August 11, 1999

Maneka Gandhi,
Ministry of Welfare,
Shastri Bhavan,
New Delhi 110 001,
India

Dear Ms. Gandhi:

I am writing to you on behalf of the American Anthropological Association, an organization of 11,000 professional anthropologists, at the recommendation of the Association's Committee for Human Rights. The Committee has prepared a report on the critical situation of the Jarawa tribal minority in the Andaman Islands. As the result of cumulative pressures from the increasing settler population and a petition before the High Court of Calcutta (WP 48 1999), the Jarawa are under pressure to abandon their nomadic hunting and foraging way of life and to accept settlement and agricultural tutelage from the regional administration within their reserve. Such actions would violate the Universal Declaration of Human Rights and other international agreements protecting indigenous peoples.

Until recently the Jarawa shunned contact with non-tribals and maintained an aggressively independent attitude that discouraged attempts to penetrate their area. Over the past decade, however, pressure has mounted from governmental development planners and the Forest Department, in conjunction with private logging firms, for access to the virgin timber in the indigenous areas. There has also been increasing illegal exploitation of some reserve areas, in the case of the Onge area with local government connivance. Loggers and poachers have made incursions into the territory of the reserve. The poaching by settlers of wild pig, dugong and monitor lizards, important food sources for the Jarawa, has been facilitated by the government’s construction of a road through the reserve connecting the northern and southern parts of the island, in violation of the reserve’s status as a Protected Area, established in 1957. Sporadic presentations of gifts by the government, and the medical treatment to a wounded member of a Jarawa raiding party in 1998, have apparently induced the previously hostile Jarawa to emerge from their forested area and seek food and other contacts with the surrounding settler population. This uncontrolled contact poses medical dangers and the threat of violent incidents, already endemic in response to the incursions of poachers in the reserve.

The petition now before the High Court in Calcutta calls for a government program to transform the Jarawa into settled agriculturalists, and if possible to resettle them in a different area. The petition also calls for government provision of food aid, in the erroneous belief that the Jarawa are starving. All of these measures would require closer administrative control over the reserve and the Jarawa themselves. The administrative measures the petition calls for include no provision for Jarawa participation in planning or carrying out these measures. The assistance (such as training and educational services, food and medical support) it contemplates thus seems certain to create dependency and undermine Jarawa communal autonomy. The petition proposes to deal with the resulting situation by "developing" the Jarawa (essentially by transforming them into settled agriculturalists). This puts the emphasis in the wrong place by attempting to deal with abuses by government and the regional society by forcing the indigenous victims of those abuses to change their way of life. It also continues the same misunderstandings and attitudes that have led to the near extinction of other Andamanese tribal populations.
Government policy and settlers' interactions with the Jarawa must be governed by respect for the fundamental right of the indigenous people to lead the life they choose on the land that is rightfully theirs, in accordance with ILO Convention 169 and other international agreements. Appropriate action in the present complex situation must proceed from respect for the rights of the Jarawa as a tribal minority within the Indian State. This must begin with correction of abuses of those rights by both government and private agents. The road illegally built through the reserve, for example, should be closed and an alternative route constructed outside the reserve. Illegal hunting and poaching by settlers in the Jarawa area must be stopped by the police. These actions, however, should be taken with the full knowledge, consent and participation of the Jarawa themselves.

Above all, there must be no resettlement of the Jarawa on different land, and no attempt to force them to settle at a fixed site in their own territory, rather than continue their nomadic hunting- and-foraging existence. It must be recognized that the state has no right to attempt to force a tribal people to abandon its culture or take on an alien mode of production, whether in the name of progress, modernization or assimilation into the local or national society. This not only violates general human rights principles and international law but is in specific contradiction of the guarantees of communal autonomy set out in the Indian Panchayat [extension to scheduled areas] Act of December 1996. A just and viable solution to the problems of the local administration and settler society with the Jarawa must begin with enforcement of the rights guaranteed them by this admirably progressive and enlightened Act, instead of an attempt to force a radically new and different way of life upon them, as recommended by the petition before the High Court.

For these reasons, on behalf of myself and my colleagues, I urge that you oppose Petition WP 48 1999. Instead, the government should adopt policies toward the Jarawa, and other indigenous Andamanese groups like the Onge, which emphasize communal self-determination and cultural autonomy.

I would like to make one further point about the Andamanese situation. The translation of respect for communal rights and cultural autonomy into genuine intercultural understanding requires anthropological understanding, which in turn requires anthropological research. The failures and inconsistencies of governmental policy toward the Andamanese indigenous groups, like the misguided provisions of Petition WP 48 1999, proceed from a nearly total absence of such understanding. This is to some extent the result of governmental opposition to anthropological research among the native populations. Although a few foreign and national anthropologists have worked in the Andamans since independence, the government has made it virtually impossible for non-Indian nationals to obtain research permits. The studies by Cipriani (an Italian) and Pandya (an Indian citizen) of the same Onge community remain virtually the only serious anthropological studies of any Andamanese indigenous group carried out since independence; there are no studies of the Jarawa. The result is that the knowledge and skills essential to collaborative work with the Jarawa, which could promote communal self-determination and mutual understanding by both Jarawa and settlers of each other’s cultural and social mores, is almost totally lacking.

Encouragement of anthropological and other social science research among both the Jarawa and the local Indian population, oriented toward facilitating understanding by each group of the other and creating continuing channels of communication and cooperation between them, should therefore be a top priority of national and local government in the Andamans. Three distinct research missions urgently need to be carried out.
First, a team of competent social science researchers should survey the present situation and provide some rough guidelines for immediate governmental action (or, perhaps more importantly in some areas, inaction). Second, a qualified researcher or researchers should formulate a program of intercultural information and communication. This program would inform the settlers about the Jarawa and teach the Jarawa about the surrounding regional and national society. It would have the practical purpose of setting up channels of mediation between the two. Third, independent researchers should carry out a full anthropological study of Jarawa social organization and culture, which could serve governmental planners and non-governmental activists alike as a basis for interaction with the Jarawa. This is clearly a case where anthropological research and human rights concerns converge in the need to construct a viable and mutually empowering, intercultural modus vivendi for both the indigenous minority and settlers.

Sincerely yours,

Louise Lamphere, Ph.D.
Regents Professor of Anthropology,
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and
President-elect,
American Anthropological Association

Cc:
Naresh Chandra, Indian Ambassador
Richard Celeste, US Ambassador to India
Shri. I. P. Gupta, Lieutenant Governor