



Background

This edition of the Fourth World Journal is dedicated to documenting the issues, concerns and processes leading up to the United Nations High Level Plenary Session called the World Conference on Indigenous Peoples scheduled to convene at the UN Headquarters in New York City on 22 September for two days. The Conference from our point of view is only a small step toward the day when indigenous nations will be sitting at the international negotiating table with leaders of states' governments. Many frustrations, missteps, confusions will accompany genuine achievements and progress toward that day. This is an archival edition to remind us of the dialogue that has just begun after more than 40 years of modest attempts at including indigenous peoples in the global dialogue.

Many indigenous leaders will not move toward the negotiating table and prefer to remain within the bounds of an existing state. Still other nations will seek to engage states' governments, international institutions and a new vocabulary for securing the future existence of indigenous peoples throughout the world. Read these original documents and essays and then look for more about the debate as it unfolds in real time over the next months and years.

During the past several years various important issues of global importance have attracted indigenous nations' interest and concern. The global treaty on climate change is one such issue of importance. In this section we offer an essay describing some of the issues, concerns and policies that bear upon one indigenous nation's efforts to engage the climate change debate. This reflects the difficulties of engaging the international arena to secure a seat at the table.

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Negotiating a Seat at the Table: Indigenous Nations, the States and the human condition

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We are living at the beginning of an era that demands our greatest commitment to the common good and our willingness to draw on the knowledge and good will of all humanity. We face now the greatest challenges for all of humanity that once affected only the native peoples and we must now all seek to redress the adverse affects of climate change, global disease, and reactionary extremist violence. The challenge is not just for those who sit in the chambers and halls of government, but for all of us. While not all have been invited to the table to negotiate in a spirit of comity the remedies needed for human survival, it is time that all people become seated so we may benefit from the knowledge, intelligence and willingness of all peoples. It is about the struggle to become seated at the table as a member of the human family that I wish to speak.

The Table is set: Who is on the Menu?

Charged with restoring the health of the world states' governments have taken great efforts to negotiate new treaties to establish common human agreement on measures to ease the adverse affects of climate change and to make provision for adaptations necessary to ensure human survival. The tables where negotiations are located include those in Bali, Indonesia; Bonn, Germany; Poznan, Poland, and in Copenhagen, Denmark; South Africa and Mexico. One hundred ninety-two delegations of states' governments are regularly invited to sit at the table every year. The presumption is that these state delegations represent the people and interests within their state

boundaries. They do not, however, represent all of the more than 7000 indigenous nations in Europe, Asia, Africa, the Americas, Pacific Region and Melanesia (more than 1.3 billion people) in whose territories 80% of the world's remaining biodiversity is located...the natural world necessary for life. "Cultural diversity ensures biological diversity" is the message represented by the diversity of indigenous nations. The evidence is clear: Where there is life there is cultural diversity and biological diversity and conversely where there is cultural and biological diversity there is life. And yet, the indigenous nations with the richness of life and the knowledge necessary for survival are not invited to sit at the table. The journey of the world's original nations reaching for the negotiating table—to join humanity—is one of the greatest challenges of our time.

The point that is only now slowly becoming clear to increasing numbers of people—and hopefully you are among them—is "though Climate Change is global its adverse affects are local." Climate Change affects different ecosystems differently. A standard, global solution either for mitigation or adaptation is neither reasonable nor desirable. Only negotiations that include good faith agreements between indigenous nations in each state can produce the effective and beneficial result moderating the adverse effects of climate change. Indigenous nations around the world live in and have adapted to their specific ecosystem and it is there that adaptation is necessary and standards for climate change mitigation must be defined.

(Excerpts from an address originally delivered by Rudolph C. Rýser, Ph.D. as a part of the Antioch University – Seattle, Center for Creative Change Global Issues and Perspectives Lecture Series, May 7, 2009. Seattle, Washington.)

What indigenous nations do or do not do by way of setting and exercising cultural standards for climate change mitigation and adaptation will actually determine the outcome of the climate change challenge.

The “Right” is permission, “Power” is control.

Having “rights”: as in Human Rights, land rights, civil rights, health rights and the right to food are capacities, conditions and material things are granted as entitlements permitted by those who exercise power. So it is that as a consequence of Constitutions in France, India, Costa Rica and the United States of America, for example each and every citizen in those countries possess “rights”. The right of free speech and the right to freely assemble are among such rights that people in a few countries take for granted as freedoms that may exercised with minimal interference from the State. But, the State has the power to withdraw those rights and thereby cut short the exercise of those freedoms.

In all instances, power, or the capacity to exert control or impose changes on people or things determines who exercises “rights.” Power is that much-coveted quality that challenges the idealist’s appeal for freedom, creativity, and social comity. When in the hands of the tyrant “rights” of all kinds suffer. When in the hands of the idealist “rights” will flourish.

In an environment where the actors holding power are unevenly corrupt and idealistic, how do those without power advance their public causes? If one does not have power, how does one get power? Does one pursue the “right” or does one pursue the power?

The Decline and Rise of Longhouse Power

An example of power we can consider existed in North America. Three-hundred eighty years ago, the dominant social, economic and political powers in what is North America’s central region were scores of nations where towns and temporary settlements of decentralized populations living in family longhouses traded with each other and occasionally warred on each other. There was no state power. The power rested in each longhouse in varying degrees. Each of several thousand longhouses with populations of 25 people to sometimes as many as 450 people in each structure stood as an extended family: autonomous in many ways and fully capable of exerting control and imposing changes on people, things and the environment. In other words, each longhouse exercised power. What this meant in real terms was that each longhouse and all the related longhouses directly decided their own future. They determined matters of life and death. These societies exercised power for more than ten thousand years in these lands.

Two major historical events, disease and the invasion of lands by outsiders over a period of one hundred years from 1507 to 1774 rapidly reduced the population and the power of the Longhouse Peoples from strong and dynamic societies to mere shadows of what had been the reality for so long. Perhaps ten-years before outsiders arrived at the shores of the Longhouse peoples many thousands were killed by invasive diseases like influenza and then chicken pox—the early imports on the Atlantic coast from Skanian fishermen from what is now Northern Europe and Basque and Breton fishermen from the western shores of Europe. They all sought to fish the abundant code from what is now the coasts of Newfoundland and

Maine. For the two hundred years after the early 1500s experienced mysterious deaths in their populations and especially along the coastline the numbers of Longhouse peoples rapidly declined as a direct consequence of wave after wave of introduced diseases: chicken pox, influenza, yellow fever, measles, typhus, bubonic plague, cholera, diphtheria, polio, and pertussis—among others. (Read Robert Boyd’s detailed and authoritative book “The Coming of the Spirit of Pestilence” for his well-written examination of the role of disease in the breakdown of nations.) As these diseases took their toll, the lands on which there had been thriving societies were quickly taken up by invading peoples from Holland, Sweden, France, the United Kingdom and eventually what became United States and Canada. The consequences of globalization that had begun in the late 1400’s with Spanish and Portuguese explorations in the Atlantic and the English and Chinese explorations in the Pacific overwhelmed the Longhouse Peoples and many other indigenous nations around the world. Just as that expansive movement had rubbed out peoples on North America’s southern regions and the east coast by reducing the populations by as much as 80%, the Longhouse peoples suffered losses of as much 30% and 80% across the continent.

Imagine, if you will, having a society in which you had spiritual leaders, great producers of food, clothing, and canoes for travel; you had builders of birch, pine and cedar longhouses from trees 25 feet in diameter, keepers of the forest, and among them all the knowledge of thousands of years. And, in a short span of a few generations most of those people were gone—dead—from mysterious causes that medicine people and healers could not prevent. These huge losses left great gaps in the public knowledge, understanding and experi-

ence. The knowledge of some families completely disappeared. Some nations invented the practice of stealing people from other nations in battles to repopulate their longhouses. The practice gave rise to great battles and extended wars further devastating already vanquished peoples. Invasions into the countries of indigenous peoples from Europe and China; and consolidation of power by indigenous nations as well destabilized indigenous communities as much as they upset the cultural and power structures that had long prevailed.

It was after these years of death that many indigenous nations began to rebuild—to establish anew a modified way of life often in new lands and with generations of acquired peoples. With diminished numbers certainly, but with the will to survive, reclaim cultural ways and reclaim the capacity to decide a future for themselves the Longhouse peoples began a long journey to restore their place among other human beings.

After centuries of rebuilding or simply adapting to the new environment where new peoples settled around the areas previously occupied by indigenous nations, the Longhouse peoples began to stand again. For about 200 years, until about the 1960s Longhouse peoples all across the continent pursued their “rights.” They demanded that their “rights” should be respected under treaties signed with the United States and with Canada and in Mexico with the King of Spain. Those rights, for the most part were not respected. Still, native leaders pressed the state governments of the United States, Canada and Mexico to not only respect those rights but also “fulfill” those rights. Slowly as decades passed some of those rights were affirmed in accord with treaties, compacts and other agreements even though most of the land on which the nations

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depended was taken into control by settlers. Land Rights, rights to fish and hunt, rights to keep one's children, rights to religion, rights to practice ceremonies were some of those rights granted by the now powerful governments of the United States, Canada and others. Leaders of the Lakota, Kiowa, Quinault, Snohomish and other peoples exerted themselves to achieve the establishment or restoration of rights. They traveled to the halls of the United States Congress, stood in the chambers of the federal courts and sat at long tables of the various government administration arguing and appealing for the rights documented in treaties and other agreements—most of the time outside and away from the public eye.

In the 1960's leaders of the Red Lake Chippewa, White Mountain Apache, Colville Confederated Tribes, Yakama Nation and the Quinault Nation began to recognize that their rights were important, but the power to decide would ensure the safety and continuity of the various peoples. "We shall have our governments and they shall become our means to retrieve lost lands, protect our peoples and ensure the future prosperity of generations to come," said one leader. "Strengthen our governments!" proclaimed the new leader of the Quinault Indian Nation Joe DeLaCruz in the early 1970s.

For the first time since the end of the years of death and three-hundred years after the beginning of that long and terrifying age, leaders of what would now be called "nations" and "tribes" saw that power was essential to survival. And it was in the exercise of the principle of "self-determination" (proclaimed by US President Woodrow Wilson in January 1918), and the doctrine of "sovereignty" (the 14th and 16th century European concept of absolute rule) that the nations and tribes of

North America began to reclaim their power to engage the power of the state—the very state—that by now surrounded them instead of bordered them.

As American Indians in the United States we had to face what had become the formidable power of the federal state and other states—all of which claimed the power of self-government and sovereignty over territories—including indigenous territories. Indigenous leaders needed to find a way to turn state power aside and ease tensions with the domestic states while directly challenging the power of the relatively new states' governments. First indigenous leaders pushed by way of protest marches. They demanded control over fishing and management of the fisheries. They won attention at great cost of lost lives and treasure to achieve this modest gain. The next challenge came in the Courts of state law. In both instances indigenous people won a little but lost some of what they had already gained. For instance, Indian people in the US Pacific Northwest had original control over all of the salmon in their rivers, but the courts cut that control in half so that only fifty-percent of the fish would be under Indian control. That was accepted in the name of a compromise. It was a win of sorts. After pushing in the US Courts for several years on a wide range of topics, it became abundantly clear that the US Courts would not render decisions favoring Indian sovereignty over the soil and over people. The courts would recognize "Indian rights" but they would not step far in the direction of recognizing Indian sovereignty.

I began working in Indian Affairs when I was 23 years old. I had passion, energy and a thorough commitment to restoring Indian Country, Indian Peoples, to their rightful place among the peoples of the world. In the

late 1960s and early 1970s I became deeply engaged in the efforts to establish self-determination as a principle guiding Indian nations' policies. I drafted the Declaration of Sovereignty with the likes of a young Samish leader Ken Hansen, and Colville tribal activist Wendell George, a young woman leader from Colville Bobbi Minnis and Sherwin Broadhead staff aid to the Lion of Idaho Senator William Bora. After reading a United States government report to the Commission on Security and Cooperation in Europe where the officials of the US in 1979 announced they were conducting relations with Indian nations on a government-to-government basis I introduced the term "government-to-government" into American Indian political lexicon to establish Indian nations as legitimate governing authorities in their dealings with the state government and the federal government. And I wrote language into federal appropriation legislation establishing US Congressional policy affirming the self-government as a power of Indian nations. I learned that words count. To fashion a movement, to define the agenda one must practice the art of writing and giving meaning to words that count. This lesson has served Indian Country and me well for forty years.

Working with American Indian leaders in the latter part of the 1970s we began to shift gears when we concluded that Indian nations had won only some of their power back as a result of court decisions. In the 1980s working with leaders such as Joe DeLaCruz of the Quinault, Roger Jim and Russell Jim of the Yakama, Lucy Covington and Mel Tonasket of the Colville Confederated Tribes, Cal Peters of the Squaxin Island Tribe, Forest Kinley, Sam Cagey and Henry Cagey of the Lummi Tribe Indian nations moved to seek negotiations instead of court battles with the states. We sought negotiations on matters of taxation,

environmental regulation, fisheries management, forest management, child welfare and delivery of health services and education.

By 1987 a great deal had been won back to the control of Indian governments through negotiations and the process was then turned toward the US government. We worked to negotiate intergovernmental compacts on self-government that at least temporarily reduced the power and influence of the Bureau of Indian Affairs in the internal affairs of Indian communities.

These efforts not only had effects in the United States, but in Canada, Taiwan, the Philippines, Europe, and more recently in Africa and South and Central America.

Compact or Memorandum of Agreement?

Compacts on Self-government were negotiated in the early 1990s first by the Quinault, Lummi, Jamestown S'Klallam, Mille Lac Ojibwa. These new compacts had all the characteristics of new treaties between Indian governments and the United States government. One hundred and seventeen years after the United States government officially stopped making treaties with Indian nations, the modern American Indian leadership pushed the US government to negotiate treaty agreements again: Compacts of Self-Governance. More than three hundred Indian governments entered into compacts with the United States to affirm their power to govern themselves. Negotiations had achieved what political protests, lawsuits and even new federal legislation could not achieve: the affirmation of tribal government—the power to govern once again.

While still incomplete, the process of negotiating self-government compacts emboldened a new generation of tribal leaders

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like Jose Garcia, President of the All Indian Pueblo Council and President of the National Congress of American Indians, Henry Cagey, Chairman of the Lummi Indian Nation and Fawn Sharp, President of the Quinault Indian Nation to reach for the international table to participate in the negotiation of the new international treaty on Climate Change.

In 2006, the Quinault Indian Nation hosted a conference on climate change where the concept and principles for dealing with the emerging problem were obscured by the US Environmental Protection Agency. The Agency held the view that carbon gas emissions were not having an effect on climate. The Quinault government insisted that glaciers were melting in the Olympic range and the river temperatures were changing, animal migrations were different and fishing patterns were different. President Fawn Sharp, then a first term elected leader of the Quinault Indian Nation decided that Climate Change threatened the very existence of the nation she was chosen to lead. The threat demanded bold action and leadership.

Traveling to meet with tribal leaders in British Columbia, Washington, Oregon and Idaho and then throughout the country, President Sharp and I met with and called on leaders of other Indian governments to join the Quinault Indian Nation's effort to build a consensus on climate change that would drive common agreement for defining solutions.

**A Strategy for building a consensus on climate change emerged.
Local, state, federal and international policy must flow together.**

We began defining the policies in the Quinault government that would help that nation

ease the adverse affects of climate change and begin the process of adaptation in response to changes. We wanted to ensure the sovereignty of Quinault territory, promote the use of native sciences with western sciences to address some aspects of Green House Gas emissions. In March of this year working with key advisors to President Sharp we drafted a new law that lays out the Quinault government's climate change policies and sets in place a special task force to define methods, policies and practices to guide the Quinault people as they seek to remedy the adverse affects of Climate Change.

A crucial part of the Quinault Law – preempt state and federal regulations.

Turning to the State of Washington President Sharp and Chairman Cagey jointly signed a letter calling on the Governor of the State Christine Gregoire to meet with them to fashion cooperative and constructive intergovernmental approaches to climate change. Even as the Indian governments urged the State to sit at the table with their governments to negotiate good approaches to climate change the Quinault government drew up policies, practices and methods for dealing with climate change for legislation under consideration by California Congressman Henry Waxman's Energy and Commerce Committee. Calling for the use of native sciences, whole life risk management analysis, and measures to specifically address on the ground changes due to climate the Quinault proposals urged the Congress to act with dispatch. The same proposals were placed before the National Congress of American Indians to urge the Congress on this new path.

Even as the efforts were launched within the Quinault nation, with the state of Washington and with the Federal government the

President Sharp and I traveled as the Quinault delegation to the 14th meeting of the Climate Change talks in Poznan, Poland. These talks are intended to develop a new international treaty to replace what are called the Kyoto protocols.

Let me tell you about this meeting and what our goals were...

1. Establish initial talks with appropriate states' government representatives to formalize the Quinault government's participation in the United Nations Framework Conference on Climate Change negotiations at the Conference of Parties 15 in Copenhagen, Denmark
2. Seek international support for Quinault climate change priority policies of "whole life risk assessment, carbon emissions cap and dividend, application of traditional knowledge on problems of climate change, and asserting Quinault sovereignty over QN Territory
3. Identify international allies who will support Quinault climate change priority policies.
4. Identify international allies who will support Quinault climate change priority policies.

A New Proposal to Set the Table

President Sharp and I observed that indigenous peoples were completely marginalized and prevented from contributing to the discussions on climate change in Poland. She became determined to change that and immediately developed a proposal for the establishment of an Intergovernmental Contact Group on Climate Change that would be made up of five indigenous nations (including Quinault) and five states' governments. She met with representatives of Denmark, the Netherlands,

Germany and Bolivia and proposed that they join her government in the formation of the Intergovernmental Contact Group. She urged that the Contact Group could serve as the intermediary between the 192 state governments and the 7000 indigenous nations and provide. In fact the Contact Group would serve as a small negotiating table for the new treaty. But one large problem loomed to prevent this tribal plan from becoming a reality: The United States of America. It is the United States government that must be the fifth state government on the Contact Group or the other governments will not join. The Quinault took the responsibility for meeting with the United States government to encourage it to join. At the same time Quinault took the lead to encourage four other indigenous nations to join the process.

Each state government and each nation government was to be responsible for fielding positions and viewpoint of either the states or the nations. The process, if the United States joined would begin in the summer of 2009, but the US government did not join. The Contact Group died. Had the Contact Group materialized the great achievement nation and state negotiations over Climate Change would have moved indigenous nations from the margins to the negotiating table.

From the first contacts between indigenous nations and the Kingdoms and their successor states, indigenous peoples have faced what Jarred Diamond referred to as "Guns, Germs and Steel." These three powerful forces forced indigenous nations into oblivion and many that fell to their knees. Their resilience has the world now acknowledging 1.3 billion people on six continents and the place at the table may yet be filled.