

Who is Indigenous? 'Peoplehood' and Ethnonationalist Approaches to Rearticulating Indigenous Identity

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Debate within global forums over establishing definitional standards for indigenous peoples versus an unlimited right of indigenous self-identification has exposed something of a dilemma over standard setting in international law. Requiring strict, definitional standards excludes some indigenous groups from the very protections they need, while reifying their identities. Yet failure to establish an accepted definition of indigenous peoples leads to host-state concerns over applying international legal instruments to the world's indigenous populations. After surveying indigenous definitions developed by academicians in the field of nationalism/international law as well as practitioners from IGOs and NGOs, it is determined that a balance between self-identification and establishing a working definition of indigenous peoples is possible. Utilizing a model of 'Peoplehood' refined by Holm, Pearson and Chavis (2003), the article presents a new working definition of indigenous peoples that is both flexible and dynamic.

The question of 'who is indigenous?' is best answered by indigenous communities themselves. As testament to this, 'self-identification' policies for indigenous nations have increasingly become an accepted international legal practice beginning in 1977, when the second general assembly of the World Council of Indigenous Peoples (WCIP) passed a resolution stating that 'only indigenous peoples could define indigenous peoples'.¹ Since that time, two of the most active global organizations promoting indigenous rights, the United Nations Working Group on Indigenous Populations (WGIP)² and the International Labor Organization (ILO),³ have advocated an unlimited right to 'self-identification'⁴ for indigenous peoples in order to counter possible actions of 'host' states⁵ who might deny indigenous claims within their borders.

Despite the accepted practice of unlimited self-identification for indigenous peoples⁶ within global forums, states 'hosting' indigenous peoples within their borders have generally contested such an open policy.⁷

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They claim that if standard setting is to continue, declarations and treaties concerning indigenous peoples must clearly define the people these global policies are designed to protect. Debate over establishing definitional standards versus an unlimited right of indigenous self-identification has exposed something of a dilemma over the construction of indigenous identity.⁸

On the one hand, requiring strict, definitional standards could exclude some indigenous groups from the very protections they need and would also conform to state-centric, bureaucratic decision-making practices, which are antithetical to most indigenous belief systems. As Kanien'kehaka (Mohawk) scholar Taiaiake Alfred points out, 'Demands for precision and certainty disregard the reality of the situation: that group identity varies with time and place.'⁹ Additionally, establishing an indigenous/non-indigenous dichotomy may 'serve to mask the diversity of interests that indigenous people have, silence debate among indigenous peoples, and/or support arguments against greater self-determination.'¹⁰ Finally, a strict definitional approach may obstruct the process of community-building, as nationalist scholar Anthony D. Smith asserts: 'A crucial element in the formation of nations is the process of self-identification as distinct cultural populations through naming and self-definition.'¹¹

On the other hand, failure to establish an accepted definition of indigenous peoples could lead other ethnic groups to position themselves as 'indigenous' solely to obtain expanded international legal status and protections enumerated in both ILO treaty No.169 and the 'Draft Universal Declaration on the Rights of Indigenous Peoples'. This concern was expressed by indigenous participants at previous WGIP meetings, who reported 'that certain of the participants claiming status as indigenous were not in fact so'.¹² Recently, Afrikaner (South Africa) delegations, which are actually descendants of Dutch settlers who colonized the region, attended the WGIP meetings claiming to be 'indigenous', causing great concern among delegations who had legitimate claims to indigenous status.¹³

The dilemma over 'who is indigenous' has become increasingly politicized as indigenous peoples have attained a distinct legal standing under international law. Consequently, international organizations, host states, non-governmental organizations and researchers have each attempted to develop their own definitional standards of native peoples. Yet while a definitional debate has developed almost exclusively within enclaves of academia, indigenous organizations, and inter-governmental organizations, little discourse has taken place between these communities of experts regarding 'who is indigenous'. Thus, a proliferation of indigenous definitions by practitioners and academics has not fostered consensus or

cumulative integration across disciplines and communities. As Maori scholar Manuhaia Barcham explains:

Theorists and practitioners alike have created and reified an ahistorical idealization of the indigenous self whereby the constitution of oneself as an 'authentic' indigenous self has been conflated with special ahistorical assumptions concerning the nature of indigeneity, a process intricately linked to the continued subordination of difference to identity.¹⁴

Additionally, current conceptual and theoretical research on indigenous groups in the field of ethnonationalism tends to be ahistorical and reified when distinguishing indigenous from ethnonationalist groups. For example, the Minorities at Risk project, which is a comprehensive dataset examining the status of some 275 politically active ethnopolitical groups around the world, makes conceptual distinctions between ethnonationalist and indigenous groups in terms of whether or not they seek to establish their own independent state. As the above quote from Barcham suggests, such an approach may be ahistorical while prioritizing identity over cultural and political variance between indigenous groups.

Even indigenous scholars who understand the differences between indigenous peoples and other minority groups have developed conceptualizations of indigenous peoples that are incomplete. Therefore, previous theories on nationalism and identity, whether primordial or circumstantial, may help to inform how one approaches the conceptualizations of indigenous peoples. Additionally, interdisciplinary work stressing the concept of 'Peoplehood' may also lend insights to this conceptual discussion. I begin by surveying various definitions that have been proffered by academicians, indigenous organizations and intergovernmental organizations to highlight existing conceptual disparities. The final section of the article evaluates the prospects for conceptualizing 'who is indigenous' using the concept of peoplehood as a guide to reconceptualize native identity from an interdisciplinary, self-identification framework.

Academicians Define Indigenous

While there have been several scholarly works examining global indigenous rights, I will focus on indigenous definitions developed by the most prominent researchers in the social sciences given their high visibility and impact on the field. In her acclaimed work, *The Indigenous Voice in World Politics*, Franke Wilmer was among the first social scientists to systematically examine the global historical process of moral exclusion

undertaken by Western powers against indigenous peoples.¹⁵ She defines indigenous in its broadest sense as peoples:

1. With tradition-based cultures;
2. Who were politically autonomous before colonization;
3. Who, in the aftermath of colonization and/or decolonization, continue to struggle for the preservation of their cultural integrity, economic self-reliance, and political independence by resisting the assimilationist policies of nation-states.¹⁶

Establishing a list of core components of indigenous identity, such as the three above, allows for maximum flexibility when identifying the approximately 5,000 indigenous groups worldwide. However, the above-referenced definition is so general that it is difficult to ascertain whether indigenous peoples are different in terms of their cultural worldviews and goals from other minority groups throughout the world. In a more recent article co-authored with Alfred, a revised version of Wilmer's original three-part definition corrects some of the earlier ambiguities:

1. They are descended from the original inhabitants of the geographic areas they continue to occupy, hence, they are aboriginal;
2. They wish to live in conformity with their continuously evolving cultural traditions;
3. They do not now control their political destiny, and consequently, are frequently subjected to policies arising from the cultural hegemony originally imposed by an 'outside' force.¹⁷

The above three-part definition emphasizes the importance of geographic homelands and evolving cultural traditions for indigenous peoples.¹⁸ However, Part 3 narrowly focuses on their political destiny and implies that lack of 'control' is part of being indigenous. Also, there is no mention of group or collective rights stressed by indigenous peoples as well as specific cultural traditions, such as language and ceremonial cycles, which set them apart from other populations. On the other hand, this definition of indigenous peoples is broad enough to encompass the approximately 350 million indigenous peoples throughout the world. Indigenous scholars, such as Alfred and S. James Anaya, tend to advocate broad and inclusive definitions of indigenous groups in order to avoid de-emphasizing variation between and within groups. For example, Anaya refers to indigenous peoples as:

The living descendants of pre-invasion inhabitants of lands now dominated by others... They are *indigenous* because their ancestral

roots are imbedded in the lands in which they live, or would like to live, much more deeply than the roots of more powerful sectors of society living on the same lands or in close proximity. Furthermore, they are *peoples* to the extent they comprise distinct communities with a continuity of existence and identity that links them to communities, tribes or nations of their ancestral past.¹⁹

Anaya's definition of indigenous peoples highlights the continued colonial domination of indigenous homelands as well as the ancestral roots of these 'pre-invasion inhabitants'. He also acknowledges indigenous peoples as distinct communities with extensive kinship networks, which clearly distinguishes them from minority groups. However, unlike the Alfred and Wilmer definition, there is little discussion of culture or distinct worldviews in Anaya's version. Overall, both Alfred/Wilmer and Anaya's definitions, while ultimately incomplete, are inclusive and demonstrate a strategic flexibility in terms of defining the world's indigenous peoples.

John Bodley, who is an anthropologist by training, develops an even more inclusive definition of indigenous peoples by simply describing them as 'a group of people who identify themselves with a specific, small-scale cultural heritage'.²⁰ Such an overly generalizable approach excludes key indigenous identifiers, such as ancestral homelands and cultural continuity. For other researchers in the social sciences, defining indigenous more rigorously becomes critical to operationalizing concepts of indigeneity and ethnonationalism in order to study 'people versus state' conflicts more systematically.

For example, Ted Gurr, an eminent scholar in international relations, first began work on his Minorities at Risk (MAR) project in 1988.²¹ One of the most comprehensive and detailed datasets on ethnopolitical conflicts currently available, MAR has tracked the activities of 275 ethnopolitical groups from 1980 to 1999. After working extensively with Gurr's dataset, I found the utility of his conceptual scheme, which divides indigenous and ethnonationalist phenomenon into mutually exclusive categories, questionable. For Gurr, 'ethnonationalist' and 'indigenous' are distinctive classifications under the general heading of 'national peoples'. Indigenous peoples are defined as:

Conquered descendants of earlier inhabitants of a region who live mainly in conformity with traditional social, economic, and cultural customs that are sharply distinct from those of dominant groups... Indigenous peoples who had durable states of their own prior to conquest, such as Tibetans, or who have given sustained support to modern movements aimed at establishing their own state, such as the Kurds, are classified as ethnonationalists, not indigenous peoples.²²

Under Gurr's definition/operationalization of indigenous peoples, being 'conquered' and being dominated by another group are preconditions for indigenous status. However, not all indigenous peoples were conquered militarily by colonial powers. For example, treaty-making, rather than outright military conquest, took place in North America on a wide scale between colonial powers, such as Great Britain, Holland, and France, and the native peoples of Canada and the U.S.²³ Nor are all indigenous peoples non-dominant, even when they are numerical minorities within the host state, such as the native Fijians in Fiji, the Inuit peoples in the autonomous region of Nunavut (Canada) or the East Timorese peoples who recently realized their goal of statehood. Additionally, one can easily think of ethnonationalist groups, such as the Tamils (Sri Lanka), and Chechens (Russia) who are not dominant in their region but would not necessarily be considered indigenous.²⁴

Differentiating ethnonationalists from indigenous peoples may be problematic when the distinction is based solely on the group's overarching group objectives. In general, indigenous peoples do seek greater self-rule as autonomous entities within the framework of their host state(s).²⁵ Gurr's conceptualization of indigenous becomes problematic when a group, such as the East Timorese, could conceivably stop being considered indigenous under the MAR coding scheme when they achieve independent statehood. For that matter, if a group even pursues statehood, as the Mohawk nation (Canada, U.S.) or Jumma (Chittagong Hill Tracts in Bangladesh) have advocated at various points in their history, they cease to be indigenous under a 'Minorities at Risk' classification. Such an approach de-emphasizes the historical continuity of native peoples within a given region. The MAR conceptual scheme also reifies groups as being the sum total of the demands put forward by ethnic kindred who may or may not accurately represent the greater indigenous population. In other words, indigenous peoples are identified according to the highest level of aggregation possible – i.e. 'Mayans' versus specific cultural communities within the Mayan family, such as Tzeltal, Tzotzil, Tojolobal, Mam etc. Nonetheless, the MAR dataset is one of the most comprehensive currently available and may be useful for examining particular causes of intrastate conflicts rather than indigenous community variation and historical struggles.

In a departure from the MAR methodology, political scientist Fred Riggs contends that a definition indigenous should include the following four variables:

1. Cultural level, ranging from primitive to more complex societies;
2. Historical sequence (age), who came first and who followed;

3. Political position (power), i.e. marginalized vs. dominant communities; and
4. Geographic area (place).²⁶

Riggs's definitional scheme is somewhat consistent with Alfred/Wilmer and Anaya's, although his discussion of cultural factors appears to be narrowly based on an economic mode of production (i.e. Bodley), versus other critical factors, such as changing community values and traditions.

As the above definitions of indigenous illustrate, attempts to formulate a single, over-arching definition of this term have not been successful and may even be futile given indigenous inter- and intra-community differences worldwide. Additionally, strict definitional approaches, labelled 'positivist' by legal scholar Benedict Kingsbury, run the risk of reducing the 'fluidity and dynamism of social life to distorted and rather static formal categories'.²⁷ For Kingsbury, a more feasible alternative is something he terms a 'constructivist' approach, which:

Takes the international concept of 'indigenous peoples' not as one sharply defined by universally applicable criteria, but as embodying a continuous process in which claims and practices in numerous specific cases are abstracted in the wider institutions of international society, then made specific again at the moment of application in the political, legal and social processes of particular cases and societies.²⁸

In order to avoid excluding peoples in Asia and other regions from claiming indigenous status, Kingsbury advocates maximum flexibility while establishing four 'essential requirements':

1. Self-identification as a distinct ethnic group;
2. Historical experience of, or contingent vulnerability to, severe disruption, dislocation or exploitation;
3. Long connection with the region;
4. The wish to retain a distinct identity.

In addition to the four essential requirements for indigenous status listed above, Kingsbury includes other relevant indicators may include 'nondominance', 'historical continuity', 'socioeconomic and sociocultural differences', 'characteristics such as language, race, and material or spiritual culture', and 'regarded as indigenous'. While each of the four essential requirements has a reasonable basis for inclusion, previous definitions which are also deemed inclusive and flexible have offered much stronger language in terms of outlining indigenous status. For example, indigenous peoples have asserted the right to self-determination or greater autonomy in international

legal documents, such as the UN Draft Declaration, which is much more comprehensive and precise than Kingsbury's criterion regarding 'the wish to retain a distinct identity'. As former chairperson and Special Rapporteur of the WGIP, Erica-Irene Daes points out:

For indigenous peoples everywhere in the world today, self-determination is the central tenet and main symbol of their movements. They demand that it be addressed squarely, and insist that it is not negotiable... On objective, ethnological or historical grounds, their position is strong.²⁹

In this case, the right to self-determination denotes greater autonomy for indigenous communities on their traditional homelands, which may include, but is certainly not limited to, the right to 'retain a distinct identity'.

Furthermore, Kingsbury's identification of indigenous peoples as 'ethnic groups' diminishes their identity as nations. Lowell Barrington discusses this as a 'loose use' of terminology, given that 'a nation is more than an ethnic group'.³⁰ Nationalist scholar Walker Connor makes a further distinction, contending that ethnic groups are identified by 'outside' observers, such as anthropologists, while indigenous groups are self-defined. Until group members become aware of their cultural, political and ancestral uniqueness, they are an ethnic group and *not* a nation.³¹ To stress their status as ethnic groups may diminish the importance of indigenous homeland claims and cultural practices by reducing them to 'placeless minorities within a state'.³²

Given the above-referenced insights from nationalism scholars, previous conceptualizations of nations and their formation may inform contemporary debates over 'who is indigenous?' There appears to be a growing consensus in the nationalism literature over what a nation entails. For example, nations or ethnonationalist groups are commonly defined as 'a community of self-identifying people who *believe they share a common ancestry*, culture and a historically common territory'.³³ Similar to the controversy over how indigenous is defined, a disagreement exists between those scholars who view the nation a 'self-defined' and those who see the nation as 'other-defined'.³⁴ In this light, the question of 'when is a nation?'³⁵ is just as important as 'what is a nation?' With a convergence of recent findings on what a nation entails, how might nationalist researchers inform the debate regarding 'who is indigenous'?

Nationalism Research and Indigenous Identity

Nationalism researchers differ substantially over how nations come into existence. Consequently, two distinct lines of inquiry have developed to explain nationalist group formation, which may provide insights into

indigenous identity. The first theoretical body of work, broadly known as the primordialist school,³⁶ posits that ethnic identity is the essential component leading to political and military separatism regardless of any social, political and economic context in which the group operates. While conditions of social, political, and economic discontent may precede separatist violence, only discontent founded on ethnically-driven symbols, such as language, speeches, religion, origin myths, or cultural practices, can precipitate separatist movements.³⁷

Essentially, primordialists focus on the historical ties shared by the ethnic group and how affective symbols, such as political speeches and language use, may evoke deep, emotional responses within individuals and collectivities.³⁸ Primordialists generally assume that ethnicity's shared belief in a common ancestry and ability to govern social relations is a historical artifact. It is suggested that ethnic 'life attachments', such as kinship relations, religion, language, and social practices, are natural and provide the basis for 'easy affinity' with peoples from the same background.³⁹

Perennialists, such as Anthony D. Smith (who falls within a primordialist classification), view ethnonationalist groups as recurring (and sometimes universal) entities that regroup and adapt throughout history, often forming as contemporary nations from an historically-conceived ethnic group. Applying a perennialist perspective to indigenous peoples seems logical given the existence of their distinct, cultural communities since time immemorial. For Anthony D. Smith, a nation can be said to exist if it exhibits the following five features:⁴⁰

1. A collective proper name;
2. Myths and memories of communal history;
3. A common public culture;
4. Common laws and customs;
5. A historic territory or homeland.

Smith would concede that the above five factors are broadly conceived, but his typology does neglect the importance of language and oral traditions while emphasizing the importance of written literature and legal codes, which are predominantly Euro-centric or non-indigenous constructs. Also, while the primordial approach can explain the persistence of ethnic identity over time, it does not adequately address the issue of *why* such identity can, and often does, change or fluctuate in its intensity.⁴¹ In this case, why did indigenous rights claims intensify locally and globally during the 1970s and 1980s?

As a reaction to primordialist shortcomings, the constructivist or instrumentalist⁴² school emerges.⁴³ In stark contrast to perennialist views of 'ethnicity as a given', instrumentalists claim that ethnonationalist

movements form in reaction to state dominance of a particular group of people. In other words, ethnicity is capable of being invented. Rather than view ethnicity as a natural entity, instrumentalists maintain that national groups are social constructs formed in relation to peoples' immediate needs and their relationships with others. Group solidarity results from certain social circumstances, whether internal or external, which group members experience. These circumstances, ranging from relative deprivation to state repression, enhance group solidarity as individuals rationally select an ethnic identity to attain desired political, economic and social goals.⁴⁴ Ethnic identity only becomes resurgent when it is invoked by entrepreneurial political leaders in the instrumental pursuit of material benefits for group members.

In discussing potential indigenous land claims, Hobsbawm describes how an 'invention of tradition' takes place within host states:

Students of peasant movements know that a village's claim to some common land or right 'by custom from time immemorial' often expresses not a historical fact, but the balance of forces in the constant struggle of village against lords or against other villages.⁴⁵

According to Hobsbawm, 'all invented traditions, so far as possible, use history as a legitimator of action and cement of group cohesion'.⁴⁶ In addition to a created history, these communities are often 'imagined', whose creation is facilitated by market forces and communication technologies.⁴⁷ Thus, while understanding the nature of religious communities and historical remnants of previous communities can be useful for examining nation formation (i.e. primordialists), instrumentalists focus on contemporary societal conditions which prompt group mobilization.⁴⁸

Based on the writings of the instrumentalists,⁴⁹ context matters when discussing ethnonationalist identity. For indigenous peoples, the nature of their political, economic and social relationship with the host state(s) may determine the duration and intensity of their claims for self-determination. It is no coincidence that the contemporary global indigenous rights claims and social movements had their origins in Western democracies (U.S., Canada, Norway etc.) as an outgrowth of domestic civil rights movements and diffused to other regions during the height of decolonization efforts around the world.

While the instrumentalist approach has merit, it does not accurately depict indigenous nations who have existed for 10,000 years or more on their homelands. Clearly these first nations do not fit the instrumentalist scheme of being 'the products of developments of the last two centuries'.⁵⁰ On the other hand, local and global indigenous identities have become much more salient with the establishment of host states and resulting policies that are deemed threatening to indigenous community survival.⁵¹

Based on the above discussion, neither the perennialist nor the instrumentalist perspectives give a full picture of the origins or conceptualization of indigenous peoples. Perhaps there is a middle ground, as Gurr suggests:

Ethnic identities are not 'primordial' but nonetheless based on common values, beliefs and experiences. They are not 'instrumental' but usually capable of being invoked by leaders and used to sustain social movements that are likely to be more resilient and persistent than movements based solely on material or political interests.⁵²

Aside from the primordialist/instrumentalist debate, another recent sub-field has emerged that examines the impact of gender on ethnonationalist identity.⁵³ Given that indigenous nations around the world tended to be historically matri-focal/lineal, understanding gendered relations in this dynamic yields important insights into the biological and cultural reproduction of the nation. Therefore, gender and nationalism, coupled with the ideas of historical continuity (perennialists) and invention of tradition (instrumentalists) may provide some key insights into a comprehensive, definitional approach to indigenous nations.

Overall, the conceptual development of indigenous identity has become increasingly sophisticated among various academic fields, but, for the most part, has little in common with those definitions devised by indigenous organizations and IGOs. I now proceed to evaluate indigenous definitions offered by intergovernmental organizations (IGOs) in order to offer a comparative perspective of 'who is indigenous'.

Intergovernmental Organizations Define Indigenous

Most of the conceptual development of indigenous peoples by practitioners has occurred within IGOs, such as the World Bank group and the WGIP. IGO conceptualizations of indigenous peoples have generally established checklists or composites of indigenous features to be considered either in full or in part as essential components of indigenous identity. This multi-part definitional approach is best illustrated by the World Bank's composite of five indigenous indicators. According to the World Bank's original operational directive 4.20,⁵⁴ indigenous peoples are to be identified by Task Managers in assessing the degree of a population's 'indigenoussness' 'by the presence in varying degrees of the following characteristics':

- A. A close attachment to ancestral territories and to the natural resources in these areas;
- B. Self-identification and identification by others as members of a distinct

- cultural group;
- C. An indigenous language, often different from the national language;
 - D. Presence of customary social and political institutions; and
 - E. Primarily subsistence-oriented production.

The multi-part definition above highlights the fact that the World Bank has provided policymakers with a wide latitude for identifying indigenous populations. While Part B of the definition allows for self-identification, indigenous groups are ultimately subject to verification by Task Managers for indigenous status. Given the conceptual ambiguity of terms such as 'culture', 'distinct cultural group', and 'customary social and political institutions', one could imagine a wide variability among World Bank Task Managers in determining a group's indigenous status. For example, Part C of the above definition discusses the presence of an indigenous language. Yet recent studies by Krauss,⁵⁵ Nettle and Romaine,⁵⁶ and UNESCO demonstrate that more than 3,000 languages currently spoken in the world may not survive the next century. While some indigenous groups around the world are losing the ability to speak their original languages,⁵⁷ they continue to express themselves as indigenous through their artwork and by using distinct dialects and/or uniquely indigenous expressions. Overall, the variability in interpreting indicators of indigeness, such as language, seems to encourage subjectivity when assessing indigenous populations.

Recently the World Bank group attempted to update their definition of indigenous peoples and submitted the following proposal entitled 'Draft Operational Policies (OP 4.10)' for comment by indigenous delegations and academics. As with OD 4.20, indigenous peoples are identified by 'the presence, in varying degrees, of some of the following distinctive characteristics':

- A. Close attachment to ancestral territories and the natural resources in them;
- B. Presence of customary social and political institutions;
- C. Economic systems primarily oriented to subsistence production;
- D. An indigenous language, often different from the predominant language; and
- E. Self-identification and identification by others as members of a distinct cultural group.⁵⁸

At first glance, there are a few subtle changes between the World Bank group's 1991 and currently proposed definitions, but no real substantial changes. First, the criterion of self-identification now appears last on the list of determinants (E), while indigenous delegates contend that it should

be listed first as a primary component of identity. Second, there is further clarification of 'subsistence production' (C), now described as 'economic systems primarily oriented to subsistence production'. Such an approach most closely resembles the above-referenced indigenous definition of 'small-scale cultures' provided by Bodley. Third, an indigenous language is now 'different from the predominant language' (D), versus being 'different from the national language', perhaps indicating that language difference continues to be a key criterion for Task Managers. Fourth, indigenous peoples' claims to natural resources appear more limited in the currently proposed definition (A); indigenous peoples now have 'close attachments to ancestral territories and to the natural resources in them' versus 'natural resources *in these areas*.' Aside from de-emphasizing cultural ties to their ancestral homelands, which have been extensively documented in a new United Nations report on 'Indigenous Peoples and their Relationship to Land',⁵⁹ this new definition seems to confine any natural resource use to clearly defined territorial holdings, rather than natural resources claims on or near indigenous homelands. Perhaps most strikingly absent in the newly revised World Bank definition (OP 4.10) is the notion of distinct community cultural traditions or worldviews, which were featured prominently in several of the above-referenced academic conceptualizations of indigenous.

Upon further scrutiny, the most significant change proposed in the World Bank definitional attempts to qualify who is considered indigenous based on one's place of residence in Part 6:

The requirements of this policy do not apply to groups who (a) have left their communities of origin and (b) move to urban areas and/or migrated to obtain wage labor.⁶⁰

Essentially, for the sake of policymaking, the proposed World Bank definition suggests that one's very identity as indigenous is lost upon entering an urban area. Have indigenous peoples living in cities lost their 'close attachment to ancestral territories' (A)? While this approach may be bureaucratically efficient for identifying indigenous communities, it appears to penalize freedom of movement or even changing cultural traditions by removing them from consideration as indigenous. The realities of indigenous refugees caused by war or even state policies of resettlement belie establishing such a policy. Consider the case of the Chittagong Hill Tracts, which are a confederacy of 16 different indigenous nations collectively called Jumma, in Bangladesh. Since Bangladesh statehood in 1971, the CHT region has been besieged by over 400,000 government-induced Bengali settlers who have sought to dislocate Jumma peoples from their homelands.⁶¹ A 1997 agreement between the government of

Bangladesh and the Parbatya Chattagram Jan Samhati Samiti(PCJSS), the political party of the Jumma indigenous peoples, was negotiated to end the ongoing intrastate conflict. However, Jumma homeland autonomy has not yet been restored as over 3,055 Jumma refugee families have yet to have their original homelands restored to them.⁶² Does this mean that these 3,055 families would not be considered indigenous under the revised World Bank definition despite their illegal removal from this region? During the consultation process with regard to the newly proposed indigenous definition, most indigenous delegations voiced a similar concern, believing that 'this provision should be deleted or at least clarified'.⁶³

Some indigenous delegations offering comments on the World Bank group's proposed definition suggested that the definition offered by ILO Convention No.169 be adopted instead. In contrast with the World Bank definition, ILO No.169 stresses the right of indigenous peoples to self-identify as a 'fundamental criterion' for being indigenous while also providing a rudimentary definition of indigenous peoples:

- A. Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- B. Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.⁶⁴

The ILO definition above emphasizes the notion of social and cultural distinctiveness based on traditions, which are not mentioned by the World Bank as a consideration of indigenous. Additionally, the ILO definition holds much broader recognition of 'some or all of their own social, economic, cultural and political institutions'.

Despite a wide variation in definitional approaches to indigenous peoples by the World Bank and ILO, the 1986 definition of indigenous peoples developed by the WGIP is the most thorough and widely-used. The UN never officially adopted this definition as a prerequisite for participation in the WGIP, mainly due to an adamant insistence by indigenous participants on an unrestricted self-identification policy. The 1986 WGIP 'working definition' of indigenous peoples is:

The existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them and, by conquest, settlement or other means, reduced them to a non-dominant or colonial condition; who today live more in conformity with their particular social, economic, and cultural customs and traditions than with the institutions of the country of which they now form part, under a State structure which incorporates mainly the national, social and cultural characteristics of other segments of the population which are predominant.⁶⁵

The above UN working definition is fraught with difficulties, as I have pointed out in previous research.⁶⁶ For example, indigenous peoples are not always in a 'non-dominant' condition numerically or politically within their host state(s). According to most census estimates, the Quechua and other indigenous groups constitute 51–71 per cent of the overall population of Bolivia, while indigenous Fijians comprise approximately 51 per cent of Fiji's population, and the Inuit make up over 80 per cent of the total population of Greenland. Other potential problems with the UN working definition stem from the identification of 'existing descendants', the absence of an outright conquest by colonial powers among some indigenous groups around the world, and the general inability to distinguish indigenous peoples from other national groups. Yet despite its shortcomings, the UN working definition represents a starting point among international organizations for establishing an emerging global dialogue on 'who is indigenous'. After reviewing definitions of indigenous peoples proffered by academicians and intergovernmental organizations, how do indigenous organizations approach the question? I examine the definitions of two prominent indigenous organizations below.

Indigenous Organizations Define Indigenous

Robert Coulter, a lawyer and director of the Indian Law Resource Center, once said, 'Indigenous peoples are Indians and people like them.'⁶⁷ Definitions created by indigenous organizations generally share Coulter's philosophy by establishing very broad, minimal guidelines for identifying indigenous populations. For example, the International Work Group for Indigenous Affairs (IWGIA), which has consultative status with the United Nations, defines indigenous peoples as:

The disadvantaged descendants of those peoples that inhabited a territory prior to the formation of a state. The term indigenous may be defined as a characteristic relating the identity of a particular people

to a particular area and distinguishing them culturally from other people or peoples.⁶⁸

The above-referenced definition closely resembles Kingsbury's conceptualization of indigenous peoples (discussed in a previous section), which outlined very general identity, territorial and cultural claims of indigenous nations. It differs from the United Nations' working definition in that indigenous peoples are said to have inhabited a particular territory prior to the 'formation of a state' versus being confronted by persons of a 'different culture or ethnic origin'. While the IWGIA definition does acknowledge the process of state building in terms of disadvantaging native peoples, it fails to adequately describe the colonial process that often reduces indigenous peoples to 'disadvantaged descendants'.

A working definition created by the World Council of Indigenous Peoples (WCIP), which was established in 1975 and has consultative status with the United Nations, offers another examination of the contemporary political/legal status of indigenous peoples:

Indigenous peoples shall be people living in countries which have populations composed of different ethnic or racial groups who are descendants of the earliest populations which survive in the area, and who do not, as a group, control the national government of the countries in which they live.

The WCIP working definition closely mirrors the UN working definition, which illustrates its close relationship with the UN as a forerunner of the global indigenous rights movement in the 1970s. As with the UN, the WCIP stresses self-identification as its official policy while providing very little discussion of cultural, land claims and identity of indigenous peoples in its working definition. As with the other academic and IGO definitions that have been reviewed in this article, any definition of indigenous peoples runs the risk of being incomplete historically, culturally, politically and economically while reifying native peoples in a 'continued subordination of difference to identity'.⁶⁹

Based on the preceding, comprehensive review of several IGO and indigenous organizations' approaches to defining indigenous, it is clear that a more dynamic and flexible strategy is warranted to more accurately conceptualize native peoples. To date, researchers and practitioners have had great difficulty overcoming the definitional problem identified by Alfred regarding the variance of group identity over time and place. Prior work examining the concept of 'Peoplehood' (along with work with nationalist and indigenous scholars/practitioners) may yield some important, new insights into this definitional quandary.

Reararticulating Indigenous Identity

The concept of ‘peoplehood’ has its roots in anthropologist Edward H. Spicer’s work on ‘enduring peoples’.⁷⁰ Spicer’s discussion of an ‘Indian sense of identity’ centred on three key factors: their relationship to the land, common spiritual bond, and language use.⁷¹ Distinct from ‘ethnic groups’, peoplehood was identified as a unique social category by Spicer given their persistence over time and sense of solidarity based on territory, religion and language. Cherokee anthropologist Robert K. Thomas added a fourth factor, sacred history, to the emerging concept of peoplehood as he elaborated on Spicer’s original typology.⁷² Thomas also described the four peoplehood components as being interwoven and dependent on one another.

Current work by Holm, Pearson and Chavis revives the original peoplehood concept and touts it as a foundational concept for the future of indigenous nations studies programmes.⁷³ In order to ‘demonstrate how a group’s religion is inseparably linked to language, sacred history, and to a particular environment’,⁷⁴ Holm et al. slightly modify the original factor of ‘religion’ and replace it with ‘ceremonial cycles’. Overall, their model yields great promise as an explanatory, interdisciplinary tool for understanding indigenous identity. Unlike the multi-part, ahistorical definitions of indigenous peoples proffered by most academicians and practitioners in the preceding sections, Holm et al.’s model views identity as dynamic and interlocking, as ‘No single element of the model is more or less important than the others.’⁷⁵

In light of the potential of Holm et al.’s revised peoplehood conceptualization, and after a comprehensive review of academic and IGO/NGO definitional approaches to indigenous peoples, it is possible to build on existing works to develop a more all-encompassing and interrelated working definition of indigenous peoples. While self-identification is still regarded as the most compelling factor in indigenous identity, my proposed working definition serves a similar function as ILO No.169 – a working reference for practitioners and indigenous peoples in documenting the impact of historical and colonial legacies on contemporary indigenous communities and as a policy guide in the current global indigenous rights discourse. By utilizing Holm et al.’s version of the peoplehood model, my proposed indigenous definition includes all four, interlocking concepts of sacred history, ceremonial cycles, language and ancestral homelands, while elaborating somewhat on their complex interrelationships:

1. Peoples who believe they are ancestrally related and identify themselves, based on oral and/or written histories, as descendants of

- the original inhabitants of their ancestral homelands;
2. Peoples who may, but not necessarily, have their own informal and/or formal political, economic and social institutions, which tend to be community-based and reflect their distinct ceremonial cycles, kinship networks, and continuously evolving cultural traditions;
 3. Peoples who speak (or once spoke) an indigenous language, often different from the dominant society's language – even where the indigenous language is not 'spoken', distinct dialects and/or uniquely indigenous expressions may persist as a form of indigenous identity;
 4. Peoples who distinguish themselves from the dominant society and/or other cultural groups while maintaining a close relationship with their ancestral homelands/sacred sites, which may be threatened by ongoing military, economic or political encroachment or may be places where indigenous peoples have been previously expelled, while seeking to enhance their cultural, political and economic autonomy.

While the above-listed definition is not as compact as previous attempts, it gets away from a checklist or linear approach to conceptualizing indigenous by emphasizing self-identification as well as the interrelationships between identity and key cultural perspectives. My approach as an indigenous scholar also represents an attempt at cumulative integration with previous research by fusing the literature on nationalism, international law and indigenous rights into a comprehensive conceptual framework. For example, the phraseology in Part 1 of the above definition relies on work by prior ethnonationalist researchers, such as Connor and Smith, when discussing a collective belief that 'they are ancestrally related'. Part 2 utilizes the terminology of Alfred and Wilmer regarding 'continuously evolving cultural traditions', thus providing a dynamic rather than static or fixed model of indigenous peoples belief systems. Part 3 discusses language use, which is often taken as a given, but is clearly in need of elaboration as traditional language use dwindles and even disappears, which has been extensively documented by the findings of Ethnologue and Nettle and Romaine (2000). While language may not be spoken in some native societies on a daily basis, it may be reflected in other forms, such as artwork, dialects, unique community expressions and indigenous place names.

Finally, Part 4 of the definition ties into the notion of protecting one's ancestral homeland, which illustrates indigenous peoples special relationship to the land. For example, the land tenure system in Nepal, known as Kipat, is viewed as the core of indigenous existence and deemed inseparable from culture, ceremonial life and sacred history. The Limbu indigenous community of Nepal view the Kipat as 'fused with and

articulates the culture and any assault on Kipat is seen as a threat to the very existence of the Limbu as a separate community within the society'.⁷⁶ Such an interdependent kinship with the land is often misunderstood by political theorists and nationalist scholars, whose writings often focus on the tensions between collective and individual worldviews.⁷⁷

Differentiating indigenous peoples from 'dominant societies' is somewhat problematic in countries such as Fiji, where the indigenous population's power is elevated over other non-indigenous groups within existing governmental structures. In this case, the above definition attempts to account for differences that may be reflected in cultural perspectives as well as existing power relations – in the cases of Fiji or Thailand, indigenous group may be distinct from 'other cultural groups' within the host state(s). However, most of the world's indigenous peoples are non-dominant, which is why this phrase has become a critical part of the UN Working definition and subsequent definitions of indigenous peoples.

In terms of comparing my newly-created definition with others in the field, it probably comes the closest to either Smith or Kingsbury's. However, as mentioned previously, Kingsbury's approach does not maintain much definitional precision when discussing 'ethnic groups' or a 'long connection with the region'. When compared to a peoplehood model, Kingsbury's four 'essential' factors fail to account for ceremonial cycles, sacred history, language, and to some degree, ancestral homelands. Instead, factors such as 'language, race and material or spiritual culture' are relegated to being 'other relevant indicators'. In the end, however, one is never certain where and when these other relevant indicators might apply when discussing the world's indigenous peoples. Even with its parsimony, Kingsbury's definitional approach does not offer many guidelines for indigenous identities that vary according to time and place.

Smith's five-part definition comes the closest to approximating peoplehood as it documents the features of 'myths and memories of a communal history', 'a common public culture', 'common laws and customs', and a 'historic territory or homeland'. However, Smith neglects to discuss the importance of language in any detail as well as the salience of oral versus written sacred histories. More importantly, Smith's checklist approach is linear in its construction and fails to account for the interrelationships between key factors.

In sum, a somewhat modified peoplehood approach offers the most promise when defining indigenous communities given its non-linear construct and flexibility across time and place. In closing, several possible conclusions can be drawn from the application of nationalist and peoplehood conceptual frameworks to a rearticulation of indigenous identity.

Conclusions

Dilemmas over self-identification policies versus established definitional approaches to documenting indigenous peoples will continue, whether in global/regional forums, host state/indigenous group interactions, or among indigenous groups themselves. Can a self-identification policy work in tandem with a working definition of indigenous peoples? Certainly this has been the case with key global instruments and policies relating to indigenous peoples, such as ILO No.169, the UN Working Group, the Organization of American States Declaration, and the World Council on Indigenous Peoples. Thus far, however, established working and academic definitions have not allowed for maximum flexibility across time and space (Alfred 1999), accounted for inter and intra-group diversity, and avoided the pitfalls of reification (Barcham 2000). Unfortunately, the discourse over defining indigenous peoples has thus far been dominated by concerns of host states within international forums while de-emphasizing indigenous goals of political, cultural, economic and social autonomy. However, as my newly-created definition has demonstrated, one can develop conceptual approaches that balance self-identification policy with a comprehensive yet flexible working definition. If such definitions of indigenous peoples attain more global acceptance, indigenous human rights treaties, such as ILO No.169, are more likely to be ratified – currently, only 17 countries have ratified this treaty.

After surveying several existing conceptual frameworks of indigenous peoples, it is clear that Holm et al.'s model of peoplehood offers the most promise in terms of its non-Western approach to identity, its flexibility, comprehensiveness, and allowance for cultural continuity and change. Using a somewhat modified version of peoplehood and drawing on previous ethnonationalist research, one can devise a conceptual framework of indigenous identity, such as the one developed in this article, that has utility for both practitioners and theorists. Clearly the gap between praxis and theory must be closed if the global indigenous rights discourse is to move beyond technical, definitional approaches and towards more substantive issues of self-determination, land rights, and promoting cultural integrity. A new definitional framework not only documents the interrelationship between these key factors but it voices indigenous peoples' community-based priorities regarding homeland autonomy, language rights, importance of oral histories, and ceremonial cycles.

Given the emergence of new global and regional legal instruments to protect the rights of indigenous peoples, it is imperative that some consensus develops around global indigenous identity. As Kingsbury points out, a positivist approach to defining indigenous treats groups as 'distorted

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and rather static formal categories'.⁷⁸ However, even with a dynamic and fluid working definition of indigenous peoples, it is difficult to overcome some of the regional differences that groups face, especially in Asia, as host states deny the very relevance of indigenous identity. Such issues should be approached cautiously as attempts to confine indigenous peoples solely to regional contexts will disrupt an ongoing global indigenous rights discourse over the passage of key human rights protections, such as the 'Draft Universal Declaration on the Rights of Indigenous Peoples'. For example, Special Rapporteur Miguel Alfonso Martínez in his comprehensive 'Study on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Populations' attempts to point out that given the different colonial and treaty-making contexts in Africa and Asia versus other regions of the world, peoples in Africa and Asia should pursue their rights as 'minority' populations rather than 'indigenous'.⁷⁹ Such erroneous distinctions lend further confusion to an already contentious debate and can be overcome somewhat with flexible and dynamic working definitions that account for such historical and contemporary differences.

Few may realize that a discussion over 'who is indigenous?' is taking place against the backdrop of the United Nations' 'International Decade of World's Indigenous People, 1995–2004', which has outlined one of its eventual goals as ratifying the 45-article Draft Declaration by 2004. However, since being adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1994, discussions over revising the Draft Declaration have disproportionately focused (and stalled) on host state concerns regarding defining indigenous. It is hoped that flexible definitional approaches to indigenous peoples can enhance the human rights protections of some 350 million peoples located in 70 different countries throughout the world. While international law is currently at a crossroads regarding the full recognition of global indigenous rights, indigenous peoples themselves are rearticulating their goals and reaffirming their identities for future generations.

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NOTES

1. John H. Bodley, *Victims of Progress*, 4th edn. (California: Mayfield Publishing Company, 1999), p.146.
2. Established in 1982, the WGIP is probably the most important global facilitator of indigenous rights today. One of the WGIP's most pressing matters is revising the Draft Universal Declaration on the Rights of Indigenous Peoples for ratification by the UN General Assembly, preferably before the 'International Decade of the World's Indigenous People' ends in 2004. The Draft Declaration, which was authored by over 700 indigenous peoples and scholars, states unequivocally in Article 8 that indigenous peoples have the 'right to identify themselves as indigenous and be recognized as such.' 'Draft Universal Declaration on the Rights of Indigenous Peoples', Twelfth Session of the Working Group on Indigenous Peoples, 23 August 1994, E/CN.4/Sub.2/AC.4/1994/4/Add.1.
3. As ILO Convention 169 'Concerning Indigenous and Tribal Peoples in Independent Countries', which went into force in 1989, states in Article 1, Section 2: 'Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.' As of this writing, 14 states have ratified ILO Convention No.169: Argentina, Bolivia, Colombia, Costa Rica, Denmark, Ecuador, Fiji, Guatemala, Honduras, Mexico, Netherlands, Norway, Paraguay, and Peru.
4. Based on a report by the Independent Commission on International Humanitarian Issues (1987), self-identification was deemed one of four critical elements in defining indigenous peoples; the other three were pre-existence, non-dominance and cultural difference. Additionally, a regional intergovernmental organization, the Organization of American States, has also advocated self-identification as a fundamental criterion in the recently approved 'Draft American Declaration on the Rights of Indigenous Peoples' (1997); See Article 1(2) in OAS doc. OEA/Ser.L/V/II.95, doc 6.
5. The term 'host' state is the most grammatically precise and widely used phrase describing those countries containing indigenous peoples within their borders. However, this term should not be construed to imply a sense of undue state cordiality, especially given the severe treatment that several indigenous populations have received at the hands of their 'host' states.
6. State governments have adamantly insisted that the term 'peoples' be eliminated from all international legal instruments involving global indigenous rights due to the term's implications for self-determination in international law, which has been construed by most legal scholars and state governments as the right to independent statehood. Debate over ratifying the UN Draft Declaration on the Rights of Indigenous Peoples has stalled over the document's use of the word 'peoples' and 'self-determination', which states such as Argentina, Brazil, Colombia, Japan, Mexico, Morocco and Russia contend would disrupt the territorial integrity of countries. Several states have suggested the use of the term 'people' or 'populations' along with a disclaimer, such as the one contained in International Labor Organization Treaty No.169 (1989), which asserts that use of the term peoples 'shall not be construed as having any implications as regards the rights which may attach to the term under international law'. In response to these criticisms, indigenous organizations have asserted that the right to self-determination does not necessarily entail a right to secession but rather a right to greater self-rule and autonomy; any compromise of this right is deemed detrimental to indigenous rights. For more on this extensive debate, see S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 1996), esp. pp.48-9; Russel Lawrence Barsh, 'Indigenous Peoples and the UN Commission on Human Rights: A Case of the Immovable Object and the Irresistible Force', *Human Rights Quarterly*, No.18 (1996), esp. pp.796-800.
7. See specific examples in Barsh, pp.782-813; Sharon Helen Venne, *Our Elders Understand our Rights: Evolving International Law Regarding Indigenous Rights* (British Columbia: Theytus Books, 1998), pp.158-60; Julian Burger, 'Indigenous Peoples and the United

- Nations', in Cynthia Price Cohen (ed.), *The Human Rights of Indigenous Peoples* (New York: Transnational, 1998), pp.10–11.
8. Jeff Corntassel and Tomas Hopkins Primeau, 'The Paradox of Indigenous Identity: A Levels-of-Analysis Approach', *Global Governance*, No.4 (1998), pp.139–56.
 9. Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (New York: Oxford University Press, 1999), p.85.
 10. John and Susan Dodds Bern, 'On the Plurality of Interests: Aboriginal Self-Government and Land Rights', in Duncan Ivison, Patt Patton and Will Sanders (eds.), *Political Theory and the Rights of Indigenous Peoples* (Cambridge: University of Cambridge Press, 2000), p.165.
 11. Anthony D. Smith, 'When is a Nation?', *Geopolitics*, No.7 (2002), pp.5–32.
 12. Paragraph 7, 'Standard Setting Activities: Evolution of Standards Concerning the Rights of Indigenous People', Thirteenth Session of the Working Group on Indigenous Peoples, 21 June 1995, E/CN.4/Sub.2/AC.4/1995/3.
 13. The WGIP is the most open forum within the United Nations system. To participate, indigenous delegates merely require a letter from their indigenous nation designating them as official indigenous representatives to the UN Working Group on Indigenous Populations.
 14. Manuhua Barcham, '(De)Constructing the Politics of Indigeneity', in Ivison, Patton and Sanders, pp.137–8.
 15. See also: George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (New York: The Free Press, 1974); Julian Burger, *Report from the Frontier: The State of the World's Indigenous Peoples* (London: Zed Books, 1987).
 16. Franke Wilmer, *The Indigenous Voice in World Politics* (Newbury Park, CA: Sage, 1993), p.97.
 17. Gerald R. Alfred and Franke Wilmer, 'Indigenous Peoples, States and Conflict', in David Carment and Patrick James (eds.), *Wars in the Midst of Peace* (Pittsburgh: University of Pittsburgh Press, 1997), p.27.
 18. Political Science scholar Alison Brysk points out: 'Most parties to the debate employ cultural rather than racial definitions, since racial identity is difficult to determine, subject to abuse, and socially superseded by cultural identity in any case,' in Alison Brysk, *From Tribal Village to Global Village* (Stanford: Stanford University Press, 2000), p.5, footnote 9.
 19. S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 1996), p.3.
 20. Bodley, *Victims of Progress*, p.4.
 21. For access to information regarding the 275 ethno-political groups included in the 'Minorities at Risk' dataset, visit the following website: www.bsos.umd.edu/cidcm/mar.
 22. Ted Robert Gurr, *Peoples versus States: Minorities at Risk in the New Century* (Washington, D.C.: United States Institute of Peace Press, 2000), p.17.
 23. For more on this, see, Jeff Corntassel and Tomas Hopkins Primeau, 'Indigenous 'Sovereignty' and International Law: Revised Strategies for Pursuing "Self-Determination"', *Human Rights Quarterly*, No.17 (1995), pp.343–65.
 24. *Ibid.*, pp.346–7.
 25. This has created a great deal of confusion among host states given indigenous claims to 'self-determination' in the Draft Declaration. As former WGIP chairperson Erica-Irene Daes points out, indigenous peoples 'do not usually assume that the right to self-determination is exercised by the creation of new nation-states', Erica-Irene A. Daes, 'Protection of the World's Indigenous Peoples and Human Rights', in Janusz Symonides (ed.), *Human Rights: Concepts and Standards* (Burlington: UNESCO, 2000), p.303. See also, Erica-Irene A. Daes, 'Some Considerations on the Right of Indigenous Peoples to Self-Determination', *Transnational Law and Contemporary Problems*, No.3 (1993), pp.1–11.
 26. Fred W. Riggs, 'Who's Indigenous? A Conceptual Inquiry', Proceeds from a panel discussion on ethnic nationalism at the annual meeting of the International Studies Association, Toronto, 18–21 March 1997. <http://www2.hawaii.edu/~fredr/indigh.htm>

- [accessed 15 February 2001].
27. Benedict Kingsbury, "Indigenous Peoples" in *International Law: A Constructivist Approach to the Asian Controversy*, *American Journal of International Law*, No.92 (1998), pp.414–57.
 28. Kingsbury, "Indigenous Peoples", p.415.
 29. Daes, 'Protection of the World's Indigenous Peoples', p.303.
 30. Lowell W. Barrington, "'Nation" and "Nationalism": The Misuse of Key Concepts in Political Science', *PS: Political Science and Politics* (1997), pp.712–16.
 31. Walker Connor, 'The Politics of Ethnonationalism', *Journal of International Affairs*, No.27 (1973), pp.1–21.
 32. Bernard Nietschmann, 'The Fourth World: Nations Versus States', in George J. Demko and William B. Wood (eds.), *Reordering the World: Geopolitical Perspectives on the 21st Century* (Boulder: Westview Press, 1995), pp.225–42.
 33. Author's additions in italics; Walker Connor, *Ethnonationalism: The Quest for Understanding* (Princeton: Princeton University Press, 1994), p.197; Nietschmann, 'The Fourth World', p.226.
 34. Umut Özkirimli, *Theories of Nationalism: A Critical Introduction* (New York: St. Martin's Press, 2000), p.58.
 35. Connor, *Ethnonationalism*, pp.210–26.
 36. See, for example, works by: Clifford Geertz, 'The Integrative Revolution: Primordial Sentiments and Civil Politics in New States', in Clifford Geertz (ed.), *Old Societies and New States* (New York: The Free Press of Glencoe, 1963), pp.104–57; Harold R. Isaacs, *Idols of the Tribe: Group Identity and Political Change* (Cambridge: Harvard University Press, 1975); Pierre L. van den Berghe, 'Race and Ethnicity: A Sociobiological Perspective', *Ethnic and Racial Studies*, No.1 (1978), pp.401–11; Anthony D. Smith, *The Ethnic Origins of Nations* (UK: Basil Blackwell, 1987); Walker Connor, *Ethnonationalism: The Quest for Understanding* (Princeton: Princeton University Press, 1994).
 37. Alexis Heraclides, *The Self-Determination of Minorities in International Politics* (London: Frank Cass, 1991), pp.7–8.
 38. Thomas Spear, 'Introduction', in Thomas Spear and Richard Waller (eds.), *Being Maasai: Ethnicity and Identity in East Africa* (Athens: Ohio University Press, 1995), pp.1–18.
 39. Paul R. Brass, 'Elite Competition and Nation-Formation', in John Hutchinson and Anthony D. Smith (eds.), *Nationalism* (Oxford: Oxford University Press, 1994), pp.83–9.
 40. Smith, 'When is a Nation?', p.17.
 41. George M. Scott, Jr., 'A Resynthesis of the Primordial and Circumstantial Approaches to Ethnic Group Solidarity: Towards an Explanatory Model', *Ethnic and Racial Studies*, No.13 (1990), pp.147–71.
 42. This body of research has alternatively been referred to as 'circumstantial approaches' and 'modernists'. However, for the sake of clarity and consistency, the term instrumentalist will be used in this research to best describe the process of ethnonationalist group formation.
 43. See, for example, works by: Fredrik Barth, 'Introduction', in Fredrik Barth (ed.), *Ethnic Groups and Boundaries* (London: George Allen & Unwin, 1969), pp.9–38; Michael Hechter, *Internal Colonialism: The Celtic Fringe in British Naval Development, 1536–1966* (Berkeley: University of California, 1975); Charles Tilly, *From Mobilization to Revolution* (Springfield, MA: Addison-Wesley, 1978); Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983); Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983).
 44. Scott, 'A Resynthesis', p.148.
 45. Hobsbawm, *The Invention of Tradition*, p.2.
 46. Hobsbawm, *The Invention of Tradition*, p.12.
 47. Anderson, *Imagined Communities*, p.103.
 48. *Ibid.*, p.18.

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49. It should be pointed out that there is a great deal of variation among instrumentalist theorists over the 'myth' of nationhood and the type of conditions that facilitate nationalism (i.e. dependency, political upheaval, collective insecurities, etc.). To address this variation, Özkirimli (2000) points to a third category of scholarship, which he calls 'ethno-symbolists'.
50. Özkirimli, *Theories of Nationalism*, p.220.
51. See Nietschmann, pp.232–8.
52. Gurr, *Peoples versus States*, p.5.
53. See, for example, Jayawardena's *Feminism and Nationalism in the Third World* (1986) and Yuval-Davis' *Gender and Nation* (1997).
54. The World Bank Operational Manual, September 1999, 'Indigenous Peoples', OD 4.20.
55. Michael Krauss, 'The World's Languages in Crisis', *Language*, No.68 (1992), pp.4–11.
56. Daniel Nettle and Suzanne Romaine, *Vanishing Voices: The Extinction of the World's Languages* (New York: Oxford University Press, 2000).
57. The Katukina nation of Brazil, for example, has only one native speaker remaining out of a community of 300 people; the Bikya (aka Furu) of Cameroon have one speaker left in their community; the Tagish in Canada have two speakers left out of a community of 400. According to the comprehensive 'Ethnologue.com' database, 416 languages throughout the world are nearly extinct. Ethnologue classifies languages as nearly extinct when 'only a few elderly speakers are still living'. http://www.ethnologue.com/nearly_extinct.asp, accessed 28 February 2002.
58. World Bank Group, 23 March 2001, 'Draft Operational Policies (OP 4.10)', [http://\[RTF bookmark start: _Hlt538023\]/\[RTF bookmark end: _Hlt538023\]Inweb18.worldbank.org.](http://[RTF bookmark start: _Hlt538023]/[RTF bookmark end: _Hlt538023]Inweb18.worldbank.org.), accessed 29 January 2002.
59. Erica-Irene A. Daes, 11 June 2001, 'Indigenous Peoples and their Relationship to Land: Final Working Paper Prepared by the Special Rapporteur Mrs. Erica-Irene A. Daes', Commission on Human Rights, E/CN.4/Sub.2/2001/21.
60. World Bank Group, 'Draft Operational Policies (OP 4.10)'.
61. James Minahan, *Nations without States* (Westport, CT: Greenwood Press, 1996), pp.259–61.
62. 'Intervention by Mangal Kumar Chakma', 18th Session of United Nations Working Group on Indigenous Populations, Geneva, Switzerland, 24–28 July 2000.
63. 'Public Update #2 on Consultations with External Stakeholders', 15 December 2001. <http://Inweb18.worldbank.org.>, accessed 29 January 2002.
64. Article I, ILO Convention 169, 1989, 'Concerning Indigenous and Tribal Peoples in Independent Countries'.
65. Jose R. Martinez Cobo, 1986, *Study of the Problem of Discrimination Against Indigenous Populations*, Sub-Commission on Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub.2/L.566, Paragraph 34.
66. Corntassel and Hopkins Primeau, 'Indigenous Sovereignty', pp.346–8.
67. Gerald R Alfred and Franke Wilmer, p.27.
68. IWGIA, 'Indigenous Issues', <http://www.iwgia.org.>, accessed 17 October 2001.
69. Barcham, '(De)Constructing the Politics of Indigeneity', pp.137–8.
70. Edward H. Spicer, *Cycles of Conquest: The Impact of Spain, Mexico and the United States on the Indians of the Southwest, 1533–1960* (Tucson: The University of Arizona Press, 1962).
71. *Ibid.*, p.576–8.
72. Robert K. Thomas, 'Colonialism: Classic and Internal', *New University Thought*, No.6 (1966–67a), pp.44–53.
73. Tom Holm, J. Diane Pearson and Ben Chavis, 'Peoplehood: A Model for American Indian Sovereignty in Education', *Wicazo Sa Review*, No.18 (Spring 2003), pp.7–24.
74. *Ibid.*, p.4.
75. *Ibid.*, p.5.

76. Lionel Caplan, 'Tribes in the Ethnography of Nepal: Some Comments on a Debate', *Nepalese Studies*, No.17 (1990), and cited in Erica-Irene A. Daes, 11 June 2001, 'Indigenous Peoples and their Relationship to Land'.
77. Cindy L. Holder and Jeff J. Corntassel, 'Indigenous Peoples and Multicultural Citizenship: Bridging Collective and Individual Rights', *Human Rights Quarterly*, No.24 (2002), pp.127-51.
78. Kingsbury, 'Indigenous Peoples', p.414.
79. United Nations Commission on Human Rights, 22 June 1999, *Study on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Populations: Final Report by Miguel Alfonso Martinez, Special Rapporteur*. E/CN.4/Sub.2/1999/20. See pp.12-15.