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ABSTRACT

This article critically examines the effectiveness of emergent transnational Indigenous rights networks during the first United Nations (UN) Indigenous Decade (1995–2004). Keck and Sikkink’s five-part model is utilized in the analysis but is found to be inadequate when gauging the overall effectiveness of Indigenous political mobilization during the first UN decade. A sixth factor, co-optation, better explains the impacts of “mainstreaming” Indigenous rights within the UN system (through blunting and channeling processes) and the subsequent shortcomings of the first UN Indigenous Decade. Potential future strategies for global Indigenous political mobilization outside of the UN system are discussed.

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I. INTRODUCTION

The first United Nations’ International Decade of the World’s Indigenous People (1995–2004) has now officially ended. As with previous UN decades, such as the Decade for Women (1976–1985) and the International Decade for the Eradication of Colonialism (1990–2000), the goals of the Indigenous Decade were ambitious: “to strengthen international cooperation for the solution of problems faced by Indigenous peoples in the areas of human rights, culture, the environment, development, education and health.”¹ The theme adopted for the first Indigenous Decade was “partnership in action.”² Unfortunately, however, the past ten years have more closely resembled partnership inaction. Few would argue that the goals of the First Indigenous Decade were met, as the outcome of the Indigenous Decade was markedly different from the successes of previous UN decades. For example, as a result of the Women’s Decade, women’s rights are now “officially” viewed as human rights,³ whereas the rights of Indigenous peoples have yet to be formally codified and adopted by the UN General Assembly. Despite the creation of the UN Permanent Forum on Indigenous Issues (PFII) in 2000,⁴ the UN failed to ratify the draft UN Declaration on the Rights of Indigenous Peoples during the first Indigenous Decade. Indeed, only two of the forty-five articles comprising the Draft Declaration on the Rights of Indigenous Peoples (“Draft Declaration”) have been “provisionally adopted” over the past twelve years of deliberations.⁵

Due to the shortcomings of the First UN Indigenous Decade (1995–2004), Indigenous delegations successfully lobbied for the passage of a Second Indigenous Decade (2005–2014), which proposes the “further strengthening of international cooperation for the solution of problems faced by Indigenous people.”⁶ Given the First Indigenous Decade’s far-reaching goals relating to

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⁶. The UN General Assembly recently declared a second decade on Indigenous Peoples, which began on 1 January 2005. Programme of Activities for the International Decade
education, standard setting, and protection of Indigenous human rights, how should one measure its success? Also, now that Indigenous issues are on the UN agenda, how effective have transnational Indigenous networks been in mobilizing support for meaningful “partnerships in action” both inside and outside the UN system?

Global Indigenous networks and organizations that were active during the Indigenous Decade and beyond address a broad range of issues, such as collective and individual rights, self-determination, globalization, colonization, and education. Often referred to as transnational advocacy networks, these agents for global change are created when the actions of grassroots movements, Indigenous organizations, and international regimes intersect. Such transnational advocacy networks include all “relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.” In order to generate a comparison of the successes and failures of transnational Indigenous networks, the author employs Keck and Sikkink’s five-part model for evaluating transnational action network effectiveness:

1. Issue creation and agenda setting;
2. Influence on discursive positions of states and international organizations;
3. Influence on institutional procedures;
4. Influence on policy change in “target actors;” and
5. Influence on state behavior.

In addition to these five components, one might add a sixth: co-optation. Co-optation is closely related to the language of “mainstreaming” used by the UN. The concept of co-optation has been defined by sociologist Michael Lacy as follows: “[C]o opting occurs if, in a system of power, the power holder intentionally extends some form of political participation to actors who pose a threat.”

Kanien’kehaka (Mohawk) scholar Taiaiake Alfred further describes how the process of co-optation takes place: “The complexity of Indigenous-state relations gives agents of the state many opportunities and mechanisms to move Indigenous leaders away from their communities, politically and ideologically, and towards the state.” Ultimately, as sociologist Raymond...
Breton finds, the most effective way of co-opting Indigenous leaders is “to embrace them.”  

According to Lacy, powerful entities, such as state actors within the UN system, historically promote their own legitimacy through processes of **blunting** and **channeling**. Together, these two processes create an illusion of inclusion for Indigenous peoples participating in global forums. Blunting simply means that an Indigenous political agenda is shifted and altered to fit the dominant norms of existing institutional structures. For example, downgrading an Indigenous right of self-determination to a claim of internal territorial autonomy in order to gain wider support from state actors would be one obvious form of blunting. As international legal scholar Patrick Thornberry explains, “[S]elf-determination is a right, autonomy is not; autonomy is essentially a gift by the state (grudgingly offered, ungratefully accepted).”

Channeling effects occur when members of Indigenous groups, having accepted representation via global forums, confine their activities solely within these official structures and cease other forms of political mobilization outside of the UN system. For instance, rather than pursuing grassroots mobilization to stop encroachment of a logging company on Indigenous homelands stemming from a development project, an Indigenous community might channel most of their political efforts into publicizing human rights abuses within a global forum, such as the UN Development Program or the Special Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous People. With this form of co-optation, Indigenous communities are dissuaded from engaging in grassroots mobilization and/or directly confronting corporate/state practices. Instead, their efforts might be redirected into a three minute speech at the UN PFII. By pursuing such strategies, Indigenous efforts at political mobilization become co-opted by the very state-centric system that they seek to challenge. Overall, co-optation processes affirm state agendas for “stabilizing the regime.”

Using a co-optation model as a tool for examining global political mobilization allows one to analyze the effects of this process on the transnational networks themselves. Including the concept of co-optation allows for an analysis of what happens to transnational action networks when some access to power has been granted, rather than denied, by the UN system. This

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11. Id.
12. Lacy, supra note 9, at 91, 93.
13. Patrick Thornberry, Self-Determination and Indigenous Peoples: Objections and Responses, in OPERATIONALIZING THE RIGHT OF INDIGENOUS PEOPLES TO SELF-DETERMINATION 56 (Pekka Aikio & Martin Scheinin eds., 2000).
15. Lacy, supra note 9, at 83.
article examines how Indigenous movements have become institutionalized and mainstreamed within the UN system and how these developments have impacted grassroots mobilization. However, first the author discusses how his experience as a Tsalagi (Cherokee Nation) delegate to the UN Working Group on Indigenous Populations (WGIP) and PFII has impacted his research on global Indigenous mobilization.

II. OBSERVATIONS FROM A TSALAGI DELEGATE

In the words of the late Menominee Indigenous rights activist, Ingrid Washinawatok El-Issa, “We must unlock the silence of our people. Unlock the silence and let us speak to the world.” Ingrid spoke these words as a challenge to Indigenous leaders before the first Indigenous Decade began. Ten years later, Indigenous leaders have responded by “unlocking the silence of our people” but our stories of resistance have not been truly heard within global forums. After participating in annual meetings of the WGIP and the PFII as a Tsalagi delegate during the first Indigenous Decade, the author has identified some of the shortcomings that illusions of inclusion within the UN system promotes. For instance, there is currently no remedial action that can be taken to counter human rights abuses within the WGIP or PFII other than reporting, standard-setting, and occasionally making recommendations to other UN agencies. As noted international legal scholar S. James Anaya explains, “where there is a violation of self-determination and human rights, presumptions in favor of territorial integrity or political unity of existing states may be offset to the extent required by an appropriate remedy.”

Both the WGIP and now the PFII are the most inclusive and open forums within the UN system. However, this openness has led to some unintended consequences. First, there has been a growing concern over delegates who participate in UN forum proceedings and self-identify as Indigenous while having questionable links to Indigenous communities. Additionally, Indig-
enous delegates have an average of only three to five minutes within either the Working Group or PFII to convey the needs of their community via an oral intervention.\textsuperscript{20} These time limits are problematic given the growing participation of Indigenous peoples and organizations in the PFII. Indeed, at one point during the 2004 PFII meeting, only joint interventions made by two or more Indigenous organizations/communities were permitted. State delegates, on the other hand, are granted ten to fifteen minutes for each of their oral interventions. Strict time constraints and limited seating for Indigenous delegates are constant reminders that this is a state-centered forum.

Notwithstanding these shortcomings, UN forums do provide Indigenous representatives with opportunities for diplomacy and strategizing. The UN hallways are places to informally share stories of struggle and resistance with other Indigenous community members from around the world. The author has found that the most important conversations were held in these hallways. It is where the author first met with the US delegate to the UN Working Group in 1999. At this meeting, US State Department official, Mr. Dennis, informed the author that the issues raised by the author were “domestic” ones, and suggested that the author contact the US Department of Justice for any further action. The contradictions that Dennis expressed were striking: a US State Department official speaking at a UN global forum in Geneva, Switzerland was informing a Tsalagi nation delegate of the domestic nature of his claims. Unfortunately, Indigenous peoples have grown accustomed to living within such contradictions. After listening to US and Canadian delegates describe Indigenous rights as domestic rights each year at global forums, the author soon realized that most states viewed Working Group and PFII meetings as places to reinforce an agenda of Indigenous rights “domestication.”

While participating in UN Indigenous forums as a delegate over the past seven years, the author is only aware of two instances where Indigenous delegates challenged standard UN protocols and delivered community interventions on their own terms. The first example took place at the seventeenth session of the UN Working Group on Indigenous Populations in Geneva in 1999. During the period where delegates delivered timed three-minute interventions on behalf of their communities, a Puyuma Indigenous delegate named Ara Rusuramang from the West Pacific island Falangnau (Taiwan) sang a harvest song in his own language. His song broke through the standard (descendants of Dutch settlers), and other settler-colonial groups have presented themselves as Indigenous at the WGIP. For further documentation, see Jeff Corntassel & Tomas Hopkins Primeau, \textit{The Paradox of Indigenous Identity: A Levels-of-Analysis Approach}, 4 \textit{Global Governance} 139, 150 (1997).

bureaucratic proceedings and caught everyone off guard, especially the Chairperson, who did not bang her gavel to interrupt. Ara later explained in English that he sang the song “in hope that the Indigenous peoples of the world will have a great prosperity to harvest.” This song could not easily be reduced to a political statement or a standard intervention. Rather, it was a cultural expression of hope and honor. However, the song was not expressed in one of the five official languages of the UN and the delegate was reminded by the chairperson to adhere to UN language protocols. Ara’s song was a reminder that Indigenous peoples had traveled so far only to be denied speaking their own Indigenous languages.

A second example where Indigenous delegates asserted a leadership role occurred at the eighteenth session of the Working Group on Indigenous Populations in 2000. While giving their intervention on July 26, 2000, the delegate from the Saddle Lake First Nation (Alberta, Canada) drew attention to Canada’s ongoing assimilation policies towards Cree children and youth: “Madam Chairperson, this is genocide!” In response to the Saddle Lake First Nation reference to genocide, all delegates representing the government of Canada abruptly vacated the room. The WGIP Chairperson then chastised Saddle Lake First Nation for invoking such a political term, emphatically stating that no genocide against Indigenous peoples was currently taking place in the world today, nor had it occurred since she began reviewing this issue in 1974. Other delegates looked around the room at each other in shock at such a blatantly false statement. The intervention by Saddle Lake First Nation had exposed the true power of the Working Group: Indigenous statements were supposed to appease rather than challenge the attending member country delegations.

At the time, it seemed that the two above-mentioned examples demonstrated some of the potential that Indigenous delegates working within the WGIP and even PFII could utilize in order to assert Indigenous self-determination. However, this potential remains unrealized and these two forums have only become more rigid in applying their mandates. For example, several Indigenous and government representatives attending the May 2002 inaugural meeting of the UN PFII in New York emphasized the data gathering function of the organization and some “stressed that the PFII should not be ‘a house of complaints.’” Such a statement reduces Indigenous demands for basic human rights and self-determination to mere annoyances.

Since first writing about global Indigenous rights in 1995, the author has urged Indigenous delegates to find effective strategies to identify and promote remedial forms of justice both inside and outside UN forums. In a 1995 Human Rights Quarterly article, it was pointed out that the debate over the ratification of the Draft Declaration on the Rights of Indigenous Peoples centered too much on semantic battles, preventing delegates from addressing the truly substantive issues of Indigenous self-determination. However, these proposed strategies focused too much on avoiding “the volatile and intractable responses of host states” and not enough on asserting Indigenous powers of self-determination on our own terms. Subsequent work has elaborated on several possible models for an Indigenous global forum “independent of the UN” that requires states to apply for “observer or consultative status within the Indigenous community’s own international organization.” Additionally, given the author’s direct participation within the WGIP and PFII, he along with co-author Cindy Holder began to focus on the disjunctures between theory and praxis, especially the theoretical misrepresentations of Indigenous community relationships. Finally, after extensively reviewing how academicians and international organizations have established definitions of Indigenous peoples, the author has attempted to strike a balance between self-identification and a flexible, working definition of Indigenous peoples. Overall, the author has written articles in order to promote a critical discourse regarding the global and domestic applications of Indigenous human rights and self-determination. Such critical discourse among Indigenous activists and scholars has been noticeably absent as we reached the end of the First UN Indigenous Decade.


Indigenous nations practiced diplomacy long before first contact with colonial powers by sending delegations to global destinations in order to foster new

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25. *Id.* at 363.
alliances of peace and friendship. During the colonial era, these diplomatic missions intensified. In 1730, for example, seven Cherokees from clan towns in South Carolina traveled to England in order to seek a strategic alliance with the Crown. Because Indigenous nations have an extensive history of treaty-making and diplomacy, Indigenous peoples have long recognized the potential effectiveness of what Keck and Sikkink refer to as the “boomerang pattern.” That is, when denied a local venue for change, Indigenous peoples seek out global allies to pressure intransigent host states from the outside in order to promote Indigenous self-determination. In April 1923, Deskaheh, Chief of Six Nations of Grand River, petitioned the League of Nations via the government of the Netherlands, in order to influence Canadian Indigenous policy:

We have exhausted every other recourse for gaining protection of our sovereignty by peaceful means before making this appeal to secure protection through the League of Nations. If this effort on our part shall fail we shall be compelled to resist by defensive action upon our part this British invasion of our Home-land, for we are determined to live the free people that we were born.

Despite being unsuccessful in his effort to secure support from the League of Nations, Deskaheh’s words and strategies are just as prescient today. However, it wasn’t until 1971, when the Economic and Social Council authorized a UN study by Special Rapporteur José Martínez Cobo to examine the “Problem of Discrimination against Indigenous Populations,” that Indigenous peoples made it to the UN agenda and a more active transnational Indigenous rights network began to emerge. Martínez Cobo’s findings were initially reported to the UN Subcommission on Prevention of Discrimination and Protection of Minorities between 1981–1983 and became a “standard reference for discussion of the subject of Indigenous peoples within the UN system.”

29. For more historical details on these diplomatic missions, see Herman J. Viola, Diplomats in Buckskins (1995).
31. Keck & Sikkink, supra note 7, at 12.
33. Based on the actions of Canada and Great Britain, Deskaheh was denied a hearing at the League of Nations. However, several states at the time were supportive of his petition: Estonia, the Netherlands, Ireland, Panama, Japan, and Persia. Douglas Sanders, The Legacy of Deskaheh: Indigenous Peoples as International Actors, in The Human Rights of Indigenous Peoples 73–74 (Cynthia Price Cohen ed., 1998).
35. Anaya, supra note 18, at 63.
With a proliferation of Indigenous nongovernmental organizations (NGOs) in the US and Canada during the 1970s, a regional Indigenous rights movement emerged in the Americas.\textsuperscript{36} At the inaugural meeting of the World Council of Indigenous Peoples from 27–31 October 1975, fifty-two Indigenous delegates from around the world and more than two hundred official observers from nineteen countries gathered at Port Alberni, British Columbia (Canada).\textsuperscript{37} Under the leadership of Shushwap Chief George Manuel, a declaration of WCIP principles was adopted at the first meeting. The selected passages express some of the goals of the WCIP for unity and mobilization:

Now, we come from the four corners of the earth, we protest before the concert of nations that, we are the Indigenous Peoples, we who have a consciousness of culture and peoplehood on the edge of each country’s borders and marginal to each country’s citizenship. We vow to control again our own destiny and recover our complete humanity and pride in being Indigenous People.\textsuperscript{38}

By 1977, Indigenous organizations from North America, Australia, and the Nordic countries of Europe had internationalized many local struggles for Indigenous peoples by lobbying the UN and holding several regional conferences. The most notable was the International NGO Conference on Discrimination against Indigenous Peoples in the Americas. This conference was held in Geneva and attended by more than sixty Indigenous delegates from North, Central, and South America.\textsuperscript{39} With the creation of the WGIP in 1982, Indigenous rights activism gradually transformed from a regionally based movement with a primary focus on discrimination to one that was truly intercontinental and multi-issue in scope.\textsuperscript{40} In order to better understand the effectiveness of the emergent transnational Indigenous network during the first UN Indigenous Decade, the analysis now focuses on the five points outlined in Keck and Sikkink’s multi-level tool of analysis, along with a sixth point of comparison, co-optation.

\begin{itemize}
  \item[36.] For example, the International Indian Treaty Council (IITC) and the World Council of Indigenous Peoples (WCIP) were both formed in 1975. See Sanders, The Legacy of Deskaheh, supra note 33, at 76.
  \item[38.] \textit{Id}.
\end{itemize}
IV. ISSUE CREATION AND AGENDA SETTING

While issue creation and agenda setting occurred in a number of ways during the Indigenous decade through conferences and standard-setting activities, this section will examine four key aspects of agenda setting in the PFII and WGIP: (1) The Establishment of a UN Indigenous Decade; (2) The Theme of the Indigenous Decade; (3) Annual WGIP Conferences and Themes; and (4) Indigenous Declarations.

1. The Establishment of a UN Indigenous Decade

After successfully initiating an “International Year of the World’s Indigenous People,” Indigenous activists successfully lobbied participants at the 1993 World Conference on Human Rights in Vienna to recommend a UN Indigenous Decade.41 Full backing of the WGIP coupled with the strong recommendations contained in the 1993 Vienna Declaration and Programme of Action, led the UN General Assembly to adopt a resolution proclaiming a UN Indigenous Decade commencing in 1995.42 In its resolution, the UN General Assembly recommended “full elaboration of a detailed plan of action, including an evaluation mechanism, and the establishment of a funding plan for the Decade, and that the meeting report to the Working Group on Indigenous Populations.”43

Given the shortcomings of the initial UN Indigenous Decade (1995–2004), Indigenous organizations successfully lobbied for the passage of a second Indigenous Decade (2005–2014). The stated goal of this Decade is as follows:

[F]urther strengthening of international cooperation for the solution of problems faced by Indigenous people in such areas as culture, education, health, human rights, the environment and social and economic development, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities.44

On 20 December 2004, the UN General Assembly formally adopted a resolution proclaiming a Second Indigenous Decade commencing on 1 January 2005.

42. International Decade of the World’s Indigenous People, supra note 1.
43. Id.
2. The Theme of the UN Indigenous Decade: Indigenous Peoples: Partnership in Action

The High Commissioner for Human Rights was named coordinator for the Indigenous Decade and set aside the time period 1 January through 9 December 1994, for planning for the Decade in consultation with Indigenous people. Additionally, on 17 February 1995, the UN General Assembly, in accordance with the theme of “partnership in action” and based on the recommendation of the five members of the WGIP, established an International Day of Indigenous People. This event will be observed every year on 9 August the anniversary of the first day of the meeting of the WGIP in 1982.

3. Annual WGIP Conferences and Themes

While the WGIP continues to serve as a “think tank on Indigenous questions,” it is no longer the central focal point within the UN system for the transnational Indigenous rights network given the establishment of a Permanent Forum on Indigenous Issues in 2000. In addition to facilitating annual two-week conferences with Indigenous peoples and organizations in Geneva, the mandate of the WGIP remains broad, based on two overarching goals: (1) To review national developments pertaining to the promotion and protection of the human rights and fundamental freedoms of Indigenous peoples; and (2) To develop international standards concerning the rights of Indigenous peoples, taking account of both the similarities and the differences in their situations and aspirations throughout the world. In terms of agenda-setting, a new theme for each annual WGIP meeting is developed by the five rotating members of Working Group. For example, the 18th WGIP session in 2000 focused on “Children and Youth” while the twenty-second session in 2004 discussed “Indigenous peoples and conflict resolutions.” Indigenous groups and organizations lobby for certain themes over others in order to highlight certain human rights abuses occurring within their host states.

Since its first meeting in 2002 in New York, the PFII also developed themes for its annual conferences. At the first meeting, the PFII Secretariat, in consultation with the Chairperson and forum members, worked closely

with UNICEF to ensure that the PFII’s emphasis on “Children and Youth” was reflected by the agenda of the second PFII meeting in 2003. This was timed to coincide with the release of a special UNICEF report on Indigenous children in 2003.

4. Indigenous Declarations

Declarations by Indigenous organizations and individual nations voiced during the Indigenous Decade demonstrate a continued assertion of self-determination. These declarations also have an agenda-setting function for the WGIP, PFII as well as other UN agencies. They also reflect a consensus of Indigenous activists around certain issue areas and regional considerations. Unfortunately, given the rhetorical style, political context, and non-binding legal status of these documents, declarations are often ignored by states.48 Listed below are some of the Indigenous declarations put forward during the Indigenous Decade:

- Beijing Declaration of Indigenous Women (1995);
- Indigenous Peoples Seattle Declaration (1999);
- Indigenous Peoples’ Caucus Statement at WIPO (1999);
- Declaration of Indigenous Peoples on Climate Change (2000);
- Indigenous Peoples Millennium Conference statement (2001);
- Statement on the World Conference Against Racism & the Proposals for the Programme of Action of the World Conference Against Racism (2001);
- Declaration and Platform of Action on the occasion of the First Indigenous Women’s Summit of the Americas (2002).

V. INFLUENCE ON DISCURSIVE POSITIONS OF STATES AND INTERNATIONAL ORGANIZATIONS

While several reports and recommendations related to standard-setting emerged from the UN Indigenous Decade, the document that created the most discursive positioning among states and Indigenous participants was the UN Draft Declaration on the Rights of Indigenous Peoples.49 In fact, the

other major goal of the Indigenous Decade, in addition to creating the PFII, was to promote UN General Assembly ratification of the Draft Declaration by the end of 2004. Since the initial process of developing a Draft Declaration started in 1985, over 400 Indigenous delegations and five independent legal experts who comprise the Working Group have written this document. In 1994, when the Draft Declaration was adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it consisted of nineteen preambular paragraphs and forty-five articles. The following year, the Draft Declaration was reviewed by member states at the fiftieth session of the Commission on Human Rights, which established an Intersessional Working Group to assist in reviewing the Draft Declaration for eventual ratification by the General Assembly.

At the conclusion of the first Indigenous Decade, the Draft Declaration remained stalled in the Intersessional Committee and mired in semantic battles with states as reflected by legal scholar Russel Barsh’s 1996 comprehensive scorecard of state discursive positioning. According to Barsh’s observations at the 1995 meeting, Japan and the US contended that the Draft Declaration was “not a reasonable evolution from existing human rights law” and was too “intrusive into national legal systems.” Additionally at the 1995 meeting, Canada objected in principle to an Indigenous “right to self-determination,” “right to be identified as Indigenous,” and ten other key features of the Draft Declaration. These stalling tactics intensified in September 2003 when Canada and Australia were criticized by Indigenous delegations for derailing negotiations over the Draft Declarations. These two state governments proposed that “fundamental rights over land and natural resources would be discussed between a state and its Indigenous population rather than being part of a universal declaration of rights of Indigenous people.” These semantic battles between Indigenous delegations and states have been fairly consistent since the Intersessional Working Group was formed, as former Pacific representative to the United Nations Permanent Forum on Indigenous Issues, Mililani Trask, pointed out in her 2003 review of the Indigenous Decade:

Every year the CANSUZ states (Canada, Australia, New Zealand and the US) have acted as a block objecting to the unqualified right of self-determination for

51. The most recent version of the Draft Declaration is provided online by the Center for World Indigenous Studies, available at http://www.cwis.org/drft9329.html.
53. Id. at 808-13, referencing Tbl. 1.
Indigenous Peoples. These states, and a few others, have insisted on redrafting the document.\textsuperscript{55}

What then is the end result of twelve years of discursive positioning and deliberations by the Intersessional Working Group? At the conclusion of the first Indigenous Decade, only two of the forty-five articles contained in the Draft Declaration had been provisionally adopted by the Intersessional Working Group. These two provisionally adopted Draft Declaration articles are fairly uncontroversial as they focus solely on the recognition of individual rights. Similar versions have been ratified in other UN human rights treaties, such as CEDAW. Article 5 states that every Indigenous individual has a right to a nationality and Article 43 guarantees that rights and freedoms should be given to both males and females.

Despite ongoing state resistance to the language of the Draft Declaration relating to the recognition of collective rights, self-determination, and control over natural resources, there is optimism amongst Indigenous peoples and rapporteurs that the Draft Declaration will be ratified during the Second Indigenous Decade.

In 2006, there appeared to be some headway regarding the discursive positioning of states over the Draft Declaration. Indigenous peoples and states participating in the 2006 Intercessional Working Group reached agreement on the majority of forty-five articles in the Draft Declaration. However, the Working Group was unable to reach consensus on some key issues, such as self-determination, lands, territories, and resources (namely Articles 25, 26, 27, 30).\textsuperscript{56} After the Working Group meeting, the Chairperson of the Working Group, Luis-Enrique Chavez (Peru), submitted his proposals to the sixty-second session of the Commission. Chavez’ version of the Draft Declaration contained articles that had been provisionally agreed on as well as his proposals on outstanding issues.\textsuperscript{57}

At the Fifth Session of the Permanent Forum on Indigenous Issues, Australia, New Zealand, and the US issued a joint statement opposing Chairperson Chavez’s recommendations for the Draft Declaration and expressed their concerns over wording in the Draft Declaration that “could be misrepresented as conferring a unilateral right of self-determination (Article 3) . . . thus threatening the political unity, territorial integrity, and indeed the security of existing UN Member States.”\textsuperscript{58} According to these three govern-
ments, “the provisions on lands and resources are particularly unworkable and unacceptable.”

In June 2006, Canada and Russia, as two of forty-seven elected members to the newly developed United Nations Human Rights Council, voted against adoption of the Draft Declaration. However, the Draft Declaration was ultimately approved by Human Rights Council members by a vote of 30–2 (three absent and twelve abstaining), and is currently being considered for ratification at the UN General Assembly.

Echoing the views of Australia, New Zealand, and the US, Canadian Foreign Affairs Minister Peter MacKay expressed his concerns over the Draft Declaration’s wording around property rights and issues of natural resources, stating, “We want to ensure that these implications are fully comprehended before we sign on.” MacKay further elaborated on his apprehension over the rights contained in the Draft Declaration: “we don’t want it to run contrary to some of the constitutionally entrenched rights that we have right now and some of the decisions out of the Supreme Court in Canada, not to mention some of the treaties that have been signed.” As we enter the second UN Indigenous Decade, the discursive positioning of key UN member states having significant Indigenous populations within their borders, such as the US, Canada, Australia, and New Zealand, remains virtually unchanged.

VI. INFLUENCE ON INSTITUTIONAL PROCEDURES

There are four aspects of the activities of transnational Indigenous networks during the Indigenous Decade that warrant further examination: (1) Greater Participation Rates by Indigenous Organizations in the WGIP; (2) The Relative Openness of the UN WGIP and Intersessional Working Group; (3) UN Voluntary Fund; and (4) Creation of a UN Permanent Forum on Indigenous Issues.

59. Id.
63. Id.
1. Greater Participation Rates by Indigenous Organizations in the WGIP

The overall number of Indigenous organizations increased from forty-eight in 1983 to over 500 by 2005, indicating a deepening of this transnational advocacy network. Additionally, the number of Indigenous participants has also increased dramatically since the creation of the UN Working Group on Indigenous Populations (WGIP) in 1982. Indeed, while only twenty-two NGOs and Indigenous organizations participated in the first WGIP session in 1983, 169 such organizations and over 1,000 representatives from around the world participated in the twenty-second session of the WGIP in July 2004. This meeting was one of the largest international meetings on Indigenous rights in the history of the WGIP.

There was also a marked increase in participation within the UN PFII. At the first session of the PFII in 2002, approximately 900 observers representing governments, the United Nations system, and Indigenous organizations were present. At the 3rd session of the PFII in 2004, over 1,500 participants from approximately 500 Indigenous groups worldwide attended.64

2. Relative openness of UN WGIP and Intersessional Working Group

At the first session of the UN WGIP in 1982, it was decided that any Indigenous person or representative would be allowed to participate in the annual conferences.65 In most other UN forums, participation is limited to states, intergovernmental organizations, and accredited NGOs. This unique attendance policy makes the WGIP the most open body in the entire UN system.66 The dramatic increase in attendance by Indigenous organizations since 1982 (detailed above) is partly attributable to this open attendance policy.

When the Intersessional Working Group was initiated in 1995 to review the Draft Declaration, the Human Rights Commission established a new process for accrediting “organizations of Indigenous peoples” without NGO consultative status so that they could participate in the sessions.67 This new

65. UNDP, supra note 40.
66. Sanders, The Legacy of Deskaheh, supra note 33, at 77.
67. Having consultative status with the UN Economic and Social Council (ECOSOC) simply means having the right to make statements before all UN Committees. Also, NGOs with consultative status must provide expert opinions to ECOSOC on issues that are being discussed. In order to maintain their special classification, consultative status NGOs must provide information to the NGO Committee regarding their aims, their work experience in the area of indigenous rights, funding sources and recruitment of members. Because
accreditation process was overseen by the Coordinator of the Indigenous Decade and the NGO Committee of the Economic and Social Council, who approved forty-five or approximately one-half of the total applications received.\textsuperscript{68} Since there were only twelve Indigenous NGOs with consultative status in 1996, this new accreditation process allowed for greater Indigenous participation in the Intersessional Working Group, a body charged with reviewing the Draft Declaration.

3. UN Voluntary Fund

In 1993, the UN Voluntary Fund for the Indigenous Decade was established to finance Indigenous activities and programs between 1995–2004.\textsuperscript{69} However, no funding was available for Decade related activities until 1997. To make matters worse, in his 1999 Report to the General Assembly, the UN Secretary General stated: “at the present time, insufficient funds are available to complete the programme approved by the Advisory Group and the High Commissioner for Human Rights in 1999 and no funds are available for the programme in 2000.”\textsuperscript{70}

The absence of substantial state and organizational funding has severely hindered Indigenous achievements during the UN Indigenous Decade. In fact, very few states make regular contributions. As of May 2004, 73 percent ($1,693,897 in US dollars) of the overall contributions made to the Voluntary Fund during the Indigenous Decade were donated by three countries: Denmark, Norway, and Japan.\textsuperscript{71}

While the US has not yet contributed to the Voluntary Fund, Canada’s contributions fail to match their public relations efforts and rhetorical support for Indigenous rights. The Canadian government’s $9,747 donation in 2003 was little more than a symbolic gesture to Indigenous issues. Canada’s annual contributions have actually decreased since they started donating to the fund in 1996.\textsuperscript{72} Funding from the US has remained consistent: Zero of these stringent requirements, the procedures for obtaining consultative status is slow and can take several years. \textit{Id.} at 81; \textit{FlorenCie RouLet, HumaN rigHtS and inDiGenouS peoPlEs 28–29 (1999)}.

\textsuperscript{68} Barsh, \textit{Indigenous Peoples and the UN Commission on Human Rights}, supra note 49.

\textsuperscript{69} See \textit{International Decade of the World’s Indigenous People}, supra note 1, ¶ 14.

\textsuperscript{70} Trask, supra note 55.


donations were made during the entire Indigenous Decade. As Mililani Trask concludes in her 2003 review of the Indigenous Decade: “The United Nations Decade of the World’s Indigenous Peoples proposed a workable and realistic Program of Action but many objectives and goals of the Decade have not been achieved due to lack of financing.”

A separate UN Voluntary Fund for Indigenous Populations was established in 1985. This fund provides monetary assistance to representatives of Indigenous communities, enabling them to attend WGIP sessions. During the Indigenous Decade, 560 Indigenous representatives received financial assistance to attend the WGIP, while seventy-seven have been supported to attend the annual PFII since its first session in 2002. However, a modest budget only allowed funding for a “small portion” of “more than 200 eligible project applications and 600 Indigenous organizations request for travel assistance” received in 2004.

4. Creation of UN Permanent Forum on Indigenous Issues

One of the major goals of the Indigenous Decade was realized in 2000 when a Permanent Forum on Indigenous Issues was created by the Economic and Social Council (ECOSOC). The PFII is comprised of sixteen independent experts: eight Indigenous representatives and eight state representatives from seven geographic regions of the world. The creation of the PFII was contentious from the start; the name of the forum was a compromise as states within the UN system refused to approve a “Permanent Forum on Indigenous Peoples” (emphasis added), fearing that use of the word “peoples” would grant the right of self-determination to the world’s Indigenous nations. In response, some Indigenous delegates displayed signs at the meeting reading: “We are peoples, not issues.”

Several Indigenous and government representatives attending the May 2001 inaugural meeting in New York “stressed that the PFII should not be ‘a house of complaints.’” Instead, the PFII “should have a role in researching, collating and analyzing data and statistics and should create a resource data-

73. Trask, supra note 55, at 12.
74. Report of the Secretary-General on the Preliminary Review by the Coordinator of the International Decade of the World’s Indigenous People, supra note 71, at 20.
77. Id.
78. See The Indigenous Peoples’ Center For Documentation, supra note 23.
base to allow informed decisions.  

While this new PFII has the potential to impact institutional procedures of the UN, its three-part mandate is limited to providing advice and disseminating information within the UN system:

1. Provide expert advice and recommendations on Indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through the Council;
2. Raise awareness and promote the integration and coordination of activities related to Indigenous issues within the UN system;
3. Prepare and disseminate information on Indigenous issues. The PFII is to hold an annual session. The first meeting of the PFII was held in May 2002, and yearly meetings will take place either in New York or Geneva.

By providing expert advice and recommendations on Indigenous issues to the Economic and Social Council, as well as to programs, funds, and agencies of the United Nations, through the Council, all information arising from PFII meetings is automatically vetted by the Economic and Social Council (ECOSOC). As the International Indian Treaty Council (IITC) points out, the PFII’s mandate is constrained in that “it cannot make recommendations directly to the United Nations system nor to U.N. member states on these broad and important themes.” This constraint could ultimately limit the effectiveness of PFII given that it operates under the “political goodwill of the States members of ECOSOC, and a very large and difficult-to-move United Nations bureaucracy.”

At the Fifth Session of the Permanent Forum on Indigenous Issues in 2006, Chairperson Victoria Tauli-Corpuz initiated a discussion on ways to better implement some of the 295 recommendations made in previous PFII sessions. Chairperson Tauli-Corpuz and Wilton Littlechild compiled the previous PFII recommendations under four broad categories: 1) information and knowledge generation, management, and dissemination; 2) increased and effective participation of indigenous peoples in various global, regional, and national processes and mechanisms; 3) development, popularization, and dissemination of education and awareness-raising materials; and 4) shifts in paradigms and approaches to development and in the formulation of conceptual frameworks, policies and guidelines, and setting up projects.

82. Id. at 5.
The four above-mentioned categories highlight the nature of the recommendations being put forward by the PFII to other UN programs and organizations. Not surprisingly, the main obstacle for implementing most of these recommendations has been a lack of financial resources and lack of awareness of Indigenous peoples’ issues among UN staff, management officials and governing bodies. Additionally, Tauli-Corpuz found that “most governments were still working within the framework of dominant development. So a lot of effort is still needed to be done to shift the paradigm.”

As it stands now, delegates attending the PFII have approximately three minutes to convey the needs of their communities within compartmentalized topic areas such as “Health,” “Environmental,” and “Economic Development.” Even as a permanent actor within the UN system, the PFII provides no formal recourse for Indigenous delegates to remedy human rights violations occurring within their communities.

VII. INFLUENCE ON POLICY CHANGE IN “TARGET ACTORS”

While this criterion potentially overlaps with others, such as “influence on discursive positions of state” and “influence on state behavior,” three possible sources of influence on policy changes regarding state and international organization behavior will be examined below: (1) UN Studies and WGIP Reports; (2) Inter-Agency Cooperation; and (3) International Labor Organizations.

1. UN Studies and WGIP Reports

Systematic global studies and data gathering do not change the fact that the living conditions of Indigenous children have only worsened during the Indigenous Decade. A recent UNICEF report on the health of Indigenous children found that “compared to non-Indigenous children, Indigenous children have lower vaccination rates and higher mortality rates; lower rates of school enrollment; ... and inadequate protection in formal justice systems.” Based on the UNICEF report alone, it appears that little Indigenous policy change has occurred amongst target actors: states and international organi-

84. Id.
PFII President Ole Henrik Magga viewed the UNICEF report as a significant development in the Indigenous Decade as a method to prompt policy changes amongst other UN agencies: “With this in hand we can go to all the other agencies and say, ‘Look what UNICEF did. We want you to come up with a description and, especially, an action plan.’”

In addition to the UNICEF report, three other comprehensive studies have been concluded during the Indigenous Decade by the UN Working Group on Indigenous Populations: (1) Special Rapporteur Mdm. Daes completed her study on Indigenous Peoples and their Relationship to Land in 2000; (2) Special Rapporteur Martinez completed his study on Treaties, Agreements, and other Constructive Arrangements between Indigenous Peoples and States in 1999; and (3) Special Rapporteur Mdm. Daes completed her study on the Protection of the Heritage of Indigenous Peoples in 1995.

Despite their importance as comprehensive UN reports, these studies have been generally excluded from other UN decision-making bodies and have limited relevance to Indigenous communities other than as legal reference materials. As the IITC points out, “The fundamental problem remains that the recommendations by these non-conventional mechanisms to the States and UN Bodies such as the Commission on Human Rights to cease or to at least address documented violations of Indigenous rights, are for the most part ignored and remain largely without effective remedy.” As current PFII President Victoria Tauli-Corpuz states: “In my view, the central thrust of the PFII next year should be to push for the implementation of the past PFII recommendations, most of which have not yet been implemented.”

2. Inter-Agency Cooperation

In 1996, a review of UN mechanisms relating to Indigenous peoples confirmed that “UN organizations indeed carried out numerous projects for Indigenous peoples but there was no effective inter-agency cooperation to promote the rights and development of Indigenous peoples.” Some organizations, such as the World Intellectual Property Organization, UNESCO, UNICEF, and UNEP, had consulted with relevant Indigenous organizations, like the PFII. However, according to the IITC report, “Too often these con-

86. Id.
88. International Indian Treaty Council, supra note 81, at 5.
89. UN Tools at Work in the Philippines: An Interview with Victoria Tauli-Corpuz, 28 CULTURAL SURVIVAL Q. 36–37 (Fall 2004).
90. Report of the Secretary-General on the Preliminary Review by the Coordinator of the International Decade of the World's Indigenous People, supra note 71, at 8.
sultations did not result in any effective mechanisms for ongoing input or in the implementation of any new policies or programmes." In a closer look at the UN Development Program and the implementation of its policy on Indigenous peoples, Suhas Chakma, Director of the Asian Centre for Human Rights, found that "Indigenous input was limited. The interaction as a whole did not rise to the level of actual consultation."

3. International Labor Organizations (ILO) Convention No. 169 "Concerning Indigenous and Tribal Peoples in Independent Countries"

While eleven countries ratified the International Labor Organization (ILO) Convention 169 "Concerning Indigenous and Tribal Peoples in Independent Countries" during the Indigenous Decade, the enforceability of this treaty is very limited since only seventeen countries total have ratified the Convention to date. Furthermore, self-determination, a prominent phrase in the Draft Declaration, does not appear anywhere in the forty-four articles of ILO 169. Finally, ILO 169 denies the transnational nature of Indigenous rights networks. Article 1, Section 3 of ILO 169 effectively domesticates Indigenous rights by confining the applicability of this treaty to host states: "The use of the term ‘peoples’ in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law."

VIII. INFLUENCE ON STATE BEHAVIOR

In pursuing host state accountability outside the narrow confines of a “house of complaints,” the appointment of a Special Rapporteur on Situation of Human Rights of Indigenous People was approved by the Commission on Human Rights in 2001. Rodolfo Stavenhagen, an Anthropology Professor and founder/President of the Mexican Academy of Human Rights, accepted...
the position. However, the mandate of the Special Rapporteur is unclear and citizens of a particular country must invite Stavenhagen before he can visit sites of possible Indigenous human rights violations. According to Pacific representative to the United Nations PFII, Mililani Trask, “it is quite evident from the title of the position that Indigenous Peoples’ right to self-determination was not considered a human right at the time the Commission passed the resolution.” Stavenhagen filed his first report to the General Assembly on 21 October 2004 and continues to visit countries, when invited, to receive information on allegations of human rights violations. However, even with the important mandate of Stavenhagen, Indigenous peoples are finding that “paper rights” cannot ensure state accountability to human rights standards and international law.

In a recent survey of Indigenous organizations conducted by the UN Office of the High Commissioner on Human Rights, 68 percent of the respondents indicated that, at the international level, the Indigenous Decade resulted in positive changes, including “better access to international activities, and exchange of experience and contacts with other Indigenous organizations and representatives.” However, it was telling that only 36 percent saw positive changes at the community level. On the other hand, 44 percent of the Indigenous respondents said that there had been “no improvements locally.”

As the International Indian Treaty Council’s assessment of the UN Indigenous Decade concludes:

[T]he many reports cited herein and others found within the United Nations system, lead to the conclusion that Indigenous Peoples in general are no better off now than they were at the beginning of the Decade. Given that their human rights and fundamental freedoms have been more clearly defined and extensively debated, and have been applied to States as legal obligations by various competent international bodies since the Decade began, it is understandable if Indigenous Peoples view the continued denials of these rights as more deliberate and intentional than even before.

96. Trask, supra note 55, at 5.
98. Logan, supra note 87.
99. Id.
IX. CO-OPTATION: ILLUSIONS OF INCLUSION

While Keck and Sikkink’s five tools for evaluating transnational networks examine how networks influence state and institutional decision-making structures, a co-optation variable reverses the direction of the analysis by assessing the potential impact of institutional structures on transnational Indigenous networks. As discussed earlier in the paper, Lacy finds that powerful entities, such as state actors within the UN system, historically promote their own legitimacy through blunting and channeling effects. Through these blunting and channeling processes, an illusion of inclusion is generated by states actors operating within the UN system. Consequently, a system that once denied an Indigenous rights agenda now embraces it and channels the energies of transnational Indigenous networks into the institutional fiefdoms of member countries. In order to be successful within such a system, Indigenous delegates must often mimic the language and strategies of those institutions they work within. What results is a cadre of professionalized Indigenous delegates who demonstrate more allegiance to the UN system than to their own communities. In its worst configuration, the PFII represents an internationalized band council system.

The limited mandate of the UN Permanent Forum on Indigenous Issues confines transnational Indigenous networks to an advisory function to ECOSOC. It also blunts or tames a wider Indigenous political agenda of self-determination and pursuits of justice by failing to provide opportunities for remedial action. The semantic battles continue over terms such as self-determination in order to blunt their overall impact on the state-centric system. Even the name of this organization is the result of a compromise: Indigenous peoples sought a “Permanent Forum on Indigenous Peoples” but were instead reduced to “issues.” Furthermore, the documented lack of adequate financing for UN Indigenous Decade Activities further hinders transnational Indigenous effectiveness in networking and facilitating cooperation with other UN agencies and host states.

Twelve years of Intersessional Working Group deliberations over the Draft Declaration demonstrate both blunting and channeling effects. State actors have stalled any standard-setting on Indigenous rights by challenging Indigenous advocacy of self-determination, sovereignty over natural resources, and collective rights. Furthermore, as a channeling effect, the central focal point for Indigenous mobilization continues to be the ratification of the Draft Declaration. This goal is now inextricably linked to the success of the Second Indigenous Decade. Of concern is the potential ratification of a revised Draft Declaration with seriously compromised or blunted language.

101. Lacy, supra note 9, at 91, 93.
However, even with compromised language, a ratified Draft Declaration could be a useful strategic platform for deeper Indigenous challenges to the state-centric system.

With the lack of adequate Indigenous human rights standards in place and with the limited mandate of the PFII as a permanent body within the UN system, Indigenous peoples are unable to effectively pursue basic strategies of surveillance and shame within this global forum in order to maximize influence on state behavior. Even with the creation of a Special Rapporteur on Situation of Human Rights of Indigenous People, it is under-funded and carries a very constrained mandate in terms of remedial action for Indigenous peoples suffering human rights abuses. Accountability has not progressed from paper rights to actual realization of Indigenous self-determination and justice within host countries. As Victoria Tauli-Corpuz, Executive Director of the Tebtebba Foundation in the Philippines, states: “It is only because Indigenous peoples pushed that there has been any action at the state level, and in most countries, the response has been ceremonial, not actual.”

Echoing this sentiment, Ana Pinto of the Center for Organization, Research and Education in Manipur, India sums up her view of the Indigenous Decade: “As far as I am concerned, the International Decade has been a good ritual but has not produced the results it could have.” Marcos Matias Alonso, a Náhuatl delegate to the PFII, referred to the Indigenous Decade as a “relative failure,” pointing out that the UN Indigenous development fund lacks global financial support. These are some of the Indigenous stories of resistance that were not heard during the first Indigenous Decade.

At the close of the First Indigenous Decade, “the only issues of note are the emptiness of the UN’s rhetoric and the failure of states and international organizations to put Indigenous rights into practical effect.” Given the very open nature of this UN co-optation of transnational Indigenous networks, the IITC report questions state motives: “it is understandable if Indigenous Peoples view the continued denials of these rights as more deliberate and intentional than even before.”

Overall, the co-optation of transnational Indigenous networks appears very effective in challenging the unity of the global Indigenous rights movement and hindering genuine dialogue regarding Indigenous self-determination and justice during the first Indigenous Decade. The illusion of inclusion has

yet to be fully confronted within the WGIP and PFII. Wayne Lord (Métis), who is an elected representative of Canada to the PFII, summed up the ongoing goals of the PFII by stating that “This [PFII] is not an exercise in decolonization. If you want decolonization, you need to go somewhere else.” Based on Lord’s assessment as well as the above evaluations of the Indigenous Decade, it appears that blunting and channeling have been effective tools in reinforcing statist perspectives on Indigenous self-determination, while the real struggles of the world’s Indigenous peoples remain.

X. CONCLUSIONS

After utilizing Keck and Sikkink’s five tools for evaluating transnational advocacy networks, some key findings emerge. Namely, the Indigenous Decade lacked any decisive, symbolic gains given the failure to ratify a non-binding Draft Declaration in order to establish a broader definition of human rights under the auspices of recognizing collective rights and self-determination. The unity of the transnational Indigenous network was challenged most forcefully in the Intersessional Working Group on the Draft Declaration. While Indigenous unity was maintained during the first Indigenous Decade, the Working Group failed to yield any substantive discursive shifts in state behavior. In contrast, by the end of the Women’s Decade (1976–1985), 90 percent of UN member states set up some mechanism to promote women’s interests at the state level. No such accountability measures occurred with Indigenous peoples, despite twelve years of continuous deliberations over the Draft Declaration.

In terms of influence on institutional procedures, the UN Permanent Forum on Indigenous Issues did not hold its first meeting until 2002 and effective inter-agency cooperation has not yet occurred. The limited PFII consultations that did occur with WIPO and UNICEF failed to result in any effective mechanisms for ongoing input or in the implementation of any new policies or programs. Furthermore the PFII has a constricted mandate as an advisory body sharing data and relevant reports with ECOSOC versus going directly to other UN agencies. In contrast, the Women’s Decade led to the creation of an effective, autonomous organization (INSTRAW) at the beginning of the decade that played a lead role in the creation of inter-agency reports, namely the 1st World Survey on the Role of Women in Development (1985).

While Keck and Sikkink’s five evaluation tools provide a useful analytical framework for documenting the specific actions of transnational

advocacy networks, these tools were often overlapping to a large degree and generally offered a limited, somewhat compartmentalized perspective regarding the overall impact of Indigenous network activity. Co-optation as a sixth factor allows a clearer and more realistic picture of the evolution of transnational advocacy network goals and how their agendas have been framed by institutional and state actors. The Indigenous Decade has also witnessed a significant co-optation of key issues and agendas. The blunting and channeling effects of co-optation are most evident during the twelve years of Intersessional Working Group deliberations over the Draft Declaration. The blunting of key international political powers of self-determination and sovereignty over natural resources is coupled with a channeling of Indigenous peoples’ focus towards the ratification of the Draft Declaration. Consequently, ratification of the Draft Declaration is now inextricably linked to the success of the Second Indigenous Decade. In sum, co-optation as a measure of mainstreaming and the power of state and institutional entities to frame rights agendas carries a great deal of promise in assessing the future effectiveness of transnational Indigenous networks. These findings also give one a critical, comparative perspective on the dynamics of co-optation and illusions of inclusion within the UN system and how these processes impact transnational Indigenous networks.

Given the channeling and blunting of Indigenous networks occurring during the first Indigenous Decade, it is a critical time for Indigenous peoples to rethink their approaches to bringing Indigenous rights concerns to global forums. If one does choose to participate in UN forums, it is important to be aware of the limitations of these state-centric institutions. Based on previous experiences within global forums, the author suggests four possible future strategies:

- Shift Indigenous mobilization efforts towards engagement and activism in Indigenous forums. The WCIP provides a possible model for the creation of a new Indigenous organization that functions according to Indigenous values and requires states and NGOs to apply for observer status. With a membership of over sixty Indigenous nations and other minority groups from around the world that promote only non-violent solutions to the conflicts that affect them, the Unrepresented Nations and Peoples Organization (UNPO) is another possible model. Ultimately what is needed is a new Indigenous organization that mirrors the specialized functions of societies/clan structures within Indigenous communities and allows Indigenous leaders to work outside the state-centric confines of the UN: a confederation of Indigenous nations;
- Strategies of successful Indigenous movements, such as the Consejo Nacional Indio de Venezuela (CONIVE) achieved widespread success.

108. The four recommendations discussed here are based on strategies originally outlined in Alfred & Corntassel, supra note 48.
through an extensive consultation with local and regional Indigenous communities and should be emulated. CONIVE generated important constitutional changes in Venezuela for Indigenous peoples, which represent only 1.5 percent of the overall population. Additionally, Indigenous peoples in six communities in Venezuela have recently been granted title to 314,000 acres of their homelands. Political actions of the Confederación de Nacionalidades Indígenas del Ecuador (CONAIE), an organization representing 80 percent of the Indigenous population in Ecuador, are also important to examine; CONAIE has been successful in decolonizing governmental structures and getting Indigenous land returned in Ecuador;

• Make Indigenous declarations stronger political instruments by having them reflect consensus and unity within Indigenous communities, offering clarity on Indigenous self-determination entails, and by articulating strategies to build a new relationship with states. Such declarations can serve an educative function as well as emphasize community-specific and regional Indigenous perspectives on self-determination. One example of this is the First Indigenous Women’s Summit of the Americas held in Oaxaca, Mexico in December 2002. The gathering allowed Indigenous women to share their experiences and struggles with colonial powers and to issue a declaration pointing out the shortcomings of the existing UN human rights mechanisms for Indigenous women;

• Promote unity and strength among Indigenous peoples by encouraging renewed treaty making between Indigenous nations. Since host states have not honored Indigenous treaties for the most part, it is time for Indigenous peoples to lead by example and demonstrate once again their communities’ approaches to principles of respect and diplomacy. Treaties of peace and friendship entail making sacred compacts that should be renewed ceremonially on an annual basis with all participating Indigenous nations. New inter-Indigenous treaties might include those that affirming alliances, promoting protection for crossing borders, and trade arrangements, further illustrating the wide spectrum of Indigenous powers of self-determination. Of course, these are only a few examples of the multiple possibilities for promoting new treaty diplomacies and unity amongst Indigenous peoples.

As the first Indigenous Decade has come and gone, the main lessons of the past ten years have been to move beyond the channeling and blunting actions of state-centered forums and assert Indigenous self-determination


and connections to the land on their own terms. While the WGIP and PFII are just two of several possible venues for transnational Indigenous activism, the preceding analysis demonstrates that widespread mobilization and unity are better served elsewhere. If we do not create or identify other viable and effective forums for asserting Indigenous self-determination, we run the risk of having similar discussions of co-optation and lack of accountability to the rights of Indigenous peoples at the conclusion of the second Indigenous Decade in 2014.