

**IMPACT OF GLOBALIZATION ON CULTURAL IDENTITY: A  
STUDY OF INDIGENOUS COMMUNITIES IN INDIA, BRAZIL  
AND SOUTH AFRICA (IBSA)**

*Dissertation submitted to Jawaharlal Nehru University  
in partial fulfillment of the requirements  
for the award of the degree of*

**MASTER OF PHILOSOPHY**

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**INDIA**

**2012**

Date-

**CERTIFICATE**

This is to certify that the dissertation entitled “**Impact of Globalization on Cultural Identity: A Study of Indigenous Communities In India, Brazil and South Africa (IBSA)**”, submitted by Sipra Sagarika in partial fulfillment for the award of the degree of **MASTER OF PHILOSOPHY** is her original work and has not been previously submitted for the award of any other degree of this university or any other university.

We recommend that her thesis be placed before the examiners for evaluation.

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## DECLARATION

This is to declare that the dissertation entitled “**Impact of Globalization on Cultural Identity: A Study of Indigenous Communities in India, Brazil and South Africa (IBSA)**” has been submitted by me in partial fulfillment of the requirement for the award of the Degree of Master of Philosophy. The dissertation has not been submitted for any other degree to any other university and is my original work.

(SIPRA SAGARIKA)

Date:

*TO MY DEAREST MA ,*  
*WHO IS MY BEST FRIEND, PHILOSOPHER AND MENTOR....*  
*TO MY RESPECTED BABA,*  
*IN WHOSE EYES I AM AN ANGEL WITH A DIFFERENCE.....*

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## ABBREVIATIONS

ANC- African National Congress

AIDS- Acquired Immune Deficiency Syndrome

APIR- Association of the Indigenous people of Roraima

ASEAN- Association for South East Asian Nation

BAA-Brazilian Anthropological Association

CAPOIB- Council for the Articulation of Indigenous People and Organization in Brazil

CCD- Conservation cum Development

CID- Crime Investigating Department

DIDR- Development Induced Displacement and Resettlement

DNTs- De notified Tribes

FIR-First Information Report

FTA-Free Trade Agreement

GC- General Covenant

GCC- Girija Cooperative Cooperation

HIPC-Highly Indebted Poor Countries

IATECA-Indigenous Association of Terena of Cachoheinicha

IBRD- International Bank for Reconstruction and Development

ICCPR- International Covenant on Civil and Political Rights

ICESCR-International Convention on Economic, Social and Cultural Rights

IGOs- international Governmental Organization

IMF- International Monetary Fund

INGOs- International Non Governmental Organization

ISI-Import Substituting Industrialization

ITDP-Integrated Tribal Development Programme

KL-Kendu Leaf

KMSS- Krishak Mukti Sangram Samiti

MFP- Minor Forest Produce

NAGE- National Association of Geologists

NCCBB-National Conference on Brazil's Bishop

NREGA-National Rural Employment Guarantee Act

NSTFDC-National Scheduled Tribes Finance and Development Corporation

NTFP-National Timber Forest Policy

NTPC-National Thermal Power plant Corporation

NUIW-National Union of Indigenous Women

OAU-Organization for African Unity

OPEC- Organization of Petroleum Exporting Countries

PESA-Provision of the Panchayat (Extension to Schedule Areas) Act

PTA-Preferential Trade Agreement

PTG- Primary Tribal Groups

POA-Plan of Action

RSA-Republic of South Africa

SADC-South Asian Developing Council

SAP- Surplus Agricultural Produce

SIETAR-Society for International Training Education and Research

TAC-Tribal Advisory Council

TCMDFI- Tribal Cooperative Marketing Development Federation of India

TSP- Tribal Sub Plan

TNC-Transnational Cooperatives

UDI- Unilateral Declaration of Independence

UNIN- Union of Indian Nations

WCD-World Commission on Dams

WTO-World Trade Organization

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### STATEWISE TRIBAL POPULATION PERCENTAGE IN INDIA (1991 CENSUS)





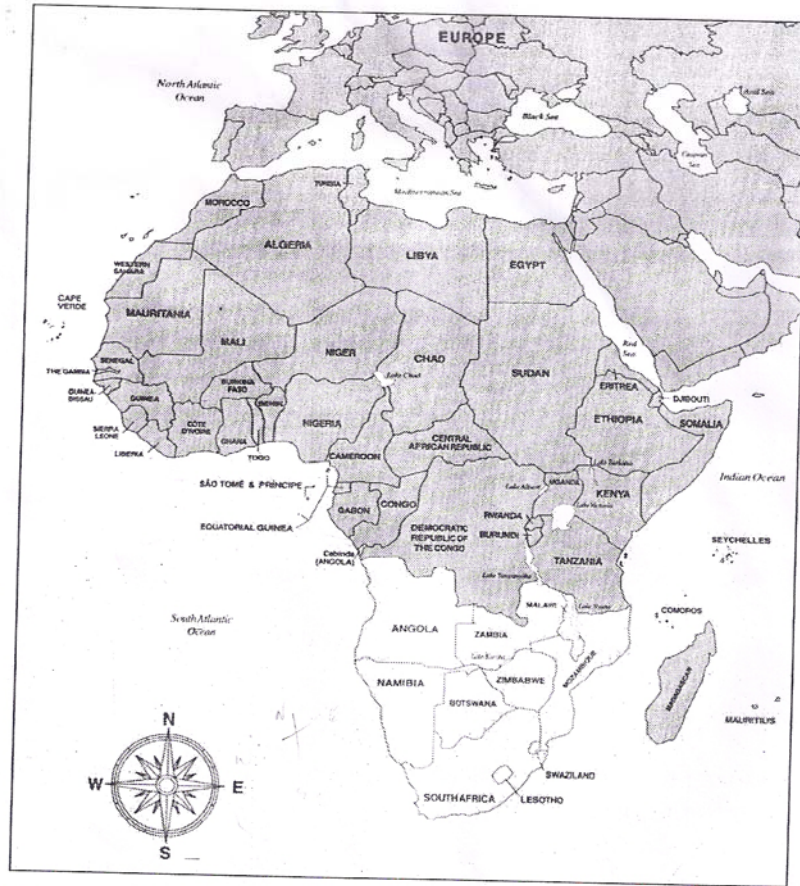


Map showing dominant South African languages.

Afrikaans  
 English  
 Ndebele  
 Xhosa  
 Zulu  
 Northern Sotho

Sotho  
 Tswana  
 Swazi  
 Venda  
 Tsonga  
 None dominant

Globalization and Localization



MAP 1.1 Nations of Southern Africa

SOURCE: E. Jeffrey, *Demography of Africa*, 1990, p. 10.



## **Human Development Indicators SC ST OC ALL**

### **Poverty**

- 1 Poverty - percentage of poor (Rural) 36 46 21 27
- 2 Poverty - percentage of poor (Urban) 38 35 21 24
- 3 Poverty of Agricultural Labour (Rural) 46 61 39 45
- 4 Poverty of Casual Labour (Urban) 58 64 45 49

### **Mortality and Undernutrition**

- 1 Infant Mortality (per 1,000 live births), 2005/6 51 44 36 NA
- 2 Under five mortality, 2005/6 88 96 59 NA
- 3 Proportion (%) of Children with Anaemia 78 79 72 NA
- 4 Proportion (%) of Underweight Children 21 26 14 NA

### **Access to Agricultural Land and Capital Assets**

- 1 Value of Assets per Household in Rupees (1992) 49,189 52,660 134,500 107,007
- 1 Percentage of Self-Employed Cultivators 16 48 41 NA
- 2 Percentage of Wage Labour (Rural) 61 49 25 NA
- 3 Percentage of Casual Labour (Urban) 26 26 7 NA

**Unemployment Rate (Rural) (Current Daily Status) %** 5.5 3.0 3.4 NA

**Non-Agriculture Wages of Rural Labour (in Rupees)** 61.06 54.38 64.9 NA

### **Literacy**

- 1 Literacy Rate, 2001 (Rural) 51 45 63 59
- 2 Literacy Rate, 2001 (Urban) 68 69 82 80

**Percentage of Non-Agriculture Workers** 27.07 15.80 32.2 NA

### **(job diversification)**

### **Discrimination and Atrocities**

- 1 Number of registered cases of discrimination, 1992-2001 14,030 876 - -
- 2 Number of registered cases of atrocity, 1992-2001 81,796 7,645 - -
- 3 Total cases of discrimination and atrocity, 1992-2001 285,871 47,225 - -

SC: Schedule Caste; ST: Schedule Tribes; OC: Other Caste (Non-SC/ST)

Sources: Employment and Unemployment Survey 1999-2000 (National Sample Survey Organization, New Delhi); Consumption Expenditure Survey 1999-2000 (National Sample Survey Organization, New Delhi); Rural Labour Enquiry Report, 1990-2000 (National Labour Bureau, Shimla); National Family Health Survey 1998-99 (International Institute of Population Studies, Mumbai); Census of India 2001 (Registrar General of India, New Delhi); Annual Report of Commission for Scheduled Castes and Scheduled Tribes 2005, New Delhi.

TABLE 2.1 The Countries of Southern Africa

Country	Political System	Current Ethnic Groups	Population (million)
Angola	1483-1975 Portuguese colony 1975-1992 dictatorship (and civil war) 1992- multiparty democracy (and civil war) 2002- end civil war	Ovimbundu 37% Mbundu 25% Bakongo 13% Mestizo 2% White 1% Other 22%	13.5
Botswana	1885-1966 British colony of Bechuanaland 1966 - multiparty democracy	Botswana 95% Basarwa, Kalanga, and Kgalegadi 4% White 1%	1.6
Lesotho	1871-1966 British colony of Basutoland 1966-1970 multiparty democracy 1970-1993 dictatorship/military government 1993- single party democracy	Sotho 99%	2
Malawi	1889-1891 British South Africa Company rule 1891-1964 British colony of Nyasaland 1964-1994 dictatorship 1994- multiparty democracy	Chewa 99% Nyanja, Lomwe and Other 10%	10.7
Mozambique	1497-1975 Portuguese colony 1975-1994 dictatorship (and civil war) 1990 - multiparty democracy	Makua-Lomwe 50% Tsonga, Malawi, Shona, Yao and Other 50%	18.1
Namibia	1484-1885 Portuguese colony 1885-1915 German colony of Southwest Africa 1915-1990 South African trustee/occupation 1990 - multiparty democracy	Ovambo 50% Kavango 9% Herero 7% Damara 7% Khoikhoi, San and Other 27%	1.8
South Africa	1652-1795 Dutch East India Company rule 1795-1803 British colony (at Cape) 1803-1806 Dutch colony (at Cape) 1806-1910 British colony (w/Natal an Afrikaner republic 1838-43, Orange Free State an Afrikaner republic 1854-1902, and South African Republic [Transvaal] an Afrikaner republic 1860-1902) 1910-1961 Union of South Africa, a dominion in the British Empire 1961-1994 Republic of South Africa, white minority dictatorship 1994 - multiparty democracy	Black 75%, incl Zulu, Xhosa, Pedi, Sotho, Tswana, Tsonga, Swazi, Ndebele, Venda  White 14% Mixed Race (Coloured) 9% Asian/Indian 3%	43.6
Swaziland	1894-1902 Transvaal dependent 1902-1968 British colony 1968 - monarchy/dictatorship	Swazi 97% Zulu, Tsong., Asian, and White 3%	1.1
Zambia	1889-1925 British South Africa Company rule 1924-1964 British colony of Northern Rhodesia 1964-1991 single party democracy 1991 - multiparty democracy	About 70 different Bantu-speaking Groups such as Bemba, Nyanja, and Tonga, 99%	10
Zimbabwe	1893-1923 British South Africa Company rule 1923-1964 British colony of Southern Rhodesia 1964-1980 break away colony with white minority dictatorship called Rhodesia 1980-2002 single and later multi-party democracy 2002 dictatorship	Shona 82% Ndebele 14% Other African 3% White 1%	11.4

SOURCES: Kwame Anthony Appiah and Henry Louis Gates Jr., *Africana: The Encyclopedia of the African and African American Experience* (New York: Basic Civitas Books, 1999); U.S. Government, CIA, *The World Factbook 2002*, [www.odci.gov/cia/publications/factbook/print/ao.htm](http://www.odci.gov/cia/publications/factbook/print/ao.htm); E. Jeffress Ramsay and Wayne Edge, *Global Studies: Africa*, 10th ed. (Guilford, CT: Dushkin/McGraw-Hill, 2004); and The World Bank Group Country Briefs, [www.worldbank.org](http://www.worldbank.org).

## **IMPACT OF GLOBALIZATION ON CULTURAL IDENTITY: A STUDY OF INDIGENOUS COMMUNITIES IN INDIA, BRAZIL AND SOUTH AFRICA (IBSA)**

*This chapter deals with the themes and perspectives of the impact of globalization on the indigenous communities across India, Brazil and South Africa (IBSA) countries. It tries to comprehend the thesis of globality, communality and tradition. Further, the chapter opens the horizon for the intercultural communication and situates the impact of globalization on the indigenous communities in the vast space of cultural identity crisis. Then it gives a quick idea regarding the conceptual constructs such as globalization, culture, indigenous people/tribal communities both in the Indian and internal context, and identity issues. Aftermath the chapter spotlights on the cultural identity and its determinants in a specific sense. In continuation it tries to explore the interrelation among race, ethnicity, nation, culture and social change. Then it provides a review of literature, capturing some prominent viewpoints regarding cultural globalization. After that it provides a background of trilateral cooperation of India, Brazil and South Africa. Further it also aims to render a brief introduction on the land and people of all the three countries. Then it accounts to provide a brief scope of IBSA and its post globalization alterations. After that it tries to craft out the research problems, objectives, research questions and chapter scheme. Last but not the least a detailed description of the sources of information, relevance and limitation of the study is provided.*

### **INTRODUCTION**

*“Everything that makes our possible glory also makes  
everyday misery. This is our way of being, this is what  
leads to the realization that we can be wonderful and  
that we are miserable the way we are”*

*- Caetano Veloso-*

## **THEMES AND PERSPECTIVES**

### **Globalization and its Rhythms: the Tight and the Loose Melodies**

The new scenario for the next millennium's social process does not result solely from a universal extension of the configuration of relationships, complementariness and hegemony between centre and periphery defined by the classical pattern of nineteenth century capitalism. In it each focus of European progressivism had the potential ability to engulf the world, as regards the natural accumulation of its economic resources and the maximum expansion of a market. The final division emerged out of the competition between synchronic focuses, all potentially able to achieve the same performance. Political balance compartmentalized the zones of influence and empires, all based on an extreme capacity for mutual replacement.

The globalization is characterized by the level of aggregation of the international structures of production, in which the reach of the international structures of production and the reach of international companies are wider than the controlling power of ever dwindling public spaces defined by sovereignty over hegemonic territories. Globalization today presupposes the fast growth of competition leading to the fusion or integration – given the weak influence of political power subordinated to a loose world order- under the aegis of the remaining ecumenical power. This limited influence is a consequence of the importance of regional markets, in which the U.S., the European Community, and East Asia led by Japan, yield unequal power. This weakening of the super power is a consequence of the loss of power of the apparatus of political and military interference in underdeveloped areas or regions submitted to chronic instability resulting from cultural conflicts. These are caused by the persistence of ethnic struggles such as those of former Yugoslavia or by the clash of clans as in Somalia or by the processes of unchecked fissiparousness generating imitations of nation – states as in the former Soviet Union.

Since today there is no international political power co-existing with the dynamic market, and hence the regime's economic model may acquire pre-emptive power. The present civilizing process is shaped by economic actors freed to attain their maximum power of expansion, increasingly relying on their endogenous strength, in relation to which the power of states becomes incidental and reduced. At the same time an effective international authority takes shape as the United Nation acquires ever greater power. In this situation, the looseness of

hegemonies lies in the fact that the remaining power of the old bipolarity is now reduced to the alternative of joining the legitimate international forces or dissociating from them. But it would hardly be possible to replace them in order to impose systematic interest as in the nineteenth century or in the influence zone system of the cold war period. In the present situation then the influences of territory and political power are relegated to the background of an expanding dynamism, entirely subordinated to the complexity of these economic aggregates and to the new levels of objectification and reification of controls and decision making process (White, 1992).

### **The New Expropriations of Subjectivity**

The internal acceleration that characterizes the last stage of ongoing globalization implies new dimensions in the conditioning of the civilizing process. More importantly, these polarizations clash with the process of collective reflection that is also shaped by determining factors adequate to global dimension. In regard to this the process also undergoes an unprecedented expropriation of collective subjectivity. We are now witnessing the shaping of the content of this representation by its frame to such an extent that the nature of the content is remade and the final outcome is the imposition of the empire of ersatzes and simulate onto reality. For instance-The subsumption between the frame and content of the whole universe of the mind, which is exteriorized as culture, is increasingly articulated in all operations of reflection, operated on the basis of the first and founding perception of reality.

### **Values and Globalization: Communitarianism and Globality**

Two strong features of contemporary sociology are the rapidly growing interest in globalization, on the one hand and an increasing tendency to discuss values, morals and ethics on the other. These two foci have not, for the most part, been brought together. One of the reasons for this is that much of the discussion of values, morals and ethics has been undertaken from a communitarian perspective. While some communitarian sociologists have made very general statements about globality, the communitarian position has been developed in terms of a conception of community that has made it difficult to face directly the complexity and density of the contemporary world as a whole. On the other side of the coin, interest in the communal aspects of the global “system” has been at least until very recently, slender except in the vague and misleading, idea of the world as a “global village”. As Van den Abele (1991, p.9) has written, we are living at a time when the notion of

community has gained a peculiar evocative force. The discourse of community involves people from all over the ideological spectrum, ranging from the far right in the form of racist ideas (Wieviorka, 1995, p. 102) to some conspicuous thrusts within contemporary feminism as well. (Fox – Genovese, 1991).

The present preoccupation with community – not necessarily in the form of intellectual communitarianism, rather it is a global matter. On the other hand, globalization itself has involved the relativization of “communal “traditions. It is these neglected dimensions of current interest in communality which needs to be most concerned. Interest in community at the present time is reflexive in nature. Community is not now something “in itself”, although the nostalgic proponents of some forms of contemporary communitarianism try, paradoxically, to make it so. The very fact that” community “ is promoted in a very modern way and by modern means- and it could hardly be done otherwise- is something which a number of self –proclaimed communitarianists have not fully acknowledged or come to terms with . Further, Van den Abele’s (1991, p.9) suggestion that the urgency of contemporary appeals for a new sense of community , a new *sensus communis* , would seem to require a new concept of what it means to be together- that is communal.

### **Community and Tradition**

Compared with the early twentieth century’s, at present, the world is more reflexive and fashionable in nature. The Tonnies concepts of “Gemeinschaft” and “Gesellschaft” have been globalized. Even though this might not be the precise terminology used in everyday discourse, there can be little doubt that we live in a global situation in which there is competing images of the ordering and the orderliness of human life. That is why now it is so much of concern with global circumstance among very local and indeed, ostensibly anti global, political and religious movements take place frequently. The militant views expressed by some religious “fundamentalists” and the so called militia movement in the USA at that time provided an excellent example to this. For these movements are seemingly obsessed with the evils of the alleged” New World Order” and of the United Nations Organization, as well as other supranational agencies.

It is believed that the average communitarian is more or less unconcerned with globality- at least in print. In the Etzioni (1993) version of communitarianism there is a weak

acknowledgement of globality contained in the notion of the community of communities but not a definite sense of the implications of such a formulation.

*We believe that in the multiplication of strongly democratic communities around the world lies our best hope for the emergence of a global community (.....). Our communitarian concern may begin with ourselves and our families, but it rises inexorably to the long –imagined community of the humankind. (Etzioni, 1995, p.20)*

When one takes account of globalization, Hannah Arendt's observation that we have a "global present without a common past" and that this threatens to render all traditions and all particular past histories irrelevant" (Arendt, 1957, p .541). Thus there is a constant attempt to build a "Global Village" which would be on the terms of "impersonally personal" and would be grounded in close sight of the world as an "imagined community" or as a virtual or cyber spatial one.( Rheingold, 1993).

There has been a considerable amount of attention paid by the sociologists, and moral philosophers to the idea of a "global community". Philosophers such as Resecher (1989) and Baits (1979), and Stegenga (1993) have addressed the problem of global morality for the "emergent global community", in an applied philosophical way. In this connection the works of Durkheim relating to sociology, education and morals are important to refer. (Cladis, 1992; Challenger, 1994). Throughout much of Durkheim's work there runs a mounting concern regarding what has been translated as "international life". (Durkheim, 1961)).<sup>1</sup> Although Durkheim did not spell out the connections between his conception of moral education and his interests in the cosmopolitanism and the increasing tangible international life still a deep rooting towards the moral aspect of the transformation can be indicated. Durkheim's emphasis on the moral education as an essential ingredient of his moral sociology involved much emphasis on the idea of moral education being reflexive, particularly in the sense of investigating our own moral traditions while being at the same time actively aware of others. Cladis (1992, p.249) therefore, explains Durkheim as "relativist and one who denies the universal and historical truth. Further, Kung(1988) , certainly a- global philosopher expressed his concerns regarding global ethics- to be established by finding common ground across the major religious traditions of the world. Further, Bauman (1993) expressed the obstacles related to postmodernism. He termed it as rash generalization, if it intends to cover

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<sup>1</sup> In the translation of The Elementary Forms(Durkheim, 1995) Karne Field retains Durkheim's use of the word " international" and the phrase international life"

all communitarian thinking, as opposed to the more simple-minded valorisations of community.

### **New Horizon of Intercultural Communication**

There is a current flourishing of the profession of intercultural communication to beat the heat of global community. (Dahlen, 1995).<sup>2</sup> Hannerz( 1992,p-251) has aptly called this as “culture shock preventing industry”, which is an institutionalized form for preparing people to cope with cultures other than their own. This industry is one of the fastest growing (and apparently profitable) areas of academic specialization, involving particularly applied anthropology, linguistic and psychology. The science of “intercultural communication seeks simultaneously to produce the sameness and the variety. Production of the variety is essential in order to sustain and enhance the demand for intercultural specialists, while promotion of sameness is required in order to attract clients who are desirous of being able to acquire great intercultural – communicative skills, indeed achieve full fledged “ intercultural personalities”( Bennett, 1993). Basically “interculturalists” are in the business of commodifying cultures and cultural differences. This has come across the thriving market for cultural diversity (Bauman, 1992, p-18). The interculturalists are very well organized with much of their material being published by the first, Intercultural Press and the second, International Journal of Intercultural Relations. Third principal organization is the Society for Intercultural Education, Training and Research (SIETAR). This is playing an increasingly significant role in the consolidation of the idea that we live within the frame of a distinct culture and tradition – indeed communities. This phenomenon is perhaps the clearest empirical example of the way in which globalization creates a concern with communalistic thinking. Intercultural communication, in the form of a profession –industry, is surely a very clear cut aspect of globalization, considered as the compression of the entire world. At the same time it is in the business of “mapping” the world in terms of culture, traditions, and communities. Intercultural communication in this sense plays an increasingly significant role in the organization of what Hannerz (1992, 1996) calls a GLOBAL ECUMENE.

Consideration of this sort of empirical phenomenon has been beyond the purview of the primarily moral-philosophical debate about communitarianism. And it can be said that the

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<sup>2</sup> Tommy Dahlen, Department of Social Anthropology, Stockholm University, extended his knowledge and commentaries on the intercultural communication movement.



project of intercultural communication is beneath the lofty concerns of the leading figures in the discourse of communitarianism. It would then seem that Durkheim's emphasis upon and conception of moral education, especially when considered in the context of "internationalism", implies a definite commitment on his part to what often is called "international education", wherein stress is on the cognitive methods as opposed to the moral aspects and the pedagogical aspects are encouraged. To be sure it is for promotion of global citizenship, the environment, peace, and sensitivity to other cultures. From a Durkheimian perspective, current specialization within the field of global education takes precedence over the foundational place of concern with moral questions that Durkheim himself emphasized for all education. Durkheim was committed to the fact that society was essentially moral and moral education would retain its sanctity even in the era of intensifying globalization.

Even the most responsive form of communitarian thinking has failed to emphasize the moral imperative of being directly concerned with other communities. Meanwhile intercultural communication has grown rapidly to fill moral vacuum: and indeed plays a considerable role in many projects of global education. The failure has left the space in which the instrumentalist and therapeutic intercultural communication movement has developed.

Thus, the process of globalization has brought several structural and functional changes in societies. These altered social structures compliment to the economic, social and cultural aspects of indigenous communities as well. Such emerging trends have shaped the focus of sociologists towards studying of cultural identity and globalization related issues. They are intrinsically interwoven with each other and are reflected through changing patterns in global and local levels. Globalization expands the scope and speed of cultural interaction across societal boundaries. Thus the incidences of migration and emergence of the cultural diasporas are marked out. The heterogeneous cultural identities, their dialogues and the notion of "dominant culture" and "dominated culture" bring a creative space for social enquiry.

## **CONCEPTUAL CONSTRUCTS**

**Globalization-** Globalization is a process through which the world is going to be transformed into a global village in terms of interrelations and interdependence. It is an all encompassing phenomenon, which covers all aspects of modern life: the economic, the cultural, the political, the humanitarian, the social, and the ecological. Today globalization indicates a phenomenon identified interchangeably as a process, an historical event or the end result of

shifting “ethno, techno, media, finance and ideology” (Appadurai, 1996). Contemporary social scientists view the process of globalization from the point of view of becoming increasingly inters- connectedness. They have given much more emphasis to the process of unification i.e. cultural unification, technological unification and economic unification. So globalization is a process of economic, socio-cultural and political integration of the world. Some of the main components of globalization include trade, commerce, science and technology and mass media communication.

The economic globalization is a pervasive process going beyond economic variables and affecting all contemporary complex societies. Due to growing influence of modern ways of communication and their technological development, people from different and distant geographic areas are able to maintain a very close interaction influencing one another. This influence changes social, cultural, political and economic expectations of people, reducing frontiers and narrowing the sense of the nation- state. The fact that the concept about far and close countries is being blurred by satellite communications and also that many decisions made far away from the countries’ frontiers produce a high scale clear effect on them, is evident.

The process of globalization is in multiple forms in different countries across the world. It is an uneven process. That is precisely the reason because of which some countries progress in the process of globalization but some happen to lag behind. Further it is contingent on several factors as well. The World Bank Policy Research Report 2002(p,24) has classified all the countries of the world into three categories such as less globalized, globalized and advanced globalized countries. The less globalized states are suffering from mainly marginalization, state failure and chronic poverty. The globalized countries are facing different types of dilemma such as cut throat competition in the market, environmental degradation, social dislocation and imbalance in power. The advanced globalized countries are facing mainly two problems that are terrorism and inequality. There are also problems such as global warming, global governance and labour problem etc. It has thus crossed national boundaries of the countries and it tries to bring people of different countries closer. It provides sense of awareness among the people of different countries to understand the problems of each other.

Effects of globalization can be categorized into either positive or negative. In a positive sense it is used to describe a process of increasing integration at different levels, mainly in the

sphere of economy i.e. national and world. It means open competition in the economic sphere, interdependency of countries upon each other's economic activities and making linkage of national economy with the global one. In negative sense, globalization means the developed nations are exploiting the developing nations in various ways. Through the policy of liberalization the developed countries enter into the market economy of developing countries. The World Bank and the International Monetary Fund (IMF) also have certain conditions which help in the execution of the process. In other words, globalization inherits certain characteristics within itself which indicate growing concentration and monopolization of economic power and resources by transnational corporations and by global financing firms and funds. Thus there is a trend of unequal distribution of benefits and that leads to polarization between few developed countries and many developing countries. So the process of globalization brings polarization and concentration of wealth in fewer hands.

Globalization has become a popular adjective in the recent years. There are many reasons for this such as, first there is not any other alternative way of indicating the whole world. Secondly, it fulfils the generally recognized need for a term describing worldwide events and processes. A variety of factors including the end of cold war and the rapid economic growth of several East Asian countries has rendered conventional ways of categorizing the world into parts redundant, or at least much more problematic issues. If there is still usefulness, for example in a label like 'Third World,' it is to point to shared histories rather than to regions which can be lumped together as a clearly delineated category. Moreover applications of the expression 'Third World' has to be tempered with awareness of growing integration of aspects of social life in Africa, Latin America, The Caribbean, Asia and Oceania with aspects of social life in the First and Second World particularly (though not exclusively) for elite groups. A third reason for the use of the connotation is the scope of integration of the world wide aspect. In the context of identity formation globalization through modernity seems to be characterized more by systematic exclusion and marginality rather than interconnectedness and the formation of new hybrid identities.

## **CULTURE**

Culture as explained by Raymond Williams famously refers to one of the most complicated words in the English language (1958). It can refer to matters as diverse as Beethoven's symphony, a code of conduct or the quality of being human. Often it is clear that an

individual uses it in different ways in different circumstances and its application as an analytical category .It can be singularly unhelpful as it is held to mean a variety of things, some of which might be contradictory.

The concept of culture has been explained by E.B Tylor<sup>3</sup> as that complex whole which includes knowledge, belief, art, morals, law, customs and any other capabilities and habits acquired by man as a member of the society .Its origin is linked to ‘cultivate’ and a list of definitions given in The Concise Oxford Dictionary (p,134) begins with: Tillage of the soil; rearing, production of bees, oysters, fish, silk, bacteria; quality of bacteria; thus produced. This is why ‘culture’ for natural scientists is still commonly something found in a petri dish. During the seventeenth century, the word also began to be used in a metaphorical sense, to refer to growth of individuals or of human society. Particularly in Germany, by the late eighteenth century, culture (or Culture/ Kultur) was being used in scholarly works on historical progress, and was also being employed in the plural to refer to distinct social groups. By the turn of the twentieth century culture had already become a concept with a complex of overlapping, but potentially different meanings. Three of these have proved particularly significant in social sciences. According to Malinowski culture is an instrument which enables man to secure his bio-psychic survival and subsequently a higher mental-intellectual survival. Since each aspect of a culture, whether it is economic organization or social organization or religion or language is rooted in the needs of the human being, they are all inter-related to each other through the common ground in which they are rooted i.e. the human being with his needs. There is nothing loose within a culture; it is all inter-connected and no single trait has any meaning by itself unless it is seen in the context of the whole. Malinowski emphasised the self-sufficiency and the holistic character of a culture. He pointed out that if one aspect of a culture is changed the whole of it will change. He believed in cultural pluralism where every culture grows in response to localised versions of the bio-psychic needs of a people and that it is to be judged in terms of these and not in terms of any absolute values. Adequacy in terms of local needs is the characteristic of a well-integrated culture in the light of prevailing knowledge. Further, Geertz, outlined culture as "a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about and attitudes toward life" (1973:89).

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<sup>3</sup> Clifford Greetz's Interpretation of culture.(p,34)

The broadest meaning of culture is related to debates about the theory of evolution – debates which continue up to the present. There is argument about the extent to which human behaviour is determined by biology and for those who maintain that humans are not just another type of primate, the crucial difference between human and animal is culture. Here culture refers to learned, adapted symbolic behaviour, based on fully fledged language, associated with technical inventiveness, a complex of skills that in turn depends on the capacity to organize exchange relationship between communities. (Kuper 1994: 90)

A second meaning of culture was more overtly value-laden. Culture was again conceptualized as singular, but it was viewed as less pervasive. It was what ‘a person ought to acquire in order to become a fully worthwhile moral agent (Barnard and Spencer 1996: 136). Some people (i.e. well educated English gentle men) and some human products (i.e. classical music), were understood as having more culture than others.

In contrast, a third meaning was plural and relativistic. The world is divided into many cultures, each of which is valuable. In any particular culture person is a product of the particular culture in which he or she has lived, and differences between human beings are to be explained (but not judged) by differences in their cultures rather than their race ( Barnard and Spencer 1996: 136). Anthropologists are usually associated with the third meaning. Indeed Barnard and Spencer call this ‘the anthropological sense’ in the ‘Encyclopaedia of Social and Cultural Anthropology’ (1996: 136). Social and cultural anthropologists have implicitly or explicitly located there in- depth studies of particular cultures within the context of the first meaning, and would reverse culture in the singular if responding to suggestions of biological determinism.

More subtly, the second meaning has also informed socio-cultural anthropologists’ work too, though usually at an unconscious level. For long time anthropologists persisted in describing their subject matter as ‘primitive’ , ‘native’, ‘tribal’, or savage society. Later other terms were employed, notably ‘the local’ . However in the terms of James Ferguson’s notes-

*“Even if it is true that all social processes are in some sense ‘local’ , it is also clear that , in normal anthropological practice ,some problems, some research setting, even some people , seem to be more ‘local’ than other . Unsurprisingly it is the least ‘developed’ who are generally understood to be the most local.”*

Culture is affected by multiple aspects of their identity- race, gender, age, sexuality, class, caste position, religion, geography, and so forth. Culture as representation, as discourse, as practice, as product, as action, as explanation and as a discipline needs to be understood. The connotation of culture must be marked as the over arching context in which development and all forms of social change occur.

In recent years, the wave of cultural studies has appeared to be all encompassing. The cultural turn in geography and the resurgence of cultural anthropology was remarkable (Jacksons 1989, Jenks 1993, Nugent and Shore 1997, Crang 1998). The Chicago school imprints of using the sub-culture are major landmarks. (Theodore Rozak, 1970). Culture is being included in the academic discourses such as development, globalization and global political economy in the writings. (Allen 1995, Skeleton 1996 and Bauman 1996).

### **INDIGENOUS PEOPLE/ TRIBAL COMMUNITIES**

The United Nations, the International Labour Organization and World Bank have defined the term 'Indigenous' in a constructive way. The ILO Convention No. 169 of 1989 adopted the first legal definition of term 'indigenous'. The United Nation Special Report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities has defined it as 'Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre- colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or part of them. They form at present non- dominant sectors of society and are determined to preserve , develop and transmit to future generations, their ancestral territories and their ethnic identity as the basics of their continued existence as peoples in accordance with their own cultural patterns , social institutions and legal system'(Martin- Cobo, 1984)<sup>4</sup> It is difficult to have an exact estimate of the total population of the world's indigenous people due to the vast diversities they have, Recent sources estimate range from 300million to 350million at the start of the 21<sup>st</sup> century. This would equate to just under 6percent of the total world population which includes at least 5000 distinct peoples in over 72 countries.<sup>5</sup>

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<sup>4</sup> [http:// www1.umn.edu/humanarts/studyguides/indigenous.html](http://www1.umn.edu/humanarts/studyguides/indigenous.html)

<sup>5</sup> [http:// en. Wikipedia .org /wiki/indigenous \\_people.](http://en.Wikipedia.org/wiki/indigenous_people)

Asia contains majority of the world's present day indigenous population – about 70 per cent according to official figures. The most substantial population are in India, which constitutionally recognizes a range of Scheduled Tribes within its borders. The total number of national minority population in Europe is estimated at 105 million people, or 14 percent of 770 million Europeans. Ethnic groups in Africa number 10 million (1,172,790). In most parts of Oceania, indigenous people outnumber the descendants of colonization. Exceptions include Australia, New Zealand and Hawaii.<sup>6</sup>

Indigenous people of India are also demarcated within similar problematic conditions. According to the 2011, the indigenous people constitute 8.2 percent of the total population of over 84 million people. Future of indigenous people in India had been perceived by many thinkers from different angles and that has determined their development plans to a large extent. India has ratified ILO Convention 107(1957) in 1958, recognizing indigenous people (IPs) identity to be protected, without adopting the expression 'IPs' for the aboriginal population residing in different parts of India; the framers of the constitution of independent India included specific constitutional provisions for the Scheduled Tribes(STs)

The English word 'tribe' connotes a range of meanings in different parts of the country. In official term of Hindi language, tribe is translated as 'janajati' but the word used predominantly in Hindi and several other Indian languages is 'adivasi', which means indigenous people. In different parts of the country there are different terms meant for the same, for instance in case of Tripura it is 'upajati'.

In the Constitution of India Art. 366(25) has defined the Scheduled Tribes as "tribal or tribal communities or part or group within such tribes or tribal communities who are deemed under Art. 342 for the Scheduled Tribe for the purpose of this constitution" In this article 342 the procedure to be followed for the specification of the scheduled tribe is rendered". Some of the major criteria used to demarcate the tribal communities' area) geographical isolation (they live in cloistered, remote and inhospitable places such as hills and forest.)b) backwardness (their life is based on primitive agriculture, low value economy which is closed which leads to poverty and low level of literacy and health, c) distinctive culture, d) language ,e) religion and f) shyness of Contact (they have marginal contacts with other culture people). Tribal

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<sup>6</sup> [http://en.wikipedia.org/wiki/indigenous\\_people](http://en.wikipedia.org/wiki/indigenous_people)

communities are marked at the same time by tremendous inter-tribal diversity as well as a high degree of internal cultural cohesion. A colourful celebration of collective life and labour, tribal culture remains a major component of India's rich and pluralistic cultural heritage.

About 8.08% of the Indian population belongs to the Scheduled Tribes and 461 tribal communities have been identified in India which is unevenly spread across the country. A large concentration of tribal communities is found in the central provinces of India, the middle belt and the North Eastern states. About 92% of the tribal people in India live in rural areas (Government Of India, 1991). Almost all of them live in areas which are either dry, forested or hilly (Shaha, Banerji, Vijayshankar and Ambasta, 1998). Their presence is not found in certain states such as Haryana, Punjab, Delhi, Pondicherry and Chandigarh. Again more than 50% of the tribal population is marked in States such as Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland, Union Territories of Dadar and Nagar Haveli and Lakshadweep. Further sizeable tribal population concentration is also marked in areas such as Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan, Uttarakhand. It can be marked that states like Assam, Meghalaya, Nagaland, Jammu and Kashmir, Tripura and Mizoram, in total holds 15.3% of the tribal population. Most of them depend on agriculture and minor forest products for sustenance of life. The National Policy Draft for Tribal, 2006 talks about the beginning of a long term change in the way of tribal identity and perception of such problems. Some of the parameters of seeking tribal identity are customs, traditions and institutions, religious and spiritual values and practices, methods of dealing with offences, procedures for transferring land rights, language, cultural artifacts, oral traditions, etc.

The indigenous composition of Brazil constitutes, chiefly of Tupi-Guaraní stock, and other small groups in the Amazon Basin and the lowlands of the Paraguay and Paraná rivers. There were several indigenous population of Indian origin in Brazil as well. The Portuguese settlers had few taboos against race mixture, and centuries of large-scale intermarriage have produced a tolerant and distinctly Brazilian culture. Within the Brazilian nationality are blended the various aboriginal Indian cultures; the Portuguese heritage, with its diverse strains; the traditions of millions of persons of African descent; and European elements resulting from sizable immigration since 1888 from Italy, Spain, Germany, and Poland. The influx of Japanese and some Arabs during the 20th century has contributed to the complex Brazilian melting pot. According to the most recent estimates, 55% of Brazil's population are



white; 38% are mixed white and black; and 5% are black. The remaining 1% is comprised of Japanese, Arab, and Amerindian groups.

In case of South Africa, the Black constitutes 75% including the Zulu, Xhosa, Pedi, Sotho, Tswana, Tsonga, Swazi, and Ndebele, Venda. The white constitute 14%, mixed race out of which coloured 9% and Asian and Indian constitutes 3%.

## **INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

The Universal Declaration of Human Rights, 1948 after a 20-year-long debate, especially between the western and eastern bloc, split the human rights into two sets of rights – the Civil and Political and the Economic, Social and Cultural Rights. Thus came into existence in 1966 the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). India signed and ratified ICESCR on 30 July 1980, thereby declaring to abide by not only protecting the existing rights as preserved within the Constitution, but also safeguarding the newer violations of the changing socio-economic context as threatening the communities.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) covers human rights in areas such as self determination, work, just and favourable conditions of work, trade union rights, social security, right to protection of family, right to adequate standard of living, right to health, education and participation in cultural life, which are essential for basic quality of life. These rights are recognized by the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

### **The Covenant recognises the following obligations of Governments:**

#### **1. Progressive Realisation and Immediate Realisation**

A State that ratifies the Covenant agrees to take steps for the progressive realisation of Covenant rights to the full extent of the State's available resources. In addition, the Covenant also recognises immediate obligations that arise from a State that becomes party to the Covenant. The Limburg principles and General Comment 3 (GC) address the issue of progressive realisation. A progressive realisation under the Covenant is an obligation to implement the right over time, to maximum available resources. The GC 3 requires three concrete obligations to be implemented progressively: (1) The State must take specific steps and cannot do anything regressive. (2) These steps must be expeditious and effective (3)

these steps must be deliberate, concrete and targeted as clearly as possible. In addition to this, the obligation of progressive realisation includes an obligation not to take or permit regressive measures. Immediate obligations are discussed in GC 3, 12, 13 and 14 which means that all of the elements of a specific immediate obligation must be realized at once or as a matter of priority, for instance, guaranteeing all the rights on a non discriminatory basis, adopting a national plan of action in respect of certain rights. (Ref. See GC 4, on right to housing, GC 12 on right to food, GC 13 on right to education, GC 14 for right to health. In the context of progressive and immediate obligations, critiques of social rights argue that these are vague, lack judicially enforceable content and are merely legislative aspirations rather than legal rights. The Committee and academics have struggled against this view to bring into effect what is now referred to as the ‘minimum core obligations’ that are legally binding to State parties..

## **2. Obligation to Respect, Protect and Fulfil**

Governments are obligated to respect, protect and fulfil economic, social and cultural rights:

(1) The Obligation to Respect entails that governments shall refrain from any action which infringes on rights, including economic, social and cultural rights, or which prevents persons from satisfying these rights for themselves when they are able to do so. For example, when a government pollutes a river required for drinking water supply, they contravene their obligation to respect the right to water. The obligation to respect is immediate and is not subject to progressive realization.

(2) The Obligation to Protect entails that governments must protect persons within their jurisdiction from violations of their human rights, including economic, social and cultural rights, by non-State actors, including businesses and international financial institutions. For example, when a corporation forcibly evicts a community so that they can build an industry and the government stands by and does nothing, they are violating their obligation to protect the right to adequate housing. The obligation to protect is also immediate and is not subject to progressive realisation.

(3) The Obligation to fulfil requires the State to take positive steps to ensure the realisation of the right in question, which may include legislative, administrative, budgetary, judicial and other measures towards the full realisation of such rights. For instance, while targeting strategies towards fulfilling the economic, social and cultural rights, is given priority to disadvantaged groups such as people living with HIV/AIDS, persons with disabilities, victims of natural disasters and others.

### **3. Non Discrimination**

Also, at all times, governments must ensure that people do not experience discrimination with regards to their enjoyment of their economic, social and cultural rights. The overarching right to non-discrimination is an immediate obligation, and is not subject to progressive realisation. Discrimination is, in and of itself, a violation of the Covenant.

### **4. Minimum Core Obligations**

Minimum core obligations require State to protect and provide the minimum essential levels of resources required for each right, regardless of their resource constraints. Thus the minimum core obligations require State to provide at the very least, minimum essential levels of each of the rights, such as non deprivation of essential food items, primary health care, most basic forms of education, shelter. (See. General Comment 3 on the nature of State party obligation.

The Covenant Right to Self Determination (Article 1) has both external and internal aspects. The external aspect of self determination is that all people have the right *to determine freely their political status and the internal aspect of self determination is rights of all people to pursue freely their economic, social and cultural development without outside interference.*

## **IDENTITY ISSUE**

Identity is derived from the Latin word 'idem' implying sameness and continuity. Discussion of identity has been prominent in Sociology and has spawned huge literature, including many plays and novels, in which quest for identity is reflected in two forms i.e. optimistic and pessimistic notions. The optimistic notion of the identity refers to the 'self actualization' to discover an inner self which is not artificially imposed by tradition, culture or religion. It embarks upon for the quest for individuality, self understanding, flexibility and difference. In contrast the pessimists portray a mass society of estrangement where a trend towards fragmentation, homelessness, and meaninglessness, and loss of authority from the public world due to the growth of self absorption and selfishness is marked. Identity is expressed through multi lenses such as gender identity, cultural identity, ethnic identity etc. It is believed that the construction of identity in relation to cultural creativity involves local, social and individual mechanisms and it is necessary to understand the importance of the local and global articulation. For instance, in order to understand the phenomena such as Hellenism

that is, the culture of imperial expansion, it is via more basic question about the relations between culture and identity in multi-society system.

The conditions for the establishment and maintenance of cultural identity or ethnicity are closely tied to the way in which personal identity is constituted. Certain kinds of identity are marked on or carried by the body. They are defined as internal to the person. Others are external to the person and marked in the form of social practice or symbols employed by a population. There is of course a degree of overlap, especially in the domain of external symbols, but the difference is more important. Cultural identity is a generic concept, referring to the attribution of a set of qualities to a given population, or carried in the blood and experience what commonly can be said as ethnicity. It is not practised but inherited and not achieved but ascribed. In the strongest sense it is expressed in the concept of race or biological descent in a weaker sense. It is expressed as heritage or as cultural descent, learned by each and every individual distinctive precisely at the level of individual behaviour. This later is the most general western notion of ethnicity. The weakest form of such attribution is referred to in terms of lifestyle or way of life, which may or may not have a basis in tradition.

### **CULTURAL IDENTITY AND ITS DETERMINANTS**

The cultural identity is based on several elementary constructs such as race, western ethnicity, traditional ethnicity and lifestyle. Traditional ethnicity is a very different kind of cultural identity. It is based on membership defined by the practice of certain activities including those related to descent. Ethnic affiliation can be easily changed or complemented by geographic mobility or by change in reference. Where a member of a group changes residence he is adopted or adopts the local ancestors and gods and becomes a practicing member of the new community. Here the social group is more like a congregation than a biological unit. On the contrary, personal identity in such societies is not independent of the social context but almost entirely defined by it. The person is entirely divided into a number of components, for instance, soul, that is directly linked to higher order forces that lie beyond the control of the individual. In kinship based societies the network of distinctive spiritual forces that form in specific combination for the person who is, in this sense, a locus of cosmological activity rather than a centre of self definition. In archaic states, there may be more abstract spiritual complexes, granting a greater degree of freedom to the individual, but still encompassing, his existence in a system of cosmological rules whose transgression is

expressed in sickness and natural catastrophe, all of which demonstrates that the person is organically( in the physical sense) linked to the larger cosmos . In such a system, different cultural groups are integrated into a larger totality that has the form of a mosaic (usually hierarchical). In modern social systems, various culturally defined groups exist in the space of the nation constituted by the sum total of identically defined individuals. The nation is not made up of the relation between the ethnic groups. Cultural identity is something that individuals have and that is the basis of a certain kind of social identity. But such identity is never the content of the social institutions of society. The latter are as abstract and neutral as is the abstract individual. They are constituted of the roles taken on by the abstract individual. Cultural identity on the contrary is the concrete, particularistic and has no institutional role in modern society.

The contrast between the two forms of ethnicity referred to here is illustrated in Caperer's excellent comparison of nationalism in SriLanka and in Australia. In the former the national identity is embedded in the hierarchical structure of the Buddhist state. Sinhalese identity cannot exist independently of the state in which all groups, as castes, are defined by their position in the larger hierarchical order. Thus the violent reaction to the Tamil liberation movement is related to a desperate attempt to prevent the fragmentation of the hierarchical totality. Tamils must be sub ordinate and encompassed within the Sinhalese order, if it is to maintain its integrity. They are part of the very definition of a national identity. In their civil disturbance, killing and rioting, those Sinhalese involved may be actively insisting on the restoration of a cosmic and state hierarchializing power in which their very person can be freed of its suffering and returned to integrity (Kapfere, 1988: 186). By contrast, Australian nationalism is based on the absolute separation of cultural identity and the state. The nation is defined by the bonds of blood among the people, the bonds of common substance, that is what is left when all institutional structures and larger social network, in modern systems it is concentrated in the body. Such differences are bound to produce differences in the way in which cultural identification proceeds.

### **RACE, ETHNICITY, NATION, CULTURE AND SOCIAL CHAGE**

Race, ethnicity, nation, culture and social change are continuing to be the prominent issues across the geographical and historical length throughout the Indian subcontinent, America and Africa. All these constructs are epiphenomenal in nature. There are historical reasons

why these identities have such pressures on the lives of so many people- and for several centuries now these reasons have now been more or less closely bound up with the evolution of capitalism. It is therefore necessary to articulate the struggle against capitalism with these existing identities. Further it is also essential to articulate them in the era of globalization. Race in particular has been always in the discourse of the natural sciences. There is a long history of claim that race is genetically imprinted and these claims have been into human genome in recent times. Thus the interrelation between science and race<sup>7</sup> is clearly evident here. The need of the hour is to take the political identities seriously so as to make the ethnic and national identities evident at the face of globalization.

T. K Oommen discusses regarding the processes of ethnicity and nationality in unmaking the cultural identities in the contemporary world. He explains that ethnicity as a concept is very widely used and yet remains one of the most ambiguous notions. The ambiguity can be located in two sources i.e. first the tendency to encapsulate race into ethnicity, and the second is the tendency to conflate nationality and ethnicity. Race is a biological category and ethnicity is a cultural category. To encapsulate race into ethnicity is to conceal the far more debilitating and stigmatising racism as compared with ethnicism, that is discrimination based on culture. Ethnic is a cultural group, ethnicity is a positive identity marker of those who are identified with the ethnic, and ethnicism is the negative dimension in that it is invoked to discriminate people. Therefore it can be said that ethnicity and ethnicism are respectively positive and negative aspects of ethnic. If ethnic is a cultural community then nation is also a cultural community. The only 'differentia specifica' between a nation and ethnic is that a nation is a common homeland of a people and this homeland could be either ancestral or adopted.<sup>8</sup>

Many migrants from Western Europe went to North America and adopted the new territory as their homeland. In order to sustain a people as a community they should communicate with each other in a particular language of the nation. For instance, in the colonizing process the Portuguese language was used in Brazil. Therefore, nation can be understood from a bipolar perspective i.e. first, it is a community which sustains on the communication of the people and passage of the culture through language and second there is a strong attachment with the

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<sup>7</sup> Nancy Stepan deals in detail with science and race.

<sup>8</sup> Oommen, 1999

territory as well. In contrast an ethnies is a cultural, but pursues its ancestral life style, outside its homeland, and therefore it is considered that ethnicity is a product of dissociation between territory and culture. Nationalism is a positive collective sentiment that the people of a nation acquire by identifying with a nation. National identity is a product of this identification. Just as one can distinguish between ethnicity and ethnicism, one can also distinguish between nationalism, which is a positive identification, with one's nation, and chauvinism, which is a negative identification with it. There are classical instances, such as national chauvinism in West Europe in the crystallisation of Fascism and Nazism. Thus ethnicism and chauvinism is the negative and ethnicity and nationalism are the positive dimensions of ethnies and nation respectively.

In the context of globalization the movement and co-mingling of racial and cultural groups are perennial possibilities. The processes of cultural pluralisation, hybridization and traditionalization become relevant because many of the immigrant communities create their own culture. The territory gets eclipsed as the ethnies carry the culture. The importance of the territories still will exist till the extent the nation is present. So the nation is to stand at the prerequisite of the amalgamation of the territory and culture. Globalization would thus create a multi cultural complex situation where there would be co-existence of national citizens, ethnic citizens and ethnic non-citizens.

The process of social change in the Indian society has entered into a qualitatively new phase. The social structure of the society such as the social mobility and the social stratification are hugely under alteration due to industrialization, urbanization and modernization. There is change in the power structures as well. The family, kinship and marriage patterns are undergoing massive changes. Thus the theories of social change are encompassing the cultural elements as well. Hence, it can be well crafted that race, ethnicity, nation, culture and social change are intrinsically intertwined.

## **REVIEW OF LITERATURE**

Literature review for any research helps to formulate the research problem. It shows the researcher a novel path to find suitable research questions and collect enough of secondary sources to eventually answer those questions. On the other hand it also sensitizes the reader to the background and the overall area of the research. Thus it acts as an essential catalyser for the laying down of the research foundations.

The conceptual review of the protagonist concept of globalization can be judged through the cross disciplinary analysis. Anthony Giddens (1990) proposes to regard globalization as a decoupling or “distanciation” between space and time, while geographer David Harvey (1989) and political scientist James Mittleman (1996) observe that globalization entails a “compression” of space and time, a shrinking of the world. Sociologist Manuel Castells (1996) emphasizes the informational aspects of the global economy when he defines it as “an economy with the capacity to work as a unit in real time on a planetary scale”. In a similar vein, Gary Gereffi (1994) writes about global “commodity chains” whereby production is coordinated on global scale. Political scientist Robert Gilpin, (1987) defines globalization as” increasing interdependence of national economies in trade, finance and macroeconomic policy”. Another sociologist, Martin Albrow (1997) defines globalization as “the definition of practices, values, and technology that have an influence on people’s lives worldwide.”

Ronald Robertson (2003) argues in his work “Interpreting Globality: Globalization and its Critical Concepts” that globalization refers to both to the compression of the world and the intensification of consciousness of the world as a whole. He opines that there are four dimensions to globalization- the cultural, the social, the political and the economic. He clarifies that these are only analytic dimensions required for the refinement of the study in the real world there are never solely economic or political or cultural dimensions. According to Robertson, globalization is about directionality and form. As far as directionality is concerned globalization has to do with the movement of the world as a whole in the direction of unicity –meaning oneness of the world as a single, socio-cultural places. He calls this present stage of globalization as the” global field”. For Robertson, globalization is a process that is bringing about a single social world, which leads to the relativization of all selves/societies dualism. Critical for an understanding of Robertson’s position, however, is that the latter does not supersede the former<sup>9</sup>:

*In using the terms globalization, I refer to the overall process by which the entire world becomes increasingly interdependent, so as to yield a single place. We could even go so far as to call the latter a world society as long as we do not suggest by that term which nationally constituted societies are disappearing?*

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<sup>9</sup> Robertson.1989a:8



The questioning of form of globalization suggests that there is, in principle, a number of ways in which the world as a whole could have moved in the direction of unicity. The form i.e. the pattern that globalization has taken in the recent centuries consists of four major components viz. nation –states, inter- national relations, individual selves and humankind. Thus, for him, increasingly the world is getting characterized by extensive connectivity and extensive global consciousness. These four components of the global field should be regarded as becoming increasingly from each other over time, although differentiation should not be thought as separation or fragmentation. Differentiation here refers to a process or processes, of increasing concretization of the components in relationships of autonomy – within-reciprocity. In this perspective, globalization as Robertson suggests is not a distinctively macro process; it is not simply a horizontal or vertical process. It is perhaps not just about the big phenomena of socio- cultural life but also to the small aspects that entails globalization.

Robertson also discusses the term GLOCALIZATION to further clarify what globalization stands for. While globalization per se refers to a temporal process, glocalization injects a spatial distribution of what is being globalized (Robertson 1995). In other words, rather than stating that a big problem arises from the latter, we can obliterate much of it by responding that the concepts of the global and the local can, or should be synthesized that they are complicitous (Friedman 1998). The term glocalization has strong bearing on the homogenization thesis. This thesis pivots on the claim that an essential aspect of globalization is that the world is being swept by forces making for sameness, for global standardization of culture and institutional structures. This has been encapsulated in recent years in the influential Mc Donaldization thesis ( Ritzer 2000).

Immanuel Wallerstein (2004)<sup>10</sup> in his ‘World system analysis’ argues globalization is an integral part of the modern world system. There are historical details he wants to remember- the long 16<sup>th</sup> century during which our modern world system came into existence, secondly the French Revolution of 1789 as a world event which accounts for the subsequent dominance of the two centuries of a geoculture for this world system, one that was dominated by centrist liberalism , and thirdly the world revolution of 1968 , which presaged the long terminal phase of the modern world system in which we find ourselves and which undermined the centrist liberal geoculture that was holding the world system together.

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8. Discussion of Wallerstein is at length in chapter two

This world system has continued a capitalist world economy. What we mean by world economy is a large geographic zone within which there is a division of labour and hence significant external exchange of basic or essential goods as well as flow of capital and labour. The defining feature of the world economy is that it is not bounded by a unitary political structure. The world economy contains many cultures- we call it geoculture (Wallerstein 2004). We are in a capitalist system only when the system gives priority to the endless accumulation of capital. Using such definition, only the modern world system has been a capitalist system. World economy paves the way capitalism through the division of labour providing the infrastructure for endless accumulation of profit. The capitalist world system is a collection of many institutions whose basic institution is market. The totally free market functions as an ideology, a myth, and a constraining influence, but never as a day to day reality (Wallerstein 2004). Wallerstein defines globalization in terms of his understanding of the modern world system with capitalist world economy, the division of labour featured with the practice of universalism and particularism.

Jan Aart Scholte(2000) in his work “Globalization: A Critical Introduction” explains that globalization includes an emergent information age, a retreat of the states, the demise of traditional cultures, and the advent of post modern epoch. In normative terms, some people have associated globalization with progress, prosperity and peace. For others, however the world has conjured up deprivation, disaster and doom. Scholte adds that globalization means a fundamental transformation of the human geography. Discussions of globalization highlight the questions of borders i.e. the territorial demarcations of e jurisdictions, and associated theme of governance, economy, identity and community. Around this theme of borders one can distinguish three common understandings of the term globalization. The first identifies globalization as an increase of cross-border relations; the second treats globalization as an increase of open broader relations; and the third regards globalization as an increase of trans border relations.

This rise of this “super territoriality” is reflected in the sphere of communications organizations, trade, finance, ecology and consciousness .Scholte thus defines globalization in terms of few concepts we use in common parlance overlapping with ‘globalization’- internationalization, liberalization, universalization, westernization, modernization and deterritorialization. In relations to internationalization, the term ‘global’ is simply another adjective to describe cross- border relations between countries, and thus globalization

designates a growth of international exchange and interdependence. The second usage views globalization as liberalization. Here he talks about the economic aspects of globalization. Globalization refers to a process of removing government –imposed restrictions on movements between countries in order to create an open, borderless world economy (Sanders 1996). Therefore, globalization has become a prominent catchword for describing the process of international economic integration. The third conception has equated globalization with universalization which refers to planetary synthesis of cultures’ in a ‘global humanism’ (Reiser and Davies 1994). This reflects the social impact of globalization. A fourth dimension equates globalization with westernization or modernization especially in an ‘Americanized’ form (Taylor 2000). Globalization in this regard is sometimes termed as ‘McDonaldization’ which is about the cultural perspective of globalization. So far as deterritorialization is concerned globalization entails a reconfiguration of geography, so that social space is no longer wholly mapped in terms of territorial spaces, territorial distances and territorial borders. This relates to the political dimension of globalization. Scholte adds that depending upon the way one identifies globalization in terms of universalization, internationalization or liberalization and develops opinion about the phenomenon as good or bad.

Joseph Stiglitz (2001) in his work “Globalization and its Discontent” expresses his concern regarding the role of globalization in eradicating global poverty. He explains that one of the major obstacles the developing countries faced was manmade. He writes on the asymmetries of information that serves as defining lines of power relations between the developed and the developing world. To the enthusiasts, globalization is progress; the developing countries must accept it, if they are to grow and to fight poverty effectively. But to many in the developing world, globalization has not brought the promised economic benefit. If globalization has not succeeded in reducing poverty, neither has it succeeded in ensuring stability. Crises in Asia and Latin America have threatened the economies and the stability of all developing countries. The critics of globalization accuse Western countries of hypocrisy and confirm that the critics are right. The Western countries have pushed poor countries to eliminate trade barriers, but kept their own barriers preventing developing countries from exporting their agricultural products and so depriving them from the export income. But even when not guilty of hypocrisy, the West has driven the globalization agenda, ensuring that it garner a disproportionate share of the benefits, at the expense of the developing world.

The empirical review counts for the Global Economic Prospects 2010 which projected to expand between 2.9 and 3.3 percent in 2010 and 2011, strengthening in between 3.2 and 3.5 percent in 2012, reversing the 2.1 percent decline in 2009. Developing economies are expected to grow between 5.7 and 6.2 percent each year from 2010 – 2012. High income countries however are projected to grow between 2.1 and 2.3 percent in 2010 is not enough to undo the 3.3 percent contraction in 2009. The report warns the European debt crisis has so far been contained and that, it has real potential to derail global growth.

According to World Development Report 2009, Economic growth will be unbalanced, but development still can be inclusive. That is the main message of this year's World Development Report. The report proposes that spatial transformations along the following three dimensions. Higher density as seen in the cities. Tokyo the world's largest city is home to 35 million – a quarter of Japan's population – but stands on just four percent of its land. Shorter distances as firms and workers migrate closer to economic opportunity. Fewer divisions as countries thin their economic borders to enter the world markets to take advantage of specialization and scale. Border restrictions to flows of goods, capital, ideas and people continue to prevent progress in Africa, in contrast with Western Europe. World Development Report 2009 highlights today's biggest development challenges at local, national and international levels.

Alternative economic survey 2001-02 suggests that The Structural Adjustment (SAP) has completed more than a decade. The Indian state brought upon itself an acute intensification of the chronic fiscal and balance of payments difficulties. The statistics of the economic growth model force during the 1950-1990 in its various avatars was increasingly made nominal, friendly and subservient to the market forces; it was demonised as the root cause of crisis of macro- economic management in early 1991. The steadily worsening crisis of the denial of a secured livelihood and basic democratic right formed no part of this perspective. Ignoring this wider social goal, the economic and financial crises was used as a ploy to trigger off a series of far reaching changes in the policy, objectives, instruments and directions desired by global multinational agencies and organizations and a large chunk of India's big capital. It was an attempt to make India speedily and stealthily redesign her economy, polity, society and culture by passing mass political approval.

In the forward of the World of Work Report 2009, Raymond Torres, Director of the International Institute of Labour Studies, notes that ‘The world economy is now rebounding from the financial crisis, aided by stimulus measures....’ and refers to 3 percent economic growth that is expected by the International Monetary Fund (IMF) for 2010. However at the same time, he wants that the job crisis is far from over and could even worse if adequate measures are not taken. Thus he indicates towards the job surplus in the developing countries through globalization as a positive aspect.

The 2011 Human Development Report argues that the urgent global challenges of sustainability and equity must be addressed together – and identifies policies on the national and global level that could spur mutually reinforcing progress towards these interlinked goals. Bold action is needed on both fronts, the Report contends, if the recent human development progress for most of the world’s poor majority is to be sustained, for the benefit of future generations as well as for those living today. Past Reports have shown that living standards in most countries have been rising - and converging - for several decades now. Yet the 2011 Report projects a disturbing reversal of those trends if environmental deterioration and social inequalities continue to intensify, with the least developed countries diverging downwards from global patterns of progress by 2050.

The Report shows further how the world’s most disadvantaged people suffer the most from environmental degradation, including in their immediate personal environment, and disproportionately lack political power, making it all the harder for the world community to reach agreement on needed global policy changes. The Report also outlines great potential for positive synergies in the quest for greater equality and sustainability, especially at the national level. The Report further emphasizes the human right to a healthy environment, the importance of integrating social equity into environmental policies, and the critical importance of public participation and official accountability. The 2011 Report concludes with a call for bold new approaches to global development financing and environmental controls, arguing that these measures are both essential and feasible.

The economic survey of India 2012 shows that the total planned budget for the Scheduled Castes (SC) and Scheduled Tribes (ST) for the year 2012-13 has once again failed to meet its target. For the Special Component Plan (SCP), the allocation has been Rs. 37,113.03 crore, which is 9.3 per cent as against the government's own target of 16.2 per cent. For the Tribal

Sub Plan (TSP), the allocation is Rs. 21,710.11 core, which is 5.4 per cent of the total budget amount as against the official target of 8.2 per cent. In the last five-year Plan, the allocation was around 8 per cent for SCP, according to Paul Divakar, general secretary of the National Campaign on Dalit Human Rights. This year, while there has been an increase in allocation for the pre-matric scholarship scheme for SCs from Rs. 200 core to Rs. 824 core, there is a marked decrease in the post-matric scholarship scheme. From last year's allocation of Rs. 2441.7 core, the allocation to post-matric has been brought down to Rs. 1,500 core. "This is not a proactive measure for equality. This shows that, the social sector allocations go for primary school education, mid-day meals, MGNREGS among others but the Dalits are being kept out of the larger economic growth due to reduced allocations in post-matric educational schemes. Further, there is a decrease in other schemes as well. In the scheme of pre-matric scholarships for children engaged in unclean occupation, it has come down from Rs.70 core to Rs. 10 core. In the 'Book Bank' and 'Up gradation of Merit of ST students' schemes the allocation has decreased from Rs. 823.78 core to Rs. 750 core. There has also been a decrease in the Indian Leather Development Programme from Rs. 30 core to Rs. 12 core. However, there is an increase in Infrastructure Maintenance (Department of Health & Family) from Rs. 701.75 core to Rs. 978.11 core .

Meanwhile, there has been an increase in some other schemes such as Rashtriya Madhyamik Shiksha Abhiyan, Construction and Running of Hostels for SC girls in secondary and higher secondary schools, Indira Awas Yojana, Integrated Watershed Management Programme and National Rural Drinking Water Programme. One of the significant increases is in UGC allocation, which has gone up to Rs. 1042.4 core from Rs. 799.6 core. Under TSP, the allocation for reducing child labour has been halved to Rs. 15 core and for the Prime Minister's Employment Generation Programme it has decreased to Rs. 107 core from Rs. 131.56 core. As per the Economic Survey, the expenditure on welfare of the SCs/STs and the OBCs has reduced from 0.67 per cent to 0.57 per cent. Making a case for thoughtful and targeted allocations, and experts opine that as the growth rate slid from 8.4 per cent to 6.9 per cent — the lowest in seven years — the Human Development Index has worsened, down from 119 in 2010 to 134 in 2011.

## **DEVELOPMENT OF A TRILATERAL SOUTH-SOUTH COOPERATION IN THE ERA OF GLOBALIZATION**

The three countries South Africa, India and Brazil represents three continents, vibrant democracies and similar levels of economic and technical development. They are the major mediators of globalization in the modern south –south cooperation. Therefore the contact base of IBSA (India, Brazil and South Africa) was developed. It not only aims at all-round development of all the three countries but also identifies the common areas such as science and technology, defence, trade, investment, energy and globalization’s impact on culture.

India, Brazil and South Africa are the three major continents of the world, which are of great economical and political importance in the world. They constitute the aspirations of more than 1.3 billion people together for a better future. These three countries have sufficient resources to lead them to prosperity but, all is needed to think and implement policy, agreement, negotiation for mutual benefits. The Economic and political relations of India and the Brazil with South Africa have always been cordial, but urgency to give more emphasis on cultural aspects can be marked form the course of the study.

### **PLOT OF NEGOTIATION**

South Africa is a vibrant democracy, which has made great strides in economic reform and which is committed to a secure, stable region. All such things are also true for India and Brazil. India and Brazil share many common interests with South Africa and remain committed to developing a dynamic, forward looking and mutually beneficial approach. Therefore the high –level political visits, interaction between communities and business and trade and investment flows. Further these makes three major countries closer to each other.

India and Brazil have the resources, technology and services to partner South Africa’s continued economic expansion. The current economic relationship with India and Brazil continued to reflect in the ever-increasing trade volume in various spheres of goods and services. The cultural aspect when included to the entire debate enhances the mutual interests of all the three countries.

The trilateral relationship<sup>11</sup> is now under-pinned by a quarter of annual ministerial and senior official level dialogues, which provide the institutional structure for managing and expanding the political, economic and strategic facets of the relationship: the Foreign ministers' framework dialogue, the joint ministerial commission (on trade), the senior officials talks and the strategic dialogue which includes Joint Working Group dealing with defence, counter terrorism and immigration.

## **INTERRELATION**

India is an economic hub, connecting markets in Central Asia, Middle East, ASEAN(Association for South East Asian Nation) and East African regions, Brazil is a hub for entire Latin American reign; dominates the continent and shares borders with all major countries (except Chile) and South Africa is the hub for the entire southern and Eastern African so it provides a tremendous opportunity for India, Brazil and South Africa to extend their economies for mutual benefit by utilizing pent-up demand existing in their markets as well as in their regions. It is essential to study the cultural response of these developing countries towards the process of Globalization. Current trend in the international trade and investment and liberalization has not only remained confined to those areas but has also extended itself into the society and culture of those countries. They share the knowledge and the expertise of technology with each other in order to increase their productivity and competitiveness.

The India, Brazil, South Africa countries, which create a market for the 1.2 trillion dollars of GDP and foreign trade of 300 billion dollars together since 1994, show their economic strength in areas of industries, services, education, health and information technologies in a holistic manner. The similarities in trade as a percentage of the world trade of India, Brazil and South Africa is 0.8%, 0.8%, 0.3% respectively with current year GDP in US billion \$ is 2660, 1340, 414 respectively.<sup>12</sup> They share common social problems such as poverty, unemployment, excessive population, disease such as AIDS and illiteracy, terrorism and weapons of mass destruction.

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<sup>11</sup> India- Brazil –South Africa Dialogue Forum was established on 6<sup>th</sup> June 2003 and thereafter the 1<sup>st</sup> trilateral Joint Commission Meeting was held in New Delhi. The relationship between these three countries was always cordial and that is reflected in the historic, political, economic and cultural relationship of these countries.

<sup>12</sup> The data is taken form Europa Year Book 2003 -2004.



South Africa can serve as a hub in India and Brazil in extending economic relationship. The trading relations amongst any two nation is highly dependent on the geographical distant. Both on the sea and the air route these countries attract investments thus allow intermingling of varied cultures leading to a notion of multiculturalism.

Distance between the three nations<sup>13</sup>

India-----13323km-----Brazil-----6081km----South Africa-----8274km-----India

The figure above mentions the distance between the countries. Thus, South Africa stands in an advantageous position for the other two nations where within the economic and the cultural hub centres can be established. The relation of South Africa with India and Brazil shows that there is a strong cultural and historical bond between the India and South Africa from the time period of Apartheid. Further India's caste movements and long struggle for independence bring a parlance. The present state of political democracy in both countries show how similar is the bases for the comparison.

## **BRIEF INTRODUCTION OF THE THREE NATION**

### **INDIA**

#### **Brief Background of India**

The Indus valley civilization, is one of the oldest in the world which date backs at least 5,000 years. Aryan tribes from the Northwest invaded about 1500 B.C; their merger with earlier inhabitants created the classical Indian culture. Arab incursions starting in the 8<sup>th</sup> century and Turkish in the 12<sup>th</sup> were followed by European traders whose beginning was in the late 15<sup>th</sup> century. By the 19<sup>th</sup> century, Britain had assumed political control of virtually all Indian lands. Nonviolent resistance to British colonialism under Mohandas Gandhi and Jawaharlal Nehru led to Independence in 1947. The subcontinent was divided into secular state of India and the smaller Muslim state of Pakistan. A third war between the two countries in 1971 resulted in East Pakistan becoming the separate nation of Bangladesh. Fundamental concerns

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<sup>13</sup> [www.maps of world.com](http://www.maps.of.world.com) to be referred.

in India include the ongoing dispute with Pakistan over Kashmir, massive overpopulation, unemployment, poverty, cultural identity crisis of the indigenous people and religious strife.

### **Indian Geography**

India is located in the Southern Asia, bordering the Arabian Sea and the Bay of Bengal between Burma and Pakistan. Its Geographical locates are 20 degree North to 77 degree South. The total area is 3,287,590 sq km with 2,973,190 sq km land and 314,400 sq km water. It touches the land boundaries of total 14,103 km with six countries. India having maximum border with Bangladesh of 4,053 km, Bhutan with 605 km, Burma with 1,463km, China with 3,380 km, Nepal with 1,690 km and Pakistan with 2,912 km. India is having a vast coastline of 7000 km. Maritime claims the territorial sea of 12 nm contiguous zone 24nm exclusive economic zone: 200 nm continental shelf and 200nm continental margin. Climate of India varies from tropical monsoon in South to temperate in North. Terrain is upland plain (Deccan Plate) in South flat to rolling plain along the Ganges, dessert in the West, Himalayas in the North. The most important natural resources are coal, iron ore, manganese, mica, bauxite, titanium ore, chromites, natural gas, diamonds, and petroleum, limestone and aluminium. The total land used constitutes of the arable land 54.4%, permanent crops: 2.74% and other: 42.86%. The total of irrigated land is 590,000 sq km.<sup>14</sup>. The most common natural hazards are drought, flash floods, destructive monsoon rains, thunderstorm and earthquakes. The current environmental issues are deforestation, soil erosion, overgrazing, desertification, air pollution from industrial effluents and vehicle emission, water pollution from raw sewage and runoff of agricultural pesticides. Further, tap water is not potable throughout the country. And, the huge and growing population is constraining on the limited natural resources as well.

### **Indian People**

The total population of India is 1,065,070,607. The age structure follows that people between the age group of 0-14 years constitute a total of 31.7% out of which male is 173,869,856 and female is 164,003,915. The population in between the age group of 15- 64 years is 63.5% where the male is 349,785,804 and female counts for 326,289,402. Further for the age group of 65 years and above its 4.8% which constitutes of male 25,885, 725 and female 24.4 years.

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<sup>14</sup> India Year Book 2012, Government of India.

The population growth rate of India has come down to 1.44%. The Death rate in India has also come down; the current death rate is 8.38 deaths /1000 population. The Net migration rate is 0.07 migrants/ 1000 population. Sex ratio in India is alarmingly degrading as in total population, 1.07 male/ female were marked.

The infant mortality rate in India is total 57.92 deaths/ 1000 live births. The Life expectancy rate of India's population rose to 63.99 years. However the total fertility rate is 2.85 children born to every woman. The prevalence rate of HIV/AIDS in India is 0.8% of the total population. The total population living with HIV/AIDS in India, are 3.97 million, however it is soon to rise to 5 million in the recent times to come as per the Government estimates. Total deaths in HIV/AIDS in India are 310,000.

The racial composition consists of Indo- Aryans 72%, Dravidians 25%, Mongoloid and other 3%. The religious composition goes as, Hinduism consists of 81.3%, followed by Muslims 12%, Christians 2.3%, Sikhs 1.9%, other groups including Buddhist, Jain Paris 2.5% .English is the commonly used language but the national language of communication is Hindi. There are 14 other official languages recognized in India such as Bengali, Telegu, Marathi, Tamil, Urdu, Gujrati, Malayalam, Knnada, Odiya, Punjabi, Assamese, Kashiri, Sindhi and Sanskrit. Hindustani is a popular variant of Hindi/ Urdu spoken widely throughout northern India but not an official language. Literacy definition of the age group is 15 years and the total literacy is 59.5% where male constitute 70.2% and female constitute 48.3%.

### **Indian Government**

The Government of India is the self made democratic government by the Republic of India. It got independence after a series of struggle on 15<sup>th</sup> August 1947 from the British Raj. The constitution was formed on 26<sup>th</sup> January 1950 which is considered to be the law of the land. There are three organs of the Government as legislature, executive and judiciary. Supreme Court of India is the highest authority in terms of legal aspect. The National holiday is the Republic day, 26th January along with several other days. The political head is the Prime Minister heading the council of ministers and the thumbing rule is of the President of India. The present Government is the United Progressive Alliance II (2009-2014). It is a combination of multiple parties headed by the Congress Chairperson Mrs. Sonia Gandhi and Honourable Prime Minister Dr. Manmohan Singh. The legal system is based on English

common law. There is provision of judicial review to the legislative act. The law of the land is the supreme. It accepted compulsory jurisdiction along with the reservation.

## **BRAZIL**

### **Brief Background of Brazil**

Following three centuries under the rule of Portugal, Brazil became an independent nation in 1822. By far the largest and most populous country in South America, Brazil has overcome more than half a century of military intervention in the governance of the country to pursue industrial and agricultural growth and development of the interior. Exploiting vast natural resources and a large labor pool, Brazil is today South America's leading economic power and a regional leader. Though, highly unequal income distribution remains a pressing problem.

### **Geography of Brazil**

The total area of Brazil is 8,511,965 sq km which comprises of 8456510 sq km land and 55455 sq km water territory. The land boundaries of Brazil touches the ten countries which shows its vastness and coverage with total 14, 691 km border countries with sharing the longest border with Bolivia of 3400km. Its share in the border with Argentina is 1,224 km, Colombia is 1,643km, French Guiana is 673 km, Guyana is 1,119km, Paraguay is 1,290 km, Peru is 1,560 km, Suriname is 597 km, Uruguay is 985 km, and Venezuela is 2,200km. The total coastline of Brazil counts for massive 7,491km. Maritime claims the territorial sea of 12 nm contiguous zone, 24 nm exclusive economic zones, 200 nm continental shelves 200nm edge of the continental margin. The climate in Brazil is mostly tropical but temperate in South.

The major natural resources of Brazil are bauxite, gold, iron ore, manganese, nickel, phosphates, platinum, tin, uranium, petroleum, hydropower and timber. The land use pattern in Brazil consists of 6.96 arable permanent crops, 0.9% and other 92.15%. The total irrigated land in Brazil is 26,560 sq km. The most common natural hazards are similar to that of the other IBSA nation recurring droughts in the northeast, floods and occasional frost in the South. Current environmental issues include deforestation in the Amazon Basin , which destroys the habitat and endangers a multiple of plant and animal species indigenous to the area. The air and water pollution in Rio de Janerio, Sao Paul and several other large cities are

marked. Further the wetland degradation and improper mining activities are also found in Brazil.

### **People of Brazil**

Population of Brazil in the year 2000 counts for 184,101,109<sup>15</sup>. The massive mortality rate in the area is primarily due to the disease AIDS (Acquired Immuno Deficiency Syndrome). This also leads to lower life expectancy, higher infant mortality and changes in the distribution of population by age and sex. Age structure in Brazil follows i.e. 26.6% in the age group of 0-14 years of population, 67.6% between the age group of 15-64 years and 5.8% above the age of 65 years. The population growth rate in Brazil is lower than other IBSA nations, i.e. 1.11%. However the total death rate is 6.14 per 1000 population. The net migration rate is also low 0.03 migrants per 1000 population. The sex ratio is smoothening as well. The total infant mortality rate is 30.66 deaths per 1000 live births. The life expectancy at birth of the children is also showing a positive growth. Total fertility rate is 1.97 %. The total number of adult demarcated with HIV/ AIDS is 0.7 % and the total number of people living with HIV/AIDS is 660,000 and the death due to HIV/AIDS is 15,000 per year.

The ethnic groups comprises of white which includes the Portuguese, German, Italian, Spanish and Polish, constitute 55%, blacks constitute 6% and brown along with mixed whites constitute 38 %. Further other ethnic group which includes Japanese, Arab, and Amerindian constitutes a total of 1% The most commonly followed religion is the Roman Catholic which represents 80% of the population. Regarding the language it is marked that the Portuguese is the official language along with the Spanish, English and French. The Literacy definition is similar to the other IBSA nation i.e.in the age group of 15 years and above there is total population of 86.4% who can read and write.

### **BRAZILIAN GOVERNMENT**

The Country's conventional name in long form is Federative Republic of Brazil; it's the conventional short form Brazil. The local long form is Republican Federative do Brazil. The type of Government in the nation is federative republic in nature. Brasilia is the capital of Brazil. Brazil got its independence on 7 September 1822(from Portugal) therefore the

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<sup>15</sup> Data mentioned is the description taken from the website [www.brazilmag.com/content/view/on/12.6.2012](http://www.brazilmag.com/content/view/on/12.6.2012) at J.N.U, New Delhi.

national holiday is declared on the same day. Constitution of Brazil was established on 5<sup>th</sup> October 1988. The legal system is based on Roman codes.

## **SOUTH AFRICA**

### **BRIEF BACKGROUND OF SOUTH AFRICA**

After the British seized the Cape of Good Hope area in 1806, many of the Dutch settlers (the Boers) trekked north and found their own republics. The discovery of diamonds in 1867 and gold in the year 1886 spurred wealth and immigration and intensified the subjugation of the native inhabitants. The Boers resisted British encroachments, but were defeated in the Boer War (1899-1902). The resulting Union of South Africa operated under a policy of apartheid—the separate development of the races. The 1990s brought an end to apartheid politically and ushered in black majority rule.

### **SOUTH AFRICAN GEOGRAPHY**

Southern Africa is located in the Southern tip of the continent of Africa. The geographical contours were 29 degree South and 24 degree East.<sup>16</sup> Area of South Africa is 1,219,912 sq km, which includes both land and water. It also includes Prince Edward Island and Marion Island. South Africa's border touches five countries with the total length of 4, 862 km. The account goes as; Botswana is the longest country sharing border with South Africa with a total area covering 1,840 km. The second one is the Lesotho with 909 km, then Mozambique with 491 km, Namibia with 967 km, Swaziland with 430 km, Zimbabwe 225 km. However the South surrounds the Lesotho and Swaziland from all sides. It is having one of the longest coastlines of 2798 km. The climate of South Africa is mostly semiarid, subtropical along east coast. There are sunny days and cool nights in most of the parts of the country. It consists of vast terrine of interior plateau rimmed by rigged hills and narrow coastal plain. Natural resources consists of gold, chromium, anatomy, coal , iron ore , manganese, nickel, phosphates, tin, uranium , gem diamonds, platinum, copper, vanadium, salt, natural gas etc. Land use in South Africa according to 2001 data consists of 12.08% arable land and permanent crops of 0.79% and other constitutes a total of 87.13%. It has a net irrigated land of 13,500 sq km (1998). The country faces prolonged draughts in terms of natural disaster. Further the current environmental issues in the country follows from the lack of important

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<sup>16</sup> Data mentioned in the description is taken from the website [www.southcentre.org/info/southbulletin75/bulletin 75-0.5](http://www.southcentre.org/info/southbulletin75/bulletin%2075-0.5) .

arterial rivers or lakes. It is in need of extensive water conservation because the country is facing an acute threat of water pollution due to the agricultural runoff and the urban discharges. This leads to adverse impact on the environment through acid rain, soil erosion and desertification.

## **SOUTH AFRICAN PEOPLE**

It constitutes a total Population of 42,718,530 (2001 census). The country faces the challenge of AIDS due to which excess mortality rates are found. This results in the lower life expectancy, higher infant mortality and the changes in the growth rate. The age structure goes as 0-14 years of population counts for 29.5%, out of which male constitute 6,337,468 in numeric and female constitutes a total of 6,254,925. Further in the age group of 15-64, the percentage of population is 65.3% where within male is 13,898,269 and female is 14,017,559. For the age group of 65 years and above there are 5.2% of population where within male counts for 886,801 and female count for 1,323,508.( 2004) .The population growth rate of South Africa is 0.25%(2004), whereas the Death rate is 20.54 per 1000 deaths. As far as the net migration rate is concerned, it is 0.29 per 1000 population. Sex ratio at birth is 1.02 males/ female under 15 years and in total population it is 0.98 male /female. The Infant mortality rate recorded as high as total: 62.18 deaths/ 1000 live births female: and 58.4 deaths/ 1000 live births. Life expectancy at birth is in total for 44.19 percent of population, out of which for male it is 44.19 percent and for female it is 44.39 percent. The total fertility rate is 2.18 children born to every potential woman.

The prevalence of HIV/AIDS amongst adult is 21.5 % (2003) in the country. The total population affected with HIV/AIDS is 5.3 million. However, the total HIV/AIDS death is 370,000 (2003). The ethnic composition in South Africa constitutes of black 75.2 %, white 13.6%, colored 8.6% and Indian 2.6%. The most common religion is Christian which constitutes nearly 68 %( including most whites and coloreds, about 60% of blacks and about 40% of Indians). Muslim constitutes 2%, Hindu constitutes 1.5% and indigenous belief on animists constitutes 28.5 %. In South Africa there are 11 official languages, including Afrikaans, English, Ndebele, Pedi, Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa, and Zulu. The literacy definition is that the populations above the 15 years who can read and write constitute a total of 85.7%.

## **SOUTH AFRICAN GOVERNMENT**

The conventional long form of Government in South Africa is named as Republic of South Africa (RSA). The later construction was for Union of South Africa. The Capital of South Africa is Pretoria. However Cape Town is the legislative centre and Bloemfontein is the judicial centre. It got independence on 31 May 1910 from UK. South Africa became a republic in 1961 following an October 1960 referendum. The National holiday is celebrated for the Freedom day as 27<sup>th</sup> April every year. Constitution was adopted on the 10<sup>th</sup> December, 1996, and it was certified by the Constitutional Court on 4<sup>th</sup> December 1996, and signed by the then President Mandela on 10<sup>th</sup> December 1996. It came into effect on 3<sup>rd</sup> February 1997. It is being implemented in phases. The legal system is based on Roman- Dutch law and English Common law. It accepts the compulsory jurisdiction along with the reservation.

## **EMERGENCE AND SCOPE OF IBSA (INDIA, BRAZIL AND SOUTH AFRICA)**

IBSA developed a common vision for enhanced South-South cooperation and helped in the realization of the development agenda of the South during the 21<sup>st</sup> Century. The three nations agreed to work together on economic development with the social equality in the context of a globalizing world. IBSA aims to examine ways to adopt a pro-active approach to channel the forces of globalization in the right direction. They re-affirmed the principle that IBSA was dedicated to strengthen the international framework of South-South cooperation and the advancement of human development through the promotion of potential synergies among its members. It is an important platform to assess the present economic, political, social and cultural situation in the South and to propose measure at the national, regional and international level that would enable developing countries to fulfil their development potential.

The grand design of colonialism for forcefully and oppressively control the destiny of African people has today been harnessed to work in favour. The citizens of Africa were scattered around the globe, including Brazil as slaves, while the citizens of India were scattered globally equally in South Africa as indentured labourers. The African and Indian diaspora have today become vibrant communities that link us in our global village. The rapid expansion of economic relations between these three nations is most encouraging. In this regard the active co-operation between South African Governments, as well as the apex bodies and business interests of India and Brazil were required. Governments of respective



nations are equally resolved to ensure that the benefits of economic change and prosperity percolate to all sectors.

The IBSA (India, Brazil and South Africa) was an incentive in the middle of 2003, with the meeting of the heads of governments of respective countries on the sidelines of the Evian summit. This was followed by the meeting of foreign ministers in early June 2003 in Brazil. It set out the commonality of strength and interest of these three countries in the international arena and suggested areas of cooperation. It also explains the importance of such a coalition in negotiating with the developed nation in global economic world flora such as the World Trade Organization (WTO). The trilateral dialogue forum means to enable the three nations to address issues of global concern- socio-economic and cultural development, technology and global governance. IBSA shared the conviction that the combined energy and resources of the three countries can and must be utilized in a dynamic and creative manner to make difference in the lives of the residents of the three countries. All the three nations came together for joint plan of action for trilateral cooperation in different field such as: transportation (civil aviation and Shipping), tourism, trade, investment, infrastructure, culture, job creation, small, medium and micro-enterprises, science and technology, information society, E- governance, capacity building, local content development, E- health networking, energy, defence and education.

The need to build such a coalition was required because it opened the doors of political and economic cooperation and simultaneously intensified the South-South cooperation for the preservation, protection and the promotion of traditional knowledge, genetic resources, cultural transition and folklore. The building of consensus in relevant international flora and the development of legally binding international instruments on intellectual property rights can be considered as another important basis for the coalition. Further the necessary amalgamation of these three nations opens the door for multilateral trade negotiation in the World Trade Organization (WTO).It also brought convergence of issues like trade, agriculture, services, non-tariff barriers etc. It also encourages the pressure groups to come together in order to enhance the security. Such trilateral cooperation naturally reinforces the holistic growth of the developing nations. It adds an impetus to the cooperation of India, Brazil and South Africa and helps to curtail the social, economic exclusions and enhances the cultural growth amidst the globalization.

## **RESEARCH PROBLEM**

Research problem in philosophy of social sciences relates to the development/innovation/issues which lie at the centre of all learning that is necessary to tackle the situation. Essentially problem based or enquiry based learning or research , in this case involves the researcher conceptualising the problem or underpinning research questions, Problem based learning and problem solving can widen the scope of creative energies in the research work. (Savin Baden 2003 and Howell 2004).

Indigenous people are on the verge of the crisis in sustainable development. Their communities are concrete examples of sustainable societies, historically evolved in diverse ecosystems. Today, they face the challenges of extinction or survival and renewal in the globalized world. The impact of globalization is strongest on those populations perhaps more than any other because these communities have no voice and are therefore easily swept aside by the invisible hand of the market and its proponents. Globalization is not merely a question of marginalization of indigenous people. It is a multi pronged attack on the very foundation of their existence and livelihood. For instance- indigenous people throughout the world sits on the ‘frontlines of globalization’s expansion. They occupy the last pristine place on the earth, where resources are abundant such as forest, minerals, water, genetic diversities etc. All these are ferociously required by the global corporations, trying to push traditional societies of their lands.

The problem is concentrated on the interrogation of impact of globalization on the issues of cultural, social rights and identity issues, right to livelihood and human security of the indigenous communities. Some of such areas are-

- Places of mass worship sacred grove are either displaced or under serious threat due to development projects.
- Tribal religion/ animism are under threat from or co-opted by dominant religions.
- Development interventions damaged/destroyed/threats traditional way of life (social relations, art, culture, customs, tribal dialects and habitation pattern).
- Displacement from habitation for development project has alienated indigenous communities from their homelands.

- Increased influx of outsiders in tribal areas leading to conflicts and have implications over identity.
- Exclusion from constitutional provisions and other national and international legal regime.
- Trafficking of women and girls from displacement zones.
- Increase flow of liquor through mafias causing violence against women(Domestic Violence)
- Reduced democratic space because of insurgency and counter insurgency actions(AFSPA, Salwa Judum)
- The crisis of cultural identity which makes the communities stand in a paradoxical situation and bear the shock of cultural shift from the native culture to global culture.
- The problem of migration, education, health, gender equity, governance and drug inducements.

These all problems are to be viewed in the context of the trilateral cooperation in the countries such as India, Brazil and South Africa (IBSA).

#### **OBJECTIVES OF THE STUDY**

- To explore the key areas of negotiation, prospects and challenges in India, Brazil and South Africa (IBSA) coalition.
- To uncover the varied ways of impacts of globalization on the cultural identities of the indigenous communities and their patterns of responses in India, Brazil and South Africa (IBSA).
- To understand the role of state mechanism in respective countries of India, Brazil and South Africa (IBSA), in negotiating the globalization and indigenous communities.

## **RESEARCH QUESTIONS**

- What are the key areas of negotiation, prospects and challenges for India, Brazil and South Africa (IBSA) cooperation?
- What are the varied impacts and responses of Globalization on the cultural identity of indigenous communities of India, Brazil and South Africa (IBSA)?
- What are the patterns of state response in negotiating globalization and indigenous communities in India, Brazil and South Africa (IBSA)?

## **RESEARCH METHODOLOGY**

Methodology is the rationale and the philosophical assumption underlying a particular study rather than a collection of methods, though it leads and informs the methods. No single method is appropriate to tackle all the aspects of the research problem. The research is based mainly on the secondary sources. It would be a qualitative analysis which would be partly explanatory and descriptive in nature. Specific narration in forms of case studies is also provided in order to explain the arguments.

## **SOURCES OF INFORMATION**

Interpretation of government reports and people of India survey report by Anthropological Survey of India, Planning Commission Reports along with the Census of India is used for the research purpose. The available literature in the field of international relations has been used for Brazil and Latin America. The annual Europa book has been used for information on Europe and the consultative documents on the IBSA dialogue are used from government archives. Several other international magazines such as World Focus and International Politics have been used to enrich the international aspect of the study. Various statements, commission recommendations, documents, news analysis, magazines such as Economic and Political Weekly, seminar are referred. Certain social sciences journal such as Indian Sociological bulletin, Social Action etc, is also referred. Some colloquial print materials of Odisha are also used in order to make research substantive with data. Further, critical thinking dictionaries and anthropological dictionaries are used for conceptual clarifications.

## **CHAPTER SCHEME**

The first chapter is an introduction chapter which would include the themes and perspective, review of literature, emergence of India, Brazil and South Africa coalition (IBSA), its relevance, and generalized data about the three countries, research objectives, research questions, methodology, chapterization, relevance and limitations of the study.

The second chapter would be on locating the trajectories of classical and contemporary scholarships for theoretical underpinnings of identity, globalization and culture. It would account the world system theorist such as Ander Gunder Frank, Wallerstien, Paul Baran and the anthropological theorists such as Radcliffe Brown and Malinowski and Clifford Greetz. This chapter would also extensively deal with the branch of cultural anthropology where within an attempt to analyze the cultural anthropology of globalization would be made.

The third chapter would be based on the Indian indigenous communities spreading over the northern, eastern, central and the north-eastern areas. This would be based on numerous case studies which would be indicating the pattern of cultural identity and globalization in areas such as Gujarat, Odisha, Chhattisgarh, Jharkhand, Uttarakhand, Jammu and Kashmir, Dadar and Nagar Haveli, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan etc. An extensive review of the social, cultural and economic rights of the indigenous groups would be made. The exclusion patterns are crafted out and summary based on the research is made.

The fourth chapter would be based on the response of tribal groups in Brazil, as the major site in Latin America, towards the process of globalization. This would include specific social and transitional analysis which would help in gaining knowledge regarding the changing cultural patterns of the indigenous communities in Brazil.

The fifth chapter would be based on the response of tribal groups in South Africa, as compared to the other countries of Africa, in the context of globalization. This would include specific social and transitional analysis which would help in gaining knowledge regarding the changing cultural patterns of the indigenous communities in South Africa.

The sixth and the final chapter present conclusions, about the impact of globalization on indigenous communities of India, Brazil and the South African (IBSA) are made. It comprises of the findings which answers the research questions. Further, it includes a

summary of the whole research work in a brief so that a 'reader- compatible' and 'research completion' objective can be successfully achieved. This also attempts to open the research for the discussion into the, future of the India, Brazil and South Africa (IBSA) cooperation in the post globalization phase.

### **RELEVANCE OF THE STUDY**

Relevance of the study refers to the strategic implications of the study to the society and its immediate vitality to the people concerned with the response to the process of cultural globalization. This is an interdisciplinary study which extends its borders to cultural and social anthropology. It attempts to map the continuities and the changes in the cultural identity of the indigenous communities in the context and in the process of globalization. It provides a bird's eye view regarding such cultural alterations at both national and international level. It confirms to the philosophy of social sciences which has the inbuilt responsibility of amalgamating the dynamism of phenomena like globalization along with humanitarian touch.

### **LIMITATIONS OF THE STUDY**

This work unveils a general pattern of cultural identity response to the process of globalization, by the indigenous communities. Therefore it does not take into account the, issues of environmental degradation and livelihood concerns adequately. Further due to the specification of south- south cooperation of India, Brazil and South Africa (IBSA) countries, and other responses from continents such Antarctica and Australia are to be sidelined. The constraint of producing a work on the basis of the secondary sources had its own limitation. For instance, in case of collection of literature on Brazil, numerous documents were marked in Portuguese language due to its historical background. And being an alien language it was difficult to consider them for their use in the research. Paucity of time was another constraint because of which extensive materials could not be referred. Further a purposive selection of the bibliography was made in order to fulfil the research objectives but at the same time due attention to the research ethics of exploration of a holistic study is also made.

## **CONSTRUCTION OF THEORETICAL ORIENTATION AND CONCEPTUAL FRAMEWORK**

*The second chapter deals with the question why social sciences require a theoretical orientation? Further it explains the concept of culture in anthropology and the development of the sub discipline cultural anthropology. Here outline of some major themes which explains the notion of cultural change from the perspective of theorists such as Malinowski, Clifford Greetz and Kroeber etc are made. Then an attempt to define globalization through the lens of several sociologist and anthropologists are made. At the outset, it is important to note that despite of the vast theory that has been written on the subject, there is no one theory of globalization. Instead there are many theoretical discourses..... That tend to be grounded in broader sociological perspectives, such as Marxian, Weberian, Durkheimian, Foucaultian, functionalism, and post modernism .It involves a number of distinct approaches to social enquiry, such as cultural studies, international relations, post colonial literature and so on. (Robinson)<sup>17</sup>.Further this chapter deals with the world system theory and then tries to explore a vital connection between world systems and culture. And the last part of the chapter deals with the theorization of the transition in the globalization. And then a conclusion and summary is included which portrays the researcher's interpretation of the most suitable approach to handle Globalization.*

## **INTRODUCTION**

The organized account of the parts and products of the social sciences necessarily follow the conventional formulations of theoretical orientations. Further in this chapter the formulations such as typologies, definitional schemata and classification schemata are categorized under non theoretical formulations. The theory is a systematically related set of statements including some law like generalizations that can be empirically testable. Anthropology and Sociology are intrinsically interwoven in nature. Anthropology is a broad scientific discipline dedicated to the comparative study of mankind, from its first appearance to its present stage of development. It is the science of man and his works and behaviour. The major subdivisions of the anthropology are cultural, physical, archaeological and linguistic. This work has a major concentration on culture as a concept and cultural anthropology.

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<sup>17</sup> This point also applies to feminist theories and postmodern and post structural theories.

## **Emergence of the Concept of Culture in Anthropology**

The concept of culture has a long and self explanatory history in Anthropology. It is confused with its usage in the nineteenth century, its association with race in the form of '*Volkgeist*', or with civilization or high culture, which in some sense was conceived as the opposite of the *Kultur*<sup>18</sup> concept of the German nationalist philosophers. In the early anthropology culture was associated with the entire repertoire of a people, usually very closely associated, that is a people's defining characteristics. This included everything from technology to religion. In other words, culture was simply what was distinctive about others. While one tendency in these discussions, especially among some of the British evolutionists<sup>19</sup>, is clearly toward a notion of culture as everything that is or can be learned- that is not, necessarily racially determined. The other tendency is never a clear statement to the status of learned repertoires in the understanding of a population's characteristic traits. And there is an implicit understanding of culture as a unitary phenomenon in which the different people of the world have a particular rank, according to their more or less developed culture. A radical change occurred in the use of the word culture at the turn of the century, with the emergence of the explicitly relativists anthropology of Franz Boas<sup>20</sup> in the United States. This change consisted in the abstraction of culture from its demographic or at worst racial basis. Culture became 'super organic', that is, arbitrary with respect to those who possess it. It was relocated out there, so to speak, in the sense of a scheme or code or script, as some kind of text that had its own life and could be studied in it without reference to the people who practiced it. In this same period, the sociologist- anthropologist Durkheim<sup>21</sup> asserted the primacy of what he called 'the social fact' the social as a collective phenomenon that constraints and organize social behaviour and can be studied in itself without reference to individual psychology.

The notion of culture as an abstract packet of signs, symbols and tools and beliefs became an increasingly systematized in the first decades of this century. A student of Boas, Alfred Kroeber<sup>22</sup>, played an instrumental role in the development of this theory of patterns of

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<sup>18</sup> Kultur is culture in German language.

<sup>19</sup> Clifton James in his work Introduction to cultural Anthropology explained it extensively.

<sup>20</sup> France Boas later emerged as one of the most highlighted thinker in Cultural anthropology

<sup>21</sup> Durkheim in his work " The rules of sociological methods".

<sup>22</sup> Kroeber's concept of culture is discussed previously



culture. And in the work of Julian Steward, as well as in the parallel work of Leslie White, culture became a system in which ecological, economic, social, structural and ideological domains participated in a dynamic totality of an evolutionary process. Here the concepts of culture and society became largely indistinguishable. And among the neo-evolutionists and cultural materialists who dominated American Anthropology in the 1950s through the 1970s, this has continued to be the case. This notion of culture can be summed up in the idea that culture is that complex or system of relations by which Homo sapiens adapt to the world, replacing the former biological system of instincts.

There is further development in the concept of culture in the United States of America, which has led to the contemporary popular usages of the term as an essentially symbolic cognitive construct. This resulted largely from the cooperation between Kroeber, Clyde Kluckhohn and the Harvard Sociologist Talcott Parsons, who in their attempt to combine Weber's *Verstehen* with Durkheim's functionalism divided social research into among other things, the study of social structure and the study of culture or socially attributed meaning. This resulted in an emergence anthropology department at Harvard that specialized increasingly in the study of systems of meaning, symbolism, cognitive categories etc. In the 1960s the Symbolic and Interpretative Anthropology thus came in full swing. Symbolic anthropologists such as Clifford Greetz (1926- 2006) explained that culture lies in the interpretation of the events and things around them. In other words he explains that we construct our cultural reality. As Greetz writes

“Believing, with Max Weber, that man is an animal suspended in the webs of significance he himself has spun, I take culture to be those webs and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning”. (1973:5)<sup>23</sup>

Greetz, argues that whatever sense we have of how things stand with someone else inner life, we gain it through their expressions, and not through the magical intrusion into their consciousness. (1986: 373). Thus, culture is the publicly accessible text of people, a symbolic program inscribed in the time and space of social life and their true essence. Culture is

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<sup>23</sup> From Interpretation of culture (1973)

embodied in public symbols and actions. To Greetz, symbols are means of transmitting meaning. His focus is on how symbols affect the way people think about their world, and how “symbols operate as vehicles of culture.” (Ortner 1984: 129). For example-in “Deep Play: Notes on the Balinese Cockfight”, Greetz analyzes various symbolic meanings of the cockfight for the Balinese who engage in the sport and how these levels of meaning influence their lives. Ultimately, he argues that the cock fight does not have any function in the sense of maintaining solidarity, reinforcing societal norms or filling Malinowski bio psychological needs. Instead, the cockfight enables the Balinese to share experiences and create meaning from their lives, much in the same way that sports or religious rituals may be organizing experiences for those in the West.

Greetz’s type of analysis is focused at level of the individual participant in society. Although he acknowledges that it is impossible to get inside the head of native informants, he wants to provide his readers with a sense of what it might feel like to be a member of the culture he is describing. He does this using a techniques he calls “thick description”. Greetz assumes that important symbols and actions have many layers of meaning and that their power derives from this fact. In thick description, the anthropologist attempts to analyze each layer of meaning. Greetz compares doing thick description to peeling an onion. There is layer after layer, but no reward at the centre. The onion has its layers; similarly culture has its layers of meaning but the essence remains the same.

Critics of Greetz explain that his power lies in the literary construct of the event and his work is intuitive in nature. For instance he made derivations from fifty seven cock fight matches. Greetz’s believes that culture exists in public and is not a mental model was also put into scrutiny by several other anthropologists.

## **CULTURAL ANTHROPOLOGY**

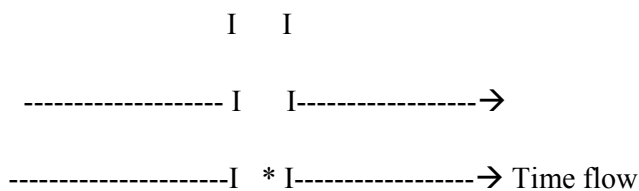
Cultural anthropology is the study of the culture and social structure of a community or society. Cultural anthropology emphasizes the understanding of the total configuration and inter relationships of cultural traits, complexes, and social relationships in a particular geographic environment and historical context. Thus it is concerned with the influence of geographical, historical as well as social and psychological factors in the analysis of the development of a culture, its present characteristics, and the changes it is undergoing. Many of the investigations of cultural anthropologists have depicted that illiterate and non- Western

societies are not included under the ambit of studies; however, in recent years there has been a tendency to extend the approach of cultural anthropology to the study of modern Western societies. Social anthropology and sociological reasoning both are informed by two distinctive tendencies: the search for interconnectedness among elements in a given society and the comparison of and contrast of different social contexts. These all together enhance the quality of social science as a discipline. Topical specialities of cultural anthropology are fundamental cultural values and orientations, systems of beliefs about man and natural phenomena, nature and use of exact and pragmatic knowledge, language and speech behaviour, systems of writing and memory aids, content, style, and use of literature-oral and otherwise, visual arts, craft, and ornamentation, drama and ritual- public and private, patterns of recreation and entertainment, clothing and decoration of the body, architectural styles and type of buildings, type and consumption of foods and beverages , concepts and customs concerning property, utilization of land settlements etc. One of the pertinent aspect of cultural anthropology is ethnography.

There is different perspective of ethnography; one of such aspect is *time stopping*<sup>24</sup> perspective of ethnography. It is an approach which takes a cross section or cut out of the complete history of a community or a culture and develops a full- scale portrait of the way of life of the people with brief time limits. This synchronic or time stopping model results in a quite static portrayal, one particular emphasizing uniqueness and individuality of patterns of customs and belief.

Figure 1

*The time stopping perspective of ethnography*



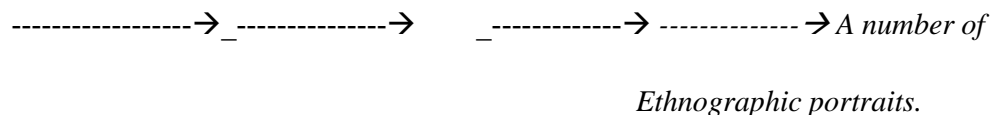
\* The *ethnographic cut* is evident here

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<sup>24</sup> Time stopping method is explained by James Clifton in his work Introduction to cultural anthropology. Pg 23.

The other perspective is *comparative perspective*<sup>25</sup> of ethnology. This involves comparison and correlation of parts or aspects of the cultures of several or a sample of many societies. Generally, so long as the societies in the sample satisfy the anthropologist's criteria for inclusion in his particular study, are well described and have the required characteristics, it may ignore the historical period in which the culture described. There may be several facets to this i.e. first, a smaller sample of all the world's societies, if the anthropologist is attempting to make generalization about mankind. Secondly, a large sample of a set of culture of similar type, in various parts of the world. Thirdly, all those genetically related cultures of one region of the world, if the anthropologist is attempting to deduce and test ideas about the inner workings of one region.

Figure 2



*The comparative perspective of ethnology*

*The arrows above may be taken as representing , first, a smaller sample of all world's societies, if the anthropologist is attempting to make generalizations about mankind, secondly ,a large sample of a set of cultures of similar type in various parts of the world , thirdly, all those genetically related cultures of one region of the world, if the anthropologist is attempting to deduce and test ideas about the inner workings of one kind of cultural system, or perhaps , the sequence of cultural developments in one region. Here the rich descriptive detail of the ethnographic approach is lost, as the anthropologist stands further back and looks for similarities in many cultures.*

The other perspective is *historicity perspective*<sup>26</sup>. In cultural anthropology the perspective of history focuses on specific detailed sequences of developments across the dimension of time. What is thus studied historically may be a single culture or society, or one particular institution, or a special aspect of culture such as a system of writing, or perhaps even a whole

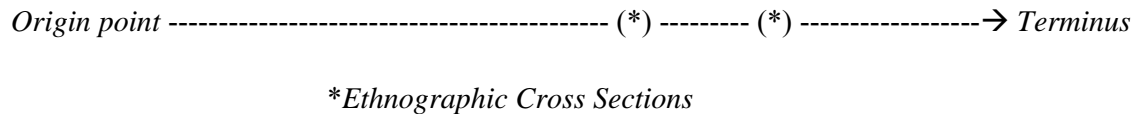
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<sup>25</sup> .In the introduction to cultural anthropology James Clifton explains in a descriptive manner the comparative perspective of ethnology.

<sup>26</sup> . James Clifton in his work 'Introduction to Cultural Anthropology ' explains historicist perspective in pg.39

geographic area. In the absence of rich body of documentation of the history of a particular culture, the data treated may be of many sorts- linguistics, archaeological, social, structural, technological, or they may include other details indicating change, contact and relationship. A special, if rarely used model is the diachronic study, which combines some aspects of both the historicist and ethnographic approaches. Here, before and after ethnographic cross-sections of one community are compared and contrasted with each other allow precise assessment of cultural change.

Figure 3 (The historicity perspective)



The other aspect is the *structural-functional* approach<sup>27</sup>. This developed in the reaction to one of the recognized difficulties of the historical strategy, which was relatively unsuccessful in tying together the bits and pieces of culture to make a meaningful and recognizable whole. This approach attempts to discover and describe the relatively permanent, normative or ideal customarily valued aspects of society. The structural and functional approach sees a culture as one single tribe or community as a unit as a kind of whole. Functionalism concerns ways in which for example, feature of beliefs and myths related to ritual observance or the ways in which the child rearing practices are connected in training of individuals for adequate performances in adult roles.

## **CLASSICAL AND CONTEMPORARY POSITIONS ON CULTURE**

### **Marxist Humanist Perspective on Culture**

Marxist humanism is traced back to the combination of the Marxist ideas with Hegelian approach. It attempts to combine a philosophical standpoint that begins from real, conscious knowledge enters into the constitution of the world in which they live and act. Systematic cultural analysis of the Marxist Humanist can be made with the analysis of the critical theory

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<sup>27</sup>. Some prominent structural –functionalists include Radcliffe Brown, Marcell Mauss and Mallinowski.

at Frankfurt School of social theory. It includes philosophers such as Gramsci (1929-35), Baudrillard (1981), Jameson (1991), Bauman (1991a), George Lukcas, and followers like Horkheimer, Adorno, and Marcuse etc.

Lukcas (1914-1915) argued in his work 'The theory of the Novel' that cultural products of all kind are to be originating from the specific social classes (Arato and Breines, 1979). All cultural production occurs within a capitalist division of labour and must be seen as involving a process of 'objectification' that separates the products from their creative human producers. The cultural sphere then comes to appear as if it were an objective and impersonal sphere of intellectual forms detached from any subjective human meaning. The task of cultural analysis is to show that cultural products can be understood only if they are related back to the meanings and interests of their producers, understood as class members.

Adorno and Horkheimer (1944) explained in their work "Dialectic of Enlightenment" that promising human liberation through rational knowledge, it had in fact produced systems and principles that undermined real freedom. The enlightenment project was contradictory in its consequences, producing a social whole that combined rational technique with the distortion of human creativity and autonomy. According to them Enlightenment had begun a process of liberation from the myth and fear through its ongoing 'disenchantment' and 'demythologization'. It continually undermined the claims of religion, custom, and tradition in favour of promoting a rational instrumental knowledge of the world through the systematic accumulation of rational, scientific knowledge. It was the product of a self conscious group of intellectuals committed to rational social change and the major early achievements of this 'Enlightenment project' were the rational organizational structures of capitalism and industrialism. They argued that the contemporary society had taken this rationalization to a particularly high level, producing an increased centralization of economic and political power and a growth in state intervention in the economy.

Horkheimer and Adorno saw music as central to contemporary and historical cultures, and felt that an analysis of the state of musical production and consumption would say a great deal about wider social conditions. He saw all forms of arts, as social production that originates in particular social classes and in capitalist societies; the prevailing musical forms were bourgeois products. Adorno takes references from Schonberg and says that the musical forms of society change over time when the transformation from the capitalism to socialism

is marked. Adorno argued that in all forms of culture, the established bourgeois forms were disintegrating, and advent grade artists were exploring the possibilities which opened up for artistic expression. These progressive features in art music contrasted sharply with the cultural that they both identified in the popular music, where the rationalization of social life had especially marked consequences. These consequences they diagnosed in their exploration of what they called the “culture industry”<sup>28</sup>. The cultural sphere is one in which escape from the domination should be possible, but it is increasingly subject to the same process of rationalization as all other spheres of social life. Instead of offering an escape from rationalization as, other spheres of social life. Instead of offering an escape from rational domination, cultural activity was itself becoming an industrialized process of production that drew people ever more deeply into the rationalized system and gave them only a false idea to escape and freedom. Artistic culture was more and more difficult to sustain as an autonomous activity cultural productions were becoming available to people only in commodity form. Thus, the cultural items in the modern capitalism are not supplied to meet the spontaneous wishes of a public but on basis of what the culture industry itself wants to supply to the market. The passive masses are not active producers of the culture that they consume. The differentiation of cultural commodities is organized around a classification and labelling of consumers, with market research and advertising being geared to ensuring that the consumers do actually buy them. Rationalized market processes have ensured that the rise of the culture industry results in cultural uniformity.

Cultural commodities are shaped by a standardizing, commercial logic, rather than by purely aesthetic consideration. Films, radio, magazines and other cultural forms are homogenous, standardized and uniform in all important respects. The products of the culture industry are produced to standard formulas that reflect the need to package them and to sell them in calculable ways. Mass produced soap operas, songs, films, and so on, as items of ‘entertainment’, are embedded in a system of advertising that integrates mass cultural meanings with other commodities such as cars, cigarettes and food. One implication of this as explained by them is that the boundaries between cultural representations and everyday life break down: Real life is becoming indistinguishable from the movies. The aim of film producers, for example is to ensure that people see the world outside the cinemas as continuous with the film. It is what Baudrillard (1981) called as ‘hyperreal’. Adorno sought

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<sup>28</sup> Adorno first set out these ideas in a paper of 1938, subsequently developing it in the later part of *Dialectic of Enlightenment*.

to draw sharp distinction between the factors influencing the development of serious, art music and the popular music produced by the culture industry. Popular music, he argues is characterized by standardization and pseudo- individualization. The basic structural elements of popular music are standardized and interchangeable, but they are differentiated in minor and peripheral ways in order to enhance their market appeal. This reflects trends in the mass production of all commodities.

Marcus diagnosis contemporary conditions in the advanced capitalist societies is that the rationalization of culture has, through processes of socialization and ideological incorporation, established a conformist character type that is unable to challenge structures of domination and is indeed, unaware of the extent of its own domination. The institutionalization of the ‘performance principle’ as the specific form taken by the reality principle, leads people to adopt a cultivated and acuties orientation towards their work, emphasizing its alienated form. Indeed, they come to accept this technological domination as normal and natural. At the same time, however the performance principle enhances productivity and rational control, thus creating the pre-condition for an alternative, and non-repressive, reality principle. Recognition of this liberating potential is what gives Marcuse’s theory its critical dimension. It has the power to explain the social forms that are associated with the cultivation of false needs and the denial of instincts, and it is thereby able to show the conditions under which people can liberate themselves from the social forms by building alternatives that allow authentic expression and satisfaction of their need.

### **Weberian Analysis of Culture**

Weber in his work “Class Status and Party” explains the linkage of the three constructs. Further Sociologist Nick Stevenson analyzed that the rationalization of the “cultural citizenship”<sup>29</sup> in Weberian perspective can bring a balanced functional mechanism in the capitalist society. The idea of cultural citizenship is progressively developing in a field of overlapping concerns that seeks to locate normative values within the cultural spheres. Cultural citizenship brings an access to justice and reduces the unequal distribution of material and cultural resources. Thus in a capitalist society the quest for a common cultural citizenship can definitely reduce the gaps between bourgeoisie and the proletariat. Weber

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<sup>29</sup> Nick Stevenson in his work Cultural citizenship: Questions of consumerism, consumption and policy analyzes the Weberian notion of culture.



being value neutral theorists, culture works as a base for him to determine the basic patterns of society. Weber in his work “Protestant Ethics and Spirit of Capitalism” and “World Religions” explain how the cultural notions can determine the entire life cycle of a civilization.

As can be judged from the title, Max Weber's The Protestant Ethic and the Spirit of Capitalism shows no fear of stirring controversy. The work has been often used to justify claims made against both Catholicism and Protestantism, the one for being too ethereal the other for being too worldly, and as a result both sides have tarred the book as short-sighted or ill-conceived. Weber's actual intention was to demonstrate that: in a limited subset of Protestant sects, certain religious ideas had the unexpected, and not necessarily desired, effect of creating a particularly successful strain of capitalists. This was not to say that capitalism did not, or could not exist without Protestantism, or that Protestantism was in some way superior for having had this effect.

Weber was aware that his theme could be misunderstood, or misconstrued. In his introduction, written long after the rest of the tract, he took great pains to clarify that he was only interested in the cause and effect relationship between the seemingly unrelated religious tendencies and capitalism. The introduction also served to tie this work with a series of other works he was writing which compared religions from around the world with the goal of tracing the significance of culture on socio-economic development.

The introduction sets the stage for the work by noting the uniqueness of Western culture, thus encouraging a cross-cultural comparison to find the roots of its divergence from other cultures. Many significant developments advanced much further, much faster in the West than elsewhere, Weber lists such examples as: modern science, historical method, political science, rational harmonious music, and capitalism. To make capitalism a unique asset of the West, Weber then defines his concept of "rational capitalism" to be distinguished from other economic and capitalist-seeming, activities. Capitalism by his definition is defined by two factors: a disciplined, but free labour, work-force and the rigorous reinvestment of capital. By this definition Weber has created an entity that could hardly have existed in the past. Slave-holding societies such as Rome or Greece were unlikely to develop free-labour enterprises, as were the feudal economies of China or the European Middle Ages. The stage was thus set to

dispute the influence on the development of this particular type of economic activity by members of Reformation-era Europe.

Following the introduction, Weber divided the rest of the work into two sections. The first section consists of a definition of "The Problem" he is trying to address and a high-level view of the components of his thesis. The second section explores each of the components in detail, and traces the links that hold his argument together. Following the body of the text are the endnotes which compose a section almost equal in length to the body of the text and which contain much of the statistical and anecdotal evidence for his theme.

Weber commences the first section with a brief survey of economic differences across Europe. He notes the unequal development of resources and industry, as well as personal wealth. He then speculates on a causal link between these economic differences and the religious differences between these regions. This link was suggested to Weber by his perception that there was a relationship between the dominant religion of a region and its apparent economic strength. The next two chapters explain in broad strokes what Weber meant by the "Protestant Ethic" and the "Spirit of Capitalism". The second half of the book will develop these in greater detail, but for the moment Weber is satisfied in giving a brief tour of these two central notions for the work.

Weber defines the "Spirit of Capitalism" as "that attitude which seeks profit rationally and systematically." The ideal of this rationality is expressed by Benjamin Franklin in his autobiography from which Weber quotes at length. It is, moreover, a way of life that glorifies not the possessing of money, but the use of money to earn money. And, herein lies the contradiction. Though this way of life would appear to exalt an avaricious desire for money, it is interested in money only as a means toward further earning power. Money was not to be hoarded, or lavished, but used in an untiring pursuit of the rewards of investment.

The practitioners of this way of life were not the landed aristocracy or rich inheritors, but a seemingly need breed of parvenus who lived and excelled outside of the traditional moneyed branches of society. In fact, Weber felt that the most important opponent of this new spirit was the force of traditionalism. The established ways of behaviour for boss and employee alike was contrary to this new way of life. Entrepreneurs faced repeated difficulties in convincing employees to change from tradition-bound behaviour. The employees' desire to

work just enough hours to make ends meet stood obstinate ground against capitalist incentive programs.

Weber admits that capitalism had existed within the traditional economic system. In this chapter he reasserts his goal of tracing the development of this new way of life that was so well adapted for success in a capitalist world. He also admits that contemporary capitalism had moved away from religion and was often condemned by religious leaders. He notes this not as a contradiction of his thesis linking religion and economics, but as an indication that once established, this way of life continued to exist on its own due to its advantages in an increasingly capitalist society.

In defining the "Protestant Ethic", Weber touches briefly on a theme that he would develop in much greater detail in the second half of the book, that the Protestant notion of a "calling" and its effects on the social values of its adherents. Weber believed that the "calling", a divinely-inspired guiding purpose on Earth led to an elevation of the status of terrestrial life.

Catholic doctrine had held that life on Earth was insignificant in comparison to the afterlife. Their emphasis on preparing for the next life led to an accentuation on spiritual conduct at the cost of material conduct. Luther, however, placed the emphasis for salvation on faith, and not good works. For him, good works were the result of good people. Calvin developed this idea to a much greater extent. For him and followers, works were a sign of salvation. Therefore, material success would be an indication from God of one's spiritual status. This was obviously an encouragement to seek material success. This idea was confronted also with Calvin's ideas of social and economic restraint. The production of wealth was good, but the ostentatious display of wealth was bad.

Weber finishes the first half of the book by reasserting his thesis, that these two trends, the new way of life he defined as the "Spirit of Capitalism" and the way of life encouraged by Calvinism, were one in the same.

The second half of the book starts with an exploration of the descendants of Calvinist teaching. In turn, Calvinism, Pietism, Methodism and the Baptists sects, are studied for the existence of the prime ingredients of "Worldly Asceticism". Weber found that Pietism and Methodism, though they had inherited much of their doctrine from Calvin, were no longer

pure enough, or severe enough, in their teachings to have created the desired effects. These movements, contaminated by Lutheranism, no longer glorified the correct ascetic behaviour that defined the "Protestant Ethic". Calvinism, especially in its dominant strain of Presbyterianism, and the Baptist sects on the other hand fit well into the model that Weber had in mind.

These two strains of Calvinism were dominated by predestination beliefs that in turn glorified the idea of a "calling" which would allow the elect, those destined for heaven to know that they had been chosen. This calling would inspire and guide the believer in material activities much as a Catholic monk could be led to spiritual activities by another brand of "calling".

The final step for Weber in proving his thesis was to draw the links between the religiously inspired behaviour of the Calvinist and Baptist faithful and their real world economic behaviour. Unfortunately, this is the weakest part of his work. The evidence he uses here is largely the same sort of anecdotal evidence that he had used to define the "Spirit of Capitalism" in the first half of the book. The rise of shopkeepers as a social class in the Puritan-influenced north of the United States is contrasted with the landed aristocracy of the Anglican/Methodist South.

For the majority of the chapter, Weber repeats his previously stated arguments on why the connection between the two types of behaviour is obvious. Both groups have a desire to earn money, but a reluctance to spend it, therefore they must be related. Weber fails to present any sort of statistical information to back his assertion. And, if even the reader is tempted to believe that a worldly ascetic would make a good capitalist, there is virtually no evidence that would show that good capitalists had to have any sort of religious motivation to learn good habits.

Overall, though the support of his conclusion is weak, Weber has offered tempting possibilities to other historians. Thus he succeeds to prove how the capitalism base is contingent upon the culture and how religious beliefs are also dependent on specific cultures.

### **Society, Collective Consciousness and Culture: A Durkheimian' Perspective**

Regarding the society itself, like *social institutions* in general, Durkheim saw it as a set of social facts. Even more than "what society is", Durkheim was interested in answering

"how is a society created" and "what holds a society together". In his *Division of Labor in Society*, Durkheim attempted to answer the question of what holds the society together. He assumes that humans are inherently egoistic, but norms, beliefs and values (collective consciousness) form the moral basis of the society, resulting in social integration. Collective consciousness is of key importance to the society, its requisite function without which the society cannot survive. Collective consciousness produces the society and holds it together, and at the same time individuals produce collective consciousness through their interactions. Through collective consciousness human beings become aware of one another as social beings, not just animals. Durkheim explains "*The totality of beliefs and sentiments common to the average members of a society forms a determinate system with a life of its own. It can be termed the collective or common consciousness.*"

—Emile Durkheim<sup>30</sup>

In particular, the emotional part of the collective consciousness overrides our egoism: as we are emotionally bound to culture, we act socially because we recognize it is the responsible, moral way to act. A key to forming society is social interaction, and Durkheim believes that human beings, when in a group, will inevitably act in such a way that a society is formed.

In this argument, Durkheim acknowledges the importance of another key social fact – the culture. Groups, when interacting, create their own culture and attach powerful emotions to it. He was one of the first scholars to consider the question of culture so intensely. Durkheim was interested in cultural diversity, and how the existence of diversity nonetheless fails to destroy a society. To that, Durkheim answered that any apparent cultural diversity is overridden by a larger, common, and more generalized cultural system, and the law.

In a socio-evolutionary approach, Durkheim described the evolution of societies from mechanical solidarity to organic solidarity (one rising from mutual need). As the societies become more complex, evolving from mechanical to organic solidarity, the division of labor is counteracting and replacing collective consciousness. In the simpler societies, people are connected to others due to personal ties and traditions; in the larger, modern society they are connected due to increased reliance on others with regard to them performing their specialized tasks needed for the modern, highly complex society to survive. In

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<sup>30</sup> Allan and Allan in their work "Explorations in Classical Thinkers and Sociological analysis" explained the notion of collective consciousness.

mechanical solidarity, people are self-sufficient, there is little integration and thus there is the need for use of force and repression to keep society together. Also, in such societies, people have much fewer options in life. In organic solidarity, people are much more integrated and interdependent and specialisation and cooperation is extensive. Progress from mechanical to organic solidarity is based first on population growth and increasing population density, second on increasing "moral density" (development of more complex social interactions) and thirdly, on the increasing specialisation in workplace. One of the ways mechanical and organic societies differ is the function of law: in mechanical society the law is focused on its punitive aspect, and aims to reinforce the cohesion of the community, often by making the punishment public and extreme; whereas in the organic society the law focuses on repairing the damage done and is more focused on individuals than the community.

One of the main features of the modern, organic society is the importance, sacredness even, given to the concept - social fact - of the individual. The individual, rather than the collective, becomes the focus of rights and responsibilities, the centre of public and private rituals holding the society together - a function once performed by the religion. To stress the importance of this concept, Durkheim talked of the "cult of the individual":

*"Thus very far from there being the antagonism between the individual and society which is often claimed, moral individualism, the cult of the individual, is in fact the product of the society itself. It is the society that instituted it and made of man the god whose servant it is."*  
—Émile Durkheim<sup>31</sup>

Durkheim saw the population density and growth as key factors in the evolution of the societies and advent of modernity. As the number of people in a given area increase, so does the number of interactions and the society becomes more complex. Growing competition between the more numerous people also leads to further division of labor. In time, the importance of the state, the law and the individual increases, while that of the religion and moral solidarity decreases.

In another example of evolution of culture, Durkheim pointed to fashion, although in this case he noted a more cyclical phenomenon. According to Durkheim, fashion serves to differentiate between lower classes and upper classes, but because lower classes want to look like the upper classes, they will eventually adapt the upper class fashion, depreciating it, and

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<sup>31</sup> Emile Durkheim in *Sociology and Philosophy* explains the crux of antagonism between individual and society.

forcing the upper class to adopt a new fashion. Hence culture gets rejuvenated and redefined in this manner in the society. And it gets transmitted through individuals in the society.

### **Foucaultian Perspective on Culture**

“My objective has been to create a history of the different modes by which, in our culture, human beings are made subjects”

(Foucault, 1983: 208)

Michel Foucault’s work covered a wide range of topics and has been influential across a variety of disciplines, out of which cultural studies is one among them. He has raised an awareness that disciplines, institutions and social practices operate according to the logics that are at variance with the humanist vision that are assumed to be culturally embedded. In other words, the overt meanings given to activities do not correspond to their overall consequences. (1999; 2000). One example to such disjunction between the humanist vision and the cultural practices and its effects on the direction of modernity derives from Foucault’s (1977) analysis of ‘utilitarianism’. He explains that the cultural ideas determine the boundaries of the utility. Thus, these cultural notions break the rigidities and make the utilities flexible and adaptable.

In *The Archaeology of Knowledge* (1972) Foucault explains the concept of ‘genealogy’, in which the knowledge or the power manifests itself in the ‘history of the present’. Foucault explains that if one was to characterize it in terms then, where archaeology would be the appropriate methodology of the analysis of local discursiveness, on the other, ‘genealogy’ would be the tactics whereby, on the basis of the description of these local discursivities, the subject knowledge’s which were thus released would be brought into play. Foucault is claiming that archaeology is a systematic method of investigating official’s statements. (McNay, 1994). Genealogy is a way of putting archaeology to practical effect, a way of linking it to cultural concerns:

*“A genealogy of values, morality, asceticism and knowledge will never confuse itself with a question for their origins; will never neglect as inaccessible the vicissitudes of history. On the contrary, it will cultivate the details and accidents that accompany every beginning; it will be scrupulously attentive to their petty malice; it will await their emergence, once unmasked, as the face of the other. Wherever it is made to go, it will not be reticent- in ‘excavating the*

*depths', in allowing time for these elements to escape from a labyrinth where no truth had ever detained them. The genealogist needs history to dispel the chimeras of the origin, somewhat in the manner of the pious philosopher who needs a doctor to exercise the shadow of his soul."*

(Foucault, 1984: 80)

### **Bernard S. Cohn's Perspective**

Even though the classical and contemporary thinkers pronounced their views on culture but still culture being a dynamic construct took several forms through social change, which is further discussed at length. Bernard S Cohn in his work "An Anthropologist among Historians"<sup>32</sup> explains that in the initial phases of the independence the record maintenance was mainly because of three purposes i.e. first it was required by the East India Company people for maintaining voluminous record about Indian society. Secondly at the Universities the data and the surveys were essentially required to use in libraries and thirdly to teach students in the classroom and make them aware about the Indian society and culture.

Bernard Cohn explains that the field of Anthropology, in its content, approach and theory has changed rapidly over the last thirty years. A considerable length of dynamism has crept into the discipline. An anthropologist may study intrinsically insignificant things. Spending a year, studying seven hundred untouchables in one north Indian village of their own sake is also a part of the study. But the attempt to place one's knowledge of these people into wider understanding of socio- cultural framework of a nation- state and a civilization is substantive enough for the researcher.

Further anthropologists, through their studies increasingly contribute to the running of the governmental agencies, particularly programs of overseas aid, which consciously or unconsciously reflect the results of ideas and research of the anthropologist. The cross cultural analysis of the Anthropologist brings a substantive chunk of understanding about culture. Thus the dynamics of the social cultural change is also studied for the anthropological perspective underneath.

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<sup>32</sup> This essay was first published in The South Atlantic quarterly vol. xi no.1 , Winter , 1962



## **Dynamics of Socio- Cultural Changes**

The study of social change has often been driven by the urge to give direction to it by analyzing its causes and conditions. In early years of independence in India, much hope was placed on the transformation of the society through conscious and planned effort. The country had fashioned a new constitution that has set its back on the old hierarchical order. Planners, policy makers, and educators applied themselves to the removal of poverty, illiteracy, superstition, inequality, oppression and exploitation and the creation of a new social order based on equality, justice, freedom and material prosperity. Due to all these aspects sociologists and social anthropologists have always been associated with the study of patterns of social changes.

Analysis of the social change theories indicates that there may not be any single right analysis of the social change theories. The data are so complex and the tools used are still very crude. As a result of which one has to work with several hypotheses and abstractions. In the domain of sociology and social anthropology Malinowski's functional analysis of social change can be well crafted from his research on Trobriand Islanders. His sharp influence on the anthropologists of Europe, America and Dominions are really appreciable in nature. Further, Malinowski's approach to historical analysis of social change is based on the studies undertaken in the African society i.e. in his work *The Dynamics of Cultural Change: An Enquiry into Race, Relations in Africa*. He admits that social change is a historical process. According to him the need for the historical knowledge urgent in the humanistic discipline, which study events whose histories are more complicated and more particular and which are subject to more numerous and varied laws. One can observe that individuals, and their material goods, their groupings and relationships, persists through changes, and it is the study of their interdependencies which is our field. To analyse them one must study the event over a period of time constantly. If this is neglected then one gets a distorted view. For example, in discussing African warfare Malinowski states (p- 84) 'European occupation.... has obliterated the old tribal hostilities. The fact that these old tribal hostilities are by no means obliterated but are largely denied military expression. In addition to this, hostile tribes may unite against the Europeans. Further without an historical study one cannot understand the drives which lie beneath the changes in the relationship of personalities and groups. Malinowski argues that the anthropologist is concerned not with history dead and buried, but with tradition alive and at work. Historical processes indeed help in reconstruction.

Reconstruction has two purposes. First, it gives one essential part of our understanding of the present – of why things are as they are. Second, it provides data for the analysis of social processes, both in static and in changing societies. There is no difference in essence between processes of change observed today and those observed in the past, or reconstructed if data are available.

### **Malinowski's Conception of Cultural Contact**

Malinowski in his theoretical framework of cultural reconstruction of the Modern African society explains (p-64):

*The African world of contact and change consists of three distinctive orders of cultural reality: the African, the Western and that of transition. Each of these orders is subject to a specific determinism of its own. At the same time, all three order or phases are related to or dependent on each other. The impact and initiative come from the organized forces of Western civilization. They are directed onto the passive tribal resources which respond to contact with adaptation or conflict. This process of reaction, positive or negative- the interaction between the black and white, between the Western culture and tribalism –covers the field of contact and change. Between the two boundaries of colour bar on the one side and the dead weight of tribal conservatism on the other, there lies the no-man's land of change. This is not a narrow strip but partly accomplished; adaptation is imperfect and piecemeal; conflict is open or concealed; and at times also there is fruitful co-operation or else disorganization and decay.*

Malinowski has visualized modern Africa in terms of all these three phases. He is concerned with culture,” that includes the characters of its social groups, human ideas, beliefs and customs. The whites landed in Natal place and there was a close contact between the Zulu Culture and London culture. These close proximity leads to the development of a “third cultural reality, the zone of contact and changes, subject to its own determinism. It is a “tertium quid” of contact.

Further Malinowski explains the implication of the same theoretical frame work to particular phenomena of establishing mine in Africa:

Once the new industrial venture is organized, one has to view a complicated European enterprise, essentially dependent on African labour and resources, a phenomenon which can no more be dissected into bits African and European. It cannot be understood either as a whole, or yet in any of its component parts, in terms of European or African prototypes. There is no European prototype for colour –bar legislation or practice; for recruiting on reverse; for the method of unemployment insurance by throwing back superfluous labour onto the tribal areas in times of slump .... What really takes place in an interplay of specific contact forces are- race, prejudice, political and economic imperialism , the demand for segregation , the safeguarding of a European standards of living , and the African reaction to all this.....

African labour differs from European labour legally, economically, and socially. At the same time this labour cannot be related in any way to African tribal economies. The scale of payments, criminal sanctions for contrasts, pass laws and diet problems which occur in South Africa cannot be understood in terms of the European or of the African parent cultures.

Malinowski explains certain remarkable similarities and differences between the two cultures i.e. African and European, after the emergence of the “terbium quid of contact”. These can be pointed out as in-:

1. The mine is organized for work on the same principles as a gold mine anywhere: manager, foreman, labourers etc. It is irrelevant if the unskilled labour is European, African, Malayan, or Chinese. Similarly, from some point of view it is irrelevant that Southern Africans do not become capitalist while Chinese and Indians do, though this produces important variant results.
2. The beginning of industrialization in every country has been marked by the migratory labour, since the demand for labour in towns must be drawn from the rural population. For this purpose, it is irrelevant whether the labourer is brought by the Native Corporation from an African village to the land, or by a Blackbirder from a Polynesian island to Queensland or from Russian Mir to the Don mines, or from Ireland to Bikenhead. The enclosing of land in England, like the taking of the African land, drove men to the towns. Here again local factors produce variant effects. In South Africa, the Zulu with their limited wants and sufficient land wished to move for

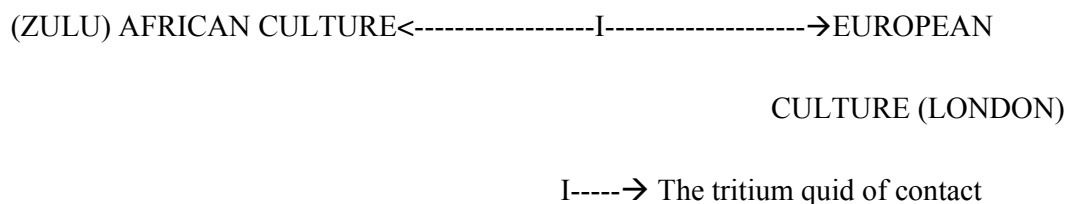
a short while only to earn money: this met the needs of gold mining. But the Zulu have become urbanized as the Irish remained in Birkenhead.

3. Conditions in Africa allow superfluous labour to be thrown back on the reserves in periods of slumps. Millions of Americans returned similarly from the towns to the rural areas. And from the view point of the capitalist enterprise, this resembles the throwing of superfluous English labour on the whole, or superfluous American labour into public works. The differences are significant, but beneath them a similar process may be seen.
4. The colour bar in Africa has its parallel in Europe in the struggle by the trade unions of skilled workers against dilution of labour. British men opposed the entry of women into industry in fear that they should lower men's standards of living; men teachers resent the employment of married women; British workers hated the undercutting Irish. One aspect of the colour bar in Africa-of course, by no means the only aspect- is that it marks the struggle of entrenched workers.
5. There is no parallel in modern Europe to laws. European workers are bound by economic necessity: so are urbanized Africans; so are African migrant labourers. But the last have a little choice between the remaining in the reserves and going to the labour centres – hence the recruiting which Malinowski cites as 'new' is not a fully effective choice, for in many reserves, even if Africans can grow their food, they cannot get money for their clothes and taxes. W.M. MacMillan has stressed the similarity between the restrictive legislation on Africans and many of the poor- laws of Elizabeth's reign. Passes and Penal sanctions tend to bind the African to a particular master, as apprentices and slaves were bound in European history.
6. A variant of migrant labour from reserves in South Africa is migrant labour of African labour tenants who are bound to work six months in a year for the farmer on whose land they live. Statute has been piled to keep these tenants bound to their farmers. All are unsuccessful, for they operate against the dominant movements from country to town. Similar legislation has also occurred in history of Europe.

This analysis makes the picture clear that by concentrating on the particular cultural reality one cannot see the comparable aspects. If one treats the mine and the tribe as part of the single field. Then one can see that within all the areas where it operates capitalist's enterprise produce similar result i.e. It has an autonomy of its own in Europe, America, Asia , Australia and Africa.

Thus, Malinowski considers that these categories of people stay within specific cultural realities; therefore they have to be studied in their specific situations and can then be compared.

Thus, culture change is selective. One cannot always predict what analogies will make in specific cases, but a few qualified generalizations can be drawn. All evidences to date seems to indicate that cultural changes on an operational level of analysis occur as they are perceived or interpreted to improve enhance, enrich or preserve social identity. Potential innovations are rejected as they evoke distasteful analogies or are threatening to social identity.



*Figure .4: Graphical Representation of the cultural intersection of African and European Culture*<sup>33</sup>

### **A.L.Kroeber’s Conception of Cultural Change**

A.L Kroeber (1948), in his work ‘Anthropology: Cultural Patterns and Processes ‘ explain that culture change can be categorized under the vital aspect of source of alteration being caused either from internal or exogenous factor. Among changes from inside, first of all alterations on the subsistence, economic, technological level such as the Neo- Lithic Revolution, the Industrial Revolution of recent centuries, the increasing urbanization of contemporary times and smaller shifts. These seem to be distinguished by what may be called a distinctive circular causality. Another large series of change can be attributed to the biological play impulses in its cultural expression. These include fashion fluctuations, and also others that are not ordinarily classed under fashion. Affective factors- restlessness, strivings, boredom, repugnance, fatigue- are often involved in this group of phenomena. In fact, the emotional association are sometime quite disproportionate to the seriousness of the actual change, so that we are skirting the field of social psychology. Finally, there are growth

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<sup>33</sup> The graphical presentation has been prepared by the researcher on herself in order to make the pictorial depiction of the cultural contact process.

changes, leading gradually to new religion, different idea systems; social construction basically altered cultural patterns.

Change from outside relate either to culture elements or traits , the spread and introduction of which is usually called diffusion; or to the spread of large pattern systems or complexes, such as the alphabet or Islam or the increasing contact of culture wholes, with attrition, penetration and adjustments of these . The last type of externally caused by cultural change can be subsumed as *acculturation*, that word being constructed as having outgrown its originally narrower meaning of assimilation. Some other patterns of changes refer to contact, dissemination, diffusion or dispersal etc.

### **Indologist's Perspective of Cultural Contact and Social Change**

The process of response of the Indian culture towards the Western culture was identified as the process of modernization. Indologist T.N.Madan explains that modernization is queried in three different forms in the field of sociology and social anthropology, the first appeared in the 1930s in opposition to the Weberian thesis of the other worldly orientation of Hinduism and its consequent lack of affinity with modern materialist modes of thought. It was the then scholars like Benoy Kumar Srakar and Bajendra Nath Seal who attempted to foreground the positivistic tendencies in Hindu thought by proposing a 'Hindu Sociology' (Sarkar 1985; Seal 1985). The second occasion was the public controversy over the policy to be adopted towards tribal communities- whether they ought to be modernized and 'mainstreamed' or protected and preserved. This debate involves not only the well –known exchanges between Verrier Elwin and G.S Ghurye but also engagements with contemporary (1920-1940) notions of 'progress' by scholars like D.P Mukharjee and D. N. Majumdar. The third recurrence of this question is, of course, in the post independence context of development- an ideology that has dominated world history for several decades.

While these three episodes offer a useful entry point into the history of scholarly engagement with modernity, they are not as helpful in ordering the literature on modernization because of their hegemonic sways of development. Given a strong and enduring traditional system, the modernization question seems to allow for only three elementary outcomes. First, tradition prevails over modernity, absorbing or obstructing it successfully. Secondly, modernity triumphs over tradition, undermining and eventually supplanting it. Thirdly, tradition and modernity co-exist in some fashion which provides scope both for modernity and tradition.

## **Social –Anthropology Perspective**

M.N Srinivas is among the first to have extensively written on the question of social change. He discusses the same in an extensive manner in his work ‘Social Change in Modern India.’ For Srinivas change assumes two major forms: first, the various forms of mobility within the caste system (captured by concepts of sanskritization and dominant caste) and second the wide ranging processes of westernization.

Sanskritization (Srinivas 1971a:1), by which a low Hindu caste, or tribal or other group, changes its customs, rituals and ideology, and way of life in the direction of a high, and frequently, ‘twice born’ caste with a view of claiming a higher position in the caste hierarchy. Such claims for two or more generations, leads to upward mobility of the group.

The concept of dominant caste on the other hand, is an attempt to capture the change in the status of some relatively high touchable (sudra) castes as a result of their numerical strength, predominant position in the agricultural economy and over the time accumulation of western criteria such as education and government jobs. In other words, this concept points to raise in the secular status, political power and economic power of some caste groups, which have benefited from the social changes introduced since independence. (Srinivas 1994-115, 4-13).

Westernization refers to the changes introduced into the Indian society during British rule and which continue in some cases with added momentum in independent India (Srinivas 1971a:1). Despite being a relatively recent influence, westernization is recognized as ‘an inclusive’, complex and many layered concept ranging from Western technology at one end to the experimental method of modern science and modern historiography at the other, and its different aspects sometimes combine to strengthen a particular process, sometimes work at cross purposes and are occasionally mutually discreet. Though the upper castes have been particularly active in mediating it, all castes are affected by Westernization, which bring about and ‘radical and lasting changes in Indian society and culture’ based on a very wide range of causal factors, including ‘new technology, institutions, knowledge, beliefs and values. The change it effects can often be counter-intuitive, as indicated by the fact that it has given birth not only to nationalism but also to revivalism, communalism, casteism, heightened linguistic consciousness and regionalism, or that it is linked to sanskritization in a complex and intricate interrelation.

Srinivas early work on Coorg attracted considerable attention because it was the first social anthropological study of a complex society with 'high' cultural tradition. His notion of *sanskritization* and his innovative spatial hierarchy of local, regional, and all India' Hinduism seemed to offer novel ways of theorizing the relationship between 'little tradition' and 'great tradition' position by the scholar of the University of Chicago, Robert Redfield, and this is how his associate Milton Singer came to study India in the early 1950s. Singer was preceded by another Chicago anthropologist, McKim Marriott who, having been posted in Delhi during the Second World War, decided to build on this experience by carrying out field work in rural north India.

Singer's main work on modernization (Singer 1972) is based on innovative fieldwork- done in three stints in 1954-5 to 1964, in middle and upper class urban settings in South India, mainly Madras(Chennai) and helps complement rural based perception on social change. He focuses on the specific strategies used by urban Indians to manage the simultaneous presence of tradition and modernity in their everyday lives. Thus compartmentalization refers to the strict spatial and temporal segregation of traditional and modern contexts, rituals neutralization is a prophylactic gesture to contain the threat of pollution or other forms of transgression of traditional values in modern contexts such as the workplace; and vicarious *ritualization* refers to a division of labour in which householders unable to perform religious rituals get their wives or professional priests to perform rituals on their behalf. The main contribution of Marriot relevant here are two concepts namely *parochialization* and *universalization* developed from fieldwork in a north Indian village. The latter is a process whereby elements of the 'little tradition circulate upward to enter the great tradition and thus acquire a more universal status, while the former refers to the opposite process of elements from 'the great' tradition becoming confined to particular 'local little' tradition (Marriott 1995).

The core of the social- anthropological work on the theme of modernization consists of the Srinivas- Chicago body of work and its many critics, elaborators, and interlocutors. Sanskritization in particular has generated a large literature and is the most prominent concept from the Indian literature to have made an impact on the larger discipline. Numerous studies have appreciated, extended or criticized the concept, mooted the notions of re-or-de-Sanskritization, or examined its regional spread. Similarly , the notion of ' great' and 'little' traditions have also elicited further transformations on the basic model , the most important



being the presence of multiple traditions rather than just two ,whose significance and modes of inter articulation are context dependent(Singh 1973).

### **Defining Globalization**

Globalization can be defined as “the rapidly developing and ever- densening network of interconnections and interdependencies that characterizes modern life. (Tomlinson 1999:2). In a very real sense, the modern world is undergoing processes of compression or ‘shrinking’ as geographical distances become less constraining of the flow of information, technology, products and people across territorial boundaries. Coupled with the increasing interconnectedness is the growing awareness and experience of the world as a ‘whole’ (Robertson 1992: 8, Waters 2001:5).

Arjun Appadurai(1999) in his work “Modernity at Large: Cultural Dimensions of Globalization” deals with globalization by identifying five cultural flows that he terms as ethnoscapescapes ,mediascapescapes, technoscapescapes, financescapescapes and ideoscapescapes. He insists that the suffix- scape allows us to point to the fluid, irregular shapes of these landscapes that characterize international capital as they do international clothing styles.

The landscapes are thus the building blocks of what he calls imagined worlds (Anderson 1983), that is the multiple worlds that are constituted by the historically situated imaginations of persons and groups spread around the globe. By ethnoscape, he means the landscape of persons who constitute the shifting world in which we live tourist, immigrants, refugees and other moving groups and individual constitute an essential feature of the world and appear to affect the politics of (and between) nations to a hitherto unprecedented degree. By technoscape, he means the global configuration, also ever fluid of technology, both high and low, both mechanical and informational, now moves at high speeds across various kinds of previously impervious boundaries. Next , financescape as the disposition of global capital is now a more mysterious , rapid and difficult landscape to follow than ever before, as currency market, national stock exchanges and commodity speculations move mega monies through national turnstiles at blinding speed , with vast , absolute implications for small differences in percentage points and unit times. Further mediascape refers to the distribution of the electronic capabilities to produce and disseminate information (newspaper, magazine, television stations etc.) which are now available to a growing number of private and public interests throughout the world, and to the images of the world created by these media.

Ideosapces are also concentration of images, but they are often directly political and frequently have to do with the ideologies of states and the counter ideologies of movements explicitly oriented to capturing state power or a piece of it.

Globalization has become a major topic of discussion and concern in economic circles since the mid-1990s. It is clear that the trend toward more integrated world markets has opened a wide potential for greater growth, and presents an unparalleled opportunity for developing countries to raise their living standards. At the same time, however, the Mexican crisis has focussed attention on the downside risks of this trend, and concerns have arisen about the risks of marginalization of countries. All of this has given rise to a sense of misgiving, particularly the developed countries.

So what is "globalization"? What are its implications for the conduct of economic policy, particularly in Africa? What are its potential benefits and risks? What will developing countries have to do to benefit from it, to avoid its downside risks? Is there any good reason to fear globalization? To answer these and other questions, it would be useful first to explain what globalization is, and what it is not, what has caused it, and what effects it has had. Situating the discussion in this context will make it easier to identify the benefits and the true risks of the trend to global integration and, in turn, to determine the correct policy response.

### **Globalization: The Essence**

In most basic terms, the globalization of the world economy is the integration of economies throughout the world through trade, financial flows, the exchange of technology and information, and the movement of people. The extent of the trend toward integration is clearly reflected in the rising importance of world trade and capital flows in the world economy. An increasingly large share of world GDP is generated in activities linked directly or indirectly to international trade. And there has been a phenomenal growth in cross-border financial flows, particularly in the form of private equity and portfolio investment, compared with the past. In addition, the revolution in communication and transportation technology and the much improved availability of information have allowed individuals and firms to base their economic choices more on the quality of the economic environment in different countries. As a result, economic success in today's world is less a question of relative resource endowments or geographical location than it used to be in the past. Now, it is more a question of the market perception of the orientation and predictability of economic policy.

Globalization is first and foremost a result of the expansion, diversification and deepening of trade and financial links between countries, especially over the last ten years. This reflects above all the success of multilateral tariff reduction and trade liberalization efforts. The Fund has played a key role in encouraging current account convertibility as a basis for the expansion of world trade, and more than two-thirds of the Fund's member countries have committed themselves to this principle by accepting the obligations of Article VIII. Also, economic thought itself has evolved over time, toward the general acceptance of the fact that outward-oriented and open economies are more successful than closed, inward-looking ones. Consequently, more than at any time previously, individual countries in all parts of the world are liberalizing their exchange and trade regimes in the conviction that this is indeed the best approach for growth and development. Moreover, there is a deeper commitment of national authorities throughout the world to sound macroeconomic policies, and to creating a more stable environment for investment and the expansion of economic activity. Finally, with the increasing liberalization of financial markets, and their growing sophistication, capital markets have become integrated, and capital flows are now largely driven primarily by considerations of risk and return.

The benefits of these developments are easily recognizable--increasing trade has given consumers and producers a wider choice of low-cost goods, often incorporating more advanced technologies, and facilitated a more efficient use of global resources. Greater access to world markets has allowed countries to exploit their comparative advantages more intensively, while opening their economies to the benefits of increased international competition. The rapid increase in capital and private investment flows has raised the resources available to countries able to attract them, and accelerated the pace of their development beyond what they could otherwise have achieved.

Moreover, greater openness and participation in competitive international trade have increased employment, primarily of skilled labor, in tradable goods sectors. With the expansion of these sectors, unskilled labor has found increased employment opportunities in the non tradable sectors, such as construction and transportation. The expansion of merchandise trade may also have lessened migration pressures. On the other hand, the movement of labor across national boundaries has in many cases lessened production bottlenecks, raising the supply response of recipient economies, and increasing income in the supplying countries through worker remittances. Openness to foreign expertise and

management techniques has also greatly improved production efficiency in many developing countries.

But there are also risks to globalization. The ability of investment capital to seek out the most efficient markets, and for producers and consumers to access the most competitive source, exposes and intensifies existing structural weaknesses in individual economies. Also, with the speedy flow of information, the margin of manoeuvre for domestic policy is much reduced, and policy mistakes are quickly punished. Indeed, increased capital mobility carries the risk of destabilizing flows and heightened exchange rate volatility, in cases where domestic macroeconomic policies are inappropriate. And finally, it is clear that countries that fail to participate in this trend toward integration run the risk of being left behind.

### **Who Gains and Who Loses**

It is important to recognize that globalization is not a zero-sum game--it is not necessary for some countries to lose in order that others may gain. But to take advantage of this trend, countries will have to position themselves properly through the right policies. Clearly, those economies that open themselves to trade and capital flows on a free and fair basis and are able to attract international capital will benefit the most from globalization. Open and integrated markets place a premium on good macroeconomic policies, and on the ability to respond quickly and appropriately to changes in the international environment.

Success in open markets, and in attracting new investment and advanced technology, also means that the structure of economies is changing more rapidly than ever before. As with any structural change, there will be some segments of society that are at a disadvantage in the short term, even while other segments, and the economy as a whole, are benefiting. This does not mean, however, that countries should seek to isolate themselves from globalization. Rather, governments must fully embrace globalization in awareness of its potential risks, and seek to provide adequate protection for the vulnerable segments of society during the process of change.

While globalization raises the rewards of good policy, it also accentuates the costs of poor policy. Credibility of economic policy, once lost, has become more difficult to regain. What is now critical is the perception of markets that economic policy formulation and

implementation is consistent and predictable. This underscores the importance of flexible and well-informed policy-making, of solid, well-governed institutions, and of transparency in governance. Countries with a poor or inconsistent policy record will inevitably find themselves passed by, both from expanding trade and from private capital flows for development. These are the countries that run the risk of marginalization.

### **Policy Issues**

The question of what policies are needed to benefit from globalization has preoccupied economic thinking in recent years. In fact, this topic is a central theme of the most recent edition of the IMF's World Economic Outlook. We studied those economies that have made the most economic progress in recent years, and have profited the most from recent trends. We found that success is closely linked to an appropriate combination of policies with three main objectives: (i) achieving and preserving macroeconomic stability; (ii) promoting openness to trade and capital flows; (iii) and limiting government intervention to areas of genuine market failure and to the provision of the necessary social and economic infrastructure.

More importantly, no one set of policies is a sufficient condition for success--indeed, experience shows that poor policies in one area can obstruct progress, even if policies in other areas are good. The three objectives of policies complement and reinforce each other:

- macroeconomic stability, embodied in low inflation, appropriate real exchange rates and a prudent fiscal stance, is essential for expanding domestic activity, and is a precondition for benefiting from and sustaining private capital flows
- Openness, in the resolute pursuit of policies to rationalize and liberalize the exchange and trade regimes, is vital in international competition. This forces the economy to fully exploit its comparative advantage through trade
- Finally, the primary role of the government should be the creation of an enabling environment that encourages foreign and domestic investment, and of a solid infrastructure to support an expanding economy. The government must also implement policies that eliminate the structural weaknesses that would be exposed by the heightened international competition. Not surprisingly, these elements are

generally central to the policy dialogue between the International Monetary Fund and its members.

### **African Globalization<sup>34</sup>**

Globalization will continue to reinforce the interdependencies between different countries and regions. It can also deepen the partnership between the advanced countries and the rest of the world. And to support this partnership in a mutually beneficial way, the advanced countries could help to further open their markets to the products and services in which the developing world has a comparative advantage. In addition, the reform efforts of the African countries will need to continue to be supported by adequate financing on concessional terms. In this regard, it is pleased to note that the fund has put the ESAF, our concessional lending facility, on a permanent footing, so that it can continue to support reform efforts of the poorer countries, especially in Africa. Moreover, the fund and the World Bank have recently begun implementing the framework for action to resolve the external debt problems of heavily indebted low-income countries (HIPC), including their large multilateral debt. Three African countries--Burkina Faso, Côte d'Ivoire and Uganda--are among the first countries to be considered under the initiative.

The challenge facing the developing world, and African countries in particular, is to design public policies so as to maximize the potential benefits from globalization, and to minimize the downside risks of destabilization and/or marginalization. None of these policies is new, and most African countries have been implementing them for some time. In particular, sub-Saharan Africa has made substantial progress toward macroeconomic stability:

- There has been continued improvement in overall growth performance. Average real growth has increased from less than 1 percent in 1992 to over 5.15 percent in 1996, and this positive trend is expected to continue
- There has been some success in bringing down inflation--many countries have already achieved single digit inflation rates, and for the region as a whole, average inflation is expected to fall from the peak of 60 percent in 1994 to 17 percent in 1997

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<sup>34</sup> Address by Allassane D. Ouattarra at the South African Economic Summit.

- Countries have also reduced their internal and external imbalances. The external current account deficit has fallen from an average of 15 1/2 percent of GDP in 1992 to about 9 percent projected for this year, while the overall fiscal deficit has been cut from almost 12 percent of GDP to 6 percent over the same period.

African governments have also made considerable strides in opening their economies to world trade. A good indicator of this is the fact that 31 Sub-Saharan African countries have accepted the obligations of Article VIII of the Fund's Articles of Agreement, almost all of them since 1993. Most countries have moved ahead with trade and exchange liberalization, eliminating multiple exchange rates and nontariff barriers, and also lowering the degree of tariff protection. A recent qualitative study by the African Department of the Fund indicates that the number of countries in Sub-Saharan Africa with a "restrictive" exchange regime declined from 26 in 1990 to only 2 in 1995, while the number of countries with a "substantially liberal" trade regime rose from 26 to 38 over the same period.

Finally, the restructuring of many African economies is gaining momentum. Throughout the continent, government intervention in economic activity is on the wane. Administrative price controls are being reduced and agricultural marketing has been widely liberalized. The process of restructuring and privatizing state enterprises has been underway for some time in most countries, though with varying speed and degrees of success. And finally, fiscal reform is gaining ground African countries are taking firm steps to rationalize their tax systems, to reduce exemptions, and to enhance administrative efficiency. At the same time, they are also reorienting expenditures away from wasteful outlays towards improved public investment and spending on key social services, particularly health and basic education.

But, as pointed out earlier, it is essential to achieve the right combination of policies. While Africa is clearly on the right track, there is still some way to go. It is seen five main areas where African countries need to achieve greater progress in order to speed up their participation in globalization:

- **Maintaining macroeconomic stability and accelerating structural reform** as the continent enters the "second phase of adjustment", the emphasis must be to maintain economic stability and to reinforce the implementation of structural policies that will make the economies more flexible, encourage diversification, and reduce

their vulnerability to exogenous shocks. These include further reforms in the areas of public enterprise activity, the labour markets, and the trade regime. Governments must also ensure that public services--including transportation networks, electricity, water, and telecommunications, but also health services and education--are provided in a reliable and cost-efficient fashion.

- **Economic Security**

Establishing the right framework for economic activity addresses the second requirement of policy--removing the sense of uncertainty that still plays economic decision-making in most of Africa. The direction and orientation of future policy must be beyond question. This requires the creation of a strong national capacity for policy formulation, implementation and monitoring. Moreover, the transparency, predictability and impartiality of the regulatory and legal systems must be guaranteed. This goes well beyond the respect of private property rights and the enforcement of commercial contracts. It also involves the elimination of arbitrariness, special privileges, and ad-hoc exemptions, even where these are intended to encourage investment.

- **Reforms**

As the Interim Committee observed during its April meetings in Washington, an open and liberal system of capital movements is beneficial to the world economy. However, rising capital flows place additional burdens on banking regulation and supervision, and require more flexible financial structures. This aspect of globalization thus confronts developing countries with a new challenge--to accelerate the development and liberalization of their financial markets, and to enhance the ability of their financial institutions to respond to the changing international environment. Much remains to be done to reform and strengthen Africa's financial systems, many of which are weak and poorly managed.

- **Governance**

National authorities should spare no efforts to tackle corruption and inefficiency, and to enhance accountability in government. This means reducing the scope of distortionary rent-seeking activities; eliminating wasteful or unproductive uses of public funds; and



providing the necessary domestic security. Many African countries will also have to undertake a comprehensive reform of the civil service, aimed at reducing its size while enhancing its efficiency. In short, governments must create confidence in their role as a valued and trusted partner of private economic agents.

- **Society**

Finally, African governments will need to actively encourage the participation of civil society in the debate on economic policy, and to seek the broad support of the population for the adjustment efforts. To this end, governments will need to pursue a more active information policy, explaining the objectives of policies and soliciting the input of those whom the policies are intended to benefit.

### **Regionalizing-globalization**

With closer economic integration, each country has an interest in ensuring that appropriate policies are followed in its partner countries. This could be achieved by coordinating the relevant national policies within a regional context. Throughout the continent, African governments are coming together to coordinate components of their policies, and virtually all countries are now members of regional organizations. Efficient regional cooperation allows the economies of Africa to overcome the disadvantages of their relatively small size and, by opening access to larger markets, to realize economies of scale. The obligations of membership in some of these organizations also make it easier for each individual country to achieve further progress in regulatory and judicial reform (as is the case in the CFA franc zone); to rationalize payments facilities and to relax restrictions on capital transactions and investment flows (as in the Cross-Border Initiative); and to develop the mutual economic infrastructure (as in the SADC). Enhancing the trade links among themselves naturally also strengthens their ability to participate in trade on a global scale, and could lead toward further progress in the direction of non discriminatory multilateral trade liberalization.

The challenge for the future will be to ensure that these regional organizations are perceived as effective vehicles for the integration of African countries into the world economy, providing mutual support to their members in their reform efforts. They should not be considered as defensive mechanisms, intended to ward off the "negative" aspects of globalization. Common regional objectives should be set in terms of international best practices. And the regional organizations should seek to push through reforms in the areas of the legal and regulatory frameworks, financial sector restructuring, labor and investment code

reform, and exchange and trade liberalization that seek to reach international standards as quickly as possible. The pace of progress should be what is feasible, not what is comfortable for the slowest member.

### **When, What, Where, Why and How of Globalization**

While most globalization theorists would agree that increasing connectivity and interdependency –a growing compression of the world – are essential features of the globalization process, disagreement remains over determining some of its fundamental aspects. In particular theorists competing views concerning the beginning of the process of globalization, what factors are primarily responsible for shaping its development and where the process ultimately is leading etc are emphasized.

Concerning the issue about, when the globalization process began, theorists generally ascribe to one of three competing views. The first view argues that globalizing forces have been evolving since the beginning of human history; thus globalization has been occurring for well over 5, 000 years. A second view, whose adherents include Immanuel Wallerstein, contends that globalization began with the rise of the modern era and the development of capitalism. From this perspective, globalization was born some 500 years ago as European nations raced to establish colonies and international network of economic trade relations. The third view argues that globalization is in its infancy, having begun in the second half of the twentieth century. Globalization here is associated with the development of the post industrial economies and the contemporary restructuring of capitalism. Despite of different historical dimensions that scholars assign to globalization, most agree that the pace of the process increased markedly in the last decades of the past century. The world we are residing is shrinking fast. National economies are becoming increasingly integrated through expanding trade relationships, the spread of transnational corporations, and organizations such as International Monetary fund. Transnational political institutions from world courts, the European Union, the South American community of Nations, and the United Nations are furthering international, if not global form of governance. A global culture consisting of common practices, ideas and images now flows across national boundaries as more people, products and information move to more places. Those nations have increasingly become subject to push and pull of foreign economic, political and cultural interests.

There are two broad positions into which scholars fall on this question, depending upon on whether they view globalization as producing an increasingly homogenous or heterogeneous world. These two broad positions can be further divided into weak and strong versions. For those who view globalization as a homogenizing force, technological advances in communication and transportation are seen as leading to the creation of a unified interconnectedness ‘ world system’ where the world’s population becomes integrated into a common culture.

<b>Versions</b>	<b>Homogeneity</b>	<b>Heterogeneity</b>
<b>Weak version</b>	Glocalism World Democracy Universalism via fusion	Global pluralism Particular global Mc Arabia
<b>Strong version</b>	Western cultural imperialism Mc Donaldization Coca-colonization Universalism via conquest	Ethnic and religious conflicts Rising fundamentalism Polarization of cultural identities Clash of civilization

Table 1: where is globalization leading? Four views of the consequences of globalization.

(Source- *Scott Appleroth: 1965. 792*)

Yet, to the extent that globalization is tied to the expansion of Western capitalism and culture, this raises the issue of specifying what the west is actually exporting around the globe. For some observers, westernization primarily implies a sense of universalism in which people around the world come to embrace a common culture ground rooted in the Western ideals of democracy, human rights and individual freedom. This could be termed a weak form of homogenization in which what is shared is a common appreciation and respect for differences

(Tomlinson 1999:69). This openness to difference can in turn lead to a fusion of distinct cultures and practices, giving birth to such things as world music, world cuisine, or world cinema. In essence, a universal trend toward 'glocalism' is created, where the local meets the global producing an ever expanding mixture of cultural practices, meaning, tastes and personal identities. The crucial point to this notion of homogenization is the sense that globalization is not based on the systematic exploitation or domination of one region of the world by another, but rather on a developing, more humane and tolerant world-as- a whole.

The strong form of the homogenization thesis, however, contends that globalized does indeed involve the destruction of indigenous or national cultures as the West continues its expansion through both economic and cultural imperialism. This is a homogenization or universalism bred from conquest and the perpetuation of global inequalities as corporate capitalism and the ideology of consumerism continue their invasion of national and local cultures and ways of life. Thus homogenization does not usher in a global democracy , the establishment of universal human rights, or a pastiche of cultural practices rather a " Mc World", or 'Coca-colonization' in which Western nations remodel the world in their image while siphoning off the profits that come with the increasing flows technology , goods, money and people across national borders.

A description of the strong homogenization is George Ritzer's "Mc Donaldization" of society. Ritzer defines this as the process by which the principles of the fast food restaurant are coming to dominate more and more sectors of American society as well as the rest of the world (2000:1). Drawing from Marx Weber's notion of 'iron cage' and his critique of the growing Western world , Ritzer argues that the operating procedures perfected by Mc Donald's not only have been duplicated in countless sectors of industry amusement parks and grocery stores to child care companies, health care organizations and educational institutions, they have speed into the routines of everyday life. Specifically, Ritzer notes four dimensions to Mc Donaldization- i) **Efficiency**- optimizing the method for achieving goals whether it be satisfying one's hunger or mass producing laptops, computers. ii) **Calculability**- emphasis on the quantitative aspects of goods and services, for instance how much they cost or how long it takes to receive them. As a result the importance of quality becomes secondary. Big Macs and Domino's Pizza may not taste as good as a homemade burger or pizza, but they are relatively inexpensive and you get them fast. iii) **Predictability**- the comforting promise that goods and services will be the same whenever or wherever they are produced or consumed.

iv) **Control through non human technology** – the use of machines to replace workers or at the very least to routinize their tasks while controlling the behaviour of the consumers through the techniques such as offering drive through windows and limited menu options, clearly making queues for ordering, and providing uncomfortable seats and inhospitable lighting. All are designed to encourage individuals to leave as quickly as possible in order to make room for new paying customers (2000: 12-15). In the end Mc Donaldization promotes a standardized, homogenized approach to both production and consumption. To the extent that it has adopted globally, everyday life has become the same world over.

Moreover Mike Featherstone (1995) points out , the homogenizing effects of exporting Mc Donald's means more than spreading a particular method for producing and consuming goods and services. With restaurants in more than 60 countries, Mc Donald's serves as an icon of America and American way of life. Those who dine at Mc Donald's South Africa, Thailand and India, Uruguay and around the world are eating more than just a burger; they are consuming America and images associated with its power, wealth, beauty, freedom, youth. This is true not only for Mc Donald's but also for other American products that have penetrated global markets such as Nike, Hollywood movies, Coca-Cola and pop music. In the process, indigenous types of food, clothing and music are displaced as a country's population adopts American Style.

For some final food for thought, in addition to offering the standard menu items found in their 'home' country, fast food chains often provide options tailored to the local culture. Thus in Norway, Mc Donald's features the Mc Lacks , in Philippines Mc Spaghetti, in Uruguay the Mc Huevo, in Japan a Triyaki Mc Burger, in the middle East diners can enjoy the Mc Arabia and in India it is as Chicken Mharaja Mac and Chicken Mc Curry Pan. These examples have suggested that, at the very least, it is premature to portend of a homogenous global order in which the economic, political systems and cultures of countries around the world are becoming exact duplicates of one another.

The second broad position adopted by scholars concerning where globalization is leading gives a more accurate reason to be cautious. For some, globalization is linked more to an increasing global pluralism or to the intensification of existing cultural differences. The world society is thus seen as characterized by a growing heterogeneity that highlights the distinctiveness of local cultures and ways of life. For example, proponents of this view would

see in Mc Donald's global expansion not an invasion of the Big Mac, but rather a force that has created novel products that incorporates local ingredients and tastes like Mc Lak. Thus, while the global mass-marketing of products leads to homogenization in the sense that the same goods can be found in virtually every corner of the globe, this also means that in any one place there exists the possibility for increased choice and with it, greater heterogeneity at the local level. (Waters 2001; 196) This view, emphasizing the combining of particular, local practices and ideas with those of foreign origin, represents what is called 'weak' form of homogeneity. In short, the process of globalization is seen as penetrating the regions of the world without, however, producing a uniform global culture. Regional distinction remains, albeit colored by a constant interweaving with outside cultural and economic influences.

Last, for the strong form of heterogeneity, those who adopt this position maintain that globalization is leading to an increasingly fragmented world where local communities organize to resist the homogenizing tendencies associated with the spread of global and more often than not Western influences. Far from the promoting global unity or uniformity, scholars here note that interconnectedness spawned by globalization sparks religious, ethnic and cultural conflicts as people fight to preserve their identity and particular way of life. For instance, in response to the increasing encroachment of Western culture and ideals, Asian leaders have articulated a unique model of human rights based on Confucianism to counter Western conceptions of individualism and liberty. Moreover, globalization is seen as providing fertile ground not only for the rise of Islamic fundamentalism in the Middle East but also for an intensifying ethno centricism witnessed in many countries such as Germany , where Turkish immigrants are subjected to violent attacks.

## **THE WORLD SYSTEM THEORY**

*"It was with the emergence of the modern world economy in the sixteenth century Europe that we saw the full development and economic predominance of market trade. This was the system called capitalism. Capitalism and a world economy ..... are the observer sides of the same coin"*

*Wallerstein (1979:6)*

The 'world system' theory of Immanuel Wallerstein<sup>35</sup> (2004: 62) emphasizes that it is impossible to understand the political and ideological vicissitudes of history without setting

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<sup>35</sup> Wallerstein in his work World System analysis denotes the theory of world system which brought immense response from the intelligentsia community.

these phenomenon in their economic and material context. There are three kinds of social systems: mini systems, world empires and world economies. The world economy is a large geographical zone within which there is a division of labour and hence a significant internal exchange of goods, capital and labour. A defining feature of the world economy is that it is not bounded by a unitary political structure, also a world economy contains many cultures and groups in so far as they form a geoculture.’ The modern world-system is a capitalist world economy’ the world economy paves the way for capitalism through division of labour that provides the infrastructure for endless accumulation of profit. Wallerstein asserts that globalization is an integral part for the world economy.

His extensive empirical analysis deal almost exclusively with the origin and growth of the modern capitalist world –system. The story, for him begins in Western European society in the middle of the 15<sup>th</sup> century and then the European world economy spreads to encompass the whole globe. The key argument he makes about this European world economy is that its own geographical division- core, periphery, and semi –periphery. For Wallerstein, a particular region and the nation- state within it are part of the core, semi-periphery or periphery depending upon what positions their economies have in the world –systems division of labour. Core areas dominate the system; here is where capital is concentrated. They exhibit a complex variety of economic activities, relatively high wages for workers, and the most sophisticated technologies. Peripheral areas provide cheap staples raw materials which make core economies possible. Their economies centres on a few primary products, are based on cheap labour, and use relatively simple technologies. Dependency or exploitation defines the relation between the core and the periphery. The semi- periphery is both exploiter of peripheral areas and exploited by the core. It has no unique features associated with it, but rather exhibits a combination of both core and periphery, and as the dynamics middle. Semi- peripheral areas represent the possibility of upward mobility in the world-system. Their quest for inclusion in the core makes them ideal agents to control the periphery for the core.

The development of the world –system, for Wallerstein, following a typical Marxian perspective, is not a smooth, evolutionary process.

## **World Society / World Polity theory**

The contribution of John Meyer<sup>36</sup> consists on one level in the application of rigorous quantitative methods to the Wallersteinian world- system model. It therefore, accepts many of Wallerstein's ideas, especially as regards the structure of the world economy. On the level of the theoretical understanding of globalization, however, Meyer does more than elaborate the received model: to the basic notion of the world economy and to a significant degree is functionally independent of it. Nation-states are not only conditioned by the world-economy, they also condition the operation of that economy in a way that is not reducible to economic forces. In Meyer's word, 'the world political system is linked closely to the rise and expansion of the world commodity economy, but it also operates to restructure and alter this economy, and to transform social life (1980:109). This view therefore, undermines the basic Wallersteinian model because it denies that the global social system is fundamentally a world economy of which states are supernatural reflections. The perspective of the economy is not synonymous with the perspective of the whole; it cannot explain the independent power and variation of the systems of nation- state. The differentiation of the world polity from the world- economy on the basis of distinct modes of value creation allows the state to become the locus of mobilization against the inequalities of the world capitalist system.

## **Complexity Theory**

For, Luhman<sup>37</sup>, modernization and globalization are intimately related . In this case, modern society is a consequence of a change in Western society in the type of inner-societal differentiation that dominates. His theory is more reflection of Grand theory of universalization and is more abstract in nature. To conceive the characteristics differentiation of modern society, Luhman looks at the shift from a dominance of stratified differentiation to a dominance of functional differentiation. Stratification can be a form of subsystem differentiation and not just the unequal distribution of status, wealth, power, and other forms of influences. Further dominance of the stratified differentiation does not exclude the presence and importance of functional distinction, such as an economic division of labour or specified institutions like political bureaucracies and religious orders. In his pursuit of

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<sup>36</sup> In World Society: The writings of W. J Meyer, ed. By Krucken and Drori, an explanation of the world polity theory is extended.

<sup>37</sup> Niklas Luhman is the best known American Sociologist whose theorizations of the World systems are abstract in nature.



thematizing society, Luhman applies a strategy which uses a specific functional subsystem as the part that represents the whole. Here he puts those notions that see global society as a capitalist system, thereby privileging the economy and the political system.

### **Globalization and the theory of power**

Amin<sup>38</sup> (1996:231) defines Globalization as “The establishment of a global market for goods and capital, the universal character of competing technologies, the progression towards a global system of production, the political weight that the global system carries in the competition for global or regional hegemonies, the cultural aspect of universalization etc.” Globalization does not mean the global expansion of capitalist production, but it means power relations according to which the most powerful nation on the earth, the United States of America, imposes its cultural system on other nations.

The worldwide expansion of capitalism generates polarized accumulation: developed and underdeveloped nations, where the former (the few nations) dominate and control the latter (the majority of nations) because they have more power and wealth.

Polarization is “the concurrent construction of dominant centres and dominated peripheries and their reproduction deepening in each state”, which is inherent in the process of accumulation of capital operating on a global scale” (Amin 2004: 13). “The Third World had been constructed within the framework of capitalist development as the periphery of the newly arising centres of Europe’s Atlantic seaboard” (Amin 2005:1). Amin points out; development and under-development are the two sides of global capitalist expansion. Amin (1994:63) states:

*Underdevelopment was not a backward phase of development but a modern phenomenon of worldwide capitalist expansion responsible at the same time for the development of the centers and the underdevelopment of the peripheries.*

Besides the development and underdevelopment, the law of capital accumulation on a global scale generates world inequality in income distribution. The requirement of the process of capital accumulation on a global scale is” by its inner logic had to produce a polarization of

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<sup>38</sup> Samir Amin describes that ones’ ascent and decline is largely determined by five monopolies such as monopoly of technology, access to natural resources, control over global finance, international communication and mass destruction through war.

wealth and power” ( Amin 2005: 1). Rewards for labour in the centers kept pace with productivity, but this was not the case in the periphery, because the periphery’s proletariat was disconnected from the global labour market. The peripheries were subjected to the external expansion of the bourgeois state’s a situation which led to a very intensive exploitation of peripheries’ people: exploitation by the world capital and domestic capital, and the latter uses the state power, which is mostly controlled by authoritarian regimes to suppress and eliminate opposition under the pretext of law and order. Indeed, this analysis refutes Smith’s argument that Amin ignored the national levels, and shows that the exploitative relationships and the existence of low wages pauperize the working people.

Amin divides the evolutionary process of capital accumulation into three historical stages. The first stage (1500-1800) is called mercantilism. The second stage ( 1800- 1880) is called competitive capitalism, a stage characterized by the industrial revolution and by equal exchange between the centre and periphery which was gradually integrated into the international division of labour as agricultural and mineral exporters. The third stage (1800-present) is called monopoly capitalism (or imperialism), which is the most important stage for Amin’s analysis (Barone 1982: 14), characterized by unequal exchange the exchange of products whose prices of production, in the Marxists sense, are unequal – the exchange of products whose prices of production, in the Marxist sense are unequal (Amin 1976: 187) between the centre and periphery.

Third stage of imperialism is divided by Amin into four periods : a) the expansion of 1880-1914, (b) the challenge period till 1949: the Russian revolution , the Chinese revolution, etc, (c) the post war period between 1950-1991, and (d) the fourth period between 1991 and the present. The fourth phase of globalization (1991-present) represents the most important phase of U.S imperialist domination , whose basic objectives according to Amin (1998: 8-9) are, “To destroy the conquests of the working classes , to bring the peripheral countries back to their outmoded status as providers of raw materials while limiting the opportunities of those who become relatively industrialized by imposing the status of the resources of the planet” Amin (1998: 45) describes this system of power relation as, “ Imperialism is once again on the offensive...globalization.....is....imperialism .” Also ‘imperialism does not bargain to maintain its position in some countries, nor does it retreat’ it is on the offense: the Great Powers (conspicuously the United States) continually apply raw power in all domains, whether military or economically”. (Amin 1998: 44).

Globalization has been associated with a widening inequality in income distribution (Asia Time Online 2006). In the United States of America the Gini coefficient, an indicator measuring inequality, has increased from 0.35 in 1973 to 0.45 in 2004. Twenty percent of the American population has been receiving more than 50 percent of the distributed income and the other 80 percent receives less than 50 percent. American middle class has been squeezed in that part of it has moved upward and the other part has been moved downward. Similarly, in Japan the middle class has been replaced by a small group of very rich individuals and poor. In China, the wealth gap has been widening such that very few Chinese have become about 0.45 in 2003, which is similar to the American Gini coefficient, signalling a higher inequality in income distribution. In Latin America the inequality has also been widening such that anti- Neo-liberal model political parties have won political elections such as the ones in Brazil and Venezuela for the purpose of instituting social programs that help the working people.

On a global scale, the future of humanity, Amin (2005: 11) argues, depends on some cultural battles. Today one of the major battles that will decide the future of humanity turns around the Americanization of Europe. Its objectives are to destroy the European culture and political heritage and substitute for it the one that is dominant in the United States. And the other battle is that between the North of dominant capital and the South, the 85 percent of humanity who are the victims of the imperialist project of the trade. To counter these battle, the U.S. ruling class requires a redoubling of an aggressive nationalism, which henceforth becomes the dominant ideology and recalls the Europe of 1914 rather than the Europe of today” Amin (1995: 12) rationalizes the U.S. tendency to exploit by pointing out that the United States is a product of the conquest of the West “which leads to considering all other people as ‘red skins’, who have the right to live only on condition of not hindering the United States”.

### **Export Orientation Theory**

Franks<sup>39</sup> thesis of Re-Orient: Global Economy in the Asian Age (1998) is same as Wallerstein’s modern five hundred year old world system. It can also be marked by going back five thousand years. Abu Lughod and K.N. Chaudhari (1990), both authors have shown

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<sup>39</sup> Ander Gunder Frank, a German Economist, Historian and Sociologist who supported Dependency theory had major contribution towards world system functions.

that Asia was far more important if not hegemonic, in the world economy before Europe. Turning the pages back to Braudel and Wallerstein, it can be showed that despite of their own thesis, there was only world economy and system in which Europe was not and could not have been hegemonic, as they mistakenly claimed. Thus, also contrary to their claims, this world economy system also could not have started in Europe. One of the early purposes of the “Re-Orient” thesis is to show that there was already an ongoing European say in the whole process. There are two naturally derived points: one is to show that Asia and especially China and India, South East Asia and West Asia, were more active and were more important than Europe until 1800. The second derivative point is that it is completely counterfactual and anti historical to claim that historians already knew that European built a world around themselves.

Albert Bergsen (1995) points out in his work “Let’s be Frank about World history” that the world economic system did not begin in Europe and pulls the rug out from all Eurocentric social theory. It is based on the temporal precedence and structural priority of a Europe around which the remainder of the world was allegedly built. If Europe did not have this place and function, the derived Eurocentric social theory threatens to come tumbling down around us. Marx, Weber, Olyanyi, Braudel and Wallerstein attributed a central place in their theories to Europe.

Critiques of Euro centrism have made out at the ideological level by Edward Said (1978) and Samir Amin (1989). Frank offers some basis in early modern world economic history for ‘human centric’ perspective. Similarly, Fernand Braudel (1992) remarked that “Europe invented historians and then made good use of them, to promote their own interests at home and elsewhere in the world. Indeed Europeans seem to have invented geography as well, for ‘Eurasia’ itself is a Eurocentric denomination, albeit one invited on a distant marginal peninsula of that land mass. So Europe did not pull itself up by its own economic bootstraps and certainly not thanks to any kind of European “exceptionalism” of rationality, institutions, entrepreneurship, technology, geniality, in a word- race. Instead Europe used American money to muscle in on and benefit from Asian production, market trade- in a word, to profit from the predominant position of Asia in the World Economy.

Frank tries to explain in world economic terms how the West got to the place where it stands now and what it implies and why it’s likely to lose its position. Another such focus point was

that early modern Europe was neither more important in the world economy nor more advanced in any way than other regions of the world. Not was Europe in any way central to or a core of any world embracing economy and its possible hierarchy of centres. It was China rather which was on lead. Therefore, the very search of hegemony in the early modern world economy is misplaced, because Europe was not hegemonic structurally, or functionally, or in terms of economic weight. In all these respects, the economies of Asia were far more advanced, and its Chinese Ming, Indian Mughal and even Persian and Turkish Ottoman empires carried much greater political and even military weight than Europe. This observation has relevance to the contemporary and future world development. The recent economic development of East Asia is receiving much attention around the world these days, but it generates equally much bewilderment about how to fit the observed development into the Western scheme of things. The problem is easily illustrated by considering the absurdity of reclassifying Japan as part of the West or having called Japanese “honorary whites” in South Africa during apartheid. However, China is emerging as a big dragon has been marked recently. China is making itself felt across Asia. (International Herald Tribune, 18<sup>th</sup> March 1996).

Hill Gates (1996:6) argues that it is China which has successfully resisted the pressures of Capitalism emerging from Western Europe. Thus, contemporary East Asia experience does not seem to fit very well into any received Western theoretical or ideological schemes of things. What is happening in East Asia seems to violate all sorts of Western canons of how things should be done, which is to copy how we did it in the Western way. Therefore in global economic development schemes of things, Asia and especially East Asia was already very dominant and reminded of the possible future rise to dominance of China and other parts of Asia in the World. The Chinese economic and cultural predominance of the Sung dynasty from nearly a thousand years are marked.

The Eurocentric idea consists of several strands, some of which are privileged by the social scientists like Emile Durkheim, George Simmel and Max Weber.<sup>40</sup> All of them allegedly serve to explain the European Miracle. Hodgson (1993) and Blaut (1997) call this a tunnel history derived from a tunnel vision of exceptionally intra-European causes and consequences. Further they are reluctant to other extra European contributions to modern

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<sup>40</sup> Weber tried to show that the Occident inherited a unique combination of rationality and activism (Hodgson 1993: 86)

Europe and world history. Theoder Foss (1986: 91) and Donald Lach (1965) observe that 16<sup>th</sup> century Europeans had considered Japan and China to be great hopes of the future. Edward Said has noted that the European high regard for Asia did not really change until the 19<sup>th</sup> century. But after the inception of European industrialization and colonialism, which then profoundly altered European perceptions and pronouncement, including their historiography and social sciences.

Therefore, history is about globalism and not euro centrism. The argument is that it was not Asia's alleged weakness and Europe's alleged strength in the period of early modern world history but rather the effects of Asia's strength that led to its decline after 1750. Analogously, it was Europe's previously marginal position and weakness in the world economy that permitted its ascendance after 1800. This development also took advantage of the Decline of Asia after 1750.

Summary of the entire range of arguments flow as: since the whole is more than the sum of its parts, each part is not only influenced by other part, but also by what happens in the whole world (system). There is no way one can understand and account for what happened in Europe or the Americas without taking account of what happened in Asia and Africa – and vice –versa nor what happened anywhere without identifying the influences that emanated from everywhere, that is from the structure dynamics of the whole world system itself. In precise we need a holistic analysis to explain any part of the system.

The critiques of Euro centric approach include scholars such as Wallerstein, Frank, Braudel (1979, 1992), Blaut (1993), Stephen Sanderson (1995) and Chase- Dunn and Hall (1997). Euro centrism has been challenged by Edward Said, Amin and Martin Bernal as well. According to Edward Said, in his book 'Orientalism' (1978), orientalism operates in the Western attempt to mark of the rest of the world in order to distinguish the West's own alleged exceptionalism. Bernal (1987) shows how the European invented a historical myth about their allegedly purely European roots in" democracy and slave holding, sexiest Greece. The Bernal thesis apparently supports Afro centrism. However Frank suggests that Europe will still depend on Asia in early modern times despite of the propagation of the "Euro-centric ideas". Another such critique of Euro- centric approach is Giovanni Arrighi. He emphasizes more on East Asia and China and out rightly rejects the concentration formulae. Nonetheless, Arrighi's' Long Twentieth Century' (1994) still traces the development of the

capitalist world economy and its innovation of financial institution from their alleged beginnings in the Italian city states.

According to Joseph Fletcher, the only way to evolve a world historical perspective is to acquire a horizontally integrative macro history in which simultaneous events and processes in the world economy are examined, and related on a global scale. The wide spread failure to use a holistic global perspective not only confines us to parochial view , but that these also seriously distort all regional , sectoral and indeed temporal findings into the global schemes of things.

### **Culture and World System**

Wallerstein explains the concept of market as a cultural belief and idea. This is the reason because of which it sometimes works as a constraint while choosing products from market. Even the concept of political sovereignty is a cultural idea and it is very forceful in nature. Thus it can be marked that culture is expressed through three different faces of modernity i.e. a political sphere centring on the state, an economic sphere centring on the market, and more vaguely a sort of socio-cultural sphere centring on civil society. So culture can be understood as a part of the integrated process of functioning of world system.

There lies a historicity and permanence in the word culture. Because of which people say that the economy can change, the state structure can change, but the cultural underpinnings of the society remain the same. The emergence of global culture extends the core of the system to its periphery in a less well economically, less well politically, less well socially manner. This brought in the process of assimilation and opened the scope for different religions such as Hinduism, Islam etc.

In the section Cultures of Epistemology Wallerstein explains, that the boundaries of science and social science knowledge are to be broken and amalgamated. In a focused way the epistemology to find truth through experimentation, and disapproval of hypothesis (science) needs to be combined with the method of hermeneutic insight of understanding particularistic insights to understand the generalization. Thus culture not only helps to reach to the truth and reality of the situation but also is intrinsically interwoven with the world system.

Further differentiating the analysis of culture from the cultural studies and world system perspective, Wallerstein explains, that there should not be a specific branch of cultural studies

because culture in one sense or the other is present everywhere and is reflected in the world system analysis as well. Thus, he promotes integration for the search of good knowledge rather than differentiation. He encourages the domain of culture to be amalgamated with science, philosophy, world system, political and economic arena as well. He however discusses the collapse of two knowledge i.e. sciences and humanities and paves the way of mutual integration of both cultures as the only solution to such a problem.

In the context of opinion regarding culture and Globalization, T.K Oommen<sup>41</sup> explains in his talk that existence of a global society is possible and free flow of communication is marked from one part to the other part but 'global culture' is quite difficult to comprehend. Still the concept can be framed with the integration of four processes such as homogenization, pluralisation, traditionalization and hybridization.

In case of homogenization the multiple layers of culture has to be treated as part of the one culture. On one hand where the blue jeans and the pop culture are spreading on the other the global democracy has to be spread.

In case of the process of pluralisation it can be understood that whenever in case of Indian tradition jeans is not allowed, one has to go for a traditional attire. Even in case of democracy there is no single party, its multiple party systems with different caste and religious affiliation and they form coalition government in order to maintain a rational political order of democracy. Thus it reflects pluralisation in the world culture.

In case of the traditionalization process, it is a reactive process to homogenization. In cases where there is homogenization, hegemonization is indispensable. Thus when the dominant culture tries to swallow the dominated culture, they usually go back to their tradition/roots and create an atomized system of traditionalization. Further he explains that there are two types of tradition- little tradition and great tradition. For instance the clash of Islam and Western culture is great tradition where as inside those traditions there are little traditions or sects such as in Islam there are Shi'a culture and Sunni culture. There for the clashes are inter traditions and intra traditions as well.

In case of hybridization, he explains that it is a process of adaptation to the global demand. For instance, one does not accept the entire western culture; rather there emerges a balanced

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<sup>41</sup> An interview taken by Anand Kumar and Frank Welz on "Approaching cultural change in the era of Globalization", with T.K. Oomen



blend of Indian and Western culture depending upon the convenience of the receptor. Similarly the Burger which is available in India is not the same with the pork available in the Western country so there is a localized acceptability of the culture in their own 'desi' version. Even the Mtv music channel has got its local tuning which appeals to the mass of the country. Similarly the pillars of democracy at the Panchayat level are definitely part of the larger democratic set up but they constitute out of the local members of the villages.

Thus world culture cannot be perceived in terms of a mono culture rather it is a hub of multi culture where technology plays a vital role for reinforcing the demand of the multi layered concept of culture. For instance electronic media stands as a local appellant to the viewers with the news of the world society.

### **Theorizing the Global Transition**

Theorizing the new age means grasping the nature of the novelty by developing concepts. Theory is reflexive discursive construction of reality, finding potential in the past and imagining alternative futures. Notwithstanding the current emphasis on reflexive modernization it is not peculiarly modern. The major impetus came from the Greeks, but many cultures have contributed to a collective product which spans humanity. Within the global age's transition, modernity, modernism and modernization all find a subordinate position. The theory of the global transition will redefine the human condition in the light of all time past as well as all present cultural experience. It provides a platform for the inception of the postmodernist perspective of theorizing the process of global transition from modernity to global age.

The theorization process gives emphasis to technological advancements and postmodernist imaginations. The post modern betrays their modernity in their emphasis on technology but simultaneously deny the possibility of finding a human sense in the narrative of modernity. The strongest point for the postmodern imagination is that it penetrates the narrative of periodicity. But it betrays its modernity by being unable to envisage any other alternative except chaos. The postmodern are the Red guard of modernity. By virtue of theory, an idea which spans times and places, it is possible to reject the threat of the postmodern which the modern implicitly hold out against the claims of any rival.

At the same time one has to concede to the postmodern that the greatest danger is the assimilation of the new to an older discourse, thus misrecognizing its novelty and indulging in a reassuring normalizing account. The post modernists always make aware of the danger of dissolution of being on the brink. On the other hand there is also no compulsion to select among modern, even late modern and postmodern. The recognition of the oppositions is so fundamental that one has to enter a new historical period of global age to understand the alterations.

There needs to be fulfilment of two requirements in order to grasp the alterations and theorizing the transition. First, the new age demands a phenomenological description, a severely empirical register of what is happening to frames of meaning in people's live as globality , globalism and globalization. It should take hold just as important as the negative aspects of modernity and the positive aspects of the new age, along with the task which makes most sense to register the sense they make to most. Effectively this means finding ways to record the way the experiences of people under globalized conditions operate through recognizable social forms and relate to cultural objects.

Second, it equally requires one to hold on to the trans-historical and cross-cultural potential of theory. Theory will seek to grasp the nature of the new age and try to make sense of new experience and link individual fates with historical change. Indeed as a global force it should impel change in an unprecedented rate. There would be hence ever increasing demand for new discourses on individual and collective ways of living in the global age which would be more human in nature.

### **Summary**

After portraying different perspective on globalization, a flash on the limitation of the cultural globalization has to be put. For instance, it is marking a globalization of risk because there is every probability of swallowing of the inferior culture by the dominating culture. Cultural globalization at times leads to the alteration of the global division of labour. Cultural globalization at times also creates knowledge gaps in between the cultures which cannot be converted into certainties due to the variance and dynamism of culture. There is also a limitation of expertise as no single theory and technique of consequence and adoption to the cultural globalization can be made.

Further, my input and interpretation to the entire debate is more humanitarian in nature. Global humanity<sup>42</sup> or globalization in a human touch can blend the cultures in a harmonious manner. Thematization of the human rights and institutionalization of the globalization taken together can provide instant solution to many global problems such as AIDS spread, global warming, global terrorism and many other issues. The humanitarian globalization can bring equitable cultural functioning and can reduce the gaps between developed and developing countries. Thus for achieving a healthy growth of world culture and world economy, a humanitarian globalization is indispensable.

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<sup>42</sup> Global humanity is an empathetic and affective dealing of globalization process in which nuclear globality and ecological globality etc are taken care of and where the entire globe is treated with humanly parlance.

## **INDIAN SCENARIO: DEMOCRATIC DEVELOPMENT AND GLOBALIZATION IN THE CONTEXT OF RIGHTS, ISSUES, SCHEMES AND EXCLUSION OF INDIGENOUS COMMUNITIES**

*This chapter is an attempt for a comprehensive compilation of the constitutional provisions, developmental initiatives and economic, social and cultural rights violations faced by the tribal/indigenous people in the phase of globalization. It focuses on the fundamental issues related to the tribes and the violation of their rights provided by the International Covenant of Economic, Social and Cultural Rights (ICESCR) and the Constitution of India. It also highlights the existing Government schemes for facilitating the Economic, Social and Cultural Rights.*

*The chapter is divided into two sections, viz. Section I focusing on the context of the tribal issues and Section II focusing on Economic, Social and Cultural Rights and related Institutional Responses, Policies, Schemes, and Initiatives.*

*Section I covers factual information of the tribal social group, the constitutional provisions embedded to protect their exclusion and therefore ingrain their inclusion. This historically traces their exclusion through a pre-globalisation and post-globalisation situational analysis.*

*Section II covers live examples of violations of economic, social and cultural rights that have emerged during the consultation towards preparation of the shadow report. The live emotional narration of violations of rights, gathered by the organization is also mentioned.*

*It also clearly defines the numerous rights covered in the ICESCR: right to self-determination, right to work, right to just and favourable conditions of work, right to trade union, right to social security, right to protection of family, right to adequate standard of living, right to health, right to education and right to practice of culture.*

*The chapter also covers institutional response to these violations to primarily examine fulfilment of state obligations, the organisational structure set up within the government to address concerns of the respective social group and schemes provided for their social and economic betterment.*

### **SECTION -I**

## **Colonial Period**

### **Use of the Term ‘Tribes’ by the British**

In 1871, the British Government of India ‘notified’ certain tribes as ‘criminals’ and passed the notorious ‘Criminal Tribes Act of 1871’. Those who fell into this group, according to the British, were nomadic cattle grazers, wandering singers, acrobats, etc., and also those who resisted the British aggression from time to time. This was done in an effort to subjugate these tribes and bring in larger areas under the British territorial rule.<sup>43</sup> Henceforth, the British started actively considering the use of natural resource as rich land held by the tribes. But encroaching on tribal land was always retaliated against as well as questioned by the tribes and the general masses.

The agenda of ‘development’ of the tribes came as an effective means and perfectly camouflaged their real intentions. “The Thirteenth Schedule to the Govt. of India (Provincial Legislative Assemblies) Order, 1936

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<sup>43</sup> Later in 1952, the Government of India officially “denotified” the stigmatised ones

specified certain tribes as backward in the then provinces of Assam, Bihar, Orissa, Central Provinces and Berar, Madras and Bombay.” The Census of 1931 made the first attempt to list ‘primitive tribes’ in India. The terms such as ‘backward’ or ‘primitive’ were ‘Eurocentric’ and imbibed a cultural bias. Development had a loaded definition which was being enforced on the tribes. Besides the development agenda, the cultural studies also helped the British to understand tribal society and accordingly, formulate policies for its own benefits. Ethnographic studies were conducted for the first time in 1931 to collect cultural profiles.<sup>44</sup> The cultural profiles gave information about their, religion, language, geographic habitation, etc. The 1931 Census uses the term ‘Hinduised tribes’ for Koch, Mech, Poliya, etc. The use of ‘Hinduised tribes’ signifies the fact that some of the tribes had started worshipping Hindu Gods and were interacting with non-tribes. Likewise, the 1931 Census also used terms such as ‘Munda speaking tribes’ for those staying in the Chota Nagpur plateau and Santhal Paraganas, ‘border tribes’ for tribes in Baluchistan, ‘jungle tribes’ in Western ghats or ‘forest tribes speaking Dravidan language’, and ‘hill tribes’ for Khonds, Sawaras, etc. Such information was crucial for formulating State policies and strengthening British interests. Whether it would be a forest law or land law or development activity, the information on the tribal cultural context made it easier for the British to encroach tribal land. The use of tribes in different ways in the 1931 Census also signifies the geographical habitation of the tribes. Hence, it can be inferred that the tribes were concentrated in the forests, hills and plateau (Chota Nagpur plateau, Western Ghats, tribal areas in Baluchistan and North-West Frontier Province). Their inhabited land was an integral part of their existence, whether it was forest land or hilly area. Thus, the British used such information for fulfilling their interests.

### **The British Policy and Tribal Lives**

The British policy adorned the garb of development for the people, but stealthily plundered the riches of the very people it wanted development for. The official use of terms such as ‘primitive’ or ‘backward’ tribes put forth the necessity of development for the tribes. And the development agenda for the tribes was supplemented by development activities by the European missionaries. Francis Gautier puts it as, “The missionaries arrived in India on the heels of the British. And their first prey was the Adivasis, the tribal people who they promptly proceeded to name as the ‘original’ inhabitants of India, who were colonised by the ‘bad’ Brahmins, during the mythical Aryan invasion.” However, the tribes were exposed to education and the outside world through the missionaries.<sup>45</sup> While some converted to Christianity, some still followed their tribal religion and some others adopted the Hindu way of life. It is contended that conversion was largely, if not entirely, voluntary, especially in the North-Eastern States. It is considered that the missionaries paved the way for allowing these mountainous communities to retain their identities albeit in a way considered rightful to them. Infrastructural growth of transportation services was again projected as a development parameter. The British emphasised on transportation as it served their hidden interests of carrying raw materials from interior parts of India to their

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<sup>44</sup> Post-independence such studies were resumed in 1961.

<sup>45</sup> In the post-independent phase, the missionaries embarked upon the work of socio-economic development of tribal lives along with religious propaganda.

factories and thereafter, of carrying finished goods from factories or ports to different cities for selling them. And they acquired such land in the interior parts of India for construction of roads and railway lines to open the gateways for exploitation of natural resources in these interior parts of India. The land policy of the British such as The Land Acquisition Act, 1894 empowered the British Government to question the ownership of land held by the tribal in the absence of an ownership 'patta' for inhabiting forest land. The Forest Act, 1878 clearly gave the State authority over the forests for the purpose of protection and reservation of forests and to prohibit or permit shifting cultivation. Moreover, "in the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right to forest produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part". The right over forest produce was no longer the unquestioned right of the tribes. Such land acquired was used for transportation as well as mining purposes. The Explosives Act, 1884 gave the British overriding powers to acquire land for mining purposes and very often, such land procured belonged to the tribal. The Explosives Act, 1884 put restriction on possession, manufacture, transport and importation of substances categorised as 'explosives'. This Act became more significant in the mining areas which were rich sources of metals and minerals and many of these substances were categorised as 'explosives'. And the British Government used this Act selectively to give licences, thereby displacing the tribal. Moreover, such displaced tribal were also used as cheap labour or indentured labourers by the British on plantations, in mining sites, etc., inside or outside India in British colonies. Thereby, these tribes were subjected to economic and social exploitation by the British. The British put forth their policies as pro-people, in this case the pro-tribes initiative, but they never failed to make suitable changes in the policies or legislations to actually make it anti-people/tribe measures. Scheduled Areas were demarcated for the purpose of administration of tribal inhabited areas. The British administration of Scheduled Areas also underwent change according to the administration's needs. While the Scheduled Districts Act, XIV, 1874<sup>46</sup> gave more autonomy to the local government, section 52-A(2) of Government of India Act, 1919<sup>47</sup> curtailed this autonomy since it gave the Governor-General in the Council overriding power. The British had also enacted little legislation which secured tribal rights only by giving the authority on rights of permission to the district administration. The Acts were not full-fledged measures and were rather token measures which could be used according to need. "The Bombay Province Land Revenue Code, 1879 prohibited transfer of land from a tribal to a non-tribal without the permission of the district collector. In 1901, in Gujarat, some measures of protection were provided (when it formed part of the Bombay Province) by amendment of Section 73-A and 79-A in the Bombay Land Revenue Code, 1879 and a ban on transfer of land of tribes in those scheduled villages in which survey and settlement had not been introduced, without prior permission of the collector. In Bihar, the Chhotanagpur Tenancy Act, 1908 prohibited transfer of lands by sale, etc., except with the sanction of the deputy commissioner."By giving

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<sup>46</sup> The Scheduled Districts Act, XIV of 1874 gave special powers to the local Government to specify the enactments supposed to be in force in a specially administered area. Without an enactment by the local government, the acts meant for British India could not be enforced in the Scheduled Districts, which were primarily inhabited by the tribes.

<sup>47</sup> Section 52-A(2) of the Government of India Act, 1919 gives the Governor-General in Council the power for special modified administration of various areas, regarded as backward, thereby exempting these areas from administration under the provisions of this Act.

the authority to the district collector to prohibit transfer of tribal land into the hands of non-tribes, it limited the scope of right of control over forests of the tribes and gave space to arbitrariness while taking such decisions. The British policies nevertheless officially recognised the tribes and tried to look at tribal life through various studies and missionaries.

## **Post-Colonial Period**

### **State Policy Post-Independence**

Even after Independence, interests of the majority took precedence while formulating policies. Though tribal friendly legislations such as Schedules V and VI, etc., were introduced, often the interests of the tribes took a backseat. For instance, The Coal Bearing Areas Act, 1957 guards the economic interest of the Central Govt. by giving rights over land containing coal or likely to contain coal to the State while alienating the land rights of the native tribes. Likewise, Entry 56 of the Union List empowers the Central Government to exercise control over regulation and development of inter-State rivers and river valleys. One of the primary consequences of such control is construction of dams to use water resources for commercial as well as domestic purposes. Construction of dams has witnessed large scale displacement of tribes in India. The Land Acquisition Act, 1894 has been used to procure such land, which emphasised on 'pattas' despite the fact that tribal land was common property resource and was not necessarily owned through 'pattas', essentially an individual ownership phenomenon. Such legal measures ignore the economic interests of the tribes.

Apart from economic interests of the mainstream society, there have been instances wherein environment interest was given precedence over the tribal rights. The Wildlife Protection Act, 1972 empowers the State to declare a forest area as a sanctuary, national park or closed area and thereby, restricts activities within the so declared area. For instance, in a declared sanctuary area, the State empowers the collector of the area to acquire land. The collector has the authority to 'proceed to acquire such land or rights, except where by an agreement between the owner of such land or the holder of rights and the Government the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and payment of such compensation, as is provided in the Land Acquisition Act, 1894 (1 of 1894)'. Once again the Land Acquisition Act is being used for procuring as well as compensating the land which is insensitive to the rights of the tribes. Further, there was no policy of resettlement and rehabilitation for long after Independence. Yet the State policy has evolved over the years and continues to be so and thereby, strives to address the rights of the vulnerable and the deprived in society. It has acknowledged the need for giving autonomy to the tribal areas, while working towards tribal development. "The Panchsheel of Pandit Jawaharlal Nehru which laid the foundation of State Policy towards tribal development aimed at providing an enabling framework for the tribal people to move according to their own genius in a system of self-governance while sharing the benefits of development, retaining the best elements of their tradition, cultural life and ethos." This balanced approach encouraged development while preserving cultural heritage. The Tribal Sub-Plan strategy was introduced for the first time in the Fifth Five Year

Plan for the rapid socio- economic development of tribal people.<sup>48</sup> And the State or a UT plan undertook the welfare and development measures for tribals, which is called a sub-plan. The benefits given to the tribals and tribal areas of a State or a UT from the TSP are in addition to what percolates from the overall Plan of a State/UT. At the same time, the Constitutional provisions and protective legislations (reservation in education, employment, legislature, etc.) encouraged active participation of the tribal in mainstream society.

These policy measures laid the foundation for subsequent policies for tribal development. The Government made efforts to give autonomy to the tribal areas for better administration. The Fifth and Sixth Schedules of the Constitution define the administration of Scheduled Areas and give the respective State and its Governor the primary responsibility of ensuring so. The Fifth Schedule applies to scheduled areas and scheduled tribes in States other than Assam, Tripura, Meghalaya and Mizoram and it made provisions for the Tribal Advisory Council (TAC). The TAC is crucial while implementing any specific State or central Act in a scheduled area. The Sixth Schedule applies to control and administration of scheduled areas in Assam, Tripura, Meghalaya and Mizoram. The Sixth Schedule introduced the district councils and regional councils for the administration of tribal areas. The district councils gave rise to autonomous district councils later which gave more power in the hands of the local administration. In precise, post-Independence, the State policy was a mix of positive as well as negative measures from the viewpoint of tribal identity and rights.

## **DESCRIPTION OF TRIBES**

Verrier Elwin describes the tribes according to four types. Firstly, there are tribes who live in the forests and are used to their old ways. Secondly, there are tribes who are settled in villages and adopt 'kamovesh' (sustainable) cultivation. Thirdly, there are tribes who had settled in villages, but have migrated to the cities and have been working in factories, etc., and are associated with the mainstream culture. And fourthly, there are tribes who have completely integrated with the mainstream culture. The first and second categories of the tribes are fast depleting and the third and the fourth categories of the tribes stand in shifting sands of time and society, even though there could be some among the tribes who will not fall into any of these categories. Is the growing sense of alienation due to inequitable growth an outcome of non-participatory governance and overriding pan-Indian approach? Does it not urge for a more specialised approach and the need to know the tribal and their identity?

### **Who are tribes?**

The identification of Scheduled Tribes is done predominantly on the basis of the following characteristics, like (i) Primitive traits, (ii) Distinctive culture, (iii) Geographical isolation, (iv) Shyness of contact with the

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<sup>48</sup> The Tribal Sub-Plan (TSP) Strategy was evolved by an Expert Committee set up by the Ministry of Education and Social Welfare in 1972 under the Chairmanship of Prof. S.C. Dube for the rapid socio-economic development of tribal communities. It was adopted, for the first time, in the Fifth Five Year Plan and has since been continued. The TSP is carved out within the overall plan of a state or union territory meant for the dedicated welfare and development of tribal communities and is in addition to allocations made within the larger plan for the benefit of Scheduled Tribes. 21 states and 2 union territories have operational TSPs. (States like Arunachal Pradesh, Meghalaya, Mizoram and Nagaland do not have TSPs since the tribal populations in these states exceed 80% of the population.) The TSP strategy seeks to make enough funds in the demarcated areas. Special Central Assistance (SCA) to Tribal Sub-Plan is provided by the Ministry of Tribal Affairs to state governments to augment state TSP resources. It is meant primarily for family oriented income generation schemes in agriculture, horticulture, sericulture and animal husbandry. Not more than 30% of the SCA is permitted for the development of infrastructure incidental to such income generating schemes.



community at large and (v) Backwardness. However, tribal identity has been reconsidered from an alternative perspective by the policy makers in this changing scenario. For instance, use of primitive traits for defining tribes is considered as derogatory, though the use of primitive tribal groups and vulnerable primitive tribal groups is still adhered to in policy documents. Likewise, geographical character as a defining characteristic of the tribes is fast eroding. The National Policy Draft for Tribal, 2006 talks about this and could be a beginning of a long-term change in the way tribal identity and problems are/will be perceived. Some of the parameters while seeking tribal identity are customs, traditions and institutions, religious and spiritual values and practices, methods of dealing with offences, procedures for transferring land rights, language, cultural artifacts, oral traditions, etc.

- Total population of Scheduled Tribes is 84,326,240 as per the Census of 2001 which accounts for 8.2% of the total population of the country.
- There are over 500 tribes (with many overlapping communities in more than one State) as notified under Article 342 of the Constitution of India, spread over different States and Union Territories of the country, the largest number of tribal communities being in the State of Orissa.
- The main concentration of tribal population is in central India and in the North-eastern States. However, they have their presence in all States and Union Territories except Haryana, Punjab, Delhi, Pondicherry and Chandigarh. The predominantly tribal populated States of the country (i.e., tribal population more than 50% of the total population) are Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Union Territories of Dadra & Nagar Haveli and Lakshadweep. States with sizeable tribal population and having areas of large tribal concentration are A.P., Assam, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan.
- Madhya Pradesh, Maharashtra, Orissa, Gujarat, Rajasthan, Jharkhand, Chhattisgarh, Andhra Pradesh, West Bengal, and Karnataka States alone account for 83.2% of the total Scheduled Tribe population.
- Assam, Meghalaya, Nagaland, Jammu & Kashmir, Tripura, Mizoram, Bihar, Manipur, Arunachal Pradesh and Tamil Nadu account for another 15.3% of the total Scheduled Tribe population.
- The share of the Scheduled Tribe population in urban areas is a meagre 2.4%.
- There are 75 Primitive Tribal Groups (PTGs), who are characterised by (a) a pre-agriculture level of technology, (b) a stagnant or declining population (c) extremely low literacy and (d) a subsistence level of economy.

The core issues of land alienation and denial of right to livelihood, low levels of literacy and poor health condition and declining population still remain the key issues determining the tribal lives. Due to diverse factors such as displacement, migration, reservation, etc., 'tribes have now become differentiated in terms of occupation, income, education, religion, social and political orientation and social status. This phenomenon has begun to have bearing on tribal society and identity. And hence, violation of their rights is varied in nature and policy measures need to look at these from a comprehensive manner with recognition of diverse factors.

### **As Defined by the Indian Constitution**

(i) **Article 366(25)** of the Constitution defines 'Scheduled Tribes' as such tribes, tribal communities or part thereof as may be so deemed under Article 342.

(ii) **Article 342** entrusts the President, in consultation with the Governor, with the power to declare by public notification such tribes, tribal communities or part thereof as shall be deemed Scheduled Tribes with respect to the concerned State.

(iii) The Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 notify the Scheduled Tribes. Apart from these, separate orders have been passed with respect to Anadaman and Nicobar Islands (1959); Dadra and Nagar Haveli (1962); Uttar Pradesh (1967); Goa, Daman and Diu (1968); Nagaland (1970) and Sikkim (1978).

### **Constitutional Measures Facilitating the Tribal Rights and Government Initiation**

**Scheduled and Tribal Areas – Part X** of the Constitution makes special provisions with regard to Scheduled Areas and Tribal Areas in order to provide for special protection and governance mechanisms for tribal communities.<sup>49</sup>

(i) **Article 244** states that the provisions of the Fifth Schedule shall apply to the administration and control of Scheduled Areas and Scheduled Tribes in any State (other than Assam, Meghalaya, Tripura and Mizoram).

(ii) **The Fifth Schedule** defines ‘Scheduled Areas’ as such areas as are notified by the President in this regard. States having Scheduled Areas. The Scheduled Districts Act, XIV of 1874 gave special powers to the local Government to specify the enactments supposed to be in force in a specially administered area.

**Section 52-A (2)** of the Government of India Act, 1919 gives the Governor-General in Council the power for special modified administration of various areas, regarded as backward, thereby exempting these areas from administration under the provisions of this Act. (and in special cases that the President notifies states having Scheduled Tribes but not Scheduled Areas) shall establish therein a Tribes Advisory Council consisting of not more than twenty members. At least three-fourths of these Council members shall be the representatives of the Scheduled Tribes in the State Legislative Assembly. The Council is entrusted with the duty of advising on matters pertaining to the welfare and administration of the Scheduled Tribes in the State that are referred to it by the Governor. The Governor may restrict the application of any Central or State Act from being applied to a Scheduled Area;

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<sup>49</sup> Scheduled & Tribal Areas Part X (Source: Basu, D.D., “Introduction to the Constitution of India”, Wadhwa & Co. Publishers, Delhi, 19th edition, 2001, pp.285–287)

may make regulations for peace and good governance in these Areas; and may in particular may in the Scheduled Areas (a) prohibit/restrict transfer of land by/among members of Scheduled Tribes, (b) regulate the allotment of land to members of the Scheduled Tribes, and (c) regulate money lending business by persons lending to Scheduled Tribes. However the above measures can only be taken in consultation with the Tribes Advisory Council.

(iii) **Article 244A** states that the Parliament may by law from within the State of Assam an autonomous state comprising wholly or in part of Tribal Areas as listed in the Sixth Schedule with respect to Assam. The said law may provide for an elected/nominated/partly elected and partly nominated to function as a Legislature for the autonomous state and a council of ministers. The law shall prescribe the scope and domain of the legislative and executive powers of the autonomous state provide for sharing of taxes by the State of Assam with the autonomous state, among others.

(iv) **The Sixth Schedule** makes provisions for the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram. The Schedule deems all areas within these states listed as Tribal Areas therein as autonomous districts or autonomous regions. An autonomous region is the sub-division notified by the Governor within an autonomous district consisting of different Scheduled Tribes. Each such district shall have District Council consisting of not more than 4 nominated members and not more than 26 elected members. Each autonomous region shall have a separate Regional Council. The administration of the district/region is vested with the District/Regional Councils. Developmental Assistance – The Constitution specially provides for the financing and implementation of welfare schemes for Scheduled Tribes.

(i) **Article 275(1)** states that grants-in-aid of revenues of a State shall be paid out of the Consolidated Fund of India for such capital and recurring sums as that enable that State to meet costs of development schemes for promoting welfare of Scheduled Tribes or to raise administration of Scheduled Areas to the level of administration of rest of the areas of that State.

(ii) **Article 275(2)** makes special provisions for grants-in-aid of revenues of the State of Assam.

(iii) **Article 339** carves out an exception in federal principles by stating that the executive power of the Union shall extend to giving directions to a State for the drawing up and execution of schemes for the welfare of Scheduled Tribes in the State. The principle of substantive equality – Yet, to ensure that unequal are not treated in like manner, to the

disadvantage of socially and economically vulnerable classes, including specifically the Scheduled Tribes, the Constitution has specially enshrined provisions that allow for positive discrimination in their regard for securing substantive equality.

Other such provisions are-

- (i) **Article 14** of the Constitution guarantees to all persons the fundamental right to equality.
- (ii) **Article 15(1)** state that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
- (iii) **Article 15(4)** states that nothing in the Article shall prevent the state from making any special provision for the advancement of Scheduled Tribes (inter alia).
- (iv) **Article 15(5)** allows the state to procure positive discrimination in favour of Scheduled Tribes by the making of special provisions of law in matters relating to their admission to educational institutions (including aided and unaided private institutions) other than in minority educational institutions
- (v) **Similarly Articles 16(1) and 16(2)** states that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State and that no citizen shall be discriminated against on the ground of caste (inter alia).
- (vi) **Articles 16(4)** however allows the state to make reservations for Scheduled Tribes (inter alia).
- (vii) **Article 330(1)** state that Seats shall be reserved for Scheduled Tribes in the House of the People.
- (viii) **Article 332(1)** states that seats shall be reserved for Scheduled Tribes in the State Legislative Assemblies.
- (ix) **Article 334** originally provided that the reservations for Scheduled Tribes in the House of the People and the State Legislative Assemblies shall terminate in the tenth year of the commencement of the Constitution. However this has now been extended to sixty years.
- (x) **Article 335** provides that the claims of Scheduled Tribes shall be taken into account in making appointments to services and posts under the Union or States.
- (xi) **Article 338A** provides for the constitution of a National Commission for Scheduled Tribes.

#### **Evolution of National Commission for Scheduled Tribes**

Article 338 of the Constitution provides for a Special Officer for the Scheduled Castes and Scheduled Tribes to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President

on their working. It was felt that a high level five-member Commission under article 338 would be a more effective arrangement in respect of the constitutional safeguards for Scheduled Castes and Scheduled Tribes than a single Special Officer. It was also felt that there was necessity to elaborate the functions of the said Commission so as to cover measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes and to entrust to the Commission such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to any law made by Parliament, by rule specify. The Constitution (Sixty-fifth Amendment) Act, 1990 effectively enacted the above felt necessities by making provision for a statutory National Commission for SCs and STs. The Constitution (Eighty-ninth Amendment) Act, 2003 further brought forth the provision to split the National Commission for Scheduled Castes and Scheduled Tribes into two separate commissions - the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.

#### **Approaches towards Tribes of India**

The approach towards tribal in India is characterised by three views, viz., no change or isolationism, assimilations and integrations. Isolationism-Verrier Elwin propounded the 'national park theory' for tribal to maintain their pristine nature. He suggested that "the first necessity is the establishment of a National Park, in which not only the Baiga but thousands of simple Gonds in their neighbourhood might take refuge. A fairly large area was to be marked out for this purpose. The areas should be under the direct control of a tribes' commissioner who should be an expert standing between them as was resorted to in the case of the Hos and Santhals, viz., through the leaders or headmen of the tribe. The usual other steps like licensing all non-aboriginals were to be taken to safeguard the aboriginals from being exploited by unscrupulous adventurers."<sup>50</sup>

This approach has been criticised for the isolationism it advocates. Assimilation-Ghurye, the main protagonist of this view, looked at tribal as backward Hindus who need to be assimilated with Hindu society. Ghurye stated that "even after the British contact, which rendered their contact with the Hindus more rapid and intensive, some of them retained tribal characteristics, especially those who have been governed through their earlier tribal

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<sup>50</sup> (Source: Hasnain, Nadeem., 1991, )

organisation. In the case of others, whether Hinduised or not, the organisation itself has not completely disappeared, but has been lacking in that vitality and vigour which are characteristic of true tribal life". (Source: Hasnain, Nadeem., 1991, op.cit.,) This implied that the assimilation process had started and he strongly advocated the view that tribes should be assimilated with their neighbouring non-tribal cultures.

Integration-Panchsheel proposed by Jawaharlal Nehru talked of integration. In 1958, the then Prime Minister, Pandit Nehru, laid down the broad framework for the tribal people's advancement which has now come to be known as the Panchsheel of Tribal Development. Its elements are (a) the tribal should develop according to their own genius, (b) tribal rights inland and forests should be respected, (c) they should have team of their own to work in the areas, (d) they should not be over administered and they should work through their social and cultural institutions, (e) the results should not be judged by statistics and the money spent, but by the quality of human character than is evolved. It took a middle path between isolationism and integration, in fact, it was influenced by the Adivasi Panchsheel delineated by Elwin and submitted to Nehru in 1957.

A.V. Thakkar, popularly known as 'Thakkar Bapa' also supported a pro integration approach. He looked at the tribal problems as poverty, illiteracy, ill health, inaccessibility of the areas inhabited by tribal, defects in administration and lack of leadership. He demanded for an approach towards tribal that addressed these problems.

### **UN Definition**

At the international level, United Nations, ILO and World Bank have defined the term 'Indigenous'. ILO convention No.169 of 1989 adopted the first legal definition of the term 'indigenous'. As defined by the United Nations Special Report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Indigenous communities, peoples and nations are 'those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system'. Self identification is one of the criteria of indigenous people.

## Description of Tribes of India<sup>51</sup>

Tribes have been categorised by different terms by the Govt. of India, such as Primitive Tribal Groups, Notified Tribes (with/without area restriction) and generic tribes. There are other tribes such as Nomadic Tribes or Semi-nomadic Tribes which are not recognised as tribes always, but are rather recognised as Scheduled Castes, Other Backward Classes at times. Since 1976, three criteria: (i) pre-agricultural level of technology, (ii) very low level of literacy and (iii) small, stagnant and diminishing population are generally adopted to identify the PTGs. De-notified tribes (DNTs) are ex-criminal tribes, they were notified as criminals by the British under The Criminal Tribes Act, 1871 and they suffer from the stigma even today despite being de-notified by the Govt. of India order in 1952 which repealed the 1871 Act. Generic tribes belong to whole genus or group and could be found in different states. As mentioned before, in India, tribal communities are listed as Scheduled Tribes as per clause (1) of Article 342 of the Constitution of India. The 'tribal' are considered as India's indigenous peoples. The Scheduled Tribes are referred to as Adivasis in different parts of India, which literally means indigenous peoples. Again, it needs to be mentioned that these terms have been contested by people depending on the context of its use in different states.

**TABLE 2: DEPICTING DISTRIBUTION OF SCHEDULED TRIBES ACROSS INDIA (2001)**

<b>STATES</b>	<b>DISTRIBUTION PATTERNS of STs &amp; THEIR NAMES</b>
1.Andaman and Nicobar Islands	36% (which includes great andamanees, onge, jarwa, nicobarese)
2. Lakshadweep	26% (only one unidentified tribe resides throughout the UT)
3.Dadar and Nagar Haveli	62.2% (STs including Dhodia. Dubla, Kathodi, Kokna, Dhora, Nakida, Varli etc.)
4.Daman and Diu	43% of the total population are STs
5.Andhra Pradesh	6.6%(Bodo Gadaba, Gutob Gadaba, Bondo Poraja, Kohnd Poraja,

<sup>51</sup> In a meeting of the Indigenous Social Group held in Mt. Abu in May 2007, a draft plan for highlighting the issues of the community was prepared. Deliberations were planned under three broad heads around the issues of the following major groups: 1) PTGs (Primary Tribal Groups) – Access to Survival rights, Protection of language, protection of forest and food, protection from state oppression 2)DNTs (Denotified Tribes)– Non criminalization of community, access to state entitlements, clear status of groups across the country 3)The general Indigenous Groups – Cultural identity, Forest land right, Anti displacement and Anti trafficking, State oppression through army police (NE and Chattishgarh), Tribal women and human rights violations, TSR and implementation of PESA.

	Pranjepareija, Chenchu, Kolam, Kondareddis, Konda Savaras and Thoti).
6.Chattisgarh	31.8%( Kavar, Oraon, Halaba, Bhattra, Gond etc.)
7.Gujarat	14.8%(Bhil, Dubla, Dhodia, Rathwa, Naikada ,Gamit,Konkana, Chaudhari,Varli.)
8.Himachal Pradesh	4.02%( Lahuala, Spiti, Chamba etc)
9.Jammu and Kashmir	10.9%(Gujjar,Bakarwala,Gaddi,Sippi, Chappang, Mon, Garra ,Beda, etc.)
10.Jharkhand	26.3%( Kharia, Bhumija, Lohra, Kharwar, Santhal, Oraon, Munda, and Ho.)
11.Karnataka	6.6%(Kamara,Kaniyan,Kuruba,Maratha,Marati.)
12.Kerela	1.14%(Paniyan,Kurichchan,Muthuvan,Kanikaran,Irular,Kurumans, Marati, and Malian Aryan,Kota,Kammara,Kochu,Velan,Konda Kapus.)
13.Madhya Pradesh	20.3%(Gond, Bhil,Kol, Korku,Shraiya,Baiga, Pradhan, Saura, Majhi, Khariwar, Mawasi, Mina, Andh, Birhul,Parja, Nagesia.)
14.Maharastra	8.9%(Katkaria,Maria Gond, Kolam, Bhil, Gond, Koli Mahadev, Varli, Kokna, and Thakur.)
15. Tamil Nadu	1% (Malayali,Kurumbas, Kanikaran, Kammara and Toda, Irular, Kattunayakan, Kondareddis, etc.)
16.Uttaranchal	3% ( Jaunsari, Buksa, Bhotia, Rajis.)
17.West Bengal	5.5%( Santhal, Oraon, Bhumija, Kora, Lodha, Mahali, Bhutia, Bedia, Savara ,etc.)
18.North East	121 broad varieties of STs in Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim.
19. Orissa	22.1%( Bhumila, Santhal, Bhuyian, Koya, Kond, Gond, Oraon,etc 64 types of notified tribes)
20.Rajasthan	12.6%( Mina, Bhil, Naikda, Kathodi, Patelia, Kokna, Koli Dhor etc.)



The table describes that in **Andaman and Nicobar** Islands, the major tribes are the Great Andamanese, Onge, Jarawa, Sentinelese, Shompen and Nicobarese tribes. The survival of all tribal communities (except the Nicobarese) is the key issue in the islands. In **Lakshadweep**, only one tribe has been scheduled which has no specific name. They have been notified throughout the UT as “inhabitants of Lakshadweep, Minicoy and Amindivi Islands who, and both of whose parents, were born in those islands’ under the Constitution Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 and the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) (Adaptation of Laws) Order, 1974”. In case of **Dadra and Nagar Haveli**, Seven STs, namely, Dhodia, Dubla, Kathodi, Kokna, Koli Dhor, Naikda and Varli contribute to the ST population. In case of Daman & Diu, ST population is an aggregation of population of small five STs such as Dubla, Dhodia, Varli, Naikada and Siddi. Further, in case of **Andhra Pradesh**, the Scheduled Tribe population constitute 6.6% of the total state population. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 have notified 33 STs in the State. Out of the 33 STs, five namely, Goudu, Malis, Nayaks, Thoti and Valmiki have been notified with an area restriction. Twelve tribes namely, Bodo Gadaba, Gutob Gadaba, Bondo Poraja, Khond Poroja, Parangiperja, Chenchu, Kolam, Kondareddis, Konda Savaras, and Thoti have been recognised as Primitive Tribal Groups (PTGs). Out of the 33 STs, Sugalis are numerically the largest ST with a population of 2,077,947 constituting 41.4 per cent of the state’s ST population. They are followed by Koya 568,019 (11.3 per cent), Yenadis 462,167 (9.2 per cent), and Yerukulas 437,459 (8.7 per cent)

Further in case of **Chattisgarh** ST population constitutes 31.8 per cent of the total population of the State. The State has a total of 42 Scheduled Tribes and all have been enumerated at 2001 census. Out of 42 tribes, Gond is the most populous tribe with a population of 3,659,384 constituting 55.3 per cent of the total ST population. Four other STs in descending order are Kavar, Oraon, Halba and Bhattra. Along with Gond, the five STs constitute 84.3 per cent of total ST population of the State. Binjhwar, Korwa and Sawar have a population ranging from 100,692 to 104,718. Together, they form 4.6 per cent. Ten STs, namely, Bharia Bhumia, Nagesia, Baiga.....to Kharia having population in the range of 88,981 down to 41,901, constitute another 9 per cent of total ST population; remaining twenty four (24) STs along with generic tribes constitute the balance 2 per cent of total ST population. Nine tribes have less than 1000 population. Of them, five tribes, namely, Sonr, Damor, Karku, Andh and Bhil Mina are very small having population less than 100.

In case of **Gujarat** Scheduled Tribes constitute 14.8 per cent of the total population of the State. The Bhil with 3.4 lakh population represents majority of the total ST population of the

State (46%). Dubla (8%), Dhodia (7.9%), Rathawa (7.2%) and Naikda (5.3%) are the other major STs with each having a sizable population.

In case of Himachal Pradesh the scheduled tribe population of Himachal Pradesh which has its concentration in districts of Kinnaur and Lahaul Spiti and parts of Chamba, and scattered in other districts is 2, 44,587, which is 4.02% of the total population. Some of the tribes are as follows: Kinnaure, Lahule, Gaddi, Pirals, Gujjars. Further in case of **Jammu & Kashmir**, the Scheduled Tribes account for 10.9 per cent of the total population of the State. In Jammu & Kashmir, eight communities vide the Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989 and four communities, namely Gujjar, Bakarwal, Gaddi and Sippi were notified as the Scheduled Tribes vide the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991. All the 12 Scheduled Tribes (STs) were enumerated officially for the first time during the 2001 census recording a population of 1,105,979. Out of 12 Scheduled Tribes, Gujjar is the most populous tribe having a population of 763,806, thus forming 69.1 per cent of the total ST population. Bot is the second major tribe having a population of 96,698, followed by Bakarwal (60,724) and Brokpa (51,957). Gujjar along with the three tribes constitute 88 per cent of the total tribal population, whereas Balti, Purigpa and Gaddi having population ranging from 38,188 down to 35,765 from 10.2 per cent of the total ST population. Remaining five (5) tribes, Sippi, Changpa, Mon, Garra and Beda along with generic tribes are also found. In case of Jharkhand, the Scheduled Tribe (ST) population constitutes 26.3 per cent of the total population of the State. The State has a total of 30 Scheduled Tribes and all of them have been enumerated at 2001 census. Out of 30 Scheduled Tribes notified for the State, Santhal is the most populous tribe having a population of 2,410,509, constituting 34 per cent of the total ST population of the State. Oraon, Munda and Ho, the 2nd, 3rd and 4th largest tribes constitute 19.6, 14.8 and 10.5 per cent respectively of the total ST population of the State. Four other major tribes, Kharia, Bhumij, Lohra and Kharwar having population ranging from 164,022–192,024 along with Santhal, Oraon, Munda and Ho, constitute 89.1 per cent of the total tribal population. The tribes namely, Chero, Bedia, Mal Pahariya and Mahli in the population range from 75,540 to 121,174 account for another 5.6 per cent. In case of **Karnataka**, the ST population constitutes 6.6 per cent of the state population. Forty-nine STs have been notified in Karnataka by the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 and by the Act 39 of 1991. This is the second highest number, next to Orissa (64) if compared with the number of STs notified in any other states/UTs of the Country. Five STs namely, Kammara, Kaniyan, Kuruba, Maratha and Marati have been

notified with area restriction. Of the STs, two namely, Jenu, Kuruba and Koraga are among the Primitive Tribal Groups (PTGs) of India having population of 29,828 and 16,071 respectively in 2001 Census.

In case of the state **Kerala**, STs constitute 1.14 per cent of the total population of the State. Out of 35 Scheduled Tribes notified for the state, Paniyan is the most populous tribe with a population of 81,940 forming 22.5 per cent of the total tribal population of the State. Kurichchan is the second largest tribe having a number of 32,746 constituting 9 per cent of the total ST population. Six other STs, namely, Muthuvan, Kanikaran, Irular, Kurumans, Marati and Malai Arayan having a population ranging from 21,000 to 32,000 along with Paniyan and Kurichchan constitute 73.6 per cent of the total tribal population. Seven tribes, namely, Malayan, Malai Vedan, Mannan, etc., having 5,000 –16,000 population account for another 20 per cent and the remaining 20 tribes along with the generic tribes constitute the residual 6.4 per cent of the State's tribal population. Eleven tribes have less than 500 population. Out of them, Kota, Kammara, Kochu Velan and Konda Kapus are the smallest groups each having less than 50 population. In case of **Madhya Pradesh** The Scheduled Tribe (ST) population constitutes 20.3 per cent of the total population. The State has a total of forty six (46) Scheduled Tribes, and all of them have been enumerated in the 2001 census. Out of forty six (46) STs, Bhil is the most populous tribe having a number of 4,618,068, constituting 37.7 per cent of the total ST population. Gond is the second largest tribe, with a population of 4,357,918 constituting 35.6 per cent. Four other STs in the descending order are Kol, Korku, Sahariya and Baiga. Along with Bhil and Gond, the six tribes constitute 92.2 per cent of the total ST population of the State. Pardhan, Saur and Bharia Bhumia have a population ranging from 105,692 to 152,472; together, they form 3.2 per cent of the ST population in the State. Four tribes, namely, Majhi, Khairwar, Mawasi and Panika having population in the range of 47,806 to 81,335 account for another 2.2 per cent of the ST population; remaining 33 tribes along with the generic tribes constitute the residual 2.5 per cent of the total ST population. In case of **Maharashtra** Scheduled Tribes constitute 8.9 per cent. The Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, have notified 47 STs in Maharashtra. Of these, two STs namely, Chodhara and Thoti have been notified with an area restriction. Of the STs, three, namely, Katkaria (Kathodi), Maria Gond and Kolam are among the Primitive Tribal Groups (PTGs) of India. Katkaria (Kathodi) and Maria Gond are subgroups of Kathodi and Gond respectively. Out of the STs, Bhil, Gond, Koli Mahadev, Varli, Kokna and Thakur together constitute 73.3 per cent of the ST population of the State. Bhils are numerically the

largest ST with a population of 1,818,792, constituting 21.2 per cent of the State's ST population. They are followed by Gond 1,554,894 (18.1 per cent), Koli Mahadev 1,227,562 (14.3 per cent), Varli 627,197 (7.3 per cent), Kokna 572,195 (6.7 per cent) and Thakur 487,696 (5.7 per cent). 19 STs in the State have a small population, each having less than 1,000 population. Further in case of North-East there are 121 broad based categories of Scheduled Tribes. Assam-23, Arunachal Pradesh-12, Manipur-29, Meghalaya-14, Mizoram-7, Nagaland-5 Tripura-19 and Sikkim-12 though there are different classification criteria. The Government of India has classified the tribes of north-east in its list of Scheduled Tribes. The tribes have also been classified on the basis of their place of habitation i.e hills or valleys and linguistic criterion. The Scheduled Tribes are now also being classified as majority tribe or minority tribe in a particular state by development agencies.

In case of Orissa, the Scheduled Tribe population constitutes 22.1 per cent of the total population of the State. The State has largest number of notified tribes (64) in the country. Out of sixty two (62) STs, Khond is the most populous tribe with a population of 1,395,643 constituting 17.1 per cent of the total ST population. Gond is the second largest tribe, having a population of 782,104 with 9.6 per cent share in the total ST population. Six other tribes namely, Santal, Kolha, Munda, Saora, Shabar and Bhattada along with Khond and Gond constitute 64.2 per cent of the total ST population of the State. Bhumij, Bhuiya, Oraon, Paroja and Kisan having a population ranging from 248,144 to 321,592, together form 18.1 per cent of the State's tribal population. Five STs, namely, Bhumia, Binjhal, Koya, etc., having population in the range of 103,537 to 196,846 constitute 9 per cent of total ST population. Remaining 44 tribes along with the generic tribes constitute the residual 8.8 per cent of total ST population of the State. Five tribes, namely Chenchu, Mankidi, Desua Bhumij, Ghara, Tharua are very small groups having less than 500 population. Further in case of **Rajasthan** the Scheduled Tribes of the State constitute 12.6 per cent of the total population (56,507,188) of the State. Out of 12 tribes scheduled for the State, Mina is the most populous tribe, having a population of 3,799,971 constituting 53.5 per cent of the total ST population followed by Bhil (2,805,948). Mina and Bhil together constitute 93 per cent, whereas Garasia, Damor, Dhanka & Saharia combine to form 6.6 per cent of the total ST population. Six tribes, Bhil Mina, Naikda, Kathodi, Patelia, Kokna and Koli Dhor along with the generic tribes constitute the residual 0.3 per cent of the total tribal population. Further in case of **Tamil Nadu**, the Scheduled Tribe population constitute one per cent of the total state population. Thirty six STs have been notified in Tamil Nadu by the Scheduled Castes and Scheduled Tribes Order

(Amendment) Act, 1976. Of the STs, six have been notified with area restriction. These are Malayali, Kurumbas, Kanikaran, Kammara, Kota and Toda. Of the STs, Malayali, Irular, Kattunayakan, Kurumans and Kondareddis together constitute 85.3 per cent of the ST population of the state. Malayali are the largest ST with a population of 310,042, constituting 47.6 per cent of the state ST population. They are followed by Irular, numbering 155,606 (23.9 per cent), Kattunayakan 45,227 (6.9 per cent), Kurumans 24,963 (3.8 per cent) and Kondareddis 19,653 (3 per cent). Fourteen STs have a population less than one thousand in the 2001 Census.

In case of **Uttaranchal** Scheduled Tribes constitute 3 per cent of the total population of the State. Tharu is the largest of the five STs of Uttaranchal. They account for 33.4 per cent ST population of the state, followed by Jaunsari (32.5 per cent), Buksa (18.3 per cent), and Bhotia (14.2 per cent). Rajis are small in number. And in case of **West Bengal**

Scheduled Tribes (STs) constitute 5.5 per cent of the total population of the state. There are 38 notified STs in the state. The Santal represents more than half of the total ST population of the state (51.8 per cent). Oraon (14 per cent), Munda (7.8 per cent), Bhumij (7.6 per cent) and Kora (3.2 per cent) are the other major STs having sizeable population. The Lodha, Mahali, Bhutia, Bedia, and Savar are the remaining STs, and have a population of one per cent or more.

### **GLOBALIZATION, DEMOCRATIZATION AND MODERNIZATION POLICY INITIATIVES AND IMPACT ON INDEGENOUS COMMUNITIES**

**TABLE 3 CHRONOLOGICAL POLICY INITIATIVES BY STATE MECHANISM FOR INDIGENIOUS COMMUNITIES**

<b>ACT</b>	<b>YEAR</b>	<b>POLICY PROCESS</b>
1. British Act of Criminalization of Tribes	1871	Modernization
2. India Forest Act	1927	Modernization
3. Protection of Civil Rights	1955	Modernization
4. Untouchability (Offences) Act	1955	Modernization
5. Land Regulation Act	1968	Democratization
6. National Policy on	1986	Modernization

Education		
7. The SC & ST (Prevention of Atrocities) ,Act	1989	Democratization
8. National Mineral Policy	1993	Globalization
9. PESA Act	1996	Democratization
10. Multi- State Cooperative Societies Act	2002	Globalization
11. National Policy on Resettlement and Rehabilitation	2003	Globalization
12. Non timber Forest Act	2004	Democratization
13. National Rural Employment Guarantee Act	2005	Democratization
14. National Tribal Policy	2006	Globalization
15. PTGs Policy	2008	Democratization

### **State Policy**

State policy in the neo-liberal period has been defined by the core values of democratization, modernization and globalisation which are in tune with aspirations of the people of India. The table above shows the chronological order of the policy initiatives from the state sources to protect the indigenous communities. But several lapses in the plan, legislation and execution have intensified the situation of problem. Further, this situation has provided the ideal breeding ground of conflict between the ‘haves’ and ‘have-nots’. The growth of Indian democracy has brought forth progressive changes in policies and legislations to ensure greater political participation. But the values of privatisation predominant in the neo-liberal period ensure economic participation of few and marginalise the majority economically and thereby, socially and culturally. Reflection of the growth of Indian democracy is found in legislations such as the 73rd and 74th Amendments of the Constitution which provide for reservation of seats for Scheduled Tribes in rural and urban local governing bodies

respectively.<sup>52</sup> Measures to decentralise governance and to give greater autonomy and control to the people of the country in administering their own affairs have been put forth by the 73rd and 74th Amendments of the Constitution, besides special governance measures for Tribal and Scheduled Areas (as mentioned in the section on State policy post-Independence). Local self-government as envisaged here gives an important role to members from Scheduled Tribes. These Amendments also ensure that Scheduled Tribes (including the twice discriminated Scheduled Tribe women) are given the right of representation in the local self-governing bodies.

Another significant change in policy measures has been the introduction of Panchayats Extension to Scheduled Areas Act (PESA). PESA, 1996 has mandated that the States having Scheduled Areas should make specific provisions for giving wide-ranging powers to the tribal on matters relating to decision-making and development of their community. “It is obvious from the specific provisions of PESA Act, 1996 that the Gram Sabhas and the Panchayats have been intended to assume total responsibilities for planning and implementation of plans, programmes and projects aimed at the two objectives contained in Article 243G of the Constitution, namely: (a) The preparation of plans for socio-economic development and social justice, and (b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule of the Constitution. However, notwithstanding the almost plenary role assigned to the Panchayats by the 73rd Amendment Act and a wide range of powers given in the PESA Act, Article 243G of the Constitution and Section 4(n) of the PESA Act, Panchayats rely on the State Legislatures to ‘endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government’ and ‘such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at appropriate level’. But this provision has its own limitations and the probability of being arbitrarily used by the State government cannot be ruled out. The local self-government of the tribal runs the risk of being throttled by the supreme power of the State government.

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<sup>52</sup> a) The local self governing body in rural areas is the Panchayat. Article 243(d) defines “Panchayat” to mean an institution (by whatever name called) of self-government constituted under Article 243B for rural areas.

b) Article 243D provides that seats shall be reserved for Scheduled Tribes in every Panchayat in the same proportion as the population of the Scheduled Tribes to the total population in the Panchayat area and such seats may be allotted by rotation to different constituencies in a Panchayat. One third of the reserved seats shall be further reserved for Scheduled Tribe women. Further, the Offices of Chairpersons of Panchayat shall be reserved for Scheduled Tribes in such manner as the State Legislature by law may determine.

c) The local self governing body in urban areas is called the Municipality. Article 243P(e) defines “Municipality” to mean an institution of self-government constituted under Article 243Q for urban areas and for transitional areas.

d) Article 243T states that seats shall be reserved for Scheduled Tribes in every Municipality in the same proportion as the population of the Scheduled Tribes to the total population in the Municipal area and such seats may be allotted by rotation to different constituencies in a municipality. One third of the reserved seats shall be further reserved for Scheduled Tribe women. Offices of Chairpersons of Panchayat shall be reserved for Scheduled Tribes in such manner as the State Legislature by law may determine.

Further, the Government now recognises the vulnerable condition of the so-called PTGs and strives to safeguard their rights through target group specific schemes, which indicates greater democratisation of the society.

### **PESA Act, 1996**

The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 was enacted to extend Part IX of the Constitution dealing with local self governance through Panchayats in rural areas to Scheduled Areas under the Fifth Schedule. It thus extends the Act to tribal areas in eight states – Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. Under the Act, the gram sabhas that are thus constituted in each Scheduled Area are competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and their community modes of dispute resolution. Further they have been vested with the powers of (a) ownership of minor forest produce, (b) approval of development plans, (c) selection of beneficiaries under various programmes, (d) consultation on land acquisition, (e) management of minor water bodies, (f) control of mineral leases, (g) regulation/prohibition of sale of intoxicants, (h) prevention of alienation of land and restoration of unlawfully alienated land of Scheduled Tribes, (i) management of village markets, (j) control of money lending to Scheduled Tribes, and (k) control of institutions and functionaries in the social sector.

### **Bhuria Committee Report**

The Bhuria Committee report, submitted initially (before PESA was introduced), brought within the scope of village governance, stress on participatory democracy, viz, tribal community control over its surrounding natural resources like water, forests, land etc, tribal community management of village conflicts and administration of law and order, planning and implementation of development programmes along with accountability of bureaucracy to the tribal community. In short, the report provided the tribal people a chance to govern their own lives and shape their destiny. (<http://www.indiaenvironmentportal.org.in/node/1608>) Further, the second report of Bhuria committee on scheduled areas should be seriously considered. Particularly on the following aspects:

- Setting up of industries in scheduled areas at random and without assessing their impact on the tribal economy must stop forthwith;



- The government should intensify potential industrial areas in advance, after due process in which the people and the institutions should be able to participate meaningfully, ensuring that community decision prevails and is final;
- No agricultural land or land used for common purposes should be allowed to be transferred or purchased in any way for setting up of an industry and
- In all industrial enterprises set up in the Scheduled Areas, other than small ventures referred to earlier, the community should be deemed to be the owner with 50% share in its favour by virtue of its allowing the industry to use the local resources and getting established. The share holding of the company/ persons making financial investment should be limited to not more than 26%.

### **Critical Review of PESA Frame Formal Jurisdiction of Gram Sabah<sup>53</sup>**

The jurisdiction of GS under PESA is comprehensive. It covers all aspects of people's life social and economic, as also their relationship with all other institutions including the State. The ground reality at the moment is that in case a citizen is faced with any problem in life, he is obliged to approach concerned authorities of the State. He has to seek their indulgence, favour or directions in terms of the laws of the land about which ironically he knows virtually nothing. The formal position in this regard stands transformed after enactment of PESA. If a person faces any problem, the solution is within the community. It is not a favour or special dispensation; it is envisaged as the natural right of the community. After providing for a comprehensive general frame in Section 4(d), specific features of governance are outlined in other Sections of PESA. The jurisdiction of GS so defined covers the entire gamut of developmental activities including control over institutions and functionaries as also control over local plans and resources in the village under Sections 4(e), (f), and Sections 4(m) (vi) and (vii). The Panchayat at the village level is unequivocally answerable to the GS and is its executive agency. Further, the State is obliged to consult the GS before acquisition of land and rehabilitation of displaced persons under Section 4(i) and before granting of lease etc of minor minerals under Section 4(k) and (l). The SL is mandated under Section 4(m) that while endowing powers and authority to the Panchayats to enable them to function as institutions of self-government, it must, inter alia, ensure that Panchayats and the GS are specifically endowed with powers in relation to matters specifically mentioned therein including all aspects of control over excise, money lending, managing village markets, ownership of minor

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<sup>53</sup> Development and challenges in extremists affected areas- D. Bondopadhyaya's compiled Planning Commission Report.

forest produce, prevention of land alienation and restoration of unlawfully alienated lands. Notwithstanding the comprehensive frame of PESA, the developmental activities loom large in the agenda of GSs even in SA. This is particularly so because the agenda of GSs and Panchayats in various States goes by the practice in general areas where the Panchayat system is largely concerned only with development. In contrast, the developmental activities in SA are formally subsumed in the comprehensive agenda of the community in the form of GS.

### **Gram Sabah, Panchayats and the State: A Harmonious Construct**

According to PESA, there are three partners in governance at the village level in SA, namely, the community in the form of GS, Panchayats and the State. In this frame the position of GS is unique by virtue of the fact that it comprises 'We, the People of the Village' themselves, while other institutions, at best, comprise people's representatives. Therefore all Institutions, including Panchayats and the State itself, are expected to assist GS, behoving its stature and authority. This would require fine tuning between the powers and jurisdiction of different authorities. Extra caution has been taken in PESA itself under Section 4 (n) to avoid any confusion about their position. It envisages that the SL, while 'endowing' powers on the Panchayats, has to ensure that 'Panchayats at the higher level do not assume the powers and authority of any Panchayats at the lower level or the Gram Sabha'. The powers of GS under Section 4(d) are plenary and inclusive. Therefore, the powers that a Panchayat at any level may be endowed with, be it the village, intermediate or district, cannot be inconsistent with the plenary character of the powers of GS. They must be construed in such a way that the role of Panchayats is supportive to that of GS. It may be underlined here that the special provisions for self-governance, especially at the village level in the form of GS in PESA, do not absolve the State of its special responsibility to provide effective protection to the tribal people against adverse elements and exploitation, and also its duty to work for their advancement. The State, however, will have to proceed cautiously and ensure that it does not transgress the limits of a truly democratic polity in the name of protection and development. The role of the State, therefore, has to be strictly supportive.

### **Scheme for PTGs, 2008<sup>54</sup>**

The Scheme of Development of Primitive Tribal Groups (PTGs) came into effect from April 1, 2008. The Scheme defines PTGs as the section of tribal communities among Scheduled

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<sup>54</sup> Source: (<http://tribal.gov.in>, the section on schemes contains scheme for development of primitive tribal groups)

Tribes who have declining or stagnant population, low level of literacy, pre-agricultural level of technology and are economically backward. PTGs are considered the most vulnerable among the Scheduled Tribes and the Scheme therefore seeks to prioritise their protection and development. It identifies 75 such groups in 17 states and 1 (Andaman and Nicobar Islands) union territory. The Scheme seeks to adopt a holistic approach to the socio-economic development of PTGs and gives state governments flexibility in planning initiatives that are geared towards the specific socio-cultural imperatives of the specific groups at hand. Activities may thus include housing, land distribution, land development, agricultural development, cattle development, construction of link roads, installation of nonconventional sources of energy, social security, etc. Funds are available only for activities essential for the survival, protection and development of PTGs and not already funded by any other Scheme of the central/state governments. Each state and the Andaman and Nicobar Islands' administration is required to prepare a long term conservation-cum-development (CCD) plan valid for a period of five years for each PTG within its territory outlining the initiatives it will undertake, financial planning for the same and the agencies charged with the responsibility of undertaking the same. The CCD Plan has to be approved by an Expert Committee appointed by the Ministry of Tribal Affairs. The Scheme is funded entirely by the Central government.

#### **NODAL AGENCIES FOR TRIBES**

In the neo-liberal and globalization phase, the state has also gone further in delineating nodal agencies with power and authority to look at the issues specific to the tribes of India. This approach has been a shift from the previous one wherein the deprived sections of the society were clubbed together and their specific problems were never looked at. But the democratic ideals have not been matched by the economic, social, cultural policies and measures, therefore several nodal agencies for tribal development are also made.

##### **A. Ministry in Charge**

The ministry in charge is the Ministry of Tribal Affairs constituted in October 1999 with the objective of bringing more focused attention to bear upon the integrated socio-economic development of the Scheduled Tribes. Towards this end, its role involves: (a) provision of social security and social insurance to Scheduled Tribes, (b) administering tribal welfare, (c) promotion and development of voluntary efforts for tribal welfare, (d) provision of scholarships to Scheduled Tribe students, (e) looking into matters relating to Scheduled Areas, autonomous districts/regions, etc., and related matters.

## **B. National Commission for Scheduled Tribes**

The Constitution (65th Amendment) Act, 1990 established the National Commission for Scheduled Castes and Scheduled Tribes which was subsequently replaced by the Constitution (89th Amendment) Act, 2003 with the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes. The National Commission for Scheduled Tribes has the duty to: (a) investigate/monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution/law/government orders; (b) inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes; (c) participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development; among others.

In addition, the Commission has also been entrusted with the functions of identifying measures to be taken to:

- (a) Confer ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas
- (b) Safeguard rights to the Tribal Communities over mineral resources, water resources, etc., as per law
- (c) Develop tribal and work for viable livelihood strategies
- (d) Improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects
- (e) Prevent alienation of tribal people from land and effectively rehabilitate such people in whose case alienation has already taken place
- (f) Elicit maximum cooperation and involvement of Tribal Communities for protecting forests and undertaking social afforestation
- (g) Ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996
- (h) Reduce and ultimately eliminate the practice of shifting cultivation by Tribal that lead to their continuous disempowerment and degradation of land and the environment.

## **Natural Resources and Lease of Natural Resources**

Liberalisation has made it easier for the private players to acquire lease rights to commercially exploit the natural resources. Globalisation has increased the stake of multinational companies in lease rights procured from the Government.

The National Mineral Policy 1993<sup>55</sup> and States Minerals Concession Rules allow the State to pursue mining activities in natural resource rich areas and such areas are usually inhabited by the tribal. The National Mineral Policy takes into consideration the tribal settlement on such land, yet mining has often led to land alienation and displacement of the tribal. The reason is the financial clout of the corporate willing to purchase the lease rights. For instance, the US based Green Field Alumina Project in Amrapali, Bihar has displaced tribal from 14 villages.

The Centre or the State has not done much to avoid such displacement and continues to go ahead with mining projects, many of them being funded by global companies. For instance, Vedanta – Sterlite (Niyamgiri) project of bauxite mining is a threat to the tribal habitat and livelihood there. Dongria Kondhs are the primary victims in Niyamgiri who have little political power vis-à-vis the corporate giants. A large number of residents, both tribal and non-tribal from villages in Lanjigarh in Niyamgiri have submitted affidavits to the Supreme Court expressing their opposition to the Vedanta Project. The main issues raised in these affidavits are that of drying up and pollution of the Vamshadhara River due to mining and the refinery, and the fact that the local people use the water of this river for purposes like domestic use, agriculture and for use of domestic animals. Other issues raised are complaints that Vedanta is continuously engaging in clearing the foothills of Niyamgiri which the villagers are trying to protect. They also place their apprehension that the red mud pond and the ash pond shall affect their agricultural land and pollute water sources and air around their villages. Likewise, the Chhattisgarh government has reportedly signed some Memorandum of Understandings (MOUs) for an investment of Rs17,000 crores (US\$ 3.8 billion) in Bastar region for the proposed Tata and Essar Steel plants. Tata plans to establish a Rs10,000 crore steel plant at Lohariguda, which will eventually displace tribal from 10 villages. It is pertinent to note that the project affected population has not been adequately consulted before signing the MOU or commissioning the projects. Hence, in view of such cases, the National Mineral Policy is yet to be harmonized with the PESA Act, 1996 for the percolation of benefits to the tribal through self-governance as well as through political recognition of the tribal governance. Besides, the right of the State over forest produce does not often consider the provisions of PESA and most of the time gives away on lease the right to use such forest

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<sup>55</sup> According to the mineral policy, management of mineral resources has to be closely integrated with the overall strategy of development; and exploitation of minerals is to be guided by long-term national goals and perspectives

produce to the state Forest companies. Reporting on the Koya tribes of Malkangiri district of Orissa, P Sainath writes, “Bamboo is the socio-economic oxygen for Koyas. An oxygen which is being denied to them, thanks to forest laws that have removed their access to that material –while granting access to major corporate seeking huge quantities of bamboo for paper (via the Orissa Forest Corporation). Ironically, Koyas are hired sometimes to do the felling on a casual basis, (but) seldom get the Govt. rate of Rs25 per day. With the denial of access, indebtedness – unlike the bamboo forests appear to be growing in certain Koya pockets.” The National Tribal Policy Draft states, “Despite the transfer of ownership, control and management of minor forest produce (MFP) to the Scheduled Tribes through the Panchayats (Extension to Scheduled Areas) Act, 1996, the collection and trade of MFP is largely monopolized by the corporations of the Forest Departments of the States, at least in case of high value products.” The State Forest Companies then sell this to private companies at a cheaper price at the cost of the rights of tribes.

### **National Mineral Policy, 1993 and the Tribes**

#### **National Mineral Policy, 1993<sup>56</sup>**

##### **Preamble**

These aspects constitute the essentials of National Mineral Policy which has evolved over the years. The policy also emphasises certain new aspects and elements like mineral exploration in the sea-bed, development of proper inventory, proper linkage between exploitation of minerals and development of mineral industry, preference to members of the Scheduled Tribes for development of small deposits in Scheduled Areas, protection of forest, environment and ecology from the adverse effects of mining, enforcement of mining plan for adoption of proper mining methods and optimum utilisation of minerals, export of minerals in value added form and recycling of metallic scrap and mineral waste.

### **Strategy of Mineral Development**

#### **Infrastructural Facilities & Regional Development**

Mineral deposits generally occur in remote and backward areas with poor infrastructural facilities which often inhibit their optimum development. Mineral bearing areas are also often inhabited by tribal population and exploitation of mineral resources has not always contributed adequately to their economic development. Contribution of mineral development

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<sup>56</sup> (<http://mines.nic.in/nmp.html#STRATEGY%20OF%20MINERAL%20DEVELOPMENT>)

to overall regional development has also not always been commensurate with the huge investment in large mining projects. A major thrust needs to be given for development of infrastructural facilities in mineral bearing areas following an integrated approach for mineral development, regional development and also social and economic upliftment of the local population including tribal population.

### **Survey and Exploration**

#### **Small Deposits**

Small and isolated deposits of minerals are scattered all over the country. These often lend themselves to economic exploitation through small scale mining. With modest demand on capital expenditure and short lead-time, they also provide employment opportunities for the local population. Efforts will be made to promote small scale mining of small deposits in a scientific and efficient manner while safeguarding vital environmental and ecological imperatives. In grant of mineral concessions for small deposits in Scheduled Areas, preference shall be given to the Scheduled Tribes.

#### **Development Projects, Displacement and Lack of Effective Rehabilitation Policy**

Development projects have seen an upsurge in the neo-liberal and globalization period with an increasing inflow of foreign direct investment. “Studies show that impoverishment is the first result of development-induced displacement and deprivation. Impoverishment does not refer to their state of poverty before their deprivation but to the deterioration of their economic status after it, because the project deprives them of their livelihood.” A major cause of their impoverishment and marginalization is the ideology of the decision-makers of development. Most of them give priority to economic growth over the good of the Displaced Person/Project Affected Person<sup>57</sup> and resettle very few of them. Most projects that have an R&R (Resettlement and Rehabilitation)<sup>58</sup> package ensure at most physical resettlement, not rehabilitation.” Moreover, “there is no provision for compulsorily providing land for land to the Project Affected Persons in the command area/ zone of influence of the project. And the present National Policy on Resettlement and Rehabilitation for Project Affected Families-2003 compensates only assets, not livelihoods.” The tribal families are relocated on an

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<sup>57</sup> Displaced Persons (DPs) are persons forced to move out of their habitat when the project acquires their homestead land. Project Affected Persons (PAPs) are project affected persons who lose their livelihood fully or partially but are not physically relocated.

<sup>58</sup> Resettlement is a short-term process of re-establishing the economic base of the displaced persons, rehabilitation is a long term process of restoring the quality of life socially, economically, culturally and politically.

individual basis and this compensation of their asset does not mean the traditional association of land and livelihood.

Besides, the individual compensation is based on recognition of 'patta' holder tribal only. The tribal lose their livelihood and are further, impoverished. Moreover, "displacement dislocates them from their territory and homeland leading to erosion of their identity." This has led to a crisis in their identity and life. Construction due to infrastructural development still remains one of the main factors for displacement of the tribal. For e.g., 14 villages of the Kondamodalu panchayat in Andhra Pradesh and a population of approximately 1,960 Scheduled Tribe persons and 11 Scheduled Caste families would be submerged due to construction of the Polavaram Indira Sagar dam. Another estimate says as large as 41 per cent of the displaced and affected are tribal in Jharkhand. Likewise, Indira Sagar Project in Madhya Pradesh is likely to submerge 249 villages with the scheduled tribe population. An Action Aid study conducted in Jharkhand found that in the period between 1947 to 2007, 51% of the displaced persons (DPs) were displaced due to water resource projects while 27% and 22% were displaced due to mines and industries respectively. Likewise, of the project affected persons (PAPs), 45% of them were affected due to water resource projects and 27% of them were affected due to industries. Transport & communication projects, mining projects and other projects affected 17%, 4% and 7% of the PAPs respectively. And this study revealed that majority of the DPs, i.e., 75% was tribal. The Action Aid study was conducted in four states using the methods of interviews, case studies and group discussions and the data collected among the displaced showed that "85% of the respondents in Andhra Pradesh, 85.9% in Chattisgarh, 96.2% in Jharkhand and 97.2% in Orissa felt they were not adequately compensated." The period of study also looks before as well as after the adoption of neo-economic policy and is not strictly looking at the post globalization phase. Yet it roughly gives an idea of the different development factors that give rise to displacement of the tribal and the lack of proper compensation and rehabilitation after land alienation. The rationale of compensation is weak: it is based on the superficial market value of space (itself falsified and not at par with the true values, given what lies beneath) and the state responsible for their rights, entitlements, welfare and prosperity, and most of all in the wisdom of their traditions has failed in all these years of intervention, even when adequate resources were available to do so. It is therefore proved as a weak and inappropriate custodian of their wealth. At the very least, the Government should move away from the compensation



paradigm to an approach of looking at tribal as equal partners, if not as the majority shareholders in the ‘industry’ that eventually displaces them.

### **National Policy on Resettlement and Rehabilitation, 2003: A Critique**

The National Policy on Resettlement and Rehabilitation of Project –affected families (NPRR-2003) is in the form of broad guidelines applicable only to projects that displace 500 families or more en masse in plain areas and 250 families en masse in hilly areas; the guidelines also cover areas mentioned in Schedules V and VI and Desert Development Blocks.

The first barrier of exclusion in this policy is the clause which says that only 100 percent of their lands will be eligible for compensation. Secondly, criterion of displacement of 500 families and 250 families en masse in plain areas and hilly areas respectively excludes the families who have been displaced, yet do not conform to this clause.

Thirdly, the policy also makes allotment of land ‘conditional to availability’, thus, putting no burden on the government to find land.<sup>59</sup>

### **Environment Conservation and Displacement of Tribal**

The Neo-liberal and globalization phase has led to greater globalisation and as a result, global concerns are now given priority in national policies. Environment has been the focus of the developed countries and thereby, the developing countries in the neo liberal phase strive to save the environment for future generations, though there are greater issues of poverty, health and education yet to be tackled in their country. Rapid industrialisation has contributed to deterioration of the global environment and international as well as national legislations have been enacted to put restrictions on environment harmful activities. India has followed this global trend and there have been laws and policies which put restrictions on the rights of the tribal over their natural habitat in a bid to save the environment. Such measures have only added to the agony of the tribal and led to their displacement. Moreover, the Government’s environment protection measure has not only limited tribal access to forest resources but also increased mono cropping in the reserve forest areas, which affected the rich flora and fauna and food security of the communities. (See Environment Vs. Tribal Rights in the Section on ‘Economic Rights’)

### **Reaction of Tribal**

The intrinsic conflict between the goals of democracy and privatization has manifested in the demand of greater economic, political, social and cultural participation by the tribes.

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<sup>59</sup> (Source: Rich Lands Poor People: Is ‘Sustainable’ Mining Possible?, Centre for Science and Development, New Delhi, 2008)

Development, displacement and deprivation have affected the economic, cultural and social aspects of tribal life. Each of these aspects of life is closely integrated with tribal identity. And in return, struggle for the land rights; tribal identity and a better life have become synonymous with tribal belts of India. Some brand them as ‘Maoists’, some others call them as ‘naxals’, and some simply regard it as an ideology driven social movement. Poverty and identity crisis have resulted in an upsurge of such social movement in India. It is witnessed in the tribal regions of some states of Orissa, Jharkhand, Chhattisgarh, Andhra Pradesh, etc. And very frequently, the poor tribal who have witnessed land alienation, loss of livelihood and lack of opportunity for education and employment join these ideology-driven social movements. For instance, in Madhya Pradesh, tribal outfits such as ‘Gondwana Mukti Sena’ have adopted Naxalite ways. Many call them as naxalites, though the state Government has not yet branded them so. Such reaction of tribal has manifested in violence at times.

Further, India being a major country in South-east Asia, she has strategic importance for the border countries of Bangladesh, China, Burma, etc. For this reason, these countries have directly or indirectly encouraged the existing agitation among the tribal. Many of the training camps of militant tribal groups are located in these border countries. A multitude of factors have encouraged many tribal to take recourse to violence as the method to demand for their rights. “Naxal activity started in 1960s and gained some support in rural and later urban areas of West Bengal and subsequently Bihar and Andhra. So this activity is not new but there is an increase in anger and attacks from both sides.’ These tribal demand for their land rights and thereby, economic rights. The Government of India treats the growing ‘Maoism’ or ‘Naxalism’ as a law and order problem. But the right over forest is an indispensable right for tribal identity. Is the demand for large tracts of land in these areas not a subversion of the much awaited Forest and Tribal Act of 2006, which promised 2.5 hectares to every tribal family that had rights to the land? And what does the forest dweller get in return for selling his land? He cannot use the money to secure his future income since there are no such facilities available to him. He is left with money with which to buy hooch – the pattern that has followed all over the colonial world in North America, Australia, and Africa.” A piece meal approach towards compensation of the land lost only takes steps for a short term. In the long term, the very basis of tribal existence is eroded. The struggle of tribal remains and is not very successful as they fight it alone and the state has imposed a plethora of draconian laws to curb their attempts to demand equality. For instance, struggles such as in Chilka lake or Baliapal against the missile base in Orissa, are far more successful because of the support of the local activists, and elite who equally oppose these projects along with the tribal. Also projects in tribal area such as Gandhamardan and Vedanta-Sterlite project in Niyamgiri are opposed by the tribal with support from different quarters of the society.

### **Salwa Judum: A Report<sup>60</sup>**

The main findings of the fact finding team on Salwa Judum are reported below:

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<sup>60</sup> (Source: Fact-finding report on the Salwa Judum, Dantewara District, By an All-India team (PUCL Chhattisgarh and PUCL Jharkhand, PUDR, Delhi; APDR, West Bengal and IAPL), Nov - Dec 2005, Press Release at Raipur, 2nd December 2005)

1. The Salwa Judum is far from the spontaneous uprising of tribal against Maoists that it is claimed to be. It is an organised, state managed enterprise that has precedents in the Jan Jagaran Abhiyans that have occurred earlier under the leadership of the current Dantewara MLA, Mahendra Karma. The Collector himself has been part of 75% of the Salwa Judum meetings and security forces have been backing the Judum's meetings. The main cadre of Salwa Judum are comprised of Special Police Officers who are being paid and armed by the state, at a rate that is standard in counter insurgency operations across the country.
2. The Salwa Judum has led to the forcible displacement of people throughout Bhairamgarh, Geedam and Bijapur areas, under police and administrative supervision. According to official estimates approximately 15,000 people from 420 villages are living as refugees in temporary camps. People have left behind their cattle and most of their household goods. The entire area is being cleared of inhabitants even as new roads are being built and more police and para-military stations are being set up. The region is being turned into one large cantonment. In many places regular economic activities like weekly 'hats' have stopped.
3. We observed a pattern in the dislocation: when Salwa Judum meetings are called, people from neighbouring villages are asked to be present. Heavy security forces accompany the meetings. Villages that refuse to participate face repeated attacks by the combined forces of Salwa Judum, the district force and the paramilitary Naga battalion, which is stationed in the area. In addition, there are separate raids by the Naga Battalion. These raids result in looting, arson and killings in many instances. In some villages, the raids continue till the entire village is cleared and people have moved to camps while in other cases, only old people, women and children are left. Many villages are coming to camps to avoid these attacks in the first place.
4. Once in camps, people have no choice but to support the Salwa Judum. Some of them are forced to work as informers against members of their own and neighbouring villages and participate in attacks against them, leading to permanent divisions within villages. Individual families are sometimes being split between Judum supporters and those who wish to remain in their villages. We also came across instances where the Salwa Judum took young people away from the village and their families were unaware of their whereabouts.
5. It is frightening to note the collapse of civil administration in many parts of Dantewada District. Salwa Judum members man check points on roads, search people's belongings and control the flow of transport. They enforce an economic blockade on villages that resist coming to camps. They also try to force civil officials to follow their dictate.

6. FIRs registering the looting, burning, beatings/torture by Salwa Judum mobs and the security forces are not recorded. We were told of specific instances where Security Forces threw dead bodies inside or near villages. The intention seems to be to terrorise people into leaving their villages. These killings are not reported, and therefore hard to corroborate. Some reports suggest that 96 people from 34 villages have been killed. However, the only killings that are officially recorded are those by Maoists. In the period since Salwa Judum started, it is true that the killings by Maoists have gone up substantially and the official figure today stands at 70. Rather than being a “peace mission” as is claimed, the Salwa Judum has created a situation where violence has escalated.

7. The Salwa Judum has strong support among certain sections of local society. This section comprises of some non-advansi immigrant settlers from other parts of India, sarpanches and traditional leaders whose power has been threatened by the Maoists, powerful local politicians like Karma, and his network of supporters. Both the local Congress and the BJP are supporting the Salwa Judum together.

8. Militarisation: We have heard from several high ranking officials that there is an undeclared war on in Bastar, and we fear that the worst is yet to come. There is a heavy presence of the paramilitary like the CRPF and the Naga Battalion. This creates a situation where forces from other states are behaving like an occupation army. We ourselves saw a number of cattle and people being herded by the Naga Battalion after a raid. One of these cows was slaughtered on the main road in full view of all present. In addition, people are being encouraged to carry arms. Village defence committees are being created, SPOs are being trained and armed, and the entire society is becoming more militaristic.

9. Although Chhattisgarh is claimed to be a tribal state, advansi society and culture is being actively destroyed. People, for whom the earth of their village is sacred, are being forcibly removed from it, and the whole social fabric is being torn.

### **Institutional Contradictions**

The Indian Constitution provides the basic framework to ensure protection of economic, social, cultural and religious rights of a diverse population. The constitutional provisions are made judiciable through legal provisions. One observes quite a number of progressive laws in the pre- and post-neo liberal phase to ensure rights of the excluded social group, yet their implementation is a far cry, thereby leaving immense scope for communities to advocate for the implementation of the existing laws. Further, in the post globalization (1991 onwards) era are newer forms of violations coupled with newer forms of laws that in fact curb the rights

leaving shrunk space for justice. Therefore, this makes it imperative for the Indian Civil Society to be fully on the vigil to make timely 'noise' against any anti-people legislations or policies that will have long-term negative ramifications in their already fragile life. The government has responded to exclusion mostly with schemes and programmes implemented by the concerned ministry and departments. But with their poor implementation, along with contradictions in the way, legislations being implemented leave the rights of the tribes violated unabatedly.

- In terms of the PESA Act, 1996, the Gram Sabha or the Panchayats at the appropriate level are required to be consulted before making any acquisition of land and before making any arrangements for resettlement and rehabilitation of displaced persons. No such provision exists in the Land Acquisition Act, 1894, which is a colonial hangover. This is a provision, which necessitates suitable amendments in the Land Acquisition Act, 1894. On similar lines, suitable amendments are also required to be made in the Indian Forest Act, 1927 to make it consistent with the provisions of the PESA Act. For instance, the PESA Act confers ownership of minor forest produce on the Gram Sabha and Panchayats. On the contrary, the Indian Forest Act, 1927 does not make any distinction between major and minor forest produce and vests the ownership of the entire range of forest produce on the State, meaning thereby the Forest Department. Hence, this Commission is of the view that there is an urgent need for necessary amendments in the Land Acquisition Act, 1894 and the Indian Forest Act, 1927 to bring them in conformity with the provisions of the PESA Act to enable the effective functioning of the Gram Sabhas and Panchayats in terms of the PESA Act.

- The Ministry of Panchayati Raj has apprised the National Commission for Scheduled Tribes of the judgements of the Hon'ble Patna High Court and Madhya Pradesh High Court (Jabalpur) on the issue of reservation of all seats of Chairpersons of Panchayats at all levels for the Scheduled Tribes. In the case of Bihar, the Hon'ble Patna High Court in CWJC No.3351 of 1994 and analogous cases struck down certain provisions of the Bihar Panchayati Raj Act, 1993 relating to reservation to the posts of Mukhiya of Gram Panchayats, Pramukh of the Panchayat Samiti and Adhyaksha of a Zila Parishad on the ground that these are solitary posts and such reservation would amount to 100% reservation. The Government of Bihar has filed SLP Nos.9724-28, 9819-25 of 1996 in the Supreme Court challenging the aforesaid orders of the Hon'ble High Court, Government of India being a party. The case is still pending. In the meantime, the Hon'ble Supreme Court clarified on 29.8.2000 and 5.1.2001 that the Government of Bihar might hold Panchayat elections in the State in

accordance with law 'as it stands today'. The interpretation of this, as given by the Supreme Court was that elections could be held but without the provision of any reservation of seats for the posts of Chairpersons. Accordingly, the Government of Bihar held Panchayat elections in April, 2001 without providing reservation for SCs/STs/Women to the offices of Chairperson at all the three levels of Panchayat.

- In the case of Madhya Pradesh, reservation of seats for elections to Panchayats in excess of 50% for Scheduled Castes, Scheduled Tribes, women and backward classes in normal areas and 100% reservation of seats of Chairpersons to the Panchayats in Scheduled Areas was challenged in the High Court of Jabalpur in 1999 when the elections were about to be held. The High Court vide order dated 17.12.1999 in the Writ Petitions upheld the reservation made by the State. The Court observed that the attempt of the State and the Union of India is to encourage participation in the local self-government of hitherto suppressed classes, i.e., SCs/STs and weaker sections, i.e., OBCs and women who are incompetent to compete elections with the educated and wealthy sections of the society called the forward classes. In the case of 100% reservation for STs for the posts of Chairpersons at all three tiers in PESA areas also, the Court upheld the reservation provisions of the State. Consequent upon the Order of the High Court of Jabalpur dated 17.12.1999, Panchayat elections in Madhya Pradesh were held in January 2000 providing reservation for the Scheduled Tribes as per the provisions of the Act.

- A group of petitions were filed in the Hon'ble High Court of Jharkhand, most of which had challenged the validity of second proviso to Clause (g) of Section 4 of the PESA Act, 1996 (referred to above) as well as Section 21 (B), Section 40(B), Section 55(B), sub-section 2 to Section 17(B), sub-section 2 to Section 36(B) and sub-section 2 to Section 51(B) of the Jharkhand Panchayat Raj Act, 2001. The Hon'ble High Court of Jharkhand by their judgement dated 2 September 2005 held that 100 percent reservation of the offices and seats of Chairpersons cannot be made, being excessive, unreasonable and against the principles of equality, i.e., violative of Article 14 of the Constitution of India. By the aforesaid provisions 100 per cent reservation of seats of Chairpersons of Panchayats at all levels in Scheduled Areas having been made, they cannot be upheld, being unconstitutional. Accordingly, the Hon'ble High Court of Jharkhand declared the 2nd proviso to clause (g) of Section 4 of PESA Act, 1996, and Section 21(B), Section 40(B) and Section 55(B) of Jharkhand Panchayat Raj Act, 2001 so far 100 per cent reservation of seats of Chairpersons of Panchayats at all levels in favour of Scheduled Tribes is concerned, as unconstitutional and ultra-vires. The National Commission for Scheduled Tribes could not but feel gravely concerned on the adverse implications of the verdict of the Hon'ble High Court of Jharkhand on the reservation of seats of Chairpersons of Panchayats at all levels for Scheduled Tribes in the Scheduled Areas. The matter was considered by the Commission in a special meeting held on 12 September 2005. It was felt that the Commission should immediately take up the matter with the Ministry of Panchayati Raj, the nodal Ministry concerned with the administration of PESA Act, 1996 and advise them to file an Appeal/SLP against the judgement of the Jharkhand High Court to protect the interests of the Scheduled Tribes. The Commission accordingly took up the matter vide its d.o. letter dated 20 September, 2005 with the Ministry of Panchayati Raj requesting them to apprise the Commission of the steps taken/proposed to be taken by them in the matter of filing appeal against the judgement of the Hon'ble High Court of Jharkhand. The Government of Jharkhand was also requested to inform the Commission about the action being taken by them against the judgement of the Hon'ble High Court of Jharkhand in so far as it related to Jharkhand Panchayati Raj Act, 2001.

The Ministry of Panchayati Raj has informed vide their letter dated 5 January 2006 that the SLP has since been filed by them in the Hon'ble Supreme Court of India vide Dy. No.24969/2005. The Government of Jharkhand vide their letter dated 31.12.2005 has informed that the State Government has sought guidelines from the Ministry of Panchayati Raj and the Ministry of Tribal Affairs, Government of India to decide the future course of action to be taken by them and that Ministry of Tribal Affairs vide its letter dated 22.9.2005 that had suggested the State Government to prefer an appeal in the interest of the Scheduled Tribes in the State, after seeking legal advice in the matter and in consultation with the Ministry of Panchayati Raj.

- The Hon'ble Supreme Court of India sought the views of the Commission in Writ Petition (Civil) No.76 of 2003-A.S. Nagendra and Ors. Vs. State of Karnataka & Ors. on whether the Maaleru community was the same as the Maleru which (i.e., Maleru) has been recognized as Scheduled Tribe in the Constitution (Scheduled Tribes) Order, 1950 issued under Article 342 of the Constitution. The Commission took a series of action to gather the basic information to know whether Maaleru and Maleru represented two different communities or the same community. The information received from various quarters revealed that Maaleru and Maleru were two different communities with distinct social, cultural and religious characteristics, and that while the Maalerus lived in villages and towns with their traditional occupation as 'Temple Servants' not having any characteristics associated with declaration of a community as Scheduled Tribe, the Malerus [who have been recognized as Scheduled Tribes in the Constitution (Scheduled Tribes) Order, 1950] lived in forests and on hills with their occupation as hunting and gathering of forest produce. A study conducted by the National Scheduled Tribes Commission about ST status of Maleru and Maaleru communities in Karnataka at the instance of Hon'ble Supreme Court, revealed that people belonging to the Maaleru community have reaped the benefits of reservations, etc., available for STs by misrepresenting themselves as Maleru ST community in Karnataka State. The Commission recommends that in view of the low level of literacy, extreme economic backwardness, pre-agricultural level of technology, stagnant and diminishing population, and primitive characteristics of the people belonging to the Maleru community by virtue of their being hunters and living in forests and on hills and subsisting on forest produce, including roots and leaves, the Maleru community from Karnataka may be included in the list of Primitive Tribal Groups (PTGs).

In the context of such institutional contradictions, there is a need to look at the economic, social and cultural rights as put forth by the International Covenant.

## **SECTION-II ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

The Universal Declaration of Human Rights, 1948 after a 20-year-long debate, especially between the western and eastern bloc, split the human rights into two sets of rights – the Civil & Political and the Economic, Social and Cultural Rights. Thus came into existence in 1966 the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). India signed and ratified ICESCR on 30 July 1980, thereby declaring to abide by not only protecting the existing rights as preserved within the Constitution, but also safeguarding the newer violations of the changing socio-economic context as threatening the communities.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) covers human rights in areas such as self determination, work, just and favourable conditions of work, trade union rights, social security, right

to protection of family, right to adequate standard of living, right to health, education and participation in cultural life, which are essential for basic quality of life. These rights are recognized by the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

## **ECONOMIC, SOCIAL AND CULTURAL EXCLUSION**

Tribal are victims of exclusion and marginalisation due to pro-majority policies and lack of inclusive growth in society. The state has failed to play a satisfactory role in ensuring progressive and immediate realisation of their rights through policy measures. Development is rather lop-sided and benefits only few. Their economic exclusion begins with their land alienation, use of the resource rich forests for commercial exploitation and gradual transfer of power over these resources into the hands of the rich and the powerful. Tribal economy is largely dependent on shifting cultivation, and loss of rights over forests erodes the very basis of their economy. Tribal women are affected as they are actively engaged in the tribal economic activity dependent on forests. Loss of employment for tribal women implies loss of earning for tribal families. Moreover, after the setting up of industries in tribal areas, there has been an increase in pull migration into these areas and economic exclusion of the tribes has multiplied as the better off jobs went to the migrants. With constant land alienation and lack of adequate rehabilitation, tribal are pushed into extreme poverty with scarce opportunity of an alternative livelihood.

The exclusion of tribal manifests in the form of discrimination and deprivation meted out to them. Social exclusion typifies discrimination and deprivation, be it in the status of health/education/ tribal women. The school curriculum provides an apt illustration of social exclusion. The curriculum is primarily communicated in the dominant language of the state and also contextualised in the backdrop of mainstream society. Hence, the curriculum itself symbolises power centrism in society. The tribal children often face discrimination when they find it difficult to cope with these new challenges. And this discrimination often inhibits their educational achievement and leads to deprivation of education. Likewise, social exclusion pervades the spheres of health of the tribal and dignity of their women. Tribal women and children are trafficked for domestic labour and commercial sex work. Cultural exclusion extends their exclusion to their way of living. Tribal culture is deeply rooted in nature, and land alienation due to use of forests for other purposes dismantles that very sacred bond between nature and the tribal. Tribal religion, tribal festivals, tribal dress, tribal food, etc., are all dependent on nature or the forests/hills. Up rootedness grips these aspects of the tribal life once their land is taken away from them. Consequently, economic, social and cultural exclusion casts a life of oppression and exploitation on the tribal. This is heightened by the fact that the traditional system of tribal governance is subdued, priority is given to policies with mainstream clout, and tribal friendly governance measures, etc., are not implemented. The reorganisation of states has also meant a loss of exchange of culture, language and trade wherein tribal are at the receiving end. The struggle of tribal can only be won by ensuring their economic, social and cultural rights.



## **ECONOMIC RIGHTS**

**Tribal economic rights are largely dependent on the land they inhabit. And for legal as well as policy loopholes, the tribal are gradually losing their right to land and thereby, their economic rights.**

### **Legislations and Land Alienation**

Forest land was common land for the tribes till the Indian Forest Act, 1878 and later till the introduction of Indian Forest Act in 1927. The Forest Act, especially 1927 Act restricted the ownership rights of the tribes as it did not differentiate between major forest produce and minor forest produce and gave primary ownership of the forests and its produce to the State. Post-independence, similar legislations curtailing the land rights of the tribal have also been introduced such as the Coal Bearing Areas Act, 1957, the Wildlife Protection Act, 1972. The mines, wild life sanctuary, national park, etc., often displace the tribal. For instance, Periyar wildlife sanctuary has displaced a large number of tribal. Hence, the land that was once held by the tribes as a common property resource is no longer considered so by the law. And they do not have any documentary proof of their ownership to come under the purview of the Land Acquisition Act, 1894. Post-independence, the land settlement process (which is called by different names in different states) was introduced to encourage registration of land held by the tribal. But majority of the tribes were illiterates and were duped in the process of registration or never knew about the existence of such a provision. The corruption among the officials doing the registration also compounded the problem.

The National Tribal Policy Draft, 2006 states, ‘poor land record systems in tribal areas coupled with the illiteracy, poverty and ignorance of tribal and the greed of others have resulted in the continuous transfer of resources from tribal to non-tribal’. In such a case, the tribes gradually faced land alienation. The tribes were poor and land alienation made their situation worse. In spite of the protective legislations by some of the states to prohibit transfer of land to non-tribal such as the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 1984, the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959, the Himachal Pradesh Transfer of Land (Regulation) Act, 1968, the Orissa Scheduled Areas Transfer of Immovable Property (Scheduled Tribes Regulation) 1956, etc., corruption and legal loopholes made infringement of such laws easy. Besides forest laws, laws protecting the environment of late have been

detrimental for tribal economic rights, particularly for the practice of shifting cultivation adopted by the tribal.

### **Factors of Tribal Land Alienation**

The National Commission for Scheduled Tribes believes that the principal factors responsible for tribal land alienation are as follows:

- (i) The applications filed by the members of Scheduled Tribes for restoration of their alienated lands are routinely dealt with by administrative authorities resulting in rejection of their claims by trial courts.
- (ii) In certain cases, the tribal land is forcibly occupied by the non-tribal which forces the tribal to seek legal redress which either does not bring any relief to him or if at all any relief comes; it comes after many years of legal battle.
- (iii) The fact that the tribal in many cases are not in possession of Pattas or any other relevant documents is exploited by the non-tribal.
- (iv) Some village officers play mischievous role in manipulating the land records at the time of settlement of the land records or at any other times without the knowledge of the original tribal owner.
- (v) In certain cases non-tribal marry Scheduled Tribe women and thereby get access and ownership of tribal land, although a non-tribal in such situations does not get the status of a ST.<sup>61</sup>

### **Environment v. Tribal Rights**

The threat to the livelihood of indigenous people became more apparent after the Supreme Court interim order of 1996 in T N Godavarman case defining forest as anything recorded as forest in Government record by any department and forest as per dictionary meaning irrespective of ownership. This was an attempt to save forests while not considering the traditional rights of the tribal. Different programmes have been introduced to discourage jhum cultivation, whereas jhum has been the primary economic activity for ages. The tribal through Jhum cultivation have done little harm to the environment compared to the indiscriminate exploitation of the forest and other natural resources by agents of the Government or the multinationals. In the slogan of conservation and scientific management, traditional wisdom is completely ignored despite incomparable agro diversity yielding up to

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<sup>61</sup> (Source: National Tribal Policy Draft, Ministry of Tribal Affairs, Govt. of India, New Delhi, July 2006)

78 varieties in jhum areas and the unique 4-tier farming system. Likewise, representatives of the Environment and Forest Ministry in the Task Force meeting, 2007 disclosed that 10% of the forest land in the North-eastern states will be utilised for Jatropha cultivation. This is something very new to the tribal and there has been opposition against such initiatives by tribal groups and civil society activists. All the acquisition of community land through backdoor methods like the World Bank supported Joint Forest Management is to generate revenue for the department either by carbon trading or through utilisation for jatropha cultivation rather than really protecting the environment. The measures have serious implications for tribal identity as they take precedence at the cost of the less privileged and powerless. The tribal identity is affected as the tribal economy stands threatened.

### **Tribal Identity and Tribal Economy**

‘Ownership of land signifies livelihood, culture, and identity in a tribal economy’. The Scheduled Tribes were often described geographically by Imperial Gazetteer before independence or by ethnographic profiles of 1961 census after independence. And habitation in such specific territory influenced their lives by determining their economic organisation. For instance, the Bhotiyas of the sub-Himalayan region in the north and Todas of Nilgiri hills are pastoral community as they live in the grasslands below the hills; the Nagas in the north-east, the Marias of central India (Bastar) and the Khonds of Andhra Pradesh and Orissa practice shifting cultivation as they stay in forests. The primary occupation of many tribes in India has been hunting and gathering and shifting cultivation (also called as ‘jhum’ in some parts of India) since ancient times with exceptions such as Hos in North-east or the Gonds of central India who practice settled cultivation or agriculture.

In the wake of development projects, land alienation has hit tribal economy and their identity. For instance, in Chattisgarh, construction of the dam across Kurkut river by Jindal Steel and Power Limited (JSPL) for the 1000 mega watt hydel power project will be using 355 hectares of forest land and 1,000 hectares of agricultural land (as estimated by Lok Shakti, a local NGO) and thereby, 6,000 families from 15 villages will be affected. The loss of agricultural land also implies loss of source of livelihood and often the rehabilitation of these families is to provide an alternative source of livelihood. Another instance is of the Sahariyas of Rajasthan. They are notified as PTGs by the Government of India. These tribes are migrating outside due to starvation and hunger deaths caused by constant deforestation for development purposes. Deforestation has meant loss of livelihood as well as challenges to their cultural identity in the event of migration. The tribal’s association with land and thereby,

the very basis of their identity has been seriously questioned by the above mentioned factors over the years. Moreover, tribal identity is dependent on economic practice or traditional tribal occupation. Many of these traditionally produced crafts, medicines, etc., are no more the exclusive property of the tribes. With the transfer of information on tribal indigenous knowledge into the hands of non-tribal, commercialisation of such knowledge resource is gradually occurring. Loss of tribal control of indigenous technology and knowledge is a threat to the tribal economy as well as the tribal identity as patents are being issued by companies, restricting the right to claim of the tribes over this knowledge and the right to pursue traditional occupation.

### **Violation of Economic Rights**

#### **Violation of Right to Work (Article 6)**

Right to work includes the right of everyone to the opportunity to gain his/her living by work which she freely chooses to work.

- According to the Kendu Leaf (KL) policy in Orissa, the poor are prohibited from selling leaves to anyone except the Government. They are also not permitted to process the leaves into bidis. Raids are often organised against the people during the 'kendu' season to ensure compliance to storage and sale restrictions. The poor are not given an opportunity for better sales income by selling the leaves to private buyers at a higher price simply because the Government wants to increase its own revenues. But according to law, if registered with the Forest Department, private growers can keep up to 3.5 quintals of KL. In actual practice, not a single grower is registered and thus, even farmers cannot stock kendu leaves collected from their own farms. This is an attempt to curb any chance of more income by denying the growers certain provisions in the law and favourable towards them.

- Nirmala Niketan, Delhi in its report states that tribal girls have migrated in huge numbers to cities. Delhi, Kolkata, Mumbai, Bangalore and Goa had 1,78,000 tribal girl migrants in 2003, out of which Delhi alone had 61,000 tribal girls trafficked into its territory. It further states that 'trafficking of tribal girls from Jharkhand and surrounding tribal areas for domestic work is a serious social problem and during the last few years, large number of tribal girls (including 40% of them who are below 14 years) are being brought by a chain of agents. The first agent collects girls from villages and arranges their movement till the nearest big cities such as Ranchi and Kolkata. Recently, the agents have started giving advances to parents to bring daughters including minors for domestic work. From there a second agent takes them to major destinations such as Delhi and hands them over to placement agencies for a commission ranging from Rs1000 to Rs3000 per head.

- According to Orissa's policy until 2000, the processing of hill brooms can only be done by the lease holder, Tribal Development Cooperative Cooperation (TDCC) and its traders. Gatherers can collect hill brooms, but cannot bind these into a broom, nor can they sell the

collected item in the open market. Thus, the poor are prevented from both, doing value addition through processing and the right to get the best price for their produce. In one particular case, (Das, 1995; Saxena 1995) assurance was given by the Collector of Raygada to a women's cooperative society that it would be allowed to collect and market hill brooms, so that the primary gatherers, who are mostly poor tribal women, might get the benefit of higher prices in the market. The Society started functioning, but without a valid licence. After the Collector's transfer, rather than helping them with processing and finding the best price, the State Government machinery decided to prosecute the women and their organisation at the instance of the Tribal Development Cooperative Corporation, Orissa (TDCC). Their stocks were seized and even after a court order for release, the full stock was not released, causing a financial loss to the women.

- According to Krishak Mukhti Sangram Samity (KMSS, a farmers movement groups) in Assam, Panchayats in general provide a maximum of 5 job cards which are distributed more or less in an arbitrary manner. Application for jobs is never replied within 15 days. In some places BDO's snatch Job cards on the excuse of numbering them correctly and thereby, prevents people from applying for work under NREGA. One example is Tengani where 400 Job cards were taken away but KMSS managed to restore them. In Golaghat, since the farmer's movement, Rs 49 cores have been sanctioned under NREGA and current wages are fixed at Rs80. However people are not attracted to work under NREGA because of low wages they can get an amount of Rs120 to 150 in private jobs.

- Ms Sapna Ronghang (38 years) belonging to the indigenous Karbi tribe (Assam) is one among hundred such women who face restrictions on their right to earn a livelihood. She shares, "I along with my friends used to earn good money from vending our vegetables. But now we have no place in the city of Guwahati. We had a lot of space to sit down and sell our goods. But now we see tall and long flyovers, widened roads and high raised buildings. We occupy the footpath over big drains but even from here the police chase us out. They allow us to sit with our goods far away from the city where people hardly pass by, except for speeding cars, rickshaw pullers and auto rickshaws carrying passengers who would hardly look at our vegetables which are now soiled. Earlier we used to sell everything we brought from home; but now we carry back half of the vegetables unsold. Due to this, my income from vegetable vending is not enough to feed my family of six members. Since I had been vending vegetables for the past 8-10 years, I have no other skill for any other type of work. Loss or gain, I still have to continue as a vendor with no other options.

### **Nodal Agency Facilitating Tribal Economic Activities**

The National Scheduled Tribes Finance and Development Corporation (NSTFDC) were established through the bifurcation of the National Scheduled Castes and Scheduled Tribes Finance and Development Corporation in 2001-02. The Corporation was set up as a company under Section 25 of the Companies Act, 1956 for providing financial assistance to schemes/projects launched with the aim of economically developing Scheduled Tribes. As such the Corporation has the following broad objectives:

- (a) Identification of economic activities of importance to the Scheduled Tribes so as to generate employment and raise their level of income;
- (b) Up gradation of skills and processes used by the Scheduled Tribes through providing both institutional and on the job training;
- (c) To make existing state/union territory Scheduled Tribes Finance and Development Corporations, that are nominated as State Channelizing Agencies (SCAs) for the purpose of availing assistance from NSTFDC and other developmental agencies engaged in the economic development of Scheduled Tribes, more effective;
- (d) To assist SCAs in project formulation, implementation of NSTFDC assisted Schemes and in imparting necessary training to their staff.
- (e) To provide financial support for meeting the working capital requirement of Central/State government owned agencies, for undertaking procurement and marketing of minor forest produce, agricultural produce, and other products grown/made or collected by the Scheduled Tribes.
- (f) To innovate, experiment and promote rather than replicate the work of the existing agencies. The NSTFDC finances viable income generating schemes/projects that cost upto Rs10 lakhs through SCAs. They also assist SCAs through grants to set up training programmes for skill and entrepreneurial development of eligible Scheduled Tribes.<sup>62</sup>

### **Violation of Right to Just & Favourable Conditions of Work (Art.7)**

Right to just and favourable conditions of work recognises that State should ensure remuneration which provides all workers fair wages and equal remuneration of work of equal value without distinction in particular between women and men, with care taken that women are guaranteed conditions of work not inferior to those enjoyed by men, safe and healthy

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<sup>62</sup> NSTFDC (Source: <http://nstfdc.nic.in> , the section on “objectives of organization”)

working conditions, equal opportunity for everyone to be promoted in his/her employment and rest, leisure and reasonable limitation of working hours and periodic holidays with pay as well as remuneration for public holidays.

- Sukra, a tribal of Tagabeda village under Rasabeda panchayat in Khairput block, Orissa is a bonded labourer. His father took a loan of Rs200 and two cows from the village Nayak Adi Muduli to pay bride price for Sukra's wedding when he was 8 years old. Soon Sukra had to go and work for Adi though he was allowed to stay with his parents and wife. His jobs included fetching firewood, herding cattle and cleaning their shed, doing agricultural labour during the harvesting seasons and odd domestic chores. As he grew older the workload increased. His father meanwhile died and the daily wages that he used to get also stopped, pushing Sukra's wife and mother to the brink of starvation. And that is when he began to wish he was free to go and work as a daily wage labourer so that he could bring home money to feed his mother and wife, remembers Sukra. Soon, Adi also died and the mantle of Nayakhood and with it 'masterhood' was donned by Mongla, Adi's eldest son. But things hardly changed for Sukra. However, with the campaign against bonded labour launched by the RITES Forum, the entire community along with the Nayak got together and decided to bargain for a better future for Sukra. Mongla agreed to waive the loan of Rs200 and demanded that either two cows or Rs2000 be repaid to him for freeing Sukra. Mongla, as the Nayak, also promised to give Sukra a good riverbed plot near Mankad Jhola Konda (konda meaning hill). The community agreed to raise Rs1000 and collected Rs30 from each household. They also agreed to give Sukra 1 *puti*<sup>63</sup> millet and paddy seeds for sowing and 4 *puti* millets and rice for food and other basic needs for one year. He need not repay any of this they also conditioned. The other Rs1000 would come as organisation contribution to the Gram Kosh which would channelize it for Sukra's release. Buda Sirsa, social animator of Tagabeda, followed up the decisions and by 20th January Sukra was a free man with seeds and food grains to survive for a year. "I will work hard on my hill plot and also supplement by wage labour but will never either go back into bondage or put my children into this system," says Sukra.

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<sup>63</sup> 12 *puti* is equal to approximately 60 kgs.

### **Violation of Right to Trade Union (Art.8)**

Right to Trade Union is the right of everyone to form trade unions and join the trade union of his/her choice, subject to the rules of the organisation concerned and right to strike, provided that it is exercised in conformity with the laws of the particular country.

- The LAYA study on Non Timber Forest Produce in tribal areas of Andhra Pradesh in 2004 found that the purchase of Non Timber Forest Produce was monopolised by Girijan Cooperative Cooperation (GCC) in the Scheduled Areas of six villages of Khammam, East Godavari and Vishakapatnam. GCC purchased NTFP on a huge scale when the prices of these products go up in the market. The availability of products like amla, hill broom, adda leaves, etc., has been declining and the tribal of these villages, who are primarily dependent on NTFP are facing lack of security to livelihood. The right to oppose the monopoly of such cooperatives collectively is reinforced only when the very measures meant for their benefit is actually implemented. In spite of the provision of Scheduled Areas where tribal have first access to and use of the NTFP, cooperatives are able to stranglehold that very right of the tribal. The tribal are unable to go beyond a single buyer and also to restrict the sale of the NTFP to this buyer. They are unable to come up as a trade union due to their situation and lack of proper implementation of laws.

### **Nodal Agency Facilitating Trade of Minor Forest Produce by the Tribes**

The Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) was established in August 1987 for bringing about the socio-economic development of tribal of the country through the institutionalization of trade in minor forest produce (MFP) and surplus agricultural produce (SAP) collected/cultivated by them. Considering that most tribal communities rely upon the two for their major source of income, the aim of the Federation is to protect their trade in the same and reduce their exploitation by middle-men. The Federation pays tribal remunerative prices for their product as also provides marketing support to State Tribal Development Cooperative Corporations, State Forest Development Corporations and other State level Agencies engaged in procurement of such products from them. The Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) was established in August 1987 by the then Ministry of Welfare, Government of India, under the Multi State Cooperative Societies Act 1984 (which has now been replaced by the Multi-State Cooperative Societies Act, 2002). TRIFED was established with the basic mandate of bringing about the socio-economic development of tribal of the country by institutionalizing the trade of Minor Forest Produce (MFP) and Surplus Agriculture Produce (SAP)



collected/cultivated by them – because tribal are heavily dependent on these natural products for their livelihood. But in many cases they did not use to get remunerative prices due to middle-men and unscrupulous traders exploiting the naiveté of Tribal. TRIFED was expected to help tribal by ensuring purchase of their products and that too by paying them remunerative prices. Further TRIFED was required to provide marketing support to State Tribal Development Cooperative Corporations, State Forest Development Corporations and other State level Agencies engaged in procurement of such products from tribal. Since inception TRIFED focused its activities mainly on procurement of Minor Forest Produce (MFP) and Agriculture Produce (AP) with the idea of providing remunerative prices to the tribal and also to help member societies in disposing their stocks procured from tribal.<sup>64</sup>

### **Government Schemes Facilitating Tribal Economic Rights**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was enacted to make restitution for historical injustice enacted upon Scheduled Tribes and traditional forest dwellers from colonial times onwards through the appropriation of their traditional land use and community rights on forest land. The key objectives of granting Scheduled Tribes and Other Traditional Forest Dwellers forest rights that secure them individual or community tenure or both on all forest lands, such as (a) the right to hold and live on forest land under individual/common occupation for habitation/self-cultivation, (b) community rights that were formerly granted customarily, (c) the right of ownership, access to collect, use and dispose of minor forest produce which was traditionally collected within or outside village boundaries, (d) other community rights of uses or entitlements to water bodies, pastures, etc., (e) right of protection/regeneration/conservation/management of any community forest resource that they had traditionally adopted, (f) right to in-situ rehabilitation including alternative land in cases where they had been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation prior to 13 December 2005, and related rights. Such rights will be conferred subject to the condition that the beneficiaries had occupied forest land before the 13 December. Any displacement of rights holders for purposes of wildlife conservation until facilities and land allocation for resettlement have been provided and the permission of the gram sabha have been taken in writing. The gram Sabha is the authority responsible for initiating the process of determining

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<sup>64</sup> (Source: <http://tribal.gov.in> , the section on “TRIFED background”)

the nature and extent of individual and community forest rights or both of claimants under their jurisdiction. All registration of land titles will be in the names of both husband and wife. Further, it is the intention of the Act to involve beneficiaries in conservation of biodiversity and forest management.

**National Rural Employment Guarantee Act, 2005** – The Act, commonly referred to as NREGA, was enacted with the objective of enhancing livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work. The NREGA currently covers the entire country with the exception of districts that have a hundred per cent urban population. While Scheduled Tribes are important beneficiaries under the Act, importantly one of the works permissible under the Programme is the provision of irrigation facility to lands owned by households belonging to Scheduled Tribes (among other specified beneficiaries).

***Distribution of Ceiling Surplus Land*** – Land ceiling legislation introduced land ceilings in 19 states and 3 union territories from 1972 onwards. The national guidelines recommended ceiling limits of 10–18 acres for irrigated land with two crops, 27 acres for irrigated land with one crop and 54 acres for dry land. The surplus ceiling land is then distributed to Scheduled Tribes (among other specified beneficiaries). According to the Department of Land Resources, under the Ministry of Rural Development, that is the administering authority of the Scheme, the beneficiaries also include the Scheduled Tribes.

***Legislations Protecting against Land Alienation*** – A key reason for the continued poverty and vulnerability of Scheduled Tribes is usurious money lending and land alienation. Several states have enacted laws to protect them from land alienation – some of the examples are the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 1984, Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959, the Himachal Pradesh Transfer of Land (Regulation) Act, 1968, the Orissa Scheduled Areas Transfer of Immovable Property (Scheduled Tribes Regulation) 1956, etc. For instance, in the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 1984, the Statement of Objects and Reasons states that this Act is meant to protect Scheduled Tribes from exploitation by ‘affluent and powerful sections’ who obtain sales or mortgages of land granted to Scheduled Tribes by the government for their upliftment either for a nominal consideration or for no consideration at all. To fulfil the purposes of the grant, the Act aims to restore alienated land to the original grantee or his heirs. Section 4 renders null and void any transfer of granted land made either before or after the commencement of this Act and Section 5 provides for their resumption and restitution to

the grantee or his heirs. Section 8 penalises any person acquiring granted land with imprisonment up to six months and/or fine up to Rs2000. This law has also been included in the Ninth Schedule of the Constitution. Article 31B protects all laws in the Ninth Schedule from being struck down as violative or as abridging of any other right guaranteed in Part III. Other states have enacted similar laws.

## **SOCIAL RIGHTS**

### **Bonded Labour**

Bonded labour is a violation of the right to just and favourable conditions which are one of the economic rights. Yet the practice of bonded labour is being discussed in this section on social rights as it is essentially an age old practice. It is being accepted unquestioningly by the society and it perpetrates atrocities on the bonded. While it essentially violates the economic right, it does not spare the social rights either and virtually denies a life of dignity with violation of right to education, right to health, right to social security, etc. Social practices such as bonded labour still exist and such practices pose a serious question to the rights of an individual. For instance, bonded labour is being practised by the Bonds of Orissa. This primitive tribe group in fact considers this bonded labour system as a safety mechanism. As their resources are too meagre for providing food security, they do not hesitate to go for bonded labour as it will, at least, provide them food security. The work rendered is taken as interest on the loan and the loanee is not free to leave work at the master's house till the original loan amount is repaid. And since the bonded has no way to repay this loan, they enter into inter-generation bondage where son succeeds the father. Tribal in many parts of India are often pushed into bonded labour due to lack or loss of livelihood.

### **Trafficking of Tribal Women**

Tribal were transported as indentured labourers to British plantations in the colonial period. In the neo liberal phase, the tribal are displaced on a large scale forcing them to migrate to cities. Trafficking of tribal women has seen an increase in the event of displacement and thereby, has increased the vulnerability of the tribal. Tribal girls are being trafficked for the purpose of domestic labour and some of them are also used as commercial sex workers. For instance, Delhi, Kolkata, Mumbai, Bangalore and Goa had 1,78,000 tribal girl migrants in 2003, out of which Delhi alone had 61,000 tribal girls trafficked into its territory. Tribal women are also being duped into commercial sex work. For instance, the Andhra Pradesh Crime Investigation Department (CID) along with the Pune Police had busted a major cross-border trafficking racket being operated in Pune, with women being trafficked from tribal-dominated districts in Andhra Pradesh and sent to brothels in Pune. Trafficking of tribal children and women denies them the right to protection of family, social security, health, education, etc. Like the practice of bonded labour, trafficking of women denies the trafficked just and favourable working conditions. Poverty, lack of livelihood opportunities, displacement and lack of education are the factors that often push these women to become victims of trafficking.

### **Social Stigma of a De-notified Tribe**

Despite being de-notified by the Government of India in 1952, these tribes still carry the social stigma attached to their identity, which is a repercussion of being described as criminal long before by the British Act of Criminalisation of Tribes, 1871. The social stigma has shaped the attitude and behaviour of the society/mainstream society towards the Denotified Tribes (DNTs) and denies them an opportunity to pursue their traditional occupation. Police is skeptical about their activities and police atrocities on tribal are not uncommon. The DNTs also bear the brunt of being left out of BPL list, special schemes if unable to provide proof of residence and identity. Their identity revelation does not necessarily mean sympathetic treatment by the officials. No special legal protection is provided to the DNTs and the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 is largely ineffective for the atrocities perpetrated on them. Moreover, the same DNTs living in different areas are considered under different categories by different states. By and large DNTs have not been given land titles, neither agricultural nor homestead forcing them to continue their unsettled life. This has serious negative implications for their children's education, health status of the community in general, protection of family, adequate standard of living, etc.

### **Militarisation and Violation of Tribal Social Rights**

Presence of police, armed forces and creation of armed militia in tribal areas such as Salwa Judum has resulted in serious human rights violations of the tribal. This also signifies the violation of their social rights, such as of right to protection of family, health, education, etc. The legislation cited below is ineffective to protect the tribal from such atrocities.

### **Legislations Protecting Tribes against Atrocities**

Initially, the Untouchability (Offences) Act, 1955 had been enacted to abolish the practice of untouchability and social disabilities arising out of it against members of the Scheduled Castes/Tribes. It was amended later and it became the Protection of Civil Rights Act, 1955. Under the revised Act, the practice of untouchability was made both cognizable and non-compoundable and stricter punishment was provided for the offenders. To check the commission of atrocities on Scheduled Castes and Scheduled Tribes, The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, came into force on 31-1-90. The Act, inter alia, specifies some types of offences as atrocities, provides for imposition of stricter penalties for the guilty and setting up of Special Courts for speedy trial of such cases. The crimes under the PCRA were brought under the purview of the 1989 ACT as the latter provides for stricter punishment to the offenders, with steps taken to provide relief,

rehabilitation to victims and for the setting up of Special Courts for cases registered under these Acts.<sup>65</sup>

### **Health**

Health of tribal suffers as the tribal children and women health indicators reflect. Further, the tribal suffer from the diseases specific to typical living conditions. It is widely accepted that malnutrition among tribal is widespread, which is largely attributable to poverty, illiteracy, environmental conditions, difficult terrain, traditional beliefs and customs and, above all, the non-availability of basic health services. The ill-nourished tribal live in an environment, which has been degraded, and, as a result, diseases such as malaria, filaria, tuberculosis, and goitre are endemic in most of the tribal areas. The issues of tribal health are also intricately intertwined with tribal social conduct and issues of 'Inbreeding' and 'Genetic Disorders' like sickle cell anemia, etc. In many cases the tribal population is decreasing, and some tribes are on the verge of extinction. Infant Mortality Rate for Scheduled Tribes was 62 while it was 49 for the general population in 2001. Besides the mean body mass index for SCs, STs, and OBCs is 5–10% below that for the general population.

### **Constitutional Provisions Facilitating Health of Tribals**

(i) Article 47 also makes it mandatory for the state to regard the raising of the level of nutrition and the standard of living among its people and the improvement of public health as among its primary duties.

(ii) To abolish all disabilities and pernicious practices arising out of caste status ascribed to any group, Article 15(2) states that no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment; and (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

This would also extend to use of health services available at the Government hospitals or primary health centres.

### **Violation of Right to Health (Article 12)**

The right to health recognises the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

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<sup>65</sup> Source: <http://tribal.nic.in>, section on Other Acts

- Chinamma and her husband, live in Kothapeta village of Pachipenta mandal, Andhra Pradesh. They belong to the Kondadora tribe. They live on podu in a small piece of land and are unable to provide even two square meals to their children. Their only hope is from the anganwadi centre run in Madamalasa village, one kilometer away from their village. They send their children to the anganwadi. But the centre remains closed for 15 days in a month and the children do not get any diet meant during those days. The anganwadi teacher takes away the food items supplied for the children in the centre. Because of lack of proper diet, Chinnamma shared, “My younger son is suffering from marasmus and this is happening to many children in our villages.”

- A survey (FGD) has been conducted in 2 Panchayats (namely Matmora and Kherkattta) of Dhakuakhana Sub-Division on impact of flood and erosion induced displacement on health that included the villages namely, Matmora, Baghchuk, Juria, Ujoni Akoria, Maj Akoria, Namoni Akoria No. 1 Pithiyal, No.2 Pithiyal and Khamun Birina of Matmora Panchayat as well as Ujoni Janjhi, Namoni Janjhi, Jamuguri Kherkattta, Alimur Modarguri under Kherkattta Panchayat. The survey focused on both primary and secondary data. During the discussion (Primary data) it has been found that the people who have been displaced and living on the embankment are largely deprived of effective health services and been suffering from diseases like cough, skin-diseases, etc. During the survey, it has been reported that (i) the women have been suffering from white-discharge diseases (leucorrhoea) (ii) malnutrition is one of the main concerns among the children and pregnant and lactating mothers (iii) the PHC in-charge confirmed that reaching out to the non-reachable (constantly engaged in resettling themselves due to bank-line erosion) is one of the major problems on ensuring health services to the people (iv) all though under a sub-centre a population of 3000–5000 is covered but due to resettlement, the population under a sub-centre shoots up which in turn puts constraints on the health personals to ensure effective health services to the communities (v) breached surface communication, continuous displacement and in turn resettlement initiatives in remote areas (Char areas) making the people more and more vulnerable to access health services.

### **Schemes Facilitating Health of Tribals**

Janani Suraksha Yojana – The Janani Suraksha Yojana is a safe motherhood intervention under the National Rural Health Mission, the objective of which is the reduction of maternal and neo-natal mortality among poor pregnant women. The funds are entirely sponsored by the Central government and the programme integrates cash assistance with delivery/post-delivery care. Scheduled Tribe women (among other specified beneficiaries) are entitled to assistance under this scheme.

### **Education**

The literacy rate for the Scheduled Tribes is 47.10% in comparison to the literacy rate of the general population which is 65.38%. The gap between the ST literacy rate and general population literacy rate is 18.28%. This reflects on lack of accessibility and affordability of education services for a considerable section of the tribal population. The female literacy rate among STs, according to 2001 census was 34.76%. This was significantly less than female literacy rate of the general population, the difference being 20% approximately. The tribal

children face the challenge of adapting to a curriculum which is hardly based on the tribal society. Rather the curriculum is mainstream society oriented and heavily draws from its experiences. Hence, the tribal children find it difficult to relate to such learning. Moreover, the curriculum is communicated in the dominant language and not the tribal language/dialect. It further handicaps the children while learning. Majority of the school teachers also come from a non-tribal background which at times leads to a bias in the teacher's way of teaching and treating the students in the classroom. The schools are also located at a distance from the tribal habitation. The tribal girls face additional challenge of travelling long distances to schools, lack of proper toilet facilities in school and gender bias at home. As a result, the tribal children have a high dropout rate and in the long run, are denied of better education and employment in their lives.

### **Constitutional Provisions Facilitating Education of Tribal**

(i) Article 46 of the Constitution makes it obligatory on the state to promote the educational and economic interests of the Scheduled Tribes and to protect them from social injustice and all forms of exploitation.

(ii) Article 350 A provides that "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the president may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities". Most of the tribal communities have their own languages or dialects, which usually belong to a different family of languages than the one to which the State's official language belongs to.

(iii) Article 29(1) provides that "any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same". This Article has special significance for all the Scheduled Tribes.

(iv) Article 21A of the Constitution guarantees the fundamental right to elementary education and states that the state shall provide free and compulsory education to all children from six to fourteen years. Prior to the inclusion of Article 21A guaranteeing the fundamental right to elementary education, Article 45 of the Directive Principles of State Policy made it obligatory on the state to provide free and compulsory elementary education within ten years of commencement of the constitution.

### **Violation of Right to Education (Article 13)**

The right to education recognises that the State parties agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. It was reported that most of the teachers are spouses of Government officials and remain on the rolls of the education department only to draw salaries, while assigning physical presence in the schools to unqualified substitutes through informal subcontracting. In Northern High school, Imphal there are 23 teachers and no students. In Mikola J.B. school, Imphal there are 20 teachers and 20 students and in Keishampat Hodan Leizak J.B school, Imphal there are 18 teachers and 22 students.

- In forest areas, the schools are run by the Tribal Department and not the Department of Education, Tamilnadu. The enrolment ratio for adivasis at the primary level is 87.49% and at the middle school level is 61.42%. The dropout rate of adivasis at the primary level is 49.51% and at the middle school level is 59.895% and it continues to grow higher. Reasons for this include the lack of schools, language barriers and distance from adivasi settlements. The syllabus in adivasi schools is totally unrelated to their lives and attitudes and social torture by higher caste children and teachers are also major deterrents to attendance.

### **Institutional Positive Response for Tribal Education**

- Central Model Residential school at Madya Padavu, Mangalore was established in 1990 by Integrated Tribal Development Programme (ITDP) of Dakshina Kannada district for Koraga community. The school suffered from negligence and retired teachers were appointed for teaching. Even though it is a residential school, there were no permanent teachers, warden, cook and security guard. As a result, the performance of the students from the Koraga community suffered and there was 0% result in Std X in 2005–06 batch. Samagra Grameen Ashram, Udupi and Koraga Federation of Samagra Grameen Ashram jointly advocated for improvements in the school. This led to a hike in teacher's salary in 2006 from Rs2500 to Rs6000 and consequentially, 80% pass result in 2006–07 was achieved.
- After seven years of advocacy efforts by Samagra Grameen Ashram (an NGO) and Koraga federation (federation of the Koraga PTG community groups) in Karnataka, the district administrations of Udupi and Dakshina Kannada granted 400 acres of land in the names of Koraga women. Today one notices sea-change in the leadership in the federation. The Koraga women have better negotiating and decision-making powers in taking decisions at family level, even with regard to expenditure in the family. There is an enhanced political awareness and Koraga women are playing a key role in the local panchayats.
- The earliest policy framework on education was contained in the Resolution on the National Policy on Education, 1968. This was replaced by the National Policy on Education, 1986, as later amended in 1992 (NPE-1986). The goal has been the Universalisation of Elementary Education (UEE) through the equitable expansion of formal and non-formal education. The NPE 1986 provides for a comprehensive policy framework for the development of education up to the end of the century and the Plan of Action (POA) 1992 assigns specific responsibilities for organising, implementing and financing the same.



## **Schemes for the Benefit of Scheduled Tribe Students**

There are numerous Scholarship Schemes that the Central Government through the Ministry of Tribal Affairs has notified in the educational interests of Scheduled Tribe students. They are:

(i) Scheme of Upgradation of Merit for Scheduled Tribe Students – This Scheme aims at upgrading merit of Scheduled Tribe students by providing them remedial coaching (to enable students to master their curriculum) and special coaching (for competitive examinations to medical and engineering colleges) in classes IX to XII. The Scheme provides 100% assistance to State governments and Union Territory administrations and each student is given a package grant of Rs19500 per student per year. Of the total beneficiaries covered under this Scheme, 30% preference is given to Scheduled Tribe girls and 2% preference to disabled students. This Scheme is funded by the Ministry of Tribal Affairs and administered by the concerned state/UT government.

(ii) Scheme of Post-Matric Scholarships to Students Belonging to Scheduled Tribes for Studies in India – This Scheme aims at providing financial assistance to Scheduled Tribe students enrolled within India in post-matriculation or post secondary courses at recognised institutions to enable them to complete their education. Those Scheduled Tribe students whose parents' annual income does not exceed Rs100000 per annum are eligible under this Scheme. The Scheme is a programme of the Ministry of Tribal Affairs and is implemented by state governments and union territory administrations.

(iii) Central Sector Scholarship Scheme of Top Class Education for Scheduled Tribe Students – The objective of the Scheme is to encourage qualitative education for Scheduled Tribe students through the provision of full financial assistance for studies beyond Standard XII in 127 institutes of excellence spread out through the country, including IIMs, IITs, NITs, commercial pilot training institutes, medical and law colleges of repute and others. Scheduled Tribe students whose total family income is up to Rs2 lakhs per annum are eligible for the scholarship which covers tuition fees, living expenses, books and stationery, and a computer. The Scheme is implemented by the Ministry of Tribal Affairs and the monies are released directly to the Institute concerned by the Ministry.

(iv) Rajiv Gandhi National Fellowship for Scheduled Tribe Students – The objective of this Scheme is to encourage students to pursue research degrees (Ph.D. and M.Phil.) in universities, research and scientific institutions through the provision of financial assistance. The Scheme awards a total of 667 Research Fellowships to Scheduled Tribe students every year for studies in universities/institutions recognised by the University Grants Commission which is also the implementing agency for this Scheme.

(v) The Scheme of National Overseas Scholarship for Scheduled Tribes Candidates – This Scheme encourages, through the provision of financial assistance, students from Scheduled Tribes to pursue studies abroad in stipulated subjects leading to a Masters degree or a PhD or for post-doctoral studies. Financial assistance is provided for maintenance, annual contingencies, visa fees, passage expenses, incidental journey expenses, course fees, medical insurance premium, equipment allowance, etc. Fifteen awards per year are available under the Scheme with Scheduled Caste students being eligible for thirteen of them and members of Primitive Tribal Groups (PTGs) are being entitled to 2 of them. Preference in selection will be given to women. Apart from scholarship schemes, the Central Government also provides for the coaching of Scheduled Tribe students through:

Scheme of Coaching for Scheduled Tribes – This Scheme was originally commenced in the Fourth Plan Period and has since been subject to multiple revisions, the latest being in 2007– 08. The objective of the Scheme is to provide coaching to Scheduled Tribe students to enable them to overcome historical disadvantages and compete on a more level-playing field in competitive examinations. Towards this end, students are supported for coaching for civil service examinations/entrance exams for professional courses/other UPSC exams/Staff Selection Commission exams, etc., at pre-examination coaching centres run by state governments/universities/registered private institutions. However, the state governments/union territory administrations are mandated to shift focus from government run institutions to quality private coaching institutions. Of the total students selected under this Scheme, 30% seats are reserved for women and 5% for the disabled. The Central government fully funds the Scheme vis-à-vis union territories/universities/private institutions while state owned institutions receive 80% support. The Ministry of Tribal Affairs also supports infrastructure development for education and vocational training of Scheduled Tribe students.

(vi) Guidelines for Setting-up Tribal Residential Schools under Article 275(1) of the Constitution – The Scheme aims at setting up residential schools in each state in proportion to the tribal population of the state, with the condition that each state shall have a minimum of two tribal residential schools. However, Sikkim and the Union Territories shall have only one such school. The construction, maintenance and management of these schools shall be through a tribal composed registered society set up for this purpose. The schools shall have equal number of male and female students. The Scheme shall be fully funded centrally out of the Consolidated Fund of India.

(vii) Establishment of Ashram Schools in Tribal Sub-Plan Areas – The objective of this Scheme is to increase education among Scheduled Tribes through the establishment of Ashram Schools with residential facilities in an environment conducive to learning. The Scheme is implemented in Tribal Sub-Plan States and Union Territories; the Central government contributes 50% of the expenses.

(viii) Vocational Training Centres in Tribal Areas – The Scheme was formulated to help combat ‘rising left-wing extremism’ owing to ‘frustration and lack of faith’ in the current development process. The Scheme aims at doing the same through the establishment of vocational training centres for large scale employment of unemployed tribal youth. The Scheme envisages 100% central assistance to states/union territories/non-governmental organisations for the setting up and running of such centres. The Central government also seeks to enhance educational Opportunities for Girl Students belonging to Scheduled Tribes.

(ix) Strengthening Education among Scheduled Tribe (ST) Girls in Low Literacy Districts – This Scheme came into effect on April 1, 2008 with the aim of bridging the gap in literacy levels between the general female population and tribal women. Towards this end, it seeks to facilitate 100% enrolment of tribal girls in identified districts/blocks, particularly in naxal affected areas and in areas inhabited by PTGs and to reduce drop-out rates at the level of elementary education. The Scheme is an initiative of the Ministry of Tribal Affairs and will be implemented through voluntary organisations/non-government organisations/autonomous societies/institutions of state governments/union territory administrations. The Scheme envisages the building of hostels for tribal girl students, hostels and schools where no SSA school is available within 5km radius of the village, provision of cash stipends and other incentives like bicycles, etc. However where a KGBV (explained below) hostel is

available within a 5km radius this Scheme is not applicable. The Scheme is fully funded by the Central government.

(x) Kasturba Gandhi Balika Vidyalaya (KGBV) – This Scheme aims at setting up up to 750 residential schools with boarding facilities at the elementary level for girls belonging to Scheduled Tribes (among others).

## **Violation of Other Social Rights**

### **Violation of Right to Social Security (Art.9)**

The right to social security recognises right of everyone to right to social security, including social insurance.

Govt. Scheme Facilitating Social Security of Tribals : Mahila Samakhya Scheme (MS) – The Scheme was launched in 1998 in pursuance of the NEP-1986 and its POA has been the education and empowerment of women in rural areas, particularly of those from socially and economically marginalized groups. It is implemented as a partnership between the government and non-government organisations and their managerial role is one primarily of support and facilitation. Women are mobilised into autonomous societies called sanghas and their activities are supported by the Scheme. The process of mobilising and organising women is done by a sahayogini who looks after 10 villages. The Scheme is currently spread across 15283 villages spread over 63 districts in 9 states. Regular membership in the sanghas currently ranges from 15 to 20 women. Predominant membership in the mahila sanghas is from Scheduled Caste and Scheduled Tribe women.

### **Violation of Right to Protection of Family (Art.10)**

The right to protection of family recognises that marriage must be entered into with the free consent of the intending spouses. It also ensures that special protection should be accorded to mothers during a reasonable period before and after childbirth. During such periods, working mothers should be accorded paid leave or leave with adequate social security benefits. It further emphasizes that special measures of protection and assistance should be taken on behalf of all children and young people without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. It also emphasises that States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

- Practice of polygamy is quite common among Koragas, a primitive tribal community. Guruva, a Koraga belongs to the Bantwal taluk and had married young Koraga girls one after

another reaching his eighth marriage. The women who were deserted by him complained against Guruva to the Samagra Grameen Ashram (SGA) workers. SGA took this case to the Superintendent of Police of Dakshina Kannada district and discussed this issue among tribal women. No permanent solution has been arrived at. But this situation highlights the violation of rights faced by the Koraga women who are completely ignorant of their rights.

### **Violation of Right to Adequate Standard of Living (Art.11)**

The right to an adequate standard of living includes food, clothing and housing. This right also recognises the right of everyone to be free from hunger. • Niyamgiri Suraksha Samiti reports that the mining and industry in the Niyamgiri hills by the Vedanta company has affected the lives of some Primitive Tribal Groups such as Dongria, Kutia and Jharania Kondh. The tribal in this area have been displaced and are leading a difficult life.

- Hunger deaths of tribal took place in Gondilova, a hilly village in Vizianagaram district in the year 2007.
- The National Flood Commission had estimated the area vulnerable to floods in Assam as 31.60 lakh hectares against 335.16 lakh hectares for whole India. Assam thus accounts for 9.4 per cent of total flood prone area of the country. Of this mass area the Dhemaji and Dhakuwakhana Sub-Division of Lakhimpur District constitute a major part. Such floods result in displacement that denies tribes the right to adequate standard of living.

### **Social Welfare and Economic Assistance Schemes**

(i) Indira Awaas Yojana – The Indira Awaas Yojana is a Rural Housing Programme where the primary objective is to help construction/upgradation of dwelling units of members of Scheduled Castes (among other specified beneficiaries) through the provision of a lumpsum financial assistance. The Scheme is centrally sponsored and is funded by both central and the concerned state government in the ratio 75:25. In the case of Union Territories however the Centre provides the funds in entirety. The programme is sponsored by the Ministry of Rural Development and is implemented through the Zilla Parishads/District Rural Development Agencies with the houses being constructed by the beneficiaries themselves. The allotment of dwelling units is in the name of the female member of the beneficiary household or jointly in the name of husband and wife. Of the total funds allocated, 60% in any given financial year is utilised for the construction/upgradation of Scheduled Caste/Scheduled Tribe BPL households. Credit and credit subsidies are also provided under the Scheme through banks and other financial institutions.

(ii) Sampoorna Grameen Rozgar Yojana – The Sampoorna Grameen Rozgar Yojana was launched in September 2001 when the Ministry of Rural Development merged its additional wage employment scheme in rural areas, the Employment Assurance Scheme, and its rural infrastructure development Scheme, the Jawahar Gram Samridhi Yojana into a new Scheme.

The Scheme as is thus evident is meant to provide for additional wage employment, infrastructural development and food security in rural areas (by way of distributing food grains as a part of the wages paid under the Scheme) and has an annual outlay of Rs10000 crores (valued in terms of cash and food grains). The cost of the programme is shared between the Centre and the states in the ratio 75:25; in the case of Union Territories it is borne entirely by the Centre. While the programme is open to all rural poor, preference is given to members of Scheduled Tribes (among other specified beneficiaries). The programme is meant to be implemented through the Panchayati Raj institutions.

## **CULTURAL RIGHTS**

### **Right to Religion: Conversion Politics**

The Hindu Civil Code does not apply to tribal. Tribal always had their own religion. But in the changing scenario of greater interaction of the tribal with mainstream society, the religion of the tribal has become a means for gaining clout, either for the Hindutva forces or for the parties in opposition to them. While some tribal have adopted Hindu ways like the Raj Gonds in Madhya Pradesh, some tribal such as in Kandhmal have adopted Christianity. This leads to a potential source of conflict. For instance, the religion of tribal was used as one of the means to get votes in Kandhmal district of Orissa. In the event of the death of a leader from the Hindutva camp in 2008, hate politics was instigated by the pressure groups such as VHP and consequently, many innocent lives of tribes, be it Hindu or Christian, were taken. Whereas, the ruling party took little administrative action as it remained the shadows of losing votes. To compound the problem, various State Governments have passed anti-conversion legislations, wherein the State Government's primary intention for doing so is to gain votes on the basis of religion. The anti-conversion law does not necessarily address the social and economic issues of the tribal, rather the tribal are trapped in a situation of conversion, reconversion and are thereby the target group of political parties for their innocence. Cases of conversion of tribals are seen in most of the states. For instance, in Kerala, 50% of Malai Arayans found in Meenachil and Changanasseri Taluks of the Kottayam district have got converted to Christianity. They are socially and economically more developed than other tribal communities in Kerala. Such conversions bring forth social dynamics in the tribal society. And given their economic and social deprivation, religion is being used for political purposes.

## **Forest and Tribal Religion**

Tribal way of living is characterised by their food, dressing, crafts, and tribal religion. Tribal stay close to nature, their economy is dependent on nature and its resources and their religion also embodies worship of nature. Hence, tribal religion is rooted in nature. For instance, the socio-economic activities of the Dongria Kondhs revolve around the hills, the forest and the 'Dongar God', the hill being worshipped as the seat of the deity 'Niyam Raja Penu'. The Niyamgiri Suraksha Manch represented by tribal leaders from the Dongria Kondh community protests against mining as mining activities in the hills would mean loss of control over their hills, the sacred seat of their God, their way of living, source of livelihood, culture and tradition. The Vedanta-Sterlite project threatens to dissociate this intimate human-nature relationship through mining activities in these areas. The hills once used for mining will not only mean Dongar/Niyam God's area being controlled by others, but also a sense of vacuum during festive seasons for the 'Dongar God'. Jura Parab and Dussehra could no more be celebrated in such an event. These festivals form an integral part of the tribal lives. Without them tribal culture is deeply affected.

## **Migration and Cultural Onslaught**

Migration in this case, is primarily referred to by the in-migration of non-tribal into tribal areas due to industrialisation and displacement of tribal. The migration of non-tribal has meant loss of land, of tribal governance and tribal social as well as cultural disintegration. The migrants occupy a dominant space in social and cultural life as their language, knowledge, food, festivals, dress and way of living gain precedence. They have growing influence on the administration of the area and their interests are safeguarded first by the administration or other agencies such as the media. Little social and cultural space is left for the tribal. A study on displacement caused by development in West Bengal between 1951–1997, found that displacement led to change in the source of income of the tribal. Such change has a significant impact on the culture of the tribal. For instance, harvesting season or sowing seeds season are typically celebrated through festivals by the tribal. A change in the source of income might mean less importance being given to such festivals. It was found that the tribal were the worst sufferers in the event of displacement. "Their number had declined from 35 to 2 (5.71%) in agriculture. The biggest shift has been from agriculture to daily wage work which is different from farm labour". Likewise, tribal have been ousted from their land in Kerala for the Sugandhagiri cardamom project or in Orissa for the Rourkela steel project. These projects came much before the inception of the neo liberal policy in 1991. But its impact is still there in the post-globalisation period. Majority of the skilled workers are hired from outside and tribal are at times fired from work, citing their lack of conformity to dominant social norms. The migration of skilled non-tribal workers along with land alienation of tribal puts the tribal culture at the receiving end. It becomes a challenge for their culture to survive in the context of displacement from their naturally inhabited land.

## **Violation of Cultural Rights**

### **Violation of Right to Practice of Culture (Art.15)**

Right to Practice of Culture (Article 15): The right to participate in cultural life recognises the right of everyone: (a) to take part in cultural life; (b) to enjoy the benefits of scientific progress and its applications; (c) to benefit

from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which she/he is the author.

- Government of Madhya Pradesh set stalls rudely interfering in Bhil tribes Bhagoria celebrations in Jhabua, enticing young couples to register marriages through 'kanyadan scheme' that offers Rs.5100 to the girl.
- In Mandla, Madhya Pradesh some tribal were converted into Hinduism by the Sangh Parivar in 2007.

## **SUMMARY**

The single most important contributory factor causing acute denial of the human rights guaranteed in the ICESCR cutting across all the excluded groups is the rampant destruction of livelihood. Reality at the grass roots reveals that this process is caused primarily through displacement. The nature of displacement may vary from one social group to another but the common factor is uprooting either from the homestead or from the occupation. Almost all the excluded sections of society are from the self employed groups. In some cases displacement has destroyed their access to natural resources, including food and even medicine (through medicinal plants). This is especially true of the tribal population. In the case of the Muslims their artisanal occupations have been destroyed and they have become bankrupt citizens. In the case of the Dalits it is mechanisation of agriculture that has destroyed agricultural work and accentuated unemployment. In the case of the fisher folk, it is the threat of eviction from the coast line which destroys their access to the sea and their ability to catch fish. In the case of the small farmers, it is the destruction of sustainable agriculture and subsistence farming that is responsible. In the case of the urban poor, it is their continuous eviction and never ending peripheralisation from the city centres. In other words all these segments of the population are displaced from their trade, or occupation or customary home. It must be remembered that such displacement is clearly destructive of livelihood; it breaks up the family, enhances risk of starvation, of non-education, of ill health, of unemployment, of acquiring deadly diseases, and causes danger to life itself. Women, children and the aged get reduced to utter destitution. It creates conditions for violating every single right in the ICESCR. Even more disturbing is the fact that the magnitude and the scale at which this impoverishment is spreading, is hidden from public visibility and the Government itself is oblivious of this reality. The government presumes that growth will address all these issues and chooses to close its eyes to the gross everyday violations of human rights. An alarming situation has therefore arisen causing widespread desperation and frustration among multitudes and this has provided fertile ground for insurrectionary activity. A country with strong democratic institutions is thus exposed to the collapse of the rule of law and it is in this situation that the Government must take cognisance of the emerging crisis and act in order to immediately arrest the destruction of livelihood of the masses. It is now well known that the rate at which job-seekers is increasing is much higher than the rate at which employment is generated under neo-liberalism. The excluded therefore have no chance of finding employment in the near future. The solution therefore is not just a matter of budgetary allocations, but more a matter of safeguarding existing habitats, trades, professions and occupations.

## **GLOBALIZATION AND POVERTY OF INDIGENOUS COMMUNITIES**

Research by the Institute of Human Development, India, has shown how official statistics could shed light on the discrimination experienced by indigenous peoples even in the case of poverty.

When they constitute only 16% of the total population, with a paradox, they constitute more than 30% of the poor population. Analysis of official data on Scheduled Tribes and Scheduled Castes from the UNDP Human Development Index (HDI) and the Planning Commission of the Government of India showed that while the caste system discriminates against the poorest caste – the Dalits – the level of poverty among Scheduled Tribes is deeper, despite the constitutional rights that apply uniquely to them. It was also found that while poverty among the general population had declined between 1993-1994 and 1999-2000, there had been little change in poverty levels among indigenous peoples. The Scheduled Castes have fared better than Scheduled Tribes in terms of poverty reduction. The poverty gap between Scheduled Castes and other groups in India has decreased while that between the Scheduled Tribes and other groups has widened. Similar results were found using the Human Poverty Index (HPI). Whilst India is considered a middle-ranked country in the UNDP HPI ranking of countries, the indigenous communities as a group are comparable to Sub Saharan countries, which are ranked in the bottom 25. By taking into account the poverty of indigenous peoples, the MDG goal of halving poverty by 2015 may not be achieved in India. Scheduled Tribes also score lower in education, health and other social and economic aspects measured by the HDI.

Indigenous communities in India are typically rural, and poverty among rural communities is higher than that in urban areas. There are few people without land among the Scheduled Tribes, but their lands have low productivity. The more productive lands, especially in low-lying areas, have been taken over by other communities. There is also less job diversification among Scheduled Tribes. Deprived of formal education and with little access to capital, they fail to find work, either self-employed or within regular jobs, ending up in casual employment or in agriculture. A narrow focus on income levels, while providing useful information on disparities within countries between Indigenous peoples and the rest of the population, cannot capture the entire picture of indigenous peoples' poverty and marginalization, nor measure their well-being. A major criticism of mainstream poverty and human development indicators is their standard application for culturally diverse groups and their non-inclusion of domains or themes which are considered significant or important for indigenous peoples.

The emphasis on quantitative measurements and the considerably less attention given to subjective judgments and cultural perceptions make these measurements less insightful and relevant. One interesting indicator proposed for traditional knowledge, innovations and practices is the status of and trends in the practice of traditional occupations. This indicator tries to capture the continuity and change in indigenous peoples' relationships and access to ecosystem resources and services



over time. When combined with information about changes in land-use patterns, including percentage of lands and resources under local control as well as demographic changes, this indicator can begin to measure changes in the livelihoods of indigenous peoples. Degradation of ecosystems, landscapes and resources in indigenous peoples' territories will clearly affect their exercise of traditional occupations and, hence, their economic and social well-being. The contribution of subsistence activities to individual and household consumption and to income is another indicator of social and economic change. Because indigenous peoples define happiness as closely linked with the state of nature and their environment, indigenous peoples' well-being necessarily encompasses their access, management and control over lands, territories and resources under customary use and management, all of which are critical for their own sustainable development.

### **POVERTY AND WELL-BEING**

As long as we have waters where the fish can swim

As long as we have land where the reindeer can graze

As long as we have woods where wild animals can hide, we are safe on this earth

When our homes are gone and our land destroyed, then where are we to be?

Our own land, our lives' bread, has shrunk the mountain lakes have raised

Rivers have become dry

the streams sing in sorrowful voices

the land grows dark, the grass is dying

The good gifts we have received ,no longer move our hearts

Things meant to make life easier, have made life less

Painful is the walk, on rough roads of stone

Silent cry the people of the mountains

While time rushes on

our blood becomes thin

our language no longer resounds

(Paulus Utsi, "As long as...")

- By Joji Carino

Paulus Utsi, the Saami poet, echoes the lament of many indigenous peoples about the ravages caused by industrial development upon nature and traditional cultural values. He describes a longing to maintain traditional lifestyles close to nature and the ensuing loss of meaning when

engulfed by modern economic development. Captured in the poem are underlying cultural values and definitions of what constitutes indigenous peoples’ wellbeing and sustainable development and, in its absence, indigenous peoples’ despair.

From the Asian region, John Bamba, an indigenous Dayak from Kalimantan, similarly summarizes the underlying principles for living a good life, based on the traditional cultural values. They are the values of sustainability, collectivity, naturality, spirituality, process-orientation, domesticity and locality. These are contrasted with prevailing modern values — productivity, individualism, technology, rationality, efficiency, commercialism, and globalization — that have become predominant principles in present-day social and economic development that can undermine a balanced human-nature relationship. The ensuing chaos is seen as cultural poverty, defined from a Dayak perspective as arising from the inability to practice customary principles and values, and to live a good life.

The cultural poverty paradigm in the Dayak’s perspective may be treated as an explanatory paradigm for the cause of the major share of indigenous communities in the poverty wave. The following seven principles summarize the way in which the Dayak achieve their ideal of life, based on their cultural values and how they compare with modern values of globalization.

**TABLE 4- DEPICTING CAUSE OF CULTURAL POVERTY IN INDIGENOUS COMMUNITIES** (Source: Bamba (2003))

<b>Traditional values</b>	<b>Modern values</b>
1.Sustainability (biodiversity) versus	productivity (monoculture)
2.Collectivity (cooperation) versus	individuality (competition)
3.Naturalness (organic) versus	engineered (inorganic)
4.Spirituality (rituality) versus	rationality (scientific)
5.Process (effectiveness) versus	result (efficiency)
6.Subsistence (domesticity) versus	commerciality (market)
7.Customary law (locality) versus	state law (global)

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Failure to achieve these ideals is believed to result in barau (Jalai Dayak): a situation when nature fails to function normally, and thus results in chaos. Barau is a result of ‘Adat’(set of local and traditional laws.)transgression—a broken relationship with nature. “Poverty” for the Dayak is linked directly with failure to exercise the ‘Adat’ that governs the way in which the people should live.

## **AN ANALYSIS OF BRAZIL'S RESPONSE TO WAVE OF GLOBALIZATION: GOVERNANCE, UPRISINGS AND CHALLENGES OF INDIGENOUS COMMUNITIES**

*The present chapter aims to explore the settings of the Latin America in general and locates Brazil within it. After the geographical and the demographic profile, it deals with the aspects of unity and diversity nature of the Brazilian culture and society. Further it aims to give a brief idea about the colonial background of Brazilian society. Then it analyzes the effect of globalization on Brazil item of economic and social aspect. After a brief discussion about the societal values and systems, it presents the fact about indigenous uprisings in Brazil in the journey of development of the underdeveloped. Further it also underlies the response in Latin America, through the black new social movement.*

### **INTRODUCTION: SETTING AND ISSUES**

Latin America is one of the largest of the world's cultural regions, covering an area of nearly 8 million square miles. Brazil is one of the largest Nation-States in this Continent. From the border with the United States to the tip of Tierra del Fuego in the South it is 7000 miles, and from West to East it is 3200 miles across at its widest point. Latin America is twice as large as the European Union and nearly as large as the USA and Canada combined. The backbone of the Latin American landmass is formed by the 4000 mile long Andes mountain range and the Sierra Madre ranges in Mexico. Three massive river systems- the Amazon, the Orinoco and the river Plate –cover almost the entire continent east of the Andes. At the turn of this century the overall population of Latin America was 516 million. Latin America's physical landscape is characterized by diversity of several regions<sup>66</sup> such as Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela etc.

### **BRAZIL: UNITY AND DIVERSITY**

Brazil is an immense nation with a population of around 170 million and is the tenth largest economy of the world. It is substantial industrial sector which includes steel, petrochemicals, machinery and vehicle production etc. Brazil is world's largest producer of sugar cane and coffee. The country has vast minerals and agricultural resources in reserve, not at least in the

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<sup>66</sup> Source: World development Report (2002): 232-3.

Amazon Basin which is the largest rainforest in the world. Brazil's foreign trade almost doubled between 1990 and the end of the century and it emerged as a dynamic economy.

It is challenged by several internal differences and yet has achieved a remarkably homogeneous national culture. Covering 3 million square miles, about half the continental land mass of South America, it contains many physical environments. People of Brazil come mainly from three major racial stocks of the world: the Mongoloid American Indian, the African Negro, and the European Caucasoid. They have adapted to their environment in many ways. The way of life of the isolated rubber gatherer in the Amazon forest differs strikingly from that of the sugar – cane cutter on the plantation of the Northeast Coast; and in contrast to both of these is the way of life of the worker on the coffee farm of Sao Paulo or Parana, the home steads of the Polish, Italian or German origin in the extreme South, the cowboy on the cattle ranches of the pampas, and the placer miner in the West. Likewise, rural Brazilians live in an entirely different social and material world from that of the cosmopolitan middle and upper classes in Brazil's great cities. There are indeed many *Brasis*<sup>67</sup>. Yet there is always only one Brazil. This enormous and variegated country has achieved a remarkable political and cultural unity. Brazil is closer to the model of a nation state than most other modern nations. It is the paradox of oneness enclosing many differences that underlies a true understanding of Brazil.

## **SOCIAL AND CULTURAL PROFILE OF BRAZILIAN SOCIETY**

Diversity in Brazilian society results from a number of factors: climate, topography, general ecology, industrialization and economic development, ethnic origin, historical accident and other variables. One of the most noticeable and striking parameter of judging the diversity is the rural and urban contrast<sup>68</sup>. Further the life expectancy of the people of Brazil goes as 67 and more than 5 mortality rates per 1000 births are 40 in number. The next social indicator i.e. adult illiteracy rate in percentage of people over 15 years of age is 15.<sup>69</sup> The Carbon monoxide emission levels also indicate the responsibility of the Brazilian society toward the sustainable development of the country. Thus the carbon dioxide emission in terms of millions of tons for Brazil is 307. The next major social indicator of Brazil is the household

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<sup>67</sup> The plural of Brazil would be written in Portugese.

<sup>68</sup> In the later part of the chapter social classes would be discussed in detail.

<sup>69</sup> Social Development Indicators of Brazil, 2000

income distribution. It includes the access of people to economic and social citizenship prerequisites. The Brazilian household distribution in 2000 for poorest people is 10.1 while for richest people is 47.1.<sup>70</sup>

In the era of globalization and the new information economy, an index of social development could be the level of 'connectivity' of a population as well. If the people are part of the connectivity then the social development would fall on its own path. The connectivity and communication of Brazil in terms of radio per 1000 people is 435, and people using TV. sets per 1000 people are 316 and people accessing the internet and holding personal computers are 13 and 26 percent, which is quite satisfactory. The next social indicator is the structure of production on which the economy and the societal network is based. For Brazil the structure of production of value added in terms of percentage for agriculture is 9%, for Industry<sup>71</sup> is 32 % and for Services is 59%, which is satisfactory in nature.

Furthermore, Brazilian communities are characteristically heterogeneous from both a social and cultural standpoint of view. Few villages throughout the country are made up of a homogenous group of peasant farmers. Instead peasants form a segment of community which also includes government officials, merchants, artisans and large scale landowners. Brazilian towns and cities have become increasingly complex in relation to their size. Significant contrasts in occupational and educational status and in the standard of living are found in all most all Brazilian communities. Taken together, all these indices of prestige and power from Brazil's sharply defined system of social classes can be marked. Membership in a particular class signifies a way of life different in actual and ideal behaviour from the way of life of the other classes. The Brazilian class system is therefore just as fundamental as regionalism and community differences in describing Brazil.

The fact of unity in Brazilian national culture is as evident as the fact of diversity. Except for a handful of people of German, Polish and Italian origin in the South and less than a hundred thousand tribal Indian deep in the interior of the North, all Brazilians speak Portuguese. Differences in accent between one region and another are less noticeable than those between a New England and Yankee and a person from our Deep South. Every where Brazilain

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<sup>70</sup> Social Panorama of Latin America

<sup>71</sup> Industry covers manufacturing, mining, and petroleum.

Portuguese contrasts with that of Portugal in the distinctive usage of words syntax, pronunciation and slang.

National unity in Brazil does not solely rest on the formal institutions alone. There is a strong and deep feeling among Brazilians of all racial backgrounds and national origins that they form a 'people' and a nation. They share common ideals, common tastes, common problems, common heroes, a common past and a common sense of humour. From one end of Brazil to the other people celebrate the Pre- Lenten carnival, and most of them regard it as a uniquely Brazilian festival. Through Brazil, even among the semi civilized Indians on the Araguaia River, little boys and young men play soccer, which is even more of national sports than baseball in United States. And everyone recognizes Pele<sup>72</sup>, the young Negro who at nineteen led Brazil to its first victory in the world soccer championship in 1958, as a national hero. These and many other informal institutions of government, such as education, religion and economics are marked to be from the nexus of the Brazilian Great Tradition ( to borrow Robert Redfield's term), that Great tradition is mainly Portuguese in origin, but it incorporates elements from other nations as well as non- Portuguese Brazilian elements. It rests on literacy and consists of written codes of law, historical records, philosophy, theology, literature works of art and music, architecture, scientific discoveries and other traditional aspects of art and learning of the Western world developed in Europe and continued in the New World. Camoes the great Portuguese writer of the sixteenth century was certainly not Brazilian in any sense, but his epic poetry has been incorporated into the Brazilian Great Tradition. The people of the rural countryside, the small villages and towns and the urban slums are so often illiterate and semiliterate that they cannot fully participate in the Great Tradition, but it influences their way of life just the same.

That influence appears most prominently in the social values and the ideal patterns of behaviour shared by all groups. These are historically divided abstractions concepts of what is desirable and what is admirable in conduct. They are guiding principle of action. It is true that neither the values nor the patterns are necessarily reflected in the behaviour of a particular individuals or group of individuals in a society. People often believe and maintain that they should do one thing while doing one thing quite another. For various reasons- personal, economic or situational people very often do not behave in accordance with

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<sup>72</sup> His real name is Edison Arantes do Nascimento, but Brazilians call him with the name Pele.

commonly accepted values of their society until a philosopher or a social scientist points them out. Men and women thus know the ideal time for marriage and the time for offering prayer to God but certainly a difference is always marked between the ideal one and the practical behaviour.

Most Brazilians despite of differences in the social and cultural scene and despite recent dynamic social and economic changes, share a series of traditional ideal patterns. Most of these ultimately come from the Luso- Brazilian tradition rather than from the American Indian and African elements in the Brazilian culture. Most of them were shaped for an agrarian society of a semi feudal Brazil and are out of keeping with the dynamic metropolitan centres of Modern Brazil. New values and patterns which are emerging in Brazil due to globalization are rapidly spreading all around. But still traditional ideal patterns and their underlying values have shown consistent stability through time, space etc through different modified versions. As Evon Vogt<sup>73</sup> has pointed out values are the one which have a selective function that determines the direction of social change. It was in terms of the old fashioned and traditional ideal patterns that most adult Brazilians of today were educated, and it is in these terms, reinterpreted into the present, that they are educating their children.

Traditional attitudes and views of society seem to have been grounded in the code of the landed gentry, and the ultimate kernel was seemingly Portuguese. Brazilian society has been called as 'cultural mosaic' of Lusitanian, American Indian and African element. African and American Indian traits have indeed survived and have contributed much too Brazilian national culture. But the national culture is not a fusion of Indian, African and Lusitanian traditions. Rather African and Amerindian traits were welded into an essentially Luso-Brazilian culture. The only cultural models for the African slave, the Indian, and their mixed descendants were their Portuguese, Catholic, and aristocratic masters. That the majority of these people have not been able to live according to the models set before them has been in the past, and continues to be in the present, a dilemma of Brazilian society.

## **COLONIAL BACKGROUND OF BRAZIL**

In the colonial days, the Portuguese were able to impose their European culture on many of the aboriginal people and on the African slaves. Yet in turn the Indians and the African exerted

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<sup>73</sup> Evon Vogt's, *Modern Homesteaders* (Cambridge, Mass, 1995), pp.13, 183



as strong an influence upon their European masters as did the exotic force of the new physical environment. Thus, the Brazilian national culture is not simply a Portuguese way of life transposed to the New World, but a unique development of diverse heritage moulded into a distinctive whole. To understand Brazilian culture and the process by which it took this form an analysis of four categories of people are essential.

**Portuguese** were in the sixteenth century literate and had their own written history. They are therefore, the best known for romance, grandeur and spread of their empire in the fifteenth century. In the sixteenth century Madeira, the Azores and the Cape Verde Island had been discovered and occupied and Portuguese navigators had sailed down along the coast of Africa to reach and round the Cape of Good Hope, which opened the way to India. In the sixteenth century they extended their voyages to South East Asia, China and Japan. The discovery of Brazil was made by Pedro Alvares Cabral in the 1500s was an accident on his way to discover India. With the Treaty of Tordesillas in the year 1494, the coast of Brazil belonged to Portuguese and other areas were to belong to Spain.

Portuguese included adventures, missionaries carrying the Catholic faith in order to infidel and seek the mythical Christian kingdom of Peter John and traders. They were not imperialist in the nineteenth century sense, willing to establish military and political sovereignty over a conquered people. Rather, they sought commerce –often on their own terms to be sure. Along the coast of Africa, in India, Southeast and even Japan, they established *feitorias* (trading posts) controlling favoured positions from which they traded with local chiefs, potentates and kings. Even in Africa also the Portuguese did not occupy and fully control their colonial territories until nineteenth century. When they penetrated inland they made trading expeditions that often established trading posts, but rarely set up effective control over the local population. At the beginning this system of trading posts was extended to Brazil ,but there was little for which to trade and few other tropical products were all that land had to offer.

Gilberto Freyre has portrayed the Portuguese as an especially adaptable, racially tolerant, and malleable people. He writes of Luso- Tropicalism, a special adaptability of the Portuguese to the tropical climates and to non- European people. After centuries of contact with the Moors, they were accustomed to people of different customs and with skins of darker hue. Thus wherever they went- to Africa, Asia or Brazil- they mixed freely with the natives, creating a

hybrid population establishing a way of life adapted to local conditions yet basically Iberian in institutions<sup>74</sup>. Portuguese continued this process throughout the sixteenth and seventeenth century. They were very much attracted by the charm of the native women. In their voyages they transferred numerous plants from one continent to another. Thus, Brazil is today shaped by mango trees brought from India, and one of the main food crops of tropical Africa today is manioc brought from Brazil. There was a similarity of adaptation in Africa, Asia and the new world. In fact, the physical setting and the city plan of Lourenco Marques in Mozambique and Luanda in Angola remind strikingly of Bahia in Brazil.

On the other hand it can be said that Portugal was a small country with hardly more than a million people, therefore its tentacles of influences seems to be quite surprising. Moreover it lacked manpower to carry out its widespread commercial ventures and to man its overseas power. The men travelled, traded and explored while the women stayed in the home. Portugal was perhaps the first European country in the African slave trade, just as Brazil was the last country in the Western Hemisphere . Due to the labour shortage, African slaves were sought out and between the mid- fifteenth century and nineteenth century some 10 million people from Africa were forced into America. The slave trade in Atlantic was developed in the first instance by Portuguese traders, with around a third of all slaves crossing the Atlantic being destined for Brazil. Over half of all slave brought to America ended up in Caribbean with only a small proportion going to North America. There were Negro slaves in Lisbon by 1450 and slaves were imported to Brazil till late nineteenth century. No matter how benign the treatment of slaves might be under the Luso- Brazilians as compared with other parts of the World, slavery was a bloody business comparable to the mass murder of the European Jews by the Nazis in the twentieth century. The Portuguese of the sixteenth and seventeenth centuries may be said to have been men of their times- they were neither more or less tolerant and accommodating, nor cruel and rapacious than the Spanish, French, English, or Dutch. The Brazilian history is therefore majorly influenced by Portuguese people. For instance- The June festivals such as June 24<sup>th</sup>, the night before is Midsummer Night) and Sts. Peter and Paul (June 29<sup>th</sup>) are equally important in Portugal and Brazilian culture.

The Portuguese left amazingly good records of the way of life of the American Indians they met along the coast of Brazil after discovery. Travellers and missionaries of the sixteenth

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<sup>74</sup> See Freyer, *Um Brasileiro em Terras Portugueasas* and *O Luso e o Tropic*.

century and seventeenth century often left vivid accounts. Furthermore, studies by trained anthropologists of the surviving tribe's helps one to reconstruct the way of life of these primitive people. It was from the Indian that the Portuguese new comer learned how to live in the New world, how to eat strange foods and how to cultivate new crops. The Indians were the first labourers for the Portuguese to command and they were the souls to be saved by the missionaries. There are few Indians left in the modern Brazil. Less than a hundred thousand tribesmen live in different stage of assimilation throughout the country. The aboriginal population has been decimated by disease, slavery and force of arms- or assimilated into the total population. But in the process Indians have left a strong imprint on the Brazilian national culture.

**The indigenous population** of that part of South America which now constitutes Brazil was never a dense one. Previous to the arrival of the European, it is probably safe to say that the area never held more than one to one and half million people. These American Indians were not a homogenous people: they were divided into literally hundreds of tribes speaking a variety of aboriginal languages and they differed from one another strikingly in customs and in level of economic development. None of them were civilized in the sense of the Maya and the Aztec of Central America and Mexico or the Inca of highland South America. Generally speaking, there were in Brazil two ways of life among the primitive tribesmen: that of the Tropical Forest peoples, who depended upon hunting and food gathering, with some incipient horticulture in open plains country and on the semiarid plateaus. They spoke a variety of language belonging to several distinct families, the most important of which were Tupi-Guarani, Carib, Arawak and Ge. Seldom was a tribe a political unity, rarely was there a tribal chieftain. The villages of a tribe were generally united only by a common language, common customs, and kinship deriving from inter village marriages. This lack of unity among the Brazilian Indians was a major factor in their lack of resistance to the small groups European who came to Brazil after 1500.

Not all of the Indian groups influenced Brazilian culture in the same measure. The coast Brazil was inhabited mainly by **Tupi-speaking people**. They played the major role in the initial formation of Brazilian culture, for it was with them that the Portuguese, The French and the Dutch first came in contact. These coastal Tupi were also the major concern of the missionaries who adopted Tupi- Guarani as the intermediary or contact language of their missions – just as they selected Nahuatl in Mexico and Quechua in Peru. Tupi- Guarani was

quickly recorded in European script, and the missionaries, especially the Jesuits, learned to speak *lingua geral*, an intertribal jargon based on Tupi- Guarani languages. It was used in teaching and preaching Christianity and it was taught to Indians of various tongues. It became the language of the *mamelucos*, the offspring of native mothers and Portuguese fathers, and in time, the language of the common people, even of the Negro slaves and the European colonist. For time *lingua geral* may have been spoken even more widely than Portuguese. In some localities, especially in the Amazon Basin, it gave way to Portuguese only in the late nineteenth century.

*Lingua geral* contributed a vast vocabulary of terms, chiefly those applying to animals, plants and places, to Brazilian Portuguese. To select random examples, Itabuna (black rock) is a city in Southern Bahia, and Itapetininga (place of the white rock) is town in Sao Paulo. Mandioca (manioc) and its derivative, tapioca, are products native to Brazil with Tupi- Guarani names. Caititu is the Brazilian white lipped peccary and manadubi is fresh water fish. Associated with the use of *lingua geral* were many of the concepts expressed through language, such as folk myths and religious beliefs. Indian supernatural joined the pantheon of the mixed population, while the witches and were wolves of European belief were Indianized and given aboriginal names.

The coastal Tupi were Tropical Forest peoples. They cleared garden sites in the thick semi deciduous forest along the coast and in the Amazon –type selva to the North. Each year the men prepared the clearings by hacking away at the trunks with their stone implements and slowly burning the base of the large trees. The whole site was burning the base of the large trees. The whole site was burned over before planting. Women are said to have done the comparatively light tasks of planting and harvesting and they were kept busy preparing flour from the manioc tuber. This process involved grating the tuber and squeezing out the juice, which contains prussic acid, before roasting the flour over a griddle. Both men and women worked hard at this primitive agriculture, the Indian male was not merely a “hunter”, fisherman, and the warrior “disdainful of agriculture, as some writers on Brazil would have us believe.

Indian agriculture was hardly efficient. It is known that tropical soils are not particularly fertile, and the process of burning contributed to the destruction of the thin humus. After a year so the gardens became so unproductive that they had to be abandoned,

and a new site was cleared whenever possible from virgin forest. In time, an Indian village would be compelled to move in order to find suitable garden sites nearby, and thus Indian horticulture was quasi-nomadic. This technique has persisted in large areas of rural Brazil, modified only by iron tools and few crops imported from Europe.

The Tupi religion was loosely organized and lacked a well defined pantheon and a systematic theology. The origins of natural phenomena and useful arts were ascribed to several mythical culture heroes. One of them, Maria – monan, taught man the sky the earth, the birds and the animals. Still another, Tupan who was identified by the missionaries with the Christian God, seems to have been secondary ancestral figures that controlled lightning and thunder. In addition to the ancestral heroes, there were numerous varieties of forest spirits and demons such as Yurupari, a forest goblin equated by the missionaries with the devil. The Tupis were afraid of the ghosts of the dead, who sometimes appeared in animal form.

The aspect of Indian culture that most horrified the Portuguese was Cannibalism. Warfare was corollary of cannibalism; it was usually waged for revenge and to secure prisoners for a cannibalistic feast. The gory details and rites connected with the execution of the prisoner and the consumption of his body are well described by several eyewitnesses. A prisoner of war would be kept for several months. He was treated well and sometimes given a wife. But finally on an appointed day he would be clubbed to death. Then the feast began. Old women drank the warm blood and mothers smeared blood over their breasts. The body was quartered and roasted to be eaten by the entire populace and their guests. Certain delicacies such as the fingers and the grease around the heart and liver were reserved for important guests. If the prisoner had been given a wife, she wept for him, but shortly she too joined in the feast. Only the executioner was forbidden to participate; he had to go into seclusion to protect himself and the village from the victim's ghost. Cannibalism was one of the first Indian customs to be prohibited by the European. But, according to Jesuit reports, there were frequent backsliders, even among Indians who had been converted to Catholicism and have travelled to Portugal.

The Portuguese were hardly tolerant of the aboriginal peoples, whom they called *burges*, barbarians and animals. The Indians were enslaved, massacred, driven from their lands, and exploited in a dozen ways. They died off rapidly from small pox, measles, infection of the respiratory system, and venereal disease. Not even the idealistic efforts of the great General Candido Rondon, who in the twentieth century organized the Indian Protection Services,

could check the rapid disappearance of the Brazilian Indian. Compared to the national population of Brazil, only a handful of tribesmen remain today, and many of them are in miserable condition – starving, diseased, and landless. Yet the Indian remains a romantic symbol, for Brazil has often idealized him in its literature and Indian culture has left an indelible mark on the national way of life.

It was soon evident that the Indian would not provide the labour supply that Brazil needed and it was equally certain that the Portuguese colonist had not come to the New World to work with his hands. The need for labour became acute after the middle of the sixteenth century, when sugar cane, introduced from the Azarores, became a source of wealth for the colony. Portugal was already in the African slave trade, and sugar provided the motive and the wherewithal. The story of the slave trade is well known and need not be repeated here except in so far as the Brazilian version differed from the norm. Like the slaves of the West Indies and the Southern United States, the Africans who were shipped to Brazil came mainly from the area of the West Africa lying between the Senegal and Niger rivers. But many slaves were also brought to Brazil from Angola and a few from Mozambique, since these areas were controlled by the Portuguese. Their origins can be established with relative accuracy through modern studies of language and culture in Brazil. The total number of slaves imported to Brazil is difficult to ascertain.

Estimates of the total number of **Negroes** brought to Brazil during the entire period from the middle of the sixteenth to the middle of the nineteenth century vary widely from as few as 4 million to as many as 18 millions. As T. Lynn Smith<sup>75</sup> states:

“.....unless it is granted that they failed almost entirely to reproduce or that they died like flies in the new country, one can hardly accept even the more conservative estimates as to the number of slaves that were transported from Africa to Brazil” It is known that they did not reproduce enough to maintain their numbers, and in fact there was some effect to prevent procreation since it was cheaper to import a slave than to raise one. Likewise death took an exceedingly heavy toll. In any case the Negro, soon they became the largest category in the population composition of Brazil. Thus, in sheer numbers, the Negro dominated Brazil until race mixture and increased European immigration in the nineteenth and twentieth centuries made the whites numerous.

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<sup>75</sup> T.L Smith , Brazil: People and Institution, pp 56-57

The cultural contribution of Negroes to Brazilian culture has not been in keeping with their numbers. This is not to understand estimate the African elements in modern Brazilian life, for their presence has been strongly felt. But the African slave was torn from their homeland and their communities, and in the New World they live in absolute subjection to their European masters. Under such conditions, it is not surprising that many African institutions and culture patterns should have disappeared. Many of the African, especially the Yoruba, the Dahomeyans , and the Fanti – Ashanti peoples, came from cultures with a sophisticated political life –kingdoms with ministries, royal courts, armies and taxation. . None of this could be brought to the New World , although for a time in the seventeenth century a group of escaped slaves were able to reconstruct their political organization in the so called Republic of Palmares in the North-eastern Brazil. Likewise, although students of African cultures find strong African influences in the Negro family in Brazil and elsewhere in the New world, the slave family, when it existed, was largely patterned after that of the Portuguese. And, although the Yoruba language survived for a long time in Brazil, especially in religious cults, Portuguese rapidly became the means of communication of the slaves among themselves and with their overseers and owners. Yet the Africans retained a surprising amount of their heritage and strongly influenced the Portuguese colonist.

The influence Africa is felt most strongly on those levels of Brazilian culture which are transmitted within the family. For, in the formative period of Brazilian culture, the African was the cook, the nursemaid, the servant, the playmate, the storyteller, and the sexual partner of the European. Thus, African custom was learned early and in the context of the family. The Portuguese slave owner learned from their African slaves folk tales similar to those recorded by Joel Chandler Harris as the Uncle Remus stories in the United State. They learned to eat African foods European dishes modified in the New World by African cooks. They came to half believe in, or even fully accept, African witchcraft, curing practices, and methods of deviation. They learned to sign and dance to African rhythms. And above all they retained affection for their Negro babas (numrsemaids) and were attracted to the often receptive women them. African influence entered Brazilian life in numerous subtle ways, and the European heritage. Today the Brazilian Negroes may retain vestiges of their African heritage, but above all they are Brazilians sharing, whenever economic status and education permit, the basic patterns of national culture. Brazil is made up of three races and its culture is derived from three continents, but its major institutions, its language and its basic ideal

patterns of behaviour are European ones, modified and developed in the New World environment. It was the Portuguese heritage and the common experience in the New World that gave unity to the Brazilian “mosaic”.

## **GLOBALIZATION AND ITS EFFECTS ON BRAZIL**

Globalization entered the popular lexicon becoming the buzz word for 1990s in Brazil. It brought wide scale changes in the social classes, indigenous people, culture, economy and education. Globalization in Brazil has been seen simultaneously as a blessed light at the end of the tunnel and as an evil trend imposed from abroad and to be rejected at all costs. In a "country of contrasts," as Brazilians have learned to refer to Brazil, the impact of globalization is not easy to determine. Lots of "buts" and exceptions have to be made whenever we talk about anything Brazilian — a country so large cannot be treated as singular. Having said this, one can only dare to discuss what might be a general "Brazilian view" on globalization. Most educated Brazilians tend to view globalization as a process of homogenization, loss of identity, and imposition of practices by the United States. Largely associated with economics and culture, globalization can be said to be generally understood by Brazilians as a modern process of domination promoted by the United States and accepted by our more recent national governments.

In Brazil, we have been concerned with issues of globalization for quite a long time, although we called it something else other than globalization — "invasion" at first, "influence" next. In 1928, for example, Brazil was shaken by an internal artistic movement known as Manifesto Antropofágico, or Anthropophagy Manifesto. This manifesto was written in a combination of languages (from local native languages to Portuguese, French, and English) and it claimed anthropophagi as a national characteristic: the idea was that we Brazilians tend to assimilate what is foreign, digest it, and thus sort the wheat from the chaff, storing the good and eliminating the bad, but always transforming what is eaten, as well as ourselves, in the process. This metaphor has since been used to refer to the so-called process of cultural dependency, seen as endemic in Brazil. The often-quoted sentence, "tupi or not tupi, that is the question," alludes to what is perceived as a characteristic of our national identity — the welcoming appropriation of difference, its maintenance, and re-contextualization. The Manifesto simultaneously critiques Brazilian colonial and patriarchal history and cultural values borrowed from Europe, and makes the case for a utopian, matriarchal, and distinctive



future history based on aboriginal societies. In this Manifesto, the contact between the local and the global, and the national and the foreign, is brought to the foreground and challenged in its cultural and economic implications. The Manifesto casts a light of ambivalence — in a positive way — on intercultural, temporal, and spatial relations between Brazil and other countries, cultures, and economies.

This view is shared by scholars nowadays. In the academy — in particular in economics and social studies where globalization studies are produced in higher numbers, globalization is defined as an ambiguous phenomenon. It promotes access to wealth through investments and world trade organizations, while it restricts such access with its capitalistic ideology focused on profit. Globalization accelerates contact and communication among distant nations and their peoples, at the same time it silences those who are excluded from the most recent technological trends. One can safely say, therefore, that Brazilian scholars generally see globalization as productive and restrictive, depending on how national public policies are designed and implemented. Nevertheless, the need for national policies to internally regulate the effects of globalization is not the only practice demanded or researched by academics. There is also a preoccupation with international practices and organizations, their own policies and those they recommend to others, especially those from the Global North to be adopted by the Global South. International agencies like the World Bank or the International Monetary Fund (IMF) are important parts of the picture.

In Brazil, most studies on globalization are undertaken in the areas of Socially Applicable Sciences (SAS), mainly in Economics, Law, International Relations, and Social Studies. More recently, however, there has been an increase in academic texts and research on globalization in the area of languages and education. Such research is generally organized inside these greater areas, without a specific department that occupies itself exclusively or mainly with globalization. Still, many higher education institutions organize university centres with a distinctive focus on globalization studies. Several of these renowned centres are:

NUREG- (Globalization and Regionalization Research Centre), in Fluminense Federal University, where within the research areas areas de-territorialisation and identity, regionalization and globalization.

Globalization Studies Centre, State University of São Paulo. Research areas: political economy of global capitalism, labour and globalization

Institute for Advanced Studies, University of São Paulo. Research areas: policies for scientific, social, and cultural development; social uses of knowledge.

Besides universities, governmental and non-governmental organizations also house centres that include globalization in their areas of research. IPEA (Institute for Applied Economics Research), is one example of a governmental organization linked to the Centre for Strategic Issues of the Federal Government. IPEA is well-known in the country, not only for the research it produces, but also as the institution that informs national government decisions in the area. Some examples of recent issues investigated by IPEA in relation to globalization are income inequalities, public expenses, labour market, retirement and pension incomes, and income and education. There are also some independent organizations well-known in Brazil for their research on globalization<sup>76</sup>. One of the most famous is Instituto Paulo Freire (Paulo Freire Institute), an international non-profit association whose main research interests in globalization presently are: globalization and educational reform; globalization and educational policies; globalization and degrees, institutions, and actors in Brazilian education. Thus, globalization works out through the holistic modernization of the Brazilian society. It can be well understood through several aspects.

## **INDIGENOUS COMMUNITIES IN BRAZIL**

The **indigenous people in Brazil** (Portuguese: *povos indígenas no Brasil*) comprise a large number of distinct ethnic groups who inhabited the country prior to the European invasion around 1500. At the time of European discovery, some of the indigenous peoples were traditionally mostly semi-nomadic tribes who subsisted on hunting, fishing, gathering, and migrant agriculture. The census of Brazil, 2001 speaks that there are more than 62 varieties of indigenous people present in Brazil. The origins of these indigenous peoples are still a matter of dispute among archaeologists. The traditional view, which traces them to Siberian migration to America at the end of the last ice age, has been increasingly challenged by South American archaeologists. They rather explain that pre-Columbian trans-oceanic contact with the Americas by Asian, African, or Oceanic people is mainly the base of

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<sup>76</sup> Government of Brazil press release in a national daily, October 11<sup>th</sup> 2004

their origination. The earliest settlements of the indigenous people were along the coastal sites of the Amazon.

The distribution of indigenous population from North to South in the coastal Brazil follows as-

1. **Tupinambá** (Tupi, from the Amazon delta to Maranhão)
2. **Tremembé** (Tapuia (non-Tupi), coastal tribe, ranged from São Luis Island (south Maranhão) to the mouth of the Acaraú River in north Ceará; French interlopers cultivated an alliance with them)
3. **Potiguara** (Tupi, literally "shrimp-eaters"; they had a reputation as great canoeists and aggressively expansionist, inhabited a great coastal stretch from Acaraú river to Itamaracá, covering the modern states of souther Ceará, Rio Grande do Norte and Paraíba.)
4. **Tabajara** (tiny Tupi tribe between Itamaracá island and Paraíba River; frequent victims of the Potiguara)
5. **Caeté** (Tupi group in Pernambuco, ranged from Paraíba River to the São Francisco River; after killing and eating a Portuguese bishop, they were subjected to Portuguese extermination raids and the remnant pushed into the Pará interior)
6. **Tupinambá** again (Tupi par excellence, ranged from the São Francisco River to the Bay of All Saints, population estimated as high as 100,000; hosted Portuguese castaway Caramuru)
7. **Tupiniquim** (Tupi, covered Bahian discovery coast, from Camumu to Rio São Mateus; these were the first people encountered by the Portuguese in 1500)
8. **Aimoré** (non-Tupi (Jê) tribe; concentrated on a sliver of coast in modern Espírito Santo)
9. **Goitacá** (Tapuia (non-Tupi) tribe; once dominated the coast from São Mateus River (in Espírito Santo state) down to the Paraíba do Sul river (in Rio de Janeiro state); hunter-gatherers and fishermen, they were a shy people that avoided all contact with foreigners; estimated at 12,000; they had a fearsome reputation and were eventually annihilated by European colonists)
10. **Tamoio** (old branch of the Tupinambá, ranged from the western edge of Guanabara bay to Ilha Grande)

## **FIRST CONTACT**

When the Portuguese explorers first arrived in Brazil in April 1500, they found, to their astonishment, a wide coastline rich in resources, teeming with hundreds of thousands of Indigenous people living in a "paradise" of natural riches. Pêro Vaz de Caminha, the official scribe of Pedro Álvares Cabral, the commander of the discovery fleet which landed in the present state of Bahia, wrote a letter to the King of Portugal describing in glowing terms the beauty of the land.

At the time of European arrival, the territory of current day Brazil had as many as 2,000 nations and tribes. The indigenous peoples were traditionally mostly semi-nomadic tribes who subsisted on hunting, fishing, gathering, and migrant agriculture. For hundreds of years, the indigenous people of Brazil lived a semi-nomadic life, managing the forests to meet their needs. When the Portuguese arrived in 1500, the Indians were living mainly on the coast and along the banks of major rivers. Initially, the Europeans saw the natives as noble savages, and miscegenation of the population began right away. Portuguese claims of tribal warfare, cannibalism, and the pursuit of Amazonian brazil wood for its treasured red dye convinced the Portuguese that they should "civilize" the Indians (originally, Colonists called Brazil Terra de Santa Cruz. But the Portuguese, like the Spanish in their North America territories, had brought diseases with them against which many Indians were helpless due to lack of immunity. Measles, smallpox, tuberculosis, and influenza killed tens of thousands indigenous people. The diseases spread quickly along the indigenous trade routes, and whole tribes were likely annihilated without ever coming in direct contact with Europeans.

### **Slavery and the Bandeiras**

The mutual feeling of wonderment and good relationship was to end in the succeeding years. The Portuguese colonists, all males, started to have children with female Indians, creating a new generation of mixed-race people who spoke Indian languages. The children of these Portuguese men and Indian women formed the majority of the population. Groups of fierce pathfinders organized expeditions called "bandeiras" (flags) into the backlands to claim it for the Portuguese crown and to look for gold and precious stones.

Intending to profit from sugar trade, the Portuguese decided to plant sugar cane in Brazil, and use indigenous slaves as the workforce, as the Spanish colonies were successfully doing. But the indigenous people were hard to capture and soon infected by diseases brought by the

Europeans against which they had no natural immunity, began dying in great numbers. This, coupled with the prospects of increased profits from the African slave trade (at the time almost monopolized by Portugal and supplying the labour needs of both Spanish and Portuguese settlers in the New World), encouraged Portuguese settlers and traders to start importing slaves from Africa. Although in 1570 King Sebastian I ordered that the Brazilian Indians should not be used for slavery and ordered the release of those held in captivity it was only in 1755 that the slavery of Indians was finally abolished.

### **The rubber trade**

The 1840s brought trade and wealth to the Amazon. The process for vulcanizing rubber was developed, and worldwide demand for the product skyrocketed. The best rubber trees in the world grew in the Amazon, and thousands of rubber tappers began to work the plantations. When the Indians proved to be a difficult labor force, peasants from surrounding areas were brought into the region. In a dynamic that continues to this day, the indigenous population was at constant odds with the peasants, who the Indians felt had invaded their lands in search of treasure.

### **The legacy of Cândido Rondon**

In the 20th century, the Brazilian Government adopted a more humanitarian attitude and offered official protection to the indigenous people, including the establishment of the first indigenous reserves. Fortune brightened for the Indians around the turn of the 20th century when Cândido Rondon, a man of both Portuguese and Bororo ancestry, and an explorer and progressive officer in the Brazilian army, began working to gain the Indians' trust and establish peace. Rondon, who had been assigned to help bring telegraph communications into the Amazon, was a curious and natural explorer. In 1910, he helped found the *Serviço de Proteção aos Índios - SPI* (Indian Protection Service, today the FUNAI, or *Fundação Nacional do Índio*, National Foundation for Indians). SPI was the first federal agency charged with protecting Indians and preserving their culture. In 1914, Rondon accompanied Theodore Roosevelt on Roosevelt's famous expedition to map the Amazon and discover new species. During these travels, Rondon was appalled to see how settlers and developers treated the indigenes, and he became their lifelong friend and protector. Rondon, who died in 1956, is a national hero in Brazil. The Brazilian state of Rondônia is named after him.

## **Governance**

The Brazilian policy of 'whitening' has denied the existence of ethnic minorities. Those unable to express themselves in the national language have been banned from voting. Since the United Nations World Conference against Racism, Xenophobia and related forms of Intolerance held in Durban, South Africa in 2001, Brazil has taken important steps to recognize the diversity of the nation, although the country still has a long way to go in order to reach racial equality. However prior to this in 1988 Brazilian Constitution recognised indigenous peoples' right to pursue their traditional ways of life and to the permanent and exclusive possession of their "traditional lands", which are demarcated as Indigenous Territories. In practice, however, Brazil's indigenous people are still facing a number of external threats and challenges to their continued existence and cultural heritage. The process of demarcation is slow—often involving protracted legal battles

Since the 1980s there has been a boom in the exploitation of the Amazon Rainforest for mining, logging and cattle ranching, posing a severe threat to the region's indigenous population. Settlers illegal encroaching on indigenous land continues to destroy the environment necessary for indigenous peoples' traditional ways of life provoke violent confrontations and spread disease. People such as the Akuntsu and Kanoê have been brought to the brink of extinction within the last three decades.<sup>77</sup>

## **Environmental Issues- Amazon Rain Forest and Indigenous People**

Environmental issues dominated the latter part of 1988 and much of 1989 when the murder of Francisco (Chico) Mendes, founder of the National Council of Rubber Tappers Union, brought Brazil's environmental problems to international attention. One of his close followers, Marina da Silva, currently serves as the Brazilian Minister for the Environment. Mendes' efforts led to the creation of 150,000 acres of extractive reserves, which have allowed rubber tappers to extract commercial products from the trees within this territory. As the Brazilian government continues discussions of hydroelectric dams in the Amazon River and other mega-projects, these tappers remain threatened.

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<sup>77</sup> Wikipedia- Indigenous people in Brazil

International environmental organizations like Greenpeace have condemned the damage caused by large-scale development projects such as cattle ranching, industrial logging, and 'slash and burn' farming techniques of peasant smallholders. In addition, the activities of an estimated 60,000 gold prospectors in the Amazon region have led to the release of large amounts of mercury into the environment. This continues to present a serious threat to the indigenous population and the rain-forest.

International criticism of the government's poor response to the threat to the environment persisted throughout the early 1990s. Of particular concern to many international observers was the plight of the Yanomami. The National Indian Foundation (FUNAI) was heavily criticized for failing to provide effective protection and support for Brazil's indigenous population. A new cabinet post of Minister with Special Responsibility for the Brazilian Amazon was created after the Yanomami massacre at Haximú in 1993. In June 1992 Brazil hosted the UN Conference on Environment and Development – otherwise known as the Earth Summit.

With globalization a greater exploitation of the world's resources by multinational corporations are welcomed. The impact of this has severe implications for many of the Brazil's indigenous peoples who have traditionally farmed the land to survive. A good example of global forces moving into a traditional environment is the Amazon Rainforest. In Brazil, the government has actively encouraged large scale projects such as cattle ranching, mining, and timber extraction. These practices are in direct conflict with the traditional harvesting practices of local indigenous peoples such as the Yanomami.

The Yanomami have used the global media to promote their struggle against the multinational corporations that have moved in with the blessings of the local governments to exploit their traditional lands for economic benefit (Todd, 2003). Indigenous groups in South America have done this through contact with international organizations and environmental groups who are sympathetic to their cause. The support of Non-Governmental Organizations (NGOs) has only widened the audience for these indigenous groups as they often lack the funding and organization to fully express their concerns (Todd, 2003). Through the use of NGOs, indigenous peoples of the Amazon Rainforest have been able to tap into the sympathies of a global audience to further their cause to maintain their indigenous lifestyle.

Globalization has enabled Environmentalists, human right activists, anti-poverty campaigners and other civil groups to recruit and raise funds faster and further afield than ever before. Meanwhile the global spread of democracy has helped to highlight the plight of indigenous population and increased their political might. Decentralization and devolution of political power to state and local governments have enabled indigenous population to win elections. Global and local activism has eroded tolerance for human rights violation, ecological abuses and discrimination of any kind, and set new standards for the behaviour of governments and corporations. For example, during the 1980s, the United Nation launched an initiative to establish a universal declaration of indigenous rights. A working group representing governments and indigenous organization has met annually in Geneva . Although the process remained bogged down but the process has helped to created an active and relatively well funded global network of indigenous groups and other interested organizations.

Paradoxically the increase in the activities of multinational corporations around the globe has also improved the political fortunes of the indigenous groups in Brazil. The operations of companies involved in agriculture, logging, mining, oil and other natural resources increasingly encroach on indigenous lands. As a result, environmentalists and indigenous populations have discovered that they are also a part of the natural political allies. Environmentalists bring resources, experience in the organising political campaigns and the ability to mobilize the support of government and the media in Brazil. Indigenous groups bring their claims to the lands on which they and their ancestors have always lived. The idle land, when suddenly becomes a prized corporate asset, the political and the financial appeal of the struggle increases significantly.<sup>78</sup> Globalization on the other hand has also ravaged many indigenous people through new diseases, change in their habitat, forced displacement, and forced to adapt to a difficult lifestyles.

Globalization has also brought indigenous people powerful allies, a louder voice internationally and politically. The positive impact of globalization on indigenous people of Brazil is also a welcome rejoinder to the accusations that it merely homogenises cultures. Globalization is thus so complex that its effects are less predictable and less obvious than usually assumed.

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<sup>78</sup> Editorial of Brazilian Finance Magazine, Nov. 2005



According to Survival International, in 2007 the Brazilian Socio-Economic-Environmental Institute began coordinating the '*Y Ikatu*' or '*Good water*' campaign to save the headwaters of the Xingu River, which is a major tributary of the Amazon. The campaign involves a combination of efforts and collaboration from the indigenous peoples of the region, as well as NGOs and farmers. Over the last 10 years, deforestation along the Xingu's headwaters has doubled. Eighteen tribes with a population of 10,000 live in this region and are dependent on the rivers for fish and drinking water. The Xingu Park is home to 14 of these indigenous tribes, but the headwaters of the river lie outside the park and are therefore unprotected. Some tributaries have already dried up due to deforestation and forest fires.

### **Indigenous Land Rights**

The 1988 Brazilian Constitution guaranteed indigenous forest people's rights to inhabit their ancestral lands, though not their legal right to own them. It made no provision for land reform. In April 2005, after much delay, Brazilian President Luiz Inácio 'Lula' da Silva ratified the Federal Supreme Court ruling to establish the Raposa Serra do Sol Indigenous Reserve in the state of Roraima. After many years of violence and land disputes in this region, this action called for the demarcation and titling of land for a number of indigenous communities, including the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona people, as well as the expulsion of non-indigenous settlers and rice farmers from the territory. Still, the Brazilian government has not fully implemented this decision. In August 2006, in response to an urgent request from the Indigenous Council of Roraima, and the UN Committee on the Elimination of Racial Discrimination, the Brazilian government was urged to take action and follow up on this decision.

In response to international pressure, the government has begun to recognize its failings in managing indigenous lands and the limited scope of its actions in indigenous communities. Instead of mitigating bad relations with indigenous communities and their advocates, these limited actions have led to new concerns regarding the abandonment of indigenous people by the nation. The demarcation of indigenous land still has not been completed and is a continuing source of conflict. However, the land titling process is moving forward more quickly than in the past, in part due to pressure from the UN Committee on the Elimination of Racial Discrimination, which recommended in 2004 that the demarcation of all indigenous lands be completed by 2007, and that the state party adopt urgent measures to recognize and

protect the right of indigenous peoples to own, develop, control and use their lands, territories and resources.

Despite these advances, problems continue throughout the reserves, in part, because the state environmental protection agency has only one staff member for every 2,000 sq km of protected land. FUNAI's activities have been severely curtailed in the past due to funding problems, and a lack of political will to register approximately 11 per cent of the nation's land to the indigenous community, which represents less than 1 per cent of the population. Where land has been demarcated, the exclusive rights of indigenous peoples to these resources are recognized under Article 231 of the constitution.

Many indigenous peoples continue to be threatened by illegal exploitation and colonization. For example, lengthy campaigning achieved the demarcation of a reserve belonging to the Yanomami, but no government action was taken to uphold the integrity of the reserve. In 1993 Yanomami continued to be the victims of premeditated attacks by illegal gold prospectors.

In the face of government failure, indigenous peoples have formally organized themselves through civil society organizations to defend their territory and their identity. There are currently over 250 registered indigenous non-governmental agencies in the greater northern region of Brazil, which is 20 times the number of groups registered ten years ago. These organizations have gained access to international sources of funding to support development activities in their communities and have conducted their own census reports.

President 'Lula' da Silva has alienated indigenous peoples in two ways. His embracing of neoliberal economics and agri-business has stalled many of the land titling actions, leaving his government with, arguably, Brazil's worst indigenous rights record since the military regimes left power in 1985. The 2005 'Indigenous April', inspired by the 2004 Landless Workers Movement (MST), drew attention to land needs and put pressure on the government to demarcate and title new reservations, as it is now obliged to do by the constitution.

In July 2005, after much delay, Brazil awarded land title in a violently disputed case in Roraima State to the Macuzi, an indigenous group near the Guyanese border actively involved in agriculture and cattle raising. However, violence and killings continue to mark

relations between indigenous peoples and landowners. In addition, and clearly linked to the demands for land and resources, indigenous leaders and other land rights protesters have been killed by suspected agents of large landowners and agri-business (largely industrial soy bean farmers) seeking access to indigenous lands. Amnesty International argued that the government has 'laid the foundation for the current violence' and cited 'the continuous failure of Brazilian governments to act effectively to protect indigenous communities'.

### **Afro-Descendants and Land Rights**

With regard to Brazil's Afro-descendant populations, the international community has not fully recognized the importance of empowering Afro-Brazilians to become the leaders of their own liberation. Many Afro-Brazilian organizations are finding it increasingly difficult to secure international funding for their community-based activities and, despite raising awareness of the needs of Afro-descendants and a growing sense of black consciousness/identity, many groups are facing a major funding crisis.

The Palmares Foundation, established in 1988, continues to function as an important state institution for the accreditation and granting of lands to communities of the descendants of enslaved Africans, although for many activists the process is too complex and lengthy. Articles 215 and 216 of the Federal Constitution mandate the protection and preservation of these federally certified lands (or *quilombos*) and the Palmares Foundation assists in the securing of land titles for Afro-descendant communities. In 2007, the foundation identified 743 *quilombo* communities, 42 of which have been officially recognized and 29 of which have received titles. These rural communities are important historic and cultural reference points for the black movement as a whole, despite the fact that the majority of people of African descent in Brazil live in urban areas, often in *favelas*, where there are no land titles or formal ownership of property.

### **Social, Economic and Political Rights of Afro-descendants**

Monumental symbolic strides have taken place under the government of President 'Lula' da Silva. For the first time in its history, Lula appointed four Afro-Brazilian national ministers, three of them women: Benedita da Silva, Minister of Social Services; Marina Silva, Minister

for the Environment; and Matilde Ribeiro, who heads the Secretariat for the Promotion of Racial Equality, a cabinet-level ministerial position.

Federal universities around the country have continued to implement affirmative action programmes and the federal government has mandated the teaching of African and Afro-Brazilian history in high schools and universities. There are government quotas that require 20 per cent of new positions in federal government agencies to be filled by Afro-Brazilians; Itamaraty – the Brazilian Ministry of Foreign Affairs – is an exception; it has instead implemented admissions quotas for its prestigious training university, Rio Branco. The Ministry for the Promotion of Racial Equality has played an important role coordinating these new inter-agency initiatives, but there has been concern that the ministry faces severe structural limitations because it does not have an independent budget and instead must mobilize resources from the very agencies it is attempting to influence. Despite all this, Afro-Brazilians are still waiting for major social or political changes to benefit their communities. Moreover, the political crises in the latter part of the Lula administration have exposed corruption within the Partido dos Trabalhadores (PT or Workers Party), and shifted the party's attention away from issues of social inclusion as it defends itself against these allegations of corruption.

Brazil has also been in the forefront of affirmative action programmes, although not without controversy. Former Education Minister Paulo de Renato Souza voiced his concern that unprepared students might enter universities and called on the international community to help prepare Afro-Brazilian students for entrance exams. President of the High Court of Justice Paulo Costa Leite expressed concern that quotas represented an artificial way to allow black people to ascend in society, and that this may aggravate prejudice, although the federal court has declared the quotas constitutional. In 2006 a group of prominent opinion makers, including several leading Brazilian academics and artist Caetano Veloso, wrote a controversial letter to the Brazilian press condemning quotas. The fierce response to this letter referred to as the 'Manifesto Branco' by Afro-Brazilian activists and allies demonstrates how discussions about reparations and affirmative action programmes for Afro-descendants continue to engender fierce debates across the region.

### **Current State of Minorities and Indigenous People**

In 2005 Doudou Diene, UN Special Report on Racism, Racial Discrimination, Xenophobia and related forms of Intolerance, visited Brazil and made recommendations on the importance of supporting affirmative action programmes, promoting cultural identity and youth development in the country. He followed up on this report with a visit to Brazil in 2006 for the Regional Conference of the Americas in Brasilia, an event that was envisioned as a continuation of the Santiago preparatory conference for the UN World Conference against Racism. At this meeting he met with civil society activists to discuss the findings from his report and analyse new paradigms of ethnic conflict and globalization. Immediately before this session in Brasilia, the Brazilian government hosted a meeting of the African Union in Salvador, Bahia, which was widely attended by African heads of state and international celebrities such as Stevie Wonder, who used the meeting as an opportunity to make a declaration in support of racial quotas.

Evidence of exclusion of the vast black minority in Brazil is rampant. Nearly 80 per cent of Afro-Brazilians live below the nation's poverty line, compared to 40 per cent of white citizens. Afro-descendants in Brazil earn half of what white groups earn; life expectancy is 6.5 years lower for blacks than for whites; and one half of all Afro-Brazilians are illiterate – some two and a half times the number of whites who cannot read or write. Only 4 per cent of Afro-Brazilians between the ages of 18 and 24 are in universities, compared to 12 per cent of whites. Three-quarters of all Afro-Brazilians have not completed secondary school, and 40 per cent of blacks have not completed elementary school. In the UNDP's Human Development Index (HDI), Brazil is ranked 69th. This is roughly the average of two Brazils divided by race: the HDI of a hypothetical Afro-Brazilian nation would come 101st, while an all-white nation would rank 46th. Social and economic progress in Brazil depends on the advancement of the country's large black population.

In 2007 Afro-Brazilians continued to earn less than 50 percent of the national average income. They also suffered from the highest homicide, poverty and illiteracy rates in a country, with one of the highest homicide rates in the world and the world's highest death rate by firearms<sup>79</sup>.

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<sup>79</sup> International Forum of Indigenous people of Brazil

Seriously under-represented in professional positions and in the middle and upper classes, Afro-Brazilians continued to be over-represented in prisons. In 2007 Afro-Brazilians made up more than 56 per cent of the prison population. The statistics for indigenous communities are just as troubling. The infant mortality rate in indigenous communities is almost three times the national average. A quarter of indigenous children do not have access to schools and 15 per cent of children between the ages of 10 and 15 are illiterate. Three-quarters of indigenous children live below the poverty line. The National Foundation of the Indigenous (FUNAI) reports that Brazil's indigenous people continue to face disease and poor health care, loss of native culture and recurring incursions, especially in the rainforest.

Likewise, regarding health and access to health care, indigenous communities find themselves collectively in an increasingly precarious situation. A recent study of the Javari Valley in the Brazilian Amazon – which is said to be the second largest indigenous territory in Brazil – warned that rates of malaria and hepatitis are spiralling out of control, with uncontacted tribes in the area being in grave danger. In 2006 it was estimated that 90 per cent of indigenous peoples in the area suffered from malaria. A further study by Survival International in 2007, of 306 indigenous people, revealed that 56 per cent were carrying the hepatitis B virus, 85 per cent had contact with hepatitis A and 25 per cent were carrying hepatitis C.

Local indigenous organizations in the area accuse the government of shirking its responsibilities under Article 231 of the Federal Constitution, which holds the state responsible for protecting the customs, languages and traditionally occupied territories of the indigenous population. Indigenous groups also hold the Brazilian authorities responsible for the provision of health care to communities and believe that they have taken insufficient action to combat the crisis.

In 2007 more than half of indigenous communities continued to live in poverty in areas where traditional ways of life are increasingly threatened by land development, agricultural expansion and mining.

However, there was also continued evidence in 2007 of eroding government concern over indigenous land rights especially since – according to long-time Brazilian indigenous rights

advocate Sydney Possuelo – the head of FUNAI is reported to have claimed that indigenous people in the Brazilian Amazon have too much land.

This largely matches the attitude of Brazil's powerful elite, who seek even more Amazon deforestation for cattle and large-scale agriculture. Ranchers, land-grabbers, miners and loggers have already destroyed nearly one-fifth of the Brazilian rainforest. More than 17 per cent of the original tree cover has already been eliminated and what remains is disappearing fast.

Violent land wars between indigenous groups, ranchers, companies and farmers, increased in 2007, and a 10-year high was reached in the rate of murders of indigenous people. Killings were mostly related to land disputes and rural activists were specially targeted.

In September 2007 the indigenous Yanomami of Brazil's Amazon rainforest increased their protests against a draft mining law that may force them to expose their currently state-protected communal lands to international mining companies.

Mining on indigenous lands in Brazil is currently prohibited, however the draft law once again allows mining of indigenous territories, with Yanomami lands likely to be the most affected.

According to the Instituto Socio-ambiental the Lula government has created 15 million hectares of environmental conservation areas in Amazonia; however even though demarcated since 1992, a large proportion of this land has already been surveyed or explored by mining companies. This could mean a repeat of the cycle of deforestation, and disease first suffered by Yanomami in the mid-1970s, during construction of Brazil's Northern Circumferential Highway, when nearly 20 per cent of the Yanomami died from lack of immunity.

Brazil as a world leader in ethanol production, bio fuels from agricultural crops is important in the country's long-term economic vision. Indigenous small farmers in Brazil are steadily being pushed off lands cleared for soy production, sometimes violently. This is also affecting Afro-descendant and indigenous 'nutcracker' women who, as of August 2007, continued fighting to retain access to the babaçú palm tree, which is native to the Brazil forest. The babaçú palm grows wild in the 18.5 million hectare forest area extending across four states between the Amazon and the semi-arid north-east of the country. The 20-meter-tall palm tree

has over 50 uses, among them: cattle fodder, natural medicine, house construction, basketry and fuel. The flesh of the nut is eaten or made into oil for cooking and lubrication, as well as soaps and other cosmetics. Babaçú gathering dates back to pre-Columbian times. It now represents a major income source for half a million mostly Afro-descendent and indigenous female Quebradeiras, who gather and process the babaçú nut. However, large-scale land appropriation is now making it increasingly difficult for women to access babaçú forests.

Since the 1980s, industrial farmers have been acquiring and enclosing vast parcels of primary land where the babaçú grows, and they now intend to clear-cut and burn the forest to breed cattle or grow soybeans for bio-fuel. They especially want to stop indigenous and Afro-descendant collectors from traversing the forested areas, even though the babaçú nut just falls to earth and otherwise remains unused. Deterrents include erecting barbed-wire fences or hiring gunmen. The Interstate Movement of Babaçú Coconut Breakers (MIQCB) has been trying to negotiate access with the local, regional and national governments, and has been discussing the laws for free access to the babaçú forests. They have also held the government accountable for illegal logging and forest destruction.

Some researchers see potential in the babaçú palm for biofuel, but industrialists lack interest because of supply logistics and difficulty in processing the nut. NGO and university projects in 2007 continued to try to attract Afro-descendant and indigenous Quebradeiras women toward using babaçú for agro fuel, but collectors can earn more selling the multi-use nut than from processed oil. They are also well aware of the effects of the soy and sugarcane industries on independent farmers and remain uninterested in turning babaçú into a corporate biofuel activity.

### **Brazilian Government Initiatives**

The Secretariat for the Promotion of Racial Equality (SEPPPIR) is in charge of coordinating President 'Lula' da Silva's policies for Afro-Brazilians, indigenous communities, Roma, Jews and, to a lesser extent, Brazilian foreign relations with Africa (the SEPPPIR minister has joined the president on all of his official delegations to Africa, including Algeria, Benin, Botswana, Cape Verde, Gabon, São Tomé and Príncipe and South Africa , and had a prominent role in the African Union meeting held in Salvador, Bahia in 2006). The SEPPPIR ministry is made up of almost 150 staff members, the vast majority from activist



backgrounds. Minister Matilde Ribeiro has effectively mobilized her team to implement projects and activities in a wide range of areas related to racial inclusion.

In 2005, the ministry hosted the National Conference for Diversity, with representation from all of the minority groups and states in Brazil, and international representatives from key regions present at the UN World Conference in Durban. The minister has increased her outreach to indigenous communities in Brazil and has created a national platform for the small Roma community – which was prominently featured in the national press coverage of the event. Efforts to deal with the most vulnerable of the marginalized gathered momentum in mid-2007 when SEPPIR introduced the Quilombolas Development Programme that seeks to improve living conditions of communities that are among the most marginalized in Brazil. Initially it will benefit 525 *quilombo* settlements in 22 of Brazil's 26 states.

Despite the breadth of the activities SEPPIR has undertaken in the past three years, the marginalized communities, still struggles for greater recognition by the Brazilian government, in part because the ministry lacks secure government financing. As a result, SEPPIR has turned to international donors to support programme activities, and is not well integrated into the government budget decision-making process.

The UN Office on Drugs and Crime (UNODC) reported that Brazilian women continued to be among the primary victims of international sex trafficking to Europe. The typical victims were darker-skinned women between 15 and 27 years of age. Therefore, the second term re-election of President 'Lula' da Silva in October 2006 was seen as a plus for minorities due to his commitment to social welfare reform. Da Silva won 77 per-cent of the vote in his north-east birthplace, which is home to darker-skinned, poorer Brazilians who especially benefit from the government's 'Bolsa Familia', cash-transfer programme.

### **The Indigenous Movement in Brazil: A Quarter Century of Ups and Downs**

As late as 1980, Brazilian Indians had not organized themselves in any coherent political movement, either at the local or at the national level. Reasons for this include: Brazil's gigantic size (3,286,170 square miles) which aggravates the physical and financial difficulties of transportation and communication between remote Indian areas; the extensive dispersal of indigenous peoples through virtually all states of the Union; the fragmentation of Indian societies (a population of about 300,000 individuals organized in over 200 peoples) into

different languages, customs, and degrees of interethnic contact; and the form in which the Brazilian state has carried out its Indian policy. Officially, and very often in actual practice, the government has had total command over indigenous communities. The political isolation of most Indian peoples is a consequence of the often police-like control over movement in and out of the reserves, and of the appalling deficiency of education. Without access to proper schooling, the indigenous peoples in Brazil have not learned sufficient Portuguese to operate in national society with minimal proficiency. Even so, and against all odds, indigenous peoples in Brazil have been experimenting with various forms of organization, albeit backed up by non-indigenous support groups.

### **Indigenous Assemblies in the 1970s**

The Catholic Church was the prime force in launching a supra-local indigenous political movement. The Indigenist Missionary Council (Conselho Indigenista Mission, CIMI) was created in 1972 as a militant branch of the National Conference of Brazil's Bishops (CNBB). It grew out of the deep engagement of Catholic Church members in Liberation Theology, along the lines that inspired the urban "Base Ecclesiastic Communities," as well as the rural land Pastoral Committee. Two years later, CIMI organized the first of a long series of "indigenous assemblies." By providing, or substantially covering transportation, food, and lodging expenses, the missionaries brought together representatives of several indigenous groups to participate in informal gatherings. It took place in April 1974 in the state of Mato Grosso and was attended by 17 Indians. The second, in May 1975, was called by the Munduruku Indians of the Curum Mission with the presence of 60 Indians. From then on, the number of meetings and of participants increased every year.

The thrust of the meetings was to expose each indigenous representative to the interethnic experience of other groups and to convey these messages to their own communities. The initial phase was one of mutual discovery. Each Indian listened to the others recount aspects of their respective cultures, as well as the routine of abuses and plunder on the part of private or official enterprises. The astounding similarities in the way group after group suffered in the hands of whites struck a resonant chord in the listeners' consciousness. The sense that the same troubles also plagued other Indians they had never seen before generated a sense of solidarity and confidence that they were not alone in their plight. A new world of generalized

injustice opened up to them, creating an esprit de corps which persisted well after the gatherings were over. The speeches delivered during the early meetings were addressed to fellow Indians in a direct exchange of misfortunes, unlike later phases in the movement when Indian leaders spoke directly to the white man. Many indigenous representatives at these CIMI assemblies complained bitterly of their own inability to communicate with their co-participants, while several monolingual leaders had to have their speeches translated as they spoke in their own languages. More than ever before, it became evident that keeping the Indians illiterate was one way of retaining control over them.

As indigenous awareness expanded beyond strictly local problems, assemblies moved from regional, particularly in the north, northeast, and centre-west, to national level. Consequently, they began to attract the attention of authorities, among them officials of the National Indian Foundation (FUNAI) who outright opposed CIMI's organizing efforts. During the military regime, several assemblies were disrupted by the federal police or by FUNAI. The 1978 attempt by the Geisel government to terminate the Indians' special status, in what became known as the "emancipation decree," propelled those first organizing efforts toward a pan-Indian movement.

As CIMI continued to promote meeting after meeting in various parts of the country, in April 1980, an independent group of young Indians who attended school in Brasilia proposed the creation of a nation-wide indigenous organization they called UNIND (Uniao das Nações Indígenas). These students belonged to groups such as the Terena, Xavante, Bororo, Patashó, and Tushó. Their intention was to organize indigenous efforts around the issue of a better indigenous policy. Less than two months later, an Indian assembly in the town of Campo Grande (state of Mato Grosso do Sul) ended with the founding of UNI, another version of the Uniao das Nações Indígenas, which would "promote the Indians' autonomy and auto-determination, reclaim and guarantee the inviolability of their lands, and assist the Indians in knowing their rights by drawing and putting into practice cultural and community development projects." One month went by and another meeting was attended by representatives of 15 "Indian nations" to discuss the "Creation of the Brazilian Indigenous Federation." The participants pledged allegiance to UNI, now considered to be the outcome of the fusion of Brasilia UNIND with the Mato Grosso do Sul federation. The invention and

re-invention of UNI under different promoters attest to the ripeness and even urgency of the idea of a pan-Indian organization.

### **The Union of Indian Nations in the 1980s**

In the 12 years of its existence, UNI went through several leadership crises, changed its format from a hierarchical presidential system to an encompassing organization of national and regional coordinators. The UNI made and broke alliances with the Church, with non-Indian NGOs, and with the so-called "Alliance of the Peoples of the Forest" which included non-Indian rubber gatherers in Amazonia. The organization challenged the open hostility of a strong, militarized state which repelled the idea of having nations within the nation and organized in a Union.

When the name "Union of Indian Nations" was first heard in Brazil, there was an immediate reaction from the government. Repression took various forms. The strong man of the military regime, General Golbery do Couto e Silva, ordered that "profound studies" be carried out to examine not only the convenience of the establishment of a Union of Indian Nations, but also its legality, considering that the Indians are "relatively incapable" and wards of the state. The profound studies by the National Intelligence Service (SNI), the notorious agency which promoted repression of civil society during the military regime, mentioned the "grave inconvenience of indigenous nations being brought together under an entity whose organization is already being undertaken with the 'protection' of people reputedly dedicated to set the Indians against the indigenous policy defined by the Government." SNI also recommended an immediate revision of the 1973 Indian Statute so as to curb "situations as absurd as" the formation of a pan-Indian organization by "relatively incapable" Indians, or having an "obviously integrated" Indian raise polemic issues in the press, unwilling to give up his "penal irresponsibility but wanting to leave the country to join a 'tribunal' abroad."

During the 1987-88 Constitutional Assembly, UNI was supported by several non-Indian organizations including the Brazilian Anthropological Association (ABA), and the National Association of Geologists (CONAGE). Their involvement was greatly responsible for the effective indigenous lobby which brought the Indians some palpable gains, such as the deletion of the integration principle that had since prevailed.

It was also during the Constitutional Assembly that UNI and CIMI fell out around the expression "Indian nations." UNI and its allies, aware of the antagonism that the term generated, and fearing that to insist on it might jeopardize more important concerns, omitted it in their "popular amendment" and used "peoples" instead. As it turns out, "peoples" is also banned from the state's indigenous vocabulary, as it evokes self-determination and hence, a threat to the country's sovereignty. This left only politically innocuous alternatives such as "indigenous societies," or "indigenous populations." CIMI insisted on keeping the name "Indian nations" which incurred the fury of the most conservative sectors of the country, and put at risk the success of the entire indigenous lobby in a violent campaign that accused the Church of using the Indian issue to sell Brazilian mineral resources to foreign interests. The rift that ensued between CIMI, UNI, and some lay NGOs was never mended.

UNI's eventual demise did not come as a surprise. It never resolved the problem of its representation or the top-heavy distortion in its management. It never succeeded in mastering the ethnic reality of indigenous Brazil with its multitude of small, scattered, and often politically detached societies. One gets the impression that the budding Indian movement, including UNI, directly reflected the organizational form in which official indigenous policy has been carried out. Just as the latter flows from the top down, that is, from whites to Indians, the indigenous political consciousness emerged having outside efforts as the starting point. First, CIMI's role was fundamental in offsetting one of the biggest barriers to raising consciousness, isolation and lack of material means to travel. The "cosmopolitization" which resulted from CIMI's pedagogical experiment worked as a trigger for future indigenous initiatives. After CIMI's pioneer role, a pan-Indian organization was founded and stimulated by whites.

This organization turned out to be an important platform to launch the Indian issue onto the field of national politics. More recently, NGOs, both national and foreign, have produced a similar effect in precipitating political action on the Indians' behalf. During these efforts, the impetus has come from outside indigenous communities. In contrast to indigenous movements in other Latin American countries, the first Brazilian Indian organization was neither local nor regional, but national. The attempt to create regional UNI chapters failed to bridge the gap between headquarters (whether in Brasilia or Sao Paulo) and grassroots. Whatever concerted action there might have been at the beginning between national UNI and

the regional UNIs, it did not last long and national UNI turned out to lead a separate life of its own. Thus, there were no intermediate organizations that might coordinate actions and translate the policy and procedures of national UNI to the local communities. There was no confederation effect of smaller organizations into a broader unit. The problem of legitimacy that plagued UNI derived mostly from this skewed arrangement.

### **Economic Globalization of Brazil**

Brazil is the **largest economy in South America and the ninth largest in the world**. It is a country of extremes, with extraordinary social, cultural and ecological diversity. Embracing the Amazon rainforest and the sprawling cities and shanty towns of Sao Paulo and Rio de Janeiro, it is a land where modern industry and commerce has flourished alongside extraordinary inequality, poverty, crime and violence.

In part because of these extremes, Brazil has long been associated with sustainable development: hosting the first Earth Summit in 1992 and convening the first World Social Forum in 2001. The country's incumbent President Lula was elected on a platform to address some of the fundamental challenges of inequality, although his government has since been shaken by revelations of endemic corruption and danger of globalization and market economy.

### **World Social Forum- Origin and Expansion**

*“The World Social Forum is not an organization, not a united front platform, but”.....an open meeting place for reflective thinking, democratic debate of ideas, formulation of proposals, free exchange of experiences and interlinking for effective action, by groups and movements of civil society that are opposed to neo-liberalism and to domination of the world by capital and any form of imperialism, and are committed to building a society centered on the human person.”*

*Members of World Social Forum, 2001*

## **About World Social Forum**

Peoples' movements around the world are working to demonstrate that the path to sustainable development, social and economic justice lies in alternative models for people-centred and self-reliant progress, rather than in neo-liberal globalisation.

The World Social Forum (WSF) developed as a response of the growing international movement to neo-liberal globalisation and the effects of neo-liberal economic policies being pursued in most countries. While international financial and trade institutions like the World Bank, the International Monetary Fund and the World Trade Organisation make prescriptions to be followed by countries across the globe that affect the lives of people all over the world, the effects of such decisions are poorly understood in many cases. People in developing countries, as well as the poor and excluded sectors of developed countries continue to grapple with new situations that are being thrown as a result of the thrust towards globalization.

The World Social Forum was conceived as an open meeting space for deepening the reflection, the democratic discussion of ideas, the formulation of proposals, the free exchange of experiences and the articulation of civil society organizations and movements that are opposed to neoliberal globalisation and the domination of the world by capital and by any other form of imperialism. This open space, in accordance with its **Charter of Principles**, is constituted as plural and diversified, non-confessional, non-governmental and non-partisan.

The first edition of the WSF was organised in Porto Alegre, Brazil, from January 25 to 30, 2001, marking an opposition to the World Economic Forum held in Davos, which, since 1971, has fulfilled a strategic role in formulating the thought of those who promote and defend neoliberal policies throughout the world. At the WSF 2001 approximately 20,000 people attended, among delegates from 117 countries, Youth Camp and Indigenous Nation Camp participants.

The decision to hold the Forum in Brazil was also significant. The richness of Brazilian grassroots organizations represented a source of inspiration for the development of the World Social Forum. Porto Alegre itself is situated in the southernmost province of Brazil, and the government of the province and the city mayor supported the Forum in many ways. The WSF was locally hosted and organised by a Brazilian committee consisting of: ABONG “ Non Governmental Organizations Brazilian Association; ATTAC “ Citizens Support by Financial

Transactions Tributation Action; CBJP “ Justice & Peace Brazilian Committee; CIVES “Brazilian Entrepreneurs Association for the Citizenship; CUT “ Central United Workers; IBASE “ Brazilian Institute of Socio Economical Analysis; CJG -- Global Justice Centre; MST -- Landless Rural Workers Movement.

This Forum made evident the capacity of mobilisation that civil society has when faced with a new methodology, characterized by a guarantee of diversity and co-responsibility in the process of constructing the event. The success of the first WSF led to assessing the need for continuity. Towards this, the then Organizing Committee (at present, part of the WSF Secretariat with the Indian Organizing Committee) proposed establishing a Charter of Principles so as to guarantee the WSF as a permanent space and process for seeking the construction of alternatives of a worldwide nature.

In order to make possible international articulation of the WSF process, the International Council (IC) of the WSF was established in 2001. The IC was mandated to enhance and expand the diversity of the WSF process at the global level. The IC is a group of international networks from different regions of the world. It is constituted by several organizations working on issues including economic justice, human rights, environmental issues, and labour, youth and women rights. The IC contributes to the WSF methodology, outreach, communication strategies as well as the local and regional organizing process. After the formation of the IC, it was decided that the Secretariat of the International Council would be based in Sao Paulo, Brazil.

Since the establishment of the IC, the Secretariat of the WSF has been working on strengthening it as a political and operational stage of the WSF that would contribute both in defining strategic paths of the WSF as in mobilizing and in other activities of an organizational nature. The action of the International Council has favoured a greater interlocution among the organizations, both on a national and international level and has been fundamental for giving roots to the WSF process in the several countries and in the organization of the regional and thematic events as well as the global ones in 2002, 2003, 2004 and 2005

### **2001 World Social Forum**

The first World Social Forum was held from 25 January to 30 January 2001 in Porto Alegre, Brazil, organized by many groups including the French Association for the Taxation



of Financial Transactions for the Aid of Citizens (ATTAC). The WSF was sponsored, in part, by the Porto Alegre government, led by the Brazilian Worker's Party (PT). The town was experimenting with an innovative model for local government which combined the traditional representative institutions with the participation of open assemblies of the people. 12,000 people attended from around the world. At the time, Brazil was also in a moment of transformation that later would lead to the electoral victory of the PT candidate Luiz Inácio Lula da Silva. This first meeting was focused on gathering anti-globalization activists from all over the world to talk and organize amongst one another, while subsequent meetings have been more focused on specific ways to counter neo liberalism. Since 2001, the United Nations has had a presence at the WSF through UNESCO, showing the institutional credibility achieved by the forum, seen by UNESCO as a "prime opportunity for dialogue and a laboratory of ideas for the renewal of public policies" through "critical reflection on the future of societies we want to create and for elaborating proposals in search of solidarity, justice, peace and human rights".

### **2002 World Social Forum**

The second WSF, also held in Porto Alegre from 31 January to 5 February 2002, had over 12,000 official delegates representing people from 123 countries, 60,000 attendees, 652 workshops, and 27 talks. Among the 500 American delegates several were selected to be members of the forum's "international council", made up of a rather large number of organizations. Among those represented were Ralph Nader's Public Citizen organization (Medea Benjamin and Linda Chavez-Thompson), the Brazilian NGO Ibase (Cândido Grzybo), Focus on the Global South Thailand (Nicola Bullard), and the Alliance for a Responsible, Plural and United World (Gustavo Marín). The Ford Foundation funded \$500,000 for the next meeting.

### **2003 World Social Forum**

The third WSF was again held in Porto Alegre, in January 2003. There were many parallel workshops, including, for example the *Life After Capitalism* workshop, which proposed focused discussion on non-communist, non-capitalist, participative possibilities for different aspects of social, political, economic, communication structures. Among the speakers was American linguist and political activist Noam Chomsky. Some credit this meeting of World Social Forum for the connections that made the global day of action on February 15, 2003 so successful. The global day of action was an international protest attended by an estimated 12

million people in 700 cities across 60 countries protesting the Bush Administration's plans to invade and occupy Iraq. At the time, the New York Times called international public opinion, a superpower to counter the United States.

### **2004 World Social Forum**

The fourth WSF was held in Mumbai, India, from 16 January to 21 January 2004. It was the first meeting of the World Social Forum held outside Brazil and its success has encouraged the WSF to expand in scope across the global South. Some credit it with inspiring the Asian Social Forum held in November of that year. The attendance was expected to be 75,000 and it shot over by thousands. The cultural diversity was one notable aspect of the forum. A notable decision that was taken was the stand on free software. One of the key speakers at the WSF 2004 was Joseph Stiglitz. In contrast to earlier meetings, which had focused more on Euro-centric political intellectualism, the 2004 meeting included marches, as well as colorful and lively demonstrations. Indian activists were also very active in using this time to educate others about the issues of caste, class and religious conflict in India, with particular focus on the plight of the Dalit, sometimes referred to as the 'untouchables' in Indian society.

The 2004 meeting also saw the convening of the General Assembly of the Global Anti-War Movement, an idea that originated from the Asian Social Forum in November 2003, and broadly coalesced in response to the invasion of Iraq by the United States in 2003. The Assembly had few activists from the United States, but overwhelmingly tried to articulate that they opposed the policy, and not the country itself.

### **2005 World Social Forum**

The fifth World Social Forum 2005 was held in Porto Alegre, Brazil between 26 January and 31 January. There were 155,000 registered participants at the Forum, with most coming from Brazil, Argentina, the United States, Uruguay, and France. A number of participants in the forum released the Porto Alegre Manifesto. Since Article 6 of the World Social Forum's Charter of Principles bars the event from attempting to represent all participants through formal statements, the Porto Alegre Manifesto was released on behalf of 19 activists. This 'Group of 19' includes Aminata Traoré, Adolfo Pérez Esquivel, Eduardo Galeano, José Saramago, François Houtart, Boaventura de Sousa Santos, Armand Mattelart, Roberto Savio, Riccardo Petrella, Ignacio Ramonet, Bernard Cassen, Samir Amin, Atilio Boron, Samuel Ruiz Garcia, Tariq Ali, Frei Betto, Emir Sader, Walden Bello, and Immanuel Wallerstein.

### **2006 World Social Forum**

The sixth World Social Forum was "polycentric", held in January 2006 in Caracas (Venezuela) and Bamako (Mali), and in March 2006, in Karachi (Pakistan). The Forum in Pakistan was delayed to March because of the Kashmir earthquake that had recently occurred in the area.

### **2007 World Social Forum**

The seventh World Social Forum was held in Nairobi, Kenya in January 2007. There were 66,000 registered attendees, and 1,400 participating organizations from 110 countries, making it the most globally representative WSF so far. It was criticized as being 'an NGO fair' and movements of the poor in Kenya and South Africa mounted vigorous protests against some of the NGOs that attended and, in their view, dominated the forum in the name of the African poor.

### **2008 World Social Forum**

The eighth World Social Forum in 2008 was not organized at a particular place, but globally, which means by thousands of autonomous local organizations, on or around January 26. They are also known as the **Global Call for Action**.

### **2009 World Social Forum**

The ninth World Social Forum took place in the Brazilian city of Belém, located in the Amazon rainforest, between January 27 and February 1, 2009.<sup>[18]</sup> About 1,900 indigenous people, representing 190 ethnic groups attended the event, to raise the issue of stateless peoples, and the plights that they face. The Escarré International Centre for Ethnic Minorities and Nations helped to organize the tent for the Collective Rights of Stateless Peoples, who are marginalized in an international system that recognizes only states as political units.

### **2010 World Social Forum**

The tenth edition of the World Social Forum was another decentralized affair, with about 35 national, regional and local forums taking place across the world. In Porto Alegre, the flagship space for the WSF, events and speakers were held from January 25–29, entitled "FSM 10 Years: Greater Porto Alegre". The big event held in Porto Alegre was the International Seminar "10 Years Later: Challenges and proposals for another possible world",

which featured over 70 intellectuals from around the world.<sup>[20]</sup> One of the notable regional forums was the US Social Forum held in Detroit, Michigan and attended by about 18,000 people.

### **2011 World Social Forum**

In February 2011 the World Social Forum took place in Dakar, Senegal with 75,000 participants from 132 countries organizing around 1,200 activities. Among the speakers were Canadian social activist and author Naomi Klein and Bolivian President Evo Morales, who firmly said in his talk, “We are going to go to the UN to declare that water is a basic public need that must not be managed by private interests, but should be for all people, including people of rural areas.” The Forum was at first plagued with logistical problems, as a number of events had to be cancelled at the last minute because of a lack of space, and a student strike against the policies of President Abdoulaye Wade in Diop University interrupted some scheduled plenary. As one student put it to the WSF crowd, “We are the youth of the country; we do not have the resources to enter. This is a public university. You are the international community. You have means to pressure. Until there is a solution we will continue to strike.” The attendees of this meeting were reportedly very pleased by news of the 2010–2011 Middle East and North Africa protests, and in particular news of the overthrow of President Hosni Mubarak of Egypt.

### **2012 World Social Forum**

January 24, 2012 marked the beginning of the six-day long World Social Forum in Porto Alegre, Brazil. The 12<sup>th</sup> Annual meeting, organized by NGOs, social movements and citizens associations from all over the world, intentionally opened at the same time as the World Economic Forum (WEF) in Davos, Switzerland. WSF held its first open meeting in 2001 in Porto Alegre, during which its vision that “another world is possible” was formulated. Ever since its conception, WSF has promoted diversity, non-hierarchical, and democratic debates that explore alternatives to neoliberal global capitalism. This year’s meeting anticipates over 50,000 participants, with the purpose of raising and refocusing awareness about the global social and environmental crises and providing an alternative discussion to the one happening at the WEF.

The discussion will cover various issues from the reduction in biodiversity, the increase in economic inequality to the creation of a more uniformed global society. Decisions of the

annual meeting could be presented at Rio+20 this summer. Brazilian President Dilma Rousseff is scheduled to attend.

### **Palestinian Preparatory Committee for the WSF Free Palestine 2012**

Occupied Palestine is part of every free heartbeat in this world and her cause continues to inspire solidarity across the globe. The World Social Forum Free Palestine is an expression of the human instinct to unite for justice and freedom and an echo of the World Social Forum's opposition to neo-liberal hegemony, colonialism, and racism through struggles for social, political and economic alternatives to promote justice, equality, and the sovereignty of peoples.

The WSF Free Palestine will be a global encounter of broad-based popular and civil society mobilizations from around the world. It aims to:

1. Show the strength of solidarity with the calls of the Palestinian people and the diversity of initiatives and actions aimed at promoting justice and peace in the region.
2. Create effective actions to ensure Palestinian self-determination, the creation of a Palestinian state with Jerusalem as its capital, and the fulfillment of human rights and international law, by:
  - a) Ending Israeli occupation and colonization of all Arab lands and dismantling the Wall;
  - b) Ensuring the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
  - c) Implementing, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.
3. Be a space for discussion, exchange of ideas, strategizing, and planning in order to improve the structure of solidarity.

Exactly sixty-five years after Brazil presided over the UN General Assembly session that agreed upon the partition of Palestine, Brazil will host a different type of global forum: an historic opportunity for people from all over the world to stand up where governments have failed. The world's people will come together to discuss new visions and effective actions to contribute to justice and peace in the region.

We call on all organizations, movements, networks, and unions across the globe to join the WSF Free Palestine in November 2012 in Porto Alegre. We ask you to join the International Committee for the WSF Free Palestine, we will establish as soon as possible. Participation in this forum will structurally strengthen solidarity with Palestine, promote action to implement Palestinian's legitimate rights, and hold Israel and its allies accountable to international law.

Together we can raise global solidarity with Palestine to a new level.

### **2013 World Social Forum**

Tunis — The preparatory assembly of the World Social Forum Tunisia 2013 to be held in Monastir on July 12-17, 2012 will tackle a number of issues, notably migration, social movements in Tunisia, environment protection, women's condition and the fight for equality, as well as the socio-political context in revolutions and popular uprisings. It also includes thematic meetings, workshops and debates.

During a meeting with the press held Tuesday in Tunis to shed light on the agenda of the preparatory assembly, Tunisian Human Rights League president (LTDH) Abdessattar Ben Moussa said that it will be marked by the participation of several representatives of the civil society and organisations as well as trade unionists.

"This meeting will debate the present political, regional and international context and the strategies to be adopted for the preparation of the next World Social Forum in Tunisia, in addition to setting up an action plan," Mr. Ben Moussa specified.

"Some 30 delegates of African associations and organisations will take part in the Forum assembly," underlined Mr. Taoufik Abdallah, member of the African Assembly of the Forum who stressed the importance of the African participation in the assembly.

Members of the International Council of the World Social Forum, the African Council, the Tunisian Preparatory Committee and the Tunisian civil society as well as media representatives attended the news conference.

### **Brief History –Political Economy of Brazil**

Capitalism has imposed a single model of civilization on far-flung parts of the world and on a variety of nations. Marx and Engels asserted in 1847 (Marx and Engels, 1981) that the bourgeoisie would use the powerful weapon of trade to mould the world in its own image.

After two bloody world wars, in which the great powers fought over territories and increased their military complexes, new power blocs emerged. The United States and the then USSR vied for hegemony, and international organizations such as the World Bank and the International Monetary Fund (IMF) played a decisive role in favour of American imperialism.

Against this backdrop, in Latin America, the paradigm of national development prevailed in the discourse and actions of populist regimes, while that of modernization was the basis of the policies of the military dictatorships. In last two decades, the efforts of their neoliberal successor governments have been directed toward integrating local economies into what is called "globalization." The various versions of this process share the premise of a rapid change in the relationships between the different countries of the world as a result of technological change, the market, and the activities of multinational corporations and international organizations. But capitalism has always been a worldwide system. It has become truly universal, with the logic of accumulation, commodification, maximization of profit, and competition involving all economic actors and aspects of human life and of the environment.

In Latin America, Brazil has occupied a key position in the international economy for a variety of reasons. It has not only been one of the largest developing countries in terms of the size of the market available for the advanced capitalist countries to exploit, it has also been one of the largest suppliers of raw materials to the industries in Britain and the US. Brazil was thus a part of the international division of labour in which the under- developed countries provided cheap raw materials for the sustenance of the industrialization process in the developed countries while importing the manufactured goods produced by the latter. This international division of labour collapsed somewhat in the 1930s, during the Great Depression. The market for exportable from Brazil shrank which led to the reduction of imports of consumer goods for the upper classes. The pressure of internal demand for these consumer goods gave rise to a new phase in the development of the Brazilian economy, the import- substituting industrialization (ISI) phase. Brazil's attempt at ISI was typical of attempts made by other developing countries in that there was indiscriminate growth of industries. Little consideration was given to the needs of the majority of the population comprising of poor and marginalized social groups.

New industries were set up for producing consumer goods which were imported earlier and the process of substituting imports appeared to end at that level. The production of capital goods was not attempted and instead there was a dependence on Trans-national Corporations (TNCs) for importing these goods. Given this nature of the industrialization drive, the foreign firms had to be encouraged to keep the process going. The government promptly came up with concessions to foreign firms. The major changes in this direction were made in 1953 when the limitations imposed on remittances of profits and dividends by foreign firms were removed. The integration of the Brazilian economy with the international capitalist economy in this phase brought with it problems for the domestic economic management. The rapid imports of intermediate and capital goods served as a conduit for importing inflation. Most of the countries on which Brazil was dependent for its imports were maintaining high growth rates with inflation in the process of their post-war reconstruction drive. Dependence on TNCs to bolster the import-substitution drive, thus, created two major distortions in the Brazilian economy. The first was the increase in the domestic inflation rate and the second was the mounting pressure of trade deficit. Thus, the unstable nature of the domestic economy caused by the distortions had wider ramifications for Brazil in that there was increasing political instability leading to a series of changes in governments. Each government tried to bring about adjustments in economic policies by making alterations in either the exchange rate or the interest rate prevailing in the country. These remedies were suggested to the Brazilian governments by the IMF which had promised the authorities external finance to tide over the difficult balance of payments situation. While none of these attempts met with much success, the irony for Brazil was that it did not manage to secure any external finance either. In 1963, USAID came up with a proposal to finance the sinking economy.

The overthrow of civilians from government in Brazil marked the beginning of widespread changes in the economic policies. The domestic economy went through a new phase of "opening up" under which the domestic currency was devalued and incentives were provided to TNCs and potential exporters. The new phase was, however, different from the earlier phases in one crucial aspect. The economic philosophy had undergone a change in that the import-substitution phase had been replaced by an export-promoting one. The push given to the export sector resulted in significant increases in the growth rate of exports after 1964.



Brazil's economic performance during 1964-73 was a highly successful one with the annual growth rate in real terms reaching as high as 10 per cent. A closer examination, however, reveals that a large part of the benefit of this growth experienced by Brazil did not accrue to the local population but was enjoyed by the foreign firms. Approximately 43 per cent of the total exports by the country in the period of the so-called export boom were routed through the TNCs. This implies that Brazil was only increasing its foreign liabilities by pursuing a policy of export promotion which was being carried out to a large measure by the TNCs. The runaway expansion of the economy was checked a little in 1973 but the adoption of the Second National Development Plan in 1974 led to a recurrence of the problems and pushed the Government into uncertainties. Thus, by the end of the 1980s most Latin American countries including Brazil had adopted the so-called 'Washington Consensus' policy orientation. This consisted of the following combination of measures:

- Effective attack on inflation and drastic fiscal adjustment along with dynamism.
- i) Privatisation of state owned enterprises, both in the industrial and public utility sectors.
- ii) Trade liberalisation, which consisted of pronounced declines in tariff, and especially, non-tariff protection
- iii) The prevalence of market interest rates
- iv) Opening most sectors to foreign investment and substantially de-creasing controls over the actions of foreign capital.<sup>80</sup>

The Brazilian agreement with the IMF represented the deepening of this strategy of passive international insertion with financial, trade and exchange liberalisation. This event was explicit in the announcement made by the Brazilian economic authorities and the IMF board of directors, when they emphasised their strong commitment to: “the maintenance of a flexible interest rate policy; non-imposition of any control over capital outflows; integral payment of the internal and external debt service; continuing efforts to perform structural reforms in the social security, tax system, political institutions, budget process, financial system, labour market, and privatisation, among others”.

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<sup>80</sup> Edmund Amann and Werner Baer, “Neo liberalism and its Consequences in Brazil,” *Journal of Latin American Studies*, Vol 34, No. 2, Nov 2002, p. 946.

The political and economic elite decided to double their bet on this model — complying with the international financial community's requirements. Such a policy was adopted, as if it were an unavoidable historical imperative. Thus, with this model, alterations and long term policy management Brazil succeeded to have a stable economy.

Moreover, as analyzed that the current world economic slowdown presents new challenges for Brazil. It is suggested that in order to meet these, Brazil needs to press on with its efforts to give additional impetus to trade and investment, including lowering effective tariff protection, reducing the use of import prohibitions, and providing greater predictability to the foreign investment regime. Solving the long-standing problem of high domestic interest rate spreads would also encourage trade and investment, and thus productivity. The hope / expectation is that these and other steps to promote market competition and an efficient allocation of resources would help Brazil sustain economic growth and continue as mentioned “improving the living standards of its population.”

The IMF sponsored reform had contributed to social polarization and impoverishment of all sectors of the population, including the middle classes. Moreover, as the federal fiscal structure breaks down there is the added risk of regional “Balkanisation”: instability within the military routine violation of fundamental human rights, urban and rural violence and increasingly vocal secessionist movements in the South. Further the exchange rate management is another issue because of which the long term policy managements are made and Brazil can stand as a stable economy in the world economy.

### **Social Modernization of Brazilian Society**

Modernization of the Brazilian society is another important index of globalization. Modernization means the transformation of an underdeveloped society into one which shares certain common basic characteristics with the developed nations of the world. It refers to extensive social change which cut across entire fabric of society and which proceeds in a given direction. It involves far reaching modifications in social institutions and contemporary urban rather than a traditional rural way of life. Thus, change is the root of all transformations. The entire social structure and culture are mainly affected by two processes such as social differentiation and cultural integration

Social differentiation is discussed because modernization produces an increasingly complex society. The development of societal structures necessary for the provision of the multitude of

services, and the attainment of new and expanded goals which permit high levels of living for the population as a whole, and the development and application of sophisticated industrial, educational, bureaucratic and organizational technologies inevitably imply an increasing division of labour and accentuated social differentiation.

The cultural integration of the population as a whole develops into more universal national patterns. As it includes means of transportation which are expanded as the geographical mobility of the population. As the influence of more numerous and large urban centres reaches out into rural areas, the literacy rate increases and mass communication of all kinds become diffused in the national audiences. There are changes in the rural and urban distribution and the social mobility is evident clearly. Thus with the cultural blend, social differentiations such as sharp division of labour, communities, etc are also marked.

With the changes rapidly marked in the Brazilian social structure, the stratification patterns are also changing. Several components such as Industrialization, population growth, urbanization, the presence of immigrants etc are the reflection of globalization. These all are interrelated to each other. Majorly after the Second World War there has been several changes occurring in the rural areas such as the landless rural workers had to migrate to the cities in order to work in the industries. Even those land owning categories were facing trouble due to the over utilization of the agricultural land. Therefore they were also heading towards the urban centres.

The growth of cities, the demographic explosion, the decline in the importance of rural areas and the expansion of industries and bureaucracies had successfully remoulded the social stratification of Brazil. Urban areas gained importance and achieved a certain degree of autonomy and the situation is now reversed- the hinterland depends more and more on the decisions made in the urban centres. The stratification system found in the large urban centres of Brazil is a transitional industrial structure. It is more achieved in nature as compared to the ascribed one in the rural community. A higher level of social mobility is evident in the urban centres both in the inter and intra generational.

Such characteristics were marked in the highly industrialized parts of Brazil such as the South. The occupational profiles of large urban areas like Sao Paulo or Rio- De Janeiro are highly industrial. They are relatively similar to those of Western Europe and the United States. The proportion of individuals in skilled jobs is larger than that in the semi-skilled and

unskilled occupations. This comparison is important because this shows the transition of Brazilian society in which it has absorbed more individuals into the industrial set up. Comparison of the generations together clearly reflects the shift from a non industrial stratification profile to an industrial one<sup>81</sup>.

There are also changes in the co-optation of the rural and urban areas. For instance- Earlier there used to be coherence in the relations of rural and urban aspects, but with the growing credentials of the city, there developed a cut throat competition between the urban trained and the rural born. Further social organizations were incipient to industrial one. For example, knowledge of vacant positions through informal means, friendship patterns and family connections may be more important than the actual qualification. If the posts are filled through the informal means then the vertical mobility would be little reduced. As it is marked that the Urban Brazil presents a high level of vertical social mobility. When the rates of social mobility among several countries are compared, Brazil's degree of mobility is not much lower than that of the modern industrial nations.<sup>82</sup> The mobility levels are higher in Brazil as the new openings and the need for skilled labourers make the people more dynamic and career oriented.

The social mobility in the Brazilian society is majorly from two categories i.e. First, persons who have connections with individuals of a higher social class and the second category is composed of immigrants and their descendants. The first category people get influenced by the white collar job and they upgrade themselves to reach the point of expectation. Whereas the gap which is created because of the shift from agricultural to industrial settings in traditional oriented societies are covered by the immigrants and their descendants. The reason behind this is simple that immigrants do not have the same values as traditional Brazilians and tend to fill those vacancies which are open. The Brazilian society by realizing the relevance of the posts, have vastly included education in the curriculum of the growing children. In the changing society of Brazil the native Brazils are in a disadvantageous position as compared to the immigrants and the descendants as they are not able to beat the immigrants in the social mobility. Thus education is the last resort for the native Brazilians to come up to the expectation point.

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<sup>81</sup> Bertram Hutchinson "Mudancas de Status Social de Uma Geracao para Cutra" 1967, New York

<sup>82</sup> S.H .Miller "Comparative Social Mobility", Structured Social Inequality, edited by Celia S. Heller (New York: Macmillan Company, 1969)

The way Brazilian people perceive education it shows that the Globalization has its incongruence impact on the entire process. Education, according to popular expectations means high status and dilution of the traditional aspects. The University pattern is emerging in a rapid way and the admission into the institutional foundation is immense in nature. The educational system is expanding more rapidly than the industrial occupational pattern, creating status inconsistency.<sup>83</sup> Also the expansion of the industrial occupational structure is not fast enough to absorb the increase of population. These two factors plus the traditional expectations that the education develops in an individual are some of the major factors for bringing unrest situation to cope up with the demands of the change.

The unbalance created by industrialization has to be now balanced in order to maintain cohesion in the entire society. The allowance of the traditional elements in the urban settings and the acceptance of the urban elements in the rural settings can be the alternative of such a challenge of globalization.

### **Racial Corner of the story**

The socio-economic stratification in Brazil is interrelated with the racial stratification because in Brazil race and class relations are historically and functionally interrelated. The traditional Brazilian two –class system was closely associated with the twofold racial division of the Brazilian people. The landed gentry, the traditional upper class, were pre dominantly of the Caucasoid ancestry, as its descendants. And the second is the slaves, the peasants, manual workers and dependents of all kinds were historically of Negroid, American Indian, or mixed ancestry. In modern Brazil, the newly formed classes and social segments continue to have racial overtones. In general, as one moves down the social hierarchy, the number of racially mixed or otherwise non white individuals gradually increases.

At no point in the social and economic hierarchy does one encounter a homogenous group. Individuals of mixed ancestry occur even among the upper classes, and many whites are found in the lower social strata. In fact it is one of the most cherished national themes that Brazil is a racial democracy. Since the abolition of the slavery in 1888, there has been no legal form of racial discrimination or segregation in Brazil. Innumerable individuals of Negroid or mixed physical appearance have filled the important roles in Brazil national life

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<sup>83</sup> Gerhard Lenski ,' Status Crystallization: A Non- Vertical Dimension of Social Status,' The American Sociological Review 19( 1954): 405-13

since time of the empire. This tradition of racial democracy is a great pride for the Brazilian society. But it is true that Brazilian race and social classes are not that easy to understand. The official statistics use only four categories namely branco(white), pardo(brown), preto(black) and amrelo(yellow). However people on the streets as described by Marvin Harris explain five other types of races in addition to ‘whites’ and ‘negroes’ such as Moreno, Chulo, Mulato, Creolo and Cabo- Verde. Marvin Harris describes:

*The Moreno has wavy hair with the skin coloring of a heavily sunburnt white. The mulato has crisp , curly hair and is darker than the Moreno. The chulo has crisp, curly hair and is darker than the Moreno. The chulo has crisp rolled hair and his skin is the “ color burnt sugar or tobacco”. The creolo has fine wavy hair is almost as dark as the chulo, but has smoother skin. The Cabo verde has very straight hair and is the colour of the Negro.*<sup>84</sup>

In some localities the system of popular classification is much more complex.<sup>85</sup> And in some other areas it is as simple as it could be. But everywhere necessary recognition of the intermediate types is marked. These types are ranked in terms of attractiveness and acceptability from the Caucasoid to the most Negroid and criteria other than skin colour, such as nose shape, hair type and lip thickness are also considered to classify an individual. To be more accurate the picture of Brazilian racial democracy must be drawn in relation to the racial composition of the population as a whole and to that of the various social and economic classes. In 2000 census it is marked that Whites constitute a total of 61.6 percent of Brazilian population, Blacks constitute around 11 percent and browns constitute 26.6 percent. This may be however different if the survey is made from the anthropological stand point of view.

However the figures do not tell the entire for the population of the various regions of Brazil is dissimilar in racial composition. In the Northeast coastal region and in such areas as the coast of Mranho, Piaui state and Sao Francois Valley, the percentage of people of colours is unusually high and white predominate only in the middle and the upper class. In the Amazon Valley, there were few Negroes and the majority of artisans and slaves were in the Indian American type of physical appearance. The traditional Brazilian notion continues as “The darker the skin the lower the class and the lighter the skin the higher the class.

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<sup>84</sup> Harris, Town and Country in Brazil, p.119

<sup>85</sup> See H.W .Hutchinson, Village and Plantation Life in the North Eastern Brazil, pp 118-20

There are several other derogatory stereotypes present in the Brazilian society as against the Negroes. They portray the Negro as inferior in intelligence, dependability, morality, honesty and physical appearance. Attitude questionnaires and social distance tests reveal similar prejudices against the Negro and in milder sense somewhat different from mulatto as well. White Brazilians indicate in verbal response some resistance to work with the Negroes, to live and dance with them. Furthermore there has been more overt forms of discrimination in terms of the skin colour, although it is illegal. The North American Negroes do not find a booking class open for them in the hotels of White Brazil people. In certain schools and University openings the Negroes are not encouraged to even apply as intelligence and education is considered to be the cup of tea for White Brazilians only.

The existence of colour prejudice and even of discrimination does not mean for several reasons, that the Brazilian racial democracy is a myth. Rather there are several under carpet aspects to be unveiled. First, there is obviously a wide gulf in Brazil between what people say and what they do between the verbal and social behaviour. The emotional tone surrounding colour prejudice is generally marked in the scenario of competition and even in day to day work outs of the Brazilian society.

Second, many of the stereotypes and attitudes are survivals from slavery times and are shared by the Southern United States and the West Indies. There is a vast difference, however between the social effect of these attitudes and stereotypes in the United States and in Brazil. In the United States they are aimed against all people of known Negro ancestry, regardless of physical appearance. Thus such attitudes, derogatory stereotypes and forms of prejudice and discrimination are aimed against a large group that varies from Caucasoid to Negroid in physical appearance. It is a group determined by ancestry and descent, not by any other objective physical anthropological standards of measurement. In Brazil, on the other hand, the criterion is physical appearance. The Brazilian Sociologist Oracy Nogueira puts it as: in Brazil there is "race prejudice of mark" (prejudice of appearance) rather than "race prejudice of origin". Colour and other physical characteristics such as hair, lip and nose type are visible marks and symbols of one's social class, and probably of one's slave ancestry. Thus the colour prejudices reduces as the skin lightens.

In fact demographic figures indicate that the numbers of white and browns are increasing at the expense of the blacks. From 1940 to 1950, for example,, the percentage of those classified

as preto was reduced from 14.6 percent to 10.9 percent. This has been called as the 'racial bleaching process'. Much of it can be ascribed to the tendency of census takers to "classify lighter" but some of it is biological. There have been several instances where sexual union between the white male and the darker skinned women were marked. But those were considered as undesirable, and in any case if the women were from the white category and the male was a black then it was considered as the 'social stigma'. Yet Brazilian national culture has the tradition of tolerance for marriages for white and not- quite white partners.

Third , perhaps the most important difference between race relations in Brazil and in the United States is that colour is one of the criteria by which people are placed in the total social hierarchy. A Brazilian is never merely a white man or a man of colours, he is rich, well educated white a man of a good family or a poor , uneducated white man from the povo; he is well –educated mulatto with a good job, or poor, uneducated Negro. Other criteria, such as income, education, family connections and even personal charm and special abilities or aptitude come into play when placing a person in terms of the prestige hierarchy or even of social class. Above all these multiple criteria determine who will be admitted to hotels, restaurants and most social clubs: who will get preferential treatments in the stores and churches and social get togetherness.

In Brazil race and social classes are intertwined with each other. For instance- When an individual improves his social and economic situation, he soon moves upward to another club or association more in keeping with his new status. The Brazilian sociologist Fernando Henrique Cardoso makes this point in an article describing the result of his studies of race relations in Southern Brazil. He describes the pride shown when one of the members of a club made up of Negroes graduates from normal school or another school of higher learning or is appointed to an important post then he stops going to his normal Negro club. Thus there are instances of certain altered social positions as well.

In Brazil there are instances of class discrimination which produces disabilities and inequalities. The upper class do behave in a very rowdy way with the lower class and the lower class is compelled to acknowledge and bow down before the upper class. Thus it creates a very structured and horizontally inter locked relations. Thus the cleavage between social and the economic classes works strongly for the diversity in Brazilian national culture. Brazil has not ripped into any violent class revolution and the inter class tension because



lower class and Negroes were passive and tolerant to the suppressive behaviour of the dominant and upper class. But due to the effects of Globalization, now the entire Brazil and the Latin America is facing a new phase of social movement.

### **Tackling racial discrimination**

Brazilian courts are extremely reluctant to enforce discrimination cases, because discrimination is difficult for court employees to identify as a crime. Punishment for discrimination is so severe that judges are reluctant to recommend the required sentencing. Further, there is such a lack of understanding of racial discrimination by the court that, if an individual can demonstrate some non-European ancestry or connection to a person of another racial group via marriage – a standard that many Brazilians meet – the aggressor of a racist attack is exonerated. Despite advances in documenting racial discrimination, bringing forward cases of discrimination is often futile under the current system because there are seldom any convictions. In a study of 22 states by the Catholic University of São Paulo only 394 of 651 discrimination cases were brought to trial, and there was not a single conviction for racial discrimination among the cases presented to the court. Senator Paulo Paim has been a major advocate for a Statute for Racial Equality in Brazil. This statute sets mandatory guidelines for sentencing and strengthens criminal penalties for committing racist acts. The statute, however, continues to face major challenges in the Brazilian parliament. Although it passed the lower house, it is unlikely that it will become law in the near future because of the increasing debate on issues of race in Brazil.

Nevertheless racial discrimination continued to receive more recognition and remediation attempts from the 'Lula' government in 2007. For example, a quota law still under consideration will institute a system of racial preferences for the civil service, private sector and universities. Currently Afro-Brazilians represent only 16 percent of the university population. During 2006-7 more than 30 universities voluntarily implemented a quota system.

Brazil has taken a leadership role in the Inter-American Court of Human Rights at the Organization of American States (OAS). Brazil is the sole supporter of the Special Rapporteur for African Descendants, a position held by Dr Clare Roberts, former president of the Inter-American Court. Brazil has also taken the lead role in the Inter-American

Convention against Discrimination, which is currently under consideration by the Inter-American Court of Human Rights. This convention attempts to provide minorities with a regional mechanism to redress human rights violations throughout the Americas. Currently, a case of racial discrimination must be tried as a generic human rights violation, because there is no statute that oversees cases of racial discrimination in the OAS. The creation of the Inter-American Convention is a vital step to provide African-descendants and other minorities with a form of redress in countries where national courts have been reluctant to address racial inequities.

Currently every Spanish- or Portuguese-speaking country in the Americas has officially yielded jurisdiction to the Inter-American Court over basic human rights matters. Many indigenous communities have successfully used the Court to influence their governments into granting concessions they would not have otherwise been offered. African-descendant communities are beginning to explore the potential of the Court as an instrument for asserting their legal rights. This ethnic group has much to gain from filing lawsuits on the grounds of racial discrimination, because the act of filing a lawsuit in effect creates a public record that African-descendants consider themselves the victims of racism in their society, thereby negating claims by some governments that black people do not face discrimination. Tapeba and Tremembe communities from the northern coast were among the first to be colonized and assimilated by the Portuguese. In 1993 the court ruling which expelled Kaiowá and Nandeví Guarani from the state of Mato Grosso do Sul to make way for cattle ranchers was overruled by a regional tribunal; it recognized their original right to the land and ruled that the National Indian Foundation (FUNAI), an agency of the Brazilian government created in 1988, should demarcate it. Although most community members did eventually return to their land, the situation in Mato Grosso do Sul remains tense even today, with continual land disputes, death threats and murders of indigenous leaders and community members by assassins (*pistoleiros*) hired by local farmers. According to the Indigenous Missionary Council (CIMI), Mato Grosso do Sul reported the highest number of murders, general violence, and land disputes from 2003 to 2005. Suicide has also become a serious problem among indigenous communities, and the Kaiowá people in particular, among whom there have been over 150 suicides in recent years. The Kaiowá are nomadic people who have traditionally migrated in search of the land without evil. Thus increases in suicide may be in response to dire living conditions and modern encroachments on their lifestyle as well as an attempt to

reach this promised land. At least 17 of the 60 isolated indigenous groups in the Amazon are in danger of extermination as a result of murders and other practices initiated by illegal settlers and agricultural companies.

### **The Fragmented Globalization of the 1990s**

The age of white NGOs has brought along a new era for the indigenous movement not only in Brazil, but perhaps everywhere in the world. In the Brazilian case, until the early 1990s, the Indians had to count on NGOs to have access to political and economic channels. As we have seen in UNI's case, indigenous political organizing was carried out in conditions of tacit illegality. Constricted by the abusive application of state warship, the Indians were put in the uncomfortable position of virtual creatures of NGOs—a sort of private warship. The present decade has delivered a new model for interethnic politics. We now see a dramatic change in the balance of forces between Indians and friends of the Indians. In Brazil, the international distribution of funds to legally organized entities is coupled with the constitutional provision which empowers indigenous peoples to organize themselves regardless of state warship. The result has been an unprecedented proliferation of indigenous organizations, especially in Amazonia.

It is as if the lesson learned from the UNI experience has resulted in the opposite extreme. Against 30 support groups run by whites, both lay and religiously oriented, there are now no less than 109 indigenous organizations ranging from very local (Indigenous Association of the Terena of Cachoeirinha, AITECA) and regional (Association of the Indigenous Peoples of Roraima, APIR) to "common interest" associations (National Union of Indigenous Women, UNAMI). There is also a national entity, CAPOIB (Council for the Articulation of Indigenous Peoples and Organizations in Brazil), which aims at coordinating all the others, apparently with no decision-making powers.

Whereas the UNI model directly reflected the non-Indian part of the politics of contact—initial non-Indian impetus, hierarchical management, and discontinuity between the national and the local levels—the pattern of multiplying entities appears to more closely echo the social reality of indigenous Brazil: a profusion of small societies, living relatively independent lives, with few common concerns apart from the underlying predicament of being Indian in a country

which strongly favors cultural homogeneity. But this apparent mimetic correspondence with indigenous social reality should not distract us from perceiving a recast of the contemporary NGO pattern, a fragmentation of interest groups legally apt to secure funding for specific projects, most of them economic. Nevertheless, while going from one extreme to the other, the Brazilian Indian movement is more than a merely reactive response to external conditions and stimuli. In the process of searching for its political vocation, the Brazilian indigenous movement has experimented with some original courses of action which can by no means be attributed to outside involvement. One should bear in mind that indigenous peoples have a long experience of walking straight on winding trails. What may look like idle wanderings to a Western mind may actually represent the shortest way between two points, providing us with surprising lessons in creativity.

### **New Black Social Movement in Latin America**

Race and Ethnicity issues in the late 1920s brought the wave of new social movements. But it took its peak in the mid 1960s onwards. They worked on the basis of that modernity and development had signally failed for Blacks and the indigenous people. Globalization instead of bringing optimistic alterations had ruined their cultural identity. It brought multiculturalism and indigenous culture continued as the socially excluded one. Citizenship thus emerged as an empty word in the societies predominant with oppression and exploitation.

There were several international influences and particularly from Afro-Americans cultural identity aspect there were major uprisings. The history of resistance by Black Brazilians was recorded and there was active participation by the Black Brazilians through the emerging Brazilian Workers Party. The Afro-Brazilian culture was evident for instance- hybrid religious practices of Candomble and Macumba were marked in which African deities emerged with Christian saints. The new social movement is diverse in nature as Wade writes:

*Within all these organizations and groups, there is great debate about what weight to give class, race, gender, and so on as organizing, mobilising principles- should black seek to participate in national political structures along class lines or work against these through socialism, or focus on reaffirming black identity above all else.(Wade, 1999:97)*

The indigenous social movements are most active in the Central America and in the Andean countries. In Guatemala in particular there has been a strong pan- Myan movement since mid

-1980s committed to indigenous cultural revitalization. In Ecuador the 'new' indigenous movement of the 1990s has been probably the most important national social movement in that country. It is interesting as it reflects class and ethnicity in conflict for generations together. According to the leaders of this movement in Ecuador: there are two visions: the indigenist cultural vision, focused on the land conflicts.( Selverston 1999:176) and the great indigenous revolt against the Spanish. Thus, undoubtedly the modern indigenous movement is fighting against social exclusion and for a model of development which is socially as well as ecologically sustainable. The human-rights movement then became the new face of the Latin Americas political force. It had a new ethical element and respected certain fundamental social values. It rejected the military oppression and encouraged the humanistic perspective and constructive ideology. It emerged as a utopia and covered the rights of the indigenous people as well.

## **SUMMARY**

Globalization has brought several alterations in the Brazilian indigenous culture and social composition. Starting from development of the health care, education, family and industrial elements, it has unveiled a new Brazil in the post Globalization phase. Right starting form opening up of new Universities and encouragement for the Negroes to join in the education processes to the insurance and welfare measures are clear examples of modernization of the Brazilian society. Introduction of the internet and computer technology to the Brazilian society indicated how well connected are the population with the rest of the world. The indigenous groups have found their space and leadership to voice out the problems faced by them. They now not only stand to preserve their land but also hold the potential to fight against the Lula Government.

The formation, growth and the continuation of the World Social Forum also clearly signifies how the marginalized communities can be safeguarded through a united initiation to promote their sustainable development.

The entire work in the chapter is based on the *Sociology of Development and Under development of Sociology*<sup>86</sup>. It analyzed the problems of social change and economic development in Latin America (Brazil). Further as Manning Nash <sup>87</sup>explained:

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<sup>86</sup> See Latin America: Under Development or Revolution by Ander Gunder Frank.1969, p21.

.....there can be only three modes of attacking the socio –economic problems in a society, first mode is the index method, where the general features of a developed economy are abstracted as an ideal type and then contrasted with the equally ideal type features of a poor economy and society. Development here is viewed as transformation from one side to other. Similar work can be marked in Hoselitz Sociological Factors in Economic Development<sup>88</sup> or Talcott Parsons Structure and Processes in Modern Societies (1960).

The second mode is the acculturation view of the processes of development. The West diffuses knowledge, skills, organization, values, and capital to poor nations after its own population, culture and society is up to the mark for dispersion. Example of this pattern of reasoning is marked in the Moore and Fledman Labour Commitment and Social Change in Developing Areas.<sup>89</sup>

The last but not the least is the third mode which is the direct analysis of the under-developed nations. This approach leads to a smaller scale hypothesis, to a prospective rather than a retrospective view of social change, to a full accounting of the political, social and cultural context of development. Thus the analysis of the Brazilian society is based on the focused exploration of the post globalization effects. The best suggestion which can be placed aftermath of the analysis is that there has to be alterations due to globalization but at the same time retention of the original essence of the culture and society is also essential. Thus a *cultural rejuvenation* needs to be emerged from the interaction of the native and the exogenous currents where within the cultural elements of the society would be strengthened for the human development and optimistic growth.

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<sup>87</sup> Editor of “ A Psychological Approach to Economic Development” Vol.13, No3, April 1964.

<sup>88</sup> Bert F. Hoselitz, Sociological Factors in Economic Development Glencoe: The Free Press of 1960.

<sup>89</sup> Wilbert Moore and David Feldman, Labour Commitment and Social Change in Developing areas( New York Social Science Research Council 1960).

## **IN THE SHADOWS OF GLOBALIZATION: MAKING OF SOUTH AFRICA THROUGH CONQUEST OF APARTHEID AND QUEST OF DEMOCRACY THROUGH RIGHTS OF INDIGENOUS COMMUNITIES**

*This chapter deals with the South African indigenous communities' response to the wave of globalization. Thereafter, it attempts to provide a brief idea about the concise history of South Africa. It further, explains the pre –colonial developments followed by the colonial expansion at the Cape. Further it explains the apartheid regime and the globalizations impact on South Africa in the modern era. It then explains the alterations in the cultural domain along with the powers and ideas. It also explains the rights and challenges faced by the indigenous people. Last but not the least it deals with the vital question of contemporary globalization's novelty in changing the six areas of South Africa such as political, economic, cultural , migration, military and environmental aspects.*

### **INTRODUCTION: CONSCISE HISTORY OF SOUTH AFRICA**

South Africa emerged as a state a century ago. The diverse polities of the region were brought together for the first time by the Act of Union of 1910. This was made possible by the encroachment of colonial power over the region during the eighteenth and nineteenth centuries. Contrary to the traditions of settlers and colonial historiography, the conquest of South Africa by people of European origin was by no means a steady or an inevitable one but was marked by setbacks, uneven population movements and uncertain goals. As late as 1870s the sub-continent was divided into a large number of polities, chiefdoms, colonies and settlements of widely differing size, power and racial, composition, without political unity or cohesion. Yet within fifty years a unified and distinctively capitalist nation had come into being which was an integral part of British Empire, was ruled by whites, and had firmly entrenched colonial and settler interest. The conquest of the land thus provides the essential background to the history of modern South Africa.

### **PRE-COLONIAL DEVELOPMENTS**

One of the many myths perpetuated in South African history held that colonists moved into an 'empty land' or at least only began to settle the interior of the region at about the same time as indigenous pastoralists and cultivators were moving into it from the north. Clearly, this served to legitimize the claims of white to land occupation in a later period. However

archaeological and historical work has now effectively challenged this view of the situation before the arrival of white colonists in the region.

There were several major processes of population movement and settlement in South Africa before colonial penetration began in the late seventeenth century. The region was widely inhabited by hunting and gathering San people at least 10,000 years ago. San groups now only live in the arid regions of Botswana, Northern Namibia and Southern Angola but they left evidence of their former extensive area of occupation throughout the sub-continent in rock painting and engravings.

Between 3,000 and 2000 years ago it appears that some hunters and gatherers in the region of northern Botswana acquired livestock, possibly as a result of contact with farmers further north and turned to herding. Some archaeologists have argued that this 'pastoralist revolution', whereby stock was introduced into hunting societies by exchange was repeated in Namibia and regions further south. Others have suggested that the transition from a hunting to herding society was not easy, and that instead herders themselves migrated south in search of grazing land for their sheep and cattle, reaching the precise route followed (Smith 1992:93). It was the KhoiKhoi pastoralists that the Dutch encountered when they settled in this region in the late seventeenth century.

Long before the Dutch arrival another major transformation had taken place within South Africa. Between AD 300 and 1000 crop cultivators moved into the region, some of whom also mined and processed metals such as copper and iron. Linguistics studies suggest that they were Bantu-speaking, unlike the Khoikhoi and San hunter-gatherers pastoralists. The precise origins and directions of movement of these Iron Age cultivators are disputed by archaeologists, but evidence from pottery artefacts indicates that they probably arrived in several streams from East and Central Africa.

Iron Age settlements have been discovered over wide area of the Transvaal, Natal, the Highveld and the Eastern Cape. After A.D.1000 (a period known as the Late Iron Age), there was considerable expansion of the earlier Iron Age communities, particularly in the region of the Transvaal and Orange Free State Highveld. It appears that cattle keeping was becoming increasingly important to the cultivators and that the search for grazing land may have led to this extension of settlement. There is evidence of wide trading contacts between communities, some of which extended into the network of the flourishing Mapungubwe and



Zimbabwe polities in the North. Control over trading goods and livestock also led to diversification of wealth and status within Iron Age communities. Small-scale polities under the control of those who dominated trade and cattle ownership were emerging. Most were marked by a gendered division of labour and highly patriarchal system of social organization and authority (Ross 1999: 12-15). Although the details are far from clear, pre-colonial South African societies were certainly not static, nor were they egalitarian (Hall 1987: 61-72).

Most such societies shared a structure of homestead- based pastoral and arable production, linked together in clans and presided over by a chief. Segmentation of this structure led to gradual dispersal and expansion of these polities. In some cases the chiefdoms expanded their authority and developed into more centralized kingdoms or states. By the eighteenth century a number of such communities existed. In the interior most of these polities were of Sotho-Tswana speakers, one of which, the Pedi had broken away from others Tswana formations and migrated further East. On the region between the Indian Ocean coast and the Drakensberg, Nguni-speaking descendants of Iron Age people had also evolved chiefdoms by the late seventeenth and eighteenth centuries, as had the Xhosa in the South. Land availability meant that they were still subject to considerable segmentation, as well as complex interaction with each other and with Khoikhoi and San communities.

Both expansion ,the Khoikhoi pastoralist and the Bantu –speaking arable , encroached on the hunting grounds of the San , many of whom were forced to retreat into areas less environmentally suited to live-stock keeping and farming , such as the mountainous regions of the Drakensberg in Natal and the eastern Transvaal and the Cederberg of the Western Cape. Contacts between Khoikhoi herders and cultivator communities were marked by the exchange of goods, although there were also conflicts over grazing land for cattle. Thus the region had become both socially complex and economically diverse before colonial settlers moved in.

## **COLONIAL AND APARTHEID HISTORY**

The British first occupied the Cape from 1795 onwards; seizing control of the Cape of Good Hope from the Dutch whose quiet settlement had begun in 1652 under Jan van Riebeeck.<sup>90</sup> The British at the Cape introduced their own concepts of freedom and equality which was

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<sup>90</sup> Mountain 31.

opposed by the Dutch who in turn joined other Dutch speakers (commonly known as the Voortrekkers) who had began trekking into the interior.<sup>91</sup> The Voortrekker communities developed an 'Afrikaner' identity with their own language, religion and republican idealism. The rivalry between the 'Afrikaners' and the English occasioned the Anglo Boer War between 1899 and 1902 which was won by the English. However, in 1910 the Dutch Republicans (Afrikaners) came to power in what was known as the Union of South Africa<sup>92</sup>. Increased restrictions on black political rights inspired black resistance and organisations such as the South African Native National Congress in 1911 (renamed the African National Congress in 1923). It was during this time that black Africans - including indigenous peoples - lost most of their land and suffered under various repressive and discriminatory laws<sup>93</sup>. In 1948 the National Party won the whites-only general election and formed the government that started a process of social engineering supported by legislation aimed at excluding black people from political power.

The Apartheid legacy was characterised by racial discriminatory laws and policies and, in turn, mass agitation for liberation which resulted in detentions, imprisonment and assassinations of the anti-apartheid activists. Nelson Mandela and others were imprisoned for life in 1963. In the 1970s the 'apartheid policies gave rise to the "independence" of four "homelands", The Transkei, Bophutatswana, Venda and Ciskei'<sup>94</sup>. International pressure and violent protests gradually prompted the apartheid regime to give in to demands for the release of political prisoners in 1990. An interim Constitution was enacted in 1993, ushering in the first democratic elections in 1994<sup>95</sup>. The apartheid regime promoted a policy which

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<sup>91</sup> Welsh xxii

<sup>92</sup> 31 May 1910 is the date South Africa became independent from British colonial rule. South Africa became a republic in 1961 following an October 1960 referendum; see <<https://www.cia.gov/cia/publications/factbook/geos/sf.html>> accessed 20 January 2007

<sup>93</sup> Such laws were, for example, the Native Land Act of 1913 and the Native Affairs Act of 1920.

<sup>5</sup> Heyns 1508.

<sup>6</sup> Heyns, 1508

encouraged the assimilation of the San and Khoe so that the majority of these groups' members lost their

identity and languages<sup>96</sup>. 'Under apartheid, the state enforced a policy whereby all Khoe and San people who had not already been assimilated into other populations were forcibly registered as coloured. Failure to register was illegal and unavoidable.'

### **THE REGIONALIZATION OF WHITE INTRANSIGENCE**

In the wars though the population of the white grew dramatically but the African continued to be the major population. Europeans came to the region in part to seek their fortune. The Southern African economies offered bountiful opportunities for new settlement and foreign investment. Mining expanded through mechanization made possible by massive infusions of capital from abroad. Manufacturing took hold in South Africa due in part to investment by multinational corporations from the United States and Britain. The United States became South Africa's second largest trading partner. The agricultural sector grew significantly in Zimbabwe (tobacco) and Northern Angola (coffee). Mozambique continued to depend largely on the export of labour to the mines in South Africa as well as to the mines and farms in Zimbabwe. Infrastructure to serve these industries across the region also grew. Although whites enjoyed prosperity and new economic possibilities, Africans continued to see their opportunities dwindle.

Building on a foundation of policies put in place by previous governments elected in South Africa in 1948 introduced a series of measures that formalized the system called **apartheid**, an Afrikaner word meaning "separate development". The concept of apartheid envisioned a country where Africans, mixed race people, Indians and whites would live separately in carefully designated areas. The system of influx control meant that people of colour would be allowed to travel and lodge temporarily in white areas for work, but only if they had a work permit stamped in their passbook issued by the government. Africans were confined to the homelands, formerly the reserves that together constituted a total of 13 percent of the land. Eventually deprived of South African citizenship, Africans held citizenship in their

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<sup>7</sup> Crawhall (1999) 12 & 14

designated homeland instead. The regime envisioned granting all homeland independence in due time. The passbook carried by all adult Africans, contained their racial, ethnic and homeland designation, tax records, work permits, and permission to be in white areas for purposes of work. If caught without the passbook or in the wrong place, Africans could be jailed or sent back to their homelands, which on the whole were economically destitute sections of the country with very little potential for development. Most of the homeland came to be repositories for women, children and old people who had no permission to be elsewhere-‘superfluous appendages’, as one South African prime minister called them. Thus, one significant consequence of apartheid was the separation of many families for all but one or two weeks a year, with husbands working near the cities and living “temporarily” in black township such as Soweto, while their families stayed behind in homeland.

The policies instituted by the Afrikaners’ National Party after its 1948 electoral victory also included an aggressive program of promoting and supporting Afrikaner business, professionals and workers. The government appointed Afrikaner business, professionals, and workers. The government appointed Afrikaners to all levels the civil services, awarded state contracts to Afrikaner business and channelled government resources through Afrikaner banks. By the 1970s, the English- speaking whites in the country no longer dominated the country’s economy as they had done historically, and many of the ethnic divisions between whites began to fade.

Although South Africa exhibited a more formal and extreme pattern of increased racial subjugation and tightened controls, the other four territories with significant numbers of white settlers adopted somewhat similar policies. Furthermore, in attempts to resist international pressure for change, whites across the region dug in their heels, sometimes mixing violent mechanism of control with limited openness to change. For example, Portugal formally declared its colonies to be the nation’s overseas provinces in 1951. After putting down an uprising in Angola, the Portuguese government extended citizenship to all people in the colonies, established limited local self-rule for Africans, and put concessions companies under greater regulation.<sup>97</sup>

Fearful that their continued link with Britain would necessitate concessions to Africans as had occurred in nearby Malawi and Zambia (then Northern Rhodes), whites in Zimbabwe

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<sup>97</sup> John Laband, ‘shaka,’ <http://encarata.msn.com,1997-2003>

(The Southern Rhodesia) rebelled and issued the Unilateral Declaration of Independence (UDI) in 1965. Britain and the world community responded with moral condemnation and economic sanctions. South Africa continued to institute apartheid like policies in Namibia. With a number of newly independent nations now in its membership, the United Nations revoked South Africa's trusteeship mandate over the former German colony in 1966. In 1971, the International Court of Justice declared South Africa's presence in Namibia to be illegal, a finding largely ignored by the apartheid regime.

The region readied itself to address threats to colonial and white minority rule both internally and externally. Civil unrest escalated in South Africa in the 1950s, and the war for independence in Angola began in 1961, but guerrilla warfare had begun more than a decade earlier in Zimbabwe and Namibia. The South Africa, Rhodesian, and Portuguese governments began to cooperate to apprehend political activities and guerrilla leaders in the region. Geographically strong white ruled territories stood between the apartheid state and the black ruled nations to the north, and South Africa felt quite confident that they could survive whatever challenge arose to their dominance in the region. Yet globally, bucking the currents of world opinion as well as the aspirations of the majority put the nations of the region on course for becoming the centre of attention as international pariahs.

Africans in Southern Africa campaigned for their freedom, just as did others subjected to colonialism. Some for example the African National Congress (ANC), founded in 1912 in South Africa, had for many years been making formal, legal appeals to governments leaders for greater democracy. This approach contrasted with the open rebellions that occasionally arose in scattered places across the region. In 1950s, some protesters adopted a third strategy, the Gandhian approach of passive resistance. Frustration and impatience with all these tactics grew, however, as colonialism and white minority rule became more entrenched after World War II. Furthermore, the most frequent reaction to African resistance entailed massive repression and violence against armed rebellions and nonviolent direct-action campaign alike.

## **CURRENT STATE SITUATION**

On 27 April 1994, the first democratic elections resulted in a black majority government by the African National Congress with Mr Nelson Mandela as President. The ANC won the subsequent general elections of 1999 and 2004 as well, appointing Mr. Thabo Mbeki as the country's President. The next general elections are scheduled for April 2009. The South

African Constitution of 1996 enshrines the doctrine of the separation of powers. The Executive consists of the President, Deputy President, Cabinet and the state departments which deal with policy and administration. South Africa is governed on the basis of the principle of cooperative governance in the national, provincial and local spheres of government. The national government's primary responsibility is policy, while the provincial and local spheres are the implementing levels. Parliament is the country's legislative body and consists of two houses: the National Assembly and the National Council of Provinces. The National Assembly consists of 400 members, elected by proportional representation in national elections which are held every five years. The National Council of Provinces consists of representatives of the nine provincial legislatures and is in charge of provincial legislation. Each of the nine provinces has an elected legislature and its own executive council. An independent judiciary has the Constitutional Court as the highest court in the land. Its members are appointed by the President after consulting the Judicial Service Commission and the leaders of political parties represented in Parliament. The South African court structure is discussed in ensuing sections. An important structure introduced by the new government is the traditional leader's framework<sup>98</sup>. Traditional leaders in South Africa are the 'custodians of the moral, value, cultural and social systems of many people in South Africa, which the apartheid system had mainly undermined'. However, the issue of the San and Khoe traditional leadership is yet to be resolved given that these communities' structures had been completely destroyed so that they are not recognised by the new government. There are efforts to re-establish and identify them.

## **CONTEMPORARY GLOBALIZATION, RACE AND INDIGENOUS PEOPLE RIGHTS**

The era of contemporary globalization begins in 1989, in the later phase of the end of World War II, a watershed in world affairs and a significant turning point in the history of globalization. In brief span of about three decades early in the twentieth century, two world wars and the Great depression devastated the nations of Europe economically, politically, and militarily. In contrast, the United States emerged from the war recovered from the depression and stronger than it had been in many years. Furthermore, with such a foundation, U.S. leaders were ready to assume the mantle of world leadership. The country's superpower

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<sup>98</sup> Ch 12 SA Constitution.

status was challenged only by the Soviet Union. These two nations embarked on Cold War confrontations between East and West, complete with competing military alliances and other antagonistic encounters that reverberated throughout the world. Fall of the Berlin wall and Soviet Union opened the doors of globalization process and it reached its heights later on. These and other significant changes that mark the beginning of the contemporary era can be further described somewhat systematically using the domains of globalization: economic, military, political, environment, migration and cultural.

There are prominently six domains of globalization in South Africa which includes: *Political domain* which includes the globalization of political power, authority and forms of rule. Second is the *Military domain*, which includes the network of worldwide military ties and relations, as well as the impact of key military technological innovations, from statesmanship to reconnaissance satellites. Third, *the economic domain* includes trade, finance, and production under the waves of globalization. Trade- a system of regularized exchange of goods and services across regions and continents leading to the emergence of worldwide markets; finance- the emergence of worldwide flows of credit, investment, and money; production- the emergence of worldwide organization for producing goods and services primarily through multinational corporations (MNCs), companies that produce goods or market their services in more than one country. Fourth, *Migration domain* is the movement of people across regions and between continents for example, labours migration, Diasporas, and migration of colonial settlers because of which globalization is freely expressed. Fifth, is the *Cultural domain*, in which cultural flows and institutions across regions, civilizations and continent with culture defined as the social constructions, articulation, and reception of meaning, a lived and creative experience for individuals as well as body of artefacts, texts and objects. Sixth, is the *Environmental domain* is the transformation of entire ecosystems or components of those ecosystem resulting in an adverse impact on the economic or demographic conditions of life and health of human beings; in addition process explicitly acknowledged by human beings that in some sense offended, contradict, or come into conflict with their aesthetic or moral values, irrespective of their practical or personal biological consequences.<sup>99</sup>

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<sup>99</sup> Adapted from, pp.32, 88, 149-150, 190, 237, 284, 328-329, 377. Making of New South Africa

## THE CULTURAL DOMAIN

### Religious Aspect

Just as European government set out to colonize the world during the modern era, Western Christian mission set out to convert the world. Missionaries had some positive impact, but they were inextricably part of colonial conquest. In their drive to win converts, these men and women sometimes catalyzed imperial subjugation of chiefs and native people who resisted the intrusion of foreign religious influence. When the missionaries got into trouble, imperial troops were sent to rescue them. Mission also often directly supported conquering colonial forces and popularized imperial causes back home. These religious workers also helped to sustain the long term development of colonies through education and to socialization of clerks to staff imperial administrations as well as through theological and biblical justification for keeping Africans in inferior social, economic and political positions.<sup>100</sup> As one common saying in Africa puts it, "When the missionaries came, whites had the bible and we had the land, but when the missionaries left, we had the bible and they had the land".

One of the most famous missionaries to Africa was David Livingstone, whose writings during the Victorian era made him a household name and inspired many others to dedicate their lives to spreading the Christian faith to Africa.<sup>101</sup> Part of his public appeal also stemmed from his explorations. Described as "irascible and single minded", between 1841 and 1873 Livingstone, who was also a medical doctor, investigated Zambezi River region and introduced Europeans for the first time to Victoria Falls. His writings in part helped to popularize colonialism, but the information he provided on the slave trade, which he encountered frequently, generated considerable wrath among readers, contributing to the determination by many to end slavery. By the year 1871, however, no one had heard from him for some time. The New York Herald commissioned the journalist Henry Morton Stanley a British émigré to the United States to "find Livingstone", which Stanley did in 1871 on the shore of Lake Tanganyika, greeting him with his famous remark "Doctor Livingstone, I presume". In failing health, Livingstone continued his explorations of the African Great Lake region. In the meantime, the Royal Geographical Society sent a relief expedition to bring him

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<sup>100</sup> Doyle, *Empires*, pp.170-171

<sup>101</sup> Interestingly, the largest growth in adherents to Christianity is now in Africa



home. The group arrived in early 1874, but Livingstone had already been dead for almost a year. His embalmed body was returned to Britain and buried in Westminster Abbey.<sup>102</sup>

In contrast to the negative influence of missions, Livingstone's work on the whole demonstrates that they also had some positive influence. As one scholar puts it, "Imperial Christianity, even at the height of the imperialism retained some elements of Christianity"<sup>103</sup>. In a number of places, those like Livingstone provided the conscience for colonialism, playing an important role, as mentioned earlier in the abolition of slavery across the world and particularly in Southern Africa. As an alternative to the lucrative marketing of slaves, missionaries promoted investment in other forms of trade and in this way continued to promote colonial penetration. They also on occasion led campaigns against the abuse of workers or excessive taxation in the colonies. Mission provided virtually the only access to Western-style schooling and medical attention available to Africans, although offsetting this latter benefit, Africans suffered disproportionately from the disease Europeans brought as well.

### **Racial Aspect**

In addition to religion a second type of cultural globalization came in the form of racist ideology, often buttressed by distorted forms of Christian theology and biblical teachings. An ideology is simply a set of assumptions, ideas and principles about the way people and societies ought to behave. Defining racism is more complex.

One authoritative source, Andrew Hacker,<sup>104</sup> has asserted that racism can be expressed in three different but related ways, and only the last of these three can be characterized as an ideology. The first is individual racism, as when people make and act upon limited impressions of another person based on the colour of that person's skin or some other inherited or immutable characteristics.<sup>105</sup> For example, in Southern Africa, Africans and whites rarely socialize with each other or attend church together, historically or currently.

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<sup>102</sup> John Reader, *Africa: A Biography of the Continent* (New York: Vintage, 1997), p528-529.

<sup>103</sup> Doyle *Empires*, p172

<sup>104</sup> Andrew Hacker, *Two Nations: Black and White, Separate, Hostile, Unequal* (New York, 1992), pp 19-30

<sup>105</sup> A similar phenomenon, ethnocentrism, occurs when people make and act upon limited impressions of another person based on the other person based on the other person's language, culture, customs or history or some combination of these.

The second way to express racism is through regularized policies and practices that knowingly or unknowingly favour one group and discriminate against other. This is called institutional racism. In Southern Africa, colonial administration and white settler government knowingly and deliberately designed labour, land, franchise and virtually all other policies to ensure white control and African subservience. Even after Africans had been elected to head all the governments of the region, institutional racism or its legacy persisted in some arenas. That is a few Africans rose in economic, political or social ranks but most remained poor and essentially disenfranchised. For example, black officials who now head the Zimbabwean government campaigned on promises of meaningful land reform that would help Africans reclaim some territory taken during colonial conquest 100 years earlier. Yet at the turn of the twenty first century, white farmers still controlled more than one half the fertile lands, even though they made up less than 2 percent of the country's total population. Beginning in spring 2000, some Africans illegally took over a number of white farms, claiming that the now twenty year old promises for land reform should be fulfilled. Some of the squatters were men who fought during the 1970s in guerrilla armies to achieve black majority rule. Many who supported land reform decried the veteran's violent tactics in taking over the farms, but they insisted that the government address the exclusion of most African farmers from the access to good land, a powerful legacy of white minority rule and thus a form of institutional racism.<sup>106</sup>

The third form of racist expression is "the belief that members of the black race represent an inferior strain of the human species"<sup>107</sup>. This kind of racism took the form of an ideology that , although fully developed and articulated in the nineteenth century, can still be found today.<sup>108</sup> Most colonists of the nineteenth century understood their conquests as part of a 'civilizing mission' or a 'white man's burden' to bring a superior Western way of life to "backward" or "savage Africans".<sup>109</sup> In the ideology's seemingly more palatable form, white characterized Africans as children who could be peaceful, innocent, and caring, but they could never fully grow up to achieve adulthood. Therefore, they must always be under the care of whites. Often labelled "social Darwinism", "biological determinism", this seemingly

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<sup>106</sup> "Protest and confrontation over Zimbabwe Land issues", New York Times, April 2, 2000.

<sup>107</sup> Hacker, Two Nations, p23.

<sup>108</sup> Arthur Jensen, "How much can we boost IQ and Scholastic Achievement, Harvard Educational Review, February 1969.

<sup>109</sup> See Louis L.Snyder, ed. The Imperialism Reader: Document and Reading on Modern Expansion, 1962, pp 87-88

specific perspective arose at the same time that Charles Darwin's theories of evolution in biology were gaining ground. According to biological determinism, blacks were slaves or process of natural selection had found the best place for them. They simply were biological inferior; the argument goes in this manner. In contrasts, whites were master also due to natural selection and their biological superiority. From this perspective intermarriage would produce "mongrelisation" or a "dumping down" of the whole human species and therefore must be avoided.<sup>110</sup> The superior race, the only ones who really could be characterized as fully human should govern. The inferior race, those not fully human, should have no access to political participation. As one scholar put it, anyone and any society can be racist. But this Western ideological form grew to outperform all others.

The Western strain of the virus has eclipsed all others in importance. Through the colonial expansion of Europe racism has developed such a flourishing mythology and ideology. In folklore, as well as in literature and science racism became a deeply ingrained component of the Western Weltanschauung. Western racism had its poets like Kipling, its philosophers like Gobineau and Chamberlain, its statesmen like Hitler, Theodore Roosevelt and Verwoerd; this is a record not even remotely approach in either scope or complexity by any other cultural traditions.<sup>111</sup>

The racist ideology, an aspect of cultural globalization relevant to many parts of the world, flourished in the modern era when southern Africa became fully colonized by European powers and white settlers. Such ideas profoundly shaped virtually all aspects of life in the region as demonstrated. Overall, globalization in a number of domains fully penetrated southern Africa, elevating the region in world affairs. The process shaped regional economic and political patterns that continue to have impact on the process.

### **Indigenous People, Criteria for Identification**

As is the case in most African countries, no criterion exists for identifying indigenous peoples in South Africa<sup>112</sup>. The term 'indigenous' is used in South Africa's legal discourse in

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<sup>110</sup> Hacker, *Two Nations*, 1981, pp.23-27

<sup>111</sup> Van den Berghe, *Race and Racism*, p-13.

<sup>112</sup> For a more detailed expose on the question of 'who is indigenous in South Africa' see N Crawhall *Indigenous Peoples of South Africa: Current Trends Project to Promote ILO Policy on Indigenous and Tribal Peoples / South African San Institute, International Labour Office, Geneva, 1999, 2-11*; see also R Chennels and A du Toit 'The Rights of Indigenous Peoples in South Africa' in R Hitchcock and D Vinding (ed) *Indigenous Peoples' Rights in Southern Africa IWGIA (2004) 98*.

reference to the languages and legal customs of the majority black African population as opposed to the other races<sup>113</sup>. Indeed, the Preamble to the Traditional Leadership and Governance Framework Amendment Act provides that ‘South African indigenous people consist of a diversity of cultural communities’<sup>114</sup>. However, in terms of the criteria proposed by the African Commission’s Working Group of Experts on Indigenous Populations / Communities, whose emphasis is on self identification and groups that are in a structurally-subordinate position to the dominating groups and the state, the term is applied to refer to the various San and Khoe ethnic groups<sup>115</sup>. In South Africa, these are peoples who, despite the gains made since the end of apartheid, remain in a subordinate position, discriminated against, marginalised and continue to demand recognition as indigenous peoples and protection of their fundamental human rights and freedoms<sup>116</sup>. Apart from the report of the African Commission’s Working Group of Experts on Indigenous Populations / Communities in Africa, other studies and experts have also indicated that the San and Khoe ethnic groups self-identify as indigenous peoples in South Africa and seek recognition of their fundamental human rights and freedoms which they feel have been violated on the basis of that identity.<sup>117</sup> The groups identified as indigenous peoples in South Africa include ‘the three main San peoples (Xun, Khwe and Khomani), the various Nama(Khoe) communities, the major Griqua associations and so-called revivalist Khoisan’.<sup>118</sup> The report of the UN Special Report on Indigenous Peoples on South Africa, in essence, reflects the same groups identified earlier by Nigel Crawhall’s study,<sup>119</sup> which provides a detailed account and analysis of the groups who

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<sup>113</sup> See Constitution of the Republic of South Africa (1996) arts 6 and 26; see also below.

<sup>114</sup> Preamble to the Traditional Leadership and Governance Framework Amendment Act 41 of 2003.

<sup>115</sup> See Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities, submitted in accordance with the ‘Resolution on the Rights of Indigenous Populations/Communities in Africa’ Adopted by the African Commission On Human and Peoples’ Rights (African Commission) at its 28th Ordinary Session, ACHPR & IWGIA (2005) 15-17; 89

<sup>116</sup> . See Concluding Observations of the Committee on the Elimination of Racial Discrimination on South Africa, CERD/C/ZAF/CO/3, 19 October 2006, para 19 (CERD Concluding Observations on South Africa 2006)

<sup>117</sup> Examples of such studies include: Report of the UN Special Report on Indigenous Peoples mission to South Africa 2005 (E/CN.4/2006/78/Add.2) 2 (Hereinafter Report of the UN Special Report on Indigenous Peoples Mission to South Africa); N Crawhall (1999) 1-11; Chennels and du Toit in Hitchcock and Vinding 98

<sup>118</sup> UN Special Report on Indigenous Peoples’ Mission to South Africa 2; see also Chennels and du Toit 98. See Report of the African Commission’s Working Group of Experts on Indigenous

<sup>119</sup> Crawhall 5-11.

have self-identified as indigenous peoples in South Africa.<sup>120</sup> According to Crawhall, there are four main groups self-identifying as indigenous peoples in South Africa: the San who comprise various subethnic groups (Xû and Khwe, Khomani, 'Auni, Saasi, Xegwi, Kung, and Xam descendants)<sup>121</sup>; the Nama who are also referred to as the Khoekhoean; Griqua and Korana; and revivalist Khoesan groups.<sup>122</sup> However, the principle of self-identification alone is not enough and should be coupled with other elements that characterise indigenous peoples, particularly marginalisation and discrimination. In the case of South Africa, this was illustrated when a group of Afrikaner nationalists in 1996 attended the United Nations Working Group on Indigenous Populations (UNWGIP), claiming indigenous status.<sup>123</sup> A petition by the same or similar group was made in 2005 to the UN Special Reporter on Indigenous Peoples during their mission to South Africa. The UNWGIP - as did the UN Special Report - rejected these claims on the grounds that the group was neither marginalised / discriminated against, nor did it meet the other criteria 'set out in international legal standards and discourses at the present time'. For the purpose of this research, the international standards applied are those identified by the ILO Convention No 169 (Article 1) and the African Commission's Working Group, in its Report on Indigenous Populations /

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<sup>120</sup> See also Report of the UN Special Report on Indigenous Peoples' Mission to South Africa 2-3; Para 79 which essentially endorses the findings of Nigel Crawhall's study, particularly on the groups self-identifying as indigenous peoples in South Africa.

121 Crawhall. 67-68

122 See generally the ILO/ African Commission on Human and Peoples' Rights, Report of the Workshop to determine the scope and methodology of the research, Examining constitutional, legislative and administrative provisions concerning indigenous and tribal peoples in Africa 18-20 September 2006 Yaounde, Cameroon.

123 Channels and du Toit 99

Communities in Africa.<sup>124</sup> The standards for studying indigenous people were considered by constitutional examiners, stockholders and think tankers in order to protect and promote the interests of the indigenous communities. These standards were<sup>125</sup>

- Indigenous peoples are socially, culturally and economically distinct. Their cultures and ways of life differ considerably from that of the dominant society and their cultures are often under threat, in some cases to the extent of extinction.
- They have a special attachment to their lands or territories. A key characteristic for most indigenous peoples is that the survival of their particular way of life depends on access and rights to their traditional lands and the natural resources there on.
- They suffer discrimination as they are regarded as ‘less developed’ and ‘less advanced’ than other more dominant sectors of society. They are subject to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority.
- They often live in inaccessible regions, often geographically isolated and are subjected to various forms of marginalisation, both politically and socially.
- In addition to the criteria outlined above, the primary importance of self-identification is emphasised, whereby the people themselves acknowledge their distinct cultural identity, way of life, and seek to perpetuate and retain their identity.

## **DEMOGRAPHIC DETAILS**

There are no official statistics on the population distribution of the indigenous peoples of South Africa. However, the government of South Africa acknowledges their existence as evidenced by the Constitutional reference to the need to promote the Khoe and San languages, and the adoption of a cabinet memorandum in 2004 that would lead to an official policy recognising the ‘vulnerable’ indigenous peoples of South Africa .A copy of that

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<sup>124</sup> Channels and D u Toi 91

<sup>125</sup> Crwhall 34-56

memorandum is attached. Some statistical information on indigenous peoples in South Africa is scanned from the Report of the UN Special Reporters on Indigenous Peoples Mission to South Africa who relies on information presented to him during his mission, as well as the study by Crawhall, which also provides some numbers and presence:

- Khomani San- 1000
- Khwe San-1100
- Xun San-4500
- Nama( Khoe)-10,000
- Griquas-300000.

According to the UN Special Report on Indigenous Peoples, these groups are ‘mostly resident in the sparsely populated Northern Cape Province’. The Griquas, he indicates, are ‘mostly located in the Northern and Western Cape Provinces, but with significant communities in the Eastern Cape, Free State and KwaZulu-Natal’. However, it is instructive to note that ‘the ethnic boundaries of these groups are not fixed and the dividing lines between the Khoe and the San are not always evident<sup>126</sup>’.

## **ISSUES AND CONCERNS OF INDIGENOUS COMMUNITIES**

Indigenous peoples in South Africa suffer from a variety of breaches of their fundamental human rights and freedoms - some similar to those of indigenous peoples all over the world<sup>127</sup>. That said, South Africa stands as one of the few countries on the continent that has embarked on ambitious efforts aimed at redressing the problems of its indigenous peoples. These include legislative, policy and judicial interventions that are emerging as possible best practices for other countries on the continent to borrow in their bid to address indigenous peoples’ concerns. However, at present some concerns remain and are hereto briefly highlighted. These concerns and how the state has attempted to solve them are discussed in further detail in part II of this report during the examination of the legal framework impacting

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<sup>126</sup> Chennells and du Toit 99

<sup>127</sup> See CERD’s Concluding Observations on South Africa 2006, para 19; see also generally the Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa; Crawhall Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities in Africa; Chennells and du Toit 98-113.

upon and protecting indigenous peoples in the country. The following therefore are some of the main human rights concerns still pertinent to these groups:

### **Equality and Non-discrimination**

While the post apartheid democratic state of South Africa is anchored on non-discrimination and the principle of equality, some indigenous peoples, especially the San and Nama (Khoe), continue to suffer from exclusion and marginalisation<sup>128</sup>. While this situation is traced to the apartheid legacy, given that the current government has committed to redressing the wrongs of the past to indigenous peoples, a lot remains to be done to change their precarious circumstances<sup>129</sup>. The effects of the historical processes of assimilation of indigenous peoples in South Africa continue to affect indigenous peoples' capacity to enjoy equal rights with dominant communities. They also continue to suffer from negative stereotypes in their bid to reclaim their cultural and language heritage.

### **Recognition of their Identity, Language and Culture**

During apartheid, indigenous identities and languages were discouraged and a process to promote the use of Afrikaans and their assimilation resulted in the loss of most indigenous peoples' languages. Apart from a few indigenous peoples situated in very rural and remote places, the majority of indigenous groups adopted Afrikaans as the language of communication. As well, since indigenous languages were not taught in schools or used anywhere officially most became extinct or completely forgotten. In fact, it is reported that 'children using Khoe or San languages in state and church schools received corporal punishment and were forced to recant their identity'<sup>130</sup>. Today indigenous peoples are still concerned that despite the gains of a democratic state, the fact that their languages and identity are not officially recognised continues to hamper their capacity and efforts to enjoy socio-economic development as well as other fundamental human rights and freedoms.

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<sup>128</sup> CERD Concluding Observations on South Africa 2006 Para 19; Crahwall 12; Report of the UN Special Report on Indigenous Peoples' Mission to South Africa 2.

<sup>129</sup> Crahwall 78-79

<sup>130</sup> Report of the UN Special Report on Indigenous Peoples' Mission to South Africa 2, 26-32



## **Rights to Land and Resources**

Indigenous peoples, particularly the Nama and San, were dispossessed of most of their lands and resources using racially-discriminatory laws and policies and, in effect, today ‘constitute some of the poorest of the poor in South Africa<sup>131</sup>’. According to the Report of the UN Special Report on Indigenous Peoples in South Africa, ‘the root cause hindering economic development and intergenerational cultural survival (of indigenous peoples in South Africa) has been the forced dispossession of traditional land that once formed the basis of hunter-gatherer and pastoralist economies and identities. This historic dispossession of land and natural resources has caused indigenous people to plunge from a situation of self-reliance into poverty and a dependency on external resources. Nutritional levels have dropped due to sedentarisation and lack of access to traditional bush food. As far as land and resource rights are concerned, ‘the most pressing concern of all the indigenous communities is securing their land base, and, where possible, re-establishing access to natural resources necessary for pastoralism, hunting-gathering or new land-based ventures such as farming.

## **Access to Economic, Social and Cultural Rights**

Indigenous peoples in South Africa have in principle equal access to all social services provided by the government, including education, health delivery systems and infrastructure. However, they tend to be more marginalized than other sectors to the extent that they are concentrated at the lower end of the socio-economic scale. This is partly due to the historical marginalisation and the fact that to date they are yet to be accorded their rights in accordance with their preferred choices and way of life that takes in cognisance their culture and way of life. However, like in many other spheres of government interventions, there are ongoing efforts to formulate and implement an appropriate legal framework to address the socio-economic concerns of indigenous people in South Africa.

Some other key issues of concern include the recognition of traditional leadership and such structures, of particular relevance at present in light of the need for formal organised structures to provide leadership and vision for land and resource claims as well as the general management of those resources. Other key concerns include access to justice given the indigent status of most of these communities and the need to espouse their rights in courts, as

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<sup>131</sup> Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa Para 33; Crawhall 12; Chennels and du Toit 10

well as the protection of their traditional intellectual property and knowledge systems and such other related negotiations.

## **COUNTER INITIATIVES TO ADDRESS THE ISSUES**

### **Role of Media and Civil Societies**

South Africa has a free media and vibrant civil society. The government-owned South African Broadcasting Corporation is the main media provider in terms of radio and television, but private satellite television and radio stations are also available. Community radio stations are also increasingly being licensed, such as the! Xu and Khwe community radio station (X-K Fm). Leading civil society organisations working with indigenous peoples include the Working Group of Indigenous Minorities in South Africa (WIMSA)([www.san.org.za/wimsa/home.htm](http://www.san.org.za/wimsa/home.htm)) established in 1996 to provide a platform for San Communities in Namibia, Botswana, South Africa, Zambia and Zimbabwe. WIMSA has been instrumental in advocating and lobbying for San rights and helped establish the South African San Council in 2001. One of the significant achievements of the Council thus far was to 'secure San Intellectual Property and heritage rights against commercial interests that have sought to profit' from San knowledge regarding the succulent hoodia plant and the San rock art heritage in the Drakensberg. The Indigenous Peoples of Africa Coordinating Committee (IPACC) ([www.ipacc.org.za](http://www.ipacc.org.za)) is another organisation that caters for indigenous people rights in the region. The main local organisations dealing with indigenous peoples' issues in South Africa are the South African San Institute (SASI) ([www.san.org.za/sasi/home.htm](http://www.san.org.za/sasi/home.htm)), founded in 1996; Khoisan National Forum; Cape Cultural Heritage Development Council; and the Khoe and San Coordinating Council that unites Khoe and San group.

## **LEGAL PROVISIONS FOR INDIGENOUS PEOPLE**

The South Africa legal system is based on the Constitution, which is the supreme law of the land, and any law that is inconsistent with the Constitution is null and void to the extent of its inconsistency with the Constitution.<sup>132</sup> The legal system derives its roots from Roman Dutch

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<sup>132</sup> Sec 2 SA Constitution,p67

law. The legal system further borrows from the common law owing to its English colonial history. African Customary law forms part of South Africa's legal system<sup>133</sup>.

**Sources of law** (Constitutional, legislation and status of indigenous/customary law)

The following are the main sources of law in South Africa:

- Constitution
- Legislation
- Case law
- International instruments where applicable
- Common law and comparative foreign law

African customary law is subject to the Constitution. The South African Constitutional Court has, however, expressly stated that African customary law is part and parcel of the South African constitutional legal order.

**Status of International Law and Ratifications**

Section 82(1) (i) of the South African Constitution empowers the President to negotiate and sign international agreements.<sup>134</sup> However, the signed agreements and treaties bind South Africa only after parliamentary approval in accordance with section 231(3) of the South African Constitution. A treaty therefore only becomes part of national law if Parliament expressly provides so and the provisions are not inconsistent with the Constitution. The only human rights treaty domesticated by South Africa is the Hague Convention on the Civil Aspects of International Child Abduction<sup>135</sup>. South Africa has also ratified a number of ILO Conventions (see table below), some of which have been reflected in domestic laws. Of key

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<sup>133</sup> See *Alexkor Ltd and the Government of the Republic of South Africa v Richtersveld Community* 2003 (12) BCLR 1301 (CC) para 51-64

<sup>134</sup> See Heyns 1509.

<sup>135</sup> As above 1510; Hague Convention on the Civil Aspects of International Child Abduction Act 72 of 1996.

relevance to indigenous children is the recent ratification of the Worst Forms of Child Labour Convention, 1999 (No 182) in 2000.

In South Africa customary international law forms part of national law unless it is inconsistent with the Constitution<sup>136</sup>. South Africa is therefore obliged to respect the rights of indigenous peoples that have crystallised into norms of international customary law. Apart from customary international law, general principles of international law are among the principal sources of international law. Section 39(1) of South Africa's Constitution determines that, when interpreting the Bill of Rights, courts must have regard to public international law and may have regard to comparable foreign case law. In interpreting legislation, the courts must opt for any reasonable interpretation that is consistent with international law over an interpretation that is not consistent with international law. This Constitutional provision is key and important to indigenous peoples in South Africa since although South Africa is not a party to the ILO Convention No 169 (which is the only treaty relevant to indigenous peoples) courts would be bound to apply it in their interpretation of issues affecting indigenous peoples, noting that the treaty - 'along with foreign case law - forms part of the body of international law'<sup>137</sup>. It is also instructive to note those general principles of international law and comparable foreign case law all point to a growing trend of state practice which respects and protects indigenous peoples' rights<sup>138</sup>.

South Africa is also a party to the following relevant international human rights instruments which have a bearing on indigenous peoples' rights in South Africa. Some prominent instruments and their date of deposit of ratifications are<sup>139</sup>-

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<sup>136</sup> Sec 231(4) SA Constitution

<sup>137</sup> Chennells and du Toit 103.

<sup>138</sup> This trend can be discerned from progressive case law including in South Africa in the *Alexkor Ltd and the Government of the Republic of South Africa v Richtersveld Community* 2003 (12) BCLR.

<sup>139</sup> (CC); *Botswana in the Sesana & Others v Attorney-General* (52/2002) [2006] BWHC 1 (Bots) 202 pt H.1 para 3; *Australia in Mabo v Queensland II* (1992) 175 C.L.R. 1; *Canada in [Delgamuukw v British Columbia]* [1997] 153 D.L.R. (4th) 193.

**TABLE 5 DEPICTING THE CHRONOLOGICAL ORDER OF INSTRUMENTS**

<b>INSTRUMENTS</b>	<b>DATE AND YEAR</b>
Slavery Convention 1927	18 June 1927
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966
Convention on the Rights of the Child (CRC)	16 June 1995
Convention on Biological Diversity	02 November 1995
Convention Governing the Specific Aspects of Refugee Problems in Africa	15 December 1995
African [Banjul] Charter on Human and Peoples' Rights	9 June 1996
Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	10 December 1998
Convention on the Elimination of All Forms of Discrimination Against Women(CEDAW)	10 December 1998
Convention on the Prevention and Punishment of the Crime of Genocide	December 1998
International Covenant on Civil and Political Rights (ICCPR)	10 Dec 1998

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW)	1999
African Charter on the Rights and Welfare of the Child	7 January 2000
Optional Protocol to ICCPR	28 August 2002
Establishment of an African Court on Human and Peoples' Rights	3 July 2002
Revised Version of Convention on Nature and Natural Resources	2003
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	17 December 2004
Optional Protocol to CEDAW	18 October 2005

### **Institutional and Policy Bodies Protecting Indigenous People**

Chapter 9 of the South African Constitution establishes institutions to support constitutional democracy. Most of these institutions are relevant in the promotion and protection of indigenous peoples' rights, given that part of their mandate is human rights protection. These institutions are independent and subject only to the Constitution and law<sup>140</sup>.

The following are some of these institutions.

- The Public Protector

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<sup>140</sup> Sec 181(2) SA Constitution

- The South African Human Rights Commission
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
- The Commission on the Restitution of Land Rights
- The Commission on Gender Equality
- The Electoral Commission<sup>141</sup>

The Public Protector is an institution with the powers to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice<sup>142</sup>.

The South African Human Rights Commission is mandated to promote respect for human rights and a culture of human rights; to promote the development and attainment of human rights; and to monitor and evaluate the observance of human rights in South Africa<sup>143</sup>. The Commission is also vested with the powers to investigate and report on the observance of human rights; to take steps necessary to secure appropriate redress where human rights have been violated; to carry out research; and to educate the population regarding human rights<sup>144</sup>. For example, the South African Human Rights Commission has undertaken research on the issue of indigenous rights in South Africa<sup>145</sup>.

However, the Chief Executive Officer of the Commission, Advocate Tseliso Thipanyane, acknowledges that the institution has not been as proactive as it could have been in seeking to protect the rights of groups self-identifying as indigenous people<sup>146</sup>. According to Advocate Thipanyane, while the mandate of the Commission was to protect and promote the rights of

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<sup>141</sup> Sec 181(1) SA Constitution

<sup>142</sup> Sec 182(1) SA Constitution; The Public Protector Act 23 of 1994 regulates his powers and functions.

<sup>143</sup> As above, sec 184(1).

<sup>144</sup> As above, sec 184(2); The Human Rights Commission Act 54 of 1994 regulates the functioning and powers of the Commission

<sup>145</sup> See South African Human Rights Commission Research Project: Indigenous Peoples' Rights ,2000

<sup>146</sup> Interview with Mr Tselios Thipanyane during the in-depth study at the SAHRC offices in May,2002

all in accordance with the South African Bill of Rights, the Commission's resources were overstretched and, in his opinion, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities was the specialised institution that should be at the forefront of protecting indigenous peoples' rights in South Africa. Granted, he indicated that the Northern Cape and Western Cape branches of the Commission were mandated to look into issues of all marginalised communities and groups who include indigenous peoples in those regions.

The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities has as its primary objective to promote respect for the rights of cultural, religious and linguistic communities<sup>147</sup>. According to the Chairperson of the Commission, Dr MD Guma, the Institution has in recent years sought to engage the most marginalised communities in South Africa, in particular the Khoe and San. These deliberations include consultative workshops and conferences with indigenous communities in South Africa. However, the Commission, in the words of Dr Guma, 'was yet to execute its mandate effectively, especially with regard to the protection of marginalised cultural, religious and linguistic communities due to institutional and bureaucratic challenges'<sup>148</sup>. Indeed, even an attempt to get any information from the website of the Commission on the reports of the proceedings of the consultative workshops and such other relevant information on the Commission's work remains fruitless. According to the Commission's Chair, part of the challenge has been lack of institutional support and what he termed as lack of horizontal conversation among government departments and institutions. That has led to a duplication of efforts and a misunderstanding of the content and scope of the mandates of the institutions that support constitutional democracy in South Africa.

The Commission for Gender Equality promotes respect for gender equality and the protection, development and attainment of gender equality. The Commission has the power to monitor, investigate, research, educate, lobby, advise and report on issues of gender equality.

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<sup>147</sup> As above, secs 185-186; The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act 19 of 2002 regulates its operations

<sup>148</sup> Above, n 99.



The Commission on the Restitution of Land Rights was established by an Act of Parliament<sup>149</sup>. The Commission is of particular use to indigenous peoples in South Africa as it was the first forum where land restitution claims could be lodged. However, the Commission is constrained by the Act, and cannot give full effect or recourse to the land claims of indigenous peoples due to the Act's time limitation clauses. In accordance with the Act, restitution claims had a cut-off date of 1913 and had to be lodged by 31 December 1998, dates that could potentially negatively impact indigenous peoples whose claims predate the 1913 cut-off date, and those who failed to lodge their claims by the 1998 deadline. The Commission has nevertheless been instrumental in awarding a number of successful land claims to some indigenous peoples, notably to the Khomani San<sup>150</sup>. Further details are provided in part II of this report which examines the legal framework protecting indigenous peoples' land and resource rights.

Finally, the Electoral Commission manages elections in national, provincial and municipal legislative bodies<sup>151</sup>. Apart from the institutions which strengthen the constitutional democracy in South Africa; the following institutions have a direct role in the protection and promotion of indigenous peoples' rights in South Africa.

- Pan South African Language Board ([www.pansalb.org.za](http://www.pansalb.org.za))
- Khoe and San Language Board (KSNLB)
- National House of Traditional Leaders
- The National Khoisan Council

## **INDIGENOUS COMMUNITIES RIGHTS AND ADAPTATIONS**

This highlights the legal framework protecting and promoting indigenous peoples in South Africa. The wave of globalization has on one hand created many issues of concern and on the

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<sup>149</sup> As above, sec 187(1)

<sup>150</sup> See Report of the UN Special Report on Indigenous Peoples' Mission to South Africa, Para 39; Crawhall 19

<sup>151</sup> As above, sec 190; The Independent Electoral Commission Act 150 of 1993 and the Electoral Act 73 of 1998 regulate its functioning and the conduct of elections

other it has also encouraged the government to undertake certain key provisions of the laws that have a protective bearing on the indigenous population. These rights and provisions thus open the door of adaptation to the process of globalization in general and cultural globalization in specific sense.

- **Recognition and Identification**

The question of identity is important since it is associated with a quest to belong and with a capacity to exercise rights that accrue with that identity. In acknowledging the importance of identity, the South African Constitution provides for the right to citizenship in section 3. This section provides for a common citizenship for all South Africans. The Constitution further provides that all citizens are equally entitled to the rights, privileges and benefits of citizenship, but are also subject to the same duties and responsibilities of citizenship. The South African Citizenship Act<sup>152</sup> and the Restoration and Extension of South African Citizenship Act<sup>153</sup> provide for the acquisition, loss and restoration of citizenship. The Restoration and Extension of South African Citizenship Act deals with the persons who were deprived or did not gain citizenship as a result of the apartheid policy of creating Bantustan territories of Transkei, Bophuthatswana, Venda and Ciskei.

To indigenous people, identity goes beyond the granting of citizenship rights and includes their recognition as an indigenous group. Through being identified formally as an indigenous community they will be able to claim rights that accrue with indigenous identity, such as the protection of their territory, language, culture, tradition and way of life. While article 1(2) of the ILO Convention 169 provides that self-identification shall be regarded as the fundamental criterion for determining the groups to which the provisions of the Convention applies, recognition by the state is also important. In South Africa, ‘the cabinet adopted a memorandum in 2004 setting out a policy process to recognise [the] Khoe and San as vulnerable indigenous communities’<sup>154</sup>. This is a positive step towards the recognition of indigenous peoples in South Africa and, as illustrated by a variety of government and official statements, the Khoi and the San are regarded by the state as ‘indigenous people’ who have

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<sup>152</sup> Act 88 of 1995.

<sup>153</sup> Act 196 of 1993.

<sup>154</sup> See IWGIA the Indigenous World (2006) 516. The state has also established an Inter Departmental Working Group on Khoe and San Issues.

been marginalised and who deserve special protection<sup>155</sup>. However, the memorandum and the public officials' statements have not translated into an official policy recognising the Khoe and the San as the indigenous peoples of South Africa<sup>156</sup>.

Since the emergence of a new democratic order in 1994, South Africa has consistently maintained that it recognises the vulnerability of the Khoekhoe and the San and that it is working towards improving their welfare<sup>157</sup>. South Africa also participates in the deliberations of the UN Working Group on Indigenous Affairs,<sup>115</sup> and nominated an indigenous person, Dr William Langeveldt, a Korana, to represent it in the UN Permanent Forum on Indigenous Affairs. The South African Constitution further makes express mention of the Khoi, Nama and San, but within the context of language<sup>158</sup>. While the three indigenous languages are not given the same official status as other predominantly Bantu African languages, the fact that they are mentioned in the Constitution signals that the state acknowledges their importance and realises that they deserve protection. Sections 30 and 31 of the Constitution on language and culture, as well as cultural, religious and linguistic communities respectively, have important guarantees to some of the fundamental rights of indigenous peoples given that these provisions speak directly to minorities and cultural communities.

However, it is unfortunately similarly telling that indigenous peoples' languages are not accorded official status as are the other languages. The UN Special Reporter on Indigenous Peoples' Mission to South Africa called upon the state give constitutional recognition in parity with the other 11 officially recognised languages to the various Khoe and San groups. The Committee on the Elimination of Racial Discrimination (CERD) has also called upon

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<sup>155</sup> See n 153 below on examples of some policy statements

<sup>156</sup> See Report of the UN Special Report on Indigenous Peoples' Mission to South Africa 2; Para 81,

<sup>157</sup> See, for example, the statement of President Thabo Mbeki during the opening of Parliament on 25 June 1999 on the promotion and protection of the cultural, linguistic and religious rights of all peoples; Speech of the then deputy President Thabo Mbeki at the ceremony to symbolically hand over the successfully claimed land to the Khomani san of the Southern Kalahari; Statement of Deputy President Thabo Mbeki during the budget debate in the National Assembly, Cape Town 23 March 1999; see also keynote address by Dr Essop Pahad, Minister in The Presidency at the National Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (15/12/2005); Statement by the Minister for Provincial Affairs and Constitutional Development, Mohammed Valli Moosa, during the inauguration of the National Khoisan Forum, 27 May 1999, Upington; Minister of Finance, Trevor Manuel's address at the David Wynne Lecture, Somerset College 18/08/2006; address by the then deputy president Jacob Zuma to the opening ceremony of the National Khoisan consultative conference 29 March 2001; see Report of the Department of Provincial and Local Government, Khoi San Communities in South Africa (2004) all available at <[www.polity.org.za](http://www.polity.org.za)> accessed 10 January 2007; see also Tong 3

<sup>158</sup> See <[www.ohchr.org/english/issues/indigenous/groups/groups-01.htm](http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm)> accessed 22 March, 2002

South Africa to provide a ‘qualitative description of the ethnic composition of its population, in particular indigenous people<sup>159</sup>. It is hoped that such an exercise will give an ‘accurate perception of the effective enjoyment of the rights provided in the Convention (CERD) by different ethnic groups’, particularly indigenous peoples whose rights, the Committee observed, continue to be violated.

Indigenous peoples in South Africa have also decried the fact that, despite having resided in certain regions for generations, particularly the Northern Cape Province, there is not a single correct San or Khoe place name in the region<sup>160</sup>. In democratic South Africa the name changes of places have elicited deep emotions and sentiments and it is unfortunate that a group considered indigenous to the country has been ignored because they have not formally petitioned for such recognition. Crawhall aptly captures this irony ‘the newly reformed SA Geographical Names Council has rejected accusations of anti-indigenous bias pointing out that no indigenous group made applications for name changes. It is a statement on the current constitutional set-up. If you do not have the infrastructure and sophistication to use formal channels to ensure that rights which are implemented, they are of little or no use to you<sup>161</sup>’.

It is significant that the South African government has established a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities<sup>162</sup>. Indeed it is hoped that this important Commission will ensure that the indigenous peoples in South Africa are recognised and their rights protected.

- **Non-discrimination**

Indigenous peoples have often been discriminated against on grounds of race and due to their strong attachment to culture and traditions. Given South Africa’s history of racially discriminatory policies and laws, the 1996 Constitution sought to address the issue through a variety of provisions. Section 1, for example, provides that the democratic state is founded on, among others, the values of human dignity, the achievement of equality and the

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<sup>159</sup> Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa Para 81.

<sup>160</sup> Crawhall 19

<sup>161</sup> Crawhall 19

<sup>162</sup> See sect 181(1), 185, and 186 SA Constitution; see also Act 19 of 2002 establishing the Commission.

advancement of human rights and freedoms as well as non-racialism and non-sexism. Section 9 of the Constitution further provides for the right to equality before the law and the right to equal protection and benefit of the law and non-discrimination on various grounds, including ethnic or social origin and culture. Parliament also passed the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000<sup>163</sup>, to give effect to section 9(4) of the Constitution. Indigenous peoples may therefore not be discriminated against on the basis of their race, culture religion or any of the grounds envisaged in section 9(3) of the Constitution.

The Constitution further provides that due to past inequalities affirmative action is acceptable<sup>164</sup>. This provision is important to indigenous peoples in South Africa since they continue to be marginalised and could potentially benefit from affirmative action programmes. Sections 30 and 31 of the Constitution on language and culture provide for a legal framework for indigenous peoples to espouse their fundamental human rights without discrimination. These stipulations provide a reasonable threshold upon which indigenous peoples in South Africa may find recourse within the justice system. It has been argued correctly that ‘although the rights envisaged by section 30 and 31 give rise at minimum, to negative liberty, it may be interpreted as placing a positive obligation on the state to ensure the survival and development of minority cultures where they are threatened with integration’.<sup>165</sup>

Some of the possible factors leading to such a situation are discriminatory practices, policies and measures aimed at assimilating indigenous peoples to the mainstream communities and their development agendas. However, evidence of indigenous peoples’ social exclusion and discrimination remains a cause for concern in South Africa despite the legal framework. The CERD, for instance, has expressed ‘concern at the situation of indigenous peoples, inter alia the Khoi, San, Nama and Griqua communities, and in particular, hunter-gatherer, pastoralist and nomadic groups’ and decried the ‘absence of information on the specific measures adopted by the state to ensure the enjoyment of all rights by indigenous communities’<sup>166</sup>.

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<sup>163</sup> Act 4 of 2000

<sup>164</sup> Chennells and du Toit 101

<sup>165</sup> Chennells and du Toit 102, citing Chaskalson et al (1996) 1999: 38-18

<sup>166</sup> CERD Concluding Observations 2006 Para 19.

- **Participation and Consultation**

Participation is a fundamental principle of the ILO Convention 169<sup>167</sup>. Participation includes political participation, participation in decision-making and in the design and implementation of projects affecting indigenous peoples. Participation in elections is one of the means of such participation. To facilitate the conduct of elections in South Africa, the Constitution establishes the Independent Electoral Commission. The mandate and functions of the Commission are elaborated by the Electoral Commission Act, 1996. The Commission oversees the free and fair participation of every registered voter in the election, either to vote or to stand for election. The UN Special Report on Indigenous Peoples' has called on South Africa's political parties to 'take a stand in favour of constitutional recognition of indigenous peoples', which in essence would also mean their active participation in the political parties' affairs that would translate to nomination in elective posts and the formulation of policies<sup>168</sup>. Due to lack of recognition of traditional community structures of indigenous peoples, there has been little if any consultation of these groups on matters of national importance, least those that affect them. The few occasions where the state has attempted to engage indigenous communities have been with regard to their persistent clamour for recognition of their traditional authorities. For example, the National Khoi-San Council (NKSC) has been funded by the Government for the purposes of negotiation on specific themes<sup>169</sup>. Among others, it has been mandated to 'review the contents of the Government's Status Quo Report on the role of traditional leaders in local government, providing advice on indigenous issues'.

The consultations are occurring within the realm of the Department of Provincial and Local Government and involve 'negotiations regarding the constitutional accommodation of indigenous communities in South Africa'. Although indigenous peoples have expressed 'dissatisfaction over the slow pace of the process and that it has been placed under general negotiations relating to the status of traditional authorities,' the process affords indigenous peoples with a forum to engage directly with the state on issues that affect them. Consultation of indigenous peoples in South Africa has also been facilitated through 'the

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<sup>167</sup> See arts 6.1 & 7.1 of the Convention. See also ILO Convention on Indigenous and Tribal Peoples, 1989; Manual A (2003) 18, 19.

<sup>168</sup> Report of the UN Special Report on Indigenous Peoples' Mission to South Africa Report Para 103

<sup>169</sup> Revelations made during discussions with indigenous communities in Cape Town, Upington,

Project for the Promotion of ILO Policy on Indigenous and Tribal Peoples and the South African Department for Constitutional Development on their rights as equal citizens according to the South African Constitution'. A resolution and plan of action are said to have resulted from the consultation. According to representatives of indigenous communities interviewed during the course of this research, while such high level government and international organisations' projects are ostensibly initiated on behalf of indigenous peoples, they have not involved indigenous peoples in their formulation and implementation. Accordingly, most indigenous peoples are not even aware of their existence or the status of their implementation, as was the case with that particular project. Indigenous peoples' participation and consultation - particularly over the management of natural resources – are also supposed to be facilitated through the National Heritage Resources Act<sup>170</sup>. The Act grants participation opportunities to non-governmental heritage organisations and community groups which include indigenous peoples' organisations and community structures<sup>171</sup>. However, indigenous peoples surveyed were either not aware of the Act or had not established heritage organisations that would facilitate such participation.

- **Cultural and Language Rights**

One of the key elements of identifying indigenous peoples is that their cultures and ways of life differ considerably from those of the dominant society and that their cultures are often under threat, in some cases to the extent of being threatened with extinction<sup>172</sup>. In South Africa, according to the South African San Institute, 'at least four languages have become extinct and the four surviving languages Khoekhoegowab (Nama), !Xun, Khwedam and the almost extinct N/u language are under extreme threat<sup>173</sup>'. Indigenous peoples take pride in practising, retaining and perpetuating their culture and traditions, making culture one of the most important rights that need protection and promotion. Of relevance to indigenous people in South Africa is section 31 of the South African Constitution. The section provides that persons belonging to cultural, religious or linguistic communities may not be denied the right,

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<sup>170</sup> National Heritage Resources Act 25 of 1999.

<sup>171</sup> Chennells and du Toit 103.

<sup>172</sup> See ILO Convention on Indigenous Peoples and Tribal Peoples 1989 169; Manual ILO 2003, 7; see also ILO Convention 169, arts 1(a); 2(b); 5(a); 8 13(1); see ILO / African Commission on Human and Peoples' Rights Report of the Workshop to determine the scope and methodology of the research, Examining constitutional, legislative and administrative provisions concerning indigenous and tribal peoples in Africa, 18-20 September 2006, Yaounde, Cameroon, Para 1.3.

<sup>173</sup> South African San Institute (SASI) Annual report 2000-2001, Cape Town SASI (2001) cited in Chennells and du Toit 106.

with other members of that community, to enjoy their culture, practice their religion and use their language, and to form, join or maintain cultural, religious and linguistic associations and other organs of civil society (institutions)<sup>174</sup>. Section 31 of the South African Constitution reflects section 27 of the International Convention on Civil and Political Rights (ICCPR)<sup>175</sup> to which South Africa is a party. South Africa is therefore obliged to uphold its international and domestic law obligations by giving effect to this provision which has been interpreted by the UN Human Rights Committee to include ‘economic and social activities which are part of the culture of a community’ to which indigenous peoples belong.

Indeed, according to Beukes, the South African Constitution provides for ‘both a collective and communal (in community with a group) and individual protection of the right’. Indigenous peoples have a spiritual connection to their lands and territories and their culture and traditions are further influenced by spiritual beliefs. Section 15 of the South African Constitution provides that everyone has the right to freedom of conscience, religion, thought, belief and opinion. Freedom of religion includes traditional African religions and practices which are therefore protected. This provision reflects South Africa’s other international obligations such as article 18(1) of the ICCPR and article 8 of the African Charter on Human and Peoples’ Rights. However, in the exercise of religion, an individual or a community may not exercise the right in a manner inconsistent with the other provisions of the Bill of Rights. In South Africa, most indigenous peoples have adopted and practice Christianity and are at liberty to freely exercise their religious rights<sup>176</sup>. In order to regulate the right to culture, various acts of Parliament have been promulgated in South Africa. Most of these acts establish institutions that promote and protect the right to culture. These acts include: The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act<sup>177</sup>; the Culture Promotion Act<sup>178</sup>; The National Arts Council

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<sup>174</sup> Sec 31(1) SA Constitution.

<sup>175</sup> International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (16) 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. Sec 27: ‘In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language’.

<sup>176</sup> Discussions with indigenous communities in Kimberley, Upington, Alexander Bay, and Cape Town in September 2008.

<sup>177</sup> Act 19 of 2002.

<sup>178</sup> Act 35 of 1989



Act;<sup>179</sup> The Pan South African Language Board Act (PANSALB)<sup>180</sup>; and the Cultural Institutions Act<sup>181</sup>. The government of South Africa has also issued a policy document on culture - the White Paper on Arts, Culture and Heritage<sup>182</sup>. The White paper defines culture as ‘the dynamic totality of distinctive spiritual, material, intellectual and emotional features which characterise a society or social group. It includes the arts and letters, but also the modes of life, the fundamental rights of the human being, value systems, traditions, heritage and beliefs developed over time and subject to change’<sup>183</sup>. From the foregoing it is evident that the right to culture is adequately provided for and that the law and policy seek to be inclusive in their coverage of what constitutes culture. The Commission for the Promotion of and Protection of the Rights of Cultural, Religious and Linguistic Communities, for instance, is mandated to:

- Promote respect for and further the protection of the rights of cultural, religious and linguistic communities ;
- Promote and develop peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non discrimination and free association;
- Foster mutual respect among cultural, religious and linguistic communities;

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179 Act 59 ,of 1999

180 Act 199 of 1999

181 Act 1969 of 1989

182 White Paper of 1969

183 Act 72 of 1999

- Promote the right of communities to develop their historically diminished heritage;

Recommend the establishment or recognition of community councils in accordance with section 36 or 37 of the Act<sup>184</sup>. However, the Commission to date is yet to establish any community councils although it has drafted regulations which, once adopted by the Minister of provincial and local government, will pave way for the Commission to establish community council's<sup>185</sup>. On the issue of culture promotion, the Culture Promotion Act assigns that obligation to the provinces. The Act provides for the establishment of regional councils for cultural affairs. The regional councils' functions are to preserve, develop, foster or extend culture as it finds expression in the region for which it has been established. Language and culture are closely related since language is one of the main mediums of expressing culture. Indeed, language gives meaning to culture since it is one of the mediums of its expression.

The Constitution provides that 'everyone has the right to use language and to participate in the cultural life of their choice'<sup>186</sup>. Section 30 of the South African Constitution provides that everyone has the right to use the language and participate in the cultural life of their choice but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights. Section 31 provides that persons belonging to cultural, religious or linguistic communities may not be denied the right, with other members of the community, to enjoy their culture, practice their religion and use their language, and to form, join or maintain cultural, religious and linguistic associations and other organs of civil society. These rights may also not be exercised in a way inconsistent with the Bill of Rights<sup>187</sup>.

The Constitution seeks to protect and promote the linguistic diversity of South Africans. Article 6 of the Constitution provides for the following languages as national languages, giving an indication of some of the recognised linguistic groups in the country: sePedi; Sesotho; Setswana; siSwati; Tshivenda; Xitsonga; Afrikaans; English; isiNdebele; isiXhosa and IsiZulu. Apart from English and Afrikaans, the rest are all Bantu languages. However, the Constitution does provide for the promotion of Khoi, Nama and San languages which

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<sup>184</sup> White Paper 12.

<sup>185</sup> Discussions with Dr Guma, the Chairperson of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities in September 2008

<sup>186</sup> Sec 30 SA Constitution.

<sup>187</sup> Sec 3 of SA Constitution

indicates that it recognises the languages of Khoi, Nama and San speakers<sup>188</sup>. While indigenous peoples welcome the mention of their languages in the Constitution, they still feel aggrieved by the fact that these languages are not considered official national languages.

The Constitution also seeks to promote the use of language as a medium of instruction in education as discussed below by providing that ‘every person has the right instruction in the language of his or her choice where reasonably practical’<sup>189</sup>.

The PANSALB gives meaning to language rights which are useful in the promotion of culture. The Board is established to promote and ensure respect for languages commonly used by South African communities, including Khoi, Nama and San languages<sup>190</sup>. The Board has for instance established a Khoe and San National Language Body in August 1999 which has been making some progress in challenging several government departments on the extent to which they have gone to promote the use of indigenous peoples’ languages. It is also worth noting that the Board must establish national lexicography units whose function it is to promote language development. However, apart from the 11 official languages whose lexicography units had been established, indigenous languages such as the San and Khoi are yet to have any such units<sup>191</sup>. The PANSALB has also decried the limited resources allocated to it to the extent that it has indicated that it does not have the capacity to assist Khoe and San people to revive and develop their languages<sup>192</sup>. The problem is exacerbated by the lack of coherence in policy at the national level with different institutions passing the buck on who

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<sup>188</sup> Sec 6(5) SA Constitution.

<sup>189</sup> Sec 6(5) SA Constitution

<sup>190</sup> See the Pan South African Language Board: Annual Report 2001/2002 10.

<sup>191</sup> Chennells and du Toit 106

<sup>192</sup> Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa paras 97- 98; see also CERD Concluding Observations (2006) para 22

has the responsibility and mandate to undertake various functions related to the promotion of languages. The Mission to South Africa of the UN Special Report on Indigenous Peoples called upon the state to ‘establish as matter of priority a comprehensive feasible plan to preserve, protect and promote indigenous languages in South Africa and their preservation protected by law’<sup>193</sup>.

- **Education**

Section 29 of the South African Constitution provides that everyone has a right to basic education, including basic adult education, and to further education, which the state through reasonable measures must make progressively available and accessible. Everyone is entitled to be instructed in the official language of their choice in public educational institutions where such education is practicable. However, given that the Khoi and San languages are not official languages, instruction in these languages is left out. This desk research has so far not revealed any official policy with regard to the education of indigenous peoples<sup>194</sup>. However ‘at the provincial level, a pilot project was initiated in 1999/2000 [in] the Northern Cape Province in the Richtersveld where about 200 learners at primary school were studying Nama as a school project<sup>195</sup>’. The project was expanded in 2002 to a secondary school on the Orange River.

In ‘2002 a government school, the Schmidtdrift San Combined School in the Northern Cape was the largest educational project for San Children in Southern Africa<sup>196</sup>’. The ‘school experimented with alternative education programmes to ease the gap experienced by children moving from a traditional life style to formal schooling in a language that is not their own<sup>197</sup>’. The school and project encountered monumental difficulties ranging from a lack of funding to a lack of qualified staff proficient in the indigenous languages (they taught in Afrikaans). Apart from grade one where translators were used, most of the students failed due to language barriers. While the project is still ongoing, the lack of institutional support and

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193 Crhwall. 45-46

<sup>194</sup> ILO Convention 169, art 13.1

<sup>195</sup> Chennells and du Toit 108.

<sup>196</sup> Chennells and du Toit 108

<sup>197</sup> Act 7 of 2000

capacity has hampered the project<sup>198</sup>. Apart from the scarcity of Nama language teachers – there are only a few from Namibia - who mostly work on a voluntary basis, the educational project does not receive official curriculum backing from the national government. The Constitution does not provide that basic education shall be free and compulsory. The South African Schools Act does provide for compulsory education up to 15 years of age or grade nine but fails to address the concern of most indigenous peoples in accessing education: it is not free.

Most indigenous peoples lack adequate resources and if schools charge fees this may bar some children from attending schools. However, the South African Schools Act 84 of 1996 addresses and seeks to redress past injustices in the provision of educational services: those totally unable to afford fees are not to be prevented from attending school. The state has also introduced the Integrated National Primary School Nutrition Programme and Curriculum 2005, aimed at inter alia correcting the disparities in access to education<sup>199</sup>. Therefore, one may argue that a lack of financial resources should not bar anyone from accessing basic education. Indeed, the government recently issued regulations for school fees free areas and it is expected that some of these areas would be areas inhabited by indigenous peoples. Skills development is important to indigenous peoples since some may not have a formal education or skills.

The Skills Development Act of 1998<sup>200</sup> provides an institutional framework to devise and implement national, sectoral and workplace strategies to develop and improve the skills of the South African workforce; to integrate those strategies within the National Qualifications Framework contemplated in the South African Qualifications Authority Act of 1995; to provide for leaderships that lead to recognised occupational qualifications; to provide for financing of skills development by means of a levy financing scheme and a National Skills Fund; to provide for and regulate employment services. The Skills Development Levies Act

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<sup>198</sup> Discussions with indigenous communities in Kimberley, Upington and Alexander Bay, in September 2008

<sup>199</sup> See Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: South Africa, CRC/C/15/ADD.122 (CRC, South Africa 2000) para 34.

<sup>200</sup> Act 97 of 1998.

<sup>201</sup> Act 9 of 1999.

of 1999<sup>201</sup>, provides for the imposition of a skills development levy; and for matters connected there with. Sector Education and Training Authorities (SETAs) receive the bigger part (80%) of the funding collected for the utilization of skills development programmes for the specific SETA.

- **Land, natural resources and environment**

Land and resources are at the core of indigenous peoples' claims given that their culture and way of life are closely connected to the lands and territories they inhabit. Part II of the ILO Convention 169 relates to land and emphasis is given of the importance of having regard to the collective aspects of indigenous peoples' relationship to their lands<sup>202</sup>.

In South Africa the question of land ownership has been high on the democratic government's agenda in a bid to facilitate an effective mechanism to redress past wrongs perpetuated by the apartheid regime. Apart from the Constitution making provision for land reform<sup>203</sup>, a number of laws were enacted to recognise indigenous land tenure as well as address dispossessions. The Constitution also provides for the payment of just and equitable compensation where property is expropriated for public purposes or in the public interest<sup>204</sup>. Public interest may include the state's commitment to land restitution and reform. One of the most significant laws geared towards land reform is the Abolition of Racially Based Land Measures Act<sup>205</sup>. The Act repealed the Black Land Act 27 of 1913 and the Development of Trust and Land Act 18 of 1936 that reserved land in certain rural areas for occupation by

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<sup>202</sup> ILO Convention 169, art 13.1.

<sup>203</sup> SA Constitution, sec 25(4-9)

<sup>204</sup> SA Constitution, sec 25(2) (8)

<sup>205</sup> Act 108 of 1991

<sup>206</sup> Act 11 of 200

black people. Other laws that are relevant to indigenous peoples that have been enacted include the Communal Land Rights Act<sup>206</sup> that recognises and protects communal land tenure arrangements favoured by most indigenous people. Other relevant laws include the Restitution of Land Rights Act 22 of 1994 which will be discussed in detail below, Provision of Certain Land for Settlement Act 126 of 1993<sup>207</sup>, Development Facilitation Act 67 of 1995, Upgrading of Land Tenure Rights Act 112 of 1991<sup>208</sup>, Land Administration Act of 1996, Land Reform (Labour Tenants) Act 3 of 1996<sup>209</sup>, Interim Protection of Informal Land Rights Act 31 of 1996<sup>210</sup>, Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998<sup>211</sup>, Extension of Security of Tenure Act<sup>212</sup>, and the Communal Property Association Act 28 of 1996<sup>213</sup>.

These laws have the potential to protect the land rights of indigenous peoples since they are designed to address historical injustices related to land use, tenure and ownership. The Communal Property Association Act has been instrumental in according indigenous peoples the right to own and utilise the land collectively, especially after the restitution of their traditional land as discussed below. However, the conditions envisaged by the Act which demands the election of officials to represent the community, sometimes clash with existing traditional leadership structures of indigenous communities, in turn create tension, and delay the management and execution of certain decisions.

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<sup>207</sup> The Act provides for the designation of certain land for settlement and regulates the subdivision and development of such land and the settlement of persons thereon. See JHL Scheepers 'Land' in Joubert (n 73 above) 100.

<sup>208</sup> Provides for the upgrading of and the conversion into ownership of certain land tenure rights ,into deeds of grant and quitrents. It also provides for the transfer of tribal land to full ownership of tribes, as above 102.

<sup>209</sup> Provides for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants. See Scheepers 108

<sup>210</sup> Provides for temporary protection of certain rights to and interests in land which are not otherwise adequately protected by law - as above 113

<sup>211</sup> Provides for the prohibition of unlawful eviction and for the procedures to be followed for the eviction of unlawful occupiers.

<sup>212</sup> Provides for measures with state assistance to facilitate long term security of land tenure, regulates the conditions of residence on certain land, the conditions on and circumstances under which the right of persons to reside on land may be terminated and conditions of evictions

<sup>213</sup> The Act enables communities to form juristic persons, to be known as Communal Property Association in order to acquire, hold and manage property on a basis agreed to by members of a community in terms of a written constitution. See Scheepers 111.

The Restitution of Land Rights Act 22 of 1994 was promulgated to deal with historical disposessions<sup>214</sup>. However, given the scale of land dispossession under colonial and apartheid regimes and the proportion of the population that would potentially claim restitution of their lands, the Interim Constitution, a document by negotiated political parties and stakeholders, agreed to set 19 June 1913 as the cut-off date. Claims to the Commission on Restitution of Land Rights (CRLR) (which is the first avenue for lodging such claims) must have been received by 31 December 1998. The Restitution Act established the Commission on Restitution of Land Rights and a Land Claims Court which has the same powers as the High Court<sup>215</sup>. The CRLR acts as facilitator in resolving land claims. Some claims go to the LCC but others get settled in terms of section 42D of the Act by the Minister and now recently also in terms of section 10 of the Act by the Regional Land Claims Commissioners. The CRLR is also responsible for the settlement and the implementation of settlement agreements. Only cases of dispute are referred to the LCC and obviously the CRLR needs to implement any court order<sup>216</sup>. On the basis of the Restitution of Lands Rights Act, an indigenous community, the ≠Khomani San of the Andriesvale area, were successful in getting a land claim settlement from the state of about 36,889.00 hectares in 1999 and 2002<sup>217</sup>. They use the land granted to them outside the Kgalagadi Transfrontier Park (approx 25 000 ha)<sup>218</sup> for eco-tourism, game farming and other sustainable economic activities. They were also granted rights of access and utilisation of parts of the Kgalagadi Transfrontier Park (approx 25 000 ha of land granted to them in the Park). Other successes include ‘the !Xun and Khwe San, who had been living at an army base at Schmidts drift since 1990, after serving the South African Defence Forces in its war in Angola and Namibia who were granted land at the Platfontein farm near Kimberley (2900 ha) in May 1999.

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<sup>214</sup> Restitution of Land Rights Act 22 of 1994; see also Tong 69

<sup>215</sup> T Roux ‘Pro poor court, anti-poor outcomes: Explaining the performance of the South African Land Claims Court’ 20 SAJHR 522 (2004). See also South African Constitution 1996 sec 25(7) and sec 2 of the Restitution Act. This, Theunis argues, is derived from the fact that it was the date of commencement of the first pillar in the edifice of what was later to be known as apartheid land law, the Natives Land Act 28 of 1913.

<sup>216</sup> Restitution of Land Rights Act, sec 2 (1) e.

<sup>217</sup> Restitution of Land Rights Act, secs 1 and 6

<sup>218</sup> Although ‘section 6 of the Restitution Act list functions of the Commission as to receive claims, assist the claimants and investigate the claims, the Commission carries the sole responsibility of implementing land restitution programmes in South Africa’, see Tong 1, 71.



However, not all claimants have been successful in the lodging and/or settlement of land claims with the CRLR since most indigenous communities in South Africa such as the San and the Khoi argue that they were dispossessed of their lands long before the 1913 cut-off date. The Constitutional Court has been a forum of last resort with reasonable success as will be illustrated by the Richtersveld decision which, due to its importance and possible lessons for other indigenous communities on the continent, is discussed below in some detail.

The 'Richtersveld is a large area of land situated in the north-western corner of the Northern Cape Province in South Africa and for centuries has been inhabited by what is now known as the Richtersveld Community'<sup>219</sup>. The 'Richtersveld community had been in occupation of the subject land prior to its annexation to the British Crown . Even after the annexation, the Richtersveld community continued to occupy the land until the 1920s when diamonds were discovered. They were then dispossessed of the lands and rights therein'<sup>220</sup>. After the initiation of mining operations in the 1920s, the Richtersveld community was progressively denied access to its lands until, by 1994, the government had granted ownership of the subject land to the company Alexkor Limited<sup>221</sup>. Spurred by the provisions of the Restitution Act, the Richtersveld community in December 1998 lodged a claim for their land rights and associated valuable mineral rights to a large diamond-rich area of land in the Barren Northern Cape<sup>222</sup>. The application was made by the members of the community through a non-governmental organisation, the Legal Resources Centre (Cape Town), which continues to represent the community<sup>223</sup>.

The 'Richtersveld Community originally filed two claims: in 1997 it filed one in the Cape High Court, and one year later it lodged a restitution claim before the Land Claims Court

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<sup>219</sup> Richtersveld para 4; see also Y Trahan 'Richtersveld Community & Others v Alexkor Ltd: Declaration of a "Right in Land" Through a "Customary Law Interest" Sets Stage for Introduction of Aboriginal Title into South African Legal System, 12 Tulane Journal of International & Comparative Law 565. The present Richtersveld population descends from the Nama people, who are thought to be a subgroup of the Khoi people. These people were a "discrete ethnic group" who "shared the same culture, including the same language, religion, social and political structures, customs and lifestyle." The primary rule of these people was that the land of their territory belonged to their community as a whole

<sup>220</sup> Richtersveld Community v Alexkor Ltd 2001 (3) SA 1293 (LCC), para 28 (Richtersveld LCC decision)

<sup>221</sup> Richtersveld decision para 9; Alexkor Limited, the first Appellee, is a company in which the sole shareholder is the government of the Republic of South Africa, the second Appellee;. See AHN Laboni 'Land Restitution and the Doctrine of Aboriginal Title: Richtersveld Community v Alexkor Ltd and Another' 18 SAJHR, 421, 423 (2002).

<sup>222</sup> Chennells and du Toit 'The Rights of Indigenous Peoples in South Africa' in Hitchcock and Vinding (eds) Indigenous Peoples of Southern Africa, IWGIA (2004) 105

<sup>223</sup> See <[http://www.lrc.org.za/Features/Archive\\_detail.asp?art\\_ID=82](http://www.lrc.org.za/Features/Archive_detail.asp?art_ID=82)> accessed 10 January 2007.

(LCC). It eventually decided to give precedence to the claim at the LCC<sup>224</sup>. The High Court case ‘was based squarely on the doctrine of aboriginal title which the Richtersveld community alleged was part of South African common law. The second case under the Restitution Act was launched in the LCC<sup>225</sup>’.

The ‘community originally argued that their right in land was either (a) ownership; (b) a right in land based on the common law doctrine of aboriginal title; or (c) a right in land acquired through its beneficial occupation of the land for a period of longer than 10 years prior to their eventual dispossession, as per section 1 of the Restitution Act’. The respondents argued that ‘any right in land that the community may have possessed had been extinguished prior to the 1913 cut-off date contained in the Restitution Act. They contended that the Richtersveld community lost any title to the land when the area was annexed to the British Crown in 1847<sup>226</sup>’. In dismissing the application, the Land Claims Court held that the annexation of the Richtersveld land to the British Crown in 1847 extinguished any right that the community may have held<sup>227</sup>. The Land Claims Court argued that it had no jurisdiction to adjudicate on land dispossessions that occurred before the 1913 cut-off date<sup>228</sup>. The court was of the view that determining rights accruing before the statutory cut-off date would require it to develop common law in order to develop rights that arise from the concept of aboriginal title for which it felt it had no jurisdiction<sup>229</sup>. Further, the LCC did not find any subsequent dispossession of rights that the community may have held in the subject land to be as a result of ‘past racially discriminatory laws or practices’ as required for restitution under the Act<sup>230</sup>.

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<sup>224</sup> M Barry ‘Now another thing must happen: Richtersveld and the dilemmas of land reform in post apartheid South Africa’ (2004) 20 SAJHR 365.

<sup>225</sup> Roux 522

<sup>226</sup> Richtersveld LCC decision para 6; Barry 365; sec 1 of the Restitution Act defines a right in land as ‘any right in land registered or unregistered, and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question’

<sup>227</sup> Richtersveld LCC decision para 6; Barry 366.

<sup>228</sup> Richtersveld Community and Others v Alexkor Ltd and Another 2001 (3) SA 1293 (LCC), para 43.

<sup>229</sup> See also Richtersveld Community v Alexkor Ltd and Another 2001(4) ALL SA 567(LCC) and 2003 (3) 1293 (LCC); see the courts similar views in Mahlangu NO v Minister of Land Affairs 2001 (2) ALL SA 190 (LCC).

<sup>230</sup> Richtersveld LCC decision para 93.

This outcome did not deter the community and, despite being denied leave to appeal by the LCC they made a successful direct application to the Supreme Court of Appeal<sup>231</sup>. The SCA held that ‘the Richtersveld Community is entitled in terms of section 2(1) of the Restitution of Land Rights Act 22 of 1994 to restitution of the right to exclusive beneficial occupation and use, akin to that held under common-law ownership, of the subject land (including its minerals and precious stones)<sup>232</sup>. The Court found that the dispossessions were racially discriminatory ‘because they were based on the implicit premise that because of the Richtersveld community’s race and presumed lack of civilization, its rights to the land had been lost with annexation<sup>233</sup>’.

Alexkor Limited, the company that had been granted ownership of the subject land appealed to the highest court in South Africa, the Constitutional Court, which ‘recognized the right of the Richtersveld community to restitution of the rights of ownership of the land including its minerals and precious stones and to the exclusive beneficial use and occupation thereof<sup>234</sup>’. The Constitutional Court went further, finding that the Richtersveld community held ownership of the subject land under indigenous law<sup>235</sup>. The Court found that the community had a right to the land, not by virtue of the common law, but by virtue of the Constitution.<sup>236</sup>

The Court held that:

*While in the past indigenous law was seen through the common law lens, it must now be seen as an integral part of our law. Like all law it depends for its ultimate force and validity on the Constitution. Its validity must now be determined by reference not to common law, but to the Constitution . . . . [T]he Constitution acknowledges the originality and distinctiveness of indigenous law as an independent source of norms within the legal system . . . . [I]ndigenous law feeds into, nourishes, fuses with and becomes part of the amalgam of South African law.*

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<sup>231</sup> As above para 93. The Court relied on its earlier case of the Minister of Land Affairs v Slamdien 1999 (4) BCLR 413 (LCC).

<sup>232</sup> Richtersveld Community and Others v Alexkor Ltd and Another 2003 (6) BCLR 583 (SCA)

<sup>233</sup> Richtersveld SCA decision para 111

<sup>234</sup> Richtersveld SCA decision Ibid , para 8; Marcia Barry, 366

<sup>235</sup> Richtersveld Concourt decision, para 103.

<sup>236</sup> Richtersveld Concourt decision para 102.

The 'South African Constitution expressly recognised and validated indigenous law to the extent the law comported with the purpose and values set forth in the Constitution'<sup>237</sup>. The Court therefore affirmed the independent status of customary law under the South African Constitution. After lengthy delays (the decision was handed down in 2003) the government finally in late 2006 agreed on reasonable compensation to the community as well as an agreement with the company on profit-sharing on minerals mined in the area<sup>238</sup>.

The Richtersveld case illustrates that a progressive judiciary is a vital vehicle to realising indigenous peoples' rights albeit a long and tedious process. Indeed, while express provisions in the Constitution and legislation in South Africa provide a clear route for the restitution of land through the courts, the community also explored alternative grounds of action<sup>239</sup>. These alternative grounds express acknowledgement that indigenous law forms part of the Constitutional framework of the South African legal system are particularly useful in other African countries where there are no express provisions for restitution.<sup>240</sup>

This is the concept of aboriginal title, an alternative course of action that could be used where a claim may fail to qualify under the Restitution Act. Indeed, it has been argued that for those who cannot meet the requirements of the Restitution of Land Rights Act or in other jurisdictions where such an Act is non-existent, the concept of aboriginal title could provide an alternative ground of action.<sup>241</sup> However, even after successful restitution, indigenous peoples need 'post-settlement support in order to ensure that those resettled ethnic communities [experience] an improvement in the enjoyment of their economic, social and cultural rights'.<sup>242</sup> The government of South Africa needs to implement effective programmes designed to facilitate self-sufficiency, self-reliance and the proper utilisation of resources after land restitution.

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<sup>237</sup> Richtersveld Concourt decision, , para 51.

<sup>238</sup> Richtersveld Concourt decision, , para 53.

<sup>239</sup> As above para 51 (referring to customary law) see also para 7 n.8, stating that customary law is synonymous with indigenous law

<sup>240</sup> See news update at <[www.iwgia.org](http://www.iwgia.org)> accessed 15 January 2009

<sup>241</sup> The community had also sought protection of their rights to land under aboriginal title. While the Constitutional Court found that the community was entitled to their right to land through the more direct route of the Restitution Act it acknowledged that the community's indigenous law was applicable in the matter and indeed could be said to have paved way for the application of aboriginal title in South Africa under its indigenous law as evidenced by customary laws; See Richtersveld Concourt decision 51-64

<sup>242</sup> As above para

The ILO Convention 169 provides that, apart from safeguarding rights to natural resources, indigenous peoples shall participate in the use, management and conservation of these resources.<sup>243</sup> Given that most minerals and natural resources usually vest in the state, the Convention calls for consultation with indigenous peoples whenever there is exploration or exploitation of resources and, where damage occurs, the provision of reasonable compensation.<sup>244</sup>

Indigenous peoples' natural resources include water, minerals, forests and wild animals. In South Africa, ownership control and rights of access to these are regulated by acts of Parliament.<sup>245</sup> Regarding the environment it is important to note that article 7.4 of the ILO Convention 169 provides that governments shall take measures in cooperation with the people concerned to protect and preserve the environment of the territories they inhabit. The land indigenous peoples inhabit is often arid and sometimes inaccessible and as such it is crucial that it is managed to preserve it and to ensure its sustainability and that it supports the indigenous peoples' way of life and economic activities. Section 24 of the South African Constitution provides for environmental protection. It stipulates that everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and the optimal use of resources while promoting essential economic and social development. Section 24(a) of the Constitution 'guarantees an individual the right to a justifiable right against law and conduct which are harmful to the environment'<sup>246</sup>.

The relevant legislation dealing with the environment in South Africa is the Environmental Conservation Act 73 of 1989 and the National Environment Management Act 107 of 1998, as well as amendments 28 of 2002, 56 of 2002, 46 of 2003, 8 of 2004 and 39 of 2004. The

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<sup>243</sup> See TW Bennett & CH Powell 'Aboriginal Title in South Africa Revisited' 15 SAJHR, 450 (1999) See also TM Chan 'The Richtersveld Challenge: South Africa Finally Adopts Aboriginal Title' in Hitchcock and Vinding 118; see also Richtersveld LCC, para 48 where the Court intimated that the doctrine of indigenous title is an alternative remedy to restitution under the Restitution Act but fell outside the LCC's jurisdiction a position since overturned by the SCA and the CC

<sup>244</sup> CERD Concluding Observations (2006) para 18; see also Report of the UN Special Rapporteur on Indigenous Peoples' Mission to South Africa, para 92

<sup>245</sup> Art 15.1 ILO Convention 169.

<sup>246</sup> Art 15.2. ILO Convention 169

National Environment Management Act establishes the National Environmental Advisory Forum and Committee for Environmental Co- ordination<sup>247</sup>.

These institutions are mandated to advise the Minister on matters concerning the environment and they are expected to consist of nominees from community-based organisations which would naturally include indigenous peoples. In line with the principle of co-operative governance in South Africa, provinces are expected to have similar institutions to advise the provinces on environmental matters relevant to the province. It has also been noted correctly that ‘concepts of both sustainable development and bio-diversity require those indigenous persons subject to customary law to be involved in the process of environmental development and preservation as participants and as beneficiaries<sup>248</sup>’. In an effort to give meaning to national heritage resources, the state has also enacted the National Heritage Resources Act 25 of 1999. The Act is particularly important for indigenous peoples in South Africa since it gives room for indigenous peoples through non-governmental heritage organisations and community groups to participate in the conservation and management of resources. The Act demands that heritage resource authorities develop the skills and capacities of individuals and groups undertaking heritage resources management. This is significant to indigenous peoples given that they possess skills and know-how on the sound management of their resources and environment<sup>249</sup>.

- **Health**

Section 27 of the South African Constitution provides that everyone has the right to have access to health care services, including reproductive health care, sufficient food and water, and social services including, if they are unable to support themselves and their dependants, appropriate social assistance. As in the case of other socio-economic rights, the state is obliged to adopt reasonable measures, legislation, policies and programmes to give effect to these rights. The programmes must also be reasonably implemented. The prevalence of

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<sup>247</sup> Some of these Acts include the National Parks Act 1926 (1976); Nature Conservation Act 10 of 1987; Forest Act 16 1913; Forest Laws Rationalization and Amendment Act 51 of 1994; National Forests Act 84 1998; National Water Act 36 1998; Water Services Act 108 of 1997; Diamond Control Act 39 of 1925; Diamonds Act 56 of 1986 and the Gold Mines Assistance Act 82 of 1968.

<sup>248</sup> SA Constitution sec 24.

<sup>249</sup> Joubert 123.

HIV/AIDS in South Africa is matter of growing concern<sup>250</sup>. The HIV/AIDS transmission from mother to child is preventable and in the case of *Treatment Action Campaign v Minister of Health*,<sup>251</sup> the Constitutional Court held that the state must take reasonable measures to provide for the use of the drug nevirapine to HIV pregnant women throughout the public health sector as well as extend testing and counselling. However, the CERD, while acknowledging South Africa's programmes for the prevention and treatment of HIV/AIDS, expressed concern at the high rate of HIV/AIDS among persons belonging to the most vulnerable ethnic groups. The Committee recommended 'that the [s]tate strengthens its programmes in the field of health, with particular attention to minorities, bearing in mind their disadvantaged situation resulting from poverty and lack of access to education, and to take further measures to combat HIV/AIDS'.<sup>252</sup>

The Mission to South Africa of the UN Special Report on Indigenous Peoples similarly called upon the state to provide health care delivery services targeted at indigenous communities, especially those living in dire poverty<sup>253</sup>. It is instructive that the government provides free antiretroviral drugs and free condoms in health centres and hospitals which could also be accessed by indigenous communities. However, a lack of sensitization and awareness of their availability limit the accessibility of these facilities among indigenous communities<sup>254</sup>.

Of key importance to indigenous peoples is the Traditional Health Practitioners Act (Act 22 of 2007), as indigenous peoples rely mainly on traditional medicine to treat most of their ailments. The Act recognises and regulates the practice of South Africa's traditional healers. Although the requirements of formal registration and proof of a prior qualification apply to all traditional health practitioners, it may in practice be much more difficult for health practitioners in indigenous communities to meet them.

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<sup>250</sup> See 5 of this report which shows that the HIV prevalence rate in South Africa is 18.8 sourced from the UNICEF website. Indeed the CIA estimate that the population growth rate in South Africa is negative 0.4 due to the high rate of deaths compared to births in the country mainly as a result of the HIV/AIDS pandemic.

<sup>251</sup> *Treatment Action Campaign v Minister of Health* 2002 4 BCLR 356

<sup>252</sup> CERD Concluding Observations (2006) para 20.

<sup>253</sup> WIMSA was formed in 1996, and is a San networking organisation governed by a board made up of the three registered San Councils that in turn represent the San communities of South Africa, Namibia and Botswana.

<sup>254</sup> See Report of the UN Special Report on Indigenous Peoples' Mission to South Africa Para 50

- **Intellectual Property Rights**

Intellectual property rights are similarly very important to indigenous peoples, given that they use traditional knowledge systems. For example, the San have for generations used the *Hoodia gordonii* plant to suppress hunger. Through the assistance of the Working Group on Indigenous Minorities in Southern Africa (WIMSA) a non-governmental organisation<sup>255</sup>, the San were able to demand and share profits on a patent of the plant by the Council for Scientific and Industrial Research<sup>256</sup>. The South African San Institute (SASI) was also able to negotiate a share of profits of San rock art heritage in KwaZulu-Natal<sup>257</sup>.

However, San groups have ‘regularly found themselves exploited by tourism, film and media projects [and] have repeatedly stressed their need to improve their contracting power<sup>258</sup>’. This is partly attributed to the difficulty in securing the intellectual property of a community as captured by Roger Chennells: Much traditional knowledge is patentable, but the expense involved, the collective ownership, and the potential difficulty of proving the novelty ( that no other groups possess such knowledge) discourage the regular use of patents. Patent protection is appropriate when traditional knowledge is researched, and then commercially exploited in partnership with a commercial partner, such as a pharmaceutical firm<sup>259</sup>. A lot therefore remains to be done to secure indigenous peoples’ intellectual property rights in South Africa, a feat that would be eased by state cooperation and technical assistance. During his mission in South Africa the UN Special Report on Indigenous People for instance urged various government departments to support ‘comprehensive local development plans with indigenous communities, concentrating on community-based tourism, crafts and eco-tourism ventures combined with varying degrees of hunting and wild gathering<sup>260</sup>’. He also called upon the state to protect through law the intellectual property rights of indigenous communities, such as the case of ‘commercial exploitation of *Hoodia gordonii* plant used by

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<sup>255</sup> See Para 56

<sup>256</sup> Crawhall 20.

<sup>257</sup> R Chennells (1998) Intellectual Property Rights, An Introduction in unpublished report to SASI (South African San Institute, in Crawhall 20

<sup>258</sup> Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa Para 102.

<sup>259</sup> See para 56.

<sup>260</sup> Crawhall 20



the San, conservation of various rock art and sacred sites that have a special meaning for indigenous communities and preservation of traditional medical practices<sup>261</sup>.

However, most of the recommendations of the UN Special Report remain unattended to in what officials of the department of Foreign Affairs acknowledge is lack of a co-ordinated framework to ensure recommendations from international treaty monitoring bodies and institutions that South Africa has committed to are adhered to.<sup>262</sup> According to Pitso Montwedi, a Chief Director at the Department of Foreign Affairs, ‘while South Africa has made significant progress in domesticating most international standards that it has committed to, it is unfortunate that there is a lack of structured follow-up mechanisms to ensure that resolutions, comments and recommendations from treaty monitoring bodies and international United Nations experts are implemented’.<sup>263</sup>

- **Gender equality**

Gender discrimination is addressed by the South African Constitution in the prohibition of discrimination in section 9. Apart from the Constitutional provisions and legislation that give effect to equality, South Africa has also ratified CEDAW<sup>264</sup>. The state is therefore bound by international law and the treaty to prevent and stop discrimination against women<sup>265</sup>. However, under customary law women generally do not always enjoy equal status with men, especially during the subsistence of customary marriages. This has been addressed by the Recognition of Customary Marriages Act 120 of 1998 which provides for the recognition of customary marriages. This is important for indigenous peoples since they rely mainly on customs and traditions and, as such, the Act gives indigenous spouses the legal backing of their unions. Section 3 of the Act provides for the consent of prospective spouses, aged above

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<sup>261</sup> R Chennells (1998) Intellectual Property Rights, An Introduction in unpublished report to SASI (South African San Institute, in Crawhall 20

<sup>262</sup> Crawhall 20

<sup>263</sup> Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa Para 102.

<sup>264</sup> As above para 101.

<sup>265</sup> Discussions with officials of the Department of Foreign Affairs in September 2008.

<sup>266</sup> As above.

18 years, before a valid customary marriage can be concluded, which ensures that marriages among indigenous persons are through mutual consent.

Section 6 provides for the equal status and capacity of spouses who concluded a customary marriage, so guaranteeing gender equality among indigenous spouses. This includes a wife's capacity to acquire assets and to dispose of them, to enter into contracts and to litigate, in addition to any rights and powers that she might have under customary law. Section 7 provides that a customary marriage entered into after the commencement of the Act is a marriage in community of property and of profit and loss between the spouses, unless such consequences are specifically excluded by the spouses in an ante-nuptial contract, which regulates the matrimonial property system of their marriage. The Act reinforces the right to equality among different races, while also taking into account divergent cultures, especially different forms of marriage in South Africa. Furthermore, the Act underlines the right to equality between different sexes<sup>266</sup>.

A number of indigenous women have suffered domestic violence at the hands of their men.<sup>267</sup> The Domestic Violence Act 116 of 1998<sup>268</sup> addresses this issue. For example, section 4 of the Act provides that any complainant may in the prescribed manner apply to the court for a protection order. Section 5 provides that if the court is satisfied that there is prima facie evidence that the respondent is committing, or has committed an act of domestic violence and undue hardship may be suffered by the complainant as a result of such domestic violence if a protection order is not issued immediately, the court must issue an interim protection order against the respondent. South Africa also established Equality Courts under the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. These courts are expected to

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267 CEDAW was ratified in December 1995.

268 Art 7 of CEDAW.

269 See South Africa's Periodic Report to the African Commission on Human and Peoples' Rights, para 45.

270 See CRC South Africa 2000 para 27.

271 See *Bannatyne v Bannatyne* 2003 2 SA 363 (CC).

272 See Rwezaura in Alton (ed) *The best interests of the child: Reconciling culture and human rights*, 1999,100

provide and enhance access to victims of discrimination on any grounds, including gender. However, incidences of violence against women in South Africa, particularly women from disadvantaged and poor ethnic groups, are still rampant<sup>269</sup>.

Indeed, the CERD has called upon South Africa to adopt effective measures ‘to address those phenomena of double discrimination, in particular regarding women and children from the most disadvantaged and poor ethnic groups<sup>270</sup>. South Africa does not have ‘specific national legislation criminalizing human trafficking, which also mainly affects women and children from the most disadvantaged ethnic groups<sup>271</sup>. The CERD has therefore called upon South Africa ‘to adopt legislation, and other effective measures, in order to adequately prevent, combat and punish human trafficking<sup>272</sup>.

One other key issue affecting gender equality amongst indigenous peoples is the question of the role and participation of indigenous women in development. At present most indigenous women do not take part in designing and participating in negotiations and strategies to uplift their communities. Indeed ‘most spokespersons recognised by the government tend to be men

And in effect male agendas dominate planning and negotiations<sup>273</sup>. However, over time some of these communities are appreciating the important contribution and role of women in development. For example, the ‘Riemvasmaak Namas have made a concerted effort to ensure that women are at the forefront of advocacy training and negotiations with the government. The traditional †Khomani community, in co-operation with SASI and DLA, has developed a technique where women form their own working groups [speak] during planning sessions to ensure that their gender-specific contribution is developed and heard<sup>274</sup>. This is a commendable development and it is envisaged that more indigenous communities will take their cue from the progress achieved amongst the Riemvasmaak Namas. It is also hoped that the state will facilitate the participation of more indigenous women in issues that affect these

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<sup>273</sup> See some examples of some policy statements available at <[www.polity.org.za](http://www.polity.org.za)> accessed 10 January 2006.

<sup>274</sup> Report of UN Special Report on Indigenous Peoples’ Mission to South Africa 2

communities through active programs and interventions that promote the involvement of women in development and the promotion and protection of indigenous peoples' rights, especially in education and other socio-economic rights.

## **SUMMARY**

It is acknowledged that indigenous peoples in South Africa- in the same way as all other South Africans - may in principle access rights guaranteed by the Constitution. The government has also made several attempts that would seem to address and or identify the concerns of these peoples. Various statements of high ranking members of the government to date reflect a policy geared towards recognising and acknowledging that, indeed, indigenous peoples notably the Khoi and San have been marginalised.<sup>275</sup> Cabinet has also adopted a 'memorandum that would lead to an official policy recognising vulnerable indigenous communities'.<sup>276</sup> The Judiciary has shown that it is willing and ready to hear, accommodate and affirm the rights claimed by indigenous peoples as demonstrated by the Constitutional Court in the Richtersveld decision.

Thus, the way in which globalization has speeded in the varied walks of lives of the indigenous population; it is indispensable to keep them away from the frame work of legal confirmation of safeguards. Indigenous peoples in South Africa remain 'more marginalised than other sectors...and face different challenges within the national society as a result of historical processes and current circumstances'<sup>277</sup>. Therefore it is granted, there is need to formulate and implement appropriate mechanisms through legislation and policies to comprehensively address issues such as land and resource rights, cultural rights, language, political participation and representation of traditional authorities and the delivery of the socio-economic rights of indigenous people.

For indigenous peoples the fact that socio-economic rights are justifiable in South Africa is a welcome development since they have the opportunity where need arises to go to court in cases where the state does not have a coherent and co-ordinated programme to meet socio-

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<sup>275</sup> See *Alexkor Ltd and Another v Richtersveld Community and Others* CCT19/03.

<sup>276</sup> See Report of the UN Special Report on Indigenous Peoples' Mission to South Africa 2

<sup>277</sup> Discussions with indigenous communities in Kimberley, Upington, Alexander Bay, and Cape Town in September 2008

economic obligations that affect them. However, as earlier highlighted access to justice remains a matter of concern for these people due to indigence and related limitations. Indeed, many indigenous people in South Africa to this day do not have access to proper health care, education, housing and even social welfare<sup>278</sup>. The Mission to South Africa of the UN Special Report on Indigenous Peoples called upon ‘relevant ministries to set up economic, social and human development indicators for indigenous peoples, in order to ensure in official statistics [the] inclusion of specific data on these peoples as a basis for effective public policies and programme planning for social services and economic development’.<sup>279</sup>

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<sup>278</sup> See generally Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa; see also CERD Concluding Observations (2006), para 15.

<sup>279</sup> Report of the UN Special Report on Indigenous Peoples’ Mission to South Africa, para 91.

## **CONCLUSION**

*Indigenous people are on the cusp of the crisis in sustainable development. Their communities are concrete examples of sustainable societies, historically evolved in diverse ecosystems. Today, they face the challenges of extinction or survival and renewal in a globalized world. The impact of globalization is strongest on these populations perhaps more than any other because these communities have no voice and are therefore easily swept aside by the invisible hand of the market and its proponents. Globalization is not merely a question of marginalization for indigenous people it is a multi-pronged attack on the very foundation of their existence and livelihoods, for example:*

- Indigenous people throughout the world sit on the "frontlines" of globalization's expansion; they occupy the last pristine places on earth, where resources are still abundant: forests, minerals, water, and genetic diversity. All are ferociously sought by global corporations, trying to push traditional societies off their lands.
- New advances in technology, the reorientation toward export-led development, and the imperatives of pleasing global financial markets are all driving forces in the extermination of countless native communities which stand in their way.
- Traditional sovereignty over hunting and gathering rights has been thrown into question as national governments bind themselves to new global economic treaties.
- New trade and investment agreements, which are opening up previously inaccessible territory to industrial extraction of natural resources, has forced indigenous peoples to defend their homelands under an invasion of unprecedented rate and scale: Big dams, mines, pipelines, roads, energy developments, military intrusions all threaten native lands.
- Global rules on the patenting of genetic resources via the WTO had made possible the privatization of indigenous peoples' genomes, the biological diversity upon which they depend, and the very knowledge of how that biodiversity might be used commercially.
- National governments making decisions on export development strategies or international trade and investment rules do not consult native communities.

The reality remains that without rapid action, these native communities may be wiped out, taking with them vast indigenous knowledge, rich culture and traditions, and any hope of preserving the natural world, and a simpler, more holistic way of life for future generations.

## **SUMMARY**

In this work, the **first chapter** dealt with the themes and perspectives of the impact of globalization on the indigenous communities across India, Brazil and South Africa (IBSA) countries. It tried to comprehend the thesis of globality, communality and tradition. Further, the chapter opens the horizon for the intercultural communication and situates the impact of globalization on the indigenous communities in the vast space of cultural identity crisis. Then it gave a quick idea regarding the conceptual constructs such as globalization, culture, indigenous people/tribal communities both in the Indian and internal context, and identity issues. Aftermath the chapter spotlighted on the cultural identity and its determinants in a specific sense. In continuation it tried to explore the interrelation among race, ethnicity, nation, culture and social change. Then it provided a review of literature, capturing some prominent viewpoints regarding cultural globalization. After that it provided a background of trilateral cooperation of India, Brazil and South Africa. Further it also aimed to render a brief introduction on the land and people of all the three countries. Then it accounted to provide a brief scope of IBSA and its post globalization alterations. After that it tried to craft out the research problems, objectives, research questions and chapter scheme. Last but not the least a detailed description of the sources of information, relevance and limitation of the study is provided.

In the **Second chapter**, the question why social sciences require a theoretical orientation is dealt with. Further it tried to explain the concept of culture in anthropology and the development of the sub discipline cultural anthropology. Further an outline of some major themes, explaining the notion of cultural change from the perspective of theorists such as Malinowski, Clifford Greetz and Kroeber etc are provided. Then an attempt to define globalization through the lens of several sociologist and anthropologists are made. At the outset, the chapter is based on the assumption that it is important to note that despite of the vast theory that has been written on the subject, there is no one theory of globalization. Instead there are many theoretical discourses..... that tend to be grounded in broader sociological perspectives, such as Marxian, Weberian, Durkheimian, Foucaultian,

functionalism, and post modernism .It involves a number of distinct approaches to social enquiry, such as cultural studies, international relations, and post colonial literature and so on. .Further, the chapter dealt with the world system theory and then tried to explore a vital connection between world systems and culture. And the last part of the chapter dealt with the theorization of the transition in the globalization. And then a conclusion and summary is included which portrays the researcher's interpretation of the most suitable approach to handle Globalization.

The **third chapter** is based on the Shadow Report submitted to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 07 and 08 May 2008. It provided the idea that India has signed and ratified the ICESCR agreeing to abide by all the Articles in the international covenant. This in effect meant that the Indian Government will respect, protect and fulfil all the rights enshrined under the economic, social and cultural rights. Action Aid, a Non Governmental Organization (NGO), which had a special consultative status with the United Nations (UN), also contributes to the whole process of alteration and the chapter has been hugely based on its works. This chapter attempted, for a comprehensive compilation of economic, social and cultural rights violations faced by the tribal/indigenous people in the phase of globalization. It focused on the fundamental issues related to the tribes and the violation of their rights provided by the International Covenant of Economic, Social and Cultural Rights (ICESCR) and the Constitution of India. It also highlighted the existing Government schemes for facilitating the Economic, Social and Cultural Rights.

The chapter is divided into two sections, viz. Section I focused on the context of the tribal issues and Section II focused on Economic, Social and Cultural Rights and related Institutional Responses, Policies, Schemes, and Initiatives.

The **fourth chapter** is the writing of the anthropology of nation-state analysis after the theoretical framework. It aimed to explore the settings of the Latin America in general and located Brazil within it. After the geographical and the demographic profile, it dealt with the unity and diversity nature of the Brazilian culture and society. Further it aimed to give an idea about the colonial back grounding of Brazilian society. Then it analyzed the effect of globalization on Brazil through economic analysis, indigenous communities, social modernization and racial corner of the story. After a brief idea about the societal values and systems, it projected the indigenous uprisings in Brazil in the journey of development of the



underdeveloped. Further, it also crafted the response of the indigenous communities in Brazil, their rights and the Amazonian rain forest controversies. It analyzed the government initiatives along with a focused analysis of World Social Forum. And at the end it was concluded with the veteran Ander Gunder Frank's analysis of the Sociology of Development and the Underdevelopment of Sociology.

The **fifth chapter** dealt with the South African response to the wave of globalization. It attempted to provide a brief idea about the conscience history of South Africa. Then it explained the pre-colonial developments followed by the colonial expansion and Apartheid history at the Cape. Further, it explained the indigenous community's demographic details and the globalizations' impact on them, in the modern era. It then explained the alterations in the cultural domain along with the powers and ideas for the indigenous people along with their issues and concerns. It dealt with the vital question of contemporary globalization's novelty in changing the six areas of South Africa such as political, economic, cultural, migration, military and environmental aspects. And in detail it explained the socio-cultural rights of indigenous people and their constitutional and legal safeguards by state mechanism.

The **sixth chapter** is the conclusion and summary which provided an end note to the work. Further it attempted to answer the research questions in the section of research findings.

## **RESEARCH FINDINGS**

To the **first research question** regarding the key areas of negotiation, prospects and challenges for IBSA cooperation, the answer goes as-

### **THE KEY AREAS OF NEGOTIATION FOR IBSA**

The IBSA Dialogue Forum serves as a mechanism for political consultation and coordination for strengthening co-operation in sectoral areas and to improve economic relations between India, Brazil and South Africa. A new paradigm for the South-South dialogue and cooperation, and seek to promote a better understanding among IBSA members of their national policies and strategies in order to encourage economic, social and cultural aspects. The trilateral relation of IBSA confirmed that they would contribute to the multilateral system as a means toward addressing issues of global concern, in particular the pre-eminent role of the United Nations in the maintenance of international peace and security and the promotion of sustainable development in the respective nations. To utilize every aspect of

international co-operation, considerably more international progress was required. Access to improved market access and Official Development Assistance are also necessary. In order to address extensive debt relief and additional resource financing the joint cooperation is the most essential one. It was also a mile stone in the path of achieving the Millennium Development Goals. (MDGs).

## **PROSPECTS FOR IBSA SECTORAL COOPERATION**

Following are the areas of cooperation among the three nations for the enhancement of their growth. The mutual trilateral cooperation is based on the economic ties, then goes on to cover the social, cultural and the all total growth and development<sup>280</sup>.

- Initiation of extensive trilateral cooperation in the two prominent sectors of agriculture and culture, as all these nations were primarily agriculturally dominated nations which in the later phase progress their modes to industrial production.
- Initiation in the field of Science and Technology where within the ministers discussed regarding the specialization of each sub areas and transfer to the fellow country.
- In the field of sports the mega sports hosting done by South Africa for the FIFA football World Cup in 2010 and the host of the Common wealth Games by India were exceptionally remarkable for enhancement of tourism and business.
- In the field of information Society sector, the countries had the deal for the sharing of the E- government information in order to facilitate several projects and information practices.
- To promote co-ordination and co-operation in several areas including on the convergence of Preferential Trade Agreement or the Free Trade Agreement in the G-20 or the World Trade Organization.
- To launch the IBSA business council for business purpose and to boost the defence cooperation<sup>281</sup> in order to strengthen the mutual securities against terrorism and other unseen forces of the future.
- To coordinate their positions within United Nations' Educational, Scientific and Cultural Organization(UNESCO), in order to promote the cultural flows in the

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<sup>280</sup> India- Brazil and South Africa Dialogue in New Delhi, in 2003

<sup>281</sup> India had recently agreed to purchase the five executive class aero plane with the other defense good worth more than millions US \$, The Hindu, dated 5<sup>th</sup> April 2004.

economic and political aspect. Further it also aims to safeguard the intellectual property rights keeping in view the enhancements and growth factors.

- The need for cooperation in the Energy Sector arises with expansion of the economy. Thus, the areas of non-conventional energies, such as bio-diesel energy, hydrogen energy and fuel cells etc require cooperation. Further, exchange of experience in research areas, transmission and distribution of power as well as energy conservation are the areas required for cooperation.

## **CHALLENGES FOR IBSA COOPERATION**

Change in the global economic environment over the past years; pose major challenges along with creating new opportunities for the South development. In order to make continued progress towards the fundamental objective of any country, it is essential to frame a state-policy which is united, non-racial, non-sexist and democratic in its nature. Therefore major intervention to reinforce the consolidation of democracy with measures aimed at integrating all of society into a growing economy from which they can benefit is required. However this requires-

- A framework defining a shared destiny, as a basis for the social partnership.
- Better performance by the state in respective nation.
- Addressing consequences of the social and cultural transition.
- Improving the environment and implementing economic policy for development.
- Enhancing economic and trading ties.

Several social and cultural challenges for the IBSA cooperation emerged such as poverty, unemployment, health, child mortality, gender equity, primary education, migration and brain drain, crime, drug trafficking and illegal trade. The cultural challenges appear with the heterogeneity of the cultural elements because it is difficult to analyze the tri-cultural issues in a similar lens. But still there are threats of cultural evacuations in some indigenous communities due to Globalization currents and in certain other indigenous communities there is cultural strengthening due to exposure to external factors. There is improvement in the education and the settlement patterns of the indigenous communities as well.

The answer to the **second research question** regarding the varied impacts, and responses faced by indigenous communities in IBSA would be explained in two different sections.

## **I. IMPACT OF GLOBALIZATION ON INDIGENOUS COMMUNITIES**

There are varied impact of globalization on the indigenous communities of India, Brazil and South Africa. To capture such heterogeneous nature of impact within one frame is pretty difficult. Still an attempt to make a brief analysis of such impacts is made here. Invariably, the indigenous communities have been settled in the lap of nature which had immense hold of resources. When globalization opened up the doors of Multi National Companies to such resources, the indigenous people were heavily displaced and pushed into pull of problems. For instance, indigenous population suffer everywhere whether it may be Niyamgiri struggle in India's Odisha for resisting the extraction of Alumina or, Brazilian struggle against commercialization use of Amazonian Rain Forest or South African indigenous resistance against extraction of diamond form the Northern Cape Province. Further the impact can be understood in terms of the socio-cultural impacts faced by the indigenous communities in IBSA countries.

## **SOCIAL AND CULTURAL IMPACTS ON IBSA INDIGENOUS COMMUNITIES**

The major social and cultural impact in all the IBSA countries which were marked in commonality due to globalization is discussed at length below. The challenges include-

- **Poverty-** The very basic impact for the indigenous communities in developing country is the prevalence of poverty. Elimination of poverty through expansion of the employment opportunity and argumentation of productivity and income level of both underemployed and unemployed, were the principle instrument for achieving this goal. The IBSA countries' indigenous communities are invariably facing the challenges of chronic poverty as well. Chronic poverty refers to a prolonged inadequacy of goods and services essential to maintain adequate standards of living, as explained by Encyclopaedia of Social Sciences. The World Bank began its research on chronic poverty in the early 1970s and the outputs were immensely startling. It was marked that chronic poverty blights the lives of hundreds of millions of people all over the world. The total estimation of people under such conditions is over 450 millions. In many countries in the Sub-Saharan Africa around 25% of the population is under the effect. Research further

reveals that in rapidly growing countries like India and China even hundreds of millions of people remain trapped within the tentacles of chronic poverty. Chronic poverty is not the problem of 'residual few' waiting to be reached by development, rather it exists in enormous numerical at the international, national and the regional levels. It is often concentrated in certain geographic areas, indigenous communities and amongst certain castes and occupational groups. It has got a social, political and economic dimension to itself. Thus, proper skill training and employment opportunities can help the IBSA countries to overcome the social problem.

- **Unemployment-** Unemployment is the cause of poverty or it can be also said that poverty is the cause of unemployment. Both are mutual causing in nature. It is a frequent occurring social problem in the developing and third world countries. In all most all the IBSA countries the indigenous people face this problem because the infrastructural fragileness make them less skilled as compare to the mainstreamers. In certain neo-liberal state policy there is restriction on the indigenous people's usages of the minor forest products which has been their means of livelihood for years together. So they are left unemployed and there is increase of their social poverty. Thus employment generation and several government plans and programmes can help the communities of the IBSA countries come out from the adversity of the unemployment.
- **Health Issues-** The IBSA countries are in the grip of most vulnerable diseases of AIDS/HIV. It is also grim among the indigenous people of the IBSA countries. Especially in South Africa and India it is more prevalent. South Africa alone is the home for more than four million HIV/AIDS patients. There are several other curable diseases such as tuberculosis, polio, malaria and pneumonia which are also prevalent in these IBSA countries. Further, India enjoys the resources to produce the pharmaceuticals goods<sup>282</sup> and aims to support South Africa by providing the medicines in a low price. Thus such cooperation among IBSA countries can be really helpful for the future health stability.
- **Gender Equity-** Gender inequalities in the indigenous communities of the IBSA countries are in large extent the result of the social and cultural distinction between what women and men can do in the societies. The women in the indigenous communities of the IBSA

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<sup>282</sup> Example: India will take lead on HIV prevention and management as India has developed a kit for diagnosis of AIDS that costs only few thousand rupees as compared to the international price in terms of dollars.

countries mainly work in the domestic front but they also have a major share in the agricultural share. The economic division of labour is almost equally shared. Further they are also key to the reproductive aspect of the society. So the status assigned to the women of indigenous communities in the society must be also hiked. Thus, a healthy society can be expected, only when the women in the society are equally treated.

- **Primary education-** Education has been in consideration as the cardinal aspect of socio-economic development, both at micro and macro levels since long past in the IBSA countries. But more specifically modern education has proved itself to have greater implications on sharing up of the overall development goals at the levels of individuals, families, indigenous communities, and finally nation as a whole. Socio-economically a nation is more advanced if the people are literate and that is where education comes to the spotlight. This universal truth has made many developing countries i.e. IBSA, to work and formulate policies for compulsory education. And out of the several phases of the educational process, the primary education is the basic foundation to all other stages of education.

In rural and interior settings of the geographical contours the worst effected portion is primary education. It shapes the productivity of the state and individual. In total, education improves the self esteem, empowerment of people, and preserves the democratic notions of functioning. In case of India almost all major states such as Kerela, Uttar Pradesh, Madhya Pradesh, Maharastra , Odisha, Bihar, and West Bengal etc are therefore trying their best to improve the quality of education among the indigenous communities. It is therefore in this context that not only the social scientists but also the economists have started to concentrate on the research and analysis aspect of the relevance of education for all through different phases, especially the primary education.

Education can also contribute significantly to rural development and indigenous communities in varieties of ways. By widening the horizon of knowledge of the rural based indigenous communities in IBSA countries the advanced agricultural usages can be made popular, which in turn would make the holistic development of the communities and the country as a whole. Further education on subjects such as health and nutrition to the indigenous people can improve the health standards of the indigenous communities in IBSA countries.

But the problem is evident that the major dropouts of the tribal students are marked in the primary level itself. Mainly the female students are the victims of the school dropouts. There are several reasons for the tribal female dropouts in the primary level in the IBSA countries. Some of them can be marked as their parents engage girls in traditional patterns of earning livelihood and confirm to primitive patterns of tribal division of labour. Further in the IBSA countries it is marked that there is an imbalance between the needs of education and economic needs of the tribal families which leads to dropouts at primary level. Thus IBSA countries must try to overcome these gaps between the economic needs and the educational adequacy.

- **Migration and Brain Drain-** In the developing nation IBSA, the valuable human resources from the indigenous and the mainstream phases are lost for the search of better opportunities abroad. Therefore, the countries should strive hard to provide every possible alternative to the students in order to preserve the intellectual resource within the boundaries of the concerned nation. The educational opportunities should be enriched so as it should enhance the basic skills and encourages modern attitude in the diverse sections of the indigenous population.<sup>283</sup>

There are several push and pull factors which determine the tribal migration. The factors which mainly force the tribal people to leave their native place are socio-economic exploitation such as starvation, disease and natural calamities like drought, flood, and epidemics. These are the push factors. The pull factors account for availability of better job opportunities at the urban setting.

- **Crime, Drug Trafficking, Smuggling and Illegal trade-** The presence of crime in any form i.e. Drug trafficking, child abuse, women trafficking, rape, murder, etc are the prime concern of the IBSA countries. The indigenous communities are also badly hit with these crimes. The increased rate of crime creates a pathological condition in the IBSA countries. The illegal trade and black marketing and smuggling also lead to the loss of the foreign currency. Recently the International Day against drug addiction was celebrated and it was marked that the youth in the IBSA countries are worst affected by the drug inducements. Further liberalization of the markets can perhaps solve the issue

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<sup>283</sup> See Mishra, S.K. and Puri, V.K. 2003- Indian Economic”, published in the year 2003 by Himalaya Publishing House, pp.159-172.

of drug trafficking. Strong moral policing and adherence to moral values and strict state policing can reduce the crime rates in the IBSA countries.

- **Depopulation-** Depopulation is another major challenge for the indigenous people of India, Brazil and South Africa. It can be understood from two angles i.e. the socio-cultural aspect and the biological aspect. If a human group leaves its traditional habitat and migrates to an unknown place in such a way as not to leave any clue to their whereabouts, they become a case of total depopulation for their erstwhile neighbours, administrators and social scientists. Many a tribal groups have vanished in this way because of exploitation from the agencies of globalization such as middleman, deprivation, negligence or natural calamities. Further in the biological aspect of depopulation, the extinction of the population of the indigenous communities is alarming. For instance, tribes in India such as Chero, Mal Pahariya, and Birhor etc are under the threat of extinction.<sup>284</sup> The major reason for such extinction is the extreme ecological condition, abrupt disturbances in natural equilibrium and dehumanization of the forest policies. Paucity of safe drinking water, malnutrition etc.
- **Displacement and Rehabilitation-** Major industrial projects have been invariably making tribal population displaced in the India, Brazil and South Africa countries. These have uprooted the tribal population from their native land and had offered no satisfactory alternatives. For instance in case of India the major hydro projects such as Hirakud in Odisha and Panchet in Bihar had displaced several tribal populations. The Narmada Sardar Sarovar Dam Project in India, which is set to displace 127,000 people, has perhaps been the most widely researched and discussed project involving forced resettlement in history. The volume edited by Drèze, Samson, and Singh (1997) provides a comprehensive look at displacement and resettlement in the project. The Morse and Berger report (1992) is the final report of the Morse Commission, the World Bank's internal review of the project, which found systematic violations of Bank policies and loan agreements, particularly those concerning the environment and resettlement. That report eventually led the World Bank to withdraw funding from the project and has been cited as an important factor in pushing the Bank to create its

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<sup>284</sup> There are 80 special categories of indigenous communities which are the facing the threat of extinction as explained by the Government of India human development report 2001.



Inspection Panel, a body tasked with investigating claims from citizens in cases where the Bank has failed to enforce its own policies, procedures, and loan agreements. By comparing this to Africa it can be marked that, the Akosombo Dam in Ghana displaced 80,000 people, approximately 1 per cent of the country's population, while the Narmada Sardar Sarovar Dam in India will displace 127,000 people, roughly 0.013 per cent of the country's population. Furthermore, with regard to land affected, projects in African countries sometimes affect a higher percentage of the host country's territory than projects elsewhere. The reservoir of the Akosombo Dam flooded 3.5 per cent of Ghana's land, while that of the Narmada Sardar Sarovar Dam will cover 0.01 per cent of the India's territory.

In case of overall displacement in Latin America and the Caribbean is not as high as in Asia, the region has seen a number of large and controversial resettlement operations. The study by La Rovere and Mendes (2000) provides a detailed discussion of Brazil's Tucuri Dam Project, Phase I of which was built between 1975 and 1984 and displaced 25,000-35,000 people, despite a pre-project prediction of displacement affecting only 1,750 families in the region. Guatemala's Chixoy Dam Project is famous for the impunity with which resettlement was carried out. The project involved the resettlement of 2,500 Maya Achi Indians, beginning in 1979 and lasting for over a decade, including the massacring of 369 displaces whom local civil patrols and the Guatemalan Armed Forces deemed to be 'guerrillas'. The Witness for Peace (WFP) report (1996) gives an overview of the dam project, its resettlement component, and the project's effects on those displaced. Howard's article (1997) offers an account of DIDR in Haiti, looking in particular at displacement in the Péligre Dam Project and as a result of the spread of Green Revolution agricultural technologies.

Development projects often involve the introduction of direct control by a developer over land previously occupied by another group. Natural resource extraction, urban renewal or development programs, industrial parks, and infrastructure projects (such as highways, bridges, irrigation canals, and dams) all require land, often in large quantity. One common consequence of such projects is the upheaval and displacement of communities. While the literature on development-induced displacement and resettlement (DIDR) is clear in its focus on physical development projects that require land expropriation, these are not the only types of projects that can result in

displacement. Conservation programs, such as wildlife re-introduction schemes and the creation of game parks and bio-diversity zones, also often oust communities.

Issues surrounding conservation-induced displacement are dealt with in another FMO thematic research guide. Other types of policies can also induce migration. For example, a distributive policy decision that shifts jobs between two regions might cause some people to move in search of new employment. However, the literature on DIDR does not consider these types of policies. The focus is clearly on physical forms of development that require displacement by decree. In much of the DIDR literature, scholars and activists consider development displaces to be those persons who are forced to move as a result of losing their homes to development projects. However, wider considerations of ‘project impacted persons’ have been advocated. Scudder (1996) suggests that our conception of project-impacted persons should include not only those directly displaced by loss of home, but also the host population that takes in displaces; all others who are neither directly displaced, nor hosts, yet who live in the vicinity of the project; and project immigrants.

The latter group includes those tasked with planning, designing, and implementing the project, as well as those who later move to the region to take advantage of project-related opportunities – these, Scudder notes, are often beneficiaries of the project, whereas the two former groups are often adversely affected by projects. Similarly, the World Commission on Dams (WCD) report refers not only to physical displacement, but also to livelihood displacement, which deprives people of their means of production and displaces them from their socio-cultural milieu. Mobile groups have been prone to this type of displacement as state and private-sector land demands have sometimes overlapped with the land claimed by these groups for grazing, hunting, migration, and other activities.

## **II. RESPONSE OF INDIGENOUS COMMUNITIES**

It can be understood that globalization came as an external cause from the developed countries and concentrated its effect on the developing countries in general and indigenous communities of the developing countries in specific. As a result of which there were mixed response from the side of the indigenous communities. It was an amalgamation of positive, negative reaction and had certain pros and cons to its own side of the story. On one hand

where researcher, social scientists and administration was busy in deciding the fate and destiny of these communities, on the other the victims were silent observer of the oppression as they were fragile and were not well equipped with the legal connotations to raise voices against the neo-liberal policies. Further, there were also splits among the indigenous communities within themselves as few of them believed globalization was an opportunity to change their position in the social order while others considered it as devastating for the survival of the communities.

The response of the indigenous communities in South Asia (India), South America (Brazil) and South Africa can be comprehended together because the nature of problem and the threat of post globalization effect on the cultural trends of the indigenous communities are similar. Thus, it is a psychological and socio-cultural adjustment from the side of the indigenous communities towards globalization. Globalization, throws open the entire area for all sorts of people and puts an end to isolation of the indigenous communities. Definitely this creates several responses from the indigenous communities such as-

- The tribal communities, being agricultural in their work front mainly find it difficult to get fit into the industrial routine work schedule in the urban towns. The productivity of the individual gets hampered due to the altered and imposed nature of job pattern due to globalization.
- Globalization has caused massive industrialization and that has tended to produce mostly nuclear type of family. It has reduced the kin affiliations of the communities and has brought a kind of individualistic attitude and consequent lessening of the inter-personal attachment in the family. This mainly occurs due to the economic pressures and less availability of scope to celebrate family functions and culturally relevant days. Further the traditional authority of the elders in the indigenous families had also reduced.
- Traditional restrictions on the tribal marriage patterns are fading and the inter tribal marriages are frequent. Divorce has become a normal phenomenon and the ritualistic observances of the tribal marriages are reducing massively due to the impact of the globalization. Small cultural trends such as bride price has now evacuated due to the impression of the other culture.

- Women of indigenous communities are now more empowered and are leading an economically independent life. They are no more treated as the reproducing agent rather is equally recognized for their contribution for up building the family. Tribal women have explored the areas of higher education, medical, information technology and many other aspects.
- Contact with people of different communities and different regions has broadened the view of the tribal and helped them to get rid of many superstitious beliefs and customs. Globalization has brought the rational bent of mind in the communities and has made them justified in their outlook.
- Indigenous communities are advancing towards integration with general mass of people but in the due process they are rapidly missing out their own cultural elements. Another such example is regarding the religion of tribal people. The basic religion of tribes i.e. animism is now fading and it has got influenced by Hinduism, Christianity and Islamism. For instance the converted Christian tribal opines that Christianity has brought them education, progress and modernization. Further, tribal religion elements such as witch craft has almost vanished and is legally termed as punishable as well. So they are no more sticking to the previous modes of religiosity. And some of them are also advocating the democratic values of neutrality and scientific outlook which is further shutting down the doors for religion.
- The tribal music and dance art forms are undergoing massive changes due to the exposure to the global and western music forms. The essence of the tribal musical beat, are lost among the quick music of the remix and hip-hop dance steps. The alluring western beats are slowly poisoning the community celebration forms of art, language and music.

Thus, in the name of globalization the indigenous communities of India, Brazil and South Africa are facing serious cultural identity crisis. The customs, traditions, religion, family, marriage, language, moral, law and art forms are facing serious alterations. Realization of such effect had also stimulated certain tribal communities such as Santhals, Mundas and Kuis to take initiations to preserve their cultural elements in India through regular meetings. Similarly in South Africa, several San and Khoei community meetings are regularly conducted in order to make their language strong as compared to the mainstream language.

But it seems to be too small step to counter protect the cultural identity in this huge engulfing global cultural wave.

The interjection of globalization has made the indigenous communities now more acquainted with the legal procedures. For instance in case of South Africa, the Richtersveld community filed the case against Alexkor Limited under Land Restitution Act, 1994 and succeeded in getting the ownership of the land which had immense diamond resource. However there was an agreement made with the company for profit sharing without hampering the community. Similarly in case of India, (Odisha), there were petition filed against the Vedanta Alumina Refinery which was planning to plunder the natural resources of Niyamgiri hills. With the help of NGOs, civil society and media, the indigenous people could succeed in pulling off the funding sources to the company and made an exemplary victory. Even some ongoing struggles against companies like Posco etc are also continuing. Further in case of Brazil, the Yanomami indigenous people struggled against the allowing of the international mining companies in the Amazon rainforest areas and banned the mining companies; however a draft was also made to allow such companies in areas which affect least to these communities.

Further the indigenous communities earn their livelihood in India from collecting and selling several minor forest products such as Kendu leaf. But the National Forest Policy Act to a large extent has made it difficult for them to access to such minor forest produce, thus making it next to impossible to earn their livelihood. Thus there is several Kendu leaf workers organization which is protesting against such policy in order to get back their livelihood. In case of Brazil similarly the indigenous nut cracker women are facing problems to continue with their livelihood of collecting babacu nut, because of the large scale land appropriation to other mining companies. Thus the interstate Movement of Babacu Coconut Breakers (MIQCB) has been trying to negotiate with the national government for allowing free access to babacu breaker and stop illegal logging and forest destruction.

Further the indigenous people in Brazil formulate indigenous assemblies and heavily participate in the political order of the country, In South Africa; the working group of Indigenous Minorities in South Africa have several media organizations in order to bring out indigenous population news and websites such as [www. ipacc.org.za](http://www.ipacc.org.za) .The Indigenous People of Africa Coordinating Committee (IPACC), thus works hard to make the mainstream and the indigenous people aware about the detail movements of the government towards their

safeguards. In case of India, several first generation indigenous service holder Santhal and Ho community people form associations such as Santhal Mahila Sabha( SMS) in order to keep a rolling eye on the moves of the government and initiates developmental activities for their culture and languages.

Further the answer to the **third research question** regarding the response of state mechanism of India, Brazil and South Africa toward negotiating globalization and indigenous communities can be understood through a brief evaluation of the state initiatives for indigenous communities in the respective IBSA countries.

### **STATE INITIATIVES TO NEGOTIATE INDIGENOUS COMMUNITIES AND GLOBALIZATION**

The three governments of the IBSA countries have identified several problematic areas, and have undertaken multiple agendas to overcome them. Through the IBSA, the three governments are trying to make the project of South –South cooperation more stringent, pertinent and tenable. These are aimed to be workable in the developing countries and to improve the positions of the indigenous people in the IBSA countries in the post globalization phase. Thus, the past background and the present partnership are made to develop the longevity of the tribal people in the IBSA countries and to increase the cooperation in the areas of business, industry, and culture and capital market.

State initiatives in all the three countries have been constructive in the sense that, they have been trying to safeguard the rights of the indigenous communities on one hand and on the other they have been trying their best to encourage large industries and globalization in pump and ceremony through multiple Memorandum of Understandings.(MOUs) . But the post policy problems are not sincerely addressed because of which the lapses are marked.

In case of India, there have been several instances of lapses in the implementation of the state initiated safeguards of indigenous communities. Besides several constitutional provisions the National Commission for Scheduled tribe plays a vital role in safeguarding the rights of indigenous people. Several acts such as PESA Act of 1996, National Mineral Policy, 1993, Resettlement and Rehabilitation Policy 2003, etc has been powerful pack to safeguard the rights of indigenous communities. There are several Land and environment legislation which make indigenous communities aware about their rights and duties. Some major block

schemes such as National Rural Employment Guarantee Act, National Rural Health Mission, etc helps them to walk hand in hand with other sections of the society. Further several schemes for benefiting tribal health, education and livelihood, reservations in higher education helps to formulate a healthy future of the indigenous communities. But the problem arises with the massive corruption cases in the schemes and the loot launched by the state agents along with the companies to plunder the resources of indigenous areas and to exploit them. Because of such major lapses even naxalism or 'salwa judum' is considered to be an aggressive residue of globalization and neo-liberal state policies in India.

In case of Brazil, the indigenous communities supported the Lula government with a great hope of revitalizing their rights. The government even established several welfare programmes under The Secretariat for the Promotion of Racial Equality (SEPPPIR), but the gloomy reality was massive indigenous uprisings. The constitutional safeguards were theoretical and practical scenario was the looting of the Amazon Rain Forest through mining companies. Indigenous people struggled hard and reclaimed their rights in Brazil. The Lula government was down with corruption and several anti- indigenous communities' policies. It faced severe criticism for such actions as well. However the holding of the World Social Forum conferences reflected the interests of the Lula Government to protect and safeguard the indigenous communities. The encouragement of the civil society participation and indigenous community's sustainable development reflected the other side of the Lula government.

In case of South Africa, the indigenous communities are safeguarded with multiple protective policies under the Zuma government. The regime of the African National Congress encouraged the indigenous community's livelihood till some extent but the alluring from global investments and the urge to emerge as a developed country could not stop the government from encouraging multinational companies to loot the resources of the indigenous communities. This was a unique case where the indigenous people themselves were at the power and were allowing their own planet to be looted freely by the Multinational effecting the own people. This was clearly demonstrated in the indigenous people protest in the recent UN Rio+20 conferences, where the UN chief Ban-Ki-Moon had to defend the summit with an explanation that the journey has just began and indigenous population protection would be the aim of this expedition.

Thus in case of all the three state mechanisms there are initiations to safeguard the indigenous people but they have been shadowed within the grumbling waves of the globalization.

### **FINAL INSIGHT**

So it is well understood that globalization should adhere to a ‘pluralist paradigm’<sup>285</sup> in which there are five basic principles of functions to have a mutually co adaptive environment for both globalization and indigenous people. It goes as; first, the paradigm rejects the conventional dichotomization prevalent in the Western sociology and advocates reconciliation to the situation.

Second, it highlights that there should be a due recognition of the simultaneity nature of the South-South in case of the civilization social processes instead of the sequential processes of change.

Third, it does not advocate unqualified commitment to nationalism and statism but endorses national values and state policies only if they are congruent with the basic humanist values and interests.

Fourth, it does not reject any cultural item be it religion or technology, because of the locus of geographical origin but opts for creative dialogue and cautious synthesis of ‘the alien’ and ‘the indigenous’. As it advocates the philosophy of selective rejection of traditional and modern values depending upon whether they are assets or liabilities from the perspective of particular societies.

Fifth it advocates disciplined eclecticism in theoretical orientation and contextualization as the cardinal principle of sociological method.

Thus, globalization has brought many cultural changes in the indigenous communities of India, Brazil and South Africa (IBSA) and perhaps poses a threat for the crisis of the continuation of the tribal cultural elements in its original forms. But at the same time it also tunes the communities into the melodies of global culture and mutual cohabitation. Therefore a right paradigm to handle it can filter the best sediments to have a sustainable development for the indigenous people in its real terms and to handle a humanitarian globalization.

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<sup>285</sup> T.K Oommen in his interview on approaching cultural change in the era of globalization: an interview by Anand Kumar and Frank Welez



Thus the discussion can be concluded with few lines from Joseph Stiglitz:

“The problem is not with globalization, but with how it has been managed...the international economic institutions which help set the rules of the game...they have done so in ways that, all too often , have served the interests of the more advanced industrialized countries – and particular interests within those countries- rather than those of the developing world.”

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