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Governing Indigeneity Globally
Indigenous Peoples in the United Nations

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Abstract

This dissertation studies indigenous peoples in international politics, particularly in the United Nations (UN). Indigenous peoples gained access to the organisation on a permanent basis with the establishment of the Permanent Forum on Indigenous Issues (PF). In addition, their rights are increasingly recognised by the UN member states, the most notable advance in this regard being the UN Declaration on the Rights of Indigenous Peoples. This progress has taken place in a state-based system, many of whose members have colonised indigenous peoples and at least previously been hostile to their demands. Indeed, it is this paradox, and my interest in how the change has come about that provided the impetus for the research project.

Despite these advances in indigenous participation and rights, I argue that there is no less power exercised over the peoples than previously. I approach the agency of indigenous peoples from two perspectives, that of norm socialisation and that of Foucault-inspired approaches to power and governmentality. The first perspective views indigenous peoples as norm entrepreneurs. It identifies frames through which the peoples draw attention to their concerns and suggest solutions; that is, the peoples promote the acceptance of new norms by states. The latter perspective informed three analyses. In the first, I investigated the ways in which the subjectification and resistance of indigenous peoples takes place in the small-scale power relations of the PF. The second consisted of a critical examination of the constant entanglement of indigeneity and the environment in international politics and its consequences for indigenous agency. The third examined the ways in which the prevailing and accepted discourse on indigenous rights has neoliberal power effects that go beyond the proclaimed emancipatory aims of the rights.

The research material comprises observations made in four PF annual sessions; statements by representatives of indigenous peoples, states and UN agencies; reports on the establishment of the PF; and reports of the Special Rapporteur on the Rights of Indigenous Peoples. The study embraces the methodological guideline of problematisation: text analysis was applied to first identify recurrent and familiar perceptions of indigenous peoples and their agency; this then provided the basis for a critical examination of the power effects associated with the perceptions. The ultimate aim of the analysis was to recover the political in what often seems de-politicised, established and accepted in the context of indigenous peoples and international politics.

This research breaks from the more conventional approaches to indigenous peoples and politics that conceive of the international institutional, political and legal advances in indigenous issues as self-evidently desirable and 'good'. Such approaches fail to recognise the 'darker' side of the seemingly benign processes involved: they overlook the many ways in which more hierarchical power relations persist. There is no denying that the ways in which indigenous peoples and indigeneity are dealt with in the UN foster indigeneity and its alleged qualities and recognise the freedoms and rights of the peoples. However, as my critical study illustrates, the growing recognition of indigenous rights and the enhanced participation of

indigenous peoples signals a change in the ways in which indigenous peoples are best managed internationally, a development geared to ensuring the efficient functioning of neoliberal governance. Indeed, rather than the peoples being governed any less in international politics today, governance at work has taken on more subtle forms.

Tiivistelmä

Väitöskirjani tarkastelee alkuperäiskansoja kansainvälisessä politiikassa, erityisesti Yhdistyneissä kansakunnissa (YK). Alkuperäiskansa-asioiden pysyvän foorumin perustaminen ja alkuperäiskansaoikeuksien kansainvälinen tunnustaminen ovat vahvistaneet alkuperäiskansojen asemaa kansainvälisellä tasolla. Näkyvin esimerkki tästä kehityksestä on YK:n Alkuperäiskansojen oikeuksien julistus. Nämä edistysaskeleet on otettu valtioihin pohjautuvassa järjestelmässä. Valtiot, joista monet ovat kolonisoineet alkuperäiskansoja ja aikaisemmin torjuneet heidän vaatimuksensa, ovat nyt tunnustamassa alkuperäiskansojen oikeuksia. Tutkimuksen taustalla on kiinnostukseni tätä paradoksaalista tilannetta ja muutokseen johtaneita syitä kohtaan.

Tutkimuksessani väitän, että alkuperäiskansojen lisääntyneet oikeudet ja poliittinen osallistuminen eivät merkitse, että alkuperäiskansoja kohtaan käytettäisiin vähemmän valtaa. Tarkastelen alkuperäiskansojen toimijuutta kahdesta näkökulmasta. Ensimmäisessä näen alkuperäiskansat uusien normien edistäjinä (norm socialisation). Identifioin erilaisia tapoja, joilla alkuperäiskansat nostavat esiin heitä koskettavia kysymyksiä, ehdottavat ratkaisuja ja pyrkivät edistämään uusien normien syntymistä. Toinen lähestymistapa, joka pohjautuu kriittiseen foucault'laiseen vallan ja hallinnan tutkimukseen (governmentality) on työssäni keskeisessä osassa. Lähestymistavan avulla keskustelen vallan kysymyksistä kolmessa eri temaattisessa yhteydessä. Ensimmäisessä tutkin alkuperäiskansojen subjektiviteettia ja vastarintaa pysyvän foorumin mikrotason valtasuhteissa. Toisessa tarkastelen alkuperäiskansaisuuden (indigeneity) ja ympäristön tiivistä yhteenkietoutumista ja sen merkityksiä kansainvälisessä politikassa. Kolmannessa tutkin tapaa jolla vallitseva ja yleisesti hyväksytty alkuperäiskansaoikeuspuhe, sen voimauttavista pyrkimyksistään huolimatta, pitää sisällään uusliberaaleja valtavaikutuksia.

Tutkimusmateriaali koostuu tekemistäni havainnoista neljässä pysyvän foorumin vuosittaisessa kokouksessa, alkuperäiskansojen, valtioiden ja YK:n järjestöjen edustajien lausunnoista, pysyvän foorumin perustamiseen liittyvistä raporteista sekä alkuperäiskansaoikeuksien erityisraportoijan raporteista. Tutkimuksen metodologinen lähtökohta on problematisointi. Se hyödyntää tekstianalyysia tutkimusmateriaalissa toistuvien ja tavanomaisina esitettyjen alkuperäiskansaisuutta koskevien käsitysten tarkastelussa. Näiden toistuvien käsitysten analyysissa olen käyttänyt kriittistä vallan ja hallinnan näkökulmaa. Analyysini paljastaa, miten usein epäpoliittisina, vakiintuneina ja hyväksyttyinä näyttäytyvät alkuperäiskansakysymykset ovat kansainvälisesti poliittisia.

Tutkimukseni eroaa alkuperäiskansoja ja politiikkaa tarkastelevista lähestymistavoista, jotka perinteisesti pitävät institutionaalisia, poliittisia ja oikeudellisia kehityksiä itsestään selvästi tavoiteltavan arvoisina ja "hyvinä". Nämä lähestymistavat eivät kuitenkaan kykene tunnistamaan sitä, miten valta ja hallinta ovat osa hyväntahtoisilta vaikuttavia kehityksiä ja miten monin tavoin hierarkkiset valtasuhteet jatkavat olemassaoloaan. Samalla kun alkuperäiskansojen oikeuksia, osallistumista ja alkuperäiskansaisuuden oletettuja piirteitä vaalitaan

YK:n piirissä, valta ja hallinta ovat ottaneet hienovaraisempia muotoja. Alkuperäiskansojen oikeuksien lisääntynyt tunnustaminen ja poliittinen osallistuminen YK:ssa ovat osa uusliberaalia hallintaa.

Avainsanat: alkuperäiskansat, Yhdistyneet kansakunnat, toimijuus, valta, hallinta, normit, uusliberaali hallinta, oikeudet.

Contents

The articles

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Marjo Lindroth

1 Introduction: Indigenous politics beyond institutions

Where indigenous peoples are concerned, current international politics is not a case of some actors being 'winners' and some 'losers'. It is not a question of limiting and reducing state powers in order to protect indigenous peoples and enhance their power and self-determination. Neither is it a matter of state sovereignty trumping the peoples' claims to their lands and territories. Rather, the current power relations between indigenous peoples, states and other actors are more complex and intricate: the relations work in a cost-effective manner to foster the freedoms of indigenous peoples and their abilities to be self-governing. It is this observation that is the key to unravelling the question of why, after a long history of reluctance by states, we have seen a flurry of international political and legal developments in this area, examples being the establishment of the United Nations (UN) Permanent Forum on Indigenous Issues (PF) and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

This dissertation examines the position of indigenous peoples in international politics, more specifically in the UN system, a system established and run by sovereign states, many of which have colonised indigenous peoples. This makes the UN a problematic political environment for indigenous peoples. The involvement of indigenous peoples in national and international politics has also been problematic for states. The central demands of indigenous peoples for self-determination and collective rights have often clashed with the views of governments, because the demands have been seen as challenges to the basic exponents of state sovereignty – territorial integrity and political unity (e.g. Lâm 1992; Brantenberg and Minde 1995; Corbett 1996).

Despite these long-standing challenges in state-indigenous relations, notable progress has been made, for example, in recognition by the UN and an overwhelming majority of its member states that indigenous peoples have suffered injustices and that special measures are needed to improve their situations. The justice of the cause of the international indigenous movement can hardly be questioned, for the marginalisation of indigenous peoples seen today can be unequivocally attributed to the historical experiences of colonialism and dispossession (e.g. Morgan, 2011; Niezen, 2003). The institutional, legal and discursive changes on the international level where indigenous peoples are concerned include the recognition of indigenous issues and the permanent status of those issues on the international political agenda, the establishment of political and legal mechanisms and institutions that promote the rights of indigenous peoples and greater institutional access and a permanent institutional space for the peoples in political arenas. These translate into more voice and visibility for the peoples on the international level. The UN in particular has become an important arena for the political and legal activity of indigenous peoples, especially through the establishment of the PF and the adoption of the UNDRIP. It is no longer a viable option, at least on the international level, to be strongly opposed to the rights and participation of indigenous peoples.

This research goes beyond the institutional and legal levels, which have dominated the study of indigenous peoples' involvement in international politics. The impetus for this work has been my two-fold observation that certain ways of perceiving and presenting indigenous peoples in international politics occur repeatedly and that despite playing a large role they remain essentially 'non-issues' in that they go unrecognised, unchallenged and unquestioned. I have identified these perceptions and 'established' understandings and describe them as 'accepted truths' regarding indigeneity. These 'truths' are mind-sets that I have detected in my research material and, in the course of my work, come to regard as problematic. I have questioned their 'normality' and desirability and brought to light the effects of power they entail. Examples include the self-evident desirability of rights as the answer to all the challenges that indigenous peoples face and the common agreement that the inclusion of indigenous peoples in international political arenas is bliss. Another established conception of indigeneity in international politics pits indigenous peoples squarely in opposition to states. This conventional starting-point tends to lead to the misguided conclusion that the legal or institutional progress in indigenous issues restricts the powers of states while increasing those of indigenous peoples.

This dissertation is an article-based work comprising four published articles and this synthesis. I am the sole author of Articles 1, 2 and 4; Article 3 has been co-authored with Heidi Sinevaara-Niskanen. This synthesis outlines the background of the research, the research process and the theoretical and methodological approaches chosen. It also gives an overview of the articles and the key findings.

The articles incorporate three viewpoints from which one may approach the political agency of indigenous peoples. In the first, the one adopted at the start of the research project, I examine indigenous peoples as norm entrepreneurs and investigate the influence the peoples can have in persuading states to accept new norms. The theoretical orientation then shifts from norms to Foucault-inspired conceptions of power and governmentality. Accordingly, in the second perspective on indigenous agency, I explore power relations on a finer-grained level, examining the more mundane ways in which they play out in the everyday political practice of the UN PF. As will be discussed below, this revealed the fluid nature of indigenous subjectivities within these power relations. In the third viewpoint, I study the ways in which indigenous peoples are implicated in governmental rationalities. The aim of international politics today as regards indigenous peoples is the emancipation and safeguarding of the peoples. However, this same politics entails various practices of power that make the peoples governable in specific ways. The purpose of this research is not to take a stand on whether these processes are good or bad for the peoples. Rather, it undertakes to point out effects of power that are masked by the often benign guise of the ways in which indigenous peoples and indigeneity are dealt with in international politics today.

While the first of the three approaches, with its emphasis on norms, provided the starting point for my research project, the dissertation draws more on the last two, more critical, ones. Indeed, this is also where its principal contributions lie. The impetus for the last three articles stemmed from my own unease with certain established and accepted ways of representing indigeneity and indigenous peoples in international politics: this both prompted the need for a critical, Foucault-inspired approach and suggested the direction of the inquiry.

1.1 The UN as a web of power relations

In international politics today, it has become necessary for states to be seen as supporting the causes and rights of indigenous peoples. Moreover, states need to be seen as redeeming themselves of their colonial past. I would argue that the UN has become the site of choice for states to pursue these agendas. It has correspondingly become an arena offering hope to discriminated-against and violated peoples, a 'saviour' of those peoples that historically have been in the clutches of individual states. At the end of the day, it is the UN, as opposed to individual states, that has been assigned the role of safeguarding the world's indigenous peoples. The UNDRIP, adopted in 2007, represents a notable development to this end.

The UN is – and has been – the institution that the world's indigenous peoples have turned to in the hopes of pressuring, persuading and drawing international attention to their respective states. Indeed, the impetus among indigenous peoples for international activism in the UN is ultimately their domestic situations. This does not, however, diminish the significance of the UN as a political site that depicts itself as a progressive force and agent of change in global issues. It is a global arena for raising awareness and discussing issues dealing with indigenous peoples, and its role in naturalising, (re)producing and promoting certain ways of perceiving indigenous peoples in international politics should not be overlooked. While this dissertation focuses on dissecting the relationship and power exercised between states and indigenous peoples, I recognise that there are other actors who are involved in international politics in the context of indigenous peoples and who play a role in naturalising and (re)producing particular perceptions. International legal experts are an example of such actors (see Article 4, "Indigenous Rights as Tactics of Neoliberal Governance).

Historically, indigenous peoples have often been instrumental in the formation of states as their 'outside' and the 'other '(e.g. Keal, 2003). Today as well indigenous peoples and states continue to define and constitute each other. The current global category 'indigenous peoples' is largely a product of the peoples' involvement in the state-based arena of the UN (e.g. Niezen, 2003). This is not to say that they are totally defined by states: indigenous peoples can employ subject positions and categories offered by the UN in order to resist the very states that have colonised them (see for example Article 2 of this dissertation, "Paradoxes of Power"). In order to see the nuances of power at work between indigenous peoples and states, I have chosen to analyse power as a relationship, as the myriad ways in which power operates between actors. I do not see this interaction as a straightforward battle between state sovereignty and indigenous self-determination: the power relations are often more mundane, subtle and do not usually operate in such a clear-cut manner.

The UN PF, attended as it is by the world's indigenous peoples and states, is a good opportunity for indigenous peoples to bring the states in which they live under closer international scrutiny and, where appropriate, to bring shame upon them. Taken at face value, the increased possibilities for political participation, as well as other international developments, can be interpreted as states having finally made a profound change for the better in their attitudes towards indigenous peoples. Yet, this progress can also be dismissed as window dressing through which states are attempting to break with their colonial histories. In any event, the UN PF is the central arena to study in terms of the power relations between states and indigenous peoples in international politics. The outcomes of the PF sessions – its recom-

mendations – may eventually lead to concrete actions within the UN system or elsewhere, or the political activism of indigenous peoples in the Forum may impact politics 'at home'. However, this dissertation does not focus on the situations in a given state – which would be important research topics in themselves – but on the power effects that various perceptions of indigeneity have on the international level.

I am not interested in the UN as an institutional structure or in questions such as how to facilitate the access of indigenous peoples to the UN and make their participation more effective. Views focusing on these kinds of questions tend to see power as a possession, as a zero-sum game in which one party's gain in power is another (opposing) party's loss of the same. From these more conventional starting points, the increased codification of indigenous rights and the growing involvement of the indigenous peoples in political arenas would be seen as decreasing state powers, or at least as a check on them. In fact, generally speaking, research has not gone beyond this institutional and legal ('technical') focus when it comes to indigenous peoples in international politics (e.g. Corbett, 1996; Keal, 2003; Lawlor, 2003; Anaya, 2004; Xanthaki, 2007; Larson, 2007; Loukacheva, 2009; Morgan, 2004, 2011; Heinämäki, 2010; Joona, 2012).

My purpose is not to suggest that research on law or institutions is not needed: debate on these is also important. However, I have sought to move away from the idea that more institutions and more participation of indigenous peoples in those institutions, or more indigenous rights, would necessarily and unquestionably improve the situation of the peoples. Moreover, I have opted not to claim that states have now made a considerable change in their attitudes towards indigenous peoples. The presumed 'goodness' of the international legal and institutional progress concerning indigenous peoples merits qualification.

Studies that have investigated the possibilities of indigenous peoples for political agency within political and legal systems based on state sovereignty include Brysk (2000), Niezen (2003), Eudaily (2004), Shaw (2008) and Ivison et al (2000). The specific context of the UN has been analysed by, for example, Morgan (2004, 2011), Dahl (2012) and Muechlebach (2001). The entrance of indigenous peoples into international political arenas has been seen by some scholars as resulting in the taming, moderation, blunting or channelling of the peoples' demands, processes that then lead to their institutionalisation (e.g. Corntassel, 2007). Morgan (2011: 49) disagrees with this conclusion and argues that the indigenous movement has refused to deradicalise its demands; she claims that the movement has succeeded in doing so through the creative use of normative resources that have been available in the UN and that resonate with existing normative views of the organisation. This has given indigenous peoples moral and legal leverage and authority. Another reason why the movement has not had to temper its demands, according to Morgan, is that all kinds of indigenous groups, from the small and loosely organised grass roots organisations to highly professional ones, are allowed to participate in the PF sessions as well as many other UN meetings dealing with indigenous issues.

This dissertation makes a distinct contribution to the literature on indigenous peoples as regards their engaging in politics in intergovernmental arenas and what takes place after they have entered and gained a position in such arenas. However, the Foucault-inspired perspective adopted in the last three articles of this dissertation trains its focus and sheds light on different considerations than do studies on, for example, social movements and norm so-

cialisation. Instead of adopting the conventional approach, which takes as its starting point the structure of the institution itself and views power as something that some have and some do not, I examine the UN PF as a web of power relations. It is an arena where the power relations can be seen in their many manifestations: not only in the 'official' politics but, more importantly, beyond the formal institution and politics. In this context, power is not thought of as a possession but as a relationship: power exists when it is exercised. This allows for a more fluid approach to power and sees power relations as being in continuous flux or as an ongoing struggle. Perceiving power in the UN in this way, I argue, allows one to see the many, often subtle, ways in which power operates and power relations are maintained, realigned or reversed. For example, I understand the 'channelling' of the activities of indigenous peoples onto the permissible paths, the UN for example, as a two-pronged neoliberal governmental tactic: it welcomes and even fosters indigenous peoples and indigeneity and yet, at the same time, steers the peoples' actions such that no more than a minimal and cost-effective change in actual state behaviour is needed, thereby avoiding more radical local conflicts and challenges (Odysseos, 2010; Lightfoot, 2012).

If the institution itself is taken as a starting-point, this more nuanced view is overlooked, because the focus tends to be on questions such as how to improve the participation of indigenous peoples and what the obstacles to their inclusion are. The approach tends to be 'technical'; that is, it tends to suggest that the issues indigenous peoples are confronted with can be 'fixed' by, for example, increasing their institutional access and rights. In this approach, the issue itself (e.g. institutional access or more rights) is taken at face value, with analyses then failing to see the ways in which it became a desirable goal in the first place.

Previous critical studies on the political, legal and institutional advances in the case of the indigenous peoples are for the most part situated outside of legal scholarship. These studies include, for example, Alfred (2005, 2010); Corntassel (2007, 2008, 2012); Alfred and Corntassel (2005); Lightfoot (2008, 2010, 2012); Coulthard, (2008); Odysseos, (2010, 2011) and Soguk (2007). I concur with this line of inquiry in that it considers the political participation of indigenous peoples in state-based systems and the peoples' demands for justice and redress from states to be problematic. My research can be located between the studies emphasising the importance, desirability and usefulness of the UN as a political arena for the international indigenous movement and studies demanding a move away from the UN and other state-based systems (e.g. Alfred, 2005, 2010; Coulthard, 2008; Corntassel, 2012). While I am mostly critical of the UN as a political arena for indigenous peoples, I do not see the work of the organisation as altogether counterproductive to the indigenous cause; this research also illustrates various ways in which indigenous peoples are able to act and engage in resistance despite the limiting and challenging political environment. Hence, this dissertation is of interest to scholars in the social sciences and in law as well as to those working with indigenous issues in international politics.

On the international level, the ways in which states now claim to be treating their indigenous peoples have changed from pursuing their previous, explicit aims of civilising and assimilating the peoples to respecting them and their rights and taking indigenous issues into consideration whenever appropriate. However, despite all the positive developments in the rights and political participation of indigenous peoples, the peoples still face serious situations: their rights are violated and their living conditions often fall short of the standard

enjoyed by the majority populations. I argue that the UN and its member states, especially after adopting the UNDRIP at long last, are too readily thought of in international politics as having effected a profound change of attitude when it comes to the rights and political participation of indigenous peoples. Lightfoot (2012) offers an insightful critical analysis of this process and describes it as 'selective endorsement' by states; it is a move to preserve their legal and political status quo and still retain their international reputation as defenders of human rights.

The present research illustrates that while progress can be cited that has brought positive outcomes for indigenous peoples, the crux of the issue is a change in the ways in which governance works rather than less power being exercised over indigenous peoples. The governance in question operates within a political framework and entails the use of power, power embodied in practices revealed only by analysing the politics that take place on the international level, such as the UN. Although the current language used to talk about indigenous peoples and indigenous issues emphasises the rights and freedoms of the peoples and aims to emancipate them, its liberal-seeming character should not be taken at face value.

1.2 UN advances pertaining to indigenous peoples

The term 'indigenous peoples' as used in this work denotes the peoples to which the UN Special Rapporteur on the Rights of Indigenous Peoples (SRIP) refers in his or her reports. I also use the term 'indigenous peoples' when discussing politics in the UN, although I acknowledge that for the most part the indigenous persons and delegations participating in the UN meetings represent NGOs that in turn speak on behalf of one or more indigenous peoples. The indigenous peoples, while extremely heterogeneous in their backgrounds, cultures and histories, have commonalities that have brought them together. They share some key experiences, most importantly colonisation and loss of lands, the claim that the foreign rule imposed upon them is illegitimate and the demand for justice and self-determination. These are discussed in Article 1, 'Indigenous-state Relations in the UN' (see also Niezen, 2003; Alfred and Corntassel, 2005).

The first attempt by an indigenous leader to draw international attention to the situation of indigenous peoples occurred already in the 1920s, during the League of Nations. Following the Second World War, the establishment of the UN and the adoption of key instruments such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, created circumstances that were more conducive to advancing the claims of indigenous peoples. The civil rights movements and the decolonisation processes in the 1960s further promoted the formation of indigenous organisations and networks (Niezen, 2003; García-Alix, 2003).

A major UN study in the 1970s on the problem of discrimination against indigenous peoples, the Cobo Report,[1] revealed that the special situations and needs of indigenous peoples had not been adequately taken into account within the UN system. In addition, the peoples

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1   The report is available at http://undesadspd.org/IndigenousPeoples/LibraryDocuments/Mart%C3%ADnez
     CoboStudy.aspx (accessed 3 April 2014).

were not able to affect issues that concerned them. This study was followed by establishment of the Working Group on Indigenous Populations (WGIP) in 1982. The WGIP was a significant factor in the formation of the global indigenous movement and the further involvement of indigenous peoples in the UN processes. The WGIP introduced the principle of open participation for any indigenous NGOs, which was later adopted by the PF and other UN processes dealing with indigenous issues. The main task of the WGIP was to draft the Declaration on the Rights of Indigenous Peoples (UNDRIP). Following the establishment of the Human Rights Council, the WGIP was discontinued and replaced by the Expert Mechanism on the Rights of Indigenous Peoples, established in 2007. The mandate of the Expert Mechanism is to provide the Human Rights Council with thematic advice.[2]

To date, the most significant achievement in the UN related to indigenous peoples, in addition to the establishment of the PF, has been the UNDRIP.[3] The Declaration was adopted in 2007 by the General Assembly after over twenty years of deliberation in the UN: the UNDRIP brings universal human rights to the special context of indigenous peoples. It formulates the rights of indigenous peoples to the extent which and in the structure and format in which the international community of states has recognised them. It constitutes a minimum 'standard of achievement to be pursued', but it does not preclude the creation of additional rights in the future (Wiessner, 2009: 3).

The position of Special Rapporteur on the Rights of Indigenous Peoples (SRIP) was established in 2001 by the Commission on Human Rights as part of what are known as the thematic Special Procedures. The mandate of the Special Rapporteur is to promote good practices and implement international standards concerning the rights of indigenous peoples, report on the human rights situation of the peoples, address violations of these rights and conduct thematic studies.[4]

The first suggestions that a permanent indigenous forum might be formed were voiced early on in the indigenous peoples' involvement in the UN. It had been demonstrated that there was a need for coordination in the UN in issues pertaining to indigenous peoples (Søvndahl Petersen, 1999: 9). The PF was eventually established in 2000.

The PF is an advisory body working under the Economic and Social Council (ECOSOC). It consists of sixteen expert members – eight state members and eight indigenous members – with all sixteen working on an equal footing.[5] The mandate of the PF includes all areas of the ECOSOC: economic and social development, culture, environment, education, health and

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2   The Expert Mechanism has five members that are experts on the rights of indigenous peoples; it holds annual sessions in which states, indigenous peoples and other interested parties may participate. http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx (accessed 7 Jan 2013).

3   For the procedural history of the UNDRIP, see http://untreaty.un.org/cod/avl/pdf/ha/ga_61-295/ga_61-295_ph_e.pdf (accessed 7 Jan 2013).

4   For more information, see the webpage of the Special Rapporteur. Available at http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx (accessed 7 Jan 2013).

5   States nominate their members, and the participating state members are then elected by ECOSOC based on five regional groupings of states. Indigenous organisations nominate their members and the participating indigenous members are then appointed by the President of ECOSOC based on seven socio-cultural regions. For information on the members, see the UN PF webpage: http://undesadspd.org/IndigenousPeoples/AboutUsMembers.aspx (accessed 1 April 2014).

human rights. Its remit is to gather and disseminate information and does not entitle it to decide on specific human rights violations or to develop indigenous rights standards.

The PF has the tasks of raising awareness and cooperation on as well as coordination and integration of indigenous issues within the UN. These it promotes through its secretariat at UN Headquarters in New York. The Forum has an annual 10 day session, each of which has to date been held at UN Headquarters. The annual session issues recommendations to the ECOSOC, UN agencies, states, indigenous and civil society organisations, private sector actors and the media. In addition, the PF prepares other reports and reviews on the situations of indigenous peoples (Handbook for Participants, 2007).

The participants in the PF's annual sessions, who represent indigenous peoples, member states and civil society organisations, have numbered about 1200 people (Handbook for Participants, 2007). Representatives of indigenous peoples, states, UN agencies and other participating organisations can give statements on the mandated issue-areas during the annual sessions. An important part of the annual meeting is the lobbying work done by indigenous peoples' organisations outside the formal plenary session. In addition, various side-events are organised during the sessions.

The UN has played an essential part in the development of the global indigenous movement by functioning as a platform for enhancing cooperation among indigenous peoples around the world. Indigenous peoples themselves have been instrumental in getting their issues on the UN agenda and gaining more opportunities for participation and visibility in the organisation. Dahl (2012) even states that indigenous peoples have been able to create 'an indigenous space' within the UN. The Global Indigenous Caucus – a product of the cooperation between indigenous peoples in the UN – holds preparatory meetings prior to the annual session of the PF. The Caucus has been an important element in the creation and strengthening of solidarity among indigenous peoples around the world.

The demands of the indigenous peoples and issues pertaining to them have become a permanent item on the UN agenda, which can be seen as adding legitimacy and accountability to the work of the organisation: in addition to having better opportunities to inform states of their situation, the peoples can participate more efficiently than before and hold states accountable for their decisions. The stated aims of this enhanced participation, both for the UN in its rhetoric and for indigenous peoples themselves, are to improve the conditions for indigenous peoples and bring them justice. The peoples have pushed for institutional changes and greater inclusiveness of international political processes as part of their claim to self-determination. Institutional reforms and legal advances, such as the PF and the adoption of the UNDRIP, can be taken to signify a recognition of the special international status of indigenous peoples (e.g. Morgan, 2011).

2 The research process

The establishment of the PF has heightened the importance of the UN as the focal point for the political endeavours of the international indigenous peoples' movement. I found it pertinent to first analyse the debates on the establishment on the PF and, second, to analyse the politics that has taken place in the Forum since it was established. The PF is an arena in which indigenous peoples and states meet and in which indigenous peoples can form stronger linkages among themselves. Analysing the PF has provided an opportunity to study actual politics and the ways in which the relations between states and indigenous peoples play out in an international political forum.

The initial research topic of the dissertation was the international political agency of indigenous peoples; that is, I sought to answer the question, how can indigenous peoples – as peoples that demand self-determination – be political actors in an organisation formed by sovereign states (the UN)? The impetus for this inquiry was provided by the institutional advances that had taken place on indigenous issues in the UN, particularly with the establishment of the PF. While this basic interest in the international political agency of indigenous peoples informs the dissertation throughout, the perspective on power which I ultimately adopted and the level at which I chose to study that agency changed during the course of the work.

2.1 The start: indigenous peoples as norm entrepreneurs

Article 1, 'Indigenous-state Relations in the UN', analyses the establishment of the PF, as well as indigenous peoples' efforts in framing and success in building norms. I examined indigenous peoples as norm entrepreneurs who could introduce new norms into international politics through framing processes, that is, by pointing out, interpreting and naming issues of concern to them and suggesting solutions.

Indeed, the most interesting contribution of Article 1 – in light of the subsequent articles, which, as described in Chapter I, utilise a very different approach – is the analysis of the various frames invoked by the indigenous peoples, which shows these to be political tactics brought to bear in the establishment process. The frames that I identify – indigeneity, self-determination, collective rights, and recognition – capture recurring themes in political arenas that involve states and indigenous peoples. These themes featured frequently in the research material for the article, highlighting the often conflictual and dichotomous nature of indigenous-state relations, clearly a phenomenon calling for closer analysis.

The analysis of indigenous peoples as norm entrepreneurs draws on constructivism, which sees norms as important elements in the formation of state behaviours and interests: certain kinds of state identity are valued and deemed legitimate and thus thought to affect the ways in which states behave (Risse and Ropp, 1999). Advocating the introduction of new norms

in international law, that is, norm entrepreneurship, requires justification of those norms on the basis of existing ones. As Article 1 points out, the global indigenous movement relied on this strategy in the discussions leading up to the establishment of the PF. Indigenous peoples were persuading states to adopt norms, many of which they had not considered to be in their best interest. The article focuses on the relationship between indigenous self-determination and state sovereignty and the ways in which this has affected politics between states and indigenous peoples in the UN. In this connection, the research centres on the ways in which indigenous peoples have promoted the norm of indigenous self-determination and the instances in which state sovereignty has superseded that norm.

The norm entrepreneurship approach trains the focus on actors, their character and the authority they can have. Of particular importance in such inquiry is the symbolic and ideological power that shapes the actors' behaviour and interests. The approach emphasises global institutions and norm socialisation and often also weighs the impact of networks and partnering. This proved useful in analysing the ways in which certain ideas and new norms dealing with indigenous peoples reach the international level and the kinds of tactics that indigenous peoples used in advocating the establishment of the PF as a particular kind of forum.

2.2 The shift: from norm socialisation to governmentality

Article 1 raised a number of questions that merited a more critical analysis, which called for a different approach to studying the politics in the PF. Heightening this need was a desire to explore my new understanding of that politics, one which I recognised early on in the research but was able to better articulate later, after my opportunity to attend the PF annual sessions; the statements and reports I studied thereafter reinforced this understanding.

My perception was that the more conventional way of approaching indigenous peoples in international politics, for example, as norm entrepreneurs or through the perspective of international law or official politics, ends up suggesting too simplistically that the peoples have become more powerful in international politics 'at the expense' of states; that is, states have had to give up some of their powers due to international pressure and their human and indigenous rights commitments. This focus on institutions, actors and their authority, according to Walters (2012: 68), legitimates the technocratic discourse of 'good' governance and the policies sustained by that discourse. It is an approach that suggests 'sitting at the same table', partnership and stakeholdership as the 'fix' for various problems; it is anti-political because it has a consensual and technocratic outlook on the world (see also Lemke, 2012: 36-37). I find this outlook misguided, as it overlooks the many ways in which power operates that underlie the messy, paradoxical and contradictory political subjectivities and relations of power in the PF (see Article 2, 'Paradoxes of Power'). In addition, the persistence of subordinating practices that are embedded in wider power relations needed to be acknowledged. It became apparent that the norm entrepreneurship approach, as it entailed an overly technocratic and antipolitical outlook, would fall short of what was needed in terms of tools for the sort of analysis that I wished to undertake in the subsequent articles of this dissertation.

Throughout the research, certain themes came up constantly in the context of indigeneity in international politics. These can be seen as forming what I have termed a 'common ground',

espoused by the participants, that corresponds to the ideas of 'good' governance, that is, governance that takes the rights, freedoms and capacities of the peoples into account. Among these shared understandings are that the peoples' rights should be recognised and respected more fully in order for their situations to improve, that they are special environmental actors because of their alleged intimate relationship with nature and environmental knowledge and that they need to be included more effectively in political decision-making. This common ground is a phenomenon that is striking to me as a platform that plays a crucial role, yet, at the same time, is left unchallenged, not problematised. Particular representations are used unquestioningly to justify the agency of indigenous peoples and certain measures directed at the peoples. It became important to start critically probing these perceptions; they proved to be under-researched, although they fuel political processes that entail power effects, in particular effects beyond the empowerment, improvements and benefits the processes are proclaimed to offer for indigenous peoples (see Article 3, 'At the Crossroads of Autonomy and Essentialism', and Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance').

Indeed, a look beyond the common ground described above reveals that today power relations function not by excluding indigeneity but by including it: indigeneity is more often recognised, and even embraced, by states on the international level than viewed as conflicting with their interests and increased participation and rights for the peoples are encouraged. This realisation, which I had during the research process, was crucial in my decision to shift the theoretical approach of this dissertation from norm socialisation to Foucault-inspired conceptions of power and governmentality. The two approaches view power differently. The norms approach tends to see the developments in norms on indigenous issues as 'good' – as something by which state power over indigenous peoples could be limited and as starting points for research. In contrast, the governmentality approach recognises the problematic aspects of these developments, the various ways – among others – in which power is exercised through the very development and recognition of such norms. In this latter approach, power is not good or bad in itself; the aim is to dissect the various ways in which power operates. In this light, I concluded that the norms approach would not be adequate for revealing the more subtle power relations at work in the PF.

I found that the governmentality approach fit my research well because it does not view power as something that shifts from one actor to another, but rather focuses on governance, which involves relations of power between actors. Applying this insight to the present case, I opted to focus on the 'small' and mundane practices of governance, instead of the formal structures of governing (e.g. the UN bodies and procedures) (Walters, 2012: 66-68, 145).The governmentality approach does not see the progress made at the UN with regard to indigenous peoples as stemming from an ideological conversion, contrary to what the norm entrepreneurship approach would suggest; it examines the advancement of the peoples' cause in a different light, through analysis of governmental technologies. In this vein, the researcher, rather than assuming advances to be signs that states have become 'indigenous-friendly' or that indigenous issues have become 'institutionalised' within the UN system, trains his or her inquiry on the ways in which actors become implicated in governmental strategies (Walters, 2012: 64).

Empirical analysis is valuable in dissecting the ways in which the present situation has come to be what it is. The importance of a focus on smaller-scale phenomena and processes is

to be emphasised here. Compared to the approaches found in the literature on norms, which may, for example, focus on supposedly universal norms, the governmentality approach emphasises the contingent nature of the present. Accordingly, the approach used in this research emphasises the importance of deconstruction and continuous critique; it does not envision a final answer that would 'fix' the challenges indigenous peoples face or satisfy their demands (Walters, 2012: 88; Lawler, 2008: 387-388).

In Article 2, 'Paradoxes of Power', I focus on the subjectification of indigenous peoples in the everyday political practice of the PF. The analysis illustrates the possibilities of indigenous resistance in and through this subjectification. In the process, it addresses the need in research to go beyond the dominant and conventional macro-level debate between state sovereignty and indigenous self-determination in international politics, a step that affords a more nuanced account of the ways in which indigenous subjectivities and resistance are shaped in the UN.

Another topic that invited closer study was the issue of the special environmental agency that indigenous peoples are perceived to have. In response to this need, Article 3, 'At the Crossroads of Autonomy and Essentialism', co-authored with Heidi Sinevaara-Niskanen, asks what kinds of environmental agencies are constructed for and by indigenous peoples in international politics. Specifically, the inquiry explores the critical question of what power effects are inscribed in the common justifications for the special environmental role of the peoples.

Yet another prominent and recurring theme in the context of indigenous peoples and international politics is the issue of rights. Indigenous peoples base their claims on the demand for justice and rights, and today states want to be seen as indigenous rights advocates. In Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance', I analyse the effects of power that indigenous rights have beyond their proclaimed aims of safeguarding the peoples. In the process, I address the question of how it is that a growing range of these rights is recognised today, after years of reluctance by states to acknowledge rights that would specifically pertain to indigenous peoples.

3 Perspectives on power

Power, as I analyse it in this research, is informed by the Foucauldian conception of power, whereby power is considered to be productive of subjectivities and resistance in addition to being a restrictive force, as it is conventionally perceived. Power produces dual subjects: they are at once subjugated and capable of agency. Power is not a possession, but comes into being when it is exercised, as an action that modifies others' actions (Foucault, 1983: 212, 219; Allen, 2002: 135). Indigenous subjectivities are produced in the power relations that obtain in the PF as positions subjugated to those relations, an example being the position of colonised victim. At the same time, these power relations produce indigenous peoples as active subjects, such as decolonised global actors, in a process that I discuss in Article 2, 'Paradoxes of Power'.

I use governmentality as the theoretical framework for studying the ways in which indigeneity and indigenous peoples have become problems and issues that need to be managed in international politics. The way in which indigenous peoples are managed, for example in the UN, is empathetic and consonant with the ideas of 'good' governance. It fosters indigenous peoples' rights and freedoms and includes the peoples, unlike earlier hierarchical ways of exercising power over them. Governance by various experts – for example, international legal experts – is important in this and perceived as more 'acceptable' than governance by a sovereign state (see Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance'). However, there is no less power at work today than in the past.

Responsibility is a central concept in the context of the governmentality approach that I use (see Article 3, 'At the Crossroads of Autonomy and Essentialism'). The ways in which power is currently exercised over indigenous peoples on the international level works at a distance and in a cost-effective way. Governing is made cost-effective by placing responsibility on the subjects of governance (e.g. indigenous peoples) through self-governance: it is crucial for the effectiveness of governance that subjects are responsible and self-governing. Neoliberal governance in particular relies on these kinds of subjects. I understand neoliberalism as a rationality of governance that is based on calculations of cost-effectiveness and the freedom of subjects.

3.1 Complexities of indigenous-state relations

As noted earlier, after writing Article 1, 'Indigenous-state Relations in the UN', which builds its conceptual framework on the constructivist literature on norms and norm entrepreneurs, I refined the focus of the research, which I then determined was best served by Foucault-inspired approaches. The norm entrepreneurship approach proved useful in studying the ways in which norms (e.g. indigenous self-determination and collective rights) were debated in discussions leading up to the establishment of the PF. Indigenous peoples have succeeded in

putting many of their issues on the UN agenda and pushing for approval of new norms by states.

After studying the discussions on the establishment of the PF, my research turned to investigate the politics that took place in the forum. My realisation was that the norms approach did not adequately explain the messy, contradictory and paradoxical situations that indigenous peoples and indigeneity are confronted with in international politics. For example, even as new norms are negotiated and adopted, indigenous peoples still struggle to gain their self-determination, land rights and the like. While some issues are more acceptable for states (e.g. cultural rights), others still present obstacles (e.g. land and resource ownership). Nevertheless, some progress has been made even in the case of the more difficult issues, for example indigenous land rights (Hale, 2005). On balance, the position of indigenous peoples in international politics is a paradoxical one: their victimisation is closely linked to their having a certain position of moral and legal 'credibility'.

Rights and political participation in the UN are often viewed as instruments by which indigenous peoples can obtain justice from states (e.g. Morgan, 2011). However, the current liberal recognition paradigm can also be seen to strengthen states, as indigenous rights and access to political participation depend on state affirmation (e.g. Coulthard, 2008). Nevertheless, as I demonstrate in Article 2, indigenous peoples are able to engage in various acts of resistance within the state-based UN system. In the ways in which power relations between states and indigenous peoples currently operate, it is no longer useful to think of states and indigenous peoples solely as being in opposition to one another. Similarly, resistance is not an outside force that stands in direct opposition to the state and aims to simply reject all state institutions (Mitchell, 1991: 93). My observations of these paradoxical and contradictory phenomena made it apparent that the research needed a theoretical framework that would be comprehensive enough to capture their complexity.

The rise of the global indigenous peoples' movement and its participation in the work of the UN are often celebrated as empowering developments for the peoples. In the course of my research, I have identified a certain parlance that has sprung up in this context: representatives of states and UN agencies use this vocabulary and it is no less prominent in the statements of indigenous representatives themselves. Despite the criticism levelled at the structures and procedures of the UN (e.g. Corntassel, 2007), a common benevolent political rhetoric on indigeneity prevails on the international level. These statements should not be overlooked or dismissed as just another manifestation of the lip-service familiar when indigenous peoples and indigeneity are addressed. On the contrary, research should pay attention to these understandings precisely because they are familiar and 'normal' and, indeed, seem to signal a common ground. The important question is what lies behind this common position, what it produces and makes possible. Researchers and political participants, indigenous or not, should recognise the ways in which the common ground is built and the power relations that play out in that process. Recognition of how power is exercised in the shared perceptions of indigeneity will not make the effects of the power disappear. What it will do is expose the ways in which power is used, behind the benign guise of consensus.

Not surprisingly, one sees calls for more effective involvement of indigenous peoples in the UN, reflecting a liberal standpoint that looks at indigenous politics as it relates to state sovereignty. This is a conventional approach to the issues, one that sees states as having power

while indigenous peoples as lacking it. It is a position that seems self-evident and is usually not problematised. However, it is a mind-set that perceives identities as being in a state of conflict and as mutually exclusive (Burke, 2008: 364; Fournier, 2012: 22). In this perception, power is thought of as a possession and as coming from some central location, such as the sovereign state. Investigating indigenous politics exclusively in this framework forecloses other possible conceptualisations of the issue-area, ones that are messier, more contingent and ambiguous. Any inquiry that considered politics between indigenous peoples and states solely as a game with losers and winners would fail to see the more nuanced ways in which power operates in international politics; these include the processes by which indigenous peoples are made (and make themselves) subjects in and through power relations that are more complex and in constant flux. Even though there have been advances in enhancing the political participation of indigenous peoples in international political arenas and in the recognition of their rights, I do not attribute these to shifts in power from some actors (i.e. states) to others (i.e. indigenous peoples or NGOs). Indeed, the approach that I have embraced avoids these facile assumptions; its focus is on local situations and relationships with their struggles, alliances and reversals (Walters, 2012: 14). My purpose here is not to say that states do not matter in international politics, but rather to discern in which respects the operation of sovereign power has changed and has become accompanied by other modes of power (Neumann and Sending, 2010; Ashley, cited in Fournier, 2012: 19-20).

The Foucauldian perception of power is useful for present purposes because it does not see the exercise of power as limited to a sovereign or to being repressive. Rather it urges one to analyse power in its more peripheral forms: diffuse, exercised in multiple points and in multiple ways. The approach examines power as a relationship (Foucault 1980a: 96, 1980b: 119; Dean, 1994: 155-156). Embracing this perspective has prompted me to pay attention to the more mundane and small-scale ways in which power operates and to explore the political nature of these processes; it has enabled a move beyond the high-stakes state sovereignty-indigenous self-determination debate, which tends to drown out everything below the surface of that debate.

Indeed, on the international level, the recognition of indigenous peoples and their rights figures more prominently than views that see them in conflict with states. Here it is extremely important to note that on the regional and state levels there are serious situations where this is not the case; these can be found especially in Asia and Africa, where a number of states still do not even recognise that they have indigenous peoples living within their borders (The Indigenous World, 2014). However, there is currently an inclusive global rhetoric on indigeneity in the UN, and the UN as an international political organisation plays a crucial role in (re)producing the understandings and perceptions of indigeneity embodied in this discourse. These perceptions and their power effects merit critical analysis.

In line with Foucault's notion of power as a productive force, I consider the spread of the indigenous movement and its participation in the UN to be an instance of effective governance that produces rather than represses subjectivity and freedom (Wilson, 2010: 30). In contrast, approaches that focus on the ways in which indigenous political participation is (and should be) facilitated and indigenous rights are adopted do not detect the processes that 'seek to impose a highly specific model of "global liberal governance"' (Dillon, cited in Lawler, 2008: 382-383). A framework drawing on Foucault's ideas is helpful in explaining this

complex functioning of power (e.g. Cruikshank, 1999; Rose, 1999; Thompson, 2003; Summerville et al., 2008; Dean, 2010). This research is not concerned with the question of how power should be exercised in the case of the indigenous peoples but with understanding the ways in which power relations operate on the international level (Dean, 2013). In fact, this dissertation is one of the first studies to employ a governmentality approach to the study of indigenous politics on the international level (see also Odysseos, 2010, on indigenous rights-claiming). Studies utilising a governmentality approach to analyse national contexts include Howard-Wagner (2010, on Australia) and, with special reference to environmental politics, Goldman (2001), Bryant (2002) and Ulloa (2005). Other studies in political science that use Foucault-inspired ideas in studying issues related to indigenous peoples in national contexts include Eudaily (2004), Silva (2004), Batty (2005), Brigg (2007) and Smith (2008).

The theoretical framework that I use resonates with ideas that are found in post-structural approaches. These ideas can be seen more as exponents of a critical attitude than as a coherent theory. Common to the approaches is that they explore the conditions of possibility of our current ways of being and acting. Their aim is not to give final answers or to uncover the truth, but to start from contingency, that is, the specifics of particular situations. The approaches are anti-foundationalist and non-positivist in that they deny the existence of non-political knowledge that could universally and impartially guide action. Research drawing on these approaches strives to recover the political, and this is my aim in the present study as well (Campbell, 2013; Fournier, 2012: 18-19; Lawler, 2008: 387; Edkins, 2007: 94). In contrast, research based on more conventional premises – taking, for example, rights and institutional access as self-evident starting points or aims – adheres to what I would call a 'technical' mind-set, one suggesting that the imbalances of power between indigenous peoples and states are 'fixable' through legal and institutional mechanisms. This line of inquiry considers indigenous peoples in terms of institutional access and legal improvements and takes these as desirable aims that should be pursued or as the starting point for research. This point of departure is depoliticising, however, and ignores the complex relations of power between indigenous peoples and states.

An integral part of the complexity of these power relations is that it is often impossible or very difficult to distinguish the 'good' and the 'bad' operations of power. For example, on the one hand, indigenous peoples are victims that have suffered, and continue to suffer, the effects of colonialism and dispossession; on the other, it is this very victimisation that has given the peoples leverage and thereby justification to be actors and beneficiaries in international politics and law (see Article 2, 'Paradoxes of Power'). In a similar vein, while the enhanced recognition of the land rights of indigenous peoples will ensure that the rights-holders are recognised and compensated where damage to their land occurs (e.g. resource extraction projects and pipelines), the very right to compensation entails two disturbing assumptions: the continued implementation of projects by outside actors and adaptation on the part of indigenous peoples (see Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance').

3.2 Governmentality: steering conduct

As mentioned above, I analyse the proliferation of the international indigenous peoples' movement in terms of governmentality rather than seeing the development as marking a transfer of power from states to these non-state actors. Indeed, as other scholars have noted, there has been 'a strategic displacement of managerial techniques and functions' towards partnership and supervision, rather than a simple transfer of power from states to non-state actors, including indigenous peoples (Fournier, 2012: 30; see also Walters, 2012: 145).

A governmentality approach studies processes that aim to steer the conduct of others and structure their possible field of action in order to produce convenient outcomes. A particularly salient consideration here is the condition that governance must operate efficiently: governmental power applies the register of economy (Foucault, 1983, 1991a, 1991b, 2010; Inda, 2005: 4). This power is not limited to one institution or the state's political or legal structures, but rather involves many actors and sites (Foucault, 1983; Dean, 2010; Walters and Haahr, 2005).

In this research, analysing the ways in which conduct is administered and things are arranged has meant identifying different practices of power directed at indigenous peoples. In historical perspective, there has been a change in the ways in which states exercise power over indigenous peoples dwelling within their borders. It is no longer the governing of territories, but the governing of populations that matters most (Foucault, 2007). Significantly, there is a biopolitical dimension to this governance, meaning that it involves caring for populations. In other words, governance has a mandate to steer the ways in which individuals and populations conduct themselves in order to improve their well-being and wealth.

The focus on governmental power has not meant that other modes of power have disappeared; they occur in variously articulated forms. It is useful to think of different modes of power as analytical categories to capture the different articulations of power; there are many 'species' of governmentality and combinations of different modes of power (Walters, 2012: 41, 95). According to Rose (1999: 22-24), these different modes of power can be thought of in governmental terms. Instead of the pre-existing modes of power (e.g. sovereignty, discipline) being replaced by new forms (e.g. biopower), they are reorganised in order to best steer the conduct of individuals and collectivities. The appearance of new problems for and forms of government reshapes the modes of power and the ways in which they are exercised. For example, instead of sovereign power being 'quantified' and thought of as something that can be lost or gained, governmentality examines it in qualitative terms; that is, it directs attention to the ways in which such power currently operates (Walters and Haahr, 2005: 296; Walters, 2012: 72-73).

I have made the observation that, in the UN, indigenous issues tend to be dealt with as social issues to be 'fixed', as distinct from political, state-related issues. One instance is the way in which indigenous peoples are represented in the system: mostly through nongovernmental organisations. Another is the structure and mandate of the PF: an expert body with a broad mandate to deal with economic and social development, culture, environment, education, health and human rights but with no decision-making power that would bind states. The distinction thus drawn between what is deemed political and what social is not an indication that less power is being exercised over the peoples; it is one aspect of the way in which

power currently operates and is, in the words of Mitchell (1991: 90), 'itself a mechanism that generates resources of power'.

One strength of the governmentality approach, cited by Walters (2012: 3), is its flexibility: it is adept at studying precisely the varied ways that changes have taken place in governance rationalities. Governmentality is not an overarching theory of social relations and forces, nor does it build on a particular ontology of social relations. Instead, a core feature of a governmentality approach is that it strives to problematise elements of our present that we have come to take as natural and self-evident.

I have chosen to apply a governmentality approach in this research because it focuses on the manifestations of power that are more practical than dramatic and spectacular. Hence, the approach opts for language and concepts that are 'mid-range', for example, signalled by terms such as 'tactics', 'techniques' and 'practices'. I use these concepts to capture the specifics of the empirical situation of indigenous peoples and their political agency in the PF and the power relations in the Forum: the more usual focus in International Relations on institutions is replaced by a focus on practices. A focus on practices of governing means that the analysis operates on the level of the rationalities, techniques and subjectivities of governance (Larner and Walters, 2004: 4; Neumann and Sending, 2010: 9-10). Specifically, the research examines the ways in which perceptions and understandings of indigeneity make indigenous peoples governable in certain ways: it studies what these concepts and perceptions actually do (Joseph, 2013: 41). At the same time, it illustrates the political nature of these processes.

3.2.1 Arranging the freedom of subjects

The exercise of governmental power rests on the conception that the objects of that power are subjects in that they have the capacity to think and act, however limited this freedom may be in practice. Foucault (1983: 221) summarises the importance of freedom in the exercise of power as follows:

> When one defines the exercise of power as a mode of action upon the actions of others, when one characterizes these actions by the government of men by other men… one includes an important element: freedom. Power is exercised only over free subjects, and only insofar as they are free. By this we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments may be realized.

The freedom of indigenous subjects, like that of others, is thus important for the proper functioning of governance and also for it to be thought of as legitimate. In order for governance to be efficient, I argue, it is necessary to organise and promote rather than curb the freedoms of indigenous peoples. In governmental terms, this means, for example, that neoliberal governance functions by 'guiding' indigenous peoples, as well as other groups, towards what is, for the purposes of its efficient functioning, appropriate action as well as acceptable political and legal avenues of participation and redress. In this rationality, the freedom and capacities of indigenous subjects to be self-governing become essential for the efficient functioning of

governance. At the end of the day, this process is an attempt to find the best ways – the best techniques and practices – through which power can be exercised (Neumann and Sending, 2010; Larner and Walters, 2004; Hindess, 2004; Rose, 1999).

In governance today, we are all implicated in the functioning of (neoliberal) governmental power. However, indigenous peoples are a special case as populations that are 'exceptional', historically 'other' and distinguishable, with experiences of colonialism. In this setting, governance that works through the freedom of subjects fosters the assumed positive qualities and capacities of indigenous peoples, one instance being their special environmental agency. Today one sees indigeneity and the qualities that are attached to it encouraged in international politics. Yet, this freedom is a structured one (Haahr, 2004), one in which certain indigenous qualities become valorised at the expense of others and certain political outlets are proffered as the appropriate ones.

3.2.2 Making problems knowable and fixable

In order for governing to be possible, it must carve out a realm of intelligibility in which to operate. That which is to be governed needs to be described as having certain characteristics and limits that governance harnesses for its own ends (Rose, 1999: 33, 40-41; Sending and Neumann, 2006: 656). Hence, language becomes the crucial tool that 'makes acts of government possible' (Rose, 1999: 28).

Governmental power is exercised through various claims to knowledge (e.g. legal and scientific expertise). Issues become defined by experts and authorities as problems that need to be paid attention to, such as climate change. Situations become constructed as problems that need solutions, for example, international interventions. Subjects are also shaped through this knowledge (Merlingen, 2003; Inda, 2005; Bröckling et al., 2011), a salient example being the abiding perception of indigenous peoples as actors who have a special environmental role (see Article 3, 'At the Crossroads of Autonomy and Essentialism'). It is in this vein that the present research concerns itself with the ways in which indigeneity has been rendered in 'thinkable and manageable form'; such an inquiry must examine what knowledge is valorised, where and by whom and with what effects on the subjectivity of indigenous peoples and others involved (Rose, 1999: 22).

Governance has an 'eternally optimistic disposition'; it incorporates a mind-set whereby governing can always be better and more efficient and the desired goals will be achieved through such improvements (Inda, 2005: 7-10). The formulation of problems to be managed and rectified and having a 'fix' to these problems – the practice of 'rendering [them] technical' – is the prerogative of experts, who are perceived as having the legitimate and non-political solutions (Li, 2007: 7). However, as I discuss in Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance', this is very much a political process, one through which indigenous peoples and issues are made governable in various ways. In the case of the indigenous peoples, the lexicon of 'good' governance is in need of critical examination. The lexicon sustains a parlance – seemingly unpolitical – that emphasises the importance of expertise, highlights the value of institutional access and legal mechanisms and fosters the 'good' qualities and freedoms of indigenous peoples as fixes to the situation of the peoples. When unmasked,

however, the expressions used reveal effects of power that are in fact political and important for the ways in which indigenous peoples are managed on the international level.

3.3 Limitations of governmentality

As the governmentality approach has been increasingly employed in the study of international relations, the literature has come to include a number of critical accounts pointing out problems in applying the approach on the global level. Criticism has been voiced to the effect that the 'scaling up' of governmentality as a general concept overlooks the unevenness of world order and the diversity in social conditions. In fact, one criticism is that the approach is Eurocentric (Selby, 2007: 336; Joseph, 2010a; 2010b; Walters, 2012). Admittedly, as Joseph (2010b: 242) argues, there is a danger of reinforcing 'the ideological claim that we live in a liberal international order', when in many cases this is not so. The focus on liberalism risks overlooking the fact that many non-liberal forms of power hold sway in the world at the same time. In other words, there is a risk that governmentality studies start resembling the overly consensual image presented by global governance and network theories.

The co-existence of different modes of power should be acknowledged. Walters (2012: 72-73) continues that we should not treat different modes of power as separable entities or boxes, but more so as 'analytical categories'. In the present case, it is important to note that the focus on the more subtle and consensual ways in which power operates is not to imply that more peremptory power relations no longer exist. Indeed, as I show in Articles 3 and 4, while the governance of indigenous peoples on the international level draws on what I term a 'common ground', a consensual image and a particular lexicon of 'good' governance, the more hierarchical modes of power have not disappeared. One unmistakable development, however, is the change in the techniques that are being used to manage indigenous peoples.

According to Joseph (2010a: 203; 2010b: 230), governmentality risks becoming 'a catch-all term', and hence he suggests that studies using it should not try to make the approach do too much. It should be kept in mind that the concept mainly encompasses techniques and practices. Joseph notes that global governmentality might be adept in looking at the ways in which international networks or institutions, such as the UN, are '*attempting* to employ neoliberal governmentality in terms of their dominant discourse and practices' (Joseph, 2010b: 240). Even then, the issue of the influence that these institutions have has to be assessed.

Indeed, a focus on practices and discourses proves crucial (see also Rosenow, 2009) in analysing the ways in which certain political rationalities are produced and reinforced in and through the UN. In the present research, for example, that focus has afforded insights into the production of indigenous peoples as claimants through expert practices, which facilitate the functioning of neoliberal governance (see Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance'). The question is one of the kinds of political possibilities these practices create. The UN, with the PF, SRIP and UNDRIP at the forefront, is a central arena in which the global awareness on indigenous issues is formed and promoted. Even though the influence that the UN has on indigenous issues worldwide should not be exaggerated, the ways in which certain rationalities become produced, strengthened and legitimised in and through the organisation – especially through the PF and the SRIP as the sites where these issues are discussed – merit critical scrutiny.

4 Research materials and methodological choices

This research draws on a range of materials: political statements delivered by representatives of states, indigenous peoples and UN agencies; reports of the Special Rapporteur on the Rights of Indigenous Peoples and of the workshops on the establishment of the PF; and my personal observations when attending annual sessions of the PF. The research began with an analysis of material in which I sought to identify common 'scripts' through which indigenous peoples sought to persuade states to establish a certain kind of PF. As the research progressed and I acquired additional materials, I began focusing on smaller-scale politics in the PF and sought to identify and problematise recurring perceptions linked to indigeneity, indigenous peoples and their agency.

4.1 Materials

Article 1, 'Indigenous-state Relations', is based on my understanding, derived from an analysis done for my master's thesis, of UN reports on the progress of the establishment of the PF. The materials include opinions of state and indigenous representatives on the forum to be established and statements given during the discussions relating to the establishment of the Forum. Documents include the report of the first UN workshop on the possible establishment of a permanent forum for indigenous peoples within the United Nations system (1995), the report of the second UN workshop on a permanent forum for indigenous peoples within the United Nations system (1997) and the report of the open-ended inter-sessional ad hoc working group on a permanent forum (1999).[6] In addition, the materials encompass meeting transcripts of the 15th session of the Working Group on Indigenous Populations, where the establishment of the PF was discussed, among other issues,[7] as well as written statements, declarations and common suggestions of indigenous peoples on the establishment of the forum.[8]

As described earlier in this synthesis, the observations that I made when I attended annual sessions of the PF were crucial in my deciding to refine the scope of Articles 2, 3 and 4. I observed four sessions as a researcher, first as part of the Finnish delegation in 2004 and subsequently as a member of an academic institution in the period 2005-2007. I also attended a pre-meeting of the 2007 PF session of the Global Indigenous Caucus. A detailed treatment and analysis of the observations is found in Article 2, 'Paradoxes of Power'. The article also draws on statements delivered by the representatives of indigenous peoples' organisations,

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6   The first two documents are available in García-Alíx (1999), pp. 30-53. The third is available at http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.1999.83.En?Opendocument. (accessed 14 April 2014).

7   These were available on the UNPO (Unrepresented Nations and Peoples Organization) website (UNPO Monitor 1997).

8   Available in García-Alíx (1999), pp. 80-111.

states and UN agencies in the PF annual sessions over the period 2002-2009. I gathered some of the statements when I attended the sessions. The statements delivered at the PF sessions are publicly available on the website of the Indigenous Peoples' Center for Documentation, Research and Information (DoCip).[9]

I co-authored Article 3, 'At the Crossroads of Autonomy and Essentialism', with Heidi Sinevaara-Niskanen. The research critically examines the recurrence and the central role of certain ways of representing indigenous peoples in relation to nature in international politics. My contribution to the material on which the article is based consists of statements delivered at the PF 2008 special session on climate change: 48 statements by states, indigenous and UN agency representatives that were delivered during a discussion on climate change. The article combines this material with Sinevaara-Niskanen's material from the Arctic Council and Arctic politics. From the initial research idea to producing the text itself, our cooperation was very concrete: we had joint working days where we developed our research ideas and wrote the text. Where the aim is to identify self-evident perceptions and understandings, one needs to use diverse and extensive materials and let the materials suggest new sources of data. Our cooperation allowed us to compare materials, construct a dialogue between different research contexts (the Arctic Council and the UN), sets of materials and researchers and hence identify a broader range of familiar and recurring representations. Discussing and reflecting on our respective materials in light of the findings from the other's research context provided a way to challenge and corroborate research findings (Lindroth and Sinevaara-Niskanen, 2013).

Later, as I proceeded to work on Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance', I augmented the material for the dissertation with reports of the Special Rapporteur on the Rights of Indigenous Peoples. This addition reflects the way in which the articles developed in response to the research needs that I identified during the course of the research. Specifically, what prompted me to study the reports was a realisation of the importance of expert knowledge for governance as we see it today. The new material also allowed me to analyse the language of rights, another recurring and significant issue as regards indigenous peoples in international politics. All in all, the material for Article 4 came to include the SRIP's reports spanning several years. The analysed reports include six annual reports to the Human Rights Council (2007-2012), five annual reports to the Commission on Human Rights (2002-2006), seven annual reports to the General Assembly (2004-2007, 2009, 2011-2012), two country reports and three thematic reports.[10]

The process of gathering and analysing material was continuous and proceeded in tandem with theoretical work: observations in the PF were distributed over several years and in between these I analysed the material both starting from the material itself and guided by the theoretical framework. The empirical context remained the same from the beginning, supple-

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9   Available at http://www.docip.org/Online-Documentation.32.0.html (accessed 14 March 2014).

10   The country reports include a report on the Sami people in Norway, Sweden and Finland, 2011, A/HRC/18/35/Add.2; and on the situation of the Maori people in New Zealand, 2011, A/HRC/18/35/Add.4. The three special thematic reports include a report on measures needed to secure indigenous land rights in Suriname, 2011, A/HRC/18/35/Add.7¸on the human rights situation of indigenous peoples in Asia, A/HRC/6/15/Add.3; and a study regarding best practices carried out to implement the recommendations contained in the annual reports of the Special Rapporteur, 2007, A/HRC/4/32/Add.4. The reports of the Special Rapporteur are available at http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx (accessed 28 Feb 2013).

mented by the Special Rapporteur's reports as noted above. Throughout the research process I read the material thematically and combined these findings with the insights gained from the theoretical concepts. Towards the end of the research, the theoretical framework became increasingly important in pinpointing which materials and discussions were the most pertinent and what kinds of questions I needed to ask of the material.

Identifying the salient questions in turn guides the selection of the research material and the kinds of texts that one wants to analyse. To study the politics that play out in the PF in practice, it was essential to be able to personally participate in the annual sessions and observe the setting, as well as the day-to-day proceedings and other activity. Investigating the political agency of indigenous peoples in the PF hinged on the statements of indigenous peoples, states and UN agencies delivered at the annual sessions. Another type of text that I analysed can be seen in the reports of the Special Rapporteur. They enabled me to investigate expert accounts of indigenous issues and rights.

I conducted interviews with representatives of RAIPON (Russian Association of Indigenous Peoples of the North, Siberia and Far East) in June 2007 and October 2008 in Moscow, Russia. Even though these were not used as primary material in the articles, they have been important in improving my understanding of the issue area. Significant for this understanding have also been the informal discussions that I have had at the PF meetings with state, indigenous and UN agency representatives. However, as the focus of my research has been the UN rather than individual states or indigenous peoples' organisations, I have used the interviews and discussions mainly as background material. The materials chosen for analysis – my own observations, statements delivered by indigenous peoples, state and UN agency representatives and reports of the Special Rapporteur – proved sufficient in scope to capture the variety of ways in which indigeneity is perceived, understood and (re)produced in the UN.

The significance of the material lies in the importance of the UN, and the PF specifically, as political arenas in which indigenous peoples, states and other interested parties participate. The PF attracts a wide attendance of indigenous peoples around the world and it is a product of a long history of indigenous involvement in the UN. The PF is not a single-issue forum, but rather has a broad mandate, which means that it takes up a wide range of issues pertaining to indigenous peoples. The pertinence of the SRIP's reports as research material is also tied to the significance they have for many actors in their work; the reports represent an expert interpretation of indigenous rights that is relied on by various actors inside and outside the UN, indigenous or not. I acknowledge that research material is always situated in a certain time and place and can thus only give a partial account of the question under study (e.g. Wright, 2003). However, I argue that the PF is a significant arena and the SRIP an important office in terms of global awareness-raising on indigenous issues. Thus the material analysed in the course of this research has much to reveal more generally and globally, beyond the political and legal ambits proper of the PF and the SRIP.

4.2 Methodological principles

The research material for the articles has been analysed using text analysis. A systematic reading of the material revealed certain recurrent themes and phenomena that I found to be in need of critical examination. The starting point was that I consider language as having a significant role in maintaining and changing relations of power (Arribas-Ayllon and Walkerdine, 2008; Fairclough, 1989, 2003).

Article 1, 'Indigenous-state Relations in the UN', studies the effects that indigenous peoples had on the establishment process of the PF and the kinds of opportunities available to them. To investigate this topic, I studied the discussions of the establishment of the PF as texts, identifying recurring 'scripts' through which indigenous peoples presented their case to the states. I then cast these as frames through which indigenous peoples tried to persuade states to accept new norms and new actors into the forum to be established. The frames were the issue of definition, the demand for self-determination, the demand for recognition and the demand for rights.

As the research progressed, I became interested in how the ways in which indigeneity and indigenous peoples are currently addressed in international politics have come to being; certain 'truths' about indigeneity and indigenous peoples came to the fore that required challenging. This research task was prompted by my observation that there was something troubling about the 'truths' (e.g. Foucault, cited in Helén, 2005: 95-96). The point of departure in the last three articles derives from my initial understanding of the issues that recur when indigenous peoples participate in international politics. This understanding in turn took shape based on the questions that Article 1 raised, my subsequent observations at the PF sessions and the analysis of the statements and reports. This inquiry yielded my empirical observation regarding certain perceptions and understandings of indigeneity recurring that seem to play a significant role but have been left unquestioned and are considered self-evident. These are ways of thinking that indigenous politics has had to embrace in order to be recognised. Over the course of the research project, which spanned several years and required engaging with a growing range of materials, I realised that there had been no change in the ways in which the peoples' international political agency is understood. This was a surprising observation in light of the positive progress in the institutional frameworks for indigenous agency, such as more access for indigenous peoples to political arenas and a growing recognition of indigenous peoples and their rights.

The analysis of the material required a close reading and interpretation of the political discourses found in the statements and annual sessions of the PF and the Special Rapporteur's reports. I interpret these discourses as practices of power that work to govern (Dillon, 1995; Dean, 2010). In Article 2, 'Paradoxes of Power', I identify perceptions of indigeneity in the research material that I interpret as producing paradoxical indigenous subjectivities in the everyday politics in the annual sessions of the PF: the peoples range from being influential global actors to being helpless victims. In Article 3, 'At the Crossroads of Autonomy and Essentialism', Heidi Sinevaara-Niskanen and I identify and critically probe established and familiar perceptions of indigeneity and the environment and their consequences for indigenous agency. Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance', goes on to examine the prevailing language of rights in the Special Rapporteur's reports, identifying

naturalised and recurrent themes within the reports and dissecting their power effects. Indigeneity and agency are tied to certain recurrent understandings: the peoples are seen as having a close relationship to nature, strong communal ties and traditional values as well as being vulnerable to the effects of phenomena that originate from the outside world, for example climate change. At first glance, these perceptions seem enabling, enhancing agency for the peoples; however, for the Foucault-inspired researcher it is precisely these 'normal' and unchanging notions that prompt the need for critical scrutiny.

4.2.1 Problematising the 'natural'

The research topic called for a methodological approach that would first recognise the 'strangeness' in what was thought to be natural and, second, be able to disrupt the taken-for-granted nature of these familiar notions in the political participation of indigenous peoples (cf. Kendall and Wickham, 1999: 8; Graham, 2005: 4). To this end, I engaged in 'problematisation'. In Lemke's (2008) words, this means

> to question what appears to be well-ordered, rational, responsible, self-evident, universal or natural in order to show the selective format of these practices and the power effects inscribed in them.

Text analysis in this vein 'aspires to dissect, disrupt and render the familiar strange' (Graham, 2005: 4), making certain practices 'problematic' and thus visible. The methodological guidelines of problematisation enable the researcher to discern how discursive objects are produced and governed. In the present case, the problematisation of familiar and recurring notions highlights the role of concepts in the operation of power. Gaining these insights required studying the ways in which language and practice in the PF and in the Special Rapporteur's reports produce objects and subjects with various and varying positions in power relations.

In this research, I do not suppose that the enhanced recognition of the rights of indigenous peoples by states – a development that has been much celebrated – is the logical end result of linear progress towards better treatment of indigenous peoples by states; in short, no profound change for the better has taken place in states' management of indigenous peoples that live within their borders. It is crucial 'not to let history stop' (Kendall and Wickham, 1999: 22), for example, not to see the recognition of indigenous rights or their institutional access to political arenas as being a 'solution' that 'frees' the peoples, once and for all. This approach does not seek to find causal processes, that is, to determine whether or not indigenous peoples have been able to put pressure on states to change their policies, but rather emphasises the contingent nature of the present (Kendall and Wickham, 1999: 4-5). I do not claim to use a genealogical method in this dissertation but the methodological guidelines that I have adopted share elements with some basic principles of genealogy. Research drawing on genealogy does not subscribe to linear, universal and grand histories, but aims to problematise the present. It defamiliarises the taken for granted, questions accepted truths and shows the place- and time-bound nature of the present. It is an approach that challenges our

comfort with the present, as the present is not seen as the inevitable end-point of past events (Foucault, 1991a; Rostis, 2010; Dean 1994; Kendall and Wickham, 1999; Rosenow, 2009: 500; Jørgensen, 2002; Koopman, 2013).

4.2.2 Bringing out the 'strangeness' in accepted truths

The issues that I have focused on in the material for the last three articles are, on the one hand, recurring and 'normal' and, on the other, have a certain 'strangeness', or disturbing quality, to them (see also Kendall and Wickham, 1999; Jørgensen, 2002). As case in point is that the praise for indigenous peoples as special environmental actors and the progress in indigenous rights have played an important role in the advancement of indigenous peoples' causes. The advances made and the positive qualities linked to indigeneity, I argue, are often overly celebrated as producing developments that will free the peoples, or at least as improvements that are desirable and 'good' in themselves. Still, despite these achievements and the 'good' qualities that are used to justify their agency, indigenous peoples are deprived of their lands and remain 'the poorest of the poor' and 'the most marginalised'. It is this vexing discrepancy that became evident during the course of the research and from the reading of the research material that was the driving force in writing the last three articles. The critical analysis of these celebrated issues and advances required a certain 'honesty' about the research topic. I could not let myself overlook the doubt I had about the ways things stand, for, as Jørgensen (2002: 38) notes, research of this kind 'to some extent avoids deception'. The current mind-set that shapes how indigenous peoples and issues are dealt with in international politics and the future envisaged for the peoples contains elements that need to be brought out. In order to do this, I had to move away from the comfort of the conventional ways in which indigeneity and politics have been approached (see also Spivakovsky, 2006).

The line of inquiry described above does not take a stand on whether something, for example the operation of neoliberal governance, is necessarily bad or good, wrong or right. Accordingly, my focus in this research is on what could be called the 'darker', or more complex and controversial, side of what we have come to see and assume as accepted, desirable and normal; that which is presented as 'rational, deliberated and controlled' invites critical scrutiny (Jørgensen, 2002: 31; Williams, 2005: 154). The aim is to make us uncomfortable with some of our accepted truths and start challenging them, thus opening up new ways of thinking and being.

Formulating and using a method has traditionally meant giving research scientific credibility, admittedly a challenge in the case of the social sciences, which deal with often messy human behaviour. Approaches drawing on post-structural ideas see scientific credibility as an impossible aim in the study of language and discourse. Hence, they are often unwilling to set out a precise method, for they do not claim to be able to reach the truth through scientific and objective methods. Yet, this does not mean that phenomena involving human behaviour cannot be studied. Certain methodological guidelines can be established. Moreover, any research has to explain what its aims and limitations are and what it is doing (Graham, 2011: 665-667; Edkins, 2007).

While there are no clear instructions on how to carry out Foucauldian text analysis, I have applied Foucault's ideas, as well as the ideas of those who have developed them further, to my own empirical research. As Foucault himself said:

> All my books…, are, if you like, little tool-boxes. If people want to open them, to use this sentence or that idea as a screwdriver or spanner to short-circuit, discredit or smash systems of power, including eventually this from which my books have emerged… so much the better! (Foucault, cited in Patton, 1979: 115)

Indeed, for Foucauldian problematisation the lack of clear instructions is not a problem, because its goal 'is not to establish a final "truth" but to question the intelligibility of truth/s we have come to take for granted' (Graham, 2011: 666). In other words, the approach seeks to study how, why and by whom some statements are considered as truths and some are not (Sharp and Richardson, 2001). In analysing the research material, my focus has been not what is true and what is false about indigenous peoples and indigeneity in international politics but rather what the constitutive effects of saying certain things about indigeneity and indigenous peoples are and what kinds of practices derive from this. Utterances exercise power in that they define how certain things allegedly are, or how they should be (Graham, 2011: 667-668; Wright, 2003); hence, power is a key element in the analysis.

Methodological guidelines often adopted by studies using the governmentality approach reflect the emphasis that the approach places on contingency, specificity and 'small' scale. These studies typically start with events and moments in which certain things become problems to be reported or certain policies need to be implemented, that is, when they need to be managed. The guidelines urge us to question the things we take for granted in governance, for example that expertise is somehow a 'better' way to govern. The approach used here stresses the inner workings of governance and its practices, making these visible and denaturalising them. The focus on specificity allows one to see the minor changes in power relations that are often overlooked in the attempt to make wider generalisations (Bröckling et al., 2011: 12-15; Walters, 2012: 58-61).

4.2.3 Recovering the political

The approach that I adopt in this research seeks to recover the political in what seems 'depoliticised' or 'technologised' in the usual representations of indigenous peoples' involvement in international politics. Considerations that are perceived to be inherent in indigeneity or self-evidently beneficial for indigenous peoples are not thought of as falling within the sphere of the political. Examples include the indigenous peoples' close relationship to nature and issues that are believed to be naturally 'good' for indigenous peoples, such as rights and the role of experts in interpreting them and improved access for the peoples to international state-based arenas. This understanding sees some issues as belonging to the political sphere, and some as not, rather than opening up ways in which to study how they came to be the way they are (Lawler, 2008: 380). Hence, many policies on indigenous peoples, such as their participation and rights, seem legitimate and natural as they appear to offer a desirable and much-needed

all-encompassing solution to the problems the peoples face. Countering this mind-set, the present study dissects the ways in which this naturalisation and legitimisation of indigenous peoples' agency and participation is constructed and what its effects are. The research material has shown me that there are issues which seem to play a substantial role where indigenous peoples and international politics are concerned, yet are left mostly unquestioned, examples being increased participation and rights. The perspective that I have adopted here refuses to assume that the enhanced participation of indigenous peoples in international politics represents an inexorable and linear march towards some ideal goal. By extension, I reject the corollary assumption that increased participation and rights in the UN straightforwardly empower the peoples and, as a result, less power is exercised over them.

To problematise the agency of indigenous peoples is not to imply that their agency in international political arenas should not be pursued. A critical study of the current 'common ground' or 'accepted orthodoxy' of indigeneity and agency does not free indigenous agency from the effects of power or from being governed; what it does is make these effects and ways of governing visible. What appear to be rational 'done deals' that have received a seal of approval are opened up, potentially for alternative (and more nuanced) understandings and agencies (Williams, 2005).

As discussed in Article 2, 'Paradoxes of Power', it is also important that the conception of what political agency is should be widened to encompass more than the official politics and ways of participation: the political must be seen also in activities that have not traditionally been viewed as such. In the everyday political practice in the PF, the official avenues of participation for indigenous peoples include giving statements in the plenary session as well as following the discussions there and in the side-events. In addition, engaging in lobbying of state and UN agency representatives and other actors of interest is an established way to try to exert influence. It is, however, important that political agency is also seen as taking place on a different, smaller scale in the PF sessions. There is politics entailed in what is easily overlooked as being non-political or is deemed to be no more than the cultural 'decoration' that one expects to find in an arena dealing with indigenous issues. For example, the wearing of indigenous traditional clothing inside a political arena decorated with UN emblems, the seating arrangements in the PF plenary session and the cultural performances in the opening and closing ceremonies of the sessions need to be thought of as political acts. Widening the meaning of 'the political' to include such considerations captures the myriad and small-scale ways in which indigenous peoples are able to be political actors in the UN and to engage in resistance (see also Valkonen and Lindroth, 2013).

4.3 Ethical considerations and the researcher's position

Even though I do not address the situation of one particular indigenous people, but study indigeneity and indigenous peoples in international politics in a more general way, I recognise the problematic aspects of engaging in this kind of research as a non-indigenous researcher. Western science and research have played a leading role in the colonisation of indigenous peoples and this colonialism has not disappeared. The representation of issues that researchers produce are often assigned the label 'truth': researchers should be conscious of the ways in

which their work might (re)produce and justify the continuation of colonial relations (Tuhiwai Smith, 2012).

Knowledge, including that generated by the social sciences, has effects of power that function to form individuals and populations into objects and subjects of management. The social sciences are significant in terms of social control; they risk repeating and reinforcing practices that facilitate the current order and regulations and their 'apparent inevitability'. By offering 'authentic accounts' that serve to justify solutions and interventions, the social sciences contribute to creating certain conditions of possibility and precluding others rather than engaging in an analysis of, for example, the functioning of governance (Bastalich, 2009).

It has not been my aim in the dissertation to uncover some essential 'truth' about indigenous peoples and their involvement in international politics. Nor has the purpose of the research been to point out the ways in which things are 'wrong' or to offer a fix, some sort of empowerment or an 'authentic' picture of how things really are. Even less have I sought to provide advice or say what indigenous peoples, or other actors, should do, as that would not be ethically appropriate either. Any research claiming to offer the 'truth' about indigeneity and what needs to be done in order to 'free' the indigenous peoples would be a premier example of an attempt to regulate and constrain action. The approach that I have pursued in this research is to not view the legal or political progress in the case of indigenous peoples as either 'good' or 'bad' or determine that there have been 'losers' and 'winners' in the developments. The focus has been on dissecting the ways in which certain things are sayable and doable in the context of indigenous issues and international politics – their conditions of possibility – rather than on 'a position from which to condemn or congratulate' (Koopman, 2013: 93).

The present study analyses afresh issues that pertain to indigeneity in international politics. The potential that research has is that it can open up new possibilities for thinking, being and acting instead of creating more regulations and limits (Foucault, 1991b: 13; Bastalich, 2009). Instead of offering answers or solutions, I have asked questions, problematised and challenged those things that have been – and remain – non-issues: they have not been recognised as deserving of or needing critical analysis. This has meant critically probing some notions that are traditionally seen as 'good' for indigenous peoples, for example, the growing recognition and codification of their rights and their inclusion in environmental political arenas because of their alleged special relationship to nature and environmental knowledge (see Article 3, 'At the Crossroads of Autonomy and Essentialism' and Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance'). Examining these things critically has meant that I have had to move beyond the 'comfort zone' of what I have termed the 'common ground' on indigeneity in order to start analysing what these seemingly self-evidently beneficial developments, as well as the language used in the context of indigeneity, actually do. In doing this, I have had to break with the conventional ways of talking about and perceiving indigeneity in international politics, for example by moving beyond a focus on institutional access (see also Spivakovsky, 2006). In my view, however, research cannot stay in the comfort of these conventional perceptions if it is to ask critical questions and start opening up alternative ways of understanding phenomena.

A researcher is part of his or her research, as regards both the process and the outcome. My interpretation of the material can only give a partial account of the issues being studied.

What I have done in this dissertation is to point out and challenge some of what I have interpreted as accepted truths. This interpretation is contingent and done from a certain theoretical and epistemological viewpoint; I do not claim to give a definitive account of the issues at hand. Hence, I also acknowledge and welcome the possibility of alternative approaches and accounts (Jørgensen, 2002: 43-44; Bastalich, 2009; Kendall and Wickham, 1999; Lykke, 2010: 5-6).

As part of the research material for this dissertation consists of observations made at the annual sessions of the PF, I have had to take ethical considerations into account while attending and observing the sessions. In order to gain entrance into the PF sessions, I had to pre-register as a researcher affiliated with a research institution. In observing the sessions, side-events and pre-meeting of the Global Indigenous Caucus and while discussing with the participants, I did not record the specific source of the information that I have written down and used but represented it on a more general level to avoid the material containing information that could be linked to a particular individual. I chose this anonymity in order to ensure respectful academic practice, even though the sessions and the side-events are occasions where the participants publicly represent their indigenous NGOs or states. While attending the sessions and discussing with indigenous, state and UN agency representatives, I disclosed that I was doing an academic study on the international political agency of indigenous peoples. The political statements of representatives of indigenous peoples, states and UN agencies delivered at the UN PF that form a part of the research material are openly available on the website of the DoCip (see footnote 9). The reports of the SRIP, another part of the research material, are also publicly available online (see footnote 10).

5 Overview of the articles

My initial research interest in the possibilities of indigenous peoples to have influence in international politics had to do with the ways in which the relations between indigenous self-determination and state sovereignty were playing out at the international level. This is discussed in Article 1, 'Indigenous-state Relations in the UN'. While the approach in the article highlighted issues that play a significant role in international politics as regards indigenous peoples, it also generated a number of additional research questions that needed to be addressed in the subsequent articles.

In Article 2, 'Paradoxes of Power', I offer a nuanced analysis of indigenous subjectivities in international politics. The research differs from the more conventional studies of the political participation of indigenous peoples, such as those focusing on participation at the level of institutional access and legal progress.

In international politics, indigenous peoples are represented, and they represent themselves, as carers for and defenders of the environment, as living in and from nature. This allegedly special relationship to nature is used to justify the agency of indigenous peoples in environmental politics. Thus, it became especially pertinent to critically analyse this constant entanglement of indigeneity and the environment/nature. The co-authored Article 3, 'At the Crossroads of Autonomy and Essentialism' unravels this entanglement and its power effects.

The recurring and familiar language of rights in relation to indigenous peoples emerged as another pertinent topic for closer analysis. In Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance', I analyse the power effects that indigenous rights, and an expert's interpretation of them, have that go beyond the proclaimed aims of indigenous rights and facilitate neoliberal governance.

5.1 Article 1: The tug-of-war between state sovereignty and indigenous self-determination

In this article, I focus on how the principles of state sovereignty and indigenous self-determination figured in the discussions leading up to the establishment of the PF and how state and indigenous peoples' representatives justified their points of view. The investigation brings to light the ways in which indigenous-state relations affected the outcome, that is, the kind of forum that was eventually established.

The research for the article drew on scholarship examining international norms, institutions, legitimacy and organisations (e.g. Florini, 1996; Finnemore and Sikkink, 1998). The scholarship conceives of the UN as 'a norm platform' where the responsibilities and actions of states are discussed. In the debates to this end, the UN, as well as other international organisations, acts to promote goals that are considered good and appropriate (e.g. human rights). The UN has a certain authority that is impossible for any single state to attain (Barnett and

Finnemore, 2004). Hence, the organisation is also a focal point for discussing new norms on state actions pertaining to indigenous peoples.

In the article, I consider indigenous NGOs as norm entrepreneurs that actively try to build norms and achieve the recognition of new norms by states (Finnemore and Sikkink, 1998). As norm entrepreneurs, they engage in framing in the effort to get new norms accepted. This means that they describe, name and interpret issues of concern to them and suggest solutions. The debate on new norms then centres on whether emerging norms are consistent with existing international law and thus whether they are acceptable to states. New norms have to be seen as extending existing ones or making changes to them that are deemed necessary (Florini, 1996). In this light, norms are intersubjective and thus platforms that actors can use to justify their actions or to persuade others to change their course of action. This is where the possibility for change in norms occurs (Finnemore, 1996). Through their framing efforts, indigenous peoples challenge state rule in indigenous areas, portraying that control – once considered legitimate in international politics – as illegitimate. Successful framing makes the issue at hand resonate with current understandings on, for example, appropriate state behaviour with regard to human rights, and becomes a new way of talking about the issue.

The frames invoked by indigenous peoples that figured prominently in state-indigenous relations and the outcome of the process leading up to the establishment of the PF were indigeneity, self-determination, collective rights, and recognition. In the first frame, the issue of definition centred on whether it was possible to establish a forum without having a definition of 'indigenous' and thus which peoples would be included. Indigenous peoples framed any outside – that is non-indigenous – attempts to articulate such a definition as illegitimate and considered them threats.

The second frame dealt with the demand for indigenous self-determination. Indigenous peoples emphasised that they should be seen as equals with states. Self-determination was presented as the only solution to their situation, which is a result of colonialism. For indigenous peoples, gaining self-determination is not a matter of being granted a new right but recovering an existing one that has been illegitimately taken from them. For states, these demands are troubling, because the end result of the developments they would entail is unknown. The demands have traditionally been perceived by states as threatening their political unity and territorial integrity.

The third frame involved the issue of recognition. Indigenous peoples demand recognition not as just minorities but as indigenous peoples and as collectivities. Rights have traditionally been individual and states have sought to uphold their unity, thus making claims for collective recognition difficult. This frame was used by indigenous peoples to assert that the human rights of the peoples could not be realised unless they were recognised as indigenous peoples rather than as just another minority. Indigenous peoples framed the issue as a reclaiming of their lost status as nations, whereas states viewed the claim as a new demand.

The fourth frame was collective rights, whose recognition indigenous peoples deemed necessary for their survival. Here the peoples invoked a perspective that centred on historical injustices. The correction of these injustices was perceived by states as possibly infringing their unity and resources. Demands by indigenous peoples in this regard, for example, reclaiming collective land and resource rights, were considered threats by the states.

In short, the process leading up to the establishment of the PF saw a constant balancing between the basic institutions of state sovereignty and indigenous self-determination. The self-determination and recognition frames used by indigenous peoples during the establishment process sought to persuade other actors that if indigenous peoples did not have equal status with states in the PF, the new forum would not be legitimate. Collective rights and self-determination were the most difficult issues for states. These demands were troubling for states, because the outcomes of addressing the issues involved would be impossible to predict.

The kind of forum that the PF turned out to be – an expert body with no power to resolve conflicts or human rights abuses but with a broad mandate under the ECOSOC – is in line with states' views. The Forum cannot decide on issues that entail high stakes for states, for example land rights. Thus, in many cases, state sovereignty prevailed over indigenous self-determination in the establishment process. Indigenous peoples envisioned a forum that would have decision-making power and equal participation of indigenous and state representatives. Accordingly, the lack of decision-making power of the PF when eventually established was a disappointment for the peoples. It was clear that states were not ready to establish a forum that would accord the peoples decision-making powers and acknowledge them as participants on an equal footing. The equal status of indigenous and state members of the PF and its openness to the participation of indigenous organisations can be considered achievements for indigenous peoples. The article concludes that the outcome, the established forum, largely represents a compromise in the conflict between state sovereignty and indigenous self-determination.

Nation-states have had to accept indigenous peoples as actors in international politics. Indeed, there has been a large increase in the number of indigenous peoples taking part in the UN processes, among others. What is more important to note, however, is that this growth in numbers has taken place in an environment that has traditionally been hostile to the demands of the peoples. The article analyses this phenomenon as the result of indigenous peoples acting as norm entrepreneurs, who have been able to persuade, shame and put pressure on states to accept them as distinct, self-determining peoples.

In sum, my interpretation of the frames is that they not only served as tactics whereby the peoples pushed for a certain kind of a forum to be established but also functioned as tools by which the peoples asserted their self-determination. The context in which this took place – UN meetings – was established by the very states that colonised the peoples. The international norm of state sovereignty has largely taken shape in the course of colonising indigenous peoples. The reaction of the peoples has been to assert that they constitute self-determining nations. That the international struggle of indigenous peoples to (re)gain self-determination has taken place largely within the UN can be interpreted as an indication that international indigeneity – as we see it today – has been formed through state affirmation. However, this political environment has also offered indigenous peoples tools to assert and constitute themselves as self-determining peoples: their possibilities for political agency are not limited to whatever the states happen to grant them.

However, a focus on the conventional 'macro-level' of state sovereignty and indigenous self-determination could only take the analysis so far. With the development of the research and the acquisition of new materials, the need for alternative approaches to the study of in-

digenous peoples in the UN became evident. Accordingly, the subsequent articles employ approaches chosen and refined to capture the complex operation of power, a process that plays out on a more subtle level than that discussed in this first article.

5.2 Article 2: Beyond shaming and official politics: mundane and small-scale power struggles

In this article, I respond to a gap in the research on and understanding of indigenous peoples' political agency, a shortcoming that I identified while attending the annual sessions of the PF: I observed that there is more to indigenous-state relations than the high-stakes demands for self-determination and land rights by indigenous peoples and the ultimate rejection of those demands by sovereign states fearing for their political unity and territorial integrity. I identified a need to train the focus on more mundane and smaller-scale aspects of the power relations between the actors in the PF, that is, the many unspectacular ways in which indigenous peoples are subjugated but also made subjects. Significantly, it is here that one can observe the operation of resistance by the peoples; it is a resistance that I would describe as dispersed and small-scale.

The article focuses on the subjectification of indigenous peoples in the everyday political practice of the PF. In this analysis, I utilise Foucault's (1983) dualistic account of subjectivity construction: subjects capable of agency are formed in and through power relations and, at the same time, are rendered objects over which power is exercised. I apply the concepts of technologies of power and technologies of the self, exponents of governmental power that are important for subjectification. They offer means by which power can be exercised over the peoples, but they also become important for resisting that power (Foucault, 1988; Simons, 1995).

The complex web of power relations in the PF engenders paradoxical political subjectivities for indigenous peoples. The ones that I have identified are colonised-decolonised, victim-actor, global-local and traditional-modern. Each of these creates its own field of opportunity for the political agency of indigenous peoples. For analytical purposes and in order to capture various possibilities of resistance, the three principal modes of power that I have recognised within these power relations are termed 'sovereign', 'disciplinary' and 'governmental' power struggles.

Sovereignty struggles, in which indigenous peoples strive for self-determination in a political arena formed by the very states that have colonised them, produce the paradoxes colonised-decolonised and global-local. This struggle between state sovereignty and indigenous self-determination is waged on a different level than that discussed in Article 1. Here, the crux of the issue lies in the small-scale ways in which indigenous peoples, despite a problematic political environment, are able to engage in resistance. Illustrative examples in this regard are their appropriating colonising states' symbols for their own struggle or pursuing collective resistance through the production of global indigenous subjectivity.

The paradox victim-actor is produced within the disciplinary power struggles of the PF. Indigenous peoples are defined as the most marginalised populations, ones who have suffered serious injustices: indigeneity becomes (re)produced as victimisation. Nevertheless,

this victimisation is also a tool by which the peoples make themselves subjects with a position to voice their demands in the human rights framework of the UN; their moral and political leverage largely derives from their status as victims.

The governmental power struggles in the PF concern the ways in which indigenous peoples and indigeneity are to be governed. The tradition-modernity paradox cited above consists in the indigenous peoples working indigenous ways of acting into the procedures of the PF while participating in the modern political structure of the UN. They have been able to 'stretch' the UN system with their own action, thus engaging in resistance that is not a direct confrontation with the states or a mere reaction to their use of power, but action on its own terms.

I have come to the conclusion that indigenous political subjectivity is best described as fluid, contradictory and contingent (cf. Lawler, 2008). In the everyday politics of the PF, the position of indigenous peoples ranges from that of helpless victims to that of influential actors able to pose considerable challenges to states: their success depends on the situation, debate and site of engagement at hand. While states are the final decision-makers in the UN, their technologies of domination often become tools which indigenous peoples can use in their own resistance.

In sum, the article analyses the more mundane aspects of power relations in the PF rather than examining the macro-level struggles between sovereign states and indigenous peoples seeking self-determination. This level of granularity reveals that power relations and processes of subjectification are much more nuanced in the PF than this high-stakes dichotomy would suggest.

5.3 Article 3: The praise for indigeneity as closeness to nature and its power effects

I co-authored this article with Heidi Sinevaara-Niskanen. The status of indigenous peoples as special environmental actors legitimises their position in international politics and is part of the traditional perception of indigenous peoples in international politics. This article responds to a need that we identified in our respective research projects, materials and contexts (the UN PF and the Arctic Council): problematising these largely unchallenged conceptions in order to gain a more nuanced understanding of indigenous agency. In the article, we use the approach of governmentality to study how the environmental agency of indigenous peoples is constructed. The special focus of the article is on the issue of responsibility, which becomes entangled with agency and its justifications.

The common themes through which the construction of agency for indigenous peoples takes place in both the UN PF and the Arctic Council are indigenous knowledge, stakeholdership and a close relationship to nature. Indigenous peoples are perceived as having special knowledge on the environments in which they live; this then validates their position as actors in environmental politics. This special knowledge is also a means to create responsibilities for the peoples who actively take on this special role and thus consent to its underlying responsibilities: those with local knowledge, that is, indigenous peoples, have the ultimate responsibility for environmental risks. The research material also indicates that while indigenous

peoples allegedly have this special knowledge, they are still required to improve and educate themselves and they need guidance towards the right kind of action (O'Malley, 1996: 201).

Another way to validate the status of indigenous peoples in environmental politics is to invoke their role as stakeholders, which places them among those populations who are the worst-affected by climate change. Yet, at the same time, one sees an emphasis on the ability of indigenous peoples to adapt to the changing climate. We interpreted the use of this vocabulary of adaptation in the politics of the PF and the Arctic Council as a practice of governance that places expectations on indigenous peoples to take responsibility in continuously adapting. In other words, it is not environmental politics that has to change but indigenous peoples and their livelihoods.

A third theme that validates indigenous peoples' status as actors in international politics is their allegedly special relationship to nature. In the article, we argue that this perception also functions to essentialise indigeneity, fixing it as meaning this one thing – an environment-friendly lifestyle – that all the peoples have in common. While indigenous peoples themselves use these perceptions to gain political and moral leverage in environmental politics, the perceptions also constrain them. The dichotomous understanding of eco-friendly indigenous peoples vs. destructive Western peoples (re)produces the distinctions between these groups. This creates expectations that indigenous peoples are to be 'properly indigenous'.

These overlapping and interconnected common themes are positive elements linked to indigeneity. They improve the actor position of indigenous peoples in environmental politics and are also used by the peoples themselves when they participate in political arenas. However, the rhetoric that embraces indigeneity and the qualities attributed to it does not necessarily mean that indigenous peoples are now more capable of influencing states or environmental politics. We argue that the imputed qualities of indigeneity – for example, strong ties within communities and their adaptive abilities – are fostered to bring about desired actions. Hence, indigeneity has to be seen in the light of how it fits certain rationalities of government (Summerville et al., 2008; Rose, 1996; Neumann and Sending, 2010). This 'fitting in' with the rationalities of government in the PF and the Arctic Council entails certain responsibilities on the part of the peoples.

Based on the research, we conclude that indigeneity is perceived as exceptional in environmental politics. We go on to argue that a biopolitical approach to governmentality could be a fruitful tool in further investigations on why indigeneity becomes reduced to 'eco-indigenism' (Sissons, 2005).

5.4 Article 4: The less heartening side of indigenous rights

I wrote this article in response to the need I observed to capture the power effects that indigenous rights have beyond their stated aims of safeguarding the peoples. Whereas the enhanced recognition of the rights of indigenous peoples globally might seem to signal a change in the ways in which states view these rights, I argue that indigenous rights are recognised to the extent that they ensure the effectiveness of neoliberal governance. The article goes beyond the more common institutional and 'technical' approach on the rights of indigenous peoples that tend to focus on, for example, how to implement those rights. The research challenges what

is usually considered self-evidently good and natural in the indigenous rights discourse. The aim of the inquiry was to make the problematic aspects of these established notions visible.

The lexicon of 'good' governance at work in the language of indigenous rights has a less peremptory tone than the previous discourses relating to managing indigenous peoples. This lexicon fosters and embraces indigeneity and the freedoms of indigenous peoples. In the article, I draw on the literature on rights as governance (e.g. Sokhi-Bulley, 2011; Rajkovic, 2012) to illustrate that indigenous peoples are also governed through these rights and freedoms. Particularly salient in this regard is the biopolitical aspect of the governance of indigenous peoples, which aims at regulating and improving the life of entire indigenous peoples as groups, for example, through rights (Oksala 2010: Ojakangas, 2005).

The article is based on the reports of the Special Rapporteur on the Rights of Indigenous Peoples (SRIP). The status of the SRIP as an expert on indigenous rights and the perceptions of legality linked to his or her interpretation of the reports engender a depoliticised image of neutrality and freedom from power. However, power that functions through expertise and legality is a more dangerous exercise of power because it is less visible than, for example, the violence of a sovereign (Oksala, 2010). Hence, the political nature of expertise and legality needs to be made visible. Expert knowledge is essential in rendering issues and subjects governable.

I identify three recurring conceptions in the SRIP's reports and interpret these as practices of expert power that produce and legitimise certain political rationalities that facilitate the functioning of neoliberal governance. By 'political rationalities' I mean mind-sets and perceptions of issues and phenomena that direct the conduct of various actors in different ways and thus shape their fields of action and opportunity. I argue that a certain mind-set is produced that fits in with and enhances the functioning of neoliberal governance. The first step in the practice of expert power is to deem indigenous peoples exceptional. Importantly, this draws attention to the serious situations that the peoples are facing. Exceptionality also justifies interventions in the lives of indigenous communities on the basis that they are designated as vulnerable by the SRIP. The international legal principles that states have adopted also play a role here. The importance of 'good' governance and of 'doing something' is evident: the survival of indigenous peoples is at stake. These justifications for intervening in indigenous lives rest on biopolitical grounds. These processes make indigenous peoples 'proper' for the neoliberal governance rationality whose goal is to make communities at risk into 'stronger communities' able to govern themselves (Rosenow, 2009).

The second practice of power I identify in the article is the designation by the SRIP of the situation of indigenous rights as uncertain and in need of clarification. The clarification of indigenous rights is part of the lexicon of 'good' governance and is in line with the wishes of indigenous peoples themselves. However, the neoliberal logic of governance at work in the case of indigenous rights involves continuous calculations of cost-effectiveness between legal uncertainty and legal certainty. For example, legal certainty with respect to indigenous holders of land rights can be cost-effective when it reduces local conflicts over land (see also Hale, 2005). Accordingly, in the case of resource extraction in the territories where indigenous peoples live, one may see efforts to determine which indigenous communities, if any, hold land rights. Attaining more legal certainty in such a situation would require close scrutiny of the indigenous community to ascertain the extent of indigenous rights and their holders. Quali-

fying as indigenous would then entail fulfilling a set of requirements for 'proper' indigeneity, with the criteria presumably set out by the state in question. In this mind-set, the sovereign state still retains the power to decide who receives the protection of the law (Brigg, 2007).

The third practice of power noted in the article works through the language of remedy and compensation used by the SRIP, which depicts indigenous peoples as certain kinds of objects of governance, as claimants. I argue that as long as compensation is offered, this sustains a political rationality in which it is ultimately the indigenous peoples who will have to adapt to resource extraction projects or other developments on their lands while the neoliberal markets are allowed to operate freely. The conditions that have led to the need for indigenous peoples to claim compensation in the first place are left unchallenged.

I argue that the UN member states' attempts at self-redemption – atoning for colonial injustices by recognising indigenous peoples' rights – too unproblematically suggest that the states have become proponents of indigenous peoples' causes. However, this improved governance is only apparent, couched as it is in a less peremptory and hierarchical language with a more emancipating and empathetic tenor that suggests the peoples are being governed less (Sokhi-Bulley, 2011). The desire of indigenous peoples for rights correlates with this governance rationality. However, there is no less power being used than previously: only the ways in which the peoples are governed have changed.

6 Governing indigeneity globally

In this research, I have addressed the need in International Relations to perceive and examine the international indigenous movement not as a global movement that will 'liberate' the peoples from their states' repressive power (cf. Wilson, 2010: 30), but, in Sending and Neumann's (2006: 658) words, as 'an expression of a *change* in governmentality by which civil society is redefined from a passive object of government to be acted upon and into an entity that is both an object *and* a subject of government'. Where it focuses exclusively on the ways in which indigenous peoples can challenge states, the research community overlooks the ways in which the peoples and indigeneity are implicated in subtler rationalities of governance (Neumann and Sending, 2010: 129).

What has bothered me in the technocratic language of 'good' governance in the context of indigenous peoples is that certain measures integral to this governance (promoting indigenous rights, increasing the participation of indigenous peoples in international political arenas and the like) are deemed unquestionably empowering and 'good' for the peoples. These advances in indigenous rights and state duties are not, however, criteria that should guide the ways in which we evaluate states and their conduct towards their indigenous peoples; the criteria of 'good' governance are part of governmental power. Indeed, when approached from the perspective of governmentality, rights are not interesting as such, but are very interesting indeed for their role in the management of people (Dean, 2010: 247). The measures taken to safeguard rights are taken in the name of progress, development and necessity. They entail an exercise of power and should be brought into the scope of political analysis instead of being treated as actions that are necessary, unquestionably desirable or without alternatives (Bröckling et al., 2011: 13; Walters, 2012: 67-68; Joseph, 2013).

6.1 Capturing changes in the management of indigenous peoples

The largely constructivist-based norms approach – the starting point for the present research – and the governmentality approach adopted subsequently have certain things in common. They share an interest in the ways in which politics is socially and discursively constructed. However, according to Walters and Haahr (2005: 291), the main difference between these approaches is that while interested in the discursive ways in which the world is constructed, many constructivists also seek causal explanations. When thinking about the power of norms in the case of indigenous peoples, one readily thinks of a causal efficacy of norms whereby they improve indigenous peoples' situations by changing states' behaviour and interests through persuasion or socialisation. Indeed, when one studies the international indigenous movement, it is the institutional, procedural and normative changes and advances at the level of the UN that figure most prominently. What has led to these advances can be debated. For Morgan (2011), they are a clear indication of the political and legal impact of the indigenous

movement. Some claim that the entrance of indigenous peoples into the UN system has had a 'blunting' effect, guiding the direct challenge of the peoples to states and corporations into more institutional channels and rendering the movement's claims more moderate (Corntassel, cited in Morgan, 2011: 143-144). Morgan, however, asserts that the impact of the movement on the grassroots level should be considered across a wider span of time to be able to see the 'knock-on effect from one impact to another' (Morgan, 2011: 143-144).

I argue that this is too a simple view of power. It regards change solely in terms of a change in norms and sees power as a zero-sum game, leaving the substantive part of it – the actual practices and logic of governance– unanalysed. Thus, when trying to explain the effectiveness of norms and their causal impact on state behaviour, these studies end up having a thin understanding of power and politics, one that is too void of tension (Neumann and Sending, 2010: 7, 55-56, 111-112). Where research on indigenous peoples stays in this tension-free zone, it will fail to see the more nuanced range of political struggles at work in international politics.

The interest of governmentality research in discourse lies in its aim to denaturalise taken-for-granted concepts and perceptions and to make them visible. The approach does not seek to offer causal explanations of change but a toolbox for problematising and criticising forms of governance. This opens up the possibility for alternative ways of thinking and acting. By not focusing on causal explanations and institutions, governmentality can capture changes in the ways in which governing works (Walters and Haahr, 2005: 292; Walters, 2012: 2). Indeed, it was with this in mind that the last three articles of this dissertation moved away from and beyond an analysis of causality, that is, the question of whether and how the international indigenous movement can impact state behaviour and challenge states or whether power has shifted from states to indigenous peoples. The research took up an analysis of the ways in which indigenous peoples and indigeneity become implicated in governmental rationalities that signal a change in the ways in which indigenous peoples are managed (Neumann and Sending, 2010; Walters, 2012). While I acknowledge the positive developments that have taken place in the UN concerning indigenous peoples, I do not find them to be part of linear progress towards indigenous self-determination and a status for the peoples that would put them on a par with states. The advances on record are part of the effective governance of the peoples.

Indeed, while indigenous peoples' participation in international political forums has increased, it does not mean that power has decreased or shifted from other actors (states) to the peoples, but that there has been a change in the ways in which power is exercised over the peoples (Neumann and Sending, 2010; Sokhi-Bulley, 2011; Rajkovic, 2012). The practices through which indigenous peoples and indigeneity are governed today are less peremptory and more 'voluntary' than earlier forms of rule. The emphasis on the rights of indigenous peoples and their inclusion in national and international political processes has replaced the earlier 'less considerate' ways of managing the peoples (see also Lindroth and Sinevaara-Niskanen, 2014). For example, the UNDRIP and the PF became part of the global apparatus that makes up the 'good' governance of indigenous peoples; state exercise of power is thought of as legitimate when it follows the 'rule of law' (Dean, 2013: 6), the knowledge produced by experts and procedures that have been agreed upon in 'partnership' – 'sitting at the same table' – with indigenous peoples. The voluntary nature of governance, the legalisation of in-

digenous issues and the role of expertise all contribute to what seems like a depoliticisation of the ways in which indigenous peoples are governed.

6.2 The empathetic governance of indigenous peoples

The 'considerate' and 'empathetic' governance one sees is a more subtle way to address the questions and problems pertaining to indigenous peoples. However, it does not eclipse the status of indigenous peoples as peoples under threat or in crisis and thus also in need of intervention and guidance; the hierarchical understanding of social conditions that urges improvements for certain parts of the population has not been replaced (Hindess, 2004: 34; Lindroth and Sinevaara-Niskanen, 2014).

Some of the lexicon and practices of the 'good' governance in the case of the indigenous peoples that I have identified in this research are community, empowerment, responsibility, participation, freedom, rights and the fostering of qualities perceived as inherently indigenous. I have determined that these are governmental techniques that pave the way for certain interventions in indigenous lives; for example, they serve as ways in which neoliberal power promotes appropriate action and freedom by creating self-governing citizens from previously powerless individuals (O'Malley, 1996; Cruikshank, 1999; Rose, 1999; Rutherford, 2000; Summerville et al., 2008; Dean, 2010). Unrestricted participation is an integral part of the PF already on the level of who is admitted to the sessions: any indigenous peoples' organisation is free to participate in the proceedings. Yet, this practice is also an exponent of the rationality underlying neoliberal governance: it directs the actions of indigenous peoples along the proper and permissible paths of political participation (Odysseos, 2010).

The involvement of indigenous peoples as free, responsible and self-managing actors is key for effective and legitimate governance; governance works through indigenous peoples rather than on them (cf. Neumann and Sending, 2010: 123), as has been discussed in Article 3, 'At the Crossroads of Autonomy and Essentialism' and in Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance'. Thus, the production of subjectivity is important in the proliferation of the indigenous movement: effective governance uses technologies of citizenship that form self-governing and politically active subjects (Prozorov, 2007; Dean, 2010; Wilson, 2010: 30). Here, the process of 'responsibilisation' produces indigenous peoples as subjects and objects of governance. This is an important tool of empowerment used by neoliberal governance: while it is seemingly less regulatory, it actually continues the earlier practices of division and rule. Despite the 'good intentions' of those advancing indigenous empowerment and participation, these relations of empowerment are still relations of power, ones in which some parts of the population are deemed to be in need of special measures (Neumann and Sending, 2010; Wilson, 2010: 30; Hindess, 2004: 35-36; Dillon, 1995: 325, 2004; Cruikshank, 1999).Through these relations, indigenous peoples become active agents who can voice their demands and concerns, but they also become governed along lines that create certain responsibilities, expectations and demands of accountability for the peoples. For example, in the case of climate change, this power produces the peoples as populations who are facing an emergency but will readily adapt to it. At the end of the day, what one sees in the UN is a 'structured freedom' for indigenous peoples (cf. Haahr, 2004, also Walters and

Haahr, 2005). The peoples must emphasise certain representations of themselves in order to gain their special leverage in international politics.

6.2.1 Expert knowledge: shaping manageable indigeneity

Expertise plays an important role in the current management of indigenous peoples, an example being the contributions of international legal experts such as the SRIP and the members of the PF. The discourses in the UN PF and in the SRIP's reports produce certain 'truths' about indigeneity and indigenous peoples. The SRIP portrays indigenous peoples in many different ways, for example, as groups under threat or as claimants. At the same time, the Rapporteur renders the peoples governable in certain ways. The designations chosen entail effects of power that are integral to the ways the peoples are governed: governing cannot function without knowledge about those who are to be governed.

The power that the legal experts on indigenous rights have is subtler in form than more visible exercises of power (e.g. the state's). Expertise has a claim to neutrality and 'truth', while legality becomes linked to justice and 'good' governance, both of which entail a promise that the indigenous peoples are governed less by outside forces than they have been historically (cf. Sokhi-Bulley, 2011). As I demonstrate in Article 4, 'Indigenous Rights as Tactics of Neoliberal Governance', the political nature of the role and practices of experts with regard to indigenous peoples and their rights needs to be made visible. While the knowledge and the ways in which power is exercised seem technical, they are, in fact, deeply political: they make neoliberal governance possible by creating spaces that are knowable – and thus governable – beyond the formal institutions of the state. The knowledge that produces these 'truths' about indigeneity is always partial and selective in defining certain issues as problems in need of intervention (Dean 2010; Walters and Haahr, 2005: 293-294; Bröckling et al., 2011: 12).

While the SRIP engages in activity that is in line with the goals espoused by indigenous peoples themselves, such as the clarification of their rights, at the same time he or she exercises definition-making power over the peoples in ascertaining the proper rights-holders. It is important to note that this expert's knowledge on indigenous rights and the situation of the peoples ultimately naturalises certain political rationalities and (re)produces political possibilities, a premier example being the description of indigenous peoples as claimants. As discussed in Article 4, these effects of power that the expert knowledge has on indigenous rights come to enable the effective functioning of neoliberal governance and shape indigenous subjects rendering them compatible with that governance.

6.2.2 The call for indigenous capacities

Another governmental technique that I discerned in this research is community. Governing through community, in the words of Walters and Haahr (2005: 292), 'stands for governance which recognizes the particular needs, knowledges and experiences associated with these specific identities'. The perceived shared values and close ties within indigenous communities are 'capacities' that are fostered in the UN. This conception of indigenous communities func-

tions to produce responsible indigenous agency in which subjects seem to be realising their own 'natural' and personal choices (Rose, 1996). It is a technique of governing that makes the peoples and individuals responsible for promoting the well-being and survival of their communities.

Other features that are perceived to be inherent in indigeneity and have become important for the ways in which the peoples are governed are their special relationship to nature and special environmental knowledge. Governance capitalises on these allegedly inherent capacities and characteristics; governing is efficient only when the governed themselves subscribe to having these capacities and qualities and are able to function in a self-governing way (Miller and O'Leary, 1994: 99). The experience of colonisation and loss of lands is another experience inseparable from indigeneity. I argue that the current ways in which the peoples are governed, 'informed' as they are by the rationality of neoliberal governance, recognise this and steer the demands of the peoples for justice and redress into appropriate political and legal channels, for example the PF and the UNDRIP.

On balance, evoking the common perceptions of indigeneity and indigenous peoples should not be dismissed as mere lip-service to the uniqueness of indigeneity in international politics. References to the perceptions have consequences: they are techniques of governing that work through subjects. The neoliberal governmental rationality that emphasises the self-governing abilities, resources and qualities of subjects is at work in the perceptions of the agency of indigenous peoples, fostering the qualities that are allegedly inherent in indigeneity (caring for and nurturing the environment, traditions, community). This entails an exercise of power (over indigeneity) and should therefore be problematised.

6.3 Indigenous resistance as dispersed resistance

The process that makes indigenous peoples subjects is important for the functioning of power but also for resisting it (Simons, 1995; Thompson, 2003). The various ways in which indigenous peoples are able to engage in resistance in the PF are specifically addressed in Article 2, 'Paradoxes of Power'. In that article, I utilise Thompson's (2003) account of resistance as tactical reversal and self-formation. There is an opportunity for reversal in local power relations as a reaction to the exercise of power by the states: the resistance of indigenous peoples often uses identities and tools produced or imposed on them by the dominant powers (Niezen, 2003: 217; Eudaily, 2004).

Individuals also have a capacity for autonomous action in their ability to practice technologies of the self. Subjects have agency; they are not simply products of power with no will of their own (Bröckling et al., 2011: 2). Hence, governance does not function as a repressive power only; it reserves a role for autonomous action by indigenous peoples themselves. Indigenous peoples practice self-governance in the PF in the sense that it becomes not only the mechanism of dominant power but also the condition of possibility for resistance; this juxtaposition is presented in the analytical section of Article 2. According to Death (2010: 160), this kind of resistance qualifies as an instance of Foucauldian 'counter-conducts', which depend on existing dominant forms of governance, reinforce them, but also problematise them. In a similar vein, Article 2 analyses and describes the ways in which resistance functions as a

part of power in the UN; the approach taken focuses on the often small-scale and fluid relations of power and does not treat power and resistance as 'a source of despair or celebration' (Kendall and Wickham, 1999: 51). Indeed, Foucault saw 'a multiplicity of points of resistance', describing them as follows:

> [T]hese play the role of adversary, target, support, or handle in power relations. These points of resistance are present everywhere in the power network. Hence there is no single locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead there is a plurality of resistances... (Foucault, 1998: 95-96)

To perceive indigenous political subjectivities as 'fluid', and resistance as not having a single target means that no ultimate 'liberation' exists for the peoples that would free them, once and for all. Indeed, when (indigenous) subjectivity is seen as fluid, it is seen as moving between being capable of autonomous action and being defined by outside forces and perceptions. What follows is that the 'traditional opposition between liberation and domination' (Bröckling et al., 2011: 14) is no longer relevant. The power relations in which indigenous peoples are entangled in the PF involve a constant struggle between actors that varies from one time and site of engagement to another. Crucially, for example, struggles against states do not necessarily bring about the liberation sought, for there is no 'centre' at which resistance can be directed.

7 Conclusions

7.1 Summary of the results

When established, the PF represented a compromise that emerged from the struggle between state sovereignty and indigenous peoples' quest for self-determination. This process is illustrated in Article 1, which focuses on normative change and how issues were framed by the indigenous peoples. As norm entrepreneurs, indigenous peoples questioned the legitimacy of state sovereignty and strove to promote new norms through the frames of indigeneity, self-determination, collective rights, and recognition. That the PF is a compromise is visible in its lacking decision-making power. At the same time, however, indigenous and state members now participate on an equal footing in a permanent body with a wide mandate. Hence, while indigenous peoples had to give up the decision-making forum they envisaged, they gained equal status with states. Moreover, with the establishment of the PF, the UN has become more open to the participation of indigenous peoples more generally.

However, during the course of the research, the norm socialisation approach had to be exchanged for a more fine-grained framework. What I sought was an approach that would allow me to look deeper than the level of institutional changes or legal advances, one that would not miss the more subtle and nuanced ways in which power operates where indigenous peoples are concerned in the UN. I found Foucault-inspired approaches on power and governmentality helpful in this ambition, enabling me as they did to interpret the political agency of indigenous peoples in a different light and to home in on complex power relations in the PF.

The analysis of the small-scale power struggles of the PF offered insights into the ways in which the subjectification of indigenous people takes place, a process I analyse in Article 2. The subjectification of indigenous peoples in the PF contains paradoxes: they are perceived – and they perceive and describe themselves – as being global and local, colonised and decolonised, actors and victims, traditional and modern. These paradoxical, fluid and hybrid subjectivities indicate the kind of political agency that is possible for indigenous peoples within a non-indigenous political system. The ways in which indigenous peoples can engage in resistance in the PF include a range of acts: reactions to the exercise of power by states, the appropriation and creative use of the tools on which this power relies, or indirect resistance that constitutes action on its own terms and stretches the UN system to include indigenous practices.

When indigenous peoples participate in international politics, certain of their alleged qualities become valorised. The special relationship to nature that indigenous peoples are perceived to have is one of the most frequently recurring features linked to indigeneity. It functions to strengthen the agency position of indigenous peoples and legitimises their voice in environmental politics. In addition, the special knowledge of indigenous peoples on their environments and their being stakeholders where climate change, pollution and resource extraction are concerned are features that further legitimise their participation in the PF and,

for example, the Arctic Council as well. However, these allegedly inherent indigenous qualities and the enhanced institutional access afforded the indigenous peoples in the PF and the Arctic Council should not be taken to automatically mean an improvement in the peoples' ability to influence states. The fact that these are used unquestioningly to give validation to indigenous peoples' participation called for critical scrutiny. As my co-author and I have discussed in Article 3, the attributes imputed to the indigenous peoples by dint of their indigeneity 'are examples of the ways in which indigenous peoples' agency corresponds to the rationality of environmental governance' (p. 287). In other words, they are exponents of the process by which these political institutions produce and require certain types of indigenous agency and subjectivity. For example, the processes of responsibilisation described in the article work through the allegedly inherent qualities of indigenous peoples, such as close community ties and stewardship of nature. Thus, the agency formed, which 'corresponds to' or resonates with a governmental rationality, includes various responsibilities and demands.

Another recurrent theme in the international political participation of indigenous peoples that called for critical scrutiny was the use of rights language. This is another path along which indigenous peoples and other actors in international politics typically direct the discussion uncritically. Recognising and implementing indigenous rights is presented as an unquestionably desirable goal, one that will be crucial to the eventual achievement of justice and self-determination for indigenous peoples. However, as my analysis in Article 4 shows, the ways in which the rights language is used and interpreted has effects of power that go beyond the stated aims of the rights. Rights and their interpretation by an expert – the Special Rapporteur on the Rights of Indigenous Peoples – are both usually perceived as non-political/free from power. However, I have identified three clearly political expert practices of power in the SRIP's reports that govern and make indigenous peoples governable in specific ways: indigenous peoples as exceptional, which implies a need to intervene; the uncertainty of indigenous rights and the concomitant search for legal clarity, which prompt calculation of costs and benefits of indigenous rights; and the right to remedies, which produces indigenous peoples as claimants. These practices have various effects of power that produce and legitimate certain political possibilities and rationalities even as they exclude others. Significantly, the possibilities and rationalities thus created go beyond the stated emancipatory aims of indigenous rights and facilitate the functioning of neoliberal governance.

The UN has been a central arena in accommodating indigenous peoples' causes and in furthering their participation and the recognition of their rights. These advances can be seen as indications that the UN and its member states have recognised the legitimacy of indigenous concerns and thus want to include them in their proceedings in order to enhance the situations of the peoples (e.g. Xanthaki, 2007: 227). States that have indigenous peoples living within their borders presumably want to redeem themselves of their colonial past by recognising and codifying indigenous rights, as they have done in the UNDRIP. I have argued that these states become too easily identified as having made a positive change in their policies towards indigenous peoples (see also Lightfoot, 2010, 2012). The ways in which indigenous peoples and indigeneity are currently managed foster indigeneity and indigenous peoples and recognise their freedoms and rights. This kind of governance appears to govern the peoples less and thus emancipate them in corresponding measure. However, the ways in which indigenous peoples are governed today sooner signify an 'improvement' in the gov-

ernance itself: what one sees at the end of the day is a more economical use of power (Dean, 2010; Sokhi-Bulley, 2011). Foucault-inspired approaches to power and governmentality have been useful in capturing nuances of the power relations that would be overlooked if analysed through more conventional frameworks such as norm socialisation and legal studies, which tend to take norms, rights and institutions as self-evident ends in themselves. The eclectic approach that I have adopted has proven to be a good tool for the problematisation of taken-for-granted issues and representations of indigenous peoples in international politics.

7.2 Reflections – directions for future research

I do not consider the involvement of indigenous peoples in the UN either a big victory or a doomed endeavour: the achievements and failures of indigenous peoples' political involvement are more moderate. Hence, I do not celebrate the establishment of the PF, the adoption of the UNDRIP or the active and growing indigenous participation in the UN as great achievements; nor do I denounce them and the involvement of the peoples in the PF as counter-productive developments.

According to Morgan (2011: 42-43), the international indigenous movement has effected a reform of human rights and political institutions to the extent that these can now be used to redress the injustices which indigenous peoples have suffered. In a contrary view, Coulthard (2008: 188) argues that the liberal recognition of indigenous peoples by states reproduces the very colonial powers that indigenous peoples and their claims for recognition have sought to challenge. I perceive the 'victories' and 'losses' of the international indigenous movement in the PF to be in-between these extreme views: the gains and losses of the movement in the UN are more mundane. Indigenous peoples are, indeed, active agents in the UN. However, problematising the institutional and legal advances in the UN rather than taking them as self-evident starting points leads the researcher to dismiss the view that the improved political involvement of indigenous peoples in the UN system represents a step forward that will eventually lead to definitive 'freedom' for the peoples.

In this dissertation, it has been my choice not to take a stand or offer 'advice' on what the best way for indigenous peoples to advance their cause is. According to some critical scholars (e.g. Alfred and Corntassel, 2005; Coulthard, 2008; Corntassel and Bryce, 2012), one can resist the subtle guises of current colonialism and start genuine decolonisation only by turning away from the liberal recognition paradigm, the rights discourse and compensatory claims, which are aimed at achieving state affirmation, and by moving towards indigenous communities' own self-transformation and local practices. I also recognise that engaging in state-based claims and demands for recognition and compensation are problematic strategies for indigenous peoples and that alternatives ways of seeing these issues and acting should be explored. Indigenous peoples will always have to 'accommodate their hosts' when they participate in state-based structures alongside states that have colonised, and continue to colonise, the peoples. At the same time, I also acknowledge that the peoples would find it very difficult to avoid involvement with states in trying to advance their claims. Yet, even in contexts like the UN, the political subjectivity of indigenous peoples is not totally determined by the dominant state discourse. Accordingly, it is important to analyse the nuances and complexities of

power relations in the UN in order to discern the various ways in which indigenous peoples and indigeneity become (re)produced and governed.

Mindful of this, what I have done in this dissertation, instead of taking that what exists, institutionally and legally, in the UN for indigenous peoples at face value and as a starting point, is to problematise the 'good' progress: I have recovered the political behind what often seems like a 'common ground' on indigenous issues and behind the supposedly technical, legal and non-political nature of how issues pertaining to indigenous peoples are addressed. Thus, a salient focus in future research would be to question the language used in international politics that claims to offer freedom and rights for the peoples and analyse it in order to see what the concepts and perceptions at work actually do. There is no escaping the power relations that produce these effects, but one can ask what forms of power we are able to tolerate and live with. This will not liberate indigenous peoples from the exigencies of the complex ways in which power operates, but it makes the operation of power visible and opens up possibilities for alternative ways of thinking about the agency of the peoples and the relations between indigenous peoples and states.

Hence, I would urge studies that deal with indigenous peoples in international politics to move from a focus on 'technical fixes' (e.g. rights and their implementation, effecting changes in political institutions to include indigenous peoples) to the practices through which indigenous peoples and indigeneity are made governable and governed. Instead of taking the political and legal interests of indigenous peoples and states as givens and as research topics in themselves, research should focus on how these interests have been constituted in the first place. Studies focusing on rights and institutional access for indigenous peoples as ends in themselves, and how to best include the peoples in decision-making, contribute to naturalising a governmental rationality whose effectiveness depends on the involvement of non-state actors. In this process, the involvement of non-state actors in political arenas legitimises governmental practices (Neumann and Sending, 2010: 123). Hence, the kind of research done in the field matters in that it can depoliticise certain issues that become, as a consequence, legitimised, naturalised and desirable goals (Bastalich 2009; de Goede 2006). It is important to ask how power operates through the 'truth' about indigeneity and what is offered as that which will make indigenous peoples 'free'. The question to be explored is, how do certain perceptions of indigeneity become produced as truths? Ultimately, research designs that are able to reveal the essential political nature of 'technical' knowledge (e.g. legal, economic, institutional knowledge and expertise) are imperative (de Goede, 2006: 6-7; Bastalich, 2009). Approaches informed by such designs are not opposed to the rights of indigenous peoples or to their access to political structures, but rather strive to problematise the tendency to consider such rights as an answer to everything and as superior 'solutions'. There is constant room for improvement and criticism since all rights and political structures mask power relations (Williams, 2005).

In addition to delving into greater detail than a focus on institutions and rights entails, research should study indigenous politics on the international level beyond the macro-level debates between sovereign states and indigenous people in which the latter are seen as threats to the states' territorial integrity and political unity. When state sovereignty – perceived in terms of this conventional dichotomy – is taken as the point of departure for analysis, the resulting research can reveal no more than conflict. Focusing on conflict in turn narrows the

scope of inquiry and renders it blind to the nuances of the power relations between indigenous peoples, states and other actors. To be sure, indigenous peoples and states are often in conflict in international politics: for example, the recognition of the land rights of indigenous peoples is usually seen as having negative economic consequences for states and is therefore often opposed by them (e.g. Xanthaki, 2007: 238). However, the power exercised today over indigeneity and indigenous peoples does not work in a straightforward manner but in more subtle guises and less visible ways. The modern ways of governing indigenous peoples mainly function in 'empathetic' ways that foster indigeneity and the rights and freedoms of indigenous peoples (Lindroth and Sinevaara-Niskanen, 2014). They do not dictate but steer.

Indeed, if analysed only through the conventional dichotomy of state sovereignty versus indigenous peoples who pose a challenge to it, the growing recognition and adoption of indigenous rights by states and the institutional access of indigenous peoples to state-based political arenas would seem to suggest that states have made a change, sometimes a radical one, in their attitudes towards the peoples (e.g. Xanthaki, 2007: 281); that is, that they have become genuinely more favourable towards the demands and rights of the peoples. Regardless of the ways in which this change has come about, what this conventional view would offer as the ultimate explanatory factor is that sovereign states have had a change of heart. However, as my critical analysis in this dissertation research has shown, states' receptiveness to indigenous causes signals a change in the ways in which indigenous peoples and indigeneity are deemed best managed internationally; this development is geared to generating certain desired outcomes, most importantly the efficient functioning of neoliberal governance. Indeed, the enhanced participation of indigenous peoples in international political arenas and the growing recognition of indigenous rights should not be taken as signs of states converting from being colonisers to promoters of indigenous peoples' causes or their repentance over their historical and current mistreatment of indigenous peoples living within their borders.

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Articles

Indigenous-state relations in the UN: establishing the indigenous forum

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ABSTRACT.   The UN Permanent Forum on Indigenous Issues (PFII) was established on 31 July 2000 and held its first session at UN Headquarters in New York in May 2002. The result of decades of development, the forum signified an official opening of the UN to indigenous peoples' participation alongside that of states. This article analyses the discussions on the establishment of the PFII and the role of indigenous peoples as political actors in those discussions. A focus of particular interest is the contradiction between state sovereignty and indigenous self-determination. In examining the establishment process, the analysis draws on scholarship dealing with norms, institutions, organisation and legitimacy. The themes and frames used by indigenous peoples that are significant in state-indigenous relations and that have had an effect on the forum are indigenousness, self-determination, rights and recognition. These show how the relationship between state sovereignty and indigenous self-determination underlay the establishment discussions and their outcome. The materials for the article comprise the transcripts of the establishment negotiations, interventions of state and indigenous representatives, as well as literature on the political participation of indigenous peoples, international law and the UN system and indigenous peoples. The discussions are analysed textually. The article claims that, although the UN is a state-dominated organisation, indigenous peoples are nevertheless able to affect international cooperation. This is an INDIPO project paper (Tennberg 2006).

Contents

Introduction

The focus of this article is the United Nations (UN) Permanent Forum on Indigenous Issues (PFII) and its establishment. Indigenous peoples participate actively and increasingly in different UN activities and meetings and there is currently a great deal of discussion within the UN about indigenous peoples and new instruments supporting their rights. The issue of indigenous peoples and their rights has figured in the work of the UN system for decades, recent examples being the Second Decade of the World's Indigenous Peoples, which started in January 2005, and the discussions on the Draft Declaration on the Rights of Indigenous Peoples. These efforts indicate that the possibilities of indigenous peoples to participate and be purposive actors in the UN are current issues in the debates between indigenous peoples' organisations and the representatives of states.

The state-centric UN system and indigenous peoples

The UN system is based on the existence of nation-states and their sovereignty. States make up the membership of the UN and are the main actors in the organisation. However, the number of non-state actors, for example, non-governmental organisations (NGOs), and the significance of their role has increased in the UN as well as in other international arenas (Stavenhagen 2005: 22).

The political participation of indigenous peoples is often a difficult issue for states. Indigenous peoples demand self-determination and collective rights in addition to basic individual human rights (Corbett 1996: 40; Brantenberg and Minde 1995: 4). These demands are often seen as posing a threat to the principles of state sovereignty and territorial and political integrity (Lâm 1992: 13–14). Indigenous peoples have traditionally found themselves in a marginal position in domestic and international politics. They have similar historical experiences and common problems today, among these colonisation and loss of lands, but may otherwise differ greatly. Whereas states have often considered the demands of indigenous peoples for self-determination and collective rights disturbing, the UN has developed better to accommodate NGOs, including indigenous NGOs. In fact, NGOs are now an essential part of the work of the UN. They are seen as increasing the accountability and legitimacy of the organisation's work. Moreover, they provide it with information, hold state actors accountable for their decisions, and use different strategies for influencing the states and the organisation itself.

Since becoming aware of their common issues, indigenous peoples have formed their own NGOs and dense international networks. They often cooperate when participating in international arenas. With the presence of indigenous representatives and with their agency in the UN and in other arenas, the situation, demands and rights of indigenous peoples have been put on the agenda. The UN now recognises that protecting the rights of indigenous peoples requires special measures, as illustrated by the Draft Declaration on the Rights of Indigenous Peoples. Even though the declaration will not be legally binding on states when adopted, it will be significant in terms of customary international law.

Materials and aims

The article has three aims: the first is to present the developments leading to the establishment of the PFII, the second to discuss the debates during that process, and the third to analyse the outcome of the process. The materials used comprise the transcripts of the sessions in which the establishment of the PFII was discussed, interventions made by representatives of indigenous peoples and states, and UN reports on the progress of the working groups. These were studied using textual analysis. The indigenous delegates cited here are nordic and references made to indigenous participation include mainly Arctic indigenous groups. These groups are interesting because they have been very active and in the forefront in the international indigenous movement. The research also draws on literature dealing with political participation (of indigenous peoples) and the justifications for it, literature defining the central concepts, and information about indigenous peoples in the UN. Other materials consulted include scholarship on political participation and international law dealing with the right to political participation, minorities, indigenous peoples and human rights.

The analysis seeks to determine how the principles of state sovereignty and indigenous self-determination affected the discussions leading up to the establishment of the PFII and how indigenous peoples and states defended and justified their points of view. By analysing the discussions and their outcome, the article attempts to ascertain what type of forum was envisaged and how state-indigenous relations influenced the result. The conclusion is that although the UN is largely controlled by states, which make the final decisions, and although conflicts between state sovereignty and indigenous self-determination create difficulties for the agency of indigenous peoples in the UN, indigenous NGOs as actors *are* able to influence and put pressure on other actors in the organisation.

International norms, institutions and change

Scholarship on international norms, institutions, legitimacy and organisations is useful for analysing the issue area of this article. The institution of particular significance here is state sovereignty that changes and takes new forms. The rules and norms of state-indigenous relations are changing as the rules that constitute institutions change. The focal organisation here is the UN: it is an arena where the new rules of international cooperation are discussed and where indigenous peoples act to promote indigenous self-determination as a new norm in international politics.

Finnemore notes that international organisations like the UN are arenas where the actions and responsibilities of states are discussed. She adds that such organisations act as forums in which people argue concerning what states should do (Finnemore 1996, 34). The UN is a focal point for state-indigenous relations internationally. It is the main organisation where new norms and rules about state responsibilities and actions pertaining to

indigenous peoples are discussed. It is also the arena where indigenous peoples, as actors, strive to promote new norms in international politics, such as indigenous self-determination.

Finnemore defines norms as shared expectations about appropriate behaviour held by a community of actors. She gives the example of the norm of statehood as the legitimate political unit in international politics. Most scholars have considered a state to be a natural and inevitable fact and have not treated it as a socially constructed and historically contingent entity (Finnemore 1996: 22–23). If the norm is that the state is the only legitimate international political actor, it excludes all other actors, such as indigenous NGOs, from any analysis and does not give them any significance.

According to Finnemore, norms are intersubjective, which prompts discussion of them among actors. Norms can be used by actors to justify their actions or to persuade others to act in a particular way (Finnemore 1996: 24). A dynamic emerges and thus an opportunity for a change in norms. The focal issue is how a new norm becomes commonly accepted in cooperation and how it achieves legitimacy. Indigenous self-determination is discussed in the UN and used by indigenous peoples to justify their opinions and actions. It is also becoming a more commonly accepted principle in international arenas.

Social institutions are constantly contested. Normative tensions that go unresolved later become a mobilising force for questioning these institutions and their legitimacy. This is a political process marked by competing values of what is good and appropriate in collective life (Finnemore 1996: 135). As political actors, indigenous organisations are contesting institutions such as state sovereignty and state rule in indigenous areas. They are framing these old institutions, considered the legitimate units in international politics, as illegitimate ones.

Indigenous NGOs and networks as actors can be seen in Finnemore's and Sikkink's (1998) terms as norm entrepreneurs and norm platforms that actively try to build norms. According to Florini, a norm is a legitimate behavioural claim. Norms are obeyed because they are considered legitimate (Florini 1996: 364–365). New norms can become legitimate when they cohere with prevailing norms. Florini continues that most prevailing norms exist in international law; that is new norms must be conceived of as extensions of that law or as necessary changes in it. Many international negotiations centre around whether emerging norms are coherent with existing international law and are thus acceptable (Florini 1996: 376–377). Indigenous self-determination is one of the norms at issue in these negotiations, and indigenous organisations act as norm entrepreneurs to achieve recognition of the norm.

According to Hurd, legitimacy refers to 'the normative belief by an actor that a rule or institution ought to be obeyed' (Hurd 1999: 381). This is an actor's subjective perception of the institution, which can come from the content of the rule or how, and by whom, it was

constituted. The perception is internalised by the actor and thus affects his or her behaviour and interests. Hurd is interested in the subjective feeling of a particular actor or set of actors about a rule's legitimacy, that is, situations in which a rule is considered legitimate by one actor or group of actors but not necessarily accepted by an outside actor or group of actors (Hurd 1999: 381). The legitimacy of state sovereignty, a basic international institution, is questioned by indigenous organisations acting as norm entrepreneurs and promoting indigenous self-determination. These organisations are changing the old rules of international politics, which recognizes the state as the only legitimate actor.

Actors can be understood here as norm entrepreneurs, a useful approach in the case of indigenous peoples' organisations. According to Finnemore and Sikkink, norm entrepreneurs and the organisational platforms from which they act are elements that are often present in the successful creation of new norms. Norm entrepreneurs engage in what social movement theorists call 'framing': they name and interpret issues and, in this way, draw attention to, or even create, them. Successful framing is coherent with common understandings and becomes accepted as a new way of talking about the issues. According to Barnett and Finnemore, frames are used by actors to interpret events and problems, to mobilise action and to suggest solutions to problems. Thus, events are only made meaningful by the actors that compete in giving their meanings to them. This process creates limits on what is acceptable action (Finnemore and Sikkink 1998: 896–897; Barnett and Finnemore 2004: 33). Indigenous organisations frame the assertion of state sovereignty as unacceptable and do so in ways that make the assertion seem illegitimate.

Norm platforms are organisational platforms used by norm entrepreneurs to promote and create norms. Many NGOs and their international networks, for example, those promoting human rights and indigenous rights, emerge for the purpose of promoting a particular norm. The established international organisations in which norm entrepreneurs work, such as the UN, have purposes other than promoting a single norm, which can shape the content of the body of norms that the organisations promote (Finnemore and Sikkink 1998: 899). Indigenous NGOs working in the UN system must deal with an organisation created by sovereign states that constitute the membership of the organisation. The negotiations on indigenous issues, for example, self-determination, reflect a constant balancing between the basic principles of the institution of state sovereignty and indigenous self-determination, the latter promoted by indigenous NGOs acting as norm entrepreneurs.

Norm entrepreneurs and their organisations have to secure the support of states for their norms. In other words, they have to include norm socialisation on their agenda. Different organisational platforms provide different environments in which the norm entrepreneurs may do this. The UN, for example, can exert leverage on relatively weak states in order to make them accept norms. International organisations such as the UN act to promote goals that are considered good and appropriate, for example, human rights. This work gives the organisations a certain authority and they may then use the resulting credibility to promote other values. Moreover, as bureaucracies, international organisations appear more legitimate than selfish states. International organisations thus have a measure of authority that states cannot achieve (Finnemore and Sikkink 1998: 900; Barnett and Finnemore 2004: 5).

NGO networks and intergovernmental organisations that work with more powerful states cannot force them to accept a norm. Norm entrepreneurs have to persuade, to make something considered natural or appropriate be seen as wrong. This often involves distributing information and facts that support their claims (Finnemore and Sikkink 1998: 900).

UN developments and indigenous peoples

Indigenous peoples have made attempts to get their positions heard in international arenas for decades, first in the League of Nations and then in the UN system. Due to the efforts of indigenous leaders and NGOs, and changed international circumstances, indigenous issues have been placed on the UN agenda.

Changes in the UN circumstances

As early as the 1920s, indigenous leaders attempted to have their cases heard in the League of Nations but these efforts were unsuccessful. The situation of indigenous peoples was considered to fall within the internal affairs of the states in which they lived and thus could not be dealt with in the League. After the Second World War, the UN was established and more favorable circumstances emerged for the promotion of indigenous peoples' rights. Niezen notes some aspects of that era that created more favorable conditions. To begin with, the international community was more receptive to the protection of minorities because of the struggle against fascism. In 1948, the Universal Declaration of Human Rights was adopted, followed by the Covenants on Economic, Social and Cultural Rights and on Civil and Political rights. The UN Charter and its human rights instruments brought about a change in the scope of international law for units other than states. In addition, the decolonisation process and the principles of self-determination promoted circumstances under which these principles carried over to the human rights agenda and created justifications that could be used to promote the self-determination of indigenous peoples. What is more, the influence of the civil rights movement in the United States in the 1960s was felt in the formation of indigenous groups and networks. These groups were able to send representatives to international meetings to raise awareness of human right violations against indigenous peoples. Finally, according to Niezen, the rise of NGOs, and especially indigenous NGOs, has been impressive

(Niezen 2003: 40–43). These developments show that indigenous representatives and NGOs have been able to take advantage of opportunities that open up in the political system.

In the 1950s, the International Labour Organization (ILO) became the first international institution to deal with indigenous issues. However, it is limited with regard to the issues it can handle. In the UN, issues concerning indigenous peoples have been discussed since the 1970s. In 1977, indigenous peoples were allowed directly to address the UN at the International NGO Conference on Discrimination against Indigenous Populations in the Americas, an event that brought together NGOs and indigenous peoples from fifteen countries. One significant outcome of the conference was the coordination that developed between different indigenous peoples in formulating their demands: the peoples have used it in subsequent meetings (Nagara 2003a: 23; Nagara 2003b: 24; García-Alix 2003: 49).

Another development in the 1970s was a major study conducted in the UN on the situation of indigenous peoples, the study of the problem of discrimination against indigenous populations, also known as the Martinez Cobo Report. Following this study and the 1977 Conference on Discrimination against Indigenous Populations, the Working Group on Indigenous Populations (WGIP) was established in 1982. The WGIP later became an arena that brought together hundreds of indigenous NGOs and finalised the Draft Declaration on the Rights of Indigenous Peoples. The WGIP is very receptive to NGO participation: any indigenous person or NGO can participate in its sessions. This model of open participation has been used since in the UN in other bodies dealing with indigenous issues and was adopted by the PFII.

The Martinez Cobo report carried out by the UN in the 1970s found that the mechanisms dealing with indigenous peoples in the UN were inadequate. The research underscored the need to discuss the establishment of a permanent body dealing with indigenous issues. It was noted that the UN mechanisms at the time did not adequately take into account the special circumstances, needs and interests of indigenous peoples and that indigenous peoples had no influence over issues of concern to them.

Increase in the number of indigenous NGOs

The number of indigenous organisations and networks and the communications between indigenous organisations increased in the 1960s and 1970s. Indigenous peoples were organising and this process was growing at national and regional levels. This development marked the starting point of international lobbying efforts by indigenous peoples, especially in the United Nations (García-Alix, 2003: 47).

Nation-states have had to accept NGOs, including indigenous NGOs, as actors in international relations. According to Niezen, more impressive than the growth in the number of indigenous NGOs is the fact that the organisations have increased in number in an environment that was not responsive to their demands and participation earlier. International NGOs are more effective than domestic ones. They do not have economic leverage but have indirect influence that is achieved through lobbying those who have power (Niezen 2003: 40). By framing old institutions in new ways, such as by questioning the legitimacy of state sovereignty in their areas, indigenous organisations persuade and influence other actors. In so acting as norm entrepreneurs in international arenas, indigenous organisations are changing traditional state-centric international politics and its basic institutions to encompass different actors.

The Sami Council, established in 1956, is an example of indigenous peoples' participation in international forums. The Council has members from Finland, Sweden, Norway and Russia, has NGO status in the UN Economic and Social Council (ECOSOC) and cooperates with other indigenous peoples' organisations. The Sami Council has participated in the work of the UN since the 1980s (Machado 1994, 74) and has also participated in the work of the Arctic Council as a permanent participant. Another active Arctic indigenous organisation is the Inuit Circumpolar Conference (ICC), which cooperates extensively with the Sami Council on Arctic issues in the Arctic Council and in the UN. The Russian Association of Indigenous Peoples of the North, Siberia and the Far East (RAIPON) is also active in Arctic and global arenas and cooperates with the ICC and Sami Council. At present, the ICC and RAIPON have representatives who are members of the PFII, which is likely to increase these organisations' interest and activities in the forum. The first chair of the PFII was a Sami, Ole-Henrik Magga, which had an impact on the number of Sami representatives and NGOs attending the first round of the forum's sessions and increased the visibility of the Sami in the UN.

Many indigenous peoples still have their own governments, and establishing NGOs does not fit in with their self-government history and demands for self-determination. However, as only sovereign states can be members of the UN, the only option for indigenous peoples to participate in the organisation is through NGOs. Being an NGO is one of the prerequisites for achieving consultative status in ECOSOC. A second requirement is a permanent headquarters, a condition that many indigenous NGOs cannot meet. The often complicated and lengthy process of attaining consultative status in ECOSOC has contributed to the open model of participation in the WGIP and later also in the PFII.

After the Second World War and with the creation of the UN and its human rights instruments, there emerged a more receptive climate for the participation of indigenous peoples and the promotion of their rights. Indigenous leaders and NGOs have been able to take advantage of the structural opportunities that have opened up. Since the 1970s, indigenous peoples' organisations have participated increasingly in the UN. They have formed networks with other NGOs and organisations that have

similar causes and expertise on matters important to them. Indigenous NGOs have been able to put indigenous issues on the UN agenda and, in this way, have created opportunities for fuller and more active participation in the organisation. Thus, indigenous NGOs have made the UN system more inclusive of their participation and agency. In addition, studies and conferences organised by the UN have promoted the participation of indigenous NGOs and helped put indigenous issues onto the agenda. The WGIP has been especially important in bringing indigenous NGOs together and forming networks.

After decades, participation of indigenous peoples in the UN led to the establishment of the PFII. This was intended to be a forum where indigenous peoples, representatives of states, and the UN could discuss issues and problems related to indigenous peoples. Due to its extensive mandate, the PFII could deal with issues in a more versatile and comprehensive manner than a body with a narrower mandate. The PFII was considered to be necessary because the existing mechanisms dealing with indigenous peoples were inadequate

The discussions on the establishment of the Permanent Forum on Indigenous Issues

The establishment of the Permanent Forum was not straightforward or easy. The conflict between state sovereignty and indigenous self-determination complicated the discussions. The basic claim of indigenous peoples to self-determination has traditionally been seen as threatening state sovereignty.

Following a recommendation in the 1993 Vienna Declaration and Programme of Action approved by the World Conference on Human Rights, international meetings were organised on the establishment of a permanent forum for indigenous peoples at the UN. These meetings were attended by representatives of indigenous NGOs and by government representatives. Workshops were held in Copenhagen in 1995, in Santiago, Chile, in 1997, and in Geneva in 1999 and 2000. Especially at the first two of these meetings some states questioned the proposed establishment of the forum on the grounds that UN could not necessarily afford a new body and that it was not clear whether the forum was a real priority. However, in 1999, at an intersessional *ad hoc* working group meeting, the Chair said, 'no governmental delegation [has] expressed formal opposition to the establishment of a Permanent Forum for indigenous peoples within the UN system' (Niezen 2003: 47).

The following sections analyse the discussions on the establishment of the PFII with particular reference to the relationship between state sovereignty and indigenous self-determination. This relationship is illustrated in many themes that emerged during the establishment process where indigenous actors challenged old, basic rules of international politics (state sovereignty) and participated in a process to change these (demands for indigenous self-determination). These themes have significance for the possibilities of indigenous peoples to be actors in the

UN and for the composition and workings of the PFII. The themes also formed frames through which indigenous actors, as norm entrepreneurs, viewed and articulated their problems, making their situations seem illegitimate and suggesting solutions to the problems and illegitimate situations. Thus, the indigenous peoples gave their own meaning to the relationship between state sovereignty and indigenous self-determination. The salient themes/frames were indigenousness, self-determination, recognition and rights. In these issues, representatives of indigenous peoples' organisations and states had different opinions and interpretations, which were discussed at length. These highlight the difficulties of balancing the rights of states as sovereign actors in international politics and the increasingly recognised rights of indigenous peoples.

Is a definition of indigenousness needed?

One central question in state-indigenous relations in national and international arenas has been whether or not to define which the indigenous peoples are and, if a definition is needed, how it should be formulated. Achieving a definition that would cover all the indigenous peoples of the world has proved to be extremely difficult.

Indigenous peoples are generally of the view that a definition coming from the governments is unacceptable. Some indigenous statements framed the definition issue such that it appeared as an attempt by governments to limit the number of peoples who could benefit from their indigenous status.

In the establishment discussions, indigenous peoples opposed creation of a limiting and exact definition of indigenous peoples. Such a definition would violate the peoples' right of self-determination and their right to decide for themselves who they are without any definitions coming from outside. There was also debate about why indigenous peoples, of all the other peoples of the world, should be defined.

States also debated to a certain extent whether it was possible to consider establishing the PFII without a precise and universal definition of indigenous peoples. According to a statement by the Sami Council, states that demand a definition of indigenous peoples are trying to make it their right to judge who the 'real' indigenous peoples are. The Sami Council stated that indigenous peoples do not see any reason why they, of all the peoples of the world, have to be defined. Most of the states dealing with indigenous issues see the question of definition from their own national constitutional and historical framework and do not deal with these questions as issues having a universal character. According to the Sami Council, it should be easy to identify indigenous peoples without a definition by using criteria that are adequate to decide if an individual or a community is indigenous. These criteria are historical continuity, self-identification and group membership. Any discussion of a definition should take place in the Permanent Forum and thus a definition could not be a prerequisite for establishing the forum (International Indigenous Meetings 1999).

State representatives did not generally demand a definition of indigenous peoples at the international level. The existing working definitions were thus regarded as adequate, at least for the present. The need for national definitions was considered greater. States referred to the diversity of indigenous peoples and the consequent difficulty, even impossibility, of a universal definition. An exception to this was the group of Asian states, which demanded a proper definition. This demand was backed by a statement that a proper definition would protect the rights of 'real' indigenous peoples. This opinion contrasts sharply with the statement of the Sami Council referred to above that states should not decide who the 'real' indigenous peoples are. The question is one of who has the power to create these definitions. Indigenous peoples resist definitions made by states and many consider attempts to define them as reflections of colonialism. Indigenous peoples have seen the definitions of and criteria set for indigenousness as threats that would prevent the realisation of their rights.

Demands for self-determination

Self-determination is the central demand of the international indigenous movement. Traditionally, states have been cautious with regard to this demand, as it has been considered a threat to the political unity and territorial integrity of the state. In other words, it has been seen as posing a threat to the basic principles of the nation-state. However, indigenous peoples generally do not demand full independence from the states in which they live (Lâm 2004: 141).

Although it was agreed in working groups that the use of the terms 'peoples' and 'people' did not imply acceptance of either term, the representatives of the United States had difficulties with them. The United States used the term 'indigenous groups' instead of 'indigenous peoples', a choice reflecting the idea that indigenous peoples are like any other minority groups, which are not considered peoples and do not have the rights of peoples, for example, self-determination. States did not want to use the term 'peoples' because it was seen as referring to self-determination and sovereignty over natural resources. Thus, the United States did not recognize a special status for indigenous peoples. The issue of the 's' in 'peoples' came up when the future status of indigenous representatives in the PFII was being discussed.

Many statements reflected the generally positive attitude of states towards the establishment of the PFII. The principle of equal participation and the status of the forum was a different matter. If the PFII was to be a discussion forum that would not have any real power, the governments took a positive view of equal participation by indigenous peoples with states. A joint statement by the Sami Council and ICC expressed their view that some governments were not ready to see indigenous peoples' representatives in a position equal to that of state representatives: 'We have come to a point where most governments are convinced of having a UN body that concerns

itself with indigenous peoples' issues. However, we also sense a reluctance on the part of some governments to invite indigenous peoples into such a forum on an equal footing with and with the same voting powers as state governments' (Dahl 1997).

The Nordic states were very positive towards giving indigenous peoples the right to vote: 'The Nordic countries strongly support the establishment of a permanent forum for indigenous people in the United Nations... The forum should have an equal number of government and indigenous representatives, both groups with the right to vote' (Kleist 1997).

However, the statement refers to 'people' instead of 'peoples' and does not say anything about the status and powers of the proposed forum in the UN system.

Indigenous peoples stated that self-determination would be the only solution to their problems. They demanded equal status with the governments. The power to decide on issues concerning them was also a common demand, reflected in a statement by the Norwegian Sami Parliament: 'The Samis, in common with other indigenous peoples, have claimed and will claim that the right of self-determination also applies to indigenous peoples... The right to self-determination will give the Samis a collective right to decide their own future in all spheres of life... and it will also give them recognition of their right to make decisions concerning their own culture, social life and area' (Pavall 1997).

The cautious attitude of states with regard to the membership and influence of the forum showed that they did not consider indigenous peoples to be equal participants. The governments often seemed troubled by the extent of the rights and authority that the indigenous peoples could have and where their demands would end. The changes were considered threatening, because they could lead to a result that was not hoped for and a development that could not be stopped. Uncertainty on the part of many governments could be seen as a 'wait and see' attitude. They did not want to express their final position on the establishment of the forum. Many times the reason given for this lack of final position towards the establishment was, for example, the lack of a definition of 'indigenous peoples', that is who would be the peoples participating in the forum. Sometimes governments saw the entire process to be such an unprecedented case that consideration was emphasised.

The statements of indigenous peoples included a historical framework. They revealed the historical relationship between indigenous peoples and states under which another people was subjected to colonialism and discrimination. Thus, indigenous peoples often referred to a history that had led to their marginal position and to their being shut out of decision-making. Indigenous peoples want to be actors in their own right and they resist control by states. The statements of indigenous peoples often emphasised the ability of indigenous peoples to represent themselves and manage their own affairs. The statements included accounts of the colonial politics of the states

that had taken away indigenous peoples' possibilities to affect their own lives. This 'politics of shaming' figured frequently in the statements made by the indigenous peoples.

Demands for recognition

The establishment negotiations also included issues of recognition or lack of recognition. Recognising indigenousness/indigenous peoples was difficult, especially for some Asian states. Many times the arguments were heard that all the citizens of a state were indigenous or that no indigenous peoples existed.

The concept of indigenousness refers to original settlement, that is, that some group inhabited an area before others. This includes a view of the state as colonialist. Indigenous peoples demand to be recognized as indigenous peoples and not just minorities. This recognition gives them a special status that other minorities do not have. When a state refuses to recognise its indigenous peoples, it also refuses to grant them any special rights. Then again, recognition does not necessarily guarantee any special rights or tell much about how the state treats its indigenous peoples.

States are aware that indigenous peoples demand certain rights and that this has consequences for the state itself. Some states are not ready to recognise the special status originating from indigenousness or the rights that follow from that status: such recognition is seen as violating the principle of state sovereignty and as a threat to the unity, both political and territorial, of the state. Concern for the unity of the state is especially great in countries with large indigenous populations. Indigenous peoples are also often assumed to exist only in western colonial states. Thus, if a state does not recognize its indigenous peoples, it does not have indigenous peoples and does not have to deal with the consequences of recognition, for example, special collective rights. States uphold unity and an individual orientation as their principle, making the demand of indigenous peoples for collective recognition difficult.

The statements of indigenous representatives in the establishment discussions used the recognition framework to convince other actors that they did not have full human rights because they were not recognised. Indigenous peoples' demand for the recognition of a special indigenous status was prompted by the threat that if they were not so recognised by the states, they would be treated as just another minority. Indigenous peoples see themselves as reclaiming their status as nations, whereas states view the peoples' position as a new demand. Indigenous peoples demand collective recognition: individual recognition is not adequate.

The indigenous peoples stated that they felt as if they were being shut out of decision-making and wanted to take their place back, reflecting the idea that they were independent peoples before being subjected to colonialism. Indigenous peoples want to be recognized as separate peoples in their own right and as peoples that enjoy the same rights as all other peoples, especially the right of self-determination.

Demands for rights

Another theme that arose in the establishment discussions was the recognition of the collective rights of indigenous peoples. Indigenous peoples claim that they have special rights because they are indigenous. It is now widely accepted that minority rights are not sufficient to protect indigenous peoples and there is a need for rights that go further. This is often problematic for states, since these rights would include rights to land and have a collective aspect, thus potentially compromising state sovereignty.

Indigenous peoples demand the recognition of their collective rights, a demand shared by all indigenous peoples. The rights frame emphasises that the principle of collective rights is vital for the survival of indigenous peoples. If indigenous peoples cannot enjoy their rights collectively, their individual rights also cannot be enjoyed. In the discussions, the indigenous peoples stated that indigenous rights should not be merely an extension of minority rights. The forum was envisaged as overseeing the realisation of the rights of indigenous peoples.

Some indigenous peoples stated that they wanted the forum to bring solutions to injustices that had taken place. Here, again, the historical framework is important. The peoples considered it important to have a constructive dialogue with governments, which they viewed as being responsible for the existing situations. Thus, indigenous peoples are in a situation that they have not themselves created. Injustices have occurred and governments are responsible for them. The correction of these injustices will be possible if indigenous peoples are given the chance to influence their own destiny and participate fully. Indigenous peoples do not see this as a new right but as the restoration of an old one. The discussion of correcting injustices focussed on states' resources, territories and the important principles of equality and unity of the state. States may view such demands as threats.

States did not mention much about rights in their statements. They were aware of their existence but there were also some dissenting voices that referred pointedly to the problems of recognition and self-determination. Equal individual rights for all had been considered adequate. Along with the demand for the recognition of cultural distinctiveness has come a demand for real equality, that is, that there is a need for collective rights for certain groups and states have to take special measures to protect these groups and their rights. That means special rights for special groups, in this case indigenous peoples. States see this as destabilising their unity. They seem to be threatened by not knowing how far these rights will eventually go and if this development can be stopped once it has started.

The Permanent Forum on Indigenous Issues

After years of discussion, the Economic and Social Council approved the establishment of the Permanent

Forum on Indigenous Issues in July 2000 (García-Alix 2003: 60–61).

The PFII is a subsidiary body of ECOSOC, making it a high-level body within the UN system, on the same administrative level as the High Commission on Human Rights, although it does not have as much power. This makes the forum more visible in the system than if it were situated at a lower level (Niezen 2003: 170). ECOSOC is the appropriate place for the forum because indigenous issues for the most part fall under its broad mandate.

The mandate of the forum includes indigenous peoples' issues connected with economic and social development, culture, environment, education, health and human rights. Unlike the Working Group on Indigenous Populations, the forum does not have a mandate to develop human rights norms. The task of the forum is to prepare and disseminate information, raise awareness and develop cooperation mainly in the UN system.

The forum has 16 representatives, who act as independent experts. Governments appoint eight members, and the President of ECOSOC appoints eight members from the indigenous peoples' organisations after consultation with them. Governments would not have agreed to establish a forum with an indigenous majority. Due to opposition voiced by indigenous peoples and thus concern for the forum's legitimacy and credibility, states could also not be in the majority. Indigenous peoples' organisations, states, UN bodies, governmental and non-governmental organisations may participate in the forum as observers. Organisations of indigenous peoples may participate as observers in the meetings of the forum in accordance with the procedures that are applied in the Working Group on Indigenous Populations. The working group is open to all indigenous organisations, regardless of their consultative status with the ECOSOC. Chairman Magga said, 'We are working now to have them [indigenous groups] come not only to describe the situation but to come up with recommendations', pointing out that indigenous groups' requests would be included in the PFII's reports and they would be conveyed to the appropriate UN agencies (Nagara 2003a: 23). The forum is an opportunity for indigenous NGOs to present their recommendations for action in the areas falling within its mandate. The process that Chairman Magga described also shows that indigenous NGOs are increasingly not only participants but also purposive actors in the UN system.

Arctic indigenous peoples' organisations, especially the ICC and Sami Council, participate actively in the work of the PFII. The visibility and active participation of the Sami was enhanced by Magga's election, to be in the chair for the first three sessions of the forum. RAIPON, too, has been increasingly active and this can be expected to continue, as its first vice-president was elected to the present round of members of the forum. The president of the ICC is also a member of the forum.

The PFII has some unique features. It is a high-level body, established at the same level in the UN system as the Commission on Human Rights. This is the highest level at which a body can be established in the UN without constitutional reform (Nagara 2003a: 21). The forum is the only body within the UN system that deals solely with indigenous issues. With the establishment of the forum, indigenous peoples have become members of a UN body and can thus help set the forum's agenda and affect its outcomes. This is an unprecedented development in the work of the UN, although the PFII did not become all that indigenous NGOs were striving for.

Conclusions

The establishment process of the PFII brought out common themes of indigenous-state relations and indigenous peoples as political actors. These themes have been, and continue to be, central in indigenous-state relations, often making them problematic for both states and indigenous peoples. The themes, demands of indigenous peoples for self-determination, collective rights, recognition and self-definition, often cause concern among governments about the territorial and political unity of the state. These themes are also frameworks through which indigenous actors represent their views and demands in order to persuade states and other actors.

The contradiction between state sovereignty and indigenous self-determination was evident in the establishment process. Indigenous representatives framed problems such that the existing situation would seem illegitimate. They questioned the institution of state sovereignty and its legitimacy and, as norm entrepreneurs, sought to promote the norm of indigenous self-determination.

Indigenous peoples emphasised their demands for a forum that would have decision-making power. Indigenous peoples demanded equal participation and the ability to decide their own affairs. The self-determination and recognition frameworks were used to persuade other actors that, without equal participation by indigenous peoples' representatives in the forum alongside states, the forum would be illegitimate.

The weak power of the PFII was a disappointment for indigenous peoples as they were seeking a forum with decision-making power and with power to solve conflicts. Nevertheless, indigenous NGOs have access to the UN and a chance to influence states and UN bodies. Indigenous NGOs have been active as political actors in the process and many of them are very professional and experienced in the UN system. During the process of establishing the forum, indigenous peoples had their voices heard and were active in organising their own meetings and participating in the UN working groups. This reflects the demand that indigenous peoples want to be and are able to be purposive actors. The institution of state sovereignty has changed such that other actors, for example, indigenous NGOs, may be accepted into international politics, at least to some extent. States and organisations formed by states cannot remain completely uninfluenced by these NGOs, which act as norm entrepreneurs. With the establishment of the forum,

the UN has become more open as an organisation to the participation of indigenous peoples.

The members of the forum participate as independent experts, a lesser role than that sought by the indigenous NGOs. They had to give up some of the forum's influence in order to achieve an equal position with the representatives of states. The most difficult points for states were the recognition of collective rights and self-determination, which indigenous actors emphasised during the establishment process. These demands often made state representatives uneasy about their possible consequences for the political and territorial unity of sovereign states. Issues of recognition and self-determination underlay the discussion of the forum's composition and the place of the indigenous peoples in the forum.

Analysis of the establishment negotiations showed that the states were generally content with the forum. During the negotiations, there were signs that the more powerful the forum would be, the less willing states would be to share their power in it. States are the members and final decision-makers in the UN and they did not want to compromise their power by giving the forum powers to make decisions or to resolve conflicts. Although the forum's mandate is quite broad and deals with important issues, the issues are acceptable to states: they are not very delicate or 'high-level' issues. In many instances, the institution of state sovereignty was still stronger than the emerging norm of indigenous self-determination. However, without indigenous actors in the negotiation process, the forum would probably be very different from what it is now, reflecting the sovereignty of the UN member states in a stronger way.

The structure of the UN played a part in the establishment process, setting limits as well as creating possibilities. Indigenous peoples demanded a position in the forum equal to that of the states. Because only members of the UN, that is, states, can form a governmental body, the forum became an expert body. One of the ways in which the UN system proved flexible was that the open model of participation for indigenous peoples was used in the establishment discussions. It was adopted as the model of participation for the forum as well. Normally, only NGOs with consultative status can participate in the work of the UN. Since no binding criteria for the definition of indigenous peoples exist and there are only a limited number of indigenous NGOs with consultative status, it was decided that every interested indigenous NGO would be allowed to participate. The large number of indigenous NGOs participating in the sessions of the PFII in the years following its establishment has shown that there is a great interest in the forum.

The UN is an organisation formed by states and this affects the ways in which it works. Accordingly, if indigenous peoples want to have influence in the UN, they will have, somehow, to adopt its procedures. Many indigenous NGOs have become very skilful in the working methods at the UN. However, there has been criticism because a state-centric forum like the UN cannot promote indigenous interests. Indigenous representatives can also be seen as becoming estranged from their own communities and thus not being competent to represent their peoples.

The UN is a system formed by states, and criticism by indigenous peoples in this matter is reasonable. In the negotiations for the establishment of the PFII, many indigenous peoples' representatives seemed worried about having to conform to foreign values and principles. On the other hand, the participation of indigenous peoples has already produced some positive results that would not have occurred without their involvement. While it is likely that indigenous peoples will have to make compromises when acting in a system formed by states, the forum nevertheless represents an example of organisational change in what has been a state-centric organisation. The establishment of the forum at a high level and providing for the participation of indigenous representatives on an equal footing with states' representatives shows that the rules of cooperation in the UN are changing, however slow this change might be.

The conflict between state sovereignty and indigenous self-determination was evident at many points in the establishment negotiations. It was clear that states were not ready to establish a forum with decision-making powers and at the same time welcome indigenous representatives as equal actors in that forum. Nevertheless, the PFII, as established, is a high-level body in which the state and indigenous representatives participate as equals. The conflict between state sovereignty and indigenous self-determination led to an outcome that must be considered a compromise. The states were not able totally to dominate the establishment process. The influence of indigenous actors as norm entrepreneurs in the process and the increasing international recognition of the situation of indigenous peoples and their rights had an impact on the result.

The PFII as established was surely a disappointment to indigenous peoples with respect to many issues. It does not have decision-making power or power to solve conflicts and its name does not include the words 'indigenous peoples.' However, the high level of the forum in the UN system, the equal status of indigenous and state representatives in it and its openness to indigenous NGOs are unprecedented achievements in a global state-controlled organisation. Internationally, the significance of the PFII is that indigenous peoples have been officially 'let in' to use their voices in this international organisation. This illustrates changes in the old rules of international politics and in the determination of which are the legitimate political actors.

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Paradoxes of power: Indigenous peoples in the Permanent Forum

Marjo Lindroth

Abstract

In the United Nations (UN) Permanent Forum on Indigenous Issues (PF), indigenous political subjectivities take shape in the power relations that not only make indigenous peoples subjects but also subjugate them. This article discusses the process and the possibilities of resistance that open up for indigenous peoples within it. The approach taken acknowledges the limiting political environment of the UN for indigenous peoples, because it is a non-indigenous political system based on state sovereignty. Yet, it does not view the situation of those peoples in the PF as totally determined by the states and their dominant discourse. The theoretical framework of the article draws on the work of Michel Foucault and his conceptions on power, resistance, subjectification, technologies of domination and of the self. The power struggles in the PF, described through the complex of sovereignty, discipline and government, and the resistances within them engender paradoxical indigenous subjectivities: colonized/decolonized, victim/actor, traditional/modern, global/local. Indigenous peoples are able to engage both in resistance that is a reaction to states' exercise of power or the creative use of its tools and in indirect resistance that 'stretches' the UN system and constitutes action on its own terms.

Introduction

The United Nations (UN) often rejects the claims of indigenous peoples who seek self-determination, because it is an arena consisting of the very states that colonize(d) those peoples. Despite this, the UN Permanent Forum on Indigenous Issues (PF) attracts wide participation by the world's indigenous peoples.

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Indigenous political subjectivities take shape in the power relations of the PF that not only make indigenous peoples subjects but also subjugate them. This article analyses how the subjectivity of indigenous peoples is constructed within the power struggles of the PF and what possibilities of resistance open up for those peoples in this process. To capture the multiplicity and paradoxical nature of these subjectivities and the many power struggles and resistances in the PF, this article uses Michel Foucault's conceptions on power, resistance and the construction of subjectivity.

The term 'indigenous peoples' is used to refer to the NGOs or the caucuses which represent indigenous peoples in the PF. The analysis here focuses on how the subjectivity of collective actors, specifically, indigenous peoples and their organizations is formed. Foucault's work is useful in this connection because indigenous peoples are distinct groups struggling for political space with states within the power relations of the PF. This struggle has prompted the peoples to cooperate and formulate strategies of their own.

While non-state actors have figured prominently in International Relations research (e.g. Arts, 2000; Keck and Sikkink, 1998; Willets, 2000), there is an increasing amount of research focusing specifically on indigenous peoples. Regional and international indigenous movements and claims for self-determination have drawn the attention of scholars of social and political sciences (e.g. Alfred and Corntassel, 2005; Brysk, 2000; Corntassel, 2008) and international law (e.g. Anaya, 2004; Loukacheva, 2009). This article discusses the involvement of indigenous peoples in the UN PF, a non-indigenous system of political organization, and illustrates the kind of indigenous political subjectivities and possibilities for resistance that are produced within the PF's dominant discourse and the practices of state sovereignty. Indigenous peoples and their possibilities for political action in the state-centric arena of the UN have been previously analysed from various perspectives by, for example, Muechlebach (2001), Lawlor (2003), Morgan (2004), Lindroth (2006), Corntassel (2007) and Soguk (2007). The approach taken in this article acknowledges the challenging and limiting political environment of the UN for indigenous peoples. At the same time, it does not view the situation of indigenous peoples in the PF as totally determined by the states and their dominant discourse. The processes of subjectivity construction in the power struggles of the PF have cracks and contradictions which provide possibilities of resistance, often small in scale, for indigenous peoples. Foucauldian analysis as applied here is capable of capturing the multiplicity and paradoxical nature of indigenous subjectivities in the PF, which the analysis shows to be both a colonial/constraining and an enabling arena.[1] This article builds on previous studies by Niezen (2003), Keal (2003), Eudaily (2004) and Shaw (2008) and contributions to a volume edited by Ivison et al. (2000). These studies constitute a line of research that analyses the possibilities and constraints for indigenous peoples in non-indigenous political and legal systems based on state sovereignty, and examines the role of political theory and practice in subjugating indigenous peoples.

Niezen (2003) provides a starting point in his analysis of the international indigenous movement and indigenous meetings in the UN prior to the establishment of the PF. This article goes into further detailed analysis and examination of the various ways in which indigenous peoples can engage in resistance in the UN, and specifically in the PF. It adds to the knowledge of indigenous politics and indigenous resistance within structures of international political organization based on state sovereignty and Western political

thought and language. This is done by analysing empirical material of indigenous political practice in an international political arena. In this way, it complements the studies of Shaw (2008), Keal (2003), Eudaily (2004) and Ivison et al. (2000) by taking the analysis to where international indigenous politics takes place and by examining the day-to-day and small-scale political relations between indigenous peoples and states.

This article discusses the construction of indigenous subjectivities in an international political arena and the consequences that this process has for indigenous politics. Batty (2005), also using Foucault's work, has studied how governmental power relations in Australia produce an Aboriginal 'self-sufficient' subjectivity capable of fulfilling government policy requirements. However, an Aboriginal person may choose not to occupy this position. Smith (2008), also studying the Australian context, has analysed the ways in which the state has influenced—but not totally determined—Aboriginal subjectivities, resulting in multivalent experiences of subjectivity. A number of other studies on or related to indigenous peoples can be cited that use Foucault's ideas or are partly influenced by them. The research spans the fields of history, geography and colonialism (Christophers, 1998; Clayton, 2000; Kulchyski and Tester, 2007; Watts, 2003), philosophy of science (Swazo, 2005), anthropology (Kurkiala, 2002; Nadasdy, 2003), sociology (Howard-Wagner, 2010; Moreton-Robinson, 2006) and politics (Brigg, 2007; Bryant, 2002; Eudaily, 2004; Silva, 2004; Soguk, 2007).[2]

The article begins by presenting the theoretical framework of the research. It first introduces the PF as a space of political contests and then details the framework for studying the construction of indigenous political subjectivity. The analysis draws on Foucault's conceptions of subjectivity and links between power, resistance, technologies of domination and technologies of the self. Lastly, indigenous political subjectivities are analysed through four paradoxes: colonized/de-colonized, victim/actor, global/local and traditional/modern.

The empirical material for this article consists of the author's observations in the annual sessions of the PF between 2004 and 2007 at UN headquarters in New York and in the pre-meeting of the global indigenous caucus in 2007, as well as statements delivered by indigenous, state and UN agency representatives in the 2002–2009 sessions.

The PF as a site of political contests

The PF is an advisory body to the Economic and Social Council. The panel of the PF has eight government-nominated experts and eight indigenous-nominated experts who all work on an equal footing. The two-week annual sessions are open to all who consider themselves indigenous; they may participate as observers and give statements. The PF is mandated to be an information-gathering and advisory body and hence cannot decide on specific human rights violations. One important function of the PF for indigenous peoples, in addition to offering them a site for lobbying and advocacy work, is to provide them with the opportunity to meet, strategize and develop mutual cooperation.

Engaging in a political arena that is based on state sovereignty is problematic for indigenous peoples in many ways (cf. Keal, 2003; Niezen, 2003; Shaw, 2008). However, it is impossible for those peoples to defend their rights and further their claims without having to negotiate with states (Niezen, 2003: 158). This article analyses instances where

indigenous peoples, while embedded in an environment that is many times hostile to their demands, are able to produce counter-subjectivities and engage in resistance.

The political space in the PF is always contested and is a site of multiple struggles and resistances. Here, space refers to a shared political, physical and discursive space that helps foster indigenous unity and identity, enables and constrains indigenous peoples and reproduces existing power relations.[3] The practice of international relations within the PF and the sovereignty discourse of states create a space which both limits and enables indigenous peoples through a 'framing of options' (Shaw, 2008: 8, 71). Space is also used by the states as a technology of domination in the PF, as is discussed in more detail below.

To capture the multiplicity and complexity of the power contests and resistances taking place in the political space of the PF, power relations are described in terms of the complex of sovereignty, discipline and government (Foucault, 1991: 102). The sovereignty struggles are waged between legal subjects, with states safeguarding the sole right to be sovereign and indigenous peoples protecting their right of self-determination (Foucault, 2007: 21). Here, disciplinary contests refer to who can formulate the definitions and principles of indigenousness. The struggles involve bodies and (required) performances (Foucault, 2007: 21). These two struggles take the form of observable structures and categories, such as the UN, its member states, the indigenous NGOs and various definitions of indigenousness. This is related to what Thompson calls 'a strategic conception' of power, where conflict is inherent in power relations and resistance as 'tactical reversal' entails the possibility of a reversal of specific power relations; specifically, resistance takes place as a reaction to a dominant force or uses its tools (Thompson, 2003: 116–20). For the purposes of this article, governmental power contests centre on the ways in which indigenous peoples are to be governed by others and by themselves, and what indigenousness means in this governance. Here, having autonomy, which in the strategic view cannot be conceptualized as resistance because it is not a 'face-to-face confrontation', is counted as important not only for the mechanisms of power but also for resisting it (Thompson, 2003: 120). Resistance is more invisible here than in the sovereignty and disciplinary struggles: it is not a direct reaction to states' exercise of power but action on its own terms. By identifying the resistances that take place as a reaction to the dominant force or that use its tools as well as the more subtle acts of indigenous resistance, the research illustrates the variety of ways in which indigenous peoples can engage in resistance within the non-indigenous political system of the PF. Paradoxical indigenous political subjectivities follow from these power contests and the resistances they engender; one example being when the heterogeneity of indigenous peoples is forced into a more homogeneous form due to a strategic need to present collectivity in a certain way.

Freedom is essential in thinking about the power struggles of the PF in the Foucauldian sense: power is exercised over free subjects who are capable of action and have many possibilities to react (Foucault, 1982: 220–1; Patton, 1998: 66). Indigenous people are capable of acting in the PF, yet at the same time they are acted upon by the states. Taking into account the three types of power contests in the PF captures the range, from the visible to the more invisible, of ways that indigenous peoples are able to resist in what is often a confining environment. The resources of indigenous peoples are different from those of the states, but the peoples still exercise a distinct political agency of their own.

Historical developments have to be mentioned when the political subjectivity of indigenous peoples is analysed. The colonial experience continues to affect indigenous–state relations. Certain subject positions are produced when entities such as states and indigenous peoples are created, each with its own perceptions and experiences of the world. This affects the conditions of possibility for indigenous politics and the ways in which indigenous peoples struggle for political space today (cf. Keal, 2003; Shaw, 2008), also within the PF. The disciplinary struggles that (re)produce the category of indigenous peoples in the PF give them a position from which to act, while, simultaneously, encasing them in this position or in the indigenous 'slot'. Indigenous peoples are striving to emancipate themselves from their colonized position by participating in the UN, but the UN and its frames for indigenous participation are formed by the very powers that colonized indigenous peoples to begin with. Indigenous peoples cannot escape this when they enter the UN system, but there are still many ways in which they can engage in resistance. The acknowledgement of these conditions enables an approach that recognizes the paradoxes of the indigenous political subjectivities that form through the power struggles and resistances in the PF.

The power struggles in the PF are an example of micro-level and peripheral power. This is a consequence of their scale—they are played out between indigenous and state representatives in the annual session—of the largely unspectacular ways that indigenous resistance manifests itself, and of the relative remoteness of the PF from the 'high politics' of the UN. In addition, the possibilities for indigenous resistance change according to the situation and debate at hand. The Foucauldian approach is particularly useful here, because it sees the exercise of power as not limited to a sovereign, i.e. the state: instead power should be analysed in its more peripheral forms, as deployed by particular people in specific situations. Power is productive and thus more than a restrictive force where the powerful impose their will on the powerless (Allen, 2002: 132–3; Foucault, 1980a: 96, 1980b: 119).

Indigenous subjectivities: Technologies of the self and resistance

Subjectivity refers to certain perceptions, experiences and interpretations of the world. It is composed of situational and lived subject positions (Ronkainen, 1999: 73, 76). Indigenous subjectivities entail the common experience of colonialism and the subject positions engendered by the peoples' contacts with settlers and nation-states. Subjectivity is the foundation and basis: as Allen (2002: 135) says '… it seems clear to me that subjectivity is the precondition of agency: after all, one cannot have the capacity to act without having the ability or capacity to deliberate, that is, without being a thinking subjectivity'. For Foucault, subjectivity is a dualistic concept including not only subjectification in the sense of identity construction, that is, becoming a subject, but also being subject to power relations. Thus, power is a condition for the possibility of individual subjectivity (Allen, 2002: 135; Foucault, 1982: 212). The political subjectivities of indigenous peoples are engendered in and through the subject-forming and subjugating power relations in the PF.

In Foucault's conception of governmentality, the subjectification of individuals contains an interaction between technologies of domination and technologies of the self (Foucault, 1988: 19, 1993: 203–4). Technologies of the self:

> … permit individuals to effect by their own means or with the help of others a certain number of operations on their bodies and souls, thoughts, conduct, and ways of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality. (Foucault, 1988: 18)

Indigenous peoples are 'subjects to government by others and to self-government' (Merlingen, 2003: 367) that interact and produce paradoxical indigenous subjectivities in the PF.

Foucault stated: 'where there is power, there is resistance' (1998: 95). Resistance comes with the process of subjectification: the techniques of self-construction as works on and of the self-forming subjectivity are important not only for the workings of power but also for resisting that power (Butin, 2001: 169; Dermier et al., 1994: 8; Simons, 1995: 4; Thompson, 2003: 120). Indigenous resistances in the struggles relating to sovereignty and discipline that take place in the PF entail the possibility of a reversal of local power relations as a reaction to the exercise of power by the states (cf. Thompson, 2003: 115–20) and the possibility of appropriating these states' own symbols and tools by indigenous peoples in their resistance. The significance of 'resistance as autonomy or self-formation' (Thompson, 2003: 120) is important if indigenous self-technologies are perceived as more than mere tools securing the goals of the technologies of domination (cf. Burchell, 1996: 21). This form of resistance is especially important in the governmental power struggles of the PF, where the resistance of indigenous peoples is not fixed as a reaction to the states' exercise of power but is action on its own terms. The basis for an individual's capacity for autonomy lies in the ability to practice technologies of the self and to conduct him or herself. This possibility of autonomy is constantly enmeshed with power and entails the ability to criticize and modify technologies of domination and of the self (Allen, 2008: 46, 173). According to Patton (1998: 65, 72), the Foucauldian approach to power and the human subject always views power as realized through the capacities of the active subject and its forms of subjectivity. If individuals and groups have the ability to exercise their own capacities autonomously, they will oppose limits that prevent them from doing so. Indigenous peoples are capable of this kind of autonomy within the power struggles of the PF, where they are not only subjected to the mechanisms of power but become subjects capable of resistant acts.

The friction between the 'positioning' and the 'fluidity' of subjectivity (Phillips, 2006: 310) means that indigenous subjectivities are never totally determined or ready. To capture the 'resources for resistance provided by the multiplicity of subjectivity', Phillips uses the concept of 'rhetorical maneuver' in which the subject is positioned in and by power relations but takes a risk and performs an alternative form of subjectivity: 'By choosing to speak differently than the form prescribed by a subject position, the subject invokes the agency provided by a position but invokes it as a reaction against the contours of that position' (Phillips, 2006: 325). By joining the PF and attending its sessions, indigenous peoples accommodate the PF procedures that derive from the states'

sovereignty practices and discourse. They can be seen as situating themselves in a docile way under the PF disciplinary structures and reproducing the qualities attached to indigenousness within the UN. However, this interpretation is too simplistic. Indigenous peoples have opportunities for invoking the agency provided by their subject position and possibilities for alternative subjectivities; they are not rendered passive. Their self-technologies are not wholly determined by technologies of domination, although it may be that technologies of domination are a condition for the existence of certain self-technologies (Burchell, 1996: 21) and sources of counter-subjectivities. Technologies of domination can produce new capacities that can in turn be used to resist that very domination (Patton, 1998: 71). For example, the resistance of indigenous peoples often uses identities and tools produced or imposed on them by the dominant power (Eudaily, 2004: 60; Niezen, 2003: 217). Specifically, in the PF they may appropriate the colonizing states' own symbols in their resistance.

Indigenous peoples practise self-governance in the PF in the sense that it becomes not only the mechanism of dominant power but also the condition of possibility for resistance. This juxtaposition is presented in the following sections through four paradoxes.

Paradox: Colonized/decolonized

The sovereignty struggles between states upholding their exclusive right to be sovereign entities and indigenous peoples seeking self-determination produce a paradoxical colonized/de-colonized indigenous subjectivity. Indigenous peoples are defined as colonized peoples, a term that itself is a product of colonial developments. Where most of the world has gone through a decolonizing process, indigenous peoples are still living in colonial situations. While they seek self-determination in the PF, they are at the same time enmeshed in an environment formed by the very sovereign states that colonize them.

An experienced indigenous activist made the following observation about his disillusionment with the UN during the sixth PF session: 'We're conforming to the UN but the UN is not conforming to us' (15 May 2007, pers. comm.). At a side event during the same session, another indigenous representative expressed her frustration at the strict time limits for indigenous statements in the plenary sessions: 'We weigh very carefully every word so that everything we want to say can be said in three minutes' (17May 2007, Panel Discussion). These comments express indigenous representatives' awareness of the challenges of the UN as a political arena.

The UN and the rhetoric of its member states may initially seem to be geared to promoting the rights of indigenous peoples. However, a closer look reveals that many practices of the member states of the UN actually function as technologies of domination that impede the efforts of indigenous peoples to be full and equal actors. Through institutions like the UN: '… states still work to capture indigenous lives while appearing to recognize their political and civilizational qualifications' (Soguk, 2007: 16).

The technologies of domination and colonization have spatial and temporal dimensions in the PF. The exercise of temporal technologies of domination mainly takes the form of imposing limits on speaking time in the plenary session. Collective statements by many indigenous organizations or the caucuses are preferred. In the 2007 session, during a discussion on the Millennium Development Goals, the Chair gave five minutes

for collective statements and three minutes for individual ones; sometimes even collective statements have been limited to three minutes. In contrast, states enjoy ample speaking time and the chair will not usually interrupt their statements as he or she does those of indigenous peoples if they exceed the allowed time. The number of indigenous organizations wanting to speak is high. For example, during the discussion on eradicating poverty, 70 organizations requested an opportunity in two hours—figures showing that a lack of time was a real issue but also revealing which actors have priority in the UN. However, by favouring collective statements, the temporal technologies of domination also facilitate the formation of a global indigenous subjectivity that fosters collective resistance in the PF.

The seating arrangements in the PF annual sessions illustrate the spatial technologies of domination. One of the most significant ways that a body experiences power relations is through space; in the case of the PF the arrangement of seats functions to exclude (Kohn, 2003: 4–5). It is clearly visible how the UN is an organization of states and how indigenous peoples have to find their own space, both figuratively and concretely, somewhere among the states and the UN agencies. In Conference Room 2, the states have their designated seats, which take up all of the left-hand side of the room: the seating arrangement is alphabetical in the familiar UN style, with each state having its own sign. A large proportion of the states' seats are unoccupied most of the time. The UN agencies have their seats on the right-hand side of the room. The panel of the PFII—the sixteen indigenous and state-nominated experts—sit in a circle in front of the podium. Indigenous representatives take their seats wherever there is room, usually meaning behind the seats of the agencies, close to the back exit. There is also an upper tier, where indigenous representatives have to find seats if all other areas are occupied. Indigenous peoples' organizations often have their own hand-written signs in front of them. Indigenous peoples have expressed their disappointment at having to register as NGOs, since they should be considered sovereign nations. In this vein, indigenous parliamentarians criticized the practice whereby they were included only in the national delegations and since 2007 they have been recognized and invited separately to participate in the PF sessions 'in their own capacity, with designated seating arrangements' (Permanent Forum on Indigenous Issues, 2007: 24). Indigenous organizations still remain in the NGO category and the states and UN agencies still occupy the majority of the official space, but this development illustrates how indigenous peoples have been able to change the PF political space. Many indigenous representatives prefer to have the same seats throughout the session and even return to those seats the following year; they have carved out a physical, albeit unofficial, space for themselves within the PF. Because of the high number of participants and lack of seats, indigenous delegates will sometimes sit at a seat reserved for a UN agency if it happens to be free. This rarely happens when states' seats become available, however, because it seems as if it is not particularly desirable to be mistaken for a state representative. This preference becomes especially clear when the states' seats remain empty even though all seats on the other side of the room are occupied. These choices are one way for indigenous delegates to show their separateness from states, along the lines of what Niezen (2003: 159) calls an indirect way of showing sovereignty by declaring difference.

The tools of law and language that indigenous delegates use in furthering their demands for self-determination often contribute to their oppression when used by states

(Niezen, 2003: 23). Yet, indigenous peoples may engage in resistance by appropriating states' symbols and tools for the peoples' own causes. An instance of this occurred during the 2007 session, when the hot topic was the possible adoption of the Draft Declaration on the Rights of Indigenous Peoples by the UN General Assembly. The PF rules did not allow discussion on the Declaration. However, in the global indigenous caucus pre-meeting, T-shirts declaring support for the Declaration were given to indigenous delegates to be worn in the coming session. The T-shirt was in the familiar UN blue and recast the centre of the organization's official logo to feature a side portrait of a man wearing a feather in his hair instead of the map of the world's continents. In a word, indigenous delegates creatively sidestepped the official rules of the PF to advance their own cause by using and modifying the colonizing states' own symbols in a political arena established by those very states. Here, the technologies of domination served to facilitate the application of certain self-technologies (Burchell, 1996: 21) that enabled indigenous resistance.

By attending the PF sessions, indigenous peoples accommodate the practices created by the colonizing sovereign states whose technologies of domination constrain them. A colonial indigenous subjectivity is produced. Within sovereignty struggles, indigenous resistance is restricted to being a reaction to the states' exercise of power. However, the technologies of domination do not exhaustively define the self-technologies of indigenous peoples; resistance can appropriate the tools of the dominant powers for its own ends.

Paradox: Victim/actor

Within the disciplinary power contests in the PF, indigenous peoples are commonly defined as the poorest of the poor or the most marginalized sectors of society, that is, as victims. The subject position of victim has given indigenous peoples moral and juridical leverage in seeking redress for wrongs committed against them. Thus, a paradoxical indigenous subjectivity of victim/actor is produced in which the victim acquires the tools to put pressure on states due to the increased recognition of indigenous peoples' rights. The subject position of victim has made indigenous peoples into active subjects.

When a young woman cried out 'Please, help us!' in front of the audience at the 4th PF session in the UN conference room, she clearly conveyed that those present included victims of human rights violations by states (18 May 2005, Panel Discussion). Ole-Henrik Magga, the first chairperson of the PF, made the following comment about the marginalization of indigenous peoples in his opening speech at the first PF session: 'Even though the international community has paid more attention to indigenous peoples during the last couple of years, many indigenous peoples remain among the poorest and most marginalized groups in the world' (2002). In a joint statement by the global indigenous caucus at the same session, the common UN language portraying indigenous peoples as being the poorest and most vulnerable segments of the world's population was confirmed, even though the peoples have chances for more prosperity:

It is always said that indigenous peoples are among the poorest of the poor and that they belong to the most vulnerable sectors of society. And yet it is also known that the indigenous peoples live in territories that are very rich with natural resources. (Indigenous caucus, 2002)

The indigenous caucus continued: 'This ironical situation explains the fact that indigenous peoples territories are mainly regarded as resource bases which can be plundered in the name of national development.' Other statements presented in the session continued in the same vein: 'The Indigenous Peoples have been blamed for shunning away development. This is blaming the victim' (Mary Simat, 2002); 'We ourselves the Alif Uru people in Maluku are victims of gross human rights violations, warcrimes and crimes against humanity' (Pelpina Sahureka, 2002). These statements illustrate how the technology of victimization is used to gain moral and political leverage. Being indigenous carries with it certain rights and places a moral obligation on states to correct injustices. In addition, state or UN representatives acknowledge suffering and injustice as common features of indigenousness (Niezen, 2003). As Louise Frechette has observed: 'One thing indigenous peoples do share is a terrible history of injustice' (2002).

The self-technology of victimization could be seen as a clever plan on the part of states to reach the aims of the technologies of domination through the performance and reproduction of indigenousness as victimization. This performance is aligned with the UN disciplinary categorizations of indigenous peoples as marginalized sectors of society. However, it is precisely this self-technology of victimization that indigenous peoples have used to gain moral leverage. Indigenous peoples use the subject position of victim because it has been more readily achievable within the UN disciplinary contests on indigenousness than, for example, the status of autonomous nation. The technologies of domination that originate from states have been a condition for the existence of the self-technology of victimization in the PF.

The technology of victimization has a basis in the living conditions of indigenous peoples. This technology has become a part of the way in which indigenous peoples and indigenousness are commonly perceived. Niezen (2003) has emphasized victimization as one of the common unifying experiences of indigenous peoples all over the world. However, emphasizing the role of a victim can prevent one seeing indigenous peoples as political agents acting on their own behalf rather than as reacting to injustices. Alfred and Corntassel (2005: 606) have criticized Niezen's view for putting too much emphasis on victimization as the basis of indigenous identity, which they see as a colonial narrative. The technology of victimization contrasts with the demand of indigenous peoples for self-determination and recognition as equals with the states. Indigenous peoples have used the self-technology of victimization because it resonates with the PF and its discourse on indigenous peoples and their rights; if they were to act otherwise, they would risk not 'qualifying' for these rights and their possible benefits. However, as noted, victimhood as a political tool has received negative connotations.[4] Looking for redress from states and using victimization as a political tool is a problematic political strategy, especially for indigenous peoples whose current situations are caused by the very states they seek redress from (Alfred and Corntassel, 2005; McCready, 2009; Niezen, 2003; Wilke, 2007). Claims for justice by states function to promote and legitimate state sovereignty, as the claims are forwarded on the states' terms (Markell, 2003: 30) and within the states' systems, as is the case in the UN.

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Although the technology of victimization still persists in the PF, recent years have seen an increasing number of statements portraying indigenous peoples as contributors and actors instead of merely victims. This has been the case particularly in the area of environment and climate change, where indigenous peoples are victims of environmental degradation but are also seen as possessing valuable knowledge about the environment:

> Climate change … is a major concern for us, indigenous peoples all over the world, not only because we are impacted by both the problem and the solutions, but more importantly because of the contributions that we can make.… As stewards of the world's biodiversity and cultural diversity and with our traditional livelihoods and ecological knowledge, we can significantly contribute to designing and implementing more appropriate and sustainable mitigation and adaptation measures. (Victoria Tauli-Corpus, 2008)

> However, we should not cast indigenous peoples as victims. They are a dynamic collection of communities… Their knowledge, culture and environmentalism offer lessons that all of us can learn from. (Sheikha Haya Rashed Al Khalifa, 2007)

Climate change debates use the technology of environmental victimization and produce a moral obligation for states to improve the conditions of indigenous peoples, but at the same time indigenous peoples are produced as subjects who make a contribution in combating climate change. A close relationship to nature is one of the more readily available subject positions for indigenous peoples in disciplinary contests on indigenousness within the PF. Indigenous peoples have been using this special relationship as a self-technology to produce a certain kind of subjectivity with political leverage.

Paradox: Global/local

A scene from the plenary session of the PF includes, among other participants, representatives of the Saami from the Nordic countries, Aboriginal people of Australia and Maasai from Kenya; most are wearing their traditional clothing. The heterogeneity among indigenous peoples is tangible; indeed, although members of a global movement, each people and its demands are local to a particular territory. The sovereignty struggles in the PF between states and indigenous peoples have produced a paradoxical global/local indigenous subjectivity. Connecting local struggles to the global level gives indigenous peoples more leverage in dealing with their respective states than they would have if acting alone.

Although indigenous peoples are a very heterogeneous group, they share similar experiences of colonialism and the common aim of seeking justice. These similarities stem from their relationships with states. For Niezen (2003: 23, 87), these commonalities between indigenous peoples have been more significant than their often strikingly different environments and social structures. The statements of indigenous peoples contribute to producing this global indigenous subjectivity within the political space of the PF. Indigenous peoples from the Pacific can find a great deal in common with the Arctic indigenous peoples, as illustrated in the following observation by Les Malezer from the Pacific indigenous caucus:

> We believe our futures are interconnected as peoples and regions of the world. While the tropical, small island coral atolls of the Pacific might seem quite different from the vast ice land mass of the Arctic, climate change will impact our traditional livelihood and cultural survival. (Les Malezer, 2009)

Statements of indigenous peoples emphasize their universally shared objectives and claims: 'all of our struggles are in common' (Global indigenous caucus pre-meeting, 12 May 2007). This contributes to the globality of indigenousness (Niezen, 2003: 93):

> Mr. Chairperson, dear brothers and sisters of the Indigenous communities of the world, let me begin by saying that we have more similarities than there are differences. Our problems are the same, our fundamental goals and objectives are the same. We are birds of the same feather who must fly together. (Mary Simat, 2002)

> We support our brothers and sisters gathered here at this Second Annual Permanent Forum on Indigenous issues, and we recognize that your struggle is ours. We do share the same history. Unity is the key to our cause, as we all move forward, walking in the footsteps of our ancestors. (Koani Foundation, 2003)

Using another rhetorical tool to build indigenous global subjectivity, indigenous representatives commonly refer to each other as a family, and as brothers and sisters: 'The family comes together' (Global indigenous caucus pre-meeting, 12 May 2007). References to the qualities held to be universal to all indigenous peoples continue this building: 'As we all know, Indigenous peoples across the globe are the carers of Mother Earth.…' (Frank E. Guivarra, 2002). The large number of indigenous representatives in their colourful traditional dresses conveys the image of indigenous peoples' having 'taken over' the UN headquarters. Indigenous delegates attract a great deal of attention in the corridors, and the PF sessions have been described as the most colourful meetings in the UN. However, despite the initial display of colour, these presentations of community and identity are a somewhat expected sight. According to Dean and Levi, while indigenous peoples have had to form a common identity, they have used cultural symbols that are also common in Western depictions of indigenous peoples: 'Putatively indigenous and traditional regalia are commonly used as a means of legitimizing a group's right to speak and to control a territory' (2003: 16). This presentation of indigenous collectivity can be seen as a limiting factor when indigenous peoples are forced to reproduce qualities attached to indigenousness in order to fit the UN 'indigenous slot' (Toivanen, 2001). However, for Niezen (2003: 159), a global 'we–they' dichotomy is evident in the many statements that build global indigenousness on certain common qualities and demands, asserted while wearing traditional clothing and speaking indigenous languages. They are an indirect way of showing sovereignty by declaring difference and maintaining that the cultures of indigenous peoples survive in spite of the often violent political practices of states (Niezen, 2003: 159). Indigenous peoples use the language and tools of the states in their resistance, but simultaneously make a strong statement to differentiate themselves from those states. They do so through their appearance and emphasis on tradition, the use of their own languages and sometimes by appearing to offer alternative

and better solutions to problems because of their indigenousness, especially in environmental debates. These are ways in which the global indigenous subjectivity can forge collective resistance within the PF sovereignty struggles.

Indigenous identity can be used strategically to resist development projects, for example, and to link local communities to the international political arena and the global indigenous movement. Indigenousness enables the crossing of political and cultural boundaries. Indigenous peoples' struggle and local demands for self-determination become legitimized and receive support on the international level, which challenges states (Aikau and Spencer, 2007: 2; de Costa, 2006: 669; Niezen, 2003: 198). The implementation of international political and legal instruments concerning indigenous peoples, for example the UN Declaration on the Rights of Indigenous Peoples, gives indigenous peoples increasingly better chances to collectively resist state encroachments and to connect local struggles to the global level. The PF has promoted the production of global indigenous subjectivity by providing an arena in which indigenous peoples may meet. The PF can also facilitate this interaction through the temporal technology of domination, which limits the speaking time of indigenous organizations and favours joint statements: this prompts indigenous peoples to produce themselves as global, thus enabling global indigenous subjectivity. This subjectivity has facilitated the resistance of indigenous peoples to marginalization and subjugation by giving them opportunities to strategize and act collectively at the international level.

Paradox: Tradition/modernity

Tradition is a feature closely associated with indigenous peoples. During the annual sessions, opening and closing ceremonies have a traditional thanksgiving speech or a prayer and an indigenous cultural presentation. The 2007 session opened with the sound of the traditional *bocina* horn of the Andean indigenous peoples. After this, a chief from the Onondaga nation said a traditional prayer of thanksgiving in his own language, dressed in his traditional clothes with a feather headdress. The statements of indigenous representatives often start with expressions of thanks to the indigenous peoples of the territory where the UN headquarters are situated: 'Let me first pay my respects to the Onondaga Nation and Peoples who are the original inhabitants of this land and to thank them for having us here again' (Victoria Tauli-Corpus, 2009). It is also common that indigenous representatives start and end their statements with expressions in their own language, thanking the chair or the participants or extending a traditional greeting, for example, 'Mitakuye Oyas'in, We Are All Related' (Rosalie Little Thunder, 2004). Spiritual and religious acts have not normally been allowed in UN meetings. However, indigenous peoples managed to make them a part of the procedures since the early 1980s in the Working Group on Indigenous Populations where these acts at first met with disapproval by the non-indigenous chairperson (Muehlebach, 2001: 426–7). Today, spiritual acts, for example traditional prayers of thanksgiving, are an integral part of the PF proceedings. Here, in the power struggles over how indigenous peoples should be governed or how they should govern themselves and what indigenousness means in that process, a paradoxical indigenous subjectivity is produced, one with both traditional and modern elements. The political statements and acts of indigenous representatives are a mix of the

bureaucratic UN language and indigenous ways of speaking and acting. These traditional and spiritual acts are examples of indirect indigenous resistance through autonomy or self-formation; resistance can take place without it being a direct reaction to the exercise of power (Thompson, 2003: 120). Indigenous peoples are capable of 'stretching' the system of the PF and its practices; when they do so, they escape the categorizations and direct disciplinary and sovereignty-oriented struggles where power relations are 'face-to-face encounters' and resistance is reactive (Thompson, 2003: 120).

The category 'indigenous peoples' is of relatively recent origin and was mainly developed in non-indigenous political and legal systems. However, the designation refers to peoples who have existed 'since time immemorial' (Niezen, 2003: 201, 221). Being an indigenous representative in the UN entails a paradoxical tension between tradition and modernity. Indigenous status, with its close relationship to land and separate traditions, can be employed in the struggle against further violations of that land and traditions. The position of indigenous peoples derives its leverage from the features associated with it, such as tradition, territory and a close relationship to nature. Paradoxically, when indigenous peoples base their claims on the maintenance of tradition, indigenousness becomes positioned against modernity and development. The indigenousness of indigenous representatives is in danger of being questioned when they start travelling to PF meetings in New York; they risk being considered inauthentic when they become experts in the UN system. It is a vicious circle: in failing to voice the abuses they face, indigenous peoples risk inviting more abuse; but the more they are seen outside the traditional contexts with which they are popularly associated, the more they risk being considered inauthentic. In being political subjects on the international level, they start to move away from the very traits of indigenousness that give them leverage (Dean and Levi, 2003: 2–3; Aikau and Spencer, 2007: 2). The subject position of indigenous peoples as traditional—as opposed to modern—can thus lead to a situation where the peoples' authenticity is called into question when they start moving away from their traditional contexts and into the PF or other modern political forums. However, as noted by Niezen (2003: 27), indigenous delegates do not in any way try to hide behind 'a veneer of indigenous authenticity' while participating in the UN. Many of the indigenous delegates are experienced and educated. Their political subjectivity in the PF contains both traditional and modern elements that enable indigenous peoples to act in what is a non-indigenous political system and combine this experience with traditional indigenous practices.

Identifying the resistant nature of the traditional acts of indigenous peoples in the governmental power contests of the PF, where the options for participation are framed by the sovereign states (cf. Shaw, 2008: 71), broadens the view of indigenous resistance reached in the earlier paradoxes. In addition to engaging in resistance that makes creative use of the states' own tools or is mere reaction to the states' exercise of power, indigenous peoples have succeeded in resistance that 'stretches' the UN system and constitutes action on its own terms.

Conclusions

In going beyond the formal arrangements for indigenous political participation and the politics of shaming in the UN, this article has engaged in an analysis of the ways in which

possibilities for resistance, often small in scale, open up for indigenous peoples within the power struggles of the PF. The approach has illustrated the multiplicity of the power struggles in terms of the triangle of sovereignty, discipline and government. These struggles and indigenous resistances within them produce paradoxical indigenous subjectivities. Depending on the situation, debate and site of engagement, indigenous peoples range from being influential actors who challenge states to helpless victims. Sovereignty struggles, where indigenous peoples strive for self-determination in an arena occupied by the very states that colonize(d) them, highlight paradoxes of colonized/de-colonized and global/local subjectivities. Despite this often hostile environment, indigenous peoples are able to engage in resistant acts, for instance by appropriating the symbols of the colonizing states for their own cause or forging a global subjectivity that enables collective resistance.

The disciplinary struggles produce a victim/actor paradox. Indigenous peoples are commonly defined in the PF as most marginalized sectors of the world's population and as victims of injustices, a description which reproduces and positions indigenousness as victimization. However, indigenous peoples have used this language of victimization themselves as a tool to gain a position where they may act as subjects within the UN and its human rights framework. The issue of how indigenous peoples and indigenousness are to be governed has shaped the governmental power contests in the PF. Here, the paradox of tradition/modernity shows the ways in which indigenous peoples, while participating in the modern political practice of the PF, have been able to 'stretch' its rules to include indigenous ways of acting in its procedures: here, they engage in a form of resistance which does not constitute a direct confrontation with the states, the appropriation of the states' own tools or the use of identities imposed on them by the states. The analysis in this article has attempted to highlight the many power contests and indigenous resistances present in the PF.

The term 'hybrid' could have been used here instead of 'paradox'. It would describe the combination of multiple subjectivities and emphasizes the merging of different aspects of subjectivity. The concept of a paradox was used to highlight contradictory aspects of subjectivity, even though they form a combination. The paradoxical subjectivities identified in this research have relevance for determining what kind of indigenous resistance is possible in a non-indigenous political arena that even today exhibits hostile features towards indigenous peoples and their demands, yet is an environment that indigenous peoples can hardly avoid when advancing their claims. Although the case study is limited to the PF, it is of interest also more generally and is applicable to indigenous politics within any arena based on state sovereignty.

Notes

1. Arguments related to (post)colonial subjectivities have been developed, on different terms, by for example Fanon (1963), Memmi (1965), Césaire (1972), Nandy (1983) and Chatterjee (1993).

2. These studies use a wide variety of applications of Foucault's ideas. Within the studies of political science, also Eudaily (2004) analyses power relations, subjectivity and indigenous resistance, albeit from different perspectives than those in this article. His material draws from national legal cases in Australia and Canada in the form of dossiers presenting documentary evidence, whereas the material of this article is international political practice in an international political forum. Silva (2004) analyses indigenous resistance also through a national case: that of Hawaiian native resistance to American imperialism found in newspaper material. As a distinction to the conceptual framework of this article, Soguk (2007) uses the concept of counter spaces, or 'heterotopias', to analyse indigenous peoples' resistance in modern political systems. Other Foucauldian applications are further away from the focus of this article. The approach of governmentality is applied to study how political rationalities and regulations are extended to indigenous peoples (Brigg, 2007; Bryant, 2002; Howard-Wagner 2010); other approaches include biopolitics (Kulchyski and Tester, 2007), the relationship between power and knowledge and the concept of 'subjugated knowledge' (Nadasdy, 2003; Silva, 2004; Swazo, 2005), Foucault's work on rights, race, war and sovereignty (Moreton-Robinson, 2006), and social statistics (Watts, 2003) and maps (Clayton, 2000) as technologies of state power assisting in the dispossession and colonization of indigenous peoples.

3. For studies on the importance of space for understanding politics and the connection between space and social and political practice, see for example Kohn (2003), Massey (2005) and Howarth (2006).

4. See Cole (2007) for an analysis of how victimhood has received a 'badge of shame' in US politics; for a feminist analysis, see Convery (2006).

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At the Crossroads of Autonomy and Essentialism: Indigenous Peoples in International Environmental Politics[1]

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Indigenous peoples are often perceived as custodians of nature owing to their close relationship with their environment and their nature-based livelihoods. This paper investigates the kinds of environmental agencies that are constructed for, and by, indigenous peoples within the United Nations (UN) Permanent Forum on Indigenous Issues (PF) and the Arctic Council. The particular focus of this research is the issue of responsibility. The article brings together empirical materials from the two forums and engages with them using Foucault-inspired approaches. We offer a critical discussion of indigenous peoples' environmental agency in international politics, addressing the need to problematize representations of indigenous agency that to date have been largely unchallenged in both the practice and study of international politics. We identify three perspectives through which the environmental agency of indigenous peoples is validated and justified: having particular knowledge, being stakeholders, and having a close relationship with nature. Certain kinds of expectations are inscribed in each of these perspectives; responsibility becomes intertwined with agency.

Indigenous peoples are often perceived as custodians of nature because of their close relationship with their environment and, especially, their nature-based livelihoods (for example, Smith 2007; Martello 2008; Shadian 2009). Owing to this close relationship, they are vulnerable to environmental changes and, at the same time, considered important actors in environmental politics.

In this article, we examine the environmental political agency of indigenous peoples, seeking to answer the question: What kinds of environmental agencies are constructed for indigenous peoples on the international level? The context of the study is international environmental politics in two international political forums that address issues of climate change and sustainable development: the United Nations (UN) Permanent Forum on Indigenous Issues (PF) and the Arctic Council.

The reason for setting such a research question has been our joint observation that certain (essentializing) representations and descriptions of indigenous peoples and the environment recur regardless of the political context. We argue

that these representations are established conceptions of indigenousness that indigenous politics needs to embrace in order to be heard and recognized. At the same time, our research addresses the need in international politics and international studies to problematize these largely unchallenged representations and to work with more nuanced perceptions of indigenous agency. Studies in this vein are still rather few in number.

The article brings together separate analyses of two research contexts and sets of materials. By identifying common themes and dissecting them using Foucault-inspired approaches, we offer a critical discussion of indigenous peoples' environmental agency in international politics.

The Arctic Council, established in 1996, is a regional intergovernmental forum that brings together Arctic states and representatives of indigenous peoples to address concerns and challenges affecting the Arctic region.[2] The UN PF, established in 2000, is an advisory body under the Economic and Social Council (ECOSOC) with a broad mandate to deal with indigenous issues ranging from human rights and economic development to the environment and culture.[3] Both forums have been described as exemplary, even exceptional, in providing political space for indigenous peoples' representatives (Heinämäki 2009, 2010; Shadian 2009).

The focus of this article is not, however, to examine the institutional character and structure of these forums, but to take a critical look at how environmental agencies are defined and constructed within the two political spaces. We interpret the political discourses in those spaces as practices of power (Dillon 1995) that play a part in shaping and defining both environmental problems and the actors capable of, and responsible for, solving them. In order to do this, we engage in discussions of international environmental politics that analyze politics through governance and ask how the environment, climate, or sustainable development is governed.[4] In our understanding, environmental problems come into existence and become constructed as objects of regulation and knowledge through a variety of techniques and practices (Bäckstrand 2004:703, according to Rutherford 2007:294). Environmental agencies become constructed in a similar way.

The particular focus and contribution of this article lie in questions of responsibility, for scholars have noted that the questions of power (Barnett and Duvall 2005; Kütting and Lipschutz 2009) and responsibility (Pellizzoni 2004; Tennberg 2012) have not been addressed in the area of environmental governance. As Irwin (1995) has noted, political discussions (public space) also create demands, hopes, and expectations for individuals and communities (private space). Hence, in addition to—and entailed in—the question of agency, we study how responsibilities are included in the understandings of indigenous peoples as environmental agents.

The data for the research consist of materials from the PF and the Arctic Council. The PF material comprises statements made by indigenous peoples, states, and UN agencies at a special theme session titled "Climate Change, Bio-Cultural Diversity and Livelihoods: The Stewardship Role of Indigenous

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[2]Arctic organizations of indigenous peoples are integrated into the work of the Arctic Council as "Permanent Participants." The Council has six indigenous organizations which have this status.

[3]The PF consists of 16 expert members, of whom half are state representatives and half indigenous representatives. The annual sessions of the PF attract extensive participation, as observers, by the world's indigenous peoples and their organizations.

[4]The approach of governmentality has been understood, employed, and criticized from various perspectives in IR and its different schools of thought (for example, Selby 2007; Collier 2009; Death 2010; Joseph 2010; Neumann and Sending 2010; Shani, Chandler, Debrix, Richmond, Joseph, Calkivik and Pasha 2010).

Peoples and New Challenges," held during the Forum's 2008 annual session.[5] The Arctic Council material comprises reports published under the auspices of the Council and its working groups. The reports that have been analyzed are the Arctic Climate Impact Assessment (2005)[6] and the Arctic Human Development Report (2004). The former is the first comprehensive evaluation of Arctic climate change; the latter addresses issues of sustainable development and represents one of the first attempts to document the welfare of Arctic residents and take up social and cultural dimensions of life in the Arctic.[7]

Despite the differences between these bodies of materials (one containing statements, the other reports), we interpret the texts as political statements through which indigenous peoples—along with actors such as states, the UN, and the scientific community—are able to define their role and agency in relation to the environment. Indigenous peoples have been actively engaged in formulating the reports and statements analyzed in the research. In the Arctic Council, the indigenous representatives are the six permanent participant groups, whereas in the PF, the indigenous representatives are the participants who define themselves as indigenous (Lindroth 2006; Wilson and Øverland 2007).

The Foucauldian approach provides some methodological principles (Bröckling, Krasmann and Lemke 2011:12–15), but does not offer a detailed method for analysis. It is more "a matter of discerning the rules which 'govern' bodies of texts and utterances" (Fairclough 2003:123). In identifying existing vocabularies, the methods used in both of our separate broader studies have been based on content analysis. In this article, we draw together the key findings of our respective studies on indigenous peoples' agency and environmental politics and group them under three themes: indigenous knowledge, stakeholdership, and close relationship with nature. We conclude by suggesting that a biopolitical approach could be used to capture the particularity of the governmentality that manifests itself in indigenous environmental political agency.

This article can be situated among a range of studies on indigenous peoples' political agency on the international level (for example, Brysk 2000; Niezen 2003; Soguk 2007), particularly in the area of environmental politics (for example, Ulloa 2005; Smith 2007; Martello 2008). The research contributes to existing studies through its international political contexts (cf. national case studies Bryant 2002; Ulloa 2005).

Governance, Environment, and Changing Responsibilities

The analyzed debates in the PF session deal with the impacts of climate change on indigenous peoples, their cultures, livelihoods, and agency. The Arctic Council has been—and continues to be—a very much environmentally oriented institution, and the reports analyzed are seen as key studies in providing information on the environmental, social, and cultural sustainability of the Arctic (see also Martello 2008).

In building our critical discussion, we draw on the governmentality approach. This means analyzing how things are disposed and arranged—environmental problems included—to lead to a certain convenient outcome or end (Foucault 1983, 1991:94–95). The concept of governmentality has been applied to the study of

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[5]This article is part of Marjo Lindroth's extensive study on the political agency of indigenous peoples in the PF (Lindroth 2006, 2011). Her research data comprise statements from the 2002 to 2010 PF sessions and observations from the 2004 to 2007 sessions.

[6]For the purposes of this study, only the chapter titled "The Changing Arctic: Indigenous Perspectives" has been analyzed.

[7]This is part of a larger study by Heidi Sinevaara-Niskanen analyzing Arctic politics, indigenous peoples' agency, and the definitions of the social dimension of sustainable development. Her research data consist of research interviews, memoranda, and reports of the Arctic Council from 2006 to 2010.

environmental issues by, among others, Darier (1999a,b), Luke (1999), Rutherford (1999a,b, 2000), Bryant (2002),[8] Agrawal (2005), Oels (2005), and Death (2010).

The environment has become a subject of political rationalities. The debates in the PF session and the reports of the Arctic Council are "… endeavours of mapping, measuring, organizing, quantifying and above all representing particular aspects of nature …" (Rutherford 2007:297), thus constructing the environment as risks and problems to be managed and governed (cf. Rutherford 2000; Colebatch 2002). These endeavors characterize the usefulness and crisis of the environment (Rutherford 2007:297) while at the same time defining the actors capable of influencing environmental problems and participating in the management of the crisis.

Governing environmental problems is not only a question of imposing governmental definitions or authority. In constructing environmental agencies, individuals and communities, such as indigenous peoples, are also able to formulate their own definitions and define their spaces of action. This is what Foucault calls "technologies of the self." It is at the interface between these individual/communal acts and governmental practices that governmentality takes place (Foucault 1988, 1993; Oksala 2002:224).

There is a duality in the subjectification of individuals: they are subjected to the power relations within which they are embedded, and at the same time, they are able to act as subjects in and through those same relations. Thus, governing does not imply a negative force only but, most importantly, is a precondition for agency and thus a productive force; it produces human beings as agents (for example, Sawicki 1991; Dillon 1995; Allen 2002).

Dean (1999:167–168) describes this construction of actors as "technologies of agency" that "come into play when certain individuals, groups and communities become … targeted populations, that is, populations that manifest high risk …" Within the environmental and human rights debates, indigenous peoples are frequently defined as groups at risk and in need of special procedures to enhance their participation. The PF and the Arctic Council are vivid examples of integrating indigenous peoples into political discussions and definition-making. In both forums, indigenous peoples are often seen, by states and indigenous representatives themselves, as possessing important environmental knowledge owing to their allegedly special relationship with nature and the environment in which they live.

Viewed critically, this participant position, "while empowering a degree of autonomy," also entangles and integrates indigenous peoples into networks of power that hold them accountable to themselves and others (Dillon 1995:325). Making individuals and communities active citizens involves making them capable of, and responsible for, managing their own risks (Cruikshank 1999; Dean 1999:168; Higgins 2001:303). Responsibilities are also inherently linked to the changing environment: environmental changes require us to act if we are to cope with them. Responsibility stems from various expectations that the peoples should act on behalf of the environment. Indeed, Rutherford has noted how

> the responsibility for the environment is shifted onto the populations, and citizens are called to take up the mantle of saving the environment in attractively simplistic ways. This allows for the management, self-surveillance and regulation of behaviour in such a way that lays claim to the subjectivity that those who are environmentally conscious wish to have …   (Rutherford 2007:299)

In light of their often-cited connections to the environment—for example, their nature-based livelihoods—indigenous peoples are seen as capable and

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[8]Bryant (2002) has studied the role of NGOs in governmentality in an analysis of indigenous peoples and the protection of biodiversity in the Philippines.

legitimate actors. At the same time, they are also ascribed responsibilities through various means because of this special relationship with nature and the ability to observe changes in it. According to Pellizzoni (2004:549), care and liability describe the dimensions of responsibility which indigenous peoples exercise in environmental protection, observation, and action. Care as attribution of responsibility "is grounded on strong normative and factual beliefs." These beliefs are often at work when the relationship of indigenous peoples with the environment is debated: it is often said that indigenous peoples have a thorough knowledge of their living environment, its changes and needs, and hence should take care of it. Liability refers to responsibility for events that have already taken place. Since indigenous peoples allegedly have a special knowledge of their environment, it is expected that they will detect environmental changes and adapt and act accordingly.

The notion that indigenous peoples have a special relationship with, and knowledge of, the environment merits critical scrutiny in its own right. However, the purpose of this article is not to study whether indigenous peoples actually have "special" environmental knowledge or what the nature of that knowledge might be, but to discuss the ways in which the vocabularies on indigenous peoples and the environment construct the peoples' agency; this agency includes power and emancipation, as well as responsibility. In the context of our study, we understand responsibilities not only as commitments expressly assumed by the indigenous peoples, but also as implicit expectations and roles constructed for them. Indigenous peoples themselves actively appropriate these roles and expectations in their political participation (Lindroth 2011).

Indigenous Peoples in the United Nations Permanent Forum and the Arctic Council

The international human rights framework recognizes indigenous peoples as political actors. For example, ILO Convention No. 169 notes the importance of indigenous peoples' participation in decision making, land rights issues, and the control of development. Indigenous peoples themselves have also advocated for the inclusion of their participation in environmental management and sustainable development and the utilization of their knowledge in these areas (Heinämäki 2010:61,67). In fact, they have established their own organizations as part of their seeking full and active participation in political, economic, social, and environmental developments (Tennberg 1998). These national and international political processes have given indigenous peoples an established status as actors and experts in environmental debates.

Parajuli (1998, 2004:150) goes so far as to describe indigenous peoples' relationship with environmental questions as nothing less than an identity. This "ecological ethnicity" takes shape in the livelihoods that the peoples practice, which depend on their relationship with the environment. In turn, this dependence makes them vulnerable to processes of the extractive industries and transboundary pollution, for example. This ecological ethnicity has also functioned as a strong legitimization for the peoples' enhanced participation in environmental debates.

In previous studies, indigenous peoples, the changing environment, and questions of participation have been dealt with in light of knowledges—both scientific and indigenous—and policy (Nilsson 2007; Mustonen 2009; Shadian 2009). Martello (2008) has pointed out how indigenous peoples have become representations and representatives of climate change and notes the ways in which scientific and indigenous perspectives on climate change are mutually constitutive. These discussions are linked with the perspectives of this study

through the understanding of the coconstitutive nature of environmental problems, actors, and responsibilities.

The political, economic, and environmental struggles of indigenous peoples are intertwined; the peoples have brought their claims in various political arenas against those who have caused the environmental problems that the peoples suffer from (Pulido 1996). This is very much the case in the PF and the Arctic Council, but while indigenous peoples have been given an audience, both forums have been criticized for being state centric and bureaucratic and for producing recommendations that they cannot implement or monitor in practice (Lindroth 2006, 2011; Heininen and Numminen 2011).

Despite these shortcomings, the PF and Arctic Council have been seen as providing new opportunities for participation and agency for indigenous peoples. The two forums share three distinctive features: they are international; they address environmental issues and concerns (among others); and they are spaces within which indigenous peoples may exert influence and take part in shaping decisions.

The Arctic Council provides both a physical place of participation and an argumentative space for exerting influence. Two features of the Council are of special interest. First, the way in which it was formed was exemplary, even exceptional, in widening traditional state-led understandings of political participation (for example, Nilsson 2007; Shadian 2009; Heinämäki 2010). Second, the Council has made environmental protection and scientific aspirations distinctive elements of Arctic politics (for example, Shadian and Tennberg 2009). It has "carved out a *cognitive* niche" in generating knowledge on the Arctic that is not provided elsewhere and in taking action in the region (Stokke 2007:18) and has extended the concern over the Arctic to include the social, cultural, and economic challenges that northern communities face (for example, Hønneland and Stokke 2007; Nilsson 2009). On balance, the Arctic Council can be defined as an Arctic voice and a decision-shaping body in global environmental politics (Møller 2009).

The PF represents a second physical and argumentative space for indigenous politics. Where the Arctic Council deals with issues related to the Arctic areas and attracts the participation of Arctic indigenous peoples, the PF is a global arena, drawing indigenous representatives from all over the world. The PF has recognized the special role of indigenous peoples in global environmental debates, and it can be said that the participation of indigenous peoples in the Forum has increased their recognition as international actors (Heinämäki 2010:51). In addition to the formal procedures of participation, the PF has offered indigenous peoples a place to develop cooperation and strategies among themselves.

When indigenous peoples participate in the PF, they struggle for political space with states in an arena that is state based and non-indigenous (Lindroth 2006, 2011). The PF is an expert body and does not have decision-making power; its mandate is to come up with recommendations to the Economic and Social Council on indigenous issues. Environmental politics is one of the mandated areas of the PF and is thus an issue that is discussed in the Forum on a standing basis. In addition, in 2008, a special thematic debate was devoted to climate change and the particular role of indigenous peoples in efforts to combat climate change.

The participation of indigenous peoples in these forums and in international politics is important, and we do not argue that their participation and engagement are undesirable. However, the perspective of governmentality urges one to make visible the power relations entailed in the construction of the agencies and the responsibilities that are produced within those relations. An examination of the literature reveals a lack of critical analysis of indigenous peoples' political

participation in these two forums (notable exceptions include Corntassel 2007, 2008; Kuokkanen 2007; Soguk 2007; Odysseos 2010; Lindroth 2011).

As Pellizzoni (2003:335) notes, society and environmental problems have become so complex that no single subject is able to manage them in a traditional top-down style. This has meant downscaling and diffusing policy and decision making and including stakeholders in development and implementation. The development of voluntary regulation manifests a change from governing to governance (Pellizzoni 2004). Thus, relations of expertise between the state and society at large are changing, a development that is arguably reflected in the case of the indigenous peoples' participation in the PF and the Arctic Council. Individuals and groups are entering into a "partnership" or are "working together" with public authorities (see also Heinämäki 2009), yet at the same time assuming responsibility for controlling (environmental) risks (O'Malley 1996:201, 203). As it stands, the participation of indigenous peoples in the PF and the Arctic Council represents a construction of responsibilities for them.

The following sections identify three common themes through which the construction of agency and responsibility for indigenous peoples take place: indigenous knowledge, stakeholdership, and a close relationship with nature. We use excerpts from the research materials as examples to elucidate these themes and critically discuss these findings with reference to the literature. The empirical materials we have analyzed reflect the political contexts of the studies in that the materials differ in style and structure. The materials of the Arctic Council are scientific reports summarizing extensive studies and are written in a factual style. The PF materials are concise statements delivered by indigenous groups, state and UN agency representatives, or various coalitions of these actors and tend to favor the active voice.

Constructing Agencies: Arguments for Participation and Responsibility

Indigenous Peoples as Holders of Knowledge

One way to argue for, and construct, indigenous peoples' agency in environmental debates is through knowledge and knowing. In addition to living in areas affected by environmental changes, indigenous peoples are perceived as "living their environment" in their daily lives. This indigenous, or traditional, ecological knowledge can and should be used to address environmental concerns (ACIA 2005:64–65, 95).

Our research materials bring to light agencies of indigenous peoples' as environmental knowledge holders. The ACIA Scientific Report notes how indigenous peoples "live in the region all year round, have intimate knowledge of the land, sea, and climate. They are an invaluable resource and important partners in research" and "demonstrate extensive knowledge about climate change in their daily lives" (ACIA 2005:77, 81). In a similar way, the report of the 2008 PF session acknowledges the contribution that indigenous peoples can make in the struggle against climate change because of their traditional knowledge.[9]

These texts emphasize the role of indigenous peoples as environmental knowledge holders and thus as valid participants in discussions of environmental politics. The PF material makes it clear that indigenous peoples' "traditional knowledge and skills will help people adapt to climate change"[10] and that

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[9]Permanent Forum on Indigenous Issues, Report on the Eighth Session, April 21–May 2, 2008. Economic and Social Council Official Records supplement No. 23, UN, New York, E/2008/43/E/C.19/2008/13. Available at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/338/82/PDF/N0833882.pdf?OpenElement. (Accessed August 2, 2011.)

[10]Fred Caron, Assistant Deputy Minister, Observer Delegation of Canada.

indigenous peoples special knowledge which has to be "validated."[11] The ACIA report also notes how local voices in the remote regions are often not heard even though they should be (ACIA 2005:87).

Viewed critically, the role of knowledges and knowledge holders is intertwined with power relations. Indeed, as politically recognized knowledge holders, indigenous peoples also become subjected to and subjects in governmental conduct. "For Foucault, power in the modern age operates distinctively through knowledge" (Dillon 1995:324); this means that knowledges, both Western science and indigenous knowledge, are essential parts of "conducting conduct." Power works through knowledge by employing technologies of observation and evaluation, for example, as well as an institutionalized array of persons to govern societies (Dillon 1995:324–325). As a result, indigenous peoples also take part in this governance, as both its objects and subjects, with their knowledge and observations of the environment.

According indigenous peoples a role as actors with environmental knowledge can also be interpreted as one way to define responsibilities for them. By taking and actively seeking this role, they consent to the underlying responsibilities. Agrawal (2005:198) has noted that knowledge functions to form environmental subjects that are expected to define themselves and transform their own conditions. Hence, the responsibility for, and risks associated with, the environment devolve to those with local knowledge (for example, Rutherford 2007), indigenous peoples being one such group.

In the case of indigenous knowledge, there is a problematic relationship between different kinds of knowledges. Despite the aims and hopes of integrating and validating indigenous knowledge in the debates on environmental policy, there is a gap between the formalized knowledges of science and local understandings generated in the course of everyday life. Irwin (1995:131) describes this gap in the following terms:

> We can discern the existence of lay knowledges which might enrich decision-making processes and the general knowledge of hazard and health issues—but which are currently excluded due to their supposed "irrationality" and anecdotal nature.

This issue has also been acknowledged in the ACIA (2005:64–67). There is controversy over the concept of indigenous knowledge, its use, and how it relates to other knowledges. Despite this controversy, our research materials represent indigenous knowledge, both explicitly and implicitly, as universally existing.

One example of the complexity, political nature, and power of knowledge is what is termed its empowering quality. The statements of the PF point out, for example, that there is a need to "empower indigenous peoples to manage their lands...in a sustainable way."[12] and "strengthen" the abilities of indigenous peoples "to negotiate the situation of their peoples."[13] The ACIA report also includes understandings, for example, to the effect that indigenous peoples need to apply for funding and to establish an "environmental program with a focus on community planning and increasing understanding about the long-term impacts of climate change" (ACIA 2005:77). Viewed critically, the skills and knowledge related to environmental issues are provided and used to guide "the right kind" of action (O'Malley 1996:201). Accordingly, although indigenous peoples have traditional knowledge, they are still required to educate and improve themselves.

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[11]Regina Laub, Food and Agriculture Organization (FAO).

[12]Gunilla Olsson, Executive Director, International Fund for Agricultural Development (IFAD).

[13]Trisha Reidy, United Nations Institute for Training and Research (UNITAR).

In sum, indigenous knowledge serves to construct a political space and agency by and for indigenous peoples within the environmental debates of the PF and Arctic Council. Knowledge is a tool of governance and creating responsibilities: at the same time as it enables indigenous agency, it constrains. In addition, the relationship between different forms of knowledge is complicated. While indigenous knowledge is embraced rhetorically, it can nevertheless be excluded in practice.

Stakeholders and the Local Need to Adapt

In addition to having local environmental knowledge, indigenous peoples are represented as bearing the brunt of environmental change. The role of indigenous peoples as stakeholders living in areas, and having livelihoods, affected by a changing environment argues for their being accorded political status as actors.

The statements of the PF note how, for indigenous peoples, climate change is "a matter of life and death."[14] The participants have also noted that the effects of climate change "may threaten the very existence" of indigenous peoples[15] and are "putting our [the indigenous peoples'] survival as peoples at risk."[16] Due to climate change, indigenous peoples "live in ecosystems at serious risk from degradation."[17] In a similar vein, the ACIA report notes the role of indigenous peoples not only as knowledge holders but also, and most importantly, as stakeholders concretely affected by the environmental changes in their daily lives:

> Within the context of climate change, indigenous observations and perspectives offer great insights not only in terms of the nature and extent of environmental change, but also in terms of the significance of such change for those peoples whose cultures are built on an intimate connection with the arctic landscape. (ACIA 2005:62)

This stakeholder role legitimizes and strengthens indigenous peoples' status as valid participants in environmental debates. The role gives the peoples an entitlement and a right to speak. Belonging to the community affected by the problem legitimizes their arguments (Pellizzoni 2003:329). Pellizzoni also notes how "particular importance is given to the formal recognition of the *ability* to speak" when agencies are constructed. For indigenous peoples, this formal recognition and status have been granted through their participation in the PF and the Arctic Council. Hence, indigenous peoples have the legitimacy, skills, and ability to participate in global environmental debates.

In the statements delivered in the PF, the participants argue that "indigenous peoples have preserved the nature" in "perfect balance" and yet "as a result of the developed world's increased emissions of greenhouse gases, the indigenous peoples find themselves affected by the impacts of climate change."[18] In addition, the participants note that indigenous peoples are "disproportionally affected by climate change"[19] since they are those "least responsible" for causing climate change but those "most affected"[20] by its consequences. In terms of

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[14] Fiu Mataese Elisara, Pacific Caucus.

[15] Sálvano Briceño, Director, International Strategy for Disaster Reduction (UN/ISDR).

[16] Edith Bastidas, presenting the Declaration of the Preparatory Meeting for the 7th session of the UN PF (held April 3–4, 2008 in Santa Cruz de la Sierra, Bolivia).

[17] Gunilla Olsson, International Fund for Agricultural Development (IFAD).

[18] Maria Isabel Ventura, Indigenous Parliament of Bolivia.

[19] Dkankou Djonkou, Representative to the UN and Director, International Labour Organization (ILO).

[20] Gunilla Olsson, International Fund for Agricultural Development (IFAD).

responsibilities, the role of stakeholders is intertwined with risks and threats that compel indigenous peoples to act.

A term often used in connection with risks and impacts and the demand for an indigenous response is "adaptation." The ACIA notes the continuous need of indigenous peoples to adapt:

> The challenge posed by climate change to indigenous peoples is their ability to respond and adapt to changes in the local environment, while continuing to prosper. Since the history of indigenous peoples is replete with change, it is important to ask whether they and their cultures are threatened by continued change, or whether change is just a threat to current understanding of the environment, which in any case is continually changing, slowly and on daily basis.   (ACIA 2005:76)

The discussions in the PF also link local and traditional knowledge and adaptation to indigenousness, as the following argument by the indigenous chairperson of the 2008 PF session illustrates:

> As stewards of the world's biodiversity and cultural diversity and with our traditional livelihoods and ecological knowledge, we can significantly contribute to designing and implementing more appropriate and sustainable mitigation and adaptation measures.[21]

In our critical view, the vocabulary of adaptation is not neutral: it empowers indigenous peoples to act in environmental politics but simultaneously imposes on them expectations that they will adapt and take responsibility in adapting (see also Sinevaara-Niskanen and Tennberg 2012:133–135 on adaptation and scattered responsibility). By probing the question of adaptation, we do not question adaptation per se, but claim that the repeated and permeating vocabulary of adaptation is a practice of governance. Moreover, we do not argue that indigenous peoples lack possibilities to influence the forms and processes of adaptation itself.

In the material analyzed, indigenous peoples themselves indicate that they "have always been able to adapt to change" (ACIA 2005:81). The Arctic Human Development Report also poignantly notes the need for constant adaptation and change in indigenous communities:

> Nor is climate change the only threat to Arctic societies and cultures. On the contrary, there is also a growing need to respond effectively to fast changes in economic, legal, and political systems as well as to changes in other biophysical systems. To meet this challenge, Arctic societies will have to balance the retention of longstanding social practices with the introduction of new forms of knowledge and innovative technologies or, in other words, find the right mix of continuity and change.   (AHDR 2004:230–231)

This inscribed commitment to, and hope for, adaptation can also be understood in terms of resilience[22] (for example, Adger 2000; Folke 2006; Gallopin 2006). Both adaptation and resilience can be critically viewed as means of managing risks and relying on active citizens to bear responsibilities (Higgins 2001; Reid 2012). For indigenous peoples, this means having to adapt and accommodate to their changing environmental conditions, conditions that they

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[21]Victoria Tauli-Corpus, Chairperson of the PF.

[22]Adaptation refers to adjustment in social-ecological systems in response to environmental changes and their impacts (Folke 2006). Resilience is widely used in ecology to refer to persistence or robustness in the face of disturbance (Adger 2000), and it has been increasingly used in the analysis of human–environment interaction as well (Folke 2006; Janssen and Ostrom 2006). Social resilience, as well as adaptive capacity, can be defined as the "ability of groups or communities to cope with external stresses and disturbances as a result of social, political and environmental change" (Adger 2000:347).

have not brought about themselves but which are nevertheless very much present in indigenous communities. Thus, the need and will to adapt and to be resilient construct indigenous peoples as actors responsible for coping and persisting in the face of environmental challenges (see also Tennberg 2009). Despite indigenous peoples' political participation and abilities to exert influence, the adaptation rhetoric implies that in the near future, it is not environmental politics, but rather indigenous cultures and livelihoods that must change drastically.

Indigenous peoples' status as stakeholders legitimizes and requires agency not only now but also in the future. As noted in the Arctic Council reports and PF statements, the "survival" and "existence" of indigenous peoples are at stake in the face of the "degradation" of the environments in which they live. Inasmuch as they are deemed stakeholders, indigenous peoples become responsible as environmental actors, a role entailing far more than mere legitimization as actors.

The fact that indigenous peoples live in areas impacted by environmental changes is one argument for their environmental political agency. This stakeholder role relies on the peoples' knowledge of the local conditions and ongoing changes. However, it also requires that the peoples bear the risks and adapt. In sum, they themselves take on responsibilities and are made responsible in terms of local resilience and adaptation, as well as political participation.

Indigenousness and a Close Relationship with Nature

One argument that further underpins the status of indigenous peoples as valid actors in environmental debates is their allegedly special relationship with nature/the environment. This is inherently linked with indigenous knowledge and the areas which peoples inhabit yet embraces specific historical, cultural, and spiritual factors as well.

Within the PF, participants note that "indigenous peoples have preserved the nature" in "perfect balance,"[23] their lifestyles "are the most environmentally sustainable,"[24] and their "harmonious relations with nature … places them in a leading position in terms of guiding" the rest of the world.[25] Indigenous peoples are referred to in the statements as custodians of natural resources and are said to have "a solemn stewardship duty."[26] The ACIA (2005:62) also describes Arctic indigenous peoples as sharing "a close connection to their surroundings, an intimate understanding of their environment." The special relationship with nature that indigenous peoples have—a perception repeatedly conveyed in the material —produces a distinction between them and other environmental actors. This perception is anchored in representations of indigenous peoples as living in and from nature.

In this vocabulary on indigenous peoples and their close relationship with nature, the peoples are seen as "savage ecologists" who live in harmony with nature and to whom people in the industrialized world have turned for solutions to environmental problems. This interest has legitimized indigenous views on the environment and improved indigenous peoples' opportunities to put forward their concerns in international political arenas (Heinämäki 2009:12). The view can also be found in the literature, as the following quotation from Heinämäki illustrates:

> indigenous peoples have an important role to play since they have the potential to act as leading examples in international forums by bringing their holistic approach, which combines ecological and social concerns in a balanced way.
> (Heinämäki 2010:80)

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[23]Maria Isabel Ventura, Indigenous Parliament of Bolivia.

[24]Dkankou Djonkou, Representative to the UN and Director, International Labour Organization (ILO).

[25]Sálvano Briceño, Director, United Nations/International Strategy for Disaster Reduction (UN/ISDR).

[26]Hilario G. Davide, Ambassador and Permanent Representative of the Philippines to the UN.

We argue that while this perception enables indigenous environmental agency, it also functions to essentialize indigenousness. Through their allegedly special relationship with their environments, indigenous peoples "become defined as one thing: the lone voice of truth, the virtuous defenders of an environment that is being destroyed by the rapaciousness greed for resources" (Rutherford 2007:301). In the context of environmental issues and despite the heterogeneity among indigenous peoples, indigenousness becomes fixed—even by the indigenous peoples themselves—"as one thing" that is shared by all indigenous peoples.

The idea prevails that the indigenous view offers an alternative to the industrialized world's approach to environmental issues (Heinämäki 2009:14; see also Smith 2007). This also implies responsibilities for indigenous peoples. In Pellizzoni's (2004) words, the close relationship and knowledge of the environment that indigenous peoples have are tantamount to a need to take care of the environment; that is, their intimate relationship with the environment entails responsibility in the form of care and liability. However, it has also been acknowledged that the environmental values which indigenous peoples allegedly possess should not automatically be seen as translating into environmentally friendly behavior (Heinämäki 2009:13; see also Ellen 1986).

Nonetheless, the vocabulary portraying indigenous peoples as "living in harmony with natural world" and "representing an alternative" (Niezen 2003:179) entails not only the responsibility for the environment, or environmental agency, but also the responsibility for indigenous subjectivity. Indigenous advocacy is tied to, and resonates with, the perceptions and expectations of wider audiences on what indigenousness is. Indeed, indigenous peoples themselves recognize and utilize these perceptions in their political agency and in enhancing their claims (Lindroth 2011). What results is both a constraining and an enabling situation for the peoples (Niezen 2003:191; see also Sissons 2005 on "oppressive authenticity").

The vocabulary describing indigenous peoples as living close to nature is inherently linked to the perception of the peoples' survival being threatened by environmental degradation (see also "Stakeholders and the local need to adapt" above). Much as closeness to nature essentializes indigenousness by placing expectations on it, the concomitant language describing the threats and risks facing the collective existence of indigenous peoples binds indigenousness to community. As environmental actors, indigenous peoples become defined not as individuals but as collectives, as "peoples," and communities. This is one way of making a distinction between indigenous peoples and other environmental actors. The emphasis on community commitment is visible in the Arctic Human Development Report, the conclusion of which notes:

> More generally, our study has directed attention to a distinction between two fundamentally different perspectives on human development. One approach—we may call it the western approach—starts with the individual and asks how individuals are faring in terms of any number of criteria like life expectancy, education, material well-being, and so forth. An alternative approach—reflected in many indigenous cultures—starts with the community or the social group and views human development through the lens of community viability. Successful individuals are those who make major contributions to the well-being of their communities.   (AHDR 2004:241)

In our interpretation, indigenous peoples are made responsible through their imputed qualities, that is, a close relationship with nature and close ties within communities. Indigenous individuals become "ethical citizens of their community" and are expected to collectively act for the benefit of that community (Summerville, Adkins and Kendall 2008:67). According to Rose (1999:142), governing through community fosters and enables the existing bonds and strengths

in a community and uses these to engender desired environmental actions. This means that indigenous peoples are made responsible and committed to their families and communities (Rose 1996:328) for their "survival."

As a result, the vocabulary of the close relationship of indigenous peoples with nature/the environment constructs their environmental agency. This "harmony," "balance," and "environment friendly lifestyle" argue for the peoples' right to participate but at the same time create expectations and demands that they are to care of, and take responsibility for, the environment. These features are intimately tied with the perceptions and often essentialized ideas of what indigenousness is—for example, a people living in and from nature. At the same time, threats and risks to nature endanger the collective existence of indigenous peoples. On balance, the communal aspect of indigenousness becomes one way of constructing indigenous environmental agency and responsibilities.

Conclusions

The PF and the Arctic Council are illustrative examples of how indigenous peoples have been integrated into environmental debates on the international level. The peoples themselves have been active in arguing for the inclusion of their knowledge and contributions in these debates. However, there is a lack of critical analyses of indigenous peoples' political participation in these two forums.

Analyzed through the statements of a UN PF session and reports produced by the Arctic Council, the environmental agency of indigenous peoples has been validated and argued for in terms of three overlapping and interconnected perspectives: the peoples' knowledge, role as stakeholders, and relationship with nature. Indigenous peoples have local and traditional knowledge of their environments. In addition, they are stakeholders who live in areas affected by climate change and thus have a need to adapt to the changes in their daily life. As a core element of indigenousness, the peoples' supposedly close relationship with nature is also a legitimization of their environmental agency. These three features are positive elements linked to indigenousness and, as such, open doors for the participation of indigenous peoples in environmental politics. The peoples themselves also take part in constructing their agency through these features.

The formal recognition and inclusion of indigenous peoples in the PF and the Arctic Council are bound by governmental structures, and despite the embracing political rhetoric, this participation does not necessarily translate into an ability to influence environmental politics or states' actions. In our argument, the three themes we have identified are examples of the ways in which indigenous peoples' agency corresponds to the rationality of environmental governance. As Neumann and Sending (2010) note, if we only look at how nonstate actors are able to produce knowledge and challenge states, we are missing the point. The role and expertise of nonstate actors, such as indigenous peoples' organizations, need to be studied in terms of how they "fit into and correspond to" rationalities of government (Neumann and Sending 2010:129). The PF and the Arctic Council, where indigenous peoples are present and act, produce, shape, and require certain kinds of indigenous agency.

In the constructions of indigenous peoples' environmental agency, this "fitting in" and "corresponding to" entail different kinds of responsibilities. The roles of indigenous peoples argued for—as knowledge holders, stakeholders, and people with a close relationship with nature—legitimize their place and agency but also impose requirements and demands.

We argue that there are responsibilities inscribed in each of the three perspectives of agency examined. The responsibilities are not explicit assertions but implicit expectations and roles constructed for indigenous peoples. Indigenous

peoples themselves also actively appropriate these expectations in their political participation. The peoples' role as environmental knowledge holders legitimizes indigenous knowledge, but also requires them to constantly "increase their understanding," reconcile local knowledge with Western science, and educate themselves. By fulfilling these demands, indigenous peoples are able to persist as environmental actors. The indigenous peoples' role as stakeholders inextricably linked with the local environment requires them to bear the risks of environmental change. In addition to always having been able to adapt to their changing environments in the past, there still exists the expectation that indigenous peoples will adapt, persist, and change in the future. This means that indigenous peoples are constantly participating and constantly communicating what is taking place locally. The role of being indigenous, and having a close relationship with nature, relies on the often essentialized features of indigenousness. Hence, the argument for agency through this close relationship with nature requires indigenousness and sustaining what it is (or how it is perceived). Indigenous peoples as environmental agents and threatened peoples are made responsible to act for the "survival" and "well-being" of their communities.

Our discussion of indigenous peoples' environmental agency can be critically interpreted as having relevance beyond the specific cases studied here. As Sissons (2005:24) notes, the analysis of agency is important, but when it is confined only to nature, it draws attention away from indigenousness as a form of global politics that poses significant and specific challenges to states. This means a shift to "more generalized projects of eco-ethnicity and cultural survival," which, as Sissons asserts, leads to a consideration of indigenousness not in relation to colonization but instead in terms of relative closeness to nature. This discourse of "eco-indigenism" categorizes and limits indigenousness and indigenous politics to "primitivist" areas of nature and culture, as opposed to Western rationality, which is destructive of nature (Sissons 2005:23–24; see also Nadasdy 2005 on indigenous stereotypes and Western environmentalism).

A similar construction of distinctions between indigenous peoples and other actors is present in debates on international environmental politics in the Arctic Council and the PF. The "natives" and "settlers" of environmental politics are created in the midst of the dichotomies of "traditional ecological knowledge—Western science," "bearers of environmental risks—polluters," and "peoples living on the land—industrialized world." In this discourse, which Sissons (2005:39) calls "eco-indigenism," "distinctions between 'native' and 'settler' are continuously reproduced, although always in new guises." These distinctions, based on "oppressive authenticity," produce an expectation and responsibility that indigenous peoples are to look, sound, and behave indigenous.

These distinctions produce indigenous peoples and their relationship with nature as exceptional. This exceptionality (see also Brigg 2007) is inscribed in all the three themes discussed in the present study. The environmental political agency of indigenous peoples is inextricably and vitally bound to nature, which is intimately experienced and lived. In deconstructing environmental politics and the roles of indigenous peoples in it, the governmentality framework that we have applied is a fruitful tool. However, we recognize that it does not capture the particularity of the governmentality that takes place through the exceptionality; it does not explain why indigenousness becomes reduced to eco-indigenism. Since indigenous peoples and indigenousness are tied to nature and hence to exceptionality, they become subject to the normalizing biological and political technologies of (bio)power. Therefore, we suggest that a biopolitical approach (for example, Ojakangas 2005; Foucault 2007) to governmentality could help to interpret the reduction in indigenousness to eco-indigenism further. By fostering indigenous life through what indigenousness is perceived to be, a "vital politics" (Lemke 2011) makes the essentialized features of indigenous peoples' objects of

a political strategy. This critical approach of biopolitics is lacking in the literature on indigenous peoples and international politics (for national studies, see Brigg 2007; Cupples 2011; Morgensen 2011 on settler colonialism).

What originally caught our attention in the two separate bodies of research material was the recurrent use of language—captured in the three themes investigated here—that self-evidently and unquestionably validated, justified, and enabled indigenous peoples' agency. In this article, we have given an account of the ways in which these themes are implicated in larger rationalities of governance that not only enable but also constrain. We recognize that our viewpoint here can be criticized for being one of the new guises (of biopower) in that it focuses on the environmental agency of indigenous peoples. However, we argue that the research on international politics is in need of critical analyses that examine indigenous peoples, the environment, politics, and participation on the international level. The exceptionality of indigenous peoples' environmental agency is one question in need of deconstruction.

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Indigenous Rights as Tactics of Neoliberal Governance: Practices of Expertise in the United Nations

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Abstract

Indigenous rights are being increasingly recognised globally. This article argues that this recognition does not reflect radically changed positions on the part of states and other actors but rather a development indicating the cost-effective operation of neoliberal governance. The biopolitical aspect of that governance regulates the life of indigenous populations as collectivities, with rights used tactically in this process. The material for this article consists of reports of the United Nations special rapporteur on the rights of indigenous peoples. The approach of governmentality is used to study how the rapporteur's expert interpretations make indigenous peoples governable in particular ways, that is, through specific practices of power. The research identifies three such practices bearing on indigenous rights: indigenous peoples as exceptional – the necessity to intervene; indigenous rights – uncertain and calculated and indigenous peoples as claimants – the right to remedies. Expertise and legality function to depoliticise the language of indigenous rights, with states and other actors seemingly governing indigenous peoples less, yet, in recognising their rights, governing them more cost-effectively. These power effects go beyond the stated aims of safeguarding indigenous peoples and should be considered when indigenous rights are negotiated.

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Introduction

Recent developments in international law indicate that the United Nations (UN) and its member states have become responsive to indigenous peoples and their demands. In 2007, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was finally adopted by the General Assembly (GA) after years of negotiation. Subsequently, even states with large indigenous populations that had not initially endorsed the UNDRIP followed suit (Australia, Canada, New Zealand and the United States).

International law has a significant role to play in the promotion of indigenous peoples' causes. The language of rights conveys a message that indigenous peoples are subjects who have rights and entitlements as well as possibilities for redress from states. International law does not have a law-enforcing body, but once indigenous rights are adopted, as in the UNDRIP, for example, states and other actors such as corporations have a responsibility to respect those rights (Ruggie, 2008). Clearly, it is hard to disagree with any assertion that indigenous peoples face exceptionally difficult political, environmental and economic circumstances, that their rights to their lands should be clarified and that they should be compensated when their rights have been violated. However, the indigenous rights discourse in international law has power effects that go beyond its stated aims.

Whilst the exercise of rights by indigenous peoples is understood in the liberal international relations and international law tradition to mean a counterbalance to and check on state power, I view the rights of indigenous peoples and the corresponding duties of states and other actors as inscribed in rationalities of governance, in practices of (neoliberal) power. For the purposes of this article, I understand neoliberalism as a rationality of governance that is pervaded by the market logic of cost-effectiveness (see also, e.g. Larner, 2000; Lemke, 2002). Although promoting the rights of indigenous peoples and furthering the neoliberal market logic are often conflicting ambitions, the two can be compatible. What this compatibility reflects is not a radical change in states' positions on the rights of indigenous peoples but how the neoliberal rationality draws on a lexicon of 'good governance' (Hindess, 2004; Larner and Walters, 2004) in recognising the rights of indigenous peoples. The biopolitical aspect of neoliberal governance aims at regulating and improving the life of indigenous populations as collectivities. Biopolitical interventions are legitimated by expert knowledge that translates indigenous populations into objects of governance (Ojakangas, 2005; Oksala, 2010).

The material for this article consists of reports by the special rapporteur on the rights of indigenous peoples (SRIP). This office is mandated by the UN Human Rights Council (HRC) and held by an expert on indigenous issues. Earlier research on the rights of indigenous peoples has focused mainly on the development and implementation of the rights (e.g. Anaya, 2004; Joona, 2012; Keal, 2003; Larson, 2007; Lawlor, 2003; Morgan, 2011; Xanthaki, 2008). My purpose is not to study these processes or how the SRIP furthers the

rights of indigenous peoples. This article goes beyond an institutional or legal view in that it examines how the language of rights used by this expert constitutes situations and indigenous subjectivities as being of a particular kind and in need of particular kinds of measures.[1] These practices of power that are produced through expert knowledge (Foucault, 1977; Walters, 2012) illuminate the larger rationalities of neoliberal governance that are embedded in the discourse on indigenous rights.

The conception of power in this article accords with the Foucault-inspired view that there is no 'outside' to power relations. Power is not seen as primarily negative; indeed, it is productive of subjects as well as resistance. Freedom has an important role to play in this conception of power in that the governors and the governed have alternative ways to govern and be governed (Foucault, 1983: 221; Walters, 2012: 12). Hence, the article does not intend to suggest that governance is exclusively disadvantageous for the peoples; the operation of power is more complex.

I concur with those social scientific studies, which have taken the view that the international recognition of the rights of indigenous peoples does not represent a radical change in the attitudes of states towards these rights. For example, Soguk (2007) has argued that whilst indigenous peoples and their rights have gained recognition, indigenous sovereignty is still qualified by state discourses of national unity and territorial integrity. In a similar vein, Lightfoot (2012) notes that recognition signals the 'selective endorsement' of indigenous rights. Odysseos (2010) has pointed out the ways in which rights-claiming shapes indigenous peoples as partner subjects to neoliberal governmentality. The contribution of this article lies in its empirical analysis showing that the UN special rapporteur's expert knowledge on and interpretation of indigenous rights has power effects which produce, legitimate and naturalise certain political rationalities that facilitate neoliberal governance. Importantly, the research extends insights gained from scholarship on the power of rights and experts into the realm of international indigenous politics and rights. In particular, the study draws on pivotal work of scholars in international law, such as that by Rajkovic (2012) on global law as governance, Sokhi-Bulley (2011) on human rights as governance by experts and Johns (2013) on international legal experts as definition-makers.

The article will next present the role of the SRIP and the materials and method applied in this study. It then discusses rights as tactics of neoliberal governance and the role of experts in such governance, identifying three expert practices found in the SRIP's reports: indigenous peoples as exceptional – the necessity to intervene, indigenous rights – uncertain and calculated and indigenous peoples as claimants – the right to remedies.

The SRIP

The work of the SRIP is part of the HRC's special procedures. These consist of human rights experts acting as special rapporteurs with either a particular theme or a country-specific mandate. The contribution of rapporteurs includes fact-finding and monitoring and also standard-setting. They are selected as independent and objective human rights experts who have considerable autonomy in their position. This allows them to respond to human rights violations with the immediacy that the rest of the international system lacks – the rapporteurs have been noted to be amongst the most effective tools of the

international human rights system. They are able to exert international pressure, make human rights values concrete and give a voice to victims of human rights abuses (Bray, 2011; Naples-Mitchell, 2011; Piccone, 2011).

The rapporteurs are not employed by the UN but enjoy the credibility and respect resulting from their affiliation with it: They are said to represent the public face of the UN human rights system. Hence, their reports are considered more independent than reports by individual states. These reports are used by many actors in their work, for example, governments, UN agencies, development institutions, civil society, human rights activists and donor agencies (Smith, 2011; Subedi, 2011).

In keeping with this general remit, the SRIP gathers and interprets information, which is then conveyed to decision-makers. It is significant to note, for the purposes of the present study, that the SRIP contributes to the development of global awareness on indigenous rights. The fact that many actors rely on the SRIP's reports in their work and that the reports are perceived as independent together make them pertinent material for studying expert interpretations of indigenous rights as practices of power.

The material for this article consists of the SRIP's reports spanning several years. The first SRIP, Dr Rodolfo Stavenhagen, was appointed in 2001. Since 2008, the position has been held by Prof. James S Anaya. The analysed reports include six annual reports to the HRC (2007–2012), five annual reports to the Commission on Human Rights (2002–2006), seven annual reports to the GA (2004–2007, 2009, 2011–2012), two country reports and three reports focusing on a theme.[2] The annual reports summarise the activities of the SRIP during the year and typically include a discussion on questions relevant for indigenous peoples and their rights, such as the activities of extractive industries in indigenous territories, the duty of states to consult with indigenous peoples and the measures required to implement the rights affirmed in the UNDRIP. The reports are normally 15 to 25 pages in length. The report excerpts chosen for inclusion in the article were selected as typifying the three practices of power discussed in the article.

The qualitative social scientific analysis undertaken in this research sees language as playing a significant role in maintaining and changing relations of power (Fairclough, 1989, 2003). In the text analysis of the reports, I have done several readings and identified recurring and 'naturalised' discourses on indigenous rights. I have critically investigated the reports with a view to what the constitutive effects of these ways of talking and representation are and what kinds of practices emerge from them (Graham, 2011; Kendall and Wickham, 1999). In order to capture the power effects inscribed in these practices, the methodological approach adopted here is problematisation. What the approach does is

> question what appears to be well-ordered, rational, responsible, self-evident, universal or natural in order to show the selective format of these practices and the power effects inscribed in them. (Lemke, 2008: 50)

The material and the analysis do not claim to give an all-encompassing account of the issues at hand. Rather the aim is to point out and challenge some of the accepted truths (e.g. Kendall and Wickham, 1999); to question what is considered natural and normal in the rights discourse and thereby render these established notions problematic and visible.

The analysis valorises three broad naturalised themes in the reports: indigenous peoples as exceptional, the uncertainty of indigenous rights/the search for legal clarity and the right to remedies. By problematising these themes and dissecting their power effects, I identify them as expert practices of (neoliberal) power: the necessity to intervene, the calculation of costs and benefits of indigenous rights and the production of indigenous peoples as claimants.

Rights as Tactics of Neoliberal Governance

Rights-claiming is part of the pragmatic political strategy of indigenous peoples: it is enabling because they have moral, legal and political leverage that they can bring to bear on states. States' behaviour is measured against the global will-formation taking place in the UN on indigenous rights, which sets certain expectations for members (e.g. Koenig-Archibugi, 2002: 49; Lawlor, 2003: 35; Lightfoot, 2012: 86). However, the rights claiming and the recognition and codification of indigenous rights take place in a legal framework that has been imposed on the peoples. They have gained recognition in this process but at the same time have accepted the constraints that follow from this pragmatic strategy, often losing their tendency for more 'utopian political visions' (Hale, 2005: 20). The demands of the peoples for rights end up in effect confining indigenous lives to realms that are acceptable to states (Byrd and Heyer, 2008: 3; Corntassel, 2008; Ivison et al., 2000; Soguk, 2007: 16).[3]

My purpose is not to say that these legal developments do not benefit indigenous peoples at all or that they should not be pursued further. However, I reject the view that according more rights to indigenous peoples necessarily means that the UN and its member states have become 'better' in their dealings with the peoples. In international relations and international law, human rights have traditionally been seen as checks on the power of the states (e.g. Charvet and Kaczynska-Nay, 2008). This approach fails to see the ways in which power that is thought of as 'legal' can seem more objective and natural than political power and thus become particularly useful for purposes of governing (Rajkovic, 2012: 44).[4] This article aims to illustrate how the developments on indigenous rights are part of processes of governing on the international level, where 'the appearance of change in the institutional locus of power might be nothing other than a change in the activity of governing, where a politico-legal regime is reinvented and made practicable by the governing for the governed' (Rajkovic, 2012: 39). The lexicon of good governance that is at play in the language of rights has a seemingly less peremptory tone than the previous tools for managing indigenous populations. The governing of indigenous peoples is 'improved' as it is no longer hierarchical and works through 'a discourse that claims to emancipate us, to exist for our own well-being and, crucially, *govern us less*' (Sokhi-Bulley, 2011: 266). This lexicon, which is writ large in the SRIP's reports, embraces and fosters indigeneity and indigenous rights and freedoms.

I argue that this language of rights, which has as its stated aim the protection of indigenous peoples, contains effects of power that render its subjects (indigenous peoples and their situations) 'proper' in terms of neoliberal governing rationalities. Here, discerning the ways in which life and conduct are administered allows one to see how governance arranges things in order to reach a convenient outcome (Brass, 2000: 315–319;

Foucault, 1983; Sokhi-Bulley, 2011: 270). Indigenous populations are governed as col-
lectivities that are fundamentally and 'biologically bound to the materiality in within
which they live' (Foucault, 2007: 21; see Oksala, 2010, on law as a biopolitical tech-
nique). This governance involves multiple agents and forms of power that are not limited
to the states but include, for example, expert knowledge and indigenous peoples them-
selves (Brass, 2000; Dean, 2007: 85).

The cause of indigenous rights can advance as long as the principles of neoliberal
logic – amongst them the ultimate power of the market – are not prevented from func-
tioning (Howard-Wagner, 2008). For example, indigenous peoples' demands for self-
determination have been difficult for states, because they are inextricably linked to land
and natural resources. Cultural rights, in contrast, have traditionally been less 'threaten-
ing' and more acceptable. By focusing on the 'soft' issues of culture, the debate in the
UN, for example, has been able to direct the opposition of indigenous peoples towards
these questions whilst ignoring the 'hard' economic issues of land rights (Byrd and
Heyer, 2008: 3). Limited cultural rights do not pose a challenge to the neoliberal logic;
in fact, by shaping and producing cultural differences, this kind of governance can
'induce the bearers of these rights to join in the march' (Hale, 2005: 12–13, see also Hale,
2002; Odysseos, 2010: 763; Soguk, 2007).

Whilst appearing to enhance the possibilities of indigenous peoples to further their
demands, the legal framework of indigenous rights steers these demands into appropriate
channels, such as the UN Permanent Forum on Indigenous Issues and appeals to the
acceptable legal instruments (e.g. UNDRIP). This results in a cost-effective delimitation
of state action that does not necessarily change the existing material conditions of indi-
genous peoples. Thus, the neoliberal logic arranges the indigenous subjects' freedom:
They are free to demand their rights but only within the boundaries set by these accep-
table forums and instruments (Odysseos, 2010; Lightfoot, 2012; see also Lemke, 2001:
200; Patton, 2004: 50). For example, when the 'hard' economic issues of land rights and
indigenous self-determination are dealt with, this is done in discussions that do not have
any binding force on states. The equivalent device where legal instruments are concerned
is the insertion of a 'safety clause' to safeguard the political unity and territorial integrity
of states, as the case found in the UNDRIP or International Labour Organization (ILO)
Convention No. 169 concerning Indigenous and Tribal Peoples in Independent
Countries.

As the analytical sections of this article will demonstrate, however, the scope of neo-
liberal governance accommodates not only the less surprising 'soft' cultural rights or
individual rights but also 'hard' economic rights, even collective land rights of indigen-
ous peoples. As long as the rights do not disrupt the economic model of development,
they can help organise land ownership more efficiently, reduce chaos and conflicts and
lessen the likelihood of more radical political challenges (Hale, 2005: 18). The extent of
the actual recognition, codification and implementation of indigenous rights – 'hard' or
'soft' – depends on a continuous weighing of the most cost-effective options.

The gaining of land rights is in line with the demands of indigenous peoples and as
such is an empowering process. Yet, the process may entail certain conditions (Sawyer
and Gomez, 2008: 19). States can grant land rights to indigenous peoples insofar as the
states can control who qualifies for the rights, that is, who meets the required standards

(Povinelli, cited in Hale, 2005: 19). This could lead to stricter requirements for 'authenticity' where indigenous peoples are concerned. Hence, the neoliberal logic, whilst often echoing the aims of the peoples, entails costs, such as increased involvement of the state in the lives of indigenous communities (Hale, cited in McCormack, 2011: 286, 290; Bryan, 2011).

Neoliberal governmental power has awkward, contingent and often contradictory effects, or 'messy actualities' (Larner, 2000: 14; see also Sawyer and Gomez, 2008); there are no clear boundaries between issues and subjects. This messiness is also unmistakable in the three practices of power to be discussed below. Sometimes the aims of indigenous peoples may well be compatible with the neoliberal market logic, such as where both the peoples and the market seek to clarify land rights. At other times, conflicts may arise, such as where the peoples would restrict, but the market allow, resource extraction on indigenous lands.

Practices of Expert Power

Interventions affecting the situations of indigenous peoples are perceived as legitimate when they are done in the name of rights (cf. Rajkovic, 2012: 34); this is the case, for example, when national policies on indigenous peoples invoke the SRIP's reports or the UNDRIP. I argue that the reports of the SRIP enjoy a status of being considered objective and depoliticised, the upshot of which is that they are not viewed as exercises of power.[5]

However, indigenous peoples are governed and made governable through many expert designations: Their communities are dubbed zones of crisis (Brigg, 2007); the peoples are populations to be improved (Li, 2007) and marginalised peoples to be turned into active and responsible participants; members of a flock to be nurtured into well-being, people to be freed (Rose et al., 2006) and neoliberal right holders whose conduct is steered onto certain cost-effective paths (Odysseos, 2010). As Hunt and Wickham (1994: 53) describe it, invoking these kinds of expert interpretations constitutes 'multiform tactics', whose deployment

> is illustrated in the link that exists between 'government' and 'population' where a variety of experts (quantifying, calculating and codifying) scattered across a range of agencies generate social policies that operate both to constitute the 'social problems' at which governmental action is directed and actively to regulate, control and coordinate the targets thus created.

Hence, the SRIP exercises definition-making power over populations whilst seeking to clarify and assert indigenous rights (see also Johns, 2013, on international legal experts). Expert knowledge translates its targets into objects of governance. This knowledge is imperative in that the governor must have knowledge about that which is to be governed. Legal knowledge can 'generate additional targets of legal governance offered up for problematization and possible intervention, in turn creating more regulation' (Walby, 2007: 559; see also Barry et al., 1996: 13; Li, 2007; Rose et al., 2006: 87; Sokhi-Bulley, 2011). For example, when the land rights of indigenous peoples are discussed and have to be clarified, the lands are demarcated, the indigenous communities

affected are identified and so on; all these are processes that mean more (Western) knowledge on the issues, more interventions in the lives of indigenous communities and more regulation.

In biopolitical terms, the aim of governance is to generate life forces. Clearly, law can also be used to improve the life of a population. The power of the experts, administrators and interpreters of life figures prominently here: expert knowledge legitimates governance (Ojakangas, 2005: 17; Oksala, 2010: 37–38; Sokhi-Bulley, 2011; 266). Expertise also neutralises: It is less visible and thus also more 'dangerous' than a visible exercise of power: '[t]he key problem with biopower is thus not the foundational violence of the sovereign, but the depoliticised violence of expert knowledge' (Oksala, 2010: 38).

Noteworthy for the purposes of this article is that perceptions of not only expertise but also 'legality' function to depoliticise issues. In the mentalities of government, collective thought has an importance in how the exercise of authority is perceived. Perceptions of legality and 'just' rule are closely linked and often thought of in contradistinction to politics (Rajkovic, 2012). Although not a court, the legal expertise of the SRIP still conveys the same image of being objective and independent and not an exercise of power, a status further enhanced by the rapporteur being appointed by the UN instead of a single state. UN endorsement gives a certain weight to the SRIP's work (Smith, 2011: 175), making it a source of global justice for indigenous peoples (cf. Rajkovic, 2012: 42). However, a study of governmentality examines the ways in which this 'rule of law' works as a rationality and a means of governance (Rajkovic, 2012: 32).

The next section identifies three neoliberal practices of power through which indigenous peoples and their issues are governed in the SRIP's reports: indigenous peoples as exceptional, the uncertainty of indigenous rights and the right to remedies.

Indigenous Peoples as Exceptional: The Necessity to Intervene

The reports of the SRIP represent indigenous peoples and the situations they are in as exceptional, conveying a sense of urgency and calling for action if these peoples are to survive and enjoy their human rights. Importantly, the reports draw attention to the seriousness of these situations.

The language of exceptionality constitutes indigenous peoples and their situations as having to be governed in a specific way: their situation is an emergency; they face the threat of genocide or their survival as distinct peoples is threatened. The following excerpts exemplify these situations:

> The indigenous peoples of Asia are experiencing serious human rights violations as a result of the loss of their ancestral lands and territories. This process has gained momentum in recent decades and, in some cases, puts these peoples at risk of disappearing completely as peoples. (Stavenhagen, 2007a: 11)

> Displacement of Adivasis from their traditional lands and resources due to the creation of reservoirs, canals and reforestation projects significantly impacts on the ability of Adivasis to fully enjoy their human rights ... Resettlement away from their territory means the destruction of their lifestyles and village organization. (Stavenhagen, 2003: 16)

> For the Sami people, as with other indigenous peoples throughout the world, securing rights over land and natural resources is fundamental to their self-determination, and is considered a prerequisite for the Sami people to be able to continue to exist as a distinct people. (Anaya, 2011a: 21)

The exceptionality of indigenous peoples is multilayered in the SRIP's reports. They are exceptional, as a group, in that they and their survival become attached to lands, resources and traditions. They are described as facing an emergency due to the loss of their lands and the extraction by outsiders of the resources the lands contain. Indigenous exceptionality rests on an often essentialised understanding of indigeneity that has its basis in the dichotomy between the environmentally friendly indigenous peoples living on the land and the polluting, industrialised world (see also Sissons, 2005).

The regulations and approaches trained on people depend on how that people is classified. Earlier, the justification for exceptional treatment was race. Today, the justification lies in the peoples being portrayed as 'under threat' (Brigg, 2007; Larner, 2005: 16). Through this language, the SRIP comes to define indigenous peoples as distinct from other populations and thus amenable to special measures. This gives states and international institutions not only grounds for recognising and implementing their rights but also justifications to intervene in their lives (see also Johns, 2013, on international legal experts creating political possibilities). In other words, interventions are prompted by the social, political, economic and environmental situations of indigenous communities. Motives are found in other quarters as well, with states and international institutions adopting particular national and international legal principles in order to build a reputation and image as 'doing something'.

Interventions – justified on biopolitical grounds – have the aim of creating freedom and improving indigenous lives (see also Brigg, 2007). Indigenous peoples have to be made into stronger communities – suitable for neoliberal governance. This in turn will encourage an increase in participation and yield various social and economic benefits and in this sense is enabling. Ultimately, it will also facilitate governance and make it more effective through responsible self-reliance (Eudaily, 2004: 53; Marinetto, cited in Larner, 2005: 16; Rosenow, 2009: 512). This is an example of how the neoliberal logic works in contradictory ways: It empowers the peoples only to engage them more effectively in its operation.

The rights of indigenous peoples are recognised and codified based on exceptionality and urgency, in order to save the peoples. Indigenous peoples' need for their rights is uncontested, but the extent of these rights is carefully calculated.

The Uncertain and Calculated Rights of Indigenous Peoples

Neoliberal governance is based on calculations of cost-effectiveness (see also Odysseos, 2010). Tellingly, the reports of the SRIP contain an element of 'balancing competing interests' between states, corporations and indigenous peoples; one consideration in this process is uncertainty. Especially in the activities of the extractive industries and other projects on lands and territories that indigenous peoples inhabit, there is often uncertainty as to whether there are any indigenous land rights, what these rights are and who

the holders of these rights are. The SRIP emphasises the need for clarification and a common understanding of these questions.

The SRIP has found that the activities of extractive industries on indigenous lands give rise to critical issues and that knowledge of the related problems is needed. Accordingly, the rapporteur 'aims to contribute to efforts to clarify and resolve the problems arising from extractive industries in relation to indigenous peoples' (Anaya, 2011b: 9). This increased attention is in line with the aims of indigenous peoples affected by these projects and may improve their situation. At the same time, opening the issue up for further investigation requires that the issues concerned become 'calculable' or somehow 'measurable', thus making them governable (Rose et al., 2006; Walby, 2007).

The report continues that there is uncertainty over which communities businesses need to consult, and when and to what extent they have to be consulted in planning projects:

> Uncertainty also remains for Governments and businesses regarding the identification of communities with whom it is necessary to consult, in particular indigenous communities whose lands have not been demarcated by the State and communities in which both indigenous and non-indigenous peoples live. (Anaya, 2011b: 12)

The failure to demarcate is presented as an obstacle to recognising indigenous rights, here the right to be consulted in particular. The process of clarifying which lands belong to indigenous peoples and demarcating those lands has the potential of making the consultation process easier by determining which communities need to be consulted prior to projects affecting them. This will be enabling for the communities in question in improving the chances that meaningful consultations actually take place.

This search for legal certainty is consonant with the lexicon of good governance. Whilst the rights of indigenous peoples are respected, determining the rights and their holders entails closer scrutiny of indigenous communities and more state involvement, ultimately inviting more regulation (see also Larner and Walters, 2004: 9; Hunt and Wickham, 1994: 54). Hence, in striving to clarify the rights situation, the SRIP creates the political possibilities for such involvement. At the same time, the rapporteur defines which part of the population is the 'proper' holder of indigenous rights (see also Johns, 2013). This, paired with increased state involvement, may set more stringent requirements for the reiteration of indigenous 'characteristics' in order for the peoples to 'qualify' as rights holders (see also Birrell, 2010; McCormack, 2011; Perrin, 1995). Such qualifications include historical continuity and 'authenticity', which may be hard to prove. The biopolitical mindset here fosters (a certain kind of) indigenous life. However, the sovereign still decides on 'specific instances wherein the promotion of life does not apply, or when life receives no or limited protection by law' (Brigg, 2007: 412).

The SRIP reports that a lack of clarity where rights are concerned has hindered businesses in their efforts to respect indigenous rights, often resulting in costly conflicts with the peoples affected:

> [C]orporate activities in indigenous territories are causing serious social conflicts, which spark circles of violence and, in turn, new human rights violations. In such situations . . . indigenous peoples are not the only victims: social conflicts relating to corporate activities

in indigenous territories have a negative impact on the economic interests and the image of the corporations themselves, and on the interests of the Governments concerned. (Anaya, 2010: 8)

Representatives of business enterprises reported that deficient domestic regulatory frameworks create barriers to carrying out their operations in a way that respects indigenous peoples' rights and interests. Several businesses contended that this lack of clarity constituted a major obstacle to their ability to undertake their operations in a manner consistent with international expectations regarding the rights of indigenous peoples. In turn, this lack of legal certainty is perceived by corporate actors as a cause of costly conflicts with local indigenous communities. (Anaya, 2011b: 12)

Legal uncertainty can have high costs for businesses and governments if it threatens the functioning of the neoliberal logic of free markets. Even though uncertainty is the prevailing logic in neoliberal governance, the dictates of cost-effectiveness require that the benefits and costs of legal uncertainty and legal certainty must be constantly weighed. The cost of reckless non-recognition of indigenous rights can be higher than that of (selective) recognition.

In cases of indigenous land rights, for example, these assessments involve calculating the costs to businesses and states of determining indigenous land rights vis-à-vis the potential losses caused by uncertain situations. When it reduces local conflicts over land, a particular level of legal certainty can be cost-effective and thus compatible with the aims of neoliberal governance (see also Hale, 2005); for the same reason it may satisfy the demands of indigenous peoples as well. At the same time, this certainty entails costs in some other form, such as compensation to indigenous communities recognised as having rights to a particular area affected by a resource extraction project.

The legitimate and prominent status of the language of indigenous rights in international politics suggests that the rights and freedoms of indigenous peoples are taken into account. This good governance is itself important for the functioning of economic and political governance: 'disrespect of liberty is not simply an illegitimate violation of rights, but an ignorance of how to govern' (Gordon, cited in Hunt and Wickham, 1994: 54). Indeed, the SRIP has made a similar observation:

The fundamental goal of a land titling procedure is to provide security for land and resource rights in accordance with indigenous and tribal peoples' own customary laws and traditional land and resource tenure. (Anaya, 2011c: 13)

Governing constitutes the issue at hand as 'always-already' there (Hunt and Wickham, 1994) and as being of a certain kind that needs a certain kind of intervention or solution. The rationale here emphasises that because the land rights situation of indigenous peoples is often uncertain, there is a need to clarify it in order to realise the rights of the peoples. Whilst determining the rights of indigenous peoples has benefits for the peoples themselves, a clearer situation also benefits the other actors engaged in projects on indigenous lands (businesses, governments). In the long run, this is a more economical solution for states and businesses than continuous conflicts with indigenous communities. On balance, the increased recognition and codification of the rights of indigenous

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peoples do not necessarily mean that states and businesses have radically changed their position towards these rights. They are a result of continuous calculations.

The Right to Remedies: Indigenous Peoples as Claimants

The focus in the rights language used by states, indigenous peoples and other actors in the UN is often the rectification of past and current wrongs. The Guiding Principles on Business and Human Rights include the 'protect, respect, remedy' framework. The SRIP comments on the third pillar, 'remedy', as follows:

> [T]he State's protective role in the context of extractive industries entails ensuring a regulatory framework that … provides effective sanctions and remedies when those rights are infringed either by Governments or corporate actors. (Anaya, 2012: 14–15)

The language of remedy, redress and compensation is found in other contexts in the reports of the SRIP:

> When, for fundamental reasons, adverse impact cannot be avoided, indigenous peoples are entitled to 'just and fair redress' for any damage arising from corporate activities, as clearly set out in the relevant international instruments (Declaration, arts 20.2, 32.3; ILO Convention No. 169, art 15.2). (Anaya, 2010: 16–17)

> The systematic removal of indigenous peoples from their traditional lands as a public policy should be halted, and such removal of indigenous peoples from their traditional lands should be regarded as a last alternative and in cases of utmost necessity, and under condition that they be fully compensated. (Stavenhagen, 2007b: 17)

Through the language of compensation, the SRIP depicts indigenous peoples as certain kinds of populations and objects of governance, as 'claimants'. Through this portrayal, the SRIP shapes the (political) possibilities available for the peoples and the economic opportunities for actors such as resource extraction companies:

> It is important to note that neither international law as applicable to indigenous and tribal peoples generally, nor the judgments of the Inter-American Court of Human Rights that apply specifically to groups in Suriname, preclude development projects on or affecting indigenous and tribal lands or territories. (Anaya, 2011c: 14)

The larger economic rationalities of resource extraction projects are left to unfold as long as indigenous peoples are consulted and compensated in some form. This is an example of how the neoliberal logic of governance operates. First, it directs the action of indigenous peoples along one path rather than others: Claims for compensation from states and businesses rather than more radical conflicts, which might end up being more costly for those actors. Second, the neoliberal logic may be compatible with the expressed wishes of indigenous peoples themselves who, naturally, demand compensation for the loss and pollution of their lands and benefit from the substitute land or money they receive.

By depicting indigenous peoples as claimants, the SRIP and the UN assume a pastoral role in which they, out of 'necessity', safeguard and guide the lives of indigenous peoples. Here, an external (expert) body is seen as concerned with what is good for indigenous peoples and with guiding them towards proper behaviour (see also Foucault, 1983: 214–215, 2007: 127; Johns, 2013; Odysseos, 2011; Sokhi-Bulley, 2011). In this case, indigenous communities affected by resource extraction projects on their lands have the 'option' of claiming compensation from states and businesses. They are assigned the task of adapting to, rather than challenging, the prevailing conditions that have led to the need for compensations in the first place (see also Reid, 2012, on resilient subjects). Hence, whilst compensatory measures may seem to be at odds with the neoliberal market logic, they can ultimately be the most economical result of the constant calculations that are part and parcel of that logic. In invoking the right to remedy and compensation as a tactic, the neoliberal rationality defines a market value for the loss of or damage to indigenous land, culture and life.

Conclusions

I argue that through the increased recognition of the rights of indigenous peoples, the UN and its member states become unproblematically represented as the protectors of those peoples; the language of rights used becomes depoliticised, concealing practices of power that are embedded in it. The material on which the article is based, reports of the SRIP, presents an expert view on indigenous rights, a position that is not usually considered political. Those who embrace the language of rights and advocate additional rights for indigenous peoples need to become aware of the power effects these rights entail beyond their stated emancipatory aims. Even though there are some critical studies on the rights of indigenous peoples (e.g. Corntassel, 2012; Lightfoot, 2010, 2012; Odysseos, 2010, 2011), most of the research in this field still takes these rights as self-evident ends in themselves; it is concerned with the 'technical' issues related to indigenous rights, for example, their implementation and how to make sure they are respected. This article represents a counterbalance to this research: The material analysed here alone suggests that (neoliberal) power effects are at work in this seemingly 'self-evidently emancipatory' language. The three practices of power that I have identified – the portrayal of indigenous peoples as exceptional, of their rights as uncertain, and of their having a right to remedies – all reflect, to a lesser or greater extent, the neoliberal logic. The practices do not take the form of a coherent power; they are disparate and messy practices with messy consequences.

My purpose has not been to dismiss the positive potential of indigenous rights altogether. Rather, I suggest that indigenous rights should be viewed more sceptically than is the case in most of the current research and politics: The positive developments that they seem to promise merit qualification. One feature inscribed in all three practices of power discussed here is that it is often difficult or impossible to distinguish whether power is operating in 'bad' or 'good' ways (for similar discussion on human rights, see Souter, 2008). Indeed, rights may be employed to improve the situation of indigenous peoples and to limit (state) powers over them, but at the same time these rights – and those interpreting them – exercise power themselves. Whilst this article offers a starting point by critically viewing indigenous rights afresh, it remains a challenge for future

research to dissect the ways in which the kind of governmental power that uses the definition of indigenous rights as its tactics could be resisted.

The rapporteur's designation of indigenous peoples as living in a state of emergency, whilst drawing attention to serious, ongoing situations and possibly prompting more efforts to improve them, simultaneously makes possible other kinds of measures, such as increased interventions by states in the lives of indigenous communities. They are justified on biopolitical grounds: Such interventions and the protection of indigenous rights are necessary for the survival of the peoples.

Governing through the uncertainty of rights involves the calculations of costs. This makes indigenous peoples, their lands and their rights 'measurable' and thus governable. The lexicon of good governance recognises the land rights of indigenous peoples (to an appropriate cost-effective extent), thus speaking to the aspirations of peoples themselves. In this search for legal clarity, the special rapporteur creates possibilities for more protection and rights for indigenous peoples but also mandates closer scrutiny of indigeneity and 'authenticity' in order to determine the populations that 'qualify' for indigenous rights.

Governing through the right to remedies involves expert guidance of indigenous peoples along the path of adaptation: The rapporteur defines indigenous peoples as subjects who will adapt to events around them. In doing so, the rapporteur continues to allow the larger rationalities of the market to play out on indigenous territories with no radical challenge to the conditions that compel indigenous peoples to seek justice and compensation in the first place. Here, the lexicon of good governance resonates with the aspirations of indigenous peoples to be compensated for damages to their lands, livelihoods and culture. The 'claiming of biological injury' becomes the basis for gaining social protection (Petryna, 2005). As these three practices of power demonstrate, the power of the special rapporteur extends beyond the legal ambit proper of the office. In discussing and asserting indigenous rights, the rapporteur exerts a power to define populations and shape certain kinds of political possibilities.

These three tactics of governance through rights seem self-evident and 'normal'. After all, one would be hard-pressed to argue that the situations of indigenous peoples are not challenging and that there is no need to step in. It would also be difficult to argue that the peoples are not in need of remedies or compensation or of having their rights clarified. International law, once a tool of colonialism, is now used to support the struggle of indigenous peoples for freedoms, limitations of state powers and, ultimately, self-determination: Indigenous peoples have gained a status as actors in and through that body of law. In the story of indigenous peoples' rights, states have been the classic 'bad guys' who have violated their indigenous populations. The 'good' states of today want to redeem themselves of their colonial past by recognising the rights of indigenous peoples (cf. Mutua, 2002, on human rights). In this story, the UN comes to the rescue and protects indigenous peoples from states by offering freedom and rights. The language of rights works to enhance the image of its proponents, for example, the UN member states who have declared support for the UNDRIP. The states want to be perceived as having made a profound change in their policies towards indigenous peoples (e.g. Lightfoot, 2012; Rifkin, 2009; cf. Manokha, 2009).

However, this article has argued that indigenous rights are recognised to the extent that they ensure the effectiveness of neoliberal governance. Governance through rights

is less overt than the earlier desire to civilise indigenous peoples because it fosters the freedoms of the peoples, corresponds to their own aspirations and manifests itself in the expertise on indigenous life rather than in the authority of a sovereign. It is thus reflexive in that it involves self-government in which individuals accept governance by expertise. This builds a perception of indigenous peoples being governed less whilst in fact they are governed 'better' through rights (Sokhi-Bulley, 2011: 266). The expert interpretation of indigenous rights actively produces the indigenous population's aspirations and aims as compatible with the neoliberal logic. This enhances the stability of economic and political governance and is more economical than chaos and conflict over rights and their holders.

This article questions the perception that once legal certainty regarding their rights is achieved, indigenous peoples will have to struggle for self-determination no more. International and indigenous politics – as both practices and academic disciplines – must work with more critical notions of indigenous rights, ones that look beyond their officially proclaimed aims and capture their complex power effects. To this end, the type of analysis applied in this article should be extended to the implementation of the UNDRIP or ILO Convention No. 169 in national contexts. The recognition, codification and implementation of indigenous rights should not be treated as a development that will definitively resolve the issue of indigenous self-determination.

Acknowledgements

Notes

1. Thus, my approach is Foucault-inspired. There has been debate on whether Foucault developed any kind of a theory of law and, if so, what role and place law had in his thoughts (see e.g. Golder, 2011; Golder and Fitzpatrick, 2009; Hammer, 2007; Hunt and Wickham, 1994; Souter, 2008; Walby, 2007). Other studies have used Foucault's concepts as a toolbox in constructing critical approaches to rights and law (see e.g. Odysseos, 2010; Rajkovic, 2012; Rose and Valverde, 1998; Sokhi-Bulley, 2011).
2. The country reports include a report on the Sami people in Norway, Sweden and Finland (Anaya, 2011a) and on the situation of the Maori people in New Zealand, 2011, A/HRC/18/35/Add.4. The three special thematic reports include a report on measures needed to secure indigenous land rights in Suriname (Anaya, 2011c); on the human rights situation of indigenous peoples in Asia (Stavenhagen, 2007b) and a study regarding best practices carried out to implement the recommendations contained in the annual reports of the special rapporteur, 2007, A/HRC/4/32/Add.4. The reports of the special rapporteur are available at: http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx (accessed 28 February 2013).

3. See also Moyn (2010) on human rights as reinforcing the dominant rule and Anghie (2005) on international law as a colonial structure.
4. See also Gramsci (1999: 538–539) on law and securing the 'consent' of the people.
5. For similar arguments, see also, for example, Carr (2001) on international law as a vehicle of power and from Critical Legal Studies, for example, Unger (1986) and Hutchinson (1989).

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