EDITED BY
MARC WOONS

Restoring Indigenous Self-Determination

Theoretical and Practical Approaches

E-INTERNATIONAL RELATIONS PUBLISHING

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Abstract

Indigenous peoples all over the world find themselves locked in power struggles with dominant states and transnational actors who resist their claims to land, culture, political recognition and other key factors associated with the idea of national self-determination. In the vast majority of cases, states and transnational corporations see such claims as barriers to the state-building projects that depend heavily on accessing and extracting resources from traditional Indigenous lands. In 2007, the importance of Indigenous self-determination alongside that of nation-states was significantly enhanced when, on September 13, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples – suggesting that an important attitudinal shift might now be taking place internationally. Yet, as this volume's contributors suggest, much more work is needed in terms of, on the one hand, what Indigenous self-determination means in theory and, on the other hand, how it is to be achieved in practice.

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The cover image depicts a traditional Sámi lávvu in Sápmi (in this case, in Troms county, Norway). The lávvu, a temporary and portable dwelling, plays an integral part in Sámi reindeer pastoralism. Its tremendous symbolic and cultural role was shown, for instance, when the Sámi built one on the steps of the Norwegian Parliament in Oslo during the Alta conflict, which took place in the late 1970s and early 1980s. The conflict resulted in the Norwegian state's greater recognition of the Sami's Indigenous rights. The lávvu also inspired the design of the Sámediggi (Sámi Parliament) in Kárášjohka, which opened in 1989.

Preface

JEFF CORNTASSEL

What are the sources of self-determining authority for Indigenous nations and peoples? How one responds to this question reveals competing narratives and worldviews relating to the self-determination discourse. State sources of self-determining authority are based on the Doctrine of Discovery (legal fiction that land occupied by non-Christians could be claimed as territory owned by the Crown) and other colonial myths of sovereignty, which are regularly challenged by Indigenous peoples living within and across state borders. After all, if one strips away the veneer of the Doctrine of Discovery, which is at the core of state legitimacy, states are left with little other than coercive measures and legal fictions in their often violent engagements with Indigenous nations. For the previously mentioned reasons, there is an urgency to the cross-comparative conversations in Woons' edited volume, which also serves as an important primer on the global self-determination discourse.

While the 2007 adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) signalled a profound change for some (Henderson 2008; Anaya 2009), for others it offers new glimpses into ongoing processes of shape-shifting colonization via the rights discourse (White Face 2013; Kulchyski 2013) and the politics of recognition (Coulthard 2014). Ultimately, self-determination is something that is asserted and acted upon by Indigenous nations, and not negotiated into existence or offered freely by the state. Community-driven processes of reinvigoration and reconnection are key focal points for this important volume, which identifies and examines the contemporary scope and terrain of self-determination struggles worldwide.

According to the late Mohawk scholar, Patricia Monture-Angus (1999: 8), "… self-determination is principally, that is first and foremost, about relationships." For Indigenous nations and peoples, self-determining authority is grounded in the complex interrelationships between land, culture and community. One finds the roots of resurgence and sustainable self-determination in the daily actions of Indigenous nations honoring and fulfilling their inherent responsibilities. It is these everyday acts of resurgence, which coalesce around land-based governance, treaties, food sovereignty, language, extended kinship relations, restoration of land-based and water-based cultural practices, etc., that renew Indigenous commitments to

nurturing and honoring the relationships that promote the health and well-being of their communities. One cannot compartmentalize or simply focus on one dimension of self-determination without taking the other community-related factors into account. This is one reason why *Restoring Indigenous Self-Determination* widens its scope when discussing Indigenous self-determination in order to encompass questions of health and well-being as well as digital forms of self-determination.

Unfortunately, despite being formally renounced, the Doctrine of Discovery is still alive and well in state practice. Whether under the guise of globalization or the rights regime, colonial entities seek new ways to justify their encroachments onto Indigenous homelands via bioprospecting as well as extractive practices in the name of 'green energy'. Fortunately, for every new iteration of the colonial Doctrine of Discovery, Indigenous peoples have their own version of a *Doctrine of Recovery*. An Indigenous Doctrine of Recovery operates on at least two levels as: 1) place-based peoples and communities seeking recovery *from* the trauma of ongoing colonial violence; and, 2) simultaneously promoting the recovery *of* Indigenous knowledge and practices through reconnections with land, culture and community. So I challenge readers to fully engage with the theoretical concepts and practices presented in this edited volume, such as anti-extractivism and Abya Yala, and begin to understand how Indigenous peoples' lives and self-determining authority extend far beyond that of the state.

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Introduction

On the Meaning of Restoring Indigenous Self-Determination

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What does it mean *to restore*? The *Oxford English Dictionary* (1989) offers over a dozen definitions. Almost all are used within Indigenous self-determination discussions in one way or another, in good ways and in bad ways. The different meanings of the word, I suggest, belong to four definitional categories that help explain what restoring Indigenous self-determination is, and is not, about.

Before looking at each in turn, it is important to recognize that Indigenous self-determination is not something that has been lost or destroyed. Instead, centuries of colonization has set in motion events and created circumstances that have forced Indigenous peoples to adapt in how they assert their authority to self-determine within their homelands. Though I expand on what this might mean, restoring Indigenous self-determination broadly encompasses many approaches pursued within and against modern states that all too often perpetuate colonialism by ignoring – or even promoting – its logic and effects. The idea that states should recognize Indigenous nations fails to go far enough time and again. Sometimes it is even used to co-opt or promote inadequate compromises that fall short of the full implications of what justice entails. Thus, restoring Indigenous self-determination must also – or primarily – be about Indigenous peoples asserting themselves and promoting healing from within.

The first definition speaks foremost of the need to make it as if nothing ever happened by giving something back: “to return to the original position”, “to bring into existence again,” or “to bring back to the original state.” Let’s call this the *return* definition. A second definition recognizes how idealistic this can often be, suggesting instead that we strive “to bring it as nearly as possible to its original form” while acknowledging a residual need “to compensate.” This is the *restitution* definition. Still an effort to give back, it recognizes that things have changed, making it either unfeasible or

undesirable to return to the original state. The third and fourth definitional categories speak to moral motives for returning or pursuing restitution. One speaks to those whose actions established a need "to set right", which in the most serious of cases is necessary "to free [themselves] from the effects of sin." I call this the *reconciliation* definition, emphasizing a duty to take rectifying action. The final category speaks to addressing the intended recipient's resulting predicament, suggesting that it is imperative "to revive", "to bring back mental calm", "to reinstate … dignity", "to bring … back to a healthy or vigorous state." Let's call this the *reinvigorate* definition.

A transitive verb, to restore also requires answers to questions like "what" and "who". Within this volume, self-determination answers the former question. Article 3 of the United Nations (UN) Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, states that "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (UN General Assembly 2008). It affirms a *political* claim previously extended only to (nation-)states in the analogous, and original, UN definition found in article 1, part 2 of the UN Charter (1945), which says: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace" (United Nations 1945). Yet, when the self-determination of states and that of Indigenous nations clash, as they typically do, the UNDRIP's article 46 suggests that the territorial integrity of the former be maintained at the expense of the latter (White Face and Wobaga 2013). Most notably, article 46 states, "Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States" (UN General Assembly 2008). Thus, the ability of Indigenous nations to use UNDRIP to challenge the power imbalance they are locked into with states has been truncated.

The "who" speaks to what it means to be Indigenous. Taiaiake Alfred and Jeff Corntassel believe that Indigenous peoples around the world – despite differing histories, socio-economic, and political positions – are united in "the struggle to survive as distinct peoples on foundations constituted in their unique heritages, attachments to their homelands, and natural ways of life … as well as the fact that their existence[1] is in large part lived as determined acts of survival against colonizing states' efforts to eradicate them culturally, politically and physically" (Alfred and Corntassel 2005: 597). The oppositional and political claims uniting Indigenous peoples, in short, stem largely from a shared desire to address historical *and ongoing* injustices committed in the

name of imperialism, colonialism, and other forms of domination perpetuated around the world. In response to these challenges, Thomas King succinctly describes the goal: "The fact of Native existence is that we live *modern* lives informed by *traditional* values and contemporary realities and that *we wish to live those lives on our terms*" (King 2012: 302, my emphasis).

So, does restoring Indigenous self-determination mean to return, to restitute, to reconcile, or to reinvigorate? In principle it can mean all four, though in practice they are never applied in equal measure because of differing political circumstances. The idea of return, taken literally, is generally weaker than the idea of restitution. Despite the fact that some scholars incorrectly believe most Indigenous peoples want to return to an unattainable past (e.g., Cairns 2000), the opposite is much closer to the truth. Most are astutely aware that time only moves forward and that self-determination will invariably look different now and into the future than it did before external interference took place. King, to use the example at hand, focuses on living *modern* lives that *honour* past traditions and values. This is very different than trying to live in the past. We will never return to a time when Indigenous peoples clearly lived on one side of the river, ocean or mountain and non-Indigenous peoples on the other. Colonisation and imperialism's impacts cannot simply be reversed, so we have to move forward by identifying and challenging ongoing injustices (Tesoriero and Ife 2006; Hall 2006). Yet, the idea of return does have a conceptual place in the discussion. For instance, centuries of colonialism may have left its mark on Indigenous lands so that they can't be returned in the original condition, control over the land can be returned. Such control may not always equate to total autonomy, but following the principle of returning Indigenous priority is indeed possible.

The idea of restitution might do better to reflect colonialism's lasting and irreversible impacts. Yet, it raises serious questions. What are the reasons for restitution? What would fair restitution entail? Who should receive restitution? How would it be determined? The list of questions is a lengthy one. Here, very different perspectives emerge between Indigenous and non-Indigenous peoples. Whereas the former assert their inherent authority to self-determine, demand self-determination as a right, demand recognition of prior sovereignty, and demand respect for historical agreements, the latter typically believe that these claims should be reduced in favour of more limited state recognition and greater forms of redistribution in the form of funding or access to state programs. In other words, the non-Indigenous majority controlling the state often expects Indigenous peoples to forego the full normative implications of their claims and to accept forms of assimilation into state institutions as forms of restitution. To the extent that this is promoted, Indigenous self-determination is denied. It would seem that a more just starting point would require greater consideration of what Indigenous peoples

themselves view as fair in cases where disagreement prevails given that it is they who have been disempowered. In such cases, even the existence of the state itself as the arbiter of claims and dispenser of recognition is rightfully questioned.

The disconnect between what colonial states propose and what Indigenous self-determination requires can be at least partially explained by the third and fourth definitional categories, which speak to moral motivations. Against arguments to the contrary, settler majorities typically find reason to minimize their obligations toward Indigenous peoples. Their general self-interest cuts against the idea of setting things right or freeing the state from the effects of sin, to paraphrase the earlier definition. Most contemporary settlers, who benefit from colonial histories that saw them gain land at the expense of Indigenous peoples, believe that they should not pay for the deeds of their ancestors. For instance, Canadian courts have at times gone quite far in promoting moral arguments that support Indigenous self-determination and access to traditional territories, but politicians typically respond by dragging their feet and doing as little as possible (e.g., see Harty and Murphy 2005; Hoehn 2012). Settler populations generally find ways of convincing themselves that no sins have been committed or that time has closed old wounds. On the whole, this affirms for Indigenous peoples that they simply can't expect dominant states to act without pressure, whether through state institutions, civil actions, or international pressure. This is not to say that a sense of moral obligation never exists on the part of states, but that even when it does it typically falls far short of full and equal self-determination for Indigenous peoples.

The idea of reinvigoration comes closest to the heart of what it means to restore Indigenous self-determination, giving the other definitions vigour and a sense of direction and purpose. It is beyond doubt that state- and nation-building efforts have marginalized and ultimately sought to destroy many of the Indigenous nations present in all regions of the world. Beyond the need for dominant groups to cleanse themselves of the effects of historical and ongoing injustices is the paramount need to "bring back a healthy and vigorous state" for every Indigenous person and within all Indigenous communities. Restoring the health and well-being of Indigenous communities involves breaking free from the various forms of dependency – financial, psychological, physical – created by colonialism and colonial institutions (Alfred 2009). Though external support and respect can make a tremendous difference, another aspect is positive transformation and decolonization within the communities themselves. This requires aspects of the previous three definitions, but should not be limited to them. Clearly, expecting non-Indigenous peoples to support the steps necessary to revitalize Indigenous communities, especially when it threatens their own self-interest and

perception of the world, seems an unlikely avenue. Therefore, Indigenous peoples are all too often forced to focus on asserting their claims – rooted in principles of equal self-determination, prior occupancy of lands, and colonial histories – primarily outside existing state and global institutions. Although this sometimes leads states to respond using violence, the act of resisting itself – apart from the small and not so small victories – seems to help reinvigorate people individually and collectively. This is primarily because assimilating or waiting in vain both fail as options that provide any form of restoration understood as reinvigoration. In summary, we all have a role to play in reinvigorating Indigenous peoples, though how this will come about remains an open question.

The idea of restoring Indigenous self-determination clearly involves complex and inter-related debates about what self-determination means and how states and Indigenous peoples can take the steps necessary for achieving it. It also involves debates about the many facets just discussed on why self-determination is required and how we can usher in a new era where Indigenous peoples once again enjoy the same freedoms currently enjoyed only by dominant nations who monopolize access to lands, resources, and institutional power through state and, increasingly, international institutions like the World Bank, International Monetary Fund, and so on. In other words, it requires looking at the many ways that the idea of restoring plays out politically through returning – or promoting restitution for – what continues to be taken from Indigenous peoples. It involves promoting justice-based arguments that will awaken non-Indigenous peoples to the historical realities at the same time as Indigenous peoples continue to assert themselves and revitalize their communities at all levels and through a variety of channels, including those that come from within.

The above is purely an introduction to the types of issues covered within this volume. It is only the tip of an iceberg that is more thoroughly described by the dozen contributors who provide clearer answers to who is Indigenous, what it means to restore Indigenous self-determination, and why it is important. Most use specific examples from different parts of the world to highlight the various theoretical issues raised as Indigenous struggles evolve in different contexts. All the authors seem to challenge, in one way or another, the state-centric model and its strong tendency to marginalize and exclude Indigenous peoples from their lands and the political processes affecting them. The ultimate purpose of this volume is to share ideas on how to restore greater balance so that Indigenous peoples around the world find their place among an international community that recognizes and respects their differences and treats them as equal members. With this shared focus at the forefront of the volume, it is an honour to introduce the twelve papers within this volume that I believe highlight many paths that can take us there.

This publication begins with Ravi de Costa's overview of the different ways states define who is Indigenous. In looking at state policies from every continent, he points out three general patterns that sometimes coexist. In some cases, states use culture or descent, while in other cases they provide greater space for self-definition. Though the latter is more in line with principles of self-determination, he suggests that there does not appear to be a trend in this direction, at least that can be separated from the more overarching need to reconstruct Indigenous-state relations.

Manuela L. Picq examines the relationship between Indigenous politics and International Relations (IR) through the lens of anti-extractivist movements. Drawing primarily on South American examples, she suggests that greater consideration must be given to the place of such movements within IR debates. Whereas extractivist states typically overlook or seek to minimize Indigenous land claims, arguing that such lands are empty and therefore exploitable, Indigenous anti-extractivist assertions rooted in self-determination reveal the limits of the state-centric model, both in theory and in practice. In that sense, Indigenous claims to self-determination call for a reconceptualization of disciplinary canons that perpetuate Westphalian notions of sovereignty.

In his piece, Michael Murphy studies the link between self-determination and Indigenous health and well-being. To show that there is a strong possibility that such a connection exists, he draws on recent empirical studies that suggest people who do not have control over their own lives tend to have poorer health outcomes. Consequently, restricting Indigenous self-determination both causes and sustains tremendous health disparities between Indigenous peoples and the non-Indigenous peoples they live alongside.

Tim Rowse's contribution investigates how Indigenous peoples adapt within contexts not of their own making. Studying the last two centuries of Aborigine-state relations in Australia, Rowse looks at the changing ways Aborigines have envisioned their futures over time and how, in certain instances, what seemed like positive steps actually limited Indigenous autonomy and development. This leads him to conclude that greater awareness of historical processes is vital to promote a vision of self-determination understood as self-transformation, whereby Indigenous peoples can more freely promote their interests as they regain access to traditional territories.

Marisa Elena Duarte challenges the idea that Indigenous peoples are have-nots in using information and communication technologies (ICTs). She

highlights examples where Indigenous peoples use ICTs to develop their own transnational networks and use existing information and technologies to further self-determination and Native ways of knowing. In this way, a greater understanding of the relationship between Indigenous knowledge and the use of ICTs sheds light on what self-determination means in our globalizing world.

Using the case of the Māori, the Indigenous inhabitants of what is more commonly known as New Zealand, Dominic O'Sullivan defends a "liberal theory of indigeneity" rooted in Nancy Fraser's idea of "participatory parity." Such a theory would grant the Māori greater influence in shaping the shared public life of the state at the same time as granting them greater forms of autonomy. This is in contrast to "biculturalism," the predominant view existing within New Zealand since the 1980s, which O'Sullivan believes has not protected the Māori against the "tyranny of the majority" or extended autonomy to its full reasonable extent. The "liberal theory of indigeneity" provides an alternative that better distributes power and authority within the state in a more inclusive manner.

Roderic Pitty discusses the reluctance that states have in implementing the UNDRIP, suggesting that it has so far proven to be a symbolic moral gesture which has yet to change relations of domination. Drawing on the highly influential idea of self-determination understood as relational autonomy or non-domination (as opposed to non-interference), an idea most notably put forth by Iris Marion Young and akin to Nancy Fraser's idea of participatory parity mentioned in the previous article, Pitty believes that third-parties need to be used in difficult cases, such as in Australia (as well as Canada, New Zealand, and the United States), where states refuse to seek Indigenous consent for state-wide institutions by renegotiating the political relationship. This rests on the belief that progress is directly related to the amount of external pressure placed on states.

Also introducing the idea of relational self-determination, Else Grete Broderstad develops a four-stage framework for understanding and evaluating greater forms of self-determination granted to the Sāmi in Northern Norway. She shows how each step brought the Sāmi closer to realizing a relational vision of self-determination whereby they gained more effective forms of decision-making alongside the non-Sāmi majority in shared decision-making institutions, and greater forms of institutional autonomy, primarily through the creation of the Sāmi Parliament. Though there is still some way to go, political participation in various institutions – including the international – is required to promote greater dialogue and agreement between the Sāmi and the Norwegian state.

Hassan O. Kaya, in his piece, questions the proper place of external knowledge systems in African indigenous societies and environments. He urges Africans to resist the quick solution of importing Western knowledge systems, which often leads to solutions that are inappropriate or insensitive to local needs and conditions. Instead, important local issues like environmental sustainability demand that African Indigenous Knowledge Systems are strengthened and spread through educational institutions that foster positive interactions with imported knowledge systems.

In the first of two articles on Tibet and its Indigenous people, Michael Davis outlines inconsistencies with the People's Republic of China's position. On the one hand, they voted to support the UNDRIP in 2007. On the other, they declared that no Indigenous peoples lived within China's borders. Davis points out inconsistencies within China's position by looking at not just the contents of the UNDRIP, but also agreements between China and Tibet, as well as their own internal documents and standards in recognizing autonomous regions like Hong Kong. Davis believes China has taken a strong colonial position with respect to Tibet, fuelling international skepticism about China's rise.

Rob Dickinson's article on Tibet focuses on understanding why Tibet has had so little success in promoting greater self-determination for its people. He notes that successful self-determination movements, such as in Kosovo and Bangladesh, seemed to require levels of violent rebellion that Tibetans refuse to pursue. Moreover, the international community seems less willing in the Tibetan case to face China because of its increasing strength, leading to a vastly different outcome than in places like Egypt or Libya. He mentions new possibilities offered by social media, though this does not seem capable of compensating for a lack of international support.

The Publication closes with Emilio del Valle Escalante's introduction to the concept of Abya Yala and two movements that seek to promote its aims. Abya Yala refers both to the entire continent of America, and speaks to the need for Indigenous self-expression as a means of counteracting centuries of imperialism, colonialism, and domination. The Zapatistas are the subject of the first case, highlighting an example of an Indigenous struggle that rejects electoral politics and directly asserts the need for greater autonomy from the nation-state and its colonial biases. The second example is that of the Movement Toward Socialism in Bolivia, which successfully pursued electoral politics when Evo Morales was elected President in 2006. In the final case, President Morales has struggled to steer a path free of colonial biases. Despite their differences del Valle Escalante believes that both cases highlight important debates and struggles that are necessary to achieve Indigenous self-determination in the Abya Yala project.

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Endnotes

1. On the same page, Alfred and Corntassel describe this as a place-based existence. Speaking to the critical importance of this dimension, they state, “it is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world” (Alfred and Corntassel 2005: 597).

1

Self-Determination and State Definitions of Indigenous Peoples

RAVI DE COSTA
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This article takes up several themes of the volume through a consideration of the ways that states define Indigenous peoples in law and administrative practice. It is based on an unfolding project that seeks to provide a comprehensive survey of state practice. Currently, it draws on a study of over 20 states in all regions of the world. These definitions are highly variable, while at the same time they reveal certain consistencies that are driven by both historical choices and persistent cultural assumptions.

Of course, the core of this volume is Indigenous self-determination. The continuation of colonial and often arbitrary systems of state definition is irreconcilable with any serious understanding of self-determination; this is even more relevant since the passage of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN General Assembly 2008). Systems of definition create regimes in which states both apportion entitlements to Indigenous persons and communities – including specific welfare and social policy measures, land rights, and distinct political or electoral status – as well as subject them to specific rules. The specific histories of these regimes originate in the administrative needs of colonial powers, not those of Indigenous communities themselves. As such, these are now institutions that simultaneously promote and constrain Indigenous self-determination (Povinelli 2002; Merlan 2009). A paradox of late colonialism is that many of these rules have been devolved to Indigenous communities themselves, such that decisions over *membership*, if not *definition*, are, in some places, now in their own hands.

At a high level of generalization, we can see three broad characteristics with

which state definition practices and regimes might be explained. These are: the use of varied notions of *culture*, including a range of environmental and economic practices; the idea of *descent* from a population clearly identified and recorded at an earlier time; and the already mentioned recent shift to systems where communities have control over membership. Often community control over membership reinforces earlier systems of definition based on descent or cultural attributes. The following examples of these characteristics are drawn from a much longer work, in which the context of each state is more fully provided, with some states employing multiple and overlapping approaches (de Costa 2014).

The use of "culture" as a defining characteristic of sub-state populations is not a straightforward matter. In the contemporary world, the effects of human mobility and inter-marriage, as well as socio-cultural change, make many strict criteria seem archaic at best, racist and absurd at worst. In many cases, they attempt to offer simple and static categorizations for complex and dynamic social realities. This is the case in the Scandinavian countries, where Sámi status is partly determined by the use of Sámi language in the home; other entitlements in Norway and Sweden are reserved for those whose livelihoods rely in part on reindeer herding (Norway 1987; Sweden 1992).

Several other states use economic criteria, such as Kenya, where an Indigenous community "has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy" (Kenya 2010: 162–3). Taiwan's Indigenous Peoples Basic Law envisages communities "[h]unting wild animals; Collecting wild plants and fungus; Collecting minerals, rocks and soils; Utilising water resources… [all of which] can only be conducted for traditional culture, ritual or self-consumption" (Taiwan 2001).

Latin American countries have adopted definitions that appear more attentive to the particularity of Indigenous identities and are more at ease with the concept of "pluri-national" states. Bolivia's constitution, for example, describes the shared "world vision" of the "Indigenous peasant nation"; in Guatemala, as part of the conclusion to the country's conflict in May 1995, an agreement was reached between the Government of Guatemala and the guerrillas of the Unidad Revolucionaria Nacional Guatemalteca that set out the Mayan peoples' "world vision… based in the harmonious relations of all elements in the universe" (Guatemala 1995; Sieder 2011: 252–4). Numerous Latin American states – like Mexico, Peru, Colombia, Bolivia, and Ecuador – draw into their definitions of Indigenous peoples' rights and identities a recognition of existing or traditional Indigenous political orders and authorities that have governed specific territories.

Some states maintain unreconstructed views of Indigenous peoples as isolated anachronisms. Russia's defining law speaks of "numerically-small indigenous peoples" and creates an arbitrary upper population limit of 50,000 people (Shapovalov 2005). India's definition of "scheduled tribes" places them in a broader category of "backward classes," and its Ministry of Tribal Affairs uses administrative criteria that include "primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness" (India n.d.).

However, numerous states use relative criteria, defining Indigenous peoples based on certain differences from a putative mainstream population. Indigenous peoples in the United States seeking recognition as "federally recognized Indian tribes" need to establish a continuity of distinctiveness and autonomy (Quinn 1990). Brazil's agency for Indigenous peoples, the Fundação Nacional do Índio, draws its idea of indigeneity partly using a relation to non-indigenous communities, such that an Indigenous person is "any individual Indian recognised as a member for a pre-Columbian community who identifies and is considered so by the Brazilian (i.e., non-Indian) population with whom they are in contact" (Brazil n.d.).

Possibly the most common feature of state definitions is the relational quality of priority: that a given Indigenous community will be able to trace its history to the time before the arrival of a colonial power and a settler society. Of course, this is not a definition based in culture, but in descent.

States that rely on descent include the United States, which has a highly bureaucratized system that uses "base rolls," enumerations of Indigenous populations done in the 19th and early 20th centuries, from which contemporary adjudications of status are determined (Thornton 1997; Gover 2011). These were contentious at the time and now give rise to elaborate and sometimes divisive regimes which measure "blood quantum" to determine membership (Garroutte 2003). Canada is quite similar to this model, having begun to enumerate Indigenous people from the 1850s; in place now is a regime defining "registered" or "status Indians" (Canada 2013). This system has been revised significantly as social norms evolved. Litigation since the 1980s has sought to remove gender discrimination, by which an Indigenous woman and her children were discriminated against if she "married out," though this remains a source of controversy (Grammond 2009).

Some states have dabbled with even more scientific approaches to descent. For example, the states of Vermont, in the United States, and Tasmania, in Australia, both proposed genetic testing of Indigenous peoples (Gardiner-Garden 2003). Such approaches are highly resisted and there is strong

global opposition to the documenting of Indigenous peoples' DNA for purposes such as the documenting of the history of human evolution (Harry 2013).

The devolution of definition systems is also now established in numerous states. Quite often this is the result of comprehensive negotiations between states and specific Indigenous communities at different historical periods, resulting in treaties and final agreements (Gover 2011). This is true in parts of the "settler states" of the United States, New Zealand, Australia, and Canada. Such negotiations, by bracketing lands and resources for specific Indigenous communities, appear to have created incentives for those communities to delimit their populations in ways that reproduce strong or exclusionary notions of descent and/or culture.

Numerous states incorporate the need for Indigenous individuals to self-identify as well as to be recognized by an Indigenous community. This is the case in Australia, though such communities themselves are understood primarily in terms of descent (Australia 1986). Indeed the interaction of the categories of cultural difference and descent in states' determination of who is entitled to resources or services is a recurrent part of Indigenous life today.

A key question for both states and Indigenous peoples is how to respond to the dynamism of contemporary Indigenous life, given the sedimentary effects of centuries of colonial population management. In many settler states, histories of child removal and community dislocation have resulted in recent efforts to reconnect individuals to their communities and identities with concomitant effects on population numbers; birth rates in many Indigenous communities are frequently much higher than amongst the neighbouring or dominant societies. In an era of global austerity and neoliberal social policies, these phenomena create incentives for states to continue devolving membership rules while maintaining or reducing resources per capita; it places communities under great pressure to exclude and more vigorously police their own borders.

A persistent question about globalization is its assumed tendency to homogenize, erasing local variety and difference. One scholar has suggested that there is an inevitable trajectory which will see the growth of self-definition and thereby variety (Beach 2007); this is an expectation of numerous articles in UNDRIP, which, though it provides no definition, has much to say about the power of definition (UN General Assembly 2008).

Article 3 of the Declaration endorses Indigenous peoples' rights of self-determination, and subsequent articles declare that this encompasses the

rights to autonomy and self-governance, to their own political institutions, and to a nationality. Article 9 prohibits discrimination against Indigenous peoples' right to belong to an Indigenous community, "in accordance with the traditions and customs of the community or nation concerned". Articles 18-20 entrench a right to Indigenous institutions. Most critically, Article 33 provides that "Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live… Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures." In the aspirations set out in UNDRIP and endorsed by most states, there would seem to be little role for the state in *defining* who is or is not an Indigenous person.

In another work, I have examined early signs of states' adoption of UNDRIP principles (de Costa 2011). However, what this ongoing survey of states across all inhabited continents and regions is revealing is a patchwork of practices that are shaped by the specific local histories in each territory, colony, and state, as well as the relative political power of the Indigenous communities in each territory. States use both criteria of descent and cultural difference, with some giving greater weight to communities themselves in regulating their own memberships. It is, though, far from evident that there is an emerging and inevitable trend for states to completely devolve the power to define Indigenous peoples to those peoples affected. Autonomy over legal and political identities for Indigenous peoples is likely to come as part of a complete reconstruction of Indigenous-state relations, and not prior to such an occurrence.

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2

Self-Determination as Anti-Extractivism: How Indigenous Resistance Challenges World Politics

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Indigeneity is an unusual way to think about International Relations (IR). Most studies of world politics ignore Indigenous perspectives, which are rarely treated as relevant to thinking about the international (Shaw 2008; Beier 2009). Yet Indigenous peoples are engaging in world politics with a dynamism and creativity that defies the silences of our discipline (Morgan 2011). In Latin America, Indigenous politics has gained international legitimacy, influencing policy for over two decades (Cott 2008; Madrid 2012). Now, Indigenous political movements are focused on resisting extractive projects on autonomous territory from the Arctic to the Amazon (Banerjee 2012; Sawyer and Gómez 2012). Resistance has led to large mobilized protests, invoked international law, and enabled alternative mechanisms of authority. In response, governments have been busy criminalizing Indigenous claims to consultation that challenge extractive models of development. Indigenous opposition to extractivism ultimately promotes self-determination rights, questioning the states' authority over land by placing its sovereignty into historical context. In that sense, Indigeneity is a valuable approach to understanding world politics as much as it is a critical concept to move beyond state-centrism in the study of IR.

The Consolidation of Indigenous Resistance against Extractivism

Indigenous peoples are contesting extractive projects in various, complementary ways. Collective marches have multiplied as an immediate means of resistance throughout the Americas. In 2012, the Confederation of

Indigenous Nationalities of Ecuador led thousands of people on a 15-day, 400-mile March for Life, Water, and the Dignity of Peoples, demanding a new water law, the end of open-pit mining, and a stop to the expansion of oil concessions. Within days, a similar mobilization took over Guatemala City. The Indigenous, Peasant, and Popular March in Defense of Mother Earth covered 212 kilometers to enter the capital with nearly 15,000 people protesting mining concessions, hydroelectric plants, and evictions. In Bolivia, various marches demanded consultation as the government prepared to build a highway within the Indigenous Territory and National Park Isidoro Sécure (TIPNIS). From Canada's Idle No More movement to the protests against damming the Xingú River Basin in Brazil, Indigenous movements are rising and demanding they be allowed to participate in decisions affecting their territories.

Protests are at the core of global Indigenous agendas. In 2013, the Fifth Continental Summit of Indigenous Peoples of the Abya Yala encouraged communities to step-up resistance in light of the threat posed by state-sponsored extractivism. This is what Indigenous women were doing when they walked from Amazon territories to Quito, Ecuador, denouncing government plans to drill without consultation in the Yasuní reserve. Local protests are not trivial or irrelevant in world politics. Rather, they are part of a larger effort to transform local concerns into international politics.

Indigenous peoples have remarkable expertise in international law and are savvily leveraging their rights to consultation and self-determination guaranteed in the ILO Convention 169 (1989) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN General Assembly 2008). They have won emblematic legal battles at the Inter-American Court of Human Rights (IACHR), at times obliging states to recognize Indigenous territorial authority. In the decade-long case of *Sarayaku v. Ecuador*, the IACHR upheld the right of free, prior, and informed consent with a binding sentence against the Ecuadoran State for allowing a foreign oil company to encroach on ancestral lands without consultation during the 1990s. A 2011 petition by communities of the Xingú River basin led the IACHR to order Brazil's government to halt the construction of the Belo Monte Dam. The Mayan Q'eqchi' expanded jurisdiction by taking Hudbay Minerals to Court in Canada for crimes committed at an open-pit nickel mine in Guatemala. In Canada, two Manitoba First Nations used their own legal systems in 2013 to serve eviction notices to mining companies operating illegally on their land.[1]

International pressure is significant, yet states frequently eschew what they perceive to be uncomfortable mechanisms of accountability. Courts may validate Indigenous resistance, and UN reports warn against the catastrophic

impact of extractive industries, but Brazil continued to build the Belo Monte Dam and Peru's government did not consider suspending the Camisea gas project of drilling 18 wells on protected territories that have been home to Amazonian peoples in voluntary isolation (Feather 2014). Nevertheless, states that evade prior consultation obligations only foster Indigenous inventiveness. In the absence of official mechanisms of consultation, people establish autonomous ones. Local communities of the Kimsacocha area took matters in their own hands after years of being ignored, demanding Ecuador's government consult them on a mining project in the highlands. In 2011, they organized a community-based consultation without the authorization of the state that was nevertheless legitimized by the presence of international observers (Guartambel 2012). The community voted 93% in favour of defending water rights and against mining in the area. Autonomous forms of prior consultation are increasingly common in Latin America. In Guatemala alone, there have been over sixty community-based consultations since 2005 (MacLeod and Pérez 2013).

Contesting States of Extraction

Indigenous resistance has been the target of severe government repression, ranging from judicial intimidation to assassinations of activists. Mobilizations against the Congo mine in Cajamarca, Peru, led President Ollanta Humala to declare a state of emergency and unleash military repression. An estimated 200 activists were killed in Peru between 2006 and 2011 for resisting extractivism (Zibechi 2013). Colombia's government, in turn, declared protests against the mining industry illegal. In Ecuador, about 200 people have been criminalized for contesting the corporatization of natural resources. Many have been charged with terrorism. Violent repression against TIPNIS protesters in Bolivia revealed that even Evo Morales, Latin America's first elected Indigenous president, is willing to use force to silence demands for consultation. Various activists opposing the multinational mining giant AngloGlod Ashanti have been assassinated. Argentina's Plurinational Indigenous Council, which calls for an end to extractivism, has recorded eleven assassinations since 2010. The Observatory of Mining Conflicts in Latin America (OCMAL) estimates there are currently 195 active conflicts due to large-scale mining. Peru and Chile lead the list with 34 and 33 conflicts respectively, followed by Mexico with 28, Argentina with 26, Brazil with 20, and Colombia with 12. Mega-mining alone affects nearly 300 communities, many of which are located on Indigenous territories.

This wave of intense criminalization indicates the expansion of the extractive frontier. In Peru, where anti-extractivist unrest toppled two cabinets under the Humala government and led to the militarization of several provinces, mineral exploration expenditures increased tenfold in a decade. In 2002, 7.5 million

hectares of land had been granted to mining companies; by 2012 the figure jumped to almost 26 million hectares, or 20% of the country's land. Nearly 60% of the province of Apurímac has been granted to mining companies. In Colombia, about 40% of land is licensed to, or being solicited by, multinational companies for mineral and crude mining projects (Peace Brigades International 2011). According to OCMAL, 25% of the Chile's territory was under exploration or operation as of 2010. In 2013, Mexico's government opened the state-controlled energy sector to foreign investment, changing legislation to allow private multinationals to prospect for the country's oil and natural gas resources for the first time since 1938.

The problem is that governments are largely licensing Indigenous land. In 2010, the UN Permanent Forum on Indigenous Issues reported that Colombian mining concessions had been awarded in 80% of the country's legally recognized Indigenous territories. Colombia's government has 8.8 million hectares of Indigenous reserves designated as oil areas and granted 168 mining licenses on Indigenous reserves in 2011. Extractive industries lead to evictions, toxic waste, and resource scarcity, creating conflicts over water, soil, and subsoil. Open-pit mining uses unsustainable amounts of water. The controversial Marlin mine, partly funded by the World Bank in 2004, and today fully owned by Goldcorp, uses in one hour the water that a local family uses over 22 years (Van de Sandt 2009).[2] In Chile, mining consumes 37% of the electricity produced in the country – which will reach 50% in a few years – compared to 28% for industry and 16% for the residential sector. This requires the Chilean State to continually expand energy sources, thereby accelerating displacement and the transfer of agricultural land to hydroelectric projects.

Conflicts against extractivism should not be dismissed as only concerning Indigenous peoples. They encompass larger debates about the role of extractivism in politics and contest a development model based on the corporatization of natural resources. In particular, they reveal the continuous role of resource exploitation as a strategy to finance states. Governments are prioritizing extractive industries as key engines of growth, although there is ample evidence that extractive industries create relatively few jobs. President Juan Manuel Santos promised to turn Colombia into a mining powerhouse because it attracts quick investment. Opening Ecuador to mega-mining financed much of President Correa's third re-election. In fact, his unexpected policy shift to approve drilling within the Yasuní Reserve is explained largely by his government's urgent need for cash. China, which holds over 35% of Ecuador's foreign debt and financed 12% of its budget in 2013, buys about 60% of the country's oil and is expected to pre-buy Yasuní oil (Guevara 2013).

Indigenous claims against extractive projects contest a world system based on predation and usurpation. In Guatemala, mining is managed by long-standing political elites and inscribed in the colonial genealogy of power. In many instances, the entrepreneurs promoting mining today are the scions of the same oligarchical families that have controlled Indigenous land and peoples for centuries (Casaús 2007). The political economy of extractivism encompasses global inequalities of exploitation, within and among states. About 75% of the world's mining companies are registered in Canada, and most operate in the so-called Global South (Deneault et al. 2012). Extractive industries in the North rely on alliances with national elites to exploit natural resources of peoples and places historically marginalized from power politics.

Indigeneity as a Way to Rethink International Relations

Claims against extractivism are ultimately claims to the right of self-determination. The unilateral expropriation of land for mining today is a continuation of the Doctrine of Discovery. It conceptualized the New World as *terra nullis*, authorizing colonial powers to conquer and exploit land in the Americas. It also paved the way for a paradigm of domination that outlasted colonial times to evolve into a broader – and more resilient – self-arrogated right of intervention embodied by the modern state (Wallerstein 2006). Today, the idea of "empty" lands survives in extractivist practices. Large-scale mining by multinational corporations perpetuates the human abuse and resource appropriation initiated by Spanish colonizers centuries ago in the Bolivian mines of Potosi. International rights to self-determination may have replaced Papal Bulls, yet the political economy of looting natural resources on Indigenous lands continues, now in the name of development.

In this context, Indigeneity is a privileged site for the study of international relations. First and foremost, the extent and sophistication of Indigenous political praxis is relevant to any explanation of world politics. The rise of anti-extractivism as a politics of contestation against state exploitation calls for alternative sites of governance, such as the Inuit Circumpolar Council (Shadian 2013). Indigenous claims are shaping political practice, framing international legislation, and destabilizing assumptions about stateness. They seek the redistribution of rights as much as the uprooting of the concentration of power in the state. In that sense, Indigenous claims to consultation challenge the authority of states over natural resources as much as Westphalian forms of sovereignty.

Second, Indigeneity disrupts state sovereignty (Ryser 2012). The UNDRIP became the longest and most hotly debated human rights instrument in UN history because the expansion of Indigenous rights is intrinsically related to

issues of state authority over territory. Rights to self-determination entail the recognition of plural forms of territorial authority in competition with states. Indigeneity is attributed to peoples who have historically been excluded from projects of state-making. Yet it contributes much more than making visible historically excluded groups. It refers to a politics that both precedes the state and lies outside of it. It is the constitutive "other" of the modern state, marked by a co-constitutive history that explains why Indigenous politics vary depending on different processes of state-formation. Consequently, Indigeneity is vital to a discipline dedicated to studying relations among states precisely because it is intrinsically related to state-formation. Standing outside of, and prior to, the state makes Indigenous standpoints valuable in terms of thinking critically about world politics and imagining what post-national political assemblages may look like (Sassen 2008).

Finally, Indigeneity is a strategic perspective in expanding scholarly debates on what *constitutes* IR. Indigenous experiences complement and broaden official national histories with forgotten or repressed narratives (O'Brien 2010), thus expanding methodological assumptions on how to do IR (Jackson 2010). Its precedence over the modern state encompasses alternative worldviews to think about the international beyond stateness. Indigeneity thus defies core epistemological foundations about power. In particular, it historicizes the state and sovereignty, moving away from Eurocentric conceptions of the world (Hobson 2012) and breaking with the discipline's unreflective tendencies (Tickner 2013). The vibrancy of Indigenous struggles not only confirms the inadequacy of the state, echoing calls to provincialize Europe's political legacies (Chakrabarty 2000), but it also provides concrete experiences of what the international can actually look like within and beyond the state (Tickner and Blaney 2013). Indigeneity is therefore doubly valuable for world politics. In addition to contributing alternative praxis of the international, it instigates critical theory to expand disciplinary borders.

Conclusion

Indigeneity is a valuable category of analysis for world politics. Indigenous experiences offer a fuller understanding of the world we live in. Integrating indigenous perspectives in the study of IR speaks to the ability to extend our political practice beyond the ivory tower. It is not a category of analysis that concerns merely Indigenous peoples, just as racism is not a matter for people of African descent only, or post-colonial studies the domain of previously colonized societies. The entire thrust of Indigeneity is that the non-state is the business of the state, and that there are alternative pathways available to decolonize the discipline.

Stripping IR of its state-centrism invites us to reflect upon the entrenched colonialism of international relations. Indigenous perspectives will hopefully inspire scholars to adventure beyond the conventional borders of the discipline. After all, opening an alternative locus of authority is nothing short of revolutionary.

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Endnotes

1. A delegation from the Red Sucker Lake First Nation descended on the work camp of Mega Precious Metals, Inc., a mineral exploration company, to stop them from working and demand that they vacate the land immediately. The Mathias Colomb First Nation issued a similar order to Hudbay Mining and Smelting Co., Ltd. and the Province of Manitoba.
2. According to the company's own social and environmental impact report, the Marlin mine consumes about 250 thousand liters of water every hour (MacLeod and Pérez 2013).

3

Self-Determination and Indigenous Health: Is There a Connection?

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Self-determination is not only a *basic human right* to which all peoples are entitled as a basic requirement of justice, it is also a *basic human need* to which all peoples can lay claim as a fundamental component of their well-being. In other words, I am committed to the view that when their basic need for self-determination is met, peoples' lives generally will go better, and when it is not, their lives generally will go worse. To give substance to this view, I will engage in a cross-disciplinary exploration of the relationship between self-determination and indigenous health outcomes. More specifically, I will explore the hypothesis that meaningful self-determination in the form of greater individual and communal life control is a contributing factor to improved levels of indigenous physical and mental health, and, conversely, that control and domination by others is a contributing factor to ill-health and elevated levels of mortality in indigenous communities worldwide.

There are many different ways of defining self-determination, but perhaps the most useful in this context is in terms of the theory of human capabilities. To enjoy the capability for political self-determination is to enjoy a meaningful measure of control over one's political environment or a capacity "to participate effectively in political choices that govern one's life" (Nussbaum 2008: 605). To be freely self-determining in the political sense is part of what it means to be capable of living a free and fulfilling human life, and as such is partly constitutive of individual well-being (Sen 1999: 36–7; 2001: 11). Amartya Sen, the primary architect of the capabilities approach, puts it thusly: "Human beings live and interact in societies, and are, in fact, societal creatures. It is not surprising that they cannot fully flourish without participating in political and social affairs, and without being effectively involved in joint decision making" (Sen 2002: 79). While self-determination is

most readily understood as an individual capability, my intention here is to focus on its significance as a collective capability, by which I mean a freedom whose nature "requires that it be sought in common" (Taylor 1994: 59).[1] Defined in these terms, self-determination is a capability that can only be realized in common by the members of a distinct political community, working together within shared political institutions to determine the laws and policies that will shape their individual and collective futures. The collective capability for self-determination encompasses the freedom to determine the character and boundaries of the political community itself, including the criteria for membership and political participation; the freedom to establish institutional mechanisms of collective deliberation and decision making that reflect one's own identity, language, and cultural norms; and perhaps most importantly of all, the freedom to make decisions that best reflect the values and priorities of the members of one's community in the absence of external interference or domination (Murphy 2014).

There is, in fact, a necessary interdependence between freedom as the capability for individual self-determination and freedom as the capability for collective self-determination, for it is simply illusory to speak of having meaningful control over the political decisions that govern our everyday lives within a political system imposed, by and largely, under the control of some external authority. Yet this is precisely the situation faced by most of the world's indigenous peoples, who have seen their collective capability for self-determination drastically restricted, if not effectively eliminated, as a consequence of colonization and modern state-building. The loss of self-determination has proven to be a source of intense frustration, anger, resentment, insecurity, and despair for indigenous peoples around the globe. It is also, in the eyes of many, one of the primary causal factors behind the tragic physical and mental health outcomes that plague indigenous communities virtually everywhere they are found, whether it be in the developing world or in the highly developed democracies of the modern West. How might these two phenomena be connected? What is it about the loss of self-determination that potentially leads to ill-health and premature mortality? One possible explanation is that indigenous communities that lack control, specifically over the administration and delivery of their own health services, enjoy poorer services leading to poorer health outcomes. There is some evidence to suggest that this is indeed the case, and that when indigenous peoples take greater control over health, this can lead both to better care and better health (Kalt 2008: 224–31; Dixon et al. 1998; Moore et al. 1990; Waldram et al. 2006: 276–8; Lavoie et al. 2010: 7). But is there something about the loss of political self-determination per se that is contributing to this ongoing health crisis? I believe there is, and recent research conducted in the fields of social epidemiology and social psychology helps us understand why this might indeed be the case.

I turn first to the research conducted by Michael Marmot and his colleagues on the social determinants of health inequalities. The first significant conclusion to emerge from this research is that inequalities in physical and mental health outcomes are strongly correlated with social and economic status. Specifically, people who enjoy higher social status generally have better health outcomes and people who enjoy lower social status generally have poorer health outcomes. The second key finding is that the explanatory link between health and status is autonomy: the degree of control people feel they have over their lives (Marmot 2004: 2). People with greater perceived control over their lives tend to be healthier, while those with lower perceived control tend to be less healthy. Lower perceived life control contributes to negative health outcomes both by influencing detrimental health behaviors (e.g. smoking, alcohol consumption, poor diet, physical inactivity) and through the production of chronic stress (Marmot and Bobak 2000: 133). The link between perceived control and health has been established in relation to a wide variety of health afflictions, including heart, lung and kidney disease, diabetes, mental illness, suicide, and deaths resulting from accidents and violence—the very same afflictions that are the leading causes of morbidity and mortality in indigenous communities worldwide (Marmot 2004: 6, 24; 2005: 1100–102). Marmot's research began with a focus on health in the workplace, but it has since expanded to cover a variety of different life domains and a variety of different interpersonal, social, economic, and political factors influencing health. In all of these domains, the conclusion that emerges is always the same: life control, or the capability "to lead the lives they most want to lead," is essential to people's health (Marmot 2004: 248).

A nearly identical message emerges from the research conducted by Richard Ryan and Edward Deci in the field of social psychology. Ryan and Deci are the originators of self-determination theory—an empirically derived theory of human development and well-being which identifies three basic psychological needs that "are universally required for humans to thrive" (Ryan and Sapp 2007: 75). First and foremost is the need for autonomy. To live autonomously is to live a life that is self-endorsed, a life that accords with one's genuine values and preferences. The opposite of autonomy is the feeling that one's life is being restricted, controlled, or dictated by forces that one does not freely or willingly endorse. The second is competence, which refers to our basic need to master certain skills or techniques that enable us to operate more effectively in the world and to achieve our desired ends in life. The third, relatedness, refers to our basic need for social connectedness, our need to feel a sense of belonging and a sense of importance to a larger social order or social grouping (Ryan and Sapp 2007: 75–6; Deci and Ryan 2012a). While each of these basic needs is essential to healthy development and psychological well-being, Ryan and Deci are unequivocal in their conclusion that none is more important than the need for autonomy (Ryan and Sapp

2007: 91). Self-determination theory has been empirically tested in a wide variety of social settings and environments, and these studies confirm that when any of these basic needs, especially the need for autonomy, is frustrated, psychological ill-health in the form of depression, anxiety, reduced self-esteem, feelings of hopelessness and passivity, and social dysfunction is the result (Ryan and Deci 2008; 2011).

The basic message that emerges from both of these research programs is that when people lack autonomy—when rather than feeling in control of their own lives, people instead feel that they are being controlled or dominated by others or by their social, economic, or political circumstances—their mental and physical health tends to deteriorate, and for those who feel the least autonomous, the outcomes are generally the worst (Marmot 2007: 1155–6; Ryan and Deci 2011: 59; Deci and Ryan 2012b: 85, 100–1). It should therefore come as no surprise that indigenous peoples, who are amongst the most socio-economically marginalized and politically disempowered peoples in the world, also have some of the worst health outcomes. And not only do indigenous people suffer from the same mental and physical ailments the foregoing theories would lead us to anticipate, they suffer, and die, from them disproportionately in comparison with the relatively more empowered non-indigenous populations with whom they co-exist (see, e.g. Marmot 2005: 1100–1). The ongoing denial of indigenous self-determination would therefore appear to be doubly destructive of indigenous health. It inflicts its damage, first of all, by eliciting feelings of anger, resentment, injustice, hopelessness, and despair that are the triggers for chronic stress and the negative health behaviors that prevail amongst those seeking to cope with chronic stress; and second of all, by maintaining indigenous peoples in a condition of domination and subordination, thereby denying them the most fundamentally important political means of satisfying their basic psychological need for autonomy.

In suggesting these conclusions, I maintain a healthy respect for the observation that sorting out the social and political determinants of health in any population is a very complex and uncertain undertaking, and that the available "evidence suggests that there is a range of factors at work, from the material to the psychosocial, and that it is difficult to assign ultimate primacy to any one" (Hertzman and Siddiqi 2009: 33). This observation is especially important in the context of the present discussion, given that systematic empirical studies of the relationship between self-determination and indigenous health are virtually non-existent.[2] Nevertheless, given the compelling relationship that exists between control and health in so many other domains of human life, it would be surprising if control in the political domain turned out to be entirely irrelevant. Indeed, given the overarching importance of collective self-determination in shaping the social, cultural, legal, and economic contexts that in turn help shape so many of the choices

and decisions we make about how to live our lives, it would be even more surprising if it did not turn out to be of enormous relevance.

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Endnotes

1. The quote from Taylor actually refers to the idea of a “communal good,” but it is equally apt in this context.

2. Perhaps the closest thing we have to an exception here is the remarkable study conducted by Michael Chandler and Christopher Lalonde on suicide amongst indigenous communities in British Columbia, although they are inclined to interpret their results through the lens of cultural continuity. Be that as it may, the conclusion that emerged from this research is that indigenous communities which have secured a degree of self-government and local control over community services, and which are actively engaged in the defense of their territorial rights and the revitalization of their traditional cultures, experience low to non-existent rates of youth suicide, whereas communities which have achieved little progress in these areas experience drastically increased levels of youth suicide (Chandler and Lalonde 1998; cf. Hunter and Harvey 2002: 16; and, Kirmayer et al. 2003: S18 where greater emphasis is placed on community control as the underlying causal factor that explains Chandler and Lalonde's study results). In another study with important implications for the themes under discussion in this paper, Tiessen et al. (2009) find a correlation between greater perceived community control and improvements in the psychological well-being of individual community members, although they do not specifically link the concept of communal control to the idea of indigenous political self-determination.

4

Self-Determination as Self-Transformation

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Let me begin with two propositions.

First, that Indigenous self-determination is both backward-looking and forward-looking; it is not only conservative and restorative, but also exploratory of progressive change. Self-determination necessitates a politics of cultural revision and adaptation in which Indigenous people cannot avoid debating among themselves what elements of their traditions they wish to preserve and what they would give up for the sake of adaptive innovation. Unavoidably, such debate among Indigenous people takes place in a context shaped by non-Indigenous political authorities and by global structures of economic opportunity and exploitation; self-determining Indigenous peoples have not chosen these contexts, nor can they ignore them.

Second, in each country where "Indigenous self-determination" is to be tried, its operational form will be determined by the geography and legal-political heritage of that country. Notwithstanding the discourse of global Indigenism (a useful discourse, but necessarily abstracted from place and time), there is no universal "Indigenous vision": aspirations are always emplaced and historically specific.

I want to illustrate these two propositions by telling a story about how Indigenous rights to land – surely a core feature of "self-determination" – have been configured in Australia.

Rights to land (and to sea) are both cherished by Indigenous peoples and problematic for them. In Australia, Indigenous landownership is extensive and increasing: in 2013, 0.715 million square kilometres was under native title (exclusive possession) and 0.682 million square kilometres was under native

title (non-exclusive possession) – 18.2 per cent of the Australian land mass. The incidents of native title vary from land portion to land portion, and some titles fall short of the aspirations of the native titleholders. As well – and generally more satisfactory to the traditional owners – there are 0.981 million square kilometres (13 per cent of Australia) under various forms of "land rights." The Indigenous estate thus amounts to 31 per cent of the continent (2.379 million square kilometres), and it is growing because of a perpetual land acquisition fund (established in 1995) and because "native title" claims continue to be heard under statutory processes established in the 1990s. Indigenous Australians – at least, the minority of the Indigenous population living on these lands – are land-rich but income-poor. How does having such an estate contribute to their self-determination?

In Australia, there are no uncontentious answers to the post-colonial question: what should Indigenous people do with their territories (land and sea) once they have secured their rights to them?

That self-determination is a contentious process of innovation in land use is only implicit in the 2007 *United Nations Declaration on the Rights of Indigenous Peoples* due its understandable emphasis on preserving and defending what European imperialism has threatened to destroy (see UN General Assembly 2008). Because Indigenous people have been dispossessed, there are Articles about securing land and sea rights, to protect the Indigenous estate as lawful property. Thus, Article 8 of the *Declaration* says that "States shall provide effective mechanisms for prevention of, and redress" for "(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources." Article 10 says that "Indigenous peoples shall not be forcibly removed from their lands or territories." Other Articles intend to secure cultural traditions, and several times the *Declaration* uses the word "revitalize" when referring to such cultural continuity (see Articles 11(1) and 13(1), for example).

Can practices and beliefs be "revitalized" without changing them? A politics of innovation and adaptation are implicit in the preamble:

> *Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development *in accordance with their aspirations and needs*.

The italics are mine: these words refer to phenomena that are not static, but dynamic. Indigenous "aspirations and needs" are in the process of historical

formation. Here are some other examples of the open-ended nature of "self-determination." Article 21 says that

> Indigenous peoples have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

The phrase "other economic activities" points to a field of options that may not be "traditional." Article 22 says that

> Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security.

Such "training and retraining" implies cultural change, most importantly the acquisition of literacy. Article 18 is a reminder that change is to be guided by the international human rights regime of which "indigenous rights" are a subset. That is, when empowered Indigenous people employ each other in their companies and other organisations, such relationships should be governed by norms (that may be new to them) "established under international labour law and national labour legislation."

Colonised people have always adapted – more or less successfully and under varying degrees of coercion. In this respect, the era of "Indigenous rights to self-determination" is continuous with the colonial past. The difference that "Indigenous rights" (such as those stated in the *Declaration*) can make is that Indigenous people may now innovate and adapt with more resources – material, legal, political, cultural – than were at their disposal when the colonising vision of their future was limited to exterminating them or assimilating them. One of the most important of these new resources – rights to territory – is also among the more potent provocations to change, to reconsider what "tradition" is worth. Land and sea, once secured, become "resources" in the service of new aspirations, and when Australian governments have recognised and granted rights to land and sea, they have positioned Indigenous Australians as subjects of self-transformation. In the rest of this article, I will compare the nineteenth century and twentieth century record.

Agriculture in the Temperate Zone

At first, land was conceded to Aborigines on the condition that they use it in certain ways that were new to them. In the earliest attempt by British authorities to reconstitute the Aboriginal relationship to land, the Lieutenant-Governor of New South Wales, Lachlan Macquarie, on 4 May 1816, made a peace gesture. He offered land tenure as an incentive for Aboriginal people to lay down their arms and to comply with colonial law. They would be granted land as long as they would develop it as farms, with government support in the form of six months food supply, agricultural tools, seed, and clothing. The only Aborigines who could enjoy such a benefit, Macquarie made clear, were those "really inclined and fully resolved to become a settler" (Watson 1914: 143–144). By contemporary standards, we could not characterise Macquarie's conditional concession of land as the British Crown's recognition of an Indigenous "right" to land. There is too much manipulation in Macquarie's policy; his ambition was "social engineering," prescribing a way of life that neutralised resistance to occupation.

However, other policies flowed from the view – found in some nineteenth century writings by British colonists – that Aboriginal tribes resided on land that was their collective "property" (Keen 2010).[1] While British-Australian legal doctrine explicitly set aside Aborigines' customary notions of property as irrelevant, the idea remained influential that it would be humane – an act of grace and conscience by the Crown – to limit dispossession.[2] Nineteenth century colonial authority, under the influence of this idea, came up with two devices that must be included in a history of Indigenous land rights: the conditional pastoral lease and the reserve.

To regulate colonial occupation, British authorities created a tenure known as the pastoral lease. Prompted by the Colonial Office in London, the New South Wales governor, in April 1850, proclaimed that pastoral leases could set limitations on the pastoralists' rights. The competing interests that the government had in mind were those of miners and Aborigines. The Colonial Office made its intentions to safeguard Aboriginal interests clearer when setting up land legislation in Western Australia in 1850 and in South Australia in 1850 and 1851. In the resulting stream of pastoral tenure law and policy, lessees were obliged to allow Aborigines to roam their properties, getting food and water as they had long done. The way that Aboriginal interests were imagined in this legislative tradition was prescriptive, but, in contrast with Macquarie's policy, it confined Aborigines to the pre-colonial past. They could access waters, animals, and plants on pastoral leases only in ways that continued their hunting and gathering traditions: they could kill a kangaroo, but not a sheep (leaseholder's property); they could harvest pre-colonial flora, but not the leaseholders' plantings.

In fact, the government's prescriptive power again proved weak. Aborigines residing on their ancestral country under pastoral lease-hold became a cheap labour force for the wool and beef industries, increasingly dependent on rations – later monetised as wages – and on welfare benefits, paid in kind or as cash. This adapted and exploited Aboriginal economy allowed many to maintain associations with their ancestral estates until the 1960s. In northern and central Australia, such pastoral coexistence was Aborigines' most significant adjustment to colonial authority.

The other nineteenth century device for limiting dispossession was the "reserve." From the colonists' point of view, it was an act of charity to set aside certain land portions for Aboriginal residents. However, historical research has recovered the agency of the Aborigines. Historian Heather Goodall has described an Aboriginal "land rights campaign" in New South Wales in the final quarter of the nineteenth century. In the 1870s, and up to 1884, twenty-nine Aboriginal reserves were created, and Aboriginal initiative can be found in twenty-five of them. By 1895, another eighty-five reserves had been created in New South Wales, and in forty-seven of them Goodall has traced Aboriginal initiative:

> Aborigines began to re-occupy their land. They "squatted" on small areas, built shelters, planted crops and then demanded that the government give them secure tenure… They wanted it, not just for economic reasons, but also to secure their access to areas that were within their traditional country… Aborigines were asking for full freehold and independent ownership, although they sometimes pointed out that they did not want the power to sell the land (Goodall 1988: 183).

Again, prescription accompanied recognition of an Aboriginal land interest. According to Goodall, these grantees "were told that the reserves would be secure as long as they continued to live there and farm the land" (Goodall 1988: 184). However, such prescription was, by now, less coercive and more aligned with the stated aspirations of Aborigines, for the colonised people in the southern agricultural zones of Australia were now presenting themselves as farmers. At Coranderrk (a Victorian government settlement established in 1861), Maloga (a Christian mission in New South Wales founded in 1874), and Poonindie (a farming community established in 1851 and managed by the Anglican church in South Australia until 1895), Aboriginal people were developing skills in agriculture and re-establishing their community and their attachment to land as people who sowed crops and managed herds – for themselves and sometimes as labourers for neighbouring colonists. While this change was made necessary, undoubtedly, by the collapse of their hunting and gathering economy in the face of colonial occupation of their

land, we should not assume that this circumstance weakened their capacity to find self-respect and security in farming. Their petitions to government, when their aspirations were not met, proclaim their newfound identity as (what Macquarie had called) "settlers" – industrious, Christian, and aspiring to self-support.

For example, on 5 September 1881, the Coranderrk community compared their current manager (Mr. Strickland) unfavourably with his predecessor (Mr. Green). Mr Strickland "has no idea of tilling the ground or making any improvements on the station… We are all sure if we had Mr. Green back the station would self-support itself" (Attwood and Markus 1999: 46).[3] When the government legislated restrictions on who could reside at Coranderrk in 1886, the community's response linked their freedom of movement and residence with their participation in the region's market for agricultural labour. That is, they wished for "freedom to go away shearing and harvesting, and to come home when we wish, and also to go for the good of our health when we need it" (Attwood and Markus 1999: 50).[4] At around the same time, the Moira and Ulupna people, a few hundred kilometres to the north of Coranderrk, petitioned the Governor of New South Wales for land "to cultivate and raise stock." "We more confidently ask this favour of a grant of land," the petition continued, "as our fellow natives in other colonies have proved capable of supporting themselves where suitable land has been reserved for them" (Attwood and Markus 1999: 51).[5] At Poonindie, residents were dismayed in 1894-5 to hear that their land was to be subdivided as lots for unemployed colonists. Their petition asked for other land as a substitute: "we propose to live on it and cultivate and work the land among ourselves. With this and what we can earn by shearing fishing and getting guano, we can support ourselves and our families" (Attwood and Markus 1999: 55).[6] These late nineteenth century petitions from Aboriginal Australia make it clear that Aborigines who survived the frontier killings adapted, within a couple of generations, to the constraints and opportunities of the imposed economic order – if only colonial authority would encourage them with land security.[7]

Twentieth Century Gains and Losses in Remote Australia

Limitation of dispossession continued to be a strand of Australian colonial policy in the twentieth century. As the occupying authorities spread into the less arable interior zones (arid desert and lightly forested) and northern maritime zones (tropical savannah with pockets of rainforest), it proved more difficult to make money from these regions, as they yielded neither gold nor wool (the export staples that had enriched the six Colonies of Australia hitherto) in significant quantities. As well, humanitarian influence on policy had strengthened a determination to delay or prevent, in "remote" Australia, the catastrophic collapse of Indigenous economies and populations that had

disgraced the British-Australian record in the southern, temperate, and arable regions where the immigrant population concentrated. Large tracts were conceded to Aborigines' continuing occupation, creating an enormous "reserve" estate, watched over by a light sprinkling of missionaries and officials. By the time global human rights norms produced the concept of tribal right to reserves (as in ILO Convention 107 1957), there was a large quantity of land whose significance to Indigenous futures was open to debate.

The putative Aboriginal estate at the end of the 1970s – when three jurisdictions had already legislated land rights and debate in others was raging – was 0.719 million square kilometres, or 9.3 per cent of the Australian land mass. Nearly all of that land was in remote regions, within four jurisdictions: the Northern Territory (0.382 million). Western Australia (0.220 million), South Australia (0.088 million), and Queensland (0.029 million). Most of these areas had been set aside as reserves in the forty years between the end of World War One and the late 1950s.[8]

It is important to note that the creation of this massive "welfare" estate was one of two major strands of twentieth century policy towards Aborigines. The other was the comprehensive inclusion of the Aboriginal population in a welfare system that guaranteed them supervised material sustenance (if they were not employed). Such provision was initially in kind – rations – but it was monetised between 1940 and 1975, as Aboriginal people were admitted, step-by-step, to full citizenship. Indigenous participants in the land rights debate had thus learned to value things in cash, and the prospective monetary value of once "worthless" reserve lands had increased as the continent had been mapped geologically. That miners now coveted the Indigenous estate provoked a politically effective mobilisation of the idea of land rights *against* mining, while awakening Indigenous perceptions of mining as an opportunity to escape poverty. The increasing immersion of Indigenous Australians in a culture of commercial valuation motivated, in part, their defence of the estate that had been conceded to them (Rowley 1972: 176). This perspective has not necessarily displaced their pre-colonial cosmology that links land and people in terms that the colonists recognised as "spiritual."

Sympathetic appraisal of Indigenous aspirations in the 1970s and 1980s captured this duality of Indigenous vision for their land. To offer but one example: "Almost all the Aboriginal submissions" received by Paul Seaman's 1984 inquiry into land rights in Western Australia, "reflect a strong anxiety to say whether or not granted land should be mined, but equally [they] do not oppose mining away from sacred sites, provided that its impact on their lives and lands can be controlled by them should they decide to permit exploration" (Seaman 1984: 38). Seaman appreciated that "Aboriginal people in nearly every part of the State are poor, that their organisations have pressing

financial needs and that mining negotiations may be the only opportunity which they have to redress an almost complete lack of economic power" (Seaman 1984: 43).

Imagined Indigenous Futures

Thus, the imagined Indigenous futures have changed over the course of Australian history. In the land concessions of nineteenth century temperate Australia, they were expected either to participate in agriculture or to continue, somehow, hunting and gathering in the interstices of pastoral occupation; in the first half of the twentieth century, the benign vision was their indefinitely prolonged hunting and gathering in the remote regions, until Aborigines (somehow) gravitated to (some kind of) waged employment; in the period of "land rights" and "self-determination" (since the 1960s and in "remote" Australia), the most vigorously promoted Indigenous future has been some association with the mining industry: employment in it, licensing land to its use, for royalties, or even holding equity in it, for profit. Four other Indigenous "industries" have emerged (and whether and how each is compatible with mining is much debated): artistic production, for a domestic and global market; hosting tourists; land-management services to areas protected within Australia's vast terrestrial and marine "conservation estate"; and public administration. Some remote Indigenous Australians now participate in more than one of these.[9]

Recent changes in Australia's common law and statutes have vastly expanded the estate that grounds these five possible Indigenous economic adaptations. In June 1992, the High Court of Australia recognised "native title," ruling that it continued wherever lawful action by the state had not extinguished it.[10] A huge area of "unallocated Crown land" – mostly in Western Australia – suddenly became putative "native title" land. Governments, private resource corporations, and Indigenous leaders have spent the last twenty years adjusting their visions and behaviours to this radical remapping of Australian real estate, and I have summarised the quantitative results earlier in this article.

Native title and "land rights" are encoded in statutes that solicit more than one kind of Indigenous self-representation. One route to rights in land encourages "claimants" to prove their unmitigated fidelity to pre-contact culture: their economic adaptations count against them, as the descendants of the would-be farmers of late nineteenth-century Victoria and New South Wales (the Yorta Yorta) found to their immense disappointment in a definitive Native Title judgment and High Court sequel in 1998-2002.[11] However, in 1998, another route to economically rewarding land security was opened by amendments to

the 1993 *Native Title Act* that empowered those asserting "native title" to negotiate with others who would use their land, without having to submit to the kinds of tests of authenticity that frustrated the Yorta Yorta. David Martin, a consultant anthropologist, argues that this second avenue is "part of a repertoire of social technologies which facilitate a move for the Indigenous people concerned to a more individuated and 'modernist' identity" (Martin 2012: 357-358).

Indigenous strategies of adaptation began the moment that colonial authority disturbed their way of life. "Self-determination" refers to a new phase of adaptation, in which Indigenous people demand (and hopefully get) new resources for self-transformation (more commonly known as "development"). What "development" "self-determination" will enable will vary according to the historical determinations and geographical features of the nation-states where it is attempted. After reviewing the successes and dilemmas of Indigenous mobilisation in the Americas, Karen Engle has warned of "the unpredictability of strategy – the inability of social movements ever to know that they are on the right long-term path – and the dangers of insisting that there is only one proper path" (Engle 2010: 274). Historical self-awareness of the paths taken in the past helps to minimise that danger, I suggest. When Australian governments awoke sufficiently to their colonial responsibilities to frame land rights and native title statutes that secured the large and growing Indigenous estate, they tended to recognise and legitimise the "spiritual" significance of "country" to Indigenous people, and Indigenous Australians certainly welcomed – as long overdue – this public affirmation of their ancestral culture as the basis of a pre-colonial sovereign right. In this respect they took part in a global trend in which Indigenous rights were framed, by Indigenous and non-Indigenous actors, as cultural rights. As Engle has argued, "increased cultural rights have sometimes lead [sic] to decreased opportunities for autonomy and development" (Engle 2010: 2). The question of culture is better posed, I have argued in this article, if we understand Indigenous self-determination as a self-transforming and open-ended project of political economy.

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Endnotes

1. As Keen points out, there were also observers, influenced by John Locke, who denied that the Aboriginal relationship to land could be called “owning,” because these nomadic hunters and gatherers did not improve the land by mixing their labour with the soil.
2. That Aboriginal custom (at least in matters of proprietorship in land) is a source of Australian law was not recognised until 1992, when the High Court of Australia repudiated the doctrine “terra nullius” and proclaimed the concept “native title.”
3. A petition was signed by fifteen named persons on 5 September.
4. As reported in the *Herald* (Melbourne) on 21 September 1886.

5. "Maloga Petition 1881," which had 42 signatories.
6. "Poonindie Petition 2 February 1894."
7. That the colonial governments of Victoria and New South Wales neglected this opportunity is the theme of Barwick (1972).
8. Peterson (1981: 2) defines "Aboriginal land" to include freehold, leasehold, reserves, and missions' portions.
9. For a celebration of mining's opportunities see Langton (2013) and Langton and Webster (2012). For a survey of the tensions among the options facing the owners of the Indigenous estate see Altman (2012).
10. *Mabo v. Queensland no.2* (1992) 1975 CLR 1.
11. *Members of the Yorta Yorta Aboriginal Community v. Victoria and Others* (2002) 214 CLR 422.

5

Knowledge, Technology, and the Pragmatic Dimensions of Self-Determination

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Contemporary globalization depends on the ability of the elite to exercise a command over information and communication technologies (ICTs). ICTs include, but are not limited to, networked information systems, such as local and wide area networks, high-speed Internet, laptops, tablets, mobile phones, data centers, radio frequency identification systems, and increasingly sophisticated sensor-based and algorithmic surveillance systems. These systems of devices—and the people, policies, and institutions that support them—accumulate data and disseminate information for human decision-making across workplaces. When we consider how institutional leaders rely on commanding stores of advantageous information, we can perceive the nature of the information asymmetries that Indigenous peoples experience, rippling from the Enlightenment-era explorations of the New World to the intertwined government, military, and trade regimes comprising the cores of contemporary globalization. What does self-determination mean for Indigenous peoples whose daily work is shaped by connectivity within a global Internet superstructure and the trade value of indigenous knowledge (IK)? Where is the space for Indigenous self-determination within this networked environment?

As Indigenous thinkers, we must begin to understand the innovation of ICTs as semi-visible infrastructures growing within Indigenous homelands. Tracing the deployment of a fiber-optic Internet infrastructure across a sovereign homeland, such as the Navajo Nation, reveals an array of interlaced world-historical conditions, social and legal policies, and competing values orientations. From the romanticism of Silicon Valley to the hard rules of tribal sovereignty, these layers of meaning shape decisions about system design and deployment which, in turn, reveal the material and pragmatic aspects of

Indigenous self-determination (Duarte 2011; 2013a).

A remarkable example is found in K-Net, a multi-point wireless mesh network connecting First Nations communities in the lake lands of northern Ontario (Beaton 2009). As an outcome of their technical efforts, the network designers have become agenda-setters in local and national forums with regard to spectrum regulation, federal subsidies, tribal and industry partnerships, and Indigenous rights to Internet access. Their experience has shaped federal responses to First Nations technology needs and has inspired First Nations leaders to create a long-term broadband Internet plan (DeBruyn 2012). The growth of K-Net demonstrates the social shaping of large-scale technical networks and, specifically, an Indigenous example in which the values driving design decisions are grounded in Indigenous community needs and values.

Through examining various cases of Indigenous uses of ICTs, I have found that Indigenous peoples, in many different ways, harness ICTs to communicate more speedily with each other and with partners supporting tribal governance and grassroots social and political organizing (Alia 2010; Wilson and Stewart 2008; O'Carroll 2013; Woons 2013). Indigenous peoples who have a command over their local ICT infrastructure—through designing their own information systems to hosting tribal radio—are building a digital foundation for future practices of self-determination.

Social and Political Power and the Function of ICTs

How are exercises of social and political power shaped through the availability and accessibility of ICTs? A number of scholars have chimed in on this question (Mumford 1934; Ellul 1964; Heidegger 1977; Latour 1991; Law 1991; Star 1999; Tehranian 1999; Castells 2007; Wilson & Stewart 2008; Alia 2010; Howard 2010; Dourish and Bell 2011; Nahon and Helmsky 2013). The formulations that are most useful for understanding ICTs in Indigenous contexts are those that explain how elite classes of nationalist decision-makers utilize information gathered systematically through the media of ICTs to legally discriminate, economically exploit and disenfranchise, and otherwise subjugate Indigenous peoples in a continuous and cumulative fashion.

A prime example of this is represented in the history of the Cobell Settlement, in which banker and accountant Eloise Cobell (Blackfoot) accumulated years of data showing that the US government was not paying back to tribal landowners billions of dollars in revenues gained from the federal management of Indian trust land (Merjian 2010). Defendants argued that an

accurate accounting was not technically possible, and yet through a painstaking audit, Cobell found the evidence of analog and digital systems rendering funds from the development of Indian land. These systems were not used to pay funds back—or even communicate an accurate accounting—to tribal landowners. This case reveals information asymmetry at work in Indian Country, in which systems of interlaced ICTs—including the hardware, software, policies, and administrators—are used to withhold actionable information from particular parties (Clarkson et al. 2007). One method of colonization is to articulate technical systems within elite institutions that withhold information, misinform, or disinform Indigenous peoples as a rule or practice. Indeed, Indigenous scholars have argued that Western universities are likewise designed to prevent the participation and deflect the theoretical interventions of Indigenous thinkers, specifically through habitually legitimating scanty and erroneous information about Native peoples as canonical knowledge (Dei 2000; Waziyatawin and Yellow Bird 2005).

Indigeneity Is a Phenomenon of Globalization

Thus, to understand the relationship between ICTs, Indigeneity, and self-determination, we have to understand the dynamic between inherently sovereign Indigenous peoples and the governmental classification of Indigenous bodies, lands, and forms of knowledge under a largely Western mode of globalization. We have to acknowledge how, when we think of restoring self-determination, we pursue a metaphor of Indigenous and Settler embattlement in which Indigenous ways of being are at stake within a milieu of homogenizing nation-state encroachment. There is an unvoiced periodization at play, referring to a perhaps false memory of a past era in which indigenous peoples enjoyed their own social organization, free of coercive governmental forces. We must unpack that metaphor and let go of the assumption that all Indigenous peoples bear the same land-based philosophy and attitude toward modernization within their homelands. The idea of capital-I global Indigeneity is fairly recent, and is best understood as an expression of the political solidarity that many land-based and nomadic peoples have in response to the exploitative aspects of nationalist pan-capitalist practices (Alfred and Corntassel 2009).

On the ground, in the communities, Indigenous peoples know themselves by the names and modes of governance they determined for themselves several thousands of years prior to the formation of modern nation-states. On the US Census, a Diné (Navajo) college student may report that he is a Native American. In addition to his Arizona state driver's license and US social security card, he may carry a tribal ID that proves his enrollment in the separate, sovereign Navajo Nation. He may use Facebook to encourage his friends to protest Mexican military violence in Chiapas and support Māori

enforcement of the Treaty of Waitangi. But each of these political and legal expressions—Native American, Navajo Nation citizenship, Indigenous solidarity—fundamentally emerges from the Diné experience of the colonial US bid for sovereignty, subsequent nation-state bureaucratization, and current global military and economic leadership. Capital-I Indigeneity is a phenomenon of globalization (Niezen 2003). Capital-I Indigeneity allows the myriad of original non-Settler, non-nationalist peoples of the world to articulate politically with supra-national regimes, such as the United Nations and the World Intellectual Property Organization, while maintaining their inherently sovereign systems of governance, language, histories, and philosophies just out of reach of the commercial machinery of globalization.

Our young Diné college student could encounter a professor who challenges his Indigenous views. He could be stripped of his Navajo Nation membership due to internal challenges within the tribal political order. The US Census Bureau could eliminate the category of "Native American." Yet our student would still be Diné. The Diné way of being does not depend on the nation-state articulation or global economic order to exist. This is precisely why many nationalist regimes treat Indigenous expressions as a threat to the nation-state order. This is also the means through which we can begin to let go of the assumption that the political and social strength of Indigenous peoples is in the past. It is in the here and now, everyday, just under the gaze of the mass media Panopticon (Woons 2013).

ICTs and Indigenous Knowledge under Globalization

We can understand Indigeneity as a functioning part within the interlaced networks of systems, devices, people, policies, institutions, and terrains that comprise the technical ecology—the machinery—of militarized economic globalization. We can understand how Native ways of knowing become commodified within global markets. We can also understand how both physical access to ICTs and the values informing the use of ICTs—who gets to use these tools, learn to build them, toward what purpose, and how—shapes the ability a person has to participate politically and socially within the technical ecology underpinning globalization.

Above all, we can understand Indigeneity as a diffuse and flexible force of resistance to one of the primary political and economic mechanisms of globalization: colonization. Reaching back through the historical canon, we can identify many kinds of globalization—that is, governmental aligning of distinct economies toward cross-border trade while, at the same time, consolidating internal hegemonic order. Yet all of these, from the Silk Road through the League of Nations and on to NAFTA, cohere to at least three

functions: they must enhance connectivity, profitability, and mobility.

We are at a point in the history of ubiquitous networked devices wherein the technical elite of computing languages is operationalizing toward a singular language, Internet Protocol Version 6. This technical solution allows for increased connectivity and mobility of devices. A Toshiba manager stationed in Ciudad Juarez can email AutoCAD files on her smartphone with the same efficiency as if she were in her Tokyo office. This supple and resilient mode of digital connectivity has encouraged what Bill Gates, Thomas Friedman, and others have deemed a frictionless form of commerce: cash and documents—paper—don't change hands, but rather numbers do across systems of devices (Gates 1995; 1999; Friedman 2005). Under a digitally networked mode of globalization, prices are fixed based on a knowledge theory of value, rather than through a pure market value. A coral and silver Navajo squash blossom necklace could, alternatively, be valued as a priceless gift from one family to another, purchased in Shiprock for less than a hundred American dollars, or sold online for ten times that amount in the Shibuya fashion corridor. The values of commodities are fixed based on what consumers perceive is their value within the range of the consumers'—not the manufacturers' or artisans'—experience.

It is within this digitized economic order that Indigenous peoples find their creative and spiritual expressions, medicinal and agricultural ways of knowing reduced to mere information and repackaged as IK within the supranational registry of intellectual property (Harry 2006; Smallacombe 2006; Belarde-Lewis 2011; 2013). Yet as Indigenous peoples know, the value of the squash blossom is not found on a fashion runway, but in the long histories and the homeland of the Diné people from wherein the design emerged. Here is where the values of an information-driven frictionless economy conflict with Native ways of knowing. The continual reduction of lived Indigenous experiences into bits within global trade circuits conflicts with the holism of Native ways of knowing.

Sensations of Globalization

Indigenous peoples' unique ways of being have emerged over millennia through the refinement of unique non-European languages, philosophical and spiritual orientations to the landscape, world-historical perspectives, and modes of self-governance (Holm et al. 2003). The expressions that emerge from this lived experience comprise whole ways of knowing. Salmon fishing comprises one Salish way of knowing. Drought farming represents one Hopi way of knowing. Silverwork comprises one Diné way of knowing. There are at least four mechanisms of colonization under globalization: classification of

citizenry to subjugate Indigenous peoples; redistribution of lands and waters to nationalist settlers; articulation of institutions to enforce class rule and property ownership; and erasure of Indigenous languages, histories, and philosophies (Quijano 1992). When these mechanisms compromise Native ways of knowing, the ways of knowing gain a political significance, reflecting a set of values that in many ways paradigmatically opposes the centripetal force of globalization efforts.

For example, even if a Skokomish fisherman's particular technique for cultivating wild salmon can be scientifically shown to improve fish yields, reduce pollutants, and contribute to affordable local food stores, to patent that technique would, in one step, allow a single party to profit from this method while also preventing other peoples of the Pacific Northwest from utilizing that technique toward strengthening their own relationship with the living landscape. The subjugation of Native ways of knowing to intellectual property—Indigenous knowledge, traditional knowledge, or traditional environmental knowledge—and the subsequent commodification within global trade circuits exploits Indigenous peoples as peoples who are not recognized as sovereign governments by many other sovereign governments of the world.

The way of knowing becomes objectified, the part extracted from the whole, translated from a way of knowing to bits of data. The sensation for Indigenous peoples emerges physiologically. There is an association between the inability to grow or eat heritage foods and high rates of diabetes. There is an association between the inability to make a living through work that provides for tribal families and high rates of depressive behaviors. The violence regenerates, psychologically, emotionally, and spiritually. The ideation is of nationalist and capitalist encroachment through technical and economic means. Indigenous unwillingness to participate in industrialization of lands and waters, or reduce ways of knowing to the status of patentable technique or copyrightable product, has contributed to a widespread assumption that Indigenous peoples are anti-technological, which is only a paraphrase of prior colonial descriptions of Indigenous people as anti-modern, pre-modern, or pre-historic.

It isn't as if Indigenous peoples do not use and benefit from the availability of intellectual property rules, knowledge stores, and ICTs. A section of the UN Declaration on the Rights of Indigenous Peoples includes a reference to the right to affordable and robust Internet access for purposes of participation in self-governance. In the mid-2000s, when the regime of Canadian Prime Minister Harper initiated a series of bills abetting the removal of First Nations children from their families and erosion of homelands for an international oil pipeline, four Indigenous women utilized their programming and marketing

acumen to launch the Idle No More social media campaign. The *Globe and Mail* reported that, from December 23rd to the 29th, 2012, the campaign went viral, generating between 19,000 and 25,000 tweets per day (Blevins 2012). Smart phones in hand, activists circulated invitations to flash mob prayer rallies and protests in shopping malls, public parks, and at select international borders from Albuquerque to Toronto. Checking Facebook and re-posting anti-colonial memes became an opportunity to transform a mundane technical activity into political empowerment (Duarte 2013b). This strikes at the core significance of what self-determination is: beyond an act of Congress, it bears a transformative capacity.

Pragmatic Dimensions of Self-determination

When, in 1978, the US Congress enacted the Indian Education and Self-Determination Act, it allowed American Indians to take command as tribes over their own social programs, free of federal supervision and intervention. A generation of Native people went to college, inhabited the world of Western ideas, combined those with Native ways of knowing, and transformed those into what are considered legitimate state-sanctioned forms of knowledge: books, movies, classroom lessons, school and health care programs. This represented a turning point in the histories of Native peoples within the US. Before, for at least three generations, a set of Spanish, French, British, and—later—Mexican, Canadian, and American nationalist social policies were aimed at erasing Native languages, histories, and philosophies and articulating institutions to destroy tribal modes of self-governance. For centuries, modern health care institutions, universities, banks, and courts relied on misinformation and disinformation about US Native peoples and their relationships with land and property, codifying these into false knowledge that pervades decisions to this day about tribal family dynamics, the psychology and spirituality of Native peoples, their scientific credibility and financial credit worthiness, not to mention treaty claims and rights to exist as separate sovereign peoples (Deloria and Lytle 1983).

At present, as Indigenous peoples, we are experiencing the articulation of information systems operating under a single computing language. Many of the systems we rely on everyday accumulate data that incrementally reifies the classification of Indigenous peoples as ethnic minorities; reserves lands and waters for future industrialization and human settlement; articulates institutions to enable elite nationalist class rule and commodification of property; and reduces Indigenous languages, histories, and philosophies to bits of information, devoid of the context of homelands.

This is precisely why, when Indigenous activists describe contemporary

decolonization, it is spoken of in terms of restoring Native ways of knowing. To counteract the misclassification of Indigenous peoples, activists practice naming and claiming, and the enforcement of sovereign treaty rights. To counteract the settlement and industrialization of lands and waters, activists practice the sovereign protection of homelands and sacred places, ecological restoration, subsistence hunting, and tribal food practices. To balance the hegemony of Settler institutions, activists build Indigenous institutions, such as tribal colleges, clinics, and courts, as well as revitalizing sacred ceremonies, like the Bear Dance, and social ceremonies, like Canoe Journey. When Indigenous peoples speak original languages and share their histories and philosophies within the stream of contemporary world histories, they are able to relieve, locally, some of the more alienating sensations of pan-capitalist globalization.

Self-determination occurs the moment these practices become expected modes of community self-governance, as in the case of tribal courts. When we realize the ways that global information systems accumulate data for decision-making about Indigenous lands, waters, and bodies, then we can see how Indigenous peoples use information systems to build knowledge with one another toward self-determination. To design a tribal program takes information, including ways of knowing and the technical systems for channelling data, information, and knowledge. The Native Nations Institute at the University of Arizona is creating a database of hundreds of hours of videos of tribal leaders sharing their experiences. The Northwest Portland Indian Health Board hosts a database for recording incidence of disease across tribal communities, so that leaders can plan for their community's wellbeing. The work of Eloise Cobell represented a remarkable realization for many US Native peoples: we instinctively knew the land had been stolen, but an audit created the record to prove each case in a detail that could not be denied in US courts. Similarly, Idle No More represented a remarkable realization for many activists: here was a case that revealed the political capacity of Indigenous peoples communicating transnationally through social media networks and mobile devices.

Building the information systems—including the technical infrastructure, policies, interfaces, jobs, and educational programs—toward decolonizing Indigenous homelands is an act of self-determination. Sharing information inter-tribally, through networks of Indigenous peoples and allies, transforms silos of data into actionable information and builds communal knowledge about how to deal with the many manifestations of colonialism. For this reason, the Native American Broadband Association referred to broadband Internet across tribal homelands as the "third network," powerful enough to substantially change Native daily life. However, unlike the first two networks, the railroad and the electric power grid, US Native peoples can have a say

over this build-out process (Native American Broadband Association 2011). Indeed, in 2013, the Navajo Nation completed a key phase in a $32 million dollar project to build a wireless mesh broadband network across the reservation, including a data broadband center and regulatory commission to oversee data flows, network use policies, and to strategize long-term planning. The goal is to create a digital environment in the Navajo Nation that makes it possible for the community to build their own systems for self-governance and the flourishing of Navajo language and culture.

Conclusion

Friedman ironically titled his 2005 bestseller *The World is Flat*. As Indigenous peoples, we are keenly aware that the world is neither flat nor frictionless. The sensations of immediacy, urgency, and placelessness that accompany heavy use of digital networked systems are also accompanied by sensations of alienation, information overload, and consumerist ideation. Indigenous peoples who observe the ecological devastation of their homelands due to economic wars of the global elite recognize the psychological and philosophical entanglements of a technologically dependent social order. But many Indigenous peoples also harness ICTs to surface Native ways of knowing that extend beyond situated locales. Designers of tribal community-based broadband Internet systems see their efforts as part of a bigger process for laying the groundwork to architect Indigenous possibility. Scholars and artists use ICTs to incrementally divest occupying powers in Native homelands across political, intellectual, and spiritual domains, filling the vacuum with ways of knowing that stem from an awareness of anti-colonial resistance and the hope for the flourishing of Indigenous peoples beyond colonialism. Indigenous uses of ICTs are about connecting to homelands, strengthening ways of knowing, participating in global markets as a matter of choice and not coercion, and disseminating Indigenous ideas about what it takes to survive, resist, and transform.

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6

Māori Self-determination and a Liberal Theory of Indigeneity

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Māori and other indigenous scholars (Alfred 1999; Moreton-Robinson 2004; Maaka and Fleras 2005; Stewart-Harawira 2005) have well canvassed liberal democracy's tendency to affront the extant rights of indigeneity and constrain equitable indigenous political participation, even as both are admitted at international law (UN General Assembly 2008). Shaw proposes that the responsive politics of indigeneity is "an attempt to come to terms with how discourses and practices of sovereignty still set the conditions under which Indigenous – and other forms of 'marginal' politics occur at all" (Shaw 2008: 8). Indeed, Hobbes's account of sovereignty provides some understanding of why the democratic exclusion of indigenous peoples occurs:

> The structure of sovereignty that Hobbes produces is enabled and authorized through the production of a shared ontological ground, and identity. This identity, in turn, rests upon the necessary exclusion of Indigenous peoples at several different levels, not least through the explicit marking of Indigenous peoples as "different" as "Other". What is more crucial in determining the character of contemporary Indigenous politics, however, is that Hobbes renders the construction of this exclusionary identity, the process through which authority is produced and guaranteed, as pre-political, as necessary and natural rather than contingent and violent (Shaw 2008: 9).

Sovereignty reflects prevailing ideas about the sources, location, and nature of public power and authority, which means that its attendant discourses "are neither natural nor neutral. They reproduce a space for politics that is enabled by and rests upon the production, naturalisation and marginalisation of certain forms of difference" (Shaw 2008: 8).

The purpose here is not to diminish indigenous critiques of liberal practice, but to propose that rather than "move beyond the liberal paradigm" it may, in fact, be of greater pragmatic value to explore ways of broadening liberal democratic practice by advancing a liberal theory of indigeneity (Little 2003: 25). Such a theory would mean, at least, that one has the right to difference in cultural expression, but sameness in political opportunities; difference in forms of land tenure, but sameness in capacity to make decisions about how land will be used; difference in the way one is taught at school, but sameness in terms of educational quality. Indeed, a liberal theory of indigeneity constitutes a politics of distinctiveness, necessarily dependent on group rights – such as the rights to land, language, and culture – as inescapable constituents of individual liberty. Individual autonomy is contextualised, conditioned, and given substantive meaning and value with reference to culture and the inter-relationships that people, themselves, decide are important.

Indeed, there does remain scope for substantive "participatory parity" through a liberal theory of indigeneity that is beginning to replace biculturalism as the most influential political philosophy informing New Zealand Māori politics (Fraser 2003). Biculturalism assumed influence during the 1980s and proceeded on the assumption that the contemporary state comprised two distinct peoples, Māori and Pakeha (New Zealanders of European descent), living in a political partnership instituted by the Treaty of Waitangi in 1840. The Treaty saw Māori agree to the establishment of colonial government in return for the protection of their lands and resources and the rights and privileges of British subjects – the precursor to modern citizenship. However, the partnership developed as one where Pakeha effectively became the Crown, a term loosely used to mean the state, and senior partner to Māori, who were positioned beyond an inclusive sovereign polity (O'Sullivan 2007). Biculturalism did not protect Māori against the "tyranny of the majority" in ways that participatory parity proposes (Mill 1869). Participatory parity is concerned with the equitable distribution of the determinants of political authority and equitable opportunities for all people to deliberate in public decision making, for the citizen is, indeed, "he who deliberates" (Aristotle 1988). Public debate's importance "to the formation of values and priorities" makes participatory opportunities essential to people's sense of belonging to a political community that actually adds value to people's lives (Sen 1999: 153). It is also significant that

> In the absence of a Philosopher King who reads transcendent normative verities, the only ground for a claim that a policy or decision is just is that it has been arrived at by a public which has truly promoted the free expression of all (Young 1989: 263).

Participatory parity is a determinant of political capabilities, which are maximised when broader political arrangements bring "the people as close to good functioning as their natural circumstances permit" (Nussbaum 1987: 36). In other words, politics is "not simply the allotment of commodities, but [concerned with] making people able to function in certain human ways" (Nussbaum 1987: 1). This includes ways that flow from the enjoyment of the political conditions that allow *all* and not just *some* citizens to contribute to the determination of "the conditions under which and the practices through which authority is constituted and legitimated, and what these constitutions and legitimations enable and disable" (Shaw 2008: 1). It is in this context that a liberal theory of indigeneity requires ways of thinking about reclaiming the greatest possible political authority within the state, to confront prevailing prejudices and create opportunities to contextualize the meaning of individual liberty. A liberal theory of indigeneity grounded in the extant rights of first occupancy might attempt to re-shape public sovereignty to admit space for the culturally contextualized expression of common liberal democratic rights, as the first of a two-tiered differentiated citizenship (shared government), along with specific space for independent collective political authority as citizens of the tribal nation (iwi) – self-government. The second tier gives effect to the *Universal Declaration on the Rights of Indigenous Peoples'* recognition that the "right to lands, territories and natural resources is the basis for the collective survival and thus inextricably linked to their right to self-determination" (Daes 2008: 8).

Differentiated citizenship is a constituent of a liberal theory of indigeneity that is required to find

> A space within liberal democracies and liberal thought in which… Aboriginal perspectives and philosophies cannot only be heard, but given equal opportunity to shape (and reshape) the forms of power and government acting on them (Ivison 2002: 1).

The theoretical obstacles to thinking about indigenous politics in these ways are those proposing that there is no liberal democratic obligation to provide indigenous peoples with *particular* political recognition. Their capabilities are properly identical to those granted all citizens, and measures that transcend such a principle are illiberal privileges that affront the equal rights of other citizens. This is, as Kymilcka observes, culture's centrality to the claims of first occupancy creating a tension with the popular liberal perspective that "ethnic identity, like religion is something which people should be free to express in their private life, but which is not the concern of the state… it is not the place of public agencies to attach legal identities or disabilities to cultural membership or ethnic identity" (Kymlicka 1996: 4). Waldron's account of

liberal obligations to indigenous peoples is similarly restrictive. It arises from his "supersession thesis," which holds that the entitlement to common, undifferentiated, liberal citizenship is sufficient to create just relationships capable of superseding historic injustices. Waldron associates the supersession thesis with a "principle of proximity," holding that people have a paramount duty to come to terms with, and to deal justly with, those with whom they are, in Kant's phrase, "unavoidably side by side in a given territory, irrespective of cultural or national affinity" (Waldron 2002: 30). However, if one is obliged to engage justly with all others, one must be attentive to the determinants of their political positioning in the present, because the present does not simply exist: it develops from history and is the product of political relationships and structures. If it is these relationships and structures, themselves, that are unjust because they are exclusive, one must consider their modification for inclusivity, and admit that the terms of inclusivity are necessarily culturally understood. The alternative, for minority indigenous populations, is that "belonging" to the liberal polity becomes "inextricably tied to white possession" (Moreton-Robinson 2003: 137) as the "definitive marker of citizenship" (Moreton-Robinson 2004: 79).

Nor can the inclusion of indigenous peoples in the sovereign whole occur under Waldron's proposition that "the general duty of a government to do justice to all people is [not] trumped by any special duty it owes to those of the inhabitants who can claim Indigenous descent" (Waldron 2002: 30). The equality that undifferentiated citizenship and liberal egalitarianism imagines is not the same as "substantive" political equality and stands well apart from the Rawlsian proposition that

> In the original position, the principles of justice are decided upon by free and equal citizens who do not know their own social status, class position, psychological tendencies, endowments of natural abilities or even their own beliefs about what is good (Hunter and Jordan 2009: 7).

Alternatively, the liberal order is equipped to admit theories of justice that codify the "duties of institutions and actors in reducing inequalities" (Ruger 2004: 1092), where a liberal theory of indigeneity would privilege particular measures to reduce political inequalities because "the goals of remedialism" must be transcended, not just "balanced" (Kowal 2008: 346).

Transcending the goals of remedialism might recognize group claims as an essential liberal concern, because group identity and experiences contextualize and shape the ways in which people experience liberty. The privileged group claims that Māori might then make are to a substantive

share in national sovereignty that counters the assumption of the modern state as a Leviathan-like entity. Sovereign political authority might then be recognized as liberal indigeneity grounded in the claim that *all* and not just *some* people ought to share the "people's" sovereign authority.

The character of one's claim to a share in sovereign authority is an expression of the ways in which one prefers to "belong" to the political community so that sovereignty is inclusively "grounded in the right of all citizens to shape the society in which they live" by sharing in the setting of political agendas, priorities, obligations, and entitlements (Clarke 2006: 119). From this perspective, it is odd for the Māori party Member of Parliament, Te Ururoa Flavell, to have remarked that Māori ought to "get rid of the Crown's unconstrained sovereignty," because it is an argument that presumes Māori positioning beyond the Crown to set aside citizenship's first tier as the site of Māori participation as equals in the day to day affairs of the state (Flavell 2006). It positions Māori as interest groups, rather than peoples collectively entitled to certain rights of citizenship.

The Crown is not neutral, but nor is it the sole repository of the people's sovereignty. Its political authority is constrained and conditioned to create scope within the liberal paradigm for more inclusive and flexible understandings of political opportunities than that which Waldron proposes as the limits of indigenous entitlements (Waldron 2002). Flavell's ascription of sovereignty to the Crown from which he, as Māori, is distinct – even as he sought and was to become a member of the Government – makes irresolvable the perceived conflict between Crown sovereignty and Māori rangatiratanga, the term used in the Treaty of Waitangi to denote extant political authority exercised as chieftainship (Orange 1987).

Flavell's view can be rationalized according to a position that rangatiratanga constrains sovereignty. It is a common position that has distinguished conflicts between Māori and governments since the nineteenth century. However, one might alternatively understand rangatiratanga as providing a jurisprudential and practical liberal argument for Māori to claim both common and specific parts in a shared and dispersed national sovereignty, because rangatiratanga is always and inevitably exercised in relative and relational fashion to balance Māori interests against those of other citizens (O'Sullivan 2007). Rangatiratanga is not only legitimately part of the sovereign whole, but such positioning is necessarily preliminary to substantive self-determination *within* the state.

Rangatiratanga is also significant to the potential impact of citizenship's second tier, which is, for example, demonstrated through tribal commercial

entities' increasing significance as economic and political actors (Nana 2012). Their significance among the sites of dispersed and evolving national sovereignty rises with their relative national economic importance. Their relative influence, as sites of public authority, increased with the devolution of public service delivery to iwi providers under new public management arrangements developed from the 1980s. Consumer "choice" in the receipt of primary health and other social services became marks of liberal freedom to complement the developing Māori education system's attention to Māori cultural and economic aspirations from Māori epistemological perspectives. These instances of liberal democratic choice give effect to a liberal theory of indigeneity's foundational assumption that "Māori should formulate policies for Māori and the role of the Crown should be to ensure that those policies were integrated into a workable state framework" (Durie 2003: 304). However, a liberal theory of indigeneity extends the aspiration to eliminate conceptions of the Crown as a distinct and exclusive non-Māori entity. Instead, there might emerge an inclusively constituted "people" from whom consent must be obtained for legitimate government (Locke 1887). Differentiated citizenship's first tier means, then, that Māori are necessarily positioned among the sovereign people in whose name the Crown governs. The best political arrangements are those that allow people to live "flourishing" lives (Aristotle 1998), which, among other considerations, depends on the distribution of sovereign authority according to principles of "objectiveness, reasonableness, necessity and proportionality" (Xanthaki 2008: 282).

Contemporary Māori politics reflects the beginnings of a liberal theory of indigeneity as an alternative to both biculturalism and undifferentiated liberal egalitarian citizenship as philosophical frameworks capable of providing Māori with a just share in national sovereignty, both as indigenous citizens and collectively through membership of the modern New Zealand state. Further development and practice of a liberal theory of indigeneity, through differentiated citizenship, is important to liberal democracy, which succeeds only when people have reason to share confidence in the system's capacity to distribute power and authority fairly, reasonably, and inclusively.

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7

Restoring Indigenous Self-Determination through Relational Autonomy and Transnational Mediation

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During the past decade, the right of Indigenous Peoples to self-determination has been substantially enhanced in international law, through the overwhelming endorsement by the UN General Assembly of the Declaration on the Rights of Indigenous Peoples. It is no limitation that this document is formally only a declaration, rather than a treaty itself, because it serves to illuminate the full scope of existing human rights treaties, in particular the two covenants on civil and political rights and on economic, social, and cultural rights, both of which begin by recognising that all peoples possess the right of self-determination. The character of contemporary international law has been clarified to include an Indigenous right to self-determination. This is a significant achievement, which was strongly resisted by many states while the text of the draft Declaration was debated and its endorsement delayed for over a decade until 2007.

The resistance of many states to restoring Indigenous self-determination as a right in international law was expressed in various ways, including a semantic refusal to refer explicitly to Indigenous Peoples in official UN deliberations. The annual gathering of Indigenous advocates at the UN is still called the Permanent Forum on Indigenous Issues, because states refused to acknowledge it as a forum for Indigenous Peoples, not just about them. When the forum was being created in 2000, Milelani Trask, an Indigenous leader from Hawai'i, affirmed in response to state intransigence that "We are peoples, not issues. Issues may go away, but peoples do not" (Niezen 2003: 164). She insisted that Indigenous Peoples be recognised as subjects of international law, with a capacity to exercise their right to self-determination,

not merely as objects of decisions made about them by states. This capacity was not diminished by changes made to the draft Declaration before it was finalised, such as deleting a reference to the use of competent international bodies to resolve disputes between states and Indigenous Peoples regarding the interpretation of treaties between them.

Six years after the General Assembly endorsed the Declaration, it promotes a clear affirmation of the Indigenous right to self-determination that remains routinely denied in the practice of most states. The four states that opposed the Declaration in 2007 (Australia, New Zealand, Canada, and the USA) have belatedly supported it, but for these states, like for many others, endorsing the Declaration has been treated as a moral gesture requiring no substantive change to the state's political relationship with Indigenous Peoples. The political constraints on Indigenous self-determination have changed little since Kymlicka observed, in 1999, that Indigenous Peoples can obtain only "moral victories from international law," because "the real power remains vested in the hands of sovereign States, who can and do ignore international norms" (quoted in Xanthaki 2007: 119). Yet this situation of states dominating Indigenous Peoples and ignoring their rights is precisely what the Declaration was meant to help change. If the gap that Kymlicka highlighted between symbolic success and political neglect cannot be bridged, then Indigenous self-determination will not really be restored.

The main obstacle to restoring Indigenous self-determination is the refusal by states to renegotiate their political relationships with Indigenous Peoples based on the distinct status accorded to those peoples in the Declaration. As Xanthaki has emphasised, at the core of the Indigenous right to self-determination is the recognition of an Indigenous People's right to control their political destiny, to be included within a state on their own terms and through their own institutions (2007: 157-9). This right is essentially one of inclusive citizenship, which requires creating a relationship of non-domination between a state and the Indigenous Peoples living within that state. The Declaration provides a guide for how Indigenous self-determination could be restored, particularly in articles 18 and 19 about enabling Indigenous Peoples to participate through their representative institutions in all decision-making that concerns them. These articles support the principle of ensuring that Indigenous Peoples have relational autonomy from a state. As advocated by Young (2004), Xanthaki (2007), and Kingsbury (2000), this is the essential condition required for restoring Indigenous self-determination.

The principle of relational autonomy from a state, based on non-domination, has been contrasted by Young with the principle of non-interference or separation (2004: 189). Non-interference is unnecessary for genuine self-determination, both for Indigenous Peoples and for states. Yet the principle of

non-domination is crucial for appreciating what is required to restore Indigenous self-determination. This can be outlined by reviewing how the refusal of states to help create new relationships with Indigenous Peoples is expressed at three different levels of complexity in their engagement with the UN, understood in the context of the three dimensions of UN activity highlighted by Weiss (2012: 8-9). These dimensions are, first, the basic structure of the UN as an international society comprising only states; second, the various agencies of the UN, which include bodies monitoring human rights treaties and the office of the UN Special Rapporteur on the Rights of Indigenous Peoples; and third, the broader range of transnational social movements engaged in advocating for both the member states of the UN and its various agencies to act cooperatively in support of the purposes of the UN Charter, including respect for human rights and self-determination of peoples. While these dimensions overlap, the main obstacle created by states is expressed at the level of international society. By starting with a review of the last two dimensions, it is possible to highlight the nature of the transnational transformation required to overcome the resistance by states to implementing the Declaration.

The collective engagement of Indigenous Peoples with the UN has been transformed in the past generation. Their plight was ignored by the UN for decades until the early 1980s, when they gained access to lobby a UN committee protecting minority rights (Coates 2004: 252). Although the process of creating the Declaration was difficult, once endorsed by the General Assembly, it gave Indigenous Peoples a status in the UN system superior to that of minorities within states who lack an Indigenous heritage. This was reflected in a recent call made by Indigenous leaders for the President of the General Assembly to ensure that an Indigenous representative works alongside a UN representative to facilitate consultations about the format of a UN Conference on Indigenous Peoples to be held in September 2014. These leaders claimed that, based on article 3 of the Declaration, Indigenous Peoples now have “the right of effective participation in all decisions affecting them” made at the UN (Littlechild et. al. 2014). When states face collective pressure from Indigenous Peoples asserting their decision-making capacity at the UN, it is hard for them to exclude Indigenous representatives from formal UN procedures. The fact that only four states opposed the Declaration in 2007 showed it is possible to shame states into supporting Indigenous self-determination at UN plenary meetings. In this context, states that support Indigenous rights are more likely to influence the positions of other states, by amplifying the voices of Indigenous representatives.

The fact those four recalcitrant states endorsed the Declaration by the end of 2010 was the result of much domestic lobbying, and the operation of a

regular procedure for the UN Special Rapporteur, Professor James Anaya, to monitor the plight of Indigenous Peoples in particular countries. It is no coincidence that the first two of those four countries to renounce their opposition to the Declaration, Australia and New Zealand, were among the first seven countries investigated by Professor Anaya after he took over the role in 2008. Australia announced its support for the Declaration four months before Anaya's scheduled visit in August 2009, while New Zealand announced its support three months before Anaya visited that country in July 2010. For both countries, Anaya's reports (2010; 2011) were critical of entrenched discrimination against Indigenous Peoples, though his criticism would have been much stronger if the governments had not changed their policy to support the Declaration.

In Australia's case, Anaya's report amplified recent criticism by the Human Rights Committee of Australia for suspending the operation of legislation implementing the Convention on the Elimination of All Forms of Racial Discrimination. The Australian government initially rejected Anaya's criticism, but later modified its legislation after further criticism from the UN Committee on the Elimination of Racial Discrimination. While intense scrutiny from UN human rights agencies can lead governments to alter their policies, in this case only the form, not the substance, of the policy changed. The government ignored article 19 of the Declaration, which requires it to obtain the free, prior, and informed consent of Indigenous Peoples before adopting and implementing legislation or policies that affect them (Pitty and Smith 2011: 134). The government did not respect the principle of non-domination, despite responding to criticism from UN agencies about the manner in which it is perpetuating racial discrimination. While scrutiny from Anaya and other UN human rights agencies helped persuade Australia to endorse the Declaration and modify some legislation, it was insufficient to transform the government's lack of support for the Declaration in practice.

The main obstacle to restoring Indigenous self-determination is that governments face only occasional external pressure to uphold the principles of the Declaration. This is a substantial obstacle inherent in the dominant structure of the international society of states, which, as Bull argues, involves a "conspiracy of silence" between states about the human rights of their citizens (1977: 82). External pressure is needed to break this silence and expose the illegitimacy of state domination of Indigenous Peoples.

External pressure is a vital source of support for Indigenous Peoples, who, as Young notes, require regular and direct access to "agents outside the state" with "the authority and power" to influence how the state treats them (2004: 189). Yet, because of the conspiracy that Bull highlighted, only rarely will such agents be other states. While article 11 of the Convention on the

Elimination of All Forms of Racial Discrimination enables states to lodge complaints about breaches of this convention by other states, no state complained about Australia's suspension of its obligation to prohibit racial discrimination, nor highlighted this suspension to question Australia's credentials when it was elected as a member of the Security Council for 2013-14. Because of the conspiracy of silence, states still routinely tolerate the structural violence of racism in order to uphold the principle of not interfering in another state's internal politics.

If Indigenous Peoples lived in an external relationship only with international society, such as that which characterised colonialism, there would be little prospect of overcoming the political neglect of their rights by states that affirm the principle of non-interference. Yet the contemporary world is more interdependent and diverse than the colonial era. As Clark has observed, in recent decades "international society has been progressively encroached upon by global civil society," by various transnational social movements advocating for the creation of a world or cosmopolitan society in place of the inter-state order marked by the conspiracy of silence (2013: 35). Such advocacy, Clark points out, has often "been conducted through moral argument," which has helped to bring about normative change (2013: 35). The moral critique of the domination of Indigenous Peoples by states has established a basic premise for generating external pressure on states. This is the idea that the plight of Indigenous Peoples, in particular states, is now a matter of global concern. This idea is expressed in different ways through the UN, such as in the mandate of the Special Rapporteur and the holding of UN conferences. It is often expressed as a rejection of the Westphalian principle of non-interference. Thus, in John Pilger's recent film *Utopia*, Professor Jon Altman, an anthropologist at the Australian National University, says Australia requires international aid to help it transcend the powerlessness experienced in many Aboriginal communities.

This comment raises a vital question: what type of appropriate and feasible aid could help restore Indigenous self-determination in Australia? Because the problem is a political one, the aid must be of a type that could help overcome the political impasse that stops Australia from implementing articles 18 and 19 of the Declaration. Efforts to overcome this impasse within Australia have not succeeded. The need for Australia to facilitate a democratic process of recognising Aboriginal autonomy was highlighted 20 years ago by its most distinguished public servant, H.C. Coombs. He called for "an internationally recognised Act of self-determination" for Aborigines, but, despite the official apology in 2008 to generations of Aboriginal families forcibly separated by brutal paternalism, no such process has yet occurred (1994: 227). This shows there is a need for qualified international intermediaries to help Australia negotiate an Accord with Indigenous

representatives, as advocated by the Aboriginal elder Mary Graham. She emphasised that independent, third-party negotiators, who recognise the legitimacy of each conflicting party, could encourage them to resolve their conflict (2001). Such intermediaries could help clarify the key terms of relational autonomy between Australia and its Indigenous Peoples, to be formalised in a treaty (Pitty 2006: 65).

Restoring Indigenous self-determination is a process that requires a dialogue between governments and Indigenous Peoples, in which both seek to create a new situation of relational autonomy, based on the core principle of non-domination expressed in the Declaration. The conditions for such dialogue are clearly stated in the Declaration, and repeatedly affirmed by the UN Special Rapporteur, by human rights agencies, and by transnational social movements. Where the prospect of dialogue seems distant, as in Australia, Indigenous Peoples are likely to seek external sources of support in their struggle for self-determination. It is likely that transnational mediation will be needed to persuade the Australian government of the need to recognise Aborigines' relational autonomy, based on the principle of non-domination. There is no guarantee that such mediation would succeed, but the growth of an interdependent, world society means that such international assistance could be both feasible and appropriate as a way of encouraging a shift from the idea of non-interference to that of non-domination.

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8

Implementing Indigenous Self-Determination: The Case of the Sámi in Norway

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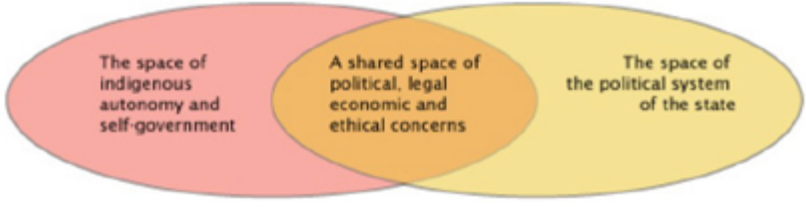
This article focuses on the issue of implementing principles of indigenous self-determination for the Sámi living in Norway. In order to capture core challenges related to implementation issues, the first section outlines the importance of adopting a relational approach to indigenous self-determination (see Kingsbury 2005; Young 2007; Murphy 2008). By using the explanatory power of this approach, it is possible to understand contemporary Sámi self-determination efforts in Norway. The second section connects the concept of rights to four stages of development of legal and political arrangements, which I present as a procedural outline for achieving Sámi self-determination.

A Relational Approach to Self-Determination

A relational approach helps capture core challenges related to implementing indigenous self-determination. Inspired by Williams (2005), it is useful to envisage two analytical normative spaces of political participation and governance. The first space is governed by indigenous peoples themselves through forms of autonomy and self-government. The second space encompasses the political system of the state as a whole. The perceived size and nature of the respective spaces vary and may depend on such factors as livelihood, cultural background, and territory (for instance, the Sámi could be either a minority or majority within a given region).



At the intersection of these two spaces of political participation and governance are common political, legal, economic, and ethical concerns shared by indigenous and non-indigenous peoples alike (see above figure). This is the space where citizens, including Sámi citizens, must exercise their autonomy through participation in shared political processes. In this shared space, they articulate their interests, values, and rights by negotiating and debating issues of shared concern and issues of indigenous difference (e.g., land rights, cultural protection, and so on). Based on a deliberative and procedural understanding of politics aimed at achieving consensus in collective decision-making (Eriksen and Weigård 1999), the process of extending Sámi perspectives and participation into non-Sámi affairs can be described as the "integration of authority" (Broderstad 2008). A relational approach to self-determination captures and illuminates the potential of focusing on the integration of authority due to the approach's normative force in explaining complex interdependence between the policies, interests, and rights of indigenous and non-indigenous peoples.

In practical terms, a relational view of indigenous self-determination focuses on the ways in which the Sámi can extend political influence beyond the traditional domain of Sámi politics – beyond self-government in autonomous indigenous institutions – by incorporating their perspectives into mainstream decision-making bodies at local, regional, and national levels. As a result, indigenous peoples increase their influence though their increased ability to collaborate with the wider political community through closer relations with non-indigenous people. Equally important is the need on both sides to develop feelings of respect and trust. Building trust depends, in large part, on building political influence through autonomous indigenous institutions, like the Sámi Parliaments in Norway, Sweden, and Finland. The next section looks at some of the steps that can restore and maintain trust between the Sámi and non-Sámi.

Developing Legal and Political Arrangements in Four Stages

The development of Sámi rights over the past 30 years illustrates how political compromise and legal decisions further self-determination. On the one hand, courts (re)interpret evidence on important issues, like land rights, problematizing former understandings, policies, and approaches. For instance, the Selbu and Svartskog Supreme Court cases from 2001 both ruled in favour of the Sámi when disagreements arose over land use (Eriksen 2002; Ravna 2011). Such outcomes put pressure on the political system, which typically strives for compatibility between law and political practice. Particularly in common law contexts, Supreme Court decisions have played an important role in changing government policies on land claims. On the other hand, political solutions can be the driving force, modifying legal and

political institutional arrangements. This was the case when the Norwegian Parliament adopted the Finnmark Act in 2005, which gave Sámi additional rights in Norway's northernmost county. Land disposition rights were conferred to a new landowning body, the Finnmark Estate (Finnmarkseiendommen), which administers land and natural resources in Finnmark on behalf of all inhabitants of the county. Prior to 2005, the Norwegian state considered itself the owner of 95% of the land in Finnmark, and this land was managed by a special state entity called Statskog. A political approach can draw attention to new ways of imagining the inter-subjective relationship between, and self-understanding of, both the Sámi and non-Sámi peoples. By making use of the political rights of citizenship, the Sámi have achieved significant breakthroughs in terms of their political influence and ability to self-govern. The following four stages help explain the path the Sámi have taken in Norway to increase their ability to self-determine, both in terms of increasing their autonomy and influence in the shared space of Norwegian politics.

Stage 1: The "Negative" Aspect of Rights and Political Participation

Like many other indigenous peoples around the world, the Sámi people of Northern Fennoscandia have a long-standing history of assimilation. The official policy of assimilation lasted roughly a century. However, unlike in Australia, Canada, and New Zealand, the Sámi were not historically excluded from voting in national elections (Murphy 2008). But like in Australia, Canada, and New Zealand, assimilation was gradually abandoned. The initial post-war period of sociopolitical development was marked by the need to recognize Sámi as equal members of the state, itself comprised of individual members, implying a uniform treatment of all without any recognition of cultural difference. This view was made clear when Norway ratified the International Covenant on Civil and Political Rights from 1966 without giving any relevance to the unique relationship with the Sámi (Minde 2003). Article 27 of the Covenant states that "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." A traditional reading of this article depicts rights as "passive" or "negative" rights preventing discrimination. It does not demand any active measures by nation-states. This did not change until the Alta struggle brought greater attention to Sámi issues and concerns, resulting in the Human Rights Committee – a body of independent experts that monitors the states' implementation of the conventions on human rights – which thoroughly examined the Norwegian position towards the Sámi in 1982-1983. The Alta struggle in the late 1970s is regarded as a turning point in terms of state policy towards the Sámi, which changed dramatically in the second half of the

1980s. The building of a hydroelectric power station on the Alta River bred conflict as Sámi protests and resistance efforts led to a dramatically greater sense of self-awareness and feelings of identity among the Sámi. Several dramatic events took place, including civil disobedience and hunger strikes outside the Norwegian Parliament. A strong alliance between the environmental and Sámi movements occurred, showing external support for their cause and leading to significant international attention on Norway's treatment of the Sámi.

Stage 2: The "Positive" Aspect of Rights and Political Participation

The second stage involves positively recognizing indigenous rights by calling on the state to honour the distinctive group character of indigenous peoples. Due to concessions made during the Alta affair, the Norwegian Government established the first Sámi Rights Commission (SRC) in 1980 with a mandate to propose solutions regarding Sámi rights to land and water, among other issues. The SRC argued for a new reading of Article 27, allowing for greater "positive" rights. The Norwegian Parliament followed this reading, implying that the nation-state had to actively contribute to developing Sámi culture, as well as embracing the material aspects of a minority culture. The authorities felt increasing pressure to be proactive on the subject. This is the stage when the Sámi institutionalization process made some headway. Based on the SRC's work, the Norwegian Parliament passed the Sámi Act in 1987, which led to the establishment of the Sámi Parliament in 1989. In 1988, a constitutional amendment (110a) was adopted, creating an obligation to secure and develop Sámi language, culture, and societal life. By securing and institutionalizing political rights through the Sámi Parliament, the Sámi became increasingly able to successfully argue for their rights, including the important issue of land rights.

Stage 3: The Procedural Aspect of Rights and Political Participation

The third stage is about enforcing procedural aspects that promote indigenous rights, which in the Sámi-Norwegian context have been implemented in the Finnmark Act in 2005 and the consultation agreement between the Norwegian Government and the Sámi Parliament that same year. The agreement regulates the relationship between the Norwegian Government and the Sámi Parliament. The consultation obligations of International Labour Organisation (ILO) Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries are regarded as important premises for the agreement, designed to contribute to the implementation of the state's obligations to consult indigenous peoples under international law. In these processes, the interaction between national legislation and

international law became particularly evident. The Finnmark Act has partly incorporated ILO Convention No. 169. The procedural aspects embrace the rights of indigenous peoples to consultation, negotiation, and real participation in decision-making processes. These processes are resulting in new arrangements for securing indigenous governance, and co-determination in fields such as the management of land and resources. In the past, the state has been able to ignore and even remove customary Sámi rights by overlooking rules and procedures found in internal law and principles of international human rights (Oskal 2001). Thus, in addition to public-judicial issues, procedures of clarifying customary land rights came into place. The evolving consultation practices seek to realize a partnership between the Sámi Parliament and state authorities. The enhanced recognition of rights expresses both a principle of autonomy and closer relations between the Sámi and the wider political community. The ability to build trust and political influence depend on the effectiveness of an autonomous Sámi Parliament to secure such arrangements. A representative political body had to be in place before the development of procedures of political inclusion could begin. Step by step, the Sámi Parliament has been empowered and stands out as the defining body in consultation processes with the Norwegian state. The Sámi have undoubtedly gained acknowledgement and the inclusion of Sámi concerns in a common legal framework is expanding, even if challenges and setbacks do sometimes occur.

Stage 4: The Institutional Aspect of Rights and Political Participation

Through consultation and negotiation procedures, indigenous institutions are empowered to deal with a wide range of policy matters critical for the implementation of indigenous self-determination. Thus, a fourth stage of enhanced institutionalization is taking place, entailing legal institutionalization. Institutionally anchored rights allow for extensive relations between autonomous indigenous institutions and state institutions. These relations require a complex framework outlining the jurisdictional powers of different authorities. Further, indigenous autonomy involves clearly defining relationships with state authorities, which implies constantly revising and politically justifying the framework (Kingsbury 2001). Illustrative of the increasing influence of the Sámi Parliament on relevant policy matters is the growing number of consultations with state authorities. Between 40 and 50 consultations on legislation and policies are carried out annually, with a majority leading to consensus. The topics are diverse, including consultations on education, health, language, national parks, cultural heritage, hunting and fishery regulations, reindeer husbandry, windmills, power stations, and mining. However, the number of consultations failing to reach agreement is also increasing. Still, the enhanced institutionalization and recognition of rights has made it possible to reach consensus and to move more firmly

towards consensus through intermediate agreements requiring further steps or procedures for dispute resolution. The institutionalized consultation process promotes the involvement of the Sámi Parliament in state decision-making processes. The concerns defined within the space of self-government can be expanded upon and expressed more widely through the shared space of governance to the legislature. This being said, attention must be given to the fact that the opportunities for establishing indigenous autonomy differ. A unitary state like Norway primarily relies on transferring and delegating management tasks from central authorities to the Sámi Parliament. But there is gradual change in governance practices related to the Sámi as an indigenous minority. This is being accomplished through institutionalizing a consultation process – an exceptional case in Norwegian politics. Based on international law, on premises of real participation and influence carried out in good faith aiming at consensus or approval, the achievements of the Sámi Parliament are beyond those of just an advisory body. However, in practice this is not always so straightforward.

Having outlined these four stages as a roadmap for the recognition of indigenous rights, it is also important to note that setbacks in the struggle of Sámi rights recognition are apparent. A severe obstacle is the lack of recognition of historical fishery rights in coastal areas (Skogvang 2012). In 2008, the Coastal Fisheries Commission proposed to the Ministry of Fisheries and Coastal Affairs that all coastal residents had the right to fish in Finnmark's waters to maintain a reasonable livelihood. This conclusion was not accepted by the Ministry (Jentoft and Brattland 2011). Another contested issue is the new mining act (2009) where the Sámi Parliament and Norwegian Government failed to reach consensus. The government claims that the law safeguards Sámi interests, while the Sámi Parliament asserts the opposite, claiming that, among other things, the act breaches international law by not protecting Sámi rights south of Finnmark. These two cases on minerals and fisheries share one important commonality: they concern national resources with tremendous economic interests and political prestige. As is the case in the rest of the Arctic, politicians and industry leaders play a large role in how economic opportunities are developed. At the same time, this development may lead to greater conflict between industry, governments, environmentalists, and indigenous peoples. Governing systems handling conflicting interests – in this case, industrial activities versus traditional land use – must consider those who are most severely affected by exploitation activities and the duty of the state to protect human rights, including the rights of indigenous peoples against violations by third parties. According to Taylor (2013), this duty applies to all institutions of the state and involves standards of compliance for businesses to respect human rights, including government policy encouraging business to respect human rights. Without institutionally anchored rights and established procedures securing indigenous participation

in state decision-making processes, the situation will only become more critical.

Summary

A relational perspective on implementing self-determination "encourages the view that indigenous peoples must seek influence in a variety of different political forums to manage the complex web of relationships in which they have become entangled with non-indigenous communities and governments" (Murphy 2008: 203). The relational approach makes the case that strengthening autonomy and self-determination through self-governing arrangements, versus extending indigenous perspectives and participation into non-indigenous affairs, are not necessarily contradictory. But the indigenous experience of seeking political influence and gaining self-governance is far from straightforward, as rights become necessary to counteract the arbitrariness of political decisions formulated through changing majorities in the state's democratic institutions. Political and legal reforms are needed for effective cooperation to come about by better managing the complex relationship between democracy and rights. The case of the Sámi in Norway elucidates one example of how indigenous rights can promote self-determination. The relational aspects of Sámi self-determination have evolved through four stages of progress: the "negative," the "positive," the procedural, and the institutional aspects of rights and political participation. The Sámi themselves have pushed the perception of rights into the public political consciousness by appealing to human rights standards and international law. Though the four stages are presented sequentially, the political reality is that various changes can deviate slightly. For instance, procedural and institutional aspects may appear concurrently. The point is that legal and political developments have made it possible for Norway's Sámi Parliament to directly influence state decision-making processes, which gives them a voice in a greater number of decisions affecting the Sámi. My emphasis on the relational aspects of Sámi political influence is not about impairing the importance of autonomy and the right to indigenous self-determination. On the contrary, I also claim that, in order to succeed with an expansion of authority, a relational approach to self-determination is required because the strengthening and empowerment of indigenous political participation depends on greater space for dialogue and shared understandings.

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9

Revitalizing African Indigenous Ways of Knowing and Knowledge Production

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The article is based on the following arguments: the history of Africa's Indigenous ways of knowing and knowledge production did not begin with the coming of Western knowledge systems, and neither should their future depend exclusively on Western and other worldviews. Like other human societies across the globe, African indigenous societies have, for centuries, developed their own sets of experiences and explanations relating to the environments they live in (Kimwaga 2010). This is due to the fact that the way learning is perceived and how people actually learn is culturally specific. Different cultures have different ways and experiences of social reality and, hence, learning (Matike 2008). This is influenced by their worldview and belief systems of the natural environment, including the socio-economic and ecological context of their livelihood. These culturally and locally specific ways of knowing and knowledge production are often referred to as traditional, ecological, community, local knowledge systems, and so on. They encompass sophisticated arrays of information, understanding, and interpretation that guide interactions with the natural milieu: in agriculture and animal husbandry, hunting, fishing, natural resource management, conflict transformation, health, the naming and explanation of natural phenomena, and strategies to cope with fluctuating environments (Semali and Kincheloe 1999; Lander 2002; Kante 2004; Horsthemke 2004).

This article is based on experiences from a 2012 study conducted at Lokupung Village in South Africa's North-West Province. The study was conducted by Indigenous Knowledge Systems Programme students at North-West University, in collaboration with the North-West Provincial Department of Agriculture and Environment. The project was initiated by village community members based on their concern and experience with interfacing

indigenous and modern knowledge systems. They indicated that, in most situations, the application of technologies from outside (such as extension services, hybrid seeds, fertilizers, chemicals, machinery, and credit systems) were not always appropriate to the local conditions, i.e. the local ecological conditions could be inappropriate for their applications, the inputs required might be unavailable locally, maintenance and follow-up systems might be lacking, or conditions might be socially or culturally (including linguistically) inappropriate.

In considering these factors, the following sections outline the challenges and prospects of interfacing African indigenous knowledge and other knowledge systems.

The Challenges and Prospects of Interfacing African Indigenous Knowledge and Other Knowledge Systems

The foundation of all knowledge systems is local, but due to unbalanced power relations stemming from colonialism and other forms of imperialism, other nations and cultures have universally imposed their knowledge systems, cultures, and languages (wa Thiong'o 1986; Timothy 1998; Schutte 1999; Walter 2002; Smith 2002). However, due to globalization, many problems – such as climate change, poverty, and environmental degradation – are global. This raises important question about how African Indigenous Knowledge Systems (AIKS) can contribute to the global knowledge economy. It is suggested that the sustainability of AIKS, given these global challenges, necessitates the convergence of African indigenous worldviews – embedded in African social practices through orality in their indigenous languages and knowledge systems – with other ways of knowing and knowledge production embedded through literality (Moodie 2003; McCarthy 2004).

In the context of this discussion on revitalizing African indigenous ways of knowing and knowledge production, the rationale for interfacing knowledge systems is twofold. It facilitates an intra- and intercultural dialogue between ways of knowing, knowledge production, and value systems. It also enables local African communities to better understand the differences and interactions between AIKS and other knowledge systems in order to reconstruct their own knowledge systems and to make better-informed decisions about which knowledge (internal or external) is appropriate for their sustainable future (Ntuli 1999; Seleti 2010).

A founding principle for fostering positive interactions between AIKS and other knowledge systems is that collaboration must be initiated between equal partners. It must be built on mutual respect and understanding,

transparent and open dialogue, and informed consent and just returns for the Indigenous Knowledge holders and practitioners through the flow of rewards and benefits. While efforts should be made to combine the best of both AIKS and other knowledge systems, there is an increasing emphasis that intercultural learning should be based on local experiences as a necessary prerequisite and a first step towards intercultural dialogue of knowledge systems for the sustainable development of AIKS and its contribution to the global pool of knowledge (Odoro-Hoppers 2002; Lander 2002).

For example, in his discussion on the symbiosis between modern science and traditional knowledge for enhancing food security and climate change adaptation in Kenya, Mbuku (2013) looks at the use of indigenous knowledge in drought monitoring by pastrolists. He reveals that pastoralists usually derive Indigenous Knowledge-based forecasts just before the beginning of the farming season. He cites that, in northern Kenya, the Rendille pastoralists utilize a number of indicators – like local temperature, humidity, and wind conditions – to the presence or absence of certain types of clouds, rainfall patterns, and rain amounts. These weather indicators are also used in formal climate monitoring. When predicting prolonged drought, the Rendille pastoralists observe the flora and fauna for any unusual behaviour, paying specific attention to the noises made by certain bird species, the appearance of sparrow weavers, bees migrating, emaciated livestock species when there is plenty of pasture, the invasion of certain ants, the making of noise by crickets at night, and unusual flowering of certain trees (e.g. *Lonchocarpus sp. sterile*).

Astrological constellations, like the position of the sun and moon, are also observed in great detail by the Rendille and Gabra pastoralists. Speranza et al. (2009) show that a number of these indicators have also been used for drought monitoring in other communities, such as the Kamba pastoralists of Kenya. Nkondo (2012) states that, in spite of the various contentions on the effectiveness of the indicators used by indigenous communities around the world, Indigenous Knowledge Systems have increasingly attracted the attention of many observers in both developed and developing countries. Practitioners are starting to realize the importance of recognizing and working with Indigenous Knowledge Systems, which builds on generations of experience, to best support the adaptive capacity and strategies of rural communities (Orlove et al. 2010). There is increasing acknowledgement that indigenous forecasting methods are locally relevant and needs-driven, focus on the locality and timing of rains, and are “communicated in local languages and by local experts known and trusted by the people themselves.”

Implications for African Educational Systems

The above discussion has implications on the current educational system in Africa – a system that remains predominantly Eurocentric and dominated by European worldviews. This is exemplified by the teaching of social sciences in African higher education institutions, where social theory is still entrenched in the methods, concerns, beliefs, and experiences of Western Europe and North America. Its irrelevance to Africa lies in the fact that it is quite inappropriate to attempt to fit African social history and social thought into the confines of a social and political structure that reflects the organisation of Europe 300 years ago (Schutte 1999). The implication is that African educational institutions, especially in higher education, have reduced themselves to the reproduction of the intellectual outputs of western social thinkers, including their theories and methodologies for prioritizing research. There is little attention given to African indigenous literary and philosophical traditions, as they tend to be viewed as primitive and unscientific, as well as improper sources for social theory and research development (Vilakazi 1999).

Nkondo (2012) reiterates the inability of African social scientists to generate their own indigenous concepts, definitions, theories, and methods which could guide the intellectual development in their research and academic fields. Smith (2002) adds that this leads to a lack of confidence among African scholars, as western research models, theories, and concepts are uncritically adopted and applied in African cultural communities characterised by poverty, rendering them irrelevant to local settings. They tend to be elitist because they focus on the concerns of dominant groups in society, which marginalises the views and concerns of underprivileged social groups.

The integration of AIKS into the educational system in Africa provides the following opportunities for learners and their respective societies: (i) It provides learners with the opportunity to learn appropriate community attitudes and values for sustainable livelihood. This is due to the fact that African indigenous communities have lived in harmony with their environment and utilised natural resources without impairing nature's capacity to regenerate them. AIKS in higher education can help to develop and promote these sensitive and caring values and attitudes for the environment. (ii) Learners will be able to learn through culture because AIKS are stored in various cultural forms – for example, folk stories, songs, folk drama, legends, proverbs, and myths. The use of these cultural resources in formal education can be very effective in bringing AIKS alive for students. It enables them to conceptualise, practically, the theoretical knowledge acquired in the classroom. (iii) Involving community knowledge holders in research, teaching, and learning enables learners to learn across generations, hence making them appreciate and respect the knowledge of elders and other community

members. In this context, higher education will be an agency for transferring culture from one generation to the next.

Conclusion and Recommendations

While there are prospects in interfacing African Indigenous Knowledge with other knowledge systems, a generic application of foreign ways of knowing and knowledge production – including technology systems in African cultural conditions – is inappropriate. Knowledge systems should build on locally available resources, primarily the cultural and environmental experiences of the local people for relevance and sustainability. This has implications for African educational systems and sustainable community development: the necessity for direct collaboration between local communities and institutions of learning at all levels; intra- and inter-cultural education and research, which should be a collaborative effort of institutions of learning and local communities; and the dialogue and interface of ways of knowing and knowledge production, which can play an important role in re-indigenisation of educational systems in Africa. This will facilitate an intra- and intercultural dialogue between knowledge systems. However, this process requires reforming the education system in general to accommodate the new paradigm in ways of knowing, knowledge production, and value systems.

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10

China and the UN Declaration on the Rights of Indigenous Peoples: The Case of Tibet

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Using sovereignty as a shield, the People's Republic of China (PRC) has generally sought a pass in regard to enforcing international human rights compliance. Though it has signed numerous human rights treaties, its state-centered approach has sought to avoid all efforts at enforcement. This avoidance has nowhere been more absolute than its disavowal of any obligations regarding indigenous peoples' rights. The PRC actually voted in support of the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN General Assembly 2008). It then promptly disavowed any obligation under the declaration, proclaiming there were no indigenous peoples in China. It proclaimed 5,000 years of unity and harmony with its 55 designated national minorities living in peace on their own land. Though a bloody history and recent protests by the most prominent of these minorities – Tibetans, Uyghurs, and Mongols – would tend to belie such assertion, the international community has rarely challenged this claim.

PRC protestations aside, a reasonable case can be made that China does have indigenous peoples among the peoples it has formally identified as national minorities. Narrowing the focus to Tibet, this article will assess China's claims of exception from indigenous obligations and evaluate, on a general level, compliance with relevant international standards. This analysis appreciates that a mere UN declaration is usually not considered hard international law, though it may, under some circumstances, reflect customary international law. At a minimum, the UNDRIP, which sought to reflect existing customary international law, may be judged to offer a compelling guideline that China itself effectively embraced with its supporting vote.

The UN Declaration and China

While the UNDRIP does not offer a specific definition of "indigenous peoples," it does specify that they exist throughout the world.[1] A 1986 UN study offered a definition seeking to include "communities… which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing" (UN Economic and Social Council 1986). The emphasis on distinctive self-identification clearly applies in this case. Even by China's own account, in its 2009 White Paper on Tibet, the Tibetan people are clearly recognized as having a distinctive culture, language, and history, and constitute the vast majority in Tibetan areas (People's Republic of China 2009). The invasion mentioned in the definition is likewise evident in the 1950-51 Chinese invasion of Tibet, which resulted in the Seventeen Point Agreement[2] with the Dalai Lama, promising Tibetans the right to continue under their traditional governance in exchange for acceptance of Chinese sovereignty.[3] That this agreement was clearly an unequal agreement that the Dalai Lama could hardly refuse is another feature it shares with similar indigenous agreements around the world.

The UNDRIP identifies a number of standards that could appropriately be applied to assess prevailing conditions in Tibet. Its preliminary articles emphasize demilitarization of indigenous lands; the right of indigenous people to freely determine their relationship with states; that treaties, agreements, and constructive arrangements with states are matters of international concern; "the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development"; and that the right to exercise self-determination in conformity with international law shall not be denied. That Tibet is heavily militarized, and that the Tibetan people have never been allowed to make a free choice in determining their association with PRC, is widely appreciated. Efforts by the exiled Tibetan leadership to negotiate agreement concerning these issues have been consistently rebuffed. International concern over these matters has been the subject of numerous non-governmental organization, national, and international reports.

The UN Declaration, in its main text, guarantees indigenous peoples the right of self-determination; the right to autonomy or self-government in matters relating to their internal and local affairs; the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs, and ceremonies, including private access to their religious and cultural sites and control of their ceremonial objects; the right to participate in decision-making in matters which would affect their rights, through representatives chosen by

themselves in accordance with their own procedures; the right to be consulted and given prior consent through their own representative institutions before implementing state legislative and administrative measures; and the right to recognition, observance, and enforcement of treaties, agreements, and other constructive arrangements.[4] At the same time, they are guaranteed the rights protected by various human rights treaties and covenants. China's nationwide imposition of top-down authoritarian rule, its dismissive responses to Tibetan efforts at negotiation, and its weak general protection of basic human rights clearly fail to meet these standards. A closer look in the following section shows just how far China has strayed from these standards and even its own earlier commitments reflected in the Seventeen Point Agreement.

Tibetan "Autonomy" Under PRC Rule

The Seventeen Point Agreement that China imposed on Tibet when it occupied the country in 1950-51 actually came closer than any subsequent policies to the standards of the UNDRIP. The agreement acknowledged Tibet's special status, promised autonomy, and upheld Tibet's traditional system of self-rule. Chinese officials in the revolutionary zeal of the 1950s, however, showed little regard for these commitments, as they sought to impose "democratic reform" under Chinese Communist Party (CCP) rule, which they imagined Tibetans would quickly embrace. Chaffing under such an invasive approach, popular rebellion ensued and the Dalai Lama fled to India in March of 1959. There he established a government in exile that persists to the present (Dalai Lama 1991). If the Dalai Lama had stayed in Tibet, it seems likely that the Tibetan people and the world at large would have ultimately been deprived of one of the world's leading spiritual leaders.[5]

After the Dalai Lama fled into exile, PRC leaders abandoned their commitments under the Seventeen Point Agreement and established the Tibetan Autonomous Region (TAR) where, under the current Law on National Regional Autonomy (LRNA), central control clearly outweighs any notion of autonomy (China 1984 [2001]). About half of the contiguous traditional Tibetan areas have been distributed across 12 lesser autonomous areas in adjoining provinces, in what looks to Tibetans like a divide-and-conquer strategy. The large military presence, especially in the TAR, suggests the PRC views Tibet more in terms of national security than indigenous rights. The LRNA applies to all 55 designated national minorities, but the heavy-handed direct control practiced under its provisions seems targeted mostly at Tibet and the Uyghur areas in neighboring Xinjiang. A suspicious mind may wonder whether the generous designation of so many national minorities aims to water down such quasi-indigenous status.

The 1982 PRC Constitution, passed after the Cultural Revolution during China's liberalizing phase, appears to offer local autonomy. Article 4 provides that "Regional autonomy is practiced in areas where people of minority nationalities live in concentrated communities" (China 1982). As is replicated in the LRNA, such autonomy includes the power to enact "regulations on the exercise of autonomy (*zizhi tiaoli*) and other separate regulations (*danxing tiaoli*) in light of the political, economic and cultural characteristics." (China 1982; 1984).[6] "Regulations on the exercise of autonomy" are effectively a sub-constitution or basic law, and one such law would be enacted in each region. A difficulty has been the requirement of higher approval for all such laws enacted in autonomous regions. Such approval must typically come from the next higher level of government: for autonomous regions, the central government, and for autonomous prefectures and counties, the provincial government. None of the PRC's five autonomous regions – being Tibet, Xinjiang, Inner Mongolia, Guangxi, and Ningxia – have received approval for such basic regulation on the exercise of autonomy. The attempt to enact a basic regulation in the TAR went through 15 drafts and was eventually abandoned without being submitted to the State Council (Ghai and Woodman 2009). Autonomous prefectures and counties have received approval from provincial governments for basic autonomy laws, but these simply track the LRNA content, showing little evidence of local autonomy. Autonomous regions and other areas have enacted many "separate regulations."[7] A third category would be ordinary laws unrelated to autonomy, which do not require such higher approval.

The picture that emerges is one of strict central control. Beyond the official approval required for enactment of autonomous laws, this control is most substantially exercised through CCP oversight at all levels. CCP committees are required to approve draft legislation at every step in the legislative process (Xia 2009). Other factors that facilitate this careful control of political choice in such minority autonomous regions include the replication of national political structures, such as people's congresses and CCP oversight at all levels of autonomous government; the reality that Chinese cadres always hold the top CCP position in the regions; and, finally, a communist ideology that claims Chinese "liberation" of the area and effectively denies the indigenous reality of such regions.

The outcome has been decades of Chinese domination and repression in Tibetan regions. During periods of national political chaos and repression, such as the Cultural Revolution, the level of destruction has been palpable, breeding high levels of Tibetan resentment. While recent years have seen Chinese policy encourage economic development, these moves have not been met with the hoped-for Tibetan gratitude. Tibetans have tended to see these policies as self-serving efforts to facilitate resource extraction, open up

Chinese migration into Tibetan areas, and repress opposition – all favoring Chinese interests. Repressive efforts that have included close monitoring and "reeducation" in Tibetan monasteries, and a strong presence of security forces have bred even more resentment. Tibetan opposition has been manifest in various protests and even riots, and, most recently, in over 120 self-immolations (Davis 2012). Any pretext of carrying out the original promise of the Seventeen Point Agreement, or even current national minority laws, has largely evaporated. Current policies fall far short of the promise of the UNDRIP.

The Tibetan Memorandum and the Failure of Negotiation

The demonstrations and riots in 2008 came at a particularly inopportune time for the PRC, as it prepared to host the 2008 Olympics. Efforts at damage control led to three critical meetings straddling the Beijing Olympics in May, July, and October of 2008. For years the Dalai Lama had advocated what he labeled a "middle way" approach to achieving genuine autonomy for Tibet, an approach he urged could fit under the PRC Constitution (Central Tibetan Administration 2006). With the Beijing Olympics approaching, in the July 2008 meeting, Chinese officials asked the Dalai Lama's representatives to submit a memorandum indicating how their middle way approach would fit under the PRC Constitution. The Tibetan Memorandum on Genuine Autonomy for the Tibetan People was submitted to Chinese officials at the October 2008 meeting, which followed closely on the heels of the Beijing Olympics (Central Tibetan Administration 2008).[8]

The Tibetan memorandum outlined areas of hoped-for autonomy in eleven policy areas that largely tracked the autonomy areas identified in the PRC Constitution: language, culture, religion, education, environmental protection, utilization of natural resources, economic development and trade, public health, internal public security, population migration, and cultural, educational, and religious exchanges with other countries. In seeking local control over immigration and external relations in the commercial and cultural areas, the memorandum appeared to track the somewhat more robust autonomy afforded to Hong Kong and Macau under Article 31 of the PRC Constitution (China 1982). The memorandum also sought to avoid the central government approval process required under existing national minority laws. Finally, the memorandum sought to unify all contiguous Tibetan autonomous areas into one. All of these areas easily track the guidelines in the UNDRIP.

The official Chinese response to Tibetan overtures and the Memorandum clearly signaled the PRC's dismissal of the UNDRIP requirement of negotiating with freely chosen representatives of indigenous peoples. PRC

officials promptly downgraded the discussions, indicating Sino-Tibetan "contacts and dialogues were about the Dalai Lama's personal future, and not so-called 'China-Tibet negotiation' or 'dialogue between Han and Tibetan people'" (*Xinhua*, 6 July 2008). The PRC's official aim was clearly damage control, as it insisted on three "stops" to "stop activities aimed at splitting China, stop plotting and inciting violence and stop disrupting and sabotaging the Beijing Olympic Games" (*Xinhua*, 6 July 2008). This was later refined to "four non-supports": "not to support activities to disturb the upcoming Beijing Olympic Games, not to support plots to fan violent criminal activities, not to support and concretely curb the violent terrorist activities of the 'Tibetan Youth Congress' and not to support any argument and activity to seek 'Tibet independence' and split the region from the country" (*Xinhua*, 6 July 2008). Chinese officials dismissively challenged the Dalai Lama's credentials to represent the Tibetan people, insisting that he must speak to the central government as a "common person" (*Indo-Asian News Service* 15 July 2008). They launched vociferous personal attacks, labeling the Dalai Lama a "wolf in monk's robes" (Davis 2008).

Responding directly to the Tibetan Memorandum, a State Council Address likened the Tibetan notion of "genuine autonomy" to the "high degree of autonomy" allowed Hong Kong.[9] The Tibetans were accused of seeking "half-independence" and "covert independence," though no explanation is given why the same language applied to Hong Kong means only autonomy. The State Council Address further accuses the exiled Tibetans of "colluding with such dregs as 'democracy activists', 'falunkun (Falungong) elements' and 'Eastern Turkistan terrorists.'" The Tibetan Memorandum's proposal to gain control over immigration into Tibet is likened to "ethnic cleansing." The State Council Address declared, "We never discussed the so-called 'Tibet issue' and will 'never make a concession.'" This language suggests the most extreme rejection of basic indigenous rights and associated autonomy for Tibetans.

Conclusion

Chinese officials responsible for Tibet policy, primarily in the PRC United Front Works Department, appear to see Tibet primarily as a security problem. Their views seem similar to historical colonialist policies, including a sense that they are bringing a superior culture and economic development to the region. One frequently hears Chinese expressions of concern about Tibetan ingratitude for generous Chinese investment in Tibetan areas. When this view is combined with Chinese claims of historical title to Tibet, Chinese outrage at the Tibetan challenge has left little room for compromise. The Dalai Lama, while offering compromise, has refused to bow to Chinese interpretations of Sino-Tibetan history. Chinese officials may conclude that such refusal will

deprive any settlement of full legitimacy.

Confronted with the difficult reality of Chinese occupation, the Dalai Lama, as reflected in the Tibetan Memorandum, has offered to accept "genuine autonomy" under Chinese sovereignty. Chinese distrust of his representations, in the Memorandum and elsewhere, has left an impasse. The Dalai Lama has persisted in his efforts to reach compromise under his middle way approach, though skepticism about any breakthrough abounds. With his reservoir of support in the Tibetan community, Tibetans in exile have generally supported the Dalai Lama's efforts, though skepticism is growing within the Tibetan exile community. There is very little trust that the Chinese have any interest in compromise, the perception being that they are just biding their time, awaiting a post-Dalai Lama period when they expect the Tibetan exile movement to collapse.

The question to be asked is whether the Chinese are squandering the opportunity offered by the Dalai Lama, personally, and the Tibetan Memorandum, as a negotiating document, to reach a compromise. Should they take advantage of the Dalai Lama's ability to garner support in the Tibetan community for any agreement reached in line with international standards and the Tibetan Memorandum? Until their policies begin to measure up to international standards, such as reflected in the UNDRIP, their claims regarding Tibet and other critical minority areas will continue to meet global skepticism, even while their power has garnered formal recognition of their sovereignty over Tibet. Given the visibility of this issue in nearly every Chinese foreign policy outing, the price paid for these poorly conceived policies surely stretches beyond Tibet to skepticism in general about China's rise. Until the PRC acknowledges its international obligations, the deplorable human rights situation in Tibet seems destined to continue, as will a festering political sore covering nearly one-quarter of contemporary Chinese territory.

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Endnotes

1. At the time of the Declaration there was thought to be over 370 million indigenous people worldwide (*International Herald Tribune* 13 September 2007).
2. The full title is the "Agreement of the Central People's Government and the Local Government of Tibet on Measures for the Peaceful Liberation of Tibet," which was signed on 23 May 1951.
3. The title of the agreement appears to suggest that China was just reclaiming an historical possession, but Tibetan resistance and numerous scholarly historical assessments call this into question (see Smith, Jr. 1996; Crossley 1999; Sperling

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Endnotes

1. These are United Nations General Assembly Resolutions 1353 (XIV) in 1959, 1723 (XVI) in 1961, and 2079 (XX) in 1965.
2. Not all commentators are of the view that Bangladesh falls within the principle of self-determination, preferring the view that Bangladesh emerged "as a *fait accompli* achieved as a result of foreign military assistance in special circumstances" (Crawford 2006: 415-6).

12

Self-Determination: A Perspective from Abya Yala

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For those unfamiliar with the term Abya Yala, the concept emerged toward the end of the 1970s in *Dulenega*, or what, for others, is today San Blas, Panama, a Kuna Tule territory.[1] Abya Yala in the Kuna language means "land in its full maturity." The Kuna believe that there are four cycles of life that have developed the planet earth: Kualagun Yala, Tagargun Yala, Tingua Yala, and Abia or Abya Yala. Today, we are living in the last cycle of life. After the Kuna won a lawsuit to stop the construction of a shopping mall in Dulenega, they told a group of reporters that they employed the term Abya Yala to refer to the American continent in its totality. After listening to this story, Takir Mamani, the Bolivian Aymara leader, and Tupaj Katari, one of the founders of the indigenous rights movement in Bolivia, suggested that indigenous peoples and indigenous organizations use the term Abya Yala in their official declarations to refer to the American continent. He argues that recognizing and "placing foreign names on our villages, our cities, and our continents is equivalent to subjecting our identities to the will of our invaders and their heirs" (Arias et al. 2012: 7, my translation). Therefore, renaming the continent would be the first step toward epistemic decolonization and the establishment of indigenous peoples' autonomy and self-determination. Since the 1980s, many indigenous activists, writers, and organizations have embraced Mamani's suggestion, and Abya Yala has become a way not only to refer to the continent, but also a differentiated indigenous locus of cultural and political expression (Muyolema 2001: 329).

The struggles of the Kuna epitomize the struggles of Indigenous rights movements on the continent to defend and maintain their territories and freely determine their own economic, social, and cultural development. Indeed, these movements have invoked "the concept of self-determination in formulating demands against actual or perceived oppression of the status

quo," and the necessity of establishing themselves as distinct sovereign peoples, with historical rights to their lands (Anaya 1993: 131). These struggles to dignify Indigenous identities and territories have been fought historically on many fronts. They include armed struggles, non-violent activism, accepting government jobs to gain degrees of self-government, or electoral politics in pursuit of making change from above. In this article, I explore the question of self-determination in Abya Yala by focusing on the Zapatista Army of National Liberation (EZLN) in Chiapas, Mexico, and the Movement Toward Socialism (MAS) in Bolivia. These two movements are perhaps the most referenced within discussions of indigenous self-determination, sovereignty, and autonomy in the south of Abya Yala. In their approaches to indigenous rights to land and resources, both the EZLN and MAS allow us to critically explore what is at stake in our efforts to overcome (neo)colonialism.

The Zapatistas and the Politics of *mandar obedeciendo*

The EZLN is a Maya social movement that emerged in January 1994 as a response to the signing of the North American Free Trade Agreement (NAFTA) between the governments of Mexico, the United States, and Canada. During the initial revolt, the Zapatistas wore ski masks to protect the identity of its members against institutional repression, and to express a non-hierarchical, more egalitarian political and organizational structure. Today, the ski mask symbolizes their historical marginalization and their struggle to overcome it. Their name, Zapatistas, comes from the Nahuatl peasant leader Emiliano Zapata (1879-1911), one of the leading figures of the Mexican Revolution of 1910 that overthrew the dictatorship of Porfirio Díaz.[2] The EZLN began as an armed movement declaring war against the Mexican nation-state, but later turned into a social movement that struggles to promote basic human rights and a level of political and cultural autonomy within Mexico. Since developing into a social movement, they have established that they do not want to become a democratic political party, since this would perpetuate a political system that, by gaining power, distances itself from the needs of the people, especially those at the margins. They have, therefore, maintained independence from political parties and the state, promoting instead a mandate of *mandar obedeciendo* (command by obeying), attempting to transform the political system into one that raises the consciousness of civil society to address the needs and demands of the historically marginalized within modern societies. They have developed a discourse that addresses the major critical problems that affect not only indigenous peoples, but all those who suffer repression, poverty, discrimination, and political and economic marginalization. This is exemplified by Subcomandante Marcos, one of the spokespersons of the movement, when he explains the symbolism of his own political subjectivity as a masked dissident:

> Marcos is gay in San Francisco, black in South Africa, Asian in Europe, Chicano in San Isidro, anarchist in Spain, Palestinian in Israel, Indigenous in the streets of San Cristóbal… Jew in Germany… feminist in political parties, Communist in the post-Cold War era, prisoner in Cintalapa, pacifist in Bosnia, Mapuche in the Andes… unemployed worker… rebellious student, dissident in neoliberalism… Marcos is all the minorities who are untolerated, oppressed, resisting, exploding, saying "Enough." [A]ll that makes power and good consciences uncomfortable, that is Marcos (Marcos 1995: 214–5).

By making effective use of the mass media, the Zapatistas have been able to attract global attention and achieve a level of global solidarity that has fuelled their uprising for over twenty years. They are the only movement in Mexico that has been able to successfully connect and universalize their struggle for justice in and outside the country.

While initially the EZLN tried to promote its demands through negotiations with the Mexican government, peace talks came to an end in April 2001. Their demands, which included the implementation of Indigenous Accords, such as land tenure, health, and indigenous education, were not addressed by then president, Vicente Fox (2000-2006). They went into "silence," and in 2003 declared the birth of *Caracoles* (snails), which marked the beginning of Zapatista autonomous communities within the territories they control. They broke relations with all political parties, including the "leftist progressive" Party of the Democratic Revolution (PRD) and their representative, Manuel López Obrador, who, some argue, lost the elections in 2006 due to losing Zapatista support.[3]

In December 2012, the EZLN mobilized thousands of Indigenous Zapatistas, peacefully taking five municipalities in Chiapas. They published an official communiqué at the end of the month, announcing how, after decades of struggle, they successfully created self-sufficient and autonomous communities with their own political projects and objectives, independent of the Mexican nation-state. They indicate, "We don't need them [Political parties and the nation-state] in order to survive" (Marcos 2012). Since becoming autonomous communities, they boast that they have significantly strengthened and improved their material conditions. They underscore, among other achievements, that their standards of living are "higher than those of the indigenous communities that support the governments in office, who receive handouts that are squandered on alcohol and useless items." Zapatista homes, they state, "have improved without damaging nature… Our sons and daughters go to a school that teaches them their own history, that of

their country and that of the world, as well as the sciences and techniques necessary for them to grow without ceasing to be indigenous" (Marcos 2012).

On 1 January 2014, the Zapatistas celebrated the twentieth anniversary of their initial uprising. Their revolution and struggle for self-determination has combined armed struggle and the effective use of the media to spread an ideological discourse that has been attractive to many, precisely because it proposes distance from electoral politics. They identify the nation-state and its established structures as naturally imbricated in economic, political, and cultural systems that reify hierarchical structures based on the domination of certain ethnic/racial and social groups. Self-determination, in this sense, is "understood as a means of gaining distance or protection from rather than inclusion in state institutions… [They] express a profound sense of alienation toward these institutions, which carry the stigma of colonial domination" (Murphy 2008: 186). The Zapatistas even posit themselves as a global example of resistance and self-determination, indicating that their struggle represents "a new form of social life" that "attracts the attention of honest people all over the planet" (Marcos 2012). They insist that they will maintain a "critical distance with respect to the entirety of the Mexican political class which has thrived at the expense of the needs and desires of humble and simple people" (Marcos 2012).

MAS: Self-Determination and the Path of Electoral Politics

The Movement Toward Socialism (MAS) in Bolivia grew out of the *Cocaleros* (Coca leaf growers) popular movement in the region of El Chapare. It is a movement highly influenced by the *Confederación Sindical Única de Trabajadores Campesinos de Bolivia* (Unitary Syndical Confederation of Peasant Workers of Bolivia – CSUTCB), and their struggle for improved agricultural policies.[4] In 1989, the Cocaleros allied with *Izquierda Unida*, or United Left (IU), in order to gain political prominence in local municipalities. In 1995, they created the assembly "Political tool for the Sovereignty of the Common People" (IPSP), which later turned into the electoral political party MAS (Dangl 2007: 49). The movement gained national prominence in 1997 with its resistance to President Hugo Banzer's neoliberal privatization policies, particularly Law 1008, which declared a "zero coca" policy in Bolivia (Crabtree 2005:38). Out of the struggle to defend the growing and production of the coca leaf, the Aymara coca farmer Evo Morales rose in political standing and became the MAS leader. Given public discontent with neoliberal policies and politics, MAS political discourses – based on "anti-neoliberalism," "anti-imperialism," and multiculturalism – were well received by large sectors of the Bolivian population who voted them into national office with 53.74% of the popular vote.

In his inauguration speech as Bolivian President on 21 January 2006, Morales evoked the words of the Zapatistas by indicating that his government would be based on the "Command by obeying" mandate. He told thousands of Bolivians that his presidency would be the first step to ending the "colonial state and the neoliberal model," and made reference to the rights of Indigenous Peoples in Bolivia (Aymaras, Quechuas, Guaranies, Mojeños, Chapacos, Vallunos, Chiquitanos, Yuracarés, Chipayas, and Muratos) as the true and absolute owners of the land. Invoking the right to self-determination and the sovereignty of Bolivia as a free nation-state, Morales proposed the nationalization of resources like natural gas, oil, and minerals. "We have the obligation to industrialize our national resources in order to get out of poverty," he said (Morales 2006, my translation). In a 2008 interview, he indicated how, after natural reserves were nationalized, the country began to receive $8 billion annually, in contrast to the $1 billion they received prior to 2005 (Goodman et al. 2008). The wealth in the hands of the state, from Morales' perspective, now served to create social programs to benefit the population. Despite criticism regarding the nationalization of resources, Morales' presidency and his policies gained much support. In 2009, he was re-elected president for a second term in office, winning with over 60% of the national vote.

Morales' biggest challenge on the other hand came in 2011, when his government proposed the construction of a highway that would run through the *Parque Nacional y Territorio Indígena y Parque Nacional Isiboro Sécure*, or Isiboro Sécure National Park and Indigenous Territory (TIPNIS). This territory, which encompasses 1.2 million hectares of land, is inhabited by Amazonian Indigenous nations like the Mojeños-Trinitarios, Chimanes, and Yuracarés in the North, and by Quechua and Aymaras in the South. The latter are called *colonizadores* (colonizers) since they migrated to and established themselves in the region in the 1970s (Webber 2012). Morales' decision to build the highway led to a 65-day march in August 2011 by Amazonian indigenous nations to La Paz to protest the project. Initially, the marches were denounced by the government as an "imperialist conspiracy," and were violently repressed in September 2011 (Webber 2012). Morales insisted "that the road was needed to bring economic development to poor [Amazonian] indigenous communities" (Frantz 2011). However, as the protests grew to the point of acquiring national and international attention, Morales gave in to the demands and, in December of the same year, signed the *intangible* (untouchable) law, which states that the national park cannot be exploited by commercial enterprises. The decision, however, led to new protests by indigenous sectors that had supported Morales' initial decision and represented his constituency, like The *Consejo Indígena del Sur* (Indigenous Council of the South – CONISUR), residents of Cochabamba and San Ignacio de Moxos, and Cocaleros (Frantz 2011). The conflict showed the

tensions between the various indigenous peoples and, at the same time, some of the contradictions of Morales' socialist and sovereign agenda.

Indeed, while Morales proposes to "change the colonial state" because it is based on "plundering, exploiting and marginalizing" important sectors of the Bolivian population, the TIPNIS affair displays how his economic agenda still depends on extractivism; that is, the exploitation and exportation of natural resources that are used in capitalist international markets (Gudynas 2009: 190). While these policies have indeed created profound political changes that have benefited sectors of the population with the improvement and implementation of social programs, with his ideas of "poverty" and "progress," Morales still endorses a Eurocentric discourse that sees Mother Earth as an entity that can be "exploited" to end poverty. In this sense, his economic policies characterize themselves as some form of more humane capitalism. The problem, however, is that they are still capitalist and have maintained divisions among Indigenous sectors. These types of policies have led some scholars, like Silvia Rivera Cusicanqui, to argue that Morales' presidency represents the interests of an elitist and commercial capitalist class (Dulce 2014). She goes as far as to indicate that Morales is not an indigenous leader, and that there are no indigenous presidents in Latin America.

Conclusion

In January 2006, after Morales was elected President of Bolivia, he invited the EZLN's leadership to his presidential inauguration. The Zapatistas declined the invitation. In an interview months later, Subcomandante Marcos explained that the EZLN does not look toward "the Bolivia of above, but, rather, the Bolivia from below. And these are the values that are taken into account: those of the popular movement that caused Bolivia to crash and opened the possibility that the government of Evo could decide for one side or the other" (Rodríguez Lascano 2006). The statement defines the two distinct paths followed by MAS and the EZLN in their efforts to establish self-determination and autonomy for indigenous peoples. Both movements, in their own ways, represent struggles that occur "within the structure of domination *vis a vis* techniques of government, by exercising their freedom of thought and action with the aim of modifying the system in the short term and transforming it from within in the long term" (Tully 2000: 50).

Despite their differences, both movements display the challenges of transcending (neo)colonialism. As Cherokee theologian William Baldridge states, for indigenous peoples "the most pervasive result of colonialism is that we cannot even begin a conversation without referencing our words to definitions imposed or rooted in 1492" (Weaver 2001: 292). These

movements show that, whatever political road is taken, the path toward self-determination necessarily involves negotiating with the nation-state and its hegemonic institutions. While attempts to break free have involved enormous sacrifices characterized by the loss of lives, as well as psychological and epistemological violence, the EZLN and MAS represent options in a "globalized" world that continues to threaten our existence. Yet, the debates and discussions and respective struggles give us the hope and dignity necessary to one day recover our territories, and use them according our own needs so our cultures and peoples continue flourishing. They also allow us to think of the possibility of materializing our own civilizational project: Abya Yala.

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Endnotes

1. "Dulenega" in the Kuna Tule language means the homeland of the people ("dule" means people and "nega" home, habitat, or homeland). For additional information about the Kuna peoples, see Howe (1998) and Salvador (2002).
2. The bibliography on the EZLN is extensive. For examples, see Collier (2005), Hayden (2002), and Marcos (1995; 2004). Most of the EZLN's manifestos and official communiqués can be found online at: http://www.ezln.org.mx/ and http://enlacezapatista.ezln.org.mx/. They also have created the monthly online journal, *Revista rebeldia*, which is available at: http://revistarebeldia.org/.
3. The break with López Obrador and the PRD occurred on 10 April 2004. The EZLN claims that PRD sympathizers and officials ambushed a group of Zapatistas that was commemorating Emiliano Zapata in the region of Zinacantan. They were also denied access to water. The incident was neither addressed nor resolved when it was raised with López Obrador.
4. The bibliography on MAS and Evo Morales is very extensive. For examples, see Crabtree (2005), Dangl (2007), Dunkerley (2007), and Harten (2011).

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