

WHO IS INDIGENOUS? DEFINITIONS OF INDIGENEITY

Erika Sarivaara, PhD

Kaarina Maatta, PhD

Satu Uusiautti, PhD

University of Lapland, Finland

Abstract

This article is based on indigenous research focusing on indigeneity and membership in indigenous group at the individual level. The position and rights of indigenous peoples gained a foothold at the political arenas of the world and in international agreements since the turn of the 1990s when indigenous peoples and minorities were started to be distinguished from each other. Indigenous peoples were considered to have collective rights regarding control over certain areas colonized by the mainstream population at a certain point of history. The aim is first to review the different membership criteria within different Indigenous groups in the world, and then to emphasize the definition of Sámi in Finland and its individual-level challenges. As a result of this paper, it seems that the individual-level indigenous identity does not necessarily correspond with the membership in indigenous group. When indigenous identity is not being accepted for one reason or another it violates the international declarations for indigenous peoples and may cause challenges both at individual and societal levels within indigenous communities.

Keywords: Indigenous peoples, definitions of indigeneity, indigenous identity, Sámi, indigenous membership, indigenous peoples rights

Introduction:

The world's total indigenous population varies from 200 million to 370 million (International Work Group for Indigenous Affairs). Indigenous peoples live in every region of the world. However, 70 % of indigenous peoples live in Asia, while Latin America holds 50 million, which make up 11% of the region's population. It has been claimed that there are 100,000 Inuit, 80,000 Sámi, and 1.5 million indigenous people in North America (Joonas, 2012).

The purpose of this article is to review the identification and membership with an indigenous people. We will contemplate the preconditions of belonging to an indigenous people and the definitions of indigeneity at the personal level. Defining a person as a member of an indigenous group can be difficult because of for example the assimilation process, history of colonization, or complex legislation regulating membership in an indigenous people. The concept of indigenous people is created for international agreements. It is a construction that is applied to certain populations and communities in certain areas. However, there is not any universal definition of the concept indigenous peoples. Often indigenous peoples are referred to as the disadvantaged descendants of the peoples that inhabited a territory prior to colonization or the formation of the existing state (Joonas, 2012; International Work Group for Indigenous Affairs).

The definition can be used for bringing out important common and topical issues of indigenous peoples, such as social, cultural, and political questions. As a concept, it also is connected with identity and its processes (Seurujärvi-Kari, 2012; Valkonen, 2009). The goal

of the development of indigenous peoples' rights is to achieve self-determination in areas populated by these people groups (Koivurova, 2010).

The position and rights of indigenous peoples gained a foothold at the political arenas of the world and in international agreements since the turn of the 1990s when indigenous peoples and minorities were started to be distinguished from each other. Indigenous peoples were considered to have collective rights regarding control over certain areas colonized by the mainstream population at a certain point of history (Koivurova, 2010).

Therefore, it is important to discuss the various definitions of indigeneity in order to know how the world's indigenous peoples define their memberships: who is indigenous and who is not? However, it is worth pointing out that the definitions cannot be compared as such because they always are context-bound: each indigenous people has its own special history especially in relation to the colonialist power. Nevertheless, it is possible to have a look at the main features of these definitions.

Definitions of Indigeneity:

Significant international agreements defining the rights of indigenous peoples are the Convention no. 169 on Indigenous and Tribal Peoples by the International Labour Organization from 1989 and the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly on 13 September 2007. The ILO No. 169 convention defines such peoples indigenous whose ancestors have lived in the area before the settlement or the formation of the modern state borders. In addition, the convention provides that indigenous peoples have maintained either wholly or partly their own social, economic, cultural, and political institutions. ILO no. 169 convention recognizes indigenous peoples' special rights to their traditional residential places and natural resources, and demands that states start special measures to for example protect indigenous cultures, languages, and environments. However, the convention does not take a stand on how indigenous people should be defined (ILO, 169).

The ILO No. 169 convention is complemented by United Nations' special reporter José Martínez Cobo's (1986) report on the discrimination of indigenous peoples, United Nations. Cobo's definition covers the group- and individual-level definitions of indigeneity. According to the group-level definition, those communities and peoples, who still have continuous historical connection to the societies preceding colonization, who developed on areas populated by these peoples and who consider themselves as clearly separate from other societal structures currently prevailing in the area, are indigenous. In addition, indigenous peoples are not in a ruling position in the modern society and they want to maintain, develop, and transmit the inherited lands and ethnical identity to the future generations. Their ethnic identity forms the existence of the people as one, unitary population in harmony with their own cultural practices, social institutions, and legal systems (Cobo, 1986).

Cobo also gives general answer to the question of who individual people (persons) can be seen as members of an indigenous people. The person must identify himself or herself as a member of an indigenous people (the subjective definition) and on the other hand, the group must acknowledge and accept the person as the member of the people (the objective definition). Cobo emphasized the power of the group in this matter: the group acceptance includes a sovereign right to decide who belongs to the group without outsiders' interference (Cobo, 1986). On the other hand, the UN Declaration states in Article 9 about the sovereign right of an indigenous person to belong to indigenous group the following: "Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned, No discrimination of any kind may arise from the exercise of such right" (UN Declaration on the Rights of Indigenous Peoples, 2007).

According to Dr. Tanja Joonas (2010), the definition of an indigenous people as a group is not challenging as such but the definition is problematic at the individual level. The core of the problem is in the indigenous peoples' aspiration to get back their historical rights to the land and waters. Special rights make the individual-level definition topical: how to define the subjects entitled to use indigenous peoples' rights? Joonas (2010) emphasizes the significance of the self-identification as the definition of indigeneity and leans on the first article of the ILO convention no. 169, the ninth article of the United Nations' declaration on indigenous peoples, and the final report of the United Nations' committee on the fight against all racial discrimination concerning Finland (dated March 5, 2009).

The Definition of Indigeneity in Hawaii

Hawaii or in the indigenous language, Hawai'i, is a group of islands located in the northern Pacific Ocean and belonging to the North-America. The indigenous people living in Hawaii made its first contact with the outside world in 1778. Hawaii was an independent nation until 1893 with its monarchy (Trask, 1996). The language of Hawaii remained as the mainstream language until the beginning of the 20th century when it changed little by little into the Hawaii Creole English. Due to the language shift, the Hawaiian born after 1920 did not learn the Hawaiian as their native language but the Hawaii Creole English (Maaka, 2005; Wilson & Kamana, 2009).

According to the population statistics of the United States, the population of Hawaii was 1,360,301 in 2010, and of them, roughly 136,000 (10 %) are indigenous Hawaiian (US Census Bureau, Hawaii QuickFacts, 2000). The definition of an indigenous Hawaiian is confirmed in 1921 Congress of the United States. According to the definition, a person who has at least half of his or her blood quantum Hawaiian before the year 1778 is an indigenous Hawaiian. This blood quantum principle has rooted as a part of the legal system in Hawaii. The classification by blood quantum weakens the sovereignty of indigenous Hawaiian people (Kanaka Maoli) (Kauanui, 2008).

In order to participate in some Hawaiian Homelands programs, a person has to be able to prove that he or she is half or more Hawaiian by his or her blood quantum: "Native Hawaiians are defined as individuals having at least 50 percent Hawaiian blood" (Hawaiian Homes Commission Act, Department of Hawaiian Homelands 2012). Today, there are only a few so-called fully Hawaiian people who would have only the Hawaiian blood in their blood quantum. After 2000, no new fully Hawaiians (by blood quantum) has born (W.H. Wilson, personal communiqué, Feb 22, 2010.)

Definitions of Indigeneity in Canada

In North-America, in the wide area of Canada, several different indigenous peoples live, and they are commonly referred as aboriginals. Over one million people (4 % of the whole population) consider themselves as indigenous (Andersson & Henriksson, 2010). About 53 % of them are registered Indians (First Nations), 30 % belong to the Métis group, 11 % are non-status Indians, and 4 % are Inuit. Over a half of the indigenous people of Canada live currently in cities (Aboriginal Affairs and Northern Development Canada, First Nations). The 1982 Constitution, 35§, defines the indigenous peoples of Canada: Indians, Inuit, and Métis (Hedican, 2008). Of these three groups, only Indians have a legal definition of who is an Indian.

First Nations Definition

The concept of First Nations usually refers to the Indians of Canada. The origin of the concept harks back to the time after the Second World War when the Frenchmen and Englishmen were commonly considered the founder nations of Canada. Indians objected and demanded on their recognition as the founder people and therefore the concept of First

Nations was introduced (Andersson & Henriksson, 2010). Nowadays, Canada has 615 Indian communities representing over 50 people or groups and 50 indigenous languages. The definition of who is a Canadian Indian, a member of the First Nations group, is complex and changing. The definition has been changed along the course of time, and various gradations appear from one province to another. The base is however that the definition is purely based on bloodline. The Indian Act includes the eligibility to the Indian status. In addition, Canada has an official Indian Register covering all Canadian Indians with Indian status since 1952. At the moment, of all Canadian Indians, almost 500,000 have registered according to the Indian Act. “Registered Indians are people who are registered with the federal government as Indians, according to the terms of the *Indian Act*. Registered Indians are also known as Status Indians. Status Indians have certain rights and benefits that are not available to Non-Status Indians or Métis people. These may include on-reserve housing benefits, education and exemption from federal, provincial and territorial taxes in specific situations.” (Aboriginal Affairs and Northern Development Canada. The Indian register, 2012.)

The history of the definition of the Canadian Indians helps to understand how the definition was created and how it has affected Indians. Already in the 1860s, the Canadian government passed a law on Indians giving a birth to an Indian register. The definition of Indian included in the law proved to be discriminating and wrongdoing. Especially, the section “Bill C-31” was discriminating and it was finally removed in 1985 when the law was renewed. We will introduce some examples of the discriminating Bill C-31 definition: An Indian woman lost her Indian status if she married a white, non-Indian man, and neither were their children eligible for Indian status. An Indian was given the right to vote in the election of the federation if he or she gave up his or her Indian status. This was called an enfranchisement practice or a “liberation process” (Aboriginal Affairs and Northern Development Canada. The Indian register, 2012). In 1985, the Indian Act was renewed but the discriminating section had already left a part of Indian population without the statutory position.

The current criteria of who is an Indian and eligible to the Indian Register are defined in 1985. According to the Canadian legislation, a person is Indian if:

1. the person was eligible to the Indian Register before the change in the Indian Act, April 17, 1985;
2. the person had lost the Indian status by marrying a non-Indian person;
3. the person’s parents did not have Indian status according to the Indian Act before their marriage and the person had lost the status when 21 years old;
4. the person’s registration as an Indian had been objected because the person’s father had not an Indian status although the person’s mother had;
5. the person lost the Indian status because the person or the person’s parents applied for a waiver of the Indian register and Indian membership as a part of the process called “liberation” (enfranchisement) (The “liberation” was known as a process that aimed at releasing Indians from their identity and status);
6. the person is a child whose parent fills the abovementioned criteria (Aboriginal Affairs and Northern Development Canada. Are you eligible? 2012).

Indians who are not covered by the definition and thus by the Indian Register are called Non-Status Indians. The concept of non-status Indian refers to a person who considers himself or herself an Indian but who is not entitled to register as an Indian. (Aboriginal Affairs and Northern Development Canada. Non Status Indians, 2012; Andersson & Henriksson, 2010).

Métis definition

In 2006, 389,785 persons belonged to the Métis group in Canada. The word Métis is French and means a mixture (mestizo in Spanish). According to the definition, a person is defined as a Métis if the person has both Indian and European blood different from Indian and Inuit, and who is descendent from the Indian population (Canadian Métis Council, 2012.)

In order to become officially Métis and to have a Canadian membership card of the Métis council, the person must fulfil the following criteria: (1) the person has to identify himself or herself as a Métis; (2) the person has to be accepted by the community in other words the community has to consider the person as a Métis; (3) the person must not be a member of the Indian or Inuit Register; and (4) the person has to be descendent from the Indian population, in other words, the person has to be able to prove the Indian origin with the verification process defined by the Canadian Métis Council (2012).

The Maori of Aotearoa

Aotearoa means New-Zealand in the indigenous Maori language. Aotearoa has recognized the Maori as the indigenous people of the area. The first British immigrants came to the Maori land in Aotearoa at the end of the 18th century and finally the United Kingdom colonized Aotearoa in the 19th century when the area became dependency of UK. In 1840, the Maori and Brits signed the Treaty of Waitangi, in which the Maori headmen gave the Brits the right to control the land. Simultaneously, the Maori were given the civil rights and obligations of the United Kingdom and rights to the traditional tribal lands. In addition, the treaty promised to respect the Maori culture (May, 2002).

The population of Aotearoa is 4.25 million. The number of Maori is counted in two different ways: based on the Maori identity and Maori origin. According to the population census of 2006, 565,329 (almost 15 %) of the population identified as Maori whereas there were 643,977 people of Maori origin (QuickStats About Māori, 2007).

During the past few years, the Maori researchers have opened discussion of the official Maori definition (Coates, 2008; Kukutai, 2004; Lai, 2010; Sullivan, 2008). The Maori definition of Aotearoa has varied considerably along the decades. First, the definition was based on a person's bloodline. According to this definition, a person was Maori, if the person was half-blooded, full-blooded, or between (Coates, 2008). The current definition was established in 1974 having the emphasis on the person's family history, whakapapa. According to the law, a person who has at least one Maori antecedent, no matter how far in the family history, is legally a Maori. Therefore, New Zealand has chosen a very wide and open definition of indigeneity (Coates, 2008; Lai, 2010).

In her study, Natalie Coates discusses the one-sidedness of the emphasis in the Maori definition. She criticizes the fact that the definition was composed by the white ruling power and not by the Maori themselves. According to Coates, the definition should be developed especially from the Maori's own perspective, and she suggests that the definition should be renewed. According to Coates's opinion, the definition should include the criterion of ethnic identity and whether the person considers himself or herself as Maori. Thus, the suggestion for the definition goes as follows: A person who has at least one Maori antecedent and who identifies himself or herself as a Maori, is a Maori (Coates, 2008).

The Sámi Definition in Finland

The Sámi form the only indigenous people within the area of the European Union. The Sámi's status as an Indigenous people is based on their unique worldview, their own history, livelihoods and language. Sápmi, the region inhabited by the Sámi, expands from Central Norway and Sweden over the northern part of Finland to the Kola Peninsula in Russia and thus, Sápmi is located in four countries. Altogether there are about 100,000 Sámi people in these countries. According to official statistics there are about 9,500 Sámi people in Finland.

The Sámi's position in the Finnish legislation was considerably strengthened when the Sámi as an indigenous people was secured the cultural sovereignty over their language and culture in the Sámi residential area in 1995. For this task, the Sámi have election for the Sámi Parliament. The realization of the cultural sovereignty is more specifically defined in the Law on the Sámi Parliament (974/1995; see also Lehtola, 2005). The law in question provided a

legal definition of an individual person who can be called Sámi and a member of the indigenous people. The definition of the 3 § of the law is two-part: it is based on self-identification and legal criteria forming the basis of the so-called group acceptance of the Sámi Parliament (Hyvärinen, 2010). The Sámi definition was revised and widened powerfully in the Law on Sámi Parliament by adding two new objective criteria in it (Myntti, 2000).

Pursuant to the Finnish law on the Sámi Parliament, a person is considered a Sámi if he/she considers him/herself a Sámi and if (1) the person him/herself or at least of one parent or grandparent of his/hers has learned Sámi as the first language, or (2) the person is a descendant of someone who has been registered as a Fell, Forest or Fishing Sámi in the land, taxation or census register, or (3) at least one of his/her parents has or could have been registered as entitled to vote in the elections of the Sámi Delegation or the Sámi Parliament (Act on Sámi Parliament, 1995; adopted on 17 July 1995).

In order to become officially Sámi or having the Sámi status, the person has to identify himself or herself as Sámi referring to the subjective criterion, and to fulfil at least one of the optional objective criteria in the aforementioned definition. These criteria are related to (1) the Sámi language, (2) Sámi ancestry, and (3) Sámi parents.

The first objective criterion is language-based requiring that one of the person's parent or grandparent had to have the Sámi language as his or her native language. The first criterion corresponds to the year 1990 Sámi definition composed by the Sámi council. The language principle does not reach historically far because it does not cover knowledge of the Sámi language beyond grandparents (Myntti, 2000). The first option is problematic because it excludes especially descendants of Forest and Fisher Sámi whose ancestors had to face the language shift earlier in the history. It is notable that from the legal perspective both official and excluded Sámi progeny is descendant of the same Sámi people with the distinction that a part of the people had to face such a powerful pressure by the settlement that they lost their Sámi language (Myntti, 2000). The language-based criterion has been a part of the Sámi definition ever since the first version of the definition.

The second criterion concerns Sámi ancestry and has been the most challenging to interpret. The concept of descendant of the Sámi is open to interpretations because the law does not specifically define the temporal connection with Sáminess. According to Pääkkönen (2008), this caused a situation in which a Sámi ancestry could be searched from faraway from one's history. In addition, the potential geographical location extended radically. It has been argued that everyone who could find even one Sámi ancestor even from hundreds of years ago could claim Sámi status and the right to vote in the election of Sámi Parliament (Lehtola, 2005).

The third criterion refers to a Sámi parent. According to the criterion, a person is Sámi if his or her parent could have been registered in the electoral register of the Sámi Parliament. Along with time, this criterion can cause problems because then just being a descendant can be enough for a Sámi status regardless of the person's knowledge of the Sámi language or connections with Sámi people.

The Sámi definition has the word "or" which means that in addition to self-identification, only one of the objective criteria has to be fulfilled in order to have Sámi status. Myntti (2000) has analyzed the definition from the judicial point of view and concluded that the definition is primarily based on the Sámi language but not the knowledge of the Sámi language. Indeed, he does suggest that the new language-based criterion in the Sámi definition should be based on actual knowledge of the Sámi language (Myntti, 2000).

Discussion:

In Finland, the interpretation of the Sámi definition, the group identification of the Sámi, has caused individual-level conflicts for a long time already. The organ executing the group identification, the Sámi Parliament, has excluded a little less than 2,000 persons from

the official Sámi status. Sarivaara (2012) has named this group of people the Non-Status Sámi—in line with the international terminology. According to Sarivaara's (2012) definition, a non-status Sámi (1) is descendant of a Sámi family and (2) is not a member of the electoral register of the Sámi Parliament. The definition of non-status Sámi is based on these objective criteria having no emphasis on self-identification.

In comparison, the Canadian indigenous laws are based on bloodline (Palmer 2000). If someone fulfill the criteria of indigeneity, he or she can have rights to use lands and waters of the reservations. Indigenous peoples of the area have divided into two from juristic perspective. In North-America, a member of an indigenous people but with not legal rights is called a Non-Status Indian. A Non-Status Indian means someone who identifies with indigenous Canadian Indians or First Nations but who does not have legal position in the Indian Act (Bayefsky, 1982; Cornet, 2003).

In some cases, the indigenous status has been lost as the result of applying complex laws and regulations if they have not corresponded the person's self-identification:

“Aboriginal individuals who are of Indian or First Nations ancestry and would so identify but do not have Indian Act status. In some cases, status has been lost through the complex application of legal rules that have not corresponded with individuals' identities” (Magnet et al., 2005, p. 180).

The indigenous identity is often connected with the demands of authenticity and essentialism (Smith, 1999). Smith continues that a person who belongs to an indigenous people, who for example participates in political discussion, becomes often questioned for his or her authenticity. Discussion of authenticity is harmful especially among people in the marginal of indigeneity such as those whose blood quantum is too white or for example among urbanized non-status Maori. Smith continues the questioning of authenticity defined by outsiders by presenting an example of researchers who had concluded that the indigenous people of Tasmania was extinct. However, there were people in Tasmania who called themselves Aboriginal Tasmanians. The interpretation was that the people's identification was a political invention of people who did not exist any longer and therefore they could not present any demands (Smith, 1999).

Conclusion:

Indigenous peoples have their own distinct languages, cultures, and social and political institutions that may vary considerably from those of mainstream society. While indigenous peoples face the similar experiences of discrimination, language loss and marginalization as other ethnic minorities, there are very important differences in terms of their rights and identity. Contrary to other ethnic minorities, that struggle to protect their rights at an individual level, indigenous peoples have always stressed the need to recognize their collective rights. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted by the UN General Assembly in 2007, recognizes these collective rights.

Crucially, self-identification as an indigenous individual cultural identity and acceptance as such by the indigenous group is an essential component of indigenous peoples' sense of identity. However, self-identification can also lead to serious conflicts of not being accepted as indigenous members. Joonas argues that: “It should be noted that, even though self-identification is generally used to refer to peoples, the term also includes an individual's feeling. Without individuals there are no groups. Logically, the definition of a group and the definition of an individual cannot be fully separated.” (Joonas, 2012, p. 147.) Acceptance of one's indigenous identity as indigenous member can be challenging and bureaucratic process. When acceptance of an individual identity fails it may lead to serious psychological problems such as stress, trauma, and angst. Indigenous identity is a crucial part of an individual person's identity (Sarivaara, 2012; Sarivaara, Uusiantti, & Määttä, 2013).

As the analysis shows, indigeneity is defined differently in different countries. For example, New Zealand has a relatively liberal definition that accepts the multiformity of the Maori culture. The basis of definitions is also in bloodline or indigenous languages. This has led to a problem if a part of an indigenous people has been excluded from the indigenous status and their identity has not been accepted. For the vital future of indigenous peoples, we see that an inclusive approach to the definition is needed. This would mean that as many descendant as possible could be officially accepted as members of indigenous peoples.

Paradoxically enough, indigenous peoples can also act as the obstacles of development. Discourse about “too white” or cultural threat by referring to own people who have for example lost their indigenous language can be harmful both at the individual and the communal level. The discourse of cultural threat does not emancipate the indigenous people but can lay the foundation for essentialist and ethnocentric models within the indigenous people. As a result of history of colonization processes the indigenous peoples are facing challenges to proceed forward from victim role into pro-activism. Emancipation, indigenous identity and revitalization are goals that the future of indigenous peoples necessitate.

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