Indigenous Nations and Modern States

The Political Emergence of Nations Challenging State Power

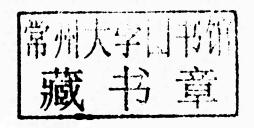
Rudolph C. Rÿser



INDIGENOUS NATIONS AND MODERN STATES

The Political Emergence of Nations Challenging State Power

Rudolph C. Rÿser





First published 2012 by Routledge 711 Third Avenue, New York, NY 10017

Simultaneously published in the UK by Routledge 2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2012 Taylor & Francis

The right of Rudolph C. Rÿser to be identified as author of this work has been asserted by him/her in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark Notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

Library of Congress Cataloging in Publication Data Rÿser, Rudolph C.

Indigenous nations and modern states : the political emergence of nations challenging state power / by Rudolph C. Rÿser.

p. cm.

Includes bibliographical references.

1. Indigenous peoples—Politics and government. 2. Indigenous peoples—Government relations. I. Title.

GN380.R97 2012

323.11—dc23

2011048419

ISBN13: 978-0-415-80853-8 (hbk) ISBN13: 978-0-203-13988-2 (ebk)

Typeset in Times New Roman by Cenveo Publisher Services

Printed and bound by CPI Group (UK) Ltd., Croydon, CR0 4YY

INDIGENOUS NATIONS AND MODERN STATES

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 thought 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.

In this volume Rudolph C. Rÿser 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.

Rudolph C. Rÿser sits on the faculty of the School of Public Service Leadership at Capella University, and is an adjunct professor of History and Culture at the Union Institute and University. He is a 2011 Fulbright Scholar, Chair of the Center for World Indigenous Studies, and the Editor in Chief of the *Fourth World Journal*.

INDIGENOUS PEOPLES AND POLITICS Franke Wilmer, General Editor

INVENTING INDIGENOUS KNOWLEDGE
Archaeology, Rural Development, and the Raised Field
Rehabilitation Project in Bolivia
Lynn Swartley

THE GLOBALIZATION OF CONTENTIOUS POLITICS
The Amazonian Indigenous Rights Movement

Pamela L. Martin

CULTURAL INTERMARRIAGE IN SOUTHERN APPALACHIA Cherokee Elements in Four Selected Novels by Lee Smith Kateřina Prajnerovã

STORIED VOICES IN NATIVE AMERICAN TEXTS
Harry Robinson, Thomas King, James Welch, and Leslie Marmon Silko
Blanca Schorcht

ON THE STREETS AND IN THE STATE HOUSE American Indian and Hispanic Women and Environmental Policymaking in New Mexico Diane-Michele Prindeville

CHIEF JOSEPH, YELLOW WOLF, AND THE CREATION OF NEZ PERCE HISTORY IN THE PACIFIC NORTHWEST Robert R. McCoy

NATIONAL IDENTITY AND THE CONFLICT AT OKA Native Belonging and Myths of Postcolonial Nationhood in Canada Amelia Kalant

NATIVE AMERICAN AND CHICANO/A LITERATURE
OF THE AMERICAN SOUTHWEST
Intersections of Indigenous Literature
Christina M. Hebebrand

THE PRESENT POLITICS OF THE PAST
Indigenous Legal Activism and Resistance to (Neo)Liberal
Governmentality
Seán Patrick Eudaily

THE ECOLOGICAL NATIVE

Indigenous Peoples' Movements and Eco-Governmentality in Colombia

*Astrid Ulloa**

SPIRALING WEBS OF RELATION Movements Toward an Indigenist Criticism Joanne R. DiNova

NEGOTIATING CLAIMS

The Emergence of Indigenous Land Claim Negotiation Policies in Australia, Canada, New Zealand, and the United States

*Christa Scholtz**

COLLECTIVE RIGHTS OF INDIGENOUS PEOPLES Identity-Based Movement of Plain Indigenous in Taiwan *Jolan Hsieh*

THE STATE AND INDIGENOUS MOVEMENTS $Keri\ E.\ Iyall\ Smith$

SPEAKING WITH AUTHORITY
The Emergence of the Vocabulary of First Nations' Self Government *Michael W. Posluns*

MEDIA AND ETHNIC IDENTITY
Hopi Views on Media, Identity, and Communication
Ritva Levo-Henriksson

THE STATE, REMOVAL AND INDIGENOUS PEOPLES IN THE UNITED STATES AND MEXICO, 1620-2000 Claudia B. Haake

INDIGENEITY IN THE COURTROOM

Law, Culture, and the Production of Difference in North American

Courts

Jennifer A. Hamilton

POLITICS AND AESTHETICS IN CONTEMPORARY
NATIVE AMERICAN LITERATURE
Across Every Border
Matthew Herman

INDIGENOUS KNOWLEDGE, ECOLOGY, AND EVOLUTIONARY BIOLOGY Raymond Pierotti

INDIGENOUS NATIONS AND MODERN STATES Rudolph C. Rÿser "Indigenous Nations and Modern States provides a refreshing, insightful, and needed reframing of the international system, contemporary ethnic conflict, and the politics of indigenous peoples. The text brings to the analytical forefront the underlying tensions between surviving nations and national identities and the states that were constructed on top of them. As Rÿser clearly elucidates, contemporary nation-states have not assimilated or vanquished the continuing attachment to non-state national identities, and this analysis facilitates a needed "un-thinking" of the inevitability, stability, and predominance of the unitary nation-state."

-Erich Steinman, Pitzer College

"In *Indigenous Nations and Modern States*, Rÿser brilliantly describes how states have appeared and disappeared during the history of mankind. As states come and go, the Nations and Peoples persist over time, and the book gives a detailed description of the situation for the world's many Nations and Peoples. In particular, the insight provided by Rÿser into the relations between the American Indian nations and the early European settlers is eye-opening and differs greatly from the common 20th-century version of those events. The book is an important contribution to both the survival of the Nations and Peoples of the Fourth World and to making the world a better place."

—Göran Hansson, Former Chairman of the Unrepresented Nations and Peoples Organization

To my spouse Leslie Korn, three sons Christian, Jon and Morgan and to my mother Ruth and father Ernest

ACKNOWLEDGMENTS

No one actually conceives of and writes a volume like this alone, even though the whole enterprise is isolating and lonely. I am indebted to a good many people for their support, encouragement and confidence throughout the years of conceiving the ideas and the past few years of actually writing the manuscript. Chief George Manuel, leader of the Secwepemc Nation, was before his death in 1989 a good friend, a brother and powerful influence whose life is in many ways written in the words I put to page. George was a tower of strength who never let his weaknesses for alcohol, for women and feasting get in the way of his personal mission to protect native peoples' lands from confiscation by states and corporations. In the last 20 years of his life, George changed the world and he changed how nations project what he called the Fourth World Reality. Sam Cagey, chairman of the Lummi Nation and a wonderfully spirited leader for many people in Indian Country also passed into the spirit world, but he too played an important role in my work. Sam was a tireless advocate and spokesman for Indian Rights. He would not compromise the right, but he understood well how to agree to small compromises to achieve the big goal. Though I knew him for only a brief time, Bruno Gabriel, a 23-year-old Miskito commander and a poet who died under a hail of bullets and bombs sent by the Sandinistas from Nicaragua affirms for me the courage necessary to open people's eyes. His legacy lives on in the hearts of Miskito people in Yapti Tasba along the Nicaraguan coast. Mel Tonasket of the Colvilles, Kathleen Bishop of the Snohomish, Ozzie George of the Cour d'Alenes, Russell Jim of the Yakama, Lucy Covington of the Colvilles, Sherwin Broadhead an attorney and friend. Ken Hanson of the Samish Nation, Bobbi Miller-Minnis of the Colvilles, a colleague and friend in my early career in Indian Affairs; Cal Peters of the Squaxins, and Joe DeLaCruz, president of the Quinault Nation are some of the people who played a large role in forming my ideas over the years. I will always be thankful to Joe Tallakson, a friend, confidant and teacher for his sensitive and unrelenting support of my work over the years and equally thankful to his work-partner Juliet Pittman. I am thankful to Carol Minugh for her constant encouragement and suggestion that I pursue my doctorate, and to John H. Burrows for his interest in my work when he was an undergraduate

ACKNOWLEDGMENTS

and his criticism and comments on many parts of this volume. I am deeply thankful to Dr. Marjorie Bell Chambers, a scholar of Russian and American history and a practical political thinker and politician, who served as a strong advisor and was ever supportive and frequently eager to challenge my ideas and me.

Dr. Bernard Nietschmann, Barney, energized my thinking and constantly reminded me of the need to test my ideas against the reality on the ground. Many of his thoughts are embedded in this volume. Dr. David Hyndman strengthened my commitment to scholarship and his suggestions were always thoughtful and on point. His desire to penetrate the fog of academic inquiry encouraged and urged me on. Dr. Lucinda Orwoll impressed upon me the need to give some scientific credibility to my work and she was the most responsible for me undertaking an analytical approach to the "Fourth World Wars in the Shadows" chapter of this volume. Gordon Pullar kept me present and grounded with his keen appreciation for culture and its meaning to each of us. I give special thanks and appreciation to Renee Davis, who started as an intern in my office and became a colleague and a detailed editor in this work. She painstakingly read and edited every sentence and paragraph, clearing out much of the literary debris that accumulates over time. I am deeply thankful to Renee for her brilliance. I shall remain ever thankful to my mother, Ruth A. Gilham-Rÿser, whose love of learning and tenacious commitment to excellence formed my own commitment to learning, and to my father Ernst (Ernest) F. Rÿser whose creative energy, gracefulness and imagination remain an inspiration to me. I am very proud of my three sons Christian, Jon and Morgan, each of whom has placed his hand in my work and in whose name I am pleased to dedicate my work. Finally, I am profoundly indebted to my spouse Dr. Leslie Korn, my closest friend, colleague and companion, for her intelligence, honesty, strength, confidence and frequent reading of these pages. She is very much part of this volume.

While many people have played a role in the development of this volume, I am responsible for the finished product. If there are errors, they are mine. I will correct them in due course.

	List of Illustrations	XV
	Acknowledgments	xvii
	Introduction	1
	Where We Are Standing Decides Our Point of View 7	
	Structure of the Volume 8	
1	Emerging Modern Nations	11
	Issues of Substance: Peoples, Territory and Culture 12	
	"Internationalizing" the Standing of Nations 15	
	The Current Political Order: Modern System of States 15	
	The Breakdown of States 18	
	Reordering the Political Landscape 20	
	Re-emerging Nations and Collapsing States 21	
	Politics by Another Means 25	
	Last Thoughts 30	
2	Fourth World Geopolitics	32
	A General Theory of International Relations 34	
	Bedrock Nations Persist 35	
	Where Nations Step In 37	
	Fourth World Diplomacy 40	
	Last Thoughts 47	
3	Four Nations and the U.S.A.	49
	Obstacles to Indian Self-Government 52	
	Major Crimes Act of 1885 54	
	The Plenary Power of Congress 55	
	The Long Path to Restoring Self-Government 56	

The Tribal Self-Governance Demonstration Project 67

Preliminary Discussions of 1987 65

The 20-year Self-Government Trial 69

	Last Thoughts 70	
4	First Nations and Canada Canada's "White Paper" 74 Organizing Locally and Internationally 78 Organizing From the Ground Up 81 The Constitution Express 82 Last Thoughts 87	73
5	The Laboratory of Internal Political Change Realigning Global Relations 88 Options for Fourth World Nations' Political Status 91 What do the Political Status Forms Mean? 93 Independent Nation-State 97 Integrated Nation 97 Autonomous Nation 102 Last Thoughts 110	88
6	The Laboratory of External Political Change Associated Nation 112 Independently Federated Nation 120 Independent Nation-State 127 Last Thoughts 137	112
7	Fourth World Wars in the Shadows Methods for Studying Fourth World Wars 149 What Are the Roots of War Among Fourth World Nations? 154 Where Are the Fourth World Wars? 159 Culture, Land and Status 161 Nations Thrust Into Europe's Concept of a State 161 Last Thoughts 164	139
8	Dispatches from the Fourth World Indigenous Nations Must Ratify Genocide Conventions! 167 Russia's "Recollapse"—Chechenya's Independence: The Lesson of Somalia 169	167

	English Speaking Quartet Opposes UN Declaration 171 Now There Is a UN Declaration on Indigenous Peoples' Rights 17 Tribal Self-Government and Taiwan's UN Bid 175 The Children of Biafra Proclaim Independence—Again 177 Walloons and Flemish May Go On Their Own 180 Mestizo v. Indigena 181 New International Security Structures for Nations and for States 181	
	Hard Choices and Climate Change 185	
	The Choice: Fuel v. Food? 187 Food Riots, Climate Change, It's the Economy, Stupid 188 Climate Refugees Shock Demands New Action 190 Last Thoughts 192	
	The Global Movement of Nations	193
	From "Local" to "Global" 194	
	Colonized to Recolonization—Nations and States on the Same Soil 198 The International Realm 201	
	The UN Declaration on Indigenous Peoples' Rights Debate and the ILO 202	
	The UN Declaration on the Rights of Indigenous Peoples 205 International Obligation Denied 209	
	Right of Self-Determination in the United States 209	
	International Right to Self-Determination 210	
	Organizing the International Indigenous Peoples' Agenda 212 Last Thoughts 217	
	A World of Nations and States	218
	An International Forum with States 219	210
	Settling the Political Status 223	
	New Institutions for Nations and States 228	
	A Congress of Nations and States 230	
	Concrete Measures for Nation and State Comity 231	
į	Regional Conferences 234	
	Epilogue 235	
1	Appendix A: United Nations Declaration on the Rights of Indigenous Peoples	239
1	Appendix B: International Covenant on the Rights of	
	Indigenous Nations	252

10

Appendix C:	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts	
	(Protocol II), 8 June 1977	261
Notes		275
Bibliography		281
Index		289

ILLUSTRATIONS

Tables

5.1	The Changing Political Status of Nations	89
7.1	Stakes of War: Categories	150
7.2	War Types	151
7.3	Vasquez's Classifications of War	152
7.4	Vasquez and Rÿser Measures of War Intensity	152
7.5	The World in 17 Regions	153
7.6	Absolute Number of Wars by Primary Issue and	
	Secondary Component	154
7.7	Overall Percent of Wars by Rÿser Category and	
	Scherrer Types	156
7.8	Percent of Wars by Type of War and Primary Issue	156
7.9	Nation War Effort by Vasquez Classification	158
7.10	State War Effort by Vasquez Classification	158
7.11	Absolute Distribution of Wars by "RNG" Typology	
	and World Regions	159
7.12	Absolute Number of Wars by Region and Total War Effort	160
	Maps	
5.1	Integrated into Canada, Nunavut Territory Is One Step	
	from Functioning as a Province	94
5.2	"The Land of Greenlanders" Functions as an "Autonomous	
	Country" within the Kingdom of Denmark	98
5.3	Yapti Tasbai Is Considered Autonomous, but Nicaragua	
	Is Cited by the Inter-American Court of Human Rights	
	for Violating Election Norms and Preventing Indigenous	
	Peoples' Participation (2005)	102
6.1	The Lummi Nation Associates with the US Through	
	Treaties and Other Agreements	113
6.2	Catalonia Dominates the Western Mediterranean Economies	123

ILLUSTRATIONS

6.3	The Federation of Micronesia Is a Nation Strategically	
	Located in the World's Vast Pacific Ocean	128
7.1	Hutu, Tutsi and Twa Original Territories Extend Far	
	Beyond Rwanda and Burundi State Borders	162

INTRODUCTION

The conduct of international relations is one of the oldest of social arts. It demands of individuals who will practice the disciplines of tact, discretion, poise, and finesse a special commitment and understanding of one's own culture and the cultures of other peoples. Other than holding a doctorate in international relations, my true foundation for this work is in my family heritage. I am a descendent of a long chain of Fourth World diplomats-a chain that extends to the 17th century when the monarchies of France and the United Kingdom first set out to claim trade routes and wealth in the Three Rivers region where the Algonquin, Abenaki, Five Nations Confederacy of Haudenosaunee and the Missasaqua nations had long lived. Important branches of my ancestors became cross-cultural diplomats mediating the often differing economic, social, cultural and political interests of the kingdoms, their business colonies and the interests of nations who at first believed the small numbers of merchants, fur traders, slaves, and indentured servants to be a benefit to them. My father's family of farmers follows a single strand to one location in Bergdorf, Switzerland extending well before the existence of the Swiss Confederation of the 13th century. My mother's family is rooted in North America, and the Orkadian Islands off the northern coast of Scotland. It is this family branch that contains more than 350 years of diplomatic history helping to define the relationship between nations in North America and the French and English and eventually Canada and the United States. This history begins with my 17th-century grandmother Isabell Montour.

Isabell Montour (1667–1752) had a French father from Cognac by the name of Pierre Couc and her mother was from Weskirini or Montagnais (Algonquin people). She is the first of the extraordinary diplomats in my family. She and her family were involved in fur trading during the early 1700s to Fort Mackinac and Detroit (then a trading post) and Albany (also a trading post). Her brother Louis Montour (the source of their last name remains a mystery) served as a trade interpreter and negotiator between the French and various Indian nations. When the French governor discovered that Louis Montour had been negotiating agreements beneficial to the English (in Albany) he directed that a gunman assassinate Louis. Like her brother Louis, Isabell was employed first by the