



**TURUN  
YLIOPISTO**  
UNIVERSITY  
OF TURKU

# LAWS WITH THE JUNGLE

Legal Pluralism and Dynamic  
Understandings of Forest Rights  
in Central Indian Adivasi Communities

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Tikli Loivaranta





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Forest Rights in Central Indian Adivasi Communities

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Cover Image: Riddhi Pandey (image cropped with the photographer's permission)

ISBN 978-952-02-0518-8 (PRINT)  
ISBN 978-952-02-0519-5 (PDF)  
ISSN 0082-6979 (Print)  
ISSN 2343-3183 (Online)  
Painosalama, Turku, Finland 2026

*Dedicated to Environmental Rights Defenders*

UNIVERSITY OF TURKU

Faculty of Science

Department of Geography and Geology

Geography

TIKLI LOIVARANTA: Laws with the Jungle: Legal Pluralism and Dynamic Understandings of Forest Rights in Central Indian Adivasi Communities

Doctoral Dissertation, 173 pp.

Doctoral Programme in Biology, Geography and Geology (BGG)

November 2025

## ABSTRACT

This dissertation explores local understandings of forest rights in three Indigenous (Adivasi) villages in Central India. The focus is on both the everyday, customary forest rights, and the official Community Forest Rights (CFR) according to the 2006 Forest Rights Act (FRA). The research questions are: What kind of more-than-human relations produce the local legal landscape, or lawscape, and what kind of lawscape emerges from these relations? Furthermore, how had tacit and explicit knowledges informed the process of making claims to CFR, and what kind of new knowledge was created? The research was conducted via qualitative methods. Interviews from two field work trips were analysed via qualitative coding, and observation diaries complement the data. The results reveal an assemblage of more-than-human relations that produce proper ways of being in the forest, and particular places with their specific norms. The places and their rules are defined in encounters between humans and nonhumans, including trees, wild animals and spirits. These relations are fluid and dynamic. For instance, trees can be both family members and resources. Regardless of the type of relation, a respectful, convivial ethic is strong in the communities. The desire to save the forests motivated Indigenous communities to claim the CFR. However, access to the legislation had not been actively facilitated by the forest administration. In two communities, assisted by a non-governmental organisation, the claims-making process included conversion of traditional knowledge to an explicit form in the claim forms; and learning the legal language of the FRA as well as the skills to articulate the entitlement to forest rights. The process resulted in a strengthened understanding of being skilled and entitled to protect the forest. Such knowledge enables overcoming some of the challenges in claims-making. The dissertation deepens and diversifies the field of legal geography by considering various local nonhuman actors in more-than-human landscapes. Simultaneously, land right claims-making is a novel research context for geographies of knowledge creation. The knowledge creation approach enables seeing land rights as a process and helps conceptualise some of the complexities in claims-making. Such understanding is needed to address challenges in Indigenous tenure security.

**KEYWORDS:** Indigenous people, Adivasi, Tenure security, Knowledge creation, Forest rights, Lawscape, India

TURUN YLIOPISTO

Matemaattis-luonnontieteellinen tiedekunta

Maantieteen ja geologian laitos

Maantiede

TIKLI LOIVARANTA: Lakiviidakot. Muuttuvat ja moninaiset  
metsäoikeuskäsitykset keski-Intian Adivasiyhteisöissä.

Väitöskirja, 173 s.

Biologian, maantieteen ja geologian tohtorihjelma (BGG)

Marraskuu 2025

## TIIVISTELMÄ

Väitöskirjani kartoittaa ymmärryksiä metsäoikeuksista kolmessa Adivasi-alkuperäiskansayhteisössä Intiassa. Tutkin sekä metsässä elämisen arkipäivän kirjoittamattomia sääntöjä, että Intian metsäoikeuslain (FRA, 2006) mukaisia yhteisömetsäoikeuksia. Kysyn, millaiset ihmis- ja ei-ihmistoimijoiden väliset suhteet tuottavat paikallista lakimaisemaa, ja millainen lakimaisema syntyy näissä suhteissa? Entä millä tavoin hiljaista tietoa ja eksplisiittistä tietoa on käytetty yhteisömetsäoikeuksien hakuprosessissa, ja millaista uutta tietoa on syntynyt? Tutkimus toteutettiin laadullisin menetelmin. Kahdella kenttämatkalla kerätyt haastattelut analysoitiin laadullisella koodauksella. Havainnointipäiväkirjat täydentävät materiaalia. Lajienvälisten suhteiden kokoonpanossa muodostuu kirjoittamattomia sääntöjä, jotka kytkeytyvät metsän eri paikkoihin. Paikat ja niiden säännöt määrittävät ihmisten ja muiden toimijoiden, kuten puiden, eläinten ja henkien, välisissä kohtaamisissa. Suhteet ovat dynaamisia ja moninaisia: esimerkiksi puut voivat olla sekä perheenjäseniä, että resursseja. Riippumatta suhteiden luonteesta, metsään ja sen olentoihin suhtaudutaan kunnioittavasti. Halu suojella metsää motivoi yhteisöjä hakemaan yhteisömetsäoikeuksia. Paikallinen metsähallinto ei ollut aktiivisesti edistänyt lain saavutettavuutta yhteisöissä. Kahdessa yhteisössä metsäoikeuksia haettiin kansalaisjärjestön avustuksella. Prosessissa opittiin FRA-lainsäädännön teknistä kieltä ja taitoja artikuloida yhteisöjen oikeuksia metsään, sekä sanallistettiin perinteistä tietoa eksplisiittiseen muotoon. Prosessissa vahvistui ymmärrys siitä, että yhteisöissä on taitoa ja oikeudet suojella metsää. Väitöskirjani syventää lakimaantieteellistä ymmärrystä metsäalueiden posthumanistisista lakimaisemista, joissa erilaiset ei-ihmistoimijat otetaan huomioon. Maa-oikeuksien hakuprosessi on uudenlainen aihe myös tiedonmuodostuksen maantieteelle. Tämä viitekehys auttaa käsittelemään maa-oikeuksia prosessina, sekä käsitteellistämään prosessiin liittyviä haasteita. Tämä on tärkeää alkuperäiskansojen maa-oikeuksien puolustamisen kannalta.

ASIASANAT: Alkuperäiskansat, Adivasit, Maa-oikeusturva, Tiedon muodostuminen, Lakimaisema, Metsäoikeudet, Intia

तुर्क विश्वविद्यालय

विज्ञान फैकल्टी

भूगोल और भूविज्ञान विभाग

भूगोल

TIKLI LOIVARANTA: जंगल के साथ कानून: मध्य भारतीय आदिवासी समुदायों में वन अधिकारों की कानूनी बहुलता और गतिशील समझ

डॉक्टरेट शोध प्रबंध, 173 पृष्ठ.

जीव विज्ञान, भूगोल और भूविज्ञान में डॉक्टरेट प्रोग्राम (BGG)

नवंबर 2025

सार

यह शोध प्रबंध मध्य भारत के तीन आदिवासी गांवों में वन अधिकारों की स्थानीय समझ को जानने का प्रयास करता है। इसमें रोजमर्रा के प्रथागत वन उपयोग और वन अधिकार अधिनियम (2006) के तहत दिए गए आधिकारिक सामुदायिक वन अधिकार (CFR) – दोनों पर ध्यान केंद्रित किया गया है। शोध के मुख्य सवाल हैं: ऐसे कौन-से मानवीय और गैर-मानवीय रिश्ते हैं जो स्थानीय कानूनी परिदृश्य या "लॉस्केप" बनाते हैं, और इन रिश्तों से कैसा कानूनी ढांचा उभरता है? साथ ही, परंपरागत (अलिखित) और स्पष्ट (लिखित) ज्ञान ने सामुदायिक वन अधिकारों के दावे करने की प्रक्रिया को कैसे प्रभावित किया, और इस प्रक्रिया में कौन-सा नया ज्ञान पैदा हुआ? यह अध्ययन गुणात्मक (qualitative) विधियों से किया गया है। दो बार क्षेत्र में जाकर लिए गए साक्षात्कारों का विश्लेषण किया गया और साथ ही अवलोकन की डायरी से भी जानकारी जुटाई गई। परिणाम बताते हैं कि इंसानों और पेड़-पौधों, जानवरों, आत्माओं जैसे गैर-मानवीय तत्वों के बीच कई तरह के संबंध मौजूद हैं, जो यह तय करते हैं कि जंगल में किस तरह रहना और बर्ताव करना सही माना जाता है। इन रिश्तों से कुछ खास जगहें और उनके अपने नियम बनते हैं। ये रिश्ते स्थिर नहीं होते—वृक्ष कभी परिवार के सदस्य माने जाते हैं, तो कभी संसाधन। लेकिन हर स्थिति में इन रिश्तों में सम्मान और मेलजोल का भाव मौजूद रहता है। वनों को बचाने की इच्छा ने गांवों को CFR के लिए दावे करने के लिए प्रेरित किया। हालांकि, वन विभाग की ओर से कानून की जानकारी या प्रक्रिया को सहज बनाने में खास मदद नहीं मिली। जिन दो गांवों को एक गैर-सरकारी संगठन ने सहायता दी, वहां दावे की प्रक्रिया में पारंपरिक ज्ञान को लिखित रूप में बदला गया और समुदाय ने कानून की भाषा के साथ-साथ अपने अधिकारों को समझने और जाहिर करने की क्षमता भी सीखी। इस पूरी प्रक्रिया ने यह विश्वास मजबूत किया कि वे न केवल जंगल की रक्षा करने में सक्षम हैं, बल्कि इसके लिए अधिकार भी रखते हैं। यह नया ज्ञान दावे की प्रक्रिया में आने वाली कई कठिनाइयों से निपटने में मददगार साबित हुआ। यह शोध प्रबंध कानूनी भूगोल जैसे विषय को ग्रामीण और स्थानीय संदर्भ में विस्तार देता है, जहां मनुष्यों के साथ-साथ पेड़, जानवर और आत्माएं भी कानूनी सोच का हिस्सा बनते हैं। साथ ही, भूमि अधिकारों को केवल कानूनी दस्तावेज न मानकर एक ज्ञान निर्माण की प्रक्रिया के रूप में देखने का तरीका भी प्रस्तुत करता है। इस तरह की समझ स्वदेशी समुदायों को उनकी जमीन पर अधिकार दिलाने की जटिल प्रक्रिया को बेहतर ढंग से समझने और मजबूत करने में मदद कर सकती है।

**कीवर्ड्स:** आदिवासी समुदाय, भूमि स्वामित्व सुरक्षा, ज्ञान निर्माण, वन अधिकार, कानूनी परिदृश्य (लॉस्केप), भारत।



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# Abbreviations

CBD	Convention on Biological Diversity
CFR	Community Forest Resource Rights (Community Forest Rights)
FRA	Forest Rights Act
IFR	Individual Forest Rights
JFM	Joint Forest Management
IPLC	Indigenous Peoples and Local Communities
NGO	Non-Governmental Organisation
NTFP	Non-Timber Forest Produce
OTFD	Other Traditional Forest Dweller
PESA	Panchayat Extension to Scheduled Areas
FD	Forest Department
ST	Scheduled Tribe
UN	United Nations

# List of original publications

This dissertation is based on the following original publications, which are referred to in the text by their Roman numerals:

- I Loivaranta, Tikli. Post-human lawscapes of Indigenous community forests in Central India. *The Geographical Journal*, 2020, 186(3), 1–12.  
<https://doi.org/10.1111/geoj.12342>
- II Loivaranta, Tikli. Geographies of knowledge creation in forest-rights claims making processes among Indigenous communities in Central India. *Land Use Policy*, 2023, 131, article number 106741.  
<https://doi.org/10.1016/j.landusepol.2023.106741>
- III Uotinen, Joonas, Loivaranta, Tikli & Seal, Arunopol. Nonhuman well-being is a part of happiness and well-being conceptions in central Indian Indigenous communities. *Journal of Happiness Studies*, 2025, 26(7).  
<https://doi.org/10.1007/s10902-024-00837-5>

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# 1 Introduction

Tenure security is an essential safeguard for forest-dependent Indigenous and local communities, guaranteeing continued access to and management of their ancestral lands, and protecting their livelihoods from evictions and other external threats posed by more powerful actors in the society. Access to local forests is especially important for those who directly depend on such areas for sustenance (Vijayan et al., 2020; Sauls et al., 2022). For these communities, tenure security is a matter of survival and cultural continuity.

Beyond this local significance, Indigenous tenure security has important global implications. The key role of Indigenous land rights in sustainable resource management has been increasingly acknowledged, contributing not only to the flourishing of local ecologies, but also to global environmental services such as biodiversity conservation and carbon sequestration (Sauls et al., 2022). Consequently, Indigenous land rights are pivotal for Sustainable Development Goals, climate change mitigation and biodiversity conservation (Masuda et al., 2022). This understanding is gaining support in international development organisations such as the World Bank<sup>1</sup> (Segura Warnholtz, 2017).

Empirical evidence underscores this connection. According to an extensive study by Schuster et al. (2019), areas managed by Indigenous peoples accommodate similar or even higher biodiversity levels than those found in protected areas. Garnett et al. (2018) assert that recognising Indigenous peoples' rights to land is essential to meeting biodiversity conservation goals. However, while these connections are compelling, they are not always straightforward (Berkes, 2018). Thus, caution against overly simplistic or romanticised portrayals of Indigenous ways of life is warranted.

Exploring the patterns emerging at the intersections of forest conservation, land rights and Indigenous ways of life may help us to understand how human rights and environmental conservation could be promoted together in a fruitful manner. Many initiatives to this direction exist at the local, national and international levels, but

<sup>1</sup> This attention has been evident for instance in the World Bank Land conference (<https://www.worldbank.org/en/events/2023/10/05/land-conference-2024>).

recognition of customary land tenure remains incomplete (Sauls et al., 2022). In the local communities, there may be lack of knowledge regarding entitlement to different rights; and among various actors outside the communities, there may be a lack of knowledge about sustainable Indigenous customary practices. Thus, it is important to study the local understandings of Indigenous forest governance; both the everyday norms and formal forest rights. In this dissertation, I examine how these dynamic, situated, and context-dependent interpretations emerge in the interplay of different knowledges and in the intertwinement of customary and official laws. Understanding the local interpretations related to forest rights is especially relevant in contexts where land rights claims-making is not a smooth process. Indeed, in many contexts, land rights remain highly contested due to various competing interests.

The dissertation is based on fieldwork material collected in three rural forest villages in Central India, in the state of Madhya Pradesh. The residents of these villages are referred to as Adivasis, which means “first inhabitants”. This is a common name for Indigenous peoples in India. Additionally, Adivasis identify themselves to a variety of different sub-groups or tribes. Adivasis have experienced a long history of marginalisation as well as displacement and evictions from their lands, which has continued from colonial times to post-colonial India. According to a 2013 estimate by Dash and Kothari, 100 000 – 300 000 forest dwellers have been evicted from their lands during India’s post-colonial period, and ‘several million more deprived fully or partially of their sources of livelihood and survival’ (Dash & Kothari, 2013 p. 152, cited in Sigamany, 2017). While monetary poverty is persistent in Adivasi areas, there are also significant mineral, forestry and other natural resources in these lands (Sigamany, 2017), increasing outside pressures towards these resources and land. The livelihoods of Adivasis vary, as many have moved from their ancestral lands to cities and adopted urban lifestyles. In the study villages, livelihoods consist of a mixture of small-scale agriculture, foraging Non-Timber Forest Produce (NTFP), and seasonal work. While farming is a significant source of subsistence, the forest provides edible plants, fruits, tubers and mushrooms, for instance. Beyond subsistence, ways of life in the forest villages are intricately intertwined with the surrounding forest.

To correct the “historical injustices” faced by Adivasis, such as evictions, the official recognition of forest rights of Adivasis was enabled via the Forest Rights Act (FRA) (The Scheduled Tribes..., 2006). This national law was enacted in 2006, and it came into force in 2008. The FRA allows Indigenous communities to secure titles to individual lands and community forests. The law is in many ways progressive, for instance, in recognising community forests and authorising the communities to protect and manage these. In this dissertation, the focus is on Community Forest Rights (CFR) in particular.

However, various challenges and insecurities in the forest rights of Indian forest dwellers have been reported (e.g., Sarker, 2011; Kashwan, 2016; Sigamany, 2017; Mathew and Umesh, 2019; Sen and Pattanaik, 2019). The topic has continued to be heatedly debated. In 2019, the Supreme Court ordered the eviction of those Adivasis whose FRA claims had been rejected. Thousands of Adivasis protested against this ruling in various states across India, gathering at tiger reserves as well as in cities such as New Delhi. After the protests, the eviction order was put to a halt until there was reliable information about the correctness of FRA implementation. The topic remains contested and underscores the importance of studying the implementation processes of the FRA.

The focus of this dissertation is on both the everyday, informal, customary forest rights among Indigenous Adivasi communities, and on the formal, official CFR according to the FRA (2006). The customary and official rights are intertwined in many ways. Most importantly, the official rights create conditions which better enable the continuation of local communities' customary law. On the other hand, the local customary practices form a basis for the claims for official forest rights. There are also other ways official and customary laws intertwine, for instance, in environmental protection. Moreover, especially the customary rights are constituted by not only human social relations, but also various entwined relations with the material environment and its nonhuman actors.

Multiple sources and forms of law come together in singular places (Robinson and Graham, 2018). Legal pluralism (e.g., Davies, 2017; Robinson & Graham, 2018) combined with legal geography (Blomley, 1994; Delaney, 2010) allows a rich understanding of how lived law is co-produced with place. Thus, this dissertation is an exploration in legal geography and furthermore investigates how different knowledges produce, and are produced by, a legally pluralistic landscape, or indeed, *lawscape* (Graham, 2010). A pluralistic approach to knowledge is appropriate in the Indigenous context (Berkes, 2018), as will be argued later in the dissertation.

Informed by legal geography, I will outline the plurality of laws from customary to official law in the particular places that I performed my fieldwork. As a starting point, I take the material place and those customs and norms that emerge in the interaction between the place and its local residents – both human and nonhuman. I then expand to the more official law, the CFR in the FRA in particular, which for the respondents was rather unfamiliar until recently. I aim to demonstrate how customary and official laws are practically present to a varying degree in the studied communities, and how they interact with each other. These layers of different forms and origins of law exemplify the appeal of legal pluralism (Robinson & Graham, 2018) as the approach for the dissertation.

Tenure security and land rights are excellent examples of multiple forms of law, their interpretation and their interactions. Institutions relevant to land tenure security

consist of both informal and formal rules, and both de facto and de jure situations (Masuda et al., 2022, p. 6–7). Most commonly, land rights are discussed in terms of state-formalised titles or deeds, but equally or even more important for the local communities' everyday life are the customary rights, which may also exist without state recognition (Robinson & Diop, 2022). However, due to the increasing land pressures, it has been noted that “sustained land tenure security must likely come with state-recognised backing of land rights” (Robinson & Diop, 2022, p. 45).

Importantly, even the official formalisation of land rights does not necessarily provide tenure security for land holders (Van Gelder, 2010; Robinson & Diop, 2022). There may be formal rights on paper, but no ability to exercise that right (Robinson & Diop 2022, p. 48). However, tenure security can be strong even in cases where only customary rights are in place, without formalised rights (Robinson & Diop, 2022, p. 51). Tenure security is thus a concept that is tightly and multidimensionally linked to both customary and formal land and resource rights (Masuda et al., 2022).

It has been emphasised that tenure security, in practice, is the confidence of a landholder (or a land-holding community) in terms of the expectation that their land rights will be upheld (Sjaastad & Bromley, 2000; Robinson & Diop, Van Gelder, 2010; Abdulai & Ochieng, 2017; Robinson & Diop, 2022, p. 45). Hence, ensuring that the communities are aware of their legal rights and ways to enforce them is important for tenure security (Robinson & Diop, 2022). As knowledge and understandings of resource rights are key to tenure security, it is important to study how customary and official land rights are *understood and perceived* in those communities which they concern; and how these understandings come into being.

In studying the plural, dynamic understandings of forest rights, this dissertation is also an exploration of knowledge creation processes. Geographies of knowledge creation have been examined particularly in the fields of economic geography, studies on science, technology and societies, and management studies. These fields focus on innovation and knowledge creation in business and research environments, but research from different settings, such as local communities, has been scarce – especially in contested contexts (Hautala & Jauhiainen, 2014; for Indigenous knowledge and innovation systems, see Hooli & Jauhiainen, 2018). However, the knowledge creation literature introduces concepts and frameworks that illuminate the process of how certain kinds of knowledge come into being. Knowledge conversion (Nonaka & von Krogh, 2009) between explicit (e.g., written, drawn, or otherwise transferable) knowledge, and tacit (bodily, un-articulated, practiced, sensuous) forms of knowledge is particularly useful. Tacit and explicit knowledges are not to be understood as separate categories of knowledge, but rather forming a continuum from tacit to explicit characteristics of knowledge. In the study context, the practices in the living environment are interpreted primarily, but not exclusively, as knowledge on the tacit side of the continuum, and the discourse of law is



interpreted primarily, but not exclusively, as knowledge on the explicit side of the continuum. Conversion between these forms of knowledge happens in both directions along the continuum.

Closely related to tacit knowledge, lived everyday laws and norms are embedded in the practices and encounters in the local forests, but have remained unarticulated, or not made explicit in written or other concretely transferable form. While the official laws which are communicated in explicit, transferable form rely on a universalising and dis-placed ontology that obscures the people-place connection, Indigenous governance is often a more materially embedded, place based and tacit practice.

Intricate, materially embedded, relational practices and encounters may be fruitfully explored in the non-anthropocentric, posthumanist framework, which provides an appropriate frame for exploring Indigenous forest rights, especially the customary rights, while also providing insights to discussions on the formal rights and related knowledge creation. Post-human approaches (e.g., Wolfe, 2010; Braidotti, 2019) and other strands of the ontological turn in social sciences (Joronen & Häkli, 2016) such as agential realism (Barad, 2007), more-than-human geography (Whatmore, 2006), Non-Representational Theory (Thrift, 2008), and Actor Network Theory (Latour, 2007) emphasise a move to less anthropocentric ontologies, acknowledging the primacy of relations and the role of material entanglements as active participants in the constitution of any entity, including places and their human and nonhuman inhabitants. Posthuman legal geography (e.g., Bartel, 2015; Ojalampi & Blomley, 2015; Braverman, 2016; Bartel, 2018; Delaney, 2017; Brown et al., 2019) exemplifies these trends within the field of legal geography by bringing the agency of nonhumans in legal geographical discussion.

I will describe the frameworks in more detail in Chapter 2, but a brief note on terminology is in place here. While posthumanism is an appropriate framework, I will not call human-nonhuman relations “posthuman relations” but prefer “more-than-human relations”, which encapsulates the inclusion of human actors in these assemblages. I will also talk of interspecies relations, as this was the authors’ collaborative choice in one of the published articles – however, in the article, we argue for *interbeings* relations, as non-species are also included. In the first published article, I refer to posthuman lawscapes, but in retrospect, the term “more-than-human lawscapes” would have been better. The “post” in posthumanism implies something “after” humanism, and this implication does not sit well in such local social realities where there was no need to surpass anthropocentrism or trouble the Western tradition of humanism in the first place. However, I will keep the term “posthuman lawscapes” in the synopsis for consistency.

Finally, before introducing the research questions, a few words on what the focus of this dissertation is, and what it is not. This dissertation is not an exploration of

livelihoods or livelihood-related practices, but an exploration of local understandings of a normative landscape in the forest space; both in terms of customary and official law. Furthermore, while the FRA includes individual rights to farming lands, the dissertation does not focus on these rights securing agricultural practices, but focuses on the forest space, and CFR, in particular. Moreover, the FRA is only one of many official laws affecting life in the forest villages – these other laws are outside the focus of this thesis. The thesis focuses on lawscape as it forms in current lived practices, and on the understandings regarding the most recent legislation, while acknowledging that both of these are affected by historical continuity. The legal pluralism in this case refers to the entwinement of customary law with a particular piece of legislation, rather than an overall picture of all existing legislations.

The research questions are:

1. What kind of more-than-human relations produce lawscape, and what kind of lawscape emerges from these relations?
2. How had tacit and explicit knowledges informed the knowledge creation process during claiming official Community Forest Rights, and what kind of new knowledge was created during knowledge conversion?

This dissertation consists of three original publications, whose results are based mainly on interviews conducted in 2017 in the three study villages in the state of Madhya Pradesh in Central India. Articles I and III answer the overall research question 1, and Article II answers the research question 2. They are briefly described as follows:

Article I is informed by the posthumanist framework. It discusses the emergence of lawscape, acknowledging the particularity of place and its nonhuman actors in relations producing the (spatial) customary norms related to living in the forest. This lawscape emerges in more-than-human encounters and in bodily and material practices. Subtle differences within the community forest space entails a variety of places with their particular norms and practices.

Article II explores how a shared perception of CFR emerges during the process of preparing and lodging claims for land title registration in two of the villages, where the CFR title was secured – and the challenges in all three villages, including the third village which had not been able to secure their title. The challenges and ways to overcome them are explored through the framework of knowledge creation, especially knowledge conversion and different spaces of knowledge.

Finally, Article III returns to the theme of Article I with a deeper investigation on the way how interspecies relations, and perceptions of these relations, inform ethics and wellbeing in the communities. This article is a collaboration of three

researchers, which is the reason for its emphasis on wellbeing, which is not directly at the focus of this dissertation. Moreover, it includes eight villages, of which my three study villages form a sub-set. The article discusses the familial relations with nonhumans, and perceptions of this more-than-human community being dependent on a shared ecology; and the implications of these for wellbeing conceptions.

To provide sufficient theoretical background for each of these articles and their theoretical intersections, Chapter 2 discusses theories and concepts in legal geography, Indigenous studies, posthumanism, and knowledge creation theories. This chapter for the most part provides a more thorough exploration of the theories than the published articles. However, some parts of the theory found in the published articles are not reproduced here (especially the wellbeing discussion of the co-authored Article III). Chapter 3 presents the study area and its historical context, followed by a methodological description in Chapter 4. Chapter 5 presents the results in a way that complements the three original research papers and weaves their common threads together (as, for instance, the tacit knowledges discussed in Articles I and III inform the knowledge processes discussed in Article II). Chapter 6 continues to discuss the results, reflecting them with previous research. Finally, the concluding chapter provides concise answers to the overall research questions and discusses the significance of this research.

## 2 Theoretical and conceptual frameworks

### 2.1 Critical legal pluralism, posthuman legal geographies and lawscapes

According to Robinson and Graham (2018, p. 3), “Critical legal pluralism acknowledges both the multiple sources and forms of law, and their dynamic interaction, within singular geographical spaces at whatever scales they are defined”. Legal pluralism allows the study of the experiences, impacts and possibilities of such pluralism (Robinson & Graham, 2018), and takes seriously the “uncertainty surrounding the concept of law” (Davies, 2010, p. 821).

While the law is conventionally seen as abstract and universal, its interpretations are open for debate. Different, contextual and situated interpretations of a single law may be contested, and moreover, multiple laws, regulations and norms exist in the same locations - and these too may be conflicting with each other. Moreover, the “same” law is experienced differently from different subjectivities (Kymäläinen, 2024), and in different contexts, where customs and material conditions may “impact upon the “closure” and effectiveness of laws” (Robinson & Graham, 2018).

Land rights (or forest rights or resource rights) are a perfect example of multiple forms of law, their interpretation and their interactions. Thus, a non-extensive introduction on land rights is provided here. Conceptually, rights are “particular actions that are authorized”. A property right, or a land right, is “the authority to undertake particular actions related to a specific domain” (Schlager & Ostrom, 1992, p. 250). For instance, a homeowner has the right to control their property and exclude others from it. Land rights consist of a “bundle of rights” to a varying degree, such as access, use of resources, management, exclusion and alienation (Schlager & Ostrom, 1992; Masuda et al., 2022). The right-holders may, for example, have access, use, and management rights, but they might not have alienation rights, meaning that they would not be authorised to sell the land.

Most commonly, land rights and land tenure are discussed in terms of state-formalised titles or deeds. However, informal – or customary – rights may exist also without state recognition (Robinson & Diop, 2022). These de facto understandings at the community level are the way “how things work” (Robinson & Diop, 2022, p.

45). Thus, institutions – the rules for political, economic and social interaction – relevant to land rights and tenure security include both informal and formal rules (Masuda et al., 2022, pp. 6–7).

On the more formal side of land tenure rights, there are differing legal constructs and instruments and the degree to which they are legally binding varies; ranging from the local recognition of customary rights to official property right registration (Fitzpatrick, 2005; Gilbert, 2007; Masuda et al., 2022). The form of tenure determines “who can use what resources, for how long, and under what conditions” (FAO, 2002; Masuda et al., 2022, pp. 6–7).

The informal side on the other hand consists of customs and norms. Norms refer to behaviour according to rules or practices that become normalised by a group. Norms may refer to “the way things are done” and can also constitute “unspoken rules about how land management and property relations are governed” (Robinson & Diop, 2022, p. 50).

Locally, there are often overlapping, even competing interests or contradictory rights over certain parcels of land. These different claims may originate from laws, regulations, zoning and policies as well as informal rules, taboos, norms and customs. National interest overrides other interests in many cases. Because of these competing interests and power relations, people may lose access to land or perceive a risk of losing their land (Sunderlin 2022, p. 21). Thus, land tenure security is a “landholder’s perception that rights will be upheld by society” (Sjaastad & Bromley, 2000, Masuda et al., 2022, p.7). Tenure security may result from either formalised or informal understandings of land tenure. However, with the increasing pressures to land, it is argued that sustained tenure security requires state recognition for the rights (Robinson & Diop, 2022).

This brief overview to the complexity of land rights anticipates that also the interpretations of all of the various forms of land rights (customary and official); including the perception of tenure security, are various and situational, i.e., legally pluralistic, and interesting in the context of legal geography.

Legal pluralism is based on an idea that “socio-legal life is constituted by different legal spaces operating simultaneously on different scales and from different interpretive standpoints” (Santos, 1987, p. 288, cited in Robinson & Graham 2018, p. 4). The considered legal spaces are not limited to official laws but may also include informal and customary normative practices (Gillespie, 2018). Legal geography, however, emerged later than legal pluralism (e.g., Blomley, 1994; Delaney, 2010; Bartel et al., 2013; Bennett & Layard, 2015; Delaney, 2015a; 2015b), and has since grown into a flourishing field, with the emerging of more precise trajectories of, for instance, everyday legal geographies (Kymäläinen, 2024) or environmental legal geographies (Gillespie et al., 2024).

Legal geography aims to understand the complex processes of reciprocity and mutual constitutivity of the legal and the spatial (Delaney, 2015a); or the multiple ways how “‘law makes space’ and ‘place makes law’” (Robinson & Graham, 2018; see also Gillespie, 2018). Yet, in other words, legal geographers acknowledge that the cultural and environmental contexts may influence how laws operate, and how different laws influence those contexts (Bartel & Graham, 2016; Gillespie, 2016). A combination of legal pluralism (recognising that law includes multiple official and informal normative practices) and legal geography (focusing on how law, people and place are connected) is fruitful in understanding how normative practices blend in different places (Gillespie, 2018). In this approach, “[t]he everyday practices of people in place in interpreting and re-interpreting law are revealed” (Gillespie, 2018, p. 37).

Davies (2017, p. 30) notes that taking into account the “material locations as performed in and by subjects who are both recipients of law and conveyors of it”, reveals that law cannot be seen as only an “abstract set of rules that are the same in many contexts” (Davies, 2017, p. 30; Kymäläinen, 2024). Law is not only abstract and universal but corporeal and localised (Braverman, 2016; Kymäläinen, 2024). Everyday understandings structure legal practice, while being simultaneously shaped by legal practices: law is produced in everyday encounters (Kymäläinen, 2024). In the various everyday spaces, alternative forms of ordering provide opportunities for resistance and contestation, while legal pluralists of course admit the continued significance of state law (Robinson & Graham, 2018).

One of the alternative visions to understand law is inspired by posthumanism, and this vision has been taken up by several legal geographers (Ojalampi & Blomley, 2015; Andrews & McCarthy, 2015; Braverman, 2016; Delaney, 2017; Bartel, 2018; Brown et al., 2019). Posthumanism dissects law at the core of the conventional understandings of the concept. While overall, multiple definitions for “law” exist, in a very broad sense law consists of relations whose aim is to regulate people’s behaviour in order to secure justice and order (Wacks, 2008). What is conventionally understood by law is a body of legal relations (e.g., rights and duties) *between people*. For instance, “property” is considered a relation between people regarding land (Hohfeld, 1913; Gray & Gray, 1998; Blomley, 2015). Here, the relation between persons and the land itself is secondary (Graham, 2010), and land seems to be separated from ecological and social realities within which it is embedded (Brown et al., 2019). This absence of consideration for land in property law maintains objectification of nature and may be said to prescribe unsustainable people-place relations (Graham, 2010; Vermeylen, 2017). More-than-human agency complicates the way we understand legal norms, for instance the ways in which property relations are performed and assembled (Brown et al., 2019).

To profoundly include place and its nonhuman elements in legal relations, critical legal scholarship has questioned the “central position of the human subject in the judicial order as both agent and beneficiary” (Vermeulen, 2017, p. 138; see also Grear, 2015). In other words, in a posthuman rethinking of law, nonhumans may both be considered entitled to rights, and to participate in agential relations defining rights and duties. The increasing recognition of nonhuman subjects has recently diversified the views of what is considered as a legal agent in legal geographic discussions (e.g., Robinson & Graham, 2018, Charpleix, 2018, Bartel, 2018, Kymäläinen, 2024). More widely, discussions on inter- or multispecies justice (e.g., Celermajer et al., 2021) and more-than-human communities; inter- or multispecies communities (e.g., Kirksey et al., 2018) have expanded in recent years, reconceptualising nonhuman beings as worthy of consideration as members of a shared moral community with humans.

Robyn Bartel, a legal geographer, emphasises that human behaviour is influenced by a “community of both living and non-living elements, the non-, beyond-, and extra- human” (Bartel, 2018, p. 69). She notes the significance of the role of a particular place in this community in her concept of place law (Bartel, 2018). Other legal geographers have introduced various terms to describe the co-constitution of place/space and law, for example nomosphere (Delaney, 2010) or splice (Blomley, 2003). Moreover, as in place law (Bartel, 2018), the particular, practical, more-than-human, and emplaced relations of justice and order are emphasised in the concept of *lawscape* which has been introduced by two legal theorists independently: Nicole Graham (2010), and Andreas Philippopoulos-Mihalopoulos (2014). Of the above-mentioned concepts, I prefer *lawscape*, which in one word captures any particular, material and meaningful legal landscape, and with the materiality of landscape, the inclusion of nonhuman elements. *Lawscape*, however, is defined differently by Graham (2010) and Philippopoulos-Mihalopoulos (2014). Graham especially emphasises the particularity and unique nature of places as opposed to the illusion of universal applicability of law: *lawscape* is not an abstract notion of place, but the “particularities of land, of place [that] determine the material limits of . . . local law” (Graham, 2010, p. 7). Graham’s *lawscape* emerges from a close examination of underlying assumptions of concepts of property law, and its effects on (rural) landscapes. Philippopoulos-Mihalopoulos, on the other hand, discusses *lawscape* as “the interplay of in/visibilisation between law and space” (2014, p. 73). The Philippopoulos-Mihalopoulosian *lawscape* is a process of differentiation in the world’s ongoing becoming, and what remains central to *lawscape* is the ways in which the legal and spatial co-emerge; how legal manifests in the spatial and how spatial manifests in the legal. In general, I find myself more at home at the concretely rooted discussions on property, law and landscape in Graham’s *lawscape*. This definition provides a conceptual base for going beyond

traditional notions of property (or land rights) and is thus viable concept for the purposes of this dissertation. On the other hand, Philippopoulos-Mihalopoulos provides means for eloquently describing the process of continuous emergence of lawscape through ruptures along a continuum (see Chapter 2.3. for further elaboration).

Landscape is grounded on the understanding that place is not a passive backdrop onto which meanings are projected: place meanings are not merely “socially constructed”. Place, and its dwellers, co-constitute each other. In landscape phenomenology, dwelling enables the relational practices in the landscape (Rose & Wylie, 2011). The agency of a particular place, or landscape, is thus also dynamic, time-bound, continuously re-assembled in intertwined relations. Such a view sits comfortably with lawscapes, wherein, as I will argue, various lived territories “continuously emerge in relations, ruptures, and encounters” (Article I). These territories affect people in multiple ways, and simultaneously, the enactment of the territories is performed in the relations afforded by dwelling in that place (on performing territories, see also Blomley, 2016). Of course, the enactment of such lived, customary lawscapes is enabled differently according to the various confines and opportunities defined in official laws.

Understanding the materiality and the role of particular places in environmental law can be enhanced by insights in Indigenous relational ontologies and Indigenous forms of governance (Bartel & Graham, 2022; Gillespie et al., 2024). According to Bartel and Graham (2022), examples of Indigenous governance deserve more attention, as they may inform models of place-sensitive, collective governance. They differ from the dominant models of property law which do not consider place and nonhuman world and render place absent from land use decisions (Bartel & Graham, 2022; Graham et al., 2017). Dominant models of law are in opposition to Indigenous knowledge systems, as they echo the “commitments to universalism, essentialism, rationality, and assumptions of certainty, stability, fact-value dichotomy, objectivity, quantifiability, reductionism, and mechanistic and managerialist solutions” (Bartel & Graham, 2022, p. 196) and instrumental approach to nature (Berkes, 2018). The abstraction of the connection between human and nonhuman spheres is concurrent with the obliviousness to nonhuman agency participating in place-based governance and land use practices and planning (Bartel & Graham, 2022).

Conversely, Indigenous knowledge is more at home with complexity, place-sensitivity, and embeddedness in relations with nonhuman world. Recently, Indigenous governance systems have indeed informed discussion on nonhuman legal agency. As Indigenous forms of governance often form in more-than-human relations, they have been suggested to provide the potential to “radically transform environmental management by inscribing values of connectivity, reciprocity and trust in ethical relationships with all species” (Müller et al., 2019, p. 403, see also



Bawaka Country et al., 2013; Kimmerer, 2013; Vermeulen 2017). For instance, recent discussions on the recognition of the rights of nature and nonhuman actors have often been associated with Indigenous groups familiar to such nonhumans (see, for example, Thomas, 2015; Charpleix, 2018). In the Indigenous context, the Whanganui River Claims Settlement, in which a river in New Zealand was granted the status of a legal person represented by the Indigenous residents living by it, is one of the most known cases (e.g., Thomas 2015, Charpleix, 2018) and exemplifies a shift towards an appreciation of nonhuman rights, even by the dominant legal system (Charpleix, 2018).

## 2.2 Indigenous peoples, Indigeneity and Adivasis

A universal definition for Indigenous peoples does not exist; rather there are multiple criteria that delineate differently who is Indigenous and who is not. Some of these criteria are defined locally (by the communities themselves), or the definitions may follow international agreements and conventions. For instance, the International Labour Organization's Indigenous and Tribal Peoples Convention (ILO169) has defined that the convention applies to

*“(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;*

*(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which 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 and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions”.*

Additionally, the convention emphasises the criterion of self-identification as Indigenous (International Labour Organization, 1989). India has not ratified the ILO 169, but the convention's text captures largely that what often is meant when talking about Indigenous peoples.

However, for instance the United Nations (UN) Declaration on the Rights of Indigenous Peoples (United Nations (General Assembly), 2007, art. 5) does not provide a definition for Indigenous peoples, and the recommendation to not define Indigenous peoples is reproduced in other UN documents, such as in the context of the Convention on Biological Diversity (CBD) and their Glossary of Concepts Relevant for the Rights of Indigenous Peoples (Secretariat of the Convention on Biological Diversity, 2019). The working group discussing the rights of Indigenous

Peoples in the CBD has noted that “Indigenous peoples have a collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such” (Ad Hoc Open Ended Inter-sessional Working Group..., 2013, p.3).

Of course, there can be no such characteristics that would be common to all Indigenous people. For instance, some Indigenous persons lead a traditional life in remote forests, while others work and reside in metropolises. Thus, the term “Indigenous peoples and local communities” (IPLC) is used, for instance, in the CBD (United Nations, 1992). This term aims to grasp such shared collective and affirmative identity for those communities, whose identities are weaved together with local places in particular ways, and who often are threatened by similar challenges or circumstances, such as colonialism and marginalisation. Rather than something conclusive, IPLC is a collective term used for affirmative action purpose.

Local communities with a long history of relying on local natural resources have accumulated knowledge of sustainable management. The concept of IPLC emphasises the association with local place, acknowledging that not all such communities are Indigenous, and that not all Indigenous persons reside permanently in such local communities. As with Indigenous peoples, there is no precise definition for local communities - it is a rather ambiguous term. The working group on article 8j of the UN CBD has noted, that the self-identification should be the foremost characteristic of any local community, and a list of other possible characteristics should be broad due to the diversity of local communities. These characteristics may include, for instance, “lifestyles linked to traditions associated with natural cycles”; “sustainable use of nature and biodiversity”; a residence in a “definable territory<sup>2</sup> traditionally occupied and/or used, permanently or periodically”; “self-regulation by their customs and traditional forms of organization and institutions”; and “belief and value systems, including spirituality . . . often linked to biodiversity” – as well as “vulnerability to outsiders and little concept of intellectual property rights” (Ad Hoc Open Ended Inter-sessional Working Group on Article 8(j) and related provisions of the convention on biological diversity, 2013, p. 6—7).

Due to the various contexts and multitude of definitions that differ from country to country, more local terms are often preferred in common parlance. These terms often refer to the notion that Indigenous peoples were the ones who “were there first”: for instance, “First Nations” in North America – or “Adivasis”, translating to “first inhabitants”, in India. Moreover, Adivasi is a general term, under which people identify to various tribal groups; for instance, the Baigas or the Gonds, that are participants to this research. The studied communities are IPLCs according to the

<sup>2</sup> Lands and waters

criteria mentioned above. In Indian legislation, Adivasis are referred to as “Scheduled Tribes” (ST). While India is signatory to many conventions that secure rights of Indigenous peoples, India does not officially refer to Adivasis as Indigenous peoples, but classifies them as “tribal”. Interestingly, the term Indigeneity is claimed for the Hindu population by Hindu fundamentalist organisations (Baviskar, 2007). Describing Adivasi communities as tribes was a choice made by the British colonial administrators, and later the ST class was included in the constitution of post-colonial India (Baviskar, 2007; Kjosavik, 2010). The term “tribal” has also been contested due to its colonial tone, and has continued to carry a connotation of “backwardness” in post-colonial India (Baviskar, 2007). However, “Adivasi” is a collective identity articulated by (the majority of) Indian Indigenous communities themselves. This term is used as a collective identity, and also for making claims to symbolic and material resources (Baviskar, 2007).

While in India, the terms usually referred are STs or Adivasis, the word Indigenous is also used in this thesis, as the various strands of Indigenous studies carry those meanings that are useful in the context of Adivasis and connect them with the wider academic literature. This choice is made while recognising the fact that the concept of Indigenous is a contested one: while it is nowadays used for affirmative action purposes in the UN bodies, for instance, the origins of the term reflect the colonisers view towards the colonised, and furthermore the term obscures the differences within and between different groups (Peters & Mika, 2017).

There are roughly two strands of theory that discuss Indigeneity. Writers such as Berkes (2018), Suchett-Pearson (included in Bawaka country et al., 2013), and Müller et al. (2019) build theories of Indigenous knowledge and onto-epistemologies. Conversely, Radcliffe (2015), Chandler and Reid (2020) and others criticise the concepts from a post-colonial perspective, deeming them too essentialising. These are outlined in the following, to present the tensions that exist when discussing Indigeneity.

Indigenous knowledge means local knowledge, which is practiced or held by Indigenous peoples, and accumulated across generations (Sillitoe & Marzano, 2009; Berkes, 2018). Indigenous knowledge includes the continuation of past tradition while incorporating present innovation (Sillitoe & Marzano, 2009). It includes skills and conscious knowledge, transmitted orally and through experience, and learned in repeated practices across generations, while being constantly changing (Sillitoe, 2002). Indigenous knowledge is rooted in a local culture and is locally shared, but heterogeneous: differences exist between individuals, and thus Indigenous knowledge exists nowhere as a totality (Sillitoe & Marzano, 2009). In other words, Indigenous knowledge is a dynamic blend of understandings from various sources. Moreover, various aspects of Indigenous knowledge are emphasised by different authors. Often the embeddedness in local environment, natural resource

management, and knowledge of the land is emphasised (Sillitoe, 2002). In these cases, the definition of Indigenous knowledge is very close to traditional ecological knowledge, “a cumulative body of knowledge, practice and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment” (Berkes, 2018, p. 8). For instance, Banuri and Apffel Marglin (1993, cited in Berkes, 2018, p. 11) characterise Indigenous knowledge systems by “embeddedness of knowledge in the local cultural milieu; boundedness of local knowledge in space and time; the importance of community; lack of separation between nature and culture, and between subject and object; commitment or attachment to the local environment as a unique and irreplaceable place; and a non-instrumental approach to nature”. Indigenous knowledge may also include spiritual dimensions (Berkes 2018, p.11).

A growing number of studies in Indigenous settings have recently described Indigenous knowledge or Indigenous ontologies in terms that are close to posthumanism (Braidotti, 2019) or other ontological turn -approaches, especially as they dismantle nature/culture dichotomies (e.g., Bawaka Country et al., 2013, Watson & Huntington 2008, Thomas et al., 2015, Müller et al., 2019). The common nominators include, for instance, challenging the central position of human in the socio-material world and consequently, extending the concept of agency to emerge in a wider network of human and nonhuman beings, beyond intentional human individuals (Joronen & Häkli, 2016; Rosiek et al., 2019). For instance, authors discuss the agency of rivers (Thomas et al., 2015), or of land (Marker, 2018), or of an entire network of relations co-constituting human and nonhuman beings (Bawaka Country et al., 2013). These studies imply that what is significant in “Indigenous ontologies”, is the relationality that emerges within and between Indigenous people and the nonhuman beings.

“Experiences with our more-than-human kin”, in turn, ground relational ethics (Thomas, 2015, p. 978, see also Haraway, 2008; Popke, 2009), as the relational worldview gives rise to obligations and duties (Winter, 2022). Thus, a salient feature in these discussions is also an ethos of care and respect towards the human and nonhuman actors, that arises from the acknowledgement of their agency (Rosiek et al., 2019, Müller et al., 2019). Such Indigenous knowledge is guided by “spirituality, ethical relationships, mutualism, reciprocity, respect, restraint, a focus on harmony, and acknowledgement of interdependence” (Johnson et al., 2016, p. 5; Kimmerer; 2013; Kealiikanakaoleohaililani & Giardina, 2016; Berkes, 2018, Rosiek et al., 2019). Such relationships with the nonhuman world are often spirit-based (Kealiikanakaoleohaililani & Giardina, 2016; Berkes, 2018). While this is true in many communities, such ethics should not be taken as an essential element of all

Indigenous communities: a conservation-oriented ethic may be missing among some Indigenous groups (Berkes, 2018).

The features of Indigenous knowledge may be seen contrasted with such Western scientific knowledge, or management discourses, that include features such as universalism, individualism, nature/culture dichotomies and instrumental approach to nature (Banuri & Apffel Marglin, 1993, cited in Berkes 2018, p.11; Bartel & Graham, 2022). However, it has been pointed out that such divide between different kinds of knowledge is artificial. The origins of knowledge are often obscure, and different kinds of knowledge interact with each other (Agrawal, 1995; cited in Berkes, 2018, p. 13). Thus, it is difficult to label a category of knowledge straightforwardly as Indigenous Knowledge, that would only be restricted to Indigenous people (Berkes, 2018). I will return to Indigenous Knowledge and Indigenous onto-epistemologies in Chapter 2.3, where posthumanism and Indigenous ontologies are discussed together in more detail.

Another, postcolonialist-inspired strand of literature on Indigenous studies emphasises that Indigeneity as a concept is produced in deeply historical, institutionalised and power-inflected relations (Radcliffe 2015). In postcolonial thought, “Indigeneity” as a concept already communicates centuries of continued power asymmetry, characteristic of colonialism: if “Indigenous” people are the “first residents”, it means that the concept is constructed as a relation to the colonisers. In India, a power asymmetry that started with British colonial India remains in postcolonial India between the state and its Indigenous inhabitants. A shared Adivasi identity is articulated against this background by the Adivasis themselves (Kjosavik, 2010), while the “tribal” status was a colonial classification (see Chapter 3).

Postcolonial theorists note that the descriptions by researchers about Indigenous “cultures” may create misguided representations of their understandings and ways of life (Cameron et al., 2014, Radcliffe, 2015). Firstly, any representation of a “culture” or “community” is in some ways misguided, as the communities are internally heterogenous and always more complex than can be articulated, and especially when writing of other cultures, caution is needed. According to Chandler and Reid (2020, p. 496), Indigeneity may be “transformed into a fictive way of being and knowing which has nothing to do with the rich plurality of the lived life of Indigenous groups, but everything to do with the imagination of its white Western author”. Consequently, one of the most reoccurring critiques of how “Indigeneity” is represented is that Indigeneity is often characterised by an essentialising connection between place and identity, as well as expectation for the Indigenous people to live a “pre-modern” traditional life (e.g., Bryan, 2009). One may argue that such representation of Indigenous peoples, cultures and ontologies may have political implications that reaffirm existing inequalities and restrict Indigenous peoples’ opportunities, as in cases where Indigenous peoples are perceived to be

entitled to certain rights when they can “prove” their traditional lifestyle. Moreover, while there are many ethnographic studies about “harmonious” Indigenous co-presence with the surrounding nature, they have been criticised for their negligence to the power relations that prevent Indigenous peoples from making a world otherwise (Radcliffe, 2015). Yet on the other hand, subjects who encounter preventive power structures should not be rendered as mere victims without their own agency.

In this sense, Indigenous communities may find themselves in a position where the connection between place and identity is both a result of a long history of living there, and a result of unequal access to opportunities elsewhere. Moreover, this connection between place and identity may be essentialised for better or for worse. It may be conceived to lead locking Indigenous people in place and time, especially if attaining access to certain Indigenous rights requires a proof of continuation of traditional lifestyles (Bryan, 2009). On the other hand, in such cases Indigeneity may be used as one of strategies employed in a quest for a better life (Kjosavik 2010, p. 251). In this web of different power relations, Indigeneity may become a self-conscious articulation. For instance, in an articulation of attachment to place into the Indigenous Adivasi identity, a cause of land rights to that place is progressed, and this is a positioning that enables Adivasis to negotiate how they connect to their own place, and to the government at different levels of the state (Kjosavik, 2010, see also Li, 2000). Thus, the articulation (i.e., what is emphasised in world-making; c.f. Blaser 2014) of Adivasi identities is both “constituted by and constitutive of the struggles in which they have been engaged” (Kjosavik 2010, p. 249).

According to Kjosavik (2010, p. 252), “the cultural politics of place, the historically sedimented practices that weave contested meanings into the fabric of the locality, is conjoined with the politics of identity”. This notion emphasises the agency of the local communities in constituting what that locality means, while negotiating their position to this place and to the state. Importantly, I would argue that the continued relevance of a particular Indigenous identity and the traditional, place-bound practices that constitute it is not mere “strategic essentialism in the field of ethnic politicking – a token in the struggle for resources in the context of globalizing capitalism” (Blaser 2014, p. 52), but often a vibrant, salient feature of life in the villages – at least one of the many lived realities.

This way of seeing the dynamic articulation of Adivasi identity appears more balanced than those imaginations of Indigenous communities where their identity is suppressed either by “Saming” or “Othering” (Blaser 2014, Chandler and Reid, 2020). Othering means “attributing to the objectified other the right to [their] difference that reinforces the primacy of the self” (Schor, 1989, cited in Blaser 2014, p. 52), while Saming means “[denying] the objectified other the right to [their] difference and subjecting [their] to the laws of the self” (Schor, 1989, cited in Blaser

2014, p. 52). Saming fails to respect the “radical alterity” of the Other. Thus, the key would be taking Indigenous social realities seriously – respecting difference without exoticising and essentialising it for whatever reason. Thus, as I would argue, the misconception is not necessarily merely a conflation of Indigeneity (or a certain Indigenous community) with connection to place, but making overall monolithic representations of Indigenous peoples or a certain Indigenous community. For instance, of the approximately 105 million Adivasis in India, some live urban and mobile lives, while some live in remote forest villages which themselves are heterogeneous and in constant change. What can be gathered from the various discourses on Indigeneity, is that it “describes a relationship rather than an objective fact” (Bryan, 2009, p. 25).

## 2.3 Posthumanism and nonhuman agency: ontological turn and Indigenous perspectives

Posthuman thought entails a de-centring of Human in socio-material assemblages, and an emphasis on hybrid, distributed and nonhuman agencies. In posthuman thought, agency is “not just a human capacity but a quality manifest in all aspects of reality” (Rosiek et al., 2019, p. 332). Nonhuman agency is conceived as a relational capacity to affect and to be affected – not something contained in individual beings, since relational thinking posits that individual beings are not fixed themselves.

A characteristic thought in posthumanism (Hassan, 1977; Wolfe 2010, Braidotti, 2019), new materialism (Braidotti, 1991), agential realism (Barad, 2007), Actor-Network Theory (Latour, 2007), hybrid geography (Whatmore, 2002) or more-than-human geography (Whatmore, 2006), non-representational theory (Thrift, 2008) and other strands of the ontological turn (Blasier, 2014; Joronen & Häkli, 2016), is that “Nature, Society and other identities are rethought as relational achievements, power laden constructions emergent from ‘assemblages’ of interacting actants, not all of whom are human or alive” (Lorimer, 2012; see also Dewsbury, 2011). This means not only challenging the privileged place of the human in configurations of the socio-material world but also noting that it is impossible to dissect a human body or intentional mind from the “messy relations of the world” (Haraway, 2008; Lorimer, 2012; Barad, 2007). Any individual is embedded within hybrid networks, where agents participate in co-constituting each other (Thomas, 2015; Rosiek et al., 2019). These relational assemblages do not have unchanging essence nor fixed boundaries, and they are not separate from their relations with their environment (Deleuze, 1988; Thrift, 2004; Roberts, 2012; Philippopoulos-Mihalopoulos, 2017). Karen Barad (2007) elaborates that different identities are affected by each other not in interaction, but in intra-action that itself constitutes the identities. In other words, the ontologically primitive phenomena are the relations without pre-existing things that

relate with each other. Consequently, concepts and things “do not have determinate boundaries, properties, or meanings apart from their mutual intra-actions” (Barad 2007, p. 147). Following from this ontological inseparability, traditional dichotomies of subject/object and nature/culture are undone (Whatmore, 2002). The relational, posthuman subject is “de-linked from a dialectical view of consciousness based on the opposition of self and others . . . The knowing subject is not Man, or *Anthropos* alone, but a more complex assemblage that undoes the boundaries between inside and outside the self” (Braidotti, 2019, pp. 45—46).

Posthuman thought – dissolving the duality of interiority and exteriority – grounds a particular understanding of agency, which no longer is the exclusive attribute of *Anthropos* (Braidotti, 2019). Relations afforded by a particular environment modulate the capacities of an assemblage to act and be acted upon (Roberts, 2012). Following from this, agency is not thought as something possessed by autonomous, intentional human subjects, but rather is “distributed across the assembled bundles of humans, nonhumans, issues and things that compose the contingently emerging socio-material world” (Joronen & Häkli 2016, p. 563). In Barad’s agential realism, agency is embedded in the way concepts and things become observable through our material-discursive practices. An “agential cut” produces the boundaries and properties of concepts and things (including the knowing subject!) and is enacted through the practices of observing phenomena with our material-discursive apparatuses. Phenomena are the “ontological inseparability of agentially intra-acting components”, and without specific agential intra-actions, the boundaries of concepts and things are indeterminate (Barad, 2007, p. 148). Provisional boundaries emerge in order to differentiate the emerging singularities in relation to the continuum of other “components” of the phenomenon. The boundaries are continuously drawn in the emergence of differentiated bodies (Philippopoulos-Mihalopoulos, 2017). Thus, any (provisionally) “specified form of individuated organisms can be seen as bounded, yet fluid. An individuated organism is a reduced actualisation of virtual inhuman and non-human flows of becoming” (Braidotti, 2019, p. 51).

Nondualism is also one of the key features in Indigenous knowledges (Berkes, 2018). In the context of Indigenous studies, Bawaka Country et al. (2013, p. 186) describe things coming-into-being in similar terms as recent posthumanists: “[Things] are never static, fixed, complete, but are continually emerging in an entangled togetherness”. Their notion of co-becoming “challenges the static assumption of an independent, isolated existence often implied by the noun “being” (human being, nonhuman being)” and furthermore posits, that being (as a verb) has an active sense, “an openness that acknowledges its becoming, its ‘world making”” (Bawaka country et al., 2013, p. 189). Indeed, the ideas of relational, more-than-human assemblages and relatedly, more-than-human agency, have been quite



extensively studied in the Indigenous context (e.g., Watson & Huntington, 2008; Bawaka Country et al., 2013; Thomas, 2015; Marker, 2018; Rosiek et al., 2019; Müller et al., 2019; MacNeill, 2020).

In many Indigenous accounts, the emphasis is more on the relations with particular nonhuman agents, and particular kinds of agency, than a general, overarching ontology (Rosiek et al., 2019; Ishiyama & Tallbear, 2022). Indigenous thought, in its embedded and embodied understanding-with-the nonhuman world, prioritises a “performative establishment of *particular* relational entanglements with non-human agents over seeking generalisable understanding of that agency” (Rosiek et al., 2019, p. 339, emphasis added), in contrast with Western academic tradition which arrives at such embodied understanding after forming an abstracted understanding of that agency to begin with (Rosiek et al., 2019). While such abstractions are the norm in academia, leading to occasional dismissals of “non-scientific” stories in Indigenous knowledges (Rosiek et al., 2019), these abstractions should also be viewed with caution and critical self-reflection of the practice of storying the world in abstract terms. Ontologies participate in reality-making in a way that is never autonomous from the realities in plural (Blaser, 2014).

Performing the particular relational entanglements and nonhuman agency in Indigenous studies is often described as personhood of different nonhuman actors. (e.g., Opas 2008; Virtanen, 2013; Kimmerer, 2013; Viveiros de Castro, 2014; Naveh & Bird-David 2014, Thomas, 2015). As Eduardo Viveiros de Castro (2014) describes in his move away from human exceptionalism: A jaguar’s perspective is to conceive of herself as a person, and for her, human is just another animal (or, for instance, prey). In this way, everything is equally “human” – or possesses a potential for similar agency or “perspective” as humans do. For Castro, too, relations are primary: persons are constituted by (more-than-human) social relations (Castro, 2014). This kind of perspectivism is one of the ways to conceptualise nonhuman personhood. Robin Wall Kimmerer, belonging to Potawatomi nation, describes that the nonhuman persons, such as plants, are “vested with awareness, intelligence, [and] spirit” (Kimmerer, 2013, p. 183). The spirit is thus something that is held by the nonhuman agent, not necessarily an attribute of a bounded identity. Similarly, Strange (2024) describes “soul” as something that “acts through” but is not contained in living beings according to Caribbean Maroon ontology.

In the Indian Indigenous context, Naveh and Bird-David (2014) describe a local sense of relational nonhuman personhood among Kattunaiker Adivasis: persons are “those who live together and share experiences, resources, and, in a sense, their selves”. Nonhuman persons are those with whom one grows familiar with. It entails knowing the other “not in and of itself but as someone one needs to know how to co-live with well, properly and appropriately” (Naveh & Bird David, 2014, p. 75). Thus, the conception of personhood here is rather a particular kind of relation than an

essence. Moreover, the relations are not static but exemplify a provisional, agential process of intra-action: “Nayaka personhood is event-derived, and inseparable from immediate engagement. Nayaka do not personify other entities and then socialise with them but personify them as, when, and because they socialise with them” (Naveh & Bird-David, 2014). This provisionality brings about a gradient of personhood. Naveh and Bird-David (2014) conclude that animals are sometimes regarded as persons, and other times not, depending on the purposes (and needs with which) they are approached by humans.

A “personhood of nonhumans” might alert one to ask: isn’t this anthropomorphism, where – contrary to de-centring the *Anthropos* – human qualities are extended to other beings, erasing the otherness of nonhuman beings? (Philo & Wilbert, 2000, p. 17). Here, however, human-ness is something wider than what is conventionally understood – and first and foremost, it is a relation. It is not so much that we would project our human qualities on other beings but rather being open to the possibilities of common ground with the nonhuman world (Philo & Wilbert, 2000; Lulka, 2015). It is less of a claim for a certain “reality” and more of a way of understanding that opens more space for wider ethical considerations – a certain “guarded anthropomorphism” (Philo & Wilbert, 2000, p. 19).

Yet one more view of examining nonhuman agency is to look at the agency of landscape, consisting of multiple different relations that co-constitute the landscape and beings within it. These entangled relations, all the time emerging in the more-than-human community and constituting it, speak for a “populated” landscape such as the one Lorimer (2006, p. 516) describes: “By following the movements and practical actions of other beings to compose microgeographies of worldliness, one further possibility is thrown up: that is, to get closer to something of the vital, animate, and lively energies that announce themselves as landscape”. Similarly, Indigenous conceptualisations of “land” or “territory” entail not only the physical landscape but also the living environment, in which everything has life and spirit (Berkes, 2018). In this view, territories are more than their physical existence: they are assemblages of agentive relationships (Chao & Celermajer, 2023). In addition to related ecological knowledge, the landscape also holds the memory of past events and representation of social relationships (Berkes, 2018, p. 7).

According to this view, the landscape as a whole affects the beings that dwell in it and is shaped by those beings. This perspective resembles landscape phenomenology, in which dwelling enables the multitude of relational practices in the landscape (Rose & Wylie, 2011). In this view, place is not a passive backdrop onto which meanings are projected: place meanings are not merely “socially constructed”. Rather, place has priority, because every person is always already a “being-in-the-world”. As noted by Malpas (2001, p. 231), “[w]hat we are as living, thinking, experiencing beings is inseparable from the places in which we live – our

lives are saturated by the places, and by the things and other persons intertwined with those places, through which we move, in which our actions are located, and with respect to which we orient and locate ourselves”. We “dwell” in place (Ingold 2000, Murton 2012). A human’s ability to even differentiate the self from the world comes only after they find themselves “enmeshed in a world and a set of relationships” (Murton 2012, p. 89). Thus, subjectivity is founded on the ground of place (Murton, 2012), and the identities of selves and places are co-constitutive. Thus, Seamon (1980, p. 148, cited in Ash & Simpson 2014, p. 50) investigates people’s “inescapable immersion in a geographical world” via focusing on the everyday movements humans engage in space. These everyday routine movements are often unthought aspects of spatial experience, to which body-subjects respond pre-consciously rather than cognitively (Ash & Simpson, 2014). These pre-discursive, situated practices are repeated in our everyday lives and participate in forming our subjectivities.

The field of phenomenology is conventionally concerned with human experience as *emplaced being-in-the-world*. While phenomenology traditionally was a humanist endeavour, recent post-phenomenology surpasses the subject-centred nature of classical phenomenology and posits that subject is formed in the experience instead of existing prior to experience: the relations are primary rather than the subject (Ash & Simpson, 2014). Post-phenomenologists also place more emphasis on materiality and note the continuum from phenomenological *being-in-the-world* and posthuman thoughts of the inseparability of bodies and other matter (cf. Ash & Simpson, 2014). Concurrently, there is also more emphasis on the vibrant agency of the world, and how the embodied experience forms through its relations with a vibrant, material world (Ash & Simpson, 2014).

Cajete (2000, cited in Murton, 2012), a Native American scholar, notes the similarities of phenomenology, and certain Indigenous understandings of the world. For Cajete, the body is the source of sensing, thinking and acting; there is a primal affinity between human and nonhuman bodies; and Indigenous knowledge is rooted on a direct intersubjective experience of the Earth with its human and nonhuman beings. Moreover, some Indigenous authors, such as Native American Marker (2018), take a further step towards describing the “nonhuman personhood” of place, being open to the “consciousness of landscape” and how that contains “the primordial elements of the Indigenous mind”. He describes the agency of place, in, for example the process of naming places: “In Indigenous cosmologies, the actual landscape does often have the capacity to name itself and uses the human beings to enact the self-naming” – humans become thus extensions of the agency of land (Marker, 2018; Rosiek et al., 2019). The agency of place manifests with “two sentiences: the mind of the place, and the human mind that is convening and opening to it” (Marker, 2018). Places themselves are saturated with energies that exist only

in that particular landscape. Thus, some forms of consciousness “cannot be extracted from the ‘being in places’ where the powers exist” (Marker, 2018). Thus, Marker notes that Indigenous research methods should take place and landscape as the starting point for inquiry.

In Indigenous knowledge systems, such spiritual dimensions are often included that “fall outside the realm of science” (Berkes, 2018). Examples include Indigenous perceptions of mountains and waterbodies to be alive and express free will, or weather phenomena to have life force (Berkes, 2018, p. 12). Tim Ingold (2006) bridges the scientific definitions and Indigenous conceptualisations of life by extending the definition of life to express the continuous vibrant becoming of the world. While such an explanation may be useful for bridging our understandings of Indigenous and academic thought, we also have the option of respecting the radical alterity of different ways of worlding the plurality of the world’s becoming (Blaser, 2014) without offering it an explanation, but instead, looking at what such ways of worlding do.

In the theoretical framework of this thesis, there are already multiple ways, or levels, of worlding present. This seems to be characteristic for the ontological turn. Ontological turn informs us about the relational character of any apparently bounded identity, but being able to describe phenomena requires the drawing of boundaries around the things we speak of. In everyday discussions, entities are seemingly consistent and durable (although being more than what they appear to be), but on a more profound ontological level, they are without any ultimate essence and in the process of continuous becoming-other. To understand any phenomenon, sometimes we need to speak of “agents” as if they are solidified, and sometimes we need to remind ourselves of the fluidity of any actor or assemblage, and the primacy of relations. It is good to keep in mind that whether we speak of the provisionally bounded beings or the relations that form them, our attempts are limited by our ability to look at only one aspect of these relations at any given time (Barad, 2007). This entails more than mere different interpretations of, or viewpoints to, one real world: this multiplicity “signifies the enactment of distinct and different, often overlapping, ontologies” (Fenwick & Edwards, 2011, p. 722; see also Mol, 2002; Singleton, 2005). Epistemology, then, is bound up with ontology: “What is, and the knowledge of what is, are produced together” (Fenwick and Edwards, 2011, p. 722; see also Law and Singleton, 2005). This brings us to discussions of knowledge creation.

## 2.4 Knowledge creation theories

As the dissertation explores the emergence of understandings related to forest rights in the light of knowledge creation theories, it is appropriate to begin this section by

defining what knowledge is. According to a classic definition, knowledge is “justified, true belief” (Plato, 1977; Gettier, 1963; Ichikawa, 2018). This definition includes the act of knowing, and the object of that knowledge. This definition has challenges (see e.g., Gettier, 1963), one of which is related to the object of knowledge – truth – which defines the reasonable conditions for knowledge. According to a simple correspondence theory of truth, a statement is true if and only if it corresponds to a factual state of things (David, 2022). For instance, in the context of the current study, one can claim that a person knows the text of the FRA if they can cite what is written there; we observe that the cited passages are written there; and we can observe that the person did not happen to recite the text just by mere coincidence. However, this rather narrow and analytical view to knowledge does not lead us to particularly interesting insights about how that knowledge was created, nor does it provide for analysis of more complex ways of knowing something (Ichikawa, 2018). Correspondence theory is also inconsistent with Indigenous knowledge systems (Berkes, 2018, p. 288) and current pluralist and posthumanist paradigms (e.g., Barad, 2007), which reject an assumption of a single, definite reality, typical of positivism. This does not mean falling into relativism or a denial of certain constants, but rather directs attention to the multiple ways to focus on reality, or multiple reals (Fenwick and Edwards, 2011; Blaser, 2014). Considering the constant intra-action and co-constitution between knowing, the known, and even the knower (Barad, 2007), correspondence would be difficult to point out, as it relies on stable representations of a reality outside of those representations. If we agree that ideas are in a constant flux, and moreover, that we are part of multiple, coexisting and overlapping ontologies or “reals” (Fenwick & Edwards, 2011; Berkes, 2018), we arrive just at the aforementioned conclusion that epistemology is bound up with ontology: what we encounter is onto-epistemology (Barad, 2007). Moreover, in this view, the *knowledge creation* process may not produce a fixed “end-product”. Consequently, the seminal theorists of knowledge creation, Nonaka and von Krogh (2009) also reject the static correspondence doctrine by noting that the knowledge that is created may be conceptualised in practical terms, for instance, as skilful action, potentialities to identify situations for skilful action, or an overall “enhanced capacity to act” (Nonaka & von Krogh, 2009).

Let us then turn to theories of knowledge creation, which concern the formation of knowledge in a community (or organisation, as the theory emanates from organisation science). According to Nonaka et al. (2006), knowledge creation is defined as “[T]he process of making available and amplifying knowledge created by individuals as well as crystallizing and connecting it to an organization’s knowledge system” (Nonaka & von Krogh, 2009, p. 635; Nonaka et al., 2006). Thus, knowledge creation theories explore how ideas and interpretations are continuously created by individuals and groups.

In knowledge creation theories, the embodied, nonrepresentational ways of knowing are included in the concept of tacit knowledge: unarticulated, sensuous, bodily interpretation and practice. If, as explicated by Nonaka and von Krogh (2009), different forms of knowledge are seen to form a continuum, tacit knowledge is one end of that continuum, and the other end is explicit knowledge: information that is captured in writing, drawing, recording etc. An essential element in knowledge creation theories, such as that of Nonaka and von Krogh (2009), is knowledge conversion – a movement along the continuum. When a person interprets codified information, they internalise explicit knowledge and convert it to tacit knowledge. Conversely, when they make tacit knowledge explicit, it is called externalising tacit knowledge. What I found particularly useful in my exploration of knowledge creation processes was this notion of knowledge as a continuum between tacit (practical, unarticulated, “silent knowledge”) and explicit (written, codified, “transferable”) forms of knowledge. The emphasis is on this continuity: for instance, substantial Indigenous knowledge exists on the more tacit side of this continuum, as it includes unarticulated and practical elements. It is also discussed with others, i.e., “transferred”. However, much of this knowledge does not exist in written forms of knowledge on the more explicit side of the continuum.

Inasmuch as knowledge entails tacitness, it cannot be transferred as an unchanging entity (Nonaka & Von Krogh, 2009; Ibert et al., 2015; Hautala, 2018). Previously, knowledge creation theories treated knowledge more as a “thing” that might be moved around, and that clusters in certain agglomerations in space. As a critique to such approach, a relational, process-based approach (e.g., Ibert et al., 2015, Hautala; 2018) has been adopted in knowledge creation literature. This view emphasises that any apparent stability is, in fact, precarious and in a state of flux (Ibert et al., 2015). Knowledge is always in a state of becoming (Hautala, 2018). Moreover, knowledge is a relational effect and exists only distributed among several entities (Ibert et al., 2015; Bathelt & Glückler, 2005). Hautala (2018) emphasises collective construction as well as individual interpretation of knowledge, and notes that without interpretation, knowledge is reduced to information. Nonaka and Von Krogh (2009) emphasise the role of tacit knowledge (which entails an emphasis on the contextual knowledge of individuals) in overcoming a tendency to equate knowledge with information. While in Nonaka and von Krogh’s treatment, knowledge may still be seen as an “object” in a way that an individual may “have” tacit or explicit knowledge, it may also be interpreted through processual terms - focusing on the subtle, intra-active processes of knowledge conversion rather than the knowledge “that is being converted”. The interaction between individual interpretation and collective construction is emphasised: Knowledge as a justified, true belief “results from processes where people individually and collectively justify beliefs” (Nonaka & Von Krogh, 2009, p. 640). Here, beliefs become true if they are

justified (Nonaka & Von Krogh, 2009). This justification is embedded in social contexts and entails collective processes such as discussing interpretations. In the processes of sharing and interpreting information, new knowledge is created. However, this is a process characterised by uncertainty, as interpretations continue to change.

The process view is in accord with the notion of situated knowledge, discussed shortly below, as it recognises that knowledge does not exist independently outside contexts in time and space (Ibert et al., 2015; Livingstone, 2003), and interpretations may vary dramatically across contexts and between individuals (Hautala, 2018). The process-oriented view to knowledge acknowledges the dynamism in knowledge that is interpreted, shared and re-interpreted. Moreover, it is in accord with Indigenous knowledge, which refers to the “ways of knowing and ways of doing things [that] mark traditional knowledge as process—as opposed to knowledge as content” (Berkes 2018, p. 4).

## 2.5 Situated knowledge and environmental subjectivities

According to a prominent posthumanist Rosi Braidotti (2019, p. 132), knowledge is “embedded, embodied and situated [and thus] inevitably perspectival and hence limited”. This requires respecting different viewpoints from “equally materially embedded and embodied locations that express the degree of power and quality of experience of different subjects” (Braidotti 2019, p. 90). The recognition that knowing and knowledge are context-dependent and relational has been intimately linked with the emergence of posthumanist currents of thought. For instance, in her seminal essay, Donna Haraway (1988, p. 589) argued for “politics and epistemologies of location, positioning and situating, where partiality and not universality is the condition of being heard to make rational knowledge claims”. Currently, the claim of the impossibility of a universal, neutral “view from nowhere” (Haraway, 1988) grounds social sciences and the humanities, and it is widely accepted that all knowledge is situated: a view from a partial perspective or position (e.g., female, white, etc.), is affected by that situatedness and includes different power relations. All knowledge reflects the conditions in which it is produced (Rodgers et al., 2013). Situated knowledge is also in accordance with legal pluralism and lawscapes questioning the apparent universality of law (Graham, 2010).

The notion that knowledge is dependent on different contexts, and by the contextually situated actors who interpret it, is useful in discussing, how different understandings of forest rights come into being. Firstly, legal pluralism is grounded in situated knowledge: laws are not “universal”, as they may be interpreted in various ways by different actors and in different contexts (Robinson & Graham, 2018). Laws

are open for debate and for different, contextual, situated interpretations. Secondly, subjectivities and knowledge are interlinked: knowledge produces subjectivities and subjectivities produce knowledge in the practices of knowing (Mazzei, 2013; Barad, 2007). For instance, in the context of the current dissertation, the same forest may be very differently known from different viewpoints, or indeed, the viewpoints are tuned to different reals in the same forest. Consequently, the knowers are produced in this relation. For example, the task of the forest administration is to manage the forest according to a view “from above”, as resources which may or may not be used sustainably. Conversely, the residents have a grassroots view, living with the forest; being co-constituted in their everyday practices with/in the forest. Their different viewpoints produce different knowledge of the forest, and the different knowledges produce different (environmental) subjectivities and conservation narratives (Agrawal, 2005; Bose et al., 2012; Barbora, 2017; Berkes, 2018; Sen & Pattnaik, 2019). As Indigenous experts and rational-managerialist experts may relate to the environment in different ways and also have different political agendas, this may create conflicts (Berkes, 2018, p. 14) and questions on whose knowledge is valid (Briggs & Sharp, 2004; Berkes, 2018). Thirdly, the idea of situated knowledge entails that individual environmental practices and knowledges are situated in relation to power structures such as Indigeneity, gender, and class (Ford & Norgaard, 2020) although not reducible to them (Agrawal, 2005). Thus, different actors have differential power, different knowledges, and different interests to interpret laws differently (cf. Kymäläinen, 2024).

The context of forest rights is laden with power relations and differing interests. Hence, it is probable that not all actors desire transparent and smooth knowledge creation processes. In India, lack of transparency and asymmetric information are noted to challenge decision making (Oskarsson, 2013; Mathew & Umesh, 2019), reflected in the implementation of the FRA. Different environmental subjectivities, competing representations and divergent discourses (Seidel & O’Mahony, 2014; Sareen & Oskarsson, 2017) have effects on the local knowledge creation regarding CFR. The current dissertation offers a novel contribution to the spatially oriented knowledge-creation literature, as the context of knowledge creation, Indigenous land rights, is contested in a way unlike most business-oriented knowledge creation cases. In the field of knowledge creation theories, the situatedness of knowledge is less discussed in terms of social positionality and power.

However, it is informative to apply process-based knowledge creation theories to a topic such as land rights, as interpretations of what such concepts mean in practice are bound to transform: among individuals through time, and between individuals in different positions. In particular, geographies of knowledge creation are appropriate for exploring knowledge creation related to forest rights.



## 2.6 Geographies of knowledge creation

Geographies of knowledge creation use the analytical lens of space to look at knowledge processes (Bathelt & Glücker, 2003; Hautala & Jauhiainen, 2014; Ibert et al., 2015; Hautala, 2018; Ojala & Hautala, 2019). For instance, in the context of this study, material space includes the physical space of the forest and all its nonhuman actors, and cognitive space includes the mental models and interpretations (Hautala & Jauhiainen, 2014). Thinking knowledge creation through such (relationally constituted) spaces is useful, while acknowledging that these spaces themselves are embedded in their continuous co-constitution and thus not separate, static containers of “knowers” and “the knowns”. For instance, in geographies of knowledge creation, dynamics of proximities and distances are considered, but proximity can be treated in non-Euclidean terms. Proximity is rather a frequency, association than physical proximity in Euclidean space. Thus, material space is constituted in the repeated practices within the surroundings, with frequent intra-action with other nonhumans in the forest. Similarly, proximity in cognitive space does not mean that two persons are “cognitively similar”, but that their common understandings become similar in the process of mutual formation of those understandings. According to Rutten (2017), proximities are outcomes of interaction – not pre-existing inputs for knowledge creation. For instance, a geographical distance itself could be such “input”, but what really matters in proximity is the frequency of interactions to bridge that geographical distance. Rutten speaks of social interaction. In my posthumanist reading, I include here the relations with other humans and also nonhumans. Posthuman knowledge “engages its relational capacity in order to produce adequate understandings of the interconnection with all matter” (Braidotti, 2019, p. 132).

Knowledge is formed in relations, and the frequency of these relations crystallises knowledge. To understand this crystallisation of shared understandings, I apply an idea of a cognitive locus, which means socially shared individual interpretations (Hautala, 2018). A cognitive locus forms out of shared key concepts in cognitive space when interpretations by individuals are shared (Hautala, 2018; see also Bechky, 2003; Seidel & O’Mahony, 2014; Vuori & Huy, 2016). The locus is a “dynamic and changing cognitive space where members attach, detach and re-interpret concepts during the knowledge creation process” (Hautala, 2018, p. 6) and become more close or distant in the cognitive space during the process. The acknowledgement of emotions and affects is important here, as shared emotions have been found to affect knowledge-creation processes (Hautala, 2018; Vuori & Huy, 2016). Co-presence is important for the development of a shared understanding (Hautala, 2018). In this dissertation, I am interested in the cognitive locus as a provisional crystallisation, grouping-together, abstraction of certain shared ideas and interpretations of laws (in plural –

customary and statutory); and their putting-in-practice; or “The petrification or re-territorializations which capture, stratify and capitalize on relations, values and knowledge claims” (Braidotti 2019, pp. 92—93).

# 3 Study area and historical context

## 3.1 History of forests and forest dwellers in India and the study areas

India's ST population is approximately 105 million (Office of the Registrar..., 2011a)<sup>3</sup>. The term ST reflects the process of aggregating together diverse groups of people. The conjuring together of different Indigenous groups was done during British colonial rule. A 'schedule', or list, of tribes was compiled in 1874 (Sigamany, 2017), and the first systematic list of tribes was prepared in the 1931 census (Maharatna, 2005, p. 10). With the adoption of the constitution of independent India, the term ST was first used in 1950. The purpose of this "schedule" was to grant certain safeguards and benefits for the tribals (Maharatna, 2005, p. 13). However, the question of who is "tribal" has been affected by many factors, and this is reflected in the fluctuation of population within this census category (Maharatna, 2005). "Tribal" and "non-tribal" people have lived side-by-side for hundreds of years, and consequently, there has been assimilation of some groups with the mainstream society, while other groups have retained their distinct identity, and some are in the "borderline", at the permeable boundary between tribe and non-tribe (Maharatna, 2005). In present day India, there are many who identify as Adivasis but are not part of the ST category (Sigamany, 2017; Choubey, 2021).

Interestingly, the categorisation of STs as an aggregate identity was linked in the Constitution of India with a spatial identity. Areas with high proportion of ST inhabitation were recognised as scheduled areas, and the subject "scheduled tribe" was connected to the territorial demarcation of "scheduled area" (Bose, 2012). Madhya Pradesh, the second largest state in India (308 252 km<sup>2</sup>) and the state where the study villages are located, has a high tribal concentration, with a tribal population of 15 317 000 out of the total state population of 72 623 000 (Office of the Registrar..., 2011a,b; Forest Survey of India, 2019). Thus, the state has numerous scheduled areas. In these areas, there are some protections for tribal people (more detailed description can be found in Choubey, 2021).

<sup>3</sup> This is the most recent available Census in India, as of March 2025

Historically the Adivasi, or tribal, peoples of India, had been settled across different regions of India, in plains and river valleys, before Aryan-speaking peoples settled in the Indian subcontinent (Maharatna, 2005). According to present knowledge, the Indo-Aryan communities gradually forced the Indigenous peoples to forests, hills and other increasingly inaccessible areas. Gradually, the Hindu civilisation with its caste-based social organisation became the dominant feature of the society in the Indian subcontinent, and the pushing of tribal groups to less favourable locations continued (Maharatna, 2005). During the British colonial rule from the late 19th century onwards, the forested areas were viewed as crown lands due to the commercial interests of the colonisers (Saxena 2003, p. 84). Uncultivated lands were declared as forests, and managed under forest regulations (Saxena 2003, p. 85), and thus it is beneficial to chart the development of relations between Adivasis and the state Forest Department (FD), as this relation characterises much of the conditions of living in the forests to present day.

The Imperial Forest Department was founded in 1864, marking a start of a scientific-rational governmentality of forests (Gadgil & Guha, 2000; Bose et al., 2012). Construction of railways meant an increasing recognition of the need to secure sustained timber production (Rangarajan, 1994). Concurrent with the establishment of the FD, the identity-based categorisation of the forest inhabitants began (Bose et al., 2012), although there had been tendencies to view forest dwellers as “lawless and unproductive” prior to the establishment of the Department (Rangarajan, 1994, p. 161). While the classification of forest dwellers first into “depressed classes” (later STs) by the colonialists included an idea of providing some benefits for them, it was also a process of othering and ordering, “civilizing” them (Bose et al., 2012; Kjosavik, 2010). The governance of people and forests were intertwined. In 1874, the Adivasi areas were categorised as “scheduled areas” (Sigamany, 2017). Sundar (2000) argues that individual villages have been shaped and affected by the state formation process. In the region where the three study villages of this dissertation are located - the eastern parts of the area that is currently the state of Madhya Pradesh, from here on referred to as *East Madhya Pradesh Tribal Region* - the colonial administration reserved lands for the government and informed forest inhabitants that they should move out of the forests into agricultural villages (McEldowney, 1980).

While the establishment of the Imperial Forest Department marks a watershed in state-forest relations (Rangarajan, 1994), the change was neither completely abrupt nor uniformly applied across the subcontinent. For instance, Rangarajan (1994) notes that there were some continuities to pre-colonial forest administration in many areas, and furthermore, the British colonisers’ attitudes regarding management changed over time (Rangarajan, 1994). Moreover, the colonial administration was not uniform in their attitudes towards the forest-dwelling communities, some of them

wanting to strengthen the existing local institutions of customary management, use and regulation, instead of replacing it all with colonial control of the forests (Gadgil & Guha, 2000; Bose et al., 2012).

Philip McEldowney (1980) has written about British presence in the East Madhya Pradesh Tribal Region between 1860 and 1920, and this paragraph provides a summary of this period in the area which includes the study area of this dissertation. The British officers started to explore the region from 1860s onwards. During the 1860s, lands were classified into agricultural and non-agricultural forest land. Forest lands were made available for sale or lease, but the tribal population rarely had the resources to buy or lease land, so the settlers were mainly non-tribal. In villages classified as “forest villages”, families were allowed to cultivate land as long as one member of the family was willing to work for the Imperial Forest Department. The Baigas traditionally practiced slash-and-burn agriculture, which was initially seen as destructive for the forest. It quickly became the British policy to try to transform the tribal way of living into settled agriculture; by prohibiting slash-and-burn, and by encouraging settled agriculture. However, Baigas were allowed to continue their cultivation practices in some places, including a Baiga Reserve established in 1890, despite the overall prohibition of slash-and-burn. While these policies “deprived forest tribes of their legal rights to occupy and cultivate in the new government land” (McEldowney, 1980, p. 439), the British administrators were not uniform in their views of the tribes and their forest management practices. For instance, some officers were sympathetic for the established ways of life of the local Gonds and Baigas, and some officers expressed admiration for traditional governance system. While slash-and-burn was generally considered destructive, at the same time some British officers noted how well the forests had been conserved in the areas in which slash-and-burn was practiced, and that slash-and-burn might not damage forests on the scale that was generally thought. Some administrators of this time also questioned whether it was hypocritical of the British administration to prohibit slash-and-burn while conducting felling operations. Nevertheless, the discourse of the destructiveness of slash-and-burn had “justified the occupation of lands by the government for conservation, taxation, and colonization” (McEldowney, 1980, p. 441). Furthermore, the British administrators had differing views about which were the best practices to convince (or coerce) the Baigas to settled agriculture. Coercive measures were considered difficult to enforce, and it was noted that strict prohibitions of slash-and-burn would lead to destitution and protests (McEldowney, 1980).

While the overall trend was that “forests were a landscape to be conquered and tamed” (Rangarajan, 1994, p. 153), a major controversy broke out in the debates that followed the passing of the first Indian Forest Act in 1865, and that led to the more comprehensive Forest Act of 1878 (Gadgil & Guha, 2000). According to Gadgil and

Guha (2000), the debate involved three views pitted against each other; annexationist, pragmatic and populist views. The annexationists saw that all forest land belongs to the state that by default has rights to all forests, and any customary use could exist “only at the mercy of the monarch” (Gadgil & Guha, 2000, p. 125). Conversely, the populist position was based on the view that the current residents of the forests adhered to customary systems that should form the basis of their property in the forests, and not the state. The middle view between these positions was the pragmatic view, according to which state should have rights in certain cases, but they should be enacted in writing and not by default, and that village forests should be managed by local communities (Gadgil & Guha, 2000; Sundar, 2000). The resolution of the debate was that state took control of the forests, in line with the annexationist position. This meant more extensive government control than had been envisioned in the 1865 act (Rangarajan, 1994).

The Indian Forest Act (1878, revised in 1927) classified the forests into three categories: reserved forests, protected forests and village forests. Usually, reserved forests, designated for timber exploitation, excluded the practice of any customary rights. Protected forests were also controlled by the state, while some customary use was allowed (Gadgil & Guha, 2000). Village forests were meant to provide revenues for the village communities managing such forests, but this was not formally implemented in most parts of colonial India (Bose et al., 2012, Gadgil & Guha, 2000). In practice, it was a system of reserved and protected forests (Sundar, 2000). However, the practices varied: for instance, the area of present-day Madhya Pradesh, the practice of taking forest produce for non-commercial use (*nistar*) was allowed both in reserved and protected forests (Sundar, 2000).

Overall, the use of resources was regulated by the state: forest dwellers were allowed a certain amount of timber, but their access to forests was often limited (Bose et al., 2012). Moreover, permitted use of resources was termed “privileges” or “concessions” instead of rights (Sundar, 2000; Rangaranjan, 1994). In practice, control was difficult to enforce in large tracts of remote forests. Thus, in many areas including the study areas of this dissertation, many villages continued their traditional shifting cultivation practices.

State-level forest departments were set up by 1930 (Bose et al., 2012). In 1921, a Forestry Commission in Britain had been established to ensure the flow of forest products from the colonies to Britain. This period marked an intensification of commercial timber production, and the introduction of “scientific” forest management (Gadgil & Guha, 2000). The science of this model meant techniques to maximise efficiency for short term profits. This was achieved by extensive state control; by favouring plantations of commercially valuable tree species; and building infrastructure to make forests more accessible (Gadgil & Guha, 2000).

The intensification of timber production meant that the presence of state was more clearly felt in the everyday life of local communities. The priorities of the colonial state conflicted with local management systems, which were not recognised by the states (Gadgil & Guha, 2000). Thus, the state actors were not met without resistance. There were many strategies of resistance, ranging from petitions to defiance of rules and even violent confrontations (Gadgil & Guha, 2000). The Baigas resisted their forced conversion from slash-and-burn to settled agriculture in various ways, including petitions, non-compliance, and fleeing to areas where there was less British pressure, i.e., private lands or neighbouring princely states not under crown control (McEldowney, 1980; Gadgil & Guha, 2000). Baigas also invoked their myths, according to which Mother Earth's breasts should not be violated by plough (Gadgil & Guha, 2000).

The extent of area controlled by the FD grew, as the princely states were integrated to an independent India in 1947 (Gadgil & Guha, 2000). Large-scale commercial deforestation continued, and further intensified, in the post-colonial era (Saxena 2003; Gadgil & Guha, 2000). To meet the growing needs of industrial wood production, new mechanisms such as clear felling and monoculture plantations (mainly eucalyptus, teak and tropical pine) were introduced from the 1960s onwards, and ever more areas and tree species were required since the resources were overexploited (Gadgil & Guha, 2000). Whereas previously forests were used to serve the imperial interests, now it was the national interest for development and modernisation, the effects of which however remained highly unequal (Gadgil & Guha, 2000). Conflicts between the commercial interests of forest administration and the subsistence needs of local communities continued. For instance, in Madhya Pradesh, slash-and-burn cultivation continued in reserved forests despite it being banned (Gadgil & Guha, 2000). In the 1960, a special commission was set up to enquire into tribal issues, and a "flood" of complaints were filed against the forest administration (Gadgil & Guha, 2000, p. 220). In many areas, tribals were left with no choices other than to accept new systems of forest management and integrate into wage labour - sometimes in the forestry sector itself - or continue forest livelihoods as "criminals" (Gadgil & Guha, 2000).

In addition to maintaining the timber supply, the importance of forest conservation started to gain traction, exemplified by the Wild Life (Protection) Act in 1972 and the Forest Conservation Act of 1980, and the establishment of the Ministry of Forests and Environment in 1985. Again, while this marks a new discourse in Indian forest management, there had been some continuity since the colonial times: in addition to timber supply, other motivations for forest conservation had long included issues such as draught prevention (Rangarajan, 1994). In post-colonial India, the Indian Board for Wildlife was established in 1952, marking the start of the establishment of large fortress conservation areas (Gadgil & Guha, 2000).

Since then, displacements of local communities from nature conservation areas have sparked protests (Gadgil & Guha, 2000), while more recent forest protection laws have been seen as another attempt to evict or exclude the so-called encroachers in the forest, i.e., Adivasis (Bose et al., 2012; Sigamany, 2017; Choubey, 2021).

A remarkable change in forest legislation was brought by the 1988 National Forest Policy, in which forests were seen not only as commercial sources of raw materials, but as something to be protected for the sake of the environment, and as something needed to meet the subsistence needs of local communities (Saxena 2003, p. 89). In the 1990s, as a response to non-governmental organisation (NGO) campaigns and the exhausting continuation of forest conflicts, the Joint Forest Management (JFM) programme emerged as a vehicle for collaborative governance (Sundar, 2000; Sigamany, 2017). Despite notions of the importance of participation of local communities for the conservation of forests in the National Forest Policy (1988), local communities have in many ways been marginalised in decision making. JFM has often been noted to reflect only the views of the FD, or the local elites, and participation of local communities has been limited; among other complexities such as changing rules (Sundar, 2000; Sigamany, 2017). Moreover, Sundar (2000) notes, that JFM was not the first attempt at collective management between the state and local communities, but that various arrangements of collective management had existed alongside the grand narrative of commercial scale forestry. Furthermore, governance arrangements between local communities and the state actors have varied, accommodating mixtures of precarious arrangements. For instance, Baviskar (2012) gives an account of a village in Western part of Madhya Pradesh, where Adivasis had illegally cleared state owned forest land for subsistence farming. These villagers had been forced to pay fines and bribes, as well as face multiple forms of harassment and violence. After a long campaign, they were able to reach a precarious victory whereby they did not receive legal titles to their fields but managed to ensure that the harassment by forest officials ended (Baviskar, 2012).

The recent history of the forests and forest dwellers in the study areas in particular was recounted by an NGO worker, and this paragraph is based on what he told during my fieldwork<sup>4</sup>. The discussions with him are not part of the research material I analysed but provide a single, situated point of view of the context. According to the NGO worker, the colonial and post-colonial state FD has had an adverse impact on local biodiversity. During the “profit-oriented era”, there were only a few tree species considered useful, such as the *sal* tree (*Shorea robusta*). As

<sup>4</sup> I refrain from identifying the NGO here. Some of the actors in the NGO sector have mentioned that if their operations are perceived as primarily FRA-related, this might have some negative effects for their work, considering the contested context of multiple conflicting interests to the lands.



monoculture was encouraged, sal trees were planted everywhere and other plants were not considered useful. Previously there had been more layers of vegetation. For instance, a climber called *mahul bela* (*Phanera vahlii*) gave a very different identity for the forest, but was considered a nuisance by the FD in the context of timber extraction. The Department got rid of mahul bela which had adverse effects on biodiversity. The disappearance of the climber disturbed pollinators and the food chain (regarding the situation in other forests in East Madhya Pradesh, see also Ramanujam, 2017). Moreover, with the change in the landscape towards a more open one, there were fewer hiding places for larger animals, the populations of which then also diminished. Previously, there were more wild spaces in the forest, and other parts were accessed and used by humans. After the reduction in wild animals, the forests have been more widely used by people. As a consequence of profit-oriented forest policies, various plant species disappeared, including food and medicinal plants. Moreover, monoculture made the forest vulnerable to a tree disease called salbura, which had disastrous consequences in 1995 when it destroyed large parts of the forest. According to the NGO worker, the changes in the forest affected the relations within the local communities and with the local forests, and the word “conservation” entered into the vocabularies of those locals that previously had not needed such a word.

Considering decentralised governance in India, there have been attempts to empower local communities in decision-making concerning the issues of local environments, even prior to the FRA. The 1996 Panchayat Extension to Scheduled Areas (PESA) Act presented to the scheduled areas an institution of autonomous village assembly (Gram Sabha), which has the “rights to manage the life of local communities according to their customs, take minor forest produces from the forest, and be consulted before any kind of land acquisition” (Choubey, 2021). The PESA has not however delivered its promise of decentralisation of decision-making to the fullest. Meanwhile, the discrimination of Adivasis has continued: alongside the insecurity deriving from the precarious relationship with the state, Adivasis carry the stigma of still being viewed as savage by the mainstream society (Baviskar, 2007; Baviskar, 2012).

Thus, prior to the FRA, Indigenous forest-dwelling families have continued to face evictions and other forms of harassment in many states in India. The incidents have been brutal: houses have been set on fire, crops have been destroyed, women have been molested, and people have been harmed or even killed (Erni & Stidsen, 2005; Baviskar, 2012). In 2002, the Ministry of Environment and Forests gave a directive to evict encroachers in forests (Bose, 2012; see also Kumar et al., 2015). After this 2002 eviction order, networks of Indian Indigenous rights NGOs mobilised, and this process contributed to the formulation of the FRA in 2006 (Kumar et al., 2015, p. 4).

## 3.2 The Forest Rights Act

The FRA was passed in 2006, and it became effective in 2008 (Sigamany, 2017). The aim of the FRA is to protect tenure security and rights on lands in forest areas inhabited by STs and Other Traditional Forest Dwellers (OTFDs). In principle, the law has potential to transform forest governance towards one that empowers local communities, and it explicitly notes that it intends to undo the injustices towards Adivasis and OTFDs (Sigamany, 2017; Scheduled tribes and other forest dwellers.... 2006).

The act enables forest-dwelling STs and OTFDs to claim both Individual Forest Rights (IFR) and CFR. Forest-dwelling STs refer to people belonging to the ST class, who live in and depend on the forests. OTFDs are defined as people who do not belong to the ST class, but who live in and depend on the forests, and have resided in the forest from the year 1930 (Scheduled tribes and other forest dwellers.... 2006). Discussion on the complexities of such categorisations in the context of the FRA are provided by Sigamany (2017) and Choubey (2021).

The IFR cover the farming and residence areas of a household, and the CFR cover the forests on which the communities depend on for subsistence. There are two types of community forest rights: Community Rights providing access and use rights to the forest, and Community Forest Resource Rights, which legitimise community-level forest management and conservation organisations and strategies. I refer to the latter as “Community Forest Rights”, or CFR. What is transformative in the FRA is its emphasis on *collective* tenure security in the form of CFR (Sigamany, 2017).

The individual and collective rights in the FRA include: holding forest land and living and practicing subsistence farming; the right to collect, use, own and sell NTFP, rights to grazing, foraging and fishing, rights to conserve the community forests, and rights of access to biodiversity and Indigenous knowledge. The FRA also secures “any other right customarily enjoyed”, excluding hunting of animals (The Scheduled Tribes..., 2006: 3). Moreover, the act secures “community rights such as nistar”. As Sigamany (2017) explains, “‘nistar’ refers to the necessities of carrying on the business of living, including, in the communal context, timber, pasture, fodder, burial/cremation ground, schools, parks, playgrounds, drains, etc”. Thus, the FRA, in principle, provides broad powers to local occupation, livelihoods and decision-making. The CFR are also linked with the mandate of conserving the forests (The Scheduled Tribes..., 2006, 3(i), 5), and the authority in managing the forests. Formally, the Act enables the conversion of temporary “*pattas*” (previous leases on forest lands) into permanent titles. All the rights are such that they cannot be sold to people outside the communities (Sigamany, 2017).

The rights claiming process begins in the villages. The village assembly, Gram Sabha, invites and verifies claims and prepares maps of each claim recommended for recognition (The Scheduled Tribes..., 2006). From the village assembly, the

claims are passed on to a Sub-Division Level Committee which should include members of the state's Forest, Revenue and Tribal Departments and Adivasis themselves.

Although the ministry responsible for FRA implementation is the Ministry of Tribal Affairs, in most states it is the FD that has “established its authority” in this (Das, 2019). Since the state FDs may, under the FRA, be required to give up significant power and land, there has been suspicions of the fair administration of the law (Sigamany, 2017). Moreover, in addition to the officials of the FD, wildlife conservationist groups have feared that forest rights might hinder conservation efforts (Bisht et al., 2023). Thus, there is a polarised atmosphere around the FRA and forest governance (Bisth et al., 2023).

Indeed, the enforcing of these rights has not always been smooth or successful, and in some cases, violations continue after the registration of the rights. The problems of implementing the FRA have been discussed in various studies. It has been noted that the effective recognition of rights cannot be guaranteed due to the “historically structured power asymmetries” between Adivasis and dominant social groups (Kumar et al., 2015, p. 7). This is exemplified by the fact that in many tribal villages, access to education is poor, and thus it is next to impossible to make claims without legal assistance – especially in the tight timeframe in the Act (Sigamany, 2017); moreover, the translation of the Act to local languages has been slow (Lee & Wolf, 2018). Misinformation about the provisions of the Act and the documentation required for claims-making has obstructed the implementation of the Act in many cases (Lee & Wolf, 2018). Relatedly, Mathew and Umesh (2019) note that in their study area, asymmetric information hampered the FRA process, including e.g., lack of transparency and lack of awareness by the communities.

In the committees handling the claims, procedural violations have been reported (Lee & Wolf, 2018). Sen and Pattnaik (2019) noted that in their case study area, the local elites joined with the state to dilute the FRA provisions to retain control over the forests, and Das (2019) notes that in some cases, forest rights have been determined on the level of aggregates of several villages (Gram Panchayat level), eroding the power of local village assemblies (Gram Sabhas). In other areas, CFR rights have been incorporated to the earlier established JFM (Kashwan, 2016; Lee & Wolf, 2018) which is noted often to reflect the views of the FD (Sigamany, 2017). There are also cases where the submitted applications and related documentation have simply disappeared (Lee & Wolf, 2018). In addition, eligible claimants have been excluded from the processes (Sarker, 2011; Sarin & Springate Baginski, 2010).

Furthermore, Sigamany (2017) has noted that overall, the poor definitions of the village assemblies' role have caused uncertainties in enforcing the FRA. Moreover, the phrase “not in derogation to other laws” in the act has enabled various interpretations and ambiguity about the status of tribal rights and exclusionary

environmental conservation (Sigamany, 2017). Relatedly, claims have been rejected due to their location in ecologically fragile zones (Bandi, 2012; Lee & Wolf, 2018). In sum, there can be various reasons behind the obstructions to the implementation of the FRA, including ambiguities in interpreting the law, lack of awareness of the law in the village level, limitations and conflicting interests within the state Departments, and pressures from non-state actors (e.g., Sen & Pattanaik, 2019).

Indian forests belong to “concurrent” classification, which means that they are governed both at national and state levels. There is considerable variation in the forest governance, as well as implementation of the FRA in different states, and consequently, the numbers of accepted and rejected forest rights claims vary widely (Lee & Wolf, 2018). In Madhya Pradesh, the state where the study villages of this dissertation are located, 66% of the CFR claims had been made into titles by the end of 2024 (Ministry of Tribal Affairs, 2025).

### 3.3 Study villages

The three forest villages studied in this dissertation are located in Eastern Madhya Pradesh, in Central India. I have pseudonymised the entire villages (Kundpur, Jharanapur, and Ghaaspur), as the identification of individual respondents might be possible due to the villages’ small population size. Pseudonyms are used to disguise the names of small rural communities in particular, where the identities of the respondents might be revealed if the place name is revealed (Heaton, 2022). In the study areas, contextual knowledge of the district combined with the descriptions of CFR claims-making processes might lead one to recognise the villages; for this reason, I have chosen to retain a resolution of “Eastern Madhya Pradesh” instead of giving more detailed geographical description. From the start of the research, I wanted to minimise any possible trouble for the informants, as politically or otherwise sensitive issues might come up in the results. On the other hand, pseudonymising the village names compromises giving due credit to the respondents’ communities and the places they live in. The pseudonymisation compromises the agency of place and self-determination of its residents, unfortunately, and many researchers would undoubtedly choose differently. Pseudonymisation may be said to abstract and extract knowledge through “displacing Indigenous reality” (Marker, 2018). However, my intention in disguising the place is not an attempt towards universalising abstraction of the particular case as if the particular place and its context carried no significance (Marker, 2018; see also Jazeel & McFarlane, 2010). On the contrary: the thesis is grounded on the acknowledgement of the places and the significance of their particular characters. The choice of pseudonymisation is purely an ethical one: to minimise any potential trouble for the respondents.

That being said, I will now describe the villages briefly. In all of the villages, almost all residents and every respondent identify as Adivasi. In Kundpur and Ghaaspur, most residents belong to the Baiga tribe. In Jharanapur, there are Gonds in addition to Baigas. In the study villages, there was not much difference in the livelihood or lifestyle of these groups: all were dependent on similar livelihoods. The forest rights were also claimed for the whole community, irrespective of which tribal group they belong to. While I am not aiming to give an account of the particular characteristics of these tribal groups but rather describe the current situation in the study villages, there are some characteristics worth mentioning that are specific to Gonds and some to Baigas. For instance, traditional healers often belong to the Baiga community. Gonds are among the largest tribal groups in India and adhere to a specific system of totemic plant and animal species. In the colonial history of the studied villages, the Gonds were paid money to teach the Baigas to perform settled agriculture. In the present day, there seemed not to be much difference between Baiga and Gond residents, although probably I did not spend enough time in the field to become aware of the more subtle differences.

In Kundpur, there are around 110 households, surrounded by a hilly community forest with a secured CFR title for approximately 1800 hectares. Ghaaspur, with 40 households, is a hamlet of a larger village, and there is no CFR title for the forest lands. Jharanapur, home to approximately 125 households, has a CFR area of around 1500 hectares. For anonymity purposes, the acreages are not exact. In Jharanapur, the CFR area also covers cultivated fields in addition to the forest. The forests of the communities include foraging areas, water sources and streams, sacred places, and other meaningful sites. The livelihoods of the residents include subsistence farming, livestock keeping, fishing in the river streams, and foraging NTFP in the forests. Some of the residents occasionally work in a government employment guarantee program, which may mean moving to other areas seasonally. Moreover, as there are only primary schools, the adolescents of the village go to boarding schools where they stay for long periods of time. This poses a risk for continuation of some traditions that are observed during the school year.

It is difficult to capture the atmospheres of the villages in any concise manner, but I will very briefly describe something of the physical appearance of the villages and houses. The houses of the residents were placed quite close to each other. The houses were built of bricks (made from local soil), and walls had a painted mud covering. Floors also had a smooth mud covering, which felt pleasant under the feet. The houses had a kitchen/living room space, and one or two rooms for sleeping. The kitchens had an open fireplace, and food (rice, dahl, leafy vegetables and meat) was served either on metal plates or leaves. There was not much furniture or storage space, as there were not many possessions. According to Baviskar (2007), deprivation in Adivasi areas in general is produced by postcolonial policies and is a

result of political powerlessness as well as lack of access to land resources and other productive resources. The FRA is one way to ameliorate this situation by providing IFR for the farming lands, and CFR for the forest resources. While the IFR for practicing agriculture are important for the local communities, this study focuses on the forest space and CFR, which provide security for the forest-based livelihoods.

The study villages were introduced by a local NGO worker, without whom it would have been impossible to even find the villages. The idea for conducting research for my PhD dissertation in these villages was inspired by my first trip to Kundpur in 2015, when I was on a development cooperation project monitoring trip. While these villages were visited during a monitoring trip, the NGO whose working areas included the study communities was not one of those supported by the Siemenpuu foundation I conducted the monitoring for. The criteria for selecting the case villages were that they should be rather close to one another, and that they should include two villages with their CFR titles and one without a CFR title.

## 4 Materials and methods

The results are based on qualitative data I collected during fieldwork, consisting of interviews (Mikkelsen, 2005) which were analysed by qualitative coding (Cope, 2008); and participant observation (Brewer, 2000), the notes of which were noted in field diaries and used as supplementary material. The approach could be described as ethnographic in its ethos, aiming to study “people in naturally occurring settings or ”fields” by means of methods which capture their social meanings and ordinary activities, involving the researcher participating directly in the setting if not also the activities, in order to collect data in a systematic manner but without meaning being imported on them externally” (Brewer, 2000, p. 10). However, the time I spent in the field is shorter than what would be required for a sufficient ethnographic understanding. Although the research approach is ethnographic in many epistemological and methodological aspects, I will rather refer to “fieldwork” than “ethnography” when discussing my methods.

### 4.1 Methodological perspectives to representing Indigenous realities

Before going to the practicalities of the fieldwork, a few words on the epistemological approach are required, as this ethnographically informed approach is more than a set of procedural rules (Madison, 2020). When I study the understandings of the informants, I do not view interviews and discussions as factual explanations of an objectively existing reality, nor do I wish to explain reasons behind the formation of such understandings. Rather, I wish to take the responses seriously and explore how these social meanings make worlds, and what these understandings do in the world (Brewer, 2000; Madison, 2020). In such an ethnographically oriented understanding, the researcher reflects upon the material as a partial account of context-bound, specific realities (Madison, 2020). In other words, I aim to represent the meanings attached to these social worlds as accurately as possible (Madison, 2020).

My aim has been to conduct “hyper-selfreflexive” research (Griffiths, 2018), and to remain aware of the situatedness of knowing and its limits (Joronen & Häkli, 2016). This results from an awareness raised by many scholars, who warn about

“mobilizing any kind of ‘essential’ Indigenous nature or experience” (Cameron et al., 2014, p. 19) and emphasise the need to avoid misguided representations of these knowledges within colonial structures of knowledge production (Cameron et al., 2014; Radcliffe, 2015; Smith 1999). According to Chandler and Reid (2020, p. 496), Indigeneity may be “transformed into a fictive way of being and knowing which has nothing to do with the rich plurality of the lived life of indigenous groups, but everything to do with the imagination of its white Western author”. In these imaginations, Indigeneity’s Otherness is always suppressed either by universalist “Saming”, disrespecting the difference between the Self and the Other, or “Othering”, subordinating the Other in relation to the Self (Blaser 2014; Chandler & Reid, 2020). However, Rosiek et al. (2019) warn against exclusionary avoidance of Indigenous thought in the academic formulations of nonhuman agency. I thus wish to engage in an (uncertain) process (Jazeel & McFarlane, 2010) of learning more about these social realities. Carlson (2010, p. 272, cited in Marker 2018, p. 459) notes that while it is challenging to completely understand the subtleties of Indigenous ways of knowing, it does not mean that it would be impossible, “nor does it absolve us from the task of trying”. An interesting dynamic lies just here. A caution against anti-essentialism might have led to a situation in which the Indigenous thought has not, until recently, been very strongly present, for instance, in posthumanist discourse (Rosiek et al. 2019), although they have various fruitful crossings. The bottom line is: rather than trying to fix a monolithic, essentialising representation or present a “representative” world view of the studied communities, I tried to understand the local, relational practices as they were presented to me by the respondents in these particular villages at the moment of study, to understand this particular case. Here the focus on particular relations, rather than aiming for anything universal (Rosiek et al., 2019). Moreover, I try to profoundly respect the radical alterity and the possibilities of multiple simultaneous ontologies (Blaser, 2014). However, I do believe that it is possible to recognise patterns in the data that might be applicable in other contexts in certain similar circumstances (Brewer, 2000).

Consequently, instead of a description of an “Indigenous ontology,” this is an attempt to comprehend local understandings through the material that has been collected with an open mind, while simultaneously being interpreted through the theoretical frameworks that I use – which in turn have been enriched by the contributions of the respondents. This is an attempt to understand the observations, through lenses inevitably affected by certain kinds of academic training. Any universal claims may be read as ontologies so deeply embedded in my own thinking that I see no way of escaping them: this is my onto-theoretical situatedness. Researchers are constituted, and constituting, in this process of intra-action (Mazzei, 2013). The researcher’s knowledge is situated, reflecting the conditions in which it is produced. My interpretations are a product of a certain set of relations.



Moreover, the choice of viewpoint excludes other possible viewpoints. As my attempt has been to understand the residents' understandings, I have not inquired about the understandings of forest rights by those who live outside of the villages. Thus, for instance, the FD staff were not interviewed. Furthermore, the descriptions of the FD by the respondents are not intended to depict this group of people in a homogeneous way, rather the descriptions tell the respondents' stories of particular interactions with the department personnel.

Moreover, while this dissertation takes a central interest in the various relational capacities of the nonhumans, it is not possible to access them outside of human meaning-making. The questioning of the central place of the human is unavoidably anthropocentric: the research provides perspectives to how the world can be seen in less anthropocentric terms, but it needs to be noted that this description is channelled by both Indigenous and researcher humans and as such is a social construction, no matter how much emphasis is placed on the agency of nonhumans or materiality in these interpretations. Post-qualitative theorists have deemed interviews as inescapably humanist (Lather & St. Pierre, 2013; cit. in Fox & Alldred, 2022), thus narrowing down the possibilities to reach a posthumanist understanding. However, I side with Fox & Alldred (2022) by claiming that interviews are valid sources of data also in posthumanist research, "if interviewees are considered not as privileged actors within a socially constructed setting, but rather in the way that 'key informants' are used in ethnographic studies: as insider sources of knowledge about a setting". Thus, in the current study, interviews inform about the more-than-human relations present in the study context. The posthumanistic ethos here is to be attentive to the acknowledgement of agency forming in assemblages of humans and nonhumans. These meanings do reflect a less anthropocentric onto-epistemology that we are used to seeing in, for instance, environmental management conventionally (c.f. Bartel & Graham, 2022) and the meaning-making process itself is entwined with the more-than-human world: knowing is both human and more-than-human process. The respondents' experiences that I have been able to access via interviews speak of such relations where they not only unidirectionally "project meanings to the world", but in which they are affected by the world and its nonhuman beings. Moreover, the material space is nowhere merely a passive backdrop, when agency is seen as distributed – knowledge is affected by the intra-action with material surroundings.

Furthermore, in this line of thinking, the researcher herself is embedded in the field and entangled in these affective constellations. Thus, I practice what Deleuze and Guattari (1988; cit. in Fox & Alldred, 2022) call 'minor science'. As their metaphor goes, I do not aim to document a river from a fixed point at the bank but rather step into the river and become part of the flow. The understandings of the interviewees as well as the researcher are assembled continuously together with the

nonhuman world. In such a relational view, it is understood that the capacity to produce knowledge is not exclusively a human privilege (Braidotti 2019).

Similarly, according to Karen Barad (2007), knowledge and meanings are not produced as a representational relation to a world “out there”, but rather the knowing and the known are produced together. In their view, neither the world’s phenomena nor the ones perceiving them are ever settled but constitute each other in each specific act of perceiving/knowing/relating to the world. Meaning is an ongoing performance:

*“In traditional humanist accounts, intelligibility requires an intellectual agent (that to which something is intelligible), and an intellection is framed as a specifically human capacity. But in my agential realist account, intelligibility is an ontological performance of the world in its ongoing articulation. It is not a human-dependent characteristic but a feature of the world in its differential becoming. The world articulates itself differently”.* (Barad, 2007, p. 149)

## 4.2 Collecting the material

The fieldwork was mainly conducted during two separate visits in April and August-September 2017. However, I had visited one of the villages in 2015, as a volunteer on an NGO project monitoring trip, and on that trip, I conducted a tentative pilot study, mapping the possible research topics. Moreover, I returned to the villages in 2019 to discuss the findings in village meetings, to see if I had any major misunderstandings, and to complete the data in this way. However, I do not feel like I am informed only by these village visits. I have also visited Adivasi villages and discussed with Adivasis and NGO workers from Gujarat to Odisha and from Himachal Pradesh to Tamil Nadu. I travelled around India a total of 12 months across six visits between 2008 and 2019, which has enabled me to start understanding local cultures a bit more than superficially, in addition to learning some Hindi. Furthermore, participation in the work of the Finnish Siemenpuu Foundation and the Emmaus Aurinkotehdas NGO has given me the opportunity to discuss with members of the Indian National Adivasi Alliance in various webinars and meetings. I have also kept in touch with the interpreters, from which I have been able to check if anything remained unclear in my interview notes. Interest in Adivasi issues has meant that I have continuously followed the developments in Adivasi issues (cf. Frilund, 2019).

During the field visits, I worked with simultaneous interpreters, all three of whom were well acquainted with Indigenous issues and core concepts. Two were at the time students of development practice, and one is a Gond Adivasi. For Articles I and III, I used 46 interviews (33 audio-recorded, three video-recorded and notes from

10 short, single-topic interviews) and field diaries. The field diaries contain observation notes about the physical space of the villages; descriptions of my participation in some everyday activities with my host families; and self-reflections. For Article II, I used a subset of the interviews (33 audio-recorded, two video-recorded and notes from three short interviews) since not all interviews touched upon the official forest rights.

In the two fieldwork periods in 2017, which make up most of the data collection, my translators and I stayed in each of the villages for three to six days during each visit. The families we resided with became key informants with whom I had three to four recorded interviews (included in the 33) and several informal discussions. Moreover, they introduced other interviewees to me. Furthermore, I contacted people incidentally by walking in the villages.

Many of the interviews either started as individual interviews “transforming into a group discussion of 2–17 persons, or vice versa. There were six group discussions with five or more participants (two female groups, two male groups, and two mixed). Of those interviews that had only one respondent, four respondents were men and five were women. The interviewees were from 15 to 80 years in age, although many do not know their exact age. All respondents’ livelihoods consist of subsistence farming and collecting forest produce, and some do occasional work in a government employment guarantee scheme. In all three villages, one of the interviewees also worked as a traditional healer.” (Article I). Not all of the village residents could be contacted, but I maintained an even distribution of age and gender in all villages.

There are risks for bias, because an NGO worker brought me to villages, and introduced me to the host families. However, that was the only way of ever finding, and being trusted in, these villages. I also contacted residents of the villages that were not referred to me by the key informants, to avoid possible pitfalls of snowball sampling. However, the communities are small, and everybody has similar livelihoods, and I was not able to find much heterogeneity in the ways of life of the respondents (except some gender-related differences). However, there might be power relations in the communities that I was unaware of, and that may have affected both the respondents’ views and what they communicate about them. The group discussions included some participants that were more vocal than others, while the others agreed or stayed silent. Thus, some of these discussions may mostly reflect the views of these few vocal participants. As I had observed before during my visits in rural India, women tend to be silent when in a mixed group, although there are exceptions. Thus, I ensured that in each village, there was at least one women-only group discussion.

Oral consent for the interviews was asked from the respondents, including those in group discussions. Of all persons contacted, only one did not participate in the research. To reach an informed consent, I explained that I am both an NGO worker

and a researcher, and that the interviews might benefit both NGO and research purposes. While the respondents were not familiar with the academic publishing process, I tried to reach an adequate understanding serving the purpose of informed consent by saying that I use the material to write “text that can be read by anyone who wants to find it”. I informed respondents that I am pseudonymising not only individual names but also the names of the villages, despite some of the respondents would have wanted their names visible. However, pseudonymising is crucial in order to avoid any possible trouble and to protect privacy. The data is not made open due to the sensitive parts of the data and risk of identifying the respondents.

The interviews were conducted in the houses or yards of the respondents, next to their fields, during walks in the forest, and some next to sacred places. The interviews were thematic on the first trip, and semi-structured on the second trip (Mikkelsen, 2005). The intention was to allow relevant topics to arise without initially limiting the discussion too much. The less structured interview style is often adopted by ethnographers, to gain access to the naturally occurring meanings (e.g., Brewer, 2000). Thus, the interviews are not fully comparable, as not all questions have been presented to all respondents. During in the first trip in particular, I tried to maintain a style of natural conversation while inquiring about certain themes. When inquiring about the relations with nonhuman actors in the forest, I usually started with something practical and concrete, and asked questions relating to the experience of going to the forest. In the more structured interviews in the second trip, I asked about different nonhuman “classes” such as trees, wild animals and deities, separately. This way I was able to “map” a wide range of relations, but at the expense of finding out many particular relations to certain species, or even certain individuals (Rosiek et al., 2019); it is possible that some relevant human-nonhuman relations were dismissed by this approach. While inquiring about the FRA process, I focused on questions about the process, and challenges in the process. While participation in the FRA claims-making was wide, there were only few individuals who had invested significant time in the process, and thus they became my key informants in the FRA-related research questions. In addition to the field data in the villages, discussions with the local NGO workers have provided information about the studied villages and their forest rights. One discussion with the NGO worker was recorded. These discussions are not counted in the interview materials that I analysed but rather provide background information.

To ensure that my interpretations are as correct as possible, I discussed them repeatedly. The overarching intention was to respect and to try to understand the locals’ views as openly as possible, and to check these understandings frequently. While in the field, I tried to be as humble as possible and question my own views. Practically, I asked sometimes to be “taught the basic things in life, as if I was a

child”, because even the most self-evident things might be misinterpreted by an outsider.

During the second and third trips in 2017 and 2019, I presented my preliminary findings and asked for comments on and corrections to my interpretations. According to the comments I received in village meetings organised in 2019, the research process and its methods had been successful, even to the extent that no other “outsider” had been previously able to capture local views better. By this I have aimed to both make sure that I have reached the correct conclusions, and to respect the communities’ self-determination.

### 4.3 Analysis

I transcribed the translated parts of the interviews verbatim and started to make sense of them first by index coding, which means simply labelling what is happening or being said in the data (Brewer, 2000). I then proceeded to the actual analysis, qualitative coding (Cope, 2008). The data were coded into descriptive codes relevant for the studied themes (Cope, 2008). These categories were iteratively formed according to the objectives of the study. The objective of the study had formed both based on theoretical interest as well as preliminary observations prior to starting the dissertation, when in 2015, I made the first trip to the field area as an NGO volunteer. Then, the study themes were refined before and during the first field trip, when I conducted the thematic interviews. Between the first and second trip, I conducted an Excel-based quick coding of the thematic interview responses, allowing me to define the categories for further coding as well as formulate the more structured questions for the second field trip interviews.

After the second field trip, I coded all the interviews in the Nvivo 12 software. The codes were further refined during the analysis, and whenever a new major code emerged, I checked the interview data again against that code. Especially for Articles I and III, the final list of codes included descriptive codes such as nonhumans (with subcodes such as trees, animals, deities etc. and subsequent refined subcodes, such as “sibling”, “sacred”, “resource” for trees). The analytic codes described relations within the forest in general (including use of resources, protecting the forest, and feelings in the forest), and ways of relating with the particular nonhumans with the forest (protecting, fear, need, etc.). In Article II, the main descriptive codes pertained to the description of the FRA process (with sub-codes such as descriptions of learning), challenges in the FRA process (with descriptive subcodes such as confusion), and the perceived effects of CFR. Analytic codes included different spaces of knowledge creation, for instance. Codes such as “customary law”, “rules” and “boundary” were used in all three articles. After coding, I analysed the codes one by one, noted the frequencies of responses, and synthesised the most prominent

themes and typical cases from the data, and emerging patterns and relationships between different codes. To examine the relations between different actors and processes, I used mind maps. Finally, I re-read the interviews to search for cases, responses and events that contradicted the major patterns emerging from the data to avoid faulty generalisations (Brewer, 2000).

Through qualitative coding, I have aimed to identify reoccurring patterns in the interview materials. In this process, I have had the key role in interpreting and categorising – thus, actively constructing the themes. So, while my aim is in line with ethnographic, bottom-up theory building, the categories are also driven by my own theoretical background and in this way many of the codes and themes are researcher-led and not Indigenous (Brewer, 2000). However, some of the codes are derived from the Indigenous perspectives in the data: for instance, the categories describing trees of different ages or as different family members.

I noticed possible shortcomings in my interview questions and analysis categories only afterwards. For instance, in the interviews I inquired about “trees”, “wild animals” and such categories on a certain level of abstraction. This method of classification is probably not the most appropriate method, compared to how locals would have classified phenomena that in reality are overflowing of any clear-cut categorisations. However, a common starting point for our discussions was necessary. The interviews needed to start from something familiar to the respondents, in a way that was both general and particular enough to bring the discussion forward. I could not ask about the “agency of nonhumans”, because I noticed that the starting point needed to be something concrete that would enable talking about the different entities in the forest. It would also not have made much sense to try to inquire separately about all the different species present in the forest. Species-level discussion would have regardless obfuscated other relevant properties of trees, for instance, such as the age of the tree, which changes its relational properties. Thus, even though it is evident that the respondents do not, for instance, “first personify other [nonhuman] entities and then socialise with them but personify them as when and because they socialise with them” (Naveh & Bird-David, 2014), I treated “the ‘human’ and ‘nonhuman’ in terms of ‘social interactions between already constituted objects’” (Rajchman, 2000, p. 12, cited in Whatmore, 2002, p. 158). I have aimed for an assemblatic thinking, but this method resists categories (St. Pierre, 2013) such as the concepts that I am forced to use to be able to speak in the first place. As Fox and Alldred (2022) note, handling data usually requires its reduction. Social research tends to “produce simplicity where there was complexity, definition in the place of indeterminacy, and evenness rather than variability” (Fox and Alldred, 2022, p. 629), while recognising that “the inter-animating symbols, actions, values, embodiments, meanings, power hierarchies, spontaneous moments of life in the field, and so forth, exceed categories” (Madison 2020).

My analysis categories in the coding process are in line with what Fox and Alldred (2022, p. 632) set as objectives of appropriate data analysis in a posthumanist research. According to them, such research should aim to identify human and nonhuman relations; to disclose the affects that draw the relations into assemblages; to “identify the capacities produced” by these affects; and to assess micropolitical consequences “in terms of how capacities are either constrained . . . or enabled”. My research is close to this: it documents the human-nonhuman relations and the affects that are formed there; and how they assemble into a more-than-human community forest; as well as the enabling and restricting effects in the assemblages. The coding categories are in line with these aims, giving an important role to nonhuman agency.

#### 4.4 Research ethics and positionality

Research conducted by a Western scholar in an Indigenous setting includes power dynamics (Smith, 1999; Chilisa, 2012), as the researcher advances their professional career by extracting information from the respondents. Moreover, the research process might have various impacts on the studied communities. This obligates the researcher to reflect on these positionalities and abide to a respectful research agenda. This has both theoretical and practical implications.

The researcher is not separate from the field (LaRocco et al., 2020). In fact, when relational thinking is applied in research conduct, it becomes evident that the researchers and the respondents both affect each other: “in seeking knowledge, a person becomes involved in a co-constituting relation with another agent or group of agents” (Rosiek et al., 2019). Research is “an intersubjective process where both the researcher and researched are subjects with agency whose subject positions are constantly negotiated and where the politics of the broader context are played out at a micro scale” (Richmond et al., 2015, p. 41). Positionality involves a concern for situatedness, and the relations with one’s surroundings (Haraway, 1988). The relationality also means that the research process might entail impacts on the studied communities. Likewise, interpersonal relations in the data collection setting may affect the material: an interviewer effect (Brewer, 2000) may shape the articulations in the discussion, for instance, the informant might choose to say things they assume the interviewer - who in this case is also known to be affiliated with the NGO networks - wants to hear. On the other hand, certain positionalities such as the NGO affiliation may build trust and allow the researcher to gain access to views that might not be mentioned to some other kinds of actors.

My foreignness is one of the most inevitable positionalities. The respondents saw me as a person coming from “another country”. This entails that I am able to travel abroad, extract data that interests me, and return home. The fact that I only visit for

a short time and then leave again, puts me in a differential position with the locals (LaRocco, 2020). Conversely, some of the elderly residents had never been further from home than “by the road”. This is also connected to gender: in the study areas, it is quite rare that women travel long distances alone. Furthermore, my position as affiliated with NGOs and networks probably brought some expectations; for instance, I was sometimes asked to help in finding employment for the residents.

In order to not raise too many expectations, I did not promise any practical benefits for research participation. I have, however been volunteering in work that “helps sustain the conditions” for Indigenous communities thriving (Rosiek, et. al. 2019; Australian institute of... 2012); in India and elsewhere. I was open about how the data is collected to provide material for my research, and that I also volunteer in networks advocating for Indigenous rights in India and hope that my research will benefit the work of these networks as well. I tried to communicate, that although my motivation for the research is to make the views of the communities available to larger audiences, it might be that the particular respondent communities are not guaranteed to directly benefit from this work. In the second data collection trip, possibilities to participate in a development cooperation project were discussed in the communities. The aim of the planned project was to document heritages to support the communities’ self-determination. This project was later conducted by an Indian NGO (not the local one that had previously assisted in the FRA claims-making) which was funded by a Finnish NGO I volunteered for. The documentation of heritages was started in one of the study communities after my 2017 data collection. While my participation in NGO networks *in general* was discussed in the beginning of each interview, the discussions on the possibility of participating to this *specific project* were only initiated after virtually all the data had already been collected, as I wanted to make sure that this does not affect the interviews.

Being motivated to perform research sensitively and with consideration for the communities situates my study in the tradition of critical ethnography (Madison, 2020). A critical ethnographer feels a responsibility to “contribute to the quality of life and to the enlivening possibilities of those we study” (Madison, 2020). While my research process has been oriented in this way, I acknowledge that doing research benefits my career, and this essentially means that my relation with the respondents is extractive, and I probably benefited more from the interactions in the field than the informants (cf. Mitchell, 2013). A “benefit gap” represents the “gulf between what research participants and the researcher can be expected to gain from their data collection interactions” (LaRocco et al., 2020).

Ideally, the whole research process should be decolonised in a way that the generation of knowledge is controlled, owned and protected by the Indigenous communities (Dunbar, 2014). In my research, the generation of knowledge cannot be claimed to be “owned” by the study communities, as it was me who came there



to ask my questions for purposes I had defined (while being open to re-definitions). However, I have tried to share the process as much as has been possible, by reflecting my interpretations together with the respondents and returning to the field to discuss and to disseminate the preliminary findings.

Due to the benefit gap, it has been noted that the researcher should not only advance their own career but also give back (Opas 2008; Australian institute of ... 2012). There are many levels as to what this “giving back” might mean. On the most concrete level, one might think of compensating the time they have given for the interviews. Monetary compensations were not considered appropriate by the respondents, so I stopped offering that after asking about it a few times. The respondents did not want to think of the discussions as a thing to be bought. I thought that I could perhaps help in some daily chores, for reciprocity, to compensate for the time I stole for the interviews. But it quickly became clear that my attempts at helping in, for example, grinding grains, is at best entertaining for a while and after that, a waste of time. On the other hand, my clumsy attempts to participate in chores perhaps built connection with the residents. Gradually I got more attuned to the daily rhythm of the villages and learned to expect that the most convenient time to conduct interviews is in the early morning before the respondents go to their fields, to fishing or foraging.

For the host families, I gave a monetary compensation for staying at their house and eating their food. For them, as they became friends, I also brought photos and some souvenirs, but I did not want to gift anything particularly expensive, in order to avoid building any sentiments of unfairness among the other villagers, for example. But these gifts I don't consider as “compensation”, they can only be given with a genuine intention as gifts, a sign of friendship.

Another concrete way of giving back to the research participants was to bring the research results back to the villages. In October 2019, I brought back a tentative summary of a sub-set of the findings, together with a list of international Indigenous rights. These were both discussed in village meetings and recorded as a .mp3 that could be distributed via Bluetooth to any phone-owner in the village. I aim to make the published dissertation with a summary in local language available to the local communities and stakeholders. The wish of the informants was that this research would be read widely and reach decision-makers. Disseminating results might perhaps equip communities and activists to promote the rights of Indigenous peoples.

In my opinion, the practice of bringing the results back to the respondents should be a basic component of qualitative research. If the researcher just leaves the field without ever returning with the results, it may lead to suspicions: what was done with the information that was given with trust? In some research-exhausted communities, this has been a reason for not allowing any additional researchers to enter. Dunbar (2014) cites sentiments of participants to a Forum of Indigenous Research: “We've

been studied to death ... If you want something dead ... research it". This sentiment comes from experiences that "research is conducted to benefit the researcher, interpretations are often incorrect, there is little feedback after the research is completed, and outcomes often create more harm than good for those studied" (Dunbar, 2014).

While I have tried my best to avoid any negative effects, during the research process, I sometimes asked myself, who am I – a white researcher from another part of the world – to tell these Indigenous stories? However, I think that as these communities have few resources to make their voices heard, "giving them voice" through communicating research results may be an act of dismantling power hierarchies by providing platforms through which these struggles can be heard (Madison, 2020). Simultaneously, this "giving voice" can be seen as a victimising power hierarchy that is hard to escape. To navigate these challenges, I have worked together and in continuous informed consent with the respondents, and they indeed wished for such "platforms to be heard" in the form of widely read publications.

Finally, due to my positionality as an NGO volunteer advocating for the issues I am researching, and volunteering for a Finnish NGO that funded an Indian NGO which started a project in one of the communities after my data collection, I had to ponder whether there are any conflicts of interest in the research. As I am not advocating for any particular organisations but speak more generally, I do not see a conflict of interest. However, for the purposes of research integrity, I acknowledge the need to be transparent about the conditions of my knowledge production. In addition to this transparency, the data is carefully cross-checked to identify exceptional cases and contradictions that might not "fit the story", bringing integrity to the interpretation.

# 5 Results: Indigenous forest rights

The dynamic forest rights understandings emerge in the processes of relating with other human and nonhuman actors; in terms of sharing and making space with them; as well as in processes of knowledge creation regarding legal discourses. Articles I and III explore the customary lawscape and more-than-representational ways of relating to the surrounding forest, while Article II explores knowledge about the FRA. The practices described in Articles I and III affect the knowledge creation processes described in Article II. The lived law is often tacit and embodied Indigenous knowledge, that also affects how the FRA is understood, while the FRA improves the conditions for the continuation of these practices. In the knowledge creation process, explicit knowledge (the FRA) is internalised, and the tacit knowledge (such as practices of living with/in the forest) is converted to explicit knowledge. In the following, I will summarise the main findings of the original papers. I will start from the third article, as the relations described in that article lay the foundations for describing the findings of the first and second published papers. While referring to relations between humans and nonhumans, I refer to “interbeings relations” instead of “interspecies relations”, as nonhuman actors include also non-species, such as spirits and rivers. I refer to community forests while speaking of the forests in general, and CFR when the official title is relevant.

## 5.1 Interbeings relations and ways of relating

### 5.1.1 Trees

Article III describes the ways of relating with nonhuman beings in the community forests, but due to the length restrictions of the articles, I will further elaborate these relations in the following. Relations with trees provide an appropriate example to begin. In the communities studied in this research, there were rich descriptions of the various ways of relating to trees, and consequently, different agentic capacities in encounters with trees. Firstly, they are considered as family members: they are celebrated as siblings, taken care of like children when they are small, and they are

respected as parents when they provide fruit. Visiting particular trees is like visiting family members (c.f. Naveh & Bird-David 2014):

*“[We] have [our] family spread all over the place so [we] go to meet them and then the same way, [we] go to one place in the forest, where [we] have firewood so from there [we]’ll get firewood. Some other place [we] will get [some particular leafy vegetables]. Some other place [we]’ll get some other, some other leaf, so it’s like going and visiting family like [we] do.”* (Man, Ghaaspur, A<sup>5</sup>)

Secondly, for some respondents, trees are residence places for deities, particular tree species more so than others. Thirdly, trees are considered as necessary and useful. A loving, caring relationship is due to familiarity with the trees, and also their use value, and these sorts of relation are often entwined:

*“We take care of them like gods . . . when we do save them that’s how we get all the food and all the benefits out of it. So . . . we have a very loving relationship with trees and the forest.”* (Group of women, Jharanapur)

Many respondents described how they do need to use these resources, but resources are acquired only for a genuine need and used sustainably.

*“So [we] take half, [we] collect half and then [we] leave some to regenerate. similarly, when [we] have the . . . [leafy vegetable] . . . [we] always leave some behind so there can be enough regenerated for. For use and for others as well.”* (Man, Ghaaspur, A)

*“If we don’t protect, how will [we] survive? We shouldn’t use all in one day. . . [we] actually take a lot of effort to protect the forest and the trees.”* (Women Group, Jharanapur)

*“[Vegetation should] be able to live and survive and be in a good condition. . . so when we need if we need firewood and if we need anything from the trees we only get as much as we actually need. And we don’t try to ruin all the other trees or do damage to other trees which we don’t need.”* (Man, Kundpur, C)

Related to the sustainable use, trees exhibit agency in their materiality. A rule is that “wet” or “green” trees are not felled. The life force of the tree thus exhibits

<sup>5</sup> The letters A-O are pseudonyms for different respondents.

(relational) agency that prevents their felling, when this rule is respected. The refrainment from felling green trees, and the customary practice of not taking more from the forest than is needed, is exhibited by the recycling of house building materials, for instance. However, sometimes there is a need to fell trees for building materials, and such cutting for need is deemed justified. Nevertheless, there were some respondents that lamented that other people (from the villages or elsewhere) cut trees inconsiderately, and especially in Ghaaspur respondents lamented that they have no power to stop this:

*“You’re not allowed to cut trees as such, and you shouldn’t be allowed to cut trees rampantly and unnecessarily as well. Only as much as you need for use and for your survival, that is it. Not more than that. But nobody really listens to this and there are a lot of people who do cut, carelessly cut trees and chop trees.”*  
(Man, Ghaaspur, A)

The local residents sometimes need to fell trees, but some respondents mentioned, that especially the FD or illegal loggers from outside of the villages cut trees in a way that causes damage to surrounding nature as well:

*“People from outside, it’s mostly the Forest Department, because they cause more damage to the forest. Whereas people from villages from, [my] village and from all the other villages around- surrounding villages, they only come and take it for use so they are more careful and considerate.”* (Man, Kundpur, H)

*Forest Department fells at once 200-300 trees. Taking every small things, (the forest is) left with nothing. Clear-cutting, saplings trampled, when a tree falls like this, it disturbs the heartbeat of the earth.* (Notes from a discussion with a woman in Kundpur, D)

The nature of relationships with trees and other nonhumans was also described to change over time. For instance, trees are “children” when they are small, and “parents”, when they have grown to provide food and shelter.

*“We treat the trees as our children because we have to, we protect our forest. . . we protect our forest, and we take care of it, umm, and we also treat them like parents, like mothers and fathers because they give us everything. Everything we need for our daily survival. Wood and food, and lot of other non-timber forest produce which [we] get from the forest. So both as parents and as well as [our] children.”* (Woman, Kundpur, D)

The respondents' ways of relating to nonhumans sometimes reflect understandings of nonhuman personhood, and sometimes more the kind of agency that is material, relational capacity to affect and be affected. Thus, nonhuman agency is a relational effect, which is invested with fluid meanings by the respondents. The agency and personhood of nonhumans is based on familiarity but is also fluid and dynamic. For instance, a tree becomes known in these affordances differently in different encounters, hence their fluid personhood or agency – although the repetition of the relational practices in everyday life solidifies certain understandings.

### 5.1.2 Wild animals

The respondents who described wild animals in familial terms were outnumbered by those who described wild animals with adversarial terms. As a respondent in Ghaaspur put it: wild animals are “half enemy, half our people”. Most respondents said that wild animals are scary, a nuisance, and something to be avoided, or scared away from the crops, and two respondents mentioned that animals are food, while yet others said that animals are not killed. Thus, the relation with animals was more distant than with trees, for instance. This distance is, however, better for humans and animals alike: the place for animals is in the forest, and the place for humans is in the villages.

*“The villagers don't really attack wildlife. People from this village don't really attack wildlife, and wildlife is safe in these forests. . . they also have a right to be there in (inaudible) . . . next to [my] fields, deers . . . live there. Sambur, they're called. The sambur, they live there. So [my] mother was also telling, earlier that they have to be shooed away (inaudible) attack the crops. But yeah, they have a right to be in the forest.”* (Man, Jharanapur, B)

However, acknowledging the needs of wild animals seem to make them more person-like for those respondents that describe wild animals as part of the community. Some respondents described that wild animals, similarly to humans, need to eat, and hence they are considered as family:

*“[We] (inaudible) have family kind of relationship because [wild animals] also come and they feed [themselves in] the village whenever there is a crop or something, whenever there is a crop, kodo, kutki, rice, or corn or whatever, they also come and they also kind of graze on it and get some food out of it. So they are also treated like family because they are also dependent like family on them, but then I [the interpreter] asked that what if they really damage the crop too*

*much, so they like those few animals which are very violent and damage too much, those [we] kind of try to shoo away and send away.”* (Group of men, Ghaaspur)

*“The way we protect ourselves, the same way we protect forest and wildlife there.”* (Group of women, Jharanapur)

Perceiving the forest as providing humans what they need, seems to invite the acknowledgement that nonhumans are also dependent on the same forest. The needs of both the nonhumans and the humans are acknowledged. While there was heterogeneity in the ways of relating to wild animals, a sense of responsibility to protect the forest and wildlife in the forest was widely shared regardless of considering wild animals as part of community or not.

### 5.1.3 Deities, water and earth

Deities and spirits form an integral part of the more-than-human community. The deities are entangled with the natural elements, such as the earth (the goddess of which is Dharti Mata), the river stream (Budhi Ma), different trees (for instance, Badhai Dev in the Saja tree), and the village boundary (Thakur Dev), and various other sacred places (discussed more below). Some of the respondents describe a direct relationship to deities. For instance, a female respondent in Kundpur and a male respondent in Jharanapur described communicating with deities:

*“[Me] and the brother of [another person] started to get dreams, where it was advised that [we] should build a temple [near a water source]. [We] built it, and after that everything has been fine.”* (Woman, Kundpur, D)

*“So this time when the goddess came, she told things like the village is all fine and everything is good. More of a reassuring that everything is going well in the village . . . People ask about illnesses and health and stuff, like, you know, okay we are having this problem, what is our illness or how should we cure it.”* (Man, Jharanapur, E)

Overall, the relationship with deities was one of worship and reverence. This was described, for instance, as following a code of right behaviour in certain sacred places (discussed more below) or certain times, such as offering the first crops to gods at the beginning of harvest. A respondent in Ghaaspur told that the deities are asked for protection:

*“So [we] pray to [the gods] before going much into the forest, and [our] prayers are offered to them, because when [we] go into the forest, [we] need to be protected from animals, wild animals like bears and lions and stuff.” (Man, Ghaaspur, A)*

The responses about different deities and their residence places varied somewhat. For instance, in one conversation in Kundpur, a man said that rivers are deities, and another man next to him said that the river is “just water”. Names of traditional Adivasi deities, as well as Hindu deities were mentioned, and some respondents said that gods do not reside in the forests “anymore”. In addition to deities, many people talked about respect towards ancestors, who live in the villages. Thus, there was variety in how such “invisible” actors were described, but it was common to have some kind of respectful relation with a deity, ancestor, or sacred place in the village. The deities, when described, were told to be connected to particular local natural elements, which again exemplifies the aspect of familiarity.

The earth and water, likewise, were sometimes described to be deities, and other times not. However, they were described with deep respect for providing things needed for life.

*“[We] treat [rivers] like gods, because if [we] don’t have water then how will [we] survive.” (Group of men, Ghaaspur)*

*“Wherever there is water, there there is always devi. . . But [we] don’t really kind of, you know, know where they are.” (Man and woman in Ghaaspur, J&K)*

The river provides necessary water, but the goddess of the river is also believed to heal people. In turn, people treat the river with respect:

*“The Budhi Ma, she’s here, goddess she’s here, so when people who are feeling unwell or people are feeling sick when they come here, they also feel, start getting better and they’re healing is also successful. . . . To protect this entire space . . . [we] offer prayers or sometimes [we] chant. . . Ramayan . . . Like that kind of public event is organised so that the space continues to be protected.” (Man, Jharanapur, E)*

The above quote reveals, that Budhi Ma (the Adivasi river goddess) is worshipped with chants from Ramayan, which is part of Hindu cosmology; indicating the blending of Adivasi and Hindu spiritual practices.

Like rivers, similarly the earth is treated with reverence, as it provides the basis for life.



*“If there is no earth, then where will [we] live? So, earth is treated like a god.”*  
(Man & Woman in Ghaaspur, L&M)

*“We are here because of the Dharti Mata.”* (Woman, Kundpur, O)

*“The earth anyways bears so much of our burden and tolerates so much . . . she actually bears all our, like stresses. And we, we don’t realise that, and we don’t acknowledge that enough. That she actually [bears?] a lot of, a lot from us.”*  
(Man, Jharanapur, E)

In the descriptions, the familiar relationship of the local natural elements was also emphasised. A man in Kundpur, as well as a group in Ghaaspur described how water from the river which they protect and are familiar with feels safe to drink:

*“The water of the river, of [our] own river, is more dear to [us] than the water of any other river or any other place because [we’re] scared of drinking the water of, even in the rainy season when there is some mud, and the river is in full flow, even then [we’re] not scared of drinking the water because it’s [our] own water. [We] know about it, [we’re] used to it, and [we] have kind of close relationship with it. The river of any other place, [we] would be very hesitant like water from there.”* (Mixed group in Ghaaspur)

It seems that deities, ancestral and other spirits are thought to reside among the local familiar rivers, rocks, animals, trees and other ecological and topographical features. These spirits are not always the same but emerge in relations (Bird-David & Naveh, 2008). For instance, sometimes a spirit may take the form of an animal. As the spiritual aspect is present in many human-nonhuman “interspecies” relations, these relations are called *interbeings* relations rather than *interspecies* relations (cf. Article III).

#### 5.1.4 More-than-human community and intertwined care

The findings in Article III further suggest that the perception of nonhuman personhood depends on familial affection, and also on the perception of what the nonhumans are believed to need in their own right. This is connected to the realisation that the respondents themselves are dependent on the local nonhumans. Thus, while the trees are necessary and useful for humans, the needs of trees and other nonhumans are also considered by the respondents. The human and nonhuman actors in the forest constitute a more-than-human community, consisting of the soil, waterbodies, animals, plants, the Adivasis themselves, and deities. In this more-than-

human community, care intertwines with familial affection towards different more-than-human-community members. While there is often this familial affection, even in cases where nonhumans are not particularly described as “persons” or family members, they are being respected and cared for. The importance of protecting forest was referred to by nearly everyone, even those respondents that did not describe an affectionate family relationship to the nonhumans. Only one respondent did not exhibit a particularly caring attitude towards the forest, and some respondents referred to other people in the village who have “lost touch with nature” (Man, Jharanapur, B).

Moreover, this more-than-human community is seen as an interdependent system beyond individual actors and relations. This kind of systemic understanding of the forest was reflected in descriptions of a healthy forest. Respondents in Kundpur described how forests produce rain and cooler air than that in the more open areas. The residents protect the forest, and by doing that they also protect a water source in their village. They also described how this water source produces fresh water even for villages downstream from their village. Such provisions are seen to depend on the whole system, acquired by both human and nonhuman actors, and reciprocated through protection and care by the humans.

### 5.1.5 Posthuman lawscape

The relations between human and nonhuman actors in the forest constitute an assemblage of the agentic capacities, bringing about, for instance, sacred places with their particular, manifold capacities. An entangled web of interrelations between species and beings generates capacities to affect, and in particular places, a certain kind of presence is enacted which differs from presence in other patches of the forest. This brings us to the themes discussed in Article I, and the “lawscape”, in which the intertwined, (networked) interbeings relations manifest as appropriate ways of being in the forest and sharing it with the more-than-human community. Lawscape denotes the assemblage of emplaced, more-than-human relations of justice and order, emerging in encounters between humans and nonhumans in place. These further intertwine with assemblages of formal law, which will be explored later in more detail.

In the community forests, the norms, customs, and other legal-like relations exist between human and nonhuman actors within the interbeings community. In such posthuman lawscape, appropriate ways of being in the forest are “negotiated” in encounters with humans, but also with animals and deities, for instance. Encounters with wild animals were described as mutual relationship of fear and respect, and an “agreement” to not cross paths. This shapes the routes and places of both animals and humans.

*“So there is some places where [we] feel threatened with animals and all, there [we] avoid going.” (Ghaaspur, man and woman, J&K)*

*“[We] are also scared of them a little bit, and the animals are also scared of humans a little bit. . . [We] go to the forest and if [we] ever come across a wild animal, the wild animal tries to hide. And [we] also try to go another way. So [we] kind of mutually agree to not kind of, not cross paths. And . . . the wild animals also don’t attack [us], and [we] don’t attack them back, so there is a kind of a positive relationship that there is kind of an agreement that [we] won’t attack each other, and they would go there, would go our way, even though there is a, there is a sense of fear in all of this.” (Group of women, Kundpur)*

The “proper” place for wild animals is, then, in the denser parts of the forest. Mutual visits to human and animal spaces occur: the animals are sometimes (although mostly not) allowed in the crops, and humans sometimes visit the “animal spaces” (c.f. Philo & Wilbert 2000), although they often avoid them. The wild, dense, animal spaces are also considered to be places where deities reside, although there was no universal agreement on all of the sacred places, or whether gods reside in the forests at all “anymore”. In some cases, sacred places are clearly marked, but not all of them, and some respondents said that it is not easy to know where the deities or sacred places are. Some respondents described that sacred place is recognised by its special atmosphere that evokes fear and respect, and these were told to often correspond with the dense parts of forest.

In sacred places, there are certain rules, for example, the places are kept clean, offerings are made, and the place in general is treated with respect. Mostly the rules that were described were related to respectful behaviour, such as taking off shoes, and making offerings:

*“There are certain rules which are associated with going to the place of a goddess, god, and for example if you take a bath, and you have to go, or you have to, you don’t have to take footwear and you have to kind of make offerings like subadi and incense sticks.” (Group of women, Kundpur)*

In some sacred places it is not auspicious to collect plants, and it was described how some plants that the residents wanted to protect were moved to a sacred place to be better protected. If the rules of sacred places are broken, there are consequences: for instance, wild animals may attack as a punishment from the deities. Simultaneously, these are the “animal spaces”. It was noted how these places might feel scary either due to wild animals or due to deities. For this reason, humans

go to these places more seldom than they otherwise would, and this perhaps helps in protecting such places. This, in turn, maintains the animal space:

*“[Animals] need very dense forest to be happy. So that nobody can see them and they can’t be spotted easily. So that they can also feel and they also feel protected in dense forest.”* (Man, Kundpur, I)

The example of wild animals and deities entails an interesting intertwining of relations in the lawscape and exemplifies how these small patches with their particular functions and rules emerge in the lawscape. The lawscapes are assembled by varying subjective and material, agentic capacities in encounters and relations. For instance, the above-described dense forest patches produce a material lawscape with people who are attentive to that materiality. The meanings of the lawscape emerge from this attentiveness. In these practices and encounters, the boundaries within the lawscape emerge, dissolve and re-emerge. As the everyday practices and encounters carry shared meanings, learned while living with/in the forest and sharing this knowledge in the community, the community forest becomes a meaningful lawscape with multiple loosely bounded, overlapping areas with their specific relations, rules and norms. These areas are continuously defined by movements and encounters with/in the forest: The caring, familial relationship with the forest is reproduced in paths of repeated movement. This is part of the tacit Indigenous knowledge.

*“We also keep going and visiting and seeing those spots that . . . they are okay . . . it’s our job to protect them as well, that’s why it’s ours.”* (Man, Kundpur, G)

The familiarity with the forest entails that “their forest” is not only considered forest owned in terms of possession, but also, and in a profound sense, a place where the respondents belong to, and feel familiar with. Similar understanding of a mutual sense of belonging is reflected in the quote “*we are incomplete without jungle and jungle is incomplete without us*” in Uotinen’s interview in Article III.

Thus, not only different beings, but also the territories and the boundaries within and around the community forest are fluid. Territories continuously emerge in relations and encounters, co-assembled with other assemblages within the living forest, as well as in relation to assemblages outside the outer boundaries of the community forest. While relations with other humans and nonhumans regulate the rightful behaviour in the forest, the territory of the whole community forest is also claimed by relations of care and belonging. The community forest extends as far as the community members can reach in their daily life. This is the area they are familiar

with, and also the area that they are able to actively protect – for instance, in the case of forest fire:

*“One is that [the boundary is] decided based on what, how much [our] reach is, and how much [our] animals can reach in the forest, how far can. So that was one basis of deciding. Then secondly . . . also it depends on how much can . . . people access, and how much can we protect, what is the range of the forest, like what is the distance that we can protect. That also decides. And third . . . there is a mutual agreement between the villages. The bordering villages. And then [we] decide [we] mutually agree on the boundary. So whatever [we] can protect and until wherever [we] have access, and [we] can use, that [we] consider to be [our] forest. . . . Particularly . . . in the summer season, when there is a lot of forest fire, like threat of forest fire, this becomes important, because then [we] are responsible to protect their part of the forest. So this kind of demarcation that only until where [we] can access, until where [we] can protect, [we] consider it to be [our] forest.” (Man, Kundpur, C)*

Belonging to and caring for the forest are intertwined and define the territory. Moreover, the delineation of the outer boundary of the community forest is to some extent conditional to perceived relations with the nonhumans, as the degree of exclusivity depends on how actors from outside the villages are perceived to interact with non-humans in the forest. The “outsiders” from adjacent villages are thought to use the resources for genuine need and in a respectful manner, unlike commercial-scale loggers from further away. This is no “us and them” essentialism or a parochial defence of one local community, but rather resulting from understandings of what ways of interacting with the forest are deemed appropriate; and a sense of belonging. Moreover, residents in the adjacent villages are often familiar due to family relations. However, the negotiation with neighbouring communities concerning resource use is not without some conflict. While often tolerated, sometimes the neighbouring communities are asked to leave: “if you come and take leaves and all from our forest then what will we use?”, reflected a woman in a group discussion in Jharanapur. The respondents wish that the neighbouring communities would ask them (or the village council) for permission to collect NTFP but not always are these requests respected.

The practiced boundary is defined in these interactions but is also a result of previous interactions which have produced a traditional boundary of the community forest. In addition to the interaction between people, a particular local deity (Thakur Dev) is said to protect the traditional boundary. In turn, the official forest compartment numbers were established following the traditional boundary.

*“Compartments are designed in a way that they fall within one particular village. So if there is some forest that is divided between two villages, they make it two compartments. They divide it in such a way that so the certain compartments will fall in this village and not be shared with any other village. . . They have made within the traditional boundary of the village.” (Man, Jharanapur, F)*

The CFR application further cements the understanding the outer boundary of the community forest where the rights are applied to. A male respondent in Kundpur said that the clear definition of the boundary has reduced unsolicited visits by neighbouring communities. The boundary is thus a result of repeated movements and past and current events of negotiating resource use, as well as layers of official demarcation of the boundary that in turn affects movements and norms in the forest.

## 5.2 Knowledge creation

### 5.2.1 Tacit-explicit and explicit-tacit knowledge conversion in preparing the community forest rights claims

Article II explores the geographies of knowledge creation in claiming the official CFR. The knowledge creation process entails the conversion of tacit knowledge (e.g., traditional practices) into explicit forest right claims, and the conversion of explicit FRA-related knowledge into a skill to prepare the claims and lodge them effectively. In such two-way knowledge conversion, new knowledge about the residents' role and capacity in governing the forest was created.

In a tacit-to-explicit knowledge conversion process, the practiced, tacit knowledge, which is formed in close interaction with a particular place and its material space, is made explicit when claiming the official forest rights. Material space includes the physical space of the forest and is closely linked with such tacit knowledge that is developed with the local landscape, as described in the context of interbeings relations and posthuman lawscape (however, material space is not the exclusive domain of tacit knowledge, which entails embodied practices in material space as well as understandings in cognitive space). The CFR claiming process is tightly interrelated with the material, local lawscapes and experienced territory. The tacit-to-explicit knowledge conversion entails the mapping and articulation of the customary practices, experienced territories, and encounters within the forest. As the FRA secures the rights of local communities to their traditional practices and resources, the process of claiming the rights involved the documentation of these tacit and local knowledges into the application, with a map of the community forest. The documentation included, for example, resources, waterbodies, and sacred

places, while all of the nuances of tacit knowledge (such as those described in Articles I and III) are impossible to document in the application.

*“First [we] traced the entire boundaries of the forest . . . within [our] area. And then [we] . . . drew all the rivers and all the waterbodies in it. And then [we] marked all [our] villages deities and all the places of worship, on the forest, on the map.”* (Man, Jharanapur, F)

Moreover, the environmental subjectivity formed in living the everyday life among the particular agentic intra-actions in the forest is part and parcel of tacit knowledge as a way of being in the forest. This knowledge as a whole informs the claims-making, and connectedness with the local materiality is also a significant motivator for the claims-making process. Emphasising the close relations to local nonhumans, a male respondent in Kundpur stated that connection with trees is “more important than some paper [forest rights title]”. The frequent relations in material space thus actively affected in the background of the claims-making process: these relations (of connection and affection) resulted in the motivation for claims-making, and the knowledge documented in the claims-making process had initially formed in encounters with the forest. Furthermore, during the claims-making process itself, the landmarks in the forest informed the mapping process and the resulting map was both a result of and means to interpreting local knowledge.

Conversely, longer distances in material space affected the claims-making process especially as lower frequency of interaction with actors outside the localities blocked information flows. In fact, the knowledge conversion from explicit to tacit knowledge, i.e., internalising the knowledge of official forest rights, was initially made possible only by NGO actors that bridged the geographical distance by frequently campaigning in the villages. These actors came to the villages frequently enough to build awareness about the FRA, to interpret the legal text to the residents, to convince the residents of their entitlement to the forest rights, and finally, to assist in the practical claims-making process. The start of the claims-making process was making the FRA familiar in the villages. The NGO was needed as a conductor to transfer the explicit, legal knowledge to the villages, because the residents themselves are generally rather poorly informed of such legislations, and the local FD staff has not actively promoted the FRA in the villages. Explaining the text of the legislation in terms that are relatable for the residents marked the start of converting explicit knowledge towards skills to claim for the CFR. These skills entail tacit dimensions, including place-based understandings of what the law would mean in practice, as well as increased understanding of oneself as a member of community entitled to such rights.

*“Earlier [we] didn’t know about community forest rights, but then [we] heard [from the NGO] that this is a good thing to help [us] save [our] forest, [our] land and [our] water.” (Woman, Kundpur, D)*

*“So earlier [I] was kind of nervous. [I] didn’t know what would happen if [the FRA] comes into being and what wouldn’t happen and what are the effects and how [we] can do it and things like that. . . [We] had never heard of something like that before . . . [An NGO person] only introduced it to [us] and explained it to [us] and that’s how the . . . this understanding came to be. . . It was really important that somebody translate the law into the language [we] understand and [we] can relate into in [our] everyday life.” (Man, Kundpur C)*

The processes of preparing and lodging claims in the two villages that attained the CFR title are described in more detail in Article II. While exploring the difficulties in collaborating with the actors in forest bureaucracy is beyond the scope of this study, certain challenges are worth mentioning, as they also illuminate the significance of knowledge creation processes. The FD had been restricting access to the claims preparation process by not providing information about the FRA, by downplaying the entitlement of residents to forest rights, and handling the claim forms irregularly. Even after the title papers had been received, errors and discrepancies have resulted in long correction processes. Thus, in the viewpoint of the local respondents, the main challenges in the claims-making process include the above-mentioned ones with the forest bureaucracy, as well as those related to the difficulties in understanding the legal language of the FRA. Also, the remote location of the villages challenged the practical process, as the distance to e.g., photocopying devices was long and even phone network connectivity was low. The challenges existed thus both in material distances, and in cognitive distance to the FD in this issue. These challenges were overcome by the assistance of the NGO, as well as by the residents’ strong motivation to persistently claim for their rights in order to protect their forest. Furthermore, a sense of togetherness among the residents participating in the process was reported to have been a helpful factor. The factors that had hindered the formation of forest rights understandings and the factors that had fostered the development of these understandings are summarised in Table 1 of Article II.

## 5.2.2 Convergence of understandings about the community forest rights and forest protection

As described, the claims-making process entailed both tacit-to-explicit, and explicit-to-tacit knowledge conversion. In the convergence of these knowledge processes,



shared understandings of what CFR might look like in the two villages that claimed them started to emerge. The FRA secures the rights to traditional knowledge and entitles the community to manage and conserve the forest. Thus, the residents gathered to discuss traditional knowledge and views of managing the forest while preparing the CFR claims. The gathering together with different members of community enabled sharing the individual knowledge that each had of the forest:

*“It was a collaborative effort, so if people who were involved in making it if they by chance did not know something, other people told them. So, for example, in some particular forest they did not know which particular deities reside or what are the resources there so other people would . . . help them.”* (Man, Jharanapur, F)

*“Alone nobody can do it, it is only the collaborative effort in getting everybody on board that [we] can do it.”* (Man, Jharanapur, F)

At the same time, a sense of unity emerged; anchored around the developing understanding of such environmental subjectivity that establishes the residents as not only skilled in protecting the forest but also legally entitled to do so. As the respondents have formed a familiarity and affection with the forest, an understanding has developed that the residents are the ones who are most capable of taking care of the forest. This kind of environmental subjectivity was a central motivation for claiming the CFR rights: the rights could “help us save our forest, our land and our water”, as a woman in Kundpur articulated. The meetings were also described to build further motivation to and awareness of conserving the forest. So, while a respectful and sustainable method of utilising natural resources in the forests has clearly been the norm among majority of the respondents, an awareness of forest protection was said to have been further increased during the claims-making process. This might also reflect different ways of understanding “forest protection”, which was described as active patrolling in the forest to guard against forest fires, for instance.

Moreover, the articulation of the notion that the residents are well equipped to protect the forest was used in claiming the forest rights:

*“The Forest Department claims to take care of the forest, but actually it is the people here who take better care of the forest than the forest department. So . . . we had a lot of conversations with the Forest Department and we insist, and we fight with them and we insist that they should not make any decisions . . . without us to participate.”* (Man, Kundpur, C)

Similarly, in Jharanapur, the residents described how they by living there know their forest best, and thus should be the ones to be entitled the rights to protect and manage them. While the FD was reluctant at first, the appearance was that also they started to understand the community's role in forest management better and this resulted in better collaboration, at least in Jharanapur.

*“Earlier, even the Forest Department was very suspicious that whether, if we give charge to people of the village, of this particular village, will they be able to protect the forest. So... but then people here did manage to actively kind of protect the forest.” (Man, Jharanapur, B)*

The environmental subjectivity among the FD actors might previously have been rather different from that of the residents; seeing the forest in more instrumental terms as “something to be managed” – at least not something to “share space with”. Cognitive distance between different environmental subjectivities seems to have decreased, when the residents have been successful in convincing the FD that the residents also can “manage” the forest.

Moreover, according to a male respondent in Jharanapur, when the responsibility of forest protection has been given to the residents, the residents have been more motivated to protect the forest, perhaps because the responsibilities and benefits are clearer, and perhaps because the rules of protecting forest are discussed together with the whole village. A female respondent in Kundpur noted:

*“There has definitely been an improvement in the sense that now the Forest Department doesn't rampantly come and cut trees. Ever since [we] have received the rights. And also people have become conscious and [we] protect the forest from forest fires.” (Woman, Kundpur, D)*

On the other hand, in Ghaaspur, where there was no CFR title, there were several respondents who felt powerless to protect the forest. Men in Ghaaspur described:

*“The burden of protecting the forest is on [us], when there's a forest fire [we] need to go and put it out. But the wood is mostly taken by the Forest Department. [We] only take it for [our] use and the Forest Department comes and they cut the forest in huge numbers and take it all away without even being responsible.” (Men in mixed group, Ghaaspur)*

This powerlessness is present even as the Ghaaspurians told that they do patrol the forests together with the FD officers. However, the respondents in Ghaaspur, although not having a CFR, reflected their own role in protecting the forest: “if there

were any other people living here then the forest would not be safe” (Men in mixed group, Ghaaspur).

The formal rights, then, enable the communities to govern the forests according to an empowered environmental subjectivity, as the FRA mandates communities to conserve the forest. The CFR title paper was seen to guarantee self-governance. Furthermore, the shared understandings of the CFR as well as the customary rights increase the capacity to govern, as responsibilities are clear. Motivation to protect the forest was also enhanced, although for many residents this motivation had already existed.

However, in case these rights would be violated, it is important to maintain the shared understanding of this environmental subjectivity, as it helps the communities to maintain tenure security. Tenure security depends not only on the existence of rights, but also on the capacity to enforce the forest rights when needed. The stronger the shared understanding of land rights is, the more capacity there is to maintain tenure security. This is a crystallisation of the “identity” of a CFR assemblage. The shared understanding of forest rights is important precisely because it helps in maintaining tenure security by protecting against violations of forest rights and enhancing the capacity to contest infringements upon the rights. The knowledge that was created is thus an “enhanced capacity to act” (Nonaka & Von Krogh, 2009). According to some respondents, this common understanding is even more important than having rights on paper:

*“Rights on paper are important, but more important than that is people coming together as a collective and as a group. To really get those rights implemented. And – otherwise paper can actually get lost or paper doesn’t mean anything unless it is backed by people’s collective kind of movement or people’s collective understanding of what those rights are and how they should be executed.”* (Man, Kundpur, C)

According to a process view of knowledge creation, no idea is ever stable or completed, and thus any individually interpreted, shared understanding is subject to constant change. The understanding of CFR may change within the communities or be strongly contested by actors outside or inside the communities. Moreover, at any given time, there is heterogeneity in how much one is invested in the concept of CFR. For instance, one male respondent in Kundpur said, that “It doesn’t matter whether the rights are there or no, like what matters is how [we] can get food to the table, how the seasons change”. In other words, while there was a strongly shared understanding of the CFR and its importance, this understanding might not be shared by *everyone*.

### 5.2.3 The perceived effect of community forest rights

In studying the local understandings related to forest rights, I rely on interviews instead of using the title papers as data. The perceived and experienced effect of the CFR was that the residents are now better able to conserve the forest and to live according to their customary practices in the CFR forest without being harassed. Earlier, the FD staff had confiscated the residents' tools, which does not happen anymore. Notably, there is more confidence in moving in the forest in accordance with customary practices.

*“Even though we believe in our customary rights from way before, and we had those rights and that was our right, earlier we couldn't access the forest as freely. It is only now that we have the rights on paper that we're able to access...and actually kind of completely access our customary rights. So the paper is actually ...more important than the customary rights.”* (Woman, Kundpur, D)

*“The government is not here. Here we are the government, in a sense that all of this is ours, it's under our control, so we decide when we want to go . . . If someone from outside comes and asks us about the, like, tries to stop us, then we can always show the title that has been given to the, by the government to us. The title is very important, important promise that the government has made to us. The CFR title. And . . . earlier there used to be some kind of an interference of the Forest Department, but now there isn't.”* (Woman, Kundpur, D)

In addition to having more confidence to move in the forest, the residents reported having more say in how to manage and protect the forest. If the FD wants to cut trees in the CFR areas for instance, these felling operations must nowadays first be accepted by the village assembly, and the residents are entitled to a share of profits from the timber, according to the respondents. However, even with the CFRs in place, there had been some misunderstandings related to forest management between the residents and the FD. In Kundpur, trees had been felled against decisions of the village assembly. Different trees were felled than those agreed to, which may or may not have been intentional. Furthermore, the profits from a certain tree felling had not reached the residents. Now that the residents are more aware of their rights, they are also motivated to contest the breaching of rights. They had plans to contact other government bodies about the money issue, and they did not let the FD take trees felled against the village assembly decision. To compare with Ghaaspur, the village without the CFR title: while the residents stated that the forest is conserved better when Adivasis live there compared to some other communities, there was a feeling of powerlessness, especially regarding the ability to stop or influence tree

felling. Comparisons are challenging, though, as the lived realities are influenced by multiple factors and power relations, not only on whether a CFR is in place or not. Also, in Kundpur and Jharanapur, the extent of the influence on forest management by the FD on one hand and by the local communities on the other hand remains to be seen after a longer experience of having the CFR in place. Moreover, the correction process of title discrepancies was still ongoing at the time of fieldwork.

In addition to safer access and an enhanced ability to decide on tree felling operations, the residents reported that they are now the ones to guard the forest. The residents of Kundpur and Jharanapur have formed committees that are patrolling the area according to a schedule, with shifts shared between residents. The roles of the committee include protecting the forest from fire or any logging activities from within or outside of the villages. In Ghaaspur, the village without the CFR title, the residents sometimes patrol with FD staff. In Kundpur, a conservation plan is produced (including rules to protect the trees, punishments if rules are broken etc). In Jharanapur, the need for a further conservation plan was acknowledged. While the majority of Jharanapurians were said to understand the importance of protecting the forest, a male respondent also said that there were a few people who differ in this. In the case of those few people, a male respondent speculated whether “these people might think that forest rights authorise them to cut forest”. This shows that while the shared understanding of CFR has grown rather strong, the majority environmental subjectivity seems to not uniformly resonate with everybody. In any case, the process of claiming CFR has built basis for enhancing practices of protecting the forest.

## 6 Discussion

### 6.1 Conceptualising a posthuman lawscape for an increased capacity to claim forest rights

Knowledge relevant for forest rights is initially formed in the encounters in local material space. In such Indigenous knowledge, meanings are not unidirectionally projected to the world, but they are rooted in the direct experience of the world and its nonhuman beings (cf. Murton, 2012). Meaning-making is entwined with the more-than-human world. Furthermore, in such knowledge, things are “never static, fixed, complete, but are continually emerging in an entangled togetherness” (Bawaka Country et al., 2013, p. 186). Similarly in an Adivasi lawscape, nonhuman agency is a relational effect. The agency and personhood of nonhumans is based on familiarity, but is also fluid, indeterminate and provisional (Naveh & Bird-David 2014). The current dissertation agrees with Naveh & Bird-David’s (2014, p. 74) findings: “[A]nimals and plants are both regarded as sentient co-dwellers in some cases, and as objects in others, depending not on what they are in essence, or where they are, but on when, by whom, and for what purpose they are approached”. This fluid process of intra-action is exemplified by relations with various (co-becoming) nonhuman actors, as well as the subtle territories that emerge in relations within the forest. For instance, encountering individual trees involves multiple kinds of relations. The material properties of a certain tree afford how it may or may not be used, worshipped, or approached as a family member. For instance, the “wetness” of a tree makes it known as a certain kind of tree, and a shared interpretation of how to treat such kind of trees affords a certain kind of relation to it. These are relations where the meaning is produced by both the human perceiver, and the materiality of the tree that is being perceived. Trees are seen belonging to different “classifications”, depending on the angle from which they are approached. As Naveh & Bird-David (2014) observed in another Adivasi community, these are not essential qualities of the trees, but rather a dynamic relation with the tree. Certain relationalities are reproduced in repeated encounters, such as visiting certain beloved trees.

Very close to such aspects of Indigenous knowledge, posthumanist Philippopoulos-Mihalopoulos (2017) describes how, in such continuous emergence

of differentiating bodies, provisional boundaries emerge to differentiate the emerging bodies. Individuated things are seen as bounded, but fluid (Braidotti 2019). As actors co-constitute each other in hybrid networks (Thomas, 2015, Rosiek et al., 2019), they are not separate from the relations with their environment (Deleuze, 1988; Thrift, 2004; Roberts, 2012; Philippopoulos-Mihalopoulos, 2017). The agential intra-action (Barad, 2007) constitutes identities, and thus phenomena are initially relations, not essences. This undoes the traditional dichotomies, e.g., nature and culture – a nondualism present in much of Indigenous knowledge (Berkes, 2018). The different relations to nonhumans have a co-constitutive character: when describing someone as one's family member, one constitutes oneself as member of that family. Or, if one taps into the material capacities of plants as nutrition, one constitutes oneself as a forager in the practice of collecting these plants. In these entangled relationships, the whole forest constitutes a more-than-human community, consisting of the soil, waterbodies, animals, plants, the Adivasis themselves, and deities. The respondents describe relations constituting them as an integral part of the forest, and the forest as an integral part of them: they co-constitute each other.

Similarly, the lawscape emerges in such everyday encounters (cf. Kymäläinen, 2024). Everyday understandings structure and are affected by the lawscape. In the study localities, sacred places are a good example of the multitude of encounters in the material space, and how they together produce lawscape. They are often forest patches with certain kind of dense materiality, in which not only wild animals but deities (are felt to) reside. This in turn produces a certain code of behaving in those places. Such special rules and norms, or ways of attending to the spiritual landscape, exist in sacred places and territories of Indigenous communities around the world (e.g., Äikäs, 2012; Marker, 2018). The meanings of the place emerge from attentiveness to the place, and these meanings become part of the shared everyday life in the forest, re-made in repetition of practices and encounters (Berthelsen & Murphie, 2010). The Adivasi community forest becomes a lawscape with multiple fluid, overlapping areas with specific norms.

These place-based norms are not abstract but corporeal, and are formed with the place (cf. Braverman 2016, Kymäläinen, 2024). The lawscape is not only our practices manifesting in the landscape, but the actual particularities of the place determine local law (Graham, 2010). In this material, posthumanist thinking of law, it is clear that nonhumans participate in defining this lawscape in their dynamic agency. This may be understood via the posthuman conception of agency: a distributed, relational capacity to affect and to be affected. It is consistent with the agency of nonhuman "persons" discussed in Indigenous scholarship (Viveiros de Castro, 2014; Opas, 2008; Virtanen, 2013; Kimmerer, 2013; Naveh & Bird-David, 2014), as this personhood is also conceived of as relational (Naveh & Bird-David, 2014). Lawscapes emerge in encounters between humans and nonhumans, and thus

“place laws” are sensitive to nonhuman agencies, influencing and informing human action (Bartel, 2018). This contrasts with the conventional understandings of law – reflecting objectivist understandings of the world – where legal relations are thought to exist between people, with respect to nonhumans, such as “land” or “resources” (see also Berkes, 2018; Robinson & Raven, 2019; Bartel & Graham, 2022 for the comparisons of Indigenous and scientific management discourses). In a posthuman lawscape, appropriate ways of being in the forest are “negotiated” in encounters with humans, but also with animals and deities, for instance. In these encounters, the boundaries and areas emerge, dissolve and re-emerge. They are continuously defined by movements and encounters with/in the forest. As such, they are not given or static but remade in repetition of everyday practices (Berthelsen & Murphie, 2010).

The respondents do not “first personify other entities and then socialise with them but personify them as when and because they socialise with them” (Naveh & Bird-David, 2014) and in such way do not always treat them in terms of “social interactions between already constituted objects” (Rajchman 2000, p. 12, cited in Whatmore, 2002, p. 158). Because of their constitution as and when, and not a-priori, it is evident that the understandings are plural, dynamic, and always becoming-a-new. At the same time, multiple overlapping, even contradictory, simultaneous relationalities with such entities may exist. For instance, trees may simultaneously be framed in utilitarian terms and as relatives. This means relatives as in those “with whom to live well” (cf. Naveh & Bird-David, 2014). Thus, there is a multitude of overlapping meanings, which also are in constant change.

While we not only have multiple perspectives but are part of multiple coexisting and overlapping reals (Fenwick & Edwards, 2011), have multiple situated dispositions to these reals, and thus multiple meanings of them, in social discourse we construct reality based on our situated observations and our making-sense of them together. Meanings and understandings are overflowing vessels that change during every situated and provisional interpretation (which are ambiguous even in each one interpreter, let alone interpersonal differences), but their social construction may solidify those meanings for useful ends, such as the cognitive locus of CFR for tenure security. This is a process of knowledge creation, providing us with an “enhanced capacity to act” (Nonaka & Von Krogh, 2009). The meanings that form dynamically and relationally with the more-than-human community are performed in everyday life, and they are stabilised as they are reproduced and socially learned. Thus, some of the “traditional” understandings tend to stay the same, when there is continuation of traditional practices – however, they are simultaneously always “new” in each encounter. Some socially constructed meanings change rapidly, for instance, the residents’ perception of their power to manage the forest due to the formation of a new conceptual assemblage, the CFR.



Thus, a knowledge creation process happens whereby the fluidity of the world's becoming becomes crystallised: for instance, tacit knowledge is made explicit to articulate it for useful ends. A mental model of the CFR title fails to grasp the dynamic multiplicity of meanings that it bases on; it is only a metaphor for something that is in constant flux. However, when such concepts are stabilised, they become stronger apparatus for communication and governance. In knowledge creation theories, knowledge is an “enhanced capacity to act” (Nonaka & Von Krogh, 2009). The shared understanding of the CFR is a cognitive locus, which is a manageable agglomeration of the multiplicity of meanings of the lawscape. Similarly, mapping and titling land results in simplification of dynamic systems (Sauls et al., 2022), as the various forms of relating to place do not easily fit to the official classifications of property relations (Escobar, 2008; Sauls et al., 2022). However, the crystallisation of CFR – as an entitlement to manage and protect the forest that the communities are familiar with – has helped in the claims-making process and continues to uphold tenure security after the titles have been received. This continuity is important, as gaining the formal title does not automatically equate to land tenure security: communities must also know their legal rights and have ways to enforce those rights (Robinson & Diop, 2022).

In the knowledge conversion process, also the explicit knowledge of the FRA law has been internalised and mobilised in the claims-making process. This two-way knowledge conversion demonstrates the fact that official law exists both in explicit and tacit forms. Similarly, customary law is transferred in discussions and codified into explicit form; it is not only tacit knowledge but also exists in explicit form. However, substantial Indigenous knowledge still has not been transferred into written form. This is noted to be one of the challenges in the way of recognising Indigenous customary laws, while the documentation of oral traditions is itself not without its challenges (Robinson & Raven, 2019). For instance, Robinson and Raven (2019) call for a recognition of the continuum between oral and written laws and a re-evaluation of the binary where oral traditions are seen as unchanging traditions that do not apply in contemporary reality; and undervalued compared to written laws that are regarded as contemporary. On the other hand, documenting traditional knowledge (which in reality is dynamic) freezes its complexity in time and space; from this viewpoint, it is the written law which now seems unchanging compared to dynamics of lived customary laws.

In the flux of time, the realisation of CFR is still subject to change in entangled relations and processes. The title and its provisions may be challenged by powerful actors from outside the communities, and the meanings of the forest may also change within the communities. There are multiple challenges for tenure security post-title (Sauls et al., 2022). With changes in the broader context, land tenure institutions may be undermined (Sauls et al., 2022). For tenure security and for the ability to continue

customary practices-in-place, it is exactly at such times when it is useful to have a clear cognitive locus to “defend”. On the other hand, while tenure security often depends on the clarity and transparency of rights within a community (Robinson & Diop, 2022), such awareness does not equate to tenure security and should not be taken as an all-protective shield. Security requires also trustworthy and transparent institutions which are able to ensure that any possible conflicts are adjudicated fairly (Robinson & Diop, 2022, p. 48). With new amendments to forest legislation in India, fears of attempts to dilute or disregard forest rights continue even when titles are secured, calling for heightened attention for the communities’ awareness of their rights – including in relation to other legislations under authorities of different state actors<sup>6</sup>. Simultaneously, registration of forest rights takes a heightened significance, if the Supreme Court of India decides to uphold the ruling to evict those forest dwellers whose FRA claims are rejected; on the other hand, in the same petition that led to the court case in question, the constitutionality of the FRA as a whole was questioned. As of April 2025, the court case is still ongoing<sup>7</sup>.

## 6.2 Plural knowledges and environmental subjectivities

As legal pluralists note, taking into account the “material locations as performed in and by subjects who are both recipients of law and conveyors of it”, reveals that law cannot be seen as only an “abstract set of rules that are the same in many contexts”. (Davies, 2017, p. 30.) Any law may be experienced differently in different contexts and from different subjectivities (Kymäläinen, 2024; Robinson & Graham, 2018). As laws and knowledge are contextually situated, it also follows that subjectivities and knowledge are interlinked. The same forest, for instance, may be very differently approached from different viewpoints. Moreover, the viewpoints are tuned to different reals in the same forest and are the viewpoints of different subjects.

While the official laws rely on a dis-placed ontology that abstracts from the people-place connection, the customary Adivasi governance is more materially embedded, place-based, tacit practice, and also includes nonhuman beings. Authors on Indigenous governance (e.g., Kealiikanakaoleohailiani & Giardina, 2016; Berkes, 2018; Müller, 2019; Bartel & Graham, 2022) sometimes emphasise a divide between Western scientific knowledge and consequent management discourses on the one

<sup>6</sup> For a recent interview of a tribal rights activist Soumitra Gosh, see Sarkar, N. (2024).. India’s new forest rules spark dismay – and hope: Q & A with activist Soumitra Ghosh. <https://news.mongabay.com/2024/01/indias-new-forest-rules-spark-dismay-and-hope-qa-with-activist-soumitra-ghosh/>, accessed 17.12.2024

<sup>7</sup> Information on the case can be found at: <https://www.scobserver.in/cases/wildlife-first-v-ministry-of-forest-and-environment-eviction-of-forest-dwellers-background/>

hand, and Indigenous knowledge and relational ethics on the other. The features of the former include such as rationalism, essentialism, universalism, objectivity, individualism, nature/culture dichotomies and instrumental, mechanistic approach to nature (Bartel & Graham, 2022, Berkes 2018). The instrumental approach undoes the intertwined connections between human and more-than-human worlds (Bartel et al., 2014). On the other hand, Indigenous knowledge systems are based on ethics of care (Müller, 2019) and a “primal affinity [that] exists between the human body and other bodies of the natural world” (Cajete 2000, cited in Murton, 2012, p. 90); affective modalities of association (Whatmore, 2002, p. 5); and familiarity and intimacy (Müller, 2019; Kealiikanakaoleohailani & Giardina, 2016). In the context of this study, the difference is reflected in the respondents’ sentiment, that their “own forest” does not mean solely a possessive relation to the forest, but rather a sense of belonging to a particular forest with its familiar beings.

These different ways of relating to the forests (managerial vs. familial) produce different environmental subjectivities: the relations are constitutive of the subjects perceiving them. Relations constitute subjects as “relatives” or “users” of trees, or “managers” of “natural resources”. The residents live in the forest and “grow as relatives” with it. The FD personnel visit the forest for management purposes, developing an environmental subjectivity that might be different than that of the local residents. The residents’ presence in the forest is continuous, compared to the visits of the FD staff. However, this should not be interpreted in a way that the FD would only view the forests through a disconnected, instrumental framing, or that the residents would not practice instrumental relations with the forest.

As the relations constantly re-form in material space, the relations with forest are not unchanging traditions, but each time enacted anew. Furthermore, extra-local, multi-scale processes affect these places that are in continuous change. While many ancestral traditions continue, Indigenous subjects have various relations with (post-colonial) modernity (Radcliffe, 2015), and overall, Indigenous knowledge is dynamic in its encounters with other knowledges (Sillitoe & Marzano, 2009).

In practice, customary law and Indian forest policies blend: for instance, the traditional boundary is both a perception of “as long as our feet take us”, and a fixed line along compartment numbers, which in turn have been formed along traditional boundaries from before. Furthermore, the traditional boundary informs the official CFR process, which in turn affects encounters within the forests and along the boundary. Similarly, the explicit rule of not felling green trees is included in state forest policy (Saxena, 2003), while it is in accordance with the wider ethos of care in the communities. However, these are still different views to the forest that do not always match in practice (cf. Gillespie, 2018). Rather than administrative compartment numbers, natural boundary markers such as cliffs and streams represent the residents’ experience of the landscape better (Ramanujam, 2017). The de facto

tenure regimes are dynamic governance systems, reflecting local conditions as well as legal frameworks that originate from outside the communities (Fitzpatrick, 2005; Sauls et al., 2022).

The views about forest conservation exemplify these dynamic and plural understandings. Indeed, the concept of “conservation”, with its aim of caring for the nature, in some ways denotes a “modern”, managerial approach to nature, and shifts the focus from forest as something with which to live well into an object towards which conservation measures are taken. In the studied communities, the caring and familial attitude described by most of the respondents is infused with such vocabulary that sees the forest as an “object of saving”. This, according to an NGO worker, is a result of previous depletion of forest, and related people-forest relationships: only during this time of disruption has the idea of deliberate forest conservation entered the vocabulary of the local communities. Furthermore, the respondents reflected that during the CFR claims-making process, an awareness of forest protection increased in the villages. Initially I found such an “increased awareness” confusing, as to me it seemed that there already was a strong ethos of care. This was exemplified by the elaborate discussions on how trees are “protected like children”, sacred places are worshipped, resources are used sustainably, and on familiarity with the place that, according to the informants’ viewpoints, makes the residents the best protectors of the forest (cf. Kimmerer 2013 and the concept of sustainable harvest). A commonly shared “core understanding” was that as the residents know their forest better than anyone else, they are the most skilled to protect it, and since they have an affectionate relation with forest, they are motivated to care for it. According to Baviskar (2007), Adivasis are considered to respect nature’s limits and to take better care of it than the government, and this view is also strategically mobilised in struggles against displacement; it may thus be that this discourse is a crystallisation of previous struggles as well.

I interpret this seeming contradiction between “increased awareness” of conservation on the one hand and the continued ethic of co-existence on the other hand in such a way, that when “awareness of a forest protection” is mentioned, it often refers to practices such as guarding the forest against fires and tree logging operations – these were often mentioned as “forest protection activities”. Perhaps the convivial life with the forest beings is not understood as “conservation”, although it may be as much as, or more, effective in terms of conservation outcomes than protecting by patrolling. Bird-David & Naveh (2008) also suggest that everyday convivial ethics and “conservation” are different domains in the Adivasi worldview. On the other hand, some interview respondents suggested that “same way we protect ourselves, we protect the forest and wildlife” – suggesting that protection is also linked semantically to the wider convivial ethics in the forest. Alternatively, the “increased awareness of forest protection” may imply that there had overall been

more discussion on protecting the forest, and the awareness had also spread to such residents in the villages that were previously less focused on protecting the forest. This would resonate with Agrawal's (2005) conclusion that involvement in specific activities designated to protect the environment tends to encourage subjects to adopt corresponding views of environmental protection. Convivial ethics discourses' relation to forest protection discourses, and how these discourses might be related to conservation outcomes, would be an interesting topic of further study.

Thus, the discourses of "rational resource management" and "relational ethics" (e.g., Berkes, 2018; Bartel & Graham, 2022) do not exist separately, but both may be mobilised at any given situation. There seems to be rather a spectrum than a divide between these co-existing onto-epistemologies, which depend on the contextual practices and the modes of being in the forest. This plurality might be conceptualised as a continuum, with the materially embedded, place-based practices in the one end, and instrumental, displaced ontology in the other. Perhaps even more appropriate is to speak of different, co-existing and overlapping spheres of knowledge (Sillitoe & Marzano, 2009). The CFR is one of those encounters between modern governance relations and customary law. The assemblage of CFR includes the overflowing, excessive materiality and the incalculable (Lather, 2016) meanings and practices that are tacit knowledge, and it also entails the insertion of explicit, bureaucratic and legal devices, which again are interpreted in a locally specific manner. Knowledge conversion processes mediate between the different onto-epistemological gatherings. However, these onto-epistemological gatherings do not correspond with the tacit-explicit divide: instrumental management of the forest also includes tacit knowledge, for instance.

Perceiving Indigenous knowledge on the one hand and Resource Management on the other hand as entangled and overlapping, interacting spheres of knowledge sheds light to the dynamics of legal pluralism and the complexity of the lawscape that includes elements from all these spheres. This view also effectively prevents any stable, essentialising representations of Indigenous communities. On the other hand, there exists a real polarising binary in contemporary Indian discourses related to the FRA (Bisht et al., 2023): the FD and some wildlife conservationist groups have feared that granting forest rights to forest dwellers would eventually destroy the forest, while tribal rights activists emphasise that the forest dwellers are the ones who protect the forest. While the "there and then" of forest rights in the local communities is informed by pluralistic understandings, the political discussions around the FRA have "brought to forefront the ongoing differences between top-down, centralized, and authoritative approaches and bottom-up, decentralized and participatory approaches to forest governance and policy making in India" (Bisht et al., 2023). Similar debates about decentralised forest governance vs. top-down fortress conservation have been documented around the world (Lu et al., 2010; Sauls et al., 2022).

### 6.3 Heterogeneity and uncertainties

While the care mentality was widely shared among the respondents, it must be noted that there were differences among the respondents in how they relate with the forest and nonhumans within the forest. For instance, some spoke of wild animals as members of community, and others did not, and the perceived residence places for deities varied, indicating a plurality of these landscapes, too. Moreover, at the same time as the community's role in forest protection was emphasised by the respondents, it was mentioned that some other residents of the same village do not perhaps have such a protecting attitude towards the forest. Respondents referred that these "other residents" are sometimes noticed to use the forest in ways that go against the rules or the wider ethos of care. Thus, while I have studied the *norms*, and to some extent, practices existing in the local communities, it does not mean that some individuals would not act against these norms. The respondents are individuals, living in somewhat precarious situations and having to make use of natural resources. However, a widely shared understanding emphasises the protection of the forest in a way that also satisfies the reasonable needs of the residents. While the majority fosters care-full relations with the forest and is concerned with forest protection and sustainable use of resources, these aspirations may also change depending on what is needed, and on how different precarious situations direct the use of natural resources.

The similarity between responses in my interviews concerning the ethos of care probably is connected to the fact that all the respondents practiced similar forest-dependent livelihoods, which in itself grounds for many similarities in relating with the forest and managing the resources. Such environmental subjectivity is practice-based, not reducible to social differences, although they do play a role in many contexts (Agrawal, 2005). In the study villages, there were not much visible differences in affluence: the only thing that I was able to notice, was that some but not all households had a motorcycle. The lifestyles between those who identify as Baiga and those who identify as Gond, were also seemingly similar in these villages. The same was pointed out by Ramanujam (2017): due to their long co-existence in these areas, the Baigas and Gonds are not outsiders to each other, but share friendly relations, and Gonds have been even incorporated into Baiga mythology (Ramanujam, 2017). All this does not mean that there would not be factionalism and a variety of different political opinions, including opinions concerning forest (cf. Ramanujam, 2017).

Furthermore, the practices change with influences from modernity increasingly flowing to the villages, and this is a point of concern in many Adivasi areas in India. For instance, youth do not learn all of the traditional practices if they reside in towns during their studies. Overall, some residents are more connected to the world outside the villages than others. Some of the people in the studied villages aspired to move

out, but most preferred their life where “the air is clean”, and probably many have reasons both to stay and to leave. Ramanujam (2017) argues that the ambitions of the region’s youth are changing as they migrate to study in more urban areas. This is undoubtedly true for many of the young generation, but not for all. As Baviskar (2007) argues, *part* of the youth feel more at home in urban culture.

Similarities and differences exist also across gender. Both men and women collect NTFP go to the fields, and fish (although references to women’s better knowledge of NTFP indicates they might be more involved in that activity). There was one topic where the responses of men and women did differ noticeably. Regarding the CFR claims-making process, men and women seem to have participated quite differently. Although also among men there were some respondents that were much more connected to the struggle than others, women in particular seemed rather disinterested regarding the whole process. The women I interviewed were not eager to speak about the claims-making process, referring to their illiteracy. On the other hand, it was suggested that women had been particularly active in practical acts of resistance before the forest rights were in place. Such resistance by Adivasi women has been also reported elsewhere (Sigamany, 2017).

At the same time as my fieldwork, Venkat Ramanujam (2017) studied CFR rights in Eastern Madhya Pradesh. All villages in the area are not similar in terms of CFR processes, but as they are also located in Eastern Madhya Pradesh, a brief comparison is in place to provide nuance to the overall picture and account for the heterogeneity that is observed in these areas. Similar to both of our findings is the residents’ resentment of tree felling by the FD, but Ramanujam notes that some residents support the felling operations because of the income they have received. This kind of support was not discussed in my interviews. The reasons for resisting the felling operations are similar in both of our findings. According to Ramanujam (2017), the residents acknowledge that local residents’ livelihoods may also have adverse effects for the forest, but it is their “firm opinion” that the FD is mainly responsible for forest degradation. In both mine and Ramanujam’s (2017) findings, this was one of the main reasons for the residents to claim for rights to manage the forest. Similarly, our findings converge on the values attached to trees: they are considered valuable resources as well as residence places for deities. Another similarity in our findings is that we both encountered respondents, who themselves emphasise their desire to protect the forest, but at the same breath lament that some other people in the village do not realise the importance of forest protection. Moreover, our findings on the importance of NGO presence were similar. While I was inquiring about the CFR application process and noted how significant a role the NGO played in that phase, Ramanujam (2017) similarly argues that when the NGO has operated in the villages, there has been more shared motivation, but the diminished presence of NGOs in his study villages has resulted in dissolution of

coordinated action, unity and courage. In my interviews, it appeared that this increase of unity and shared motivation would have been something more permanent or firm, at least at the time of the interviews. Moreover, Ramanujam discusses the complex relationship between the FD and the local residents as well as the complexities in exercising CFR rights. Ramanujam (2017) argues that there is still limited autonomy to exercise CFR rights; for instance when influencing the FD's tree felling operations. In my research, the answers were somewhat mixed: while there was increased confidence that the local residents now have more authority to decide about forest management, in one village there had still been problems related to the selection of trees and getting money from the felling. Reported discrepancies in the titles were found in both Ramanujam's (2017) and my research. According to Ramanujam (2017), attitudes towards the FD remain somewhat fearful even after getting the rights, but according to the interviews in my fieldwork, these fears have diminished substantially.

I brought up this nuanced landscape to emphasise the heterogeneity that exists in the villages and in the study areas. However, I would still like to emphasise the consistency of the responses in my interviews, which communicates that a coherent ethos of care is a rather prominent reality in the study villages. While there are as many viewpoints as there are residents, there is consistency in understanding this normative landscape. Furthermore, while there is a possibility that the interviewer effect (chapter 4.4.) has shaped the respondent narratives, the consistency of the narratives by the majority of respondents (chapter 5), as well as my observations of the everyday life, communicate the continued strength of convivial ethics of care and respect. These are sedimented practices weaved into the locality and its landscape (Kjosavik, 2010). Other realities outside my research scope undoubtedly exist in the same place and simultaneously with this normative landscape. In other words, these Adivasi ways of life are not *solely* something centered around this care-full coexistence, but neither is that care-full coexistence something artificial or invented (cf. Baviskar, 2007; Li, 2000).

## 6.4 Place-based Indigenous governance

Many conservation organisations lobby for Indigenous, area-based conservation. I would like to emphasise here that Indigenous area-based conservation is sensitive to local dynamic understandings, and thus Indigenous area-based rights may enable the continuation of complex systems of customary rights, even those that are not explicitly articulated. Such an approach is able to take into account the multiple meanings that emerge from living within the landscape, while some authors suggest that mapping Indigenous territories might over-simplify dynamic systems (Bryan, 2009). It is important to note the postcolonial critiques which remind us of the fact



that Indigeneity as an essential connection between place and identity may disregard both the complexity of local systems and the Indigenous subjects' dynamic relations with post-colonial modernity (Bryan, 2009; Radcliffe, 2015). To briefly exemplify the latter: expectations of Indigenous communities having to uphold a local "tradition" while survival might depend on adopting new livelihood strategies can become a contradictory situation for Indigenous communities (Baviskar, 2012; Bryan, 2009). At the same time, essentialising "traditional" representations may become a strategic necessity for the communities (Baviskar, 2007; Kjosavik, 2010), wherein Indigeneity becomes a self-conscious articulation, including an articulation of connectedness to a specific place (Kjosavik, 2010; Li, 2000).

However, an acknowledgement of the heterogeneity, dynamism, and interpersonal variation in the degree of connectedness between Indigenous persons and the places they inhabit, does not erase the fact that in many localities today, residents do have a deep attachment to ancestral lands and forest-dependent livelihoods (e.g., Jolly et al., 2024). This is not mere "strategic essentialism" (cf. Blaser, 2014), but part of the lived reality and a salient feature of life in the villages. According to the respondents of my study, the specific places where they reside matter because of their ancestors, deities, and particular plant and animal members of the community reside there as well – forming a crucial part of their life and motivating an ethos of care. Especially in the context of land right negotiations, the local places are obviously of importance.

Moreover, while the postcolonial critique is an important reminder of the heterogeneity within and between Indigenous communities and Indigenous persons, it is equally important to acknowledge that certain patterns have been globally recognised wherein sustainable livelihoods and Indigenous territories seem to overlap. Territories under the management of Indigenous communities host as much as, or slightly more, biodiversity than other areas, including protected areas (Schuster et al., 2019). Similarly, many case studies report ethics of convivial care and Indigenous knowledge that is guided by "spirituality, ethical relationships, mutualism, reciprocity, respect, restraint, a focus on harmony, and acknowledgement of interdependence" (Johnson et al., 2016, p. 5). However, Indigenous control is not a guarantee for improved conservation outcomes (Lee & Wolf, 2018; Berkes, 2018; Sauls et al., 2022), nor should the overall pattern of Indigenous sustainable resource use be utilised as an excuse to burden only Indigenous communities with the responsibility of saving the world's biodiversity. The complex and multipronged dynamics of forest ecology – affected by many factors, including the management practices of local residents and the Forest Department – are not in the scope of this study. However, it's worth pointing out that in the study areas, forest remains, while many of the surrounding areas are unforested.

Notwithstanding the variety of cultures between Indigenous communities, there are some common circumstances that many Indigenous communities encounter. While the study communities are unique, and India itself has a unique history of marginalisation of the Adivasis, similar situations emerge in other Indigenous communities in which the continuation of customary practices is based on an ethics of care, but in discord with other interests for land use (e.g., Masuda et al., 2022). It has been suggested that Indigenous governance systems should be used to promote the rights of Indigenous peoples and should also be valued due to their recognition of place-sensitive governance in environmental law (Bartel & Graham, 2022). The inseparability of Indigenous knowledge and the place it has emerged in, is of importance here. In addition to place-sensitivity, area-based conservation often emphasises collective governance, which has many benefits compared to individual land rights which may in some cases eventually lead to inequality and dispossession. Overall, decentralised governance has provided positive socioeconomic impacts for the forest communities (Lee & Wolf, 2018).

The CFR not only enable the continuation of customary practices but deliberately emphasise environmental protection, providing the local communities with the mandate to conserve the forests. In addition to this studied legal instrument, and other forms of “native title” (Robinson and Raven, 2019) there are currently multiple hard and soft law instruments in international law to promote the rights of IPLC to their sustainable livelihoods. Various instruments have emerged which can be applied in this purpose, including intellectual property laws, rights to culture and livelihoods, rights to protect one’s environment, and Rights of Nature, which are currently often represented by Indigenous and local communities. International conventions also include provisions that secure Indigenous rights to sustainably manage their local environments. For instance, the UN CBD states that signatory countries should respect the traditional knowledge of IPLCs embodying “lifestyles relevant for the conservation and sustainable use of biological diversity” and encourage customary use of that diversity in accordance with traditional, sustainable practices (United Nations, 1992, articles 8(j) and 10(c)). The Nagoya Protocol (2011) of the Convention on Biological Diversity mentions community protocols as a tool for providing access and benefit-sharing related to biological diversity (see also Robinson and Raven, 2019). Overviews of applicable international agreements have been given by Chen and Gilmore (2015), Bavikatte (2014) and Sajeve (2018) for instance.

The concept of biocultural rights (e.g., Bavikatte, 2014, Chen and Gilmore, 2015) has emerged as a convergence of different approaches emphasising the intertwinement and mutual benefits of protecting human rights and the local environment of IPLCs. Biocultural rights offer a “landscape approach”, collecting these diverse laws together and connecting them to the concrete practices, in which

those rights are interconnected in the same biocultural landscape (Jonas, Jonas & Makagon, 2014, cited in Sajeve, 2018, p. 127). Biocultural and similar protocols enable the incorporation of rights of nature into the regimes, inasmuch as they reflect the place-based worldviews (cf. Escobar, 2008; Sauls et al., 2022). In the construction of biocultural rights, the conservation of environment is an equally important foundation alongside human rights (Sajeve, 2018). Biocultural rights, with their dual basis, are more than mere community conservation initiatives and more than Indigenous rights; they are rights of IPLCs “to be stewards of their lands and resources” (Sajeve, 2018, p. 129). Biocultural rights is a potent concept linking human rights and environmental conservation, as it avoids being overly anthropocentric, and simultaneously safeguards local communities against “fortress conservation” (Sajeve, 2018). Thus, biocultural rights are called for as a specific legal instrument to be adopted (Chen & Gilmore 2015) or included in Sustainable Development Goals currently lacking the link between biodiversity and local ecological knowledge (Poole, 2018; Koprina, 2016). While there are calls for creating new international legal instruments for biocultural rights (Chen & Gilmore, 2015), there is also scope of creating the instrument locally, picking appropriate elements from a “basket” of potentially biocultural rights, as is best seen to fit in local contexts. In fact, the “basket” of biocultural rights is always case-specific, according to local circumstances, nuances and different practices.

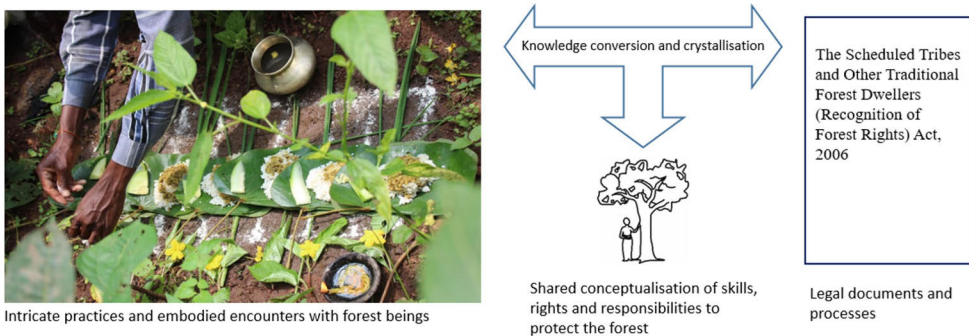
Finally, it is important to note that collective land rights as such do not guarantee a decent life in otherwise precarious situations. There should also be adequate education opportunities, for instance. Moreover, collective land rights are not without internal complexities and scope for inter- or intra-community conflicts. For instance, the FRA has been criticised for the unequal terms it places on those classified as STs and those classified as OTFDs who must prove a longer period of residence in the forest (Choubey, 2021). Moreover, as has been mentioned in this dissertation, the law’s implementation has been irregular in many places in India. Furthermore, customary systems may have tenets that are not in alignment with SDGs, for instance (Robinson & Diop, 2022, p. 50). Gender-based inequalities are among these tenets. Furthermore, while Indigenous communities can mobilise their claims to land, many other marginalised groups are left out of this option, such as Dalits in India (Baviskar, 2007).

This dissertation has added a small contribution to the vast topic of Indigenous governance. It has focused on the lived, material aspects of the local lawscape on the one hand, and one specific part of the FRA, on the other hand: the CFR. This focus entails the exclusion of other Indian land laws that might be relevant, and the IFR that are part of the FRA. Moreover, in various locations in India, social categories affect differently the implementation of the FRA (e.g., Sigamany, 2017, Choubey, 2021), and these dynamics would be important to include in research as well. On the

other hand, my focus has enabled an exploration on many aspects of the intricate place-based meaning making, and a called-for exploration on the “factors that mediate the efficacy of particular [tenure security] policies” (Masuda et al., 2022, p. 320). However, as the more-than-human lawscape includes incalculable nonhuman actors, it was impossible to attempt for a whole picture of this lawscape: rather, what I described is a rhizomatic assemblage. However, in hindsight, it would have been good to inquire more about the role of domestic animals in the lawscape, and not just wild animals. In future research, it would be interesting to re-adjust the lens and focus on different sets of actors.

# 7 Conclusions

In this dissertation, I have interrogated the understandings of both customary and official forest rights in the studied Adivasi communities, and how these understandings have changed during and beyond land right claims-making processes. I have examined the understandings of normative relations co-emerging between the landscape and its inhabitants. From the local articulations, I have conceptualised a posthuman lawscape. Moreover, I have explored the processes of knowledge creation concerning forest rights, which bring together this posthuman lawscape and formal legislative frameworks (Figure 1). The understandings of forest rights are result of both the material, visceral, uncognised and entangled, intra-acting relations and the socially constructed, discursive effects. The result is a multi-directional assemblage of dynamic formation of effective understandings, which gravitate around certain conceptual anchors.



**Figure 1.** Knowledge creation: documenting the material practices and learning the legal provisions, resulting in shared understanding of skills, rights and responsibilities to protect the forest. Photo: Riddhi Pandey

My first research question was: What kind of more-than-human relations produce lawscape, and what kind of lawscape emerges from these relations?

Article I illuminates the customary norms related to living in the forest. Article III deepens the investigation on the way how interspecies relations inform ethics (and wellbeing) in the communities. The customs and norms within the lawscape are not

only relationships among people with respect to the forest, but among the whole forest and its human and nonhuman beings. The territories (the boundaries of the forest and subtle territories such as sacred places) and norms of living with/in the forest are defined in encounters and intra-action between humans and nonhumans, including trees, wild animals and deities. For instance, the community forest extends as far as the residents can protect the forest, and inside the forest, subtle lawscapes have specific norms, defined in the encounters of humans and various nonhumans.

These understandings further intertwine with assemblages of formal law. My second research question was: How had tacit and explicit knowledges informed the knowledge creation process during claiming official CFR, and what kind of new knowledge was created during knowledge conversion?

Article II explores how a perception of CFR emerged during the process of lodging claims for land title registration. It was found that an emerging awareness of the communities' entitlement to the official CFR added new knowledge to the local legal landscape, as the communities learned the legal language of the FRA, lodged their claims and incorporated their tacit knowledge in the process. Despite difficulties, such as initial illiteracy in legal texts and challenges in cooperating with the forest administration, two communities had been able to secure their CFR titles. In the process of lodging claims, tacit Indigenous knowledge was converted (Nonaka & Von Krogh, 2009) to explicit knowledge, and explicit knowledge (the FRA) was converted to tacit knowledge about how to claim CFR. The outcome of such knowledge conversion is the enhanced capacity to articulate the grounds for continuing customary practices in the forest. The interplay of different knowledges forms certain shared conceptual anchors, such as being skilled in protecting the forest and legally entitled to do so. These conceptual anchors are fundamental for maintaining the perception of tenure security. Although – and because – such understandings reduce the lived reality into a manageable concept, Indigenous territorial rights are able to accommodate the plurality of meanings in the lawscape, including a continuation of a more-than-human governance. The official titles to collective rights such as the CFR enable the continuation of customary practices. Simultaneously, the awareness of forest protection was reported to have been increased during the CFR claims-making process, implying that these rights might have a double positive effect for forest conservation. This would be an interesting topic for further research.

This dissertation adds knowledge on the complexities of land tenure security and diversifies the field of legal geography with its focus on rural, posthuman lawscapes. The dissertation's contributions are threefold.

Firstly, and related to research question 1: especially Article I of this dissertation has been noted to contribute to an "Antipodean legal geography" (Gillespie et al., 2024). Overall, the dissertation deepens and diversifies the field of legal geography

by taking nonhuman actors into account in posthuman lawscapes. In posthuman lawscapes, nonhumans have various agentic capacities: in terms of their materiality and consequent affordances, in terms of nonhuman personhood, and as part of assemblages such as sacred places. This also relates to current discussions of place-based, more-than-human governance (e.g., Bartel & Graham, 2022). The implications of more-than-human, or multispecies governance open possibilities to re-think concepts such as ecosystem services, which are conventionally seen as something nature “provides” for humans. By incorporating reciprocity and a more intimate affinity with the nonhuman world, it is possible to re-conceptualise ecosystem services as bi- or multidirectional, with a consideration of how humans could offer services to the ecosystems (cf. Comberti et al., 2015). This is an example of just multispecies governance in practice.

Secondly, and related to research question 2: the insertion of geographies of knowledge creation to land right discourses introduces a new context for studying geographies of knowledge creation, which previously have been mostly explored in organisation science and hence related to, for instance, innovations in universities or commercial companies. Simultaneously, concepts from knowledge creation literature inform how knowledge conversion acts as a bridge between different overlapping management ontologies, hereby also constituting a continuum bridging customary and statutory law. The knowledge creation approach enables one to see land rights as a process, and the crystallisation of understandings of forest rights in a specific spatio-temporal situation, acknowledging its dynamic nature.

Thirdly, the combined arguments of this dissertation have policy relevance. Research gaps exist on the complexities of land tenure security policy implementation, and “interventions that raise awareness about land rights and capacity building interventions” (Masuda et al., 2022, p. 317; Tseng et al., 2021). Moreover, Masuda et al. (2022) contend that more research on landholder perceptions about land tenure security interventions is needed. The insights from this dissertation hopefully help to conceptualise the complexities in claims-making processes, and local understandings of them, and may help to determine ways to overcome some of the obstacles. An area-based, collective governance is promoted to accommodate the pluralities of lived lawscape and multispecies governance. This enables management systems that are open to pluralistic ways of thinking about the world (Berkes, 2018). Strategies for aligning “on paper” and “on ground” rights are needed for sustainable and equitable land management (Robinson & Diop, 2022), while acknowledging that recognition to customary lands remains insecure for many Indigenous and local communities (Sauls et al., 2022).

What is the future for Indigenous tenure security? On the one hand, there has been an increase in rights recognised to Indigenous forests in the first decades of 21st century (Sunderlin & Holland, 2022). However, while the commitment to tenure

security is strong among international development organisations, large-scale land acquisitions, erosion of certain rights, and violence against environmental rights defenders have increased simultaneously (Sunderlin & Holland 2022). In some developing countries a “threat of rollback of some gains for land rights” exists, even in the name of conservation (Sunderlin & Holland, 2022). Thus, further attention to tenure security is needed. Along with Masuda et al. (2022, p. 320), I conclude that future research on land tenure security should examine both human well-being and environmental outcomes, or rather, *more-than-human* well-being outcomes.



# Acknowledgements

Wow, what a journey! First and foremost, I would like to thank my dissertation supervisors, Jussi Jauhiainen and Timo Vuorisalo, for believing in me when I wanted to take the rather independent road of doing the PhD outside any existing research project. You have both been great supervisors. Jussi, you have provided brilliant comments and guidance whenever I have asked for help. You have read my work carefully and pointed out exactly the places where improvement is required. Thanks for not letting the synopsis pass too easily, and thanks for the support in the final steps of the process - which felt never-ending, but as you said, step by step... Also, your comments have made me realise, how to write funding applications. Quite an important skill! Timo, thank you for the constructive and inspiring comments and reading tips while reading my article and synopsis manuscripts. You have been very encouraging during the journey.

My pre-examiners, Jo Gillespie and Amita Baviskar: Thank you both for your careful and thorough reading of the dissertation. Both of your comments made the dissertation's synopsis significantly better. My opponent, Ari Lehtinen: I can't wait to discuss the dissertation with you; I'm sure that you will bring excellent comments to the defence.

Designing and conducting research rather independently definitely does not mean doing it alone. Quite the contrary – this would not have been possible without the collaborations that enabled me to conduct the research before, during and after the data collection; and the academic support network. Before continuing with the academic support network, I would like to acknowledge the people in the study villages, as well as the networks in the NGO sector.

My most cordial thanks go to the Adivasi respondents in the three villages in Madhya Pradesh. Especially the three families who gave me a very warm welcome, offering amazing meals (and taught me how to make the plates from leaves!) and providing a space to sleep during my stays. Everyone in each of the families was incredibly kind to me. मध्य प्रदेश के तीन गाँवों के आदिवासी उत्तरदाताओं का सबसे ज्यादा धन्यवाद। खासकर उन तीन परिवारों का जिन्होंने मेरा बहुत ही शानदार स्वागत किया। मैं यहाँ सबके नाम बताना चाहती हूँ, लेकिन शोध नैतिकता के कारण मुझे उन्हें गुप्त रखना होगा।

Equally importantly I want to thank my interpreters / research assistants Anubhav Shori, Riddhi Pandey, and S.J., without whom the conversations would have been impossible to have. Special thanks to Anubhav, who helped me with the Hindi translations in the published dissertation, and to Riddhi for the photos. In this context, I also want to extend my thanks to the many NGO actors in India who enabled my visits to these and other Adivasi villages. Especially I owe deep gratitude for Indu Netam, Rajesh Ranjan and their family, and an anonymous NGO worker for their help and wisdom they generously offered to me. Without all these people it would have been impossible to conduct this research. I'd also like to thank the brilliant scholars from Indira Gandhi National Tribal University for good discussions during the fieldwork. For enabling deeper understanding of South Asian cultures, and practical translating help while we were together, I would like to thank Binod Aryal, who supported me in many ways in the first years of my PhD journey.

Furthermore, I wish to extend my gratitude to the people in Finnish NGOs and especially the Siemenpuu Foundation, that first introduced me to all of the Indian networks and NGOs. A few persons working or having worked closely with Adivasi issues deserve special thanks. Kari Bottas, thank you for coordinating the India and Biocultural rights groups, and thank you for the effortless travel company during the Siemenpuu trips in India and Kenya. Ville-Veikko Hirvelä, I don't know how to thank you enough – you are an endless source of knowledge relating to the rights of Indigenous and Local Communities. Thanks also to Kai Vaara, Tanja Seppänen, Pekka Räsänen, Marko Ulvila, Timo Kuronen, Hanna Matinpuro, Mika Rönkkö, Kirsi Chavda and others who work tirelessly for promoting human rights and environmental conservation in the Global South, even as the operating space for this kind of work has drastically changed.

Before I drift too far from the Indian journeys, I want to thank Toni Haapanen, for introducing me to the Siemenpuu Foundation, and for being the coolest master thesis instructor and travel companion in India. Thank you Reija Hietala, for collaboration in the same Livelihood India project and supervising my master's thesis. Without doing the masters' thesis fieldwork in India, the idea of doing the PhD in India might not have occurred to me. Also thanks to Noora Salmela for travel companionship on that trip, that was the start of our awesome friendship!

Now I will turn to the dear colleagues that I have had the opportunity to work with during the years of making this dissertation. I was lucky to co-author one of the publications with two brilliant people: Joonas Uotinen and Arunopol Seal deserve enormous thanks for their persistent efforts in our article that we started in 2018 and which was published just soon thereafter in 2025. Combining three studies is not the fast way, but it was a journey of deep learning and great discussions.

I have been lucky to have had funding in the first years of the PhD., but in many ways it was also lucky that the funding was finished at some point, because that

forced me to try other things than just the same, at that point rather lonesome and perhaps stagnant, process of writing the manuscripts. Again, not the fastest way, but one of broad learning, and perhaps a needed break from the PhD work.

The first project where I was able to try something different was the ClimaSos project, related to fairness in Finnish climate policy. Jukka Käyhkö, thanks for taking me along in this project, and soon also along in teaching in the Climate University courses. These tasks have felt very meaningful for me – I felt like I’m doing something that has positive impact. Moreover, you have always been very encouraging, and your positive comments motivated me to always do my best. Thanks also to Piia Lundberg, a great working partner in the ClimaSos research; and to the SystemsChange.now teacher team. Being involved in that course gave me the opportunity to work with Turku University colleagues Juuso Suomi and Miriam Tedeschi, both brilliant researchers and teachers with high integrity and warm heart; and wonderful colleagues from other universities: Janne Salovaara, Joula Siponen and Elina Alatalo.

The next project where I got to try something different – this time related to creativity and AI! – was LuotAi. Johanna Hautala, you are such an empathetic and generous leader. You know how to build a calm and relaxed atmosphere for thinking and creativity while also staying present in the process. Big thanks to you, also for the flexibility that allowed me to write the synopsis. Johanna, and Riina Lundman, you were great co-authors in our paper; moreover, thank you Riina for being you, you are a warm and wonderful person who does inspiring (and radical!) work. Big thanks to other workmates in the LuotAi project as well. Roosa Wingström, I really loved our trips to Vaasa, and I’m so happy to have got such a fun and intelligent friend who brings so much joy around. Thanks also to Thomas Behrndt, Marianne Mäntyoja and Julius Repo, I have truly enjoyed all of our discussions together.

After LuotAi, I started in the JUSTSPACES Research Network in Tampere university. Firstly, I would like to thank Päivi Kymäläinen, for various things – and now I start by going way back to 2011! It was you who had the courage to hire a very, very junior researcher to the Yes in my backyard -project. This sparked my initial enthusiasm to become a researcher. So JUSTSPACES has felt like returning home. Big thanks for creating a warm atmosphere with get-togethers at your home, Telakka and elsewhere, for encouraging me to pursue my academic goals, for all the support, and for the flexibility that helped in getting the final version of the synopsis done. My heartfelt thanks go to people in the JUSTSPACES network; all of whom are brilliant, intelligent, and warm-hearted persons: Virve Repo, Anna Kobierska, Rebecca Frilund, Riina Lundman, Mia Jaatsi, Siiri Pyykkönen, Kirsi Jaakkola, Nick Blomley, Paulina Nordström and Samu Pehkonen.

While I have now moved to Tampere University, I have a strong attachment to our Department of Geography and Geology in the University of Turku. I’d like to

express deep gratitude for everyone at the department for building such a wonderful, perhaps exceptional, community. Especially, I'd like to thank Department heads Risto Kalliola and Petteri Alho for fostering this wonderful community. I'll always remember one morning at the coffee table, when Risto came to show a picture from the department recreational day to me. I had been behind the camera taking the photo, but Risto had edited my face among the people in the photo! In addition to the Photoshop mastery, this is a great example of sharing happiness in the workplace. As department heads, you both have kept workers well-resourced and enabled our research endeavors. Petteri, thank you for making all this support available and accessible in the recent years. Here I'd like to also express my gratitude to Sanna Mäki, who is a big part of the spirit in the department, helping the whole community from students to workers to find paths and collaborations to advance careers; listening and being genuinely concerned about workers' wellbeing, and just being her joyful self.

Next, the people whom I have spent most of my days at the office with: my roommates! Rebecca Frilund deserves special thanks for being part in so many phases of my journeys. I have learned so much from you related to global justice and postcolonialism, many things regarding the theoretical stuff, but also so many practical things! There were countless times when the "long short stories", in addition to being fun and great discussions, included useful tips. I'm so happy that we are again in the same research group. It was lovely to share a room with you, and with Kari Kajuutti and Matti Sahla – I enjoyed all our chats at the basement. More recently I have had the privilege to share the room with Carlos Gonzales Inca and Salla Eilola. You both are such kind, warm-hearted and diligent people, with whom I have been able to share the joys and frustrations of research, to receive valuable advice, and to have great conversations.

It has also been a privilege to work with Salla and Rebecca, and Camilla Marucco, Hanna Heino, Miriam Tedeschi and Thomas Behrdnt to advance justice in the academia through workshops and petitions. It seems that justice is something very important for geographers, and I'm really happy to be part of that. Also many more colleagues would deserve acknowledgement for their work for justice (I'm thinking of Lauri Hooli, Nora Fagerholm, Karti Gadd, and Niko Humalisto for instance; but this list could go on and on). In this context I'd also like to acknowledge Sabaheta Ramcilovic-Suominen and Johanna Leino as dedicated scholars for justice that have inspired me. I wish there were more people like you!

Huge thanks to my fellow doctoral candidates, with whom I have had the privilege to share the process, as well as, for instance, trips to forests, saunas and parties. As my process was long, the list includes people from the various eras of PhD students, some of whom having defended their thesis "a while" ago. So, thank you (in a very loosely chronological order): Riina Lundman, Paulina Nordström,

Elina Kasvi, Hanna Luhtala, Hanna Salo, Katri Gadd, Niko Humalisto, Lauri Hooli, Elina Ahokangas, Rebecca Frilund, Hanna Heino, Jouni Salmela, Matti Sahla, Salla Eilola, Camilla Marucco, Roosa Wingström, Linnea Blåfield, Karoliina Lintunen, Meeli Roose, Timo Rantanen, Umer Alvi, Rima Almalla, Siiri Pyykkönen, Felix Hallikainen, Mia Jaatsi, Oliver Tomassi, Joha Järekar, Thomas Behrndt, Aino Saarinen, Jukka Limo, Antti Hynni, Amin Sadeqi, Jouko Lappalainen, Sadegh Kaboli, Msilikale Msilanga, Adnan Asif Rifat, Arpa Aishwarya, Beata Plutova, Iiro Seppä, Akseli Tolvi, Frank Chimaimba, Juulia Kautto, Luma Fonseca Alves, Mariah Josten, Harri Aaltonen, Emmy Kärkkäinen, Tanya Santalahti, Temitope Akinyemi ... And for all the new doctoral candidates – I wish you the best for your journey! Of the above, I'd like to especially thank Roosa Wingström for organizing so many fun happenings, Joha Järekar for creating the Coffee and Rant space, and Mia Jaatsi for the peer support in the synopsis writing phase. And thanks to the members of ALFA - the all female band. We keep that spirit on with Virve in the current research group!

For all the support, for lovely conversations, and for creating the community, I'd like to thank people at the department (now and during the years): Jussi Jauhiainen, Risto Kalliola, Petteri Alho, Hille Koskela, Jukka Käyhkö, Niina Käyhkö, Tommi Inkinen, Sanna Mäki, Nora Fagerholm, Joni Mäkinen, Kari Kajuutti, Harri Tolvanen, Päivi Oinas, Johanna Yliskylä-Peuralahti, Juuso Suomi, Tua Nylén, Carolin Klonner, Ilkka Kaate, Agustín Garagorry, Jani Vuolteenaho, Tapio Suominen, Mikel Calle Navarro, Ville Kankare, Annukka Pekkarinen, Ulrika Stevens, Mirka Salonen, Kaisa Vainio, Mikko Joronen, Eveliina Lyytinen, Lotta Koistinen, Minna-Liina Ojala, Sara Peltonen, Joni Koskikala, Liisa Mäkinen, Vesa Arki, and Elham Kakaei Lafdani.

Here, I'd also like to thank the people who have quite concretely enabled the research work: Leena Laurila, for quite literally giving the tools to work with, and always knowing what's going on. While I sometimes encounter mysterious obstacles with electronics, I have always been able to count on Leena. It has been also a privilege to be able to rely on Kaisa Ketomäki, Sari Tuominen and Sirpa Kelosto in all things related to money. Sometimes researcher's situations are quite complicated with the various percentages with grants and salaries and the different regulations concerning each, but Kaisa, Sari and Sirpa have always been ready to help and solve these. I have huge respect for these experts!

Speaking of support, I wish to acknowledge the BGG doctoral program and UTUGS graduate school and the coordinators and other helpful experts there, especially Sari Järvi, Sanna Nordman, Jon Brommer, Taina Syrjämaa and Meri Heinonen. Thank you all for enabling the structures and the (continuously improving!) course catalogue, and also for the opportunity to participate in the

steering groups. Quite importantly, I'd like to express gratitude to the BGG, Turun yliopistosäätiö, and the department, for funding the doctoral research work.

My dear friends, I'm deeply, deeply, thankful for each one of you, and I consider myself to be very lucky to have such people around me with whom I can share my journeys. I rely that each of you knows what you mean to me (each of you is a true treasure!!) - these things are really hard to put in words... So from the bottom of my heart, I want to thank: Liina Rintala, Noora Salmela, Sini Ilmonen, Mirka Liedes, Maiju Kähärä, Essi Laurila, Evi Ekroos, Minna Nordqvist, Aino Tuomi-Nikula, Johanna Hänninen, Annukka Karsten, Anna Nyrhinen, Mai Hurme, Elina and Oona Tasto, Ella Karttunen and Petra Raivonen.

In this PhD context however, two friends deserve special recognition: Essi Laurila, my first trip to India was with you, and who knows if I would have chosen completely different study areas, if various paths after that trip didn't lead me to India time and time again! Thanks for trusting a (then) total stranger enough to start planning travels to Asia after having just met by a couple of beers!

Liina Rintala: You generously suggested that you could be my "Karonkkakaaso" before it had even crossed my mind that I might need some help in organizing the day. There are many things to thank you for, but of the things related to my special day, let this suffice for now.

My love and soulmate, Krister Hjort. Thank you for all the love, and thank you for supporting me through this path of completing the PhD. You have seen the ups and downs. You have no idea how much it has meant for me to have my very own home-comedian by my side when things have seemed grim. You have always lifted me up and brought perspective when I have felt hopeless. And you have always trusted that I'll make it! Lilia, you have also brought a lot of joy to my life with your jokes and bright comments. The high point of my career as a geographer has been when we prepared for your geography exam together.

Last but not least, my family: Pekka Loivaranta, Aino Loivaranta, Selja, Tuomas, Otso, Touko and Helmi Kunttu, Atte Saarela, Anitra, Pauli and Vilko Suopajarvi, And my aunts and cousins. In the context of the dissertation: Special thanks to Selja for sharing the waves of creative writing processes. Mom and Dad, I owe everything to you. Thank you for always supporting me in so incredibly many ways and for encouraging me to explore all the paths that lead to the completion of this dissertation. Aina kannattaa lähtee!

And of course: I'm thankful for all the forests that are dear and familiar to me, and the forests that I have got to know during the research process.

Turku, November 2025  
*Tikli Loivaranta*

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OF TURKU

ISBN 978-952-02-0518-8 (PRINT)  
ISBN 978-952-02-0519-5 (PDF)  
ISSN 0082-6979 (Print)  
ISSN 2343-3183 (Online)