

The World Council of Indigenous Peoples: The Study of an International Indigenous
Organization

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Deidre Cynthia Duquette
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Dr. W. Magnusson, Supervisor (Department of Political Science)



Dr. N. J. Ruff, Departmental Member (Department of Political Science)



Dr. F. Cassidy, Outside Member (School of Public Administration)



Dr. R. M. M'Gonigle, External Examiner (Faculty of Law)

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University of Victoria

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Supervisor: Dr. Warren Magnusson

ABSTRACT

Through a study of the World Council of Indigenous Peoples, this thesis explores the international organization and actions of the indigenous movement. Utilizing current literature on theories of globalization, it situates that movement in the context of the broader social and political conditions from which it emerged. Within that context, social movements, international non-governmental organizations, and international law are discussed. These phenomena exemplify the interconnections and challenges to sovereignty which characterize globalization and the social and political changes which contributed to indigenous peoples' international action. Employing information gathered from secondary and primary sources, the study offered indicates the difficulties faced by indigenous peoples when forming and maintaining an international organizational presence, and examines the impact of the state on those organizations and their activities. In concluding it finds that, although indigenous peoples can act internationally, substantial obstacles to effective action for achieving their goals remain.

Examiners:


Dr. W. Magnusson, Supervisor (Department of Political Science)


Dr. N. J. Ruff, Departmental Member (Department of Political Science)


Dr. F. Cassidy, Outside Member (Department of Public Administration)


Dr. R. M. M'Gonigle, External Examiner (Faculty of Law)

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Introduction

For most of the world's indigenous peoples the legacy of a colonial past has been social, economic and political marginalization. It is only within the last thirty years that indigenous peoples have begun to emerge from the obscurity imposed by their exclusion. Writing in 1981 on the situation in Canada, Sally Weaver observed that prior to the mid 1960s native people were generally ignored by non-native Canadian society. With their nature and diversity concealed by the label of "Indian", native peoples were most often viewed as one homogeneous group. Little was taught in Canadian schools about native cultures and histories, there were few popular publications on the subject and there had been no government studies undertaken which would stimulate public debate. The general public remained uniformed and unconcerned about the reality of native peoples' existence.¹

All of this began to change in the 1960s. Today Canadian universities offer courses, and in some cases entire programs, devoted to the study of native issues. Those issues are now discussed on television and radio, and are regularly reported in newspapers. A wide variety of magazines attracting a diverse readership, such as *The New Yorker* and *Outside*², feature articles dealing with the plight of indigenous peoples. Both scholarly and popular publications on native art, mythology, culture, history and politics are readily available. And public debate on native conditions and concerns has been fuelled by the Royal Commission and numerous government studies.

Debate has also been stimulated by the increased political participation and activism

of native peoples. Indeed it would have been difficult to observe Canadian politics over the last twenty years and remain unaware of native peoples' involvement, concerns and aspirations. From the patriation of the Constitution and constitutional recognition of aboriginal rights, to the failure of the Meech Lake Accord, the Charlottetown Accord and the most recent Quebec referendum, native peoples have added their voice to Canadian politics, contributing their perspective to the debates and placing their concerns on the national political agenda.

The involvement of aboriginal peoples is now recognized as part of the reality of politics in Canada. However, there is another, international dimension to their political activism which remains generally less well known. Today the peoples indigenous to Canada together with those from other countries around the world constitute a global political movement. For approximately fifteen years indigenous peoples have been actively involved in world politics. Here they seek international solutions to their problems through their participation in various international fora, both within the United Nations and outside of that institution.

The political activism and participation of indigenous peoples at the world level contradicts the widely accepted realist theory of international relations. According to realist theory international politics involves relations between states, relations which are premised on the concept of sovereignty. Indigenous peoples are not a state, nor do they represent any single state, rather they represent the most marginalized segments of their national societies, yet they are actively involved in international politics. This fact raises three questions which will be explored in this thesis.

First, considering the preeminent position of the state and the prominence of the concept of sovereignty in international relations, and the economic weakness, cultural isolation, and geographical dispersion of these peoples, how has it become possible for indigenous peoples to be involved in world politics? Second, what is the nature of the organization of the indigenous movement? And, finally, what has been the impact of the state on that movement?

Utilizing the current literature on theories of globalization the first chapter of this thesis will discuss the indigenous movement in the context of wider social and political changes. Theories of globalization indicate that the concept of state sovereignty is now being challenged. Global conditions which both contribute to, and result from increased transnational interaction and interconnections call into question the validity and centrality of notions of sovereignty in world politics. The social and political changes which characterize globalization contributed to new possibilities for indigenous peoples, resulting in their development of a global political movement and giving them a voice in world politics.

In order to examine the nature of the organization of the indigenous movement the second chapter will focus on the creation and structure of the World Council of Indigenous Peoples. The WCIP represents only one expression of indigenous peoples' organization. It was, nevertheless, the first international indigenous organization created and has now been functioning for twenty years. The information (gathered from secondary sources, through elite interviews and from organizational documents and internal correspondence) indicates that the example of the WCIP provides some insight

into the difficulties faced by indigenous peoples when attempting to create and maintain an international organizational presence.

The impact of the state on the indigenous movement will also be examined through the example provided by the WCIP. More specifically, this question will be discussed in terms of funding. The WCIP was incorporated as an international non-governmental organization in Canada and the Canadian government has been its primary source of funding. It is through funding arrangements that the Canadian state has had its largest impact on the organization. The donor/recipient relationship between the Canadian state and the World Council of Indigenous Peoples, gathered from elite interviews and WCIP documents, provides an example of the extent of, and the limitations to the influence of the state on the indigenous movement.

The study of the World Council of Indigenous Peoples confirms that indigenous peoples can and do actively participate in the international political arena. However, it also leads to an inevitable conclusion. Substantial obstacles to truly effective international action on the part of the indigenous movement, for achieving their goals, remain. Those obstacles emanate from their relationship with the state, as ultimately indigenous peoples are dependent on the cooperation of the states they challenge in order to achieve their goals.

- ENDNOTES -

1. Sally Weaver, *Making Canadian Indian Policy, The Hidden Agenda 1968-70*, Toronto:University of Toronto Press, 1981, pp. 15-20.
2. Joe Kane, "Moi Goes to Washington" in *The New Yorker*, Vol. 70, No. 11. May 2, 1994, pp. 74-81.; Alex Shorematoff, "Trouble in the Land of Muy Verde" in *Outside*, March 1995, pp. 56-63, 149-154.

The Indigenous Movement in an International Context

The global movement of indigenous peoples developed out of broader social and political changes which have taken place over the past thirty years. In theory and practice those changes may be viewed in terms of the challenges they pose to state sovereignty. The concept of sovereignty has long been considered central to an understanding of relations both within and between states, yet over the course of the last three decades states have become increasingly interconnected. The accelerated growth of transnational relations, facilitated by technological advances, has decreased the significance of territorial boundaries, blurred the distinctions between domestic and international politics, dispersed political power and increased the importance of non-state actors in world politics. The transformations taking place in global social and political relations provided indigenous peoples with an opening through which they have gained access to the international arena and added their voice, and their challenge to sovereignty, to world politics.

This chapter will explore the development of the global movement of indigenous peoples. It will situate that movement in the context of the broader social and political conditions from which it emerged. A brief review of the concept of sovereignty will be followed by a discussion of globalization. Within the framework of globalization social movements, international non-governmental organizations and international law will be discussed. These provide examples of the interconnections and challenges to sovereignty which characterize globalization, and they are examples of the social and political

changes which led to the development of the indigenous movement.

The Global Movement of Indigenous Peoples:

The global movement of indigenous peoples is rooted in the process of decolonization which began during the late 1950s. Decolonization spread the system of sovereign states across the globe and, paradoxically, also gave rise to what has become one of the most vocal and persistent challenges to state sovereignty, that now posed by indigenous peoples.

During the late 1950s and early 1960s there was an influx to the United Nations of a number of small, newly independent and predominantly non-white states. Those states brought with them a common political goal: to eliminate Western colonialism and end the subjugation of non-whites associated with it. In pursuit of that goal the former colonies brought a new perspective to UN concerns for human rights. Where most of the dominant UN members had traditionally been concerned with protecting the rights of the individual the new states emphasized the importance of protecting the collective political rights of self-determination and independence. They also brought a new emphasis to related problems of racial discrimination which resulted in the Commission on Human Rights declaration, adopted by the General Assembly in 1963, on the Elimination of All Forms of Racial Discrimination.¹ By the early 1960s issues of economic and social equality, racial discrimination and colonialism dominated the international political agenda.

The politics and process of decolonization contributed to a new perspective on the situation of indigenous peoples. Their continued subjugation in the Americas, Australia

and New Zealand (Aotearoa) came to be viewed as a matter of internal colonialism. As Paul Tennant observed, the position of indigenous peoples became significant with the growing perception that subjugation "...has no greater moral justification in an independent state than in a colony".² The restrictions on land use and access to resources, social discrimination and cultural suppression, administrative control and the denial of some rights and freedoms which characterized their subjugation were criticized as self-serving. Continued subjugation was seen to perpetuate the legitimization of immigrant, or immigrant-derived, societies and their institutions by denying the legitimacy of indigenous cultures, and served to undermine indigenous peoples' claims to land and other aboriginal rights.³

Through the concept of internal colonialism the situation of indigenous peoples became connected to the issues of social and economic equality and discrimination associated with decolonization. It is a connection which has had a lasting affect on the politics of indigenous peoples and continues to inform their challenge to state sovereignty.

Within states those issues, and an understanding of their interconnections, generated the growth of new social movements. In the United States the civil rights movement, the "war on poverty", the formation of Black and Red Power organizations, and the American Indian Movement increased public awareness and advanced their concerns to the political agenda. Indigenous peoples found that heightened public awareness brought a new legitimacy to their long-standing demands for recognition of their rights and, for the first time, created public pressure on government to address their concerns. The social

unrest and activism of the period reinforced the politics of resistance indigenous peoples were involved in, and contributed to new instances of organized resistance.⁴

Indigenous peoples have a long history of resistance. Examples may be found in the "everyday" forms of resistance noted among the "peasants" of Malaysia or Peru⁵, the Maori land wars of the 1860s⁶, the first formal protest by the Nisga'a to the Canadian government⁷, or early petitions by Maori and Iroquois leaders to the League of Nations⁸. More recently there have been appeals to the courts, the civil disobedience of blockades, sit-ins and tent cities, and armed resistance in Nicaragua, Oka and Chiapas. In all cases indigenous peoples struggle against the processes which result in their marginalization and threaten their very existence. Today that resistance is channelled through the local, national, regional and international political organizations indigenous peoples have developed in response to internal colonialism, and out of a broader pan-Indian identity.⁹

Much of the international political activity of indigenous peoples takes place within the United Nations where the Working Group on Indigenous Populations has become an important forum for the exchange of information and for airing grievances. The Working Group was established by the Human Rights Commission in 1982 following the completion of a ten year study on the problem of discrimination against indigenous peoples undertaken by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Working Group, which meets annually, has taken unprecedented steps to facilitate indigenous peoples' participation. In addition to states' representatives and recognized, interested non-governmental organizations it permits indigenous individuals and their representatives to speak during meetings, and recognizes

as non-governmental organizations indigenous organizations which do not meet the regular UN criteria for that status.¹⁰ Participation has also been enhanced through the creation of a voluntary fund which provides financial assistance to indigenous peoples for travel expenses.¹¹

The Working Group is mandated to draft standards for the treatment of indigenous peoples by states. Within this forum indigenous peoples pursue international recognition of their rights. They have recently completed a draft declaration on the rights of indigenous peoples which, although written by the Working Group, is the result of almost ten years of discussion and proposals initiated by indigenous peoples themselves.¹² They are now involved in a study on "treaties, agreements and other constructive agreements between indigenous peoples and states"¹³, and have stimulated the creation of a permanent forum for their participation within the UN system.¹⁴

A summary of the draft declaration on their rights indicates that indigenous peoples seek recognition of both individual and collective rights. It enunciates rights to land and resources, the protection of culture, religion and social institutions, and requires states to obtain the consent of indigenous peoples to decisions which affect them. One of the principal themes of the document is the equality of rights and a prohibition against discrimination. This theme is not only repeated throughout the declaration but is also evident in the refusal of indigenous peoples - in spite of the objections of a number of states - to include any formal definition of "indigenous peoples" in the document. Since various state imposed definitions have contributed to their marginalization, indigenous peoples feel that any definition could eventually be used to deny rights to some groups.¹⁵

Another overarching principle of the draft declaration is self-determination. Article 3 states: Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. It is through the principle of self-determination that indigenous peoples link their subjugation to colonialism. One individual told the Working Group that indigenous peoples were

...nothing more than colonial peoples who were missed by the great wave of global de-colonisation following the second world war, particularly where independence was granted, not to the oppressed inhabitants of a territory but to an intrusive and alien group newly arrived.¹⁶

Indigenous peoples maintain that colonialism led to the dispossession of their lands and the denial of their rights, and that internal colonialism perpetuates their social, political and economic marginalization. They contend that these problems can only be remedied through self-determination which embodies both the notion of greater control and independence, and increased participation in decisions which affect them.¹⁷ It is through their claim to the right of self-determination that indigenous peoples most directly challenge state sovereignty.

The claim to the right of self-determination made by indigenous peoples has implications for the state which will be explored further. However, it is first necessary to review the concept of sovereignty and discuss the issue of globalization.

The Concept of Sovereignty:

The concept of sovereignty has long been considered central to an understanding of relations both within and between states. The prominence of the concept is generally

traced to the Treaty of Westphalia of 1648 and the emergence of the state system. The Treaty of Westphalia ended the decentralization of political authority which had characterized feudal Europe. Political authority which had once been dispersed among the monarchies, fiefdoms and the church, became consolidated within the territorially defined state. Each state established a central administration and claimed a monopoly over the legitimate use of force; each became sovereign.¹⁸

Sovereignty is an ambiguous concept with different usages and definitions. It is related to notions of territory and community, authority, legitimacy and power and is divided along internal and external lines. Internal sovereignty was originally described by Jean Bodin as the absolute political power of the ruler. The absolutism of earlier theorists was opposed in the seventeenth century by John Locke, whose theory of popular sovereignty has since become embedded in the constitutions of liberal democratic states.¹⁹ Sovereignty is generally held to be vested in the state, and it is the state which is supposed to possess ultimate authority. Much of the current debate has focussed on determining which element within the state exercises sovereignty on its behalf, but this debate has done little to clarify the meaning of the term.²⁰ Despite disagreement on the concept, W. J. Stankiewicz has maintained that the current exercise of sovereignty "...is not far from what the classical theory postulated: the sovereign tends to be an unlimited, supreme, coercive power which has a will and expresses itself through legislation."²¹ The element of coercive power is at least implicit in many definitions, as is the requirement of legitimacy - that, in Nicholas Onuf's words, "physical control must be matched by a conviction within the community that this control is appropriately exercised".²²

In opposition to internal sovereignty, external sovereignty is characterized by the lack of a supreme or absolute authority. In international relations, sovereignty is synonymous with independence. No state is subject to the external control of any other state.²³ Alan James provides one definition of sovereignty in this context, that of constitutional independence, "...a legal, absolute, and unitary condition".²⁴ Although many contemporary theorists would be critical of this definition it is consistent with the dominant realist theory of international relations, which views the state as the central unit of analysis, and interprets state actions in terms of maximizing power in an anarchic international system.²⁵

While states may be viewed as independent from each other all are considered subject to international law. The 1933 Montevideo Convention on Rights and Duties of States defined the state as "...a person of international law".²⁶ This is held to be consistent with the concept of sovereignty in that international law is considered the law between, rather than above, states.²⁷

In the 1960s the process of decolonization made the state system, and attendant claims to sovereignty, a global system. It became accepted everywhere that the state and sovereignty are indivisible, "that sovereignty is an attribute of statehood, and that only states can be sovereign".²⁸

The sovereign state has become entrenched as the principal organizing feature of politics so that analyses of politics within states have been conducted in terms of the state's authority within its territorial boundaries. And analyses of international politics have been approached in terms of relations between independent and equally sovereign

states. Indeed, it has been suggested that in international politics sovereign statehood is so "deeply constitutive" that if the concept of sovereignty were to change "international relations as such would be fundamentally transformed".²⁹

In spite of its prominence the concept of sovereignty is now being challenged. Over the last twenty years the centrality of the concept in theory and its applicability to political reality have been questioned. Many analysts find that the realities of world politics may be better explained through an examination of the interconnections which characterize globalization.

Globalization and Challenges to Sovereignty:

The primacy of the state in world politics has become a contested notion. Politics is more often referred to in terms of globalization, reflecting the interconnections and interdependence which have decreased the significance of territorial boundaries and undermined the ultimate authority of the state.³⁰ There is a heightened sense that the most important political decisions affecting the state are now made in the international arena. These are decisions which no single state can control and are often made by transnational actors working independently of states. Political power is being transformed and dispersed. The state, no longer effectively independent or autonomous, is viewed as a small part of a wider, global process.³¹

Technology has been the vehicle for global interconnections. New technologies have contributed to the politicization of new issues, leading to new international concerns and problems which require interstate cooperation for solutions. Innovations in transportation

and communication have facilitated the development of transnational relations which operate in the social realm and so bypass government and direct state control.³²

Transnational relations are not a new phenomenon. Writing in 1977 Hedley Bull quoted at length from Raymond Aron who had noted the existence of transnational society in 1914.³³ What is new about the contemporary system is the extent of transnational relations, or as David Held has observed, "the chronic intensification of the patterns of interconnectedness" now evident.³⁴ These interconnections have afforded non-state actors a prominent role in world politics.³⁵

Advances in transportation and communication have also heightened awareness that we live in a shrinking world. The rapid dissemination of visual and printed information reduces the sense of isolation from events taking place beyond state borders. Increased visibility has led to a shared consciousness which emphasizes global interconnections. In wealthier states this expanded awareness has contributed to a perception of vulnerability. The repercussions of war, poverty and disease are global and neither distance nor state boundaries offer protection against them. In poorer states the increased visibility of events and lifestyles elsewhere may lead to raised expectations. In either case solutions are considered beyond the power of any individual state, rather they require global action.³⁶

The interconnections, transnational relations and new prominence of non-state actors which now characterize global politics bring into question the entrenched notion of the sovereign state as the predominant actor in international relations. Although the state system remains the central organizing principle, challenges to sovereignty continue,

eroding the power of the state to act independently and constraining its range of domestic and international action. This has been most evident in the rise of transnational corporations and changes to the world economy.

Since the early 1970s transnational corporations have exerted considerable influence on government policies and on society in general. Their rise was accompanied by the spread of consumerism and the stress on the importance of market efficiency which have come to dominate the 1990s. They have affected flows of short-term capital between countries and contributed to the growth of the unregulated Eurodollar market. They have also influenced the flow of international trade and the development of an international division of labour. Because of their ability to affect levels of employment and economic activity within states through decisions regarding the location of production facilities, investment and the movement of capital, transnational corporations constrain governments' development of economic policy. While governments are constrained, the internationalization and mobility of capital has allowed transnational corporations to become more independent, to rely less on the state for many economic functions. The globalization of the economy has restricted the state's powers over information, taxation and regulation and has effectively relegated control over monetary and economic policy to the global market.³⁷ States no longer autonomously control the economic elements associated with the concept of sovereignty.

The effects of transnational corporations on state sovereignty are well documented and have been only very briefly summarized here. Nevertheless, they provide a palpable example of the ways new global arrangements contradict the old assumptions of

sovereignty. Other examples are found in the work of social movements, including those which have formed international non-governmental organizations, and in international law, particularly as it pertains to issues of human rights.

The New Social Movements:

Social movements have long been considered both a measure of existing social distress and a source of political change. Recently analysts have noted a fundamental difference in the character of many of the movements which have developed over the last several decades, changes which have led to their designation as "new" or "critical" in the relevant literature. The extent to which these movements differ from those which preceded them is the subject of some debate, and not all movements are characterized by all, or even any, of the claims set out below. However, for the purposes of the argument presented in this section only claims made on behalf of new social movements will be summarized. Those claims suggest that the new social movements, in their approach to such issues as sexism, racism, peace, human rights or environmental degradation, challenge established conceptions of political action. Their understanding and their practice of politics call into question the legitimacy and authority of the state, the foundations of internal sovereignty.

The new or critical social movements tend to reject state-centric notions of politics in which politics relates only to the business of government and a political community is defined by state boundaries. The control of state power is seldom viewed as either a desirable goal, or a possible solution to current problems. They also tend to reject the

notion that solutions may be found in the movements of the past. For many of the new social movements the forces of socialism, liberalism, nationalism and capitalism have become incorporated into the structure and institutions of the state and are seen as a source of the repression and inequality from which they now seek liberation. The old ideologies and the practices they generate reinforce the status quo and so are not considered adequate to deal with the highly interrelated and often global issues these movements now face.³⁸

In contrast to the prevailing state-centric system new social movements may create political communities which transcend state boundaries and are based, not on the national history of the state but rather on the particular history, shared experience and common goals of those involved. Within these communities new identities are formed, new norms and language are articulated, and the artificial distinction between public and private imposed by the state is eliminated. It is within these communities that a new understanding of politics and political action is reached.³⁹

These social movements advocate a new approach to political action. In some instances their new approach is expressed in the desire to protect or recover cultural identities and communities and involves greater local autonomy or self-government. In some cases it is expressed in the willingness of social movements to make connections across state boundaries either with similar movements, or with different movements in pursuit of a common goal.⁴⁰ Perhaps more importantly theirs may be a more holistic approach which highlights the connections between processes which have come to appear fragmented by statist politics, and between those processes and numerous

interrelated global problems. By exposing such connections the new social movements point out the need for solutions involving changes to those processes, making them more inclusive and empowering those most affected.⁴¹

The challenges new social movements pose to the legitimacy and authority of the state derive in part from their understanding of politics, from the information they gather and the knowledge they acquire. They contest the monopoly held by the state over information. They search for more accurate information and more relevant knowledge, sometimes turning to the alternatives provided by cultural traditions. Movements play a central role in the social construction of knowledge and the development of new perspectives. They provide alternative ways of understanding what the state presents as truth and as inevitable or natural. Because of the importance of knowledge many social movements are constantly involved in raising awareness and public education through the dissemination of reliable and accurate information.⁴²

The legitimacy and authority of the state may be contested by social movements in many different ways. They may politicize issues usually considered beyond state control or raise concerns about activities which can not be regulated by any single state.⁴³ By their very nature, their position in civil society, social movements are not contained by state boundaries or limited to actions officially sanctioned by the state.⁴⁴ Some movements form international networks, their interaction taking place within the space of the global city, a space "outside the domain of sovereignty".⁴⁵ Through their politics of resistance social movements expose the inconsistencies between the rhetoric and the actual practices of government. The apparent unwillingness, or worse, inability of the

state to fulfill its promise of prosperity, equality and security for all citizens, or even to ameliorate the conditions of its poorest citizens, undermines its claims to legitimacy and authority.⁴⁶

Many of the characteristics attributed to new social movements are exemplified by the indigenous peoples' movement. Indigenous peoples do not want to control the states which surround them. They do, however, seek relief from the administrative control (under the Indian Act in Canada or the influence of Congress in the United States⁴⁷) which has dominated their lives and resulted in their marginalization. For indigenous peoples this involves both increased participation in the formulation of policies and decisions which affect them, and greater local autonomy or self-government.

The protection and recovery of cultural identity is a fundamental concern for indigenous peoples. Until very recently their cultural heritage, traditional knowledge and oral histories have been either devalued or completely dismissed by non-indigenous societies.⁴⁸ It is important to indigenous peoples everywhere that their cultural distinctiveness be recognized and their traditions be respected.⁴⁹ Within the indigenous movement these concerns are expressed in a variety of ways. For peoples such as the Witsuwit'en of British Columbia this has meant maintaining the social, political and economic importance of their feast system.⁵⁰ In Australia it has involved a movement to protect sacred sights and to ensure aboriginal peoples' right of access to those sights.⁵¹ In some North American urban centres there has been a resurgence of traditional healing practices⁵², and many native communities are attempting to recover sacred objects from museums. Cultural protection for all indigenous peoples has included the use of language, and in particular involves the right to educate indigenous children in their own languages.⁵³

Like some other new social movements, the indigenous movement has created new political communities which often transcend state boundaries. These are communities based not on the national history of the state but on an interpretation of that history from the perspective of indigenous peoples' experience. Ovide Mercredi suggests that they are communities founded on a shared history of colonialism, disease, dispossession and genocidal government policies, and are united by common conditions of poverty and underdevelopment, low life expectancy and high infant mortality rates.⁵⁴ These communities have resulted from, and at the same time contribute to the development of a broader, "pan-Indian" identity, an identity which overrides cultural differences and traditional affiliations, contributes to a common awareness and leads indigenous peoples to act together in pursuit of their goals.⁵⁵

The indigenous movement has shown its willingness to make connections across state boundaries with other movements in pursuit of its goals. One example of this was the connections made by the Cree of James Bay with environmentalists in New York and New England, and with the Progressives in Vermont, which brought a halt to the Great Whale hydroelectric project in Quebec.⁵⁶

The dissemination of accurate and relevant information, both among indigenous peoples and to a wider, non-indigenous audience, is another concern for the indigenous movement. Indigenous peoples now produce a variety of books, journals, newspapers, videos, and radio and television programs. In Oaxaca, Mexico, for example, sixteen different indigenous language groups contribute to the monthly publication of *Binigulazaa*.⁵⁷ *Binigulazaa* features articles by, for and about indigenous peoples and in addition to local contributions has published material from Basque, Saami, North and South American authors. The paper is written in Spanish but is also multi-lingual in that

some shorter articles may be published in both Spanish and the relevant indigenous language, such as Zapotec. *Binigulazaa* is distributed as a supplement to the Oaxaca regional newspaper *La Hora*. This gives indigenous peoples a wider public voice than they might otherwise enjoy, and allows the paper to avoid some of the restrictions it might otherwise be subjected to, particularly where political issues are involved. While the paper is political in the sense that it supports the indigenous movement, the editors have avoided adopting any one specific political position, in part because they wish to avoid problems with the government which has noted their existence but tolerates them at present, but also because they do not want to exclude other positions.⁵⁸

In addition to the publication of this newspaper indigenous peoples in the Oaxaca area, through the Binigulazaa Civil Association⁵⁹ and in cooperation with the Autonomous University of Benito Juarez of Oaxaca, have created an Information Bank. Established as an archive/resource centre which is accessible to the general public, the Information Bank is without precedent in Oaxaca. It is housed by the university which has also provided indigenous peoples with an archival office. The Bank contains information related to the indigenous movement and includes films, videos, newspapers, journals, artwork in the form of posters on indigenous events, and books written by and for indigenous peoples, some written in indigenous languages.⁶⁰

Through the collection and dissemination of information the indigenous movement is involved in raising awareness among both indigenous and non-indigenous society. Their information, regardless of the medium, challenges existing misconceptions of indigenous peoples' histories and cultures, and it educates the public on the realities of indigenous peoples' existence. At the same time they confront the state by pointing out the failure of government policies to address their concerns or ameliorate their social, political and

economic conditions.

International Non-Governmental Organizations:

While some movements have remained local others have formed international organizations. Since 1970 there has been a proliferation of international non-governmental organizations representing every facet of social life.⁶¹ A number of these organizations now play a significant role in world politics both through the various agencies and bodies of the United Nations and independent from it. INGOs influence international public opinion and affect the domestic and international decisions of states.

International non-governmental organizations are involved in the independent monitoring of world events. They gather, analyze, document, and publicize vast amounts of information and are an important resource for many local movements. They participate in international conferences and also provide their own fora for the discussion of events or developments which concern them, usually publicizing their findings. Unrestrained by international conventions, INGOs are often outspoken in their condemnation of states' actions, or their failure to act in some circumstances.⁶² By calling attention to the inadequacy of the state in dealing with some issues they contribute further to its delegitimation.

Through their monitoring of activities, their dissemination of information, and their open and public criticism of state actions, INGOs influence international public opinion. They contribute to the development of new norms and symbols, and to changes in attitude which become increasingly important politically as they gain wider public currency. States can not ignore such shifts in public opinion. Governments may find it necessary to implement national and international policies which accommodate new

public attitudes in order to maintain their legitimacy and authority.⁶³

International non-governmental organizations are a product of, and contribute to, the interconnections which now characterize world politics and which constrain state sovereignty. Many INGOs have developed as a result of the increased sensitivity between societies which has been facilitated by advances in global communications. Movements became aware that there were others involved in similar struggles around the same issues and that by joining together they might more easily achieve a common goal. In linking these movements INGOs help to promote the political significance of their concerns and increase their ability to influence governments, which in turn stimulates the creation of new international linkages. INGOs have added new issues to the international political agenda, blurring the distinction between domestic and international politics and, where matters require joint state decisions or cooperative policies, they have contributed to international interconnections and interdependence.⁶⁴

The cooperation and coordination between national groups which results in the creation of INGOs is repeated among INGOs in the international arena. INGOs often work together to achieve a common end, as in the case of humanitarian aid and disaster relief programs. They also work together for political purposes. The UN Conference of Non-governmental Organizations is one example of this. The Conference provides a forum for communication and cooperation in developing political strategies which may extend beyond UN activities. Within the UN non-governmental participants often attempt to influence states by submitting joint statements, sometimes involving the cooperation of more than one hundred organizations, in support of a common policy position.⁶⁵

The indigenous movement is one example of a social movement that has formed international non-governmental organizations. Their international organizations have

succeeded in bringing together indigenous peoples from diverse backgrounds and have helped to promote the political significance of their concerns at both the international and national levels through their participation in international fora.

Indigenous peoples' INGOs have worked with other international non-governmental organizations to achieve their goals. This was evident in 1986 when the UN cancelled the annual meeting of the Working Group on Indigenous Populations as a cost saving measure. The World Council of Indigenous Peoples, with the cooperation of Amnesty International, held a workshop in place of the cancelled meeting. The workshop allowed indigenous peoples and members of the Working Group to continue their work on the drafting of standards for indigenous peoples' rights.⁶⁶

Indigenous peoples have also created their own international fora where participants may be, but are not necessarily, representatives of international non-governmental organizations. Within these fora issues of concern to indigenous peoples are discussed from a variety of perspectives, and may result in a consensus on a single indigenous position. One example of this was the World Conference of Indigenous Peoples on Territory, Environment and Development held in 1992 in the village of Kari-Oca in Brazil. That conference brought together 850 indigenous peoples representing 82 organizations. After five days of meetings the conference delegates produced the Kari-Oca Declaration and the Indigenous Peoples Earth Charter. The Earth Charter contains 109 articles and represents the position of indigenous peoples on issues of human rights and international law, land, biodiversity and conservation, development strategies, culture, science and intellectual property. The Earth Charter was presented to the United Nations Conference on Environment and Development held in Rio de Janeiro shortly after the indigenous peoples' conference. It was also distributed to indigenous peoples

and states' governments, and was made public in Brazil during a press conference.⁶⁷

The distribution of the Earth Charter reflects the concern of indigenous peoples and their international organizations with the dissemination of information. International organizations such as the World Council of Indigenous Peoples are a valuable source of information for both their members and other organizations, and are also involved in public education.

Indigenous INGOs have added a new issue to the international political agenda - the treatment of indigenous peoples by states. In linking that issue to international concerns for human rights and self-determination they have further obscured the distinction between domestic and international politics.

International non-governmental organizations have become an integral part of the international political system. Governments can neither avoid nor disregard them any more than they can the rise of social movements within the state. On the other hand, social movements and INGOs must also work within the existing state system. While they contribute to the interconnections and interdependence which constrain state sovereignty, or undermine the authority and legitimacy on which that sovereignty is based, paradoxically the ultimate success of social movements and INGOs is dependent on the cooperation of the states they challenge.

The influence of INGOs in the international arena has been particularly evident in the area of human rights. Feld and Jordan argue that it is through INGOs working on behalf of the oppressed that human rights have become a global issue. INGOs have contributed significantly to the drafting of standards and the development of international human rights law. Through advocacy, lobbying governments and diplomatic functions they have also been involved in enforcement.⁶⁸ In their promotion of the recognition and protection

of human rights INGOs have enhanced the global interconnections and constraints on state sovereignty imposed by international law.

Sovereignty, International Law and Human Rights:

International law embodies the norms governing the behaviour of states and is universally applicable to all states irrespective of power, ideology or geographical location.⁶⁹ Defined as the law between, rather than above states, it is held to be consistent with the concept of sovereignty. Yet there remains a fundamental contradiction between the notion of sovereignty as "...a legal, absolute, and unitary condition"⁷⁰ and the existence of international law as a body of binding legal rules. This contradiction is presumably resolved through the application of two principles, consent and legal freedom with its corollary of nonintervention.⁷¹

The principle of consent indicates that states can only be bound by international law when they either explicitly or implicitly accept that law. Each state has the power to choose the extent to which it will be so bound, its acceptance of international law an exercise of sovereignty. According to Frankel the principle of consent as a feature of sovereignty was upheld by the World Court in the Wimbledon Case of 1923 when it rejected the notion that treaties between states constituted an abandonment of sovereignty.⁷²

Despite general agreement on the principle, the notion that sovereignty is retained under international law through consent is questionable. Although it may apply to treaties freely entered into, there are areas of international law to which all states are subject regardless of their consent. International customary law is one example. Following James' definition this is the "general law of the international society" which provides all

states with certain rights and duties. States are not given a choice to accept or reject some or all of these laws but rather are bound by them as an attribute of statehood. Some customary laws may be amended through treaties or may change over time as practices change; others are now considered obligatory and cannot be amended.⁷³

In addition, the principle of consent does not always apply to decisions taken by international organizations. It has been noted that, particularly since the second world war, a large number of international organizations make binding rules based on a simple majority vote by their membership. If the principle of consent is necessary for the exercise of sovereignty under international law such decisions should require the unanimous agreement of all members. The use of a majority vote results in states being bound by legal rules to which they have not consented. This is often the case within the UN where both the General Assembly and the Security Council use a majority vote.⁷⁴

The use of the majority rule is not new; however, the extent of its use is. With the growth in the number of international organizations, and their increased importance in global decisionmaking and the formulation of new international law, the failure to require unanimity through the expansion of the majority vote diminishes state sovereignty. In reality the notion that sovereignty is retained under international law through the principle of consent can only be considered valid under limited circumstances.

The second principle held to reconcile the contradiction between state sovereignty and international law is that of legal freedom and nonintervention. Accordingly the state is said to have exclusive legal authority within its territory and, therefore, no state has the right to intervene in the domestic affairs of any other state. The rule of nonintervention was originally expressed in Article 7, paragraph 2 of the Charter of the United Nations and extends to all states by virtue of their membership. In 1965 the principle of

nonintervention was expanded by the UN General Assembly when it adopted Resolution 213 which prohibits both direct and indirect intervention for any reason in either the internal or external affairs of another state. Similar prohibitions have been included in a number of other documents, such as the Charter of the Organization of American States.⁷⁵

Regardless of the principle of legal freedom, domestic law is restricted by international law and international obligations. This is most evident in the legal immunities accorded foreign diplomats. Limitations to internal legal freedom may also occur under other circumstances, such as when one state has accepted foreign military bases on its territory. In some cases the foreign government may retain jurisdiction over both the base and its personnel whether on or off the base.⁷⁶

No doubt the greatest challenge to the exclusive domestic legal authority of the state now comes from international concerns for human rights. The traditional view of human rights as a domestic issue concerning the state's right to govern its citizens began to change with the UN General Assembly's unanimous adoption of the Universal Declaration of Human Rights in 1948. Since that time the standards set by the Universal Declaration have been codified in the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Whether states have ratified these or not all states have become bound by many of their provisions under international customary law.⁷⁷

In addition to the setting of standards there has been increased international involvement in the protection of human rights. The UN, the Council of Europe and the Organization of American States have all created mechanisms through which individuals may complain about human rights violations occurring within their state. Discussions regarding human rights issues and violations in particular countries are now common

within concerned UN commissions and sub-commissions. The UN Commission on Human Rights regularly receives reports from organizations such as the World Council of Churches and Amnesty International concerning consistent violations. As a result any state, regardless of having ratified the International Covenants, may be required to submit information related to its internal activities and policies to the Commission.⁷⁸

In some instances the protection of human rights has led to direct intervention, as in 1991 when aid was extended to the Kurds despite Iraq's objections that such aid violated its sovereignty. Although it remains internationally controversial, some states assert a right to humanitarian intervention involving a unilateral use of force in other states. Pease and Forsythe note that there now exists a second legal claim for the use of force. It is an extension of the concept of self-defense, involves citizens and may be used, for example, to rescue them.⁷⁹

These issues are controversial because in a number of cases where unilateral force has been used the label of humanitarian intervention has masked the importance of strategic and economic objectives. However, it is also realized that claims to state sovereignty have been used to continue practices which deny basic human rights. In 1991 the UN Secretary-General linked the protection of human rights with the maintenance of peace and indicated that the principle of nonintervention could no longer be permitted to license human rights abuses. His position was supported the following year by members of the UN Security Council who declared that "non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security", and urged all states "...to give the highest priority to the solution of these matters".⁸⁰

The contradiction between the concept of sovereignty and the existence of

international law as a body of binding legal rules cannot be resolved. States are bound by international law, their sovereignty constrained despite the principles of consent and legal freedom. Indeed, as the issue of human rights indicates, the distinctions between international and domestic law are no longer easy to discern, and the primacy of domestic law difficult to defend. The interconnections and transnational relations which now characterize world politics make it difficult for any one state to formulate law independently in some areas. Suitable solutions may require international cooperation and coordination, the results incorporated into both domestic and international law. Decisions on such issues are increasingly reached within international organizations which may also consider the concerns, or solicit the advice of interested non-governmental organizations.⁸¹ As Camilleri observed, this new international legal order "...both reflects the inadequacy of the state as a self-contained unit of decisionmaking and restricts its freedom of action".⁸²

The indigenous movement is connected to the challenges posed to state sovereignty by international law, particularly (as indicated by the draft declaration on their rights) international human rights law. Ted Moses states that indigenous peoples have turned to the international community in order to escape domestic systems of law which without either their consent or knowledge replaced their own systems, serve the purposes of the state and are "inimical to their welfare and best interests". They seek international legal remedies to their problems outside of the jurisdiction of the state as subjects of international law. In Moses' view the existence of the Draft Declaration on the Rights of Indigenous Peoples which represents the findings of UN experts, combined with the designation of an International Year of Indigenous Peoples, and the number of fora where indigenous rights issues are regularly discussed, confirm the legitimacy and propriety of

dealing with those issues at the international level, and "firmly establish[es] indigenous peoples as subjects of international law".⁸³

Indigenous peoples confront the state through international law. They pursue their goals in terms of human rights, an area where international law is well developed and widely accepted, and seek recognition of the collective and individual rights previously denied them as subjugated peoples. They refer to themselves as "peoples" because this designation implies legal consequences. Under international law only peoples have a right to self-determination.

Indigenous Peoples, Self-determination and the State:

The right to self-determination was first proclaimed in 1960 in the Declaration on the Granting of Independence to Colonial Countries and Peoples.⁸⁴ It became a legal rule through the International Covenants on civil and political rights, and social, economic and cultural rights. Both Covenants and the Declaration specify that: "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".⁸⁵ This same language has been used by indigenous peoples in the draft declaration of their rights. By asserting their claim in this manner, and by identifying themselves as peoples, indigenous peoples pursue international recognition of an existing legal and human right which, according to accepted international criteria, they have always possessed.⁸⁶

The states confronted by demands for self-determination are concerned with what recognition of that right will mean for their sovereignty and territorial integrity. A great deal of the debate around the issue within the UN has centered on whether or not self-determination includes the right to secede. Opinions on the answer vary. Robert Coulter

points to the opinion of Erica Daes, chairperson of the UN Working Group, who indicated that, according to the basic criteria of being a distinct people, indigenous peoples could not be denied self-determination or the right to secession. However they do not have the right to secede "at will". In her opinion it is the duty of indigenous peoples and of existing states to reach an agreement on constitutional reform which would allow a democratic sharing of power. Daes stated that for indigenous peoples "...the right of self-determination would ordinarily be interpreted as the right to negotiate freely their political status and representation in the States in which they live". Separation would only be sanctioned if the government continued to be unrepresentative to the point of being colonial in nature.

On the other hand Richard Mulgan argues that the principle of self-determination is tied to notions of the independent sovereign state. In his view while one may argue "different degrees of autonomy or devolution, there are no degrees of sovereign statehood". The very idea of self-determination within the state is self-contradictory. Mulgan states that the self-determination of indigenous peoples can only be considered in terms of varying degrees of control over their lives while remaining subject to the ultimate control of the state. He further suggests that in democratic states such as Canada, the United States, Australia and New Zealand it would be undemocratic to grant indigenous peoples special political rights. And he dismisses the notion that indigenous peoples may have a right to secede. He states that there is no "realistic chance of secession, of re-drawing boundaries so that indigenous peoples could found new states of their own".⁸⁷

Even those UN documents which recognize a right to self-determination do not deal conclusively with its possible effects on state sovereignty or territorial integrity. The

human rights covenants of 1966 do not deal with the issue at all. The Declaration on Friendly Relations, which was adopted by the General Assembly in 1970, follows its paragraphs on self-determination with the proviso that they not

be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.⁸⁸

As with the Daes analysis noted previously, this proviso suggests that continued sovereignty and territorial integrity may be conditional, that there are responsibilities which the state must fulfill before the right to secede would be dismissed completely.

What exactly self-determination will mean in practice varies from state to state and is dependent on the situation of the indigenous peoples involved. In North America indigenous peoples consider their self-determination to be compatible with state sovereignty. They do not demand separate statehood in the sense implied by the right of secession. Yet at the same time they are asserting a right to be sovereign over their own territories within the boundaries of the existing state.

In Canada self-determination or sovereignty is discussed in terms of self-government. Nevertheless for First Nations peoples the terms are interchangeable. What they seek is not expanded control over powers devolved from the federal and provincial governments but ultimate jurisdiction over their land. Self-government is envisioned, in Frank Cassidy's words, as "...a creature of Aboriginal authority, of the legitimate authority of distinct Aboriginal peoples to make their laws, design their governing institutions and govern themselves as they see fit".⁸⁹

As it is for indigenous peoples everywhere, land is central to the issue of self-

government in Canada. A land base is considered necessary for cultural survival, its enhancement and protection and the regulation of its use a primary concern of self-government, and control over its resources fundamental to economic independence.⁹⁰ The importance of land is particularly evident in British Columbia where there are reserves but few treaties and where aboriginal title has only recently been recognized.⁹¹ Here the federal and provincial governments are currently embroiled in a treaty process involving dozens of unsettled aboriginal claims to land.

Through their assertion of an inherent right to self-government indigenous peoples in Canada challenge the sovereignty of the state. Yet their own sovereignty is dependent on that of the state. They are dependent on the power of the state to make and enforce law for the recognition and protection of their rights, and many seek this recognition and protection. Prior to the patriation of the constitution in 1982 indigenous groups from all areas of Canada joined together to ensure constitutional recognition of their rights.⁹² Section 35 of The Constitution Act 1982 recognizes and affirms the existing Aboriginal and treaty rights of Aboriginal peoples, and in sub-section 3 specifies that treaty rights "includes rights that now exist by way of land claims agreements or may be so acquired". Once achieved self-government would also become entrenched in the constitution of Canada.⁹³ Constitutional recognition would explicitly acknowledge the legal right of aboriginal peoples to act independently within their own territories but within the broader Canadian state, and it would protect their right to do so.

In contrast to the views held by indigenous peoples in Canada, throughout the Hawaiian Islands self-determination is not necessarily considered compatible with American sovereignty. Many native Hawaiians see their own self-determination in terms of an independent and sovereign Hawaiian state.⁹⁴ However they do not advocate that the

present government be overthrown, that American control of what they view as a colonial government simply be replaced by native control. Nor do they necessarily advocate the return of the Hawaiian monarchy as the head of government. What many native Hawaiians do want is to end the more than one hundred years of American rule which followed the illegal overthrow of their government in 1893, their subsequent annexation, and in 1959 their manipulation into statehood. For these individuals self-determination is first the right of all Hawaiian citizens (defined in terms of allegiance to Hawai'i and not according to ethnic or racial criteria) to determine their political status and pursue their economic, social and cultural development.⁹⁵

Those who advocate Hawaiian independence look to, and find support in international law. In particular they point to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to other laws concerning self-determination. Many Hawaiians maintain that the United States did not fulfill its obligation, as required under Article 73 of the UN Charter, to bring self-government to Hawai'i, and that the exercise of self-determination was not accomplished by the plebiscite of 1959. There are two reasons provided for this assertion. The first is essentially that the U.S. government manipulated the vote through acculturation and its policies of transmigration, and by extending the vote to all American citizens resident in Hawai'i for one year, which permitted the participation of a large but transient military population. The second reason is that the choices available in the plebiscite did not offer independence but only one form or another of integration within the U.S., either as a territory or a state. They conclude that "...as a matter of human rights applied to all nations and peoples...there is a continuing right of self-determination by the citizens of the Hawaiian nation".⁹⁶

Many Hawaiians may be encouraged by the fact that internationally the right to self-

determination is considered a continuing right, that as a right fundamental to the Charter of the United Nations "no grandfathering is tolerable".⁹⁷ This was evidenced most recently in the case of Puerto Rico. In 1990 the UN Special Committee on Decolonization, over the objections of the United States, recommended that the Puerto Rican people again be provided with a process for their self-determination.⁹⁸

The rights of native Hawaiians are included within the discourse of self-determination and Hawaiian independence. In Hawai'i indigenous peoples' rights are considered in terms of autonomy and include the right to control their own institutions and economic development, rights to land and to the maintenance and development of their cultures, which stress not only language and religion but also the right of self-definition.⁹⁹ Many native Hawaiians place a particular emphasis on cultural rights. This is in part a response to the cultural suppression and acculturation which followed American annexation, but it is even more a response to the tourist industry which objectifies native Hawaiian culture and "has done more to displace them than any previous colonial economy".¹⁰⁰

Regardless of their approach to its implementation indigenous peoples have placed their right to self-determination and demands for recognition of other human rights on the international political agenda where they have received considerable attention. In 1989 Sanders noted that within the United Nations meetings of the Working Group attracted more participants, including states' representatives, than any other human rights body.¹⁰¹ But discussion of their rights has not been limited to this forum as indigenous peoples have expanded their participation and added their perspective to other international human rights agenda issues.¹⁰²

Increased participation in international processes and institutions continues to be a goal for indigenous peoples. For example, the draft Declaration on the Rights of

Indigenous Peoples, under Article 41, specifically calls for "...the creation of a body at the highest level with special competence...and with the direct participation of indigenous peoples" to ensure its implementation. It has been noted that institutions which deal with issues affecting indigenous peoples have encouraged increased participation as it also increases their legitimacy. Concern has been expressed that increased participation could result in indigenous peoples redefining their political goals according to the requirements of participation, that they will be coopted in the process.¹⁰³ However, indigenous peoples seem to view participation as a means to an end and not as an end in itself. Also, they are well aware that their involvement is often sought only when it may be advantageous to those requesting it.¹⁰⁴

Over the course of the last twenty years indigenous peoples have risen from a position of relative obscurity to become regular participants in the international political arena. From their national struggles rooted in the social unrest and political activism of the 1960s and issues associated with decolonization, indigenous peoples have developed a broader identity which has been heightened through transnational interaction. It was through their transnational interactions that indigenous peoples from different states, having different cultural traditions and speaking many different languages, recognized that they shared common experiences and problems, and had common goals which their international cooperation might more easily achieve. Those goals are now pursued in the international arena. Here states are confronted with demands for international solutions to domestic problems phrased in terms of criteria which are already internationally recognized and accepted. To some extent indigenous peoples have risen to the international political arena, and continue to function within it, by utilizing the openings provided by states, openings which, through persistence, they have expanded.

Indigenous peoples now constitute a global political movement which is expressed through numerous community, local, national, regional and international organizations. Using the example of one international non-governmental organization, the following chapter will examine how that movement is organized.

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48. There is a growing interest on the part of non-native society in the traditional knowledge of indigenous peoples. This is evident in the areas of traditional ecological knowledge, issues of sustainable development, and in medicine, particularly concerning the use and effectiveness of anti-biotics and the benefits of a more holistic approach to health care. Volumes such as Peter Knudtson and David Suzuki's *Wisdom of the Elders*, published in Toronto in 1993 by Stoddart Publishing, point to the advantages of incorporating both scientific and traditional approaches.
49. See for example, Marie Leger ed., *Aboriginal Peoples: Toward Self-Government*, Montreal:Black Rose Books, 1994.
50. Antonia Mills, *Eagle Down is Our Law: Witsuwit'en Law, Feasts, and Land Claims*, Vancouver:UBC Press, 1994.
51. Brad Morse, "Comparative Assessment of Indigenous Peoples in Quebec, Canada and Abroad", unpublished, 1992, p. 37.

52. See for example, Dan Smith, *The Seventh Fire: The Struggle for Aboriginal Government*, Toronto:Key Porter Books, 1993.
53. See Marie Leger ed., *Aboriginal Peoples*.
54. Ovide Mercredi and Mary Ellen Turpel, *In The Rapids: Navigating the Future of First Nations*, Toronto:Penguin Books, 1993, pp. 190-3.
55. Tennant, *Aboriginal Peoples and Politics*, p. 68.
56. Warren Magnusson, "The Constitution of Movements vs the Constitution of the State", pp. 69-71.
57. *Binigulazaa* translated to English means "ancient people of the clouds". Heather Orr of the University of Victoria's Department of History in Art stated that according to tradition these were ancient ancestors, giants, who lived in the time before the sun. When the sun rose it turned the ancient ancestors to stone.
58. Juan De Dios, presentation to the Latin America Society, University of Victoria, and personal interview, November 30, 1995. Heather Orr of the Department of History in Art, University of Victoria provided both translation and clarification.
59. The Binigulazaa Civil Association is a non-profit association which works for the benefit of the community. It has no formal leadership. The Association has seventeen regular members but may at any one time have more individuals involved in a particular project. Originally much of the information now housed by the Information Bank was collected by members of the Binigulazaa Civil Association who would transport it to different communities in order to give other indigenous, and non-indigenous, peoples access to it.
60. Ibid.
61. McGrew, *Global Politics*, pp. 8-9. Jacobson, *Networks of Interdependence*, p. 5.
62. Jacobson, *Networks of Interdependence*, pp. 378-80. Werner J. Feld and Robert S. Jordan, *International Organizations: A Comparative Approach*, New York:Praeger Publishers, 1983, pp. 239-40. Lawrence T. Woods, *Asia-Pacific Diplomacy: Non-Governmental Organizations and International Relations*, Vancouver:UBC Press, 1993, p. 7.
63. Woods, *Asia-Pacific Diplomacy*, pp. 15-16. Peter Willetts, *Pressure Groups in the Global System: The Transnational Relations of Issue-Oriented Non-Governmental Organizations*, London:Frances Pinter, 1982, pp. 186-7.
64. Woods, *Asia-Pacific Diplomacy*, pp. 15-18. Robert O. Keohane and Joseph S. Nye, *Transnational Relations and World Politics*, Cambridge:Harvard University Press, 1972, pp. xvi- xix.
65. Willetts, *Issue Groups in the Global System*, p. 184.

66. Hayden Burgess, "Summary Report and Recommendations, WCIP's International Advocacy", July 1987.
67. Teresa Aparicio, "Indigenous Peoples in Rio: The Kari-Oca World Indigenous Conference" in *IWGIA Newsletter*, No. 4, October/November/December, 1992, pp. 53-61.
68. Feld and Jordan, *International Organizations*, pp. 249-51.
69. Frankel, *International Relations*, pp. 195-6.
70. James, *Sovereign Statehood*, p. 39.
71. Ibid, p. 222; Frankel, *International Relations*, p. 195.
72. Frankel, *International Relations*, p. 195.
73. James, *Sovereign Statehood*, p. 213-4.
74. Ibid, pp. 215-7. Frankel, *International Relations*, pp. 209-10.
75. Kelly Kate Pease and David P. Forsythe, "Human Rights, Humanitarian Intervention, and World Politics" in *Human Rights Quarterly*, Vol 15, 1993, pp. 291-3.
76. James, *Sovereign Statehood*, pp. 225-235. Hannum, *Autonomy, Sovereignty and Self-Determination*, p. 20.
77. Hannum, *Autonomy, Sovereignty and Self-Determination*, pp. 104-6. James, *Sovereign Statehood*, p. 244. Pease and Forsythe, "Human Rights", pp. 294-5.
78. Pease and Forsythe, "Human Rights", pp. 295-7. James, *Sovereign Statehood*, pp. 243-5. Hannum, *Autonomy, Sovereignty and Self-Determination*, pp. 105-8. Martin Ennals, "Amnesty International and Human Rights" in Peter Willetts ed. *Pressure Groups in the Global System*, p. 74.
79. Pease and Forsyth, "Human Rights", p. 298.
80. Ibid, pp. 298-312.
81. Joseph A. Camilleri, "Rethinking Sovereignty in a Shrinking, Fragmented World" in Walker and Mendlovitz eds. *Contending Sovereignties*, p. 22. Held, "Democracy", pp. 150, 152-6.
82. Camilleri, "Rethinking Sovereignty", p. 22.
83. Ted Moses, "Seeking Justice at the International Level" in Marie Leger ed., *Aboriginal Peoples*, pp. 25-9.
84. Hannum, *Autonomy, Sovereignty and Self-Determination*, pp. 33-4.

85. Lapidoth, "Sovereignty in Transition", p. 338.
86. Chris Tennant, "Indigenous Peoples, International Literature", pp. 44-5.
87. Mulgan, "Should Indigenous Peoples", pp. 383, 387-8.
88. Lapidoth, "Sovereignty in Transition", p. 344.
89. Frank Cassidy, "British Columbia and Aboriginal Peoples: Prospects for the Treaty Process", in *Policy Options*, Vol 15, No 2, March 1994, p. 13. Also on self-government see Frank Cassidy and Robert L. Bish, *Indian Government: Its Meaning in Practice*, Lantzville, B.C.: Oolichan Books, 1989.
90. Thomas Berger, *A Long and Terrible Shadow: White Values, Native Rights in the Americas 1492-1992*, Vancouver: Douglas and McIntyre, 1991, pp. 140-56. Wilmer, *The Indigenous Voice*, pp. 131-3. Frank Cassidy, "The Governments of Canadian Indians" in *Policy Options*, July/August 1989, pp. 25-9.
91. For background on the issues of land and treaties in British Columbia see Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890*, Second Edition, Vancouver: UBC Press, 1992.
92. Peter Jull, "Canada: A Perspective on the Aboriginal Rights Coalition and the Restoration of Constitutional Aboriginal Rights" in *IWGIA Newsletter*, No 30, April, 1982, pp. 82-98.
93. There is some debate among native peoples in Canada regarding the necessity of constitutionally entrenching self-government. Some maintain that as an inherent right which has been acknowledged by government it is already protected under Section 35, others suggest that explicit constitutional recognition is necessary in order to ensure and protect native peoples' right to self-government.
94. Among advocates of native sovereignty in Hawaii there are those who support a "nation within a nation" program which would repeat in Hawaii the position of native peoples in the continental U.S. Under this model indigenous Hawaiians would be given control over land designated for their use within which they could control their own institutions, economic development, culture and lifestyles, language and religion. They would remain U.S. citizens, subject to its laws and the rulings of Congress. This position is outlined by Hayden Burgess in a paper entitled "Hawaiian Indigenous Rights, Decolonization and Democratic Ideals: A tough balancing act!" which was presented in a public lecture series on Multi-Culturalism in Global Perspective in 1994. In response to the ongoing debate between the two positions on Hawaiian sovereignty, during November of 1995 the *Honolulu Advertiser* ran a series of articles authored by Ann Botticelli on the realities of native sovereignty in the United States.
95. Hayden Burgess, "Straight Talk on Hawaiian Sovereignty". Gavin Daws, *Shoal of Time: A History of the Hawaiian Islands*, Honolulu: University of Hawaii Press, 1968.
96. Burgess, "Straight Talk", pp. 18, 34-8.

97. Russell Barsh, radio interview on "A Second Glance", Hawai'i Public Radio, Hawaiian National Broadcast Corporation, December 1993.
98. Burgess, "Straight Talk", pp. 52-3.
99. Ibid, pp. 4, 34-5.
100. Jonathan Friedman, "Being in the World: Globalization and Localization" in Mike Featherstone ed. *Global Culture*, London: Sage Publications, 1990, pp. 322-3. Honani Trask, guest lecture at the University of Victoria on Tourism in Hawaii, March 1995.
101. Sanders, "UN Working Group", p. 410.
102. Alfredsson, "International Discussion", p. 255.
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104. Rodrigo Contreras, personal interview, October 1994.

The World Council of Indigenous Peoples: An Expression of the Indigenous Movement

The extent of the indigenous movement is evident in the number of organizations which now exist to represent their interests at the local, national, regional and international levels. In 1994 the journal *Cultural Survival Quarterly* published a list of the indigenous peoples' political organizations which had participated in the United Nations Working Group on Indigenous Populations since it was first created in 1982. That list alone contains more than three hundred names. While the majority of the organizations cited are either local or national in nature the list also includes a number of regional and international organizations.¹ The first international indigenous political organization formed was the World Council of Indigenous Peoples (WCIP) which began its twentieth year in October of 1995.

The World Council of Indigenous Peoples will be the subject of this chapter. As one expression of the indigenous movement the WCIP provides an example of how that movement is organized. It also offers some insight into the difficulties indigenous peoples face in developing and sustaining an international organizational presence.

The initial sections of this chapter will summarize the background leading to the formation of the WCIP. Its formative meeting will then be outlined and the final sections will discuss the structure and membership of the organization.

Background:

The World Council of Indigenous Peoples was founded on a particular vision, and out

of the common experiences of native peoples in Canada. The idea for the creation of an international indigenous peoples' organization had originated with George Manuel, a Shuswap from the interior of British Columbia who after 1970 served as president of the National Indian Brotherhood.² While in that position Manuel developed his concept of the Fourth World, a time "when the Indian peoples come into their own on the basis of their own cultures and traditions".³ That concept became the foundation for Manuel's thought and his vision for the future for native peoples, and it captures the essence of the goals pursued by indigenous peoples in the international arena today.

In Manuel's words the Fourth World is neither a final solution nor a destination. "It is the right to travel freely, not only on our road but in our own vehicles". In order to do that aboriginal rights, demands for recognition of their title to land, treaty rights and self-government, would need to be recognized and protected in law. Legal guarantees for land and institutions, and native control of the economic and social development of their communities would strengthen those communities and native cultures. In Manuel's view that strength could lead native peoples out of their "condition of unilateral dependence" and result in the integration of native and non-native society based on mutual respect and an acceptance of each other's values. The Fourth World however did not envisage native equality within non-native society but rather the creation "...of a new society in which everyone chooses to share".⁴

This vision for the future of native peoples, the experience gained as leader of a national political organization, and his recognition of the strength in unity and common action eventually led Manuel to international action and organization. However, the

creation of the WCIP was also the result of two additional factors. The first involved the Canadian government's attempts to make changes to their native policies during the 1960s. Although each attempt was unsuccessful government action proved to be a catalyst for the creation of an international organization. Secondly, developments within the United Nations presented indigenous peoples with an opportunity for a voice at the world level and provided additional incentive to organize internationally.

Canadian Aboriginal Policy:

From the time of Confederation and the implementation of the first Indian Act the federal government's aboriginal policy was designed to assimilate native peoples into the larger Canadian society. While assimilation remained the government's goal to the introduction of the White Paper in 1969⁵, federal policy began to change during the 1960s.

In 1960 the federal franchise was extended to native peoples living on reserves. Prior to that time the right to vote had depended on a native individual's renunciation of their status and reserve life. The extension of the franchise indicated a new willingness on the part of government to recognize and accept the cultural distinctiveness of native peoples in Canada.⁶

At the same time the government began to promote greater self-sufficiency for native communities and the Department of Indian Affairs instituted the Community Development Program. Sixty-two community development workers were hired and trained to act as resource persons and coordinators in the social and economic

development of reserve communities. The workers were to support native initiatives and encourage participation in those community projects which would eventually result in their self-reliance. The community development program proved to be quite successful, but despite its success was short lived due to internal departmental differences and in-fighting.⁷

By the mid 1960s the Department of Indian Affairs was preparing to transfer its responsibilities and native programs to the provinces. To facilitate that move the department decided to create regional and national Indian advisory bodies. The advisory groups were to be composed solely of native people appointed by the department for three year terms. Each regional council would have ten members and the national board would consist of regional representatives. Regardless of their title the purpose of those bodies was not to advise the department, but rather to be a vehicle through which Indian Affairs could gain information about, and influence the opinions of native peoples. This program was also short lived. The advisors, concerned with their representativeness and support from native communities, and dissatisfied with their lack of power, withdrew from the process.⁸

The failure of the advisory program was quickly followed by plans for a new system of consultation. In 1968, under the recently elected Liberal government, the Department of Indian Affairs announced that it intended to amend the Indian Act. For the first time native people were to direct that change through consultations with department officials. Representatives of bands and native political organizations were to be selected to attend a national consultation meeting with government officials in Ottawa. They were to respond

on behalf of their people to a series of previously distributed questions and alternative amendments to the Indian Act.⁹ That the process of consultation was both deceptive and unsuccessful was evident in the premature release of the government's White Paper in 1969, and in aboriginal peoples' response to that document.

The White Paper was viewed as assimilationist by both native and non-native groups. Native peoples responded to the policy paper with outrage and banded together in their opposition, finally forcing the government to withdraw the policy in 1971. Although they had rejected the policy native peoples did benefit from one of its provisions. In order to facilitate the changes it had proposed to the Indian Act the government had called for the formation of, and agreed to fund native political organizations. Funding began in 1970 and has continued to the present.

The funding of native political organizations was undertaken by the Department of the Secretary of State which created the Native Citizens Directorate in 1970. The stated objective of the Directorate was "to provide assistance to Native people to identify their needs and actively undertake their development as Canadians". Six programs, including a core funding program, were initiated. Core funding was designed "to enable native people through their own provincial, territorial and national associations to undertake initiatives in formulating policies and programs to further their development". Financial grants were made available to organizations based on support from their declared constituents and were to be used for administrative costs including salaries and travel expenses, office and meeting expenses. It was reported that by the year ending March 31, 1976 the core program had funded thirty six native organizations representing over one

million people.¹⁰

Each attempt by the Canadian government to change the direction of its native policy during the 1960s was unsuccessful. Even the 1969 White Paper which had been viewed as the first effort to end the federal government's long-standing policy of internal colonialism, retained as its central objective the assimilation of native peoples.¹¹

Nevertheless the cumulative effect of those programs, and of the failed federal policy, on relations between government and aboriginal organizations and leaders was profound.

Since the end of the 1960s aboriginal leaders and their organizations have been accorded greater legitimacy by government, and native involvement in those policies and programs affecting them has become an irreversible and accepted reality. Native leaders have had greater access to government officials, and government funding has aided the growth and development of their organizations.¹²

One result of the evolving relationship between government and native leaders was a Department of Indian Affairs invitation to George Manuel to accompany the minister on a trip to New Zealand and Australia in 1971. During that trip Manuel became aware of the common values and experiences linking indigenous peoples. Manuel's new consciousness contributed to the development of his vision of the Fourth World and led to the concept of an international organization. He felt that an organization representing tens of millions of indigenous peoples could provide the strength to effectively pursue indigenous rights on a global level.¹³ These views were reinforced during two subsequent trips, one to Tanzania for their independence celebrations, and the second to Sweden where Manuel attended the UN Conference on the Human Environment as NIB advisor

to the Canadian delegation.¹⁴

Those trips, which gave Manuel important international exposure and experience in international politics, and enabled him to cultivate international contacts, were largely the result of changes in federal policy. And the core funding program contributed to international development by allowing the National Indian Brotherhood to expand its staff and so provide a base for later international activity.¹⁵

The United Nations:

The United Nations has been concerned with issues of human rights since its inception. The Human Rights Commission and its Sub-Commission on the Prevention of Discrimination and Protection of Minorities were formed immediately after the UN was established. However it was not until the 1970s that either of those bodies began to focus their attention on indigenous peoples. The initial study of the Sub-Commission had been an examination of the problems of the world's minority populations. That study had proved to be controversial as different groups within the UN feared that the development of minority rights could serve to undermine their states' territorial integrity. During the 1950s the Sub-Commission was nearly dissolved over the issue and spent the ensuing period examining the less contentious problem of discrimination.¹⁶

The Sub-Commission's initial study had, however, resulted in the inclusion of Article 27 in the International Covenant of Civil and Political Rights protecting minority rights to culture, language and religion. When the covenant was adopted in 1966 Article 27 provided a basis for further study of minorities and shortly after a new investigation into

the rights of linguistic, ethnic and religious minorities was begun. During the course of that investigation it was suggested that a separate study of the problem of discrimination against indigenous populations be initiated.¹⁷ In 1971 the Economic and Social Council authorized the Sub-Commission to undertake the first UN study of indigenous peoples and appointed Martinez Cobo of Ecuador Special Rapporteur.¹⁸

The Sub-Commission's study of the Problem of Discrimination against Indigenous Populations presented an opportunity for indigenous peoples to participate directly within the United Nations and bring world attention to their problems. Under the UN Charter the Economic and Social Council may consult with national and international non-governmental organizations concerned with subjects under its consideration. For the purposes of consultation NGOs are divided into three categories. Category I consists of NGOs having a fundamental interest in most of the Council's activities. Those in category II are interested in only specific activities but have special expertise in those areas, and category III NGOs are considered by the Council to have a significant contribution to make to its work and are placed on a roster for special consultations. All NGOs may send observers to the public meetings of the Economic and Social Council, its commissions and sub-commissions. Both category I and II NGOs may submit written statements to those bodies, while NGOs in category I may make oral presentations and propose possible additions to the Council's agenda.¹⁹

When the Sub-Commission began its study in 1971 indigenous peoples became interested in the activities of the Economic and Social Council, however there was no indigenous organization recognized by the Council as a non-governmental organization.

To remedy that situation and to enable indigenous peoples to take advantage of the new opening provided by the Sub-Commission's study, the National Indian Brotherhood applied to the United Nations for NGO status in 1972. That status was granted by the Economic and Social Council in 1974 with the understanding that should an international indigenous peoples' organization be created the NIB's status would be transferred to that body.²⁰

There was some indication that the status afforded the NIB by the UN provided further incentive for international organization. As a national organization the NIB was granted limited, category II status which meant that it could send observers to those meetings directly related to indigenous peoples and the length of its written submissions were limited. It soon became clear to those pursuing UN recognition that an international organization representing a number of national organizations could gain the higher category I status, and greater access to UN bodies and their members. It was felt that the higher status would be taken more seriously by government.²¹ In addition it was becoming increasingly apparent that native peoples in Canada were in direct competition with third world countries for government funding and other resources. International recognition and assistance was becoming a necessity.²²

It is out of this context of the changing relationship between indigenous peoples and the state, an emerging interest in indigenous issues evident in the wider, international community, and under the leadership of George Manuel that the World Council of Indigenous Peoples was formed.

The Formation of the World Council of Indigenous Peoples:

The formation of the World Council of Indigenous Peoples began with plans for an international indigenous peoples' conference. In 1972 Manuel traveled to Copenhagen to meet with members of the International Work Group on Indigenous Affairs, a non-indigenous, non-governmental organization, founded by anthropologists and supportive of indigenous peoples' goals. During those meetings Manuel expressed his desire to hold an international conference for indigenous peoples'. The IWGIA was enthusiastic about the idea and agreed to help fund the conference. While in Copenhagen Manuel made his plan public by announcing it to the Danish press.²³

International support for the conference was also sought, and gained, from members of the Society of Friends, the Anti-Slavery Society and Survival International in London, and from the World Council of Churches in Geneva. It was a representative from the World Council of Churches who explained how an international indigenous peoples' organization could acquire non-governmental organization status with the UN.²⁴ Only the representatives of the International Labour Organization responded to the conference negatively, stating that they "were not interested in embarrassing the Canadian government".²⁵ The response of the ILO representatives may have been unexpected but could not have been completely surprising. Convention 107 on Indigenous and Tribal Populations adopted by the ILO in 1957 was the only international instrument in existence which dealt with indigenous peoples' rights, however it also supported the assimilationist goals of states prevalent at the time.²⁶

In 1972 the General Assembly of the National Indian Brotherhood gave its approval

for the conference and authorized the NIB to seek non-governmental organization status at the UN.²⁷ NIB approval cleared the way for a preliminary meeting in preparation for the conference.

The first preparatory meeting was held in Georgetown, Guyana in April of 1974 between representatives from Canada, Greenland, the United States, Colombia, Australia, New Zealand, Norway and Guyana.²⁸ During that meeting it was decided that the National Indian Brotherhood should host the international conference in Canada. Additional decisions were made concerning delegates and observers. In order to determine delegate status for the conference a definition of indigenous peoples was adopted. For the purposes of the conference the term indigenous peoples referred to:

people living in countries which have a population composed of differing ethnic or racial groups who are descendants of the earliest populations living in the area and who do not as a group control the national government of the countries within which they live.²⁹

Before the meeting ended the representatives agreed that a second organizational meeting should be held in Copenhagen early in 1975 and that the international conference would be held that same year.³⁰

Following the preliminary meeting in Guyana the NIB created a secretariat to organize the conference and shape the structure of the future international organization. The secretariat was headed by Marie Marule of the NIB and it was Marule who suggested the name the World Council of Indigenous Peoples adopted by the organization.³¹

The second preliminary meeting was held in May of 1975 to discuss issues of funding and the accreditation of delegates to the conference. A provisional policy board was

established of representatives from Canada, New Zealand, the United States, Norway, Sweden and Greenland. The board agreed on a list of organizations from twenty countries, based on previously established contacts, which would be formally invited to the international conference.³²

The Formative Meeting:

The first international indigenous peoples' conference was held between October 27th and 31st, 1975 and was hosted by the Nootka Indians in Port Alberni, B.C. It was attended by two hundred and sixty people including fifty-seven delegates from nineteen countries. The delegates from Argentina, Bolivia, Canada, Australia, Greenland, Colombia, Ecuador, Finland, Mexico, New Zealand, Guatemala, Norway, Panama, Nicaragua, Paraguay, the United States - including Hawai'i, Sweden, Venezuela and Peru spoke nine different languages and represented thirty seven million indigenous people.³³

Conference delegates attended a series of workshops where the topics discussed included representation at the UN, the charter of the WCIP, social, economic and political justice, the retention of cultural identity, land and natural resources. The workshops were intended to promote the exchange of ideas and to further a consensus on organizational decisions which would have to be reached during the plenary session of the conference. Although they had been scheduled to last for three days it became apparent after two that further workshops were unnecessary and the conference moved to the plenary session.³⁴

During the plenary sessions the proposed charter forming the World Council of

Indigenous Peoples was adopted and the new organization assumed the NGO status at the UN held by the NIB. The delegates agreed that the purpose of the WCIP would be to promote unity and the exchange of information among indigenous peoples, to strengthen indigenous political and cultural organizations, to fight genocide and racism, and to promote justice and indigenous peoples' rights.³⁵

A five member executive committee was elected for a two year term with George Manuel the unopposed choice for the Council's first chairman. A board representing the regions of Central America, the South Pacific, Europe and Greenland, and South America was also elected. North American representation had already been insured through the elections of George Manuel and Sam Deloria of the United States.³⁶ It was further decided that the provisional headquarters of the WCIP would be in Ottawa in association with the NIB.³⁷

The main priority of the new organization was to prepare a study of the rights and existing conditions of the world's indigenous peoples. The purpose of that study was to compare its findings with those of the United Nations Sub-Commission. Indigenous peoples were concerned that because the UN study was relying on governments' submissions and not on the contributions of indigenous peoples its results would be inaccurate and any recommendations would be inadequate. A second priority was to gain financial support and independence for the organization.³⁸

The international conference which resulted in the creation of the WCIP had been organized by indigenous peoples, held on native land in a native community, and involved only indigenous peoples as delegates. Nevertheless, it had also received vital

support from outside the indigenous community. That support had been in evidence during the preparatory meetings and during the conference where the IWGIA had assumed responsibility for documenting its proceedings.³⁹ In addition the conference had been funded by contributions from both governments and non-governmental sources totaling over \$183 thousand.⁴⁰ Without that financial assistance the conference would not have been possible.

International recognition and support had added to the legitimacy of indigenous peoples' move to internationalize their political struggles. Support from the governments of Canada, Denmark, Norway, and Guyana, as well as that of various church groups including the World Council of Churches, made the initiative seem less radical and therefore more acceptable. Canadian support, despite the government's financial contribution to the convention, was more a matter of tacit consent. Some officials had opposed the move but the government did not feel that it could compel the native organizations it was funding as political bodies to stop their international activities. As Sanders points out, the Canadian government acquiesced in this matter, as they had regarding the UN's granting of non-governmental status to the NIB. It is unlikely that status would have been granted had Canada objected.⁴¹

The conference, while considered a success, was not without its problems. Some of those were beyond the control of the organizers. For example, delegates from Brazil and Chile were unable to attend as they were refused exit visas by their countries' governments. Participants from Mexico, Bolivia and Guatemala had requested that they be given no publicity and not be identified out of fear of government reprisals on

returning home. It was later noted that some Latin American delegates had been imprisoned, and in one known case tortured, after returning from the conference.⁴²

There were some problems related to representation. There were no delegates from either Asian countries or the island countries of the South Pacific, although some of the peoples from the South Pacific may have been excluded under the definition of indigenous peoples adopted before the conference if they did control their own governments. Countries that were represented were limited to three delegates. For a number of South American countries, where native populations are diverse and numerous, that limit meant that some groups were not directly represented by the official delegation.⁴³

There were also difficulties associated with language. As noted, conference delegates spoke nine different languages. During workshops and meetings language barriers were overcome with the provision of interpreters, however at social events the need for an interpreter proved awkward and hampered interaction. And interpreters could not overcome problems associated with terminology. Whether "majority" referred to native or non-native populations, and whether or not "democracy" had any meaning for delegates depended on where they were from. Some of the terms so readily accepted in North America had little meaning to delegates from South America and at times created confusion.⁴⁴

There was some suggestion that the conference had been dominated by the North American delegates and by English speaking delegates in general. For the most part this was attributed to the fact that the conference was organized, coordinated and hosted by

North American Indians and seems to have been accepted as a natural result of that.⁴⁵

Regardless of their differences, delegates reacted to the international meeting with enthusiasm and the consensus needed to form the World Council of Indigenous Peoples was easily reached. However, the problems evident during its formative meeting, particularly those concerning membership and representation, have continued to surface. Some of those problems are inherent in the nature of the organization's membership and are exacerbated by its structure.

Organizational Structure:

The organizational structure of the WCIP is determined by a charter which establishes three main bodies: the General Assembly, the Executive Council and the Secretariat. The provisions of the Charter clearly indicate that the organization is designed to be responsive to its members.

The General Assembly consists of "all recognized delegates to the organization at a meeting duly called and convened".⁴⁶ Under the Charter the General Assembly has a wide range of powers and responsibilities. They may discuss all of the organization's business, direct all reports and studies, and may make recommendations to its members, regional organizations or other international organizations or agencies. It is the General Assembly which makes decisions regarding WCIP affiliation with other international organizations and agencies, and they may establish any subsidiary body they feel necessary to achieve their goals.

The General Assembly has the power to receive and expend funds, and consider and

approve the organization's budget. They ratify the admission of new members and may suspend membership. They elect the President and Vice-Presidents of the organization and define the functions and powers of the Executive Council.

According to the Charter meetings of the General Assembly are to be held once every four years, however special assemblies may be called when requested in writing by two thirds of the membership. Each assembly is held in one of the five WCIP regions on a rotating basis. Voting within the General Assembly is exercised by a coalition of organizations of a country. A coalition consists of all of the delegates of different organizations of a country who select one representative to vote on their behalf. Each coalition has a single vote. In order for a motion to be adopted by the Assembly it must receive two thirds of all votes. This same majority is required for charter amendments.

The Executive Council, as specified by the Charter, must consist of not less than eight members. There is one president and two vice-presidents who are elected from the official delegates to the General Assembly. One vice-president must be from the Spanish-speaking regions. The other five Executive Council members are regional executives who are elected from within their regions. The five regions are North America, Northern Europe - under the Nordic Sami Council, the Pacific, Central America and South America.

The Executive Council, which functions continuously and has full authority between General Assemblies, determines the roles of the president and vice-presidents. Its main function is to find the funding necessary for the organization's activities and to maintain its organizational presence.

The Secretariat is responsible for the administrative and program functions of the WCIP and is established by the Executive Council. The staff of the Secretariat is appointed by the president according to regulations specified by the General Assembly. Staff may be permanently assigned to any body of the organization but are considered part of the Secretariat. The only guidelines specified by the charter regarding the choice of staff is that "due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible".⁴⁷

Through the General Assembly the WCIP is driven by its membership. WCIP members elect the organization's executive, determine its mandate and ratify the distribution of funds necessary to achieve their goals. Although the decisions of the General Assembly do not require unanimity they are determined by more than a simple majority vote. The Charter's 2/3 majority voting rule ensures that General Assembly decisions are the result of consensus among a large majority of its members. With a membership as diverse as the WCIP's an expectation of unanimity would be unrealistic and its requirement would make action in some areas impossible.

Even without a requirement of unanimity it has been difficult for a majority of WCIP members to reach agreement on some issues. This has been particularly evident in the organization's continuous attempts to effect constitutional change. While members have consistently agreed that change is necessary and desirable they cannot agree on its nature. As a result the Charter of the WCIP has remained much as it was in 1975. In 1993 its terminology was altered and the interval between general assemblies was extended from three to four years, but the Charter has only been formally amended twice, once in 1984

and again in 1987.

The 1984 amendment changed the structure of the Executive Council. Originally the Charter had specified that the Executive Council should consist of six members, a president and five regional representatives. The third General Assembly of 1981 decided that there should be one president and two vice-presidents who would be chosen by the General Assembly from among the five regional representatives.⁴⁸ As the Charter specifies that one vice-president must be from the Spanish-speaking regions this was obviously a change designed to accommodate WCIP members from Central and South America.

The 1987 amendment added a section to the Charter. Entitled "Sanction", this section states that the Executive Council "may reprimand or make any recommendation of sanction to its regional or member organizations" against any member who violates the Charter or whose actions contradict the wishes of the General Assembly. If a violation is made by a member of the Executive Council "the Council may impose sanctions, including expulsion, of the offending individual upon a 2/3 vote of the Executive Council".⁴⁹

The section on sanctions was added following an incident in 1986 which resulted in the Executive Council removing the powers of the WCIP president. At the time the WCIP was involved in the peace negotiations taking place between Nicaragua's Sandanista government and the Misurasata, indigenous peoples from the country's Atlantic coast. The president, Clem Chartier, had made an unofficial visit to the Atlantic region with the armed wing of the Misurasata and had been discovered. The vice-

presidents maintained that the president's connection with the Nicaraguan guerillas had put the WCIP's diplomatic role in the country in jeopardy, and at a subsequent meeting of the Executive Council had stripped the president of his powers, but did not have the authority to remove his title. In 1987 a General Assembly vote endorsed the Executive Council's actions and the Charter was amended accordingly.⁵⁰

While there have been few formal amendments to the Charter constitutional change has been a topic of constant discussion within the organization since 1984. The General Assembly held that year conducted a workshop entitled "Structure and Function of the WCIP" to discuss the future organization of the WCIP. When it was decided that the time constraints imposed by the assembly did not permit a proper analysis of the situation the Executive Council was given a mandate to continue the work and to present a new charter to the next General Assembly.⁵¹

With that mandate in mind the Executive Council hired the First Nations Consultants to study and report on the WCIP's organizational structure. The consultants' final report, submitted in September of 1986, made several recommendations concerning the Charter.⁵² It suggested that only the fundamental concepts and procedures of the organization should be embodied in the Charter, and that a second document, a comprehensive set of by-laws, should be created. The Charter would retain the basic precepts of the organization and would continue to be subject to the 2/3 majority vote for amendments, while the by-laws, as less essential elements, would be subject to a simple majority vote, making them more easily changed as the organization developed.

The study also recommended that because of its nature, the infrequency of its meeting,

and the fact that its membership, and therefore, delegates were constantly changing, the powers and responsibilities of the General Assembly be transferred to the Executive Council. The Executive Council would remain responsible to the General Assembly which would have to ratify their mandate, and would continue to receive their reports.

The consultants' recommendations would have made a fundamental change to the nature of the WCIP by effectively removing the direction of the organization's structure and functions from its membership. They were never adopted. The report of the fifth General Assembly held in 1987 indicates that the organizational structure was again discussed, but it was agreed that the issue of constitutional change still required more time. The General Assembly created a working commission, The Statutory Reform Commission, which was instructed to undertake a critical examination of the Charter. In addition to the Executive Council report the General Assembly had been presented with proposals for structural changes by the Central and South American regional delegates. This opened a debate on whether the WCIP should have a new charter or if the existing charter should be amended. The Statutory Reform Commission was instructed to consider both positions when preparing its recommendations.⁵³

The work of that Commission continued through to 1988 when each regional member was requested to send one representative to an Executive Council meeting to participate in the Statutory Reform Commission.⁵⁴ Nevertheless constitutional change was not discussed in detail during the sixth General Assembly of 1990. Instead the Assembly resolved to hold an extraordinary assembly on the WCIP Charter. Due to a lack of funds that meeting did not take place. The last General Assembly held in 1993 again

established a Constitutional Commission to examine the organization's structure and Charter, and its regional representatives were appointed.⁵⁵

The difficulty experienced by the WCIP in effecting constitutional change, despite apparent agreement on the need, reflects the resistance of some members to any change which represents less than a perfect solution. However, it is more directly the result of the diversity represented by the WCIP's membership. Change is made difficult by the developmental, geographical and political differences which exist between WCIP members, differences which make agreement on appropriate change hard to achieve. Members tend to focus on their own regions and positions rather than considering the entire organization or the position of all indigenous peoples.⁵⁶ While this parochial approach creates problems within the WCIP it is encouraged by the organization's structure, by its regional orientation and the fact that Executive Council members are viewed as representatives of the peoples living in their region, and by the designation of a single vote on behalf of delegates from each country which requires an initial consensus among those delegates.

Membership:

The WCIP's criteria for membership are also specified by its charter. It states "a member within the meaning of this organization shall be defined as an organization of Indigenous Peoples or an association of organizations representative of Indigenous Peoples whose objectives are to further their economic self-sufficiency and to attain self-government". The Charter further defines Indigenous Peoples as those "...living in

territories who have a population composed of distinct peoples which have historical and cultural continuity with pre-invasion and pre-colonial societies that have developed on their territories and that are descendants of the original inhabitants of those territories".⁵⁷

This definition of its membership was adopted in 1993 following a recommendation of the Executive Council to the General Assembly. While the definition retains as the two distinguishing characteristics of indigenous peoples their prior occupation and non-dominance, the language of non-dominance is less explicit than it was in the previous definition. Originally the charter had specified that indigenous peoples were those "...which survive in the area, and who do not, as a group, control the national government of the countries within which they live".⁵⁸ The new wording may better reflect indigenous peoples' reality and their aspiration for self-determination as they do not seek to control the governments of the states they live in but rather wish to create and control their own governments within the existing state.

WCIP membership is based on countries with each country allowed three delegates to the General Assembly. The General Assembly must recognize members as having been chosen by indigenous peoples from an organization which those peoples view as their representative. Where no such organization yet exists the Executive Council may select one or more representatives on the basis of population numbers, regions in the country, tribal affiliation or organized bodies.⁵⁹

The General Assembly may also permit observers and other types of members at its meetings.⁶⁰ At times those members have outnumbered official delegates, as in 1987 when it was reported that the General Assembly was attended by "45 delegates from 21

countries" and "about 100 fraternal delegates and observers".⁶¹

The WCIP has been confronted with questions concerning membership and representation since its formative meeting. At that time discussion had concerned the exclusion of delegates from some countries noted to have large indigenous populations, and had questioned the representativeness of some official delegates, particularly those from Central and South America. Membership and representation became the subject of discussion again in 1981 when the WCIP received a request from the Iroquois for representation within the organization as peoples. In addition, the third General Assembly held that same year was attended by indigenous observers from Japan, Thailand, India and Guyana, all countries outside of the established WCIP regions. Both events prompted a study of the criteria for new members.⁶²

The study was undertaken in 1982 by the organization's legal counsel Douglas Sanders, and addressed two questions: whether representation should be by states or peoples, and whether or not there should be changes to the regional structure of the organization.⁶³ With the WCIP considering expansion Sanders' concern was with the admission of new members, but his discussion reveals that the representativeness of delegates to general assemblies remained in question, and that there were problems associated with the regional structure of the organization.

Sanders' study of the criteria for membership indicated that existing problems of representation could not easily be overcome. Membership based strictly on either states or peoples would not ensure the representativeness of delegates. Each criterion resulted in the exclusion of some indigenous peoples, either because they were not represented by

the state-level organization, or because when identified as peoples their numbers were too small or their resources inadequate to allow international activity. There were also difficulties associated with establishing satisfactory criteria for representation as peoples, especially where those involved were geographically dispersed and had no coordinating organizations.⁶⁴

The solution most likely to lessen the problems of representation lay in accepting members on the basis of peoples as well as states. Membership with representation as peoples had already been accepted by the WCIP. The Saami of Finland, Norway and Sweden have, by choice, always been represented as peoples, and send three delegates to general assemblies rather than the nine they would otherwise be entitled to. However, the Saami are the only indigenous peoples in those three countries and have created a political organization, the Nordic Saami Council, to represent them. The recommended criteria for representation as peoples reflected the Saami case. Sanders suggested that such representation be accepted for new members if the peoples involved had a history of separate political organization and a population of ten thousand or more.⁶⁵ As the current charter indicates that membership is recognized on the basis of states it would appear that the Saami remain the only exception to this rule.

The regional structure of the WCIP was considered in Sanders' discussion because soon after its formation it had become apparent that the organization's membership could expand to include indigenous peoples situated outside of the existing regions. The five original regions reflected the ideas and contacts of the WCIP's founders and, it was noted, in many ways did not function well. For example, although New Zealand and Australia

were in the same region, the Pacific, they had no regional organization and there was little interaction between the two countries' indigenous peoples. As a result, having an executive member - a regional representative - from either country effectively excluded the other. This was also the case in both the North and South American regions. These problems were heightened by the cultural differences which existed between those regions, political and conceptual differences which caused difficulties during the organization's meetings. Clearly the regional orientation of the WCIP contributes to problems related to representation, but changes to the existing regions were not discussed in Sanders' study. He did caution the WCIP against adding to existing problems by creating regions which would be too artificial, and recommended that new regions be created where appropriate rather than simply admitting new members through the five original regions.⁶⁶

The WCIP first expanded its membership in 1984 when the Pacific region was extended to include indigenous peoples from Australia, East Timor, West Papua, Hawai'i, New Zealand, New Caledonia, French Occupied Polynesia, Micronesia and the Torres Strait Islands⁶⁷. Many of the new members were peoples who had been noted as missing from the organization's formative meeting. Three years later the organization expanded again to include members from Asia. This later expansion in particular exacerbated disputes over representation.

During the 1980s indigenous peoples from Asia and India approached the WCIP inquiring about membership. Their contact was Hayden Burgess, the representative from Hawai'i and vice-president of the English-speaking regions. To accommodate their

membership Burgess created and chaired the Asian Committee, which was to explore the possibility of bringing Asia into the WCIP through the Pacific Region.⁶⁸

In 1987 the Pacific Region, with the sponsorship of the WCIP, held an "empowerment conference" in Hawai'i. The conference brought together members from the Pacific Region and peoples from Asia and was addressed by Erica Dias from the UN. The delegates agreed that the Pacific Region should be restructured and created the Pacific-Asia Council of Indigenous Peoples (PACIP). PACIP then requested to be the regional representative to the WCIP. The fifth General Assembly, by resolution, extended the organization's membership to include Asia and renamed the Pacific Region the Pacific-Asian Region.⁶⁹ According to a 1989 memo PACIP's membership and affiliates were Burma, Japan, Guam, India, Bangladesh, Kanaky, Tahiti, West Papua, East Timor, South Moluccas, Taiwan, Sri Lanka, Saipan, Belau, The Marshalls, Micronesia, the Philippines, as well as Australia, New Zealand and Hawai'i.⁷⁰

Regional representation of PACIP within the WCIP did not last long. During the planning meetings for the WCIP's sixth General Assembly Burgess expressed the desire that PACIP be well represented and informed the planning committee that delegates from the region would need financial assistance. He was asked to prepare a list of countries which could send delegates. Burgess was later informed by the General Assembly hosts that the assistance he had requested would not be possible. Funding could only be provided for delegates from Central and South America, and special arrangements with an airline had been made only for flights from North America. All other delegations would have to seek their own funding.

At the same time that delegates were being refused funding Burgess was requested to identify an Australian aboriginal cultural organization or dance group which would be sponsored to the General Assembly. He responded to the request stating:

If on the one hand, there is not sufficient funds to sponsor an indigenous advocacy organization to attend what I believe to be an international indigenous advocacy organization's general assembly, how is it that we can pay for singers and dancers to entertain and provide photo opportunities for the inquisitive? I can not condone or participate in lending support for that activity.⁷¹

When he continued to be refused funding assistance for delegates from the Asia-Pacific region Burgess decided to boycott the WCIP's 1990 General Assembly.⁷² The boycott was a protest against the failure of the WCIP to help ensure the representation and participation of all members during general assemblies, and it was a protest against the exclusion of indigenous peoples badly in need of a voice and international support. Representation without a voice was pointless. In a final submission sent to the sixth General Assembly Burgess wrote:

...the indigenous world is not limited to North, Central and South America, the Saami of Scandinavia, and a few folkloric specimens of the Pacific and Asia. The world is covered with indigenous peoples in dire need of support. Yet, this General Assembly has been planned as if only the indigenous peoples of Central and South America are deserving of assistance. The scarcity of indigenous representatives from the Pacific and Asia to the General Assembly is not an accident but a direct result of the failure of those regions with the ability to assist, to do so.⁷³

The boycott ended PACIP's participation within the WCIP but its withdrawal did not resolve those problems. According to an IWGIA report on the WCIP's sixth General Assembly the organization was once again making references to the Pacific Region and its delegates from Australia and New Zealand. However, dissatisfaction with regional

representation within the organization was still evident. It was noted that the Australian delegation questioned the representativeness of the WCIP, remarking that Central and South America had 54 delegates at the meeting and the rest of the world only 25.⁷⁴

Over the years the WCIP has concentrated much of its activity in the Central and South American regions where indigenous peoples constitute a majority of the population. Those peoples suffer some of the worst human rights violations and are generally excluded from political participation in their own countries. Since its founding they have worked through the WCIP to bring international attention to, and to help ameliorate conditions in their countries. Because the Central and South American regions contain more individual states than any other region they send more delegates to WCIP general assemblies and form a majority within the organization. Their majority is reinforced by the organization's regional orientation, and by the fact that there are times when the diversity within and between the Central and South American regions is not as great as exists between them and the other WCIP regions. Indigenous peoples from Central and South America share common experiences and understandings which lead them to vote in the same way. As a result members from those regions dominate the WCIP, electing its executive and determining its course of action.⁷⁵ With a system of one vote per country it would take the development of a region with a large membership to change the current direction and emphasis of the WCIP. The addition of Asia to the Pacific Region may eventually have resulted in such change.

The dominance achieved by members from the Central and South American regions has been a source of dissention among WCIP members. Despite those problems it has

been suggested that given the relative position of indigenous peoples from those regions, the chronic abuse of human rights they have suffered and their general political exclusion, the WCIP's concentration of activity in Central and South America has been the organization's most appropriate course of action.

The WCIP's focus on Central and South America has also led to accusations from both members and outside observers of the organization being more regional than international in nature. Yet there have been occasions when all indigenous peoples, regardless of membership, have been represented by the WCIP. This is particularly evident in the international arena where the WCIP has pursued recognition of the rights of all indigenous peoples. Within the forum provided by the UN Working Group WCIP presentations refer to subjects relevant to all indigenous peoples rather than advancing the particular cause of any one of its members. Here, rather than discussing the issue of Hawaiian sovereignty for example, the WCIP would address the right of all indigenous peoples to self-determination. In 1987 the organization's vice-president, Hayden Burgess, represented the interests of all indigenous peoples as the only indigenous member of a panel of experts convened to consider the revision of the International Labour Organization's Convention 107. As these examples suggest, in the international arena the WCIP has a much broader focus and at times has functioned on behalf of the entire indigenous movement. At the international level the differences that exist between the organization's membership are set aside and their goals are pursued with the unanimous support of all members.

The WCIP has recently attempted to address the problems related to its regional

orientation. Following its 1993 General Assembly the organization expanded its membership and representation to include ten regions. With the exception of the inclusion of new members from the Caribbean most of the additional regions are the result of a reorganization of Central and South America. WCIP membership and regions are now: Central America and Panama, the Caribbean, Mexico, North America, the Andean Region, the Amazon Region, the Southern Cone Region, the Saami Region, Australia and New Zealand.⁷⁶ The new regions will be reflected in the composition of the Executive Council which will consist of one president, two vice-presidents and ten regional representatives. Reorganization and expansion has involved a new approach to the issue of representation. In the future regional executive members will be considered representatives of the WCIP in those regions rather than representatives of their regions within the WCIP.⁷⁷ Whether or not these changes will alleviate some of the problems the organization has experienced in the past remains questionable. They will not alter the essential nature of the General Assembly where members from Central and South America will continue to hold a decisive majority of votes.

In addition to the difficulties related to representation and its members' diversity the WCIP has been confronted with problems associated with those of its member organizations. While the number of organizations which participate in WCIP general assemblies remains approximately the same its membership varies. Some members have withdrawn from the WCIP in order to form other organizations, or, as in the case of the Grand Council of the Cree, as they have been granted their own NGO status by the UN.⁷⁸ Some indigenous organizations are not stable and may disappear as quickly as they are

established, often through funding problems. As noted earlier, a lack of coordinating organizations has hampered interaction among indigenous peoples and impeded the effective functioning of WCIP regions. Organizational problems can also hinder the development of new regions. Burgess indicated that this was the case in the Asian region where there was no central organization and no organizational maturity in member countries, making it very difficult to coordinate activities or even to hold meetings.⁷⁹

A recent adjustment to the WCIP's membership has involved the participation of indigenous women. During its sixth General Assembly the WCIP adopted a resolution to create an Indigenous Women's Commission composed of one woman from each region. In 1992 the WCIP hosted an International Indigenous Women's Seminar which appointed an interim Commission to represent indigenous women until an international conference could be held. The women represented the WCIP at various international conferences during 1993.⁸⁰ The first International Conference of Indigenous Women was held prior to the WCIP's seventh General Assembly. Many of the women later participated as delegates to the General Assembly and Noeli Pocaterra of Venezuela was elected as vice-president for the Spanish-speaking regions.⁸¹

The participation of women in WCIP general assemblies did not begin with the creation of the Commission, but its formation has increased their participation. Indigenous women find that they are doubly marginalized, as indigenous and as women, their traditional social status within their own communities eroded by external norms of gender relations. Politically they find they are marginalized by both government and indigenous organizations, where their participation is often limited to grassroots

activities. Many indigenous women maintain that only through direct participation at all levels can they better their position and circumstances within their communities. For those women increased participation is seen as a means for restoring traditional values and the harmony of gender relations that existed prior to externally imposed systems of political and social organization. They seek increased political participation as an essential component of their right to self-determination. The WCIP has attempted to address the concerns of indigenous women by making the Women's Commission a permanent body of the organization, and by resolving to increase women's participation within the Executive Council and future general assemblies to fifty percent of all delegates.⁸²

For twenty years the WCIP has served its members, pursuing their interests as they have determined. Despite internal organizational difficulties, regional tensions which are exacerbated by its members' diversity, and the apparent dissension among members over issues of representation, the organization has represented the interests of indigenous peoples both within the UN and the wider international community. In the international arena their goals are pursued with the unanimous support of all members. Through political advocacy and its pursuit of international recognition of the rights of indigenous peoples the WCIP has contributed to the challenge the indigenous movement poses to the state. However, like other international non-governmental organizations and social movements, the WCIP must function within the existing state system, and the state, particularly the Canadian state, has had an impact on the organization's structure and functions.

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The Indigenous Movement and The State

Through political activism in pursuit of national and international recognition of their rights the indigenous movement poses a challenge to the power, authority and legitimacy of the state, yet at all levels indigenous peoples must work within the existing state system. Ultimately they are dependent on the cooperation of the states they challenge to achieve their goals. This is particularly evident where funding is concerned. The indigenous movement is often dependent on the state to fund its organizations and activities. The provision of funds, and control over the criteria for the disbursement of those funds, permits the state considerable influence over those organizations and activities. Nevertheless, there are also limits to the state's influence.

In this final chapter the impact of the state on the organization and activities of the indigenous movement will be examined. The initial section will consider the reaction of the state to social movements and international non-governmental organizations in general. The following will, more specifically, discuss the extent of and limitations to the influence exerted by government on the indigenous movement through funding arrangements. The example provided by the WCIP indicates that although the state's influence has been pervasive it has not resulted in that organization's cooptation. However, the state's influence is not limited to funding arrangements and the final section will briefly consider the implications of the indigenous movement's dependence on states' cooperation to achieve its goals.

Social Movements and INGOs, The State's Response:

Social movements and international non-governmental organizations present the state with a substantial challenge. States are, however, adept at protecting their interests, and may counter the challenges presented through attempts to discredit or control social movements or their organizations. They may discredit movement leaders, forcing the resignation of those found too controversial. They may withhold important information or provide organizations with information which is inaccurate, raising questions about the credibility of those organizations. In their politics of resistance social movements and INGOs may be accused by government of working contrary to the national interest or the common good, or with jeopardizing national unity.¹

Governments may encourage the formation of formal organizations, ostensibly offering those opposed to government policies direct access to decision-making centres. However, as Piven and Cloward point out, governments have little to fear from organizations as they channel more disruptive methods of resistance into normal politics where governments and their institutions define the rules of participation.² Nor does national or international participation necessarily lead to concrete action. Issues may remain mired in the rhetorical action of the Royal Commission or the UN study for years.³

Government control is enhanced where organizations become dependent on the state for funding. The provision of funds facilitates cooptation. It provides the state with a powerful source of sanction and reward to ensure compliance with its goals. In some instances national and international organizations may depend on government funds for

their survival, and funding may be dependent on the extent to which the government finds the organization useful and is willing to support it. International organizations may find that government funding compromises their INGO status, reduces their flexibility and undermines the perception of political independence necessary to function effectively.⁴ Some movements have responded to those problems by splintering from the organization under government control and creating new associations.⁵ Some INGOs have had to renew attempts to become financially independent, reducing the percentage of their budget represented by government contributions and attempting to diversify their funding sources.

The response of the state to social movements and INGOs has been felt by the indigenous movement and their organizations. As illustrated in the previous chapter, indigenous peoples in some states have been encouraged to create formal organizations and those organizations are largely funded by government. Since the indigenous movement has internationalized its political struggles, government support has been extended to indigenous peoples' international organizations and activities. Those organizations have faced the same concerns about their political and economic independence as other INGOs. One example of this is provided by the WCIP.

The WCIP was incorporated in Canada in order to gain formal legal and tax status as a charitable organization. The Secretariat has been located in Canada, mainly in Ottawa since its formation.⁶ In 1984 the Executive Council was presented with a discussion paper which suggested that the WCIP head office should be moved from Ottawa to Geneva.⁷ The author's reasons were both political and economic.

In essence the paper's author, Ossie Cruse, argued that the WCIP should distance the organization from Canada as Canada is strongly identified with the United States. This association was considered detrimental to the credibility of the WCIP and to cast doubt on the political neutrality of the Secretariat. He also noted that Canadian government funding for the WCIP's Secretariat and administrative functions was to be cut in favour of contributions for health and agricultural development in underdeveloped countries. As financial assistance from the Canadian government was to be reduced, Cruse suggested that Geneva could provide a better location from which to gain access to a wider range of funding sources, and that contributions from other governments might improve if the organization were less identified with Canada.⁸

Despite the concerns voiced in the discussion paper the Secretariat has remained in Canada, no doubt largely because of the organization's funding arrangements with the Canadian government. By 1984 the WCIP had become dependent on government contributions, and that year would have marked the beginning of a new funding agreement which would ensure the continued functioning of the Secretariat and some WCIP programs for the following three years. The proposed move from Ottawa to Geneva would have jeopardized if not terminated the funding arrangements on which the WCIP depended.⁹

The ability of the state to influence indigenous organizations and their activities is increased where those organizations have become dependent on the state's resources. The WCIP provides a further example of the extent of, and also the limitations to that influence.

The World Council of Indigenous Peoples and CIDA:

The WCIP functions in response to its membership and operates within a mandate determined during its General Assemblies. However, funding requirements have also left the organization susceptible to outside influence. As an international indigenous peoples' organization the WCIP represents peoples from the poorest segments of their national societies. Although some national indigenous organizations such as the Council of Aboriginal Peoples of Canada and the Nordic Saami Council contribute to the WCIP, the organization does not collect membership fees.¹⁰ The majority of its funding must be obtained from outside sources.

Since 1979 the Canadian government through the Canadian International Development Agency has been the largest single contributor to the organization. The WCIP has become dependent on CIDA funds. Unlike other donations which are most often designated in support of specific programs or projects, CIDA funds may be used, at least in part, to support the head office and secretariat in Ottawa.¹¹ Without CIDA support it would be difficult for the WCIP to maintain an organizational presence; however, dependence on CIDA funding has also affected the structure and functions of the WCIP.

The WCIP was established as a political organization, its purpose to promote unity and the exchange of information among indigenous peoples, to strengthen their political and cultural organizations, to fight genocide and racism and to promote justice and indigenous peoples' rights.¹² During its first four years the WCIP concentrated its efforts in the area of strengthening indigenous political organizations, contributing to the

formation of two regional organizations, the Regional Coordinator of Indian Peoples (CORPI) in Central America and the Indian Council of South America (CISA).¹³

When the WCIP first approached the Canadian government to request funding assistance in 1979, its goals and its involvement in the creation of indigenous political organizations coincided with CIDA policies. CIDA's funding policies during the late 1970s focused on "building self reliance through projects that increase the ability of people in developing countries to better manage their own affairs", and emphasized "leadership training, rural development and institutional support".¹⁴ The initial agreement, negotiated between WCIP president George Manuel and the newly elected Minister for External Affairs Flora MacDonald, provided the WCIP with core funding in the form of a grant of \$500,000 to be paid over a period of three years from CIDA's International Non-Governmental Organization Division.¹⁵ That agreement firmly established the government agency as the WCIP's principal funder.

By the early 1980s CIDA's funding priorities had shifted to an emphasis on development projects, particularly in the areas of agriculture and health.¹⁶ This change in the funding criteria of its main contributor left the WCIP faced with the problem of how this essentially political organization was to continue to fund its political advocacy activities as well as maintain the secretariat and carry out its administrative functions. The solution was to become involved in development projects. Unfortunately by 1986 what had appeared to be a solution to its funding problems had resulted in a funding crisis.

The WCIP's financial crisis led to a study of its organizational structure. The study

was conducted by First Nations Consultants with the cooperation of WCIP vice-presidents Hayden Burgess and Donald Rojas and head of the secretariat Rodrigo Contreras. The study's *Final Report*, released in 1987, states that funding problems had resulted from the nature of the organization's objectives, of socio-economic development and human rights advocacy, which were in competition for the WCIP's limited resources. In addition the report pointed out that the president's particular area of interest determined which objective would receive the larger share of resources. It noted that the organization's financial problems had been exacerbated "...by a president singlemindedly pursuing the advocacy program at the same time that the organization's principle funder (the Canadian International Development Agency) has a mandate to fund Socio-Economic development programs only".¹⁷

The majority of the monies received from the WCIP's governmental and institutional donors were designated for development projects. While there was a desire on the part of some WCIP members to be involved in serious development projects, those programs had been entered into in order to fund the organization's political activities. As a result development projects, initiated in Central and South America, were "scattered and unfocused". No long-term programs had been started and initial efforts had not been sustained. A joint CIDA/WCIP evaluation indicated that WCIP development activities had not had much of an impact in terms of development but the regional councils had grown, and the secretariat had been able to maintain a small staff and pay for administration and travel expenses. In the opinion of the report's authors WCIP funders were giving the organization "its last chance to show that it could use development

funds". They state: "Until now, they [funders] have seen little evidence of WCIP's commitment to sound development projects. On the other hand they have seen evidence of the use of projects funds for administrative expenses unrelated to development projects". It was concluded that CIDA would stop funding the WCIP unless its institutional management improved and its development programs became effective.¹⁸

With the loss of CIDA's financial support a very real possibility the WCIP began to address its problems and to look seriously at development activities. In June of 1987 the regional organizations of CORPI and CISA held a workshop, "The Indian Peoples Facing Development", where the main issue was "development from an Indian perspective, and ways to achieve it". When the fifth General Assembly was held the following month topics for discussion included development.¹⁹ Among the resolutions adopted by the General Assembly was one recommending the organization establish closer working relations with financial agencies and institutions "in order to promote self-sufficiency respecting the very values of indigenous people"; and a second "to improve the system of planning projects within the indigenous peoples, as well as developing projects in accordance with the level of development and the needs of the indigenous peoples".²⁰ The recommendations and guidelines reached during the fifth General Assembly directed the work undertaken during the following administrative term.

Over the next three years the WCIP executive made a number of changes to its administrative and financial systems which were designed to increase the organization's efficiency and the effectiveness of its developmental projects and programs. Those changes involved the separation of its economic and political activities and introduced

new methods for following up on, and evaluating developmental programs. A five-year "plan of action" established a new approach to social and economic development which included the creation of regional technical teams and specialization by areas. New funding sources were sought, and found "...through a series of cooperation agreements with a number of specialized organizations in diverse aspects of development". In the opinion of the executive those cooperative agreements would provide access to resources and expertise, and improve the effectiveness of each organization's programs in indigenous communities.²¹

In order to respond more effectively to indigenous communities and to improve the management of development programs the WCIP decided to establish several Regional Technical Offices (RTOs). The role of the RTOs was to meet the needs considered essential to the development of indigenous communities. There was a need to stimulate and improve indigenous economies, to improve social conditions and to strengthen indigenous cultures. Taking into consideration traditional systems as well as national and international economic structures the RTOs would help indigenous communities create organizational and productive alternatives. The regional offices would provide the technological and financial resources, the technical expertise and organizational structures necessary for indigenous peoples to create social and economic programs which had previously been nonexistent due to their marginalization and lack of access to such resources.²²

The regional technical offices were to perform seven functions. Regarding economic development as a "specialized unit" they would formulate, support, evaluate and follow

up plans, programs and projects in the social, economic and cultural fields. They would facilitate processes to obtain funding for projects presented by indigenous organizations. They were to cooperate with other institutions in coordinating technical and financial support of programs, and to promote technical and other training designed to strengthen indigenous organizations. The RTOs would be responsible for establishing methods for improving the collection of information on the situation of indigenous peoples, and for improving communications between them. They would support processes for the recognition of indigenous people's rights, and finally, would follow up and evaluate WCIP programs.²³

Programs would be undertaken by the RTOs in the areas of training, production and research. Training was to be directed toward the development of technical teams and leadership and would concentrate on research techniques, action planning, management, technology, and national and international analysis. Production projects were to involve the design, formulation, evaluation and impact assessments of programs for indigenous peoples' economies, and were to include the generation of a permanent revolving development fund. Research would examine the economic, social and cultural reality and potential of the indigenous peoples involved, enabling them to create alternative development strategies. In addition, the impact of national and international projects on indigenous peoples would be analyzed.²⁴

Each regional office was to have a director, a program officer, an accountant and a secretary. The offices would be under the direction of WCIP headquarters but would also have a board consisting of members from both local and regional indigenous

organizations which would be responsible for establishing program policies and priorities.²⁵

The first RTO was established in Costa Rica for the Central American region and there were additional proposals for offices to be established in the South American region. In 1990 the WCIP executive reported that the creation of the regional office had improved funder confidence and financial support for indigenous programs.²⁶

The formation of the regional technical offices was a response to the WCIP's funding problems, and to recommendations made by the consultants on the structure of the organization. Their report had recommended that the WCIP establish a separate organization to deal with socioeconomic development issues.²⁷ The creation of WCIP branch offices in the form of RTOs was a means of testing that recommendation. The office in Costa Rica was established, however those proposed for the South American region were never opened. A brief assessment of the Costa Rica office by Rodrigo Contreras of the WCIP Secretariat indicated that although it had been effective in creating a WCIP presence in Central America, the RTO had become extremely costly for the organization. It had not become self-sufficient but rather, with most of its work being conducted through the head office in Ottawa, had become a financial burden for the WCIP. In addition Contreras pointed out that the strict separation of the political and developmental aspects of the WCIP's work has become less important "with greater understanding on the part of agencies such as CIDA that democratic and human rights development is tied to economic and social development". With this change in attitude indigenous peoples have become more able to find funding on their own and some donor

agencies prefer to fund indigenous peoples directly. In 1995 the WCIP decided to again centralize the organization in Ottawa and withdrew its support of the regional office.²⁸

The changes to CIDA's funding policies initiated in the early 1980s had a significant effect on the structure and functions of the WCIP. However, the more extensive effects of CIDA's policy changes have been avoided where the WCIP has taken the initiative and instituted change first. This is demonstrated through the organization's expansion of its development programs to include projects designed specifically for indigenous women.

Following the fourth General Assembly of 1984 the WCIP began to respond to issues raised by its membership concerning the economic and political position and participation of indigenous women.²⁹ At the fifth General Assembly, which had included indigenous women, those issues were raised again.³⁰ When the executive began to restructure the WCIP in 1987 they expanded on the work already begun and instituted a program designed specifically for indigenous women. Between 1987 and 1990 eight community workshops and one national seminar were held in the Central American region, and proposals were made for women's programs and activities involving their economic and political development. The women's program is part of the WCIP's socio-economic development program and involves projects such as productive and cultural activities as well as training and education, the development of women's groups, and workshops to increase the participation and leadership of women in their communities.³¹

The decision of the WCIP to create a women's program again corresponded with CIDA's interests. In 1986 CIDA, under the authority of the Minister for External Affairs Monique Vezina, published its five year plan for the integration of women in

development. The implementation of that plan was to effect every facet of CIDA's operations from staff training and performance evaluations to its assessments of the programs and activities of non-governmental agencies. The CIDA publication states that the "participation of Third World women in the development process will be an integral part of any development policy or strategy established on an Agency-wide scale". After 1986 CIDA's evaluations of NGO's programs and activities would take into account "...their accomplishments with regard to the integration of women".³² As those evaluations are conducted in regard to future funding the implications for non-compliance with CIDA's women in development program are clear.

The change in CIDA's funding policy to a focus on women in development had the potential to affect the efficiency and effectiveness of the WCIP's development programs by forcing a redistribution of limited funds across a broader range of projects. Because the organization was already committed to creating development programs for indigenous women the detrimental effects of this change in CIDA policy, and the disruptive period of adjustment were avoided. On the other hand, the fact that it did institute those programs helped the organization gain a new three year agreement for funding support from CIDA. CIDA's 1990/91 funding agreement with the WCIP includes the International NGO Division's reasons for recommending support. One of those was that the proposed WCIP program "...addresses several issues of concern to CIDA: self-reliance, women in development, and human resource development".³³

The changes to its structure and functions, seen in the creation of the RTO in Costa Rica and the organization's involvement in development projects, were a direct result of

its dependence on CIDA funds and the influence exerted by the Canadian government through its funding criteria. The influence of funders is also evident in the difficulty the WCIP faces when attempting to find support for its other activities. The WCIP has generally been most successful in attracting contributions for development projects; however, it has been more difficult to find funds for administrative programs and almost impossible to find support for its political advocacy activities.

A portion of the organization's administrative expenses have been covered as most funds for its programs are channelled through the head office for disbursement to its regional organizations, who in turn distribute them to the appropriate community organizations. The WCIP receives a percentage of those funds for administrative costs.³⁴ With the majority of WCIP funders contributing in support of specific programs, available administrative funds are also designated for those programs, excluding much of the general administrative functions of the head office. Rodrigo Contreras noted that of all WCIP donors CIDA has been the most open in including the general functions of the organization in its funding arrangements, a fact which has contributed to the WCIP's dependence on that agency.³⁵

Financial assistance for the political advocacy program has always been the most difficult to find, although a portion of those costs may be covered under administrative expenses. The WCIP has sought funding from sources which support specific events or programs, often from major international agencies. Those agencies have been most responsive when it has been in their best interests to include the WCIP. Organizations requesting WCIP participation in particular events will cover all costs out of their budget.

Co-sponsorship, either on an ongoing or individual basis, has been another funding method, with monies used for accommodations, food and travel tickets to international events. In addition the WCIP has applied to the UN Voluntary Fund so that individuals who could not find local support could attend the sessions of the UN Working Group on Indigenous Populations. The UN has never rejected a WCIP application.³⁶

The WCIP seeks funding from a variety of sources including indigenous organizations, various UN agencies, church groups and numerous governmental and non-governmental organizations. The WCIP Tri-Annual Report ending in 1993 acknowledged contributions from forty-nine sources.³⁷ Nevertheless, over the years CIDA has been its most consistent and generous contributor. And the WCIP's success in securing their first funding agreement with CIDA opened the way for the organization to conclude similar arrangements for regular contributions from the governments of Norway and the other Scandinavian countries.³⁸

Over the past several years the WCIP, as with all CIDA recipients, has felt the effects of budget cuts which have seen Canadian aid as a proportion of GNP drop to less than 0.4 per cent.³⁹ The last two three-year funding agreements between CIDA and the WCIP, the first completed in 1995 and the second to begin in 1996, have been for set contributions which do not allow for yearly increases.⁴⁰ While this funding is held in check administrative and program demands on the WCIP continue to increase.

In addition to the budget cuts, in 1990 it was mutually agreed that the WCIP would attempt to further diversify its funding sources and decrease its dependence on CIDA. Those reductions are apparent in the following table which shows the WCIP's total

budget and CIDA's contributions to the organization from 1989 to 1994.⁴¹

	1989	1990	1991	1992	1994
WCIP Budget Total	652,980	1,638,509	2,585,253	2,375,000	1,400,000
CIDA Contribution	250,000	300,000	400,000	350,000	350,000
Percent of Total Budget	38.28	18.30	15.47	14.73	25.00

The figures show that CIDA contributions were reduced from 38.28 percent of the WCIP's total budget in 1989 to 14.73 percent in 1992, but rose again to 25 percent in 1994. This would suggest that the period between 1990 and 1992 was atypical and that the organization has not been successful in substantially reducing its dependence on CIDA over the long term. In fact the percentage reduction of CIDA's contribution over the three year period indicated was the result of an accord between the organization and the Spanish government. In 1990 an agreement was reached between the WCIP and the V Centenary Commission of Spain, organized by the Spanish government in preparation for the celebration of the anniversary of Columbus' voyage to America. Under that agreement the Spanish government made a sizeable contribution to the WCIP in 1990 of 543,400 dollars. Half of the money was designated for socio-economic development and the remainder used to support other activities. In the following two years the Spanish government again made generous contributions but these were designated in total for development projects in the Central and South American regions. By 1994 the contribution was reduced to 100,000 dollars in the form of the Indigenous Regional Fund

and was paid from the Spanish government directly to the WCIP's regional office in Costa Rica for development projects. According to the specifics of their budget, by 1994 CIDA was again the WCIP's largest single contributor.⁴²

The WCIP has not gained the financial independence determined to be a priority during its founding meeting, and the necessity of funding its activities from outside of the organization has had lasting effects. As acknowledged by the WCIP executive, funders have affected the orientation of organization's programs. The WCIP's dependence on CIDA contributions has affected the direction and structure of the organization most. There can be little doubt that had CIDA not changed its policy direction in the early 1980's the WCIP would not have become involved in development projects when it did.

Yet it appears that the WCIP's involvement in development programs was inevitable. One of the organization's original purposes was to strengthen indigenous political and cultural organizations. And development is a political issue, not only for agencies such as CIDA which since the late 1970s has consistently brought its policies in line with Canada's foreign policy objectives⁴³, but also for the WCIP which views self-development as a way to empower indigenous peoples.

The WCIP's approach to socioeconomic development has not been one of development for development's sake but rather one of development "in the search of social well-being". Their approach has meant that development projects undertaken by the organization should respect the cultures of indigenous peoples - that "economic activities should not be divorced from the cultural base", should employ existing resources from within the community and the natural environment, and should utilize an

appropriate technology, meaning "...the rational use of resources and not the applying of second-hand technology discarded by the more advanced of the national and international societies". Rather than supporting projects which would impose an external dependency the WCIP supports self-development, programs and projects which generate "a capacity for independence and knowledge, living conditions, to become the subject of one's own future, not an object". To this end the WCIP executive has distributed the funds obtained for development to indigenous communities at the grassroots level, through productive projects, education, training, health and services.⁴⁴ Regardless of their approach to development, the projects and programs undertaken by the WCIP corresponded with the stated development interests of CIDA in health, housing, education and agriculture.⁴⁵

The WCIP's socio-economic development program supports projects in indigenous communities in Central and South America. The program began in earnest in 1988 with project identification and evaluation and the initiation of some projects. The following year it involved feasibility studies and the implementation and expansion of selected projects. Projects undertaken, in agriculture and animal husbandry, housing, and artisanal projects involving sewing and weaving, were those identified by indigenous communities and were most often limited in nature. One of the pilot projects of the WCIP program was the construction of a communal centre in a Huaymi community in Panama. The centre was to serve a variety of purposes including as storage for basic goods, a meeting place for women and a site for cultural activities, and it has served as a base for regional training programs related to socio-economic activities.⁴⁶

According to its agreement with CIDA for 1994 the WCIP's development projects are

now divided into five areas: institutional strengthening and capacity building, the women's program, indigenous peoples and health, research, and education.⁴⁷

In the area of institutional strengthening and capacity building the WCIP supports projects which promote economic self-reliance and encourages organizations to improve their administrative and technical ability to operate their own projects. There is an emphasis on helping indigenous peoples to diversify production and marketing projects and to find alternative sources of income.⁴⁸

The women's program promotes training for indigenous women in areas which are of interest to them and which, in response to the International Indigenous Women's Conference, support their participation in consultations, studies and policy development. The WCIP has supported national workshops on the development and financing of women's projects and in September of 1989 held a regional leadership seminar in Nicaragua. They have also supported women's artisanal production and cultural activities. In Panama, for example, such projects have enabled Huaymi women to contribute to family incomes and those women have designated a percentage of their incomes to the production of Huaymi theatre and for books on local folklore.⁴⁹

Indigenous peoples and health is an important aspect of the WCIP's socio-economic development program. Health problems and economic development problems are inextricably linked. In 1993 the WCIP participated in a Pan-American Health Organization Conference held in Winnipeg. During the conference the Health Organization adopted a resolution designed to promote the implementation of indigenous peoples' recommendations for a long-term health program. The WCIP is involved in its

follow-up activities particularly as they relate to the use and practice of traditional medicine and knowledge.⁵⁰

Socio-economic development research is undertaken through specific research programs in several areas including economic self-reliance, environmental protection, indigenous women's political participation and the use of traditional knowledge. The WCIP's current emphasis on research, and on education, as part of its development program has evolved out of the realization that development in terms of support for specific limited projects is ineffective in achieving change. Research, training and education, and consultations such as those on development policy held with the World Bank in 1993, provide indigenous peoples with the information necessary to create new development alternatives, and much of the WCIP's support for economic development is now oriented toward those activities.⁵¹

In the area of education the WCIP has, through consultations with both indigenous and non-indigenous professionals, contributed to the design of curricula and training programs relevant to indigenous peoples, and which enhance the transmission of indigenous knowledge. It was involved in establishing and developing the Indigenous Academic Studies which now has teaching modules in different countries. In 1993 the WCIP created an Academic Council to coordinate post-secondary programs for indigenous peoples.⁵²

Today the imperatives first imposed by its funding requirements - involvement in development activities - are firmly entrenched in the WCIP's organization and structure. The WCIP Charter, under Section 1 which defines the organization's purposes, now

includes a statement of its dedication to "ensuring political, economic and social justice to Indigenous Peoples". The Charter also defines WCIP members as "... an organization of Indigenous Peoples or an association of organizations representative of Indigenous Peoples whose objectives are to further their economic self-sufficiency and to attain self-determination."⁵³ In addition, the WCIP presents itself to its funders as "the only international indigenous run development agency that cooperates directly with indigenous peoples organizations from developing countries".⁵⁴

The WCIP provides one example of the extent of the influence which government, through funding arrangements, has had on the indigenous movement, but it also shows the limitations to that influence. Government funding, while leading the WCIP in a new direction, did not amount to its cooptation. The organization has continued its political advocacy programs and its pursuit of international recognition of indigenous peoples' rights. It has, as indicated by the functions and purposes of the regional technical offices, tied those issues to development projects. Through its support of self-development projects the WCIP has used CIDA funds to further indigenous peoples' participation and self-determination.

Indigenous Rights, Funding and the State:

The link between democratic and human rights development and social and economic development advanced internationally by indigenous peoples, and their universal support for self-directed development have become more widely accepted by states and are becoming the basis for the formulation and funding of development projects. This is

demonstrated by the recently created Indigenous Peoples' Fund (IPF).

The creation of the IPF, the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, was initiated by the Bolivian government and involved consultations between indigenous peoples⁵⁵, regional governments and donor agencies. The fund was established at the second Ibero-American Summit in July of 1992, by the heads of state of Latin America, Spain and Portugal.⁵⁶

The Indigenous Peoples' Fund is considered unusual in that indigenous peoples, the beneficiaries of the fund, will also participate in its direction and administration. The fund is governed by a tripartite General Assembly composed of representatives of indigenous peoples, of each regional member state, and of the extra-regional governments. The same tripartite arrangements exist for the fund's Board of Directors. The Technical Secretariat, which is responsible for the fund's daily management, is to include indigenous professionals as staff members.⁵⁷

The stated objective of the IPF is: "to create the conditions for self-development among indigenous groups; to assist in the creation of the legal, political, technical and financial conditions necessary for the development of the indigenous peoples of Latin America and the Caribbean".⁵⁸ And it will ensure indigenous peoples access to the resources necessary for creating their own development strategies.

The IPF is designed to support self-development - the creation of "indigenous solutions to indigenous problems". It will support projects involving the appropriate use of indigenous peoples' land and natural resources, the promotion and protection of their rights, the strengthening of their organizations and management training programs, and

activities designed to protect, conserve and promote indigenous identity, culture and technologies. The IPF is also intended to improve the state's ability to respond adequately to indigenous peoples' initiatives and, in doing so, to make development programs more efficient.⁵⁹

The purpose, structure and operation of the IPF are based on four guiding principles which reflect a recognition of indigenous peoples' rights. Those four principles are:

Indigenous Peoples exist as Peoples within the National States and as such are entitled to rights as original inhabitants, including the preservation and defense of their lands, as the basis of their physical and cultural existence.

Indigenous Peoples have the right to control and manage their resources, institutions, identities and ways of life.

Indigenous Peoples are entitled to improve their living conditions in accordance with their own initiatives and to define their priorities for development.

The contribution of Indigenous Peoples to the defense and maintenance of biological diversity and sustainable management and conservation of ecological systems has been continuous and beneficial to all.⁶⁰

The creation of the IPF appears to be a response to indigenous peoples' demands for recognition of their rights, self-development, increased autonomy, and increased participation in decisions which affect them. However, it is not yet possible to assess the fund's impact on indigenous peoples. As of October 1995 no monies had been dispersed by the IPF, reportedly due to difficulties associated with replacing the provisional General Assembly. Whether the IPF will reflect the gap between rhetoric and reality that has been evident elsewhere, or will be truly responsive to the problems and aspirations of indigenous peoples remains to be seen.⁶¹

The creation of the IPF also demonstrates the extent to which indigenous peoples are

dependent on the cooperation of states, and states' resources, for the ultimate success of their movement. The fact that two-thirds of the IPF's tripartite structure consists of states' representatives can not be overlooked. Control over the disbursement of IPF monies will ultimately remain with those states. Their control over resources and the formulation of policies for the distribution of funds are a source of the influence exerted by states over the indigenous organizations which are depend on them, and over their activities. This has certainly been the case for the WCIP. It has also been evident where indigenous peoples' international activities are concerned.

Funding for the World Conference of Indigenous Peoples held at Kari-Oca, Brazil had included contributions from governments, and particular note was made of generous contributions from Holland and Brazil, yet the conference had been underfunded. A lack of funds had meant that during meetings conference delegates had to work without the assistance of interpreters, making interaction difficult. Many delegates, including those from Canada, Australia and Central and South America, also due to the lack of funds, had to return home before the official UN Conference on the Environment and Development began⁶², eliminating any possibility of their participation within that forum. Clearly financial support, or a lack of it, affects the indigenous movement.

Once again, however, the limits to the influence exerted through funding were apparent. Indigenous peoples did attend the Earth Summit in Rio and the work done at Kari-Oca contributed to the inclusion of Principle 22 of the Rio Declaration and Chapter 26 of Agenda 21, the Programme of Action for Sustainable Development. Principle 22 recognizes the role of indigenous peoples in environmental management and

development. Chapter 26 calls for the participation of indigenous peoples, with the support of states, in sustainable development programs.⁶³

Issues of funding, indeed the very fact that governments do fund the organizations which directly challenge their authority and legitimacy, are an indication of the contradictory nature of the relationship between the indigenous movement and the state. This is also apparent where indigenous peoples' rights are concerned.

The success of the indigenous movement is first dependent on states' recognition and acceptance of their rights. Internationally those rights are recognized and embodied in the draft Declaration now before the United Nations. The legitimacy of that Declaration, and of the demands it enunciates, rests on the fact that it was prepared by an expert body of the United Nations composed of states' representatives. The challenge that the indigenous movement poses to the state is legitimated by the states it challenges. While recognition gives indigenous peoples' demands legitimacy, recognition and legitimacy do not result in concrete gains. This has been demonstrated in Central and South America where, since 1987, the constitutions of Mexico, Nicaragua, Columbia, Panama and Brazil have been amended to give formal recognition to indigenous peoples and to acknowledge their rights. Despite formal recognition there is a continuing gap between written law and actual practice in all of those countries. In reference to the situation in those states Marie Leger observed

...indigenous organizations everywhere have the same difficulty enforcing respect for their legal gains. The lack of political will makes it difficult to apply official texts.⁶⁴

The link between recognition and concrete action to improve indigenous peoples'

conditions and assist them in achieving their goals is tenuous. A lack of political will in the face of competing interests, such as that witnessed recently in British Columbia with respect to the Nisga'a treaty negotiations⁶⁵, may serve to undermine the cooperation necessary to create the concrete gains implied by official recognition. The apparent gap between rhetoric and reality, or between written law and actual practice underscore the fact that long after recognition has been granted the indigenous movement remains dependent on states' cooperation for success.

Within the state, government can not overtly attempt to limit indigenous peoples' political activities, or influence their organizations, without being accused of attempting to coopt them. This has been illustrated in relation to the formation of the WCIP and the Canadian government's acquiescence in that matter. And governments gain legitimacy from appearing to be responsive to indigenous peoples' demands. The power of the state to resist those demands is being eroded as indigenous peoples' participation at the national and international levels brings wider support for the principles embodied in their rights. Governments are increasingly finding it necessary to address indigenous peoples' concerns rather than suppressing their resistance. This has been seen recently in Mexico where the government has become involved in negotiations with the Zapatistas following last year's uprising in Chiapas.⁶⁶ On the other hand, as has been demonstrated, there are indications that governments do attempt to limit the challenge presented by the indigenous movement through the provision of funds.

The indigenous movement and its organizations pose a challenge to the state, a challenge which the state attempts to counter. Funding is one method through which the

state can influence the structure and direction of indigenous organizations and limit the impact of their activities. However, the influence of the state through its provision of funds and its control over the criteria for the disbursement of those funds is to some extent limited. While funding has affected their organizations and activities it has not altered the goals of indigenous peoples for self-determination and self-sufficiency. The greatest obstacle to achieving those goals is nevertheless presented by states. Ultimately if indigenous peoples are to be successful in bringing about the changes necessary to reach their goals they must have the cooperation of the states they challenge. That cooperation is hesitantly given and may be undermined when in competition with more readily accepted political and economic interests.

- ENDNOTES -

1. James S. Frideras, *Native Peoples in Canada*, pp. 318-9. Willetts, *Pressure Groups in the Global System*, pp. 187, 194.
2. Frances Fox Piven and Richard A. Cloward, *Poor People's Movements: Why they Succeed, How they Fail*, New York:Pantheon Books, 1977, pp. xi-xii.
3. Chris Tennant, "Indigenous Peoples, International Institutions, and the International Legal Literature from 1945-1993" in *Human Rights Quarterly*, Vol 16, 1994, pp. 32-3.
4. Walker, *One World, Many Worlds*, p. 113. Woods, *Asia-Pacific Diplomacy*, p. 15.
5. Esteva, "Regenerating People's Space", p. 271-3.
6. Originally the head office of the WCIP was housed in space provided by the NIB. In 1976 both George Manuel and Marie Marule, who had been head of the Secretariat, left the NIB. Marule had accepted a position with the University of Lethbridge in Alberta and when the University agreed to provide space for it the head office of the WCIP moved with her. By 1984 the WCIP again moved the Secretariat to Ottawa where it was felt the organization would be more accessible and closer to the international community. See McFarlane, *Brotherhood to Nationhood*, p. 231, and IWGIA, "Report of Jose Carlos Morales, WCIP President" in *IWGIA Newsletter*, No 40, 1984.
7. Ossie Cruse, "The Future of the WCIP Secretariat" presented to the Executive Council Meeting, November 12-16, 1984.
8. Ibid.
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10. The Programme Support agreement between the WCIP and CIDA for 1994-1995 indicates that the projected income from indigenous organizations expected by the WCIP was \$100,000 out of a total budget of \$1,400,000.
11. World Council of Indigenous Peoples, *Tri-Annual Report*, JULY 1987 - JULY 1990, pp. 29-30.; Rodrigo Contreras, personal interview, October 10, 1995.
12. Jim MacDonald, "World Conference", p. 28.
13. Peter McFarlane, *Brotherhood to Nationhood*, pp. 243-4. IWGIA, "The World Council of Indigenous Peoples: Third General Assembly" in *IWGIA Newsletter*, No. 27, June 1981, pp. 3-9.

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19. WCIP, *Report of the Fifth General Assembly*, Lima, Peru, July 11-16, 1987, pp. 1, 11.
20. WCIP, *Tri-Annual Report*, 1987 - 1990, pp. 8-9.
21. Ibid, pp. 10, 19.
22. Ibid, p. 11.
23. Ibid, p. 12.
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26. Ibid, p. 19.
27. First Nations Consultants, *Final Report*, p. vi.
28. Rodrigo Contreras, personal interviews, November 23, 1994, October 10, 1995.
29. Rodrigo Contreras, personal interview, Oct. 10, 1995.
30. WCIP, *Report of the Fifth General Assembly*, p. 13.
31. WCIP, *Tri-Annual Report*, 1987 - 1990, pp. 20, 25-6.; *Agreements between CIDA and WCIP for Indigenous Programme Support*, 1989/90, 1990/91, 1991/92, 1992/93, 1993/94, 1994/95.
32. CIDA, *Women in Development: CIDA Action Plan*, Hull, Quebec:CIDA, 1986, pp. 1, 3-7.

33. Agreement between CIDA and WCIP for Programme Support 1990/91, Reasons For Support, Annex A, p. 4.
34. Hayden Burgess, personal interview, October 1994.
35. Rodrigo Contreras, personal interview, October 10, 1995.
36. Rodrigo Contreras, personal interview, September 1994.
37. WCIP, *Tri-Annual Report*, 1990 - 1993, p. 12.
38. McFarlane, *Brotherhood to Nationhood*, p. 261.
39. Cranford Pratt, "Canadian Development Assistance: A Profile" in Cranford Pratt ed., *Canadian International Development Assistance Policies: An Appraisal*, Montreal:McGill-Queen's University Press, 1994, p. 4.
40. Agreements between CIDA and WCIP for Programme Support, 1992/93, 1994/95.; Rodrigo Contreras, personal interview, October 10, 1995.
41. This information is taken from the agreements between CIDA and the WCIP for those years. Figures for 1993 are not available.
42. Agreements between CIDA and WCIP for Programme Support, 1989/90, 1992/93. Rodrigo Contreras, personal interview, October 10, 1995.
43. Pratt, *Canadian International Development Assistance Policies*, pp. 334-63.
44. WCIP, *Tri-Annual Report*, 1987-1990, pp. 17-20, 28.
45. Brian Tomlinson, "Development in the 1990s: Critical Reflections on Canada's Economic Relations with the Third World" in Jamie Swift and Brian Tomlinson eds., *Conflicts of Interest: Canada and the Third World*, Toronto:Between the Lines, 1991, p. 51.; CIDA, *Elements of Canada's Official Development Assistance Strategy*, pp. 27-31.
46. CIDA, "Programme Support 1989-1990".
47. CIDA, "Programme Support 1994-1995".
48. Ibid.
49. Ibid
50. CIDA, "Programme Support Agreement 1994-1995". WCIP, *Tri-Annual Report, 1990-1993*, p. 5.
51. Ibid.

52. Ibid.
53. WCIP, *Charter*, p. 1.
54. Agreement between CIDA and WCIP for Programme Support, 1994-1995, p. 4.
55. Rodrigo Contreras indicated that representatives of the WCIP participated in these meetings and it is through their efforts that the fund was extended to include the Caribbean region. The WCIP will not be eligible to receive funds from the IPF but the creation of the fund could affect a large portion of their membership. Contreras, personal interview, October 10, 1995.
56. Lydia van de Fliert, ed., *Indigenous Peoples and International Organizations*, Nottingham, England:Spokesman, 1994, pp. 137-8.
57. Ibid.
58. Ibid.
59. Ibid, pp. 138.
60. Ibid, p. 138.
61. Rodrigo Contreras, personal interview, October 10, 1995.
62. Aparicio, "Indigenous Peoples in Rio", p. 28.
63. UN, Earth Summit Agenda 21 UN Programme of Action from Rio, New York:UN Department of Public Information, 1993, pp. 227-29. "The development dilemma: Sustaining resources, improving livelihoods" in *UN Chronicle*, June 1993, p. 46.
64. Leger, *Aboriginal Peoples*, p. 159.
65. See for example, Ross Howard, "Harcourt lukewarm to Nisga'a agreement" in *The Globe and Mail*, Wednesday, February 14, 1996, p. A5.
66. "Mexico releases suspected Zapatistas" in *The Globe and Mail*, October 28, 1995.

Conclusion

The indigenous movement emerged out of the broader social and political changes initiated by the process of decolonization, and developed during the 1960s. The politics and process of decolonization brought to the international agenda a new concern for the right to self-determination and the issue of discrimination. Indigenous peoples became connected to those issues through the concept of internal colonialism, a connection which heightened public awareness of their concerns, added a new legitimacy to their demands, and fuelled their political activism and resistance.

From its roots in the activism and social unrest of the 1960s and early 1970s, the indigenous movement has become a global political movement. For more than fifteen years indigenous peoples have participated in politics at the world level. Their participation is a reflection of the changing nature of world politics which is increasingly viewed in terms of the interconnections, transnational relations, and new prominence of non-state actors characteristic of globalization. Through the fora provided by the United Nations, as well as many created outside of that institution, indigenous peoples pursue international recognition of their rights. They seek international solutions to domestic problems as subjects of international law, and have added their challenge to state sovereignty to those posed by other social movements, international non-governmental organizations and international human rights law.

The extent of the indigenous movement is evident in the number of political organizations they have created to represent their interests at the local, national, regional and international levels. This thesis has focused on the World Council of Indigenous

Peoples as one expression of that movement. Although the WCIP is but one expression of a global movement, and was developed out of the particular experience of indigenous peoples in one state, an examination of its formation and structure allows some insight into how the movement is organized and the difficulties indigenous peoples face when attempting to create and maintain an international organizational presence.

The WCIP was formed to bring together indigenous peoples from different cultural and political backgrounds in pursuit of common goals. It was believed that unity and common action would strengthen the position of indigenous peoples when dealing with states, particularly at the international level. Where the organization has pursued human rights issues as they pertain to all indigenous peoples this has indeed been the case. However, within the WCIP the diversity represented by its members has created problems in relation to membership and representation and made agreement on some issues difficult, most notably in the areas of organizational and constitutional change.

The problems which result from its members' diversity have been exacerbated by the organization's structure. The WCIP's membership and voting rules, and its regional orientation encourage a parochial approach to some issues. At times these problems have been heightened by the political and conceptual differences which exist both within and between regions. Nevertheless, the organization's internal difficulties do not inhibit its international activities. In the international arena the goals of indigenous peoples are pursued by the WCIP with the unanimous support of all its members.

The WCIP has played a positive role within, and on behalf of the indigenous movement. The creation of the organization in 1975 redefined many indigenous peoples'

concept of possibility. The founding of the WCIP indicated to indigenous peoples that they could participate in international politics and have a voice at the world level, even while they were denied one within their own states. It also showed that it was possible for indigenous peoples to gain the recognition necessary for participation within the UN, an organization which had formerly been closed to them.

Since its creation the WCIP has succeeded in bringing together indigenous peoples from diverse backgrounds to work together in pursuit of common goals, and in doing so has strengthened their position and increased the political significance of their demands. The WCIP has helped indigenous peoples to establish and strengthen their political organizations at both the local and regional levels, and has contributed to the development of indigenous communities. It has provided many indigenous peoples with a voice in world politics which they might otherwise not have had.

Through the UN Working Group on Indigenous Populations the WCIP has contributed to the drafting of standards on indigenous peoples rights, and its participation within the United Nations is not limited to that forum. WCIP representatives have participated in a variety of international fora and have been called on to provide expert advice to both the UN Commission on Human Rights and the International Labour Organization. The organization has played a diplomatic role on behalf of indigenous peoples and in doing so has helped to protect as well as promote their rights. As mentioned previously, WCIP representatives fulfilled that role in Nicaragua where they were consulted by government on principles of indigenous rights and values.

The presence and activities of organizations such as the WCIP indicate that

indigenous peoples can and do actively participate in the international political arena.

Nevertheless substantial obstacles to truly effective action, in terms of bringing about the changes necessary to achieve their goals of self-determination and economic self-sufficiency, remain. Those obstacles arise out of the relationship between the indigenous movement and the state. Although the indigenous movement challenges the power and authority of the state it must also work within the existing state system, and is ultimately dependent on the cooperation of the states it challenges to achieve its goals.

The most obvious obstacle to effective action on the part of indigenous peoples is funding. The indigenous movement is essentially a poor peoples' movement and must depend on outside sources to fund its organizations and activities. In many instances the state has become a primary source of those funds. The state's control over resources and the criteria for their disbursement allows it considerable influence over the organizations and activities which are dependent on them. The extent of that influence has been demonstrated in the structural and functional changes initiated by the WCIP after 1984.

This influence is also exerted in more subtle ways, in what the state will or will not fund. The study of the WCIP indicates that government is most willing to fund those activities which support its goals. Funding for projects such as socio-economic development which is tied to foreign policy objectives is most easily obtained, while support for the organization's other activities is more difficult to find. It may be supposed that CIDA's allowances for support of the Secretariat, considered generous by the WCIP, are directly related to the extent to which an organizational presence is considered necessary to carry out those programs it finds useful. Certainly there is a lack of support

for political advocacy, where indigenous peoples most directly challenge the state. Selective or insufficient funding, as seen in relation to the Kari-Oca Conference, is one way to limit the effectiveness of indigenous peoples' international action.

Another obstacle to effective action is participation. Indigenous peoples seek increased participation in international fora dealing with issues which may concern or affect them and consider it essential to the protection of their interests. Indeed, increased participation in decisions which affect them is considered an element of self-determination. However, indigenous peoples' participation is often invited when it is most advantageous to others to do so, for example where that participation increases the legitimacy of an agency's actions or findings. And increased participation may result in little more than rhetorical support for indigenous peoples' goals. The indigenous perspective is often included in statements such as Chapter 26 of the UN's Programme of Action for Sustainable Development, which may have moral force but is neither binding on member states nor legally enforceable. In such cases the extent to which the principles enunciated are actually upheld in practice may depend on the state's concern for its international reputation and how that is affected by non-compliance.

If the achievement of its goals is considered a measure of the effectiveness of the indigenous movement's international action, its ultimate dependence on the cooperation of the state must be considered its greatest obstacle. As indicated above, it is exceedingly difficult for indigenous peoples to turn international recognition into concrete domestic gains. Within the state even legal recognition affords indigenous peoples little certainty. There is often a gap between written law and actual practice which negates any gains

implied by that recognition.

The states now confronted by the indigenous movement's demands for recognition of their rights and cooperation in achieving self-determination and economic self-sufficiency, were founded on principles which resulted in indigenous peoples' marginalization. For generations those principles have been upheld in law and reflected in aboriginal policies and administrative control. In the international arena states counter indigenous demands with their own concerns for territorial integrity and sovereignty. Their interest appears to lie in maintaining, as far as possible, the status quo. States may seek domestic solutions to the problems they are now presented within the existing framework, while indigenous peoples find that those solutions must begin with changes to that framework. The cooperation of the state now sought by the indigenous movement is hesitantly given and may be undermined by a lack of political will in the face of competing and more readily accepted political and economic interests.

Despite the obstacles they face indigenous peoples will continue to act in the international political arena. International participation offers them a way of increasing the political efficacy of their demands. Continued action in a changing international political environment may yet help indigenous peoples to realize their goals.

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WCIP. "Charter of the World Council of Indigenous Peoples".

VITA

Surname: Duquette

Given Names: Deidre Cynthia

Place of Birth: Regina, Saskatchewan, Canada

Educational Institutions Attended:

University of Victoria

1990 to 1996

Camosun College

1988 to 1991

Degrees Awarded:

B.A.

University of Victoria

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Author



Deidre Cynthia Duquette
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