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*The Indigenous Peoples' Movement:
Theory, Policy, and Practice*

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ABSTRACT

In recent decades indigenous peoples have asserted their goals and needs within international and national arenas. The Declaration on the Rights of Indigenous Peoples is one indication of the international organization and persistence of indigenous peoples who assert cultural continuity, political autonomy, and claims to territory. The recent historical actions of indigenous peoples, however, are not well conceptualized in social science theory in ways that give sufficient understanding to the rise, persistence, and goals of indigenous social action. Throughout the world, indigenous peoples make similar efforts to retain culture, self-government, economic and political autonomy, and face similar issues of negotiating their claims with nation-states and in a world of increasingly globalized markets, culture, and information. Instead of vanishing away or assimilating, indigenous peoples propose to meet contemporary challenges from within their own cultures, communities, and with their own political interests and cultural values. Indigenous peoples are here to stay. Consequently, new ways of theorizing about indigenous peoples, and new policies and practices for undertaking relations with indigenous peoples are needed.

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Introduction

In recent decades indigenous peoples have asserted their goals and needs within international and national arenas. The Declaration on the Rights of Indigenous Peoples is one indication of the international organization and persistence of indigenous peoples who assert cultural continuity, political autonomy, and claims to territory. The recent historical actions of indigenous peoples, however, are not well conceptualized in social science theory in ways that give sufficient understanding to the rise, persistence, and goals of indigenous social action. Throughout the world, indigenous peoples make similar efforts to retain culture, self-government, and territorial autonomy, and face similar issues when negotiating their claims with nation-states and in a world of increasingly globalized markets, culture, and information. Instead of vanishing away or assimilating, indigenous peoples propose to meet contemporary challenges from within their own cultures, communities, and with their own political interests and cultural values. Indigenous peoples are here to stay. Consequently, new ways of theorizing about indigenous peoples, and new policies and practices for undertaking relations with indigenous peoples are needed.

Theories of ethnicity, race, nationality, and assimilation only partially capture the cultural and political processes of indigenous identity and community. New theories of indigenous peoples must be more closely crafted to fit the historical, political, and cultural experiences, aspirations, challenges, and achievements of indigenous communities. No theory of nation-state social relations or international human groups will be complete without accounting for the persistence and social actions of Indigenous communities. Indigenous communities are not wholly included within nation-state organization, and although many nation-states do not recognize indigenous cultural, political, and territorial rights, indigenous peoples continue to seek cultural, political, and territorial autonomy. There may be at least 370 million indigenous people in the world, and they tend to make similar claims and contentions with their surrounding nation-states. Indigenous peoples are emergent social forces in many parts of the contemporary world and will continue into the future. Evolutionary theories and nation-state assimilation and citizenship policies suggested that indigenous peoples would disappear as social and political entities, but the recent indigenous peoples movement has reasserted often submerged identities, social organization, and cultural interests.

I will analyze the main issues in the rise, persistence, and continuity of the indigenous peoples' movement. Indigenous peoples do not form a common culture, race, religion, ethnicity, nation, or social organization. This is one of the conundrums about indigenous peoples and one reason why they have been often shoved into ethnic group analysis or residual categories, since they do not fit well. Nevertheless, indigenous peoples express viewpoints about self-government, territory, and social and cultural organization that distinguishes them from ethnic groups and the usual group formations recognized within nation-states. While the definition of indigenous peoples is a slippery subject, I will give some discussion and characterizations. The increasing self-conscious identity as indigenous peoples also comes with epistemologies, and implicit theories or viewpoints about how the world is the way it is, and what is the role and future of indigenous peoples in any future world order. The latter statement might be called the indigenous perspective or contemporary world view. The rise of an indigenous peoples' movement, however, is not merely the assertion of identity and perspective. The movement, however, also emerged from nation-state threats to group cultural, political, and physical survival, as well as openings in the policies of some nation-states, more recently supported by a changing international political and diplomatic environment, or more particularly the development of an international universal human rights philosophy. Nevertheless, indigenous rights and universal human rights are not the same, and indigenous peoples will continue to contend issues of political, cultural and territorial autonomy with nation-states and within the international arena.

Who Are Indigenous Peoples?

Like many definitions, it is easier to say what a group is not, rather than to give a definitive definition, so let's start there. Indigenous peoples do not form a racial group. There are many indigenous peoples within the modern nation-states of Africa, India, China, Indonesia, and in the Nordic nations. The Saami people span the countries of Finland, Norway, Sweden, and the Russian Federation, where they contend issues of land rights, cultural differences, political and cultural autonomy. Saamis are phenotypically caucasians and do not differ significantly from the Nordic nation-state populations.¹ Similarly, in Africa pastoral indigenous

¹ Josefsen, Eva "The Experience of the Saami" *Indigenous Parliament?: Realities and Perspectives in Russia and the Circumpolar North* ed. Katharine Wessendorf (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2005),

peoples contend with nation-states such as Kenya over the cultural education of their children in boarding schools, as well as contention over assimilation and the interface of pastoral economy and rights with emerging national market systems.² Conflicts and contentions can be very severe among indigenous peoples and nation-state populations who are of the same race. Nordic nation-state officials and Saami's are working on creating solutions to political, cultural, and territorial autonomy, but as yet with limited success. They say that if indigenous contentions cannot be worked out agreeable common ground between the Nordic nation-states and the Saami, then the prospect it will be even more difficult where racial differences complicate nation-state and indigenous relations. Nevertheless, among the Saami and Nordic states, contentions over Saami political, territorial, and cultural rights continue in long diplomatic discussions, and at the date have yet to be resolved satisfactorily, at least for the Saami.³ Where the surrounding nation-states or settle states have different racial populations than the indigenous peoples, then race relations are more salient, and contribute to less mutual understanding, and can intensify land, political and cultural relations between indigenous peoples and nation-states. Compared to many places in the world, the settler nation-states of the Americas, New Zealand, and Australia, illustrate an overlay of race and indigenous differences. Nevertheless, while there is a tendency in the settler nation-states to prefer racial definitions of contentions with indigenous peoples, the conflicts with nation-states persist in many places in the world where both nation-state populations and indigenous peoples share a common racial heritage. Indigenous rights issues cannot be reduced to racial conflicts.

Indigenous peoples do not form an ethnic group or ethnic groups either within nation-states or internationally. Indigenous peoples have very specific and diverse cultures and identities. Common culture or even cultural identity is not shared by indigenous peoples, who often have local, tribally specific, cultural commitments and identities. Furthermore, ethnic groups often share common culture and when mobilized share common political and economic goals within a nation-state. Ethnic groups often seek greater participation and benefits from the nation-state, while indigenous peoples seek recognition and autonomy of self-government,

pp. 178-205. United Nations Permanent Forum on Indigenous Issues (UNPFII), Sixth Session. "Presentation by the President of the Sami Parliament of Norway on a Nordic Sami Convention," New York, NY. May 16, 2007.

² Hays, Jennifer and Amanda Siegruh "Education and the San of South Africa" *Indigenous Affairs* 1 (January 2005), pp. 31-32; Kaunga, Johnson Ole "Indigenous Peoples' Experiences with the Formal Education System: The Case of the Kenyan Pastoralists", *Indigenous Affairs* 1(January 2005): pp. 35-41.

³ United Nations Permanent Forum on Indigenous Issues (UNPFII), Sixth Session, "Presentation by the President of the Sami Parliament of Norway on a Nordic Sami Convention," New York, NY. May 16, 2007.

collective land rights, and greater freedom to practice their own cultures.⁴ Indigenous peoples might pursue political inclusion in a nation-state, but often not at the expense of sacrificing indigenous rights and goals. Immigrant ethnic groups in the Americas generally do not have claims to self-government or territory, while self-government, territory and cultural autonomy are the central goals of indigenous peoples.

Ethnic groups as they are defined outside the immigrant Americas often have claims to territory and seek self-government, as well as cultural expression. We might call these movements ethnic nationalist movements or nationalist movements. Indigenous peoples resemble some aspects of nationalist movements, but do not form pan-tribal national claims, and do not seek to form homogenous cultural relations with other mobilized indigenous peoples. Mobilized nationalities express themselves as groups possibly seeking nation-state status. Indigenous communities are diverse culturally, politically, linguistically, and do not seek a common nation-state status, at least not in the sense of modern culturally homogeneous bureaucratic nation-state. Rather specific indigenous peoples are seeking freedom to exercise government based on their own traditions, cultures, and histories, and want to engage the contemporary world from their own perspectives and institutions.

Let me illustrate the form of cultural and political solidarity among many indigenous peoples and distinguish it from the collective obligations and commitments of current understandings of nationalism in support of a nation-state. When engaged in field work among the Northern Cheyenne, one of the interesting comments I ran across was that the winter time was the time for political engagement. During the summer, however, when the several Northern Cheyenne communities took turns hosting ceremonies, gatherings, and in particular the Sun Dance, and the people put political issues and actions in the background and concentrated on fulfilling, supporting, and participating in the round of ceremonies.⁵ Similarly, during a period of intensifying colonial pressures during the middle 1750s, the Cherokee looked to the village of Chota, the mother town of the nation, for leadership. Chota invited the leaders of the Cherokee villages to attend major ceremonies at Chota, and in between ceremonial functions, which were orchestrated by the Chota village leadership, the villages delegations gathered as a national

⁴ Compare: Neizen, Ronald *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley, CA: University of California Press, 2003), pp. 193-214.

⁵ Field work among the Northern Cheyenne during early 1984. See also: Champagne, Duane "Economic Incorporation, Political Change, and Cultural Preservation Among the Northern Cheyenne" *Social Change and Cultural Continuity Among Native Nations* by Duane Champagne (Lanham, MD: AltaMira Press, 2007), pp. 285-311.

council and discussed pressing issues.⁶ Among the Cherokee, Creeks, and Iroquois, when a village was attacked by outside forces, the other villages were not obligated to provide collective defense. Each village managed its own defense, although if members of a clan were killed in fighting, then clan members were obligated to seek revenge to balance the score. Small often retaliatory strikes by kinsmen and clan members was a main form of inter-tribal conflict, and continued through into the colonial period and was the root of much misunderstanding between tribal and colonial communities, which applied collective responsibilities to tribal "nations."⁷ Many indigenous peoples had collective ceremonial and economic exchange obligations, but did not have collective obligations for defense. Rather defense, political process, and conflict resolution were often managed by sub-national institutions such as clans, families, villages or bands. Rhetoric and language of "politicized" nation, where there are collective political responsibilities and obligations, are often too easily assumed by outside observers and policy makers. Indigenous peoples, during the colonial period, often put up a common front as a nation or a coalition of nations to the outside world for diplomatic reasons, but often the internal ability to command sustained political and resources commitments were limited. Good examples of diplomatic coalitions during the colonial period are the Iroquois engineered Western Confederacy, and the Creek Confederacy. The scholarship on the Iroquois Empire, which was largely a show of diplomacy for external consumption during the late 1600s and early 1700s is a primary case in point.⁸ Many international and national indigenous rights and political

⁶ Hudson, Charles, *The Southeastern Indians* (Knoxville, TN: University of Tennessee Press, 1976), pp. 237-239; Rowland, Dunbar and A. G. Sanders (eds) *Mississippi Provincial Archives, 1729-1740*, Vol. III (Baton Rouge, LA: Press of the Mississippi Department of Archives and History, 1932), pp. 150-156; Corkran, David "Cherokee Prehistory" *The North Carolina Historical Review* 34 (1957):465; Corkran, David *The Cherokee Frontier: Conflict and Survival, 1740-1762* (Norman, OK: University of Oklahoma Press, 1962), pp. 3-4; Thomas, Henry, *Wilderness Messiah: The Story of Hiawatha and the Iroquois* (New York, NY: William Sloane Associates, 1955), p. 46; Carse, Mary "The Mohawk Iroquois" *Bulletin of the Archeological Society of Connecticut* 23(1942):14; Beauchamp, William *A History of the New York Iroquois* (Buffalo, NY: Buffalo Historical Society Publications, 1905), p. 105.

⁷ See for example: Timberlake, Henry *The Memoirs of Lt. Henry Timberlake, 1756-1765* ed. Samuel Cole Williams (Johnson City, TN: The Watauga Press, 1927), p. 60; Dickson, John "The Judicial History of the Cherokee Nation from 1721-1835" Ph. D. Dissertation, University of Oklahoma, 1965, pp. 106, 258; Persico, V Richard Jr. "Early Nineteenth-Century Cherokee Political Organization" *The Cherokee Indian Nation: A Troubled History* ed. Duane H. King (Knoxville, TN: University of Tennessee Press, 1979), p. 97; Gearing, Fred "Priests and Warriors: Social Structure for Cherokee Politics in the 18th Century", *American Anthropologist*, Memoir 93, vol. 62, 1962, pp.99-101.

⁸ Rowland, Dunbar and A. G. Sanders (eds) *Mississippi Provincial Archives, 1704-1743*, Vol. I (Baton Rouge, LA: Press of the Mississippi Department of Archives and History, 1927) pp. 3, 735; Adair, William *Adair's History of the American Indians* ed. Samuel Williams (Johnson City, TN: The Watauga Press, 1930), p. 260; Crane, Werner W. *The Southern Frontier, 1670-1732* (Philadelphia, PA: University of Pennsylvania Press, 1929), p. 254; Corkran, David H. *Creek Frontier, 1540-1783* (Norman, OK: University of Oklahoma Press, 1967), pp. 57-65; Norton, Thomas *The Fur Trade in Colonial New York* (), p. 39; Wallace, Anthony F. C. "Women, Land and Society: Three Aspects of Aboriginal Delaware Life", *Pennsylvania Archeologist* 17(1947): 25; Wallace, Paul A. *Indians of Pennsylvania* (Harrisburg, PA: The Pennsylvania Historical and Museum Commission, 1970), p. 85; Wallace, Anthony F. C. *The Death and Rebirth of the Seneca*, (New York, NY: Vintage Books, 1972), p.47; Champagne,

organizations, like the National Congress of American Indians (NCAI), continue to follow the same patten of organization by autonomous indigenous peoples, who come together to achieve common objectives, or meet common threats, but retain individual identities and political autonomies.⁹

Continued misunderstanding of how internal tribal communities understand tribal and sub-tribal political identities and political processes tends to result in policies where nation-states impose political institutions that reflect their own cultures, political processes and assumptions of rights and obligations of political nationality, culture and process. The nation-states encourage indigenous peoples to adopt nation-state like governments and institutions, often lead to cultural and institutional mismatches between indigenous peoples and the new government forms which result in deep cultural and political cleavages and conflicts that result in less than optimal government from the point of view of the indigenous peoples and the nation-state policy makers. Some significant examples of institutional mismatches are the community and government relations among the Pine Ridge Lakota and the Hope villages. For over 75 years since adoption of an Indian Reorganization constitution, a significant number of villages refuse to recognize the constitutional government by not sending representatives to the tribal council. Similar conflicts arise among the Pine Ridge Lakota over the present government and extended family groups where much of the social power in the community lay.¹⁰ The institutional mismatches often combined with the absence of widespread consensual support from indigenous communities often result in weak and ineffective governments.

There are no pan-indigenous land movements, or movements to build a pan-indigenous nation-state. Indigenous peoples seek greater exercise of the specific traditions and rights of their individual communities. Indigenous peoples do not form a movement of political homogenous populations bent on nationalist formation, or state-building. Each individual indigenous people may seek greater local control over territory, cultural expression, and self-government, but a widespread formation of a pan-indigenous nation or state is unlikely, since

Duane "North American Religions: Modern Movements." *The Encyclopedia of Religion* 2nd edition. Volume 10. Editor-in-chief Lindsay Jones. Farmington Hills, MI: Macmillan Reference USA, 2005), pp. 6664-6668.

⁹ See http://www.ncai.org/ncai/advocacy/capital_campaign/NCAI_Fund_1page_411.pdf, last visited April 09, 2008. Niezen *Indigenism*, pp. 36-93.

¹⁰ Clemmer, Richard O. *Roads in the Sky: The Hopi Indians in a Century of Change* (Boulder, CO: Westview Press, 1995), pp. 164-65; Reinhardt, Akim David "A government not of their choosing: Pine Ridge politics from the Indian Reorganization Act to the siege of Wounded Knee". Ph D Dissertation, The University of Nebraska-Lincoln, 2000; Champagne, "Modern Movements", pp. 6664-6666.

other indigenous peoples are culturally, linguistically, and politically as foreign as are nation-state cultures and institutions. See for example resistance to form an Indian state in Indian Territory, present-day Oklahoma, during the middle and late 1800s. Even when confronted by threats of eventual statehood, Indian Territory tribal communities were not willing to form a territorial or state government, in part because such organization involved the subordination of cultural and political autonomy to foreign government structures, although the government would be composed of indigenous peoples.¹¹ There is currently much rhetoric about indigenous nations, but those expressions are often the political and legal language of nation states, and form a somewhat inaccurate, but recognizable discourse for diplomatic and political negotiations.¹² Most, if not all, indigenous peoples do not form political nationalities in the Western sense of a population of individuals with shared collective political loyalties and obligations. Indigenous peoples are organized around cultural and religious ceremonies and resulting in cultural and economic exchange solidarities,¹³ but politically and economically are organized around diverse and autonomous formations of families, kinship groups, villages, bands or regions. Political organization and identities are often primarily local and autonomous. Decisions are made through processes of consensus building, and are designed to maintain local individual and group autonomies, rather than expressions of centralized power or authority. Traditional indigenous communities often form a potential nation, but only with consent from local groups.¹⁴ Each local group and individual has the right to dissent, without consequences, and therefore sustained national actions or solidarity is not easy to maintain, and is not a central goal, but rather affirming local and individual autonomies and rights to participate and decide independently are more central goals of indigenous political processes.

Indigenous peoples, however, have and had governments, although not usually in bureaucratic nation-state mode, but with institutions of political process and decision making, as

¹¹ See Champagne, Duane *Social Order and Political Change: Constitutional Governments Among the Cherokee, Choctaw, Chickasaw and Creek* (Stanford, CA: Stanford University Press, 1992), pp. 208-213; Allen, Clinton M. *The "Sequoyah" Movement* (Oklahoma City, OK: Harlow Publishing Co, 1925; Burton, Jeffrey *Indian Territory and the United States, 1866-1906: Courts, Government and the Movement for Oklahoma Statehood* (Norman, OK: University of Oklahoma Press, 1995).

¹² Maaka, Roger and Augie Fleras "Engaging With Indigeneity: Tino Rengatiratanga in Aotearoa" *Political Theory and the Rights of Indigenous Peoples* ed. Duncan Ivison, Paul Patton and Will Sanders (New York, NY: Cambridge University Press, 2000), pp. 92-93.

¹³ An interesting interpretation of indigenous ceremonial life and organization is given in the classic work in sociology by Durkheim. Durkheim, Emile *The Elementary Forms of the Religious Life* (New York, NY: Free Press, 1965).

¹⁴ For example, see Noon, John *Law and Government of the Grand River Iroquois* (New York, NY: Viking Fund, 1949), p. 28; Snyderman, George "Behind the Tree of Peace: A Sociological Analysis of Iroquois Warfare" *Pennsylvania Archeologist* 18 (1948): 29.

well as methods of conflict resolution. Max Weber's suggests that the state is the institution that monopolizes the legitimate use of force.¹⁵ Many tribal communities exercised criminal jurisdiction and therefore legitimate force through institutions of restitution and restoration, as well as through executions or banishment for murders, religious transgressions, and other infractions. For example, the Iroquois Confederacy and Cheyenne have well documented institutions of law and restitution.¹⁶

Indigenous peoples did not form nation-states in the contemporary Western sense of political nationality or centralized concentrated political powers, but exercised state powers in shared rules of political sub-group autonomies and legitimate use of force that bound the community with shared ceremonial cycles and related economic exchanges.¹⁷ Most indigenous communities exercised state powers, the use of legitimate force, within decentralized political and ceremonial solidarities and institutions that differed fundamentally from the organization of contemporary nation-states. A typical example of an indigenous state is what anthropologists call an acephalous society. For example, the Tlingit did not have a central tribal chief or council, but had clans, moieties, and potlatch ceremonies that supported ritual community action and economic exchanges. The Tlingit also shared rules of restitution for conflict between clans, and enforced ritual executions in some cases of murder. Indigenous peoples had governments that approximate Weber's definition of state, but are organized in forms of political solidarity, world view, and institutional interrelations in ways that significantly differ from contemporary nation-states.

The indigenous peoples' movement is not an effort to create a politically or culturally unified institution to challenge nation-states or the international community. The movement is composed of indigenous peoples who share common interests in protecting territory, and cultural and political autonomy from threats presented by the political, economic, and cultural interests and impositions surrounding nation-states. The indigenous groups mobilize and bind together

¹⁵ Weber, Max *Economy and Society* Part 1, Conceptual Exposition ed. Guenther Roth and Claus Wittich (Berkeley, CA: University of California Press, 1978), pp. 56.

¹⁶ Parker, Arthur C. "The Constitution of the Five Nations or the Iroquois Book of the Great Law" Book Three *Parker on the Iroquois* ed. William N. Fenton (Syracuse, NY: Syracuse University Press, 1968), pp. 3-132; Hoebel, E. Adamson *The Cheyennes: Indians of the Great Plains* (New York, NY: Holt, Rinehart & Winston, 1978).

¹⁷ Parker, Arthur C. "The Constitution of the Five Nations or the Iroquois Book of the Great Law" Book Three *Parker on the Iroquois* ed. William N. Fenton (Syracuse, NY: Syracuse University Press, 1968), pp. 3-132; Parker, Arthur C. "The Code of Handsome Lake, the Seneca Prophet" Book Two *Parker on the Iroquois* ed. William N. Fenton (Syracuse, NY: Syracuse University Press, 1968), pp. 5-148; Bean, Lowell *Mukat's People: The Cahuilla Indians of Southern California* (Berkeley, CA: University of California Press, 1972), pp. 83-132; Champagne, Duane *Social Change and Cultural Continuity Among Native Nations* (Lanham, MD: AltaMira Press, 2007), pp. 252-284.

and increasingly participate in the international and nation-state civil societies to protect common interests. Each indigenous community retains its identity and autonomy within the movement. This form of organization is reminiscent of Marx's comment about an ineffective social movement among French farmers resembling a sack of potatoes, by which he meant they were composed of economically and politically independent groups that shared common class interests.¹⁸ In the indigenous People's Movement, however, the main goal is to preserve the sack of potatoes consisting of culturally and politically autonomous indigenous peoples. The movement does not project institutional change in nation-state or international institutions, only so far as to make indigenous issues recognized and protected.

An Indigenous Perspective

Given the traditions and history of indigenous states, indigenous peoples during the colonial period have been forced to articulate justification for their claims to self-government, cultural autonomy, and territory. The new articulations are not creations solely for legitimization of new claims to self-government or nationality, but also reinterpretations of self-government according to new colonial conditions, and the emergence and competition with nation-states. The justifications, or perspectives, necessarily address jurisdiction, land, governmental powers, and other rights, and are often cloaked in the legal and policy language of nation-states.

Indigenous peoples say they existed from time immemorial and have exercised self-government for thousands of years before the rise of nation-states. Often indigenous peoples have teachings that say the Creator or intermediary spiritual beings provided the people with land, government, cultural institutions, and a purpose and goal within the cosmic order. Thus institutions and processes of self-government, conflict resolution, and land often have sacred meaning for indigenous peoples. Furthermore, indigenous peoples are generally not parties to the formation of nation-states, and often are regarded as foreign entities to nation-states. In the United States, indigenous peoples are not parties to the US Constitution, and were not citizens until 1924. And then, generally were not consensual citizens of the United States, and the Indian citizenship act provides that American Indians do not lose their rights to tribal membership. In much of the world, indigenous peoples are not recognized as political entities, and are granted equal citizenship rights with other citizens, without consent from indigenous communities. The

¹⁸Marx, Karl *The Eighteenth Brumaire of Louis Bonaparte* (Peking, PRC: Foreign Languages Press, 1978), pp. 125-26.

acts of equal citizenship ignore any claims to indigenous rights of self-government, territory, or cultural autonomy. Often indigenous peoples are not consensual participants in even democratic nation-states, and are often not asked to give their consent for inclusion.

Indigenous peoples traditionally and in contemporary times do not share many basic understandings of law, government, community, religion, or land rights with nation-states. Many indigenous communities emphasize kinship relations, sharing of economic wealth, personal and group political autonomy, consensual political processes, and holistic interrelations among cosmic, political, cultural, economic and community realms.¹⁹ Nation-states tend to make indigenous peoples work within the framework of the nation-state, while ignoring or discouraging indigenous ways and institutions. The absence of significant common ground or agreed assumptions of value, direction, and social relations creates divisions between nation-states and indigenous peoples. These cultural chasms often are more noticeable to indigenous peoples, since nation-states suggest that all citizens comply with nation-state law and order. Citizens are assumed to have agreed and committed to the goals and institutions of the nation-state, and little account is given to the cultural differences, and absence of political consent that often informs indigenous participation in nation-state institutions and culture.²⁰

Most nation-states have opened the door to inclusion and assimilation to indigenous peoples. If indigenous peoples accepted the invitation to assimilate politically into contemporary nation-states, then an enduring and thorny problem of what to do with indigenous peoples would be ameliorated. Nevertheless, while some indigenous peoples make the personal or family choice to move into mainstream culture and economy, many have not. Most nation-states want to educate and mobilize their people around the goals and ideals of the nation-state, and the resistance to full national inclusion by indigenous peoples creates some degree of cultural and political instability, if not conflict over land and resources. Why do indigenous peoples resist inclusion into nation-states? Of course some of the resistance extends from the long heritage of land, self-government, and cultural autonomy, in some nation-states, memorialized in treaties and other agreements. Many indigenous communities retain significant aspects of their own

¹⁹ Varese, Stefano *Witness to Sovereignty: Essays on the Indian Movement in Latin America* (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2006), pp. 123, 264.

²⁰ Fletcher, Matthew L.M. "The Supreme Court's Legal Culture War Against Tribal Law" *Intercultural Human Rights Law Review*, 2(2007): 103; Varese, Stefano *Witness to Sovereignty: Essays on the Indian Movement in Latin America* (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2006), pp. 123, 149, 202, 249, 258-59, 264; Champagne, Duane "Rethinking Native Relations With Contemporary Nation-States" *Indigenous Peoples and the Modern State* ed. Duane Champagne, Karen Jo Torjesen, and Susan Steiner (Walnut Creek, CA: AltaMira Press, 2005), pp. 3-23.

languages, religions, and community and political forms, although nation-state policies are often not supportive of their continuity.

If one can make a generalization, over the past 500 years since the landing of Christopher Columbus in the New World, many indigenous peoples have sought to preserve significant aspects of their cultures and traditions, despite many powerful colonial forces encouraging them to adopt Western ways and institutions. The continuity and persistence of indigenous perspectives, identity, and communities, is no accident. Indigenous conservatism in identity and institutional relations can be traced to indigenous world views and institutional relations. Indigenous world views often take the world as a sacred gift, and land, social, political, and ceremonial institutions are often given in creation stories, or through sacred cultural figures. The philosophies of sacred cosmic order and law that should not be disrupted without negative consequences create an emphasis on preserving institutional forms and identities. Indigenous institutional relations are highly interrelated, or more technically non-differentiated, in that political, religious, community and economic relations are overlapping, often indistinguishable. The combination of fused-together institutional relations, and a world view emphasizing the sacredness of institutional and cosmic being, creates strong tendencies toward preserving traditional institutional relations and beliefs, and ceremonies. The deep cultural and institutional tendencies toward preservation of a sacred order, helps us understand some of the roots of extensive cultural and institutional conservatism and persistence among indigenous peoples. The cultural conservatism, and absence of shared cultural ground rules with nation-states and their cultures, helps explain the chasm between indigenous peoples and nation-states and the resulting continuing conflicts over basic political and cultural ground rules.²¹

²¹ Kenneth M. Morrison, "Native American Religious Life: Creating Through Cosmic Give-and-Take." Pp. 685-700 in *The Native North American Almanac* Second edition ed. by Duane Champagne (Farmington Hills, MI: Gale Group, 2001). Barbara Deloria, Kristen Foehner, and Sam Scinta (eds), *Spirit & Reason: The Vine Deloria, Jr. Reader* (Golden, CO: Fulcrum Publishing, 1999), pp. 22-29, 42, 46, 67, 71, 134, 138, 286, 304, 357, 388, 359-61. Vine Deloria, Jr and Daniel R. Wildcat *Power and Place: Indian Education in America* (Golden, CO: Fulcrum Publishing, 2001), pp. 13, 17, 49-54, 60-63, 69, 74, 96, 116, 121, 125. Gregory Cajete, *Look to the Mountain: An Ecology of Indigenous Education* (Skyland, NC: Kivaki Press, 1994), pp. 29, 37, 44-47, 56-63, 74-75, 82, 86-89, 92, 98, 102, 146. Gregory Cajete, *Native Science: Natural Laws of Interdependence* (Santa Fe, NM: Clear Light Publishers, 2000), pp. 16, 53, 80, 88, 101, 105, 212, 227. Varese, Stefano Witness to Sovereignty: *Essays on the Indian Movement in Latin America* (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2007). Duane Champagne *Social Change and Cultural Continuity Among Native Nations* (Lanham, MD: AltaMira Press, 2007), pp. 25-44.

Threats and Policy Openings

If indigenous peoples are conservative institutionally, then how did they mobilize to into an international movement? Groups with very conservative identities and institutional orders tend not to mobilize through their own internal dynamics. The contemporary indigenous peoples' movement arises in the post-world war II period, and is the result of a combination of indigenous cultural and political persistence, and new policy openings within some nation-states and at the international level.

In the United States, the termination policy was officially instituted in the early 1950s. Termination policy was designed to release American Indian communities from federal trust relations, dissolve reservation communities and estates, and provide Indians with full US citizenship rights and obligations. American Indians saw the policy as an abrogation of long term agreements and treaties, and generally opposed the policy. Presidents Truman and Eisenhower approved of termination policy in principle, but did not actively pursue implementation. Driven in part by the emerging international human rights movement in response to Nazi concentration camps, the United States was a signatory to the 1948 UN international human rights agreement. At the same time, the ideological struggles of the cold war played a part, as minority, racial, and American Indian poverty and rights were questioned by the USSR. Minority groups took the initiative in legal cases and established a civil rights movement.²² Presidents Truman and Eisenhower favored full rights for Indian citizens, and advocated dismantling of federal trust relations, which in their view gave second class status to American Indians. Since the Presidents did not advance termination policy quickly, members of the House proposed a series of acts and resolutions that enabled them to develop termination policy through the legislative branch. Some tribal communities rallied their state senators and congressional representatives to secure exemption from the termination acts. In total about 110 federally recognized American Indian tribes were terminated. The termination policy was regarded as a major effort at dismantling tribal communities and promoting assimilation. While many Indian communities debated whether to accept or reject termination, the policy engendered considerable national effort and organization through the National Congress of American Indians (NCAI), a lobbying organization composed of a coalition of Indian tribes. The NCAI formed

²² Ayala, Cesar J and Jennifer McCormick "Felicita "La Prieta" Mendez (1916-1998) and the end of Latino School Segregation in California" *Centro Journal* vol. xx, Number 11 (Fall 2007); pp. 19-20

alliances with state and county interests, who believed the termination acts would greatly increase their expenses, and by the end of the 1950s stopped the main force of termination policy.²³

The threat of termination mobilized tribal communities and helped create an active national lobbying group working Indian policy. During the 1960s, activists, and tribal leaders, students met, at the University of Chicago conferences, and other places, and presented new policy initiatives to the Kennedy and Johnson administrations. Between 1869 and 1978, the Indian Red Power Movement created publicity about Indian issues, and helped generate new policy understanding and identity formation among American Indians, often alienated from their histories and cultures. The anti-poverty programs of the 1960s and 1970s provided tribal governments with resources and administrative personnel, and many became capable of supplying significant social services to reservation communities. In 1970, President Nixon, in consultation with tribal leaders, asked Congress to recall termination policy, and helped institute self-determination policy, which encourages tribal governments to assume management of federal programs designed to alleviate poverty on Indian reservations. Nixon re-established policy that US government relations with Indians were based on treaties, and government-to-government agreements. Many tribal communities assumed management of education, housing, health, and other government programs. The tribal governments we know today were built during the late 1960s and 1970s.²⁴

Similar events emerged in Canada starting in 1969 after a policy exchange proposed by Prime Minister Pierre Trudeau and the liberal assimilation plans of the White Paper, which suggested elimination of tribal status for Canadian Natives. This policy was the equivalent to the termination policy in the United States. The Indian Association of Alberta responded to the White Paper policy with a Red Paper, authored principally by Dr. Harold Cardinal, and underscoring that the Canadian government was committing cultural genocide by ending federal and tribal relations. Cardinal proposed increasing education programs, social programs, and more economic development initiatives to provide greater economic and social opportunities for First Nations peoples. The Red Paper helped mobilize and create Canadian First Nations

²³ Wilkinson, Charles *Blood Struggle: The Rise of Modern Indian Nations* (New York, NY: WW Norton, 2005), pp. 3-128; See also: Lambert, Valerie *Choctaw Nation: A Story of American Indian Resurgence* (Lincoln, NE: University of Nebraska Press, 2007), pp. 19-110.

²⁴ Washburn, Kevin "Tribal Self-Determination at the Crossroads" *Connecticut Law Review* 38:4 (May 2006): 787-796.

national organizations. In the 1970s, the Canadian government took an about face, withdrew the policies presented in the White Paper, and engaged in direct discussions with First Nations leaders and national organizations.²⁵ Continuous activism among Australian Aborigines did not result in concrete favorable policies until the 1990s, while Maoris had greater success in New Zealand.

Indigenous peoples in some Latin and South American nation-states experienced strong forms of political and physical repression. Most Latin and South American nation-states did not recognize indigenous rights or peoples, and include them as full citizens. Many indigenous communities continue to express traditional manner, with local forms of self-government, often under the radar of the nation-states, but often in cultural defiance of cultural and government policies encouraging assimilation or entry into nation-state institutions. The repressive political and culture hegemony of many Latin and South American nation-states inhibited open discussion and negotiations between indigenous peoples and nation-state leaders.²⁶

Mobilization

The various threats to indigenous rights created active counter movements in Canada, the United States, New Zealand, and Australia, while the Zapatista movement in Mexico set off a series of discussions and mobilization among Mexican indigenous peoples.²⁷ The Saami in the Nordic countries after 1945 established national organizations, and created an elected parliament in Finland, and gained some public support in Norway by the 1980s. Rather than inclusion in Norwegian parliament, the Saami worked toward creating their own elected parliament.²⁸

Elsewhere, in more repressive environments, indigenous identities lay latent and underground, and not necessarily overtly expressed in political action. Decisions to live in

²⁵ Tully, James "The Struggles of Indigenous Peoples for and of Freedom" *Political Theory and the Rights of Indigenous Peoples* ed. Duncan Ivison, Paul Patton, and Will Sanders (New York, NY: Cambridge University Press, 2000), pp. 41-50.

²⁶ Varese, Stefano *Witness to Sovereignty: Essays on the Indian Movement in Latin America* (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2006), pp. 281-84.

²⁷ Stavenhagen, Rudolfo, "Toward the Right of Autonomy in Mexico" *Indigenous Autonomy in Mexico* ed. Cal Y Mayor, Aracely Burguete, (Copenhagen, Denmark: International Work Group for Indigenous Affairs Document No. 94, 2000), pp. 10-21; Hernandez, Magarito Ruiz *Indigenous Autonomy in Mexico* ed. Cal Y Mayor, Aracely Burguete, (Copenhagen, Denmark: International Work Group for Indigenous Affairs Document No. 94, 2000), pp. 22-52; Cal Y Mayor, Aracely Burguete (ed.) *Indigenous Autonomy in Mexico* (Copenhagen, Denmark: International Work Group for Indigenous Affairs Document No. 94, 2000); Kroijer, Stine "'We're Going Slowly Because We're Going Far': Building an Autonomous Education System in Chiapas" *Indigenous Affairs* (January 2005), pp. 17-18.

²⁸ Josefsen, Eva "The Experience of the Sapmi" *Indigenous Parliament?: Realities and Perspectives in Russia and the Circumpolar North* ed. Katharine Wessendorf (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2005), pp. 178.

indigenous communities, speak in indigenous languages, wear indigenous clothes are all expressions of indigenous identity, commitments and signs of resistance to assimilation policies. Often indigenous resistance to assimilation is not an act of hostility to a nation-state or its culture, but rather an expression of identity and commitment to indigenous ways and institutions. Nation-state policies toward indigenous peoples often vary according to elected political administrations. For example, recent labor governments in Australia are willing to support and recognize indigenous rights and issues, while the former conservative governments did not. In the United States, federal policies since the 1980s have become less actively favorable to indigenous issues. Funding cut backs from Congress, little investment in indigenous issues by US Presidents, and a more conservative court had resulted in the continuity of self-determination policies, but few federally initiated or innovative programs. Many of the achievements among American Indigenous communities such as tribally controlled community colleges and the emergence of tribal gaming arise from initiatives carried out by tribal communities themselves.²⁹ The US policy conditions have become less favorable, but American tribal communities are more mobilized, better educated about their rights, policy history, and possible legal and legislative ways to participate and protect their rights. The self-conscious recovery of culture, language, political self-determination, and promotion of economic development are prevalent throughout Indian country. American Indian communities want to meet the challenges of the future in ways that draw upon their own culture, traditions, communities, and yet seek greater economic self-sufficiency, while preserving political autonomy. Relative successes are varied depending on economic resources, gaming possibilities, but also the specific cultural and political organization where there is community willingness and leadership to adopt change. While US policies adhere to self-determination for Indian tribes, federal law, legislation, and executive directives place restraints on tribal initiatives. Nevertheless, what is different than previous policy periods in American history is that many indigenous communities are now consciously renewing indigenous identities and promoting economic sustainability, cultural and linguistic recovery, and as well as indigenous rights, land claims, and political autonomy.

Many of cultural, political, and land issues between indigenous peoples and nation-states remain unresolved, and continuing points of contention and negotiation. Some indigenous

²⁹ Champagne, Duane "Ramona Redeemed?: The Rise of Tribal Political Power in California" *Social Change and Cultural Continuity Among Native Nations* (Lanham, MD: AltaMira Press, 2007), pp. 180-199.

leaders sought redress and recognition from the United Nations and international fora. As early as 1923, the Haudenosaunee Chief Deskaheh visited the League of Nations in Geneva, and sought the right to live under Haudenosuane government, law, religion, and land. Deskaheh protested the Canadian government's imposed municipal band governments that discarded traditional government among the Six Nations Reserve.³⁰ He was not admitted to address the League of Nations, but he has become an inspiration to many others. Moari religious leader T.W. Ratana travelled to the League of Nations in 1925, and was also denied access. In the early 1970s, indigenous people from several countries protested and sought access to the United Nations. Over time, many indigenous groups gained Nongovernmental Organization (NGO) status.³¹ By the early 1980s, international indigenous activists were drafting early versions of a declaration on the rights of indigenous peoples. The drafts went through UN processes and procedures and ran into opposition from several nation-states. Indigenous peoples protests about celebrations commemorating 500 years since the landing of Christopher Columbus in the New World, led to the UN declaration of the decade of Indigenous Peoples (1995-2004) in 1994. In part because of recognition of very little progress, the UN proclaimed a second decade of indigenous peoples (2005-2015), and instituted the UN Permanent Forum on Indigenous Issues (UNPFII), which has direct access to the proceedings of the UN General Assembly. The idea of the UNPFII originated with indigenous peoples in the 1980s and the first meetings were held in 2002.³²

The Declaration on the Rights of Indigenous Peoples (hereafter Declaration) was adopted by the United Nations General Assembly on September 13, 2007.³³ In June, 2006 the United Nations Human Rights Committee adopted the Declaration on the Rights of Indigenous Peoples, over the objections of some nation-states with sizable indigenous populations. In the fall of 2006, the Declaration was presented to the entire UN General Assembly for consideration. Negotiations on the language and issues of the Declaration were discussed for over 25 years.³⁴ There were many points of discussion, and in many instances the United States opposed the

³⁰Niezen, Ronald *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley, CA: University of California Press, 2003), pp. 31-36.

³¹Niezen, *Indigenism*, pp. 31-52.

³²Roulet, Florencia *Human Rights and Indigenous Peoples: A Handbook on the UN System* (Copenhagen, Denmark: International Work Group for Indigenous Affairs, Document Number 92, 1999), pp.153-174.

³³A copy of the Declaration on the Rights of Indigenous Peoples can be downloaded at the following website: <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

³⁴Varese, Stefano *Witness to Sovereignty: Essays on the Indian Movement in Latin America* (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2006), pp. 206.

language of the Declaration, arguing that many aspects of the Declaration, especially treaty and land issues, are difficult to implement. In the fall of 2006, several African states asked to defer the decision in the UN Assembly to clarify language on self-determination and the definition of "indigenous" peoples. Meanwhile, indigenous delegates from around the world, including many long time international participants from the United States, lobbied the UN delegations from many countries. Some say a critical event was the winning over of the People's Republic of China, who also encouraged some African states to propose language changes and adopt the Declaration. Among diplomatic circles there was talk that if the Declaration did not pass in the 2007 session of the UN General Assembly, the Declaration should be tabled. If after more than 25 years of debate and discussion, the Declaration should be set aside for want of international support and consensus about the rights of indigenous peoples. The Declaration was in danger of indefinite tabling. The Declaration was presented to the 2007 UN General Assembly (61st General Assembly Plenary, 107th and 108th meetings) by the delegation from Peru, a main sponsor, and passed with a vote of 143 nations in favor, 4 opposed, and 11 abstained. Even many indigenous representatives, working many years in the international arena, were surprised at the strong show of international support.

Dissenting nations included Australia, Canada, New Zealand and the United States. Their major objections to the Declaration were over provisions providing for indigenous self-determination, supporting indigenous rights to land and resources, and encouraging veto power by indigenous peoples over land and resource decisions in their traditional territories. The United States, in particular, was discouraged because the approval of the UN Human Rights Council was carried out without a consensus text with all nations in agreement. Without full consensus, implementation and further discussion of the Declaration would be splintered and difficult. The United States said it could not lend support to the splintered agreement of both the Human Rights Council and the UN General Assembly. The Russian Federation and some allies abstained from the vote, also suggesting that previous objections to the Declaration in the UN Human Rights Council were not fully addressed.

The passage of Declaration gained international press attention. Although few if any major presses and news outlets in the United States carried the news of passage of the Declaration or explained its implications for the indigenous peoples of the world, or its broadening of the human rights program of the UN and the international civil society. Since

passage, the government of Australia changed its negative vote on the Declaration, and now will support its provisions. The recently elected labor party in Australia made public apology for a history mistreatment of the Australian indigenous peoples and promises new policies and initiatives. The Russian Federation, although abstaining, has in its constitution a provision that it will uphold international standards in relations with and treatment of indigenous peoples. By constitutional law, the Russian Federation will honor the provisions of the Declaration.³⁵

The UN General Assembly made a major step forward in recognizing indigenous collective and individual rights. The Declaration is a non-binding text. The UN General Assembly has advisory powers only, but the provisions of the Declaration create new moral ground and greater specificity of human rights and standards around the world. The Declaration states that indigenous peoples the right to observance of treaty agreements made with nation-states, have basic human rights against discrimination, and encourages nation-states to empower indigenous peoples with full and effective participation in decisions that affect their self-determination, land, communities, and cultures. The Declaration is a crowning achievement of the Indigenous peoples' movement so far, but it did not come without compromises.

Nation States and the Declaration

The powers of the UN General Assembly are advisory, although the Assembly can recommend to nation-states and the international community legal adoption and adherence to agreements and declarations. Some countries have already indicated they will observe the Declaration's recommendations and guidelines. The nation-states of the world overwhelmingly voted in favor of the Declaration which is an affirmation and recognition of Indigenous issues. The international community now recognizes and upholds Indigenous rights according to the Declaration for all nations and indigenous peoples. The acceptance of the Declaration by the nations of the world is a significant world historical event, and a major step toward greater inclusiveness for the international and UN human rights movement.

The philosophical underpinnings of the Declaration reflect the universal human rights emphasis of the international community and UN, and the emphasis on legal and civil equality upheld by many nation-states, especially in Mexico, Latin and South America. As a strategy of

³⁵ General Assembly GA/10612, "General Assembly Adopts Declaration on Rights of Indigenous Peoples" Sixty-first General Assembly, Plenary, 107th & 108th Meetings, September 13, 2007, pp. 1-2.

negotiation and political process, the indigenous peoples gravitated toward the viewpoints of the universal human rights movement. In 1948, most nation-states agreed to Universal Declaration of Human Rights providing freedoms and protections from discrimination, rights to education, and recognizing that all human beings have fundamental rights and freedoms.³⁶ The Declaration on the Rights of Indigenous Peoples is not premised on an indigenous interpretation of the world where the rights of indigenous peoples are created through their own traditions, laws, and creation stories. The arguments of indigenous peoples that they have rights to self government that predate the formation of nation-states, and are not parties to most constitutions of nation-states are not the premises of the Declaration. Rather, the Declaration derives its grounding in the current universal human rights philosophy. This is a practical strategy in the sense that most nation-states have already agreed to the universal human rights declaration, and therefore extending human rights to indigenous peoples is not such a large leap from current international agreements. The Declaration on the Rights of Indigenous Peoples, however, extends human rights beyond individual rights and includes collective or group rights. Indigenous peoples have collective rights to land, political autonomy, retention of culture, and community organization. Furthermore, the Declaration recognizes there may be many cultural interpretations by different indigenous peoples about land ownership, political autonomy, cultural rights and practices. The framing of the Declaration is often general and designed to be used by indigenous peoples in the many cultural, political, and economic settings that are found around the world. The rights outlined in the Declaration are a guideline that needs specific interpretation and negotiation in each nation-state and indigenous community setting.

The indigenous negotiators were influenced by the nation-states of Mexico, and Latin and South America where laws already give equal rights to all citizens, including indigenous citizens. Many nation-states provide equal rights to all citizens, and do not provide “special” rights or recognition of indigenous peoples. Many indigenous people believe this strategy avoids recognizing Indigenous peoples, their governments, cultures, and land rights. In the United States, the termination policies of the 1940s and 50s was aimed at offering full US citizenship to American Indians, and discouraging them from continuing in what President Truman considered the second class citizenship of trust dependency. Many American Indian communities strongly

³⁶ For example, article one states that “All human beings are born equal and free in dignity and rights.” (See the following website for an explanation and fuller survey: <http://www.ohchr.org/Documents/Publications/ABCannexesen.pdf>).

resisted termination policy and the granting of full US citizenship it carried with it, but preferred to uphold their own communities, governments, and ways of life. Throughout the world indigenous peoples struggle in analogous ways to uphold their own communities, cultures, and ways of government, rather than accepting full citizenship without recognition of indigenous ways of life. In the Declaration, indigenous peoples will have the right to maintain culture, self-determination, community and land, in the similar ways as other national citizens. The nation-states pledge to recognize that indigenous peoples will have different cultural, community, and political ways of understanding land, resources, and identity. The Declaration also premises that indigenous peoples will not establish rival or separatist nation states that might upset the stability of contemporary nation states. Rather indigenous peoples will negotiate cultural and political autonomy from within legal and political framework of their host nation-state.³⁷ The Declaration on the Rights of Indigenous Peoples moves the premises of indigenous rights away from visions of cultural and political autonomy from time immemorial toward inclusion in the universal human rights movement. This strategy facilitated passage of the Declaration, and will facilitate international implementation and support.

Some Concluding Comments

Indigenous peoples are here to stay, not because they have special legal rights, but because they have been and lately have reasserted themselves as social forces within local, national, and international political, cultural, and legal contexts. Most likely indigenous peoples will continue to assert their claims to cultural autonomy, land, and self-government regardless of the legal and political policies of nation-states and the international community. The assertion of indigenous identity and rights is informed by deep cultural, institutional, and self-governmental issues and aspirations. The holistic cultural world views, sacredness and internal interrelatedness of given institutional orders, and often sacred tasks to achieve as a people inhibit indigenous people from direct assimilation and wholesale adoption of contemporary institutional political and economic models. The evolving recognition of Indigenous peoples' rights within in the international rights movement provides legitimacy and some level of acceptance of indigenous peoples and rights. Indigenous peoples now take a place within the international human rights

³⁷ James Anaya "International Indigenous Rights Situation." Presentation before the International Advisory Committee for the Native Nations Institute, Moris K. Udall Center for Studies in Public Policy, Saturday January 12, 2008.

movement that seeks to create common ground for all individuals, peoples, nations in the world. Indigenous peoples have become players in the international and nation-state social, political, and cultural stages, and will continue to do so indefinitely.

Any complete theory of human groups or social processes within nation-states should take into account the diversity and implications of the indigenous peoples' question. Some theories and assumptions about indigenous peoples should be cast aside or reconsidered. Evolutionary theories placing indigenous peoples at an early primitive stage do not account for the persistence and continuity of indigenous peoples and institutional orders in the present day and most likely in the future. Assimilation theories need to be recast to take into account avoidance of nation-state inclusion as indigenous peoples strive to preserve their own institutional and cultural orders, and make accommodations to inclusive nation-state policies. Framing indigenous peoples as primarily a minority group does not capture the full range of cultural, territorial, self-government goals and actions taken by indigenous peoples. Modernization theories do not predict the continuity and adaptations of indigenous peoples to contemporary nation-states, international institutions, as well as globalized markets and culture. Theories that focus primarily on marginalization are not complicated enough to explain the rise, persistence, and character of the indigenous peoples' movement. Economic, political, and cultural marginalization are major features of the environment of many indigenous peoples, but by themselves marginalization theories do not account for the emergence and successes of the indigenous peoples' movement, or the resurgent movements within some nation-states. Social science theories must be broad enough to understand and conceptualize relations with indigenous peoples. Social science theories need to understand culture, institutional order, political processes, and the mobilization of indigenous states within context of nation-state policies, and international understandings of Indigenous people's and rights.

Indigenous peoples will not disappear as assimilation, evolutionary, modernist, and democratic inclusion theories suggest. Consequently, social scientists and policy makers need to develop theories and policies of nation-state groups that systematically includes and gives understanding to indigenous people's needs and points of view, and give weight to the negotiation of common cultural and political ground, and establishment more consensually democratic relations among indigenous peoples, nation-states, and international civil society. Many indigenous individuals and peoples will not assimilate wholly into nation-state cultures

and political institutions. The reasons for this, in my view, lay in the cultural and institutional organization of indigenous communities. The sacredness of being and becoming creates a strong sense of individual and collective community and institutional identity among indigenous peoples. Central and strongly interrelated to this sacred past are overlapping and often decentralized social, cultural, political institutions, and loyalties. Indigenous peoples have strong attachments to identity and institutional forms that constrain acceptance of and assimilation into nation-state institutional orders. This adherence to non-nation-state political and cultural patterns leads to contention over cultural and political grounds rules between indigenous peoples and nation-states, as well as within the international human rights movement. Most likely the cultural and political contentions over land, education, cultural, and political autonomy will continue indefinitely. Continuing contentions may be a long-term feature of the political and cultural world landscape, probably will have to be undertaken with the understanding of that all parties will agree to disagree on many issues.

Despite the strong tendencies toward conserving institutional arrangements and identities, indigenous peoples are increasingly mobilized to take the challenges of the contemporary globalized world. They want to approach the world from their own institutions, cultures, and values, and develop solutions to contemporary economic, political, and international relations. Much culture among indigenous peoples, as most elsewhere today, is a hybrid combination of tradition and new cultural concepts and institutions. For example, there is the rise of "tribal capitalism" where indigenous peoples collectively engage the market as owners and capitalists, but distribute profits for the benefit of the entire community. Tribal capitalism results from needs to participate in the market place to help sustain community autonomy through economic self reliance, but also is formed through adherence to interrelated community, political and economic interest and institutions. Gaming for Indian tribes in the United States is organized along the tribal capitalism model. Many Southern California communities organize contemporary government around traditional general councils of all adult members who today run tribal governments, casinos, as well as work to teach and recover language and culture. The indigenous people's movement has created self-conscious collective action, and institution building. The policies of nation states often waiver between favorable and unfavorable according to elected political administrations, but more than any other time in history, indigenous peoples are seeking to assert their rights and engage nation-states and the

international community. Whether indigenous peoples can obtain their goals of recovering sustained cultural and political autonomy and land resources will depend in part on cooperation from nation-states and the international community. Indigenous peoples, however, are more mobilized than any other time to find ways to gain greater economic sustainability, political and cultural autonomy within the present globalized world. To a large degree the successes gained so far and possibilities for success in the future will depend on the decisions and actions taken by the indigenous peoples themselves.