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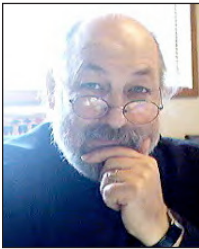
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### ON THE COVER:

*Ina Bouker (Yup'ik territory in Western coastal Alaska, USA)  
Photo by Michael Melford.*

# Lukanka

Lukanka is a Miskito word for “thoughts”



RUDOLPH C. RYSER  
Editor in Chief  
Fourth World Journal



Fourth World scientific scholarship has entered into a new and exciting phase. No longer merely local knowledge (though it can be), and no longer considered primitive and backward as so often described by the learned exponents of the Enlightenment scholars, the world has in the last two decades begun to explore our material and immaterial worlds with eyes much wider open. Fourth World sciences are the focus of scholarly inquiry and narrative at institutions in more localities around the world. Institutions such as the University of KwaZulu Natal, Xinjiang University in China, the University of South Africa and University of Syracuse in New York, USA, the American Indigenous Research Association at the Salish Kootenai College, the National Centre for Indigenous Studies at the Australian National University, the Center for Comparative Native and Indigenous Studies at Johannes Gutenberg Universität-Mainz, Germany are actively engaged in generating new Fourth World scholarship.

There is also a growing number of non-governmental research institutes such as Indigenous People’s International Centre for Policy Research and Education in Baguio City, Philippines, International Work Group on Indigenous Affairs in Copenhagen, Denmark, Community Research and Development in Tanzania and the Center for World Indigenous Studies in Olympia, USA that support and produce original Fourth World scientific scholarship through research and education. The collective human capacity for understanding and explaining our world and our place in the world is enormously enhanced by virtue of this more concentrated focus on understanding Fourth World sciences—the knowledge systems embedded in Fourth World societies that are the basis for the world’s bedrock nations’ cultures. What conventional academics and governmental bodies loosely refer to as “indigenous knowledge” is clearly far more complex than the pronouncement of a single knowledge system suggests. What we have begun to understand as a result of growing Fourth World scholarship is how diverse are the knowledge systems that describe and apply concepts, methods, and theories originating in the Fourth World.

In this Issue of the *Fourth World Journal* we benefit from explanations, descriptions, and applications of Fourth World scholarship in evolving law and ecocide, an elaboration of an alternative view of the sociology of colonialism; the intersection of community health and “indigenous media;” the evolving character of Fourth World participation in international dialogue through autonomous self-government as a strategy for securing land and culture; and the application

of Fourth World knowledge to sustainability. In this issue alone we cross the spectrum of law development, research, political change, and ecological sustainability. Consider our authors for this issue of FWJ:

**Deniz Tekayak** is a doctoral candidate of the University of Burgundy's Faculty of Law and Political Science concentrating in the area of international environmental law and policy. She writes a compelling argument in *Protecting Earth Rights and the Rights of Indigenous Peoples: Towards an International Crime of Ecocide* about human caused or produced global climate change resulting from intensive and unsustainable human exploitation of natural resources for human consumption. She argues that an international law of ecocide movement coincides with "indigenous" climate and environmental movements, and proposes an alliance between the two movements would strengthen the possibility that an enforceable law could come into existence.

**Yvonne P. Sherwood** is from the Yakama Nation, a researcher at the Center for World Indigenous Studies, and a doctoral candidate in the Department of Sociology at the University of California, Santa Cruz. Ms. Sherwood draws on several sources of Fourth World Theory to contribute to a further elaboration of Fourth World Theory that "introduces the sociology of colonialism to a retelling of the stories that are beyond the state and closer to the arrangements of lands, peoples, and species-other in her essay, *Toward, With, and From a Fourth World*. She makes a strong case for understanding the Fourth World employing the discipline of sociology and thereby alters the discipline as well.

Community health and the role of indigenous peoples' public information media are the

focus of **Courtney J. Parker's** essay *Colonialism is Bad for your Health ... but Indigenous Media Can Help*. She is a doctoral candidate at the University of Georgia concentrating in Health Promotion and Behavior, College of Public Health with research interest in participatory research in indigenous communities, and indigenous community media. In her article Ms. Parker undertakes an extensive literature review of 42 articles that emphasize indigenous peoples' health, participatory research and indigenous public media. She concludes, in part, that indigenous communities "must be guaranteed an equal share" and perhaps ownership of the research process from conception to evaluation. Parker's analysis may go some distance convincing indigenous media to take a more clearly defined role in community health.

Asserting that there "are no fully self-governing Fourth World nations inside the boundaries of the United States" **Rudolph C. Rysler, Ph.D.**, Chair of the Center for World Indigenous Studies Board of Directors calls for self-directed assertions of self-government and autonomy using the international arena as the theatre for achieving control over Fourth World lands and culture. In *Evolving an International Fourth World Strategy for Land and Culture* Dr. Rysler retraces recent history (1940s to the present) of Fourth World initiatives in the international space as well as the accelerating initiatives of international institutions to codify the rights of indigenous peoples and include their nations in international law making and dialogue. Seeing the United States of America as a dominant player in the international space, Dr. Rysler notes how the US government can undercut the interests of Fourth World nations the world over serving its political and strategic needs unless American Indian governments begin to take the initiative to counterbalance that influence in the arena



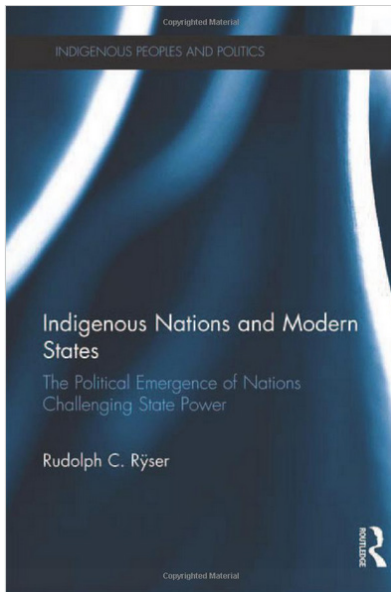
of “international indigenous rights.”

**Susan McCleary** is a doctoral researcher at Scotland’s University of Edinburgh School of Geoscience. In her detailed essay *An Introduction and Long-Term Viability of Community Sustainable Agriculture Projects within Marginalized Communities* Ms. McCleary applies multidisciplinary theory and methods to reveal the complexities of applied Salish traditional knowledge in the management of small-scale agriculture in the Pacific Northwest of the United States and Southwest Canada. Her article illustrates a demonstrated example of blended Fourth World science and conventional science focused on food sovereignty and food security.

**Elise Krohn**, Fellow for Ethnobotany and Nutrition at the Center for World Indigenous Studies reviews *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of the Plants* by Robin Wall Kimmerer. Dr. Kimmerer is the Distinguished Teaching Professor and Director of the Center for Native Peoples and the Environment at the SUNY College of Environmental Science and Forestry in Syracuse, New York, USA. Ms. Krohn describes how Krimmer’s book reflects “the wisdom of both indigenous and scientific knowledge for

our shared goals of sustainability.”

The significance of growing Fourth World scholarship in research, commentaries, and education cannot be underestimated. As our authors illustrate, the Fourth World has a great deal to say about the concrete realities, perplexing challenges, and the sublime for the benefit of Fourth World peoples and humanity generally. There are no greater challenges than climate change, finding comity between peoples of different cultures to eliminate violence and depredations, clearly defining communications to enhance community health, and securing environmental sustainability. That the Fourth World has much to contribute in the local, regional, and global dialogues is without question a powerful reality. We in the Fourth World have a duty to elaborate our understanding of knowledge systems and offer methods for applying that knowledge. The rest of the world committed to the conventional “cause and effect” knowledge system of Descartes has a duty to expand its vision to enhance its utility. Fourth World knowledge holders and scholars as well as conventional scholars must now reach out to each other to form a blended approach filling the gap between approaches to ensure effective sharing of knowledge and solutions for the benefit of humanity.



Now available on Amazon

# Indigenous Nations and Modern States

by Rudolph C. Rysler

Indigenous peoples throughout the world tenaciously defend their lands, cultures, and their lives with resilience and determination. They have done so generation after generation. These are peoples who make up bedrock nations throughout the world in whose territories the United Nations says 80 percent of the world's life sustaining biodiversity remains. Once through of as remnants of a human past that would soon disappear in the fog of history, indigenous peoples—as we now refer to them—have in the last generation emerged as new political actors in global, regional, and local debates. As countries struggle with economic collapse, terrorism, and global warming, indigenous peoples demand a place at the table to decide policy about energy, boundaries, traditional knowledge, climate change, intellectual property, land, environment, clean water, education, war, terrorism, health, and the role of democracy in society.

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In this volume, Rudolph C. Rysler describes how indigenous peoples transformed themselves from anthropological curiosities into politically influential voices in domestic and international deliberations affecting everyone on the planet. He reveals in documentary detail how, since the 1970s, indigenous peoples politically formed governing authorities over peoples, territories, and resources raising important questions and offering new solutions to profound challenges to human life.

# Protecting Earth Rights and the Rights of Indigenous Peoples: Towards an International Crime of Ecocide

Deniz Tekayak, PhD Candidate,  
University of Burgundy's Faculty of Law and Political Science

## ABSTRACT

Anthropogenic climate change is one of the grimmest consequences of remorseless exploitation of natural resources to sustain global production and consumption patterns that undermine planetary boundaries. Acknowledging that indigenous peoples are among the vulnerable and dispossessed populations that will be most affected by adverse impacts of climate change, this article seeks to draw attention to the international legal framework which aims to criminalize ecocide, stressing that its promulgation will have important positive consequences for indigenous peoples suffering from the negative effects of climate change and other ecocides. Given that the goals of indigenous climate movements and indigenous environmental movements coincide with what the proposed international law of ecocide strives to achieve, I conclude by suggesting that an alliance between the two movements would be an important step towards the realization of a law of ecocide with an international scope.

**KEYWORDS:** climate change, ecocide, cultural ecocide, rights of indigenous peoples, international law of ecocide, Ecocide Act, ecological justice

## Introduction

Global production and consumption patterns require intensive exploitation of nature along with industrialization of human relationships to nature. As there is an inherent contradiction between capitalism and nature, in capitalist societies “the environment exists not as a place with inherent boundaries within which human beings must live together with earth’s other species, but as a realm to be exploited in a process of growing economic expansion” (Magdoff & Foster, 2010, p. 8). Consequently, constant drive to enhance production to increase the accumulation of capital is resulting in human-caused ecocides and grave human rights violations around the world.

Anthropogenic climate change is one of the grimmest consequences of remorseless exploitation of natural resources to sustain global production and consumption patterns that undermine planetary boundaries. Being

a problem that is global in nature, the future of humanity is inextricably linked to climate change (White, 2011a, p. 13). Impacts of anthropogenic climate change have already started to cause environmental and social problems that threaten ecological sustainability and jeopardize human security and livelihoods. Climate-induced migration, social conflicts, struggles over food and natural resources, increasing number of transnational environmental crimes are some of the socio-economic consequences of global climate change that will have dramatic impacts on humanity. However, as White (2011b) underlines, “the effects of climate change, while felt by everyone, are not the same for everyone” (p. 39). In other words, certain populations are more sensitive to the effects of climate change and they will suffer more. Despite being amongst those who have engaged the least in environmentally destructive activities that contribute to the warming of

the Earth (Nuttall, 2009), indigenous peoples are among the most vulnerable to climate change, and are “already being impacted as so-called frontline communities” (Powless, 2012, p. 411).

Indigenous populations face unique exposures to climate change due to their close relationship with land and natural resources (Ford, 2012, p. 1260). In addition to this, changing climate is magnifying already existing problems that indigenous communities experience such as poverty, land loss, and environmental degradation (Nuttall, 2009). Shortages of food supplies, rising temperatures, and changes in the water content of streams are some of the challenges that climate change poses to the wellbeing of indigenous populations all around the world. Increasing physical, mental, and emotional health problems due to exposure to environmental hazards and pollution are also common among local communities. Cultural disturbances associated with the loss of traditions are among the detrimental consequences of environmental and climate variability (Durkalec, Furgal, Skinner & Sheldon, 2015). Yet another environmental injustice that is inflicted upon indigenous populations is related with land grabbing by state or private agencies. Land grabbing is driven by both the direct impacts of global warming and the policy responses to climate change (White & Heckenberg, 2011, p. 91). Carbon emission trading policies, natural resource extraction, and the drive to secure new lands for food production results in the loss of indigenous control over homelands.

Depending on their biocultural niche, indigenous peoples face varied environmental and social problems associated with the impacts of climate change. For instance, in North America, the melting of ice poses a serious threat to the biodiversity and the livelihood of local communities. In addition to loss of wild-

life, animal behavior and migration patterns negatively affect the livelihood of indigenous hunters (Alexander et al., 2011). In Australia, indigenous peoples suffer from rising temperatures, dust storms, and heat stress, whereas communities in the Kalahari face drastic socio-economic and environmental impacts of increasing drought on food production (Ford, 2012). It is clear that climate change is reshaping physical, biological, and social systems of indigenous communities the world over (Alexander et al., 2011, p. 477).

### **An International Crime of Ecocide**

Having given a brief overview of some of the major impacts of climate change on indigenous peoples, it should be noted that the aim of this article is not to present regional impacts of changing climate. There are exhaustive scientific studies (see, for example, Green et al., 2010; Sakakibara, 2008; Mustonen, 2005) that document the adverse impacts of climate change on indigenous populations. Instead, acknowledging that indigenous peoples are among the vulnerable and dispossessed populations that will be most affected by adverse impacts of climate change, this article seeks to draw attention to the international legal framework which aims to criminalize ecocide, stressing that its promulgation will have important positive consequences for indigenous peoples suffering from the negative effects of climate change and other ecocides.

Ecocide refers to “the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished” (Higgins, Short & South, 2012, p. 4). Global initiatives to make ecocide an international crime along with crimes against peace promotes the wellbeing of people and the planet. Although the



efforts to criminalize ecocide date back to the 1970s, the issue gained widespread recognition and support in recent years. Inclusion of ecocide into the Rome Statute<sup>1</sup> as one of the crimes against peace was extensively discussed between 1985 and 1996. However, the final version of the Statute only included ecocide as a crime in times of war. In April 2010, environmental activist and barrister Polly Higgins submitted a proposal to the International Law Commission of the United Nations for the amendment of the Rome Statute, advocating the recognition of mass environmental destruction and damage as an international crime and a crime of strict liability committed by legal or natural persons. Following the submission of the proposal, Higgins and several other lawyers created a draft Ecocide Act that outlines the guiding principles of an international law of ecocide. The draft Act urges the condemnation of ecocide and views it as a crime against humanity, nature, and future generations.

As White (2009) points out, “those who determine and shape law are very often those whose activities need to be criminalized for the sake of planetary well-being” (p. 47). Operating in today’s neoliberal societies, state and corporate actors are responsible for most of the ecological and social harms and injustices (Kramer & Michalowski, 2012). These harms may result from negligence or unlawful practices of corporations as well as partnerships between corporations and state agents (Ruggiero & South, 2010, p. 247). If the international law of ecocide is promulgated, heads of states, top-decision makers, heads of corporations and agencies will have the burden of responsibility to prevent the risk of and actual extensive dam-

age to ecosystems. If they fail to do so, those who are responsible will be held accountable and sentenced to a term of imprisonment upon their conviction. This means that transnational corporations who commit ecocide will not be able to escape the grave environmental and social consequences of their activities by simply paying a fine. Consequently, enactment of a law of ecocide would guarantee the protection of livelihoods and traditions of indigenous communities by prohibiting environmentally destructive activities that damage indigenous peoples’ local environment. Furthermore, the proposed law of ecocide imposes international and transboundary duty of care on governments to provide help and assistance to those facing naturally occurring ecocides and catastrophic events. Thus, the legal duty of care put into place by this law will ensure that indigenous territories facing ecocide will receive proper assistance.

The draft Ecocide Act seeks to eradicate catastrophic impacts that environmental destruction has on indigenous peoples’ social, cultural, physical, and economic wellbeing. In addition to this, the Act urges the recognition of the crime of cultural ecocide “where the right to cultural life by indigenous communities has been severely diminished by the acts of a person, company, organization, partnership, or any other legal entity that causes or fails to prevent extensive damage to, destruction of or loss of cultural life of the inhabitants of a territory” (Ecocide Act, n.d., section 7). If adopted, states and corporations that commit acts that severely diminish indigenous peoples’ right to cultural life will be guilty of the crime of cultural ecocide. It should be remembered that in many cases, ecocide leads to cultural damage and destruction (Higgins, Short & South, 2013). Consequently, ecocide can have a genocidal impact for indigenous peoples who still retain a cultural attachment to land

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<sup>1</sup> The Rome Statute of the International Criminal Court established the International Criminal Court which has jurisdiction over suspected perpetrators of four international crimes: genocide, crimes against humanity, war crimes and crime of aggression.

(Crook & Short, 2014). To explore the above-mentioned argument, I will briefly outline two major environmentally destructive projects which could be considered examples of environmental and cultural ecocide.

Exploitation of tar sands for oil production in the Northern Alberta region of Canada has led to severe ecological destruction. Indigenous peoples are among the first to suffer from excessively damaging impacts of this ecocide. Firstly, indigenous communities have been driven from their lands due to a large-scale industrialization of territories that belong to indigenous peoples. Secondly, pollution resulting from destructive energy-intensive processes used for oil production have severely affected social, physical, and wellbeing of communities. High levels of rare cancers, increasing substance abuse problems, and suicide rates are a few of the long-term consequences of this project (“Tar Sands”, n.d.). Lastly, cultural disturbances, the loss of tradition and livelihoods due to not being able to hunt and fish as a result of increasing pollution are among the problems that indigenous populations have been facing since the beginning of this ecocide.

Another project that has ecocidal consequences is the Belo Monte Dam that is currently under construction on the Xingu River in Brazil. Home to 25,000 indigenous peoples and countless animal and plant species, Xingu River is a reflection of Brazil’s cultural and biological diversity (“Brazil’s Belo Monte Dam”, n.d.). However, the dam project is threatening biological diversity of Xingu basin as well as the integrity of indigenous territories, culture, and traditional life styles. The project has already caused substantial environmental and social damage in the area. Recently, the Brazilian government authorized the operating license of the dam, allowing the dam’s reservoirs to be filled. In addition to pristine ecosystems that the Xingu River hosts,

livelihoods of thousands of indigenous peoples who depend on the river and forest for their survival will be destroyed with the completion of the project. As the river is closed by the dam, the agricultural production, fish stocks, and water quality will be adversely impacted whereas increasing deforestation will lead loss of wildlife and biodiversity (International Rivers, 2012). Furthermore, indigenous peoples who depend on their land for spiritual wellbeing will be relocated away from their ancestral homeland (“Belo Monte Dam”, n.d.). Indigenous communities fear the possibility of the installment of more dams to ensure the efficiency of the Belo Monte dam during dry seasons (Karambelas, 2015).

It is safe to conclude that both projects have caused severe damage to an entire landscape, destroying habitats and ecosystems, putting the inhabitants of those territories at risk of injury and death and resulting in serious environmental, social, and ecological injustices. In addition to loss of livelihoods and emerging health problems, these projects have undermined and diminished the right to cultural life by indigenous communities living in the area. In the long term, industrialization of indigenous territories coupled with environmental damage and the loss of culture and identity may have genocidal impact on indigenous populations living in the territories where these projects are carried out. Further contributing to climate change, the negative environmental impacts of such projects transcend the borders of the project site and threaten the whole biosphere—a challenge for all of humanity. Currently, there is no legally binding international law for the prosecution of such practices that lead to environmental and cultural ecocide. Adoption of an international law of ecocide would provide the support of law to those who are impacted from adverse effects of such projects and help fight against environmental and ecological

injustices.

To show what a law of ecocide could achieve in practice, a mock ecocide trial was carried out in the Supreme Court of England and Wales in 2011, with evidence based on publicly available documents, a real jury, and a prominent legal team. The draft Ecocide Act was used at the mock trial where fictional bosses were put on trial for their corporations' destructive practices that led to the exploitation of tar sands in Northern Alberta in Canada for oil production and the major oil spill in the Gulf of Mexico. As outlined in the Ecocide Act, "the right to life is a universal right and where a person, company, organization, partnership, or any other legal entity causes or fails to prevent extensive damage to, destruction of or loss of human and or non-human life of the inhabitants of a territory is guilty of the crime of ecocide" (Ecocide Act, n.d., section 6). The jury unanimously found the CEOs of the oil companies operating in tar sands guilty of the crime of ecocide, whereas they returned a not guilty verdict for the CEO of the company that caused the oil spill in the Gulf of Mexico. Such a verdict would have transformative consequences for human and non-human inhabitants of Northern Alberta if an international law of ecocide were already put into place.

It is possible to add examples of nuclear and oil spills, as well as fossil fuel and natural resource extraction projects, to the list of potential ecocides that have affected indigenous populations. In most of these cases, the origin of social and environmental injustice against indigenous communities relates to the natural resources found beneath their territories (Lynch & Stretesky, 2011, p. 115). Capitalist projects targeting indigenous lands exploit natural resources of these lands and contribute directly to further climate change, environmental destruction, and social injustice. The monetary values of capitalism are in direct

contradiction with indigenous peoples' perception of land and its natural resources. Capitalist logic dictates exploitation of nature to the point of depletion, whereas indigenous communities have a cultural and spiritual connection with the land. Ecocide can be a method of cultural genocide when indigenous peoples who have a physical and cultural connection to their land are dispossessed from their lands due to expansionist land grabbing driven by global production and consumption patterns (Crook & Short, 2014, p. 313). Thus, promulgation of the proposed law of ecocide would have important implications for the rights and protection of cultural integrity of indigenous peoples in light of the fact that neither the 1948 Convention on Prevention and Punishment of the Crime of Genocide (otherwise known as the Genocide Convention) nor the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) prohibits cultural genocide. It should be noted that during the discussions which led to the creation of the Genocide Convention, Raphael Lemkin, the Polish jurist who coined the term genocide, urged the prohibition of the destruction of the cultural pattern of a nation or ethnic group (Higgins, Short & South, 2013). However, despite being included in draft versions, cultural genocide ultimately was removed from the final version. Similarly, while the draft version of the UNDRIP included ethnocide and cultural ecocide, the final version excluded these concepts.

### Moving Forward

For the last two decades, indigenous peoples have organized as non-state actors to convince governments and intergovernmental organizations to treat climate change as a human-rights issue (Powless, 2012). They take part in official negotiations hosted by the United Nations, as well as alternative forums

organized by civil society groups. Some of these gatherings have even led to the creation of important texts such as the Cochabamba Agreement<sup>2</sup>. The indigenous climate movement demands the recognition of indigenous rights by pointing out the erosion of the sovereignty of indigenous populations as a result of the development of a capitalist system heavily dependent upon resource extraction and fossil fuels (Powless, 2012, p. 419). However, despite the adoption of the UNDRIP, “indigenous peoples continue to be denied their rights and are subjected to climate injustice” (Green & Raygorodetsky, 2010, p. 239). For instance, recent demonstrations by indigenous peoples at the 2015 United Nations Climate Change Conference (otherwise known as the COP21) underlined the indispensability of including indigenous rights in the text of the Paris Accord. In the final text, mentions of indigenous peoples and their rights remained in the legally non-binding preamble.

The goals of indigenous climate movements and indigenous environmental movements coincide with what the proposed international law of ecocide strives to achieve. If ecocide becomes a fifth crime against peace, indigenous peoples’ right to cultural life and the well-being of the ecosystems they live in would be protected by legally binding, international legislation. Moreover, parallel to indigenous peoples’ demands for the recognition of Earth rights, ecocide law acknowledges and aims to protect non-human right to life, rights of nature, and the rights of future generations. There is no doubt that the promulgation of such a law will have serious implications for how states and transnational corporations operate. Due to its legally binding nature and

international scope, a law of ecocide could become a powerful disincentive for companies and states that engage in ecologically destructive projects. If this law were adopted, “global warming and climate change would become, not just an environmental problem, but also an international crime” (Kramer & Michalowski, 2012, p. 72). Overall, as Higgins (2012) points out, as it was the case for genocide, what was once the norm becomes an exception upon its criminalization. In other words, if ecocide were made a crime against peace, mass environmental damage would become the exception instead of merely the ‘cost of doing business’.

In light of the discussions above, I argue that collective action is the most appropriate and effective response for eradicating ecological destruction and its negative impacts on people and the planet. With considerable support from governments, scholars, and the public, making ecocide an international crime was actually on the international agenda until the adoption of a final version of the Draft Code of Crimes Against the Peace and Security of Mankind, which later became the Rome Statute. While finalizing the Draft Code, the International Law Commission discussed the possible inclusion of offences, which cause serious damage to the environment in times of peace and drafted Article 26. However, wording of the draft Article 26 met with objection from several governments and was consequently removed from the final version (Gauger, Pouye Rabatel-Fernel, Kulbicki, Short and Higgins, 2013). Regardless of this outcome, ten countries have chosen to incorporate the crime of ecocide into their national penal codes.<sup>3</sup> Consequently, one can conclude that “ecocide was recognized as a crime which the international community had deemed to be so

<sup>2</sup> Cochabamba People’s Agreement was a resolution adopted in World People’s Conference on Climate Change and the Rights of Mother Earth which took place in Bolivia between 19 and 22 April 2010.

<sup>3</sup> These countries are Vietnam, Russia, Tajikistan, Kyrgyzstan, Belarus, Moldova, Kazakhstan, Ukraine, Armenia and Georgia.

serious that it was included in the Draft Code of Crimes Against the Peace and Security of Mankind” as well as national penal codes of several countries (Gauger et al., 2013, p. 12).

Despite political reluctance, promulgation of an international law of ecocide is possible with strong global awareness and support, given the current status of the climate crisis. What is needed first is one State Party to propose an amendment to the Rome Statute to introduce the crime of ecocide as the fifth international crime against peace. Following this achievement, strong transnational cooperation and effective campaigning will be indispensable to convince two-thirds of the States’ Parties to adopt the proposed amendment which would prohibit crimes against nature and its inhabitants. Once an international law of ecocide is put into place, states could pass laws to incorporate the crime of ecocide into their national legislation and the International Criminal Court (ICC) could become the court of last resort in cases where a national court is unable or unwilling to prosecute. As a penalty, the ICC could impose a prison sentence in addition to a fine or a forfeiture of proceeds, property, and assets (Rome Statute of the International Criminal Court, 1998, art.77). As a complementary sentencing mechanism, the Ecocide Act advocates restorative justice processes in addition to or substitution of imprisonment. According to Section 19, “where a defendant pleads or is found guilty, the court must remand the case in order that the victim(s) shall be offered the opportunity to participate in a process of restorative justice involving contact between the offender and any representatives of those affected by the offence” (Ecocide Act, n.d.). There is also a growing discussion about the establishment of a more suitable tribunal to prosecute those who commit the crime of ecocide. An International Criminal Court of the Environment and

Health or an International Court for the Environment are among the proposed institutions.

To conclude, I suggest that an alliance between indigenous environmental and climate movements would be an important step towards the realization of a law of ecocide with an international scope. Increasing research and scientific publication, exchanging knowledge, launching global campaigns, organizing conferences and events at executive levels are among the ways that the two movements can collaborate with transnational initiatives that want to make ecocide an international crime. Such cooperation will empower both movements and their lobbying power for their common endeavor to pursue ecological and social justice.

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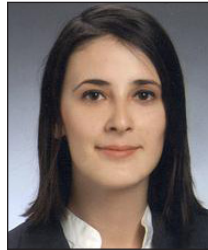


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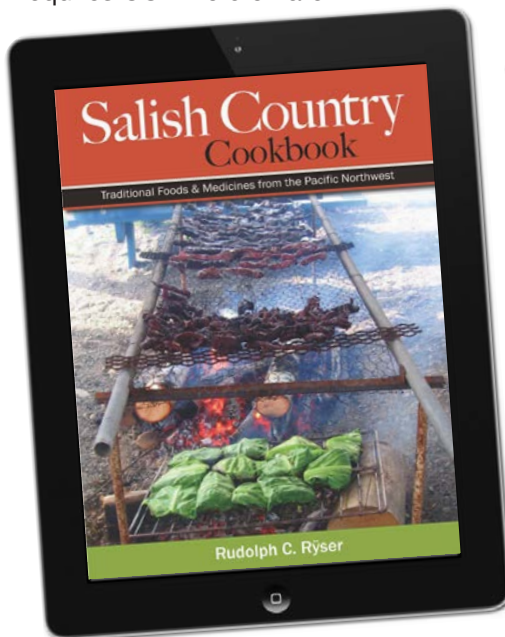


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# Toward, With, and From a Fourth World

by Yvonne P. Sherwood

*The Fourth World is not... a Final Solution. It is not even a destination. It is the right to travel freely, not only on our road but in our own vehicles... The way to end the condition of unilateral dependence and begin the long march to the Fourth World is through home rule"*

— George Manuel, from *The Fourth World: An Indian Reality*,” pg. 217

Utilizing Fourth World theory to examine how particular structural and cultural forces contribute to the distress found in places of exclusion, Dotson (2014) finds that Fourth World Theory helps explore the causes of institutional abandonment and disinvestment of inner cities throughout the U.S. (168). As such, he proposed an extension of Fourth World theory to Gary, Indiana. From Dotson’s perspective, the Fourth World Theory is “embraced to designate the poorest, and most underdeveloped states of the world, or to describe any oppressed or underprivileged victim of a state” (167). Attempting to develop a greater understanding of how the social construction of race perpetuates “bondage of practices” in urban spaces, Dotson proposes that by “acknowledging the prior existence and continued use of the term, the applicability of these urban conditions should be deemed congruent to the original premises established by George Manuel, Manuel Castells, and Joseph Wresinksi...” (167)—three writers that have described the “Fourth World.”

I am encouraged by Dotson’s work as he begins to develop, explore, and communicate the Fourth World, especially the “extension” of the Fourth World to help scholars better understand the production of the severe conditions that excluded people and places find themselves. At the same time, however, I am also concerned with three key assumptions Dotson’s makes. First, the author seems to assume that exclusion, or in other words disinvestment, is a necessary and sufficient begin-

ning point for Fourth World people; two, that development moves people and places away from exclusion; and, three, that our enduring link as Fourth World peoples is that of oppression. As we continue to engage with issues of oppression and racism and try to move beyond their grasp, I would encourage scholars to draw upon the unique and particular contributions made by Fourth World Theory.

My point, of course, is not to propose that the Fourth World is not “expandable” and “malleable”, but to instead insist that what is uniquely contributive, in this specific context, of the Fourth World approach is its insistence away from narratives of state-lead development, and Fourth World linkages between self-determination and place-based identities. Therefore, so as to be direct, I’d like to propose that the Fourth World approaches by the three scholars he mentions are related, but also quite distinct. For example, it is true that exclusion is a significant, if not the central schematic of Castell’s Fourth World and perhaps that of Joseph Wresinksi; yet, for George Manuel, of the Secwepemc and first president of the World of Indigenous Peoples, exclusion is less the point than resisting colonial occupation, strengthening alliances, and reaffirming our enduring Fourth World values.

Therefore, I attempt here to contribute to the shaping of Fourth World Theory in a way that highlights its earth view and anti-statist approach. The Fourth World, I maintain, introduces the sociology of colonialism to a retelling of the stories that are beyond the state

and closer to arrangements of lands, peoples, and species-others.

### THE FOURTH WORLD

The concept of the “Fourth World” has been used in many, sometimes competing, ways. There are also multiple persons whom can be considered to have coined the term Fourth World. In sociology and in fields like urban planning and communications, the term Fourth World is conventionally linked to Manuel Castell’s network society (Dotson 2014). Studying uneven development patterns with attention to the U.S. tendency of “social, geographic, and material exclusion” of particular segments of society (Dotson 2014: 165), Castells proposed that society has been transformed into a globalized but selective network. Like the way that “sites of natural resources and the networks of power distribution determined the geography of industrial economy,” sites of knowledge production and communication systems are “hubs” that form an interrelated system (1982). For Castells (2005), the network society, “a society made of individuals, businesses, and states operating from the local, national, and into the international arena” is vastly different from those “outside” transitioning to modern technologies and not yet advanced into information societies. Those who exist outside of these nodes or hubs, Castells proposes, are the “spaces of exclusion” of “either intra-metropolitan or rural” – the Fourth World.

In contrast, this paper highlights a Fourth World that is more than “excluded.” That is, while particular people are excluded from the flows of capital and meaning, this paper maintains that the Fourth World is more than merely an “outsider” status that has yet to “transition.” From this perspective, it might be said that the Fourth World is a host world and is both excluded and included – as national

sacrifice zones and regions of extraction have always been included, if not ingested by urban centers.

This short paper will provide an introduction to the Fourth World that privileges the importance of relationships that are highlighted in the telling of one person’s narrative. Sharing with the reader some of the experiences of George Manuel helps to foreground how storying relationships are a lived experience and onto-epistemologically are an important part of theory building – especially anti-colonial theorization. Providing readers with a brief background of how Fourth World theorizing took its name, it is my hope that readers will notice that the theory was never one man’s work, but a production of relationships. Secondly, I outline three key themes that characterize the emerging literature of the Fourth World. For each theme, I summarize its content, supply examples of Fourth World approaches that illustrate its nature, and discuss its importance.

### THE FOURTH WORLD FRAMEWORK AS ARTICULATED BY GEORGE MANUEL

As Manuel himself explains, his consciousness and philosophy of the Fourth World were born from the teachings he received from an assemblage of relationships. These relations could be framed as state, personal, and lived experiences. Manuel notes the ways in which residential schooling and the criminalization of both Indian religion and fundraising for political activities informed his life and political outlook. He also speaks fondly of his grandparents that passed to him the value of indigenous resistance and spiritual relationship to land and relatives. Finally, and particular to a transnational approach to Fourth World theorization, M.S. Marule, an educational activist, is noted to have provided to Manuel after her return to Canada from Africa the ability



to identify the connections between colonialism in Africa and colonialism in the Americas. Manuel continued to learn as he traveled from 1975 to 1981 as the President of the World Council of Indigenous Peoples (Center for World Indigenous Studies 1994-2015). The Center For World Indigenous Studies notes, “With the energy of a man half his age, he traveled extensively to Indian villages in Northern Argentina, to the Quechua villages in the high mountains of Peru, to Samiland in Sweden, Indian reservations in the United States, to Yapti Tasbia in Eastern Nicaragua, to Mapuche villages in Chile and to the Mayan refugee camps on the border between Mexico and Guatemala.” Acknowledging and retelling all of these relationships, as Manuel himself took the time to do by writing them out in the book titled *The Fourth World: An Indian Reality*, are also a part of that practice.

Through the aggregation of all these learned experiences, Manuel gathered that it is not the experience of colonialism that links indigenous nations. In his own words, “The Fourth World is not, after all, a Final Solution. It is not even a destination. It is the right to travel freely, not only on our road but in our own vehicles... The way to end the condition of unilateral dependence and begin the long march to the Fourth World is through home rule” (217). In the remainder of this paper I highlight and delineate key concepts that are pulled together for Fourth World Theory by this important quote. Those themes include: host world, home rule, and technology.

### THREE KEY THEMES

Prior to discussing the key themes, my assumptions are outlined here. First, it is not beyond Native peoples to control their own lands and livelihoods and to propose otherwise is simply colonial justification for continued occupation (Manuel 1974; Tuck and Yang

2012). For example, objectors propose, while they support ending racism, sexism, and classism, that decolonization is “impractical” or an “idealist” vision. These statements themselves are failures to acknowledge the victories of indigenous peoples. In contrast, when we acknowledge indigenous victories we also acknowledge that the wars have not ended. In fact, wars waged against indigenous nations might be said to illustrate that indigenous peoples still pose a threat to dominant powers. When opposition argues that Native peoples are too far removed from anything that might be called “authentic indigeneity,” they suggest that indigenous cultures are static and unchanging – as opposed to all other cultures. A Fourth World approach assumes all cultures have an ability and right to change and develop on their own terms. A Fourth World framework also assumes that colonialism is not enough to propose a basic link among indigenous peoples, but instead the Fourth World is realized through sharing a set of enduring values. Put differently, indigeneity is not defined by colonialism. And, finally, the diversity of Fourth World peoples shapes the unique place-based Fourth World. Therefore, Fourth World approaches illustrate that value is embedded within all cultures and their technologies (including their theoretical discourse). Thus, as themes included in a Fourth World framework produce evident unities of anti-colonial praxis, anti-colonialism is experienced and expressed differently by distinct nation peoples. This distinction brings us to the first concept outlined below.

### Host World

Indigenous scholars voice concerns that decolonization is weakened by the practice of abstracting land into a “decolonial commons.” As Schneider (2013) insists, current discussions of settler colonialism and the responses to the

troubles it produces are undermined by treating “land as generic and equivalent.” From this perspective, decolonial praxis must start with place. A Fourth World framework points out that the host world is neither abstract nor reproducible. Likewise, memory, as in other contexts, is not divorced from materiality. We witness the importance of memory as we witness the telling of the host world. For example, Manuel’s introduction to the Fourth World begins with an introduction to Shuswap Territories. Adjacent to the map that outlines the place from which Manuel begins to narrate the Fourth World, *The Shuswap Territories*, Manuel writes:

*The land is a mixture of river valleys, lakeshore plateaus, forested hills, and snow-capped mountain peaks. It is diverse enough in its offerings to support the largest Indian nation in the area now occupied by British Columbia.... My recollections of the Shuswap Nation belong to the time when it was just beginning to come under the domination of the Indian agent. Although the process had been set in motion long before, the forces of conquest and colonial rule did not become fully effective in the Shuswap until after World War 1. However precarious our existence may have been in the 1920’s, we still maintained our traditional means of livelihood, our language - the key to any culture - and our own internal decision-making processes, the essence of government. We had dignity and self-respect” (1).*

The Shushwap is land, a place, a geography. The Shushwap provides sustenance at the same time that it is the people, their relations, and their lifeways. It is also a way of life not without hardship and the need for hard work,

but described as dignified and self-governed. While it can be a memory marked by settler colonialism, it moreover is an enduring value that resists erasure.

The call from the Fourth World is essentially a call to peoples to reorient their desires away from types of development that alienate them from their relationships to the planet and toward technologies that reaffirm their integrity as peoples of the earth. As stated earlier, Dotson proposes to expand the Fourth World and its discussion to marginalized states that sustain a distinct political culture, the poor and underdeveloped state, and state victims. As Dotson writes in a footnote, Manuel calls to “the institutions of the world to re-examine their own origins, the beliefs which brought them into being and the basis for integrity that lies beneath their formal structure” (191). Yet, Dotson, as he does by placing the above quote in the footnotes, threatens to undermine Fourth World approaches by proposing in his main text a development project that reorients the reader toward state resolutions. In contrast, Fourth World approaches re/visions the production of our communities and commitments and refuses to accept state violence, whether it is “hard” (like war and militarization) or “soft” (like the assimilative goals of schooling). The Host World as defined by Winona LaDuke helps to further articulate the point.

The Host World, as LaDuke (1983) explained, is the world “upon which the first, second and third worlds all sit at the present time” (i). It is, as most people read it, a discussion of different economies, cultures, and orientations. A reification would highlight that the first world has assigned to itself an identity of capitalist development; the second world, in opposition, embodied the figure of socialist development; the third World, racialized and defined by both the first and second as “undeveloped,” has yet to choose its route.

The Fourth World, in this instance, refuses racialization, the development narrative, and foregrounds that the first, second, and third Worlds depend on the extraction from and oppression of a host world.

The framework is different than, even oppositional to, dominant assumptions of the authoritative and dominating structure of the state. “Spaces of extraction” are not forgotten incorporations into the urban centers. From the Fourth World perspective, the First and Second Worlds sit upon our backs - we bear their weight. For example, Rosier (2003) pointed out “with all the sacrifices Native Americans make, their communities don’t benefit from the end result. Mining companies take resources off reservations, converting them elsewhere into electricity, which may or may not benefit the reservations that provide the raw materials or handle the waste that nuclear power generates” (164). Churchill and LaDuke (1996) agree that when indigenous nations enter into extraction agreements, “Advantage accrues only to the corporate and governmental representatives of a colonizing and dominant industrial culture” (175). The point is clear: indigenous peoples pay the price for state (settler) wealth. The perspective of the host world foregrounds the issues of the common experience of colonialism, which brings attention to the conditions of Fourth World peoples and lands so that decolonization is concrete, anti-statist, and anti-capitalist.

As a critique of the state, of capitalism, of colonialism and empire, the Fourth World begins with the host world. The host world are places like the Shuswap, the Salish, the Shell Mounds, the Columbia River Basin, that begin, carry, and bring our work back and center place – our relations. But to stop at such a description would be to stop short of what a Fourth World framework moves us toward: home rule.

## Home Rule

Native scholarship has placed a great deal of effort into discussing the importance of assimilation and its relations to land dispossession (Grande, 2004/2015; Churchill 1996). We also know that it has been the colonial project to hierarchize and think apart land and humans (Wynter 2003). Anthony Hall (2003) notes the link between mind and land when he states, “Indian Country is a place located as much in the geography of the mind as in the geography of land and jurisdiction... The colonial destiny of this Indian Country [with its precisely, yet movable, defined borders] was to shrink and eventually disappear as the more ‘civilized,’ advanced Euro-American societies grew and expanded” (295). Put differently, the attack against Indian Country was a divide and conquer strategy against body and mind. Thus, a discussion about Home Rule insists upon understanding self-determination and identity formation together. Too much time, I suggest, has been spent on debating which is more troubling – land dispossession or the undermining of indigenous cultural identity.

In his final chapter, titled “Fourth World,” Manuel points out that the often-proposed double bind for Fourth World peoples between “remaining Indian” and “economic and social development” is a false dilemma. For example of this proposed double bind, the discussion of environmentalism is complicated by stereotypes of Native peoples as essentially earth bound subjects, in peaceful harmony with the planet so that when Native people defy these stereotypes they are “criticized as ‘buying in’ to majority values and discarding tribal tradition” (Tsosie 1996:3). This can lead to, as Manuel discussed, a fracturing of Native communities that are asked to choose between their lives and their land, a choice that should have never been presented. In fact, Manuel argues, Fourth World people desire a comfortable living as

much as those they host. And if, instead of charity by settler colonialists, they were able to have the constitutional and material backing to carry on their own development (as cultures are never static but always fluid), there would be no dilemma. Put differently, it is only because our access to our own lands and economies has been forcibly removed that we are in a place of dependency. As Manuel insisted, “Real economic development without full local control is only another form of imperial conquest” (151). Despite these facts, the racial myths that were created to justify the seizure of our land base continue and we fail to receive legal recognition so that lands and “resources” remain in control by the state.

Therefore, home rule insists on a return to the “natural.” LaDuke (1983) explains that home rule requires peoples, especially settlers to pay attention and learn from the land. As she argued:

*We must all learn a way of thinking, a state of mind that is from this common ground... Since an unanchored theory must inevitably result in misunderstanding, it is to the history of the land that we must return” (i-ii).*

As there is no division, from a Fourth World perspective, between peoples and their places of creation, being “natural” and returning to the “history of the land” includes centering indigenous peoples in anticolonial praxis. Home rule, at the same time that it centers indigenous peoples, is shorthand for an orientation away from the colonizer/colonized binary and engaging with indigenous epistemologies that take seriously the importance of place, relationships, and more than humans. To state as clearly as possible, a “return to the natural” is not a new age call to go bare and

run amuck. To deny that self-determination does not include indigenous identity formation is too disfigure our enduring values and our responsibility to our First Mother.

The negation of our self-determination must be undone. This undoing, however, does not stratify economic, social, and spiritual practice—placing one before the other. Manuel writes, “The desire for legal recognition of our aboriginal and treaty rights has taken on a religious perspective. But, as in most natural or traditional religions, the spiritual has not been separated from the material world” (222). And Hall (2003) writes, that Fourth World theory points “towards the need for the replacement of neo-liberal geo-economics with forms of globalization more attuned to the natural ecology of inter-human and cross-species relationships” (291). What both of these writers refer to is that home rule is foundationally about our ability to self-govern our lands from our own evolving cultural orientations. These orientations, not essential to bodies, are a part of what it means to “travel in our own vehicles.”

Thus place and identity are inseparable and are informed and shaped by our technologies. Especially when we acknowledge the importance of enduring values as Manuel outlined, self-determination to construct our own governments and identities is an important part of home rule. They should not and cannot be thought apart. Manuel wrote:

*“The land from which our culture springs is like the water and the air, one and indivisible. The land is our Mother Earth. The animals who grow on that land are our spiritual brothers. We are a part of the Creation that the Mother Earth brought forth. More complicated, more sophisticated than the other creatures, but no nearer to the Creator who infused us with life” (Manuel 1974:6).*

Home Rule is about reasserting these relationships and not taking for granted or passively accepting dominant cultural models of economy and government. In the dominant model, civilization, through the state, develops “wild lands” and “barbaric peoples.” As LaDuke wrote, “with the arrival of the Europeans a break was made such that every seeming step forward into greater ‘development’ could be measured simultaneously by the degree of divorce of society from the natural environment” (LaDuke 1983: ii). Thus home rule is an assertion and practice of our own laws that are derived from traditional values and institutions that arrive from the webbing of our human societies to our natural environments. It is a refusal of the theoretical justification of racial and cultural myths that portray Indian peoples as savage, uncivilized, and in need of cultural, spiritual, and economic development. It is important to remember that “Our traditional political and religious systems were attacked because they regulated and celebrated a certain kind of economic structure which [the colonial State] wanted to destroy” (Manuel 1997: 55, my emphasis). For colonialism to be fully effective, as many scholars have explained, the conquered must also be convinced of their cultural inferiority and that the theft of their resources is for a common good.

Fourth World scholars insist that peoples (including their cultures, laws, and languages) are inseparable from the land. As Deloria (1974) writes, the “[Fourth World] offers a vision of human existence beyond that of expediency and the balancing of power and speaks to the identity crisis that has gripped every land and its peoples” (xxii). Fourth World scholars are not willing to concede the materiality nor spirituality of their mother. “The land, the water, the air, and the sun are sacred because they are the source of all life. They are the limbs of the Guardian Spirit. Their sanctity

is recognized because of their importance to our survival” (Manuel 1974:256). The recognition of the sacredness, and the need for home rule extends beyond Native peoples to all of our relations and their own right to life. Thus, to reassert our connections to our natural economies, Fourth World scholar activists, particularly Manuel, emphasize the importance of our technologies.

### Technology

Technology is customarily associated with terms like modernity, development, capitalism, and imagined in opposition to Fourth World peoples and places, or at least beyond them. And yet, for Manuel, “Technologies are only the tools through which we carry on our relationship with nature” (13). Medicine, stories, ceremony, and smart phones for that matter, are all understood as technologies, from a Fourth World framework. And rather than understanding technology as an object it is re/vised as an association.

To acknowledge that technologies are but the tools that connect us to nature is to acknowledge that life enhancement is not fundamentally wedded to the dominant state and its economy. Technologies of the Fourth World link us back to the Fourth World, not away, separated, and toward incorporation. For example, Manuel insisted “So long as there is a single thread that links us to the ways of our [grandparents], our lives are strong. However thin and delicate that thread may be, it will support the weight of a stronger cord that will tie us securely to the land” (47). It is important to note here that a discussion on technology is also about revealing our interdependency. The jump from technology as an object to technology as association and its relation to interdependency is a difficult one to imagine and so it is perhaps useful to discuss more fully the “Indian technology” of both storytelling and



the potlatch to clarify my point.

Storytelling is unique in its ability to change across time and space. Its importance lies not in reproduction, for Manuel; rather a listener is allowed to interpret the story as informed by their own lived experiences. As he tells it, “If [the story] varies a little from yours, that is all right. Perhaps the distance between the two interpretations is the difference between two human lives bound by the same basic laws of nature illustrated by the outline of the story” (37). Thus, change is inherent to storying at the same time the practice of storying is a technology that is relationship forming.

Manuel also takes some time discussing the importance of the potlatch – a ceremony that redistributes wealth and strengthens kinship. He insists that “The whole foundation of our society – not just for Shuswap or Salish, but for Indian societies in general – is summed up in one word: giving” (original emphasis, 41). In many societies, leadership is determined by those who can and do give well (43), and despite references by scholars to giving as loans and bank deposits, there is no such comparison in European culture (44). It is perhaps the strength of these technologies to sustain connections to land and others that they were targeted by colonial policies.

The point of the colonial state Potlatch Law was to remove a technology from indigenous peoples. The Potlatch Law was quite simply a “declaration of war against a people who still had not surrendered when the law was repealed seventy years later” (Manuel 1974: 46). In addition to removal, technologies were replaced. Clocks, or the systematization of time, have been used as technologies to reorient peoples away from natural rhythms and toward industrialization. They supplanted, in other words, one technology/relationship with another. Katz (1976) cites E.P. Thompson’s point that “both peasant and urban, prior

to capitalism and industrialization, governed their activities by the sun and not the clock, by the season and customary festivities and external set of production schedule” (395). Suppressing and supplanting these ecological sensibilities helps to reveal that “natural relationships” are not romantic notions (Manuel 1974:256). And, yet, my point is not to advise on a sort of “war of technologies.” A Fourth World reality proposes that interdependency is still an appropriate way to describe our relationships to one another.

For Manuel, mutual dependence exists even in the most one-way of relationships (152). Although as he explains, the relationship of interdependency significantly broke during the early eighteenth and nineteenth centuries our lives are dependent upon one another. This interdependency is it is related to human diversity as related to biodiversity. It is this understanding of connection that the Fourth World cuts beneath colonial constructions of difference like civil/savage and human/nature. The dominant members of colonial relationships, however, almost never recognize interdependency.

In many ways our dependency on dominant economies arrives out of the deliberate or inadvertent destruction of natural landscapes and ecosystems. For example, corporate mythology has created the illusion that industrial agriculture is a necessary technology to combat “food insecurity”. Through masking scarcity, the technology of monocultures has increased hunger and “hides theft from nature and the poor” (Shiva 2000:1). Shiva (2000) proposes that a global movement for food democracy is about building “solidarity and synergy between diverse groups...” that includes public scientists (122). Such a defense, she explains, is also about the defense of cultural diversity, “since the majority of diverse cultures do not see other species and plants as

“property” but as kin” (123). To discuss the importance of Fourth World technology is an attempt to pay attention to not only who and how technology is produced, but why and what is produced by our technologies.

### Statism

Opposite to Manuel’s acknowledgement of interdependency of nation peoples, the assumption of the sovereign state is the idea that states “can do it all on their own” without the assistance of other states and nations. When states fail, they are associated with “poverty, disease, violence, and refugee flows,” and are believed to “strain foreign aid budgets and philanthropic resources” (Brooks 2005:1162). Additionally, failed states are attributed “as breeding ground for extremism and staging points for organized terrorist groups” (1162) and, theoretically, pose legal challenges as they have the inability to protect borders and cannot enter into treaties, trade agreements, or international contracts (1162). But, as Ehrenreich-Brooks (2005) insists, a failed state cannot exist because it assumes a state was first successful. We should make an effort to be clear from the beginning: the state is a social construction, and a recent one at that. More precisely, it is a “recent and historically contingent development,” that assumes state authority and independence. Just as the state has yet to demonstrate its ability to protect and serve the vast majority of those it occupies, the history of the production of the state is a history of war.

Explaining the state in the context of empire, Steinmetz (2014) explains that it was only in the last 100 years that polities historically referred to as empires began to be recategorized as states and as the default unit for the international system (80). Dirik (2011) in a section on colonialism, civilization, and the state, writes that the very idea of civilization is a colonial idea (440) and that just as Europe itself was

the product of colonialism, it was, from its beginning, entangled with the nation-state (441). He adds that despite the debate on whether it was colonization that produced the state, or the state that produced colonialism, it can be said that “The two assume recognizable form almost simultaneously from the seventeenth century, and practices of nation building and colonialism, while quite distinct ultimately, were nevertheless entangled with one another” (441). Although the boundaries between state formations, empire, civilization, and colonialism are not resolved by researchers, it is clear that the production of the state is a historical, colonial construction.

It is important to acknowledge that the state is not a given or natural production of unitary identity. The world has suffered from the production of the state, including what has now been named Europe. “Although empires and kingdoms have long existed around the globe, the modern state largely spread outward from Europe, a byproduct of imperialism and colonial expansion” (Brooks 2005: 1171). That is, Europe itself was a development of colonialism. Furthermore, the development of the state is a particular cultural expression that is resisted, whether successfully or not, by those it seeks to capture.

The demands of land dispossession, enslavement, and resource extraction increased as the need for new markets and primitive accumulation expanded. The attempted extermination of indigenous populations accelerated after the U.S. as a nation-state was established and U.S. industrialization increased throughout the 1800’s to 1900’s. And yet, indigenous peoples continue to resist. For an example of this ongoing struggle, Neitschmann (1987) found that in over one hundred conflicts, 85% were waged by Fourth World peoples against the state. More recently, Ryser (1996) calculated that of the 250 conflicts he detailed,

between 1945 and the end of 1994, 145 or 58% were amongst nations or between nations and states, and of these Fourth World wars, 59% continue today and many of those will continue into the next century (as cited in Seton 1999). Therefore, from a Fourth World perspective, turning to the state to help absolve settler colonial conflicts makes no sense, nor does assuming the state as a permanent institution. As Manuel (1997) writes, “whether one finds themselves in struggles in Ireland or Africa, the goal is not the creation of the state, but the expulsion of alien rule and the reconstruction of societies” (280). To the point, Churchill (2003) insists, nation-states like the US and Canada have no legitimate claims.

## CONCLUSION

In subtle but important ways, the Fourth World from this perspective is a framework that identifies relations across and with seemingly divergent places and people, and it is a particular orientation toward self-government and its related relationships of technology that are beyond the primitive accumulation of political economy and “failed” states. Foundationally, the Fourth World helps to develop understandings of the conditions in which peoples, especially indigenous peoples, find themselves as effects of colonialism as well as how Fourth World spaces, both lands and peoples, are not merely excluded from capitalist and socialist nation-states production but also arrange recommitments and reorientations that stand in stark contrast to discourses of modern development.

The host world insists on an examination of the hegemony of narratives of development. Fourth World home rule and technologies, in turn, focus our attention on geographies of place whose memory penetrates beyond the colonial/capital/state inscriptions and toward practicing our stories that re/vision our rela-

tion to land and relatives. To say “beyond” is not to propose that there is a space more pure or authentic outside of colonialism. It is, as Hall (2003:52) writes, an attempt to move beyond the “convention of national histories” towards a “genre of historical elaborations that is more consistent with the conceptual, territorial, and organizational configurations of peoples rather than states.”

The Fourth World approaches by scholar activists insist upon an anti-colonial praxis that foregrounds specific geographies that are at the same time interrelated; maintains that land and culture are indivisible – and so too are identity and self-determination; and, finally, that the Fourth World is never simply a place nor a destination. My assumption is that research, technologies, and storytelling are political acts – never neutral, never static. As such, the stories that researchers have told build particular relationships with others. What Fourth World approaches do is provide a foundation, though always adjusting to place and time, for both valuing those relationships differently and expanding our realization that we carry particular relationships with our geographies. It is true that colonialism conditions our relationships, but as Fourth World frameworks insist, colonialism is never complete. Our responses, thus, should reach beyond the colonial state—toward, with, and from the Fourth World.

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# Colonialism is Bad for Your Health... but Indigenous Media Can Help

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## Intro

This literature review casts a rather large net aimed at identifying and assembling the different veins of research that primarily impact indigenous health promotion and interventions, and secondarily, immigrant health and interventions. It is especially concerned with specimens of participatory research, community based participatory research (CBPR), and community-generated media. A large scope of the related data currently available is qualitative and/or quasi-experimental at best. There are a number of operational constraints that contribute to this, and the act of conducting research in these populations is stymied by some of the same factors that are foundational to many of the salient health issues that emerge. Sociocultural isolation and invisibility to mainstream society; a seasoned distrust of outsiders, government officials, and academic researchers; and a general state of marginalization and political disenfranchisement all compound in establishing similar barriers to positive health outcomes and high quality research designs and impact evaluation.

This paper will explore a non-indexed list of important themes that emerge through the intersection of indigenous health: community health, participatory research, community and indigenous media, limited quantitative data, and the development of culturally specific instruments or programs.

## Methods

The original criteria intended to focus on issues related to indigenous community-generated media, and even more specifically, community radio, in terms of its value as a health

promotion venue. Though there is a significant amount of gray literature available on this topic - UNESCO (United Nations Education, Scientific, and Cultural Organization) aggregates a wide selection on their website - the literature pool as a whole was lacking in terms of scientifically organized data that would support the scientific criteria of this review. The wealth of less scientific literature is still immensely valuable, pragmatic, and practice-oriented, if somewhat anecdotal, and has no doubt informed the more scientific dimensions of study. Still, this review aims at collecting more scientific exercises in data collection and presentation. Hence, in terms of the criteria for the review canon, the net was continually re-created and re-cast to follow and identify tangential veins of information that affect the health promotion potential of indigenous community media at a foundational level. A total sample of 42 articles (n=42) was selected on merits of scientific credibility, collection and presentation of original data sets, and particular relevance to the review criteria; 36 are directly referenced in the text of this article.

## Review Data

### *Indigenous Health*

It is generally accepted that the state of indigenous health is one of neglect in terms of relations with surrounding dominant settler populations. Again, this is due in large part to individual and institutional level barriers that both contribute to negative health outcomes and prevent them from being properly addressed by well-intentioned outside health or civic organizations. Despite long time commit-

ments from surrounding government bodies, there has been a severe lack of economic evaluations conducted on indigenous health care programs, making it that much harder for policy-makers to properly allocate funds and coordinate outreach (Angell, Muhunthan, Irving, Eades, & Jan, 2014). The opportunities for evidence based planning remain slim and this begs to be addressed through more research that focuses on outcome evaluations, impact measures, and other assessments that can advise program planning.

The mostly qualitative data and analyses available lend strong support to trends in CBPR. This is not just an exercise in morality, but a strategy for achieving peak program or outcome sustainability, construct validity in research design, incentives for community stakeholder buy-in, and a host of other demonstrated and projected benefits.

In 1971, Mary L. Moore documented how certain problem solving strategies and behavioral norms evident in mainstream settler culture might not function with the same utility in indigenous communities, even when it comes to widely standardized ideas about behavior and organization (Moore, 1971). Moore's study, "The Role of Hostility and Militancy in Indigenous Community Health and Advisory Groups", utilized focus group analyses to explore problem solving behavior in indigenous community health and advisory groups. The findings illustrate how militancy (shared goals expressed as militant statements) was actually efficient in producing resolutions and maintaining group cohesiveness – when health workers attempted to control for militancy and hostility, the groups became less effective. Militant behavior can contrast with the broader middle class norms often embodied by researchers and health workers – who might perceive such behavior as problematic – leading to misguided attempts of suppression

and less effective outcomes in group processes. Moore's conclusions recognized that indigenous groups can have their own norms when it comes to problem solving; and in contrast to middle class behavioral norms, the militancy that sometimes presents in the expression of group and individual ideals can be – and has been demonstrated to be – valuable and productive in achieving community consensus and resolution.

Suicide prevention measures are direly needed to respond to epidemics stemming from behavioral contagions (Hanssens, 2008) within indigenous communities that are linked to disruptions in cultural continuity (Chandler & Lalonde, 1998) and cultural identity (Kirmayer, Simpson, & Cargo, 2003). The mental health status of indigenous youth has also been correlated with the physical health status of their parents (Miller, 1996); therefore, the epidemics of diabetes and other lifestyle related diseases - such as alcoholism - are entangled with the mental health and suicide epidemic of indigenous youth. Indigenous peoples have the highest suicide rates of any other cultural or ethnic group in the world, and the risk is by far the highest for indigenous youth (Leenaars, 2006).

In terms of interventions to reduce the risk that an indigenous youth will turn to suicide, at least one research team found that such rate reduction is better achieved through an increase in protective factors, rather than a decrease in risk factors (Borowsky, Resnick, Ireland, & Blum, 1999). Another researcher found that community protective factors positively impact the amount of protective behaviors performed by adults (Allen et al., 2009). Protective factors in general seem to operate largely at the community level in indigenous societies, rather than at the level of the individual. This supports what seems to be a general idea that family and community play a more

intimate role in establishing individual health within indigenous society than other macro-social variables might impact individual health in settler societies. Causal links are difficult to establish, quantitatively, but there is valid evidence that a history of cultural marginalization and oppression (often broadly conceived as 'cultural genocide') directly contributes to the current high levels of mental health issues present in indigenous populations (Kirmayer et al., 2003). One ethnographic researcher concluded that, in terms of mental health disparities, the number one problem is loss of identity (Gone, 2007). All of these findings aggregate into an urgent call for culturally sound and community-based interventions, and methodologically sound evaluations that also include culturally tailored strategies and community participation (Clifford, Doran, & Tsey, 2013). Contrary to the popular belief that mainstream health institutions are egalitarian in focus and impact, research has shown that indeed "race matters", as do other socio-economic status (SES) indicators such as class and cultural history (Tang & Browne, 2008). Evidence has demonstrated that promoting a strong ethno-cultural identity, high levels of community cohesion, and autonomous political development can all contribute to the improvement of mental health outcomes for indigenous populations (Kirmayer et al., 2003).

### **Community Health and Participatory Research**

The demonstrated importance of community level health factors underscores the call for more CBPR conducted in collaboration with indigenous communities. This translates into involving members of each targeted community at each level of research and planning, from conception, to implementation, to evaluation. Essential to this process is a preemptive understanding of the contexts of colonial-

ism on the part of the research team, which includes allowing proper time in the planning and pre-planning stages to establish high levels of trust among the community (Voyle & Simmons, 1999). This should include attempts to support and accommodate native language use in recruitment, intervention, and dissemination of results, otherwise inherent discrimination may factor in (Farquhar et al., 2008). Communication and language barriers, as well as ineffective translation services, have been identified as perceived barriers to satisfying health needs in immigrant communities (Cristancho, Garces, Peters, & Mueller, 2008) and could be even more problematic for speakers of some of the more endangered indigenous languages. Beyond the importance in the scope of outreach, supporting indigenous language retention is an important health service in and of itself; and language retention holds its own amongst other cultural constructs in terms of measured correlation with reduced suicide rates in Native youth (Hallett, Chandler, & Lalonde, 2007).

The training and employment of indigenous community health workers (ICHWs) has proven to be an invaluable resource in terms of integrating cultural values into health provision, health promotion efforts targeting indigenous youth, and promoting the sustainability of initiatives by building them on a foundation of indigenous autonomy and recognition in health service delivery and research (Hurst & Nader, 2006). The use of community health workers has been demonstrated and documented to have a positive correlation with decreasing perinatal mortality and improving pregnancy outcomes (O'Rourke, Howard-Grabman, & Seoane, 1998) in rural indigenous regions, as well as in significantly reducing neonatal mortality rates in similar settings (Manandhar et al., 2004).

Mental health promotion that emphasizes

community empowerment has been associated with positive health outcomes in Canadian First Nations communities (Kirmayer et al., 2003). A predominant issue that seems to underpin such results has been identified as communication. The importance of, and intersection between, community and communication have been demonstrated to impact compliance and cooperation in vital mental health interventions (Eley et al., 2006), and as well, towards accessing the “intrinsic strengths of indigenous worldviews and practices” in regards to basic research aimed at creating “positive transformations in community health” (Wolsko, Lardon, Mohatt, & Orr, 2007).

### **Community and Indigenous Media**

Indigenous media has been widely recognized as an essential and central service to the organization of indigenous community life, helping to increase social cohesion, and serving as an educational venue in the community, particularly in the lives of youth (Meadows, 2009). Social capital, or community buy-in, is a significant predictor of sustainability in such endeavors and the social capital of an indigenous community radio station is also related to the age composition of its listener base. The participation of volunteer networks in the community is an important factor for community media in achieving optimal social capital (Van Vuuren, 2002). It's interesting to note the symbiotic relationship between indigenous media and community health; in fact, indigenous community media could also be conceived of as a community based participatory intervention with respect to its inherent nature. A longitudinal set of studies on indigenous community radio in Bali found that when community radio stations adopted a more health promotion and community development oriented approach - activity which supported off-air activities within the community

- that community perceptions of the station tended to evolve positively (Waters, James, & Darby, 2011) which would naturally lead to an increase in vital social capital.

One outstanding case in point: indigenous community radio, and community radio in general, play an increasing role in the sociopolitical landscape of Nepal. A UNESCO report found that there is great potential in expanding this community media sector towards achieving both long term and short term impacts in socio-economic development, and improvements in education and health (Pringle & Subba, 2007). Another research team in Nepal concluded that indigenous communities can reclaim, reinforce, and sustain their cultural identity through active participation in community generated media. It not only reinforces an official recognition of indigenous identity amongst the larger sociopolitical landscape, but provides a venue for other routes to empowerment as well (Dahal & Aram, 2013). Beyond the politics of culture and identity, a research team in Australia confirmed that indigenous community radio plays a significant role in times of crisis and natural disasters - as it notably did in Nepal after the earthquake in April of 2015. The roles that indigenous community radio outlets play can range from organizational, to inspirational (on-air counseling), to community advocacy (challenging falsities in mainstream media narratives), all while providing the larger service of strengthening social cohesion (Meadows, Forde, Ewart, & Foxwell, 2005).

One CBPR intervention that supports community radio's status as a useful health promotion tool was able to achieve positive outcomes in a health promotion campaign aimed at impacting nutritional outcomes in Inuit youth, a critical prevention measure towards outcomes of diabetes (Matta, 2011). Studies like these are encouraging because radios are no longer

considered a luxury and are attainable in even the most remote communities on Earth. Positive trends in community radio delivery and access have only increased their popularity as a device for media consumption (Banjade, 2007). Because of this increasingly affirmed relevance in modernity, it is vital that educational curriculums and information disseminated through community radio be as up to date and scientific as possible, especially in areas related to natural disasters and weather changes (particularly important to subsistence economies and coastal communities) related to climate change (Piya, Maharjan, & Joshi, 2012).

### Quantitative Data

A small sample of randomized controlled trials (RCTs) was identified in the scope of this literature survey. Two of these, of particular relevance to the themes presented in this paper, are also referenced in a separate section due to the weight such trials hold in the scientific community. A 2007 RCT that tested a parental intervention program aimed at indigenous Australians confirmed, with empirical support, the effectiveness and overall fit of a culturally tailored approach (Turner, Richards, & Sanders, 2007). When a participatory intervention involving community women's groups in Nepal was tested, the birth outcomes in the rural target population improved greatly at a low fiscal investment (Manandhar et al., 2004).

The important concept of 'cultural continuity' is supported by sound quantitative evidence in regards to its negative correlation with indigenous youth suicide rates in First Nation Canadian communities. Researchers found that higher levels of Native language proficiency rates at the community level - a strong construct of cultural continuity - outperform other cultural measures that have been previously evaluated. In fact, youth suicide rates effectively drop to zero (and dip lower

than the national average for non-indigenous youth) in communities marked by the highest Native language proficiency rates (communities where more than half of the population reports conversational fluency.) On the other hand, in bands where less than half of the members are conversationally fluent, suicide rates spiked upwards towards six times the national average (Hallett et al., 2007). Related qualitative data supports this as well, as markers of assimilation tend to reflect or predict more negative health outcomes. Higher levels of acculturation (assimilation to the dominant culture) tend to result in increased levels of stress and negative health outcomes (Wolsko et al., 2007). This is mirrored in research measuring acculturation and eating habits in the context of the diabetes epidemic in Latino immigrants in the U.S. as well (Pérez-Escamilla & Putnik, 2007). Likely driven by such findings, the Center for Disease Control (CDC) conducted a community based participatory intervention with Native communities in the U.S. called, 'Traditional Foods', in the scope of their diabetes program. It was based on the idea that food sovereignty and acculturation issues could actually impact diabetes rates. This program is fairly recent and the results are still being written up but CDC Health Educator, Dr. Dawn Satterfield RN, PhD, has expressed extremely positive sentiments about the impact and outcomes of the endeavor.

### Development of a Culturally Specific Instrument or Program

A fair amount of research has been conducted in regards to the development of culturally specific instruments or programs. One such instrument, referred to as IRIS (Indigenous Risk Impact Screening) was evaluated according to psychometric validity (whether it measures what it is intended to measure, and does so with consistency) and found to



be statistically valid as a screening tool for alcohol, drug, and mental health issues in Aboriginal and Torres Strait Islander peoples (Schlesinger et al., 2007). Another researcher found that specialized (culturally tailored) training for mental health professionals (indigenous and non-indigenous) proved valuable in the delivery of mental health assessments and care plan packages designed for Aboriginal clients (Nagel, Thompson, Spencer, Judd, & Williams, 2009). In terms of reducing health disparities worldwide, which are often at their highest where indigenous groups are concerned, another researcher concluded that the international community should focus on the internet as a medium to deliver free, evidence based interventions to such marginalized populations. The context and directness of such delivery could also support an increasing degree of autonomy in the target populations, and they might be able to access it as an alternative to more mainstream programs that present culturally significant barriers (Muñoz, 2010). Such programs could conceivably be cheaper to develop and implement, and more resources could then be put into culturally tailoring interventions and programs for each unique audience. Supporting the culturally tailored approach, another researcher found that mental health symptoms and related constructs in indigenous groups can also vary in unexpected ways. One such instrument that was developed and tested towards assessing this is called 'Strong Souls'. Strong Souls demonstrated reliability, cultural appropriateness, and validity as a tool for screening indigenous youth for social and emotional well-being issues somewhat unique to their populations (Muñoz, 2010). Photovoice, another participatory media-centric method, has demonstrated potential in CBPR efforts by enabling indigenous groups to communicate in a way that bridges disparities in power (Castleden & Garvin, 2008).

## Conclusions

In order to truly maximize the potential of CBPR methods, indigenous communities must be guaranteed an equal share, if not full ownership, of the research process from conception to evaluation. This is counterintuitive to many strains of paternalism that run rampant in academia and other public sectors, where otherwise good intentions are often stymied by a lack of awareness of culturally specific contexts, assumptions that the epistemic motifs and prescriptive ideas held by researchers are superior to the in-group perspectives of the group itself – which are often written off as superfluous or ignorant – and an idea that research outcomes and collected data are owned by the researcher or sponsoring institution and not the community they were abstracted from. The good news is that investigators are finding ways to heal these barriers and otherwise counter a long history of academic narcissism in approaches to research with indigenous communities. Aggregated research conclusions, as detailed here, suggest the importance of not just respecting the specific cultural uniqueness of indigenous communities, but of lending efforts towards co-creating a healthy atmosphere for cultural continuity and cultural sovereignty.

The symbiotic relationship that community generated indigenous media is capable of sustaining with targeted communities - with reciprocal positive impacts on community and individual level health outcomes, and sustainability for the media outlet - should definitely be a point of focus. Indigenous community radio has shown capabilities for impacting population and individual health through health promotion campaigns; disaster relief efforts; providing a public venue to express cultural identity and achieve cultural continuity (both demonstrated predictors of positive health outcomes); and has been associated with broader trends of community and

individual empowerment and socioeconomic development. Community radio stations that adopt a health promotion and community empowerment focus have been rewarded with a stronger base of support in the community, which suggests that the indigenous community radio and indigenous community health promotion sectors can effectively collaborate in creating a win-win context of mutual support and benefit. This contributes to the sustainability of health promotion campaigns—which can then operate from a nexus of community empowerment and subsequent impact—and to the community media venues themselves.

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# Intercontinental Cry Magazine

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IC Magazine keeps an ear to the ground and a finger on the pulse of the indigenous people



## IC Magazine

We are dedicated to providing you with cutting-edge news and analysis concerning the rights, needs, interests, bio-cultural legacies and the contemporary struggles of the world's 6000 Indigenous Peoples and Nations.

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# Evolving an International Fourth World Strategy for Land and Culture

Rudolph C. Rýser, PhD  
Center for World Indigenous Studies

## ABSTRACT

Fourth World nations receded into the background of international affairs in the 19th century as states assumed a stronger and eventually dominant place in the international space. By the mid-20th century Fourth World nations began to resume their role as subjects of international law and discourse; and during the years following the end of World War II, these nations claimed and began to request and then demand a place in international relations. As global subject matter emphasized human rights and then later emerging problems of biodiversity and climate change, Fourth World nations became an identifiable subject identified as “indigenous peoples.” This article examines the changes in global discourse, organization, and emphasis on the rights of indigenous peoples revealing a gap between Fourth World nations and UN Member States in which the subject of sovereign authority and self-government became a point of contention. Beyond human rights, the political rights of Fourth World nations evolved to the point where these nations are themselves being challenged to assume a role of political equality with states at the United Nations. Whether the nations are prepared to accept the role that they have claimed they want is the challenge they must meet as they form an international Fourth World Strategy.

**D**uring the last 75 years, states’ governments have been wrestling with the Fourth World problem that won’t go away: The persistence of 1.3 billion indigenous peoples in more than 5000 bedrock nations occupying territories that contain 80% of the world’s remaining life-supporting biodiversity. Nations as large as the 25 million Naga (North Eastern India/North Western Burma) and as small as the 175 Hoh (Pacific Northwest Coast, USA) demand to exercise their own governing powers and to freely choose their social, economic, political, and cultural future without external interference.

Central to the question of the future of Fourth World nations is whether they are exercising their full powers of self-government and whether they can occupy international space to engage in dialogue with states’ government partners to formulate international policies

that ensure the continuity of Fourth World nations in harmony with all other peoples in the world.

America’s Fourth World nations are essential players in what has become an emerging international agenda in large measure due to the political and strategic dominance of the United States of America and the place nations play in its domestic affairs. In other words, what the United States government proffers often influences global political trends and this is no less true in the field of international Fourth World relations. The actions and decisions of the more than 560 nations in the United States have an energizing influence on the decisions and actions of nations inside other UN Member States. That influence has favored nations protecting their lands, cultures, and way of life through the exercise of self-government. Relations between US Fourth

World nations and the United States government have had and will continue to have a profound influence on the direction of Fourth World domestic and international policies.

In the following discussion I recall some key international events and decisions taken by the United States and various Fourth World nations that have helped shape the emerging international Fourth World agenda from 1941 to 2015. Whether this agenda includes the voice of Fourth World nations in the future depends wholly on whether those nations proactively enter the global dialogue to exercise their political power as self-governing nations. Indeed, a new strategy may be called for to activate the political power and influence of the world's thousands of nations to create a "place at the table" in the international space.

#### **Fourth World Nations inside the United States**

Despite popular rhetoric to the contrary, there are no fully self-governing Fourth World nations inside the boundaries of the United States. This is so due to the strongest colonial influences any state in the world has imposed on Fourth World nations. For two generations, Indian leaders have stressed the paramount importance of Indian nations governing themselves, and U.S. government leaders have increasingly given lip-service to the idea of Indian self-government. Still, it was not until 1987 that any concrete political action was initiated to begin the process of formally instituting Indian self-government as a reality. Ten Fourth World nations, including the Quinault Indian Nation, Hoop Tribe, Jamestown S'Klallam Tribe, and the Lummi Indian Nation took the first cautious step toward formalizing self-government through a self-governance planning process. Agreements to begin this process were negotiated with key U.S. Congressional representatives, and the

U.S. government enacted its own laws authorizing the process.

The unprecedented agreements in 1987 and 1988 began the Tribal Self-Governance Demonstration Project, and ten Fourth World nations<sup>1</sup> began the planning phase in preparation for making a decision whether to enter into a Self-Government Compact with the United States government. Unlike any previous arrangement involving U.S./Indian Affairs legislation, the Tribal Self-Governance Demonstration Project is a product of active tribal initiatives. The existence of the initiative is primarily dependent upon the sustained commitment of individual Indian governments, and only partially on the commitment of the United States government. If Indian governments lose interest and do not persist in carrying out the self-governance process, the whole process will simply evaporate. Indian governments negotiated and defined the shape and framework of the self-governance process. The United States government, however, is only willing to continue the process as long as Indian governments continue their commitment. Indeed, while there were only a few key U.S. Congressmen fully committed to the process, the U.S. executive branch (particularly the Department of the Interior and the Bureau of Indian Affairs) were willing to lend very limited commitment. Though the Interior Department seemed willing to tolerate the process, the Bureau of Indian Affairs worked to obstruct and even defeat the process.

The continuation and potential success of the self-governance process after a generation hangs on a very thin thread, and frequently wavers between real progress and utter defeat. The reality is that with American Indian government persistence there is a significant possibility of success resulting in the resump-

1. Hoopa Tribe, James Town S'Klallam, Lummi Indian Nation, Quinault Indian Nation, 1988

tion of self-government for several nations and a reduction of U.S. Bureau of Indian Affairs (B.I.A.) powers over those nations.<sup>2</sup> On the other hand, if Indian governments pull back, they risk the rapid increase of B.I.A. powers and a substantial further reduction of Indian government powers. Furthermore, the possibility of increasing tribal self-government powers in the future would have been substantially reduced. Clearly the self-governance process within the bureaucratic environment of a US governmental agency is a very risky proposition.

These were the political realities faced by Fourth World nations involved in the self-governance process. Virtually all of the momentum achieved in the self-governance process depends on tribal persistence and U.S. government political tolerance and bureaucratic restraint. The achievements to-date have depended solely upon direct tribal and U.S. commitments within the framework of U.S. institutions and laws.<sup>3</sup> These institutions were created in 1620 in the form of the Department of Indian Affairs under the Continental Congress before United States became a state in 1789. These institutions are under U.S. governmental control and it is within this political environment that Indian nations exercise a

very limited range of powers. The only leverage Indian governments have that may cause the United States government to continue the self-governance process (that always lingers on expansion and contraction) to a satisfactory conclusion of full self-government revolves around Indian political commitment and persistence and the potential for their full entry into the international arena. The U.S. Congress, executive branch, and the U.S. judiciary remain hostile to Indian nations exercising self-governing powers without U.S. interference, but the evolving international environment, though chaotic appears to offer the greatest potential for developing political leverage for self-government. .

It is quite obvious that the extremely limited leverage nations have in the US domestic environment is not enough to ensure that the United States government will actually observe Self-Governance Compacts under terms acceptable to Indian governments. The more than 300 Fourth World nations that negotiated a bilateral self-government agreement in 1992 with the United States will need a great deal more political leverage than currently exists to achieve full powers of self-government.

The need for greater political leverage becomes even more apparent when the US government remains unofficially reluctant to enter into acceptable Self-Governance Compacts that reflect customary international standards of relations between nations and states. While appearing to foster Fourth World nations' "self-determination" the United States government is actively working to defeat Indian self-governance at the international level through the U.S. Department of State. In this analysis I discuss the international dimensions of Indian nations' self-governance—those decisions and events outside U.S. boundaries which directly bear upon tribal self-governance. I suggest that consideration of the international dimensions

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2. Felix Cohen in the *Handbook on Federal Indian Law* (1941). Fourth printing (1945) <http://thorpe.ou.edu/cohen.html> notoriously chastized the US government for "governing Indian tribes by a US government agency." It was this remark that contributed to Cohen's efforts to promote the Indian Reorganization Act of 1934 originally intended (but failing) to recognize tribal self-governance.

3. The US federal courts, executive agencies (Department of the Interior, Department of Justice, Department of Health and Human Services) combined with the assertive legislative authorities of the US Congress constitute that framework where tribal communities are generally ruled by these political bodies usually in a non-coordinated fashion. The Department of the Interior has adopted for Bureau of Indian Affairs management more than 10,000 rules, regulations and procedures governing limitations on Indian communities.

is necessary for these reasons:

The United States government has for two generations had the benefit of international protection from political pressure and criticisms concerning its treatment of Fourth World nations, but with settlement of the Helsinki Final Act of 1975, including provisions for applying the right of self-determination to indigenous peoples, governments have become more accountable under international agreements for their treatment of indigenous nations.

Due to increased political activity by indigenous nations in the international arena since 1971, international opinion favoring indigenous nations' self-determination, self-government, and sovereignty is better informed about the potential advantages enjoyed due to the exercise of self-government.

Increased political initiatives by indigenous nations in the international arena have helped create new opportunities for Indian nations to directly participate in the formulation of new international laws affecting the future relations between Indian nations and states' governments.

The United States government, in cooperation with Canada, the United Kingdom, Belgium, and Australia, is within the framework of United Nations organs working to limit or defeat international recognition of indigenous peoples' right to self-determination, self-government, and sovereignty consistent with the UN Charter and internationally codified and customary law of nations.

In conjunction with Canada, Australia, and New Zealand, the United States government has organized an "English Speaking" block of countries willing to exchange policy experience aimed at increasing states' government control over indigenous peoples.

As a member of the Inter-American Indian Congress with Central and South American

states' governments, the United States government seeks to promote multi-lateral cooperation in the Western Hemisphere to assert and maintain domestic control over indigenous populations and their territories.

In cooperation with Canada, the United States government diligently worked to limit the scope of the United Nations Declaration on the Rights of Indigenous Peoples (2007).

The International Labour Organization considered partial revisions to the 1957 Convention Concerning the Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries (I.L.O. Convention 107) in a new convention, the United States in cooperation with other states' governments worked to limit or remove the use of self-determination, self-government, territories, and peoples as terms of reference applied to indigenous nations.

Establishment of the United Nations Permanent Forum on Indigenous Issues on 28 July 2000 gave indigenous peoples greater international visibility—though significantly constrained by Member State structures, procedures, and power arrangements.

While the United Nations Declaration on the Rights of Indigenous Peoples (2007) is considered influential in international debate, it is perceived as an aspirational document with no enforceable provisions. Only one state (Bolivia) has incorporated provisions of the Declaration into its domestic law.

Advocacy and diplomatic initiatives by indigenous non-governmental organizations and perhaps 10 indigenous governments promoted and encouraged states' governments to conduct a Plenary Session of the UN General Assembly to convene a one and a half day-long meeting to consider and approve the World Conference on Indigenous Peoples Outcome Document that essentially created United Nations institutional obligations, but

no enforceable action requirements for states' governments or indigenous governments.

These conditions combine to illustrate the magnitude of effort presently under way in the international arena either to advance indigenous self-government or defeat it. Clearly, if indigenous nations succeed in formalizing an international consensus, which favors indigenous peoples' self-determination, self-government, and sovereignty, American Indian nation's self-government interests will be served. However, if states' governments succeed in formalizing limitations, Indian nations will suffer serious set-backs to their relations with the United States, and Fourth World nations the world over will see tightening restrictions on their rights even though the UN Declaration on the Rights of Indigenous Peoples proffers an expanding international space.

### **Fourth World Nations in the International Environment**

Unlike conditions within U.S. boundaries where American Indian nations have limited leverage to achieve their social, economic, and political aspirations, the international environment provides the opportunity to secure greater political leverage. This is so, in part, since Fourth World nations have greater political mobility and flexibility in the international environment—freer from colonial constraints. Fourth World nations assume a greater position of relative political equality with states' governments when they actively pursue their political objectives. Because there is a smaller likelihood that all institutions, states' governments, and international opinion will share a common approach toward indigenous nations, Fourth World nations stand a better chance of building a bloc of international support favoring their interests. Such a bloc provides opportunities and considerable political leverage when combined with the limited political

leverage now available to Indian peoples in relations with the United States and similar limitations for Fourth World nations in other states.

## **HISTORICAL OVERVIEW**

### **1. Expanding External Indian Affairs**

Because Fourth World peoples make up distinct nations, all of their external relations (public and private) actually involve international relations—though few nations think in these terms. When the Cherokee Nation entered into a treaty in 1787 and the Lummi Indian Tribe and Snohomish entered into the Point Elliot Treaty in 1855 with the United States, they engaged in international relations. When the Quinault Nation, Yakama Nation, and the Makah participated in the U.S./Canada Salmon Fisheries Treaty negotiations they engaged in international relations. When an American Indian nation sends a delegation to represent it at meetings of the Affiliated Tribes of Northwest Indians or the National Congress of American Indians, it engages in international relations. In these respects, Fourth World nations throughout the Americas share this common reality.

Nearly one quarter of all indigenous nations in the United States engaged in a Self-Governance Planning process beginning in 1988. They entered into what constituted new treaties with the United States government in the form of Self-Governance Compacts.

Even with the self-governance compacts there are now no fully self-governing indigenous nations inside the boundaries of the United States. Virtually all Fourth World nations exercise very limited self-government, or no self-government at all. Rebuilding self-governance institutions by the slowly emerging "self-governance tribes" has already caused ripples of controversy internally, in neighboring county and state communities, and in



the government of the United States. Similar ripples are felt in the councils of the United Nations, the Organization of American States, the World Bank, and other such international organizations.

Fourth World nations' external interests have been growing steadily since the 1940s (See Figure 1). The dominant themes of these interests have been guaranteeing territorial rights, preserving culture, preservation of tribal sovereignty, arranging satisfactory U.S./Tribal relations and protection of Indian rights. Disputes with the United States government, State governments, and neighboring populations caused many nations to expand their external horizons. From a long period of concentrating on internal affairs, American Indian nations began to re-emerge as active participants in international affairs. Self-Governance became the all-encompassing emphasis of external activities. Whether nations became concerned with fishing, timber, water, education, health, or law enforcement issues, the main emphasis was always on re-establishing tribal self-governmental powers.

In the one hundred years between the mid-1840s and the mid-1940s Fourth World nations went from functioning as a major factor in continental political change to becoming politically invisible to the world. It was in this period that the United States of America moved to internalize Indian nations. Before the 1840s, indigenous nations throughout North America had both an internal personality and an external personality known by their neighbors and many countries around the world. Indigenous nations in the North American/North Atlantic region functioned as the pivotal political influence in European and American Nation conflicts to control the Ohio Valley from 1609 to 1760. Similarly, nations played pivotal influences throughout the middle plains and southwestern part of the United States

from 1529 onward. Like a great shroud pulled over a table hiding it from view, the United States imposed its will over American Indian nations. By so doing, the United States worked to absorb nations and occupied their territories, thus cutting contact between nations and the rest of the world. Economic, social and political ties between American Indian nations, and other nations and countries in the world were blocked by the United States. United States' obstructions rendered each nation wholly dependent on the United States of America. The strongest expressions of self-government by each Fourth World nation—social, economic, and political self-rule—came to a halt with the signing or promulgation of confiscatory treaties. Absent the power to rule them, some nations disappeared while the remainder became mere shadows of their former political existence—they lost all elements of an external political personality.

In the late 1930s political conditions began to change. The world was in an economic depression and the United States, like virtually all other countries was seriously weakened. New political winds were blowing in Washington, D.C. and in the capitals of the western hemisphere. The United States government was a neutral party to the growing conflicts in Europe. A revolution had been fought in Mexico, ending with the emergence of a government heavily influenced by a large Indian population. The civil war in Mexico resulted in a government that promised restructuring of the land tenure system. This meant land reform for millions of Indians in Mexico. Similar promises were made throughout the Americas with the institution of the Inter-American Indian Institute created as a result of the Inter-American Treaty on Indian Life.

The United States government regarded the changes in Mexico as important to the strategic, economic, and political interests of

the United States. To serve its own interests, the United States accepted an invitation from Mexico's new President to open discussions about a treaty that would deal with Indian land tenure and the preservation and protection of Indian peoples. The result of these discussions was the conclusion of the Inter-American Treaty on Indian Life in 1941. This treaty established an Inter-American Indian Congress with representatives from seventeen western hemisphere countries, which would meet every four years. It also established the Inter-American Indian Institute with the responsibility for conducting research and publishing reports on Indian peoples in the western hemisphere. This was the first internationalization of Indian Affairs since before 1840. States' governments considered matters associated with "indigenous populations" as domestic and internal.<sup>4</sup>

The Inter-American Treaty on Indian Life of 1941 proved to be a catalyst for the re-emergence of Indian nations into international affairs. By 1944, Fourth World nations formed the first inter-tribal organization that involved

nations from across the country. This organization became the National Congress of American Indians. Until 1944, American Indian nations had been dealing with one another through loosely organized local inter-tribal groups. The most active of these were the Society of American Indians<sup>5</sup> and the Northwest Inter-Tribal Council.<sup>6</sup>

At the end of World War II, the United States government became an active promoter of what would become the United Nations. The new international organization would eventually replace the weakened and failing League of Nations, which had been formed in 1919. A major idea underlying the formation of the United Nations was that "peoples should freely determine their own social, economic, and political future without external interference." Furthermore, the United Nations world is based on the principle that all peoples should be self-governing. This process for achieving self-government is self-determi-

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4. Since the end of World War I and the Treaty of Paris in 1918, state governments have repeatedly affirmed and reaffirmed the principle of "non-intervention" in the internal affairs of states. Indeed, this principle is deeply rooted in European international relations. The Peace of Westphalia in 1648 ended the Thirty Years' War and defined the basic rules of relations between states. Chief among these rules were affirmation of the territorial boundaries of states, proclaiming state sovereignty and a recognized policy of non-interference in the domestic affairs of other states. Contemporary restatements of these principles effectively eliminated any perceived need for multi-lateral treaties concerning indigenous nations. This was particularly true of the U.S. because of its youthfulness as a state. Only after World War I did other states governments regard the U.S. as a significant player in international affairs. This new role as a player on the international stage gave rise to the U.S. government needing to affirm its basic identity as a state. Indian Affairs was considered an "internal matter." This view remained unexamined until BIA Commissioner John Collier began to work toward extending President Franklin Roosevelt's "New Deal" to Indian Affairs in the late 1930s and early 1940s. It was in these years that the international dimension was added to Indian Affairs.

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5. The Society of American Indians was a "pan-Indian" organization (1911- 1923) that advocated American Indian citizenship, and opened the legal door for the U.S. Court of Claims to litigate Indian land rights. Securing US citizenship (1924) for American Indians was considered a major achievement. The organization was formed by "progressive and educated Indians" April 3-4, 1911 at Ohio State University with Dr. Charles Eastman (Santee Dakota), Dr. Carlos Montezuma (Yavapai-Apache), Thomas L. Sloan (Omaha), Charles E. Dagenett (Peoria), Laura Cornelius Kellogg (Oneida), Henry Standing Bear, (Oglala Lakota) and Arthur C. Parker (Seneca) attending. The conference released four points describing the reasons for the conference, that last of which stated: "The white man is somewhat uncomfortable under a conviction that a century of dishonor quote has not been redeemed. If it any degree can convince himself and his red brother that he is willing to do what he can for the race whose lands he has occupied, a new step toward social justice will have been taken." With that they formed the American Indian Association—the early steps leading to the formation of the National Congress of American Indians in 1944.

6. Headed by Snohomish Tribal leader Frank Bishop. Bishop was a strong advocate of Indian self-determination following the strong advocacy of this principle advanced by the Haude-nosaune in their 1920s bid for a seat at the League of Nations.

nation.

Such discussion had a liberating affect on Fourth World leaders. By 1948, the National Congress of American Indians called for the self-determination of Indian tribes. The external agenda of Indian nations was beginning to take shape. Indian tribal freedom from control by the Bureau of Indian Affairs took on the quality of a mission. Indian leaders demanded that the Bureau of Indian Affairs reduce its influence and give Indian tribes greater freedom to decide their own social, economic, and political priorities.

Through the late 1940s and throughout the 1950s indigenous nations expanded their external agenda to include active use of the U.S. courts to turn back encroachments by states, the B.I.A., and other external government agencies. The U.S. responded by introducing new laws aimed at the termination of U.S. responsibilities to Indian tribes. Indians were being relocated from their reservations to seven cities. Here they were being encouraged to take up residence and employment. These and other actions of the U.S. government caused Indian nations to become involved in broader external activities to defend against what was called the Termination Policy.

While the U.S. was pressing for the break up of Indian tribes and the integration of tribal citizens into the general U.S. population, the International Labour Organization (I.L.O.) had formed a Committee of Experts on Indigenous Labour. This committee held two meetings (in 1951 and 1954) to consider the conditions under which “forest-dwelling indigenous peoples” lived and worked. The Committee concluded from its inquiries “that populations of this kind in independent countries faced increasingly serious threats to their existence as ethnic, cultural, and economic entities...”The Committee also paid attention to the nature of indigenous land rights, and

the legal and administrative problems resulting from the existence of tribes which overlapped international frontiers. At the same session in 1954, the Committee of Experts considered concepts of ‘integration and artificial assimilation.’”

The Committee finished its inquiries into the living and labor conditions of indigenous peoples and made recommendations to the 1956 and 1957 Sessions of the International Labour Conference. From these recommendations the International Labour Organization drafted and approved the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries—known popularly as I.L.O. Convention 107.

The “termination and assimilation policies” begun by the United States in 1949 became “allowable and dignified” by provisions of the 1957 I.L.O. Convention 107. Of particular importance to the United States was Article 2 of the Convention: Governments shall have 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. Congratulated by the I.L.O. and other countries, the United States pressed ahead with its termination and assimilation policies.

Indian leaders vigorously opposed U.S. termination<sup>7</sup> and assimilation policies in the

7. The US government’s “termination policy” began in the 1940s with the passage of laws intended to reduce or eliminate tribal sovereignty and ending the political (treaty) relationship between tribes and the federal government. The intention was to grant American Indians the rights and privileges of US citizenship, reduce their dependence on a bureaucracy whose mismanagement had been documented, and eliminate the expense of providing services for native people. Several public laws were passed by the US Congress conveying jurisdiction from the Federal government to states over criminal or some criminal matters on reservations within several states. President Truman created the Hoover Commission in 1949

Declaration of Indian Purpose (1961).<sup>8</sup> In part because of Indian opposition, but more because of the problem of resolving multiple-heirship problems on Indian land, the United States government officially ceased efforts to terminate Indian reservations in 1961 and with President's Lyndon Johnson and Richard Nixon offering to reverse the policy in the late 1960s and early 1970s that the policy was "wrong," "harmful" and the "effect the policy had" on tribes maintaining a relationship with the United States. Assimilation policies, however, continued to persist in the form of bureaucratic inertia.

In 1970, U.S. President Richard Nixon announced his Administration's Indian Affairs policy, which rejected the termination policies of the past and emphasized Indian self-determination. Apparently unrelated to this, the U.S. government began talks with the U.S.S.R. as part of the U.S. detente foreign policy. This activity pointed to the eventual negotiations of the Helsinki Accords binding the U.S., the Soviet Union, Canada, and European states to a series of Human Rights principles. Though unknown by Indian leaders at the time, there

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that included specific recommendations to move tribal communities from federal protection and "integrating" Indians into the "mainstream society." This latter point mean removal of individual Indians from reservations and relocating them to cities such as Albuquerque, New Mexico, Denver, Colorado and Los Angeles, California. More than 100 Indian tribes were terminated and 2.5 million acres of land were resold mainly to non-Indians in states such as Oregon, Minnesota, Wisconsin, and Kansas.

8. The American Indian Conference convened in 1961. Beginning with the founding of the National Congress of American Indians in 1944, American Indians established national organizations to demand a greater voice in determining their own destiny. In 1961, some 700 Indians from sixty-four tribes met in Chicago to attack termination and formulate an Indian political agenda and a shared declaration of principles. Lucy Covington of the Colville Confederated Tribes, Joe Garry of the Couer D'Alene Tribe and Walter Wetzal of the Blackfeet were among the leading voices seeking the reversal of the US termination policies.

was a direct connection between Mr. Nixon's Indian self-determination policy announcement and meetings with the Soviet Union. The United States government frequently relied on Mr. Nixon's Indian policy statement in discussions with the Soviet Union and other European states. As a counter to U.S. government charges of Soviet mistreatment of Jews, Soviet representatives charged the U.S. government with mistreating Indians. United States representatives simply pointed to Mr. Nixon's Indian self-determination policy statement as an example of how Indians received positive treatment. Self-determination for Indians was presented as a positive demonstration of U.S. compliance with international Human Rights standards. Under the Helsinki Final Act the principle of self-determination was embedded in the Accord as Principles VII and VIII. The United States and Russia were obliged to report quarterly on its treatment of Indian peoples and treatment of Jewish peoples respectively. Each government and other signatory governments were required to report to their respective Helsinki Commission and ultimately to the Commission on Security and Cooperation in Europe.<sup>9</sup>

While the U.S. was pressing its detente policy with the Soviet Union, the National Congress of American Indians (N.C.A.I.) and the National Indian Brotherhood (N.I.B.) of Canada concluded an agreement of mutual cooperation. N.C.A.I. and the N.I.B. opened the door for expanding Indian nations' external agenda beyond the boundaries of the United States. In 1971, the International Indian Affairs Agenda broke all barriers to the complete

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9. In the 1980s the CSCE was converted into a standing body with the name of Council on Security and Cooperation in Europe. Its mandate includes issues such as [arms control](#) and the promotion of [human rights](#), [freedom of the press](#) and fair elections. It employs around 400 people in its secretariat in [Vienna, Austria](#), 200 in its institutions, and 2,100 field staff.

re-emergence of Indian nations into international affairs. The right of Indians to cross the U.S./Canada border without obstruction became an important issue. Border crossings between the United States and Mexico was also an agenda item. Coincident with N.C.A.I. and N.I.B. cooperation, the United States government and the Canadian government began annual consultations on Indian Affairs.

The achievement of an expanded international agenda did not come too soon. Indeed, just as N.C.A.I. and N.I.B. developed their international efforts, the United States, Soviet Union, and other European states intensified their efforts. They considered the rights of Indians in their discussions in Helsinki. International non-governmental organizations like the International Commission of Jurists organized an international conference concerning Indian rights with the participation of a number of individual Indians and called for international respect for Indian rights. The NGO conference also called upon the United Nations Commission on Human Rights to undertake a study of indigenous peoples and their treatment by states' governments. In 1971, the U.N. Commission on Human Rights authorized a Study of the Problem of Discrimination Against Indigenous Populations and commissioned Jose R. Martinez Cobo to direct the study as the United Nations Special Rapporteur. In 1973, the National Congress of American Indians adopted its Declaration of Sovereignty. Thus began the rapid growth of a wholly new dimension to Indian nations' external affairs. Not only would Indian nations' external affairs include issues and events within the domestic environs of the United States, but from 1971 onward, Indian nations would assume a role of increasing importance in the United Nations and similar international agencies. Of equal importance, Indian nations would assume a greater position of significance in the

relations between the United States and other states' governments.

## II. Re-Emergent Nations on the International Stage

In the seventy-five years since the United States and other western hemisphere countries concluded the Inter-American Treaty on Indian Life, and the forty-five years since the N.C.A.I. and N.I.B. agreement, global issues have become a significant concern to indigenous nations. The National Congress of American Indians and the National Indian Brotherhood cooperated in the formation of the World Council of Indigenous Peoples (1977). For the first time in modern history, indigenous leaders traveled to Central America, South America, the South Pacific, and Europe to meet with their counter-parts in other indigenous nations. Indigenous leaders began delivering presentations before international conferences and meetings of international agencies. The self-governance agenda and pressures for indigenous rights began to be heard in the broader international arena.

The diagram below (International Indian Affairs Agenda 1941 – 2002) illustrates the growth of international activity affecting Indian Affairs and not incidentally Fourth World nations the world over. It is noticeable that meetings between Fourth World nations increased significantly after 1970 (note the orange icons). At the International Labor Organization, UN Member States began generating policies and increasing the number of subjects directly related to Fourth World nations (see green icons). In forty-five years it is clear that the relevance of Fourth World nations to states' government concerns began to touch on environmental, health, labor, economic, security, and cultural issues as well as political relations.

As a direct consequence of increased



activities by indigenous nations on the international plain, the United Nations expanded its ten-year study (Cobo Study) of the situation of indigenous populations. The U.N. established in 1982 the Working Group on Indigenous Populations (Economic and Social Council Resolution No. 1982/34 - 7 May 1982) and it now regularly considers recommendations and proposals concerning indigenous peoples by four U.N. organs in addition to the UN General Assembly.<sup>10</sup>

The Sub-commission on the Prevention of Discrimination and Protection of Minorities (part of the Economic and Social Council) discusses indigenous rights issues regularly. The Council on Human Rights regularly hears direct presentations from indigenous representatives challenging Member State policies. The most important United Nations organ next to the General Assembly and the Security Council, the Economic and Social Council, received at least one and sometimes more recommendations concerning indigenous peoples for its action each year. In 1985, the United Nations General Assembly voted in favor of establishing a Voluntary Fund for Indigenous Populations to help support the participation of indigenous nations in the deliberations of the Working Group on Indigenous Populations. This was the first time the U.N. ever approved funds specifically for use by indigenous peoples. The International Labour Organization is considered and drafted a partial revision of I.L.O. Convention 107. The World Bank now has an agenda item relating to its Tribal Economic Development policy, which was adopted in 1982. The Organization of American States began considering issues relating to indigenous nations, as did the Organization of African States.

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10. The Economic and Social Council, the UN Permanent Forum on Indigenous Issues, The Third Committee (Social, Humanitarian and Cultural Affairs), Council on Human Rights.

No fewer than six international organizations now regularly place on their agenda issues relating to the interests of Indians in the United States and indigenous peoples around the world. Seven non-governmental organizations representing the interests of indigenous peoples regularly participate in international debates on indigenous rights. The scope of Indian nations' external agenda broadened substantially as the N.C.A.I. submission to the U.N. Working Group on Indigenous Populations in 1983 indicated.

The Fourth World International Agenda now includes the goal of securing global recognition and acceptance of indigenous nation's sovereignty with the proposal of seating Fourth World nations as part of the United Nations.<sup>11</sup> The principal method for achieving this goal requires that indigenous nations to meet directly with states' governments on an international plain. It requires that indigenous nations pressure and negotiate new rules of conduct between indigenous nations and states' governments. At the same time, indigenous nations can now use international forums to apply political pressure on states' governments to secure concessions in their bi-lateral relations.

Since 1971, the framework within which indigenous nations have pressed their agenda has been outside of that of states' governments in organizations like the United Nations, the Organization of American States, the Council for Security and Cooperation in Europe, and

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11. The May 2013 Statement of 72 Indigenous Nations presented to the United Nations Permanent Forum on Indigenous Issues by Tonawanda Seneca Nation representative Darwin Hill recommended, "that action be taken to give indigenous peoples, especially indigenous constitutional and customary governments, a dignified and appropriate status for participating regularly in UN activities. Indigenous peoples deserve to have a permanent status for participation in the UN that reflects their character as peoples and governments." Eleven other Fourth World governments

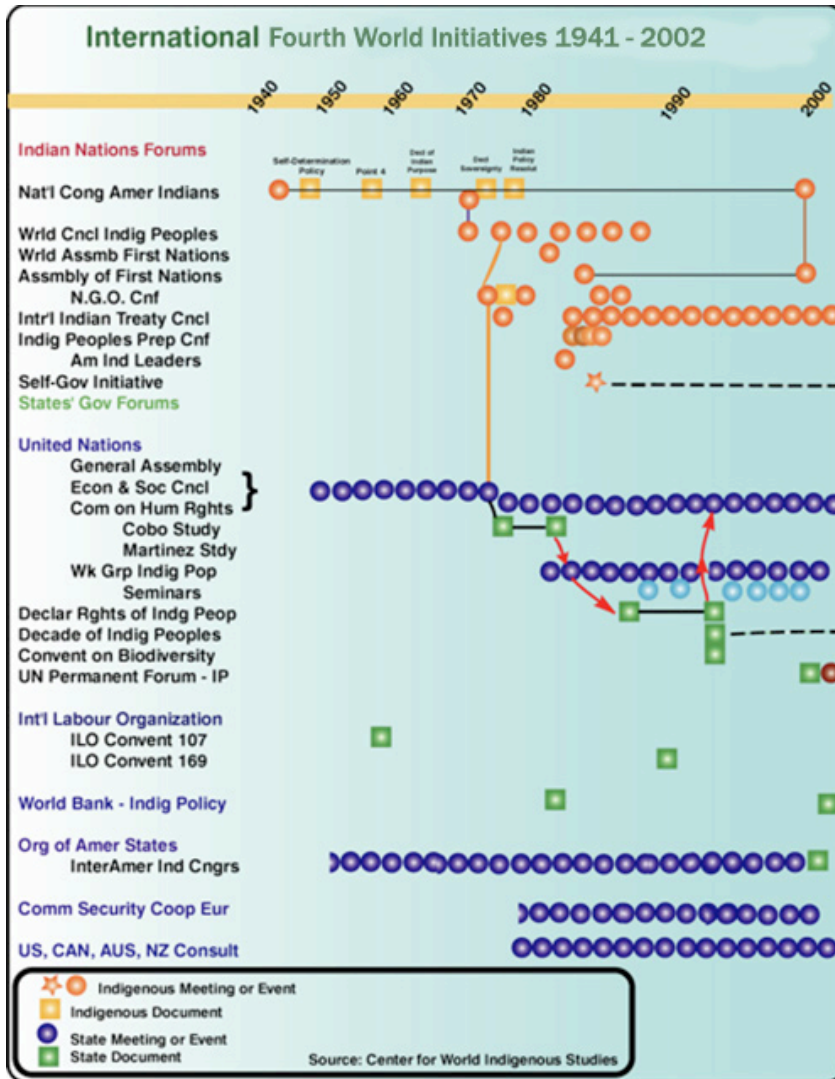


FIGURE 1 The Fourth World emergence into the international arena

new bodies such as the World Trade Organization and the Intellectual Property Organization. For the most part, this time has been used to acquire experience at the international level for interested indigenous spokespersons. However, that experience is now used to increase nations' direct participation in the formulation of new, international laws and apply political

pressures on states' governments notably by the International Indian Treaty Council and the Inuit Circumpolar Council.

Three major initiatives affecting international rules of conduct have been the focus of the International Indian Affairs Agenda. In 1977, the World Council of Indigenous Peoples called for the development and adop-

tion of an international declaration on the rights of indigenous peoples. Non-governmental organizations joined in support of this call. By 1984, international opinion began to agree with the 1977 WCIP call for a declaration. The United Nations Working Group on Indigenous Populations took up the challenge and announced that it would begin drafting the language for a United Nations Declaration on the Rights of Indigenous Peoples. With the concurrence of the U.N. Economic and Social Council and the U.N. Commission on Human Rights it was agreed that a declaration on the rights of indigenous peoples would be placed before the United Nations General Assembly for its consideration. While work continued to progress on the Declaration, plans were made to ask the United Nations General Assembly to act on the final Declaration in 1992—marking 500 years since Spain entered the western hemisphere.

A second major initiative intended to change the international rules of conduct between indigenous nations and states' governments involved partial revisions of I.L.O. Convention 107. In large part due to the growing visibility of indigenous nations on the international plain and actions by the United Nations (specifically the Working Group on Indigenous Populations) the International Labour Organization began consideration of changes in Convention 107. In its deliberations, the I.L.O. made special note of its desire to "decrease the possibility of conflict between a revised I.L.O. Convention and the declaration presently being examined by the Working Group on Indigenous Populations." Indeed, in a Meeting of Experts the Director of the Centre for Human Rights pledged the United Nations' cooperation "in a common endeavor to strengthen the level of international protection for indigenous populations."

A third major initiative was the United Na-

tions Study of the Significance of Treaties and Agreements and Other Constructive Agreements. Originally recommended by Special Rapporteur Jose R. Martinez Cobo in his ten-year Study of the Problem of Discrimination Against Indigenous Populations for the United Nations Commission on Human Rights, the U.N. Treaty Study was formally authorized by the United Nations in 1988. The three-year study of treaties and agreements between indigenous nations and states' governments focused on the validity of such agreements and the degree to which they are enforced.

While the United Nations and the International Labor Organization actively include Indian Affairs issues in their agendas, the Inter-American Indian Congress focused on Indian Affairs as its primary agenda item. Every four years, eighteen Member States from the Western Hemisphere meet to give direction to the Inter-American Indian Institute and to exchange policy on treatment of Indian nations. The hemispheric countries participating in the Inter-American Indian Institute could not clearly determine whether the Institute should function as an academic body or a political body leading to its effort to function as an "expert agency." The Inter-American Indian Institute plays a major role as an "expert agency" advising the United Nations and the International Labour Organization on their policies toward Indian and other indigenous nations. Particular emphasis has been placed on the development of the Universal Declaration on the Rights of Indigenous Peoples and partial revision of I.L.O. Convention 107. With the advent of the Organization of American State (OAS) efforts in the decade of 200 to develop the American Declaration on the Rights of Indigenous Peoples Inter-American Indian Institute member countries declined financial support sufficient to maintain the Institute. In 2009 the Institute was closed down.

The new Declaration was generally thought to serve as a working substitute for the Institute—the records of which were transferred to the National Autonomous University of Mexico Multicultural Nation University Programme,

After eighteen years (1997-2015) during which Organization of American States' members considered the American Declaration on the Rights of Indigenous Peoples, the draft preamble to the American Declaration on the Rights of Indigenous Peoples was submitted to American states for their consideration in April 2015. The Declaration remains as of this writing unapproved by the OAS. It was not the treaty of 1940 that prompted the OAS Declaration, but the United Nations and the International Labor Organization adoptions of new instruments.

### III. Self-Government Demonstration Project/ International Agenda

Just as self-government is the central issue of concern to Fourth World nations in their relations with the United States, the exercise of self-government by indigenous nations is the dominant issue of the International Indian Affairs Agenda. It was made so by indigenous leaders from North America, Central America, South America, and leaders from the South Pacific, Western Pacific, Southern Asia, and Europe.

As a result of three Indigenous Peoples' Preparatory Sessions (I.P. P.S.) convened in Geneva, Switzerland in 1985, 1987, and 1988 the issue of indigenous peoples' self-determination, thus the right of self-government, received concentrated attention in the early drafting sessions for the Universal Declaration on the Rights of Indigenous Peoples. In the I.P.P.S. Declaration of Principles indigenous representatives urged the adoption of twenty-two principles in the Universal Declaration on the Rights of Indigenous Peoples. Recommen-

dations 2, 3, 5, and 9 specifically reflect the self-governance agenda of indigenous nations in the United States:

2. All Indigenous Nations and peoples have the right to self-determination, by virtue of which they have the right to whatever degree of autonomy or self-government they choose. This includes the right to freely determine their political status, freely pursue their own economic, social, religious and cultural development, and determine their own membership and/or citizenship, without external interference.

3. No State shall assert any jurisdiction over an Indigenous Nation and people, or its territory, except in accordance with the freely expressed wishes of the Nation and people concerned.

8. Rights to share and use land, subject to the underlying and inalienable title of the Indigenous Nation or people, may be granted by their free and informed consent, as evidenced in a valid treaty or agreement.

9. The laws and customs of Indigenous Nations and peoples must be recognized by States' legislative, administrative and judicial institutions and, in case of conflicts with State laws, shall take precedence.

In connection with the I.L.O. partial revisions of Convention 107, representatives of indigenous nations pressed for fundamental changes in the language of this agreement between states' governments. They noted that Convention 107 contained language, which established "integration as the fundamental objective of all activities undertaken by (states) governments in relations to indigenous and tribal populations." I.L.O. Meetings of Experts were urged to adopt the term of self-determination as more appropriate to the aspirations of indigenous peoples. They noted that the term should not be construed to imply any form of political independence from countries

within which indigenous peoples live.

Additionally relevant to partial revisions of Convention 107, indigenous representatives urged that the theory of terra nullius (used in Roman Law to declare territories vacant and open for colonial occupation) and unilateral states' government legislation ought never to legitimize States claims to indigenous territories.

In 1984, the World Council of Indigenous Peoples developed four basic principles concerning indigenous territories, which the International Labour Organization was urged to adopt as a part of its revisions of Convention 107:

Indigenous people shall have exclusive rights to their traditional land and its resources, and where the lands and resources of the indigenous people have been taken away without their free and informed consent such lands and resources shall be returned;

The land rights of an indigenous people include surface and subsurface rights, full rights to interior and coastal waters and rights to adequate and exclusive coastal economic zones within the limits of international law;

All Indigenous peoples may, for their own needs, freely use their natural wealth and resources in accordance with the two principles mentioned above; and

No action or course of conduct may be taken which, directly or indirectly, may result in the destruction of land, air, water, and ice, wildlife, habitat or natural resources without the free and informed consent of the indigenous peoples affected.

Some of the W.C.I.P. adopted principles were incorporated in the final proposed revisions of Convention 107. The United States Department of Labor's Bureau of International Labor Affairs received the newly proposed International Labour Organization Convention Concerning Indigenous and Tribal

Peoples in Independent Countries on March 8, 1989 and it entered into force September 5, 1991. Originally the proposed Convention was published in the Federal Register on March 8, 1989, requesting comments from tribal governments before April 7, 1989. While the U.S. Department of Labor with the assistance of relevant agencies prepared the U.S. government's response to the International Labour Organization, there is no evidence that any tribal governments responded to the Federal Register request. The International Labour Organization considered adoption of the new Convention on June 7, 1989 in Geneva, Switzerland. Subsequent to adoption, countries were asked to ratify the Convention. A request for ratification by the United States Senate was anticipated in late 1989 or early 1990.

The current debate between indigenous nations representatives and states' government representatives in both the United Nations and the International Labour Organization have special relevance to the self-governance planning process that began in 1988. Indeed, the outcome of the self-governance process in the United States had an influence on the final language of both the Universal Declaration on the Rights of Indigenous Peoples and the revised Convention 107. Similarly, the debates in Geneva, Switzerland and other international fora concerning indigenous self-determination, self-government, and territorial rights had a direct bearing on how the United States government negotiates with self-governance tribes.

I noted earlier that in the last forty-five years, American Indian nations and other indigenous peoples around the world assumed a more activist role in international events outside U.S. boundaries. The Emerging International Indian Affairs Agenda 1941 - 2002 diagram illustrates that American Indian nations' international initiatives have been more than matched by expanded activities by the



government of the United States. The United States government is now actively involved in Indian Affairs questions in bi-lateral discussions with the State of Canada. It is also involved in the Inter-American Indian Congress and the Organization of American States; and all of the United Nations organs including the United Nations Working Group on Indigenous Populations. The U.S. deals with Indian Affairs issues in the Commission on Security and Cooperation in Europe (created by the Helsinki Final Act), the International Labour Organization, and to a lesser degree in its human rights negotiations with the Soviet Union. Since the increased visibility of indigenous nations on the international plain, the United States joined with Australia, Canada, and New Zealand in a series of meetings every two years that I call the "English Speaking Symposium."

Expanding the external Indian Affairs agenda beyond U.S. boundaries resulted, in part, in the United States government dramatically increasing its own international Indian Affairs agenda. Not only has the U.S. government become directly involved in International Indian Affairs issues under the Helsinki Final Act, it widened its participation in the Inter-American Indian Congress, expanded bi-lateral talks with Canada to multi-lateral talks with Canada, Australia, and New Zealand. The U.S. has become a consistent participant in the U.N. Working Group on Indigenous Populations, and an active influence in the I.L.O. partial revisions of Commotion 107.

Much of the U.S. government's increased activity can be directly traced to increased indigenous activities on the international plane. In addition, more states governments seek the U.S. government's assistance in the development of internal indigenous policies and mutual cooperation combating the affects of challenges by Indian leaders before international forums. As Fourth World nations in-

creased their activity, the U.S. and other states' governments increased their activity too.

The international debate, and thus the Fourth World agenda, pits the interests of indigenous nations against the interests of internationally recognized states. The basic questions are;

Are states' governments abiding by internationally established human rights standards in their treatment of indigenous nations and peoples?

Should indigenous nations have the right of self-determination: The right to freely choose a social, economic, political, and cultural future without external interference?

Should indigenous nations exercise political and legal control over territories, exclusive of states' government control?

Do treaties and other agreements between indigenous nations and states' governments have the same standing as any other international agreement, and should they be enforced in accordance with international standards?

Do indigenous nations have the right to self-government without external interference?

Are indigenous nations comprised of peoples with a distinct social, economic, and political identity, or are indigenous nations populations similar to minorities subordinate to a state population?

Should indigenous nations have representation in the United Nations and if so under what rules?

Indigenous nations generally assert that they are distinct peoples and should have the right to freely enjoy self-determination and exercise full self-government without external interference in the same manner as other peoples in the world. Increasingly active and vocal states' governments view this position as a threat to the stability of existing states. As noted the states of Canada, United States, United Kingdom, Belgium, and Australia have

been particularly active in their opposition to the position presented by indigenous representatives. The focus of this nation and state contest is on the actual language of a Universal Declaration on the Rights of Indigenous Peoples and the ability of indigenous nations to capitalize on political openings and state weaknesses offered by the language.

As described in the next section, the debate over language to be contained in the Declaration on the Rights of Indigenous Peoples and the I.L.O. Convention 169 bear directly on Fourth World nations' self-governance and the self-governance of indigenous nations around the world. The United States, Canada, Australia, Belgium, and other vocal states' position favoring strict limitations on indigenous nations for Convention 169, suggested an attempt by states' governments to create a firewall on the rise of indigenous governments' acquiring political power. It is clear the United States government powerfully influences other states' governments to restrict the exercise of self-government by indigenous nations.

#### **IV. Nations' & States' Sovereignty: A Clash of Interests**

Fourth World nations and the United States of America have been engaged in a protracted struggle since before the signing of treaties in the late 18th century and more so since the 1840s when the bulk of treaties began. The contest has been over the question of sovereign domain. In other words: Who will govern the territory and people that makes up the Indian nations? The United States of America claims to have original sovereignty and original powers of self-government. American Indian nations claim to have original sovereignty and original powers of self-government. The United States government asserts that a separate sovereignty inside its boundaries is inconsistent with its political interests. Indian nations assert

that the intrusion of U.S. sovereignty into the indigenous sphere of authority is inconsistent with their political interests. Both the U.S. and Fourth World nations seek to achieve a perfection of sovereign power within each of their domains.

A demonstration of this contest occurred recently when the Lummi Nation (in the Pacific Northwest United States) rejected U.S. government attempts to impose one of its taxing powers on the economic activities of Lummi fishermen. Similarly, when the U.S. wanted to claim the right to control Lummi salmon fisheries, the Lummi—along with other indigenous nations—pressed a U.S. federal court to resolve the dispute. This dispute resulted in Lummi having control over fifty-percent of the salmon fishery in its waters. Now the Lummi Nation seeks to resume wider self-governing powers, the consequence of which would mean a lessening of U.S. governing powers inside the Lummi domain. Like neighbors trying to determine the location of a fence between their properties, the Lummi and the United States have engaged in a push and shove over issues of governing powers.

Virtually all of the confrontations between indigenous nations and the United States occurred inside American Indian territory or in U.S. territory. Each of the confrontations involved negotiations to either reduce tensions or resolve the debate. Direct negotiations or negotiations in the federal courts or U.S. Congress have been the pattern. The emerging international Indian Affairs agenda has created yet another context within which the struggle between Indian nations' interests and U.S. interests continues. Within a growing web of international linkages, the United States government has for the last twenty years been able to shape the international Indian Affairs agenda without having to directly confront Indian nations. Indeed, few Indian nations inside

U.S. boundaries have actually participated in the twenty-year process of developing the international Indian Affairs agenda. Indigenous nations from Canada, Central America, and South America and indigenous nations from Northern Europe, the Pacific and Western Pacific, and Asia have led in this process. Only Haudenosaunee, Hopi, and Lakota Nations have consistently and actively pressed their interests at the international level outside U.S. boundaries from the 1920 to the present. Their contemporary presence, combined with initiatives of individual Indians from inside the U.S. and the added political pressures from Germany, Norway, and Russia caused the United States to deal with its treatment of Indian nations in the international arena.

The persistence of Haudenosaunee and Hopi Nations, and the occasional presence of other nations like the Western Shoshone, Choctaw, and Navajo during the decade of the 1970s, helped advance the self-determination aspirations of Indian nations in the increasingly involved international Indian Affairs debate.

Just as the many confrontations between the United States and American Indian nations have involved the issue of political sovereignty in direct negotiations and in the courts and Congress, the same issue figures prominently in the international arena. While Fourth World nations have experienced numerous achievements and setbacks confronting the United States within the framework of U.S. laws, they have always been at a disadvantage. Most of the rules for dealing with U.S./Indian nation confrontations have been of the U.S. government's making and not of Fourth World nations. The international arena offers Indian nations the opportunity to deal with the U.S. on a "level playing field" in a climate of relative equality. In addition, Indian nations have the opportunity to directly participate in the making of the rules on an equal basis with the

United States. Instead of being the dominant rule maker in the international arena, the U.S. government is merely one of many which may participate in the rule-making process.

Unfortunately, where Indian nations have had some measure of success promoting their sovereign interests inside the boundaries of the United States, they may lose whatever gains have been previously achieved as a result of decisions and events at the international level. The actuality of a "level playing field" is only a possibility. By virtue of Indian nations' decisions individually and collectively, they have given the United States government the advantage by not participating in the international Indian Affairs debate. Indian nations in the United States generally are neither promoting nor defending their interests in the international arena. Even as the Indian nations seek to promote and defend their interests within the framework of U.S. laws, the United States government is actively pressing for language in new international agreements, which will defeat Indian aspirations.

Fourth World nations in the United States have embarked upon the most ambitious effort to secure their social, economic, and political future since the League of Nations policy of self-determination in 1919. Nations are working to resume self-governmental powers after negotiating a Self-Government Compact with the United States government. While a major focus of ongoing negotiations are on the quantification of funds for direct transfer to the Indian governments from the U.S. government, wider issues of self-determination will remain a persistent theme. Since Quinault President Joe DeLaCruz along with the Lummi Nation's Chairman Larry Kinley<sup>12</sup> initiated discussions with U.S. Congressional representatives

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12. The Quinault Indian Nation and the Lummi Nation are both located in the Pacific Northwest region of the United States along the Pacific Ocean.

to begin the self-governance process in 1987, the Bureau of Indian Affairs has persistently worked to narrow the scope of the self-governance process. The Bureau of Indian Affairs wants to stress a simple transfer of funds from the United States to Indian tribes in the fashion of a block grant where the B.I.A. retains strict administrative oversight. The central issue for the Bureau of Indian Affairs is its ability to remain in control of the Indian tribes through the fund transfer process. B.I.A. officials demonstrate great reluctance to consider the broader “self-governance issues” so carefully crafted into the foundations of the self-governance process by Lummi and Quinault.

The tendency to “narrow the scope of self-governance” by the Bureau of Indian Affairs is not shared by key U.S. Congressional representatives. Indeed, the late Congressman Sydney Yates and the late Senator Daniel Inouye were strongly committed to a broad interpretation of self-governance for Indian nations. These two Congressmen applied leverage to the Bureau of Indian Affairs and the executive branch generally to ensure honorable and good faith negotiations with the various Indian nations. Past experience suggests, however, that when matters of such magnitude are considered, political leverage from the U.S. Congress is not enough. The Bureau of Indian Affairs remains free to delay and narrow the scope of self-governance by simply out-lasting all parties concerned. In other words, the Bureau of Indian Affairs is doing what bureaucracies do best: delay action. For indigenous leaders and administrators there is the option to resist such delays with pro-active counter pressure of their own or they may engage in passive-aggressive indulgence of BIA demands, or they may simply buckle under the pressure and passively accept BIA dictates.

### **The International Option**

Since the late 1970's the United States government along with a number of allied governments like Canada, have worked to gain international acceptance for narrowing the scope of tribal self-governance. U.S. and Canadian efforts to limit the self-determination of Fourth World nations accelerated after 1982 when the United Nations established the Working Group on Indigenous Populations. Since beginning work on the draft of a Universal Declaration on the Rights of Indigenous Peoples, the U.N. Working Group on Indigenous Populations has become a primary focus of U.S. efforts to place strict limits on tribal self-determination. When the International Labour Organization began consideration of partial revisions to I.L.O. Convention 107 in 1985, efforts to restrict tribal self-determination began to be focused here, too.

Indigenous representatives meeting in international forums have consistently stressed the need for international law to recognize the right of self-determination and self-government for indigenous nations. To meet this increased pressure, the United States, Canada, and many other states' governments began to directly counter indigenous representatives' growing influence on the international plane.

Speaking for itself and many of the states' governments including the U.S. at the Fifth Session of the U.N. Working Group on Indigenous Populations in 1986, Canada's representatives made the following revealing assertions:

The Canadian Government is providing a fair and equitable process for Indian populations to secure protected rights under the Canadian Constitution.

Canada's aboriginal peoples are not in the international sense, but they are more accurately characterized as ethnic groups or minorities.

The right to self-determination of Canada's aboriginal peoples is not a guaranteed inter-

| Nations' Terms     |     | States' Terms               |  |
|--------------------|-----|-----------------------------|--|
| Self-Determination | vs. | Social & Economic Decisions |  |
| Self-Government    | vs. | Local Decision-Making       |  |
| Sovereignty        | vs. | Civil/Minority Rights       |  |
| Territory          | vs. | Land & Title                |  |
| Peoples            | vs. | Populations/Ethnic Groups   |  |
| Collective Rights  | vs. | Property Rights             |  |

**Table 1: Terms of Reference: Indigenous Nations vs States' Governments**

national right—it is barred as a result of the United Nations Declaration on Friendly Relations and Cooperation among States (1970). This declaration asserts that actions “which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination” is unacceptable. As Canada stated in its remarks: ‘If the right of peoples to self-determination were interpreted so broadly that many smaller groups within a democratic and independent state were entitled to establish unilaterally a separate political system, then both the political unity and perhaps the territorial integrity of many non-colonial, democratic and independent States members of the United Nations would be in jeopardy.’”

By virtue of these remarks, the Canadian government with the concurrence of the United States drew a line in the dirt. Canada and other states' governments said in effect that “we will not accept language in new international law which accepts tribal sovereignty, tribal self-determination, tribes defined as peoples, or tribal self-government.” Instead, states' governments are pressing for language that effectively formalizes Fourth World nations as minorities or ethnic groups

under their direct control. The countries most visibly taking this position included: Canada, United States of America, Peoples Republic of China, Great Britain, France, Belgium, Australia, India, Brazil, Nicaragua, Sri Lanka and Indonesia. Countries willing to take a more flexible view of the rights of indigenous nations to determine their own future include: Germany, Cuba, Peru, Panama, Tanzania, Denmark, Norway, Sweden, Vanuatu, and the Netherlands.

There was a distinct division between states' governments over questions of indigenous nations' sovereignty. Indigenous nations and generally supportive states' governments began to line up on one side of the debate. While mainly states' governments lined up on the opposing side. Within the framework of the I.L.O. Convention 107 revisions and the Universal Declaration on the Rights of Indigenous Peoples the debate centered on the usage of specific terms in the proposed new laws. The difference in terms between indigenous nations and states' government is shown in Table 1.

As the list of terms above indicates, the terms being advanced for use in the Declaration by indigenous nations would clearly enhance Indian self-governance. The terms states' government advance would clearly defeat



Indian efforts to resume self-government. The Bureau of Indian Affairs is plainly committed to defining indigenous nations in accord with states' government terms. If the Universal Declaration on the Rights of Indigenous Peoples becomes heavily slanted toward the states' government position, the Bureau of Indian Affairs position of narrowing the meaning of self-government will receive a strong boost. The Indian position will be weakened.

There is evidence that a compromise between the terms used can be worked out. The proposal for the partial revision of I.L.O. Convention 107 clearly makes concessions to both the position of indigenous nations and the states' governments. It should be noted, however, that the terms sovereignty, self-determination, and self-government are not used in the revised Convention. It should be further noted that specific references to the term "peoples" is explained as not to be "construed as having any implications as regards to the rights which may attach to the term under other international instruments." By including this clause in Article 1, Paragraph 3, the revised Convention clearly signals the political power of this term in international relations. States' governments recognize the significance of this term and oppose its application to indigenous nations.

As new international law is currently drawn, only peoples have the right of self-determination because of their social, economic, cultural, and political distinctiveness. The term is also widely recognized in the international community as identifying a class of human beings who may choose their own social, economic, and political future without external interference. The term is used in the United Nations Charter and virtually every other international instrument, which purports to promote self-determination, self-government and social, cultural, and political rights.

By denying that indigenous nations are

peoples, states' governments believe they can maintain absolute control of indigenous populations even without their consent. Upon close inspection of the U.S. government's 1979 report to the Commission on Security and Cooperation in Europe (Helsinki Final Act), we find that it is on this very point the United States presents an opposite view. According to the National Congress of American Indians submission to the U.N. Working Group on Indigenous Populations in 1983:

In accord with Principle VIII of the Helsinki Final Act, the United States of America has solemnly pledged itself to applying and upholding international covenants including the United Nations Charter in its dealings with organized Indian and native nations and communities. (Page 4)

In a curious turn, the United States government pledged in 1979 that international laws do apply to its relations with Indian nations, and it announced this position as a part of an agreement it has with 37 states' governments. In 1983, President Reagan reaffirmed that position in his announced "government to government" policy. However, in 1985 the United States was working in the International Labour Organization, United Nations and the Inter-American Indian Congress to advance a contrary position.

The United States government does not serve indigenous interests as it presses to narrow the meaning of Indian self-government at the international level. Indeed, if the U.S. government and other states' governments succeed in an absolute denial of self-determination for Fourth World nations, self-government initiatives will be rendered meaningless in a worst-case scenario. These initiatives would be rendered counterproductive in a best case.

### **Political (Strategic and Tactical) Significance of Self-Governance Compacts**

The idea of an indigenous nation negotiating a treaty, compact, or other agreement with a states' government is not new. Indian nations in Canada negotiated more than thirty treaties with Great Britain between the 1700s and the 1920s. Indian nations in the United States negotiated more than 400 such treaties with Holland, France, Spain, Great Britain, and the United States up to 1871. Similarly, scores of treaties and agreements were negotiated between Africa's indigenous nations and the states of Spain, Belgium, Portugal, Great Britain, Germany, and Italy throughout the colonial period. There is a well-worn path of nation/state treaties created over a period of five hundred years. Indeed, these treaties and agreements provide the foundation for international law.

Treaties, compacts, and agreements between Fourth World nations and the United States have been a rare occurrence since 1871. The potential for negotiated Self-Governance Compacts (SGC) now radically alters the 118-year treaty hiatus. The prospect of negotiated SGC's between Indian nations and the United States does not happen in a vacuum. Many other indigenous nations and states' governments began the process of seeking negotiated settlements to unresolved disputes in the 1980s. Political Status Compact negotiations between the United States and representatives of the Federation of Micronesia, Belau, and the Marianas continued or were concluded to restore self-government to these indigenous peoples. To resolve long-standing territorial and political disputes between Aboriginal peoples and the state of Australia, discussions began in 1981 to negotiate the Makarata Treaty. In 1980, the Inuit peoples of Greenland and the government of Denmark entered negotiations of a Greenlandic Home Rule Compact restoring internal self-government to Greenland. Many Indian nations and the

state of Canada began talks and negotiations concerning territory and self-government in 1982. The government of Sri Lanka and the Tamil began negotiations in 1987 to end a war in that island country. In 1984, the government of the Republic of Nicaragua and representatives of the Miskito, Sumo, and Rama Indian nations began peace treaty negotiations aimed at bringing an end to the Indian/Nicaragua war. In 1988, the Swedish government and the Nordic Sami Council announced the beginning of negotiations of a treaty to restore self-governance to Sami territories. Indigenous nation and states' government negotiation of new treaties, compacts, and agreements elsewhere in the world demonstrates a growing pattern. Instead of depending solely on states' court systems, legislative systems, and outright violent confrontations, direct nation/state negotiations has become an increasingly acceptable alternative.

The last two decades of developing nation/state negotiations produced only limited successes for indigenous nations. Not all of the negotiations were completed with agreement. Many negotiated agreements, particularly those in Canada, resulted in unbalanced agreements, which favored Canadian interests. A notable example of an agreement in Canada that put an indigenous nation to serious disadvantage involved the Sechelt people of British Columbia. This was the first "self-government agreement" concluded between an indigenous nation and the Canadian government (1987). The agreement provided for "direct transfer payments" to the Sechelt government, and effectively placed the Sechelt under provincial government jurisdiction concerning social, economic, and natural resource matters.

So satisfied was the Canadian government with the agreement in 1987 that it decided to use what became known as the Sechelt Formulae as the approach it would use in future

negotiations with other Indian nations. Other indigenous nations did not share Canada's satisfaction. Widespread opposition to negotiating "self-government and transfer agreements" grew rapidly because of the tendency for these agreements to be used as an indirect method for placing Indian nations under direct control of provincial governments instead of affirming separate self-rule in an Indian government. Despite opposition, many Indian nations are now engaged in negotiations with the Canadian government.

Though viewing the Sechelt Formulae as fundamentally unacceptable, several Indian nations in Canada have decided to enter self-governance negotiations—but with some caveats. The Stlatlimx nation located in south-central British Columbia decided to open negotiations with the government of Canada on the basis of sovereign equality. They decided in advance that no provisions allowing provincial jurisdiction in their territory would be accepted. The Haida Nation and Nuxalk Nation have chosen to pursue self-governance negotiations on the same basis.

Virtually all of the treaty and compact negotiations begun or concluded to-date involve four issues (from the indigenous nation point of view): political sovereignty and self-government, establishment of formal government-to-government relations, territorial demarcation, and direct transfer payments from the state government to the indigenous nation. From the state's government point of view negotiations involve these issues: direct transfer of payments from the state government to the indigenous nation, establishment of local government administration under the jurisdiction of the state's government, and confirmation of the state's sovereignty over the people and territory of an indigenous nation. The difference is the desire of an indigenous nation to formalize its distinct social, econom-

ic, and political identity apart from the state, and the state's desire to socially, economically, and politically assimilate the indigenous nation under its political sovereignty.

These are virtually the same conditions, which prevail around the Self-Governance Demonstration Project and the potential negotiations of Self-Government Compacts. Many self-governance nations seek to maximize the political significance of a Self-Government Compact to not only establish a procedure for "direct funding from the U.S. government," but to restore its self-governing powers and formalize government-to-government relations with the United States. Several strategic and tactical initiatives undertaken by the Fourth World nations may be decisive in the conclusion of a balanced Self-Governance Compact, which meets most of what the indigenous peoples want. Indian nations' incorporation of the following in an expanded external agenda would give the indigenous peoples added political leverage to meet the United States government in negotiations on more equal terms:

Undertake formal government-to-government Self-Government Compact negotiations with the United States government at the earliest possible date. These negotiations ought to be based on "a mutual recognition of sovereign identity." Consider negotiating the involvement of third-party observers (invited representatives of the U.N. Working Group on Indigenous Populations and perhaps several representatives of other Indian nations).

Establish an on-going diplomatic monitoring and representational capability for participating in United Nations dialogues on the formulation of the Universal Declaration on the Rights of Indigenous Peoples. This external diplomatic capability ought to include inserting the Indian nations as major participants in the United Nations Study on the Significance of Treaties and Agreements and Other Con-

structive Arrangements.

The Indian governments ought to actively press the U.S. Congress to ratify the partial revisions of I.L.O. Convention 169 with specific reservations for interpreting the term "peoples."

Adding the international dimension to Fourth World nations' external agenda in connection with the self-governance process will give Fourth World nations more political flexibility and much more political leverage. Also, going into negotiations requiring that the U.S. accept the condition of "sovereign equality" will provide the means to expand the scope of negotiations to include those issues of importance to the indigenous nations. The key strategic importance of elevating bi-lateral negotiations with the United States has the dual benefit of broadening the scope of negotiations with external leverage and influencing the international dialogue to support the sovereignty of Fourth World nations.

### **Background of UN Initiative 1973 - 1988**

In 1971, the United Nations Commission on Human Rights authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a Study of the Problem of Discrimination Against Indigenous Populations. Over more than a decade, Special Rapporteur Mr. Jose R. Martinez Cobo conducted the study and the final report was submitted to the Sub-Commission in 1983.

In 1977, representatives of indigenous nations and various non-governmental organizations conducted an international meeting in Geneva, Switzerland, which, among other things, called upon the United Nations Commission on Human Rights to establish a special working group to inquire into the international standards for the protection of the rights of indigenous populations. The United Nations Economic and Social Council

finally considered and adopted Resolution 1982/34 of May 1982, which authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a pre-session Working Group on Indigenous Populations. The Working Group on Indigenous Populations was directed to conduct annual sessions to "review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General from States Governments, specialized agencies, regional inter-governmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples. The Council also decided that the Working Group "shall give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world."

The Working Group on Indigenous Populations convened its first session in the summer of 1982 under the Chairmanship of Norwegian Human Rights authority, Mr. Asbjorn Eide. The first session saw Mr. Eide joined by the following members sitting on the Working Group: Mr. Mohamad Yousif Mudawi, Mr. Ivan Tosevski, Mr. Ahmad Saker and Ms. Maria de Souza. Member States of the United Nations observing the session included Argentina, Australia, Brazil, Canada, India, Morocco, New Zealand, Nicaragua, Panama, Sweden, United States of America, and Yemen. Non-governmental organizations and specialized agencies and U.N. bodies were also represented. Indigenous nations represented included: Haudenosaunee, Lakota Treaty Council, Nishanawbe-Aski Nation, Grand Council Treaty No.9, Native Council of Canada, Standing Rock Sioux Tribal Council,

Santcioi Maoaiomi Mikmaoei, and the South American Indian Council. This session emphasized organization and the laying down of working principles.

The Working Group Sessions in 1983, 1984, and 1985 were convened in a like fashion except that Working Group membership was changed in 1985. Ms. Erica-Irene A. Dam of Greece became the new Chairman/Rapporteur. The 1985 session included participation of the following Working Group members in addition to the Chairman/Rapporteur Mr. Miguel Alfonso Martinez, Ms. Gu Yijie, Mr. Kwesi B.S. Simpson and Mr. Ivan Tosevski. The following states' governments were represented: Argentina, Australia, Bangladesh, Brazil, Canada, China, France, Honduras, India, Indonesia, Mexico, Nicaragua, New Zealand, Norway, Peru, Sri Lanka, Sweden, Turkey, United States of America, and Vietnam. An observer also represented the Holy See. About sixty indigenous nations and indigenous organizations were represented at this session.

At the conclusion of the Fourth Session (1985), the Working Group on Indigenous Populations met during several private sessions and decided that it should aim its efforts toward the development of a draft declaration on indigenous rights, "which might be proclaimed by the General Assembly" of the United Nations.

The Working Group prepared Annex II of its 1985 report to the Sub-commission containing preliminary wording for "Draft Principles" as a basis for a declaration. The principles were stated as follows:

- The right to the full and effective enjoyment of the fundamental rights and freedoms universally recognized in existing international instruments, particularly in the Charter of the United Nations and the International Bill of Human Rights.

- The right to be free and equal to all other human beings in dignity and rights, and to be free from discrimination of any kind. The collective right to exist and to be protected against genocide, as well as the individual right to life, physical integrity, liberty, and security of person.
- The right to manifest, teach, practice and observe their own religious traditions and ceremonies, and to maintain, protect, and have access to sites for these purposes.
- The right to all forms of education, including the right to have access to education in their own languages, and to establish their own educational institutions.
- The right to preserve their cultural identity and traditions, and to pursue their own cultural development.
- The right to promote inter-cultural information and education, recognizing the dignity and diversity of their cultures.

As may be determined, these "Draft Principles" were redundant and very general. Between Session V in 1987 and Session VI in 1988, the Working Group's Chairman/Rapporteur prepared a working paper, which elaborated on these seven principles into twenty-eight statements of principle.

### Review of Session V

During Session V in 1987 the first intervention was a technical statement addressing the Draft Principles on Indigenous Rights prepared by the Working Group at the Fourth Session. The second statement was delivered by the Canada representative and specifically gauged to deal with what states' governments perceive to be a political threat by the indigenous nations within its boundaries.



A minor functionary delivered the first statement from the Canadian Mission in Geneva. The second statement, however, was delivered by the head of the delegation that traveled from Ottawa. Mr. Scott Serson, Assistant Secretary to Cabinet, Privy Council Office, delivered a six-page statement defending Canadian government initiatives to promote “aboriginal self-government,” and announced a kind of Canadian government policy directed at limiting the definition of “Indigenous Nations as peoples.” The Canadian Head of Delegation also emphasized the view that self-determination cannot “permit groups unilaterally to establish their own governments within a particular state.” These positions were directly contrary to the positions taken by indigenous nations and organizations.

The more activist behavior of Canada at the Working Group proceedings appeared to be in direct proportion to the number of indigenous nations and organizations present at the Session. Of the 48 indigenous nations and organizations present, 14 (or about 30%) of the delegations came from Canada.

Canada’s sensitivities to statements by indigenous nations or organizations were heightened by remarks made by the Union of British Columbia Indian Chiefs led by Mr. Saul Terry, Treaty 6 Chiefs led by Chief Ed Burnstick, and Haudenosaunee led by Chief Oren Lyons. These statements were most harshly critical of the Canadian government. On balance, however, the remaining eleven statements from indigenous nations or organizations were mild and even complimentary toward the Canadian government.

The United States delegation congratulated the Canada submission and offered the view that the presentation was “tempered and timely.”

## Review of Session VI

During Session VI, Canada assumed a primary role as defender of the limited states’ government position on indigenous self-determination. The United States delegation only again extended its congratulations for a well thought out presentation. Yet a review of Canada’s comments and actions reveals the hand of the United States.

Mr. J.D. Livermore of Canada’s Human Rights and Social Affairs Division of the Department of External Affairs headed a five member Observer Delegation. He and his delegation entered three separate interventions during the proceedings. The first of these addressed agenda item #4 on “review of developments.” His second intervention addressed agenda item #5 on “standard setting.” The third intervention was an unusually direct commentary on item #6 concerning the U.N. Treaty Study. Canada’s Observer Delegation can be said to have been dominant as spokesman of the other estimated 27 state observer delegations. No other state delegation was so formally active, or active in the informal corridors.

Under agenda item #4, Canada’s Observer Delegation stressed the state government’s progress under “Constitutional initiatives” and “non-Constitutional initiatives.” In both categories, Canada portrayed itself as engaged in other constructive arrangements to promote “strengthening the special relationships between Canada and its aboriginal peoples.”

Special emphasis was placed on attempts by the Canadian government to “entrench a self-government amendment” in the Canadian Constitution. Noting that neither Indian leaders nor the March 1987 First Ministers’ Conference expressed sufficient support for such a proposal, Canada’s Observer advised that the Max Minister “has indicated his commitment to a constitutional amendment ... and his willingness to convene another First Ministers’

Conference to that end . . . .”

The actions of the Canadian government and Canada’s Observer Delegation remarks at Session VI of the Working Group regarding entrenching self-government in the Constitution demonstrated the folly of past efforts to entrench Indian self-government in Canada’s Constitution. Like other states’ governments present, Canada was intent upon politically absorbing Indian nations in line with the Sechelt Formulae. This course of action demonstrates Canada’s intent to dissolve the sovereignty of Indian nations over people and territories through “self-government agreements.” Through such agreements Canada was able to assert that Indian nations have consented to the dissolution of their sovereign authority and their acceptance of minority status within Canada. Combined with its desire to establish “Indian consent for the dissolution of Indian sovereignty,” Canada sought to create not only political dependence on its government but economic dependence through “funding agreements.”

Canada also indicated its intent to broaden its political and economic absorption policy to include social absorption. One Canadian observer advised this would be achieved through the “development of an aboriginal languages program” and the establishment of a “Canadian broadcasting policy” with more aboriginal content in operations and programming.

Canada was undertaking perhaps the most ambitious effort of any state in the world to politically, economically, and socially absorb indigenous nations. Such effort is in the strategic, economic, and political interest of Canada. Perhaps more aware than any country, Canada knows that it does not, in actuality, have full political, economic, and strategic control over its claimed territory. The principal obstacle to this control is Fourth World nations that continue to claim and assert their separate

political sovereignty. It should be no surprise, therefore, that Canada is going to such lengths to establish a comprehensive process of absorbing indigenous nations.

It should be noted that Canada demonstrates its deep concern over its ability to successfully absorb all Indian nations. This is illustrated by two comments made at the Sixth Working Group Session. First, Canada noted “Unfortunately, at that time, there was insufficient support among governments and aboriginal leaders to proceed with a proposal to entrench a self-government amendment.” This was first in the March 1987 First Ministers’ Conference. Secondly, Canada actively pressed in May 1988, at the U.N. Commission on Human Rights for descriptive language in the title of the U.N. Treaty Study which would seem to sanction its Constitutional and non-Constitutional processes for absorbing Indian Nations. It also pressed to narrow the debate concerning the Universal Declaration on the Rights of Indigenous Peoples and the I.L.O. Convention 107 revision to the rights of individual indigenous people and the use of lands instead of territories.

In the U.N. Commission on Human Rights debate concerning the U.N. Treaty Study, Canada pressed for language (and succeeded) that changed the study title from “The Status of Indigenous Treaties” to: “Study of the Significance of Treaties and Agreements and Other Constructive Arrangements.” Despite the fact that the U.N. Economic and Social Council had in March 1988 authorized the study with the former title, Canada succeeded in forcing the title change in the U.N. Commission on Human Rights resolution in May.

Based on what is known about Canada’s policy toward indigenous nations (absorption through self-governance and funding agreements, constitutional amendments, etc.), its desire to display these actions as progres-

sive during the Sixth Session of the Working Group and its fundamental need to establish its sovereign domain over Fourth World territories which make up about 1/3 of upper North America could only be seen as a way of further protecting what I call the Canadian Indian Absorption Sham! The U.N. Treaty Study promises to expose Canada's Indian Absorption Sham.

When the study was first proposed in the Cobo Study, it was proposed to determine:

1. If Treaties and Agreements between indigenous nations and State governments have international standing and, therefore, should be enforced according to international standards, and
2. If future Treaties and Agreements between Indigenous nations and states' governments should have international standing and be enforced according to international standards. If agreements between Canada (or any other state for that matter) and indigenous nations are to be held up to international standards and scrutiny, Canada's hold on two-thirds of the upper North American continent would possibly evaporate. Canada's sovereignty over Fourth World territories would be called into question. Indeed, Canada's sovereignty generally would be called into question.

Canada has no treaty with indigenous nations in the vast portion of its claimed territory. If the U.N. Treaty Study concluded that international standards must be used in relations between indigenous nations and states governments, this would put enormous pressure on the Canadian government. It would probably have to open treaty negotiations with most Fourth World nations inside the boundaries of Canada. These negotiations would not be within the framework of the Canadian govern-

ment (hidden from international scrutiny), but rather they would have to take place within the international environment. Canada would have to establish treaties with all those nations, which it wanted to have within Canadian sovereign domain. Without such treaties, Fourth World nations like Lil'Wat<sup>13</sup> would be internationally recognized as separate and distinct from Canada—outside her sovereign domain.

Canada and the United States, Australia, and Belgium were also eager to insert narrowing language in the developing Draft Declaration on the Rights of Indigenous People. Canada, as did the United States, opposed the use of the terms self-determination, sovereignty, peoples, and territory in connection with the rights of indigenous peoples. The presence of such terms in the Declaration would place enormous pressure on the Canadian government to deal with Indian nations according to international standards. At present, self-governance and funding agreements need not contain provisions, which normally would be required under international standards. These "domestic agreements" need only reflect Canadian constitutional requirements. Under this circumstance, Canada retains absolute control over the meaning and interpretations of such "domestic agreements." U.N. Human Rights standards, or World Court standards need not apply. Canada is left to do what ever is in its own political, economic, and strategic interest—even though Indian nations may be the losers. Indeed, when given the opportunity to join 193 other states approving the Outcome Statement of the 2014 World Conference on Indigenous Peoples, only Canada submitted a statement to the United Nations rejecting the self-determination and self-government principles.

The conditions which surround Self-Gover-

<sup>13</sup> This is a small nation in Southwest Pacific Canada located north of the City of Vancouver.

nance Compacts negotiated by Indian nations from 1992 - 2000 with the United States can be described in the same way. These “domestic” instruments have limited significance in terms of the full expression of self-government and hold little sway under international standards.

The I.L.O. Convention 107 is of relatively equal importance to the Compacts since it is an existing international convention, which binds the Canadian government. Narrowing or limiting language perpetuates the original character of this Convention—integration, individual rights, and land rights, as opposed to self-determination, collective rights, and territorial rights—all concepts essential to Canada’s absorption policy.

Canada’s external and internal policies regarding indigenous nations are remarkably well coordinated and consistent. This is unusual for most states—even the United States government does not have such close coordination between its internal policies and external policies. Such consistency shows how fundamentally important to the security and political stability of Canada the question of indigenous rights is. Canada is working on three fronts internally: self-governance agreements, funding agreements, and constitutional amendments. Externally, Canada is working on a broad range of fronts including: the U.N. Commission on Human Rights (in 1989 Canada became a full member), the International Labor Organization in connection with I.L.O. Convention 107, the U.N. Working Group on Indigenous Populations in connection with the Universal Declaration on the Rights of Indigenous Peoples, the “English Speaking Symposium” consultations between Canada, U.S.A., Australia, and New Zealand every two years; the Inter-American Indian Institute meeting every four years (Canada became a formal member in 1989); and negotiations between

Yapti Tasba<sup>14</sup> and the government of Nicaragua where Canada is a guarantor state.

The above discussion illustrates that states’ governments increasingly regard the outcome of decisions in the U.N. Working Group on Indigenous Populations as critical to their political interests. This level of concern increases as the time drew near when a final draft of the Universal Declaration on the Rights of Indigenous Peoples came before the U.N. General Assembly.

### Active Indigenous Nations in International Dialogue

What follows are some insights into the involvement of indigenous representatives (non-governmental organizations and community representatives) in efforts to shape language in international instruments during the active years of the UN Working Group on Indigenous Populations (1982 – 1990).

Over a five-day period preceding the convening of the Sixth Session of the U.N. Working Group on Indigenous Peoples, representatives of observer indigenous nations and organizations met in the Third Session of the Indigenous Peoples’ Preparatory Meeting. Participating indigenous delegations came from Asia, Southern Asia, Melanesia, Northern Europe, the Pacific, North America, Central America, and South America. No legations represented Central Asia, the Middle East, Southern Europe, the Atlantic, or Africa. A review of these discussions may be instructive while revealing the scope and content of these increasingly important sessions. The Preparatory Meeting Agenda focused on the following items:

- The Draft Universal Declaration on the Rights of Indigenous Peoples

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14. This is that name of the territory occupied by the Miskito people on the northern Atlantic Coast of Nicaragua.

- Progress on Revisions to the I.L.O. Convention 107
- Study of the Status of Indigenous Treaties
- Reports from attendees indicated that participation in the Indigenous Peoples' Preparatory Session declined in 1988, though the substance of the session was much more focused. Shortage of funds and higher exchange rates favoring the Swiss Franc were cited as reasons for the lower level of participation.
- UN Declaration on the Rights of Indigenous Peoples

Efforts were initiated to "modify the Preparatory Session's 1987 Draft of the Declaration on the Rights of Indigenous Peoples." Opinion on this subject was divided. Some suggested that modifications were necessary to accommodate the "political realities" of state opposition, and "getting any declaration" was better than getting none from the U.N. General Assembly. Specific note was made of the fact that some states' governments had begun to organize their efforts to promote a declaration which contains references to "individual rights," "land rights" and political integration of indigenous peoples into the various states. These terms met vigorous opposition from many indigenous observers. Indigenous observers strongly reaffirmed the need to include language in the Declaration which advances indigenous "self-determination," "territorial rights," and autonomous self-government. The Preparatory Session did not resolve these differences, but left their consideration to working sessions during the Working Group Session in the following week.

### **International Labor Organization Convention #107**

A similar debate arose over the two-year

long International Labor Organization revision process of Convention 107 (see Attachment 4.1). Appearing before the Preparatory Session, the I.L.O. representative advised that final language for the Revised Convention #107 would be submitted for states' government and Labor Organization ratification in July 1989. I.L.O.'s representative noted that recommendations from the U.N.'s Special Rapporteur, Mr. Martinez Cobo to change "the orientation of the Convention away from the integrationist approach adopted in 1957, to respect for the cultures, ways of life, and very existence of indigenous and tribal peoples, and of incorporating requirements for consultation and participation" were heard and some states' government indicated their general willingness to agree.

I.L.O.'s representative also advised "no agreement has yet been reached on two important issues." The first of these is whether to designate indigenous nations as peoples or populations. Though there was considerable debate, no agreement was achieved. The second issue was whether to use lands or territories. Some states' observers indicated fears that the term territories "might carry implications beyond a mere description of the way in which indigenous and tribal peoples see their relationship to the territories they occupy." In more direct terms, the fears were that indigenous nations might exercise sovereignty over territories while they may simply exercise ownership and use over lands. This issue is of critical importance since the use of a specific term may connote sovereign competition, while another term would mean permanent state sovereignty over indigenous lands.

An adjunct to the second issue was the question of "the extent to which and the way in which these peoples will be protected against involuntary removals from their lands, and from exploration for and exploitation of



non-renewable resources.” Like the terminological debate, this too was left unresolved and deferred to 1989.

The I.L.O. representative advised that revision committee members were frequently reminded “the Conference was engaged in drafting a Convention, which when ratified would create binding legal obligations. ... [it is] necessary to ensure that the provisions included in the draft not be such as to make it difficult for countries to ratify the Convention.” In other words, I.L.O. revision committee members were being cautioned to keep the revised language as non-threatening to State sovereignty as possible. Members were frequently advised that the standard setting activities of the U.N. Working Group on Indigenous Populations are of a “complimentary nature” to the work of the International Labor Organization. This invocation seemed to suggest that the U.N. Working Group on Indigenous Populations should serve as the “barometer of states’ government sentiments”—whichever path the Working Group takes, the I.L.O. could follow with its revisions to Convention 107.

### **Outline of the Status of Indigenous Treaties**

One of the recommendations of the ten-year U.N. Commission on Human Rights Study of the Problem of Discrimination Against Indigenous Populations (1983) was for the Commission to undertake a study on the status and significance of treaties between states’ governments and indigenous peoples. At the March 1988 meeting of the U.N. Human Rights Commission, the study proposal was raised for consideration and authorization. The proposal was made to allow Mr. Miguel Alfonso Martinez (a member of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and a member of the U.N. Working Group on Indigenous Populations) to serve as the Special Rapporteur for

the Study on the Status of Indigenous Treaties (see Attachment 3.1).

The U.N. Economic and Social Council had adopted Resolution 1988/56 in March to authorize the U.N. Treaty Study. This resolution empowered the U.N. Commission on Human Rights to designate a Special Rapporteur to undertake the study. Since the Sub-Commission on the Prevention of Discrimination and Protection of Minorities has a standing authority to conduct studies, it was designated as the official body responsible for the U.N. Treaty Study. Mr. Martinez’s role as the Special Rapporteur evolved from his role in the Sub-Commission and the U.N. Working Group on Indigenous Populations.

Though not a member of the U.N. Commission on Human Rights, the Government of Canada strenuously refused to allow Mr. Martinez to undertake the study. Apparently taking some instructions from the United States government, the Canadian representatives argued that Mr. Martinez, who is from Cuba, could not be relied on to give states in the western bloc with indigenous treaties a fair hearing. Other states’ government members of the U.N. Commission on Human Rights agreed. Still other governments, notably Belgium, expressed concerns about the possible outcome of the study. They expressed concern that treaties between indigenous peoples and states governments might be granted international standing. Ted Moses representing the Cree of Quebec had denounced Canada’s efforts as a “slick and sleazy” maneuver. The outcome of the May debate was an agreement to permit Mr. Martinez to develop and present an “Outline on the Significance of Treaties and Agreements and other Constructive Arrangements” between indigenous peoples and States. The Commission decided that Martinez’s outline must bear in mind “the socio-economic realities of states, and the inviolability of their sovereignty and

territorial integrity.”

Martinez was to present his outline at the Sixth Session of the U.N. Working Group on Indigenous Populations. The debate was to continue during the Sub-Commission’s session immediately following the Working Group Session in August. Reports circulated that Mr. Martinez intended to cause both the United States government and Canada “maximum embarrassment”—and he did.

Preparatory Session discussions centered primarily on how to demonstrate strong support for the U.N. Treaty Study at the Sixth Session of the U.N. Working Group on Indigenous Populations. It was noted that such strong endorsement of the study was necessary because of what was described as a “major clash” between the interests of states’ governments and indigenous peoples. Many observers noted that most governments view the U.N.’s growing interest in indigenous peoples as interference in their internal affairs.<sup>15</sup> The specific character of the U.N. Treaty Study and the rapid development of a Universal Declaration on the Rights of Indigenous Peoples are increasingly considered by states’ governments to be a threat to their sovereignty and territorial integrity.

In sum, the Indigenous People’s Preparatory Meeting took on a much more serious and political focus, as the issues of controversy between indigenous peoples and states’

government are more sharply defined. As indigenous nations increased their pressures on states’ governments at home, they forced the U.N. into daring new feats of standard setting. Conversely, with their increased visibility at the international level, indigenous nations forced many states government to become more directly involved in an international dialogue about the future rights of indigenous peoples.

As the Human Rights Reporter observed in its Winter 1988 U.N. Watch:

*The goals of native peoples range from outright independence at one extreme (some U.S. Indians, West Papuans, Kanaki) to a demand for equality and participation [in the state] at the other (some Latin American Indians). The majority fall somewhere in between. They want a form of self-determination which would fall short of outright independence, but allow control over land and natural resources. [Vol. 12, no.2]*

The debates at the U.N. and in the International Labor Organization about the Declaration on the Rights of Indigenous Peoples, Revisions of the I.L.O. Convention 107, and the U.N. Treaty Study combined to sharpen the positions between states’ governments and indigenous nations—with the U.N. serving as the arbitrator of this debate. It became more intense between 1989 and 1992 as the Declaration proceeded to consideration by the UN Human Rights Council. It was in this four-year period that the Draft Declaration was carried through the U.N. to the General Assembly for final adoption by 2007. The I.L.O. revised Convention 169 remained under consideration for ratification by states’ governments. Perhaps most upsetting to states governments were the results of the U.N. Treaty Study authored

15. This is particular apparent with the Russian Federation that now claims, like the Peoples Republic of China, that it has no “indigenous peoples.” Increasingly states’ governments are adopting this posture suggesting that they have fully recognized such peoples as “Russians” or “Chinese” with full rights—eliminating the need to pay attention to the UN Declaration on the Rights of Indigenous Peoples. These postures account for the significant reduction in the UN recognition of indigenous peoples to 370 million (matching the member states’ policies) instead of the 1.3 billion identified in the CWIS Fourth World Atlas Project marking the location and population of more than 5000 nations.

**Table 2: Chronology of International Initiatives 1941 – 2015**

| Year   | International Activity affecting Indigenous Peoples' Interests  |
|--|---|
| 1941   | Inter-American Treaty (U.S. & 17 Central & South American Countries) -establishment of the Inter-American Indian Congress and the Inter-American Indian Institute |
| 1944   | National Congress of American Indians founded   |
| 1948   | N.C.A.-I. adopts Self-Determination Policy Resolution   |
| 1957   | International Labor Organization Convention 107: Concerning Tribal and Semi-Tribal Populations in Independent States.   |
| 1958   | N.C.A.I. Point 4 Program  |
| 1961   | Chicago Conference. Declaration of Purpose  |
| 1957   | 2nd Inter-American Indian Congress  |
| 1960   | 3rd Inter-American Indian Congress  |
| 1964   | 4th Inter-American Indian Congress  |
| 1968   | 5th Inter-American Indian Congress  |
| 1968   | U.S./Canada Talks on Indian Affairs   |
| <b>Beginning the International Indian Affairs Agenda</b> |   |
| 1970   | Nixon Self-Determination Policy   |
| 1974   | U.S./Canada Talks on Indian Affairs   |
| 1971   | N.C.A.I & Native Indian Brotherhood of Canada exchange agreement - Preparations for establishment of World Council of Indigenous Peoples                          |
| 1971   | U.S./Canada Talks on Indian Affairs   |
| 1971   | Helsinki Negotiations (U.S./USSR and European States)   |
| 1972'  | 6th Inter-American Indian Congress - Brazil   |
| 1972   | U.S./Canada Talks on Indian Affairs   |
| 1972   | N.C.A.I./N.I.B. cooperation to form an international indigenous organization - later to become World Council of Indigenous Peoples.                               |
| 1972   | Non-Governmental Conference on Indian Rights; call for study of Indigenous peoples - Switzerland  |
| 1972   | U.N. Commission on Human Rights authorizes <u>Study of the Situation of Indigenous Populations</u> directed by Special Rapporteur Martinez Cobo                   |
| 1973   | U.N. Study of the Situation of Indigenous Populations (begins) U.N. Commission on Human Rights  |
| 1973   | U.S./Canada Talks on Indian Affairs   |
| 1973   | N.C.A.I. Declaration of Sovereignty   |
| 1974   | U.S./Canada Talks on Indian Affairs   |
| 1975   | U.S./Canada Talks on Indian Affairs   |

**Table 2: Chronology of International Initiatives 1941 – 2015 (continued)**

| Year | International Activity affecting Indigenous Peoples' Interests  |
|------|---|
| 1975 | American Indian Policy Review Commission  |
| 1975 | Formation of International Indian Treaty Council  |
| 1975 | Formation of World Council of Indigenous Peoples – CANADA   |
| 1975 | Helsinki Final Act (Organization on Security and Cooperation In Europe)   |
| 1975 | Indian Self-Determination & Education Assistance Act - PL 638   |
| 1976 | U.S./Canada Talks on Indian Affairs   |
| 1976 | 7th Inter-American Indian Congress - Panama   |
| 1977 | U.S./Canada Talks on Indian Affairs   |
| 1977 | 2nd General Assembly WCIP - Sweden  |
| 1977 | NGO Conference on Indigenous Rights - Geneva, Switzerland   |
| 1977 | U.S. American Indian Policy Review Commission Final Report  |
| 1978 | U.S./Canada Talks on Indian Affairs   |
| 1978 | U.S., Canada, New Zealand, Australia begin consultations on the problem of Indigenous peoples - "English Speaking Symposium."                           |
| 1979 | U.S./Canada Talks on Indian Affairs   |
| 1979 | U.N. Commission on Human Rights considers NGO proposal for establishment of U.N. Working Group on Indigenous Populations                                |
| 1979 | U.S. Report to Commission on Security & Cooperation in Europe - Helsinki Final Act regarding charges of Human Rights violations against American Indian |
| 1979 | Conference of Tribal Governments – announce "government-to-government" policy   |
| 1980 | "English Speaking Symposium" Canada   |
| 1984 | U.N. Economic and Social Council authorizes U.N. Commission on Human Rights to form Working Group on Indigenous Populations                             |
| 1980 | World Bank authorizes development of Tribal Economic Development Policy   |
| 1980 | U.S./Canada Talks on Indian Affairs   |
| 1980 | 8th Inter-American Indian Congress - Ecuador  |
| 1981 | 3rd General Assembly WCIP - Australia   |
| 1981 | U.N. Commission on Human Rights authorizes Working Group on Indigenous Populations  |
| 1981 | U.S./Canada Talks on Indian Affairs   |
| 1982 | "English Speaking Symposium" - New Zealand  |
| 1982 | U.S./Canada Talks on Indian Affairs   |
| 1982 | UN Working Group on Indigenous Populations First Session  |
| 1982 | World Bank "Tribal Peoples and Economic Development Policy" Washington, D.C.  |

**Table 2: Chronology of International Initiatives 1941 – 2015 (continued)**

| Year | International Activity affecting Indigenous Peoples' Interests   |
|------|--|
| 1983 | NCAI Submission to UN WGIP - Geneva, Switzerland   |
| 1983 | Reagan "Government to Government" Policy   |
| 1983 | U.S./Canada Talks on Indian Affairs  |
| 1983 | U.N. - WGIP Second Session - Geneva, Switzerland   |
| 1983 | NCAI submission to the UN Working Group on Indigenous Populations – Geneva.  |
| 1983 | NCAI delegate participation in Central American Regional Meeting of Indians - Mexico   |
| 1983 | U.N. <u>Study of the Situation of the Situation of Indigenous Populations – M. Cobo</u> completed  |
| 1983 | World Assembly of First Nations - Regina, Canada   |
| 1984 | "English Speak Symposium" Warm Springs Reserve, USA  |
| 1984 | 4th General Assembly WCIP - Panama   |
| 1984 | U.S./Canada Talks on Indian Affairs  |
| 1984 | U.N. - WGIP Third Session - Geneva, Switzerland  |
| 1984 | US Presidential Commission on Reservation Economies  |
| 1985 | U.S./Canada Talks on Indian Affairs  |
| 1985 | 9th Inter-American Indian Congress (Canada & Australia observers) - Santa Fe, USA  |
| 1985 | Lummi Submission to UN WGIP Geneva, Switzerland  |
| 1985 | Quinault Submission to U.N. WO IP - Geneva, Switzerland  |
| 1985 | U.N. Commission on Human Rights considers various recommendations from Working Group on Indigenous Populations; authorizes WGIP to formulate a Draft Universal Declaration on the Rights of Indigenous Peoples |
| 1985 | Indigenous Peoples' Preparatory Session I - Geneva, Switzerland  |
| 1985 | U.N. - WGIP Fourth Session - Geneva, Switzerland   |
| 1986 | U.S./Canada Talks on Indian Affairs  |
| 1986 | "English Speaking Symposium" Australia   |
| 1987 | ILO Convention I07 Revision Session 1- New York, USA   |
| 1987 | U.S./Canada Talks on Indian Affairs  |
| 1987 | Indigenous Peoples' Preparatory Session 2 - Geneva, Switzerland  |
| 1987 | 5th General Assembly WGIP - Bolivia  |
| 1987 | UN - WGIP Fifth Session - Geneva, Switzerland  |
| 1987 | International Silva-culturalists Conference - Indian Timber management - Yugoslavia  |
| 1987 | U.S. Appropriation for Self-Governance Demonstration Project   |
| 1988 | I.L.O. Convention 107 Revision Session 2 - New York, USA   |



**Table 2: Chronology of International Initiatives 1941 – 2015 (continued)**

| Year        | International Activity affecting Indigenous Peoples' Interests  |
|-------------|---|
| 1988        | U.S./Canada Talks on Indian Affairs   |
| 1988        | U.S. Department of Labor, Bureau of International Labor Affairs requests tribal government comments on draft revisions in I.L.O. Convention 107 - Federal Register October 28, 1988.                        |
| 1988        | U.N. Commission Human Rights debates and authorizes U.N. Indigenous Treaty Study 1988 "English Speaking Symposium" Canada   |
| 1988        | Indigenous Peoples Preparatory Session 3 - Geneva, Switzerland  |
| 1988        | U.N. - WGIP Sixth Session - Draft Universal Declaration on the Rights of Indigenous Peoples   |
| 1988        | UN Treaty Study begins - Geneva, Switzerland  |
| 1988        | NGO European Indian Support Groups Conference -Austria  |
| 1988        | US Self-Governance Demonstration Project Planning Authorization   |
| 1989        | 10 <sup>th</sup> Session of the Inter-American Congress on Indian Life  |
| 1989        | U.S. Department of Labor, Bureau of International Labor Affairs request tribal government comments on final draft or revisions in I.L.O. Convention 107 - Federal Register March 8, 1989.                   |
| 1989        | Organization of American States General Assembly asks the Inter-American Commission on Human Rights to prepare a legal instrument on the rights of "indigenous populations."                                |
| 1989        | International Labour Organization - 76th Session -June 7,1989 - Geneva, Switzerland Signing of I.L.O. Convention 169 on tribal and semi tribal populations.   |
| 1989        | International Indigenous Peoples' Preparatory Session - V July 24 - 28, 1989 - Geneva, Switzerland  |
| 1989        | U.N. Working Group on Indigenous Populations - Session VII. July 31, 1989 - August 4, 1989 - Geneva, Switzerland  |
| 1992        | UN – Biodiversity Convention International Conference – Argentina   |
| 1993        | 11 <sup>th</sup> Session of the Inter-American Congress on Indian Life  |
| 1994        | UN – Convention on Biodiversity comes into force with Article 8j concerning Indigenous nations.   |
| 1997        | The Inter-American Commission on Human Rights issued the Proposed American Declaration on the Rights of Indigenous Peoples and sent the draft to the Organization of American States General Assembly       |
| 1997        | 12 <sup>th</sup> Session of the Inter-American Congress on Indian Life  |
| 1994 - 1999 | Annual inter-sessionals scheduled for Indigenous nations to participate in "benefit sharing" discussions (Convention on Biodiversity)   |
| 1999        | NCAI & Assembly of First Nations Joint Conference and Joint Cooperation Statement   |
| 2000        | Inter-American Declaration on the Rights of Indigenous Populations – Organization of American States (Drafting). Working Group formed to be held with participation of indigenous peoples' representatives. |

**Table 2: Chronology of International Initiatives 1941 – 2015 (continued)**

| Year | International Activity affecting Indigenous Peoples' Interests  |
|------|---|
| 2000 | United Nations Permanent Forum on Indigenous Issues   |
| 2001 | 13 <sup>th</sup> Session of the Inter-American Congress on Indian Life  |
| 2001 | United Nations Permanent Forum on Indigenous Peoples Issues authorized by UN Economic and Social Council.   |
| 2001 | World Bank Revision of Indigenous Peoples Economic Development Policy.  |
| 2001 | World Health Organization – Draft Policy on Indian health   |
| 2001 | Pan American Health Organization – Policy on Indigenous Health  |
| 2002 | UN Permanent Forum on Indigenous Peoples Issues convenes first Session in New York with fifteen members (appointed by states' governments and by Sec General with recommendations of indigenous organizations). |
| 2007 | United Nations Declaration on the Rights of Indigenous Peoples (September 13)   |
| 2014 | UN World Conference on Indigenous Issues (Outcome Document – September 22)  |
| 2015 | OAS Working Group on Indigenous Peoples Chair distributed the draft Preamble for the Draft American Declaration on the Rights of Indigenous Peoples to OAS states.  |
| 2015 | Paris Agreement, UN on Climate Change (COP21) (Article 7)   |

by Mr. Miguel Alfonso Martinez of Cuba. It is this study that proffered a wider vision of international standing for indigenous nations along side UN Member States—a vision that challenges states' governments throughout the world where 1.3 billion indigenous people occupy territories bounded and bifurcated by arbitrary states' boundaries.

There is what appears to be an inexorable movement in international relations from a world dominated by states to one where indigenous nations occupy sovereign equality on a range of topics including territorial control, governance, and cultural development. Table 2 lists that international initiatives taken by indigenous nations and by states' governments showing an evolving political environment where the interests and political standing of indigenous nations as increasingly become a permanent part of the international space.

### Epilogue

Much of the preceding commentary and analysis was written between 1984 and 1993 with supplemental additions for the period following 1993 and into 2015. Despite substantially greater complexity in international indigenous affairs and acceleration of international events concerning indigenous (Indian) affairs on subjects ranging from social, health, education, political, economic, strategic, and territorial issues American Indian nations have remained passive and inactive in the international arena. With the United States government actively seeking to undercut self-determination as a principal applied to Indian nations within the international realm and limiting the terms of reference it is apparent that Indian nations are behind the times with the United States having a considerable advantage. What was apparently won by nations for the exercise of sovereignty, self-government, and self-sufficiency inside the United States, appears to be

**Table 3: Countries Ratifying ILO Convention 169**

|  |            |          |
|--|------------|----------|
|  Argentina                | 03:07:2000 | ratified |
|  Bolivia                  | 11:12:1991 | ratified |
|  Brazil                   | 25:07:2002 | ratified |
|  Central African Republic | 30:08:2010 | ratified |
|  Chile                    | 15:09:2008 | ratified |
|  Colombia                 | 07:08:1991 | ratified |
|  Costa Rica               | 02:04:1993 | ratified |
|  Denmark                  | 22:02:1996 | ratified |
|  Dominica                 | 25:06:2002 | ratified |
|  Ecuador                  | 15:05:1998 | ratified |
|  Fiji                     | 03:03:1998 | ratified |
|  Guatemala                | 05:06:1996 | ratified |
|  Honduras                | 28:03:1995 | ratified |
|  Mexico                 | 05:09:1990 | ratified |
|  Nepal                  | 14:09:2007 | ratified |
|  Netherlands            | 02:02:1998 | ratified |
|  Nicaragua              | 25:08:2010 | ratified |
|  Norway                 | 19:06:1990 | ratified |
|  Paraguay               | 10:08:1993 | ratified |
|  Peru                   | 02:02:1994 | ratified |
|  Spain                  | 15:02:2007 | ratified |
|  Venezuela              | 22:05:2002 | ratified |



**Figure 2 Global Indigenous Peoples Preparatory Meeting Participation**

losing in the international arena. As this piece indicates, there are advantages to be gained by action from Indian nations. There is a great deal to lose from inaction.

The international Fourth World Affairs agenda continues to grow, touching on American Indian and other indigenous nations' interests with increasing regularity from month-to-month. In the Fall of 1989 for example, the United States Congress was asked to consider ratification of the newly revised I.L.O. Convention 169. The Inter-American Indian Congress convened its quadrennial sessions and the United Nations Working Group on Indigenous Populations Sessions in Geneva. On February 7, 1989 Congressman Benjamin A. Gilman of New York and a member of the

House Foreign Affairs Committee introduced House Resolution 879 under the title of the International Indigenous Peoples Protection Act of 1989. Congressman Gilman and the bill's cosponsors introduced this legislation to "promote the rights of indigenous and tribal peoples and to ensure that no U.S.-funded program or project adversely affects indigenous or tribal peoples' rights or livelihood. The proposed legislation required the U.S. State Department to annually monitor the situation of indigenous peoples and report its findings in the annual country reports on human rights practices. The US Congress did not ratify the new Convention. However, as of 2015 twenty-two states have ratified it as shown in Table 3.

Meanwhile, the World Council of Indig-

enous Peoples formed in the 1970s collapsed and disappeared while the Inuit Circumpolar Council, Unrecognized Peoples and Nations Organization (UNPO), International Indian Treaty Council (IITC), and other regional indigenous organizations continued and in some instances flourished. The stage had been set for the first tentative effort to undertake a global meeting of Fourth World nations and peoples with the United Nations deciding to convene a Plenary Session of the General Assembly and title it the World Conference on Indigenous Peoples. This decision in 2011 triggered the General Assembly President to authorize the formation of the Global Indigenous Coordinating Group (GICG) made up of eighteen Fourth World delegates representing seven regions of the world. The GICG undertook the complicated and monumental task for organizing Fourth World participation in a World Conference preparatory meeting staged to facilitate Fourth World recommendations for a World Conference agenda.

The United Nations World Conference on Indigenous Peoples in the Fall of 2014 saw the largest global effort of Fourth World peoples' participation in the run up to that UN conference. Preparations by Fourth World nations, organizations and individuals for identifying specific language to be considered by the United Nations World Conference. More than four hundred delegates from seven of the world's regions and participants in two specialized caucuses joined in the Global Indigenous Peoples Preparatory Meeting at Alta, Norway in June 2013 to negotiate agreement on terms and recommendations to the UN World Conference. [See Figure 2] This remarkable event occurred under the sanction of the United Nations President, but it was organized by a Global Committee made up Fourth World regional representatives.

While there was often contentious debate

in each region before the Alta Conference, the ultimate outcome was a unified statement that significantly influenced what would become the World Conference on Indigenous Peoples Outcome Statement in September 2014. All 193 member states assented to the Outcome Statement, but the Canadian government issued a reservation essentially stating that the self-determination provisions and principle of "free, prior and informed consent"<sup>16</sup> would not be agreed to. Only one dissent by an ostensibly democratically ruled public issued. Russia, China, and several other states agreed to the WCIP Outcome Statement, but slyly issued public statements basically saying that it was unnecessary to apply the agreement to these countries since they "do not have indigenous populations—all are nationals."

As many as five international meetings are convened by indigenous NGOs each year including the UN Council on Human Rights, the Third Committee of the UN<sup>17</sup>. They concern subjects such as sustainability, international health, biodiversity, self-determination, and slavery concerning indigenous peoples.

Unfortunately, indigenous peoples themselves are not so often represented in the international space so much as they are "reflected" by non-governmental organizations that have greater financial support and flexibility to participate in such international meetings. Self-

16. The principle the undergirds the United Nations Declaration on the Rights of Indigenous Peoples providing the central authority of Fourth World nations to preserve, protect and guarantee their social, economic, political and cultural identity without state interference.

17. The Third Committee is one of four UN bodies with decisional authority. This body is principally concerned with social, humanitarian, and cultural affairs focusing on questions relating to the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination.



directed participation in international meetings by indigenous nations remains an illusive goal. A limited number of nations actually engage the international arena at all.

American Indian governments remain largely focused on bureaucratic struggles with the US Bureau of Indian Affairs, other US federal agencies, and the challenges of US legislation designed to limit or undermine tribal authorities and powers. No more than 10 American Indian governments out of more than 560 engage international initiatives and debates that directly affect the rights and interests of the peoples they represent.

The remaining nations are largely occupied with domestic US concerns. Indian nations allow the United States government significant political space to project an image of a benevolent state seeking only to advance the social, economic, and cultural well being of Indian communities. With no challenge to this internationally projected image the United States government is free to “model” an approach to indigenous peoples’ rights to the world that is both an illusion and helpful to other states that wish to present the same illusion. Consequently no state need worry about serious challenges to its policies and practices that may include population relocations, land confiscations, low level violence, and adverse social and health policies that undercut the physical viability of indigenous communities.

It is without a doubt essential for Fourth World nations to take central responsibility for their own political development and interactions in the international space. The role of Fourth World nations in the United States is a major influence in the progressive development of the international agenda. Their pro-active engagement is essential to greater achievements and political success.

There can be no substitute for a new Fourth World strategy for advancing the fundamen-

tal principle that states, sub-political organs, corporation, nongovernmental organizations, multi-lateral state or nation organs and transnational religions must obtain the free, prior and informed consent of Fourth World nations given by each nation in accord with customary laws before instituting policy, administrative decisions, regulations, or actions. A new Fourth World Strategy is now needed to build on this important principle embedded in the new international consensus among states’ governments and Fourth World nations’ governments alike.

### About the Author



Dr. Ryser is the Chairman of the Center for World Indigenous Studies. He served as Senior Advisor to the President George Manuel of the World Council of Indigenous Peoples, as former Acting Executive

Director of the National Congress of American Indians, and a former staff member of the American Indian Policy Review Commission. He holds a doctorate in international relations, teaches Fourth World Geopolitics through the CWIS Certificate Program ([www.cwis.org](http://www.cwis.org)); and he is the author of “Indigenous Nations and Modern States” published by Routledge in 2012.

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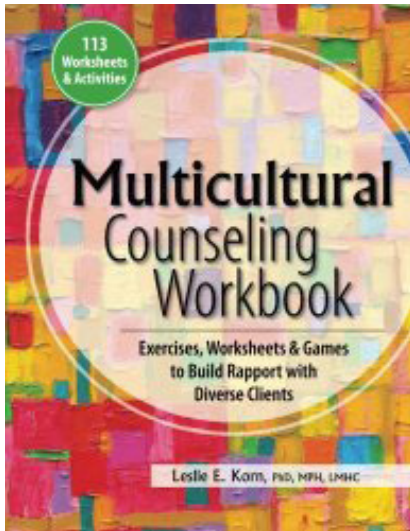
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# An Introduction and Long-Term Viability of Community Sustainable Agriculture Projects within Marginalised Communities

Susan McCleary  
University of Edinburgh

## Introduction

This study assesses the socio-cultural viability of community sustainable agriculture projects—with a focus on permaculture and the use of traditional knowledge and practices as examples of this—within a First Nations community in the Pacific Northwest (USA). A permaculture community project was undertaken at the Northwest Indian Treatment Centre (Washington State) in order to determine participant understanding and perception of food sovereignty and security prior to the project initiation, changes during participation, long-term attitudes toward such projects, and potential barriers to project longevity and impact. The initial set-up of the project included an analysis of soil quality to determine whether the area would support this approach to food production. The Northwest First Nation project serves as a case study to demonstrate the benefits of permaculture and to provide an action plan that ensures the longevity of permaculture practices in relation to soil quality.

This study is multidisciplinary and follows the theoretical framework of permaculture, which shifts the view of traditional knowledge as being rudimentary and basic to one that recognizes its intricacies and complexities, while offering an alternative knowledge perspective and management of small-scale agricultural food production systems that has been little-studied by the scientific community.

## Research Questions and Objectives

This study aims to identify the change in

understanding and attitudes of First Nation communities with regards to their current food security and production methods through the introduction of sustainable agriculture community projects, and to identify potential barriers to the longevity of such projects.

## Research Question 1:

Can communities that are considered marginalised utilise sustainable agriculture practices such as permaculture and traditional ecological knowledge as a development framework to successfully address food insecurity with the establishment of a sustainable food production scheme?

A high proportion of indigenous populations experience food insecurity (FAO 2015). Studies have shown that failure rates of introducing traditional agriculture schemes in indigenous communities are high (Bell-Sheeter 2004). Of the many possible barriers to successful implementation is the lack of community participation and lack of cultural integration and traditional ecological knowledge (Bauer et al. 2012). Literature suggests Traditional Ecological Knowledge as a possible framework for agriculture applications (Warren et al. 1995; Anderson 2005; Berkes 2012) and there is an increasing acceptance of the capabilities of TEK agricultural applications in the scientific community (Warren et al. 1995; Anderson 2005; Berkes 2012).

## Objectives:

- Assess the viability of permaculture and TEK in small-scale community food

production schemes through introducing a community sustainable agricultural project at the Northwest Indian Treatment Center.

- Assess the influence of social networks on sustainable agriculture adoption within marginalised communities.
- Determine whether permaculture practices are adequate for the soil management that is needed for the establishment and continuation of long-term sustainable community agriculture.

### Research Question 2:

What is necessary for a sustainable agriculture community participation project to be successfully established, and what are the barriers to establishment and longevity? What role does the shift in the perception from food insecurity to food security play in maintaining the food production scheme?

Perception is considered a valuable indicator in food security analysis. Perception is a subjective phenomenon that can be used to objectively quantify measurements and monitor food insecurity levels (Segall 2007). Research (Skinner 2013; Dean and Sharkey 2011) has shown that individual perception of food insecurity is a valuable indicator. The community's perception of their level of food insecurity is important in establishing and maintaining a sustainable food production scheme. If they do not believe that there is a food security issue within their community, the success rate of establishing a community food production scheme is likely to decline.

### Objectives:

- Assess the community's perception of their current food security and how this

changes during the project.

- Assess the community's attitude towards the introduction of sustainable agricultural community projects to enhance food availability and quality.
- Assess perception and attitudes towards TEK and how it is used.

### Research Question 3:

Is current soil quality sufficient to support the introduction of a new community sustainable agriculture project at the Northwest Indian Treatment Centre, and if so what are the requirements to maintain this in the long-term?

### Objectives:

Compare soil at the NWITC project site with local established and successful permaculture sites.

1. Identify whether permaculture soil management practices support soil quality and compare these to intensive agricultural practices
2. Provide a management plan for the community project introduced to the NWITC to support soil quality and ensure high yield in future years.

### Literature Review

#### Global Food Security

Hunger, climate change, agriculture, and marginalization come together under one issue that challenges both large and small populations globally: chronic food insecurity (FAO, 2015). Figure 1 shows the global hunger map depicting the most concentrated areas of food insecurity. Issues of food insecurity, hunger, malnutrition, and obesity affect a large number of the global population, most notably marginalised and indigenous populations (FAO,



Figure 1: WFP global Hunger Map (Source: <http://www.wfp.org/hunger/stats>)

2015). According to the FAO 2015 report, *The State of Food Security in the World*, there are currently estimated to be 795 million people experiencing hunger and malnutrition. Hence food insecurity is an issue that requires a greater sense of urgency than that which is generally put forward in popular discourse (Chilton and Rose 2009).

### Food Security

Food insecurity is defined as “the state of either having limited or uncertain access to food that is nutritionally adequate, culturally acceptable, and safe or having an uncertain ability to acquire acceptable foods in socially acceptable ways” (Bauer et al. 2012:15). Food insecurity in marginalised communities is a topic that needs to be further studied and examined so that the issues of hunger, obesity, and diabetes can be addressed through solutions that honour the cultural, social, economic, and environmental needs of marginalised peoples (Ford 2009). Skinner (2013) identifies the factors that contribute to food insecurity

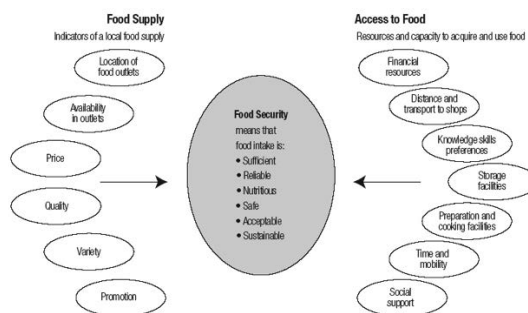


Figure 2: Drivers of Food Security, Rychetnik et al. (2003)

in indigenous communities (Figure 2); these include food supply and the ability to access nutritious food. As such, it is essential that we identify the full extent of current needs with regards to food availability and quality in order to identify solutions to food production schemes that are sustainable, such as permaculture.

It has been calculated that 2,720 kcal per day of energy from food is currently produced for each person on the planet (FAO 2002). As such, the current industrial agriculture model



distributes 18% of food produced for use in biofuels and industry, 35% to feeding livestock, while only 47% goes towards feeding our ever-increasing population (Cohen 2015). According to Cohen's statistical analysis, there is only enough food produced for about 6.5 billion people, and with a current global population of ~7.3 billion, almost a billion people are left hungry.

The issue is not one of scarcity; cereal production per person has tripled globally over the past 50 years, although there has been a notable decline in yields in recent years because of climate change and soil degradation, whereas the population has only doubled (Vivas 2014).

### North American First Nation Food Security

The lack of access to nutritious food is a growing issue in marginalised and indigenous communities (FAO 2010; Vivas 2010). For instance, in the "First World" nations of North America, poverty, unemployment, and food deserts are major drivers of food insecurity (Sarche and Spicer 2008). Food security research in these communities is primarily focused on access to food, including the distance that is needed to travel to reach adequate food and the ability to afford nutritious food, rather than the ability to grow food (Sarche and Spicer 2008). Yet there is a growing shift in food security research to encompass community agriculture as a possible solution to food insecurity in marginalised communities (Hallberg 2009).

A major issue that stems from food insecurity in the Native North American communities is obesity. Obesity has been associated with a growing number of health and quality of life issues, and is one of the surprising struggles associated with food insecurity. A myth that surrounds hunger and food insecurity is that a person cannot be hungry and obese

at the same time. As stated by Chi miigwech, of Native American Netroots, "to the contrary, one of the most obvious manifestations of malnutrition is obesity, and it's rampant among our peoples. It's also killing us at a rate that rivals anything tried in previous centuries." Nutritionists link poverty, food security, and obesity (Davis et al. 2004). Obesity in high poverty areas has been explained by the lack of access to nutritious food while concurrently only having access to high fat, high sugar content, processed food (JHC 2015:3). An increasing volume of literature links industrialised agriculture with high calorie, low nutrient foods that leads to obesity (Davis et al. 2004; Ikerd 2013).

### Drivers of Food Insecurity

Causes of food insecurity include current and historical marginalisation, exploitive land ownership policy, and the current global industrial agriculture model (FAO 2010; World Hunger 2013; Vivas 2010). Sonnino and Spayde (2014) argue that "food insecurity relates to a complex interaction of factors that encompass the entire ecology of the food system", such as agri-food policy and the accessibility of healthy, nutritious food. As such, the global industrial food model is rarely mentioned in British reports as a driver of food security (Caraher and Dowler 2014; McClintock 2013; Perry et al. 2013).

In globalised conventional agri-food markets, socio-environmental problems such as destabilisation of food prices, increased rates of obesity, diabetes, and hunger are becoming more apparent in marginalised communities (Veteto and Lockyer, 2008). These problems make it increasingly important for academic research to be directed towards the development of theoretical and practical approaches to alleviating food insecurity (Veteto and Lockyer, 2008).

## The Role of Conventional Agriculture in Food Insecurity

Conventional industrial agriculture increases the disparities that economically marginalised communities experience and aggregates instances of food insecurity (Lutz & Samir 2010; Godrey et al. 2010). The “developed world’s” food systems became industrialised and globalised in the aftermath of the Second World War and through the Green Revolution (P.Fitzgerald-Moore and B.J. Parai 1996). While conventional industrial agriculture food production systems vary, they share similar characteristics: they require large initial capital investment, are technologically innovative, are large scale, are one-crop high-yield continuous farming, have extensive consumption and a dependence on fertilisers, pesticides, and energy inputs, and have high labour efficiency (Stauber and Rampton 1995). Industrial agriculture operates under the assumptions that 1) agriculture is in competition with nature; 2) larger size equals higher yield; and 3) technology is vital to production and growth (Stauber and Rampton 1995).

Conventional industrial agriculture has been able to produce a great amount of food. According to FAO 2015, 2534 million tonnes of cereal is projected to be produced this year (as shown in figure 3), but at a great expense (Drury and Tweeten 1997; UCS 2015). The gap between the return on investment is closing, however the expenses still outweigh the reward, with reduced production and increases in both inputs and waste, while hunger in marginalised and indigenous populations grows globally (UCS 2015).

### Marginalisation

*“Marginalisation is defined as the peripheralisation of individuals and groups from a dominant, central majority. Marginalisation can be seen as a sociopolitical process,*



**Figure 3: Global Cereal Production as projection by FAO 2015**

*producing both vulnerabilities (risks) and strengths (resilience) “ (Hall 1999:89).*

The 2013 Sociology Guide agreed that marginalisation is the practice of consigning particular groups of people to the outer edges of society, placing these groups of people in the economic, political, and the cultural margins. This effectively denies them resources and opportunities. This unequal access propels them into poverty and insecurity, while denying them “equal access to the formal power structure and participation in the decision-making process leading to their subordination to and dependence on the economically and politically dominant groups of society” (Sociology Guide 2013).

### Marginalisation Perpetrated as Land Grabs

Land grabs are a common way in which the current agricultural system perpetrates the exploitation of indigenous and marginalized populations (White 2012; TNI 2012). Currently, land grabs occur predominantly

in the global south, most notably in Africa and Indonesia (OXFAM 2012; TNI 2012). However, land grabbing is not new; its name has evolved, but it can be traced back through many centuries (McMichael 2012). Land grabs were the basis of colonialism, acquiring land for the purpose of control, resources, and economic gain.

An alternative political economy understanding of land grabs is that they are essentially a capture of power. The power comes from control of the land and resources and the benefits of its use (TNI 2012; Graham et al. 2011). Land grabbing separates communities from their healthy affordable food supply, and is one factor that contributes to the inability of communities to feed themselves (Maquitico, 2014). Once that happens, a community becomes dependent on the market for their food.

Historically, Northwest First Nation Native Americans have been subjected to cultural and physical marginalisation as a result of colonisation, economic, and environmental exploitation (Kuhlein et al. 2013). Such nations still deal with the repercussions of being forced from their land and onto undesirable land.

As written in *A Short History in American Capitalism*,

*“The greatest economic swindle in American history...was the stealing of the Indians’ land, Without Indian land, the developments in nearly two centuries of colonial history would have been unthinkable. During the 17th and 18th centuries, land was the principal means of production in America. Instead of acquiring wealth by retail means such as piracy on the high seas, European Americans stole other people’s wealth wholesale” (Weinberg 2003: 2).*

In the First Nations of North America, the long-term effects of land grabs and other effects of colonialism have resulted in a poverty rate of 40% (Sarche and Spicer 2008), an unemployment rate as high as 35% (Sarche and Spicer 2008; Sandefur and Liebler 1997), and 40% of the families are reporting food insecurity (Bauer et al. 2012). These numbers reflect the struggles that indigenous populations experience with marginalisation, food security, chronic disease, and the disappearance of indigenous foods (First Nations Development Institute 2014).

### Research from Within

There is a disproportionate amount of research that is completed and published by “outsiders” rather than research completed by the indigenous population themselves (Piquemal 2001). In the greater context of marginalisation this leads to an imbalance of power and distrust (Marshall and Batten 2004). This distrust and notion of power can be lessened when researchers create a partnership with the community and work from within rather than being seen as an “expert” (Crigger, Holcomb and Weiss 2001). This was taken into consideration in the design of this research project.

### Sustainable Agriculture

There are many attempts at defining “sustainable agriculture.” Ikerd (1990:4) views it as a food production system that is “capable of maintaining its productivity and usefulness to society indefinitely. Such systems... must be resource-conserving, socially supportive, commercially competitive, and environmentally sound”. The US Food, Agriculture, Conservation and Trade Act of 1990 (USDA 2007) describes sustainable agriculture as an amalgamation of food production systems that will:

Lewandowski and colleagues (1999) state

**Table 1: Sustainable Agriculture Techniques**

|   |   |
|---|---|
| <b>Crop rotation</b>                        | <b>The process of planting different crops consecutively in the same field</b>  |
| <b>Cover crops</b>                          | <b>The process of planting crops such as oats or clover between main crops</b>  |
| <b>Soil enrichment</b>                      | <b>Various natural materials (compost, mycelium and manure) are used to enrich and maintain the soil</b>                            |
| <b>Natural pest predators</b>               | <b>Natural farming without the use of pesticides and chemical promotes a diverse ecosystem that promotes natural pest predators</b> |
| <b>Companion cropping and interplanting</b> | <b>A common practice that promotes soil nutrients and pest control</b>  |
| <b>No till farming</b>                      | <b>The soil is minimally disturbed during planting to maintain soil structure and nutrient content</b>                              |

that sustainable agriculture is the administration of an ecological agrarian system that preserves its biodiversity, production, regenerative capacity, and functionality while addressing current and future ecological, economic, and social needs. “Permaculture”, “agroecology”, “organic farming”, “ecologically intensive”, “biologically diversified”, or “regenerative farming systems” have thus emerged as descriptions of agricultural practices that seek to encompass the principles and processes of sustainable agriculture (Poniso 2014; Kremen and Bacon 2012).

Currently, there is more support and acceptance for sustainable agriculture in mainstream agriculture (Feenstra, 2014), which is increasing its uses and community impact. Sustainable agriculturalists use best farming practices and current knowledge to work efficiently with natural processes instead of against them (UCS 2015; Udoto and Flowers 2001). Examples of these techniques that are weed, pest, disease, and erosion control, as well as high soil quality, are shown in Table 1:

### Challenges and Limitations of Sustainable Agriculture

The integration of sustainable agriculture and its evaluation is a challenge for current agriculture research (von Wirén-Lehr 2000). In assessing sustainable agriculture implementation, researchers have found that there are real and perceived challenges faced in both the implementation and maintenance of the food production scheme. The challenges faced are:

1. *The yield gap between conventional and sustainable agriculture*

Previous studies report that the yield gap between conventional and sustainable agriculture is as high as 180% in developing countries (Badgley et al. 2007; Stanhill 1990). Yet, Poniso and colleagues (2014) found that with practices such as diversification, crop rotations, and multi cropping the yield gap is reduced to 9+4% and 8+5%. There is also an ongoing decline in yield in conventional food crops (Moiser and Kroeze, 2000) because of global soil degrada-

tion and reduction of soil fertility (Killham, 2000). This declining yield is reducing the potential yield gap even further.

2. *The National Agriculture Statistic Services reported that 14.5 million additional acres would be needed for sustainable agriculture to produce an equal amount of human-focused crops.*

In response to this issue and to the yield gap, Badgley (2015) points to the fact that 57% of the world's cereals grown are used for products other than food, such as livestock feed. Out of the 43% of grains grown for food, up to 30% of that food is wasted. Reducing waste and prioritising growing acres for food production would reduce the yield gap even further.

3. *Sustainable agriculture is more labour intensive in comparison to conventional agriculture.*

While some studies report that sustainable agriculture is more labour intensive than conventional agriculture (Young 2003), an overview of the literature shows that most studies focus on narrowly-defined economic aspects, but rarely on the social and ecological aspects (Comte 1994).

4. *There is a lack of research funding and education (Delonge 2015).*

Much of the research on yield and soil management concludes that a major challenge to the implementation of sustainable agriculture is a lack of education programs and research investment (WWF, 2015; Gonsalves 2005; Ferreira 2012).

These issues have long been discussed among policy makers, farmers and researchers as potential barriers to the adoption of sustainable agriculture (Gonsalves, 2005; Fazio, 2015; Young 2003). There is an increasing volume

of research that shows sustainable agriculture is a viable alternative to conventional agriculture, especially in marginalised and subsistence farming communities (Wandel and Smithers 2000; Amekawa 2010; Long Blok and Coninx 2015), but in comparison to the research and funding that is directed towards conventional agriculture, it is minimal and should instead be reflective of the need for this type of food production model.

### Sustainable Soil Management

*'The nation that destroys its soil, destroys itself' –Franklin D. Roosevelt.*

Soil is defined by United States Natural Resources Conservation Service as a natural substance that is comprised of organic and mineral matter, liquid and gases that occupies space with “the ability to support rooted plants in a natural environment (USDA 1999).” Researchers have recognised that soil is a dynamic living system that requires a balanced interaction of biological, chemical, and physical components (Karlen 1997).

The Food and Agriculture Organisation (FAO) recognises the need to raise international awareness, together with an understanding of the level of importance that soils have in the establishment and management of food security by making 2015 the year of the soils (FAO 2015).

According to the FAO 2015 report, the specific objectives of the year of the soils are to:

1. Raise full awareness among civil society and decision makers about the profound importance of soil for human life;
2. Educate the public about the crucial role soil plays in food security, climate change adaptation and mitigation, essential ecosystem services, poverty alleviation and sustainable development;



3. Support effective policies and actions for the sustainable management and protection of soil resources;
4. Promote investment in sustainable soil management activities to develop and maintain healthy soils for different land users and population groups;
5. Strengthen initiatives in connection with the SDG (Sustainable Development Goals) process and Post-2015 agenda;
6. Advocate for rapid capacity enhancement for soil information collection and monitoring at all levels (global, regional and national).

This interest in soil quality is not new. Early researchers recognised the importance of having and understanding soil categories and soil variables for agriculture purposes (Carter 1997). Soil management is a vital part of maintaining soil quality within agriculture production. Soil function and balance affects the possible yield, environmental quality, plant health, and production longevity (Karlen 1997) in an agriculture food production scheme. Due to the importance of soil quality, creating a soil management plan for any food production scheme is vital for its success and continuation. An important outcome of this research is to create a soil management plan that can be utilised by the community participants in this research.

### Permaculture

Permaculture is broadly classified as a holistic section of the ecological design of sustainable development (Rhodes 2012) that can be used to liberate human settlements from food insecurity and inequality. Permaculture practitioners claim that their techniques, such as the technique of imitating nature and planting diversely, have a wide range of positive

effects on the social and ecological environment (Mollison & Holmgren 1978; Ferguson 2013). In comparison to industrial agriculture, these benefits include reduction of water pollution, increased biodiversity, and increased food yields (Rhodes 2012).

Embraced by many from fields that range from government [for example, Cuba] to smaller social justice organisations [such as Movement Generation], permaculture is seen as a way to create sustainable development at the local level (Adams and Starr, 2003). The nature of permaculture practice can be, in principle, a form of community participation that promotes social justice by creating a space that is separate and resistant to the capitalist form of agriculture that plays a prominent role in widespread food insecurity (Adams and Starr, 2003). Permaculture can be utilised as a strategy to help enable economically marginalised communities reduce their food insecurity and levels of economic inequality, and as such merits further investigation.

Permaculture is an eclectic and adaptive approach that emphasises local and bioregional perspective and practice. At the same time, it is informed by a global view, maintains a strong tradition of technology and knowledge transfer across diverse areas and cultural traditions, and is fundamentally based on empirical observation and experimentation (Veteto & Lockyear 2008). Permaculture provides a way for communities to lessen their dependence on industrial food systems while maintaining ecosystems for future generations (Mollison and Holmgren 1978).

### Challenges and Barriers to Permaculture

Similar to other types of sustainable agriculture, permaculture has been subject to criticism in some quarters due to a lack of scientific evaluation of its claims of high agricultural yields and ecological benefits (Kane

2010). It is evident that there is significant lack of research that has been directed towards the potential benefits of permaculture as a form of sustainable agriculture (Ferguson 2013; Veteto and Lockyer 2008).

The majority of the literature that is available on the definitions and uses of permaculture comes largely from NGOs, permaculture practitioners, and other sustainable agriculture enthusiasts. Much of the literature that is available comes from the two founders of permaculture, Bill Mollison and David Holmgren. Key literature by the two founders include *Permaculture One* (Mollison and Holmgren 1978), *Permaculture: A Designers Manual* (Mollison 1988) and *Permaculture: Principles and Pathways Beyond Sustainability* (Holmgren 2002). These provide guidance on permaculture practice but do not address the benefits in comparison with conventional practices in a scientific manner and thus there are big scientific gaps with regards to this form of land management that need to be addressed.

Another barrier to the acceptance of permaculture is that it is not easily placed into a specific area of research; the scientific community has had difficulty integrating the interdisciplinary nature of the field into a research agenda as it combines the studies of agriculture, biology, forestry, architecture, and community participation (Mollison 1991; Veteto and Lockyer 2008). This issue creates a cloud around research involving permaculture, which has impeded the convergence of knowledge that would be necessary for in-depth research in this field to determine the ability of permaculture to create agriculture that is usable by the masses.

### Traditional Ecological Knowledge

The working definition of traditional ecological knowledge (TEK) as defined by Berkes, Folke and Gadil (1995a),” as a cumulative

body of knowledge, practice and belief evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment”. TEK refers to the cultural, spiritual, and biophysical knowledge of societies. It is an empirical knowledge of species; a framework for practical application and it is a belief system about how societies perceive their cohesiveness and interactions with the natural environment. TEK encompasses thoughts and practices on land use management through holistic cultural integration of biophysical practices. This knowledge is a valuable tool and foundation for current western agricultural science (Martinez and Ford 2000; Berkes 2012).

Indigenous communities and peoples have relied on TEK applications for generations to access the natural resources of their environment. Environmental, economic, and political exploitation has put tremendous pressure on these communities to sustain their culture, knowledge, and livelihoods. In the course of exploitation, communities have had to reestablish their connections to TEK and relearn how it can be integrated into their new landscape.

There is an increasing amount of acceptance for the capabilities of TEK agricultural applications in the scientific community (Warren et al. 1995; Anderson 2005; Berkes 2012). This increased application has also increased the visibility and diversity of the fields where TEK has gained acceptance (Berkes 2012), as seen in the following quote from the World Commission on Environment and Development:

*“Tribal and indigenous peoples’ lifestyles can offer modern societies many lessons in the management resources in complex forest, mountain and drylands ecosystems.*

*These communities are the repositories of vast accumulations of traditional knowledge and experience that link humanity with its ancient origins. Their disappearance is a loss for the larger society, which could learn a great deal from their traditional skills in sustainability managing very complex ecological systems" (WCED 1987:115-15)*

Also, this accumulated knowledge can give these populations a more balanced position of power within the agricultural landscape. The study of traditional ecological knowledge is key to this research, because it helps to explain how the components of traditional knowledge, culture and beliefs are all key to integrating sustainable agriculture into marginalised communities.

## Methods

### Interviews

The different types of interviews included in this research are individual, semi-structured, and structured. (Kvale 1996). Open-ended questions are used, mainly to discover spontaneous responses and to avoid possible bias in the interviewer's suggestions. Open-ended questions or buildable questions are also needed for social network analysis.

### Social Network Analysis

"Social network analysis (SNA) is the quantitative method for mapping and analysing patterns of social connections between individuals and organisations" (Scott 2015). Social networks influence behaviour and can be a key factor in accelerating long-term behavioural changes (Borthwick 2014). Organisations, individuals, connectors and social or thought leaders make up the nodes of a social

network. Currently, there is an increasing interest in utilising social network analysis in broader fields, such as environmental governance and agriculture (Scott 2015; Borthwick 2014). Social network analysis is said to be key in creating a consensus, generating, and disseminating knowledge and information, which in turn creates trust, thus allowing for a change within the network (Bodin et al. 2006; Bodin and Crona 2009; Bodin and Prell 2011; Scott 2015). Within this project, SNA serves as a necessary tool to facilitate an altered perception or transformational adaptation in relation to food security and sustainable agriculture within the community. As shown by the example given by Figure 4, SNA gives a visual of the different actors and connective relationships in a network.

## Research Design

### *Phase One: Native American Participatory Geographical Study and Soil Analysis Northwest Indian Treatment Centre Food Forest Agriculture Development Project*

This part of the research provides a case study in collaboration with the Centre for World Indigenous Studies and the Northwest Indian Treatment Centre in Elma, WA, with support from Grub who is a sustainable farming non-profit organisation. The fieldwork focuses on an agriculture community development project at the Northwest Indian Treatment Centre. The project consists of participants creating a permaculture "food forest" at the treatment centre, integrating traditional ecological knowledge and historical agriculture practices. Permaculture principles are utilised as a framework to create a small-scale sustainable agriculture project, which has been designed to honour the patterns and history of the traditional agriculture of the Fourth World peoples. The aim of this study is to create an environment that allows for the study of the

# Types of intervention:

Who to target:

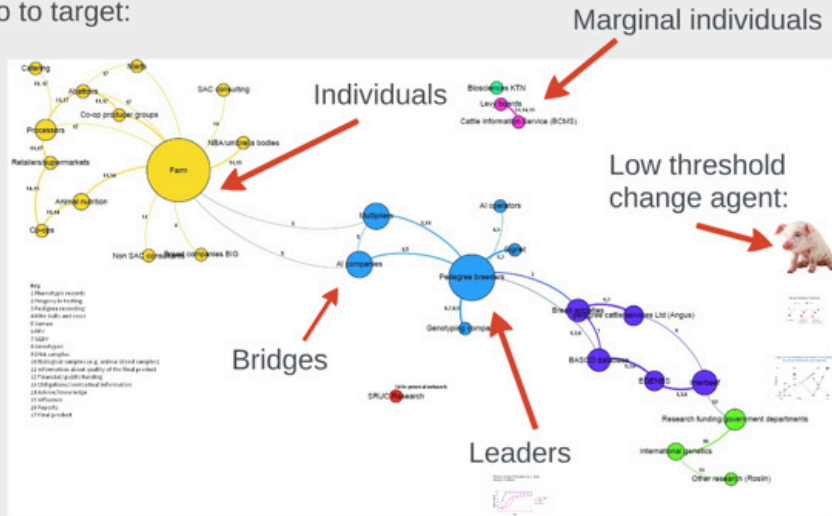


Figure 4. Examples of SNA networks (Dr. Fiona Borthwick 2014)

community-driven processes that are necessary to establish a permaculture project. Historically, indigenous agricultural knowledge, the cultural significance of food, and the specific nutritional needs of indigenous populations have been ignored by efforts to introduce non-traditional agricultural techniques. This lack of acknowledgment of the holistic nature of indigenous food insecurity has resulted in a failure of an adaptation of the western type of cultivation practices (Deur & Turner 2005). Because permaculture is derived from old knowledge of plant and animal systems that combine ecology and environmental sustainability, its foundation is in traditional ecological knowledge.

Participation was undertaken in the traditional food educational programme that is part

of the rehabilitation of the drug and alcohol addicts that are participating in the NWITC programme. This project consisted of educational segments on permaculture, its correlation with traditional ecological knowledge, and a development project that created a permaculture designed quarter acre “food forest.”

“A food forest is a gardening technique or land management system, which mimics a woodland ecosystem by substituting edible trees, shrubs, perennials and annuals. Fruit and nut trees make up the upper level, while berry shrubs, edible perennials and annuals make up the lower levels” (Beacon Food Forest Permaculture Project 2015).

The primary aim of this project is to understand the role that traditional ecological knowledge and permaculture can have in a





**Image 1: Photograph of the participants from the NWITC project. Photo Source: Author**

establishing the social acceptance of a community development agriculture project.

The key research questions are:

1. Can Native American tribes use permaculture successfully as a framework for indigenous agriculture practices to address food insecurity?
2. Are the principles of permaculture compatible with indigenous knowledge?
3. Is the community-based participatory action method an effective method for utilisation and integration of permaculture and indigenous agriculture for the community?

Specific objectives include:

1. Analysing community participation and planning capabilities of the participants of the study.

2. Analysing the barriers, such as lack of trust and knowledge, to establishing sustainable agriculture in the Native American community.

### **Phase Two: Feasibility Study with Regards to Soil Quality and Food Production**

In conjunction with the development case study, a biophysical comparative study of the current soil quality status of the study site was undertaken against soils collected from other identified local permaculture sites that are already established. The initial results from the soil analysis from the NWITC project site can be found in Table 1 and the initial soil data from the areas surrounding the project site can be seen in Table 2. The study helps establish the viability of permaculture at this site and supports the use of TEK as an agroecology movement through creating solid scientific evidence towards the benefits or shortcomings of permaculture practice in addressing food security with regards to soil management.



The projected results of this study in areas where soil is of equivalent quality, are that the introduction of permaculture such as the ‘food forest’ may prove to be a successful mechanism for reducing hunger and improving health and quality of life in indigenous populations. A further study will then be conducted utilising a pot experiment to allow comparison of permaculture soil management practice with conventional practices (i.e. additions of straw versus cardboard to enhance carbon (C) content and improve soil structure). Finally, based on these findings and the initial site assessment a soil management plan will be devised to indicate best practice to ensure long-term viability of the site for production.

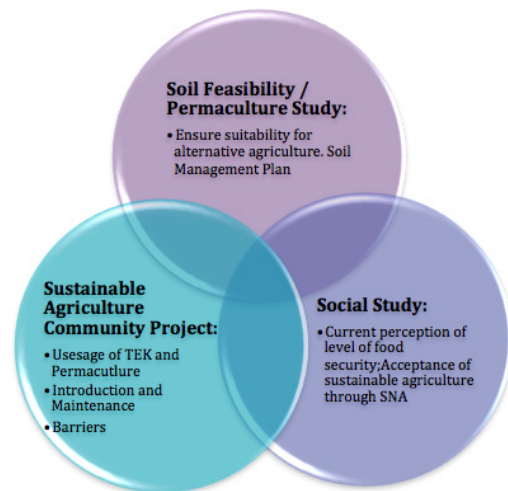
### Initial Findings:

The chemical composition of the NWITC Food Forest area is Bh. The soil horizon contains more than 1% organic carbon (C), less than 0.3% pyrophosphate-extractable iron (Fe), and has a ratio of organic carbon (C) to pyrophosphate-extractable iron (Fe) of 20 or more. Generally the colour value and chroma are less than 3 when moist.

Table 2 provides a summary of the soil analysis data that was undertaken in collaboration with David Nygard of the Thurston County Conservation District. According to the initial analysis, 16.1 % is a very high level of organic matter, which indicates native prairie, ancient organic matter or muck wet land soil. At 34ppm, the phosphorus (P) level is slightly high, while the potassium (K), magnesium (Mg) and sulfur levels are low.

### Phase 3: Final Stage

The final stage of the project is to discuss—drawing on the data and conclusions of the independent sections of this research—the changes in attitude, perception, and behav-



**Figure 1: Experimental Design for Phase 1 and 2:**

our of project participants and comment on the suitability of these projects in terms of small-scale sustainable agriculture to support food security and food sovereignty. Discussion will also address the barriers and requirements to maintain project longevity and continued community participation.

### Current Status of Research

#### Phase 1: Native Reserves

This part of the project is almost complete; the social study data have been collected and full analysis is currently underway. Soil quality has been assessed and analysis of this is currently in progress to ascertain the soil quality of local permaculture sites, which will allow demonstration of the suitability of the introduction of permaculture to sustainably supplement food production on the reserve.

Table 2: The soil analysis report for the NWITC project site.

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REPORT NUMBER: 15-222-157      CLIENT NO: 4352      SUBMITTED BY: DAVE NYGARD

SEND TO: THURSTON CONSERVATION DISTRICT  
 2918 FERGUSON ST SW STE A  
 TUMWATER, WA 98512      GROWER: SUSAN MCCLEARY

DATE OF REPORT: 08/13/15      **SOIL ANALYSIS REPORT**      PAGE 1

| SAMPLE ID | LAB NUMBER | Organic Matter |           | Phosphorus         |                                       | Potassium | Magnesium | Calcium | Sodium | pH      |              | Hydrogen   | Cation                            | PERCENT CATION SATURATION (COMPUTED) |      |      |      |      |
|-----------|------------|----------------|-----------|--------------------|---------------------------------------|-----------|-----------|---------|--------|---------|--------------|------------|-----------------------------------|--------------------------------------|------|------|------|------|
|           |            | % Rating       | ENR lbs/A | Pi (Weak Bray) ppm | NaHCO <sub>3</sub> -P OlsenMethod ppm | K ppm     | Mg ppm    | Ca ppm  | Na ppm | Soil pH | Buffer Index | H meq/100g | Exchange Capacity C.E.C. meq/100g | K %                                  | Mg % | Ca % | H %  | Na % |
| NWITC     | 58282      | 16.1VH         | 353       | 34H                | 32**                                  | 90L       | 80L       | 1925VH  | 13VL   | 6.1     | 6.2          | 1.7        | 12.3                              | 1.9                                  | 5.4  | 78.3 | 14.0 | 0.5  |

\*\* NaHCO<sub>3</sub>-P unreliable at this soil pH

| SAMPLE NUMBER | Nitrogen               | Sulfur                 | Zinc   | Manganese | Iron   | Copper | Boron | Excess      | Soluble  | Chloride | PARTICLE SIZE ANALYSIS |        |        |              |
|---------------|------------------------|------------------------|--------|-----------|--------|--------|-------|-------------|----------|----------|------------------------|--------|--------|--------------|
|               | NO <sub>3</sub> -N ppm | SO <sub>4</sub> -S ppm | Zn ppm | Mn ppm    | Fe ppm | Cu ppm | B ppm | Lime Rating | mmhos/cm | Cl ppm   | SAND %                 | SILT % | CLAY % | SOIL TEXTURE |
| NWITC         | 13M                    | 12M                    |        |           |        |        |       |             |          |          |                        |        |        |              |

\* CODE TO RATING: VERY LOW (VL), LOW (L), MEDIUM (M), HIGH (H), AND VERY HIGH (VH).  
 \*\* ENR - ESTIMATED NITROGEN RELEASE  
 \*\*\* MULTIPLY THE RESULTS IN ppm BY 2 TO CONVERT TO LBS. PER ACRE OF THE ELEMENTAL FORM  
 \*\*\*\* MULTIPLY THE RESULTS IN ppm BY 4.8 TO CONVERT TO LBS. PER ACRE P<sub>2</sub>O<sub>5</sub>  
 \*\*\*\*\* MULTIPLY THE RESULTS IN ppm BY 2.4 TO CONVERT TO LBS. PER ACRE K<sub>2</sub>O  
 MOST SOILS WEIGH TWO (2) MILLION POUNDS (DRY WEIGHT) FOR AN ACRE OF SOIL 6-8 INCHES DEEP

This report applies only to the sample(s) tested. Samples are retained a maximum of thirty days after testing.  
*Darcy L. Peebles*  
 Darcy L. Peebles, CCA  
 A & L WESTERN LABORATORIES, INC.

Table 4: The soil analysis report for the permaculture sites surrounding the NWITC.

**A & L WESTERN AGRICULTURAL LABORATORIES**  
 10220 SW NIMBUS AVE Bldg K-9 | PORTLAND OREGON 97223 | (503) 968-9225 | FAX (503) 588-7702

REPORT NUMBER: 15-212-234      CLIENT NO: 4352      SUBMITTED BY: DAVE NYGARD

SEND TO: THURSTON CONSERVATION DISTRICT  
 2918 FERGUSON ST SW STE A  
 TUMWATER, WA 98512      GROWER: SUSAN MCCLEARY

DATE OF REPORT: 08/05/15      **SOIL ANALYSIS REPORT**      PAGE 1

| SAMPLE ID | LAB NUMBER | Organic Matter |           | Phosphorus         |                                       | Potassium | Magnesium | Calcium | Sodium | pH      |              | Hydrogen   | Cation                            | PERCENT CATION SATURATION (COMPUTED) |      |      |      |      |
|-----------|------------|----------------|-----------|--------------------|---------------------------------------|-----------|-----------|---------|--------|---------|--------------|------------|-----------------------------------|--------------------------------------|------|------|------|------|
|           |            | % Rating       | ENR lbs/A | Pi (Weak Bray) ppm | NaHCO <sub>3</sub> -P OlsenMethod ppm | K ppm     | Mg ppm    | Ca ppm  | Na ppm | Soil pH | Buffer Index | H meq/100g | Exchange Capacity C.E.C. meq/100g | K %                                  | Mg % | Ca % | H %  | Na % |
| JOY       | 58071      | 19.6VH         | 422       | 113VH              | 122**                                 | 259M      | 240M      | 1780M   | 18VL   | 5.7     | 5.9          | 3.1        | 14.7                              | 4.5                                  | 13.5 | 60.5 | 21.0 | 0.5  |
| 1310      | 58072      | 17.1VH         | 371       | 80VH               | 54**                                  | 129M      | 153L      | 1901H   | 11VL   | 6.1     | 6.4          | 1.8        | 12.9                              | 2.6                                  | 9.7  | 73.3 | 14.0 | 0.4  |
| 2008      | 58073      | 17.8VH         | 387       | 91VH               | 69**                                  | 527VH     | 265M      | 1435L   | 85L    | 6.0     | 6.4          | 2.0        | 13.0                              | 10.4                                 | 16.7 | 55.0 | 15.0 | 2.9  |
| 1410      | 58074      | 24.2VH         | 514       | 111VH              | 133**                                 | 303M      | 184L      | 2803M   | 18VL   | 5.8     | 6.1          | 3.6        | 19.0                              | 4.1                                  | 8.0  | 68.5 | 19.0 | 0.4  |
| 7806      | 58075      | 12.3VH         | 277       | 21M                | 21**                                  | 152H      | 90M       | 453L    | 11VL   | 5.3     | 5.5          | 1.5        | 5.0                               | 7.8                                  | 14.9 | 45.3 | 31.0 | 1.0  |

\*\* NaHCO<sub>3</sub>-P unreliable at this soil pH

| SAMPLE NUMBER | Nitrogen               | Sulfur                 | Zinc   | Manganese | Iron   | Copper | Boron | Excess      | Soluble  | Chloride | PARTICLE SIZE ANALYSIS |        |        |              |
|---------------|------------------------|------------------------|--------|-----------|--------|--------|-------|-------------|----------|----------|------------------------|--------|--------|--------------|
|               | NO <sub>3</sub> -N ppm | SO <sub>4</sub> -S ppm | Zn ppm | Mn ppm    | Fe ppm | Cu ppm | B ppm | Lime Rating | mmhos/cm | Cl ppm   | SAND %                 | SILT % | CLAY % | SOIL TEXTURE |
| JOY           | 17M                    | 8L                     |        |           |        |        |       |             |          |          |                        |        |        |              |
| 1310          | 2VL                    | 5L                     |        |           |        |        |       |             |          |          |                        |        |        |              |
| 2008          | 11L                    | 12M                    |        |           |        |        |       |             |          |          |                        |        |        |              |
| 1410          | 13M                    | 13M                    |        |           |        |        |       |             |          |          |                        |        |        |              |
| 7806          | 7L                     | 15M                    |        |           |        |        |       |             |          |          |                        |        |        |              |

\* CODE TO RATING: VERY LOW (VL), LOW (L), MEDIUM (M), HIGH (H), AND VERY HIGH (VH).  
 \*\* ENR - ESTIMATED NITROGEN RELEASE  
 \*\*\* MULTIPLY THE RESULTS IN ppm BY 2 TO CONVERT TO LBS. PER ACRE OF THE ELEMENTAL FORM  
 \*\*\*\* MULTIPLY THE RESULTS IN ppm BY 4.8 TO CONVERT TO LBS. PER ACRE P<sub>2</sub>O<sub>5</sub>  
 \*\*\*\*\* MULTIPLY THE RESULTS IN ppm BY 2.4 TO CONVERT TO LBS. PER ACRE K<sub>2</sub>O  
 MOST SOILS WEIGH TWO (2) MILLION POUNDS (DRY WEIGHT) FOR AN ACRE OF SOIL 6-8 INCHES DEEP

This report applies only to the sample(s) tested. Samples are retained a maximum of thirty days after testing.  
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**Susan McCleary** is a PhD Researcher with the University of Edinburgh, School of Geoscience. She holds a postgraduate diploma in environmental sustainability also from the University of Edinburgh, School

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# Book Review: *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of the Plants*

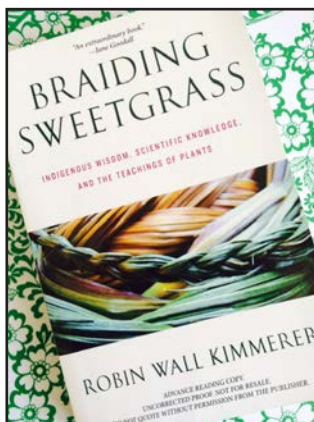
By Robin Wall Kimmerer, Milkweed Editions (2013), 390 pages

Review by Elise Krohn

Once in a great while a book emerges that pushes our knowledge forward and gives us new tools for growth. In a time when humanity is collectively estranged from the land, when we seem to have forgotten the intelligence of the species around us, and when we extract natural resources without thought, Robin Wall Kimmerer awakens us to a rich and meaningful world that is all around us. Each chapter is an adventurous journey into the world of plants with topics ranging from a Potawatomi creation story, to weaving black ash baskets, to igniting student citizenship, to restoring a superfund site.

This is the best book I have read on native science. As an indigenous woman, a scientist, a teacher, and a mother, Kimmerer artfully weaves Western scientific methodologies with native stories, cultural teachings, and the values of reciprocity and stewardship. In the book *sweetgrass* is the centerpiece that grounds a narrative of healing the relationship between humans and the natural world, infusing the book not only with metaphoric meaning, but with the literal knowledge of science. We are reminded that indigenous knowledge with its attention to relationship, reciprocity, and responsibility takes up where hard science leaves off, giving life and conscience to ways of looking at the world that has taken humankind and so many other species down a road of death and destruction.

There is an elegance to indigenous ways



of knowing the world and this elegance shines through in Kimmerer's work. It is a grace that comes not only from a story well told but from the simplicity of the inherent wisdom through which indigenous peoples comprehend their plant relatives. We are humbled when we allow ourselves to be the students of the plant world and acknowledge that they are our elders. And this is the heart of Kimmerer's

project; the reader is drawn into the sheer wonder that arises when we actively do good science and remember that life is so much more than reducible formulae. Kimmerer shows us that science can be a path toward kinship, and when we awaken to the intelligences around us, we become more fulfilled human beings.

At the same time, Kimmerer does not succumb to the temptation to intimidate or overwhelm the reader with esoteric scientific concepts and language, and that is also part of the book's elegance. The door is opened and accessible to a wide audience, not just doctoral students or other academics.

The book wisely explores European colonization and its impacts on people and the land. For example, she addresses the ramifications of a native gift economy being replaced by a market economy. She explains the tradition of the "honorable harvest," which is in stark contrast to the rising tide of resource extraction and disregard for the future health of the land.

Kimmerer is not just a scientist with a solid

base in botany, ethnobotany, and ecology, she is a seasoned award-winning writer of literary biology. Her book *Gathering Moss: A Natural and Cultural History of Mosses* was awarded the prestigious John Burroughs Medal for Nature Writing in 2005. *Braiding Sweetgrass* earned the Sigurd Olson Nature Writing Award, and she has served as writer in residence at the Andrews Experimental Forest, Blue Mountain Center, the Sitka Center and the Mesa Refuge.

This book should be a required read for native students—especially those pursuing studies in science and traditional knowledge systems. It is brimming with insights that will fuel the mind and also feed the spirit.

**About the Reviewer**

**Elise Krohn, M.Ed.** is an educator, author, herbalist, and native foods specialist in the Pacific Northwest. She is committed to cultivating healing relationships between people, plants, place and cultural traditions. During

her 15 years of experience teaching in tribal communities, she has worked with elders and cultural specialists to create successful community gardens, food sovereignty resources, a program on healing addiction, and curricula on chronic disease prevention. Through leading ‘train the trainers’ workshops, Elise has multiplied the number of educators who are teaching about native foods and herbal medicines in tribal communities. She also has over 10 years of experience as a clinical herbalist, and has authored two books and numerous articles on this and related topics. Elise is currently a Fellow in Ethnobotany and Ethnonutrition at the Center for World Indigenous Studies.

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