



Who are Indigenous – And How Should it Matter?

Discourses on Indigenous Rights in Norway and Nepal

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Abstract

This paper accounts for certain types of reactions to the indigenous peoples' (IP) rights discourse, as found in the cases of Nepal and Norway: relevance denial, desirability denial, self-inclusion and indigenous localism. Denials of relevance or desirability were articulated in Nepal by dominant group activists and 'third people' activists. Dominant group activists also applied a discourse of self-inclusion into the 'indigenous' category. In Norway attitudes to IP rights were less dependent on speakers' ethnic identities, but the same reaction types were observed in both countries. Although carrying much potential to address indigenous grievances, IP rights discourse is observed to also trigger certain types of counter-reactions that may possibly lead to future backlashes.

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1. Introduction

During the last fifty years or so, many ethnic groups formerly discriminated against have organized to fight for their survival as distinct peoples. A fair number of these are considered indigenous peoples (IPs), which generally implies that they ‘inhabited the country or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries’ (ILO Convention 169, Article 1, 1b) IP mobilizations in different countries were not isolated events: activists of different countries developed international networks, shared experiences and strategies, and a discourse of indigenous rights began to spread among them (de Costa, 2006; Minde, 2003; Niezen, 2000; Nyyssönen, 2007). This discourse influenced, and was influenced by, the development of international indigenous law; the most notable examples of which are 1989’s *International Labour Organization’s Convention on the Rights of Indigenous and Tribal Peoples 169* (ILO 169) and 2007’s *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). Norway was the first state to ratify ILO 169 in 1990. Nepal is a relative latecomer with its 2007 ratification. As for UNDRIP, both Nepal and Norway signed the declaration. The existence of legal instruments for IPs arguably makes it more attractive for those ethnic minorities who have the opportunity to highlight the aboriginal aspect of their ethnos and actively promote a discourse centred on their rights as IPs. There has been an observed tendency to move away from a language of ‘minority rights’ to ‘indigenous rights’ (Kymlicka, 2008; Niezen, 2000; Warren, 1998).

In both Nepal and Norway, the mobilization of aboriginal groups applying a discourse of IP rights has been successful in that governments have accommodated some of their claims. In Norway the Sámi mobilization was answered by among other things the Sámi Act (1987), which guaranteed a representative consultative/participatory organ – the Sami Parliament. Following Norway’s ratification of ILO 169, much of the IP policy debate has concerned the implementation of that convention, for example through the Finnmark Act of 2005. In Nepal, the entire political system is in flux, but important steps have been made in the interim political system, for example the introduction of proportional representation for the IP population (Jones and Langford, 2011). In both cases, however, IP mobilization and the governments’ accommoda-

tion¹ of IP demands have led some to argue that with the ascent of IP rights, other groups' rights are under threat, or at least insufficiently taken care of.

In this paper we make a comparative study of similarities and differences in conflicts over IP rights in two countries which could hardly be more different, but where the same international discourse of IP rights and the same international legal framework is being applied to address aboriginal minority issues. We first present the analytical perspective, ethno-national discourse in identity-driven conflict, and describe the research methods and sources. After accounting for the two cases, we examine four reactive positions identified in both countries, before we sum up and discuss our findings in the conclusion.

2. Inter-Ethnic Conflict and the Discourse of IP rights

We apply the concept of discourse largely as it is used by Jørgensen and Phillips (2006: 9, 37-8, 60-2, 69, 150), who define a discourse as an identifiable pattern of 'speaking about and understanding the world (or a part of it)'. Disagreeing discourses (or discursive positions) on the same phenomenon are called 'antagonistic'. The set of all discourses on a given phenomenon is often referred to as its 'order of discourse', but for reasons of clarity here will be referred to simply as the 'debate' on the phenomenon. Political actors actively promote certain discourses with the goal that these should dominate the debate, and other interpretations get 'pushed to the margins' (Nyyssönen, 2007: 14).

IP rights discourse has deeply affected the global political debate on aboriginal minorities; moving the debate from a paradigm where this set of ethnic groups were discussed as primitive cultures in need of patriarchal support from the dominant group, or inferior groups needing to be assimilated or otherwise destroyed, to a situation where it is rather common in international politics to discuss them as previ-

¹ In this paper we follow the terminology outlined by McGarry, O'Leary and Simeon (2008), where integration is a position that aims at equal citizenship while accommodation refers to a position that recognizes more than one ethnic, linguistic, national, or religious community in the state.

ously ill-treated *rights-holders*, towards whom the offending states are *duty-bearers* (Lama-Tamang, 2011; Niezen, 2003). 'IP rights' is a powerful ordering point around which policy debates on the world's aboriginal peoples are often organized today, supported by and simultaneously supporting the continued development of the above mentioned field of international indigenous law. Yet, the IP rights movements are ethno-political movements, and all ethno-political mobilizations bear the risk of provoking counter-movements. If an aboriginal group's version of the IP rights discourse targets, or is widely perceived as targeting, other ethnic groups in society, these others may begin to consider themselves as under threat and counter-organize. In the worst case an ethnic security dilemma (Kaufman, 2001) may appear: a spiral of fear in which fronts harden on both sides, people falling in line behind jingoistic leaders as they increasingly perceive an existential threat towards them and their kin looming on the horizon. Vetlesen (2005) discusses how such fear-based frontline hardening and a widespread notion that 'self-defence' may soon be necessary, serves as 'ideological preparation' for committing or at least accepting atrocities against the 'threatening' group.

Kaufman (2001) distinguishes between *nationalism* ('our ethnic group should have a sovereign state'), *chauvinism* ('our ethnic group is better than others') and *hostility* ('other ethnic groups are dangerous to our ethnic group'). Indigenous rights movements rarely aim to establish states, but rather aim for existing states to make amends for historical injustice. Chauvinism and hostility towards other ethnic groups may come to be present in an IP movement's rhetoric, but this is in no way a necessary development – the general framework of the IP rights' discourse does not demand it. Even so it does have a certain potential to provoke negative reactions from other ethnic groups. Nation-states have the explicit intention of expressing the identity and interests of their dominant ethnic groups, members of which may feel threatened due to an impression of 'guilt by association' when the IP rights discourse confronts the state. Members of the dominant groups may also feel that the IP movement at a basic level threatens the future of the state they identify with. Some individuals of the dominant group may also protest IP rights simply out of a desire to preserve their dominance – but such blatantly chauvinist sentiments may be difficult to find explicitly reflected in political discourse.

Furthermore, multi-ethnic societies may also contain marginalized ethnic groups that fall between the two main categories in the narrative of IPs vs. state/dominant people, occupying what here will be referred to as a 'third people' position. Such groups may fear being sidelined if ethno-politics come to be organized around the IP rights discourse – that their position in society will become (even) worse. Parts of the aboriginal population itself may also disagree with the discourse of IP rights and/or fear its possible consequences. The latter may be linked to worries that the concept of IP rights may alienate other groups in society, or reflect a desire of individuals or communities to abandon their minority culture 'stigma' and assimilate – rather than be singled out as 'indigenous'. From an instrumentalist view one could also speculate that certain IP individuals may seek to climb socially and politically by siding with the majority, but again, this is of course not a position one would find explicitly articulated in public debate.

Finally, one may expect to find speakers from all group types that see the IP movement as threatening to destabilize society, and therefore react against it; or who have an ideologically based conviction that rights should be formally equal for all citizens – all group-based rights hence being seen as undesirable.

In this article we focus on discursive conflicts triggered by the introduction of 'IP rights' as an organizing point for debate on minority peoples: how do various actors claiming to speak for the interests of IPs, dominant peoples and third peoples attack the IP rights' discourse? Is the discourse challenged in other ways, which do not attack it but rather attempt to rephrase it in order to change its practical outcomes? Will we find examples of negative reactions from all these group types in both countries? Will we see similar discursive patterns manifesting themselves in such different countries as Nepal and Norway? If the latter is answered in the positive, that may tell us something about what we may expect when the IP rights' discourse makes inroads into the public debate in any society.

The data on which this study draws has been obtained from several sources, the major ones being key-informant interviews with political activists and leaders at the local, district and national level; secondary literature; news media; relevant websites;

and public statistics. Interviewees include IP representatives at different levels (national, district, local), state representatives with various ethnic and party affiliations, representatives of organizations oriented towards the dominant groups, and third peoples. Different Norwegian and Nepalese media outlets have been searched for background information about IP politics and to map out characteristics of the countries' IP policy debates. In the Norwegian case, the search engine Retriever-info.com has been applied to find older material. Organizations' representations of themselves and their opinions in the media and on the internet have been key sources for our analysis. In the Nepali case, the team carried out fieldwork in two areas: Firstly, the capital area of Kathmandu, which in itself is home to one of the country's major IP groups, the Newars; secondly, the districts of Chitwan, Dhading and Tanahun – parts of which have been suggested merged into Narayani, a proposed province in the federal Nepal that many IP activists are sceptical towards. In these districts our team was able to carry out key informant interviews with representatives from all the major IPs in the areas.

Based on our search for discursive patterns among activists through interviews and media texts, we have made some conclusions about what appears to be the general message from political activists claiming to represent the interests of different groups. The reader should be aware that the attitudes expressed by these are not necessarily generalizable to attitudes among the 'rank and file' of the group in question. Indeed, opinions expressed may not even be believed in by the speakers – but rather be instrumentally applied 'tactical discourses' (Antaki et al., 2003; Nyssönen, 2007). We are not attempting, however, to tap into popular opinion among the groups in question, our goal is far more modest: to sum up in brief how the rhetorical game around IP rights appears to be played by actors whose groups are given different roles in the narrative expressed through the IP rights' discourse.

3. The cases of Norway and Nepal

Norway is a large yet sparsely populated country (ca. 4.7 million inhabitants), whereas Nepal is approximately half as big yet has a much bigger population (ca. 29 million). The former is a 'prosperous bastion of welfare capitalism', (CIA, 2011a) the latter among the 'poorest and least developed countries in the world' (CIA, 2011b). In

terms of stability and social cohesion, they are also markedly different: Norway has not seen armed internal conflict in modern times² and is considered a highly stable state where political protest hardly ever escalates into violence. Nepal, on the other hand, has seen several revolutions and one protracted civil war. Social cohesion is not high, the population being divided into several ethnic groups and castes which have not had a harmonious relationship. Political mobilization has a tendency of utilizing uncompromising rhetoric and rather extreme forms of protests such as *bandhs*, mass actions that attempt to temporarily close down all sectors of society.

3.1 Norway

Nationalist sentiment among Norwegians began to appear on a larger scale in the 1800s, during Norway's union with Sweden. During this period, Norway began a policy of Norwegianization – assimilating ethnic minorities on their territory into the majority population – which was not abandoned until the late 1950s/early 1960s (Berg, 2000a; Minde, 2005). As a result, many individuals with ethnic minority backgrounds consider themselves Norwegian, instead of (or in addition to) other ethnic identities. Along with there being no official definition of 'Norwegian' except 'citizen of Norway', this complicates the delineation of a dominant ethnic group in Norway. Hence, the dominant ethnic subject position in Norway must simply be identified as 'Norwegian', noting that different speakers may frame this as excluding or including other ethnic groups.

The earliest people to settle the areas today constituting Northern and Central Norway were the ancestors of the Sámi people. The Sámi may be subdivided into several groups based on, for example, languages and region-based identity, but are considered by themselves and others as a unitary ethnos rather than a set of related groups (Berg-Nordlie, 2011). If everyone with some Sámi ancestry were to consider themselves as Sámi, the group would be larger, but Norwegianization has ensured that this is not so. In any case, Statistics Norway does not gather data on ethnic identity. The rough estimates 'ca. 40.000 ethnic Sámi' and 'ca. 25.000 Sámi-

² A possible exception may be made for the German occupation of Norway 1940-45 in which armed resistance groups fought the occupants and the Quisling regime.

speakers' are sometimes given (SEG, 2000). It is difficult to know how this 'invisible' group compares socio-economically to the majority, but some research is being done into a geographical area where a large portion of the population are of Sámi ancestry, returning a somewhat lower life expectancy and a lower level of education (SSB, 2011a). Hansen (2011) has also shown that 35 per cent of the Norwegian Sámi-speaking community has experienced discrimination.

Sámi ethno-political organizing began during the late 1800s/early 1900s, but these attempts did not manage to affect policy-making much – the consensus around Norwegianization was too strong (Berg, 2000a). After the Second World War the political climate became more hospitable for the Sámi movement. In 1968 a set of Sámi NGOs united in the Norwegian Sámi Union (NSR) (NSR, 2011) which came to adopt the discourse of IP rights and connect with the global IP movement. Activists shifted from positioning the group as a national minority and making contacts with the Federal Union of European Nationalities (FUEN), to in 1969 rejecting the invitation to become members of FUEN and instead taking part in the establishment of the World Council of Indigenous Peoples (WCIP) in 1975 (Jernsletten, 2002; Minde, 2003; Nyssönen, 2010). The organizations that founded NSR were from the northernmost county Finnmark and the capital area Oslo, but they eventually united activists from all of Norway. Even so, another Sámi NGO was formed in 1979: the Sámi National Union (SLF), which came to be particularly popular among the strongly Norwegianized Coast Sámi (Emanuelson, 2006; Josefsen, 2007; Mellem, 2004).

The 'third people' sector of Norway is not insignificant, due to latter decades' immigration wave: 12.2 per cent of the Norwegian population are immigrants/people with immigrant parents. Much of this immigration is to the capital area (Oslo), whereas Northern and Central Norway – where the Sámi are indigenous – attract the least immigrants (SSB, 2011b). Hence, the Oslo-centred Norwegian media mainly debates ethnic minorities as a discussion on immigration and associated problems – the IP policy debate being a smaller discussion, somewhat isolated from the 'main' debate (Berg, 2000b; Berg-Nordlie, 2011; Skogerbø, 2003). Further north, though, the minority debate has more focus on the Sámi. Of Norway's official national minorities it is only the 10,–15,000 Kvens, descendants of people who immigrated from

other parts of northern Fenno-Scandia during particularly the 1800s, that have their core areas inside of Sápmi, the traditional Sámi settlement area (Niemi, 1999; RtP, 2001). Hence, they will be the third people in focus for the purposes of this article.

3.2 Nepal

In Nepal, the politically and socially dominant group is more easily identifiable: they are the Parbatya castes Brahmin and Chhetri (BC), which according to the 2001 Census form 30,8 per cent of the Nepalese population (Ranjan, 2009: 6).³ Since establishing Nepal in the 1700s, the BCs have been the dominant group due to their caste-based social standing, and ruled Nepal as a Hinduist state despite a sizeable number of ethnic groups being non-Hindu.

Nepali IPs constitute ca. 36.3 per cent of the population and are the majority in 1/3 of all village development councils (VDCs, the lowest administrative level) – even though statistics are assumed to skew data somewhat in favour of the BCs (Ranjan, 2007; Sharma, 2007). The Nepali IPs consist of a large number of smaller ethnicities. Those numbering over one million are the Magars (7.1 per cent), Tharu (6.7 per cent), Tamang (5.6 per cent) and Newars (5.4 per cent) (Dastider, 2010). The group is on the whole economically and politically marginalized, although internal variation is significant – the Newars being particularly high-status compared to other groups. As a whole, the Newars are economically better off than lower-class BCs – the World Bank at times groups them with the BCs, operating with the category BCN (Brahmin-Chhetri-Newari) or BCTN (Brahmin-Chhetri-Thakuri-Newari) (Aasland and Haug, 2008). The Nepali IP umbrella organization NEFIN operates with a socio-economic internal division between their ‘member peoples’, which classifies all as in some way disadvantaged except the Newars and the Thakali (a minor group). These too have, however, also been culturally discriminated through Sanskritization, the Nepali parallel to Norwegianization (NEFIN, 2011). Despite increasingly vibrant IP NGO organizing, civil society is also dominated by other groups: nationally, in the NGO Feder-

³ Parpatya here refers to Nepali-speaking Hindus of the Hill region of Nepal (Sharma, 2008: 4; Whelpton, 2008). Parbatya BCs are also sometimes referred to as ‘Hill’ BCs (cf. Ranjan, 2009). Note that we are here including the very minor Thakuri and Sanyasi groups as part of the category (Parbatya) BC. Non-Parbatya high-castes (e.g. of the Madhesi or Newar) are not seen as part of the dominant group.

ation of Nepal's leaders and cadres 75.9 per cent are BCs but only 18.4 per cent IPs, and 80 per cent of the journalists are BCs compared to 15 per cent IPs (Lama-Tamang, 2011).

Whilst the Sámi have always been defined as one group by outsiders, the Nepali IPs were bundled together when Nepal defined a certain set of conquered groups as *matwalis*, a lower-status category. In 1990 the Nepal Federation of Nationalities (NEFEN) was founded, applying the moniker *janajati* ('nationalities') rather than the old *matwali* (ICG, 2011; Onta, 2006). The qualifier *adivasi* (indigenous) was included in NEFEN's constitution, and in 2003 the name was changed to Nepal Federation of Indigenous Nationalities (NEFIN). *Adivasi janajati*, although in use at least since the 1980s, was not an uncontroversial term: some argued Parbatyas were also *adivasi* (Onta, 2006) due to their long presence in Nepal. Another controversy was the inclusion of Newars in NEFEN, due to their high degree of urbanization, the fully-fledged Hindu caste system present among the many Newars who are not Buddhist, and their high social status (Onta, 2006). During the 1990s, the movement began to draw heavily on the IP rights' discourse, advocating the ratification of ILO 169. In 2002 Nepal enacted the National Foundation for Development of Indigenous Nationalities (NFDIN) Act which listed *adivasi janajati* groups and created a branch of the state specifically designed for their needs, channelling money to IP causes through official programs (Dastider, 2010; Government of Nepal, 2010a; ICG, 2011; Lama-Tamang, 2010; Onta, 2006; Sharma, 2008).

Contrary to Norway, IP policy is seen in Nepal as concerning the entire country, and hotly debated at all levels – the IP population being larger, native to most corners of the country including the capital area, and the largest ethnic category. However, they are not the only marginalized group – two-thirds of Nepalese are considered socially excluded based on their group membership, a number that also includes 'third peoples' such as the Dalits, Madheshi and Muslims (Haug and Aasland, 2009). The Dalits (14.99 per cent, Ranjan, 2009), at the bottom of the Hindu caste system, were and are the most marginalized social group. While officially non-discrimination is preached, it is very difficult to break the set of social practices commonly referred to as 'untouchability' (Ranjan, 2009; Sharma, 2008). Such social discrimination is even

committed by many Buddhists and Muslims (Hachhethu, 2009). The group also has few economic and political opportunities (Haug and Aasland, 2009). Dalits are found among the Parbatyas, the Terai castes (see below) and in the caste system of the Newars (Kumar, 2009).⁴ Nepali Muslims (4.2 per cent) were historically ranked as an impure caste and placed on the margins of Nepali society (Dastider, 2010). They still suffer systemic social marginalization, over-determined due both to their being 'outsiders' and the fact that 95 per cent of them live in the socially depressed Terai region. The Muslims were not encouraged to assimilate into Parbatya culture, being considered a definitive 'other' (Hachhethu, 2009). The Madheshi are a more difficult group to define. As this is mainly a regional identity linked to the Terai (Madhesh), the lowlands of Nepal, the term could theoretically encompass the entire 48.5 per cent of Nepal's population living in that region. Yet, the Madheshi identity is not shared by all: many Terai dwellers are of Hill origin, others belong to local IP groups and primarily identify with these, and there is a sizeable Terai Muslim community. The hard core of the Madhesh identity group would be those belonging to the Terai-specific caste system, which differs from that of the Hill Hindus. According to the 2001 Census the percentage of the Nepalese belonging to the 'Terai castes', Dalits included, is 19.5 per cent (Sharma, 2008). This group has long been discriminated due to the dominance of the Hills over the Plains, deviations from the Hill-origin Parbatya culture, and their culturally close ties to India (Ranjan, 2009; Sharma, 2008; Whelpton, 2005). Terai inhabitants generally score lower than Hill-based groups on social indicators (Haug and Aasland, 2009).

4. Reactions to the IP Rights' Discourse

One of our basic findings is that in the case of Norway, it was more difficult to predict actors' positions on IP rights based on what ethnic group they claimed to represent: basic dissent to IP rights was also found among certain speakers who articulated a Sámi-subject position. Different Norwegian 'third people' organizations also expressed different positions. In Nepal, it was easier to 'predict' activists' positions from the group type they claimed to speak for. It was particularly uncommon to find IP members arguing against IP rights. We will here focus on four reactive positions to

⁴ Parbatya Dalits, Newar Dalits and Terai-caste Dalits are at respectively 8,7 per cent, 0,4 per cent and 2,8 per cent. Newar Dalits have here also been counted among the IPs.

the IP rights discourse: *desirability denial* and *relevance denial* are basically 'counter-discourses', whilst *self-inclusion* and *local indigenusness* may be seen as taking the IP rights discourse as a point of departure but articulating distinct 'versions' that may have very different political consequences.

4.1 Desirability denial

The notion that IP rights are undesirable as such was found to be particularly present in the Norwegian debate, but also in Nepal. This discourse describes IP rights as doing nothing good for society – they will create conflicts and may even lead to state disintegration. They are also argued to be undesirable from a democratic point of view. In Norway, the anti-Sámi rights NGO Ethnic Democratic Equality (EDL) and the right-wing populist Progress Party (FrP) were found to be particularly active in promoting this counter-discourse.

EDL was founded following the introduction of the Finnmark Act (2005), which transferred state land in the northernmost county to the Finnmark Estate (FeFo), a regional structure governed by three representatives from the Sámi Parliament and three representatives of the County Parliament elected by all residents of Finnmark. The Sámi Parliament (SP) is a consultative/participatory organ set up in 1989, elected by and from individuals who have registered in the Sámi Electoral Registry (SER). A committee was also established to look into land claims by private individuals and groups, regardless of their ethnicity (Hernes and Oskal, 2008; Skogvang, 2009). In this most radical IP-rights based governance reform in Norway so far, the resultant regime includes the voices and interests of the local non-IP population – giving all inhabitants of Finnmark an increased potential for control over resources. Still, the debate on the reform became a central arena for articulating scepticism to Sámi rights, and a catalyst for new resistance to IP rights in Norway.

A central element in EDL's rhetoric is that the Finnmark Act 'favours the Sámi', and therefore is 'racist'. Furthermore, it breeds 'separation and conflict' to the extent that it 'divides families and neighbours' (EDL, 2009a; 2011a; 2011b). The SP's role in FeFo's board is particularly criticized, EDL arguing that this gives SER-registered

Sámi a 'double vote' and leads to an 'ethnically disadvantaging' system (EDL, 2007). EDL also expresses scepticism to the SP as such, due to its being based on SER (EDL, 2008a; 2008b; 2008c). EDL claims to work for the interests of all non-SER registered people in Finnmark, a category that includes both those who do not have the possibility to register, as well as those who do not *want* to register.⁵ This category of people is portrayed by EDL as a discriminated majority.

Criticism of SER and IP rights did not begin with EDL, however. Scepticism was also articulated by one of Norway's two big Sámi organizations during the 1980s. Emanuelsen (2006) has pointed out that SLF activists explicitly resisted the association between Sámi issues and the international debate on IP rights – as central SLF activist Oscar Varsi stated on the occasion of Sámi participation at a WCIP meeting in Canberra: 'It would be interesting to know when and how the problems of the Sámi moved to Australia?' (Emanuelsen, 2006). For SLF, the Sámi issue concerned a Norwegian cultural minority, not one of the world's indigenous nations. Although they held that the Sámi population was to be considered part of the Norwegian population first and foremost, an important contrast to EDL is that SLF presented a positive view on Sámi identity and desired special programs to protect Sámi culture. They did not, however, desire any special IP rights. Representatives of SLF expressed worries that for example a separate Constitutional protection paragraph on the Sámi would 'divide the multicultural community in the north, which includes both Sámi, Kvens and Norwegians' (Aftenposten, 1985, 1986; NTB, 1985).⁶ Also, SLF were not against the idea of a consultative Sámi organ, but disliked SER – rejecting the idea of associating people living in the same communities with different ethnicity-based political regimes, they preferred that the SP be indirectly elected by municipal boards or county parliaments, or elected by all inhabitants of certain specified municipalities (Emanuelsen, 2006; Mellem, 2004; Nordlys, 1988, 1989; NOU, 1984; NTB, 1988, 1989).

⁵ In order to register in SER you must identify yourself as a Sámi *and* confirm that a Sámi language is your 'home language' *or* that this is/was true for one of your parents/grandparents/great grandparents *or* that you have/have had a parent who was registered in SER.

⁶ These are references to newspaper issues and information agency reports, retrievable through retriever-info.com

SLF fragmented in 1993 (Josefsen, 2007) and their organizational 'heir' – the Sámi Peoples' Association (SFF) – approves of the SP model and runs candidates for the SP elections. Still, it was not SFF which established itself as the main moderate opposition to the NSR in the parliament, but the Sámi wing of the Norwegian Labour Party – although notably, NSR and Labour work within the same political paradigm, advocating IP rights and approving of the SER-based Sámi Parliament. Some observers have commented on a tendency of both major SP parties to drift towards the centre (Mellem, 2004), although Bergh and Saglie (2011)'s data reveal that Labour voters in the SP election are still somewhat less positive to the idea of 'increased Sámi self-determination' than those who vote NSR. Only one SP party group consistently attacks the IP rights discourse from outside: the Progress Party (FrP), a Norwegian right-wing populist party which wants to cancel out all Sámi-related laws, and close down the SP (FrP, 2009). FrP, like EDL, claims that special regimes to ensure the Sámi minority political influence are undemocratic, and that the majority is discriminated against in the north. In 2009, three FrP candidates were elected to the SP.

While both FrP and EDL identify themselves as non-racist, it should be noted that their campaigns against 'Sámi rights' can at times be quite extensive. For example, in the 2011 municipal elections in North Norway's largest city Tromsø, FrP and other right wing parties built much of their (successful) election campaign around resistance to road signs that would give equal space to Sámi and Norwegian toponyms, and other pro-Sámi culture policies. EDL leader Lars Hapalahti described such policies aiming to make visible and strengthen the Sámi language as 'suppressing the rest of the population' to the benefit of the Sámi minority (Altaposten, 2006; FrP, 2006). Hence, it is not only IP self-determination and land rights that are protested, but also the notion that IP culture has a right to be treated as equal to the dominant culture. The idea that the mere visibility of Sámi culture threatens 'our [Norwegian] culture' crosses the line into what Kaufman would call 'ethnic hostility'. EDL and FrP have also on occasion promoted conspiracy theories: EDL vice leader Turid Bjørnstrøm claims that Sámi activists met in 1945 to plan a Sámi takeover of the north – and that the Norwegian government is secretly negotiating with the Sámi over this issue, a process that she holds may eventually 'lead to ethnic cleansing'(EDL,

2011g; NRK, 2011a). Several FrP politicians supported her claims that Sámi politicians are secretly aiming for a Sámi state (NRK, 2011b).

In the Nepali IP movement, contrary to similar movements in most other countries, the right to self-government is in fact for some groups connected with a nationalist drive to establish ethnic states. Said states are, however imagined to be inside a federal Nepal. Interviews with people from marginalized groups such as the Dalits and Muslims revealed basic resistance to the concept of ethnic federalism, not surprising given that Dalits and Muslims are scattered around the country and have no 'traditional homeland' – they will get no federal state to represent them. Muslim interviewees in Tanahun were also worried about the impacts on conflict dynamics if ethnically based federal units were created, particularly in the Terai.⁷ The most difficult thing to swallow for Dalit and Muslim interviewees, however, was the suggestion that a state's nominal IPs should have an ill-defined 'prime right' to lead the new state for a set period (CCD, 2011). This was seen as undemocratic and unfair by many interviewees who belonged to groups that would not receive this privilege in the states they believed their district would become part of.

While the above antagonisms to IP rights-based regimes are more centred on the suggested regimes than the phenomenon of IP rights as such, one Dalit politician from the Congress Party argued that the dominance of the IP rights discourse concealed other socio-economic realities, since it does not address the exclusion of Dalits, Muslims and women. A Muslim Constituent Assembly (CA) member also expressed similar sentiments:

The ethnicity issue raised is so broad and complex that all ethnic groups and sub-group aspirations are raised, but religion is squeezed out. (...) Poverty is the major issue, but how is poverty addressed through ethnicity?⁸

The Dalit CA interviewee also considered it unfair that Newari Dalits were counted as Newars and not Dalits, accusing Newar politicians of using 'their' Dalits 'to boost their numbers, but they still treat them like Dalits.' Another interesting element in the

⁷ Interview with people from Muslim community, Damaul 11.03.11.

⁸ Interview with Mohammadi Siddiqi, Kathmandu 15.03.11.

interview with this Congress Party Dalit were constant referrals to IP rights being damaging to the other groups – but without the interviewee being able to pin down exactly *why* they were threatening.⁹ In general, it appeared a widespread point of view that if a political project does not explicitly address one's own group's grievances, the project must be bad for one's group: minority politics is seen as a zero-sum game. Arguably, it could be – if the IP rights discourse takes political centre stage to the extent that it obscures other kinds of discrimination. This is, however, not a necessary development, and the IP rights themselves are not oppressive towards other societal groups, although political regimes aiming to implement them could theoretically be.

During our fieldwork in Nepal, we also interviewed many activists claiming to represent the interests of the dominant groups. Several organizations for BCs have grown forth during the last decades: Chhetri Samaj Nepal was founded in the late 1990s (but did not begin to grow significantly until 2009) and there is also another, smaller organization, Khas Chhetri Ekata Samaj (ICG, 2011). A similar organization aimed at organizing Brahmins politically around their caste identity, the Brahmin Samaj, has also been established. BC activists interviewed described their creation of ethnic NGOs as an unfortunate necessity.

We did not want to form a separate organization at first, we did not believe in ethnicity, in ethnic politics. But all other groups now have ethnic organizations. They have a tendency to single out the Brahmins and our fellow Chhetris. Politics have become very ethnified today.¹⁰

Many castes of people have always resided in Nepal. Until now, there has been no discrimination regarding caste. But now, discrimination has started.¹¹

In the latter quote we see represented a view that inter-ethnic problems *begin* with the adoption of an IP rights discourse. By some, the discursive shift is not experienced as a realization of discriminatory elements of the social structure, but as a new focus on ethnicity that threatens to tear the nation apart. The harmony experi-

⁹ Interview with Shambhu Hajara Dusadh, Kathmandu 14.03.11.

¹⁰ Interview with Brahmin and Chhetri activists, Kathmandu 16.03.11.

¹¹ Interviews with Brahmin activists, Damaul 11.03.11.

enced by the dominant group is destroyed. In Kathmandu, the existing social differences between groups were explained through ideas of free choice and traditional spheres of activity:

You know why the *janajati* are not more represented in high positions? Because when a vacancy appears, most *janajati* don't apply. Instead, they go into the Gurkha [foreign military service]. It's their own choice. (...) And in the army, they dominate. The chief of army, he is a Gurung. (...) Look at the police force, how the indigenous people dominate. There's no discrimination, no exclusion in Nepal – this is a fantasy of the indigenous people, NGOs and foreign actors.¹²

As there is 'no discrimination' at the outset, reforms aimed at elevating the status of IPs are identified as being a threat against the BCs – and to a certain extent, this arguably *is* a zero-sum game: since BCs are overrepresented in the higher echelons of society, somebody objectively has to make room for people from the new groups that are to get representation according to their numbers. However, many BC activists seem blind to the fact that it is not just meritocracy and career choices of the IPs that has led their own group to be over-represented at the higher levels of society.

4.2 Relevance denial

Those who argue against IP rights in Norway often attempt to construct IP rights as unfitting for the Sámi, for example by claiming that the group is too fully integrated into the general Norwegian populace to be considered a 'people', and/or that they are not socially disadvantaged enough to be considered indigenous.

Many of Sámi heritage have taken higher education and are today professors, lawyers, college lecturers etc. Due to the idea of unity that has characterized Norwegian politics particularly after WW2, they have gotten education in Norwegian, been included and equal in the Norwegian society, participated in Norwegian schools and society like any other Norwegian. Still, some of Sámi heritage work for the Sámi to get special rights (EDL, 2009c).

Another line of argument is that ILO 169 is only valid for peoples both indigenous *and* tribal – and that the Sámi would have to 'live in tribal societies' for the convention to be valid for them. It is, for example, argued that that 'the Norwegian under-

¹² Interview with Brahmin and Chhetri activists, Kathmandu 16.03.11.

standing [of ILO 16] represents a significant deviation' from other countries' interpretation (Nordlys, 2011), and that the Sámi hence have received benefits from a regime not meant for them. In short, the degree of integration of the Sámi into Norwegian society is held against their IP status. For the sake of clarity one must point out that ILO 169 is defined as being for peoples indigenous or tribal, and also does not actually define indigenouness as connected to socio-economic disadvantage. This definition appears to clash with certain popular discourses on indigenouness.

Connected to this counter-discourse is a historical narrative that paints a picture of harmony in the north before IP rights – or simply the Sámi cultural revival, for that matter – 'created conflict'. In the extension of this, Norwegianization is sometimes portrayed as a voluntary process in which particularly the Coast Sámi irreversibly became part of the Norwegian majority (EDL, 2008c; EDL, 2008d). This portrayal of Norway during Norwegianization as an age of harmony is a mirror image of the narrative used in Sámi ethno-political discourse, where it is not uncommon to invoke a Sámi 'golden age' before state encroachment, a 'dark age' where the Sámi were divided and suppressed, and an ongoing 'age of revitalization' (Berg-Nordlie, 2011; Gaski, 2008). The anti Sámi-rights discourse, however, places the 'golden age' precisely in the 'dark age' of the Sámi ethno-political discourse, and instead argues that *now* there is discrimination. This is, again, also a position heard in the Nepali debate on IP rights – from people claiming to speak on behalf of the BCs.

In Kathmandu, where the Newars are considered indigenous, Brahmin activists also attempted to disconnect this group from ILO 169 in a similar manner.

Here in Nepal they have mixed up everything, they have mixed up the concepts of 'indigenous' and 'tribal', *adivasi* and *janajati*. (...) There is a deliberate misunderstanding of ILO 169. We don't mind the convention, but we think it's being misinterpreted. The Chepang [small-numbered, rural people] are tribal. But the Newars (...) They control business life in Kathmandu, they control the economic life of the entire country. They were number one in the palace during the old kingdom. They live in Kathmandu, the most developed part of all Nepal, they are the richest of all communities... and now they are classified as 'tribal'?¹³

¹³ Interview with Brahmin and Chhetri activists, Kathmandu 16.03.11

As in Norway, the successful integration of certain IPs into general society is held against their status as indigenous. In this exaggerated account of Newar wealth and power, there is an admittance that ‘tribal’, socially backwards peoples are due some form of progressive policy – but a rejection of the rights of IPs that are beginning to make inroads into society. This notion that ‘tribal peoples elsewhere’ deserve IP rights, but that the aboriginal people ‘here’ is not tribal and hence should have no special rights, is strikingly similar to certain articulations in the Norwegian debate.

4.3 Self-Inclusion

In both Norway and Nepal we encountered articulations that framed groups currently not considered IPs – the speakers’ own groups – as deserving of IP rights. We will analytically divide such versions of the IP rights discourse into two categories: non-challenging self-inclusion and subversive self-inclusion.

Examples of non-challenging self-inclusion were found when researching how certain Kven activists in Norway related to the phenomenon of IP rights. There are several organizations aimed at representing the Kvens or ‘Norwegian Finns’ – there is a schism among the relevant population regarding which of these identities to cultivate (RtP, 2000-2001; Kvener, 2011; Norskfinnsk, 2011) – and different NGOs relate differently to the IP rights discourse. One of the major Kven NGOs, the Norwegian Kven Union, at one point asked Norwegian authorities to consider whether or not their group fulfils the demands for an IP. The idea of Kven indigenoussness is controversial within the movement, however (NKF, 2008). The Norwegian-Finnish Union, for their part, flatly state that ideas about Kven IP status are ‘incomprehensible’, based on the consideration that they descend from immigrants who ‘adapted to Norwegian business life and society’ while the Sámi have a ‘special position’ due to ‘reindeer herding, traditional handicrafts and Coast Sámi fisheries’ (Klubbinfo, 2011a, 2011b). A third NGO, the Kvenland Union, works for the recognition of the Kvens as an IP in the north, claiming that they have been in the north as long as the Sámi. This desire for IP rights seems more to be a matter of tactics to ensure cultural survival than stemming from a conviction that IP rights are ‘right’ for Norway: the organization’s leader Bjørnar Seppola has stated that he believes ILO 169 does not actu-

ally fit the multicultural north very well, but if it is going to be applied, it should apply to the Kvens too (Kvenfolket, 2011).

Activists from Nepal's 'third peoples' were even less prone to suggest their own inclusion into the IP category. Muslim interviewees did express the wish to be formally registered as 'Nepali Muslims', and get the rights associated with being a recognized minority, such as proportional representation (Aasland and Haug, 2008) – something they have fought for since the 1990s (Dastider, 2010) – but did not express any desire to be categorized as an IP. As for the Madhesi, NFDIN has experienced applications for the categories 'Terai other caste' and 'Terai Dalit' to be registered as IP groups (Lama-Tamang, 2010). Whereas this latter phenomenon may represent the communities' sense of aboriginality to their localities, it also bears witness to an increasing notion that IP status is associated with rights-based gains, and constitutes an example of the non-challenging self-inclusion strategy being practiced in Nepal.

We are referring to the above positions as 'non-challenging' self-inclusion since the recognition of these groups as IPs would simply mean adding some more minorities to the states' IP rosters. The self-inclusion strategy is considered 'subversive', however, when it is the dominant groups who are framed as entitled to IP rights, since this would subvert the very idea behind IP rights; to aid historically suppressed, non-dominant groups. This position is marginal in the Norwegian debate, but BC ethnopolitical activists in Nepal often apply it: Chhetri Samaj Nepal and Khas Chhetri Ekata Samaj both claim that the Chhetri are an IP (ICG, 2011), and Brahmin Samaj activists we interviewed also applied this discourse. In Tanahun, religious myths were drawn upon to underscore the indigenusness of the Brahmins:

the Vedas are the oldest scriptures in the world. They were written right here by this temple in Damaul. And the author was a Brahmin. So how can you say that Brahmins are not indigenus here?¹⁴

Proponents of expanding IP rights to the dominant groups also often emphasize that the Parbatyas are *Khas*, a group who settled Western Nepal very early, bringing the Nepali language (Khas Bhasa) to the Himalayas. At present the Brahmins, Chhetri

¹⁴ Interviews with Brahmin activists, Damaul 11.03.11.

and Dalit do not generally share a Khas identity, and while it is theoretically imaginable that such a common identity could gain popularity, the social cleavage between Dalits and BCs is so significant that it would be difficult to develop such a shared identity.

Whilst including their own group in the IP category, BC activists would often simultaneously deny the relevance of IP rights for other groups, the Newars and Sherpas coming under particular attack. The Sherpas were singled out due to having arrived in contemporary Nepal around year 1553, whereas 'Caucasoid Hindus' have been present in some parts of the Hills since 400-900 CE (Sharma, 2008). The BCs are hence not just represented as indigenous, but even more so than some of the IP-categorized groups. Again, we are seeing a view on indigenusness at odds with ILO 169's formal definition: A group only needs to have inhabited a territory 'at the time of conquest or the establishment of present state boundaries' (ILO 169, Article 1, 1b) – hence, a colonizing/state-creating ethnos cannot actually get IP status although it is the oldest known culture in parts of the state established in their name.

ICG (2001: 19) assumes that BC self-inclusion is a position 'adopted for damage limitation' more than anything else. This seems to a certain degree confirmed when BC interviewees who argue that they should have IP status also go far in stating that the principle of indigenous rights is a threat against both themselves and the 'harmony' of Nepali society.¹⁵ In Norway, this is mirrored by the Kvenland Union's desire for IP recognition whilst simultaneously stating that ILO 169 fits Norway poorly.

4.4 Indigenous localism

Like all ethnic groups, IPs may be deconstructed into smaller groups. An interesting problem in the discourse of IP rights is hence: what should be the geographic 'scale' of indigenusness – who are indigenous where?

¹⁵ Interview with Brahmin and Chhetri activists, Kathmandu 16.03.11; Brahmin activists, Damaul 11.03.11

In Norway the Sámi has been identified as one group, collectively indigenous to Norway, rather than several groups indigenous to different parts of Norway. This is not uniformly appreciated by all. Certain Skolt Sámi activists have argued that their group is a separate people, who are to be considered the indigenous people of one Norwegian municipality and parts of Russia (Nordlys, 2000). This position must be seen in relation to the fact that the largest Sámi subgroup, the North Sámi, now outnumber the Skolts in their home territory. Similarly, in the South Sámi region of Norway, certain reindeer herders of South Sámi stock express discontent with North Sámi reindeer herders having been given pasture areas in the region – and herders of North Sámi background express that belonging to the ‘wrong’ subgroup may pose a problem:

Our old lands have been given to people from [the north]! Our view on the law is that the indigenous people of an area are those who are from the area, those who have used the land the longest; they have the right to that land (South Sámi herder, interviewed 26.10.11).

So many people have worked against us. I was very young when I came to this place, so I feel that I’m from here. But, still, when you are a North Sámi, this is what you get... (North Sámi herder, interviewed 22.10.11).

Indigenous localism is also sometimes applied during conflicts between nomadic reindeer herders and settled Sámi. In Norwegian legislation, the hard-pressed reindeer herding Sámi have had rather concrete rights acknowledged in order to protect their access to the natural resources that their trade depends on. When reindeer-herding Sámi come into conflict with the non-nomadic communities, the nomads’ IP rights are invoked. In such situations it has at times been observed that non-nomadic Sámi apply a ‘localist’ discourse of IP rights, arguing they are ‘more indigenous’ than the reindeer herders – see, for example, this excerpt from an editorial in a Norwegian-language Sámi newspaper, concerning some reindeer herders’ effort to prevent a road being built to a Coast Sámi village:

The villagers of Nervei are descendants of the original indigenous people of Inner Corgaš. Later, immigrants from the west have taken over the Nervei ancestors’ reindeer herding pastures. In an historical perspective, there is little doubt the Nervei people are the rightful owners of the area where the road today is (Ságat 21.09.11).

While indigenous localism is not a position very frequently seen in Norwegian public debate, it is far more common in Nepal. There are several recognized IP groups, each with their own part of Nepal that they are seen as being indigenous to, and IP rights are being used to achieve self-government within ethnic states. While IP-based ethnic federalism formed the basis for the Constituent Assembly's (CA) 14-state proposal of January 2010 (Government of Nepal, 2010a), IP activists have demanded that three of the proposed states be 'scrapped'. A major problem, as expressed by several IP interviewees, was that in two of these states (Sun Koshi and Narayani) big IP populations would be 'locked inside' states where the socially and politically dominant groups are also demographically dominant, and that being included in a dominant group's state violated their right to self-determination. Instead, Tharus interviewed in Chitwan district wanted that district to be merged with the proposed neighbouring state of Lumbini-Awadh-Tharuwan; Magars in Tanahun district wanted that district to be merged with the proposed Magarat state; and Tamangs in Dadhing wanted Dadhing to be merged with the proposed state of Tamsaling. However, interviewees from less numerous IPs in these localities were often not all that happy about the prospect of being included in another IP's nominal state. Conflicting desires from different IPs regarding which state they should belong to were also voiced during the 2010 CCD/UNESOC 'federalism talks', which gathered 56 representatives of different groups to discuss the proposed state of Narayani (CCD, 2011). Exacerbating the problem further was a lack of correct information regarding the current proposal on the table: interviewees in Dhading believed that the entire district was set to be included in Narayani; whereas in Tanahun, people seemed to believe the entire district was set to be included in the Gurung state of Tamuwani. In reality, the 14-state Proposal suggested dividing the districts roughly along ethnic lines, in order to allow Tamangs to be part of Tamsaling, Magars to be part of Magarat, etc.

When IP was pitted against IP in this situation, groups that considered themselves in a position to do so applied a discourse of indigenous localism. Noticeably, though, rhetorical elements were also applied that do not stem from the IP rights discourse – such as who is the largest group, and who has the most 'developed' culture and ethnic consciousness:

We have always inhabited Tanahun together. But we are the larger group, and therefore Tanahun should be in Magarat. In any case, the Magars were here before the Gurungs. Also, we have more of a rich culture to maintain, a stronger language and more festivals that we celebrate, than the Gurungs. These facts mean that we should be in a Magar state, not a Gurung state (activist from Magar community, Tanahun, 11.03.11).

Though incorporating indigenous localism, this statement also uses demographic strength as an argument for statehood, and even includes points of view on different groups' cultural status that partially cross over into Kaufman's (2001) notion of 'chauvinism'.

It was hinted by some interviewees that political parties opposed to ethnic federalism fomented discord and cultivated confusion in order to scare people away from supporting such reforms. This may indeed be, but nevertheless it appears that the demand for IP-based ethnic federalism really does have potential to create serious internal friction among the IPs.

5. Conclusion

In Nepal, positions in the IP rights debate appeared to follow ethnic lines more than in Norway. The Nepali IP movement could have been expected to have more problems building cohesion around a common political discourse, as it is far more culturally heterogeneous than the Norwegian IP movement, consisting of several ethnic groups. However, it was in Norway that the introduction of the IP rights discourse divided the target population, while in Nepal, we have observed no larger disagreement among IP activists on the relevance and desirability of IP rights. We consider part of the reason for this to be that being born into an Adivasi Janajati family is as a much larger obstacle for success in Nepal, than it is to be a person of Sámi heritage in Norway – there is a shared, experienced need for IP rights among the Adivasi Janajati. The Norwegian Sámi are not so strongly and collectively discriminated against as the Nepali Adevasi Janajati, and Norwegian Sámi individuals also have an 'exit' opportunity which Nepali IPs lack: assimilation. It is of course not a desirable thing to commit cultural suicide and hide your identity in order to escape discrimination, but that is at least a possibility in Norway. Nepal's higher degree of ethnic rigidity and suppression seems to have caused higher levels of cohesion among the

indigenous groups. As a result, there appears to be a common notion that all the IP groups belong in the same category – Adivasi Janajati – and that this gives rights which may disentangle the web of marginalization and suppression created by a regime favouring the BCs. Indigenous localism may, however, threaten Nepali IP cohesion, particularly if different groups' maximalist claims are cultivated by third parties.

IP localism was to a much lesser degree observed in Norway, which was as expected: the Sámi are traditionally and by law considered one unitary people – as opposed to the Nepali aboriginal peoples, whose common identity is more of an 'umbrella identity' for several distinct peoples who are also legally recognized as such. We observe, however, that the common Sámi identity is deconstructed by some actors, and that IP localism is a weak but continually present position. If Coast Sámi communities begin to apply a discourse of IP localism more actively, this would on the whole constitute a strengthening of the IP rights discourse among the Sámi, since scepticism to IP rights have been strong in such communities – but it would be a strengthening of the discourse that comes at the cost of weakened internal cohesion, since indigenous localism pits different subgroups against each other.

As for resistance to the IP rights discourse, we found patterns in Nepal and Norway to be different, but many of the same discursive elements were in play. In both Norway and Nepal some actors argued that IP rights were undesirable, invoking the principle of procedural equality between all citizens and the danger of decreased inter-ethnic cohesion. We also saw in both cases that IP rights were claimed to be not relevant for the country at hand, and that the degree of integration and social success of certain IP subgroups or even IP individuals were used as 'proof' for this. In Nepal, however, the relevance denial was not extended to all IP groups – speakers stated that certain of the country's Adivasi Janajati groups were indeed deserving of IP rights.

In Nepal, we furthermore saw that activists from dominant group-oriented NGOs applied a discourse of self-inclusion into the IP category through the notion of being *adivasi* ('indigenous'). Certain groups on the Terai also applied for registration as

IPs. In Norway, such self-inclusion was articulated by one of the Norwegian Kven groups. It must here be noted that if the Kvens were to be recognized as IPs, this would simply mean adding a new minority to Norway's IP roster; whereas giving the BCs IP rights would subvert the entire meaning behind IP rights. Such attempts of dominant-group activists to include themselves in the IP category must be seen as a form of resistance to the IP rights.

In Norway, the resistance to Sámi rights as articulated by EDL and FrP crosses the line into ethnic hostility when it attacks the basic right of Sámi culture to be visible in the public space, framing for example Sámi toponyms on road signs as a threat to Norwegian culture and discriminatory towards the Norwegian majority. There is a major difference between this and the critical attitude to IP rights as presented by SLF two decades earlier, which included a positive view on Sámi culture and identity. The discourse of EDL and FrP unites the old and widespread scepticism towards IP-rights and Sámi institutions with basic ethnic hostility, a combination which has potential to sway large voter groups in the North – one need only to observe that in North Norway's largest city, a rightist coalition came to power in the 2011 elections by among other things resisting the left's plans for pro-Sámi language measures. As for Nepal, we found scepticism towards IP rights to be widespread among non-IP political activists interviewed. ICG (2011: 25) claims that 'the threat of a conservative backlash is real' and we have to agree: not only is there a growing BC activism which challenges the IP rights discourse from within, but when one also takes into consideration that Muslim and Dalit activists were critical to IP rights, this together represents a large potential for resistance against implementing IP rights-based policies.

It should be kept in mind that despite the data presented here, in both Nepal and Norway the necessity for a certain degree of IP rights appears to be generally accepted by the majority of the population, and this is also the position that current policy towards the Sámi and Adivasi Janajati is built on. Nevertheless, the resistance is anything but small in both countries. The introduction of special measures to help historically suppressed peoples recover from a long period of discrimination has caused some people in both countries to feel that their group is being forgotten, dis-

criminated against or threatened – or to become anxious that IP rights is a path leading towards increased inter-ethnic strife. This holds true both for conflict-ridden Nepal and the stable welfare state Norway. While no policy may enjoy a 100 per cent approval rating, it appears that IP rights-based policies are easy for people to interpret as unjust. States and aboriginal groups who apply the IP discourse as a basis for political action must take great care to convincingly safeguard the interests of the dominant peoples and ‘third peoples’, and to communicate in a clear manner to these that their interests are being taken care of. If not, there is a high risk that there will be considerable backlashes sometime in the future.

6. Bibliography

- A. Aasland and M. Haug (2008) 'Social exclusion in Nepal – Stronger or weaker?', *NIBR Working Paper 115*, Norwegian Institute of Urban and Regional Research.
- C. Antaki, M. Billig, D. Edwards and J. Potter (2003) 'Discourse analysis means doing analysis: a critique of six analytical shortcomings', <http://extra.shu.ac.uk/daol/articles/open/2002/002/antaki2002002-paper.html>, date accessed 22 December 2011.
- Aftenposten Morgen, (1985), 01.07.1985.
- Aftenposten Morgen, (1986), 12.02.1986.
- Altaposten (2010), <http://www.altaposten.no/lokalt/nyheter/article429286.ece>, date accessed 10 February 2010.
- B. A. Berg (2000a) 'Mot en korporativ reindrift', *Diedut* 3/2000, pp. 1-445, Guovdageaidnu: Sámi Instituhta.
- B. A. Berg (2000b) 'Holdninger til samer og samiske forhold 1996-2000', Senter for samiske studier, skriftserie nr. 11. Universitetet i Tromsø.
- M. Berg-Nordlie (2011) 'Need and Misery in the Eastern Periphery. Nordic Sámi Media Debate on the Kola Sámi', *Acta Borealia*, 28: 19-36.
- J. Bergh and J. Saglie (2011) 'Stemmegiving ved sametingsvalg: selvbestemmelse som skillelinje?' in E. Josefsen and J. Saglie (eds.): *Sametingsvalg. Velgere, partier, medier*. Oslo: Abstrakt forlag.
- K. Bhattachan (1995) 'Ethnopolitics and Ethnodevelopment: An emerging Paradigm in Nepal', in D. Kumar (ed.) *State, Leadership and Politics in Nepal*, Kathmandu: Centre for Nepal and Asian Studies. Tribuvan University.
- L. Caplan, (1970) *Land and Social Change in East Nepal*, London: Routledge and Kegan Paul.
- Centre for Constitutional Dialogue (2011). 'Proposed Narayani Province. 18-20 May 2010', *Federalism Dialogues*, Series 6., Kathmandu: Centre for Constitutional Dialogue.
- CIA (2011a), <https://www.cia.gov/library/publications/the-world-factbook/geos/no.html>, date accessed 22 December 2011.
- CIA (2011b), <https://www.cia.gov/library/publications/the-world-factbook/geos/no.html>, date accessed 22 December 2011.
- S. Choudhry (ed.) (2008) *Constitutional Design for Divided Societies. Integration or Accommodation?*, Oxford: Oxford University Press.
- M. Dastider (2010) *Understanding Nepal. Muslims in a plural society*, New Delhi: Har Anand Publications Pvt Ltd.
- D.R. Dahal and D. Kumar (eds), (2009) *Special issue on social exclusion and group mobilization in Nepal*, Contribution to Nepalese Studies. Kathmandu: Centre for Nepal and Asian Studies.

- R. de Costa (2006) *A Higher Authority. Indigenous Transnationalism and Australia*, Sydney: UNSW Press.
- EDL (2007), <http://edl.no/content/view/27/49/>, date accessed 8 April 2007.
- EDL (2008a), <http://edl.no/content/view/91/61/>, date accessed 1 March 2008.
- EDL (2008b), <http://edl.no/content/view/110/61/>, date accessed 8 August 2008.
- EDL (2008c), <http://edl.no/content/view/109/61/>, date accessed 19 August 2008.
- EDL (2008d), <http://edl.no/content/view/107/61/>, date accessed 21 June 2008.
- EDL (2009a), <http://edl.no/content/view/185/61/>, date accessed 8 September 2009.
- EDL (2009b), <http://edl.no/content/view/121/61/>, date accessed 9 December 2009.
- EDL (2009c), <http://edl.no/content/view/128/63/>, date accessed 12 February 2009.
- EDL (2009d), <http://edl.no/content/view/120/61/>, date accessed 8 February 2009.
- EDL (2011a), <http://edl.no/content/view/286/61/>, date accessed 26 September 2011.
- EDL (2011b), http://edl.no/images/stories/200707/EDL_like_rettigheter.pdf, date accessed 22 December 2011.
- T. Emanuelsen, (2006) 'Samerettsutvalget 1980-1984. Kampen om 1. delinnstilling' Masteroppgave i historie, Universitetet i Tromsø.
- FrP (2006), <http://www.frp.no/?module=Articles;action=Article.publicShow;ID=17194>, date accessed 31 August 2006.
- FrP (2009), http://www.frp.no/no/Vi_mener/Handlingsprogram_2009-2013/ ('Handlings-program 2009-2013').
- L. Gaski (2008) 'Contesting the Sami polity: discursive representations in the Sami electoral campaign in 2005', *Acta Borealia*, 25:1-21.
- Government of Nepal. Constituent Assembly (2010a) 'Restructuring of the State and Distribution of State Power Committee'. Report on Concept Paper and Preliminary Draft, 2066. Kathmandu: Singha Dubar.
- Government of Nepal (2010b) 'Report for the Period 15 September 2008 to 30 June 2010'
- Government of Nepal on Indigenous and Tribal Peoples Convention, 1989 (No. 169).
- O. Gurung 'Major challenges for implementing ILO Convention 169 in Nepal', paper presented in a three day seminar "Should states ratify human rights conventions"? Organized by the Center of Advanced Studies, Oslo, August 2009.
- K. Hachhethu (2009) 'Social exclusion and Nepali Muslim: A case study of the Banke district', in D.R. Dahal and D. Kumar (eds) *Special issue on social exclusion and group mobilization in Nepal*, Contribution to Nepalese Studies. Kathmandu: Centre for Nepal and Asian Studies.
- S. Hangen (2007) 'Creating a "New Nepal": The Ethnic Dimension' Policy Studies 34, East-West Center, Washington DC.
- S. Hangen (2010) *The Rise of Ethnic Politics in Nepal. Democracy in the margins*, London: Routledge.

- K. S. Hansen (2011) 'Ethnic discrimination and bullying in relation to self-reported physical and mental health in Sami settlement areas in Norway', unpublished thesis, University of Tromsø.
- M. Haug and A. Aasland (2009) 'A review of the Academic and Policy Debate', in D.R. Dahal and D. Kumar (eds)) *Special issue on social exclusion and group mobilization in Nepal*, Contribution to Nepalese Studies. Kathmandu: Centre for Nepal and Asian Studies.
- H. K. Hernes and N. Oskal (eds)(2008) *Finnmarksloven*, Oslo: Cappellen.
- ICG (2011) *Nepal: 'Identity politics and federalism'*. *Asia report N*199 – 13. January 2011*. International Crisis Group.
- S. Jentoft, H. Minde and R. Nilsen (eds) (2003) *Indigenous management and global rights*, Delft: Eburon Academic Publishers.
- P. Jones and M. Langford (2011) 'Between Demos and Ethnos: The Nepal Constitution and Indigenous Rights', *International Journal on Minority and Group Rights*, 18: 369-386.
- M. S Lama-Tamang (2010). *Adivasi Jnajati exclusion. Status and trend update (June 2005 April 2009)*.
- A. Karki, and B. Bhattarai (2003) *Whose war? Economic and socio-cultural impacts of Nepal's Maoist-Government conflict*, Kathmandu: NGO Federation of Nepal.
- S. Kaufman (2001) *Modern hatreds: the symbolic politics of ethnic war*, Cornell: Cornell University Press.
- Klubbinfo (2008), http://www.klubbinfo.no/finskforb/cat_nyheter_blid_17018_var_historie_og_identitet.html (Norsk-Finsk Forbund), date accessed 23 June 2008.
- Klubbinfo (2011), <http://www.klubbinfo.no/finskforb/uttalelser.html>, (Norsk-Finsk Forbund) date accessed 22 December 2011.
- D. Kumar (ed.) (1995) *State, Leadership and Politics in Nepal*, Kathmandu: Centre for Nepal and Asian Studies. Tribuvan University.
- D. Kumar (2009) 'Encountering marginality: Social exclusion of Hill Dalits in Surkhet district' in D.R. Dahal and D. Kumar (eds)) *Special issue on social exclusion and group mobilization in Nepal*, Contribution to Nepalese Studies. Kathmandu: Centre for Nepal and Asian Studies.
- Kvener (2011), <http://kvener.no/historie/>, date accessed 22 December 2011
- Kvenfolket (2011), http://kvenfolket.origo.no/-/bulletin/show/668132_kvenbevegelsens-stridstemaer-og-meningsretninger-norske-kve#comment-2933066, date accessed 22 December 2011.
- W. Kymlicka (2008) 'The internationalization of minority rights', in S. Choudhry (ed.) *Constitutional Design for Divided Societies. Integration or Accommodation*, Oxford: Oxford University Press.
- J. McGarry, B. O'Leary and R. Simeon (2008) 'Integration or accommodation? The enduring debate in conflict regulation', in S. Choudhry (ed.) *Constitutional De-*

- sign for Divided Societies. Integration or Accommodation*, Oxford: Oxford University Press.
- H. K. Mellem (2004) 'Rett og politikk. En studie av NSR og AP på Sametinget 1998-2004'. Hovedoppgave, Institutt for Sammenlignende Politikk, Universitetet i Bergen.
- H. Minde (2005) 'Assimilation of the Sami - implementation and consequences', *Gáldu Čála Journal of Indigenous Peoples Rights*, 3: 3-32.
- H. Minde, H. Gaski, S. Jentoft and G. Midré (eds) (2008). *Indigenous peoples. Self-determination. Knowledge. Identity*. Delft: Eburon Academic Publishers.
- NEFIN (2011), <http://www.nefin.org.np/indigenous-nationalities/categorization.html>, date accessed 22 December 2011.
- NKF (2008). *Protokoll for det 9. landsmøte i Norske Kveners Forbund /Ruijan Kveenilitto*.
- NRK (2011a), http://www.nrk.no/kanal/nrk_sapmi/1.7530627, date accessed 2 March 2011.
- NRK (2011b), http://www.nrk.no/kanal/nrk_sapmi/1.7545931, date accessed 12 March 2011.
- E. Niemi (1999) "Kven" in S. Imsen and H. Winge,(eds) *Norsk historisk leksikon. Kultur og samfunn ca. 1500- ca. 1800. 2. Utgave*, Oslo: Cappelen Akademisk Forlag.
- R. Niezen (2000) 'Recognizing Indigenism: Canadian Unity and the International Movement of Indigenous Peoples', *Comparative Studies in Society and History*, 42: 119–48.
- R. Niezen (2003) *The Origins of Indigenism: Human Rights and the Politics of Identity*, Berkeley: University of California Press.
- Nordlys, (1988) 13.06.1988.
- Nordlys (1989) 20.04.1989.
- Nordlys, (2000) 02.12.2000.
- Nordlys (2007), <http://www.nordlys.no/debatt/kronikk/article3151516.ece>, date accessed 27 November 2007.
- Norskfinsk (2011), <http://www.norskfinsk.no/index-1.html>, date accessed 22 December 2011.
- NOU, (2004) Samenes rettstilling, Norsk Offentlig Utredning nr. 18.
- NSR (2011), <http://www.nsr.no/website.aspx?displayid=126>, date accessed 22 December 2011.
- NTB (1985), 25.06.1985.
- NTB (1988), 27.06.1988.
- NTB (1989) 01.05.1989.
- J. Nyssönen (2007) "Everybody recognized that we were not white". Sami identity politics in Finland, 1945-1990', unpublished thesis. University of Tromsø.

- P. Onta (2006) 'The growth of the adivasi janajati movement in Nepal after 1990: The non-political institutional agents', *Studies in Nepali History and Society*, 112: 303-354.
- P. Ranjan (2009) *Nepalese minority groups. Struggle for identity and representation*, Kathmandu: Support Nepal.
- G. N. Rimal (2009) *Infused ethnicities: Nepal's interlaced and indivisible social mosaic*, Kathmandu: Institute for Social and Environmental Transition-Nepal.
- J. Robbins (2007) 'Home and Away: Indigenous Peoples and International Politics'. Paper presented at the Northern Europe's Indigenous Minorities Conference, University of New South Wales, July 2007.
- R. D. Roy and J. B. Henriksen (2010) 'Inclusion of Indigenous Peoples Rights in the New Constitution of Nepal', *Nordic Journal of International Law*, 79: 433-456
- RtP (2000) *Stortingsmelding 2000-2001: 15 Nasjonale minoriteter i Noreg – Om statleg politikk overfor jødar, kvener, rom, romanifolket og skogfinnar*.
- SEG (2000) 'Rapport. Undersøkelse av bruken av samisk språk'. Deatnu-Tana, Oktober 2000.
- SSB (2011a), <http://www.ssb.no/samer/>, date accessed 22 December 2011.
- SSB (2011b), <http://www.ssb.no/innvbef/>, date accessed 22 December 2011.
- P. Sharma (2008) *Unravelling the mosaic. Spatial aspects of ethnicity in Nepal*, Kathmandu: Litapur: Himal Books.
- E. Skogerbø (2003) 'Mediene og det samiske samfunnet: Stereotypier og identitetskonflikter', in B. Bjerkli and P. Selle (eds) *Samer, makt og demokrati. Sametinget og den nye samiske offentligheten*, Oslo: Gyldendal akademisk.
- S. F. Skogvang (2009) *Samerett. 2. Utgave*, Oslo: Universitetsforlaget.
- A. J. Vetlesen (2005) *Evil and Human Agency. Understanding Collective Wrongdoing*, Cambridge: Cambridge University Press.
- K. Warren (1998) *Indigenous Movements and Their Critics*, New York: Princeton University Press.
- J. Whelpton (2008) *A History of Nepal*, Cambridge: Cambridge University Press.