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Term Paper

The Sentinelese: Indigenous Tribes, Globalism, and the Preservation of Cultural Heritage

The Sentinelese tribe of North Sentinel Island, in light of the growing force of globalization and the increasing threat of cultural genocide to indigenous populations across the globe, can be considered as one, if not the only, truly isolated hunter-gatherer community in the modern world. Legally inhabitants of Indian territory, the Sentinelese are one of the four remaining tribes of the Andaman Islands—and, of the four, the most isolated and least contacted. Over the last several decades, the tribe has become subject to a wide-scale photographic and media narrative of hostile, cannibalistic, “Stone-Age” people. Most recently, this narrative has been translated into a larger debate over tribal autonomy with the deaths of two Indian fishermen in 2006 and the death of an American missionary in 2018. In considering this debate, however, one cannot simply consider the implications of rule of law as it intersects with tribal autonomy. Rather, in considering both the history and current situation of the Sentinelese people, one must first consider the legitimacy of the Indian government’s claim to the Andaman Islands—that is, how property rights can be established over a people who cannot be communicated with to establish treaties and other agreements. In looking at this twofold debate, although there are legitimate concerns over how modern states should craft legal positions on the rights and laws concerning isolated people, ultimately the preservation of tribal identity and culture should be

maintained as a universal principle above the claims of state sovereignty over tribal property rights.

This debate can only be crafted after a careful consideration of history as it pertains to the Sentinelese. This history, in regards to this paper, will begin with a deliberation on expeditions performed to the island by the British colonial empire. The British colonial administration first began expeditions to the island after establishing a penal colony in Andaman in 1858. These expeditions were primarily ‘pacification’ expeditions aimed broadly at tribal populations throughout the islands (Sasikumar 2018). The general strategy behind this pacification was based on the abduction of a small number of members of a tribe. After the abduction, they would be brought to Port Blair and treated with a kindness that exposed the benefits of modern civilization. Following this, they would be released back on their respective islands with a number of gifts to be given to the rest of the tribe. This strategy was used against the Senegalese in 1880, when two elderly tribes-people and four children were captured by the British colonial administrator. Upon arrival back at Port Blair, the elderly couple quickly died from diseases that they had been previously unexposed to and the four children were released back on the island with gifts (Sasikumar 2018; Schönhuth, 2019). Expeditions were made to the island several more times over the course of British rule in the area. Upon independence of the Republic of India in 1947, the new administration continued the policy of attempting to make contact, though with less implicitly negative colonial overtones about the tribes. Overall, until 1967, the new Indian administration generally treated the islanders with a policy of “benign neglect” (Sasikumar 2018). It wasn’t until the state welfare agency, the Adim Janjati Vikas Samiti (AAJVS), was established in the 1960’s to look after the tribal groups of the Andamans that contact missions

and teams were established as policy (Pandya 2019a). These teams generally consisted of anthropologists, administrators, medical officers, and sometimes government guests. According to reports, the Sentinelese rarely let contact groups come close, and the teams often simply left gifts on the shore for tribespeople to accept after their departure (Pandya 2019a).

In 1970, despite having made no legitimate contact with the group, the Republic of India claimed North Sentinel Island as part of India (Pandya 2019). It is important to note here that there are several components to the concept of ‘no legitimate contact.’ First, there is the more tangible matter that, beyond the abduction of the six tribespeople by the colonial administration, there had been no direct communication with any of the tribe. Furthermore, even today there is no linguistic knowledge of the language that the Senegalese speak—though officials can communicate with the other three tribes of the Andamans, the Senegalese languages seems to have little, if any, similar linguistic roots. Thus, not only has there been no communication beyond the transaction of gifts from afar, there *cannot* be any verbal communication beyond rudimentary means. Certainly, one might find it difficult to ask the legitimacy of rule to people that cannot understand them. Further, due to their historical condition as people without indoctrination to currently accepted political systems, the tribe is unlikely to understand even the structure of the state which claims they are a part of. With no channels to communication, linguistic or otherwise, the ability to create treaties establishing land ownership and statehood are completely unfeasible. It is extremely likely that even today the tribe does not know it is technically part of a state, as, when staking their claim, Indian officials simply landed in an isolated part of the island and erected a stone tablet proclaiming the island part of the Republic of India (Pandya 2019b). This tablet can only mean to signify to others the ownership of the land,

as even if the islanders were to have their own written language they cannot not read the languages the tablet may be written in.

Even with the tribe technically considered Indian nationals, most contact expeditions were tinged with fear and often violence. Some landmarks on the island are even named after violent clashes between expedition teams and the tribe (Pandya 2019b). It was only in 1991 that these fearful expeditions briefly turned friendly—the tribespeople approached the boat carrying the expedition team and accepted the gifts of coconuts (Pandya 2019a). In a stark difference to many of the photos of the Senegalese that are perpetuated by media narratives when the tribe enters the nation or international news cycle—men with bows and spears, threatening the holder of the camera and displaying themselves as distinctly dangerous—the photos of this encounter show members of the tribe next to team members and accepting the offered gifts. Upon the celebration of this image to the public after the expedition, however, the administration began to fear the exhibition of photos promoted the picture of a “friendly, primitive tribe” would lead to outsiders making the trip to the island. Not only did this cause the administration to move back towards the display of Senegalese hostility, but it also precluded the policy of no contact and non-intervention that soon followed the exhibition (Pandya 2019; Schönhuth, 2019).

This policy of “Hands on, Eyes off,” as refereed to be the former lieutenant governor of the Andaman Islands, came to head in 2006 when two local fishermen, named Sunder Raj and Pundit Tewari, went missing (Singh, 2018; Pandya, 2009b). At the direction of other fishermen in the area, helicopters were flown over North Sentinel Island and discovered the bodies three days later, half buried in the sand (Pandya 2009b). In January of 2006, Andaman Police Chief Dharmendra Kumar asserted, due to a significant possibility of casualties on both sides, the

bodies could not and would not be retrieved. The hostility of the tribe was once again demonstrated. The representation of weapon wielding tribespeople standing in front of the bodies showed the ‘savagery’ of the Sentinelese. The Andaman and Nicobar Protection of Aboriginal Tribes Regulation (ANIPATR) of 1956 protects a three mile ‘exclusion zone’ around the island as a measure against poachers and others seeking to visit the island illegally, as well as the fact that the fishermen were in this zone for illegal fishing and poaching. Thus, there were two important responses to their deaths (Sasikumar, 2018; Pandya 2009a). The first was made by Sunder Raj’s new wife, a new settler to the area:

“The government and police have washed their hands of this matter: nobody wants to offend the tribe! We want the bodies to be retrieved and the police to arrest the murderers. Whether my husband was poaching or not, he didn’t deserve to be killed with an ax (Pandya, 2009a; 2009b).”

At the same time, Tewari’s father, who came from a family of old settlers, argued the opposite:

“My son got his own justice. He was breaking the law, poaching and trespassing on land that wasn’t his own and he was murdered. As far as I am concerned the Sentinelese are the victims in this, not my son. They were only defending themselves with bows and arrows the only way they know. What I do want is my son’s body back so my wife and I can cremate him; we don’t want retribution. It is an impossible case to prosecute anyway (Pandya, 2009a; 2009b).”

Ultimately, the bodies were not retrieved—but this debate was once again brought into the spotlight in 2018, when the American missionary John Allen Chau bribed fishermen to escort him to the island in order to preach Christianity to the tribe (Clark, 2019; Schönhuth, 2019).

Taking inspiration from missionaries who had visited the Ecuadorian Huaorani tribe in 1956—missionaries who were ultimately killed by this tribe—Chau strived to introduce religion to one of the few uncontacted peoples of the world (Schönhuth, 2019). He attempted to contact the islanders a number of times before his death, each time offering gifts to the islanders reminiscent of previous contact missions. The response to these gifts was often a volley of arrows in his direction—once, he only survived the encounter due to the Bible he clutched taking an arrow (Schönhuth, 2019). Chau followed the line of reasoning suggested by a missionary database called the Joshua Project, which stated that the Indian government should allow Christians to live among the Sentinelese in order both provide basic medical care as well as teach them that “the Creator God exists, and that He loves them and paid the price for their sins (The Guardian, 2019).” After several attempts to make contact, Chau was killed on November 17 and, much like the fishermen over a decade before, attempts to retrieve his body were abandoned.

The chronology of both the contact expeditions as well as these recent deaths bring to light a two fold debate: who holds property rights over North Sentinel Island, and how do these rights work in conjunction with the line between self-defense and manslaughter? Both arguments start from the standpoint of asking if the island is a legal and legitimate part of the Republic of India. In the previous pages, the situation which the island was claimed by India was discussed: administrators landed on an isolated section of the island and left a stone tablet declaring their claim in a language(s) the Sentinelese do not know. Whether one accepts the legitimacy of India’s claim or not, we can reasonably agree that the Sentinelese are not aware of the fact that they are part of the Indian Republic. Moreover, given the historical context to which the tribe exists, one may also state that the Sentinelese can not even have a concept of this part, as they

have no historical means to understand what the political structure of this state even is. Furthermore, there is reason to apply Lockean theory on property rights and government here. The Sentinelese, in every way, represent man in a State of Nature—they embody the life of people where organized society has not yet been conceived. There is a particular element here, however, that is not present itself in Locke's argument: how does one in the state of nature interact with those in civil society? And more, how do land and property rights apply when sovereignty is declared through civil society and imposed on those within the state of nature?

If one accepts that they are legitimate and legal members of the Republic of India, then Indian law must apply. Here we see the application of some of the above premises: they do not know they are part of India and they do not know that these laws apply. Furthermore, if that they both do not know they are part of India and if they have no concept of the confines of Republican democracy, they do not know what these laws consist of. Nevertheless, whether or not they know and comprehend these laws, if they are part of India then these laws must apply. The Indian government, as does any nation, has a monopoly on the force to which a law can be applied. Traditionally, this force would be applied through a police force and judicial system. However, neither of these exist on North Sentinel Island. Thus, the Sentinelese must execute these laws themselves. If someone trespasses on their territory, there is no police force to enact punishment for self-defense of the nation. Thus, by killing the trespassers, the Sentinelese were exercising the state's monopoly on the use of force to apply laws of the state, including laws on illegal trespassing in the state. The legal processes of justice present in civil society, in order to translate into those in the state of nature, turn from systemic implications of law into an application of the state of war. Though Indian law may be present, and the execution of law is in

the hands of the Sentinelese—without the systemic means or understanding to apply the laws of civil society, however, the law is enforced through a state of war in which the Sentinelese punish injustice by death.

The opposite argument applies the premise that the Republic of India has no legitimate claim over North Sentinel Island. The Sentinelese do not know of the Republic, nor do they know the state's claim over their Island. If one follows Lockean principles, the state has not labored on the island, used the island's resources, and overall have not 'mixed their labor' with the island's resources. Even if they do conceive they are part of a republic, however, they have no political efficacy to participate in this republic. Nor, on this point, do they have any representation of Sentinelese positions and values in the state. Furthermore, civil society is formed and the state of nature ends when men formally enter an agreement to enter into a community. This is absent in India's claim over the Sentinelese. Given this, India's claim over North Sentinelese Island can be argued as illegal and illegitimate: (1) in this modern, democratic state the Sentinelese are not represented and have not agreed to a mutual community in a civil society, and (2) the Indian Republic has no previous claim to the land nor have they mixed their labor in a way that would permit them to claim it. To establish claim over this land is reflective of British colonial policy: they have decided, based on property and territory determinations that the people who are affected do not understand and cannot influence, that they have a claim on this land for arbitrary reasons which amount to the legal ownership over this land. If that is the case, the Sentinelese have the right to self-defense over their land. They have not signed any international treaties proclaiming a particular treatment of criminals, nor do they know of these treaties in the first place. If they have mixed their labor with the land, assumed communal

ownership of the land, and have not entered into civil society, they have the right to exercise their right as an entity to self-defense. Under Lockean principles, persons who act in a criminal manner of trespassing on the tribe's sovereign land—and particularly as it applies to poachers and thievery—put the Sentinelese in the state of war against them and thus give the Sentinelese the right to retaliate.

These arguments are compounded by the effects both the presence of outsiders and the imposition of property rights could have on indigenous tribes. Venkateswar (1999) references David Maybury-Lewis's point on the absolute necessity of recognizing land rights in the survival of indigenous tribes. He states: "Land and the struggle for it is at the heart of the problem of cultural survival, for the guarantee of their lands is what tribal peoples need most." However, the claims of indigenous people to land often presents a challenge to the authority of the state, as it removes the state's ability to exercise control over parcels of land they have previously claimed (Venkateswar, 1999). The Sentinelese, given their lack of contact with both the Republic of India as well as with the international political order, have no means to ensure property rights against the forces of neo-imperial government policies or imposition by loggers, ranchers, or other environmentally dangerous corporations. At the same time, however, in order to protect the land rights of the Sentinelese, given that they can only do so on the actual shores of the island, there must be a separate force that does so—whether they have a legitimate claim to the island or not. Thus, a contraction is created in tying civil society to the state of nature: those in the state of nature, in the modern world, need the protection of civil society in order to survive, but at the same time this protection entails the risk of domination and destruction.

This protection is necessary due to the danger trespassers pose in terms of infection or potential cultural destruction. Clark (2019) cites the Murunahua people of Peru in looking at the danger of infectious disease—the tribal population dropped fifty percent after coming into contact with loggers who carried the flu virus. Notably, Chau, the American missionary, received thirteen separate vaccinations before his attempt to contact the Sentinelese. These immunizations, however, were not an absolute prevention of any infection passing to the isolated tribe (The Guardian, 2019). Even a single infection has the potential to wipe out the relatively small population, a population which is only somewhere between fifteen and a hundred people (*Down to Earth*, 2018). Thus, land rights combine with the threat of disease to form an overarching threat of cultural genocide: the Sentinelese likely consist of no more than one hundred people. A single infection that the tribe does not have immunity to could wipe out the entire population. At the same time, political forces and whims that increase and decrease the protection around the tribe make it so that the tribe is constantly subject to the threat of not only diseases brought by outsiders, but also an imposition of modern cultural and technological forces that hinder the existence of current cultural practices. Even if the tribe were not killed by the imposition of outsiders, these outsiders have the potential to bring about the cultural destruction and cultural genocide of the Sentinelese by threatening land rights for the sake of profit and making it impossible for the Sentinelese to continue their way of life.

Singh (1997) discusses a number of threats to the continuation of indigenous cultures: (1) the growth of the general population will accelerate and thus cause an influx of settler populations into tribal areas, despise laws to protect tribal lands and rights; (2) the environmental situation will cause the degradation of the traditional land of tribes; (3) corporate interests, such

as logging, will cause the tribes to lose rights in these lands and cause large-scale displacement of indigenous people; and (4) the conflict between tribal traditions and modern institutions and expectations will intensify and cause cultural loss among the population. These are all possible factors that could contribute to a cultural genocide for the Sentinelese. Furthermore, they do not have the linguistic or political means to treat with government officials, if the above threats were to be realized, in order to find a middle ground in which concessions could be made but cultural traditions and land could have some form of protection. Thus, even if the people of the tribe are not killed by disease, they risk the loss of vital ties to cultural traditions. For example, the Onge, another Andaman tribe, has lost traditional methods of fishing and hunting due to government food rations. The Jarawa, another of the four remaining Andaman tribes, are threatened by illegal encroachment on traditional hunting and fishing lands; many of these illegal actors have, in a way, launched a mini-war against the Jarawa without government sanction (Venkateswar 1999). The Sentinelese are assured a security and protection not always granted to the other tribes largely due to the isolation of their island as well as the difficulty of accessing the island (Venkateswar 1999). Nonetheless, in each instance, the other tribes have been contacted with varying success and frequency by members of the Indian Republic and subsequently faced the imposition of modernity on traditional cultural norms in order to progress economic and political interests. The claims of the state, in effect, have simultaneously offered the tribes the protection of the state—through rations, aerial surveillance, surveillance by the coast guard, and so on—while also diminishing the ability to conduct themselves within their cultural sphere. They are now subject to actors in the state who believe themselves entitled to resources of the “state”, actors who hold beliefs they are improving the lives of the indigenous by introducing them to

modern values, and actors who hold the indigenous to standards on law despite the lack of political efficacy to understand these laws. The other tribes are examples of a slow moving cultural destruction imposed by state sponsored protection.

In considering this, it may be helpful to look at an approach proposed by Singh (1997) in seeking a more balanced tribal policy. He states that following premises should all be held as true: (1) the preservation of the identity of tribal communities is a matter of universal principle, all cultures are unique and should be allowed to develop and flourish; (2) the cultures of tribal communities are valuable heritages to humankind and thus are relevant to the creation of new national and international orders that incorporate values such as “relative egalitarianism, the essential harmony of all [living beings], the all pervasiveness of the spirit, continuity of life, principles of sharing...”; and (3) tribal rights and the resources they depend on are inalienable rights.

Given these premises, the protection of the the island is necessary in order to preserve the cultural existence of the Sentinelese people. However, the cultural destruction caused by putting tribes at the whim of political interests necessitates this protection as a mode separate from state sovereignty and rather as an element of international cultural heritage. As mentioned in previous pages, the former lieutenant governor of the Andaman Island lauded a “Hands off, Eyes On” approach to the Sentinelese. Further, he advocated policies catered to individual tribes in order to preserve the survival of each in its unique historical and contemporary chronology of existence (Singh, 2018). The current Prime Minister of India, Narendra Modi, on the other hand, has in recent years relaxed regulations around the visitation of the islands as a tourist initiative. The premise that the cultures of tribal communities are valuable heritages to humankind creates a

reflection on the disastrous continued enforcement of sovereignty laws. To subject tribes to the whims of economic and political interests creates a massive threat of cultural genocide.

Throughout the arguments weighing India's claim against rule of law, the argument for the survival of cultural legacies is seen not in the legitimacy of the claim, but the fact that there is a claim at all. So long as governments enforce sovereignty over cultural protection, legal initiatives to protect tribes can ebb and flow in tune with administrations. Thus, whether one accepts the legitimacy of the Indian government's claim or not, in the case of cultural protection, it is not the legitimacy of the claim itself that is important but the actual claim that is significant. The survival of cultural legacies should be held as a universal, international value of interest and protection. To subject a separate cultural entity—that is, indigenous and occasionally uncontacted tribes—to the claim of the state removes the universal good this cultural entity has as a valuable heritage to all humankind and thus the entire international order. To subject this cultural entity to the claim of a single state's unstable principles of protection risks an entire universal good of cultural heritage to all other cultures. Though the tribes require protection in order to survive, the singularity of power over tribes that state's have puts these tribes at risk for destruction.

In conclusion, in order to protect the cultural identify of isolated tribes, international principles of cultural projection must be established as entities separate from sovereign claims over the tribes themselves. The Indian government should, in light of the 'Hands off, Eyes On' policy, remove their claim of sovereignty over North Sentinel Island as a *premise* to protection and instead establish protection as a guideline of universal concern over the cultural heritage.

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