

3-4/02

INDIGENOUS AFFAIRS

INDIGENOUS PEOPLES IN URBAN AREAS



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Cover: photo by Dick Thomas Emmanuelsson

Indigenous Affairs is published 4 times per year



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Price: Single copies US\$ 6.00 + postage - (ISSN 1024-3283)
Subscription rate for 2003 (*Indigenous Affairs* + *The Indigenous World*)
US\$ 50.00 (individuals) US\$ 80.00 (institutions)

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INDIGENOUS PEOPLES AND URBANISATION



Urban indigenous people, Mexico City. Photo: Iván Alcazar

**By Jens Dahl and
Marianne Jensen**

Debates relating to the situation and living conditions of indigenous peoples throughout the world focus primarily on indigenous peoples who are still residing in their original territories – or on their struggle for territorial rights. While the indigenous fight for land rights remains a core issue, it is a fact that a growing number of indigenous people migrate to cities for various reasons. Very often, urban indigenous peoples end up the most poverty-stricken and marginalized groups in the cities they migrate to, and there is an obvious need to focus on their situation. This issue of “Indigenous Affairs” thus looks at the situation of indigenous peoples in different urban areas around the world. We bring articles about the Maasai in Dar es Salaam, Tanzania, tribal women living as domestic workers in Delhi, India, indigenous peoples in Baguio City in the Philippines, the Embera people who have been forced into urban areas in Colombia, the situation of urban indigenous peoples in Mexico, the nature of Mapuche migration in Chile, the urban Maori in Aotearoa / New Zealand and the situation of urban aboriginal communities in Canada.

Reasons for migration

The articles reflect the fact that the situation of indigenous peoples in urban areas differs enormously depending on the regions in which they are living. In poor, developing countries many indigenous communities are under severe pressure, and a growing number of indigenous people are being forced to leave their rural-based communities in search of employment in the cities. Such is, for instance, the case of the Maasai in Tanzania, whose traditional lands and livelihoods are steadily diminishing due to unfavourable government policies. The same deploring scenario can be seen among many other indigenous communities in Africa, whose traditional lands are gradually being seized by others.

Widespread poverty in rural indigenous communities is also a major reason behind the migration of indigenous people in India, as evidenced in the article by Samar Bosu Mullick on young tribal women who leave their homes in Jharkhand to serve as domestic workers – often under miserable conditions – in the capital of Delhi. The same tendency can be seen in other places in Asia, such as in the Cordillera in the Philippines, where migration is caused by economic hardship, tribal conflict, and war

and militarization. Today, more than half of the total population of Baguio City (the only city within the Cordillera Administrative Region) comprises indigenous peoples from the Cordillera villages. The article by Carling and Cacho looks further into this.

These situations reflect processes of indirect "forced" migration. However, there are also examples of outright forced migration, which lead to disaster for the indigenous peoples concerned. This is occurring in both Africa, Asia and Latin America. One such case is that of the Embera people in Colombia, who have been forced out of their traditional territories to make way for a huge dam construction project, as described in the article by Zapata. The Embera gradually end up as city slum dwellers under miserable conditions, leading to massive social problems such as prostitution, alcoholism, drug abuse, abandoned children, juvenile criminality and increased recruitment of children and youth into the armed conflict.

In the above cases, the migration is of a relatively new nature. However, in some areas of the world, indigenous peoples have been living in cities for several generations. This is mostly the case in the western world, such as Canada, the US, New Zealand and Australia but also, to some extent, in some countries of Latin America such as Chile, Argentina and Mexico.

Culture of poverty

Poverty and marginalization characterize the lives of the great majority of indigenous peoples living in



Munda woman and child, Jharkhand, India.
Photo: Roger Begrich

cities throughout the world. This must obviously be understood in relative terms. Many urban indigenous communities in rich countries such as Canada, the US, New Zealand and Australia continue to live under unacceptable conditions. To a large extent, they seem to form islands of poverty within wealthy nations, and it is distressing that such tendencies continue to exist. However, there are obviously clear differences between the poverty experienced by urban indigenous peoples in relatively rich countries and the severe poverty experienced by many urban indigenous peoples in developing countries, where people have to struggle for their mere physical survival.

The European and North American media have assailed the public with stories of destitute indigenous Indians, Inuit and other migrants in metropolitan and other urban centres. Unfortunately, it is often the truth, as it is with so many others who drown in the hectic life of large cities. However, there are important differences between poverty as experienced by indigenous peoples and the poverty experienced by other urban immigrants, whether they belong to a minority or are part of the mainstream majority.

To indigenous peoples, life in the city is far too often a life of poverty. The essence of this is a "culture of poverty" that is formed by the inequality, discrimination and relative deprivation that follows from belonging to a marginalized - indigenous - group. It is important to comprehend the underlying structural factors that create this culture of poverty. However, the media often give us the impression that the



Urban indigenous women, Mexico City. Photo: Iván Alcazar

miserable life of urban indigenous peoples is something intrinsic to their culture. Not only the media but also many government institutions offer this simplified and misleading perception. Likewise the poverty eradication policies of development agencies often follow the same path. To genuinely change the vicious circle of a culture of poverty, these viewpoints need to be challenged.

Social networks

Indigenous peoples live a life in urban areas that is moulded not only by the living conditions in the city but also by the social, economic and cultural life of the communities from which they have migrated. There are differences between first, second and third generation indigenous migrants, between young and old, between men and women and between continents. There is no universal characteristic distinguishing an urban indigenous person or group. But there are a number of threads which, in each instance, distinguish the indigenous cases and set them apart from the life of other urban dwellers.

Indigenous people are often isolated in the urban setting in the sense that there are urban dwellers and then there are indigenous persons. In his article, Johnson ole Kaunga describes the fact that, even in a city like Dar es Salaam, which has immigrants from dozens of different ethnic groups identifying themselves as brothers ("ndugu"), the Maasai are set apart from these other urban dwellers and identified as a category in itself, "wamaasai".

In this respect, indigenous people are not part of the social and economic fabric of urban life that usually unites people into classes, urban ethnic groups or guilds, and which are integrated with recognised roles into a highly differentiated society. An important consequence of this is that urban indigenous people often lack the closely knitted network of social relations that otherwise characterise urban ethnic immigrants.



Embera Katío people from Colombia. Photo: IWGIA archive

Self-organization

Indigenous peoples in urban areas are often not organized, as mentioned in some of the articles in this volume. This makes them even more marginalized in relation to the public authorities who, in general, look down upon indigenous peoples, against whom they also discriminated when they were living in their home areas and making a living as hunters, pastoralists or shifting cultivators. In some parts of the world, indigenous urban immigrants may try to hide their ethnic origin as a way of being accepted by the urban people or, at least, of being less openly discriminated against. However, this is not an easy strategy simply because indigenous persons are easily recognised by their physical appearance or by cultural habits associated with dress, language or religion. The Maasai simply look different to all other urban dwellers of the East African cities, as do most other indigenous people in Asia, Africa or North America.

While urban indigenous communities may lack organization in places where migration is relatively new and where they live in an extremely vulnerable and marginalized situation, such as the Maasai in Dar es Salaam, indigenous peoples like the Maori in Aotearoa / New Zealand have very strong and efficient urban organizations. Over 83% of the Maori population live in urban areas and much of this migration dates back to the period immediately following the Second World War. Life in the cities has thus come to form a platform for the articulation of Maori demands, in line with that of life in the more traditional rural communities.

The urban Mapuche people in Chile likewise make up the majority of the Mapuche population – between 70% and 80%. There now exist more than 70 Mapuche organizations in the Metropolitan Area of Santiago alone, of a profession-based, ethnic, productive, political or social nature.

As described in the articles by Kishigami and Reid, self-organization among urban aboriginal communities in Canada is comparatively weak and sporadic. Most urban aboriginal communities have not formed elected councils or structures similar to the reserve-based band councils. Nor have urban aboriginal communities formed any national body to speak on their behalf. However, as exemplified in the case of Montreal described by Kishigami, and in various other cities in Canada as described by Reid, different types of self-organization have gradually been emerging.

Identity

Urban dwellers who belong to an ethnic minority will often keep in touch with their homeland for several generations, if for no other reason than because many of their relatives reside there. Urban indigenous people are no different in this respect. Almost all of the articles in this volume describe the continued close contact between urban indigenous communities and the rural communities in their home areas.

The extent to which urban indigenous people continue to identify as part of their original indigenous group differs according to many different circumstances. The choice need not be one of identifying either as the specific original indigenous group or as a citizen of the nation state. As Kishigami points out in his article, many young Inuit raised in Montreal, and whose spouse or a parent is a non-Inuit, begin to regard themselves as indigenous people of Canada, Canadian of Inuit descent, or indigenous people of Quebec, rather than simply as Inuit.

Whereas there are situations whereby the longer the indigenous peoples have lived in the urban environment the less they tend to identify with their original indigenous group, there are also, in some places, strong trends towards urban based pan-indigenous mobilization. The article by Gover describing, among other things, the self-organization and mobilization of the urban Maori is a clear example of this.

Authenticity

Indigenous peoples set themselves aside when those who live in the cities are being looked down upon by those living in the homeland and treated as not being "true indigenous". This may be further aggravated for descendents of mixed marriages. It may be that this is most prominent among indigenous peoples in rich countries, as this volume gives clear indications of such conditions among the Maori of Aotearoa/New Zealand, the Mapuche of Chile and, not least, the discriminative attitude of the Canadian status Indians against non-status Indians and Métis. The situation is further aggravated or even produced by state divide-and-rule policies, benefiting from the fact that the

indigenous peoples living in urban areas in these countries form the majority of the indigenous population.

The article by Gover on the Maori in Aotearoa/New Zealand presents a highly interesting analysis of the debate and conflicts between the rural and urban-based indigenous organizations. This is a debate, which also involves the issue of who are the most "authentic" representatives of the Maori. The article by Reid on urban aboriginal communities in Canada touches upon similar processes, involving conflicts between powerful rural/reserve-based national indigenous organizations and urban aboriginal communities, who are not acknowledged as "true" Indians in the "Indian Act" sense and who do not feel properly represented by the national organization.

To fight cultural poverty, such as the loss of language and social roots, indigenous peoples in cities must be able to identify with a homeland, a territory in which the indigenous peoples make up the majority of the population. From this perspective, the indigenous fight for land rights is to the benefit of all indigenous persons and not only those residing on the land. It is also from this perspective that we must understand the significance of national indigenous organizations, which often have their roots among those fighting for land rights but gain new significance when also bringing on board indigenous peoples living in urban areas.

Even as short an overview as this of indigenous peoples living in urban areas would fail if it did not mention some of the, maybe few, outstanding cases of peoples having manifested themselves as successful indigenous urban groups. The skilled traders from the village of Otavalo in the highlands of Ecuador have made themselves visible as traders of indigenous handicrafts in cities as far away as Europe. Even more famous are the Mohawk ironworkers from the villages of Akwesasne and Kahnawake, who have built bridges and skyscrapers for more than 100 years. A Mohawk, Kyle Beauvais, explains that, "A lot of people think Mohawks aren't afraid of heights; that's not true. We have as much fear as the next guy. The difference is that we deal with it better. We also have the experience of the old timers to follow and the responsibility to lead the younger guys. There's pride in walking iron."¹

Note

- 1 Exhibition pamphlet, "Booming Out", from the Smithsonian National Museum of the American Indian. New York 2002. □

THE LIVING AND WORKING CONDITIONS
OF URBAN-BASED INDIGENOUS PEOPLES:

THE CASE OF
THE MAASAI OF TANZANIA



By Johnson ole Kaunga



This article critically examines the current situation of the Maasai pastoralists that have moved into major urban centers such as Dar es Salaam with the hope and aspiration of rebuilding their livelihoods. As will be seen in this article, there is no doubt in the mind of the writer that the Maasai are increasingly becoming

the victims of social development, rather than its beneficiaries. Even more frustrating is the thought of what will become of them in the future! Yet the Maasai, as a collectivity, still endeavor and confidently struggle to be themselves – what they have always been - a proud and confident people whose life, traditional institutions, decision-making mechanisms and identity revolve around pastoralism and its unique indigenous mechanism of natural resource management.

It is imperative to note that the general situation of the pastoralist and hunter-gatherer ethnic communities in Tanzania - as in most African states - continues to be both pathetic and precarious. In fact, it can be argued that they now face more numerous and diverse threats than any other social grouping on the continent during any moment of their whole existence as distinct communities.

One of the serious threats faced by pastoralists and hunter-gatherers is that their own governments demand they change so that they can participate equitably in national development alongside other communities. Development policies in Tanzania are thus committed to suffocating the Maasai pastoralists' rights to self determination and own way of life by employing various development paradigms that exclusively enable the state and other communities to benefit from the Maasai's ancestral lands and natural resources to the exclusion of the Maasai themselves. As such, development policies are based on the government's anti-pastoralist spirit, and this is squarely the main reason as to why the Maasai culture and way of life is fated to die out.

The Maasai pastoralists - who were once known as the lords of east Africa and who roamed about the plains of east Africa, in particular Kenya and Tanzania, with pride and confidence - now find themselves on the streets of

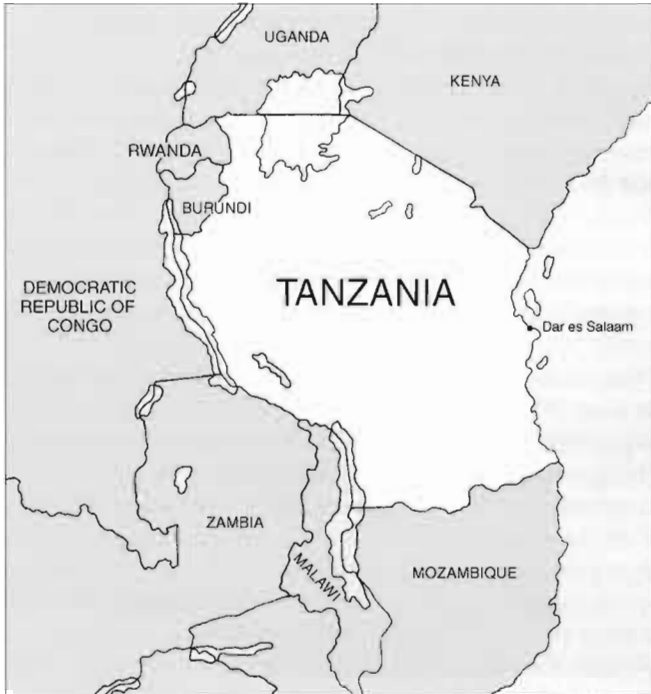
Nairobi and Dar es Salaam leading a pathetic life. This life is largely characterized by confusion, complacency, a rapid erosion of cultural identity and suffering alongside the wealth and resources being generated from what once used to be solely their ancestral lands: the Nairobi Game Park, Serengeti, Ngorongoro, for example. Their culture is being exploited to the maximum by others in order to generate more wealth, and the Maasai will certainly never have a share of this let alone a feel of how it tastes.

The Maasai were one of the earliest communities to rise up against all the forms of injustice and the various forms of discrimination perpetrated against them, both by the colonial regimes as well as by other post-independence regimes that took power and further consolidated their power to the maximum by using and playing a game of social exclusion of the original resource owners. Post-independence regimes in Tanzania have inherited and invested in virtually every social bias the colonial regime had against the Maasai as a people.

In Tanzanian national policy and development circles, you will always come across a strong but ill-founded criticism arguing that the Maasai traditional way of life is not sustainable and contributes very little if anything to national development. More often than not, Tanzanian national development and investment policies suffer from a chronic trap that perceives the Maasai and other indigenous communities as a problem in development and, more so, a threat to their own development.

I have yet to come across strong criticism of agricultural communities in Tanzania. Most of these communities normally stuff their granaries full of dried maize cobs and other grains and do not hesitate to claim famine relief from the government and relief agencies. However, in most streets in urban centers you will come across various critics loudly lambasting the Maasai for keeping "many" cows and for not being able to afford to send their children to school or feed themselves.

The current situation of the Maasai is directly related to their continued land loss and the land expropriations. Not only did they lose large swathes of their land to colonial settlers, conservation and the settling of other communities by the post-independence states. Worse still, they are presently being uprooted by other mainstream productive activities that the government believes



Maasai Morans. Photo: Jens Dahl

are the way to prosperity; i.e. crop farming etc. The Maasai ancestral and communal lands have been and continue to be alienated and expropriated from them. This has been followed by social displacement and cultural disruption within the community, as almost everything revolves around land, including self-identity and social interaction. It is clear that land loss by the Maasai community has triggered their movement to urban centers.

This article explores the far-reaching impact of land loss and, as such, the loss of livelihoods on the Maasai community. The specific focus will be on those Maasai who have moved to urban centers with the aim of redefining their livelihoods by taking menial jobs, and who are considered social "misfits" by the urban dwellers. They are always identified as "Wamaasai" while everyone in Dar es Salaam is identified by the tag "ndugu" (brother). This will continue, I suppose, until the Maasai have transformed themselves into what other Tanzanians want them to be in terms of thoughts and practice!

A coping strategy

It is not exactly known when the Maasai started trickling to urban centers. However, we know the reasons that made them start drifting towards these cities. The Maasai lost enormous tracts of land to conservation and other national development priorities, to the point where what is left of their ancestral lands is now not adequate to

sustain their traditional lifestyle. The land losses have permanently disrupted and damaged their livelihoods and their drought-coping mechanisms have been thrown into disarray.

The movement of the Maasai to urban centers needs to be understood as a self-created coping mechanism and strategy to cope with poverty pressure, past and present conservation policies, and development and investment policies that neither favor nor support their livelihoods. This article lends a critical focus to the tribulations, challenges and trials that the Maasai in Dar es Salaam face, and it sheds light on the various aspects of prejudice and discrimination faced by the Maasai as a result of their social background as a pastoral community. The writer also describes a variety of different economic activities the Maasai are undertaking in order to lend themselves a dignified livelihood, despite limited support from external sources and from other social groupings in the city.

Survival activities being undertaken by the Maasai living in Dar es Salaam

The Maasai are engaged in a variety of survival activities, which have enabled them to expand their livelihood options. They are engaged in activities that have a bearing on their original traditional occupations and roles. The vast majority of men are employed as security guards - a task that is appreciated by most, including the Maasai



Maasai, Tanzania. Photo: Johnson ole Kaungu

themselves, as it is a reflection of the role of the traditional Maasai warrior: warlike and fierce. These are values inculcated in Maasai male youth, who are supposed to protect the community from outside threats.

Increasingly, traditional Maasai women and girls are also finding their way to the urban centers. The few I came across in Dar es Salaam were from households without any grown-up sons, and women whose husbands had died or were very old and where the women had thus had to take up the role of sole bread winner in the family. Such women lead an extremely difficult life as a mother and family head. The women undertake tasks of selling traditional herbs, working as home helps, fetching firewood etc.

Employment as security guards

Out of all the Maasai men in Dar es Salaam and other urban centers, 90% of them are working as security guards - popularly known as watchmen. They are usually employed by individuals or families to guard their property against burglars. They are normally not given contracts and the terms of employment are mutually agreed verbally. Due to the fact that all of them are illiterate (having had no formal schooling), the mutual agreement is to the advantage of the employer and, in most cases, the Maasai find themselves at the mercy of their employers. Salaries are paid at the convenience of the employer.

Every Maasai watchman has gone through a frustrating, painful and testing time in the city. They find its administrative structures complex and inaccessible or basically designed to cater for the "Ilashumba" (singular-Olashumbai) - a word which the Tanzanian Maasai use to depict modernized Tanzanians whom they see as and feel are the direct beneficiaries of modern development and government existence.

Mr. Ole Matepet, who is 24 years old and comes from the Andeni district, came to Dar in June 2001. The severe drought of 2000 wiped out his family's livestock and they were left with only 12 goats, which cannot sustain a household of 7 people. Being the eldest son in the family, he arrived at a decision to join his age mates who went to Dar es Salaam a couple of months ahead of him. He left his parents and siblings to look after the few goats that survived the drought and he was personally determined to obtain a job where his monthly earnings could help him to restock the family's herd. After working for a Chagga businessman for two months, he was implicated in a fraud that took place on the day when he was actually not on duty and, after being harassed and humiliated by the police, his "contract" was terminated, even though he was given no chance to defend himself.

Ole Matepet is not alone. Others who have suffered the same fate are Yohana Ole Seyai, Lukas Ole Amboni and Oropil Oloomarai. None of the Maasai in Dar es Salaam, and most probably in other urban centers, have legitimate contracts as required by Tanzanian labor law. Most em-

ployers are taking liberties and playing elusive games by taking advantage of the cultural shock that severely hits the Maasai on their first arrival in the new city and in this meeting with urban life. They also know that the Maasai are new to the cash economy and that they have been transformed into a desperate and ignorant minority people whose voice may never be heard as long as they continue to be in Dar es Salaam.

They are not protected against unscrupulous employers and find it difficult to engage the law as, in most cases, their experience is that the entire environment has a strong anti-Maasai bias and prejudice. Everything is left to God and fate.

It is no wonder that even a kiosk owner on the streets of Dar es Salaam, classified under the Tanzanian poverty strategy paper as poor and vulnerable, can still afford to have a Maasai security guard. Most Tanzanians suffer from a terribly misunderstood perception of what the Maasai - as a people - stand for, and they are often seen as and felt to be living in a world of their own, and one that is lower in dignity. In critical terms, an ordinary slum dweller would consider himself to be poor but at least not at the level at which he perceives the Maasai to be.

Most Maasai security guards that I have met and interviewed earn about 30,000 Tanzanian shillings (US\$40) a month. They are illiterate and have no bargaining power and, as such, they cannot effectively negotiate for better terms of service. The city life strikingly intimidates them, and the apparently ample self-confidence of the Maasai warrior is wiped out.

Due to low pay and poor working conditions, the Maasai have to live in slums on the outskirts of the city. They have no other benefits and do not even have protective clothing against the cold. Some expatriates, mostly whites, have employed Maasai men as security guards and offer better terms than the rich Tanzanians, who just see them as a convenient source of cheap labour. A very insignificant number of Maasai guards have had good working opportunities and they have invested in rebuilding their lives. Most Tanzanians still perceive of the Maasai in terms of flows of cheap unskilled labour to cities and major urban centers that can be manipulated to suit strong market forces. They do not attempt to understand the Maasai influx as a breakdown of social systems, the result in part of inappropriate and unsupportive policies.

Of all the 120 ethnic communities in Tanzania, only the Maasai display their rich culture in their day-to-day life and they are easily identifiable by their traditional red shawls known in Tanzania as "Lubega". The Maasai culture continues to be a popular "blend", used to add value to tourism in Tanzania and Kenya. The problem with this approach is that policy makers, investors etc. only appreciate the Maasai culture by assuming that the Maasai as a people are no more!

Maasai warriors as tourist attractions and advertising models

Popular tourist destinations in Tanzania, i.e. Sea Cliff in Dar es Salaam, have employed Maasai Morans (warriors) as security guards. They are required to dress in their full traditional Maasai regalia and stand by the gate to open the doors, welcome tourists, present themselves for photos whenever the guests need them, in whichever style or posture demanded by the tourists.

Certain hotels popular with tourists are engaging Maasai warriors (in traditional regalia) as security guards and, due to their ignorance, they use them as cultural and commercial advertisement models to attract tourists as well as promote the hotel as the best tourist destination in Tanzania. However, the Maasai warriors are only paid and engaged as security guards, despite the fact that hotel management gains highly from their culture and from skills that are based on the rich Maasai culture. This amounts to an abuse of intellectual as well as cultural property rights. In the process, the Maasai culture contributes to foreign exchange earnings for the Tanzanian government, to the chagrin of its owners, who are fated to die out.

The mobile phone companies, in their glaring billboards on Ali Hassan Mwinyi Road, and also recently various Tanzanian families, have used Maasai Morans to add flavor to their marketing strategies and wedding activities, respectively. Yet, the Maasai Moran is simply a despised person.

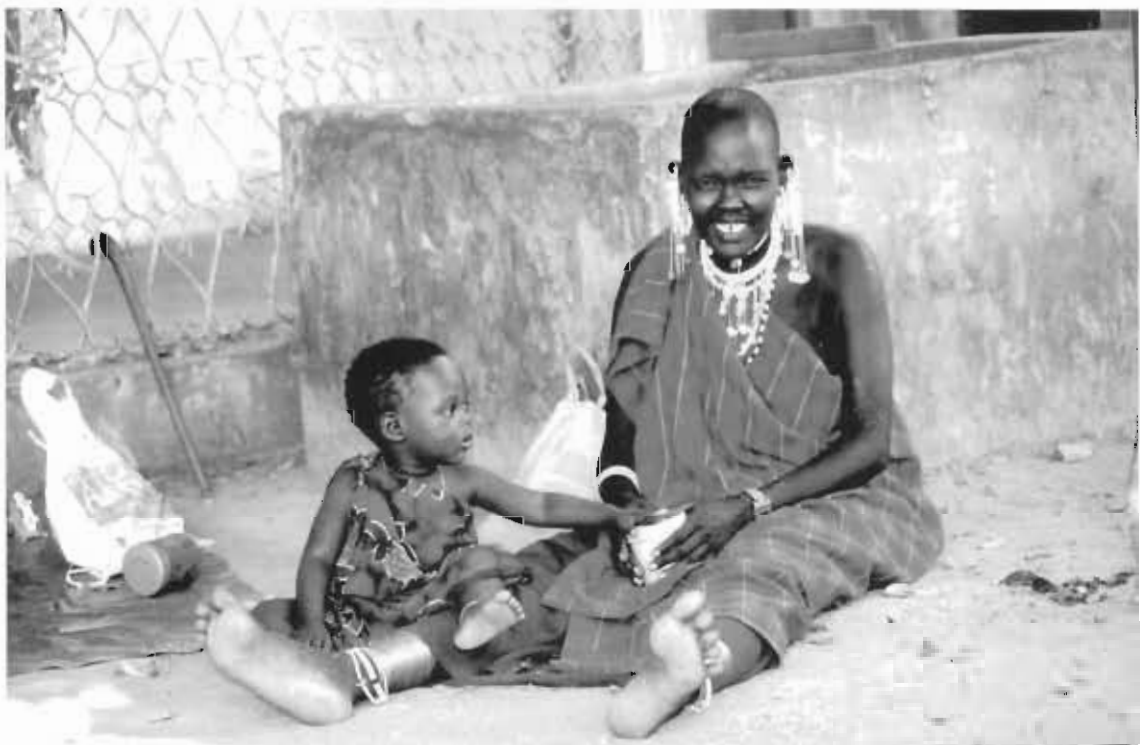
Whenever something awkward or stupid needs to be presented on the TV or radio, Maasai identity is used. This is what has happened with the HIV/AIDS awareness campaigns, where actors present themselves as Maasai, and issues of wife-sharing and other stereotypical images that society holds against the Maasai are unleashed. This has only helped to further alienate the Maasai from the rest of Tanzanian society, and as a consequence they only, by and large, interact among themselves.

Selling and prescribing traditional herbs

Both Maasai men and women undertake this activity at strategic points in Dar es Salaam. Both Maasai men and women have the acumen and skills to prepare herbs in different forms, ranging from concoctions to powders, roots etc. The herbs are sold and prescribed to mostly non-Maasai customers (the Maasai themselves are knowledgeable and know how to collect and prepare the herbs by themselves). Healthcare costs in Tanzania are becoming increasingly unbearable and most low paid citizens are reverting back to the traditional medicine, which the Maasai continue to use. Maasai indigenous traditional skills are well-known and appreciated and many people are now approaching the Maasai for treatment and advice.



Maasai people in Dar es Salaam, Tanzania. Photo: Johnson ole Kaunga



Mrs. Areko Dokula from Andeni Tanga Province. Photo: Johnson ole Kaunga

Mrs. Areko and her colleagues, Mrs. Nairukoki and others, have exemplary skills in traditional herbs. They lack marketing skills, however, and are being criticized by medical boards and harassed by the city authorities as they have to have a permanent site and pay to obtain a license. They find this increasingly difficult due to lack of money.

Of late, a number of micro-enterprise institutions have been established in Tanzania as a way of supporting small-scale businessmen and women to access loans in order to expand their enterprises and alleviate their poverty. However, no Maasai men and women have succeeded in obtaining loans. They claim that they are discriminated against because they do not reside permanently in Dar es Salaam, and the financing institutions claim that it will be difficult to trace them once they leave Dar es Salaam. The argument is that as they lead nomadic lifestyles back in their respective rural districts, away from Dar, they are potential loan defaulters in terms of future loan repayments plans once they leave the city. The argument simply hangs on the thinking that Maasai are a nomadic people and what is more, emotionally attached to cows. The credit organizations assume the Maasai will completely disappear from the city and that they will end up "losing" the money given as loans, as it will be used to purchase cows that end up in vast rangelands, thus creating difficulties in tracing them. Mrs. Areko and her colleagues strongly dismiss this argument as groundless, maintaining that this is prejudice and another aspect of the discrimination faced by the Maasai in Tanzania. Pastoralism is not seen and/or appreciated as a viable enterprise that suffers certain difficulties as much as other livelihoods systems.

Beadwork

This is entirely the Maasai women's domain and they independently design and produce beautiful patterns both for Tanzanian citizens as well as for the tourists. Ms. Napelel has been in the beadwork and Maasai cultural promotion business for more than a decade. She has the advantage of having been to school and, as such, she confidently and squarely places herself in the middle of the game. She reiterates that the Maasai have to benefit from their own culture and that they must join hands as a community to protect their culture from commercial pirates. She still cites problems of discrimination - when it comes to accessing government support, including access to capital for example - as impediments to the successful promotion of the Maasai culture, which is strongly despised outside of tourism circles.

Hair plaiting in the unique Maasai style

Maasai culture has greatly influenced the modern way of life in the major urban centers of Tanzania. Women in Dar es Salaam are increasingly using Maasai warriors to do

their hairstyles, Rasta style. This is the original Maasai warrior (Moran) style. The Morans are exploited, as they do it in an ad hoc way and do not have a regular place where they can be accessed by customers. As such, they are at the mercy of the salon owners, who take most of what the customers pay.

Worse still, the TV has depicted this as an awkward thing to do, linking it to possible avenues for HIV/AIDS spread and immorality. This has made the Maasai warriors shy and uncomfortable. Recently, individual women have taken Maasai Morans to their residences to do their hair, simply as a strategy to enable Maasai warriors to avoid being ridiculed by the media as well as others.

Vulnerable livelihoods and the impact of rural-urban migration on the Maasai way of life

Lack of leadership structures

The Maasai in the urban centers have no leaders of their own and they are not confident with the mainstream city authorities. This leaves glaring loopholes in terms of inability to present issues and concerns that are of unique concern to them. As such, they end up becoming a group that feels isolated and unwanted in the cities.

Social prejudices and stereotypes

The Maasai are ridiculed, stereotyped and demeaned in all aspects of their life and this is the main reason why none of them have brought their children to live with them in Dar es Salaam. They say they do not want their children to experience the same tribulation, nor do they want to be ridiculed in front of their sons and daughters. The men I have met and interacted with mention that the general image and message being marketed in Dar es Salaam - for instance relating to dress codes etc - is too powerful for their children. This is why most of them have resolved that they will never bring their children to urban schools.

The HIV/AIDS vulnerability

The urban-based Maasai are, by all standards, a vulnerable population. The Maasai Moran has been reflected as a strong man who can kill a lion and, in most cases, other citizens silently fear the Maasai. On the other hand, they are seen as fresh entrants to city life who clearly do not understand how the city's social life is constructed. The Maasai men stay in the city for about 6 months before going back home and thus cannot avoid limited social interaction with others as they undertake their economic activities.

The Maasai themselves silently know that they are increasingly becoming or will become an easy conduit and prey for HIV/AIDS transmission. This is influenced by the social perception that Maasai men are fresh from the remote rangelands and are believed to have a strong libido due to their frequent use of traditional herbs.

There are various NGOs and international organizations that are undertaking awareness and educational

campaigns on HIV/AIDS but they have never targeted the Maasai as a vulnerable sector of society.

Due to low and intermittent income, the Maasai are forced to live in urban slums where social amenities do not exist and they normally do not have a formal leadership to demand such services from the authorities.



Photo: Johnson ole Kaunga

During times of drought, the livestock have to be moved to strategic points away from the usual homesteads. This is usually a role played by Maasai Morans and junior elders and now that most of them are working in urban centers, women have to assume this responsibility, thus increasing their workload.

Social disruption

It is only adults and youths of about 15 years of age who come to the urban centers. This means that one of the parents is left alone in the rural village to bring up the children and also manage the livestock and the home. In such circumstances, one parent assumes the role of both father and the mother and, on some occasions, this means an excessive workload. The children, for instance the boys, have to be brought up without the attention of their father (who happens to be working away in the city) and the informal education that takes place in every day life is totally disrupted. This eventually affects the productive and interactive roles the young boys and girls have to play in future society.

The Morans who are involved in plaiting women's hair in the urban circles feel ashamed of themselves as this is a very unusual, unbelievable and abominable thing to do, and such activities may end up making the warriors entirely urbanized for fear of being ridiculed by their age mates - both girls and boys - back in the village.

Women are increasingly going to the urban centers, leaving their children and husband at home. This can have a severe impact on household unity and also opens up the chances and opportunities for promiscuity and increases the risk of HIV/AIDS infections, among other social vices.

Pressure on women

As mentioned elsewhere in this article, it is mostly the men who move to cities to look for jobs and the women are left behind to take over the entire management of the home, livestock, taking care of the elderly and sustaining the social linkages with the family members as well as the community.

Conclusions

Without proper and participatory policy structures that give pastoralists and hunter-gatherers the right to be different, they will remain a doomed people. The national institutions have to change their rigid perceptions of pastoralists and hunter-gatherers so that they can take up their rightful place and play their productive roles in national society. There is no single solution to the Maasai problems but it is high time they were given opportunities to articulate their concerns and issues with their own voices and in their own ways.

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He is the founder of OSILIGI, an indigenous organization in Kenya and, under OSILIGI, he initiated an international advocacy campaign against the use of Maasai pastoralists' lands by British military forces for their training maneuvers. The Maasai and Samburu pastoralists have just won compensation of 5.45 million pounds sterling (550 million Kenya shillings) from the British Government in an out-of-court settlement.

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Manda namau. Photo: Roger Begrich

TRIBAL DOMESTIC WORKING WOMEN IN DELHI - INDIA

By Samar Bosu Mullick*



Tribal domestic working women from Jharkhand. Photo: Bhuvanewer Sawaiya and Becnit Mundu

She came to Delhi, the capital city of India, in desperation. Nobody remembers when she first arrived in that "concrete jungle" from a remote village of Jharkhand, literally "the land of forests". The Catholic sisters were most probably the ones who showed her the way and placed her in an average middle class family as a domestic worker. Perhaps her village had suffered another spell of drought that year. Her land was so drought prone, there was no paddy in the fields and no fruit in the already denuded forests. She was desperately seeking a job to feed her starving family. Perhaps she was the only adult girl in the family or perhaps the only one with a sense of responsibility. In Delhi she began to live the life of a stranger in an alien society. Everything was so strange to her, the food, the clothes, the language and the behaviour of her employers. Even their skin complexion was so different: they were extremely fair and she was rather dark. She found that the tribal way of life of her village had nothing in common with the one she was confronted with here. It was a culture shock that she was never to fully recover from. It was not that she was treated particularly badly. And, in fact, there was no reason to be rude to her. She turned out to be a soft-spoken, hard working, honest and caring person within her employer's family. But she had very long working hours and no regular holidays. She lived within the confines of her employer's house, which was a small three bedroom apartment. She was often very sad and homesick. But she waited patiently for Christmas-time to come, when she would have a holiday, receive her salary and go back home!

The number of such girls has been increasing continually over the years. According to a liberal estimate, in Delhi alone there are now more than 50, 000 such girls from the same region of Jharkhand, mostly Christians, living as domestic working women. They have many more tales to tell us of their experiences in an alien world of "civilized" people, and they are not always as plain and simple as the story above. Other metropolises such as Bombay, Pune, Calcutta, Ahmedabad etc. also have their share of such girls from tribal areas near and far, and they fare no better than their sisters in Delhi.

Anita's plight

One day, Fr. Alex Ekka, himself a tribal person, received a phone call from a police station in Delhi. A tribal girl named Anita was being held in police custody. Such calls are far from rare. Anita came to Delhi along with eight other girls from the same area of Ranchi district of Jharkhand with the promise of a placement as a domestic worker on an attractive salary. The household in Gaziabad, where she was placed, turned out to be hell for her. She was forced to work long hours and live on leftovers. She was not even given enough clothing. She was often beaten by the mistress of the house on flimsy grounds and sexually harassed by the master. She would



receive no salary for months. She was not even allowed to go to church, where she could have met other girls. Being unable to bear this any more, she finally left the house. On her way to the railway station, she met a person who said that he was going to Ranchi the next day. He took Anita to a photo-shop and attempted to rape her. The police rescued her after a complaint from a passer-by.

Fr. Alex went to Ranchi, where he was also from, to investigate the case. He discovered a racket going on that was encouraging young girls to go to Delhi. The girls' parents were giving their consent and often taking money from the agents in advance.

A lucrative business

Over the years, the "Road to Delhi" has appeared quite an attractive one for girls looking for a way out of poverty, hunger and the shattered dreams of a sweet home. Some want to help the family with their brothers' education or to pay off a mortgage on the fields or cattle. Yet others may be trying to escape a difficult family situation, such as drunkenness, harshness or even overt ostracism because of pre-marital pregnancy.

Initially, the Catholic sisters organized placement for the girls, hostels where they could stay until they were placed and centres for their training and education. For instance, the Religious of Mary Immaculate founded "Yuvati Nivas" (youth hostel) in Delhi in 1977 at the invitation of Archbishop Angelo Fernandez, with the express mandate of looking after the welfare of young domestic workers. Another centre was established in 1986.

Very soon, however, realizing the great demand for such girls in Delhi, many non-religious "bureaus", as they are commonly called in popular parlance, emerged

to profit from this. For each placement, these job providers receive an average Rs.2000 from the employer and a fee from the employee that may vary from a month's salary, which is about Rs.2000 to even Rs.200 to Rs.300 every month. The girls pay this fee with the assurance that, in the event they lose their job, they will be placed elsewhere and a hostel provided until then. These establishments are mostly run by tribal persons settled in Delhi as the family members of central government employees. Some of them, however, are also managed by non-tribals. The recruitments are made by tribal agents in the villages, who also receive a share of the ill-gotten gains. This trend of bringing in girls from the villages with attractive promises has, over the years, made them extremely vulnerable to city life, which they find so crude and inhuman. Unscrupulous employers exploit them both economically, physically and sexually.

Depleting resources and disintegrating tribal society

The overwhelming majority of domestic working women in Delhi are tribals (indigenous peoples) belonging to the Oraon, Kharia and Munda communities. Most of them are from Gumla, Ranchi, Lohardaga and Palamu districts of Jharkhand or the adjoining districts of Raigarh and Jaspur of Chattisgarh. Again, most of them are Christian by faith and the majority are Roman Catholic.

Jharkhand became a focus of industrialization in the 1950s for its rich mineral deposits, forest and water resources and the availability of cheap labour. The country that was "snatched from the jaws of the tigers and fangs of the snakes" by the fore-fathers of the migrants has now been taken over by the multi-headed dragon of the government's industrial and developmental policies. This dragon is known within Left-wing ideology as internal colonialism. Indiscriminate mining, denudation of the forests, land aggression and encroachment on water resources have all devastated tribal life, causing large-scale migration to faraway places.

Until recently, the districts of origin of these women migrants were densely forested and, although people practiced settled farming along with swidden cultivation, the economy was very largely forest dependent. Forests not only provided their economic base but were also the source of the society's spiritual and cultural life. In a forest-based economy, women enjoy considerable economic power and social freedom. The destruction of forests over the last half century has thus not only caused immense damage to tribal society as such but has also weakened the female sex and, consequently, strengthened the tribal patriarchy. The situation has been further worsened by the unabated intrusion of large numbers of outsiders into the area, even after independence. They continued to occupy key posts in the administration and police force and continued to perpetuate the previous

colonial exploitation of the region's people and resources. All these factors have contributed to the rapid disintegration of tribal society. The fundamental reason for the mass migration of women, therefore, has been the resource depletion and societal disintegration that these hapless women have experienced, coupled with a growing demand for labour in the fast expanding industries and urban centres.

With the growth of industrialization and consequent urbanization, the volume of affluent middle class families has substantially increased. In most middle class nuclear families in which both husband and wife work, domestic help is a necessity rather than a luxury. However, for the urban neo-rich, keeping domestic workers other than chauffeurs and sweepers, is not only a luxury but a status symbol too. Growing cities like Delhi, with its expanding well-to-do middle class and rich population of traders and industrialists, has created a substantial demand for domestic workers. Tribal girls, particularly those with a Christian background and minimum literacy, fit the bill precisely. Their honesty, meekness, simplicity and cleanliness make them the best choice on the job market.

Once the ball of migration from a particular area has started rolling, other factors in its further promotion are activated. Substantial income differentials between the tribal villages and the urban centres, for instance, lead to kin chain migration, whereby women would bring over other women - sisters, nieces and friends. The attraction and lure of urban areas is enhanced by the stories of success that are told, the rosy picture of urban life that is painted and the expensive clothing and articles brought back to the villages when the girls come home for the holidays.

The changing pattern of out-migration

In the colonial period, tribal migration was the result of the double-edged policy of land alienation and labour recruitment for plantation work. The migrants were not individuals but families headed by the male members and followed by the women. In addition to this, there was seasonal migration to the neighbouring plains. This, too, involved both men and women, and the men were the decision-makers. This still continues to this day. But, in addition, there has been a growing phenomenon of individual migration for construction and domestic work in the fast expanding field of industrialization and urbanization.

Tribal female migration to urban centres as domestic workers does not depend upon male members of the family. In this case, it is basically the decision of the woman, however, often endorsed by the men in the family. It is not autonomous migration either because it neither emancipates the woman nor frees her from the economic and social bondage associated with her identity as a tribal woman.



Oraon women preparing cups from sal leaves. Photo: Roger Begrich



Munda women. Photo: Roger Begrich

The cost of female migration

Migration brings tremendous physical and psychological insecurity to tribal girls in an alien urban environment. They are exposed to both economic and sexual exploitation. Once they have left the village on their own and gone to live in other places, the girls are normally looked down upon by orthodox sections of society. The educated elites in Delhi consider they are the ones who bring shame on tribal society. Thus alienated from their own kith and kin, the domestic working girls tend to marry outside their respective tribe. In Delhi, it can be seen that they prefer to choose husbands from the non-tribal hill peoples, such as the Nepalis and Garhwalis (hill people of Uttaranchal). Around 70% of married women are married, often by deceit, to non-tribals (remember Meera Nair's film, *Monsoon Wedding!*). After such marriages, the girls lose the accommodation provided by their employers. They have to find a slum home in which to rear a family of rootless kids in inhuman conditions. Moreover, because they have settled in Delhi and married non-tribals, these girls also lose their constitutional status of Scheduled Tribes and their children, too, can never claim to be tribal persons.

Fifty thousand young girls between the ages of 13 and 25 represent so many potential builders of future families. In a recently completed survey of the Block of Raidih in the district of Gumla, by a social organization called PATRA, the gradual increase in this serious crisis was highlighted sharply. It revealed that the overwhelming majority of young village girls have either left their homes or are eagerly waiting to do so to make their living in the metropolises. Their absence means many potential husbands remain unmarried. Normally, the tribal villages

register a higher (meaning more than one thousand women per one thousand men) or balanced sex ratio. Migration of the girls in such great numbers upsets this balance and leads to sexual frustration and social anarchy. Although the migrant girls continue to send money to their respective families until they are married, the money is far from sufficient to salvage the ruining economic condition of the village. Society thus pays an immense social and economic cost in order to satisfy the need and greed of the current form of industrialization and urbanization that is taking place in the country.

The concern of the Church

The ever increasing volume of Christian female migrants to Delhi has been a subject of serious concern for the Catholic Church. Why most of the migrants are Christian by faith and from the Oraons tribe is a question that has yet to be answered satisfactorily by sociologists. But one can see for certain that the missionaries initially helped, if not encouraged, the poverty stricken villagers to send their girls to Delhi as domestic workers as a promising source of handsome income. Culturally, the Oraons are less orthodox and more outgoing than other tribes of the region. However, the Catholic Church and Church-related institutions in Delhi have shown immense concern and worked hard for the safeguard and betterment of these vulnerable girls.

The Catholic Bishops' Conference of India established a Commission on Justice, Development and Peace, which conducted a national survey on Domestic Workers. It concluded that these workers were in a state



of dependency, exploitation and quasi-bondage. It defined Domestic Workers as people "employed to do household chores on a temporary, permanent, part-time or full-time basis". According to the Commission, "this unorganized sector of society produces materials for consumption in the household; these commodities are not for profit or sale. House workers play an important role in the social life of the community. The household work done by them is vital for the well-being of the family".

The Delhi Domestic Working Women's Forum was formed in 1991 at the initiative of the Indian Social Institute, an academic and social action-oriented organization run by the Jesuits. The objective of the Forum was to influence the policy-makers as well as raise public awareness around the plight of domestic workers in Delhi.

However, the Church admits it cannot solve the problem. In a recent interview, Rt. Rev. Telesphore Toppo, the Archbishop of Ranchi, said that the parents of these ill-fated girls had to be motivated to stop their migration. But the permanent solution lies in the creation of alternative job opportunities in the region of their migration.

No legal protection

Domestic workers are not legally recognized as workers in India. The House Workers (Conditions of Service) Bill 1989 has not yet been enacted. Moreover, the Bill seems to have been formulated to the advantage of the employers and not for the protection of the employees. The domestic workers are thus left to their own strength and unity to overcome their helplessness, and to safeguard and assert their rights.

Struggles that shape a future

During the height of the movement for autonomy in Jharkhand, great hopes were generated among these ill-fated girls that they might go back home with dignity and with the prospect of alternative job opportunities. The movement's leaders also promised the same. But two years on from the formation of the Jharkhand state, nothing has happened in this direction. And yet there is still a silver lining to the dark cloud that is the future of these hapless daughters of Jharkhand. Firstly, popular struggles have been emerging for the restoration of the land and forest rights of the people and for implementation of a sustainable developmental programme in the region through the Gram Sabhas (village councils), under the Panchyati Raj Extension Act of 1996. This would at least create an atmosphere conducive to stopping further migration. Secondly, initiatives are being taken to safe-

guard the interests of these innocent victims of "development". In Delhi, a United Action Forum is in the making, the initiative of a group of young Catholic priests and nuns and other lay persons with the blessing of the Archbishop of Delhi. The objective of the Forum is primarily to work out an appropriate pay scale / salary structure along with other benefits such as a provident fund / gratuity (these are deposits that are cut from the workers' salary and given back at the time of retirement) etc., to establish service conditions for domestic workers, to work towards appropriate legislation in their interest, to support the work of promoting education among illiterate or semi-literate domestic workers, plus encouraging vocational training for those already educated and occupational diversification for those already qualified.

However, in the final analysis, the issue of out migration of indigenous peoples from their environment as a result of encroachments upon their life sustaining resources can never be seen, and its resolution never sought, in isolation from the basic economic policies of the state and the demands of global economic forces.

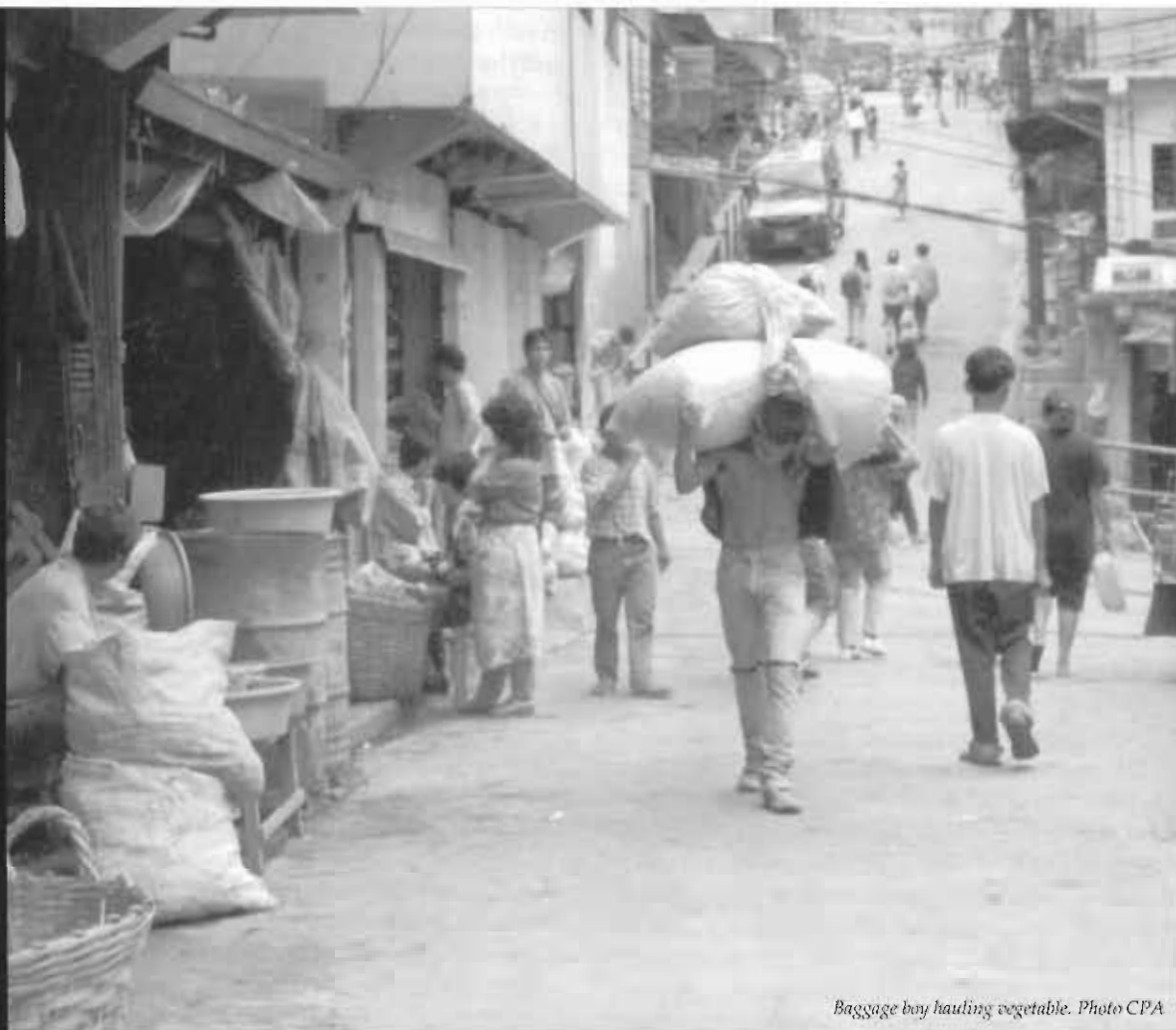
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* This article has been written with the active collaboration of Ms. Vasavi, an activist and journalist, and Dr. Alex Ekka, an activist and researcher.

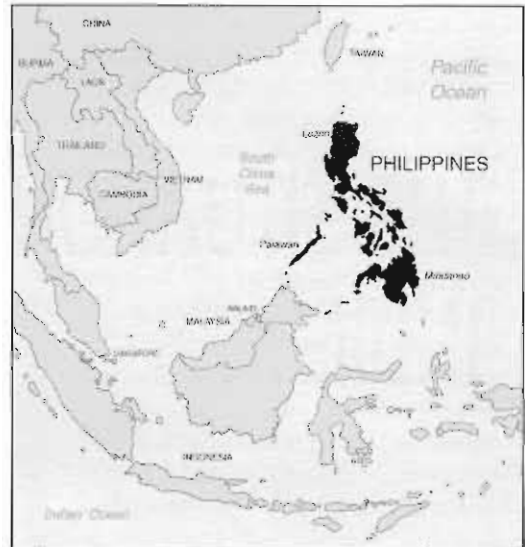
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THE SITUATION OF POOR INDIGENOUS PEOPLES IN BAGUIO CITY THE PHILIPPINES



Baggage boy hauling vegetable. Photo CPA

By Geraldine Cacho and Joan Carling



For almost a century, Baguio, the only city within the Cordillera Administrative Region in the Philippines, has been the migration area for many farmers from the lowland and upland neighboring provinces of the Cordillera and Ilocos Regions. More than half of the city's total population of 300,000 people comprises indigenous peoples from the Cordillera villages. The major migrants to Baguio City from among the Cordillera indigenous peoples are the Kankanaey, Bontoc, Sadanga and Ifugao.

Economic hardship in the Cordillera countryside – caused by a lack of livelihood sources, almost non-existent basic social services, tribal conflicts or war and militarization – is the main cause for the out-migration of indigenous farmers. While subsistence economy in the countryside can provide sufficient food, the growing need for cash to pay for basic needs, such as medication and education, has been a major driving force behind the out-migration. Given the lack of social services, including health and education and a lack of basic infrastructure, such as roads, electricity and water distribution systems, livelihood activities and sources are limited to subsistence farming, which cannot provide for other needs. The perception of Baguio's highly urbanized situation in relation to the countryside has thus attracted migrants looking for jobs and sources of cash.

Migration to Baguio began during its construction period in the early 1900s. It has continued to this present day. The major periods of migration to Baguio were during the first and second commercial mining booms in Benguet Province, the Second World War, the occurrence of epidemics, tribal wars and militarization of the Cordillera countryside and the worsening lack of livelihood sources and opportunities.

Baguio being the center for education, government, communication, trade and commerce, tourism and social services gives the countryside population the impression that life in the city of Baguio is better and easier. While

urbanization continues in Baguio, the backward agricultural system in the countryside remains undeveloped.

The present situation

A little over 60% of the total population of Baguio is made up of indigenous peoples from the Cordillera, and this figure continues to grow as a result of continuing immigration. Indigenous peoples from the different provinces can be found in all 129 *barangays* of the city (a *barangay* is the smallest political unit in the Philippines). 35% of the city's indigenous population have stable jobs or sources of income enabling them to lead a decent life in the city. These are mostly the Igorot professionals, government employees, businessmen, traders and early migrants who have settled permanently in the city.

The rest (65%) suffer from extreme poverty due to under-employment and joblessness. They are referred to as the poor urban sector of the city, alongside others from the lowland areas.

The nature of out-migration is not permanent for many poor indigenous migrants in Baguio City. They retain their own houses in their original village, and go home during the planting and harvesting season to do agricultural work. Their supply of rice and other types of food in the city comes from their own village. They also go home to attend weddings, funerals, indigenous festivals and other occasions while regularly maintaining close contact with their relatives, clan and tribal groups. They therefore still regard themselves as part of their village, and they spend several months a year in their own village.

Even in the city, indigenous migrants live as neighbors, as their houses are clustered in certain areas of the city. One example is what is known as "Bontoc village" and another is the Ifugao community, which is also known as the area in which to buy woodcarvings in the city. They



also speak their own dialect - including their children - and indigenous rituals are still practised, such as indigenous wedding festivals and indigenous funerals. Mutual cooperation is also still maintained, although this is very much weakened.

Unemployment and under-employment

Most indigenous migrants from the Cordillera villages in Baguio have very limited skills and the majority are not educated. They have brought with them their traditional weaving, stonewalling and woodcarving skills. Women's home-based weaving activities cannot compete with the influx of local blankets and imported goods, however, and this is resulting in the near-death of traditional weaving.

Since employment opportunities in the city are becoming ever more scarce, and require certain skills and educational background, the majority of the indigenous migrants in Baguio are forced to create their own income-generating activities using whatever limited skills they have brought from the provinces. Indigenous women have become sidewalk vendors of fruits, vegetables, used clothes and other items, street sweepers, laundry women, peddlers of used bottles, plastic materials, newspapers, used cartons and others. Some of them have become cleaners and gardeners for rich families. Some old women beg in the street and others, including children, scavenge in the rubbish.

Their male counterparts gain only temporary jobs as laborers on construction sites and in companies. Construction work is mainly in demand during the summer period. During the rainy season, they can only find jobs if there are rehabilitation works to be done due to landslides and for road repairs. Others have to leave their families in the city for some time if they can find jobs as construction workers or the like in other places, such as Metro Manila and other urbanizing centers. House repairs and stonewalling are also common jobs for indigenous men to find. Some are also employed as vegetable carriers, garbage collectors, jeepney drivers and bus conductors.

Some Ifugao families are still engaged in woodcarving, although the price of their products is low when bought by businessmen or tourist shops.

Traditional livelihood activities resembling those in the village - such as piggery and backyard gardening - are also maintained in the city by indigenous migrants. City authorities have thus branded indigenous city communities as unhygienic because of their backyard piggeries, which lack proper waste disposal systems.

Children of poor indigenous migrants are forced to contribute to the meager family income by selling plastic bags in the market, becoming baggage carriers, selling cigarettes and candies, car washing, shoe-shining and the like, even if they are students in state primary schools. Indigenous children as young as 6 years old can be found



Indigenous female vendors protesting against the Anti-Peddling Law, which considers vending in the streets of Baguio a crime. The march took place during the International Day of Women Workers on the 8th of March 2002. Photo: Audey Mary Beltran, CPA-PIC

throughout the city's markets selling plastic bags or acting as baggage-boys. Most indigenous children are unable to finish secondary school or higher education because of financial difficulties. Young indigenous women end up as home-helps, childminders, vendors, salesgirls and the like. Most young men end up as laborers, while a few are involved in anti-social activities such as robbery, car-stealing and drug abuse.

Because of insufficient income, urban poor families cannot cope with the skyrocketing prices of basic commodities and services such as water, electricity, education and health. The monthly average income is around 4,000 pesos (approx. US\$80) for a poor urban family with an average of eight members, in contrast to the government's poverty line of 6,840 pesos per month for a family of six. Because of the meager income of poor urban indigenous families, they cannot afford medical help in times of sickness, education, or the regular payment of water and electricity.

Homelessness and lack of social services

As poor migrants in the city, indigenous people from the countryside cannot buy land or build good houses. They thus build their homes using iron sheeting and thin lumber on unoccupied public or private lands in the

outskirts of the city proper. As a result, they are considered "squatters" because they do not legally own the land and are thus subjected to eviction or demolition by the city authorities.

In 2001, 800 families became homeless due to demolition. An additional 1,022 families experienced demolitions in the first seven months of this year to give way to real estate development. What is more, residents in more than 30 barangays, mostly poor urban communities, fear demolition of their homes and destruction of their agricultural farms to give way to the mega-tourism projects being implemented by local government. These projects include road construction and widening in order to connect tourist sites and to decongest the city centre from traffic, construction of golf courses, hotels, subdivisions and malls for the targeted 1 million tourists per year.

In addition, social services such as water and electricity are not provided, so they have to get these services illegally. Many poor urban houses have no access to the city's water distribution system and have to buy their water by truck delivery, which is more expensive. Given the plans to privatize social services, such as water and electricity, the poor urban sector will be the most adversely affected because of the likely increases in the cost of these services.

The struggle for the basic rights of indigenous peoples in Baguio City

Self-organizing among the indigenous peoples in Baguio started in the early 1980s focussing on the recognition of their democratic rights. The alliance of indigenous urban poor organizations known as "ORNUS" - a member organization of the Cordillera Peoples Alliance - was established on May 4, 1984, and has played a leading role in the struggle of the urban poor of Baguio city, particularly the poor urban indigenous. The objectives of ORNUS are to build the collective capacity of the poor urban indigenous sector in Baguio City to fight for recognition of their basic rights, interest and welfare.

On 5 May 1984, the day after the organization's foundation, the members of the Alliance marched through the city's main streets calling on the government to respect their basic rights to shelter and social services. This served as an avenue for the urban poor to announce their existence, their objectives and their plans.

ORNUS officers immediately called for meetings to discuss legal action to be taken with the assistance of lawyers, who willingly helped in the writing of petitions, resolutions and other letters to the relevant government institutions. The leaders, on the other hand, held talks with government officials, ranging from the local to the national level. Urban poor leaders even went as far as the Malacanang Palace to seek the attention of the then President, Ferdinand E. Marcos, hoping that the government would legalize their land ownership. Unfortunately, all the above efforts proved ineffective.

While the members of the ORNUS Executive Committee and other community leaders were busy with the legalization of their ownership of homes and home-lots, demolitions were still being implemented. The Barangay Anti-Squatting Action Group (BASAG), which was leading the war against squatters, continued to tear down the houses of the so-called squatters. This led to organized barricades not only by the victims but also by other members of the Alliance coming from other areas to help. Arrests of community leaders and confiscation of building materials and other private property were resolved through pickets, marches and rallies initiated by ORNUS. Small-scale socio-economic projects were also initiated by ORNUS in support of its members. These included cooperatives on bottle and newspaper recycling, a vendors' loan cooperative, a blanket weaving cooperative and backyard piggeries. The implementation of socio-economic projects provided ORNUS with rich experience and lessons on project implementation and management for, while some of the projects failed others were successful.

At the height of the most hated dictatorship, ORNUS was one of the active participants in the protests that led to the ousting of the dictator. When Ms. Corazon Aquino assumed the Presidency in February 1986 by virtue of the people's power, ORNUS again submitted its petition and



its recommendations concerning its concept of development. Again the letter was ignored. A significant short term gain was, however, achieved through a moratorium on the demolition of the urban poor's houses. But, on the other hand, the building of new structures was also stopped.

In July 1990, a killer quake struck Baguio and several poor urban communities were devastated. Amidst the aftershocks and strong rains that followed, ORNUS actively participated in the relief and rehabilitation work focusing on poor urban areas. This was the start of the people's welfare campaign, which lasted until 1994. The people's welfare campaign centered on rehabilitation work and on providing socio-economic projects to devastated poor urban indigenous communities. This campaign included the rehabilitation of houses, pathways and alleys, the setting up of six community coop-



Indigenous female vendors protesting against the Anti-Peddling Law, which considers vending in the streets of Baguio a crime. The march took place during the International Day of Women Workers on the 8th of March 2002. Photo: Audrey Mary Beltran, CPA-PIC

eratives managed by women members, a loan cooperative for vendors and the setting up of a junkyard.

The 18 years of struggle of the poor urban indigenous sector in Baguio have proved really hard. One of the complications of organizing the poor urban indigenous sector in Baguio City is their “semi-transient” nature, which means that their continuing active participation in the Alliance is very much affected. The fluidity of the Alliance’s membership thus remains a serious area of concern in strengthening the work of ORNUS.

Though there were several achievements in terms of promoting the rights and welfare of the poor urban sector, there are also multi-dimensional challenges, as the city of Baguio pursues a Development Program for commercial tourism. Threats to tenurial security of land and homelots are worsening. Massive demolitions are expected as the government pursues its tourism-related projects. Job and

employment opportunities are becoming more scarce and poverty is worsening.

In the midst of these developments, ORNUS continues to gain strength from its growing mass membership. New leaders are being developed as they presently engage in organizing and campaigning against the demolitions and against poverty.

Geraldine Cacho is a Kankanaey who has been an organizer and mass leader of ORNUS for more than a decade. She is the Chairperson of ORNUS and the Vice Chairperson of the Metro-Baguio Chapter of the Cordillera Peoples Alliance.

Joan Carling is a Kankanaey and was born and lives in Baguio City. She is the Chairperson of the Cordillera Peoples Alliance. □

THE UNCERTAIN FUTURE OF THE EMBERA OF THE UPPER SINÚ IN COLOMBIA

By Fernando Castrillón Zapata, ONIC¹

*.....There are still a few indigenous people living
as Adam and Eve
.....with living poets
With ancestral legends*

*There exists, way upriver,
An almost undisturbed nature*

*And you exist
River traveller*

As does the river.

Raúl Gómez Jattin²



Kimy Pernia Domico, kidnapped by the military forces in June 2001.
Photo: IWGIA archive



Urrá, three years on from the flooding of an indigenous people



In 1993, construction work began on the Urrá hydro electric dam situated in the north-west of Colombia in the Dokeradó or Upper Sinú territory of the Embera-Katío. The area is home to one of the forests of greatest biodiversity in the world, and it is situated within one of the country's largest and most important natural parks. This dam was

filled in October 1999, in a case rife with legal inconsistencies. The case demonstrated a lack of political will on the part of the Colombian state towards its indigenous peoples and towards sustainable development, multiculturalism, pluriethnicity and biodiversity - all teleological principles enshrined in the ecological and "multidiverse" approach of the Colombian Political Constitution.

This hydro-electric project was of extremely limited economic benefit to the country. The numerous benefits put forward as justification for the country's economic, social and environmental indebtedness simply did not exist. On the contrary it meant the gradual death of the indigenous and peasant farmer communities who bore the cost. Corruption, the annihilation of social leaders, forced displacements, violence, changes in extremely important ecosystems and the deterritorialisation of communities were all the result of a non-existent "development" sold, on the basis of illusory images, to a region in which community participation and decision-making were prevented. For the project was supported by politicians and forces of the extreme Right, following the logic of large project intervention in Colombia, and it was claimed that any person or community opposed to the Urrá was necessarily opposed to the well-being and development of the country.

The hydro-electric power station altered the cyclical flooding of the river, destroying the cultural imagery of communities which had, for many years, developed thanks to its rich and diverse basin. The lands of the lower basin salinified and are now being seized for contaminative shrimp exploitation³. The wetlands are being drained and illegally incorporated into the extensive lands of a few cattle farmers. The river's wildlife is decreasing to the point of probable extinction, particularly the "bocachico"⁴, a source of food and income for indigenous and peasant farmer communities alike. At the same time, the possibility of navigating between the Upper and the Middle and Lower Sinú has been destroyed and is now causing epidemics due to the high level of mosquitoes.⁵

Contrary to the estimates given to justify the construction and operation of the Urrá Multi-Purpose Project, there are now many more villages affected, including small-scale fishermen of the lower and middle basin - many of them from the indigenous Senú people. These are communities from the river and river delta practising subsistence agriculture, settler farmers of the upper basin of the river (most of them forcibly displaced⁶), communities from towns and villages of the Caribbean Coast⁷ and, particularly the Embera Katío of the Upper Sinú.

The Embera – no river, no fish, no mountain

The filling of the 7,400 hectare area, which included indigenous lands with cemeteries, sacred sites, cocoa, banana, maize and medicinal plant fields in gardens tended for many years, marked - along with the death of its best people and permanent exile in the towns - the death of the life, integrity and future of this mountain and river people, as they define themselves.

Now, the Embera of the Upper Sinú relate how there was once a river on which, on a summer's night, they

would travel by raft to Lorica, the river's ancient city. Here Syrian/Lebanese merchants, fellow countryfolk from the interior of the country, fishermen dancing their traditional fandango and the Indians of the Upper Sinú would meet. They tell how you could hear the sound of the fish coming upriver to lay their eggs in its fresh waters, how the children were healthy and how the *Jaibaná*, spiritual doctors and guardians of the Embera people's traditional culture, would control all evil occurring in the community. A region where houses made of local materials and adorned with plants, birds and spirits were built along the riverbanks.

These Embera relate how death at the hands of the arriving "development" was a certainty, for it gradually killed the fertile plains, the sacred sites on which the spirits of the mosquitoes had been imprisoned, spirits that bring sickness and drowning and which also kill the fish and birds on which they feed. "Development" brought with it the firearms that killed the great Embera leaders, and unnatural money with which land was snatched from the people. It awoke a greed that cared little about abandoning the elderly, leaving them alone and ill, or about changing partners like you change clothes or about taking children to live like beggars in the city.

Now, for many of the Embera living in the Upper Sinú (in the words of the poet, there in the upper valleys like Adam and Eve), the territory became one big bar expending alcohol, a territory in which young indigenous women were prostituted, in shantytowns without water, surrounded by rubbish and sewage.

Today, in Tierralta, around 120 families live in the Esmeralda district, jokingly called *la Emberalda*. A few more live spread out in houses. The same is the case of the Coquera district in Montería and the settlements that are being established in Sahagún and La Apartada.

Many Embera are now condemned to town life because compensation was given to each man on an individual basis. They were duped into accepting a territory made up of snippets of dry land sown with pasture, with neither water nor forest, and which they called farms. These will undoubtedly fill up with coca to be used in drug production in the area around Tierralta and with bikes and cars frenetically bought, along with sequins, cheap perfumes, fizzy drinks and fast foods.

The situation of the Embera children

By exchanging a rural environment (characterised by dispersed settlements, a high respect for the community's authorities, elderly and children, self-sufficiency in food, and little or no monetary dependence) for an urban service culture dominated particularly by an extractivist economy and now far more integrated into the drug economy (as can be seen in Tierralta), the Embera family's rupture with tradition has cruelly imposed very difficult conditions on the children of the Embera people.

This is particularly concerning as a high percentage of the Embera population (62%) are under the age of 18⁸ and it is precisely this group that presents the most serious problems, again the results of the impact on the Embera people of the hydro-electric dam construction and the armed conflict.

The child population of the Esmeralda district presents a high level of malnutrition, illnesses deriving from lack of food, and varying degrees of diarrhoeal and respiratory illnesses. It is not possible to estimate the age of most children due to their low weight and height.

But to these illnesses must be added the even more serious situations of abandoned children and the permanent and continual exposure of children to bars and city centres. Scenes of parents drunk on the street at midnight, with children of scarcely 2 or 3 years old being fed with artificial fizzy drinks, can be observed.

Many mothers have abandoned their children and many single men are hurrying to marry widows or single mothers with many children,

as the state grants much higher compensation to larger families. Even married men with few children by their first wives are separating for this reason. This compensation is monopolised by the men, particularly because of the way the Urrá company makes payment, favouring male heads of household or requiring that payment be signed for, when it is usually the man who is able to sign his name in the Embera culture.

In terms of education, the children have been transplanted into a totally different education system, one that is not adapted to the particular conditions of the Embera people. Tensions run very high as, nor-





Embera Katío people protest in May 1999 against the consequences of the Urrá dam. Photo: Dick Thomas Emanuelsson



mally, the Embera cannot speak Spanish before the age of 15 and so they do not understand the discussions, particularly as the teachers have absolutely no knowledge of the Embera language. There are increasing numbers of Embera children in the "urban" schools of the municipality of Tierralta but many do not go to school, spending their time in the streets, watching videos, going to arcades or becoming involved in gangs of bag snatchers.

Women, and particularly young girls, are further affected, given their sexual vulnerability and vulnerability in terms of assuming roles within their culture that afford them insufficient protection. In many of the bars of Tierralta, and even on the streets, young women can be seen, many of them under age, prostituting themselves and being exposed to alcohol and drugs consumption.

But a particularly serious and sensitive issue for the children and youth of the Embera people, and one that needs tackling, is their permanent and continual recruitment into the armed conflict. In the urban area, which is entirely dominated by the paramilitary, Embera children and youth are hired as informants, providing information on routes, people, places and events taking place in relation to the opposing side within the territory or listening to conversations, watching people and raising the alarm. In the indigenous territory, too, children under the age of majority have been recruited by the guerrillas, not only as informants but also as combatants. A large percentage of the indigenous population who are being forced to join the ranks of the left-wing guerrillas or right-wing paramilitaries are under the age of 25.

The painful but important memory

Those who saw all this coming, years back, are now no longer for they have been assassinated or "disappeared" in order to shut them up and to allow the rest to die in obscurity, bearing the costs of "development". The disappearance of KIMY PERNÍA and JOSÉ ANGEL JARUPIA and the deaths of LUCINDO DOMIDÓ, JANUARIO CABRERA and ALONSO MARÍA JARUPIA, the main leaders of this indigenous people and the assassination of approximately fifteen indigenous people at the hands of the FARC⁹ and the ACCU¹⁰ sounded the death knell for many men and women who died anonymously in Tierralta and Montería. This is particularly so for the *Jaibaná*, the women, the elderly, the children, dying of sorrow, malnutrition, abandonment, STDs and the pain of being outside their territory and their culture.

And yet, you also have to see and understand that there are still many valiant women and men within the Embera territory of the Upper Sinú who are resisting the changes to their history, their roots and their cultural belonging being caused by money. These are men and





women who continue to challenge - with dignity - the bullets, the hunger, the food blockade imposed by the armed combatants and the bad faith of those responsible for the construction work who may yet skilfully give fresh impetus to the construction of the Second Stage of this project. These people, who every day continue to remember the words of Kimy, give us hope that the Embera people of the Upper Sinú may heal the wounds caused by the death of the river and may be able to recount once more, in the soft language of their elders, the Embera Bedea, legends and stories of when the River still ran and when the laughter and wise words of Kimy, son of Manuelito and grandson of Yari, could be heard throughout the whole of the River's upper basin.

Notes

- 1 ONIC, National Indigenous Organization of Colombia.
- 2 In these well-known lines, the Sinú poet, Gómez Jattin, refers to the Embera of the Upper Sinú River who, until the construction of the Urrú, were unknown and invisible in the region. Alongside those of the Nile, the soils of the Sinú Valley region are considered among the most fertile in the world, and yet it was on these soils that the economic model of the paramilitary was imposed, condemning the best lands to extensive cattle rearing in the hands of a very few.
- 3 One of the biggest companies in the river delta area is owned by the ex-Minister for the Environment, José Vicente Mogollón.
- 4 River fish native to the area – trans. note.
- 5 During the third week of July this year, five indigenous and an undetermined number of peasant farmers were diagnosed at the Tierralta hospital as having classic Dengue symptoms.
- 6 In recent years, coca growing has increased in the area around the dam and there have been numerous massacres, in Nain (September 2000), Saiza (June 1998) and Manso (June 2001).
- 7 The recent mobilisations on the Colombian Caribbean Coast, which took place in Barranquilla and the municipalities of Sucre and Córdoba due to the soaring costs of electricity and power cuts for several hours each day, take place at a time when the Coast's privatised energy companies are being fined for refusing to provide information on the state of their accounts.
- 8 Ethno-Development Plan of the Embera Katío People of the Upper Sinú. Final Report. ONIC-URRÁ. 1995
- 9 Revolutionary Armed Forces of Colombia. Guerrilla forces operating in the area.
- 10 Self-Defence Peasant Farmers of Córdoba and Urabá. Paramilitary forces.

Fernando Castrillón Zapata, born in Abriaquí, Antioquia, is an agronomist. He has been involved in work with indigenous peoples, particularly in the areas of territory, natural resources and agricultural production, since 1995. He is well-known within the country for the support he gave to the Embera Katío of the Alto Sinú's Life Plan. He is currently coordinating a project of the National Indigenous Organization of Colombia (ONIC) and the United Nations on the internal displacement of indigenous communities in Colombia due to the armed conflict. □

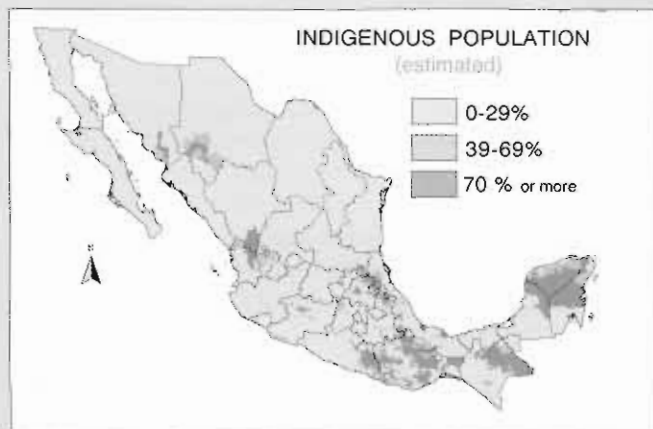
Embera Katío people protesting against displacement, harassment and human rights violations. Photos: IWGLA archive and Dick Thomas Emmanuëlsson

ETHNIC IDENTITY AND POVERTY: INDIGENOUS PEOPLES IN THE CITIES OF MEXICO

By Tania Carrasco V.



Mexico City. Photo: Iván Alcazar



The World Bank was, in 1991, the first multilateral financial institution to introduce a special policy for indigenous or tribal peoples in development projects, Operational Directive (OD) 4.20. Within the framework of this directive, a series of assessments of indigenous peoples was initiated in various parts of the world with the aim of assisting the Bank's staff and lending countries to understand the reality of these peoples. In Latin America, and specifically in Mexico, a series of assessments was undertaken that were known as Indigenous Profiles for Mexico.¹

Indigenous migration within the Mexican territory is not a new phenomenon. As early as the 1940s, indigenous people were already moving to coffee and sugar plantations or to export agroindustry regions. In general, only the men were employed, more often than not casually as agricultural day labourers. However, the Indigenous Profiles brought to light the fact that, over the last 15 years, nuclear and extended families (aunts, uncles, cousins) had come to the main cities, concentrating in the city outskirts where there were no services (drainage, electricity, water), in old buildings, or on abandoned plots in the city centre.

Who are the indigenous peoples of Mexico?

Their definition and characterisation has given rise to a great debate that has extended from colonial times to the present day. When the Europeans first came into contact

with the original societies of the American continent, they gave all the different peoples (who had their own identities and specific cultures) the name of "Indians", thus abolishing ethnic diversity and vastly reducing their possibilities for developing and evolving. The different ethnic groups of Mexico must be recognised as historic and sustained societies, of long standing within a cultural geographic territory in which they were originally autonomous. The 2000 Census identified 62 linguistic groups and a population of 7.2 million people. The National Indigenist Institute (INI) – the official institution – includes cultural criteria and estimates the existence of 12 million indigenous people, concentrated primarily in the Meso-American (central and south) area. To the north of Mexico City live numerically smaller peoples. There are indigenous peoples of large numbers with a very solid identity, and others that are on the path to extinction.

Methodology for the exploratory study

A study entitled "Indigenous People, Ethnic Identity and Poverty in Mexico: an Urban Profile" was made for the World Bank in June 2001. The aim of this exploratory study was to examine indigenous people's perceptions of their ethnicity, their working conditions, of the life that faces them as construction workers or peddlers in the informal economy, and the way in which they achieve their cultural reproduction in the cities.

The situation of five ethnic groups in three large urban centres was analysed:

- a) The Mazahua, Otomí and Triqui in Mexico City;
- b) The Maya in Cancún (tourist centre); and
- c) The Zapotec in Minatitlán Coatzacoalcos (oil region).

The study obtained qualitative and quantitative data from indigenous migrant families of the five chosen ethnic groups. A sample of 869 families was selected and socio-economic information obtained from 4,291 members of those families. Of the 859 families in the survey, 55% were nuclear families and 41% extended.

An opinion poll was also undertaken (on attitudes, perceptions and socio-economic characteristics), and this was implemented with 1,051 of the 4,291 family members. Finally, focus groups by gender and age were held, and with community leaders. Due to the nature of the tools used, such as the focus groups and the opinion poll, the study was able to provide qualitative information. Careful attention was thus given to analysing the opinions and perceptions expressed in the survey, along with the spontaneous discussions from the focus groups. These were not always consistent but reflected the complexity of the issues being discussed with the people surveyed, coming from only five ethnic groups.

Migration and ethnic reconstruction

Permanent migration to the cities has become the choice for thousands of indigenous families who previously based their biological, social and cultural reproduction on the peasant economy, which is currently facing one of its greatest crises ever. The areas in which the majority of ethnic groups live are also generally the most marginalised rural regions. The dynamic of this migratory trend gives rise to an important process of spatial distribution linked to economic, social and cultural aspects. The migrants, along with their families, abandon their communities and arrive in the cities in search of a better future, their gods and the memory of a few crop beds in tow. They walk the streets, from one to the other, like pilgrims of the informal economy. They live in the larger metropoli, weaving their networks and Indianising the cities.

The 2000 Census recorded 470,000 indigenous people living permanently outside of their territories of origin. However, it is important to remember that identifying indigenous people by use of language alone is not always a criterion that guarantees ethnic belonging, particularly in a country in which being "Indian" is synonymous with backwardness and ignorance. This stigma was created by Spanish colonial society and has been reproduced by Mexican society over the last 200 years. It is for this reason that millions of people either hide or disguise their original precolonial culture, known as "indigenous". Since 1950, the censuses have recorded a fall in numbers of indigenous language speakers, although this does not necessarily equate to a fall in the "indigenous" population.

Characteristics of the cities and ethnic groups

The Federal District (Mexico City) has a population of approximately 8.7 million people, although if the surrounding areas are included the population reaches almost 18 million people, making it the largest city in America. The 2000 Census recorded 49,000 indigenous people in the Federal District, coming from 49 ethnic groups, with the most numerous being the Otomí, Mixtec, Zapotec, Mazatec, Triqui and Totonac.



Urban indigenous child in Mexico City. Photo: Iván Alcazar

The City

".....When you arrive here, the City feeds on you, not the other way round, it feeds on you and won't let you go. When you arrive here, everything seems great, you see the light of day, of day and of night; in the village there are only tiny candles and paraffin oil and you arrive here and you realise that everything was dark and now it is light.

This is how the city is, everything is beautiful, but you don't realise what's going to happen to you, you don't realise that you are going to be stabbed in the back, for this city feeds on you and once it has fed on you it throws you on the scrap heap.

Focus group: Mazahua leaders

The Mazahua, Otomí and Triqui began to arrive in Mexico City during the 1950s due to a lack of land to cultivate and no employment prospects. Between 1983 and 1990, their presence increased significantly, and they were gaining employment in the markets as loaders, bricklayers and in handicraft activities. The women took domestic employment. The Otomí and Mazahua women who migrated during the 1970s were known for the production and sale of handicraft products, a tradition they still maintain. Over the last decade, they have begged in the streets or sold handicraft products or other articles (sweets, chewing gum) while the children wash car windscreens. In comparison with other groups in the survey, these three groups live particularly precarious lives, in houses built of cardboard or plastic and with limited access to services. The Otomí and Mazahua do not form organizations when they migrate because their main activity is selling on the streets, travelling from one town to another. In contrast, the Triqui of Oaxaca have created organizations that enable them to communicate with the government authorities in order to improve their communities.

Cancún, Quintana Roo, is a tourist city on the Caribbean Coast with a population of 311,696 people, of which 117,000 are indigenous, mainly Maya. Cancún is one of the most successful tourist destinations in America, with around a million visitors a year. The Maya - the main labour force when Cancún began to develop in the 1970s - come from the states of Yucatán, Quintana Roo and Campeche. They live in regions far from the tourist centres, where services such as electricity, water, drainage, schools and health centres are now insufficient to cover the demand created by the constant flow of new Mayan immigrants to the region.

Level of schooling (percentage)

Survey question:	What level of schooling did you complete?						
	No schooling	Some primary	Primary	Some secondary	Secondary	Baccalaureate ¹	First or Master's degree
Mazahua	22	24	25	9	15	4	0.6
Otomí	45	30	12	4	7	2	0.0
Triqui	26	21	26	7	14	5	0.0
Maya	9	27	16	6	21	19	2.0
Zapotec	11	14	18	3	16	29	10.0
Total	18	22	19	6	16	15	4.0

Source: Family survey, Flores et al. (no. of responses: 1,051)

Minatitlán-Coatzacoalcos-Veracruz, is an important oil zone in the Gulf of Mexico with a population of 259,096 people, of which 80,000 are indigenous (31%). The Zapotec of Oaxaca are the main work force. The first generation arrived here in the 1950s and their houses, built by the oil company, were situated close to the refineries. Contamination is thus now one of their main problems.

The different circumstances of ethnicity

The exploratory study reports a great diversity of living conditions among indigenous workers and their families in the cities in question. The pressure exerted between 1940 and 1970 on the part of Mexican society, in terms of assimilating these people into Mexican culture and stripping them of their identity, changed social and cultural values. This was the case for the Zapotec and the Maya. Nonetheless, the first generation of women maintain their language and contact with their villages of origin. The second and third generations recognise themselves as Zapotec and Maya but do not speak the language, and their relationship with their parents' villages of origin is increasingly distant. Migrants seeking social advancement generally have a better level of education and adequate mastery of the Spanish language. The Zapotec workers are employed mainly by the oil company and the women work in family businesses. The second generation have relatively high levels of education and good access to formal health care. It could thus be said that they belong to a middle class.

In contrast, the Mazahua, Otomí and Triqui maintain their original language and culture and identify themselves as members of a specific indigenous group. They consider that their ethnic group has managed to adapt its traditional cultural elements to the new urban setting without losing its identity. For some, the community social system has given them the security to weave networks of relationships with which to adapt to the city. However, within these groups, these social networks do not necessarily guarantee the capacity to escape poverty. Of all the ethnic groups studied, it is these three that are

most concentrated in the informal sector as handicraft producers, street peddlers and unskilled construction workers. They even pass the street-corners on which they sell down from generation to generation. They suffer the greatest levels of poverty among the populace, with less access to housing and schools.

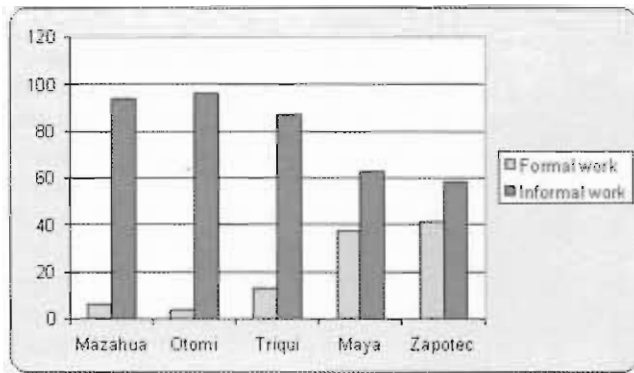
The Maya have a more homogeneous working situation and are concentrated in the same place. In general, they live precariously, although those who arrived in the 1970s have secure housing and access to services, mostly working in the hotel industry. Crime and AIDS constitute serious problems and the children of those arriving over the last ten years have no access to health care or primary schooling.

The Zapotec and the Maya are probably those who have most lost their indigenous language from the second generation onwards and this makes them invisible to censuses. The attitude of the Zapotec in the face of ethnic identity is more positive than that of the Maya, as they mentioned having more interaction with their community of origin during religious and family holidays and they retain certain features of their identity within the family.

Urban life and indigenous identity

The loss or preservation of the cultural elements that identify a person as a member of an ethnic group (such as language, customs and links with the village of origin) depends on many factors, but the type of employment in the city and the educational level achieved have a particular influence. Comments in the focus groups concurred that the loss of language is due to pressure from the school to abandon it. Rejecting indigenous ethnicity improves one's situation and they perceive less discrimination. The first generation speak their indigenous language at home and use traditional indigenous costume when visiting their village. This was the same in all five ethnic groups studied. It is more acceptable for those working in the informal sector to express cultural differences in public. These migrant workers create greater links between their lifestyle and indigenous values and identity.

Indigenous work in the cities



This graph was built on the basis of information from 1,051 individual questionnaires but plotting only information relating to the 674 individuals who worked.

The people surveyed firstly identified ethnic identity with belonging to a specific ethnic community, one of the parents coming from that ethnic group. The use of language and the sharing of cultural habits and customs were not so determinant (see table below).

Preservation and use of indigenous languages

The loss of language in the second and third generations is very high, particularly for the Maya and the Zapotec. However, those interviewed stated that they would like their children to learn both the indigenous and the Spanish languages. In the focus groups with the Zapotec in

Identification of "indigenous" (percentage)

Question:	Which of the following would you consider to be indigenous?		
Responses:	Yes	No	No answer
When the father is indigenous but the mother is not	66	25	9
When the mother is indigenous but the father is not	64	27	9
A person born in an indigenous community and who is an indigenous language speaker	92	5	3
A person born in an indigenous community but who is not an indigenous language speaker	79	17	4
A person who speaks an indigenous language	71	25	4
A person who follows indigenous traditions but is not an indigenous language speaker	73	21	6
When the parents are indigenous but the child is not an indigenous language speaker	74	22	4

Source: Opinion poll, Flores et al. (no. of responses: 1,051)

Minatitlan-Coatzacoalcos, both men and women mentioned prohibitions suffered in terms of freely showing their ethnicity. They also commented that there is now a Zapotec cultural revival, an interest shown by the first generation of migrants that lost their language.

A recurrent theme in all the focus groups was that the children feel ashamed to listen to their parents speaking an indigenous language. This is a common feature among urban migrant workers of any ethnic group and it is reinforced by a lack of appreciation of indigenous languages within the urban school system. The language problems were difficult to evaluate in the study given the dynamic of language use and preservation. Comments in the focus groups indicated that parents become interested in their language as they get older. For this reason, the current attitude among the youngest people surveyed is not necessarily indicative of what they will think as middle-aged adults, particularly if there is a growing concentration of ethnic groups in their city or district.

The study explored feelings of belonging to an ethnic group and being Mexican. They were asked if they felt, "more ethnic than Mexican"; "both"; or "more Mexican than ethnic". There are different ways of explaining the answers of those surveyed but one that aids our understanding is their participation in the formal work economy and access to education over the last seventy years.

Perceptions of discrimination and ethnicity are equally difficult to measure. There are numerous case studies on discrimination against indigenous people in Mexican urban society (Bonfil 1990; Arizpe 1979; INI 2000, Vigilia and López, forthcoming;) but no study that measures the nature or magnitude of such attitudes and behaviour specifically against indigenous people. The opinion poll

tried to capture some attitudes and perceptions through a series of questions and, in the focus group discussions, there is a direct perception of discrimination (see table below) whilst in the opinion polls the feeling differs in the urban centres depending on the degree of assimilation or integration into society on the part of the members of the ethnic group studied. The Maya and the Zapotec have a higher level of education, work more in the formal sector and have adopted almost all the values and symbols of mestizo society. They do not perceive discrimination. On the other hand,

Self-identification as ethnic group or Mexican (percentage)

Survey question:		Do you feel...		
		...more ethnic than Mexican	...both ethnic and Mexican	...more Mexican than ethnic
	Total population	36	33.3	28.2
Ethnicity	Otomí	58.2	23.9	17.9
	Triqui	51.7	31	14.7
	Mazahua	48.2	32.3	14.5
	Maya	25.9	42.8	27.6
	Zapotec	20.3	29.9	49.1

Source: Survey on Attitudes, Flores et al. (no. of responses: 1,051)

Perceptions of ethnicity and discrimination

Interviewer:
What other things are important in terms of being Otomí?
 ...Well, language, the people have a language, we can communicate things that people don't understand. Among the Otomí, language comes first.
What do you think of the traditional clothes you wear?
 I've worn these clothes since I was born, I always wore them but since I came to the city I have changed.
Why?
 When my son went to school, I felt embarrassed in front of the teachers and other people at the school. So I changed, if it weren't for this I would still wear my traditional clothes.
Are there any other reasons why you stopped wearing your traditional clothes?
 They laughed at us and, behind our backs, said, 'There go the Marias'. When we go back to our villages, people living there wear traditional clothes but here in the city we do not.
Focus Group, Otomí women, June 2000

Disadvantages of belonging to an ethnic group

Survey question:	What would you say are the disadvantages of belonging to an ethnic group? List three	
Responses		Percentage of responses
Discrimination		29
Inequitable conditions		13
Not being able to speak Spanish		13
Considered with contempt: dirty, drunk, violent, conformist		8
Other responses		17
Total responses 1,051		100

Source: Survey on Attitudes, Flores et al. (no. of responses: 1,051)

those who maintain their cultural features in the city, such as the Triqui, the Otomí and the Mazahua, do perceive some discrimination in certain areas of daily life in the city, whether because they speak Spanish badly or because they wear the clothes of their people.

Advantages and disadvantages of the city

Most of those surveyed came to the city to find employment and a livelihood, not in search of a different lifestyle. The first generation considers that, if it were not for the lack of employment and education opportunities for their children in their places of origin, they would not have come because, for them, the quality of the environment and the cultural links in their villages are far more positive for future generations of their family.

Notes

- 1 The studies began in 1997 and can be found on the Internet at: www.ciesas.edu.mx Indigenous Profiles for Mexico (Special Projects).
- 2 Qualification denoting successful completion of secondary education, generally at age 18 and generally required for progression to higher education – trans. note.

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MAPUCHE MIGRATION, IDENTITY AND COMMUNITY IN CHILE:

FROM UTOPIA TO REALITY

By Alvaro Bello M.





This article discusses the relationship between the migration of the Mapuche of Chile and ethnicity, in its political and symbolic dimension. On the basis of a collection of empirical materials and various sources, we aim to establish and discuss some of the links existing between the rural/urban migration processes of the Mapuche in

Chile, in order to provide an overview of the place migration occupies in the demands and rhetoric of the "Mapuche movement" and to discuss the concept of community normally used for such thematic contexts. It is therefore not our intention to analyse the data and methodological criteria linked to Mapuche demography in any great depth.

This Mapuche migration was selective, for it related to the youngest people and, within this group, primarily to women (see Castro, 2001). It is assumed that women emigrate more than men because, in general, they are prevented from inheriting land and because the process by which they integrate into the urban labour force is more direct than for men. Domestic work is an area in which "work training" is linked to the reproduction of gender practices and roles, socially learned within the family and community. In the town, most women find a common niche in domestic labour.⁴ Women's integration into urban domestic work takes place by means of a framework of social networks, the basis of which is generally formed of a complex range of extra-community kinship and friendship relationships that encourage and welcome the new migrants, repeating a cyclical pattern of mobility and inter-generational replacement. In any case, according to data from Bengoa (1997), more than 50% of

The rural exodus

Let us look at some figures relating to the Mapuche population in Chile. Mapuche migration to the towns began in earnest during the 1940s and 50s, spurred on by a number of structural factors. These factors have led to between 70% and 80% of the country's Mapuche population now living in urban areas, mainly in the capital, Santiago, and in medium-sized towns within the regions of historic settlement, such as Concepción, Temuco, Imperial and Carahue, among others. According to the 1992 Census, in numerical terms the Mapuche population of Chile forms the largest of the country's indigenous groups, numbering almost one million people aged 14 years or over. Ten years on from this census, current projections estimate that the total Mapuche population (including under 14s) now numbers more than 1,200,000 inhabitants, almost 10% of the total population of the country, while the urban Mapuche population has reached almost 700,000 people, Santiago being the city with the greatest concentration of migrants, at around 550,000 people.¹ Paradoxically, the Mapuche's historical territory, which more or less corresponds to the area they occupied until the Chilean military occupation of the end of the 19th century², is home to between 15% and 20% of the total Mapuche population.

Of most significance in terms of the rural exodus were the reduction and degradation of community lands, a process caused by the system of land tenure imposed by the Chilean state from the end of the 19th century onwards.³ This issue has become a structural problem because, for various reasons (expropriation, misappropriation, irregularities in sales), the lands have diminished on a regular basis in comparison with the sustained growth of the population, which has meant the departure of young members of the community.



Mapuche from Neuquén-Río Negro, Argentina.
Photo: IWGIA archive and Elías Maripán



these migrant women return to their communities of origin after some time. This return, notes the author, "is an important counter-trend as it leads to the possibility of a better chance of reproducing rural Mapuche society".

However, due to a series of disadvantages and shortcomings derived from a situation of domination and exclusion, a large number of urban Mapuche migrants live in conditions of poverty and material deprivation, often suffering from discrimination and social marginalisation.

The towns: a new Mapuche territory?

"I didn't have much luck, because a person who just leaves their home for the first time is not the same as in the village, it's completely different; I suffered a little but after so much moving from place to place, I learnt. And I settled in one place, in the calle Grajales, I stayed four years. And there I married." Graciela.⁵

Mapuche urban migration has been one of the least studied and least understood aspects within Chile. There has generally been more attempt to understand its socio-demographic dynamic than the socio-cultural and political consequences, which are of significance both to Mapuche individuals and the Mapuche community as a whole. In this context, use of the category "urban Mapuche" is common to denote the first or second generation migrant population, that is, the children or grandchildren of migrants who have supposedly lost their links with the land and with the system of community values and ideas but who, nonetheless, share certain common features and experiences. However, the concept of "urban Mapuche", similar to that used in other countries (such as urban indigenous, urban Mazahua or urban Otomí, in the case of Mexico, for example) says little about the role these people play in identity, class or gender processes, it merely denotes a condition that could be called demographic, the fact of living or having been born in the town. In another respect, it can mean the intention to bear witness to a situation and a reality that has been profoundly painful for the new generations of Mapuche living in the towns. Deep down, it is an expression that demonstrates "ethnic feelings" on the part of a sector of Mapuche society that is gaining increased self-awareness and an understanding of the historic fate that has led them thus far (see, for example, Ancán, 1994).

According to Valdés (unsourced), the high indigenous population in the towns, a product of their natural growth rather than of new migratory inflows, has created high concentrations of urban individuals who consider themselves as belonging to the Mapuche "ethnic group". The greatest concentrations are found, as already noted, in the city of Santiago, in the communes of Lo Prado, La Florida, Cerro Navia, Pudahuel, Peñalolén, La Pintana, San Ramón, Renca and Pedro Aguirre Cerda.⁶ In some cases,

this population has tended to concentrate in certain areas or districts and, here, they create social networks and relationships that help them resist discrimination and racism, organising associations through which to validate and re-establish their ancestral or "traditional" cultural practices.

During the 1990s, the growth of an active indigenous movement demanding rights in terms of identity, territory and autonomy, and state action through organizations such as CONADI, with "differentiated" policies and programmes for the "urban indigenous", created and encouraged new needs and demands. Similarly, over the last few decades, the urban Mapuche population has taken clear shape, creating processes by which to establish formal and informal organizations of a profession-based, ethnic, productive, political or social nature. There are now 70 organizations in the Metropolitan Area of Santiago. Among the oldest organizations are the bakers, builders and domestic workers, to name but a few. Among the most recent organizations can be found those of an ethno-cultural nature, youth, women, small businesses and *pobladores*.⁷

The active presence of the organizations and the outburst of greater ethnic worth and awareness promoted by the "indigenous movement" at national level has enabled the creation of spaces for socializing and of associations transferred from the ancestral territories to the streets and districts of the urban periphery where, every year, ceremonies or collective rogations are held, such as the *nguillatun*, the celebration of *we xipantu* or Mapuche new year, and the practice of traditional games and rituals such as the *palin*. The practice of rituals and games means that new expression is being given to the urban area, which is provided with its own identificatory content.⁸

Together with the organizations, some municipalities, such as Cerro Navia, Peñalolén and La Pintana, have created programmes for the promotion and care of the Mapuche population, including "ethnic" kindergartens, libraries and cultural centres. Among these programmes can be noted a growing interest in the traditional medicine administered by the *Machi* or shamans, who hold a central place in the processes of re-appropriating and revaluing Mapuche culture in an urban context.

The urban Mapuche population is a heterogeneous one because, as can be imagined, it is made up of different waves of migrants and their descendants, each displaying wide socio-cultural differences. These differences can particularly be seen between the different age groups, each of which has different experiences, knowledge and rhetoric in terms of their ethnic identity. In fact, the young people are considered a "new sector", of a specific nature, for it is through them that the drives and tensions of the urban Mapuche's identity conflict are manifested, in the face of an increasingly strong "indigenous emergence" that appeals precisely to values of ethnicity and belonging (Bello, 1998, Castro, 2001).

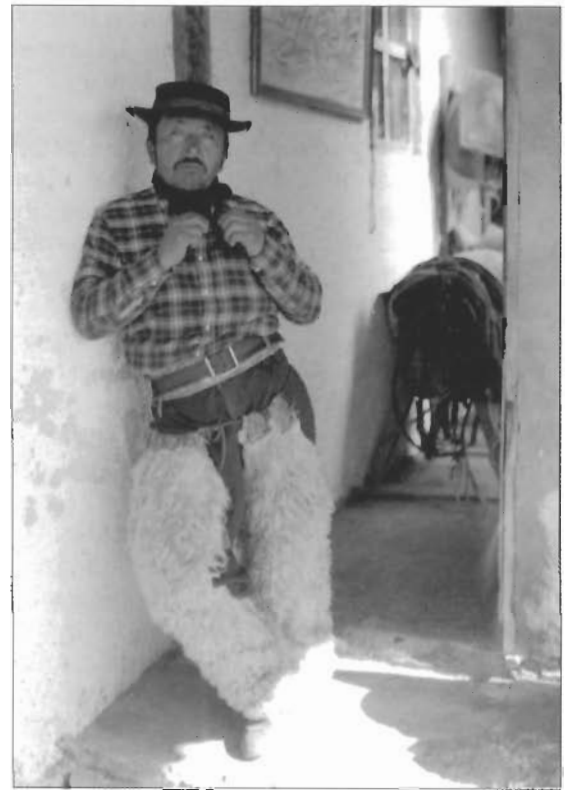
Migration, community and territory

"...it is not a problem of more land or less land, the crucial issue is when and how we move from land to territory, when the space for territorial identity is built", Arauko-Malleko Coordinating Body.⁹

The situation of the urban Mapuche and the continuation of certain cultural attributes that define ethnic identity in objective terms, as well as the subjective and subjectivised aspects of this, cannot be understood without considering the relationships these individuals maintain with their communities and territories of origin. In this respect, one of the greatest issues of discussion around migratory processes relates to a debate on identity within a territorial context that is different from the original or historic context. One continuous thread through this old discussion has been regarding the definition of "native community".¹⁰ From this perspective, some anthropological trends have tended to link urban migration with an uprooting and a loss of identity. It was thought that the town as the context and paradigmatic stage for modernity and modernisation was, in itself, a great transformatory apparatus and eraser of "traditional" awareness and social practice.

These days, by means of different approaches and points of view, the terms by which territory, community and the migrants' relationship with these is understood have been redefined. We shall look briefly at some of these definitions. For Giménez (2001), territory is understood as the space used by a social group within which it guarantees its reproduction and the satisfaction of its basic needs. This "appropriation" may be symbolic or material. Territoriality, as such, may be defined as a group or an individual's attempt to affect, influence or control people, elements or their relationships, defining and exercising control over a particular geographic area. (Sack, 1997).

The concept of community, which falls within territorial boundaries and definitions, has also been revisited and reinterpreted in the light of new anthropological and sociological theories. For example, Oemichen (2000) considers that the community must be understood as a cultural collective based on a group of primary and significant social relationships that enable those who have left to maintain their membership. Cohen (1989), however, notes that the concept of community expresses a relational idea, a social entity formed on the basis of a number of boundaries. According to Fredrik Barth, these boundaries are socially constructed by community members and may be expressed either in material terms, such as through norms, values and beliefs, or through a number of symbolic elements. The community is also associated with what Giménez (2000) calls "socio-territorial belonging", which denotes the status of belonging to a community in which the territorial dimension is important in defining the community structure itself and the roles played by individuals. These definitions enable us to understand that the idea of community as a closed, defined entity with



Mapuche from Neuquén-Río Negro, Argentina. Photo: Elías Maripán



exclusively residential aims must be reconsidered in order to move on to a more dynamic vision that includes interaction with members living outside of it.

The criteria for community membership are socially defined and can vary according to different factors and conditions operating in the local context. In many Mapuche communities, migrants are considered full members of the community with rights and obligations in community and family activities. On occasions, we have seen how migrants retain inherited land rights, despite several decades having passed since their departure. The products and profits deriving from some agricultural activities are also shared not only among the permanent community inhabitants but also among the distant relatives that visit them from time to time.

For the migrants, community and territory are permanent reference points by which they can define their identity on an objective level. But the community also attracts the efforts and material resources of the migrants, as many studies have noted. In many cases, the migrants form part of the socio-economic reproduction strategy injecting, through their salaried work, permanent or occasional resources into their family group of origin over large periods of their life until they are replaced by other migrants. The migrant is, in some way, obliged to contribute to the community with resources and labour for seasonal work, such as harvesting, for example. The presence of the migrants in the *nguillatun* or community rogation is important as, in many places, it is they who provide the majority of resources with which to organise this ceremony.

The growth in number of migrants and their descendants has helped to broaden the scope of community interaction. In the system of traditional marriage relations, for example, while the social link via marriage made relationships with only a few communities possible, migration has multiplied and diversified the community connections into a wider network of indigenous and non-indigenous relationships. In addition, the compression of distances and travelling times between the communities and the towns in which the migrants live has, over the last few years, had a strong influence in that both the transfer of resources and the transmission of values related to the urban sphere have a greater presence and influence in the rural communities. The same occurs with those aspects identified as "unique to the community". In recent years, improvements in transport and in the main roads have enabled daily, weekly or temporary flows of population to the urban centres. Alongside this population flow can be noted two more, less perceptible flows: that of material and monetary resources and that of knowledge, values, beliefs and experiences. Unfortunately, these latter flows have scarcely been studied, so we still do not understand their real importance and meaning.

On the basis of the different dynamics imposed by the massive presence of the "urban" Mapuche population and its relationship with the community, the territorial

understanding of community identity now brings the Mapuche face to face with a series of political challenges. This also implies a series of theoretical and methodological challenges, and attempts have been made to resolve these using a number of categories and concepts based upon the condition of communities outside of their territory. In this respect, terms such as "deterritorialisation", "reterritorialisation" and "cultures in Diaspora" have been tried and tested. This latter, one of the most used and yet least understood, describes societies which, for various reasons, abandon their territories of origin, taking with them their cultural value system and branding it with a strong social sense of belonging (Appadurai, 2001). Relationships between migrants and their communities thus have to be understood as complex interactions, occasionally of mutual dependence. In addition, the migrants' link with the community may be conceived as a material identity reference, and hence the community is a space where culture is recorded, a place of common history, of fundamental relationships based on family ties and the place in which the shared value system is, albeit not exclusively, based. The community members that live in the towns can thus be considered as components of a multi-centred structure, or as part of an extra-territorial or extended community, beyond historic boundaries, and which is formed more on the basis of social and symbolic boundaries than material ones.

Migration, ethno-political demands and resilience¹¹

"Now we have to recover the land that was taken from us in order to return to what we were". Pacual Pichún Paillao.¹²

The factors highlighted in the above paragraphs show that Mapuche migration to the towns constitutes one of the most important and complex processes in the current situation of the Mapuche of Chile. How is this issue expressed and interpreted in collective Mapuche action, in the organizations' demands and in the rhetoric of their intellectuals and leaders?

The first thing that must be said is that the urban population receives only moderate and, at times, secondary attention within the rhetoric of the Mapuche organizations. There are a number of reasons explaining this. One of these is that, as Melucci (1999) notes, collective action is not a unified process but, on the contrary, is made up of a plurality of directions, meanings and relationships, and this explains the disparate treatment existing with regard to some apparently important issues within the "social movements".¹³ Within this same line of thought, it could be said that this secondary place of migration is also limited primarily to the organizations of Araucanía, which have the greatest public presence and influence within the indigenous world. These organizations con-



Mapuche from Neuquén-Río Negro, Argentina. Photo: Elías Marimán and IWGIA archive

ceive of migration as a process that is contradictory to the desire for the territorial autonomy of the historic regions. However, this is not the case if we look, for example, at the rhetoric of Mapuche women who, as we shall see, have concrete demands with regard to migration.

Another factor that has influenced this secondary concern for migration and the Mapuche population in urban areas is the “campesinista” (‘peasantist’) treatment on the part of the Chilean state and society in relation to the problems and demands of the Mapuche. Nonetheless, this representation of the Mapuche, with the rural image being identified as the “true” image, has also been used by many Mapuche as a way of emphasising their feelings of belonging.

Whilst some Mapuche struggles take place in urban areas, their main demands and claims, even those of urban organizations, refer to the ancestral or historic territorial spaces in which the rural communities are located. This is because emigration is considered a blight caused by poverty, discrimination and domination on the part of the Chilean state and society. And yet migration is something for which the Mapuche also feel responsible: “We have sacrificed many of our generations, forcing them to emigrate from their ancestral territory, very often condemning them to live in marginalisation in the large urban centres”.¹⁴

The Mapuche intellectual, José Marimán, one of the few people to consider the issue from a political perspective, considers that the Mapuche peoples’ planned autonomy can only take shape within a regional framework and that the conditions for its achievement will only occur in the historic spaces, despite the fact that the indigenous population is currently in a minority in relation to nationals within these spaces, which would prevent the planned autonomy from being achieved, at least for the moment (Marimán, 1997; s/f).

“How could the Mapuche hope to gain internal self-determination (to become autonomous) if their sociological weight in their own territory is considerably less than that

of the Chilean population? AWNg¹⁵ is demanding Mapuche autonomy when the nation/Mapuche/territory relationship simply does not permit it. Less still within the territorial framework they are proposing. If it is no longer possible to demand Mapuche autonomy as an immediate objective, it is because the essential condition for it simply does not exist. That is, their own territory, not only from an historic point of view but also from a demographic point of view. In other words, a territory with a majority Mapuche population”.

For Marimán, the dispersion and fragmentation of the Mapuche population is part of the situation of colonialism and domination. “The Mapuche are an oppressed and colonised ethno-national minority, and one that is also politically and ideologically fragmented”, he adds. For this reason, Mapuche collective action has to make progress on this issue, in order to try to seek formulae that will enable a change in the direction of the said population. For this reason, he proposes a strategy that must be taken on board as fundamental to achieving self-determination, the aim of which “is a reversal of the migratory trends in *mapuchemapu* (‘Mapuche country’). In other words, putting a stop to the migration that is emptying Araucanía of Mapuche population, and promoting and encouraging the return or settlement of those Mapuche living outside that so desire it” (Marimán, 1997: 23). This idea, whilst a powerful one with some political effect among Mapuche leaders and intellectuals, seems to be, at least thus far, more an expression of desire, part of the symbolic dimension of collective Mapuche action that might fall more within the sphere of *moral Utopianism* (Melucci, 1999) than of political realism, this being understood as the evaluation of political aims and means.

The *Utopian* image of a return to the land is recurrent among Mapuche intellectuals and leaders, who speak of the existence of a “reverse migration” involving migrants settled for several years in the town who have later returned to their community or region of origin, and to

people who, born in urban areas, particularly Santiago, return to the ancestral lands of their fathers or grandfathers or to intermediary towns located within the Mapuche region.

The idea of return has been expressed, above all, in the literary, plastic art and audio-visual production of new generations of urban Mapuche residents who, through their works, have emphasised the idea that the future of their people is linked to a necessary return to the land as a redeeming process and one of social resilience, which would reinstate the historic and social links between those who stayed and those who left.

In a recent work, Ancán and Calfío (1999), partly following Marimán's idea (1997), note that there is a political need to consider a Mapuche Utopia of a reconstructed historic territory but, for this, they add, emigration and the Diaspora have to be reversed as this is the only way of attempting to become a demographic majority in their ancestral spaces, which is where they want the Mapuche planned autonomy to be expressed. The authors propose that the Mapuche residents returning from Santiago should live not only in the communities and rural reservations but also in the towns located on the historic territory.

The organizations' rhetoric differs, in both meaning and tone, from the above images, focussing on the resolution of pragmatic issues. Since the early 1990s, most of the large Mapuche organizations have focused their interest on the land conflicts taking place in Araucanía, and they have also outlined a number of demands relating to constitutional recognition, autonomy and ratification of ILO Convention 169. One of the few public documents that considers the issue of urban migration is from the National Congress of Mapuche People held in Temuco in November 1997. Migration is considered from an economic point of view, raising the need to create policies in rural areas that are able to put a stop to migration through the creation of new sources of work. It also proposes the idea of creating a state plan for urban lands to benefit the Mapuche population, the transfer of properties and the formation of ceremonial spaces to hold the *nguillatun* and *palín* with the aim of strengthening social participation. In relation to what is currently a very active area of work for the Mapuche organizations of Santiago, the need to create a Professional Association of Mapuche Micro-Businesses is raised along with the promotion of marketing channels that connect the communities' production with urban markets (*National Congress...*, 1997).

However, in women's rhetoric, urban migration takes on a different significance, represented as a life experience collectively shared with other women in the same position. For women, the town forms part of the assimilation process imposed by the state on indigenous peoples "and we are the most affected" notes Ana Llao (in the *National Meeting of Indigenous Women*, 1997). In Mapuche women's rhetoric, their migrant status is most clearly represented by the women domestic workers, whose im-

age epitomises the abuse and discrimination of their Chilean employers.

In the *Meeting*, a number of specific points regarding women migrants were developed and a request made for the law to protect domestic workers who, they complained, were exploited and mistreated, with these actions going unpunished. They also requested, "support for women who have to emigrate to the town, creating Welcome and Guidance Centres with the aim of providing support and legal advice, and of avoiding processes of accelerated transculturation, enabling them to keep their links with their roots". The *Meeting* also received a number of testimonies describing and denouncing the conditions under which the domestic work of Mapuche women takes place in the towns, places they see as hostile and in contradiction to their traditions and culture. The town is, according to the rhetoric of Mapuche women, a space or "system" for the loss of their identity. "It is clear that all men and women in the town only manage to survive in exchange for a loss of their identity", notes the Mapuche adviser, Beatriz Painequeo.

Final words

Mapuche migration to the towns as both a socio-cultural and socio-demographic process raises a number of questions and critical responses, both inside and outside the Mapuche world. On the one hand, it reflects a reality in which a dynamic of finding their own answers has been gaining ground among the emigrants, who are in an active process of constructing social networks, organizations and spaces for socialising within the urban context which, in many cases, is hostile and antagonistic to them. From another angle, migration and the massive presence of Mapuche in the large towns raises the need to understand the processes of interaction of these "social appendages" with their communities as a way of understanding the ethnicity, re-shaping and continuity of the Mapuche outside the historic territorial context.

On the other hand, the Mapuche organizations and intellectuals consider migration to be a reflection of the situation of domination, a process externally imposed by means of different mechanisms, and for this reason they reject it. Some sectors of the Mapuche are countering this "haemorrhaging" with a project that emphasises the massive return of migrants as a strategy for the reconstruction of "Mapuche country". This response reflects a strong process of territorialisation of Mapuche demands and collective action, calling upon feelings of desire to reshape the social fabric as a prior condition to achieving the political aim of autonomy. In this way, migration, beyond a mere process of spatial mobility, reflects the complexity of the Mapuche ethno-national issue, raising a series of questions regarding the reshaping of identities and future forms of plural coexistence within a country such as Chile.

Notes

- 1 Valdés notes that "the high absolute frequency of the Mapuche population in the Municipal Area is more a product of their natural growth than of their migratory importance. This invalidates the hypothesis of a high Mapuche urban/rural migration of a continuous nature. However, there is a perception among specialists that Mapuche migration has historically been high" (Valdés, 1996: 7).
- 2 For methodological purposes, we are excluding the area of the Argentinian Pampas, occupied by large groups of Mapuche since the end of the 18th century. The sum of these territories, Araucanía, the Pampas and Patagonia represents the maximum expression of the "Mapuche Country".
- 3 This was a system based on the provision of "Favour Titles" by means of which the state recognised a part of the land for family usufruct. This provision was undertaken without considering the territories occupied by the Mapuche, which were provided to European settlers, for auction and sale. The areas of land averaged out at between 2 and 5 has per family. The settlement process took place between 1883 and 1929, a total of 500.000 thousand has. being distributed, more than 5% of the historic territory.
- 4 26% nationally, according to the 1992 Census. In some urban communes this figure is more than 30%, as in Cerro Navia (Curilem y Melillán, unsourced).
- 5 Graciela is an ex-migrant who has returned to Mariañin community, Padre Las Casas commune. Interview with the author.
- 6 The greatest density of indigenous population within the Santiago Metropolitan Area can be found in these communes.
- 7 "Pobladores" - The term *poblador*, used to describe people living in poor urban *poblaciones* or communities, is peculiarly Chilean, combining the ideas of poverty, pride, dignity and a struggle for change - trans. note.
- 8 On the celebration of ceremonies, rituals and games in the urban context and their meanings in terms of ethnicity, see Aravena (2000).
- 9 "La estrategia de la Coordinadora Arauko-Malleco, hablan sus dirigentes", in *Revista Punto Final* no. 507, issue 12 -25, October 2001.
- 10 Of the most well-known works, those of Ferdinand Tönnies and Max Weber are worth mentioning, as these had a strong influence on later works of an anthropological nature. Of the most influential authors, Robert Redfield, George Foster, Eric Wolf and, more recently, Anthony Cohen can be named.
- 11 Resilience is the capacity of a body to return to its original position, function or state.
- 12 *Lonko* of the "Antonio Niripil" community of Temunlemu, in the commune of Traiguén.
- 13 The concept of "social movement" is used here as a descriptive formalism, the condition of movement being defined by collective action, which is a socially-constructed and dynamic process, as Melucci (1999) notes.
- 14 Press release issued via the Internet by the Wenteche Ayjarewegetuayin organization on 29th November 1999.
- 15 This refers to the Mapuche organization *Consejo de Todas las Tierras*, in its Mapudungun acronym (the Mapuche language).

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URBAN ABORIGINAL COMMUNITIES IN CANADA

By Christopher Reid

During the past century, First Nations people have been migrating from rural areas and reserves to the cities of southern Canada in massive numbers. They have gone in search of economic opportunities, education, and greater personal safety and security. The majority of Aboriginal people in Canada now live in the larger urban centers, and the trend appears to be increasing. This has major implications for Aboriginal politics and government policy.

Despite this trend, Aboriginal policy has remained virtually unchanged in Canada. Government programs and funding still almost exclusively target reserves. The implicit (and sometimes explicit) assumption is that Aboriginal people are only entitled to be recognized as distinctively Aboriginal, and have access to Aboriginal specific programs and services as long as they live on federally recognized reserves.

It is not only Canadian governments, which have ignored the reality of growing urban Aboriginal communities. Aboriginal political organizations (especially those which receive funding from Canada) continue to almost exclusively represent the reserve-based Aboriginal political class.

Labels, categories and the Indian Act

Unfortunately, any discussion of Aboriginal peoples in Canada must confront a dizzying array of labels purporting to define and categorize them. In addition to the tribal and cultural affiliations, which Aboriginal nations have developed during thousands of years of occupation of this land, the government of Canada has imposed a complex legal regime to categorize and label Aboriginal peoples for bureaucratic and legal purposes. The primary legal tool used by Canada to label and categorize Aboriginal people has been the *Indian Act*.

The *Indian Act* was first enacted by Canada in 1876 and it has changed very little since then. Its explicit purpose was to promote "the gradual civilization" of First Nations, and to limit Canada's financial obligations to Aboriginal peoples by controlling the number of officially recognized "bands" and "status Indians". The Act still gives the federal Minister of Indian Affairs discretion to recognize First Nations communities as "bands". Once recognized (under current federal policy it is almost impossible for unrecognized communities to be registered as new bands) they are eligible for a wide array of federal funding and programs, but they are also required to abandon traditional forms of governance and adopt the Act's municipal band councils, and submit to the (admittedly lax) supervision of the federal Indian Affairs bureaucracy.



The term "band" is today often used interchangeably with "First Nation". Most bands are registered under the *Indian Act*; however, some bands are "non-status". There are over 600 *Indian Act* bands in Canada. Most are based on reserves. Non-status bands are not officially recognized by the government of Canada as Aboriginal communities and receive none of the funding, programs and services available to the *Indian Act* bands.

The *Indian Act* also provides for the registration of most band members as "status Indians" under complex registration rules, which continue to exclude tens of thousands of First Nations people. Eligibility for registration as a status Indian has nothing to do with whether a person is a "full-blooded" Indian or is culturally Indian. Many full-blooded Indians are not eligible for status because their ancestors were never registered - only those whose parents were registered may themselves be registered. The process is circular - an Indian is not eligible for registration unless his/her parents were eligible. His/her parents are not eligible unless they were registered, and so on.

The registration provisions of the *Indian Act* were, from the beginning, intended to promote the assimilation of First Nations peoples into the dominant, white European culture. Once stripped of status under the Act, an Aboriginal person could not live on a reserve and could not access federal programs for First Nations peoples. They were expected to simply stop being Indians and become, for all official purposes, non-Indian. This has not changed: virtually all federal programs and services for Aboriginal peoples are still restricted to status Indians living on reserves.

The *Indian Act* was amended in 1985 to allow some people who had lost status to re-apply. However, the amendments (known as *Bill C-31*) did not completely remove the discriminatory status provisions. Many First Nations people remain "non-status", with no hope of ever being registered or being allowed to live on a reserve. The new rules are still highly arbitrary and have virtually nothing to do with Indian ancestry or culture - a full-blooded Indian whose parents were non-status is still not eligible for registration.

There are approximately 500,000 status Indians in Canada today, approximately 1/2 of whom live on reserves. Most status Indians are also members of officially recognized bands, but thousands are not. "Non-status Indians" are First Nations persons who are not registered under the *Indian Act* as "Indians". There are over 100,000 non-status Indians across Canada today.

Passing the buck - the jurisdiction problem

Section 91(24) of Canada's *Constitution Act, 1867* provides that the federal government has exclusive jurisdiction

Left: A teepee is dwarfed by condominiums and the CN Tower down by Toronto's waterfront. A medicine wheel is in the high foreground. Photo: Dennis Stark
Top right: Rising Innu Star Katia Rock performs at the Wataybugaw Festival in Toronto. Photo: Dennis Stark

over "Indians and lands reserved for Indians". The Constitution does not define the term "Indians", but the federal government claims that its responsibilities under section 91(24) are limited to funding for services for status Indians (as defined in the *Indian Act*) who live on federally recognized reserves. Canada has adopted this narrow interpretation of its constitutional responsibilities unilaterally, without any sanction from the courts, and without bothering to obtain a constitutional amendment.

The provinces also deny any responsibility for providing services for off-reserve and non-status Aboriginal peoples. According to the provinces, the word "Indians" in section 91(24) refers to all Aboriginal peoples, whether status or non-status, and regardless of whether they live on a reserve or in urban areas. The provinces interpret s. 91(24) as meaning that the federal government has the exclusive responsibility for providing services and programs for all Aboriginal peoples.

With the exception of some project-specific funding in a few of the larger urban centres, urban Aboriginal communities receive virtually no federal funding because they are not regarded by Canada as "bands", yet they receive virtually no support from the provinces because the provincial governments consider them "Indians", and therefore the exclusive responsibility of the federal government.

In its lengthy 1996 Report, the federally appointed Royal Commission on Aboriginal Peoples concluded that off-reserve Aboriginal peoples are the victims of "wringing" between the federal and provincial governments over which level of government is responsible for the provision of services to them. According to the Commission, jurisdiction with regard to off-reserve Aboriginal people "is confused at best", with the result that services are "uncoordinated and inconsistent":

"As a result of the confusion surrounding jurisdiction, policies have evolved ad hoc, with a great deal of variation between provinces. Most provinces have been reluctant to begin providing services directed specifically to urban Aboriginal people, given their views on the federal government's responsibilities. Indeed, some provinces have reduced funding for urban Aboriginal programs." (Vol. 4, page 544)

"The arbitrary regulations and distinctions that have created unequal health and social service provision depending upon a person's status as Indian, Metis or Inuit (and, among First Nations, depending on residence on- or off-reserve) must be replaced with rules of access that give an equal chance for physical and social health to all Aboriginal peoples." (RCAP, Vol. 3, pg. 225)

Conditions in urban aboriginal communities

It is difficult to arrive at a precise statistical profile of the socio-economic conditions of off-reserve Aboriginal com-

munities because Canada does not recognize them as communities and therefore does not systematically study them or produce statistical profiles of urban Aboriginal communities as it does with reserve-based communities. Nevertheless, there is both statistical and anecdotal evidence that urban Aboriginal communities face many of the same depressing list of problems as reserve-based communities: poverty, poor housing, unemployment rates much higher than those for non-Aboriginal Canadians, low levels of education, high rates of alcoholism and drug addiction etc...

There are no legal barriers to Aboriginal people (whether they live on reserves or in urban areas) accessing social welfare and health programs, which are generally available to all Canadians. However, several studies have found that Aboriginal people tend to avoid making use of such general services and have a strong preference for community-based, Aboriginal controlled and delivered programs and services, which many find to be more effective.

As noted above, with few exceptions Canada only provides funding for Aboriginal programs and services for residents of federally recognized reserves. The Royal Commission on Aboriginal Peoples found that:

"As a result of the lack of Aboriginal-specific services available for off-reserve Aboriginal peoples, in comparison to the services available to the status Bands, the health and well-being of off-reserve Aboriginal peoples is "equally, if not more, at risk." (RCAP Vol. 3, pg. 45)

And:

"In addition to the gap in health and social outcomes that separates Aboriginal and non-Aboriginal people, a number of speakers pointed to inequality between groups of Aboriginal people. Registered (or status) Indians living on-reserve (sometimes also those living off-reserve) and Inuit living in the Northwest Territories have access to federal health and social programs that are unavailable to others. Since federal programs and services, with all their faults, are typically the only ones adapted to Aboriginal needs, they have long been a source of envy to non-status and urban Indians, to Inuit outside their northern communities, and to Metis people." (RCAP Vol. 3, pg. 204)

The Canadian Human Rights Commission (CHRC), has repeatedly condemned the refusal of both levels of government to address the needs of urban Aboriginal communities:

"As we have noted in past Annual Reports, the social and economic problems faced by off-reserve communities are at least as severe as those existing on many reserves. Unfortunately, we still await a clear commitment by any level of government to deal with the needs

of Aboriginal people in these communities. Discussion of Aboriginal issues tends to revolve around the situation of on-reserve status Indian communities”.

For its part, the federal government has generally disclaimed responsibility on the grounds that its jurisdiction extends only to reserves. On the other hand, the provinces have generally resisted assuming responsibility for what they see as a federal problem. While governments argue, Aboriginal people suffer.

“...all governments should address this issue as a public policy priority of the first order. The cost of failing to act is simply too high.” (Annual Report of the CHRC, 1997)

The issue is not simply the lack of funding for urban Aboriginal communities. Over the past decade Canada has been devolving control over federal programs and services to the federally recognized bands as part of its policy of recognizing First Nations’ right of local self-government, albeit in a very limited municipal form of governance with delegated management powers rather than inherent, constitutionally protected powers. Urban Aboriginal communities have been completely excluded from the devolution process since Canada consistently refuses to acknowledge the existence of distinct urban communities. The RCAP Final Report said:

“Many urban Aboriginal communities are impoverished and unorganized. No coherent or coordinated policies to meet their needs are in place... They have been largely excluded from discussions about self-government and institutional development. Aboriginal people in urban areas have little collective visibility or power. It is clear that they urgently require resources to support existing organizations and create new institutions to enhance their cultural identity.” (RCAP, Vol. 4, page 531)

The strongly worded recommendations of the RCAP and the Human Rights Commission have been completely ignored by Canada. In fact, some of the few Aboriginal programs which extended to urban areas in the past have been eliminated in recent years and others have been severely cut back, while funding to the reserve-based political organizations and bands has increased.

Political development in urban communities

The largest and best-known Aboriginal political organization in Canada is the Assembly of First Nations (AFN). The AFN is comprised of the Chiefs of the Indian Act bands, but claims to represent the interests of all status Indians in Canada, including the growing number of urban First Nations people. However, urban and non-status Aborigi-



Native Drumming and Dancing has played a key role in helping to preserve aspects of Aboriginal culture in the urban setting of Toronto. Photo: Dignity Stark

nal people have virtually no role in the AFN, whether in choosing its leadership or developing policies.

Until last year, a provision of the *Indian Act* prohibited off-reserve band members from voting in elections for the Chiefs and Councils of the reserve-based bands. In the *Corbiere* decision, the Supreme Court of Canada found that this provision violated the equality rights of off-reserve band members, and struck it down as unconstitutional. The expansion of voting rights to off-reserve band members may have significant impacts for some bands but many urban First Nations people have no interest in band council elections. They feel that Canada and the bands should recognize urban Aboriginal peoples as distinct communities capable of representing themselves politically rather than being represented by bands, which have shown little interest in them, except when claiming to represent them when they seek funding from Canada.

Although urban Aboriginal people generally reject claims that they are represented by the reserve-based Chiefs and band councils, political development within urban Aboriginal communities has been sporadic. Most urban Aboriginal communities have not formed elected councils or structures similar to band councils with mandates to represent them or speak on their behalf. Nor have urban Aboriginal communities formed any national body similar to the AFN to speak for them or lobby on their behalf.

However, some urban Aboriginal communities have developed formal political institutions. The Aboriginal communities within Vancouver and Winnipeg, for example, have developed elected representative councils that have strong mandates from their respective communities. The Aboriginal Council of Winnipeg is elected by all Aboriginal people living in that city, whether they are status Indians, non-status Indians or Metis. So far, however, these representative urban councils are largely ignored by both Canada and the bands.

In some cases, however, urban Aboriginal communities have political structures that are simply not readily apparent to those who are not part of the community. The social and political organization of the Aboriginal com-

munity of Toronto has developed gradually, based more or less upon traditional Aboriginal principles. The community uses consensus decision-making, coming together from time to time to create and mandate organizations to address particular needs within the community. For example, Anishnawbe Health Toronto was created and mandated to address the community's health issues, including homelessness. Similarly, Native Child and Family Services has a mandate from the community to deliver child welfare services. There are over 50 such agencies in Toronto providing housing, economic development, skills training and other services to a community of more than 50,000 people.

The Aboriginal community of Toronto, like many other urban Aboriginal communities, has so far not seen the need to create an elected "council" or legislature which would have a mandate to speak for the community on all issues (although the community has been exploring the option of creating an Aboriginal Council of Toronto for years). Many feel the existing *ad hoc* system works best for the community because it encourages specialization and a high degree of autonomy for each sector of the community, while also promoting consensus and maintaining a very high degree of accountability by each organization or agency to the community as a whole.

Many activists argue that urban Aboriginal communities, free from the municipal band council structure of the *Indian Act*, and with much less dependency on federal funding, have developed and maintained structures of local governance, which are much closer to the traditional First Nation models. The rural reserves, which are almost entirely dependent on federal funding, operate almost entirely under *Indian Act* band councils, a municipal form of government that is very different from the traditional consensus based government of most First Nations communities.

While there are certainly advantages to the more informal, traditional political structure of most urban Aboriginal communities, the lack of clearly visible representative structures has also made it even more difficult for urban Aboriginal communities to gain recognition from Canada and the provinces.

Strengths and challenges

Ironically, while the official neglect of urban Aboriginal communities has often caused suffering, it also presents opportunities for political and economic independence, which have eluded the reserve-based band communities.

In comparison with urban Aboriginal communities, officially recognized bands have had relatively easy access to federal funding and programs. In 1966, the federal budget for programs for reserve-based status Indians was about \$80 million, or about 1% of the total federal government programs budget. By 1996, the federal government spent \$6.3 billion on programs for status Indians on

reserves, or 6% of the total federal programs budget. (During the same 30-year period, the population of status Indians has doubled). These programs are *in addition* to all other federal and provincial programs and services for Canadians, which reserve-based communities also receive.

Unfortunately, massive federal funding for reserve-based communities has not resulted in any improvements in socio-economic conditions on reserves – in fact, there is considerable evidence that it has actually exacerbated a serious problem. Despite massive federal funding for reserves, rates of welfare dependency and unemployment remain depressingly high. In 1966, 36% of status Indians on reserves over the age of 15 were dependent on welfare – by 1996 that number had climbed to 45%. The Department of Indian Affairs has projected that by 2010, 57% of adult reserve residents will be on welfare. A 1995 study by two Carlton University academics concluded that welfare dependency on reserves has become an entrenched way of life, being passed on from generation to generation.

First Nation communities that receive large-scale government funding are now so dependent on that funding that they are also politically dependent. Virtually all economic, social and political activity on the reserves revolves around funding from Ottawa. As a result, there is little real political independence, despite often radical rhetoric. This situation is so firmly entrenched in the government funded bands and Aboriginal political organizations that the merits and dangers of economic dependency on Canada are rarely even debated – it is taken for granted. Most Aboriginal political activity in Canada today revolves around lobbying the federal government for more funding rather than seeking ways to end the dependency and create opportunities for political independence.

On the other hand, urban Aboriginal communities, which have no land base and no formal recognition by Canada as "communities", have faced a constant struggle to survive as cohesive communities. There is evidence, however, that this struggle is having the unintended effect of radicalizing urban Aboriginal politics. The past few years have seen the emergence of several activist groups in urban Aboriginal communities. The Aboriginal Rights Movement (ARM) in southern Ontario and the Native Youth Movement in British Columbia have called for a return to traditional consensus-based forms of governance without distinctions based on *Indian Act* status. They have also promoted aggressive direct action to assert Aboriginal rights rather than lobbying Canadian governments for funding.

So far, these groups have not been able to build a sustained movement, but they have organized several high-profile demonstrations resulting in greater public awareness of urban Aboriginal issues and strengthened community solidarity.

Legal options for change

Despite the potential political benefits, which have ironically come from Canada's refusal to fund their communities, many urban Aboriginal communities have decided that at least some of the programs, which they are denied access to are essential and worth fighting for. After many years of unsuccessfully attempting to persuade Canada to recognize them, urban Aboriginal people have begun mounting court challenges.

In one case known as *Misquadis v. Canada*, claimants representing an alliance of urban Aboriginal communities in Toronto, Hamilton and Winnipeg sought a court ruling that the federal government's decision to give the bands control over funding for job skill training programs, while refusing to give urban Aboriginal communities any share of control, violates their constitutional right to equality with federally recognized reserve based communities. Urban Aboriginal people argue the decision to exclude them from this program amounts to discrimination because it is based upon Canada's persistent refusal to recognize them as communities.

Section 15 of Canada's *Charter of Rights and Freedoms* says:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability."

The Supreme Court of Canada has established a test for determining whether there has been a violation of s. 15 which requires claimants to prove not only that they have been denied a benefit which is provided to another group but also that the denial "violates human dignity".

The test allows governments to argue that many cases of differential treatment are merely cases of "recognizing the differences between groups in a non-discriminatory way".

The case was heard in the Federal Court in October, 2001 in Toronto. On October 11, 2002, the Court issued a ruling in which it declared that Canada has indeed discriminated against urban Aboriginal communities. The Court ruled that Canada "failed to recognize" that urban Aboriginal peoples are not merely unconnected individuals living in cities, but that they have built communities with traditional forms of governance. The Court ordered Canada to "...eliminate the discriminatory effect imposed on the applicants and the communities they live in..."

It is important to note that Canada may appeal the decision to the Federal Court of Appeal. It is also important to recognize that the decision does not necessarily mean that Canada will be required to completely end discrimination against urban Aboriginal communities.

More likely, even if the decision is upheld by the Court of Appeal, Canada will argue that the effect of the decision is limited to the communities which brought the court challenge and only requires the government to end discrimination in the context of the particular program (control over job skills training funds), which was the subject of the court's ruling.

Conclusion

Canada's basic policies towards First Nations in Canada have changed little in the past 100 years. The *Indian Act* registration provisions were originally intended to promote the demise of Aboriginal cultures and the assimilation of Aboriginal peoples into the dominant Euro-Canadian culture by gradually stripping them of recognition as "status" Indians and forcing them to leave the reserves. Although that is no longer explicitly federal policy, the fact remains that tens of thousands of First Nations people remain "non-status", without the right to live on reserves and without access to most programs and services for Aboriginal people. In addition, hundreds of thousands of "status" First Nations people have felt compelled to migrate to the cities in the hopes of escaping the cycle of welfare dependency and other endemic social problems on rural reserves.

Despite this clear trend, Canada's policies and legislation for Aboriginal peoples continue to focus almost exclusively on reserves, as if it were still Canada's intention to promote the assimilation of all Aboriginal people who do not live on reserves into mainstream, non-Aboriginal Canadian society. While this is no longer the officially stated intention of Canada, it is difficult to find any evidence that Canada's essential policy of gradual assimilation has changed.

Canada's policy of ignoring urban Aboriginal communities is not surprising – it can be seen as consistent with a long-standing policy of promoting assimilation of off-reserve Aboriginal peoples into the dominant Euro-Canadian culture. There is evidence, however, that urban Aboriginal communities are mounting successful court challenges and also beginning to develop grassroots political movements giving them a voice. It will be interesting to see whether these movements can build and sustain an aggressive grassroots based national movement.

Christopher Reid is a Metis lawyer and activist based in Toronto. He works for First Nations and urban Aboriginal communities. He represented a coalition of urban Aboriginal communities in the recently decided Misquadis case (see under sub-heading Legal Options). □

URBAN INUIT IN CANADA: A CASE FROM MONTREAL

By Nobuhiro Kishigami



Urban Inuit in Canada

According to the 1991 Aboriginal Peoples Survey in Canada, there were 8,305 Inuit living in Canadian cities with a population of 100,000 or more. The word "Inuit" here refers to persons who claimed full or partial Inuit identity at the time of the census. Since the overall Canadian Inuit population was 49,000 individuals in 1991, this means that about 17% lived in southern metropolises. There were 1,895 Inuit in Toronto, 840 in Edmonton, 775 in Montreal, 725 in Ottawa-Hull, 630 in Calgary, 570 in Vancouver, 515 in Winnipeg, 360 in Halifax, 345 in St John's, 260 in Victoria and so on in 1991.

Why do so many people move to and stay in the cities of the south? According to my research in Montreal in 1997 (Kishigami 1999a, c), many Inuit come down to cities from the Arctic regions for the purposes of education, work and hospitalization. Also, many Inuit, especially young women, leave their homes for the south because they have serious economic problems, such as a shortage of jobs and housing, or social problems related to drug and alcohol, sexual and physical violence, in the north. These latter do not remain in the cities for a pleasant life style or to benefit from the resources that the cities offer. Instead, they simply do not want to go back to their homes in the north due to the problems there. This article reports on some aspects of the life of urban Inuit in Canada, focussing on the Montreal Inuit.

Settling in Montreal

The Inuit that live in Montreal can be divided into three occupational categories: students, workers (including self-employed persons and part-time workers) and the jobless (homeless, retired, welfare dependents and patients).

In those cases in which Inuit come to Montreal for employment, the organizations that hire them, such as Makivik Corporation (the former Northern Quebec Inuit Association), Kativik School Board (a school board for Arctic Quebec), Baffin House and Northern Quebec Module (health organizations to assist Inuit patients in Montreal) etc., will help them to find accommodation and assist with their move to the city.

Most newcomers to the city stay first with family or friends or use charitable shelters, such as the Native Friendship Centre of Montreal or Chez Doris (a women's shelter), while applying for welfare assistance and finding a home. Any newcomer to Montreal can avoid becoming homeless by relying on public institutions. Nevertheless, there are always homeless Inuit in Montreal because some are evicted from their apartment due to arrears in rent, drinking, and other problems. There are also always Inuit newcomers without money or jobs who sleep on the streets or in parks at night during the summer. However, very few remain homeless for long. The problem is that

some Inuit from the Arctic villages simply do not know where they should go to apply for welfare assistance in Montreal.

Income and housing rent

Most welfare recipients have little money in their pockets after paying their rent, electricity and telephone bills. They therefore have to obtain their food from charitable organizations or other service centers such as Welcome Hall Mission, Old Brewery Mission Inc, Maison du Père, Salvation Army (Women's Emergency Shelter, Women's Residence, Men's Residence and Hostel), Chez Doris, Native Friendship Centre of Montreal, etc.

Quebec Inuit University and CEGEP (College d'Enseignement Général et Professionnel) students who benefit from the "James Bay and Northern Quebec Agreement"¹ or are awarded a scholarship from the Department of Indian Affairs of the Federal Government, are paid considerably well. As they receive financial assistance for housing, school and daily expenses, they can study during semesters without worrying about their economic circumstances.

The monthly income of employed Inuit can vary from CA\$600 to CA\$6,000. According to my 1997 research, the average income of Inuit wage laborers is about CA\$28,600 a year in Montreal. In comparison, the average income of a Montreal wage laborer is about CA\$30,000 a year (Clombo 1996:228). Thus, the income of those Montreal Inuit with jobs is only slightly less than those of non-Inuit Montreal workers. Like other working people, they live in moderate apartments or houses in and around Montreal.

Social problems

There are several social problems that Inuit residing in Montreal may encounter. These include unemployment, homelessness, prostitution, alcoholism and drug abuse. In particular, many jobless Inuit encounter severe social and economic problems in the city (Kishigami 1999 a, b). I will now deal with alcohol and drug abuse in Montreal.

Many people have a perception that urban Inuit are generally addicted to alcohol and spend most of their time in pubs. In reality, the urban Inuit themselves consider that they drink too much and cause many alcohol-related problems. The stereotype of the urban Inuit is not always wrong, but also it is not true of all urban Inuit.

According to the Kativik School Board, several Inuit workers and students quit their duties due to heavy drinking and leave their offices or schools every year. About 62% of Inuit with jobs experienced drinking problems. In my interview research, I found that many Inuit people recover from heavy drinking problems through professional counseling and moral support from their partners and friends. When some women gave birth, or



Social networks

Given the urban setting, Montreal Inuit are unable to undertake traditional pursuits such as hunting and fishing. However, they speak with their northern friends in Inuktitut, and sometimes share country foods that are sent or brought from the north. The sharing of food plays a central role in social relations in Inuit society. In Montreal, meat and fish is either portioned out to other Inuit, or the Inuk who possesses it invites other Inuit to share meals. As there are very limited quantities of Inuit country foods in the city, food sharing and invitations to meals occur only occasionally. Although some Inuit produce soapstone carvings and other handicrafts in Montreal, there are few other ethnic distinctions between urban Inuit lifestyles and those of other city-dwellers. Most of the Inuit accommodate existing urban institutions rather than attempt to maintain their northern way of life in the city.

Inuit women in Montreal tend to live with, or marry, non-Inuit partners, and their children tend not to speak

they discovered they were pregnant, they decided to quit drinking for the sake of their babies. Also, some other people participated in dialogue treatment meetings of AA (Alcoholics Anonymous) or went to treatment centers for alcoholics. Inuit who previously had drinking problems tend to avoid being in the company of Inuit with current drinking problems in Montreal.

About 40% of jobless Inuit currently have alcohol problems. It should be emphasized however that a further 40% of jobless Inuit overcame their drinking problems with the help of friends and partners or by going to AA meetings or alcoholic treatment centers. There are several reasons that a lot of urban Inuit are addicted to drink in Montreal.

Some Inuit drink alcohol because they want to forget grief caused by a separation from their family members, spouses or boy/girlfriends. Others do so because they suffer from isolation and homesickness. Some Inuit say they drink because they have nothing else to do (for example, no jobs or pastimes) in Montreal.

I think that drinking is one of the most serious problems among urban Inuit. But I would like to point out that the problem is not peculiar to urban Inuit. The Inuit who currently have alcohol problems also had them in their native villages in the Arctic.

Further, some urban Inuit indulge in drugs such as cocaine and hashish. To drink is legal if a person is beyond a certain age (18 years old). But no matter what age, using cocaine or hashish is illegal. Several urban Inuit abuse drugs in Montreal for the same reasons as they abuse alcohol.

It is true that many urban Inuit have stopped abusing alcohol and drugs through their own efforts. However, I think that alcohol and drug abuse are serious problems that must be dealt with among the urban Inuit.

Inuktitut or to retain an Inuit cultural identity. The urban settings of multi-ethnic cities lack the social conditions for maintaining Inuit culture and language.

Inuit in Montreal are dispersed throughout the city and rarely are their neighbors other Inuit (Kishigami 1999a, b). Each Inuit has very few kinsmen in the city except in cases where an entire family has moved to Montreal from the north. In these situations, a "traditional" native food sharing system is seldom employed in daily life in the city. A characteristic of Inuit social networks in Montreal is that non-kinship or friend relationships are socially and economically more important than kinship relationships. Furthermore, friends of Inuit are not always other Inuit, and in the case that an Inuk has some Inuit friends, those friends do not always come from his or her village or region. In the Native Friendship Centre of Montreal, and at other organizations such as Chez Doris, Inuit from different localities establish friendships.

Ties to native villages and food sharing

Most Inuit living in Montreal maintain some relationships with their families, kinsmen and friends in their native villages by occasional or regular visiting, and by phone calls. The relationship between an Inuk in Montreal and his or her kinsmen and friends in their native village functions primarily as a network for sending frozen caribou, Arctic char, and seal meat south to the Inuk in Montreal.

Inuit in Montreal share food with other Inuit less frequently than Inuit in Arctic villages. One feature of food sharing among the urban Inuit is that they share their native food not with their kinsmen but with their Inuit friends from other villages. While food sharing practices are deeply related to the reproduction of family and kin relationships in the Arctic villages, these practices in the city are related more to the development and maintenance of friendship among Inuit from various villages.



Inuit identities

The cultural identities of most Inuit living in Montreal are always threatened by multi-ethnic situations dominated by the Québécois (French Canadian Quebec residents). Montreal Inuit live and interact frequently with non-Inuit populations in this multi-ethnic city and lack conditions for fostering socio-cultural Inuit lifestyles. As the frequency of interaction among Inuit from different regions has increased in the city, group amalgamation, such as forming a Montreal group composed of Inuit from various Arctic regions, is occurring. There are also some individuals with a non-Inuit parent or ancestor who express multi-ethnic identities. Furthermore, some second and third generation urban Inuit have been assimilated into the multi-ethnic society of Canada, which is politically and economically dominated by French and English Canadians.

My research of 1996 and 1997 indicates that young Inuit raised in Montreal, and Inuit whose spouse or a parent is non-Inuit, begin to regard themselves as indigenous people of Canada, Canadian of Inuit descent, or indigenous people of Quebec, rather than simply as Inuit (cf. Lambert 1986; Fienup-Riordan 2000:151-168). According to the 1991 Aboriginal People Survey, 455 of the 775 Montreal Inuit list multi-ethnic identities. Inter-ethnic marriage over one generation and city dwelling in multi-ethnic situations make Inuits' intergenerational succession of their language and culture difficult and they lose their taste for country food (cf. Fogel-Chance 1993; Sprott 1994; Fienup-Riordan 2000:151-168; Lee 2000).

Creation of the Association of Montreal Inuit

Until the late 1990s, there were few places for Inuit to meet and exchange information in Montreal. As the Inuit of Montreal did not have any voluntary association and did not form a spatially separate community, they had to create individual social networks amongst themselves. This resulted in a lack of extensive food sharing and only occasional use of Inuktitut. Generally speaking, most Montreal Inuit did not create or maintain Inuit culture and cultural identity primarily because they lacked strong social solidarity and because their social networks were too weak.

In 1998, a number of Montreal Inuit became concerned about the situation and held several meetings to discuss the establishment of an urban Inuit organization. When they held a country food feast at the hall of St. Paul's Anglican Church in Lachine one Saturday in November, 1999, about 120 Inuit attended. The group decided to voluntarily hold monthly community-style Inuit country food feasts. Such feasts are prevalent in northern villages during special times of the year, such as Christmas and Easter (Mesher 2000).

On 29 March 2000, a voluntary organization named the "Association of Montreal Inuit" was officially established (Mesher 2000). The first Board members were all voluntary. These positions are currently filled by Victor Mesher, Jr. (President) originally from Labrador, Paulossie Mikpegak (Vice-president) originally from Kuujuaapik, Jobie Weetaluktuk originally from Inukjuak, Putulik Qumak originally from Cape Dorset, Taqralik Partridge originally from Kuujuaq and Silasie Qumaq originally from Akulivik. The Makivik Corporation has allowed the association to use one office and one storage room in its building. This organization aims to function as a center for information exchange, socializing and provision of a monthly supper for urban Inuit.

As one of the association's social activities, a new type of food sharing (that is, a regular feast) is organized by the recently established Montreal Inuit Association. In order to organize this event, the association contacted 14 mayors of Nunavik communities to ask them to send caribou meat and other country foods regularly to Montreal. In return, the association organizes a project in which second-hand clothes, furniture, toys and books are collected and sent to the northern communities from Montreal through the association. Also, the association organizes cultural events in Montreal to promote a cultural exchange between the Montreal Inuit and other Montreal residents. For example, the Inuit association organises cultural events and provides Boy Scouts clubs in Montreal with Inuit dishes.

On 17 June 2000, members of the Association of Montreal Inuit started to participate in Canada's Aboriginal Day parade in Montreal. The creation of this new association and the activities it undertakes has resulted in creating the feeling of a new Inuit community. I argue that this kind of practice will produce and reproduce new social relationships within the Montreal Inuit community, based not on kinship but on friendship and a shared experience of living as an Inuk in Montreal.

From present to future

While the Inuit in Montreal still maintain social relationships with the Inuit in the north, they are creating a new community and social relationships on the basis of friendships and a shared experience of being Inuit and living in Montreal. This organizational focus of Montreal Inuit is very different from that of Arctic Inuit, whose community is still based on kinship and place, in addition to their shared experience in the Arctic. I think that, if the Association of Montreal Inuit functions effectively, an Inuit community in Montreal, as well as a sense of being Montreal Inuit, will emerge. But this community will be organized primarily along friendship ties, rather than "traditional" kinship ties. Although my data is based on research in Montreal, they are equally applicable to urban Inuit in other cities.

The population of urban Inuit will grow in the future due to the continuous population flow of Inuit born in the north into southern cities, until and unless living conditions in the northern regions improve. In order to improve the quality of life of urban Inuit in Canada, the following suggestions could be made, some of which are already being implemented by the Tungasuvvingat Inuit² and the Association of Montreal Inuit:

Firstly, the establishment of an Inuit information center in major cities for all urban Inuit to share and exchange information on job training, education, employment and housing. As this would be a place for urban Inuit to meet, it could be the basis on which an urban Inuit community is formed. The existence and functioning of this kind of community may contribute to the maintenance of Inuit language, culture and identity in the south.

Secondly, social workers dealing specifically with urban Inuit at the Native Friendship Centres or Inuit Associations could be hired in major cities. Many urban Inuit people face serious socio-economic problems, such as unemployment, alcohol and drug abuse in the south. A special support system is needed for the Inuit.

Thirdly, a country food supply system should be institutionalized. For example, Makivik or some other Inuit organization should be encouraged to regularly provide country food to urban Inuit. Many urban Inuit miss their country food very much. In terms of physical and mental health, country food should be accessible to the urban Inuit through a monthly or weekly supper, or other means.

Fourthly, Inuit shelters should be established for newcomers from the north in order to reduce the number of homeless Inuit in major cities.

Fifthly, day care centers for urban Inuit or urban natives in general should be established in major cities. There are many single Inuit mothers in urban areas. In order to be financially independent of social welfare, single mothers have to work and need an organization to take care of their children during working hours.

Sixthly, in order to maintain some Inuit culture in major cities, urban Inuit should have a cultural event in a public place and expose other city residents to their culture. They need a place to practise their cultural activities, and to demonstrate their cultural distinctiveness to other nationals.

Seventhly, a vocational or educational training center should be established for urban Inuit in major cities. Inuit should be able to acquire good employment skills and knowledge in order to get jobs in southern cities.

Notes

- 1 The James Bay and Northern Québec Agreement was the first settled comprehensive land claim in Canada. It involved 5,543 square kilometres of settlement land for the Cree and 8,151 square kilometres of settlement land for the Inuit. It included exclusive harvesting rights over an additional 150,00 square

kilometers. The agreement also provided for Aboriginal participation in resource management and government service delivery.

- 2 There exists an Inuit center called "Tungasuvvingat Inuit" ("a place where Inuit are welcome") in Ottawa. It was established in 1987 as a social, cultural and counseling organization to meet the growing needs of urban Inuit (Carpenter 1993; Webster 1993).

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URBAN MAORI



By Kirsty Gover

IN AOTEAROA / NEW ZEALAND

Carved panel inside marae meeting house, Whakarewarewa, Rotorua. Photo: Gaylene Earl

Right: Warrior with paddle and loincloth, Nga Toki waka, Bay of Islands, Northland. Photo: Gaylene Earl

Clearly, urbanization of Maori has made it very difficult for many Maori to retain active tribal links. A Maori living away from a tribal base finds it difficult to influence tribal policies from a distance and is often treated as a stranger upon returning to the marae (meeting house and grounds). The difficulties of travel, the need to be present when decisions are made, the need to know the community and people of a tribal area, and the discouragement to both women and youth from speaking at tribal meetings, has caused in certain sections of Maoridom a decline in interest in tribal matters. Many Maori living away from their tribal base have found support in other Maori organizations, particularly the Urban Maori Authorities. *Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* (2000) 1 NZLR 285 pages 63 - 64.

Introduction

The migration of Maori to New Zealand's urban centers in the period immediately following the Second World War has been described as the most accelerated urbanization of any national group in any country.¹ Today, over 83% of Maori live in urban centers,² and 70% of Maori live outside of their traditional tribal territory. Over 25% of Maori cannot or

choose not to affiliate to any tribe.³ More recently, commentators have observed a slight but significant trend in Maori migration from urban centers back to rural areas.⁴ Maori are a diverse population, albeit one with strong ethnic solidarity, a shared language (with dialectal variations) and common understandings of fundamental principles of *tikanga Maori*.⁵ The diversity of Maori aspirations, needs and lifestyles is reflected in the wide array of organizations through which Maori collectivity is expressed. Groupings reflect not just the dominance of *whakapapa* (kinship and descent) as an organizing principle and fundamental tenet of Maori tribal identity but also other commonalities and purposes (sometimes referred to as *kaupapa*) including, but not limited to, responses to urban contexts, religious affiliation, gender concerns and property ownership.⁶ Maori group interactions are characterized by overlapping and multiple memberships but, in keeping with older tribal dynamics, groups operate relatively autonomously from one another and structure their interactions in a quasi-diplomatic fashion, marked by successful and enduring collaborations in specific contexts.

In the past several decades, increased tribal activity and the distribution to *iwi* (tribes) of limited resources in the Treaty settlements process has introduced a new urgency and formality into longstanding inter-Maori debates on identity and organization.



At the forefront of these debates is a complex set of questions concerning the legitimacy of claims by non-tribal and pan-tribal Maori groups for recognition and resources.

Collective Maori protest in the 1960s and 70s succeeded in securing important policy and institutional commitments from the Crown and an acceptance, in rhetoric if not in practice, of its partnership relationship with Maori under the 1840 Treaty of Waitangi. The complicated process of forming real-life partnerships between government and various Maori collectives, however, has prompted a more contentious debate amongst Maori as to the appropriate vehicles for the exercise of Maori authority and autonomy.⁷

As a visible and enduring expression of the modern diverse Maori realities, urban Maori groupings have brought these issues into sharp relief in high-profile litigation and claims before the Waitangi Tribunal⁸ (an independent permanent commission of inquiry established to make recommendations on Maori Treaty claims against the Crown), asserting the right to be recognized alongside traditional tribes as inheritors of the guarantees of the Treaty of Waitangi. While not wholly successful in achieving their broader constitutional goals, urban groups have profoundly altered jurisprudential and political discourse on the nature of the Crown's relationship with Maori. Urban groups have largely subverted the orthodoxy that only the tribes represent Maori for the purposes of the Treaty relationship in contractual dealings with the Crown and, it appears, have successfully lobbied (pending a final determination) for a share of the wealth transferred to Maori in the 1992 Fisheries Settlement.⁹ This article outlines the major arguments made on behalf of urban Maori for recognition and respect as Treaty partners.¹⁰

Within the Maori community, the issue of how the needs of Maori people living in the cities and, to a greater or lesser extent, estranged from tribal roots has been a topic of hot debate. The debate has been a healthy and useful one—a way of testing the robustness of tribalism and the ability of traditional structures to maintain relevance to the everyday lives of their constituents. Attitudes on both sides of the debate have been tested and changed as a result. In the mainstream media, however, the debate has been highly destructive. It has provided fuel for the (misguided) mainstream view that the Treaty, aboriginal rights and tribalism itself are anachronisms, which should be rejected as the subject matter of policy and law. Chief Judge Joe Williams (Ngati Pukenga) Chief Judge of the Maori Land Court and Deputy Chairperson of the Waitangi Tribunal.¹¹

Background

At the time of New Zealand's 2001 national census, close to 14% of New Zealanders identified as Maori,¹² a population of approximately 530,000 in a country of nearly four million. They are overwhelmed statistically and culturally by Pakeha (New Zealanders of predominantly European or English descent) who make up 72% of the population. Maori are a fast-growing and young population, and they are projected to make up 21% of the national population by the year 2051. Once dispersed throughout the country in tribal groupings, today over 83% of Maori live in urban areas.¹³ As a population, Maori endure low socio-economic performance compared to other New Zealanders, and recent government policies have been directed specifically to unraveling the causes of disparity and "reducing inequalities" between Maori and non-Maori New Zealanders. The causes of Maori disadvantage are complex and interrelated. As Te Puni Kokiri (the Ministry of Maori Development) reports:

"Maori unemployment rates continue to be significantly higher than for non-Maori. Maori are also less likely to be participating in the labor force, not because they are participating in the education system, but rather because they are staying at home. Not surprisingly therefore, Maori incomes are lower than those for non-Maori, and Maori are more likely to require government assistance or be totally dependent on a benefit. This in turn impacts upon Maori access to adequate housing and Maori health status. Although the causal links are complex, there is little doubt that all these factors have contributed to the much higher offending and victimization rates within the Maori community."¹⁴

In New Zealand law and for official purposes, Maori identity is determined by self-identification. For purposes requiring standing as Maori, such as making a claim against the Crown in the independent Waitangi Tribunal or registering on the Maori electoral role to vote for candidates in seven reserved parliamentary seats, no evidence of Maori ancestry is required. In legislation pertaining to these and other legislatively defined processes, "Maori" means: "a person of the Maori race of New Zealand; and includes any descendant of such a person."¹⁵ Membership in tribes, however, is a matter governed by the constitutions of particular tribes (*iwi*) or sub-tribes (*hapu*), and the Crown purports to take a hands-off approach to the question of membership. For the purposes of the Treaty settlement process, however, the Crown has established criteria for adequate representation as a prerequisite for recognizing tribal groups in settlement negotiations.¹⁶

Tribal membership is based on *whakapapa*, that is, genealogical descent (tribes personify an eponymous ancestor) but tribal policies vary in some significant respects on issues such as the status and participatory rights of adopted children (*whangai*), and spouses. For the

purposes of census data and its application in generic government policy, a distinction may be made between those New Zealanders acknowledging Maori ancestry, as in the legislative categories above, and those identifying as Maori, a category attributed in census data to those respondents naming "Maori" as any one of their ethnicities. In the 2001 national census, 16% of people reporting that they were of "Maori descent" did not identify ethnically as Maori.¹⁷

The Treaty of Waitangi

The Treaty of Waitangi was signed in 1840 by representatives of the British Crown and over 500 Maori chiefs representing many, though not all, of the *hapu* (sub-tribes) of New Zealand. The Treaty is a brief document, consisting of a preamble, three short articles and a postscript, outlining the transfer of governance power to the British Crown in return for the protection of tribal authority and the conferral upon Maori of citizenship rights.¹⁸ The Treaty consists of two texts, an English version and a Maori translation, the latter of which was the version signed by all but 30 of the Maori signatories. Neither text is a direct translation of the other, and much debate and scholarship has been devoted to an examination of the terms used, as a means of elaborating the intended meaning of the agreement, an interrogation that is especially significant given the core indeterminacy of translated words describing the extent of the respective sovereignties of the Crown and the tribes.¹⁹ For the purposes of policy and law, the Treaty is regarded as the sum of its two language versions, neither of which takes precedence over the other,²⁰ but many Maori maintain a strong attachment to the *mana*²¹ of the Maori version (Te Tiriti o Waitangi), and object to reference to the principles of the Treaty on the basis that the true meaning of the document is expressed in the Maori text.

The Treaty features strongly in public discourse as a constitutional symbol of the relationship between Maori and the Crown. Since the landmark establishment of the Waitangi Tribunal in 1975, reference to the Treaty and its principles has become a feature of government decision-making in matters implicating the interests of Maori. Despite government reference to the Treaty as the nation's founding constitutional document, its legal status remains unsettled. As the law currently stands, the Treaty cannot be directly enforced by the courts except to the extent that it is referred to in statute, although increasingly the Treaty and its principles are considered in administrative law as a relevant consideration where Maori interests are paramount.

Over 30 pieces of legislation now direct decision-makers to give effect to, or otherwise have regard to, the "principles of the Treaty of Waitangi", and important jurisprudence in the past fifteen years elaborates the content of Treaty principles in the context of statutes affecting Maori interests in land, fisheries, sacred sites,

Hongi, or greeting between two Maori males. Photo: Ted Scott



language, minerals, parliamentary representation and family structures.²²

Treaty principles elaborated by the courts describe the Treaty relationship as akin to a partnership, in which both parties are obliged to act with the utmost good faith and reasonableness in their dealings with one another. The Crown is obliged to actively protect Maori *taonga* (treasures or possessions) as far as is reasonable in prevailing national circumstances, to provide redress for past proven Crown breaches of the Treaty and to be properly informed (usually through consultation) when making decisions affecting Maori interests.²³ The principles direct the parties in their interactions with one another but do not fetter parliament's legislative supremacy and, in accordance with administrative law principles, do not authorize the courts to specify particular outcomes or policy but rather to pronounce on the proper consideration to be given to the principles in the decision-making process in question.

Maori organization

It is in the context of these overriding Treaty principles that concrete relationships between government agencies and Maori groups are manifested. For the purposes of establishing legislative directions and contractual agreements pertaining to Maori groups, policy-makers are required first to identify the Maori Treaty partner, a process that has given rise to heated debates on fundamental questions of Maori identity. The high number of Maori living outside of their traditional tribal domains, and the concentration of Maori in urban centers poses particular problems for central, regional and local government entities seeking to form relationships with Maori in their communities. Relationships between Maori groups can be complex and volatile. According to most, (but not all) commentators, contemporary Maori organizational fluidity is not markedly different from the historical flux of inter- and intra-tribal dynamics. "(Since 1840) Maori society ... has been both dynamic and fluid. It has had a history of development, evolution, fusion, division and rearrangement. Maori have shown an ability to adapt to changing conditions."²⁴

Insofar as an ethnic core is a foundation for nationhood, the concept of a Maori nation is well founded on a shared cultural heritage, physical distinctiveness, a history which predates colonization, aspirations towards self-determination, and a non-acceptance of the state as the appropriate author of Maori destiny. The fact that there is no established Maori nation state does little to diminish the reality of a Maori nation; it simply highlights the absence of a Maori body politic. Professor Mason Durie (Ngati Kauwhata and Rangitane), *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination* (Oxford University Press, Auckland, 1998) at p 228.

Today Maoridom consists of a constellation of different groups, with differing purposes and aspirations, whose membership is fluid, multiple and overlapping. *Iwi* and *hapu* (tribes and sub-tribes) exist alongside longstanding national pan-tribal bodies including the legislatively established New Zealand Maori Council, the tribally-based National Maori Congress and the Maori Women's Welfare League, along with purpose-specific networks such as the Kohanga Reo Trust (a highly successful Maori-initiated system of Maori language immersion pre-schools), and groups organized on the basis of religion such as the Ratana and Ringatu churches.

Responding to increased government emphasis on the tribes as a vehicle for service delivery during neo-liberal public sector and economic reforms in the 1980s, and to meet the Crown's mandating criteria in negotiations for the settlement of historical grievances, most *iwi* and *hapu* (tribes and sub-tribes) have adopted formal, often corporate, representative structures. The revitalization of traditional tribes has brought into focus the comparable roles played by non-tribal bodies, especially where Treaty settlements have resulted in the partial restoration of a tribe's economic base. At the vanguard of efforts to have non-tribal groups recognised are the Urban Maori Authorities, which emerged after the Second World War as a response to the fragmentary effects of urbanization, and which provide a center for the restoration and affirmation of cultural bonds for resident Maori.

Owing to changed circumstances, some may identify today under the banner of some church - Ratana or Ringatu for example - or the real community may in fact be represented in some urban organization. To lock Maori into some structural strait jacket in the name of tradition may be to deny autonomy and representation for the Maori communities that exist today in fact. The Honourable Justice Edward Taihakurei Durie (Ngati Rangitane, Ngati Kauwhata, Ngati Raukawa) New Zealand Institute of Public Law Conference "The Treaty of Waitangi: Maori Political Representation", Pipitea Marae, Wellington 1 May 1997.

The existence of diverse Maori realities calls for nuanced and politically astute responses from government in its dealings with Maori communities. *Tangata whenua* (literally, "people of the land") assert ancestral links and traditional representative authority in their *rohe* (tribal domains). Those tribes whose traditional jurisdiction includes urban centers have continued their traditional role as *tangata whenua* in providing for and hosting urban Maori *manuhiri* (visitors), often at the risk of over-taxing their own resources. In some urban centers, tribes have established regional representative structures to service the large number of tribal affiliates living in the cities. This is particularly so for the larger tribes such as Ngati Porou,

whose affiliates in the capital, Wellington, are represented and serviced by Ngati Porou ki Poneke. These satellite bodies (sometimes called *taura here*) may operate largely independently from the umbrella structure of the tribe, establishing contractual and other relationships with government agencies in their own right.

Urban Maori Authorities service Maori who may or may not affiliate to *iwi* or *hapu*, and operate alongside the kinship groups in urban centers, often (but by no means always) in collaborative relationships. The interactions between tribal groups, and between tribal and pan-Maori groupings are complex and frequently contentious, and the process of consulting Maori requires government agencies to make difficult decisions about the relative weighting to be accorded to the views of competing groups. In the allocation of government funding and development grants, a delicate balancing act is required to ensure that the political relationships between groups are not disrupted and the relationship between central government and Maori is not compromised by local dynamics. One of the key functions of the regional offices of Te Puni Kokiri (the Ministry for Maori Development) is to provide advice on the relationships between the government and Maori groupings within their local jurisdiction.²⁵ Longstanding intra-Maori debate on the relative status and legitimacy of kin-based and community-based²⁶ groups was recently highlighted in legal and political fora by the claims of urban Maori groups. Maori remain divided on these fundamental questions.

*The Maori world has always adopted a plethora of organizational responses to the particular needs of the time- and today's challenges are no different. Urban Maori authorities today are a highly successful and necessary vehicle for meeting the needs of Maori in the cities. But the core Treaty assets of land, forests, and fisheries have always been tribally held – that is, held within traditional kin structures – and now more than ever it is important to protect the integrity of that (Maori) paradigm. Chief Judge Joe Williams (Ngati Pukenga), Deputy Chairperson of the Waitangi Tribunal and Chief Judge of the Maori Land Court in Ken Coates and Paul McHugh, "Quality Relations: The Key To Maori Survival" in *Living Relationships Kokiri Ngatahi: The Treaty of Waitangi in the New Millennium* (Victoria University Press, Wellington, 1998) at p 262.*

Urban Maori authorities

Urban Maori Authorities first emerged as a response to the rapid alienation of urban Maori from their ancestral homes and tribes in the post Second World War period, seeking to provide a center for Maori cultural life in the

form of urban *marae* (meeting grounds) for meetings, *tangi* (funeral gatherings) and celebrations, and a network of *whanau* (family) support for Maori unable to maintain close connections with extended families in the regions.²⁷ Significantly, urbanization was accompanied by government policies designed to break down tribal structures in the urban context, including in the allocation of state housing, where Maori families were dispersed throughout predominantly non-Maori suburbs. Along with other community-based organizations and *iwi* and *hapu*, Urban Maori Authorities were the recipient of devolved government service delivery functions during the economic and public sector reforms of the 80s and 90s, further building on their central role in the lives of local Maori. One Urban Maori Authority that has played a key role in political and legal debates on these issues is Te Whanau o Waipareira Trust (Te Whanau o Waipareira), of West Auckland.

Te Whanau o Waipareira Trust

Te Whanau o Waipareira today manages a vast array of services for its predominantly Maori affiliates. Te Whanau o Waipareira provides training and employment services (Wai Tech Ltd.), cultural activities, social service activities, health and dental services (Wai Health Ltd.), education services and sporting activities. As with other urban Maori organizations, Te Whanau o Waipareira has provided a base for the organic accumulation of layers of social cohesion, creating a durable expression of Maori identity and collective autonomy. The Trust manifesto asserts that:

*"As a system of leadership and management, Te Whanau o Waipareira Trust does not deny the existence of, or the need or desire of individuals to identify with tribal groups. Its first claim is to promote pan-tribalism as a viable, valid and legitimate vehicle through which self-determination can be realized in an urban context."*²⁸

Despite its successes, Te Whanau o Waipareira also has its critics, and as its visibility has increased, so has scrutiny of its management processes and structures. In 2000, at the behest of members of New Zealand's right-wing Act party, it was subject to a government select committee investigation of its management of several government contracts, none of which revealed any wrongdoing on the part of the Trust.²⁹

The claim

What I have to say to you is, to achieve tino rangatiratanga, we can only achieve that by empowering Maori people katoa (ie, all Maori people or the Maori people as a whole), not only those that are domiciled in their hapu

area. We have to recognize that this is a day where most Maori people live outside of their tribal areas, certainly outside of their *kainga* (villages); so that 80 percent of Maori are urbanized and a good percentage of that are outside, in big cities like this . . . So, unless we recognize that in order to achieve *tino rangatiratanga* (autonomy, self-governance), that we must empower Maori from wherever and in whatever group, then I feel that the cause and the case is lost.³⁰ Professor Pita Sharples (Ngati Kahungunu) in an oral submission to the Waitangi Tribunal in Te Whanau o Te Waipareira claim.

In 1998, the Waitangi Tribunal produced its findings on a groundbreaking claim against the Crown brought by the Te Whanau o Waipareira Trust. Te Whanau o Wapareira asserted that the Crown, acting through the government's Community Funding Agency, had acted in breach of the principles of the Treaty by regarding only traditional *iwi* and *hapu* as its Treaty partners.³¹ The Tribunal's assessment of the claim turned on an examination of central components of Maori collective identity and autonomy, directed to the question of whether a collective of Maori not organized on the basis of shared ancestral links and kinship (*whakapapa*) could nonetheless be considered to inherit the guarantees promised to the tribal Treaty signatories of 1840. The Waitangi Tribunal found that Te Whanau o Waipareira was entitled to recognition under the Treaty by virtue of its exercising *rangatiratanga* (chieftainship or tribal autonomy) and that, accordingly, the Crown was wrong to limit its Treaty relationships to the traditional tribes.³²

In its analysis, the Tribunal considered that the evolution of *tikanga*, or Maori custom, accommodated non-traditional forms of Maori organization, an acknowledgment that adaptation to non-traditional circumstances need not compromise the "Maoriness" of the group in question. What mattered was the exercise of *tino rangatiratanga* in accordance with *tikanga Maori*.³³ *Tino rangatiratanga* is a complex and culturally embedded concept incorporating spiritual and political elements but which could be considered to parallel, in many respects, the concepts of sovereignty, autonomy, independence, self-governance, or self-determination.³⁴ It pertains to the external relations of groups as well as to the ordering of power within a collective. The Tribunal states that "it is the reciprocal relationship of *rangatiratanga* between leadership and membership that binds people together in a Maori community. The boundaries may be permeable—members can come and go—but the community can be discerned from the exercise of *rangatiratanga*. . . . *Rangatiratanga* is not absolute. The character of *rangatiratanga* depends on the internal dynamics of the community,

and it may well fade around the edges, and can change over time."³⁵ In its Te Whanau o Te Waipareira Report, the Tribunal did not provide an exhaustive definition of *rangatiratanga* or list its components, nor did it offer direction as to which groups may or may not qualify as Treaty partners, beyond identifying Te Whanau o Waipareira as such a group.

*The principle of rangatiratanga appears to be simply that Maori are guaranteed control of their own tikanga, including their social and political institutions and processes and, to the extent practicable and reasonable, they should fix their own policy and manage their own programs. Waitangi Tribunal Te Whanau o Waipareira Report.*³⁶

At the same time, the Tribunal emphasized that the Crown's relationship with urban Maori should not compromise its obligations to traditional groups. "[S]pecial consideration of non-tribal groups does not diminish the right of tribes to special consideration as well. The principles behind the process of empowerment by devolution to Maori is that Maori communities should be assisted to take control of their own affairs. To do that, we must look to the communities as they are and not as they were or as we would have them be."³⁷ The Tribunal's emphasis on inclusivity affirms the stance taken by Te Whanau o Waipareira in its relationship with local tribes, as evidenced by the collaborative arrangements between the Trust and tribal groupings in West Auckland.³⁸ Te Whanau o Waipareira claimed that both non-tribal and kin-based Maori organizations should be recognized as having a *mana* of their own, and government funding should be available to both to provide services to their communities.³⁹

In turn, Ngati Whatua, the *iwi* exercising *mana whenua* in West Auckland, acknowledged the role played by Te Whanau o Waipareira in the Ngati Whatua *rohe* (tribal domain), and emphasized the supportive relationship between the two bodies. At the same time, they asserted their own exclusive status as the Crown's Treaty partner for the Auckland region and sought recognition for their longstanding traditional role of providing support to *manuhiri* (visitors), asserting that their own funding should not be prejudiced by funding provided to other Maori groups. "We acknowledge that Waipareira and other similar authorities serve useful purposes and we have no difficulty in giving support in principle to them. The Ngati Whatua Charter welcomes these organizations and invites them to work in harmony with us. We are in fact represented as of right on the Waipareira Trust—although there is only one member."⁴⁰

The claim [of Te Whanau o Waipareira] is essentially about fairness, due process and equality of opportunity. It is about our right as a pan-tribal whanau in the urban area to be acknowledged as a Treaty partner and our right as urban Maori to organize ourselves in accordance with our own tikanga to address our own problems our way.⁴¹ The Hon John Tamihere, (then) CEO of Te Whanau o Waipareira Trust.

The government's response to the report, recorded in an internal briefing in 1999, notes its intention to develop policies inclusive of both kin-based and non-kin-based groups.⁴² After much debate amongst officials of various departments, the government declined to develop a generic policy response to *rangatiratanga* (chieftainship or tribal autonomy) in order to avoid the risk of pre-empting inter-Maori debates on these issues.⁴³ Despite the lack of a formal response to issues raised in the report, the Tribunal's findings have been enormously influential, as well as intensely controversial, and have shifted the conception of the

Treaty partnership to include consideration of Maori groups other than tribes. The debate amongst Maori continues, albeit with a broader agenda and new starting point.

Maori society, probably like most others, is conservative with regard to its fundamental values. The point is that it has been receptive to change while maintaining conformity with its basic beliefs. Thus the word for custom is tikanga, which does not denote a static set of rules. The value system has been described in terms of criteria like whanaungatanga, the primacy of kinship bonds, manaakitanga, caring for others, rangatiratanga, the attributes of rangatira, or utu, the maintenance of harmony and balance. Whatever the criteria might be, writers of different disciplines and places have seen the importance of value concepts in Maori culture. The Honourable Justice Edward Taihakurei Durie (Ngati Rangitane, Ngati Kauwhata, Ngati Raukawa) Ethics and Values, Te Oru Rangahaua Maori Research and Development Conference, Massey University 7 - 9 July 1998.



Whakapapa (kinship) and Rangatiratanga (tribal autonomy), the ongoing debate

Debate amongst Maori continues concerning the Treaty status of urban Maori authorities and the nature of the Crown's obligations towards them.⁴⁴ Complex and high-profile litigation brought by both tribal and urban groups disputing the allocation of fisheries assets vested in the 1992 pan-Maori Settlement of Maori claims has further heightened disagreement. Disputes and successive law suits have stalled the allocation of fisheries assets held by Te Ohu Kai Moana (The Treaty of Waitangi Fisheries Commission) for ten years. (Recent indications suggest that a solution may have been found, pending acceptance by Maori). Tribal advocates reject the notion that *rangatiratanga* (tribal autonomy) can be exercised by non-kin-based groups, and warn that claims from urban Maori authorities threaten the core of Maori identity and erode Maori collectivity.

The Runanga Chairman of the North Island iwi Ngati Porou, Apirana Mauhuika, asserts that "*Whakapapa* is the determinant of all *mana* rights to land, to *marae*, to membership of a *whanau*, a *hapu* and, collectively, the *iwi whakapapa* determines kinship roles and responsibilities to other kin, as well as one's place and status within society. To deny *whakapapa* therefore as the key to both culture and *iwi* is a recipe for disaster, conflict and disharmony."⁴⁵ Others assert that *whakapapa* (kinship) is one of a number of key concepts in *tikanga Maori* (Maori custom) but need not be the sole determinant of Maori identity: "The importance of *whanaungatanga* [relationship bonds] may be that Maori are Maori because they belong to a group, a group usually defined by kinship but it is arguable that this was not always or need not always be the case."⁴⁶

Advocates on both sides acknowledge that many Maori claim multiple affiliations and recognize the attachment of Maori to both urban groupings and tribal bodies. The volatility of the debates emerges from disagreements about the relative status of the groups to which individuals belong, especially in matters implicating customary property rights. As an example, an interviewer reports that John Tamihere, former CEO of Te Whanau o Waipareira Trust, acknowledges his tribal ancestry: "John says he is not denying his *Ngati Porou-tanga*. But he was born and lives in Auckland. ... And he says what has protected him as a Maori person living in the city is Te Whanau o Waipareira."⁴⁷ Apirana Mauhuika (Chairman of Te Runanga o Ngati Porou) notes dual allegiances of tribal affiliates, and asserts the primacy of tribal bonds in Maori identity and in inheritance of tribal property rights:

"The ethnicity argument is at the core of the urban Maori authorities' claim to fisheries assets and resources, and yet many of the affidavits from the leading figures holding this view openly refer to their iwi as defined by whakapapa and their kinship affiliations to various whanau and hapu within a particular iwi. One of the

*strong advocates of the ethnicity argument as a means of acquiring resources to meet the needs of urban Maori is John Tamihere, a nephew of mine by whakapapa, who acknowledges my relationship to him by whakapapa. I use this example to illustrate the fact that ethnicity, though used in specific circumstances, cannot usurp the mana and role of whakapapa as the determinant of who one is affiliated to, and who are one's kind based on descent and blood."*⁴⁸

Maori commentators have urged the continuation of debates amongst Maori on essential issues of Maori identity:

*"A first step for Maori is not necessarily to debate the issues with the Crown or with other New Zealanders, but to identify the key components of modern Maori society and the nature of the relationships between them. The dissension between tribes and urban Maori, or between iwi and iwi, or between hapu and iwi, or between Tangata whenua and Tangata kainga, arise because structures are afforded greater importance than relationships. . . . Maori need to debate constitutional issues themselves so that a measure of agreement about the parameters of self governance and the way in which it should be expressed, can be established."*⁴⁹

The Waitangi Tribunal and the courts have commented on the lack of a Maori forum for deliberation on these issues, and decried the expense and divisiveness of litigation between Maori groups. In its Te Whanau o Waipareira Report, the Tribunal concluded that: "What is crying out throughout this claim is the lack of a consultative forum . . . [where] all the Maori groups in a district could come together, acknowledge the *rangatiratanga* of each other in accordance with custom and, on this basis, seek a consensus on how best to apply whatever funding is available for welfare services, so as to maximize their *rangatiratanga*."⁵⁰ In complicated and longstanding litigation involving tribal groups and urban Maori authorities disputing the allocation of fisheries assets vested in a pan-Maori Settlement of Maori claims, the courts have urged Maori to develop a solution through mechanisms other than litigation. "The Courts, one feels, are being used to resolve the underlying and deep-rooted division among Maori referred to above (paras [46] to [49]), when history and experience confirm that a legal solution is not what is required and not what will endure."⁵¹

. . . just as the Crown needs to consider for itself with whom it has a Treaty relationship, Maori too need to consider their relationships with each other; their rights and responsibilities to each other; as individuals, maybe as 'Maori communities' (as the Waipareira Tribunal report would have us do) as hapu, whanau, iwi and otherwise. Such deliberations would necessarily involve

considerations of what role the traditional regulators of behavior in Maori society, including *mana*, *tika*, *rangatiratanga*, *kaitiakitanga*, would play and the manner in which such regulators would be applied. In this regard, the applicators of *aroha*, *manaakitanga* and *atawhai* (for instance) are important. The nature of the various relationships between individual members and their tribal collective (however defined) would need to be assessed as part of this process. Gina Rudland (Paahea and Ngati Porou)⁵²

As a result of the recently amplified debates on the Treaty status of urban Maori groups, the Crown has rightly attempted to avoid adopting a generic policy approach on *rangatiratanga*, which would have the effect of excluding some Maori collectives in advance of contextualized debate, and so far has not intervened to impose a solution in the ten-year stalemate in allocation of fisheries assets by Te Ohu Kai Moana. The expense for Maori of on-going litigation on these matters is worrying, and points to the lack of a forum through which Maori might debate constitutional questions outside of any particular controversy. If the Crown is to maintain some distance from matters concerning Maori custom and identity and yet remain responsive to shifts in these discussions, it must also act to ensure that the debate remains accessible and open, and that culturally appropriate fora exist for ongoing inter-Maori discussions and for dispute resolution in contested cases. Recent commentary addresses the nature and function of such a forum.⁵³ Ideally, on-going discussion could allow Maoridom, as a collection of collectives, to develop a permanent dialogue on the key values that should underpin the activities of Maori groups and so inform the nature of their relationship with the Crown and with other groups.

Notes

- 1 Ian Poole, *Te Iwi Maori – A New Zealand Population Past, Present & Projected* (1991). More recently, commentators have observed an emerging trend of Maori migration from urban back to rural areas. Te Puni Kokiri Post-Election Ministerial Briefing (1999) page 55 [http://www.tpk.govt.nz/publications/subject/Maori_Going_Back_to_Country_Life,_Census_Finds_\(The_Dominion,_Wellington,_June_11,_2002\)](http://www.tpk.govt.nz/publications/subject/Maori_Going_Back_to_Country_Life,_Census_Finds_(The_Dominion,_Wellington,_June_11,_2002))
- 2 Monitoring and Evaluation Branch, Te Puni Kokiri. *Maori Living in Urban and Rural New Zealand* <http://www.tpk.govt.nz/maori/population/fs4urban.pdf>
- 3 Ibid.
- 4 Te Puni Kokiri Post-Election Ministerial Briefing (1999) page 55 <http://www.tpk.govt.nz/publications/subject/>
- 5 "The closest Maori equivalent to concepts of law and custom is 'tikanga' ". New Zealand Law Commission, *Study Paper 9 :Māori Custom And Values In New Zealand Law, 2001*, p 1 –2. The report contains a detailed and comprehensive survey of *tikanga Maori*, discussing its key values, regional variations, continuing evolution, legal relevance and application in new contexts. The full text of the report can be found in the "Study

- Papers" list on the Website of the New Zealand Law Commission <http://www.lawcom.govt.nz/>
- 6 For an extended discussion of emerging forms of Maori autonomy and inter-group interactions see Kirsty Gover and Natalie Baird "Identifying the Maori Treaty Partner" (2002) 52 *University of Toronto Law Journal* 39
 - 7 For an in-depth analysis of past and continuing inter-group dynamics see Andrew Sharp *Justice and The Maori: The Philosophy and Practice of Maori Claims in New Zealand since the 1970s* (2nd ed. 1997), Chapter 16
 - 8 www.waitangi-tribunal.govt.nz
See also the Treaty of Waitangi Act 1975
 - 9 Te Ohu Kai Moana, *The Treaty of Waitangi Fisheries Commission Ahu Whakamua: The Treaty of Waitangi Fisheries Settlement, What it Means for You*. August 2000, www.tokm.co.nz
 - 10 Andrew Sharp illuminates the complex interplay between concepts of blood kinship, consent and ethnicity in Maori group formation and justification, and in the assertion of collective claims, in his article "Blood, Custom and Consent: Three Kinds of Maori Groups in New Zealand and the Challenges They Present to Governments and The Constitution." (2002) 52 *University of Toronto Law Journal* 9.
 - 11 "Quality Relations: The Key To Maori Survival" in Ken Coates and Paul McHugh, *Living Relationships Kokiri Ngatahi: The Treaty of Waitangi in the New Millennium* (Victoria University Press, Wellington, 1998) at p 262.
 - 12 2001 Census: National Summary. Statistics New Zealand <http://www.stats.govt.nz>
 - 13 Monitoring and Evaluation Branch, Te Puni Kokiri *Maori Living in Urban and Rural New Zealand*: <http://www.tpk.govt.nz/maori/population/fs4urban.pdf>
 - 14 Te Puni Kokiri *Progress Towards Closing the Social and Economic Gaps Between Maori and Non-Maori: A Report to the Minister of Maori Affairs*, May 2000, page 6 –7 <http://www.tpk.govt.nz/publications/docs/gap00.pdf>
 - 15 Electoral Act 1993. This definition is used in Statutes relating to Maori, including Te Ture Whenua Maori Act (The Maori Land Act) 1993 and the Treaty of Waitangi Act 1975 (establishing the Waitangi Tribunal).
 - 16 See the Website of the Office of Treaty Settlements. <http://www.ots.govt.nz/frameset-neg-mandating.html>
 - 17 Statistics New Zealand 2001 Census Snapshot 4 Maori www.stats.govt.nz/census
 - 18 For the texts of the Treaty see the first schedule of the Treaty of Waitangi Act 1975. For a reconstruction in English of the Maori version by Sir Hugh Kawharu, see Te Puni Kokiri *He Tirohanga o Kawa ki te Tiriti o Waitangi: A Guide to the Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal*, 20001. <http://www.tpk.govt.nz/publications/subject/#gov>
 - 19 For an explanation of the differences in the texts see Te Puni Kokiri *He Tirohanga o Kawa ki te Tiriti o Waitangi: A Guide to the Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal*, 20001. <http://www.tpk.govt.nz/publications/subject/#gov>
 - 20 Treaty of Waitangi Act 1975
 - 21 The concept is a complex one, variously but probably inadequately translated as power or prestige.
 - 22 For an overview, see Te Puni Kokiri *He Tirohanga o Kawa ki te Tiriti o Waitangi: A Guide to the Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal*, 20001. <http://www.tpk.govt.nz/publications/subject/#gov>
 - 23 For a discussion of Treaty principles elaborated to date, see Te Puni Kokiri *He Tirohanga o Kawa ki te Tiriti o Waitangi: A Guide to the Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal*, 20001. <http://www.tpk.govt.nz/publications/subject/#gov>
 - 24 Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission [2000] 1 NZLR 285
 - 25 In its Post-Election Ministerial Briefing of 1996, Te Puni Kokiri outlined the issue as follows: "The uncertain relationship

- between urban and iwi organizations is a barrier to Maori development. Iwi are wary of the potential impact of the Court of Appeal fisheries decision on iwi development plans, but realize that well-resourced urban organizations can influence, negotiate and obtain contracts. The conflict is unlikely to be resolved in the immediate future, and it is important that the reconciliation processes that have occurred between iwi and urban groups continue and progress. Resolution of the urban Maori/iwi conflict will probably require confirmation from urban organizations that they have no intentions of contesting the place, role, function and mana tangata [land-derived authority] of the recognized Tangata whenua of the region." page 69 <http://www.tpk.govt.nz/publications/subject/>
- 26 The phrase "kaupapa-based groups" is often used to describe groups organized around a common purpose or philosophy rather than kinship.
 - 27 Paul Meredith "Urban Maori as 'New Citizens': The Quest for Recognition and Resources" in: *Re Visioning Citizenship for the 21st Century Conference : 22-23 February 2000, Conference Proceedings*. Centre for New Zealand Jurisprudence, School of Law at the University of Waikato, 2001.
 - 28 <http://www.waitrust.com/historical/history.htm>
 - 29 "Trust vindicated - Tamihere" (The Evening Post, Wellington) December 1 2000
 - 30 Waitangi Tribunal *Te Whanau o Waipareira Report*, 1998, Wai 414 page 5 <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>
 - 31 Waitangi Tribunal *Te Whanau o Waipareira Report*, 1998, Wai 414 page 5 <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>
 - 32 "... the principle of rangatiratanga, in the sense of admitting rights of autonomous action and management, is not limited to tribes but applies in a variety of situations, and the exercise of rangatiratanga by particular Maori groups or within particular Maori communities, whether tribally-based or not, is an indicator of whether that groups deserves special recognition [under the Treaty]." Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414 Page xxiv, <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>
 - 33 Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414 <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>, page 16
Benedict Kingsbury examines and contextualises the Tribunal's analysis in a paper examining the political theory underpinnings of categories of claims made by Maori in New Zealand. "Competing Conceptual Approaches to Indigenous Group Issues in New Zealand" Law 52 Univ. of Toronto L.J. 101
 - 34 Mason Durie, *Te Mana, Te Kawanatanga: The Politics of Maori Self-determination* (Oxford University Press, Auckland, 1998) at p 218.
 - 35 Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414 <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>, page 16
 - 36 Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414 <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>, page 26
 - 37 Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414, page 217
 - 38 Ngati Whatua Nui Tonu and Tainui Nui Tonu. Wai 414 page 3
 - 39 Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414 <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>, page 3
 - 40 Submission by Tom Paore, of Te Runanga o Ngati Whatua. Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414, page 3 <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/wai414b.asp>
 - 41 Waitangi Tribunal, *Summary of Te Whanau o Te Waipareira Report*. <http://wai8155s1.verdi.2day.com/reports/northislandnorth/wai414/default.asp>
 - 42 Department of Social Welfare Post-Election Ministerial Briefing, page 61
 - 43 Hal B. Levine, "Can a Voluntary Organization be a Treaty Partner? The Case of the Whanau o Waipareira Trust" www.dsw.govt.nz/publications/journal/17
 - 44 Core arguments are canvassed in Paul Meredith, "Urban Maori as 'New Citizens': The Quest for Recognition and Resources" in *Re Visioning Citizenship for the 21st Century Conference: 22-23 February 2000, Conference Proceedings*. Centre for New Zealand Jurisprudence, School of Law at the University of Waikato, 2001.
 - 45 Apirana Mahuika (Ngati Porou) "Whakapapa is the Heart" in Ken Coates and Paul McHugh, *Living Relationships Kokiri Ngatahi: The Treaty of Waitangi in the New Millennium* (Victoria University Press, Wellington, 1998) at p 219
 - 46 The Honourable Justice Edward Taihakurei Durie (Ngati Rangitane, Ngati Kauwhata, Ngati Raukawa) "Governance" School of Maori and Pacific Development, The University of Waikato, Conference on Strategies for the Next Decade 20 - 23 October 1997.
 - 47 John Tamihere, in Hineani Melbourne (ed), *Maori Sovereignty: The Maori Perspective* (Hodder Moa Beckett, Auckland, 1995) at p 113.
 - 48 Apirana Mahuika (Ngati Porou) "Whakapapa is the Heart" in Ken Coates and Paul McHugh, *Living Relationships Kokiri Ngatahi: The Treaty of Waitangi in the New Millennium* (Victoria University Press, Wellington, 1998) at p 219
 - 49 Professor Mason Durie, "A Framework for Considering Constitutional Change and the Position of Maori in Aotearoa", Paper presented to *Building the Constitution: A conference to shape debate on the future of the constitution* 7-8 April 2000, hosted by the Institute of Policy Studies of Victoria University, Wellington, New Zealand.
 - 50 Waitangi Tribunal, *Te Whanau o Waipareira Report*, 1998, Wai 414, page 3 p 226.
 - 51 *Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* [2000] 1 NZLR 285 195
 - 52 Gina Rudland (Paahea and Ngati Porou) "The Muddied Waters of the Crown / Maori Relationship" in Ken Coates and Paul McHugh, *Living Relationships Kokiri Ngatahi: The Treaty of Waitangi in the New Millennium* (Victoria University Press, Wellington, 1998) at p 239
 - 53 Kirsty Gover and Natalie Baird "Identifying the Maori Treaty Partner" (2002) 52 *University of Toronto Law Journal* 39; Chief Judge Joe Williams, "The Maori Land Court - A Separate Legal System?" (Lecture notes by Chief Judge Joe Williams) delivered at New Zealand Centre for Public Law, Victoria University of Wellington School of Law, 10 July 2001, at p 19. Publication forthcoming as an Occasional Paper, New Zealand Centre for Public Law, Faculty of Law, Victoria University of Wellington.

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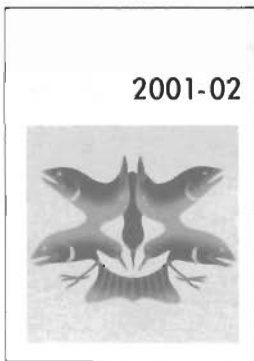


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