



Indigenous rights, performativity and protest



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ABSTRACT

Protests to claim rights are a common practice among Indigenous peoples of the world, especially when their interests conflict with those of nation states and/or multinational corporations regarding the use of their lands and resources. Drawing on a case study of the National Indigenous Mobilization held in Brasília, Brazil in May 2014, this paper describes how Indigenous protests and strategic actions (e.g., blockades, sit-ins, rallies, marches, and publicity campaigns) are arguably legitimate tactics for Indigenous peoples to seek the attention of a broader audience, establish dialogue with authorities and companies, and to achieve respect for their individual and collective human rights. These forms of community mobilization often occur in contexts where good faith processes (i.e., based on the principle of free, prior and informed consent, FPIC) were not properly implemented. We analyse the use of social media and the role of the mass media in giving visibility to the protests and in assigning or withdrawing broader social legitimacy. Using anthropological performance theory, we consider the political and social context of the Mobilization. Although negative Indigenisms (i.e., akin to Said's concept of Orientalism) are propagated in the media, a key finding is that symbolic actions and/or performative actions (a theatricality of resistance) are essential dimensions of Indigenous protest to achieve objectives. We conclude that Indigenous mobilizations are legitimate and necessary ways for Indigenous peoples to gain respect for their right to self-determination and other individual and collective human rights. Protests can also help in building social capital and ultimately have positive outcomes for the environment and community health and wellbeing.

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1. Introduction

Protests and other forms of community mobilization are a common occurrence when rights of Indigenous peoples are violated or when infrastructure projects affect their territory and wellbeing (Fisher, 1994; Davis, 2012; O'Faircheallaigh, 2012, 2013; Ruano, 2013). In the case of infrastructure projects, such as dams or roads, protests have been able to influence project outcomes in various ways. This paper discusses the role of Indigenous protest in influencing the decision-making processes that affect their lives. The right to self-determination and having a participative role in decision-making are guaranteed by the International Labour Organization Convention 169 on Indigenous and Tribal Peoples (ILO, 1989), as expressed in the principle of Free, Prior and Informed Consent (FPIC) (Hanna and Vanclay, 2013).

In order to better demonstrate the dynamics by which protests assist Indigenous people in reaching their goals, this article analy-

ses the 2014 National Indigenous Mobilization, a major three-day demonstration held in Brasília in May 2014. The objectives of this mobilization were to protest against: (1) government policies affecting Indigenous peoples, including proposed changes in legislation that limit territorial rights; (2) a slow-down in the gazetting of Indigenous reserves as called for in the Constitution; and (3) proposals for a number of dams, including Belo Monte, that are affecting thousands of rural and Indigenous peoples and have been undertaken without adequate FPIC processes. The lead author was present during this protest as part of on-going research into the implementation of large development projects in Brazil and their social impacts on Indigenous peoples. Drawing on performance theory (Bauman and Briggs, 1990; Turner, 1977, 1982), we describe how Indigenous peoples use protest action, social media and the mass media to bring their messages to a broader audience and influence western imaginary in order to leverage political support for their causes (Turner, 2002). As observed in this case study, media coverage of protest's, however, does not always fairly present protesters claims and often negatively portrays their position.

We define community mobilization as a process that involves a call to action that results in a public gathering for the purpose

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of raising awareness about topics or issues, usually of a political nature, that are of concern to a specific group of people. It can encompass a broad range of strategic actions such as rallies, marches, blockades, protest camps, or publicity campaigns. Indigenous mobilizations are socially legitimate and, at times, necessary strategies to guarantee their right to self-determination and other individual and collective human rights (Kemp and Vanclay, 2013), as established by international law and Brazilian constitutional revisions over the last thirty years (Hanna et al., 2014). Protests can also contribute to social capital and ultimately have positive outcomes for community health and well-being.

2. The role of protest in achieving respect for indigenous rights

O'Faircheallaigh (2012, 2013) has proposed that community mobilization and actions such as protests and blockades can be important strategies for Indigenous or other rural peoples when their rights are threatened by corporate extractive activities. Other authors view such actions as also being necessary for other impacted communities (Daou, 2010; Devlin and Tubino, 2012). O'Faircheallaigh (2012, 2013) argued that in some situations, marginalised groups can successfully challenge the hegemony of major economic interests depending on structural conditions and historical constellation of forces surrounding the proposed project. Community protests are a crucial strategy to force governments, regulatory agencies and proponents to comply with permitting conditions and to mitigate the impacts caused by the project's construction and operations.

When social and environmental impacts are not being properly addressed in licensing procedures and strong political forces act against Indigenous interests (Hanna et al., 2014), protest performances invoking images of the 'noble savage' or 'ecological Indian' are frequently enacted as a negotiation strategy and to attract the attention of the broader society (Conklin and Graham, 1995; Conklin, 1997; Ulloa 2005). Carvalho's (2006) analysis of the opposition to the Belo Monte dam concluded that polarization between protestor and proponent is not beneficial, and recommended greater dialogue between proponents and impacted groups to facilitate improved mitigation and better outcomes for local communities. However, Osman (2000) argued that, in certain circumstances, a blockade of operations might be the only way to establish dialogue between groups, especially in a situation of major power imbalance. Many authors consider that Indigenous protests are efficient mechanisms to shift power relations and to apply pressure on key decision-makers (Condori, 2010; Earle, 2009; Fisher, 1994; Kirsch, 2007; Ruano, 2013).

Performance analysis provides a critical perspective for the study of protests and other manifestations of collective rights. Not only does it promote a focus on the emergent structures of social relations in the enactment process, it also calls for "greater attention to the dialectic between performance and its wider sociocultural and political-economic context" (Bauman and Briggs, 1990:61). Performance analysis examines links between the specific event and the larger context, both global and local, through processes of contextualization that emerge in the event (Langdon, 2006; Langdon and Wiik, 2010). Following Bakhtin's (2004) notion of dialogicality and the chains of communication that make up discourse, no performance occurs in isolation or without reference to current or prior enunciations, negotiations and events. For example, Brazilian Indigenous protests 'index' (i.e., refer to) international and national documents guaranteeing collective rights along with reference to specific events (Ruano, 2013).

The establishment of an international legal framework to protect Indigenous rights was part of earlier struggles by Indigenous

peoples worldwide and ultimately led to the United Nations Declaration on the rights of indigenous peoples in 2007 (Stavenhagen, 2009; Engle, 2011). In Brazil, Indigenous organizations successfully fought for a participating role in the drafting of the National Constitution in 1988 (Carneiro da Cunha, 1994) and succeeded in gaining a chapter specifically on Indigenous peoples ensuring a series of rights (Brasil, 1988)—even though these rights are frequently ignored in the everyday practice of the realpolitik. As is the case of other countries, legislative change has not always necessarily altered operational procedures, a phenomenon described as the governance gap or implementation gap (B&HRI, 2010; Stavenhagen, 2009; United Nations, 2011). Despite advances in legislation, Indigenous peoples must continue to struggle for their rights in order to influence decision-making processes and force the application of current legislation (including FPIC). Indigenous mobilizations, along with non-Indigenous support, can be seen as an attempt to enforce the application of national and international law.

Given the absence of existing channels for dialogue, Indigenous protest actions should be comprehended as legitimate spaces for the expression of rights and communication with corporations, governments and the larger society. It is important to mention here that legitimacy is not comprehended as legal legitimacy, but as a social legitimacy, as protesting in Brazil is a legal activity. Along with protests, other forms of cultural performance, such as festivals, dances and public spectacles, are important mechanisms to facilitate intercultural dialogue with policy makers and legislators (Guss, 2000) and for promotion and legitimization of Indigenous identity (Albuquerque, M.A.d.S., 2011; Graham and Penny, 2014; Hanna et al., 2014; Langdon and Wiik, 2010). In addition, participation in cultural performances provides important experiences for identity building, skill acquisition, learning and empowerment (Ruano, 2013). Through organizing and participating in protests, especially when the outcomes are positive, Indigenous people build social capital and influence their own future development (Veber, 1998).

In spite of the possible benefits of mobilisations and associated cultural performances, there is also persecution, prosecution and assassination of Indigenous protesters. Reports from several countries have registered frequent acts of criminalization, coercion and violence against protesters in situations where governments and corporate interests conflict with Indigenous peoples' rights (Anaya, 2010; Escolar et al., 2010; Organizaciones Indígenas, 2013; Sekaggya, 2010). Authorities also attempt to demobilize or disrupt Indigenous movements by exploiting existing internal contradictions and tensions, often co-opting faction leaders (Ruano, 2013). By influencing public opinion, such strategies can lead to serious backlash against the Indigenous leaders, for example as in the cases of Mario Juruna and Payakan (Graham, 2011; McCallum, 1994; Ramos, 1998), exacerbate latent intragroup conflict and are often accompanied by attempts by the State and media to discredit protest actions.

The use of tear gas, warrants for arrest and/or detention (especially of leaders), public exposure in the media of leaders on trial, seizure and/or destruction of possessions, and the destruction of protest symbols – flags, banners, encampments, and road or street blockades – are significant elements in the criminalization and/or de-politicisation [i.e., delegitimation and demobilisation] of Indigenous protest. (Ruano, 2013:234-author's translation)

Despite threats of coercion and intimidation, global campaigns to halt mega-projects continue to be initiated by Indigenous organizations and supportive NGOs. Some of the most important recent ones are: Stop Belo Monte against a mega-dam in Brazil; Idle no More against the Keystone pipeline in Canada; Chevron Toxic against an oil spill allegedly caused by Chevron in Ecuador; Movement for the Survival of the Ogoni People against Shell activities and

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