Abstract

Contemporary attempts to understand the construction and operation of places have noted the significant cultural politics through which discursive, cognitive and spatial expressions of ‘place’ are forged. Indeed, the notion that places are socially constructed is now well established, with many scholars advocating relational and fluid conceptions of ‘place’; however the application of these theoretical advances to indigenous peoples and places remains limited. Rather, indigenous places are often posited as spatially and temporally bound: discrete pockets of alterity within endless colonial-settler space. This paper will propound that indigenous places must be understood in a more nuanced way in order for the evolution of modern indigenous identities and culturally appropriate and empowering development.

Neoteric indigenous rights espoused by international bodies and national governments alike are certainly significant, yet the extent to which this rhetorical recognition has translated into meaningful and empowering changes for indigenous communities is often questionable. In terms of indigenous places, it is argued that the discursive limitations in the theorization of place construction as it pertains to indigenous peoples, cultures and rights has hindered the emergence of culturally empowering development. The experiences of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) in Oregon, USA highlight some of these limitations in the theorization of American Indian places and cultures, yet recent economic development initiatives of the CTUIR challenge these politically and theoretically restrictive notions of indigenous place, such that an increasingly expansive conception of indigenous place as it pertains to the CTUIR can be perceived.

In recent years attempts to understand the construction and operation of places have noted the significant cultural politics through which discursive, cognitive and spatial expressions of ‘place’ are forged. The notion that places are socially constructed is now well established, with many scholars advocating relational and fluid conceptions of ‘place’, however the application of these theoretical advances to indigenous peoples and places remains limited. Indeed, indigenous places are often posited as spatially and temporally bound: discrete pockets of alterity within endless colonial-settler space.

This paper will propound that indigenous places must be understood in a more nuanced way in order for the evolution of modern indigenous identities and culturally appropriate and empowering development. The first section addresses place theorem and current scholarly debates regarding the conceptualization of place and space in the context of neoliberal globalization. Here the porosity and arbitrary-ness of bordered places is examined using the example of the modern nation-state (Sassen, 2005) to highlight that places and local scales are not
ontological entities, rather political and discursive constructions. Yet, as Escobar (2001) argues, the extant social and cultural importance of places to communities is significant, such that however malleable, amorphous and constructed places are, places do still exist and they are important. Recent indigenous rights movements are examined in the second section of the paper. Though the political advances noted here are certainly significant, the extent to which this rhetorical recognition has translated into meaningful and empowering changes for indigenous communities is often questionable. In terms of place, it is argued that there has been a bifurcation evident in much scholarship regarding indigenous peoples and places. For some, indigenous places are treated as ‘property’ – an essentially Occidental relationship with land that is often a cultural anathema to aboriginal cultures. In other cases, indigenous places are asserted as relationally constructed – in essence, the progeny of intra and supra local processes – yet in this sense place also remains reliant on a static conception of place and of indigenous culture. Notably, this discursively and politically limited representation of indigenous places and cultures sits somewhat awkwardly with neoteric indigenous rights espoused by international bodies such as the United Nations and national governments. Using the case study of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) in Oregon, USA contemporary limitations on the theorization of American Indian places and cultures are demonstrated. However, an increasingly expansive conception of (indigenous) place in the case of the CTUIR is evidenced, and hence it is asserted that a more nuanced conception of indigenous places and cultures is required in order for culturally empowering economic development to evolve.

Neoliberalism, Globalization and Places

Vast political and economic shifts in recent years have generated a diverse body of scholarship that seeks to theorize and understand the now well-established and oft-conflated terms, ‘globalization’ and ‘neoliberalism’ (and all their related conjugations). The task is not an easy one. Indeed as Swyngedouw (2005: 2002) has perceptively noted the social and political institutions that have evolved are “non-normative” and “innovative”; while Peck and Tickell (2002), inter alia, have cited the transformative and evolutinal qualities of neoliberalism, or as Bourdieu (1998:95) put it “…the means of making itself true” (emphasis in original). Precisely because of this amorphousness and malleability, ‘neoliberalism’ has eluded scholarly and popular definition such that “…a mode of exogenized thinking in which globalism/neoliberalism is presented as a naturalized, external ‘force’” has emerged as one of the dominant cultural myths of contemporary times (Peck and Tickell, 2002: 382). Thus, while the ways in which neoliberalism
and globalization operate remain conceptually problematic, the fact that political and economic transformations have occurred and are occurring is seldom debated.

Closely aligned with hubristic neoliberalism and globalization is a need to re-conceptualize place and space, or as Amin (2002: 385) puts it: “The processes associated with globalisation [sic] mark a new ontology of place/space relations that needs to be theorized…”. Escobar’s (2001) lucid review of Western philosophy and academia reveals that ‘place’ has historically been conceptualized as bound, fixed and localized; simultaneously enshrining space as the dominant ecumene within which places may be understood. This spatial paradigm has been firmly ensconced within academia and institutions and attached a normative quality to the concepts of ‘place’ and ‘space’. Notably, this has tended to obfuscate the theoretical complexities and political complicities in the construction of places and place as a concept (and equally, of space). Recent global processes and movements associated with the rise of neoliberal ideologies have imposed a compelling interpellation of places as mutually exclusive and static entities (Castree, 2004), tentatively repackaging the space-place dichotomy as a question of local and global entities and scales.

Current relationships between global and local economics, politics and cultures are neither fixed nor linear. Indeed, the variety of ways in which this dialectical relationship is manifest has led to diverse theorizations among scholars that seek to understand contemporary places and locales, and global processes. Perhaps the most readily apparent similarity in the operation of neoliberalism and globalization in various contexts is a transformation in the role of the state. The chronology of neoliberal state reforms is broadly understood in two main periods. The first being the so-called “roll back of the state” (Jessop, 1995), more popularly known as “Reaganomics” (USA) “Thatcherism” (UK) or “Rogernomics” (NZ) within individual countries during the 1980s and early 1990s. This term describes the shift from government lead infrastructural development and the Keynesian welfare state toward liberalized economies. Based on the putative inefficiency of the state and the presumed efficiency of Adam Smith’s ‘invisible hand’ of the market, this era of neoliberalism and globalization sought “…the de(con)struction [sic] of ‘anti-competitive’ institutions like labor unions, social-welfare programs, and interventionist arms of the governmental apparatus…” (Peck and Tickell, 2002: 386), simultaneously opening up national economies to foreign capital and global processes, peoples and cultures. The nascent second period of neoliberal development perhaps suggests a partial reformation of neoliberal ideologies and processes in response to the largely unmediated social and environmental consequences of
the diminished role of the state. Proponents of collaboration cite a “win-win” situation where both multinational corporations and communities may achieve their goals through information sharing and long term relationship building (Danskin et al., 2005). However many critics ascribe a revanchist aspect to “roll out” neoliberalism epitomized by the growing number of ostensibly benevolent public-private relationships (Katz, 2005; Miraftab, 2004). Peck and Tickell (2002: 389) thus describe the new agenda of neoliberalism as:

“No longer concerned narrowly with the mobilization and extension of markets (and market logics), neoliberalism is increasingly associated with the political foregrounding of new modes of ‘social’ and penal policy-making, concerned specifically with the aggressive reregulation, disciplining, and containment of those marginalized or dispossessed by the neoliberalization of the 1980s.”

Thus the “institution-building” aspect of neoliberalism is now readily evident (Snyder, 1999) extending and sustaining the project of neoliberalism in a Trojan-horse like manner (Holifield, 2004; Miraftab, 2004). The logic of partnership finds common interests among corporations, governments and communities, presenting an apparent win-win situation that sates calls for noblesse oblige on the part of wealthy and powerful corporations or governments and purports to empower and support the interests and survival of the lay public in a profitable way. However, this produces an uneasy dyad that confronts historical and cultural chasms and arguably seeks to unite disparate actors with incongruous aims (Jessop, 2002; Miraftab, 2004).

The role and configuration of the state within these partnerships has attracted much scholarly attention. Swyngedouw (2005: 1991) asserts that the horizontal governance structures that have evolved (cf. vertical government-led infrastructures) are “...associated with the consolidation of new technologies of government...”. Similarly, Snyder (1999) argues that neoliberalism has created institutional space for political incumbents to re-regulate economies (equally, polities and societies), rather than merely de-regulate markets. Thus there is an academic consensus that the metamorphosis of the state and the current zeal for partnerships have expanded the scope and reach of neoliberalism through directly engaging (selected) sectors of the public at large, hence directly impacting on the structure (culture and politics) of civil society (Snyder, 1999; Swyngedouw, 2005). However, Radcliffe (2005: 326) states that “the ways in which neoliberal restructuring has engaged with power hierarchies, and shifting cultural meanings and social identities have received relatively little academic attention.” This academic lacuna is particularly salient in the context of indigenous peoples and economic development. Yet perhaps the most important point here is that the apropos metaphor of “roll-out” neoliberalism can be understood
to refer to both the spatial expansion of neoliberalism (and state institutions) to actively involving stakeholders/citizenry, and an insidious cognitive expansion whereby neoliberalism is simultaneously a social, political, cultural and economic movement and a *fait accompli*, exogenous force (Peck and Tickell, 2002).

These political and economic changes are well illustrated in recent reforms to electricity sectors in many nations, such as USA and New Zealand. In the work of Jorgensen (2005) and Woo *et al.* (2003), among many others, these transformations, their relative successes and remaining issues are examined. The neoliberalization of electricity production has been evident to varying degrees within the contiguous United States for a number of years. The state of California’s relatively recent foray into competitive electricity markets is particularly notable for the electricity retail price crisis it prompted (Woo *et al.*, 2003). Driven by the comparatively high price of electricity in California in the mid-1990s, an irreversible process of divestment and restructuring of the electricity sector ensued, and since the electricity crisis of 2000, prices have remained relatively stable with over 30 privately owned electricity providers within the state (Woo *et al.*, 2003). The Californian market for renewable energy technologies has a long history, with the first (state-owned) wind farms installed in the 1970s. More recently, consumer demand for “green energy” (particularly in the context of rising oil prices) has exceeded current supplies, leading to a dramatic rise in the development of renewable energy production both within California and in neighboring states attracting funding from diverse sources.

The New Zealand situation is somewhat different. During the late 1980s the Government embarked on an extensive period of de-regulation and privatization in which state owned enterprises were divested primarily through the *State Owned Enterprises Act* (1987). In the electricity sector this has resulted in the development of 10 retailers and approximately 31 line distribution business firms within New Zealand from what was previously a State Owned Enterprise known as Electricity Corporation New Zealand (ECNZ) (Ministry of Economic Development, 2005). The *Electricity Industry Reform Act* (1998) is possibly the most influential legislature governing the electricity market, yet to all intensive purposes, the primary regulator of electricity prices and production is the ‘market’, rather than any state-led initiatives. For renewable energies, significant uncertainties, both technological and institutional, have plagued implementation in New Zealand and in many other nations. Notably, despite the apparent “roll back” of the state within this sector, the influence of institutions and policy (such as green energy tax credits) on the development and implementation of renewable energy technologies remains
considerable (Jorgenson, 2005; Woo et al., 2003). For instance in regard to USA policy and wind energy development Mayer et al. (2005: 7) argue that state and county laws in conjunction with major pieces of federal legislation such as the *Energy Policy Act* (1992) “…play a large role in determining the location and size of wind power plants.” The interaction of multinational and national corporations with governments and institutions in the electricity sector thus provides an interesting case – while the role of the government in electricity production, distribution and retail has certainly diminished, the guidelines and regulations that have emerged under neoliberalism are significant in determining the ways in which global, national, regional and local forces and actors relate within the electricity sector.

Attempts to disentangle place and local scale politics and economics from global-space are in many ways contingent on these political and economic transformations and reconfigurations of the state within diverse economic sectors. This is especially true given the historical and contemporary geopolitical fetishization of the nation-state. Indeed, just as Escobar (2001) laments the apparent erasure of place from academia, the relative importance and substantive existence of the nation-state is now sometimes questioned. The liberalization of economies and the rise of transnational corporations in the institutional lacunae of neoliberal nation-states has illuminated the porosity and arbitrary-ness of state borders such that while the pervasive cognate of nation-states within geographical imaginaries may remain largely undiminished, the extent to which meaningful borders and distinctive places (nations) can (or do) exist is dubious (Sassen, 2005).

The concept of borders has long been a central *problematique* of place theorem (Escobar, 2001; Massey, 1999). Castree (2004:135) asserts that the construction of “strong boundaries around places – that is to enclose peoples, resources or knowledges within a ‘local’ domain” is historically an underlying avatars of Western scholarship regarding place. This conceptualization requires a geographic rigidity, and perhaps more significantly, the hypostatization of cultures and identities within places, and of places themselves (Harvey, 1999). The globalization of economies and politics complicit with the rise of neoliberalism makes such boundaries somewhat farcical, yet many would assert that boundary making was never theoretically nor pragmatically accurate, nor innocent of strategism and politics (Massey, 1999). The powerful recent interpellation of the plausibility of boundaries and places has led many scholars to thus conclude that “spatial scales – from home and locality to city, region, nation, and continent – have no pregiven or fixed ontological status, but are socially produced and continually transformed by the imperatives of capitalism, and the resulting struggles and conflicts.” (Amin, 2002: 386).
Recent scholarship, particularly in economic geography, has proffered a revised, relational conception of places in contemporary times, as ‘meeting points’ (Massey, 1999), or ‘nodes’ (Amin, 2002) concatenated into global networks and movements of capital and people. Doreen Massey’s work in this arena has been particularly influential. She argues that internalized notions of places are inherently a denial of the wider context within which they are immersed, such that places may be more fruitfully understood as an “…open, porous, hybrid…where specificity (local uniqueness, a sense of place) derives not from some mythical internal roots nor from a history of relative isolation – now to be disrupted by globalisation [sic] – but by the absolute particularity of the mixture of influences found together there.” (Massey, 1999: 21-22). Places, for Massey and many other scholars, are thus not the product of strictly endogenous processes and peoples, but rather a nexus of interactions between intra and supra-local networks; a point of specificity within flows of peoples and capital that traverse local, regional and global scales. For Amin (2002: 395), globalization represents an:

“…energised [sic] network space marked by, first, the intensification of mixture and connectivity as more and more things become interdependent…[and] the erosion of the ontological distinction between place and space as ‘placement’ in multiple geographies of belonging becomes possible. Therefore, places are more than what they contain, and what happens in them is more than the sum of localized practices and powers, and actions at other ‘spatial scales’.”

Thus, the notion that ‘places’, *sui generis*, exist and are important confronts a growing academic consensus that bound, discrete places are not possible – and perhaps never have been – under global neoliberalism. Scholte (2000: 179) argues that: “In global space ‘place’ is not territorially fixed, territorial distance is covered in effectively no time, and territorial frontiers present no particular impediment.” (cited in Amin, 2002: 386). Castree (2004: 135) takes this idea to be “a fundamental ontological fact of our time: namely, that the global is in the local” (emphasis in original). From this lexicon, the term “glocality” has emerged to refer to this very reality, that local places are neither bound nor exclusive from global processes (Swyngedouw, 2005). Notably, these academic shifts in analysis of the global/local dichotomy have continued to expound globalized ‘space’ as progressive, arguably erasing place from the purview of dominant institutions, policies and theorizations. For Giddens (1990), global connectivity means that “…so mutually constituted are near and far relations that any conceptualization of place or locale as ‘in here’ happenings and space as ‘out there’ happenings is no longer tenable.” Hence, in breaking down the global/local, space/place binary, globalized space has emerged as the dominant spatial paradigm within which monolithic neoliberalism occurs, producing a new geographical
imaginary of borderless space punctuated by sites of convergence, nexuses of global networks, or put differently: ‘places’. In this context, assertions of place specificity, uniqueness, internalized and localized histories, identities and cultures are often presented as wantonly regressive and a denial of the contemporary (and inevitable future) reality (Castree, 2004).

Arturo Escobar’s (2001) incursion here is particularly significant. Citing the notable disparity between these academic discourses of space and the emphasis the lay public maintains on place as a lived experience, Escobar (2001) calls for renewed academic interest and support for place based movements. Thus while the re-theorization of place under neoliberal and globalized conditions is both necessary and important; a growing cohort of academics is signaling that however porous, amorphous and constructed, places do exist and they are significant. These debates are, perhaps unsurprisingly, closely aligned with identity politics. As many authors have noted, the imbrication of place and identity is a powerful signifier for delineating conceptions of place and identity, thus places and identities may be fruitfully examined vis-à-vis the politics of their co-construction and representation (Escobar, 2001). However abstracted this dialectical relationship may seem, acknowledging this potent contingency is vital to conceptualizing places and identities in ways that are accurate and meaningful.

The conception and relative importance of nation-states and national identities are particularly illustrative of this point. The work of scholars such as Sassen (2005) and Swyngedouw (2005) has revealed the modern nation-state as a politico-legal construction, with arbitrary and porous borders, thus giving weight to a Bhabian understanding of the nation-state as an “imagined political community” (Bhaba, 1990; Seuffert, 2005:489). Wilson and Peters (2005: 398) assert that creation and maintenance of the nation-state “…relies on the myth of a common territory”; yet Seuffert (2005: 489) takes this idea further arguing that: “As imagined communities, nations are the stories that are told about collective identities, which also shape the stories that are available for individual identities.” This language of ‘common territory’ and ‘collective identity’ highlights a compelling contingency between identities and places at the broad level of the nation-state, and perhaps offers some explanation for the extant cognizant importance of places (such as nation-states) in this era of globalization.

Thus several shibboleths of place may be advanced drawing on contemporary scholarship. Places are not inherently bound and discrete pockets within ecumenical space; neither are they the product of strictly internal cultural, historical and political processes (Escobar, 2001). However,
places are also not mere nexuses concatenated within global flows of capital and culture across
globalized space (Castree, 2004). Hence, place must be understood in a relational sense:
simultaneously complicit in supra and intra-local processes, neither a product of strictly internal
nor external relations. As Escobar (2001: 169) puts it:

“…places are surely connected and constructed yet those constructions entail boundaries,
grounds, selective connection, interaction and positioning, and in some cases a renewal of
history making skills.Connectivity, interactivity and positionality are the correlative
characteristics of the attachment to place.”

Thus, while places are socially, politically and culturally constructed, this does not mitigate the
existence of places within globalized neoliberalism nor the extant importance of place within
geographical imaginaries and popular culture in contemporary times.

The application of nascent relational place theorem to indigenous literatures, movements and
places is both limited and problematic. Certainly the significant diversity among and within
indigenous peoples, and understandings or representations of places, prevents meaningful
generalizations. Yet it is perhaps significant that an emerging bifurcation in the conception,
construction and representation of indigenous places and identities may also be perceived. On the
one hand, indigenous places are often reconfigured as mere property rights within existing
(colonial) nation-states obtained via post-colonial reconciliation processes, or in the case of the
USA, property retained in colonial treaties. One of the underlying principles of land repatriation
within many post-colonial countries, such as New Zealand and Canada, is that these settlements
will ease the current socio-economic poverty often associated with indigenous groups and provide
them means to develop economically (Anderson et al., 2004). Meanwhile subaltern strategies of
localization in third world countries, such as in Latin America and Africa, have also received
much critical attention. In this setting, the construction of indigenous identity is discursively and
politically aligned to the construction of indigenous places to the extent that Perreault (2001) has
described indigenous places and identities in Ecuador as mutually constitutive and utterly
incoherent in isolation. Given the current political valorization of indigenous identities, these
constructions are often understood as a strategic engagement with trans-local forces. Put
differently, here indigenous places are constructed as a fixed local scale from which indigenous
peoples may access and legitimate neoliberal and neocolonial rights and identities. Notably,
several similarities here become evident in these theorizations of indigenous places: (i)
indigenous places are fixed, discrete and bound, such that indigenous cultures and identity are
also rendered static in these constructions; (ii) indigenous places serve to allow and empower
indigenous peoples means to engage with (neoliberal) economic development (iii) places grant access to, and are simultaneously an expression of, indigenous (post/neo)-colonial rights. Economic development on these places is similarly an expression of, and purpose for, these rights. The remainder of the paper will review current conceptions of indigenous peoples, places and economic development; and argue for a more substantive engagement with the historical and contemporary constructions and re-constructions of indigenous places.

‘Indigenous’ Peoples and Rights

In efforts to transcribe relational place theories to questions of economic development on indigenous lands and places, it is perhaps sensible to question first what is meant by the term ‘indigenous’, ‘aboriginal’, ‘First Nations’ or ‘autochthonous’\(^1\). Though indigenous peoples are identities are typically based on existence since ‘time immemorial’, the term itself is a relatively recent creation (Niezen, 2003). As many scholars have highlighted, ‘indigenous’ is a portmanteau category, linking disparate peoples and cultures under an overarching framework of shared experiences, or as Alfred and Comtassell (2005: 597) put it:

“It is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world.”

However such a definition of ‘indigenous’ peoples undermines their own agency in defining themselves – both as an abstract global hybrid and locally specific group – simultaneously constructing ‘indigeneity’ as a global subaltern ‘other’. The term has emerged from the post-war and post-colonial (though this point is arguable) lexicon, where the notion of inalienable human rights has formed the dominant ethos through which moral and ethical judgments are examined (Castree, 2004). The United Nations (UN) and the International Labor Organization have provided the most influential attempts to date to define indigenous peoples. The ILO Convention No. 169 (1989) is one of the better known human rights declarations with specific mention of indigenous peoples. Here, ‘indigenous’ is defined as:

“(a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them…whose status is regulated wholly or partially by their own customs or traditions…”

\(^1\) Though the term ‘indigenous’ is the most widely used, and internationally recognized, of the terms above, different terminology is used within different countries. ‘First Nations’ generally refers to indigenous groups in Canada; ‘Aboriginal’ is the dominant term used in Australia; while in Latin American nations indigena is commonly used. In the USA, the term Indian (or American Indian) is most common; while in Japan there is currently no word for the concept of ‘indigenous’. These linguistic differentiations are perhaps significant and revealing, yet all may be broadly equated with the term ‘indigenous’.

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(b) ...populations which inhabited the country, or a geographical region...at the time of conquest or colonization [sic]...who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.” (ILO, 1991: Article 1.1).

Notably, the ILO calls for self-identification as a “fundamental criterion for determining the groups to which the provisions of this Convention apply.” (ILO, 1991: Article 1.2). The UN Working Group on Indigenous Populations (WGIP) Draft Declaration on the Rights of Indigenous Peoples provides an implicit affirmation of this stance through not seeking to define indigenous peoples at all. This institutional reluctance to adopt a precise definition of what it means to be indigenous is revealing of the politico-cultural complexities and tensions in this hybridized global ethnic identity (Castree, 2004). Niezen (2003) offers a tripartite understanding of indigenous positionalities: (i) the legal construction as the ‘other’; (ii) the strategic construction through self-definition; and (iii) the collective construction of a global identity. Inherent within each of these indigenous identities is the notion that “indigeneity”; be it local or global; collective or individual; is constructed and ultimately malleable to the political, social or cultural agendas of individuals and groups.

Regardless of these conceptual ambiguities, the integration of notions of indigeneity into common parlance has created new political space for the advancement of (self-identified) indigenous groups’ interests (Peña, 2005). The WGIP Draft Declaration on the Rights of Indigenous Peoples is one such example of this. Though no international ‘law’ is legally binding within nation-states, this declaration provides an authoritative account of indigenous peoples rights that may be employed by any indigenous group to advance local issues and agendas. Niezen (2000, 2003) coined the term ‘indigenism’ to refer to this very process of advancing local interests and agendas via trans-local and supra-local means. As many empirical cases have confirmed, the relationship between Non-Governmental Organizations and indigenous communities, and between indigenous communities in different locations, has led to specific and locally contingent issues being debated and resolved on international scales. Castree (2004: 152) describes indigenism as: “…not composed of myriad different indigenous struggles that bear no relation. Rather these struggles are being pursued globally in acts of solidarity designed to further the particular place-projects of specific indigenous groupings.” Thus, it can be seen that indigenous groups are strategically employing contemporary globalized politics through building relationships that traverse local, regional and global scales while remaining true to locally specific political agendas (Castree, 2004). Indigenism hence utilizes the increased political space and scope for indigenous rights and
interests at an international level in an effort to influence the political recognition of indigenous peoples within local and national scales.

However, the coincidence of this nascent acknowledgement of indigenous peoples with neoliberalism is problematic for some authors. Certainly the collective self-determination rights sought under the rubric of indigenous rights sits uneasily with the dominant liberal-democratic paradigm and its emphasis on individual rights (Niezen, 2003). Here the indigenous rights movement confronts two paradoxes. Firstly, indigenous peoples typically seek collective rights, while organizations such as the ILO, UN and many other NGOs are in the business of granting individual rights. While this is not inherently contradictory – as Gibbs (2005: 1367) points out the modern-day rights “expressly recognizes the right of “all peoples”, as well as “every human person” – negotiating collective and individual rights in cross cultural contexts is inherently complex. This is particularly evident in rights such as Article 16(2) of the Universal Declaration of Human Rights (1948) which states that: “Marriage shall be entered into only with the free and full consent of the intending spouses.” This right raises difficult questions for indigenous groups where arranged marriage is both a cultural norm and a definitive aspect of their identity – to this point, Niezen (2003: 98-99) asks:

“Do human rights, in fact, imply dissolution of many features of indigenous societies widely seen as “traditional” and as the foundations of distinctive identities? And if human rights are vigorously implemented in a way that stretches the elastic limits of social change, does this not, in another form, reflect the assimilation polices that indigenous peoples are sworn to resist?”

The second paradox refers to the relationship of indigenous peoples and the nation-states they are currently situated within. Global indigenism seemingly has two motives in this regard: (i) to increase indigenous peoples’ participation within nation-states and; (ii) to limit the power of the nation-state (over indigenous populations) (Niezen, 2003). Notably, the right to self-determination that is typically sought by indigenous activists sits particularly awkwardly in this context. Fear for the Balkanization of today’s nations if indigenism is successful is common (Williams, 2005); yet Niezen (2003:194-195), among others, suggests that such concern is largely unwarranted arguing that self-determination:

“…is premised above all on autonomy within states through constitutional reform and implementation of treaties and agreements between indigenous and state governments…What is important to them is whether their people will be given the opportunity to determine their own cultural, political, and, economic destiny…”

Hence notions of pluralism, bi- and multi-culturalism are salient, yet the ‘cultural project’ of neoliberalism poses an insidious threat to the political, cultural and social goals of indigenous
peoples. Hale (2002: 488-489) provides a particularly lucid interpretation of neoliberal multiculturalism:

“From ‘recognition’ other rights logically follow…Yet these initiatives also come with clearly articulated limits, attempts to distinguish those rights that are acceptable from those that are not. Even more important, the concessions and prohibitions of neoliberal multiculturalism structure the spaces that cultural rights activists occupy: defining the language of contention; stating which rights are legitimate…”

The politico-discursive limitations on indigenous rights articulated by Hale (2002) are not to diminish the significance or importance of the recent advances of indigenous peoples; rather Hale (2002), and a number of other academics, call for a critical awareness of the perhaps tacit impacts and goals of neoliberalism and post-colonial rights recognition. Williams Jr. (2005: 48) puts it differently, arguing that in the context of pervasive ‘savage’ imagery invoked in the socio-political construction of American Indians, this indigenous group has been “denied the right to exist as ‘truly other, something capable of being not merely an imperfect state of oneself’”. In this context legitimacy – be it moral, legal, political or ethical – is one of the defining aspects of many rights-based debates. For indigenous peoples attempting to access newly established rights, the construction of a legitimate ‘indigenous’ identity has been shown to be paramount to attracting NGO funding and support (Perreault, 2001, 2003; Robins, 2001). Two aspects of indigenous identity seem to be common to ‘legitimate’ identity constructions; the existence of a place or territory to which indigenous identity is bound (Perreault, 2001); and the ‘ecologically noble savage’ stereotype (Grande, 1999; 2000; Greene, 2004). Certainly there are others, not least of which is internal homogeneity and unity (Robins, 2001) and ethnic purity (Grande, 2000; Robins, 2001). The pervasiveness of such essentialized and Romanticized images of indigenous peoples have become politically “…potent as those weakened by policies of cultural annexation have sought to reconstitute themselves.” (Niezen, 2003: 11). Grande (2000) highlights the significant barriers to indigenous peoples constructing a “comfortable modern identity” given this fetishization of tradition and place based indigenous identities. This valorization of ‘traditional’ cultures and identities, contemporary indigenous identities typically struggle with retaining recognizably ‘indigenous’ or ‘traditional’ qualities, yet not denying the (historical and current) participation of aboriginal peoples in ‘modern’ economies and cultures. Indeed, Clifford (2001: 476-477) argues that: “What emerges is a quite different picture from that of an authentic ancient tradition (or structure) persisting over the centuries by selectively integrating and rejecting external pressures and temptations.” Given this context of constructed indigenous identities, it is perhaps unsurprising that the rhetorical advancement of indigenous peoples rights and interests at the highest levels has not necessarily translated into meaningful and empowering cultural, social
and economic development for actual indigenous peoples and communities. Certainly the new and expanding political space afforded to indigenous rights claimants is significant, and offers much potential; yet the discursive limitations that plague these emancipatory movements and initiatives cannot be disregarded.

**Place, Territory and Indigenous Peoples**

The questions of place, economic development and indigenous peoples are significant both pragmatically and theoretically. Place theorem, as discussed in economic geography circles, is seldom applied to indigenous peoples and their places, and perhaps this is apt. Yet the current treatment of indigenous places leaves little room for cultural, political or geographical development, in spite of the current proliferation of notions of partnership justice and empowerment.

**Place as Property**

Postcolonial reconciliation processes have evolved in a number of nations; such as New Zealand, Australia and Canada; seeking to deliver historical justice and empower indigenous peoples within these nations, and build a new era of cross-cultural ‘partnership’. Since the 1970s and 1980s an increasingly bicultural jurisprudence has been observed in many nations (and globally), which has coincided with civil rights and environmental movements, raising historical injustices and the contemporary disenfranchisement of indigenous peoples into popular and gubernatorial consciousness (Belich, 2001). From this era, landmark court cases such as *Calder v The Queen*\(^{2}\) (1973) and *Delmuukw v British Colombia* (1997)\(^{3}\) in Canada, and *Mabo v Queensland*\(^{4}\) (1992) in Australia gave legal import to the previously disregarded concepts of aboriginal and native title\(^{5}\).

For instance, Anderson *et al* (2004: 639) describe the 1973 Calder decision as the point at which:

“…the Supreme Court recognized that Aboriginal people have an ownership interest in the lands that they and their ancestors have traditionally occupied and the resources that they have traditionally used. Further, the court held that this right had not been extinguished unless it was *specifically* and *knowingly* surrendered.”

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\(^{2}\) *Calder v The Queen* (1973) DLR (3rd), Canada.

\(^{3}\) *Delmuukw v British Colombia* (1997) 3 SCR 1010, Canada.

\(^{4}\) *Mabo v the State of Queensland* (No 2) (1992) 175 CLR 1, Australia.

\(^{5}\) In the case of New Zealand, *The Treaty of Waitangi* (1840) a compact signed by Maori (the indigenous population of NZ) and the British Crown was found to be a legal nullity within New Zealand law until the *Treaty of Waitangi Act* (1975).
The precedents created in these judgments have created politico-legal scope for indigenous land claims leading to a new era of postcolonial settlements and reconciliation. Notably, these settlements are full and final: the New Zealand settlement framework requires that:

“In exchange for the settlement redress, the settlement legislation will prevent the courts, Waitangi Tribunal⁶ or any other judicial body or tribunal from re-opening the historical claims.” (Waitangi Tribunal, nd: 32).

Similar sentiments are iterated in the Canadian and Australian systems, which is revealing of the significance of contemporary redress processes and outcomes for future indigenous generations within these states.

The basis for contemporary land claims, in a legal rather than moral sense, stems largely from the doctrine of aboriginal and native title as in Canada and Australia; and from breaches of treaties, such as the Treaty of Waitangi (both historical and contemporary) in New Zealand. Aboriginal title arises from common law, and is necessarily preceded by an act of state: namely the imperial or colonial acquisition of territory and sovereignty. As land was acquired by the new colonial-settler state, it was not freed of aboriginal title; indeed once indigenous populations became citizens of the newly created state, theoretically the government was then required to protect their rights and interests (Brookfield, 1999). Exactly how aboriginal title operates and exists remains unclear: to a certain degree it is seen to derive from treaties signed between indigenous groups and colonial powers, yet some variants of jurisprudence indicates that aboriginal title is separate from treaty rights as is indicated in section 35(1) of the Constitution Act in Canada (Bhandar, 2004; Brookfield, 1999). Perhaps the most significant point to note here is that aboriginal title, much like native title in Australia, is contingent on the assertion of Crown (or colonial state) sovereignty. Put differently: though aboriginal and native title are, rhetorically at least, sui generis rights of indigenous populations, these concepts do not and cannot exist or be understood except as they relate to colonization within contemporary juridical discourse (Bhandar, 2004; Scott and Mulrennan, 1999). Hence a cruelly paradoxical legal situation has emerged where: “The assertion of Crown sovereignty becomes the temporal referent point for aboriginal title claims, thereby entrenching perhaps the greatest symbol of colonial occupation and settlement at the heart of the doctrine of aboriginal title” (Bhandar, 2004: 839).

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⁶ The Waitangi Tribunal was established in 1975 under the Treaty of Waitangi Act to hear claims of treaty breaches and recommend settlement terms.
Thus it has been discerned in a number of settings that contemporary post-colonial reconciliation processes and outcomes do not necessarily genuinely empower or deliver justice to indigenous peoples. Though the flaws and paradoxes of post-colonial settlements are manifold, three aspects are particularly troublesome as these processes relate to constructions of indigenous places. The first is what Bhandar (2004) terms the ‘closure of law’, in essence the enshrinement of contemporary (monocultural and colonial) legal systems as abstracted from the historical, social and political context in which they were forged. Henceforth, the modern judicial system is posited as a neutral and appropriate means through which indigenous land claims can be adjudicated. A corollary of this is that questions of the legitimacy of (colonial and contemporary) state sovereignty remain unasked and unresolved. Scott and Mulrennan (1999) pertinently note that in the Australian context, the Government has abolished the doctrine of terra nullius as it pertains to property, yet modern-day Government sovereignty is theoretically and politically underpinned by the preservation of terra nullius in relation to sovereignty. While Brookfield (1999) and other legal scholars are most likely correct in arguing that it is beyond the jurisdiction and ability of the contemporary courts and legal systems to investigate the historical injustices of their own creation, this juridico-discursive lacuna poses a significant barrier to indigenous peoples realizing justice in postcolonial land (and other) claims. Bhandar (2004: 833-834) affirms this, stating that in the Canadian context:

“The dominant position of the sovereign Crown is not displaced; the subordinate position of aboriginal peoples as having a right to their land is secondary to and dependent upon an underlying Crown title merely serves to legitimate the colonial settlement of an area of British Columbia that was not conquered, ceded, or ‘discovered’ as an uninhabited land. In these terms, aboriginal peoples…are being asked to reconcile themselves to, the colonial settlement of their lands.”

The second paradox of land claim settlements is essentially what is awarded to indigenous claimants: ownership. It has been widely acknowledged as axiological that concepts of ownership and property belong to a distinctly Occidental epistemology and speak to a particular relationship between people and land (Nadasdy, 2002; Scott and Mulrennan, 1999). For indigenous populations, the concept of property ownership in the form of fee simple title was (and still is) a cultural anathema which has plagued settler-indigenous negotiations and relations since the era of treaty-making (Nadasdy, 2002). Thus contemporary processes of land repatriation require a significant reconfiguration of indigenous peoples’ relationships with land; indeed for indigenous groups in engage in the land claims process at all requires them to learn and utilize the language of property, rights to exclusion and individual ownership. For Nadasdy (2002: 252), and many other critics, this is inherently problematic and fraught with difficulty because: “…to speak of
aboriginal-land relations as property relations is to deny, rather than merely “gloss over”, their essential dynamic” (emphasis in original). Scott and Mulrennan (1999: 163) argue that in Australia aboriginal property rights are further complicated by the fact that: “Existing jurisprudence severs native title qua jurisdiction from native title qua property right.” – in essence, indigenous land claims in Australia grant fee simple title, but not sovereignty. This repackaging of aboriginal relationships to their land, abstracted from integral cultural referents, re-subordinates indigenous rights by simply absorbing them into the existing parameters of the (colonial) state (Bhandar, 2004; Scott and Mulrennan, 1999). Furthermore, in the process of delineating rights to ownership, indigenous places are reinvented as discrete parcels within the colonial state creating a geographical imaginary of “apartheid homelands” (Sylvain, 2005: 357).

The third and final paradox is the requirements indigenous claimants must meet to legitimate their land claims. That land was and is culturally important and utilised for survival by any cultural group is not a particularly difficult point to prove; yet substantiating prior ownership from a cultural lexicon where land occupation and use does not readily equate to ownership is altogether more culturally and legally complex. In Australia, as in many other nations, under the Native Title Act (1993), aborigines are required to demonstrate to courts ‘cultural continuity’, a rather capricious exercise premised on the notion that as native title (and equally aboriginal title) derives from pre-European traditions, laws and customs; the test for native title recognition must similarly come from the extant practice of aboriginal culture (Daview, 2003; Scott and Mulrennan, 1999). Though no courts have denied the right of cultures to develop, one Australian Judge has stated that: “A native title which has ceased with the abandoning of laws and customs based on tradition cannot be revived for contemporary recognition.” (High Court of Australia 1992: 42; cited in Scott and Mulrennan, 1999: 165). Such politico-legal requirements (and suspicion) have, perhaps unsurprisingly, greatly impacted on the (re)construction and representation of indigenous identity. Scott and Mulrennan (1999: 168) argue that:

“Indigenous people, insofar as they respond politically to settler state regimes of culture-based legal rights, can be expected to engage in traditionalist discourses that exaggerate the extent of stereotypical cultural reproduction. This necessity is itself a symptom of colonial subordination.”

Indigenous identity and culture thus must necessarily remain clearly recognizable as the practice of pre-European customs and traditions and bound to a particular site in order to access aboriginal title rights granted in postcolonial fora. It is precisely this political freezing of legitimate indigenous identity and places at the time of colonial contact that delimits the praxis of substantive (postcolonial) justice for aboriginal peoples.
Hence reconciliation processes imply and expound a particular construction of (legitimate) indigenous places (and identity). Legal requirements render fluidity in aboriginal territory and culture untenable in the context of aboriginal and native title claims, meaning that indigenous groups must firstly map fixed sites (within otherwise settler/colonial territory) which they believe belong to them (Nadasdy, 2002) and then (re)construct and present a single ‘legitimate’ indigenous identity that is temporally static and inherently bound to these sites (Scott and Mulrennan, 1999).

**Indigenism and Place**

Indigenism, as discussed earlier, refers to the practice of indigenous groups pursuing local agendas through the development of translocal networks (Castree, 2004; Niezen, 2003), which has been particularly evident within the so-called third world. It is perhaps worth noting that indigenism has primarily evolved in nations where; unlike NZ, Canada and Australia; adequate fora to address indigenous land claims and concerns do not exist. However, despite the apparent emancipatory aims and potential of indigenism, many critics now question how empowering and just the outcomes of indigenism movements are.

This emerging critique stems largely from the significant (re)configurations of indigenous identities required to secure the support of supra-local organizations. Castree (2004: 142) asserts that:

“If identities are seen as constructed, not given, as concatenations of subject-positions rather than the outward expression of inner essences, then it becomes necessary to interrogate (i) how people build notionally coherent identities in any give [sic] situation and (ii) who promotes what identification.”

The application of this analytical frame to the identities constructed in indigenism is revealing. Indeed, many authors assert that indigenism requires both the construction of a global discourse of indigeneity, and thence the representation of local culture and identities as recognizably indigenous in order to attract the support of translocal actors such as NGOs (Perreault, 2001; Sylvain, 2005; Valdivia, 2005; Watts, 1999). Hence the dialectical relationship between global and local images of indigeneity is significant (Perreault, 2003). For many commentators contemporary representations and reconfigurations of indigenous identity are inherently strategic in what Andolina et al. (2005) term the ‘professionalization’ of indigenous groups, and what Igoe (2003) and Robins (2001) lament as the establishment of donor-funding cycles within third world nations that are contingent on primordialist images of indigenous communities. Indeed, Sylvain
aptly notes that indigenous groups “…are not asserting ethnic or national identities in an effort to get their bearings so much as they are mobilizing an idea of culture made available by globalization to secure resources and social, economic and cultural rights.” This distinction is not suggest that there is anything ‘wrong’ with indigenous groups use of strategism; rather it highlights a central paradox of current efforts by NGOs to help deliver justice to indigenous peoples, that is: in seeking to empower cultural difference, modern indigenous identities are conceptually disempowered and intra-tribal differences are often erased in the construction of essentialized and Romanticized (legitimate) images of indigenous peoples (Valdivia, 2005).

Thus the cultural identities that emerge from local articulations of indigenism can be easily understood as relational or ‘glocal’ (Castree, 2004). Watts (1999: 87) uses the example of the Movement for the Survival of the Ogoni People (MOSOP) in Nigeria to argue that (Ogoni) indigenous identity that was the product of “…conversation with national discourses….over federalism, sovereignty, citizenship…[with] multinational Occidental discourses of indigeneity,…and [with] transnational oppositional discourses of environmental and human rights.” Drawing on this global-local identity relationship that Watts describes, Andolina et al. (2005: 681) suggest identity construction as something of a ‘boomerang’ process where:

“…boomerangs thrown into the international arena may be ‘reloaded’ as global “agents infuse social representations, conflicts, and agendas from other societies into ‘local’ or ‘domestic’ contexts” (Mato, 2000: 1999).”

Yet this theorization perhaps obscures the agency of indigenous groups in constructing their own identity. Valdivia (2005: 290) interprets contemporary identity construction as the use of “socially recognized difference as a strategy to better their individual lives and communities within the framework of liberal democracy, self-improvement, and the circulation of capital.” In a similar vein, Castree (2004: 140), drawing on the work of Watts, suggests that this identity reconfiguration process is simply the “… ‘subjective’ consequences of places [and identities] being wired-in ‘objectively’ to wider spheres of cultural, economic and political influence.”

In any case, it is generally agreed amongst academics that the neoteric valorization of indigenous peoples and cultures is discursively and politically aligned with a specific globalized notion ‘legitimate’ indigenous identity, culture, and lifestyle. The perhaps obvious consequence of this privileging of traditional, Romanticized and essentialised images of indigeneity is the hypostatization of indigenous identities and a static conception of culture (Castree, 2004; Escobar, 2001). The symbiotic relationship of place (or territory) to contemporary identity
constructions is particularly noteworthy. Global discourses of indigeneity readily assert indigenous peoples as having an inherently spiritual and sanguinial relationship with land (Niezen, 2003; Sylvain, 2005). Sylvain (2005: 357) employs Malkki’s (1992) notion of ‘sedentarist metaphysics’ to argue that “…territorial – and familial – metaphors naturalize [indigenous] nations as discrete, territorially grounded and bounded entities.” In this way indigenous identity and places are thoroughly imbricated, and simultaneously spatially and culturally bound (Perreault, 2001). To challenge the cross-cultural heuristic that land is important to indigenous peoples would be both counterintuitive and factually dubious – indeed, as Watts (1999) notes, the objective of many acts of indigenism is to secure access and rights to land or environmental resources. Rather, it is the cultural and developmental cul-de-sac of global indigenous identity stereotypes, and the spatio-cultural rigidity that current indigenism fosters, that is problematic. Returning to Watts’ example of MOSOP in Nigeria, the boundary making that formed an essential element of Ogoni indigenous identity obfuscated intra-tribal differences and “…the place imaginaries deployed erased complex histories of inter-ethnic movement within and beyond West Africa” (Castree, 2004: 142). In the case of the Omaheke San in Namibia the prevalence of ‘sedentarist metaphysics’ in (Western donor) pre-conceptions of indigenous peoples and in development theorem has led to this primarily nomadic people being encouraged to “…reinvent themselves as a culturally homogeneous, bounded and territorially grounded ethnic community” (Sylvain, 2005: 362). In a quotidian sense, this disjunction hinders the evolution of culturally appropriate development aid and justice for communities such as the Omaheke San. Yet perhaps more (politically) significant is that the adherence of indigenism to Occidental stereotypes means that indigenous peoples remain subordinate and subaltern within neoliberal global hierarchies. Thus, as with reconciliation processes in post-colonial countries, indigenism – despite being relational and translocal in practice – essentialises indigenous identities, thereby spatially and culturally grounding indigenous peoples.

**Economic Development and Indigenous Places**

The proliferation of reductionist and bound (re)constructions of indigenous identities and places within indigenism movements and postcolonial settlement processes stands in competition with the relational notions of place discussed earlier, and as a corollary delimit the ways in which indigenous peoples are able to engage with globalized economic development. There are several reasons for this. Firstly, the ‘ecologically noble savage’ stereotype (Grande, 1999) is firmly ensconced in institutional and NGO discourses of development invidiously delimits the ways in which indigenous peoples can engage in economic development. Secondly, the act rendering
indigenous cultures static and knowable within European terms, creates specific types of cultural proxies that are construed to represent indigenous cultural interests in (Western) economic development. The third barrier is the spatial imaginary deployed in contemporary (re)constructions of indigenous places. The practice of positioning indigenous places as discrete bound sites within (ecumenical colonial) space is both ahistorical and monocultural, and effectively disregards the significant translation of indigenous relationships to land and the role of (post/neocolonial) colonial governments and supra-local forces in the construction of indigenous places as they are perceived today. Finally, the purported linearity of economic development on indigenous lands and (substantive) socio-economic improvement and cultural advancement for indigenous peoples is problematic in the current context where the scope of indigeneity is spatially and culturally limited.

Commerce and culture—never the twain shall meet?

Romanticized and essentialized images of indigenous peoples—however academically challenged—form a pervasive cognate throughout many influential sectors of society. Indeed, the discursive companion of neoteric revalorizations of indigenous knowledges (often termed: Traditional Ecological Knowledge) and cultures can be seen as what Grande (1999) termed the ‘ecologically noble savage’ stereotype (Loomis, 2000). This powerful construction is premised on the selective valorization of certain aspects of aboriginal ‘traditions’, thereby positioning indigenous peoples as innate conservationists (Krech, 2005). For Banerjee and Linstead (2004:241), the image of noble savagery does not stem from “…a particular historical indigeneity, but replaced [historical indigenous identities] with [a] mythical construction contingent on the displacement or disembeddedness of the empirical indigene within civilization.” Thus, while the close relationship between indigenous cultures and land is not necessarily (if at all) inaccurate, the primordialist imaginary fostered in notions of ecologically noble savages merely highlights “…authentic and traditional symbols [of aboriginal culture] without realizing that indigenous peoples all over the world have always used post-contact technology to sustain their communities…” (Banerjee and Linstead, 2004: 230). Clifford (2001: 474) puts it differently arguing that for contemporary indigenous identity constructions “…the ‘past’ in indigenous epistemologies is where one looks for the ‘future’…”. The problematic and disempowering impact of this primordialist imagery is well-captured in the words of Durie (1998: 4) describing the situation of Maori in New Zealand: “Cultural fossilisation [sic] is not consistent with the spirit of development; and even though traditional values and knowledge have important lessons for today and offer some clues for the future, Maori self-determination is not about living in the past.”
Notably, the conflation of ecological stewardship with indigenous cultures has rendered non-conservational and non-traditional aboriginal identities as somehow less ‘authentic’ or less ‘legitimate’ (Krech, 2005). Banerjee and Linstead (2004) use Wolfe’s (1999) apropos notion of “repressive authenticity” to describe the insidious operation of this environmentalist stereotype, such that indigenous peoples are “…hoist, as it were, with their own petard, that they are burdened by a stereotype of popular culture and held to standards that neither they nor others have actually ever met” (Krech, 2005: 83). It is precisely this ahistoricity and cultural inaccuracy that plagues indigenous peoples’ attempts to conform to donor and colonial-state expectations, while simultaneously seeking to engage in economic development. Indeed, certain modes of economic development are posited as incongruous with ecologically noble indigenous identities, for instance nuclear waste facilities or mining (Krech, 2005). Yet in other circumstances, indigenous peoples are presumed to be opposed to (any) developments on their land, which is equally limiting (Loomis, 2000). Navigating the limited political and cultural space left open to ‘authentic’ indigenous peoples for economic development is a difficult task indeed, and that indigenous groups are so often placed in such an invidious position is revealing of contemporary indigenous rights.

Indigenous “Cultural” interests

Associated with the rise of indigenous issues to wider political agendas has been recognition that indigenous peoples (and more broadly, the lay public) have culturally specific concerns regarding development and use of resources close to them and on their land, and perhaps more importantly, that these concerns are both legitimate and require attention. Hence, since the 1980s particularly, fora and protocol for establishing, evaluating and mitigating the interests of indigenous and other groups have evolved in many nations often through the passing of new legislature. Public participation in resource management and development processes typically via written submissions or public meetings is now firmly established in many nations as both a right and duty. This is enshrined in legislation such as the National Environmental Policy Act (NEPA) (1969 and subsequent amendments) in the USA and the Resource Management Act (RMA) (1991) in New Zealand, inter alia, which provide specific guidelines for the modes, quantity and timing of public participation with regard to proposed projects. For indigenous peoples, as a prerogative of their position of citizens within (colonial) nations, such legislative requirements do offer a potential avenue for contesting and mediating the use of land and resources.
More significant though is the increasing syncretism in recent legislation that specifically mentions indigenous peoples’ rights and special status in regard to development. Indeed, the evolution of increasingly bicultural legislation in some nations, or at least legislation that acknowledges the need to specifically consult with indigenous groups, is testament to the vast juridico-political shifts over the past 50 years within many nations. Though this does represent significant political progress and provide much greater scope for indigenous peoples’ concerns to be recognized and addressed, the processes that have evolved are, perhaps unsurprisingly, culturally problematic. The reasons for this are of course diverse. Micro and macro politics often play an hidden role in determining the content of new legislation; further how new regulations are implemented within local contexts tends to vary greatly within countries. The spatio-temporal context is also significant: during periods of great economic or environmental strain, the relative importance of cultural concerns or public participation in general may fluctuate. While these positivist factors are doubtless influential, it is the palpably extrinsic and rigid interpretation of indigenous identity (and place) that poses perhaps the most substantial and invidious barrier to equitable and just participation processes.

Negotiating cultural norms and epistemologies is inherently complex, and undeniably influenced by pervasive power inequalities between (subaltern) indigenous groups and government actors. The dominant indigenous cultural heuristics that have evolved from Romanticized and primordialist images are revealing of Eurocentric attempts to transpose indigenous cultural concerns and interests into statutory frameworks. Indeed, current ‘best practice’ for identifying and mitigating indigenous peoples’ cultural interests in economic developments highlights a tendency to acknowledge only those aspects of aboriginal culture that are tangible and ‘knowable’ within Western understandings. Notably this also often correlates to a project-by-project modus operandi between indigenous groups and resource managers, rather than a more substantial long-term dialogue.

In New Zealand, the RMA has specific provisos for developers and regional councils to consult with Maori (the indigenous population) regarding resource use and development within tribal areas to ascertain (and mitigate) the tribe’s interests and concerns with the proposed project. In comparison to many other (postcolonial) nations, New Zealand’s legislation, prima facie, offers relatively broad scope for Maori to define and politically propel their interests and concerns. Indeed, several aspects of tikanga Maori (Maori culture); such as kaitiakitanga (stewardship or guardianship), tapu (sacred) and taonga (treasures); have been incorporated into the RMA and
much subsequent legislation. However, the praxis of legislative requirements has revealed the limited capacity of the legal system to bridge cultural chasms and historical legacies of distrust. While acknowledging that project consultation *qua* participation is a problematic and often tokenistic method of involving indigenous peoples in resource management decisions; the primary purpose of this critique is somewhat different.

In the work of Stapp and Burney (2002) the archeological bias of much ‘cultural resource management’ or what may be more widely known as tribal/cultural interests in resource development and use is blatant. The experience of Maori (as with the primarily American Indian based examples in Stapp and Burney) has demonstrated that archeological sites or objects – axioms of indigenous culture that can be seen, touched and objectively linked to Maori – are (generally) respected under the guidelines and praxis of the RMA. Meridian Energy’s Project West Wind, at Makara near Wellington clearly demonstrates this. Here a good relationship was built between Meridian and the local Maori *iwi* (tribe) through the preservation of several *pa* (fort) sites and archeological items that were discovered in the project area (O’Keffe, 2005). However the dominant trend in New Zealand case law indicates that when Maori have cited the existence of non-tangible sites of cultural significance – such as the presence of a *taniwha* (‘mythical’ creature that typically resides in rivers or lakes) – pervasive cross-cultural incommensurability has rendered Maori concerns ‘ridiculous’ within contemporary politico-legal contexts (Mutu, 2002).

This emphasis on tangible sites or objects as the defining, or in fact only, cultural interests aboriginal groups may have in economic developments obscures the cultural contexts of such sites and objects and highlights the tendency to predicate contemporary indigenous identities and interests on a constructed historical ‘traditional’ culture. Indeed, the pervasive ‘ecologically noble savage’ stereotype tacitly promulgates the notion that indigenous peoples are not culturally inclined to participate in capitalist development. The exclusion of broader indigenous cultural interests in projects fostered by these legal and political tendencies has significant ramifications. Firstly, it affirms and maintains the theoretical image of indigenous cultures as static and bound up in tradition. Secondly, this interpretation of cultural resources undermines the protection and advancement of indigenous cultures as a whole through failing to take into account of how linguistic and spiritual (and other) cultural resources may be affected by development projects. Finally, the evolution of culturally appropriate and just development requires the extension of indigenous interests in projects to include notions such as how the venture interacts with other
organizations, the environment and civil society. Current conceptualizations of indigenous identities as temporally bound and inherently environmentalist are theoretically incongruous with this broader understanding of indigenous interests in economic ventures; and hence militate against the evolution of culturally appropriate modes of development.

**Bound Indigenous Places**

There is an important similarity in the two contemporary modes of constructing indigenous places discussed earlier: namely, that indigenous places are discrete sites that are spatially and temporally fixed. However much of a truism this may seem in the current context, it is neither an accurate nor culturally appropriate interpretation of places as they pertain to indigenous groups. Though place, territory and land are popularly perceived as integral to ‘traditional’ (and ergo modern) indigenous identities, indigenous places as they are known today are not simply the product of customary habitation and use. Rather, colonial, postcolonial, modernizing and neoliberal processes – and the ways in which indigenous groups have contested and participated in these processes – have shaped the location, size and shape of the places that are deemed indigenous today. For aboriginal peoples in nations such as New Zealand, Canada and Australia, the reconfiguration of land and identities to access fee simple title to parcels of land in postcolonial fora has had a powerful impact on contemporary constructions of indigenous places. While for indigenous organizations in Latin America and Africa attempts to harness the support of supra-local actors has most recently shaped the construction and representation of indigenous identities and places. In both these contexts, indigenous places – especially how they are represented and understood by indigenous peoples and others alike – arise from the interaction of indigenous groups with local and trans-local peoples and processes and a significant reconfiguration of indigenous notions of place to be comprehensible in Western lexicons. Pertinently, the geographic imaginary promulgated through this rendering indigenous places discrete and bound is that land beyond the bounds of reservations or land claims is inherently not indigenous, but the property of the (colonial-settler) nation – a palpably ahistorical assertion that posits the subordinate position of autochthonous peoples at the heart of contemporary indigenous place constructions. Given this, Pearson (1998; cited in Davies, 2003: 26) poignantly describes native title in the Australian context as:

“The blackfellas keep whatever is left over, the white-fellas keep everything they’ve already gained and the big area in between you have to share, but in the sharing, the Crown title prevails over native title.”
Though an obviously cynical view, the spatial manifestation of injustices and power inequities between indigenous peoples and colonial governments is clearly expressed. Thus it needs to be acknowledged that contemporary indigenous places are rendered indigenous via the interaction of intra and supra-local peoples and processes. As a corollary, indigenous place constructions have occurred primarily within the Western politico-legal lexicon, and often do not genuinely reflect an indigenous perspective of how they relate to places or land. Hence it is both possible and very plausible that indigenous conceptions of ‘their’ places or lands – areas that hold cultural significance – extend far beyond the areas specified in contemporary land claims or held in fee simple or treaty titles.

_Economic development and cultural advancement?_

Given the discursive, political and institutional limitations of indigenous places, identities and relatedly, legitimate interests and modes of economic development, the notion that engaging in modern capitalist development will empower indigenous peoples culturally (and economically) is somewhat dubious. Certainly, addressing the myriad and compelling socio-economic issues facing numerous aboriginal groups – a priority for many indigenous organizations and leaders – requires economic development. Though a rather aphoristic statement, few places (if any) remain where subsistence lifestyles are still ecologically viable. As Bebbington (1993: 275; cited in Anderson et al., 2004: 636) puts it: “…like it or not, Indigenous peoples are firmly integrated into a capricious and changing market. Their well-being and survival depends on how well they handle and negotiate this integration.” For this reason alone, engaging with capitalist neoliberal economic development is arguably the ‘only’ alternative left for indigenous groups. Anderson (1997: 1484) states that First Nations peoples in Canada “…consider economic self-reliance to be critical to the realization and ongoing support of true self-government and to the preservation and strengthening of traditional values and practices.” Durie (1998: 9) affirms this in the New Zealand-Maori context stating that “…a sound economic base was seen as a crucial step towards achieving any real political autonomy or even cultural survival.” Yet for culturally appropriate and empowering forms of economic development to evolve requires the scholarly, political and popular revision of contemporary constructions of (legitimate) indigenous identities and places.

In essence, the spatial and temporal ‘freezing’ of aboriginal identities needs to heed the findings of academic work in broader fields where it has been trenchantly argued that places and identities are neither fixed, static, nor bound. Inherent in this is the need to complicate metanarratives that guide (third and fourth world) development discourses (Blaikie, 2000), neoliberal globalization discourses, the conception of indigenous identities and the relationships between aboriginal
communities and supra-local forces. Drawing on an examination of development in Ecuadorian Andes Bebbington (2000: 514) thus suggests that: “…subalterns are not merely victims who resist, by also agents who have succeeded in opening up spaces within states and markets”, arguing that though modernization has occurred in this remote region, its manifestation and operation is the product of both exogenous and endogenous processes, politics and relationships. The act of establishing culturally appropriate and empowering economic development, and indeed, modern indigenous identities requires a substantial ‘decentering’ of Western knowledges and paradigms. Alfred and Corntassel (2005: 614) poignantly argue that:

“As Indigenous peoples, the way to recovering freedom and power and happiness is clear: it is time for...us...to transcend colonialism as people...We do not need to wait for the colonizer to provide us with money or to validate our vision of a free future; we only need to start to use our Indigenous languages to frame our thoughts, the ethical framework of our philosophies to make decisions and to use our laws and institutions to govern ourselves.”

For such development to transcend within the neoliberal and globalized context, the construction of indigenous places and identities as discrete and static entities that find cultural and political origin and legitimation in a Romanticized past existence needs to be disestablished to allow dialectical, relational, historicized and just interpretations and understandings of indigeneity and places to evolve. Chatterton (2005: 545) describes this as the struggle for “autonomous geographies” that are constructed via:

“…the territorial, through the emergence of networked autonomous neighbourhoods which are selectively open and closed to translocal links; the material, through the development of a solidarity economy where immediate needs are met and work is redefined, and; the social, where collective action and daily practice helps constitute more collective, autonomous forms of social interactions.” (emphasis in original).

Thus several points of salience regarding indigenous places and identities can be discerned as they pertain to economic development and indigenous peoples. As the progeny of discourses between and among indigenous peoples, (post/neo) colonial states, NGOs and private actors, contemporary notions of aboriginal identity, and constructions of aboriginal places cannot be viewed as a fixed concatenation of a (mythical) primordial existence. Relatedly, just as Amin (2002) has asserted that “places are more than what they contain”, the geography of indigenous peoples’ relationships to land must be understood as being more than what property theorem connotes, as having value beyond and separate to fiscal estimations, and as spatially more extensive than what indigenous peoples – in (post) colonial estimations – own or may lay claim to.
The Confederated Tribes of the Umatilla and Place

The Confederated Tribes of the Umatilla (CTUIR) consists of approximately 2500 members and encompasses the Umatilla, Cayuse and Walla Walla tribes (and is often closely related to the Nez Perce tribe as well), and is located in North-Eastern Oregon. In recent years the CTUIR have become increasingly proactive in economic development and resource management projects, many of which extend far beyond the boundaries of the land that they ‘own’. While the modes and outcomes of economic development by the CTUIR are both contentious and certainly not perfect, an emerging institutional and tribal conception of the spatialities of tribal interests in economic development as neither bound nor static can be readily perceived.

American Indians and the USA

Contemporary understandings of American Indian (henceforth, Indian) identities and places in the USA are constructed and contested in a unique national political, legal and historical context; which has affected – and been affected by – individual tribes (and individuals) differently. The convoluted nature of indigenous rights within state and federal hierarchies eludes generalization; however much of the foundation for the current relationship between Indian tribes and state and federal governments lies in the era of treaty making and the case law that was developed during the early 1800s. Modern-day Indian reservations originate from this era where many tribes signed treaties which ceded territory to the United States government, in exchange for securing and protecting certain rights and lands for Indian settlement and survival (Silvern, 1999). This period of treaty-making officially ceased in 1871 at which point the Federal government refused to negotiate with or recognize Indian tribes as independent entities (Silvern, 1999). However this era, and in particular the body of case law developed by Chief Justice Marshall in 1831 and 1832 remains authoritative and significant to determining contemporary Indian and Federal government relations and rights. Silvern (1999:646) lucidly notes that throughout the 1820s and 1830s:

“The issue before the court was how to define the political, economic, and geographical incorporation of Indian nations within the expanding political economy of the United States. The court was faced with a problem of scale interpretation, of deciding where to locate Indian nations within the political-geographical structure of American Federalism.”

In *The Cherokee Nation v. The State of Georgia* (30 U.S. (5 Peters) 1 (1831) at 17) Marshall somewhat resolved this dilemma finding that Indians and Indian nations were “denominated domestic dependent nations…in a state of pupilage” within the USA. Marshall’s opinion was in a sense a double edged sword: on the one hand, Marshall clearly recognized the Indian nations as
discrete entities (and affirmed their rights to sovereignty and autonomy within the USA); yet on the other, he also consigned Indian nations to an inferior status to the USA. In doing so, Indian nations were posited in geographical imaginaries and within politico-legal discourse as discrete entities with rigid spatial boundaries – transposing the geopolitical division of the world into discrete nation-states to the USA. The reservations hence became ‘nations within a nation’, sites of Indian territory within an endless expanse of colonial-settler space; neither entirely independent nor dependent. This somewhat ambiguous position is reflected today in the abstruse web of federal, state, district and Indian governmental regulations and statutes that govern Indian-USA relations and transactions.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

The people and area that is currently politically and legally recognized as CTUIR is as much a product of colonial and imperial politics and legislation, as of historical land use by the Umatilla, Cayuse and Walla Walla tribes. The Treaty of 1855 is perhaps the most significant determinant of contemporary land use, ownership and rights. Settlement and development on the Columbian Plateau initially proceeded without any formal agreements between the Indian tribes and settlers, however as pressure on resources intensified, tribes became increasingly resistant to the growing influx of settlers (CTUIR, nd). The United States government sought to resolve these tensions by way of treaty: an act of insidious diplomacy that demarcates indigenous and colonial space, and conveniently forces the relocation of Indian tribes to spatially bound and legally rigid places. The Treaty with the Walla Walla, Cayuse, etc. (1855) was the progeny of negotiations between representatives for the USA government and Umatilla, Nez Perce, Palouse, Yakama, Walla Walla and Cayuse tribes. Notably, the Treaty was only signed by delegates from Umatilla, Cayuse and Walla Walla tribes, simultaneously creating the Umatilla, Yakama and Nez Perce Indian Reservations.
The tribes that are known today as the CTUIR ceded 6.4 million acres in the Treaty of 1855, leaving a reservation of 510,000 acres for the tribes to live on as is shown in Figure one above (CTUIR, nd). The transposition of Indian life to reservations was culturally and demographically devastating – forceful relocations resulted in a much weakened Indian population, while the necessary modification of quotidian practices in order to survive undoubtedly altered the practice and development of cultural traditions and norms. Furthermore, the creation of the Umatilla Indian Reservation forced three formerly separate and distinct peoples to become one group sharing a common territory impelling a potent reconfiguration of tribal territories and governance structures (CTUIR, nd; Huesties, 2004). Despite the nominal permanence of Treaty boundaries, the Umatilla Indian reservation has been diminished in subsequent legislation, primarily as non-Indians became aware of the agricultural potential of Indian land. The Slater Allotment Act (1855) and the Dawes Allotment Act (1887) were among the most pervasive statutes that granted non-Indians means to access ownership rights on Indian reservations – in the case of the Umatilla Indian Reservation, 48% of the reservation is currently owned by non-Indians as a result of legislation such as this (CTUIR, nd). Thus, legislative and political processes during the 1800s forced the spatial transformation and limitation of Indian peoples, concomitantly necessitating the
translation tribal relationships to the land to Occidental notions of property. Implicit within much legislation and treaties from this era is the dominance, sovereignty and prerogative of the (colonial) USA government and the ‘right’ of the government to negotiate, impose and regulate discrete places for Indian peoples within endless colonial-settler space.

Delineating pre-colonial territories of Indian tribes with any accuracy and precision is somewhat problematic, partially because tribal boundaries were neither inherently exclusive nor fixed, but perhaps more importantly the majority of written historical accounts were produced by colonial government surveyors and researchers (with implicit cultural biases) rather than Indian peoples themselves. The Umatilla, Cayuse and Walla Walla tribes are known to have resided within the Columbia Plateau region, drawing a subsistence existence from the fish, elk and plants in the area – a corollary of which was the periodic migration of tribal members and tribes throughout the region (CTUIR, nd). As has been noted of many indigenous peoples, the Umatilla, Cayuse and Walla Walla tribal cultures conferred a spiritual relationship of people and the land (rather than the secular conceptions employed in Western notions of property) (Huesties, 2004). The many tribes resident in the area are known to have resided in particular areas (for instance, the Walla Walla and Umatilla were primarily river peoples), yet exclusive ownership rights were (and are) largely culturally anathematic such that many natural resources, such as the Columbia river, were in effect shared by tribes (Huesties, 2004). These ‘traditional’ areas are in some ways reflected in the reservation and treaty boundaries, yet the imposition of the colonial-settler state has resulted in a substantial spatial curtailing of Indian places, rights and sovereignty. Attempts to conceptualize CTUIR territory in contemporary times thus confront considerable politico-legal complexity: jurisprudence dictates that geographical definitions Indian places derive predominantly from Treaty and legal transactions – and certainly any alternative conceptualization cannot be entirely abstracted from these historical and colonial processes. However, the discursive limitation of Indian traditions, cultures and interests to reservations is something of a sophism and wantonly ahistorical – and certainly stands in theoretical contrast to recent place (and culture) theorem (Castree, 2004; Escobar, 2001). Notably, several members of CTUIR identified CTUIR territory as “our homeland” – an area that extends far beyond the ceded territory and the reservation producing a disjunction between legally defined boundaries of indigenous place, and indigenous conceptions.

*Economic Development, CTUIR and Place*

7 Pers comm., Director of Tamastlikt Cultural Institute 02/16/2006
During the last decade, CTUIR governments have been increasingly proactive in regards to economic development, with the establishment of businesses such as the Wildhorse Casino and Resort, Tamastslikt Cultural Institute and Mission Market on the reservation. For the future, renewable energy technologies hold much potential for the CTUIR – initial surveys and research indicate that there are ample solar and wind resources both within the reservation and in the surrounding areas (USPIRG, nd). Furthermore, there is currently a significant political drive to establish and develop renewable electricity plants given the escalating prices of fossil fuels and the so-called US dependency and addiction to oil (Norton, 2001; US Department of Interior, 2005). The Indian Tribal Energy Development and Self-Determination Act (2005) affirms this political will for domestic energy production, and indicates potential for substantial federal funding for research and development of renewable technologies on Indian reservations. Yet the ways in which government funding is implemented remains to be determined, attaching an increased degree of uncertainty on renewable technology developments on Indian lands.

The CTUIR has not engaged in renewable energy development on tribal lands yet. However, the CTUIR has become a significant investor in the Stateline Wind Energy Center which is not located on tribally ‘owned’ land, but certainly falls within pre-settlement conceptions of tribal territory. This wind energy development is located on farmland at the border of Washington and Oregon states, and produces enough power to supply approximately 70,000 households (see Figure Two below). The economic development projects that the CTUIR have developed and invested in – in particular the off-reservation wind energy center – affirm the earlier assertions of discursive, political and legal limitations and reconfigurations of indigenous cultures and places.

The pervasive stereotype of indigenous peoples being ‘ecologically noble savages’ typically also positst indigenous cultures as antithetical to economic development and commerce (Banerjee and Linstead, 2004; Grande, 2000). Scholars such as Banerjee and Linstead (2004, Clifford (2001) and Durie (1998) inter alia have provided trenchant critiques of such ideas, and the CTUIR experience affirms these findings. Indeed, historical accounts of Columbian Plateau tribes indicate that the Umatilla, Cayuse and Walla Walla peoples were active trades-people often facilitating the flow of goods from Pacific Northwest coast tribes to Great Plains tribes (CTUIR, nd). In contemporary times, the CTUIR has built on this legacy with on-reservation developments, and perhaps more notably, off-reservation investments. Thus while the CTUIR affirms the importance of historical practices within their cultures, modern economic

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8 Pers Comm., Roger Taylor, National Renewable Energy Laboratories, Golden, CO.
development is certainly not treated as discursively or cognizantly bound to traditional modes of economic development.

*Figure Two: Stateline Wind Energy Center, February 2006.*

However, cultural interests of the CTUIR in economic developments, such as the Stateline Wind Energy Center, are typically defined solely by archeological artifacts. The Final Order for site consent for the Stateline project (Oregon Energy Facility Siting Council, 2001) provides detailed analysis of archeological sites of importance – placing a particular emphasis on artifacts registered on the National Register of Historic Places. Hence, the case of the CTUIR conforms to the experiences of the Maori in New Zealand and many other US tribes of limiting ‘legitimate’ cultural interests of the CTUIR to tangible and ‘traditional’ aspects of indigenous culture.

Associated with this cultural “fossilization” (Durie, 1998: 4) of indigenous cultures, is the strict spatial expression of indigenous cultures and identities. In the work of academics such as Davies (2003), Nadasdy (2000) and Perreault (2001, 2003) contemporary conceptions of indigenous places as discrete and fixed sites within (colonial-settler) nation-states are shown to problematically obscure indigenous understandings of place. The area that is nominally accepted as CTUIR land (shown in Figure One) is certainly rigidly fixed in a politico-legal sense, yet perhaps more insidiously, within many (tribal and non-tribal) geographical imaginations. Through investing in the off-reservation wind farm, the CTUIR have demonstrated tribal interests in economic development extend beyond the lands left in their possession, highlighting the fact that Indian places cannot be understood solely in terms of property rights as negotiated with the federal government. For the CTUIR this indicates an emerging conception of Indian place or
territory that traverses settler-colonial boundaries and reflects the extant importance of ‘traditional’, pre-colonization territories. In this sense, any attempt to restrict CTUIR interests in economic development to the reservation or ceded territory (or even what is currently accepted as ‘traditional’ territories) is somewhat problematic: a denial of the right to cultural development and change; and also of historical nomadic and migration aspects of CTUIR tribal cultures.

**Conclusion**

Economic development and the CTUIR, and in particular the investment of the CTUIR in the Stateline Wind Energy Center, illustrates the cultural complexities of indigenous places, identities and development. While an increasingly expansive conception of the spatiality of CTUIR interests in development is evident; the expression of cultural interests in economic development beyond archaeological artifacts is rather more limited. The theorization of places: how place is constructed, maintained and perceived is pertinent to resolving this culturally and politically complex dilemma. However, attempts to theorize place as it pertains to CTUIR peoples and economic development confront a significant academic lacuna in contemporary place theorem and its application to indigenous peoples. This paper has explored this theoretical complexity vis-à-vis the political, legal and social construction of indigenous places (and as a corollary, cultures). Here the pervasive cognate of indigenous places and cultures as discrete and static is asserted as one of the more significant factors hindering the emergence of culturally appropriate and just conceptions of modern indigenous identities and places. Indeed, while current (economic) geography scholarship has advanced relational and fluid constructions of places (Amin, 2002; Jessop, 2002; Peck and Tickell, 2002); these theorizations are seldom applied to indigenous places which are typically posited as spatially and temporally fixed, and represented and understood within Occidental and colonial lexicons. Thus, greater attention to the cultural and political complexities of indigenous places is called for – in essence, a revision of geographical imaginaries of indigenous places and the ways in which they may be understood in relation to national, regional and global scales and processes to empower indigenous communities in economic and cultural development.

**References**


CTUIR (Confederated Tribes of the Umatilla Indian Reservation). nd: *Who we are*, Accessed online: www.umatilla.nsn.us/


