

***Toward the Coexistence of
Nations and States:
A Congress of Nations and States***

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On September 13, 2007 the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples—a landmark action for the international community. After more than twenty years of United Nations consideration of the “situation of indigenous peoples” by the UN Working Group on Indigenous Populations headed by Dr. Erica Irene Daes, a scholar from Greece, and later headed by Dr. Miguel Alfonso Martinez, a scholar from Cuba more than 145 states’ governments lent their endorsement. The Declaration sets the minimum criteria for establishing states’ government policies regarding treatment and relations with indigenous peoples inside and outside their claimed domains. It establishes the key principles now applicable to indigenous peoples: The right of self-determination (Article 3):

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (UNO, 2007)

And, it also includes a statement of principle for the right of “free, prior and informed consent” (Article 10).

Before the Declaration was adopted with its sweeping implications for political change worldwide, the International Labor Organization revised and updated the then only international instrument (ILO Convention 107 [1957 – in force 1959] Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries). In 1989 the International Labor Organization adopted Convention 169 (ILO 1991) now ratified by twenty states’ governments including the Plurinational State of Bolivia, Brazil, Denmark, Mexico, Norway, Peru, and the Netherlands among others. Spain and Nepal became the most recent states to ratify this new international law. As the ILO notes, the new law does not provide a criteria for defining indigenous peoples but only describes the peoples it aims to protect. The Convention aims to protect traditional life styles, social organizations, customs and laws. It advances the legal concept of non-discrimination and establishes “special measures to be adopted to safeguard the persons, institutions, property, labour, cultures and environment of these peoples. In addition, the Convention stipulates that these special measures should not go against the free wishes of indigenous peoples.” (ILO 1991: Article 4)

As the ILO moved to conclude Convention 169 and the UN was reviewing the final draft of the UN Declaration on the Rights of Indigenous Peoples in

1991 the United Nations was considering language in the new Convention on Biodiversity (concerning benefit sharing between indigenous peoples and states' governments). Intellectual property of indigenous peoples was being considered within the framework of the new World Intellectual Property Organization and increasingly prominent consideration was being given to participation of indigenous peoples in the negotiation of a new Climate Change Treaty to amplify the Kyoto Protocols.

In the Spring of 2010, the Plurinational State of Bolivia proposed and the UN General Assembly adopted a resolution to convene an International Conference on Indigenous Peoples in 2014. Indigenous peoples the world over will become the focus of global attention with this new international platform that could change the global dynamics even more than have the numerous international declaration and laws adopted by states' governments.

A new era is emerging where nations and states must seek early accommodation and cooperation to avoid a future of conflict that would plunge nations and states into a period of darkness. It is no accident that after the collapse of several of the worlds' more prominent states (USSR in 1991 for example) long persistent bedrock nations re-emerge to claim their responsibility as full members of the international community.

The lessons we must collectively learn from the experience of political events over the last three decades should be these:

- 1) The State system is not perfect. It is an experiment of human problem solving that does not always lend itself well to solving problems for all of humanity.

2) Non-state nations are natural human organisms that persist and must have an acknowledged place as active participants in international geopolitical discourse in coexistence with international states.

3) Where States exist and serve the needs of human society they should be nurtured and celebrated, but where States fail to serve the needs of human society, they should be allowed to disassemble in a planned process which permits the non-state nations within to systematically reassume their governing responsibilities.

4) If a State is no longer viable politically and economically and it does not have distinct nations within, its structure should be replaced temporarily with international supervision followed by the formation of an internationally recognized variant of human organizational structures deemed appropriate to the extant human cultures and geography of an area such as a trust territory, freely associated state, commonwealth, or other configuration established for a protected population; such a non-self-governing status must have the potential of being changed to a self-governing status in the future.

5) Nations that do not wish to remain within an existing state must have the reasonable option of changing their political status through peaceful negotiations in accord with Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.

As of the present date, there are 195 States that comprise the membership of the world's state system of governments. Of these states, 192 are members of the United Nations, fewer are members of the International Court of Justice, the World Bank, the International Monetary Fund, and the International

Labour Organization. The "State" is a rational organizational construct created to solve specific social, economic and political problems, and it is made legitimate by virtue of recognition extended to it by other established states. All established States are said to be sovereign political personalities having the recognized capacity to protect their own borders, carry out political intercourse with other states and perform those necessary activities (economic, social and political in character) sufficient to maintain the loyalty of an established number of human beings.

There are no fewer than 6000 indigenous nations across the continents with some located wholly inside an existing state, many divided by introduced states' boundaries and still others traversing the landscape following their nomadic cultural practices. The very existence of indigenous nations inside or partially inside various states accounts for their wealth and stability in many cases, and often their instability owing to corrupt and bankrupt governments.

Not all of these States can be accurately described as politically and economically viable. Indeed, no fewer than thirty States are in a condition of perpetual disarray, collapse, or they are essentially defunct political and legal organisms. The [Fund for Peace](#) identifies 37 states in 2010 in a condition of perpetual dysfunction or in actual collapse. Half of twenty of the states that are in critical condition (nearly collapsed or collapsing) are located in Africa: Somalia, Chad, Sudan, Zimbabwe, D.R. Congo, Central African Republic, Guinea, Cote d'Ivoire, Kenya, Nigeria, Ethiopia and Niger. The other ten include collapsing states in the Middle East, Asia, South and South East Asia, the Caribbean, Arabian Peninsula and Melanesia: Afghanistan, Iraq, Pakistan, North Korea, Burma,

Haiti, Yemen, and East Timor.

In general a failed state has lost physical control over its territory or the “monopoly on the legitimate use of physical force,” it does not exercise legitimate authority to make decision for all its citizens, its lacks the ability to provide public services and it does not have the ability to engage other states through diplomatic, economic and cultural institutions. Added to these characteristics a failed state may also demonstrate a condition of “widespread corruption and criminality” and as a consequence of internal violence or calamity large parts of the population are forced to move *en masse* from their homes in to areas of refuge.

Most collapsed or collapsing states have two or more non-state nations within their borders. Ethiopia, for example has eleven major nations including Amara, Trigraway, Somalie, Guaragie, Sidama, Hadiya, Affar, Gamo, Gedeo and Oromo within a state population of 88 million. The Oromo represent a third of the total state population with about 30.4 million followed by the Amara with a population of more than 23.6 million. A smaller nation, the Gedeo, have a population of about 1.14 million.

The Sudan has been a state where state-sponsored terror emanating from Khartoum erupted into gang attacks on the indigenous peoples of South Sudan resulting in more than 2 million deaths over a thirty-year period. Finally a peace agreement brokered by the United Nations and the United States of America laid the basis for a plebiscite where the peoples of South Sudan could decide whether to remain part of Sudan proper or separate and become an independent state. All indications are that what is in fact a corrupt and bankrupt state of Sudan will be broken into two or more pieces. It is possible that the region known as Darfur,

frequently attacked by the Sudanese government and its helpers, could also break away leaving Sudan without much more than desert to call its own.

Nigeria has an overall state population in excess of 152.2 million people and in this population there are 250 nations. This complicated multi-cultural state includes the Hausa and Fulani, Yoruba, Igbo, Ijaw, Kanuri, Ibibio, Ogoni and Tiv combined comprising more than 88% of the overall population. It is possible that Nigeria cannot hold together due to internal corruption and especially conflicts between the central Nigerian government and the rump Republic of Biafra—that includes Igbo, Ijaw, Igbibio, and Agoni with a combined population of perhaps 40 million people.

Similarly Afghanistan and Pakistan—both at serious risk of collapse—include in their borders all or parts of non-state nations (some bisected by state boundaries). The Pashtun (the original Afghans) include a population estimated in excess of 49 million people with as many 350 to 400 clans. Nearly twenty-seven million Pashtun are located inside Pakistan while another 12.18 million live in southern Afghanistan. Other nations inside Afghanistan include the Tajik (also in Tajikistan), the Hazara, Uzbek (also in Uzbekistan) and Balochi (also in Pakistan). Pakistan contains an equally complex combination of non-state nations including the Punjabi, the aforementioned Pashtun, sindhi, Sariaki, Muhajirs and the Balochi (also mentioned before).

These five examples (Ethiopia, Nigeria, Sudan, Afghanistan and Pakistan) illustrate how complex will be the task of restoring stability to a region with so many different non-state nations as players. Some argue that such states cannot be permitted to collapse. They should be propped up no matter what the cost. Others, this writer included, would argue

that it is essential to be proactive and consider now what must be done to as easily as possible perform *triage* on those states that need to be disassembled within a framework of planned actions by the international community or a combination of willing states, international institutions and non-governmental organizations.

International institutions and neighboring states which deem the continuity of even defunct states as essential to their own stability are obliged to provide support politically, militarily and financially. Instead of strengthening the state system, this process tends to further weaken an increasingly fractured system.

The United Nations adopted the UN Third Committee resolution to organize and convene a World Conference on Indigenous Peoples in 2014. The resolution was sponsored initially by Bolivia, but later cosponsored by more than thirty-five other governments. The Bolivian government's rationale is that such an international conference is warranted as a follow-on to the Bolivian Government's sponsored First World Peoples' Conference on Climate Change and the Rights of Mother Earth (Cochabamba, April 2010) and the UN General Assembly's adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007. The announced purpose of the conference is "to adopt measures to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples." (UN Department of Information, Document A/C.3/65/L.22/Rev.1)

The new political era of nations and states into which we are now passing is beginning to take shape where pressures build for the world's nations to resume their duty as active participants in the formulation of international rules of conduct. What we now call indigenous nations must become co-equal partners with states as international political

persons. They must carry out their responsibilities as mature political personalities with a full commitment to the establishment of mutual coexistence between nations and states. Nations, with a combined population estimated at 360 million to 1 billion people, must fully commit their peoples to the advancement of human rights and the democratization of international relations. Nations must also adopt existing international instruments for the promotion of peaceful relations between peoples, and they must work to establish new international instruments for the establishment of constructive relations between non-state nations and between non-state nations and states.

States governments are obliged to recognize that they do sometimes fail to adequately serve the peoples for whom they were established. States governments must embrace the changing world, which includes many kinds of political personalities-not just states. The state system is useful for some purposes, but not all peoples in the world must live within a state structure. Where there are no mechanisms for nation and state cooperation, states must reach out to the nation and seek accommodation, as should the nation to the state. States governments must rework their foreign policies to recognize that nations are a part of the international fabric-an essential element of the international family of peoples. They must learn the courage to seek constructive new relations with nations to maximize cooperation and mutual benefit.

Diversity is sloppy and uncomfortable at times, but the new political era of nations and states is necessarily a mirror of the cultural diversity of humanity. We are looking at reality when we see many thousands of nations and scores of states. We are seeing the success of humans in their many nations. We are seeing the experiments of the

human spirit when we see the scores of states. Reality demands that we stretch our minds to find ways to creatively accommodate the many differences we see among human beings. Reality demands that we accept the challenge of human success.

I propose that the world's indigenous nations convene sub-regional conferences in 2011 followed by regional conferences in 2013 to develop agenda proposals for the United Nations World Conference on Indigenous Peoples in 2014. Nations in Canada where my people are located ought to convene a sub-regional meeting, as should nations in the United States and México. These sub-regional meetings ought to form the basis for convening a North American Regional Meeting in 2013 where agreement should be worked out on a North American agenda. The same should take place in South America, Africa, Melanesia, the Pacific Islands, Asia, south Asia, Central Asia, and Europe. When each region has concluded its regional agenda then representatives from each region should be designated to convene a World Conference on Indigenous Peoples Preparatory meeting including representatives from the United Nations and specialized agencies, and states' government representatives from each of the regions. While nations are working on their agenda proposals, states governments ought to do the same, as should the United Nations and relevant agencies. A two-week meeting of the Preparatory Body should convene in late 2013 considering agenda items the fall within the mandate for developing protocols for implementing the UN Declaration on the Rights of Indigenous Peoples.

The three-tiered process leading to convening the World Conference on Indigenous Peoples can provide a smoother, more representative agenda and

conference structure leading to international protocols, which provide for new approaches to peace resolution of differences between nations, and nations and states within the framework of the UN Declaration on the Rights of Indigenous Peoples.

New structures, perhaps based in the Geneva Protocols II, for resolving emerging and raging conflicts between nations, and nations and states should also be developed as a reasonable agenda item. The United Nations World Conference on Indigenous Peoples should build on constructive discussions many nations and many states that have been conducting at non-governmental conferences and within the United Nations under the Economic and social Council, during the negotiations of new protocols for the Convention on Biodiversity (Nagoya, Japan, 2010) and the years of discussions and negotiations of a treaty on climate change (United Nations Framework Convention on Climate Changes) to replace the Kyoto Protocols of 1998 .

The opportunity exists now like never before in history for nations to fulfill their obligations as mature members of the international community to work toward a peaceful world. States, the children of nations, must turn now to realistically work with nations to build a democratized international community, which ensures broad support by all of the peoples of the world. The fragile condition of states' governments, many near or actually collapsed demands proactive steps to prepare and developing protocols for implementing the UN Declaration on the Rights of Indigenous Peoples provides the most realistic opportunity.

This is not simple idealism. The means exist for representatives of nations and states to begin the process of constructively re-ordering the world. We need to establish a peaceful and creative political climate for human development. We must put aside

our fears seek political courage to take the next step toward a new international paradigm of nations and states. A World Conference of Indigenous Nations is that next logical step as a Congress of Nations and States.

Bibliographic note

Mr. Wilson Manyfingers is a noted international relations analyst with roots in his own Cree Nation. He is an Associate Scholar at the Center for World Indigenous Studies. Mr. Manyfingers has served as an indigenous peoples' policy analyst and researcher having written numerous essays on topics ranging from human rights, international indigenous law and land rights among aboriginals in Canada, Australia, South America and South Asia. He was among the earliest contributors to the Fourth World Journal in the 1980s and 1990s.

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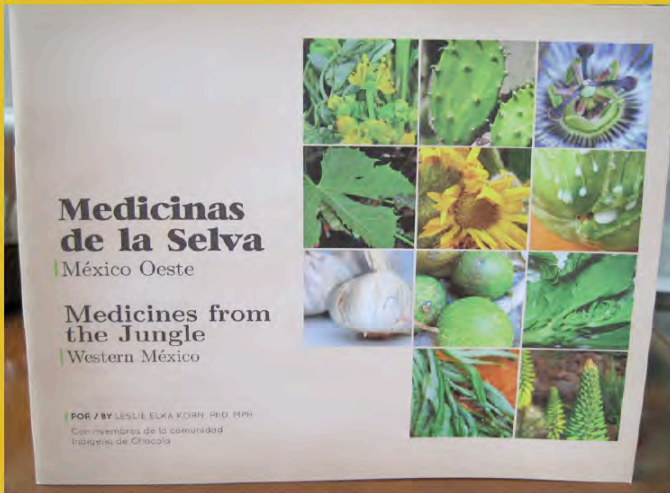
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