant that indigenous peoples have created relationships of trust and understanding to several governments and it has given indigenous peoples time to create understanding among themselves about issues to which they have very different approaches and opinions. This has of course never been an easy process.

During the process of drafting the Declaration on the Rights of Indigenous Peoples, some indigenous peoples could draw on decades of experience of negotiations with governments. It took, for example, the Inuit in today's territory of Nunavut (Canada) more than 20 years to negotiate a self-government and land claims agreement, and it took the Greenlanders six years to negotiate a Home Rule agreement not to mention the Sámi in Norway who negotiated for close to a decade before the Sámi parliament became a reality. The historical lesson learned from, among others the Inuit and the Sámi,[11] is that they have become experienced in negotiating with governments and they are used to creating alliances across social and cultural boundaries and even international frontiers. Indigenous peoples learned the language of diplomacy from governments and turned it to their own advantage.

---

[11] Frances Abele and Thierry Rodon, "Inuit Diplomacy in the Global Era: The Strengths of Multilateral Internationalism," *Canadian Foreign Policy* 13, no. 3 (2007): 45–63; also, Jessica Shadian, "Remaking Arctic Governance: The Construction of an Arctic Inuit Polity," *Polar Record* 42, no. 222 (2006): 249–59.

The strategies adopted by various indigenous peoples in the United Nations, however, reflect the conditions that each of them carry into the United Nations and, in the end, the options available for them to implement the achievements reached in this international setting. It is one thing to simply recognize that a large number of peoples have united under the common identity of indigenous peoples. However, this identity does not mean the same to all its adherents, far less the opportunities for using this identity, among others, to improve their living conditions. In this respect, the *mandate* given to each indigenous representative is important.

V. Mandates

One of my key arguments is that legitimacy is linked to the mandate of each indigenous representative who comes to the United Nations. The mandate depends on the type of group being represented in the United Nations and on the knowledge that the group has about being represented. Instead of asking whether an indigenous participant is a legitimate representative of this or that indigenous people or group, we should ask who that participant represents and with what mandate. For analytical purposes we can distinguish between the *messenger*, the *spokesperson*, the *delegate*, and the *expert*. The categories are actually not corporate or structured groups but clusters of mandates and positions as moments of opportunity.[12] The mandates determine the ability of the person to negotiate. Where the messenger has no specific mandate, the spokesperson will give a message on behalf of a community or an organization. The delegate will typically represent an indigenous organization and is supposed to be active in the consultations in the United Nations. The expert is

[12] Tania Li (2000) uses "moments of opportunity" in connection with the concept "positioning." Li, "Articulating Indigenous Identity," 174.

appointed because of his/her qualification and is supposed to take an active part in consultations and negotiations.

According to some observers indigenous organizations reward leaders who are least representative of the cultural perspective they seek to defend,[13] or they are being accused of having none or little legitimacy among their own people. In my analysis, however, this does not diminish their legitimacy when we relate this to the mandate, and indigenous leaders have been able to create an alternative space within the United Nations precisely because they have been able to act relatively independently from both their own community and the space dominated by states.

When we look at the mandates from a historical perspective we find that it was indigenous and international NGOs, unbounded and unrestricted by local considerations, which paved the way for the indigenous road leading to the United Nations. Their representatives were not community leaders but their mandate made them able to transform local efforts into international strategies.

VI. Alliances

There are no open clustering of indigenous groups in defined alliances. From an analytical perspective, however, it is possible to discern six different categories of indigenous alliances, positions, or perspectives: the *internationals*, the *modernists,* the *traditionalists*, the *southerners*, the *grassroots*, and the *freewheelers*.

The *internationals* were among those who opened the door to the United Nations. When people who represented these organizations entered the United Nations they already had experience of diplomacy, negotiations, and legal traditions, and they could immediately

[13] Alison Brysk, *From Tribal Village to Global Village* (Stanford, CA: Stanford University Press, 2000), 274.

talk the language of the United Nations. Their constituencies are imagined communities in the sense of the word as used by sociologist Benedict Anderson.[14] The internationals have the opportunity to negotiate without community restrictions but still with the advantage of being legitimate representatives of an imagined indigenous community. They can negotiate on a general mandate and do not have to legitimize themselves in the meetings. The internationals often fought for the general interests of indigenous peoples rather than narrow community goals.

The *traditionalists* were also among those who facilitated the indigenous entrance to the United nations and are those who most insistently talk about the protection of cultural traditions, and they want to protect their cultures and communities in defense of constant encroachments upon their rights, their lands, and territories, and the discourse they use is essentialist in content with a strong emphasis on authenticity. The traditionalists often have a dualistic worldview that reflects historic dislocation. The traditionalists express themselves in cultural and dualistic terms and defend the traditional society and traditional norms, such as passionate respect for the elders. The dualistic worldview may be the product of a colonial history that has resulted in discontinuity between those who live a modern and those who live a traditional life. The traditionalist position and strategy reflect that there is a missing or lost generation who can link the old society to the new. Assimilation policies combined with discrimination have resulted in a whole generation being forced to give up past traditions and languages but also not being recognized as equals by those wanting to assimilate them.

---

[14] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (London: Verso, 1983).

The *modernists.* I use the term "modernists" to refer to those indigenous peoples who want the future development of their own communities to be integral to and be equal partners in national and global developments. The modernists have not lost their cultures but, on the contrary, have been able to reconcile local traditions and realities with the cultures and realities of a global setting.

The *southerners.* I use the word southerners about indigenous representatives who typically come from the South and whose statements and positions in the United Nations are true products of globalization. There are few concrete expectations placed on them by their constituencies, and their primary gain in the UN processes is to learn alternative routes for action and to gain new opportunities to put political pressure on their governments. They have a lot to gain and very little to lose.

The *grassroots* come to the United Nations to report on the human rights conditions in their communities. The enormous amount of statements of human rights violations from the grassroots were specifically important in the early years of indigenous presence in the UN.

VII. Conclusion

Now, I have talked about the background to the indigenous spectacular achievements in the UN, which include the establishment of a number of new institutions such as the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous Peoples and finally the adoption of the Declaration on the Rights of Indigenous Peoples in 2007, the wordings of which by-and-large was confirmed by the Outcome Document of the World Conference on Indigenous Peoples held in New York in September this year. I have

also given an outline of some of the mechanisms adopted by indigenous peoples in their efforts to make an impact on governments, and finally I have looked into how different groups of peoples give different inputs to the negotiation process going on there. To conclude, I like to mention two challenges that based on my analysis will have an impact on how the fate of indigenousness or the global indigenous movement may look like in the future.

The first challenge is the capacity of indigenous groups and communities to incorporate the achievements made in the United Nations. In a global perspective, the fate of indigenous peoples has not improved as a result of the achievements in the UN. On the contrary. If we keep in mind what I have said about the various groups and their mandates in the UN, I will point at four factors that are specifically important for indigenous peoples to incorporate the UN achievements at home: (1) negotiating capacity, (2) rootedness in communities, (3) goal orientation and (4) ability to make international legal provisions relevant in local and national contexts.

The second challenge to the global indigenous movement was made clear during the recent WCIP in New York. The challenge, or danger, is that the Indigenous Caucus disintegrates before the establishment of a new body that can keep the unity of indigenous peoples from all parts of the globe. In the final phase of negotiating the Declaration, indigenous peoples established a global coordinating committee, appointed by regional indigenous caucuses to make the final negotiations with governments in New York. I would say that this process was an unquestionable success. The global coordinating group was responsible to the regional caucuses and the outcome of the negotiations was approved by the regions through Internet voting. A somehow similar structure was created for the World Conference on Indigenous Peoples but without the connections between the coordinating group and the regional caucuses, and to the best of my

memory, indigenous peoples had, for the first time, no common strategy in the workshops of the Conference that should make up an action-plan for the implementation of the Declaration. Instead, the indigenous input to the final Outcome Document seems to have focused upon the creation of new positions and focal points within the United Nations' system. Everyone agrees that implementation of the Declaration is *the* most pressing issue for indigenous peoples globally but my observation was that indigenous peoples left the World Conference without any strategy on how this should be done.