The Origins of the International Movement of Indigenous Peoples

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Abstract
The main objective of this chapter is to illustrate the way indigenous sovereignty was responded to differently by the international organizations of states at the beginning and at the end of the twentieth century. This contrast of the two responses includes discussion not only of what motivated indigenous activism in the League of Nations and later the United Nations but also of how these forums have responded differently to indigenous appeals for recognition of their sovereignty, control of their territory, and preservation of their cultural distinctiveness. The change in responses to indigenism over the twentieth century and a summary of the global changes that have produced it highlight the recent emergence of new forms and exercises of indigenous internationalism.

Keywords: League of Nations, indigenous activism, cultural distinctiveness, indigenous sovereignty, indigenous internationalism

The Recent Emergence of International Redress
It can be argued that relations between indigenous peoples and colonial powers have always been international, since the signing of treaties included a tacit or explicit acknowledgment that the original inhabitants of a territory were “nations,” to be dealt with through existing mechanisms of international negotiation, conquest, and secession of land and sovereignty through treaties. Only as the balance of power shifted in favor of immigrant peoples with a growing settler population, increased military power, and the decimation of indigenous populations through diseases of European origin was the status of indigenous peoples as nations reappraised and legally diluted. Thus, in one form or another, indigenous peoples came to be seen as minority groups inevitably to be assimilated (p.30) in the dominant society or marginalized by colonial strategies of displacement and “improvement” in the use of their territories.

This view of indigenous peoples was a major impediment to their ability to find redress of grievances against states that had failed to honor treaties and were intent on acquiring land and resources even in violation of their own laws and agreements. The self-evident futility of appealing to the courts and legislatures of the national governments committing such violations did not in itself lead to an internationalization of indigenous politics. There was a lack of awareness among indigenous groups of the widespread, almost global nature of the crises they faced, a situation that changed significantly only through an expansion of indigenous organizations and networks of communication between them in the 1960s and 1970s. Until the mid-twentieth
century there was also an absence of international forums to which such grievances could be addressed. The existence of the British Empire did create an opportunity for redress through appeal to the monarch in London; and, in fact, such initiatives were taken by Canadian Indians and the New Zealand Maori beginning in the mid-nineteenth century. Although these efforts did not lead to anything more than a polite hearing, as Minde (1996) points out, “they are nevertheless illustrative of the indigenous peoples' belief that they were not subject to the ultimate authority of the governments in their nation-states, but rather that the pattern of international relations—nation to nation—continued” (229).

The willingness and capacity of an international community of nation-states to take the first steps toward accommodating indigenous peoples' belief in their own nationhood, however, have developed relatively recently, mainly in parallel with the post–World War II elaboration of universal human rights. In this chapter I intend to consider a fragment or analytical sample of the history that involves the elaboration of “indigenous peoples” as an international legal concept and the participation of these peoples in the U.N. system. The particular case I begin with, an abortive appeal by a Six Nations representative to the League of Nations, serves to highlight the changes in the international community's approach to the rights of indigenous peoples that have taken place in the post-World War II human rights era.

(p.31) Deskaheh at the League of Nations, 1922–1924

The establishment of the League of Nations after World War I, with President Wilson's promise of self-determination for nations and the rights of minorities to protection, was the first real opportunity for international consideration of the rights of indigenous peoples. The ability of the League's Member States to deny unrepresented peoples access to the forum, however, was a major stumbling block that prevented effective indigenous lobbying at the international level. The most significant illustration of this limitation can be found in the pioneering international lobbying effort of Levi General Deskaheh, chief of the Younger Bear Clan of the Cayuga Nation and spokesman of the Six Nations of the Grand River Land near Brantford, Ontario. From 1923 to 1924, Deskaheh led an abortive but historically significant effort in Geneva to obtain a hearing at the League of Nations concerning a dispute with Canada over tribal self-government.

In September 1923, Deskaheh arrived in Geneva, set up lodging in the Hôtel des Familles, and, with the assistance of a lawyer representing the Six Nations, George P. Docker, proceeded to establish contacts with officials of the League of Nations. The grievance he sought to resolve was common to aboriginal peoples in Canada: the political turmoil and loss of sovereignty resulting from tribal governance under the Indian Act (see Canada 1981).

The Indian Act, first passed in 1876 and amended numerous times since (it is today still in effect), brought into existence a pattern of deputized “self-government” in the form of band councils, elected and functioning under the rules of the act. It was long guided by the notion, common among legislators and Indian agents, that Indian government, functioning within carefully defined limits, could have the benefit of “civilizing” the Indians while protecting them from the encroachment of settlers. Its objective was perhaps most succinctly expressed by Deputy Superintendent-General Duncan Campbell Scott in 1920: “Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department” (Leslie and Haguire 1978: 115). At the same time, the act was designed to destabilize or eliminate traditional governments less inclined to cooperate with federal initiatives, especially in the controversies surrounding land transfers and surrenders. The Indian Act of 1876, in a comparatively benign beginning, provided a voluntary opportunity for bands to elect chiefs and councils with powers to frame regulations in the administration of public health, control of “intemperance and profligacy,” prevention of trespass by cattle, maintenance of roads, bridges, and fences, construction of public buildings, and the location and register of reserve lands. These powers were extended in subsequent amendments to the act to include other, mostly trivial, local matters, such as the “repression of noxious weeds.” Through many of the early versions of the Indian Act, there was an implicit tension between the desire to assimilate Indians into
Canadian society through the provision of limited, “municipal” responsibilities and powers and an opposing concern about the extent of aboriginal autonomy and defiance exercised through their own leadership. The federal government’s answer to Indian reluctance to do its bidding was to add to the powers of the governor-in-council, a federal official responsible for Indian matters across the nation. An 1880 amendment to the act made it possible for the Department of Indian Affairs to impose an elected council on an Indian community, without regard for the existence of thriving “traditional” governments. This had the predictable effect of dividing reserve politics between state-supported elected councils and traditional forms of leadership with spiritually sanctioned authority.

By the time of Deskaheh’s campaign, the Six Nations had thus come to be divided between “modernists,” who supported Canada’s demands that a tribal government be replaced by an elected body, and “traditionalists” from the Council of Hereditary Chiefs, represented by Deskaheh, who opposed formal integration with Canada and stepped up the demand for full self-government. As Deskaheh 1923 expressed it: “The constituent members of the State of the Six Nations of the Iroquois, that is to say, the Mohawk, the Oneida, the Onondaga, the Cayuga, the Seneca and the Tuscarora, now are and have been for many centuries, organized and self-governing peoples, respectively, within the domains of their own, and united in the oldest League of Nations, the League of the Iroquois, (p.33) for the maintenance of mutual peace” (1–2). Colonel Andrew Thompson 1923, a commissioner sent to the Six Nations reserves in 1923 (probably in response to the international lobbying of the Six Nations Indians), reported to the Canadian government on the strength of the Indians’ commitment to self-determination: “The separatist party, if I may so describe it, is exceptionally strong in the Council of Chiefs, in fact it is completely dominant there. Its members maintain...that not being British subjects they are not bound by Canadian law, and that, in consequence, the Indian Act does not apply to the Six Nations Indians” (13).

The Six Nations had already, by the time Thompson was writing, been actively resisting the activities of the Royal Canadian Mounted Police, whose presence on the reserve, according to a 1923 statement by the Department of Indian Affairs, “has been for the purpose of suppressing illicit distilling and maintaining law and order generally” (Canada 1923: 14). In his petition to the League of Nations entitled The Red Man’s Appeal to Justice, Deskaheh (1923) understood an escalation of the police presence to constitute an “act of war upon the Six Nations,” intended to “destroy all de jure government of the Six Nations and of the constituent members thereof, and to fasten Canadian authority over all the Six Nations domain and to subjugate the Six Nations peoples, and these wrongful acts have resulted in a situation now constituting a menace to international peace” (6). In an earlier, unsuccessful petition to the League of Nations that he hoped would be conveyed through the Queen of the Netherlands, Deskaheh 1922 made perhaps his strongest argument for the recognition of his people’s rights of self-government: “The Six Nations are ready to accept for the purpose of this dispute, if invited, the obligation of membership in the League of Nations upon such just conditions as the Council may prescribe, having due regard to our slender resources” (4). Deskaheh’s claim to represent a sovereign state was in part based upon the Haldimand Treaty of 1784, in which King George III conveyed the Grand River Land on the Canadian side of Lake Erie to those Iroquois who had fought on the side of the British during the American Revolution (Rostkowski 1995: 1). The British monarch’s act of compensating the Iroquois for the territory they lost to the United States in the war was for Deskaheh a strong affirmation of his (p.34) people’s sovereign status. And, as a sovereign entity, the Six Nations were justified in seeking to be heard at the League of Nations. Although the Six Nations did not expressly seek membership in the League, they saw it as potentially necessary for the international recognition of their claims.

The response by the Canadian government was, predictably, dismissive: “The Six Nations are not now, and have not been for ‘many centuries’ a recognized or self-governing people but are...subjects of the British Crown residing within the Dominion of Canada” (Canada 1923: 4).
Not everyone shared the Canadian government's view. When, in the summer of 1923, Deskaheh traveled to Geneva as head of a small delegation intending to present the grievances of the Six Nations before the Assembly of the League of Nations, the arrival of “real Indians” caused a minor sensation and almost instantly raised Deskaheh's status to that of a local celebrity. The Six Nations delegation conducted informal public lectures and circulated *The Red Man's Appeal to Justice* among League of Nations delegates. Deskaheh also attracted favorable attention from humanitarian societies, such as the Bureau International pour la Défense des Indigènes (Rostkowski 1995: 2). Yet the president of the council, Hjalmar Branting, was reluctant to promote Deskaheh's cause. According to League delegate Captain Walters: “Mr. Branting thinks it would be on the one hand rather inopportune for the Swedish government to ask for the case to be examined; on the other hand he thinks it rather hard if the poor Indian cannot even be heard” (League of Nations 1924). This expression of a moral dilemma in fact shows that Deskaheh's campaign was highly effective. The League, as a matter of policy, was not receptive to claims of sovereignty that conflicted with the interests of states: “The Assembly, while recognizing the fundamental right of minorities to be protected by the League of Nations against oppression, insists on the duty which is incumbent upon persons belonging to minorities of race, religion or language to cooperate as citizens loyal to the nation to which they now belong” (Ottlik n.d.: 438). That Deskaheh garnered as much support as he did, in spite of the League's prerequisite of “good citizenship” and its hostility to rival claims of sovereignty, is surprising. But the League's negative response to his effort could have been predicted. According to (p. 35) one independent lobbyist, “The representative of the world's first League of Peace received no welcome from the world's newest” (League of Nations 1924).

Meanwhile, Herbert Ames 1923, a Canadian representative at the League of Nations, wrote to Prime Minister William Lyon Mackenzie King in December 1923, alerting him to the activities of the Six Nations delegation: “During the Assembly [of the League of Nations] a picturesque delegation of Iroquois Indians, with their chief, Deskehah [sic], were here in Geneva addressing meetings and interviewing delegates. They aroused a certain amount of sympathy among people who heard their side only. Since the Assembly, I understand that they have been following up this initiative by visiting several European countries….I think that really it will be necessary to pay some attention to this lest our apparent indifference be misinterpreted and thus our excellent reputation over here suffer somewhat” (3).

Whether or not Mackenzie King acted upon this advice, the fact that such nations as Estonia, the Netherlands, Ireland, Panama, Japan, and Persia gave the Six Nations their support was a cause of embarrassment to both the Canadian and British governments. The United States, though not directly implicated in the controversy and not a member of the League, was not receptive to this self-government initiative because the Six Nations straddled the U.S. Canadian border: if successful, their case would have implications for the Iroquois on both sides of the border.

In September 1924, a letter signed by representatives from Ireland, Estonia, Panama, and Persia requested that the president of the Council of the League of Nations, Hjalmar Branting, give “a small nation the opportunity at least to be heard” (League of Nations 1924). But England, in a position of strength after its victory in World War I, succeeded in removing the issue from the agenda, arguing that it was an internal concern of the British Empire, and of Canada in particular. Nevertheless, by the fall of 1924 such strong sympathies had been aroused by states in support of the Six Nations, and above all by Deskaheh's local celebrity, that the mayor of Geneva convened a meeting of friendly states at the City Hall, where Deskaheh was finally able to deliver his address, albeit to an impromptu forum devoid of any other authority than the power of publicity.

(p.36) On November 27, 1924, an official letter from Canada informed Deskaheh that, following an election held among the Cayuga the previous October, a new tribal council had replaced the hereditary body he represented. In effect, he had lost his power and his mandate to lobby on behalf of the Six Nations. Dispirited by what he called the “cruel indifference” to his efforts to get a fair hearing, and with his health failing,
Deskaheh left Geneva before the end of 1924 (Rostkowski 1995: 3). He died in the United States several months later. With his death, the Six Nations' effort to get a hearing at the League of Nations came to an end. Lacking the leadership and funds for a long-term international campaign, they did not pursue their lobbying effort further.

**International Labour Organization Initiatives, 1921–1989**

At roughly the same time (starting in 1921) the other major international forum created after World War I, the International Labour Organization (ILO), initiated an involvement with concerns surrounding “native workers.” The ILO has a checkered history in this field. Of the major international organizations the ILO has consistently been the first to get involved in “native” or “indigenous” issues. But this pioneering spirit has with equal consistency been offset by the inevitably disappointing results of early efforts.

In the case of the ILO's native workers initiatives in the 1920s, the promotion of compassionate treatment of workers seems to have been entirely subsumed within the interests of colonial powers. The ILO exercised its jurisdiction over native labor, for example, with ILO Legislative Ordinance No. 52 of November 7, 1924, conferring upon colonial “Residents” of Burundi the “power to compel natives to perform work in connection with plantations and other undertakings carried on for profit” (League of Nations 1929: 1). The supposedly compassionate goal of this ordinance was to moderate the extreme punishments meted out in the course of forced labor: “Any native who fails to perform work in connection which he is required to perform…or who is guilty of negligence in the performance thereof, shall be punished by not more than seven days' penal servitude and a fine of 200 francs, or by one or other of these penalties” (2). The term “indigenous” does not yet appear in the statutes or correspondence of the ILO, but Ordinance No. 52 still reveals the prevailing orientation of an international body at a time when so-called natives were neither sovereign unto themselves nor nationals of colonizing states but were legally considered “wards.” The brutal treatment of laborers was responded to, not as a violation of rights, freedom, or human dignity, but as unsound and unproductive colonial practice.

One of the peculiarities of organized politics is its blind ability to constitutionally affirm the equality of all people while the application of justice condones discrimination, even slavery. And it can take years, perhaps centuries, of nonrevolutionary struggle before the high principles of a founding document match with any consistency the lived reality of the people to whom it is meant to apply—if indeed this ever happens. The Universal Declaration of Human Rights, ratified in 1948, applied these aspirations for human equality and dignity to all nations and peoples and initiated an international nonrevolutionary struggle, sometimes referred to as the human rights movement, to translate its aspirations into reality.

We should therefore not be surprised that the first efforts to apply new human rights standards to what became known as “indigenous peoples” fell short of the postwar aspirations of the Universal Declaration. In the 1950s the ILO undertook humanitarian efforts consistent with the view of indigenous peoples as liminal societies, somewhere between savagery and modernity, impoverished and destined for extinction. A 1946 study on indigenous populations laments that “the aboriginal groups in many regions stagnate in conditions of economic destitution and pronounced cultural and technical backwardness, which severely limit their productive and consumptive conditions. This is due to the primitive conditions in which they are obliged to earn their living, to the lack of educational stimuli and opportunities and to the almost complete absence, in some areas, of welfare services and measures for social and labour protection” (cited in Tennant 1994: 14). Another ILO study released in 1952 is progressively entitled “Indigenous Peoples” but is nevertheless premised upon the inevitability of the assimilation or destruction of this category of human society. It concludes, for example, that “owing to the inferior economic, social and cultural conditions of large groups of ‘Indigenous’ persons, special action must be taken, on a transitional basis, in favour of such groups” (ILO 1953: 8). One can safely assume that the implicit “transition” alluded to in this passage was consistent with the goal of social and cultural assimilation prevalent at the time. This, in fact, is made explicit in the legal
document that resulted from the ILO’s first studies and consultations on those people now being referred to as “indigenous.” Article 2.1 of the ILO Convention No. 107 of 1957 assigns to governments the primary responsibility “for developing coordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries,” with the main objective (stated in Article 2.3) being “the fostering of individual dignity, and the advancement of individual usefulness and initiative.” The first piece of international legislation to specifically address indigenous peoples thus reflects the prevailing political and philanthropic attitudes of the time, in which assimilation of “backward” societies into a nation-state was seen as the first necessary step for the prosperity and liberation of their individual members.

The controversies attendant upon breaking new ground also followed the ILO in its efforts to redress the assimilationist orientation of ILO Convention No. 107 with the ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries (1989). The divergence of views in the development of Convention No. 169 surrounded the issue of self-determination. For three years, delegates to meetings on the revised convention engaged in an apparently arcane debate on whether to replace “populations” in Convention No. 107 with “peoples” in the new instrument (Swepston 1990: 228). State governments strongly resisted use of the word “peoples” in Convention No. 169 to identify its indigenous beneficiaries because use of the terms is associated with self-determination, which, in turn, is associated in international law with a right of independent statehood (Anaya 1996: 48). In the view of those in the ILO overseeing the development of Convention No. 169, the outcome of this debate had implications for the success of the entire project. Lee (p. 39) Swepston (1990), who participated in the drafting of Convention No. 169 as the ILO’s Human Rights Coordinator, understood the issue as follows: “[H]ow far could a revised Convention go in attempting to protect the rights of these peoples before crossing an invisible line that would make it unratifiable once adopted” (223). The eventual compromise, which has since satisfied few, is inclusion of the word “peoples” in the convention, but with a disqualifying clause in Article 1.3: “The 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 under international law.”

There are also limitations to the initiation of a complaint procedure by an indigenous people or organization under Convention No. 169, since indigenous peoples’ organizations do not have the right to file complaints on their own. A tripartite structure in which ILO representation is built around an exclusive balance of state, corporate, and labor interests makes it difficult for such a complaint to find an entry point. In Latin America there are indigenous trade unions that have submitted complaints on their own (none of which have yet resulted in a decision), and Mexico in particular has strengthened the convention with a constitution that gives it precedence over domestic law, a unique situation that gave activists leverage to block a dam project in Nahuatl territories (Brysk 2000: 126). The fact remains, however, that the ILO complaint procedures have not yet been opened up to wide use, at least not through official, legal pathways. This can be attributed to the lack of direct indigenous representation in the corporatist tripartite structure of the ILO, to the fact that the convention is relatively new (and not widely ratified by states), and to the preference that the ILO exhibits for “less contentious and less formal means of securing compliance with ILO conventions” (Anaya 1996: 162).

ILO Convention No. 169 has generally not met the expectations of indigenous peoples or organizations, despite their support of and lobbying for state ratification, which has included circulation of petitions in the annual meetings of the Working Group on Indigenous Populations. Clearly, the ILO could not have been expected to meet all the needs in international law for promotion of indigenous rights and protection of indigenous peoples; the charter of the organization, which generously interprets (p.40) labor issues, still does not have the necessary scope. But ILO Convention No. 169 is seen by many indigenous leaders as having missed an opportunity to do much more. Their disappointment arises from both its absence of strong wording (especially with regard to self-determination) and the apparent inaccessibility and ineffectiveness of the ILO’
complaint procedures. The focus of their efforts to secure indigenous rights has therefore shifted more fully to the parent body of the United Nations, in particular to the U.N. Commission on Human Rights.

**Indigenous Peoples in the United Nations**

The League of Nations gradually collapsed in the late 1930s with the advent of the Second World War. After World War II, when the League was replaced with the United Nations, more favorable conditions eventually emerged for the international recognition of the rights of indigenous peoples. Four aspects of the postwar era contributed to a new climate in international politics that encouraged the promotion of indigenous rights.

First, the struggle against fascism contributed to a greater receptiveness at the international level to measures for the protection of minorities with standards intended to resist racism and discrimination. One of the most important lessons of World War II was that states could not always be relied upon to protect their own citizens, that states could even pass laws to promote domestic policies of genocide. Strident nationalism could be directly contrary not only to world peace but to the survival of races and peoples within states. The result of this new will to promote and safeguard human rights was the adoption of the Universal Declaration of Human Rights in 1948. In 1966, two more detailed human rights instruments were adopted by the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (ICCPR) (entering into force in 1976, when they were ratified by the requisite thirty-five states). Together, these three instruments (together with the 1966 Optional Protocol to the ICCPR, which engage state signatories in reporting and complaint procedures) make up what is now known as the International Bill of Human Rights. Although the United Nations in the postwar era still remained (and remains) susceptible to the agendas of powerful states, its charter and early adoption of human rights instruments—aspects of the response to Nazism—changed the reach of international law to the point where it became, as David Held 1995 puts it, “less concerned with the freedom or liberty of states and ever more with the general welfare of all those in the global system who are able to make their voices count” (84).

Second, the dismantling of European colonies raised global awareness of political hegemony and the myriad forms of cultural suppression that had seemed a natural part of the “civilizing” process in earlier generations. If European states could not be trusted to safeguard human life and dignity, colonial governments could be trusted even less. The pursuit of human rights protections at the United Nations was in part an epiphenomenon of the immediate postcolonial experience. The principle of “self-determination,” despite its inconsistent application by the League of Nations and its use by Hitler to reunify the German “nation,” became the guiding imperative of decolonization. In Article 2 of the U.N. General Assembly’s 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, self-determination is for the first time raised to the status of a “right”: “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.” The process of decolonization therefore provided more than a climate of liberation that carried over into a broad human rights agenda; it also produced specific changes to international law that could be used to justify the pursuit of self-determination for indigenous peoples.

Third, assimilation policies that used formal education as a means of eliminating tribal cultures and integrating indigenous peoples into mainstream societies had, by the mid-twentieth century, clearly failed in their goal of eliminating all vestiges of attachment to tradition, while unintentionally contributing to intertribal identity, broader political unity, and the training of educated leaders. There is tremendous irony in the fact that the assimilation efforts of boarding schools and the urban relocation programs of such countries as the United States, Canada, Australia, and even India led to the formation of native support groups and organizations (p. 42) that eventually coalesced in international lobbying efforts. Among the many impacts of the Civil Rights Movement centered in the United States in the 1960s was the organization of “pan-Indian,” or what we might more broadly call “pan-indigenous,” groups. These coalesced into lobbying groups capable of sending leaders...
Finally, the rise of an indigenous “middle class” as an epiphenomenon of assimilation policies would have had little effect if indigenous leaders had continued to be institutionally marginalized, working within compliant or controlled tribal governments or, at the opposite end of the spectrum, radicalized but often suppressible protest groups. The postwar era has, however, seen the florescence of another kind of entity almost tailor-made for international indigenous politics. In recent decades nongovernmental organizations (NGOs) have increased in numbers almost exponentially, and even the term, originating from the technical language of diplomacy, is gaining wide currency in academic and popular discourse. NGOs are defined by Peter Willetts (1996: 3-4) more in terms of what they cannot be than what they actually are. They cannot be commercial organizations with a profit-making aim. They cannot be openly engaged in violence or advocate violence as a political tactic. They cannot be systematically engaged in the overthrow or replacement of existing governments represented in the United Nations. They cannot be fundamentally opposed to the goals and activities of the international organizations that recognize them. What this leaves us with is an astonishing range of organizations, from the widely known (such as Greenpeace and Amnesty International) to the positively obscure (such as the International Federation of Bee Keepers’ Associations and the International Federation of International Furniture Removers). NGOs thus now constitute an international civil society consisting of socially and politically active voluntary associations, loosely regulated by states and international state organizations.

The first NGOs were founded in the nineteenth century, beginning with the World Alliance of YMCAs in 1855 and the International Committee of the Red Cross in 1859 (Seary 1996: 15). Why did these organizations (p. 43) arise when they did? The short answer is that the phenomena today seen as the organizational and technological foundations of “globalization”—the creation of international political blocs and alliances and improvements to the efficiency of transportation and communication—have their origins in the historically significant innovations of the nineteenth century. NGOs, as catalysts for social improvement, also develop rapidly in conditions of war and insecurity. Some fifty organizations sprang up in the years during and immediately after World War I (Seary 1996: 16). However, the number of international NGOs remained relatively low until the post–World War II era. There were approximately one thousand formally constituted NGOs and joint NGO-government organizations in the 1950s, two thousand by the early 1970s, five thousand in the early 1990s, and fifteen thousand by the year 2000. The Office of the U.N. High Commission on Human Rights lists 441 indigenous peoples’ organizations in a February 2000 compilation (United Nations 2000c). What is perhaps more impressive than the rapid growth in numbers of indigenous NGOs is the fact that they have grown in what was once infertile territory. Nations hostile to dissent have had to accept NGOs, including NGOs representing indigenous interests, as a given part of the political scene. Nevertheless, there is no denying that civil liberties encourage civic organizations in all their myriad forms. In the post–World War II era, political repression relaxed its grip on enough indigenous groups for them to create international alliances and function in international forums. An indigenous delegate once confided to me that he missed the days before the dismantling of the Berlin Wall, when the strategically minded could play the Soviet bloc off against the Western bloc in efforts to further indigenous interests. But the fall of dictatorships through largely peaceful transitions in many parts of the world is not realistically to be regretted. One cannot be effective in international politics while being faced with concern about torture and execution at home. It is difficult to imagine, for example, the thirty-six current indigenous organizations listed by the United Nations for the Russian Federation flourishing under pre-1989 political circumstances (United Nations 2000c). At the very least, functioning in exile or underground is more difficult (not to mention dangerous) than under constitutional protections and tends to narrow (p.44) the goals of dissent. International NGOs have a visibility and flexibility that makes them more effective instruments of political dissent than domestic organizations or political actors. Where once a dichotomy between domestic and international politics was bridged only by statesmen and diplomats, NGOs have created a place for public involvement in international politics. Although lacking the
economic clout of other international actors such as transnational corporations or governmental organizations, they have the decided advantages of self-reliance and ready access to voluntarism. Their influence is indirect, achieved not so much through the exercise of power as through lobbying those who possess it. Like any kind of political organization, NGOs can present symptoms of what Inoguchi, Newman, and Keane (1998) euphemistically refer to as “democratic deficit” (14), but the more general contribution of these organizations has been a striking development of participatory values in international affairs. NGOs might well represent “an emerging international civil society that imparts values which transcend the traditional agenda of state-centric international politics” (14). Whether or not this proves to be the case, the opportunities afforded by the participation of NGOs in international organizations have been central to the growing strength of the international movement of indigenous peoples.

The first significant opportunity for the international representation of indigenous peoples occurred when the United Nations declared the years from 1973 to 1982 the Decade for Action to Combat Racism and Racial Discrimination. This was accompanied by the establishment, under the Special NGO Committee on Human Rights, of a Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization, which had as its principal task the organization of a series of NGO conferences on racism and racial discrimination. This series included the 1977 International NGO Conference on Discrimination against Indigenous Populations in the Americas, held at the Palais des Nations in Geneva. It assembled representatives from more than fifty international NGOs, spokespersons for sixty indigenous nations and peoples (not including those who were prevented by their state governments from attending or who “disappeared” before the meeting) from fifteen countries. Also attending were members of U.N. agencies such as the Commission on Human Rights, the Commission on the Status of Women, and UNESCO, as well as observers from forty member nations of the United Nations. The International Indian Treaty Council, which earlier in the year had been granted NGO consultative status to the Economic and Social Council of the United Nations, organized the Native American Delegation (International Indian Treaty Council 1977: 1). The conference brought out first-hand information on the conditions faced by indigenous peoples, mainly resulting from their relations with states, and recommended actions that would help combat discrimination against them. As Edith Ballantyne 1977, chairwoman of the conference, observed, it also represented an even more significant development: “the emerging ability of the indigenous peoples, in a number of regions, to organize themselves, to make their situation known and to state their needs and aspirations through their own spokesmen to the national and international communities” (i). Indigenous peoples’ organizations, NGOs representing the interests of indigenous constituencies, had by this time entered the international scene, lobbying and consulting without organizational intermediaries, and in most cases without the intervention of states. The charitable unilateral efforts of the ILO had by this time been replaced by another process, one that clearly involved indigenous leaders but had not yet coalesced into anything that could be called a global movement.

In 1981, another international NGO conference at the United Nations in Geneva, this time addressing the issues surrounding indigenous peoples and land, established the presence of indigenous peoples at the United Nations more firmly and globally and revealed even more clearly than the first meeting the extent of suffering resulting from the appropriation of indigenous lands by states and transnational corporations. This was reflected in the strong wording of a report by the Legal Commission summarizing the findings of the meeting: “The dispossession of indigenous people from their lands and policies of forced assimilation have led to…untold social misery. Restoration of indigenous land base and agrarian reforms which would transfer the ownership of the land back into the hands of indigenous peoples without a requirement of either purchase or taxation are crucial” (United Nations 1981: 15).

The U.N. Economic and Social Council followed up this conference (p.46) with the creation in 1982 of the Working Group on Indigenous Populations. This soon became the largest U.N. forum dealing with human rights issues, with participation in annual meetings growing from some thirty people in its first sessions in 1982 to over eight hundred in 2001. Indigenous delegations span the continents, with speakers representing not
only the widely known indigenous groups of North and South America, Australia, and New Zealand but also less well-known groups, such as the Sami of Finland, Norway, and Sweden, the Ainu of Japan, the Tuareg of West Africa, and a growing number of previously unrecognized groups emerging from the suppression of both peoples and information in the former Soviet Union. Every year, indigenous speakers at this one-or two-week forum report on conditions faced by the people they represent, often making reference to statesman violations of treaties and existing international standards of human rights and fundamental freedoms. The forum also gives states, NGOs, and indigenous peoplesman organizations the opportunity to present positions on developments taking place within the United Nations. Translation services and, in recent years, written summaries of each speakerman s statements made available the following day allow for the widest possible distribution of views and information. The presence of an international press corps often means that statements are also made public “at home” through local and national media, giving speakers a high-profile opportunity to engage in the “politics of embarrassment.” Equally important, however, are the activities outside the main room, in the hallways, foyers, and cafeterias of the Palais des Nations, where indigenous delegates meet among themselves, where documents and comments are exchanged with equal informality, and where, reinforcing formal statements of the conference, the repeated confirmation of common experience gives added credence to indigenous identity.

The annual two-week meetings of the Working Group, more than any other kind of gathering in the United Nations or any other forum, are responsible for the coalescing of an international indigenous identity. The instrumental act of bringing people together under a common rubric—“indigenous”—encouraged the development of a global “imagined community” brought together as much by their visible markers of cultural uniqueness and their oral presentations of common grievances as by the literature they produced and distributed. Mick Dodson (1998), participating in meetings of indigenous peoples in his capacity as Aboriginal and Torres Strait Islander Social Justice Commissioner, recalls:

My first session at the UN Working Group on Indigenous Populations was a moment of tremendous insight and recognition. I was sitting in a room, 12,000 miles away from home, but if I’d closed my eyes I could just about have been in Maningrida or Dommadgee or Finders Island. The people wore different clothes, spoke in different languages or with different accents, and their homes had different names. But the stories and the sufferings were the same. We were all part of a world community of Indigenous peoples spanning the planet; experiencing the same problems and struggling against the same alienation, marginalisation and sense of powerlessness. We had gathered there united by our shared frustration with the dominant systems in our own countries and their consistent failure to deliver justice. We were all looking for, and demanding, justice from a higher authority. (18–19)

The various elements that constitute this kind of epiphany cannot be separated. Visible markers of racial and cultural distinctiveness and common experiences of victimization come together in the realization that the victimization and suffering of all indigenous peoples are a product of their distinctiveness. Indigenous peoples are collectively oppressed because they are unique, and as indigenous peoples they face this situation together, on a global scale.

Recent events in the indigenous peoples' movement have implications for the structure and ethical orientation of the United Nations itself. Several international meetings bringing together indigenous NGOs and government representatives have taken place in recent years on the establishment of a permanent forum for indigenous peoples at the United Nations, following a recommendation within the 1993 Vienna Declaration and Programme of Action, approved by the World Conference on Human Rights. Workshops on the issue were held at Copenhagen in 1995, Santiago, Chile, in 1997, and Geneva in 1999 and 2000. Some state participants, especially at the first two of these meetings, disputed the proposal of a permanent forum, questioning whether the United Nations could afford (p.48) to create another body in times of fiscal constraint and whether a forum for indigenous peoples can be considered a genuine priority.
Support for the permanent forum, however, rapidly grew to the point where, at an intersessional ad hoc Working Group meeting in Geneva in February 1999, the objections were muted and the chairman-rapporteur, Richard van Rijssen, was able to report that “no governmental delegation had expressed formal opposition to the establishment of a permanent forum for indigenous peoples within the United Nations system” (United Nations 1999: 8).

In a February 2000 meeting in Geneva on proposals for a permanent forum for indigenous peoples, the unanimity among states that such a forum should be established had been maintained. Surprisingly, consensus had also been reached on a significant membership issue, with the states agreeing to a structure in which indigenous representatives would be on an equal footing with states and have the same voting powers. Once the forum itself appeared as a fait accompli, the battle shifted to the all-important conditions in which it would operate: its mandate, rules of operation, the methods to be used to appoint a core group of indigenous representatives, and the issue that typically aroused some of the most heated passion—the name to be given the forum. The Economic and Social Council formally approved establishment of the forum in December 2000, under the title “Permanent United Nations Forum on Indigenous Issues” (thus avoiding the controversial word “peoples,” as I discuss in chapter 5).

It often happens that the focal points of political controversy divert attention away from the most significant manifestations of change; and in this case the drawn-out decision making of the United Nations does not tell us everything there is to know about the international recognition of indigenous peoples as a category of people with distinct rights and needs of protection. As international awareness of the existence of a category of people called “indigenous” with claims of distinct rights has grown, largely due to human rights initiatives, there has been a corresponding increase in the number of legal, political, and scientific ventures that invite the participation of indigenous peoples’ organizations.

In 1997 the Pan American Health Organization (PAHO, a regional office of the World Health Organization), for example, initiated the Health of Indigenous Peoples Initiative, aimed in part at encouraging nations of the Americas to “detect and monitor [health indicator and health service] inequities based upon ethnicity” (PAHO 1997). The Organization of American States (OAS) is currently pursuing a human rights-oriented hemispheric initiative, a proposed American Declaration on the Rights of Indigenous Peoples (OAS 2001b). In an April 2001 press release, OAS Secretary-General César Garviria expressed the view that “the status and rights of indigenous peoples deserve to be incorporated into the hemispheric agenda, alongside such other issues as poverty eradication and socio-economic inequality; strengthening and consolidation of democracy; and full respect for human rights” (OAS 2001a).

The Arctic has become another focus of regional concerns and interests, especially since the Soviet breakup facilitated circumpolar cooperation. A 2001 conference celebrating the tenth anniversary of the Arctic Council held in Rovaniemi, Finland, for example, included speakers from the Sami Council, the Inuit Circumpolar Conference, and the Russian Association of Indigenous Peoples of the North. Aqqaluk Lynge, president of the Inuit Circumpolar Conference, recalled that during the early years of Arctic Council (at its inception in 1991 called the Arctic Environmental Protection Strategy) governments were not particularly receptive to the participation of indigenous organizations: “In 1991, we were not invited to meetings. In 1993, we were thrown out of the senior Arctic officials’ meeting because our points of view were considered irrelevant” (Lynge 2001: 2). Yet the very survival of indigenous peoples living in the Arctic was (and remains) clearly at stake, with issues on the council’s agenda such as the effects of global warming and the long-range movement and concentration of persistent organic pollutants, heavy metals, and radionuclides in the Arctic environment, all of which have important health implications for those living close to the land. Indigenous peoples’ organizations were eventually seated at the decision-making table, resulting in a useful combination of scientific and traditional knowledge about changes taking place in the fragile Arctic environment.
Such concern with indigenous rights and issues is also finding its way onto the agendas of academic associations (perhaps the surest sign that indigenist issues have hit the mainstream), as reflected in the agendas of the American Anthropological Association and the World Archaeological Congress, which have developed concerns with the human rights of indigenous peoples, the repatriation of artifacts and human remains, and in general the involvement of “local voices” from “subordinate societies” in the scientific study of humankind.

Although human rights standard setting and organizational restructuring may be slow in some areas and paralyzed by controversy in others, there are many smaller loci of recognition that are cumulatively solidifying the conceptual categories, identities, and decision-making strategies being promoted by those communities and societies calling themselves, and now widely known as, indigenous peoples.

Then and Now
The differences between the results of Deskaheh’s petitions to the League of Nations and the increasing momentum of the international movement of indigenous peoples at the United Nations illustrate some of the changes in the powers of statehood, the goals of international politics, and the pervasiveness of identity politics that took place in the course of the twentieth century. One of the interesting aspects of Deskaheh’s campaign in Geneva is its similarities with much more recent indigenous lobbying efforts. He made appeals to public sympathy via the media (the most effective in the 1920s being newsreels), an effort to lobby individual state delegates using a printed summary of his people’s grievances, use of lawyers as advisors (some indigenous representatives today hold law degrees themselves), and use of the legal logic of statehood to oppose the sovereigntist encroachments of a state. His lack of success was not from flaws of character or want of innovation, persistence, or strength of argument. The formal rejection by the international community of Deskaheh’s pleas and petitions occurred at a time when international law was oriented almost exclusively toward the regulation of relations between states. The League of Nations was inherently unfriendly to his efforts, giving states wide latitude in their response to “domestic” matters. “Human rights” had not yet developed to the point of becoming a concern of the international community of states; the term itself had not even gained currency.

Since World War II much more attention has been given to the problems of peace and security within states. Among the many important consequences of this shift in orientation has been the growing recognition of indigenous people as bona fide “peoples” requiring the protections and benefits of international law. In a broadening of the human rights agenda, the first international NGO conferences at the United Nations involving indigenous organizations started mainly with participants from the Americas but soon coalesced into growing international networks and a new global form of political identity: “indigenous peoples.”

These new indigenous entities do not fit into existing social categories. They are nations, yet they do not pursue statehood. The suffering of their constituents is expressed neither in the comparatively ineffectual gestures of “ordinary” resistance nor, so far, in more overt, politically dangerous rebellions. They seem to have taken some states by surprise, as though entering a landlord’ house and sitting themselves down to dinner; and their status at the United Nations is at a turning point, for they have come too far to be turned away completely, and they are pressing for greater formal recognition and permanence.

The efforts made by Deskaheh in the early 1920s to assert the Six Nations' rights of self-determination at the League of Nations reveal that many of the basic ingredients of the indigenous peoples' movement have been in existence for longer than might be assumed: the awareness by an aboriginal people of their right to sovereignty, the sense of grievance over state efforts to usurp and control that sovereignty, the perception that an international community and governing body have the potential to provide redress, the mobilization of activists, lawyers, and sympathizers—these were all present when Deskaheh traveled to Geneva to try to make his case before the League of Nations.
The failure of Deskaheh's efforts, on the other hand, shows that the indigenous peoples' movement and the cultural identities it has produced are of more recent origin. The most important changes that have taken place in the interim are twofold. First, the international organizations of states have developed a body of human rights instruments and a program of standard setting that is less hostile to the rights of those, besides states, sometimes referred to (and more often referring to themselves) as “peoples.” Second, indigenous peoples have organized and situated themselves in international networks in such a way that their lobbying efforts are more visible and coordinated, less reliant on the good will of one or several states, and thus less vulnerable to obstruction and veto.

The observation that indigenism is a recent phenomenon, emerging at a time when the forces of cultural change are stronger than ever, adds in some ways to its significance. Distinct rights, gingerly offered, have been hungrily taken. The needs for reassertion and protection of distinct identities, redress of grievances, and forms of self-determination separate from states have been more impelling than anyone, possibly including indigenous people themselves, could have expected. The international movement of indigenous peoples is thus more than an offshoot of the human rights movement, more than a nascent expression of globalization, more even than the sum total of efforts to protect distinct indigenous cultures. It derives much of its energy from a wide audience, a nonindigenous public, and is therefore also an expression of popular misgivings about the impacts of technology and the pace of life, and the corresponding eclectic search for spiritual expression, in modern society.