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A Two-edged Sword: A perspective from Indigenous peoples

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1. Introduction

The focus of this chapter is the phenomenon of globalization as a contemporary manifestation of a long historical process of expansionism, in which tensions between the contested mandates of expansion and accumulation has been in constant interplay with the world's indigenous peoples. As Maaka and Andersen state, "the social, political and economic framework of Indigenous collectivities is irreducibly framed by past colonial experiences that have further been refined and entrenched by subsequent nation-building projects". These experiences have their origins in the legal and political discourses and debates which legitimated centuries of war and dispossession in the name of wealth, power and the building of empires. Taking this as a starting point, the aim of this chapter is to explore the dialectic relationship between indigenous peoples and the transformation of the state under the aegis of globalization. Two key themes underpin this discussion. The first is the processes by which the early imperialist endeavour saw sovereign indigenous peoples within resource-rich lands and territories either eradicated as much as possible or recast as dependent populations within nation states. The second concerns the strategies of resistance that indigenous peoples have employed, the impact of these strategies on the shaping of world order, and the ambiguities of the state responses in this present postmodern moment. It is suggested that the collective movements of indigenous peoples at the bottom-up and top-down levels may ultimately bring about new possibilities for deepened democracy and more inclusive political formations.

Issues of definition

Attempts to define indigenous peoples are fraught with complexities. Early attempts at definition within the UN system, such as those developed by UN Special Rapporteurs Cobo (1983) and Daes (1994) have given way to attempts to identify rather than define. This approach is described as "Self-identification as indigenous peoples at the individual level and accepted by the community as their member, historical continuity with pre-colonial and/or pre-settler societies; strong link to territories and surrounding natural resources; distinct social, economic or political systems; form non-dominant groups of society; resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities" (UN Permanent Forum on Indigenous Issues factsheet 2006). Definitions within the conventions of international law have also changed over time. The usefulness of these definitions within international laws and conventions is that they embed the human rights of indigenous peoples within international law. However they are also contentious in their interpretation. States which recognise the existence of indigenous peoples adopt their own definitions, many of which are politically driven. In other situations, indigenous peoples receive no recognition by the nation states in which they reside, a fact which not only renders the task of estimating the numbers of indigenous peoples in the world difficult but also masks the continuing injustices, abuse and genocide experienced by millions of indigenous peoples.

In the literature pertaining to indigenous peoples, the terms 'indigenous peoples' and 'indigenous nations' are used interchangeably at times and quite distinctly at other times. The concept of the 'nation' is, of course, highly contested. Benedict Anderson (1983), for instance, referred to the

nation as an 'imagined community'. Ernest Gellner, in the same year, called it an 'arbitrary historical invention, As Castells (1997, p. 29) points out, both conceptualizations highly inadequate. The historical record, he affirms, seems to belie the notion of the nation as "a purely ideological artefact constructed through arbitrary manipulation of historical myths by intellectuals for the interests of social and economic elites". In his view, any discussion of contemporary forms of nationalism must account for nations being "historically, and analytically, entities that are independent of the state", not limited to the Westphalian nation state model constituted originally in Europe and replicated in the decolonization process of the mid-twentieth century, not necessarily an elite phenomenon and in fact often a reaction against the global elites, and finally, tending to be more cultural than political (Castells, 1997, pp. 30-31).

From an indigenous point of view, the ascription of 'nationhood' to indigenous groups also denotes political and economic sovereignty over traditional indigenous territories as well as the right to determine their own citizenship and to maintain their distinct cultural traditions, languages and forms of knowledge. In my own work, use of the term 'indigenous nations', gives emphasis to the desire to regain or retain political and economic sovereignty over land, resources, as well as the retention of cultural integrity. More commonly, the term 'indigenous peoples' refers to those who self-define as having verifiable aboriginal descent, who belong to a recognised group who originally had sovereignty over their own traditional territories, who endeavour to retain their distinctive traditional knowledge, languages and cultures, and who retain their distinctive cultural, social, and political identity. The difference in meaning lies in the nuances between 'sovereignty', defined in international law as both territorial and internal, and 'self-determination'.

The right to self-determination is one of the most contested principles of world order. It is inarguably the primary goal of indigenous peoples and the most critical issue in indigenous peoples-states' relationships. The origins of the concept of self-determination are generally contextualized in terms of Enlightenment ideas of popular sovereignty and representative government such as those articulated by Locke and given expression in Western Europe and the US, in which ethnic issues were not taken into account (Musgrave (1997). In contrast, the Central and Eastern European concept of self-determination that developed with nineteenth century nationalism was based on collective rights and ethnic and cultural identity. The idea of self-governing nations determined on the basis of ethnic and linguistic criteria was seen as reaching fulfilment in the concept of 'true' nations as possessing an inherent national character and their own unique mission to fulfil. This view of self-determination as including collective rights most closely resembles that sought by indigenous peoples yet this approach is broadly regarded in the western world as exclusive and particularistic, threatening the hard-won concept of individual rights (1997, p.6). The principle of collective rights is foundational in all endeavours by indigenous peoples to achieve forms of self-determination, yet the tension between individual rights and collective rights is one of the key problematics in indigenous peoples-states relationships.

I begin this chapter by locating indigenous peoples within the historical processes of de-territorialisation and re-territorialisation and the accompanying development of international law, processes that ultimately saw indigenous peoples transformed from sovereign independent peoples and nations with the rights that accrue to such status, to dependent populations to be governed, populations, who exist within and across the fluctuating boundaries of nation states in a global world order. The changes that have occurred to the nation state under the aegis of globalization have impacted indigenous peoples in profoundly important ways. A broad scoping of these impacts is preceded by a commentary on the contemporary state of indigenous peoples in

the world today. Indigenous peoples have been far from passive victims in this process but have developed well-honed strategies of resistance. In emphasising the unfolding of bottom-up political action as a collective and inclusive movement involving indigenous peoples, the final section also highlights some of the ambiguities that characterise the present moment. Here I draw attention to the popular election of an indigenous leader of a nation state, note the potential challenge to indigenous aspirations from new expanded state formations and the transformative impact of increased indigenous collectivising in the national and global arenas.

2. Conquest and Accumulation

Columbus's 'discovery' of the Americas in 1492 had two profoundly important impacts. Firstly, it provided the impulse for European expansionism into the Americas, and secondly, it saw the initial legal recognition of the sovereign nation status of the indigenous peoples who inhabited those lands. The Bull 'Inter Cetera Divini' of May 4, 1493 which referred to the "certain remote islands and also mainlands" discovered by Columbus, included the crucial acknowledgement that "these nations living in the said islands and lands believe that there is one God and one Creator in the heavens" (cited Morris, 1992, in Jaimes, n.d.), considered by legal advocates of the time to be a precondition for sovereign nationhood. In the context of the imperative for accumulation however, the sovereignty of indigenous nations represented an unconscionable barrier particularly in such cases where such expansion was not readily welcomed by the long-existing inhabitants. Thus within 50 years of Columbus' visit to the Americas, the right of conquest over indigenous nations by Christian nations became the subject of widespread and intense secular and religious debates over the humanity or otherwise of the indigenous peoples of the Americas and accompanying rights. In the acrimonious debates over the right to possess, legal arguments that affirmed the inherent sovereign right of indigenous nations "to govern themselves" and the illegality of Spanish dispossession of indigenous nations of their land were over-ridden by the desire for expansionism, and the control of mineral wealth.

The findings of the Council of the Indies established in Spain in 1550 to determine the moral and legal rights of discovery foreshadowed the conviction of Christian/European superiority that underpinned the establishment of world order and international law. Underpinning these findings were Aristotelian notions of slavery as the natural state of the American Indians and the notion of the Just War as applied to the indigenous peoples of the Americas. The right to win souls became the justification for waging war on indigenous peoples who resisted conversion and the seizure of their lands. In England, the 'Just War' doctrine was extended on the basis of an Elizabethan Protestant doctrine that declared the English to be in covenant with God to bring 'true' Christianity to 'heathen natives'. By the middle of the sixteenth century, conquistadors had killed 15 million natives in South and Central America (Wilmer, 1993, p. 95). By the end of the sixteenth century and the formation of the US government, "87 per cent of the native population had already been destroyed". The US government itself was directly responsible for a further reduction of 85 per cent of the remaining population (Gabbard, n.d.).

The Enlightenment and the rise of its corollary, capitalism, established the acquisition of territory and resources as the rationale for capitalist expansion. Lockean ideologies that linked Christianity with trade and were underpinned by notions of an overriding right to profit continued as a dominant motif throughout the era of modernity. In the empiricist tradition, the influence of Hobbes and Locke saw the natural law function of protecting the common ownership of land and its produce transformed to protection of "the freedom to act, trade and to own property" (Tourraine, 1995, p. 49). These justifications linked modernity and Enlightenment to the expansion of 'civilisation' across the face of the earth. Lockean distinctions between different

types of indigenous societies and which were based on a 'natural law' duty to till the soil ultimately became the basis for denying indigenous peoples of land rights and status as either nations or states subject to international law.

Legal norms and discourses that defined relationships between indigenous peoples and states within internally colonised territories played a key role in the reconstruction of indigenous peoples' status from sovereign nations to dependent populations. John Westlake's *Chapters on the Principles of International Law* (1894), for instance, distinguished between 'civilised and uncivilised humanity' and deemed international society to be limited to the civilised. Similarly in 1924, W.E. Hall's *A Treatise on International Law* declared international law to be a product of the special civilisation of modern Europe, taking for granted the exclusion of indigenous peoples from international law as "such states only can be presumed to be subject to it as are inheritors of that civilisation" (cited Anaya 1996, p.21). Then as now, Western definitions of civilisation that were used to evaluate non-western polities defined a 'civilised' state according to such practices as "freedom of traffic, guarantees of the life and liberty of foreign nationals, the egalitarian application of law, acceptance of European international law including the rules of war, and the maintenance of continuous diplomatic relations with other members of the system" (Gong, 1984, p. 32).

Foucault's work on governmentality usefully demonstrates the relationship between the emergence of the problematic of government in the period between the sixteenth and eighteenth centuries and the exercising of new technologies of power that developed in conjunction with the scientific and technological inventions of the seventeenth and eighteenth centuries (Foucault, 1991). These techniques of power relied for their effectiveness on discursive and disciplinary strategies and were indispensable in the controlling of 'populations', a category which emerged in the sixteenth and eighteenth centuries as part of the 'problematic' of governance. The emergence of the notion of population occurred in a way that *"interconnected the science of government, the recentring of the theme of the economy … and the problem of population"* (1991, pp. 98-99). The introduction of the economy into political practice was seen as the essential aspect of good government. As Foucault notes, "the very essence of government – that is, the exercising of power in the form of economy – is to have as its main objective what we are today accustomed to call *'the economy'* (p.92). In the mercantilist societies of Europe from the sixteenth to eighteenth centuries, the ability to accumulate wealth and power relative to other states was seen as the key factor in protecting the economic and territorial integrity of states.

The conjuncture of reified constructions of the state as the signifier of modernity arising from nationalism, and positivist interpretations of international laws in the late nineteenth and early twentieth centuries culminated in the exclusion of indigenous peoples from the international legal system and the world system of sovereign nation states. The construction of indigenous peoples as 'populations' to be governed and controlled and ultimately integrated into mainstream society was inherent within an emerging body of international law and was given expression in the institutions of the international world order. New, frequently ambiguous legal instruments highlighted the inherently contradictory nature of international legal norms regarding indigenous peoples. The Mandate system established in the Covenant of the League of Nations (1919-1924) formalised the doctrines of wardship and trusteeship over indigenous peoples and their territories and thus confirmed the contracting out of indigenous peoples and nations from the new international order. Following the Second World War, the replacement of the Mandate system in the Charter of the United Nations (1945) with an expanded system of Trusteeship designed to include non-self-governing and trust territories, designated 'dependent countries' was as contentious as the negotiations that framed the Covenant of the League of Nations. The

humanitarian discourses and semi-religious language which framed the civilising mission of the trusteeship system masked the exploitation of indigenous peoples' resources and labour. Terms such as 'sacred trust' invoked the highest aspirations of liberal progressivism while constructing indigenous peoples as beneficiaries of their own exploitation.

The construction and assimilation of indigenous peoples as dependent minorities while exploiting their natural resources continued unabated in the post-Second World War reconstruction of the international order of nation states. Of the 40 per cent of the world's land status that was under the status of political dependence, the vast majority involved indigenous peoples' territories. The adoption by the International Labour Organization of ILO Convention 107 on Indigenous and Tribal Populations (1957) gave effect to the intent of assimilating and integrating indigenous peoples into the societies of states (Article 2 (1). The characterization of indigenous peoples as 'populations' within the language of the convention underlined the denial of the unique character of indigenous peoples as a distinct and ongoing grouping within international law. Although limited recognition was given to "indigenous peoples' collective and individual right of ownership over the lands that these populations traditionally occupy" (Article 12), the over-riding theme of Convention 107 was the gradual extinction of indigenous peoples as such" through the "progressive integration" of "indigenous individuals into national societies and economies (Venne, 1998, p.97). Its replacement with ILO 169 (1989), intended to remove the assimilatory nature of 107, substituted the term 'peoples' for the previously-used 'populations'. This, however, was carefully circumscribed by a clause that declared that '[t]he use of the term 'peoples' in this convention shall not be construed as having any implications as regards the rights which may attach to the term in international law', thus demonstrating that while the language had changed, the form remained the same.

3. The Contemporary Legacy

The vagaries of state definitions of indigeneity result in unreliable and contradictory statistical data regarding numbers and location of indigenous peoples in the world today. According to the United Nations, indigenous peoples today number approximately 360 million. The World Bank figure is approximately 250 million. The high discrepancy is indicative of the complex and contested context situation of indigenous peoples and masks the extent of the social exclusion and economic exploitation which indigenous peoples experience as reflected in all socio-economic indicators including health, mortality, and unemployment.

North America is home to approximately 2.5 million indigenous peoples. 31% of First Nations People in Canada report some form of disability, linked to high accident rates, poor housing, substance abuse, and chronic disease such as diabetes; compared to all other ethnic groups. Approximately 45 million indigenous peoples belonging to more that 400 different ethnic groups are spread throughout 24 countries of the Americas. As a population percentage, the figures vary from over 50 per cent in Peru, Guatemala, Bolivia and Ecuador, to between 5 and 40 per cent in Guyana, Belize, Suriname, El Salvador, Nicaragua, Panama, Mexico, Chile and Honduras and less than 5 per cent in Costa Rica, Guyana, Jamaica, Dominica, Argentina, Brazil, Paraguay, Venezuela, Canada, Columbia, and the United States. Far from improving the status of indigenous peoples in Latin America, the neoliberal transformations that have occurred in Latin America over recent decades have in large measure aggravated rather than improved the socio-economic status of Lain America's indigenous peoples. Although indigenous people comprise the majority in several countries and geographic areas, 40% lack access to conventional health-related services. Life expectancy among the Maya of Guatemala is 17 years shorter than for non-indigenous population groups. While it varies from state to state, life expectancy at birth for the

indigenous population of Mexico is estimated to be more than three years shorter than the rest of the population. Oaxaca, the poorest state of Mexico with a high population of indigenous peoples, has an infant mortality rate of 79%. In Peru, indigenous people are one-and-a-half times more likely to be poor and almost three times more likely to be extremely poor than non-indigenous people.

Large numbers of indigenous peoples are located in resource-rich regions, a fact which is the direct cause of the ongoing dislocation and not infrequent genocide of indigenous groups. Sami people living in Finland, Sweden, Norway and Russia and Inuit people who reside along the Circumpolar Arctic Coast are among the few recognised indigenous peoples in Europe. The average life expectancy at birth for Greenland Inuit men is only 60.3 years and the suicide rate among Greenland Inuits, 126/100 000. In the Russian Federation, the rate of deterioration in the socioeconomic and health status of the indigenous population of the extreme north-east has dramatically increasing in tandem with the increase in nickel mining, oil exploitation and commercial logging on traditional indigenous peoples' traditional lands, activities which are polluting their traditional territories, poisoning the flora on which they and the reindeer herds depend for sustenance, and diminishing the land available for reindeer herding.

In parts of South-east Asia and Africa, displaced indigenous peoples are unrecognised as anything other than local tribes, again masking injustices and abuses against indigenous peoples. The execution in 1995 of Ogoni author Ken Saro Wiwa was legitimated on the basis of treason against the state, his sole crime having been to present the case of the Ogoni people who were protesting the destruction and devastation of their lands by Shell Oil to the United Nations (Barsh, 1999, p.1). Asia has approximately 150 million indigenous people, of whom 67 million reside in China. Most Asian states, other than Japan, do not recognize any claims of indigenous peoples. China has over 50 indigenous groups which make up 7 % of the population. Yet according to the Adviser of the Chinese delegation to the 1997 debate on the UN Draft Declaration on the Rights of Indigenous Peoples, China has neither indigenous issues nor indigenous peoples (Embassy of the Peoples Republic of China in Switzerland, 1997).

Although recognition within international law of indigenous peoples' human rights within nation states has been a slowly-evolving process, important positive changes in legal international norms and conventions have developed as a direct result of the international lobbying by indigenous peoples and their allies. Notable are the establishment in 2002 of the UN Permanent Forum on Indigenous Issues and the ratification in June 2006 of the UN Draft Declaration on the Rights of Indigenous Peoples (1995) by the newly-appointed UN Human Rights Council (replacing the former UN Human Rights Commission). Significant as these developments are, the contested nature of the processes highlights critical tensions between indigenous peoples and states that coalesce around interpretations of state sovereignty and indigenous self-determination on the one hand, and the struggle for control over natural resources, on the other.

The transformation of the state

That the relationship between the role of the state and its relationship to political and economic globalization has undergone a significant restructuring is unquestioned. It is the nature and impact of this restructuring that is contested. Neoliberalists claim that globalization signals the end of the nation state and a shift to a borderless world (c.f. Ohmae (1996). Others argue that while globalization has seen changes in the role of the state, the state has always acted as an agent of capital and this role is far from diminished (c.f. Panitch, 1997). Nonetheless, globalization has undoubtedly diminished state sovereignty across a wide range of arenas which include welfarism, environmental regulation, the provision of services, economic and foreign policy, trade, security and militarism.

In the context of indigenous peoples' aspirations for self-determination and self-governance, changes to the role and functions of the nation state have important and varying implications and consequences. Through all the various phases of imperialism and colonization, indigenous peoples have consistently sought means by which to resist and counter their oppression and assimilation. Challenges to the legitimacy of colonizing states are predicated upon the reassertion of indigenous sovereignty, of customary rights over their lands and territories, the development of a politics of indigeneity, and the re-articulation and re-centring of indigenous knowledge forms and worldviews. In the 1980s and 1990s, these strategies played a major role in the redefining of indigenous peoples-states relationships.

The increasing influence of new forms of liberalism during the 1990s had a proscribing influence that shaped these relationships in frequently problematic ways. In some internally-colonized countries such as New Zealand, Canada, and the US, treaty settlements framed within discourses of restitution and reconciliation are seen as providing indigenous peoples with the means of self-development and the re-establishment of a level of social and economic, if not juridical, autonomy. In Aotearoa New Zealand, the resurgence of Maori[i] activism across multiple arenas in the late 1970s and early 1980s was directly responsible for a raft of state initiatives centred mainly on the settlement of historical grievances dating back to the signing of the Treaty of Waitangi between Maori tribes and the British Crown. The underlying aim was the re-incorporation of Maori within what was rapidly becoming a neoliberal state. The main driving force for this response by the state was the recognition that unless new relationships were developed with Maori and a way found for key aspects of their demands to be met, the challenge by Maori to the legitimacy of the Crown would not only undermine investment confidence, it would actively inhibit the ability of the state to carry out its business (Fleras and Spoonley (1999).

Parallel processes have occurred in Canada where some Aboriginal nations, such as the Nisga'a of British Columbia, have successfully re-negotiated relationships and treaty settlements with the Federal or Provincial Governments. In what Tully (2000, p. 50) describes as "the first success of strategies of extinguishment and incorporation by agreement" the Nisga'a Nation were granted Aboriginal title in the form of an estate in fee simple with certain proprietary rights over the remaining 7 per cent, some rights with respect to trap lines, wildlife and migratory birds outside this area and the right to pay taxes and receive citizenship entitlements to training in return for a voluntary relinquishment of 93 per cent of their traditional territories, the right not to pay taxes, and a compensatory settlement sum of approximately $200 million . In return, the Provincial Government of British Columbia achieved the complete extinction of Aboriginal title over 28,751 square kilometres of Nisga'a traditional territories and acquired over $1 billion of foreign investment that had been waiting in the wings.[ii] Meanwhile Canada's Aboriginal peoples continue to suffer extreme disparities in the areas of family income, educational outcomes, health, access to economic opportunity, housing conditions and all other social indices, than other Canadians (Stavenhagen, 2005).

The growing recognition of indigenous peoples' rights has been accompanied by increased retrenchment and resistance on the part of some states, particularly since the rolling back of the welfare state and the advent of neoliberalism. In Australia, the refusal of the Australian government to allow a UN Human Rights Commission investigation into its inhumane treatment of Aboriginal peoples including its policy of mandatory imprisonment for petty crimes was justified on the basis of "foreign policy and democracy" (Brace, 2000). The New Zealand government's response to the undoubted political, economic and cultural achievements by Maori in the past two decades has been to extinguish Maori customary rights to the foreshore and

seabed in 2005, to vociferously oppose the passing of the UN Draft Declaration within the UN Human Rights Council in 2006, and in June 2006, a proposal to remove the principles of the Treaty of Waitangi from all statutes and statutory body requirements. In many areas of the world, indigenous peoples continue to experience forced dislocation, ongoing exploitation, destruction and loss of traditional means of cultural, social and economic survival, and unacceptable levels of poverty and sickness despite the significant advances made within international law regarding indigenous peoples' rights.

The new postmodern state

Cooper (2002) proposes that the kind of the world we have depends on the kind of states that compose it. His proffered solution to the global crisis is the development of 'postmodern imperialism' represented by a new configuration of states, "postmodern state which embodies the ideals of openness and transnational co-operation and is "the ultimate consequence of the open society" (1998, p.42). Two extended state structures demonstrate the shift towards a postmodern or imperial state. One is the European Union (EU) model, described as 'the most developed example of a postmodern system" (Cooper 1998, pp.10-18), the other, a North American Community proposed by the Council for Foreign Relations (CFR) Task Force and preceded by the development of the Security and Prosperity Partnership of North America (SPP).

The twin principles of the EU model described by Cooper are transnational co-operation and openness pertaining largely to issues of order and security. Its key characteristics are mutual interference in traditionally domestic affairs coupled with mutual surveillance; the breaking down of the distinction between domestic and foreign affairs; the growing irrelevance of borders; and the rejection of force for dispute-solving. The ultimate end-product of this process is "the freedom of the individual; first protected by the state and later protected from the state", a stark contrast to the concept of collective rights which characterises indigenous peoples' political, social and economic formations and aspirations. Here the sovereignty of the nation state has been superseded by regional sovereignty. In this 'more highly developed' form of state, the defence of regional borders against the nationalisms of those 'less developed' is paramount (Cooper, 1998).

The hallmarks of the proposed North American Community roadmap are again, security, and economic prosperity. The SSP international framework for trilateral and bilateral cooperation between Canada, the US and Mexico announced in March 2005 is designed to strengthen North American competitiveness particularly in the face of increased competition from China, India and the EU. The twin agendas of national security and economic prosperity are supported by three key principles: "improved security from external threats to North America; strengthened internal measures; and bolstered economic growth for the region as a whole, particularly in the face of increased global competition"(Ackleson & Kastner, 2005). The Council for Foreign Relations however has a more ambitious agenda, a North American Community to be achieved by 2010. Specific recommendations for achieving this include: a common security perimeter; a dispute tribunal; a review of previously excluded sectors of NAFTA; a North American energy strategy; the restructure and reform of Mexico's public finances; the full development of Mexico's energy resources, and a North American inter-parliamentary group (Council for Foreign relations, 2005). These new state formations have undoubted implications for indigenous peoples' aspirations to cultural autonomy, political and economic self-determination, and control over their own natural resources.

4. Resistance and opportunities

For many indigenous peoples, globalization is a two-edged sword. It has brought new measures for the undermining of indigenous achievements and aspirations, yet it also brings new opportunities for transformation. One of the most important developments in indigenous peoples'

responses to globalization is the emergence of 'global indigeneity' as pan-national, pan-regional counter-movement to new measures by states to limit definitions and rights of indigenous peoples. By such means, indigenous peoples collectively assert their own definitions of indigeneity and determine their own collective responses to nation states and to the institutions of global order. Strategies include pan-regional movements under the auspices of indigenous nationalist movements and the development of formal collective indigenous structures outside of the institutions of global order and nation states. The latter is exampled in a proposed treaty between indigenous nations of the Pacific Rim including Canada, Australia and Aotearoa New Zealand. The goals of the proposed treaty include the development of a structure for international cooperation between indigenous nations and the formulation of joint strategies and initiatives; the establishment of a framework for mutually beneficial and profitable trade and commerce between indigenous nations; the creation of rules and procedures of indigenous national diplomacy based on protocols that are grounded in the culture and traditions of indigenous peoples; and the prioritising of indigenous laws regarding cultural property (National Council of American Indians, 2004).

Latin America, the site of the most radical opposition to neoliberal restructuring in the past five years, has emerged as one of the strongest examples and symbols of hope for the indigenous sovereignty movement. Transnational indigenous advocacy and global indigenous activism which affirm cultural survival, self-determination, and land and resource rights play a key role in Latin America's highly effective indigenous movements. Historically, the indigenous peoples of the Americas have been among the world's most oppressed and exploited peoples. In Guatemala and Peru, indigenous peoples were the subjects of genocide and ethnic cleansing practised by 'democratic' and authoritarian regimes alike. In Chile, under Pinochet, the Mapuche Indians suffered violent repression and massive deportation. During the 1970s, the Reagan Administration's support of the Contras against the Sandinista leadership which promised autonomy to the indigenous people was the catalyst for the radicalization of Nicaragua's indigenous peoples. By the 1980s, the internationalization of the Guatemalan Mayan struggle and other Latin American indigenous movements saw indigenous Latin America become highly visible in the global community. In the 1990s, the Indian movements of Ecuador, Quechua, Mexico's Zapatistas, and the Aymara and Quechan peoples of Bolivia, and the awarding of the Nobel Peace Prize to one of Latin America's foremost indigenous women, Rigoberta Manchu, signalled new levels of indigenous engagement and visibility in Latin America which impacted on indigenous movements throughout the world.

Transformation and challenge in Bolivia

In Bolivia where some sixty per cent of the population is indigenous and government policies aimed at their assimilation into non-Indian society, political sovereignty and control over the land reform process have been key strategic discourses of the indigenous movement, spasmodically in the early 20th century and notably in the primarily Aymaran indigenous movement that developed in the 1960s. Since the 2003 indigenous uprising against the government over gas policy, indigenous movements and national-popular struggles have frequently converged. One of the long-lasting effects has been the institution of the controversial Popular Participation Law (1994) which provides legal recognition to both traditional indigenous organizations as well as popular forms of political organization. Here the concept of indigenous sovereignty is extended to include shared 'national patrimony' as cultural heritage (Albro, 2005). The struggle to control Bolivia's national resources including the right to grow coca leaf and to defend all natural resources including water and natural gas is fought on this basis.

The presidential inauguration in January 2006 of the indigenous leader of a nationally unified movement which is reclaiming control over Bolivia's natural resources, signals a new moment in the relationship between the nation state and indigenous peoples. After "500 years of Indian resistance", the election of Evo Morales, claimed to be the first indigenous president of a nation state, demonstrates the effectiveness of powerful collective actions from the bottom-up and strengthens the possibility of transformation for indigenous peoples throughout the world. It seemingly gives effect to the right of indigenous peoples to control their own natural resources, it appears to demonstrate the possibility for nation states to take a stand against the view that 'there is no alternative' to the globalisation of resources and the supremacy of transnational finance, and to open new possibilities for deepened, more inclusive forms of democracy. Yet there are also challenges to be faced which go to the heart of neoliberal economic policy. Two of Morales' key policy planks are economic prosperity and the re-nationalization of resources. Bolivia currently borrows about a quarter of its annual national budget from foreign sources. The IMF has recently moved to 'forgive' a large proportion of Bolivia's debt, incurred through the joint actions of US-backed governments and US-dominated international financial institutions. The conditionalities which attach to such a move and the limits of possible response are as yet unknown.

The development of new expanded state formations in the EU and North America and the extension of bilateral and trilateral agreements in the realms of trade and security potentially pose new and greater challenges to indigenous peoples' movements. At the same time, the unprecedented level of protest by a unified coalition of indigenous peoples and marginalized poor regarding fraud in the June 2006 presidential election demonstrates the significant possibility for the plans for a North American postmodern state to be unseated. The CFR's roadmap for a North American Community is contingent upon Mexico's full participation, possible only with a strongly right-wing government. The overwhelming support for the left-wing candidate in a presidential election skewed by both traditional and cybernetic fraud (the right-wing candidate's brother was hired to do software work on the electoral voting system), the misplacement of over 2.5 million votes, and the subsequent mobilisation of over 1.1 million protestors including indigenous Zapatistas, demonstrates a strong shift towards the collectivist socialist movements that are transforming some Latin American countries (Giordano, 2006). If successfully resolved, this shift could signal the demise of the proposed North American Community.

The outcome of these challenges to the neoliberal lobby by indigenous collectivist movements is yet to be determined. One thing, however, is clear; as the nation state undergoes transformation, so too, do indigenous peoples' movements and strategies. The transformative potential of indigenous peoples' movements within both nation states and new 'postmodern' states is far from diminished.

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[i] Maori is a generic term adopted post-contact to refer to the indigenous peoples of Aotearoa New Zealand.

[ii] '*A New Journey: The Nisga'a Treaty*'. Video Documentary by Lanyon Phillips BBDO, British Columbia