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2008

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Recommended Citation

Wilkins, David E. "Indigenous Self-Determination: A Global Perspective." In *Foundations of First Peoples' Sovereignty,* edited by Ulrike Wiethaus, 11-20. New York: Peter Lang Publishing, 2008.

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1 INDIGENOUS SELF-DETERMINATION: A GLOBAL PERSPECTIVE

David E. Wilkins

The concepts of self-determination and sovereignty, from an Indigenous perspective, embrace values, attitudes, perspectives, and actions. Of course, as a result of the historical phenomenon known as colonialism, in which expansive European states sought to dominate the rights, resources, and lands of aboriginal peoples worldwide, one cannot discuss Indigenous self-determination and sovereignty without some corresponding discussion of how states and their policy makers understand these politically charged terms as well.

I have been thinking, acting, researching, and writing on these two vital concepts, intergovernmental relations, critical legal theory, and comparative Indigenous politics for nearly two decades. Along with this, I have also been interested in how the American states and the federal government, and international states and nongovernmental organizations and the various political actors and social, economic, geographical, and cultural forces active in those polities have set about defining themselves and how their understanding of their own institutional identities have affected Native peoples.

Since I am trained in comparative politics, I have also long been interested in exploring the linkages, similarities, and differences in the experiences aboriginal peoples have to one another and in the relations that exist between First Nations and the various states of the world that these distinct congregations of humanity inhabit.

This bird's eye or Fourth World perspective, or what I refer to as a "thinking outside the reservation" perspective, is critical and should and must be balanced with what Gunnar Myrdal once referred to as a "frog's eye perspective," in which analysts must also maintain a deep focus on each of the local Indigenous homelands, governments, and peoples. In fact, I suggest that we need to be able to navigate and critically examine both the "frog's eye perspective" and "thinking outside the rez" perspective if we are to be effective advocates of Indigenous rights.

With this said, it is that last area—the "thinking outside the rez" view—that I want to concentrate on for the balance of this essay. Suffice it to say, there is a remarkable level of diversity in the global Indigenous world. Although there are 191 formally recognized "states" in the United Nations, there are, at a minimum, over 5,000 distinctive Indigenous peoples in the world, with an estimated population of 350 million.[1] In the United States alone there are over 562 federally recognized First Nations, fifty or so state-recognized tribal groups, and a number of bona fide Native communities that have neither federal nor state recognition. Hawaiian Natives constitute yet another distinct category of aboriginal peoples under U.S. federal law. Such

staggering diversity has made it difficult for researchers to engage in comprehensive analysis, although there are numerous quality works that aim at such a comparison, either at the hemispheric or the global level.[2]

Some years ago, while I was still at the University of Arizona, I inherited a course titled "Indigenous Peoples: A Global Perspective." I embraced the chance to learn more about First Nations in other parts of the world—who they were, how they defined themselves, how they governed their communities, how they had been treated by invasive European powers, and, once these Europeans had settled permanently in Native lands, what kinds of laws, policies, and attitudes they carried with them or developed toward Native nations. More importantly, I wanted to know how Indigenous peoples had responded to these profound state and societal pressures.

The course focused on the colonial origins, internal, neocolonial, and dependency policies of states, and other policies of a more enlightened nature proposed by those states, and their relations to and the reactions of Native nations in the United States, the First Nations, Métis, and Inuit peoples in Canada, Native peoples in parts of Latin America, the Saami of Europe, the Ainu of Japan, the Maori of New Zealand, and the Aborigines of Australia.

When I teach the course at the undergraduate level, we begin by defining the key term *colonialism* and all its variants—internal, captive, neo, dependency, and imperialism. We then focus on why European states decided to expand from the 1400s forward and how their engulfment and subsequent attempts to incorporate, assimilate, exterminate, isolate, among other policies, affected Native peoples, and we engage in significant discussion on how First Nations have strategically responded to these various forces.

Next, we engage in some broad reading on the pre-invasion status of First Nations before moving into a long section on the advent and expansion of colonialism and discuss how the states and their agents used pathological germs and weapons and how they relied on specific attitudes of racism, ethnocentrism, and arrogance to cause remarkable destruction in aboriginal societies. The succeeding section focuses on the profound psychological impact that colonialism has had on aboriginal peoples. Here, the students read either Frantz Fanon's *The Wretched of the Earth* or Rigoberta Menchú's *I, Rigoberta Menchú: An Indian Woman in Guatemala.*[3] Both of these powerful and compelling books contain detailed analyses and descriptions about the ways in which colonizers seek to dehumanize Indigenous peoples.

In one telling passage, Fanon says that "because it is a systematic negation of the other person and a furious determination to deny the other person all attributes of humanity, colonialism forces the people it dominates to ask themselves the question constantly: In reality, who am I?"[4] This sentence is pregnant with meaning and helps

explain the ongoing psychological damage that First Nations peoples continue to endure given their ongoing and seemingly perpetual internal colonial situation.

Fanon also has a comment on the content of African sovereignty that I also find quite telling à propos to the situation of First Nations in the United States. He says, "The African peoples were quick to realize that dignity and sovereignty were exact equivalents, and in fact, a free people living in dignity is a sovereign people."[5] This is a splendid definition of the substantive meaning of sovereignty. Importantly, both Fanon and Menchú discuss strategies and attitudinal variables that have enabled them to surmount the ravages of colonialism.

Once all this information has been discussed and critically evaluated, we move into our case studies—beginning with the United States, Latin America, and so on. I conclude the course with a section titled "Indigenous Peoples and Future Directions." In this final part we discuss the internationalization of Indigenous peoples and the increasingly important role of the United Nations in its difficult task of addressing the complicated and diverse conditions still bedeviling aboriginal peoples in their political, economic, and cultural relations with states.

Throughout the course, I insist that the students think and experience comparatively. The three broad questions investigated in the course are:

1. How and why did each settler state seek to incorporate or not incorporate the First Nations they encountered and with whom they now live permanently?
2. How have the First Nations responded to these policies?
3. What are the long-term cultural, economic, legal, and political goals of the various aboriginal peoples, and what are the opportunities and constraints affecting their choices?

According to Richard Perry, author of a comparative study featuring Mexico, the United States, Canada, and Australian policies toward the aboriginal peoples located in the borders now controlled by these polities, states, in a general way, have acted thus toward Native peoples:

1. States, rather than First Nations, have been far more likely to expand into other peoples' lands.
2. The early stages of state expansion have typically involved violence.
3. After initial expansion, states have sought to consolidate their holdings, both internally and externally.

4. Internal consolidation has often involved attempts to exterminate Indigenous peoples (e.g., Tasmania and Newfoundland, where the state was successful; California and Texas, which nearly succeeded in eradicating aboriginal peoples).
5. These attempts at early eradication of First Nations have involved genocidal policies (e.g., labor practices, sterilization, defining who is or is not aboriginal or legal status, boarding or residential schools, and so on).
6. Genocide has usually failed, and efforts at assimilation, acculturation, or absorption of the Indigenous population have followed, frequently coupled with displacement or relegation to reserved areas (e.g., reservation or reserve confinement, forced Christianity, denial of traditional religious expressions).
7. Finally, assimilation policies have also generally failed. Many states eventually, however grudgingly, have arrived at the realization that Indigenous peoples have a right to exist and are sometimes entitled to exercise a measure of internal sovereignty or self-determination.[6]

Keeping with his broadly generalized framework, Perry also summarized the ways in which Indigenous peoples have generally reacted to these intrusive polities:

1. Indigenous peoples have often met their intruders with peaceful reactions, unless violent behavior was previously endemic to the community.
2. Violent Indigenous resistance typically followed after more aggressive intrusions, although this was usually limited to "the parameters of existing Indigenous affiliations."
3. Coalitions for violent resistance that reach beyond local tribal allegiances (Tecumseh, the Great Pueblo Revolt, and so on) have occasionally arisen among Native peoples during the process of state expansion.
4. After state consolidation, many Indigenous peoples have sought to retrench, negotiating treaties or other diplomatic arrangements, or simply looking for refuge.
5. Many Indigenous peoples have pursued economic incorporation in the state's system, especially when it appears they have little alternative.
6. If economic rewards are not forthcoming, some Native peoples have pursued political solutions, including attempts to initiate inter-tribal alliances and coalitions.[7]

As good as the Perry book is, generalizing about Indigenous/state relations is a difficult task, but it is a most fruitful endeavor, given the understandings that one can glean from comparative analysis. First, it facilitates the sorting out and categorization of data. Second, it assists in the defining of key concepts. Third, it provides an additional perspective on one's own context from the knowledge of what occurs elsewhere—thus serving to limit bias and ethnocentrism. Fourth, it helps us to evaluate the utility of treaty making and other forms of diplomacy in different contexts. Finally, it improves researchers' chances of identifying and isolating factors that might explain the success or failure of policy making in Indigenous affairs.

While the course seeks to balance why various states have engaged in the kinds of policies they have and discusses how First Nations have coped and continue to evolve and struggle with their unique situations, the question that is most interesting to the students and me is: How do First Nations understand their self-identity, sovereignty, and self-determination? Are their governments and their peoples looking to remain in a semi-independent position apart from the state; are they seeking a deeper form of accommodation that reflects their unique identities while still leading to a measure of economic and political incorporation; or are they pursuing cultural, political, and economic sovereignty or autonomy?

The short yet unsatisfactory answer to these critical questions is "It depends." Indeed, much of it depends on how each Native community defines its core identity and how it will be manifested in its members' understanding of what it means to be a self-determined community wielding the inherent power of sovereignty. Such decisions, be they social, political, intergovernmental, religious, economic, legal, or cultural, will depend on the First Nation involved—the extant values, lands, traditions, religious beliefs, languages, and so on, that distinguish one First Nation from another. The decisions further depend on the settler state that has inserted itself and that today has the dominant economic, political, and military position in or surrounding a given aboriginal peoples' community.

I have learned in the course of my global pursuit of Indigenous understanding and perspective that we must be careful about making categorical generalizations about "what Natives want," what constitutes an "Indigenous" people, and what exactly does "self-determination" means for First Nations.

One could safely argue that in the broadest sense Indigenous peoples around the world are seeking as much independent control over their own affairs as possible and demand a comparable amount of control over their remaining lands and natural resources. However, beyond these goals, there are many ideological, strategic, and tactical differences in evidence that deny a uniform Indigenous thrust.

This revelation is not a surprise to most aboriginal peoples, although it is often shocking to non-Indigenous persons or governments who assume a cultural and political homogeneity among aboriginal peoples that has never, in fact, existed. Interestingly, many of those same individuals and governing bodies would never assume uniformity among states or non-Native governing bodies or organizations.

Russell L. Barsh, in "Political Diversification of the International Indigenous Movement,"[8] evaluated and critiqued the complexities of Indigenous diversity, the different goals and orientations of Native peoples in pursuit of self-determination, and pointed out the pitfalls of trying to merge the remarkably diverse array of Native peoples and their ever increasing organizations into one unified front.

He noted, for example, that Indigenous organizations and peoples in the United States and Australia, where Native peoples constitute less than two percent of the national population and occupy less than five percent of the territory, are fundamentally different from aboriginal nations and their political organizations in Guatemala, Bolivia, and other Latin American states where Indigenous peoples form a majority of the population and inhabit, even if they do not own, more of the land than non-Natives. In those Latin American countries, where Native peoples are or are beginning to exercise a considerable political and economic clout, Indigenous organizations tend to focus their efforts on "direct representation in the national government and to seek political linkages with a broad range of other disaffected sectors of society."[9] Even so, in the United States and Australia, where Native peoples comprise a very small minority of the overall population, Indigenous groups are more likely to insist on the inherent right of sovereignty or as strong a measure of independence as is possible, and they tend to also want to remain at least semi-isolated politically.

Geography and demography, therefore, play impressive roles in the status and expectations of Native peoples and the states they must interact with. In the United States and Australia, Indigenous numbers are very slight and will most likely remain so compared to the rest of the state's population. However, in many Latin American states and in the former Northwest Territories of Canada, especially the circumpolar region, home of the Inuit; and the Nordic countries of Europe, home to the Saami, where Native peoples form a larger bloc of the population, if not a majority, the aboriginal population has more significant political and economic influence. This reality helps explain the 1999 birth of Canada's newest territory, Nunavut,[10] that was established largely to benefit the majority Inuit population, and the fact that the Saami of Norway, Sweden, and Finland, while fewer in number, now have their own parliaments that coexist alongside the regular parliaments of those states. These parliaments are largely advisory or consultative bodies, but they provide the Saami with a structural opportunity to officially voice their concerns and grievances.[11] Russia,

which is also home to several thousand Saami, has not yet acted to establish a Saami parliament but is said to be considering it.

The Saami, like the vast majority of Native communities throughout Latin America, are not pursuing secession or separation as sovereign entities, but they do desire clear title to their original lands, veto power over state-sponsored resource extraction, and greater input into state policy decisions that directly affect their peoples and lands and resources.

Additionally, in major parts of Latin America, New Zealand, and much of South Asia, aboriginal peoples form ten or more percent of the national population, and this gives these First Nations a much greater opportunity to influence or gain a substantial foothold in the state's governing apparatus.[12]

Thus, according to Barsh, in international aboriginal affairs there appears to be a U.S.-Australian axis, and a Latin-Asian Axis, with Canadian, Maori, and circumpolar peoples leaning toward the Latin-Asian side. Barsh believes this alignment is "reinforced by more North-South considerations, including the wealth, mobility, and aggressiveness of the North Americans and Australians."[13]

While American Indian nations frequently invoke the term tribal sovereignty and have been using the term "self-determination" since the late 1960s, Native peoples throughout Latin America rarely speak of tribal sovereignty. They are far more likely to discuss their desire for local and regional autonomy, respect for traditional forms of authority and government, recognition of customary alternative legal systems, and, only more recently, of a collective right of self-determination.

These are profoundly important terms that carry significant political and legal weight at both the domestic and international levels. The fact that Indigenous peoples worldwide have substantially different views on the use and meaning of these terms is a reflection of the inherent diversity among Native peoples, as well as the distinctive geo-political positions in which various First Nations are situated in specific international states.

Here we see some profound differences among aboriginal peoples. First, many Latin American Indigenous organizations insist that their goal is to transform the state, and armed struggles are not an irregular activity in some states. Second, the Maori of New Zealand are in a situation where their language is now officially recognized and their one treaty—the 1840 Treaty of Waitangi—is considered a foundational document by both Maori and the state. Third, most North American Indigenous nations assert varying degrees of self-determination, with many still said to be "domestic-dependent nations" in an alleged government-to-government relationship with the United States based on treaties and the trust doctrine, though always subject to federal plenary power.

Fourth, the Aborigines of Australia are pushing for a clear recognition of their long denied self-determination and have hopes that a treaty might someday be negotiated with the state; or at the least that a preamble might be added to the Australian Constitution that makes explicit reference to the aboriginal peoples, or that a Bill of Rights might be enacted to aid in the protection of Indigenous civil and political rights.

CONCLUSION

While First Nations in the United States seem enamored of the term sovereignty because it provides, in our deeply legalistic and litigious society, some common ground by which tribal nations can speak to the constituent states and the federal government. It is not generally a term that is widely used by aboriginal peoples elsewhere who, while sharing a common Anglo/British heritage, find that their goal of self-determination or political autonomy, although still difficult to achieve in their host states because of the fear of political dismemberment, is more palatable than the European-based and hierarchically oriented term sovereignty.[14]

Sovereignty, however, means different things to different peoples, polities, and First Nations. If we define it as Fanon did, as the equivalent of "dignity" and "freedom," who would dispute that? Vine Deloria, Jr., building upon Fanon's definition, said that "sovereignty, in the final instance, can be said to consist more of continued cultural integrity than of political powers and to the degree that a nation loses its sense of cultural identity, to that degree it suffers a loss of sovereignty."[15] Both of these definitions hint at a much broader, morally and culturally based definition that resonates comfortably for many First Nations in the United States and Canada, if not elsewhere. In a global sense, sovereignty certainly no longer means absolute or supreme authority, given the interconnectedness and interdependence of all peoples and states in our globalized world.

Even the United States, as powerful as it is militarily, has learned during its actions in Iraq and Afghanistan that it, too, does not wield absolute power. It is, in fact, denied that power by the Constitution itself. U.S. sovereignty is further divided between the three coordinate branches of government; it is shared with the fifty constituent states, and it is also limited by the treaties the United States signed with First Nations and continues to sign with other governments as well. States, by explicit constitutional design, are denied full sovereignty and exist as clipped or limited sovereign polities.

Indigenous nations in the United States and abroad are societies whose histories long predate the settler states that were established in their midst. They retain a land base, however diminished; exhibit distinctive cultural identities, despite horrendous

assimilative campaigns; retain control over variable amounts of natural resources; have their own citizens/members; and wield political leaders who exercise differing amounts of jurisdictional authority over their remaining territories and citizens and those non-Natives who travel through their lands. This is what sovereign or self-determined peoples and their governments do.

NOTES

1 John H. Bodley, *Victims of Progress,* 4th ed. (Mountain View, CA: Mayfield Publishing Co., 1999), 201.

2 See, e.g., Bodley, *Victims of Progress*; Franke Wilmer, *The Indigenous Voice in World Politics* (Newbury Park, CA: Sage, 1993); Richard J. Perry, *From Time Immemorial: Indigenous Peoples and State Systems* (Austin: University of Texas Press, 1996); Marie Leger, ed., *Aboriginal Peoples: Toward Self-Government* (Montreal: Black Rose Books, 1994); Paul Havemann, ed., *Indigenous Peoples' Rights in Australia, Canada, & New Zealand* (Auckland: Oxford University Press, 1999); and Bruce Granville Miller, *Invisible Indigenes: The Politics of Nonrecognition* (Lincoln: University of Nebraska Press, 2003).

3 Frantz Fanon, *The Wretched of the Earth* (New York: Grove Weidenfeld, 1991); Rigoberta Menchú, *I, Rigoberta Menchú: An Indian Woman in Guatemala* (New York: Verso, 1987).

4 Fanon, *The Wretched of the Earth,* 250.

5 Fanon, *The Wretched of the Earth,* 198.

6 Perry, *From Time Immemorial,* 226.

7 Perry, *From Time Immemorial,* 226–27.

8 Russell Barsh, "Political Diversification of the International Indigenous Movement," *Native American Studies* 5.1 (1991): 7–10.

9 Barsh, "Political Diversification," 8.

10 Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001), 270.

11 Mervyn Jones, "The Sami of Lapland," Report No. 55 (London: Minority Rights Group, 1982), 13–14.

12 Barsh, "Political Diversification," 8.

13 Barsh, "Political Diversification," 8.

14 See Taiaiake Alfred's, "Sovereignty," in *A Companion to American Indian History,* edited by Philip J. Deloria and Neal Salisbury (Malden, MA: Blackwell, 2002), 460–74.

15 Vine Deloria, Jr. "Self-Determination and the Concept of Sovereignty," in *Economic Development in American Indian Reservations,* edited by Roxanne Dunbar Ortiz (Albuquerque, NM: Native American Studies, 1979), 27.

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