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On the Meaning of Restoring Indigenous Self-Determination

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MARC WOONS, MAY 13 2014

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What does it mean *to restore*? The *Oxford English Dictionary* (1989) offers over a dozen definitions. Almost all are used within Indigenous self-determination discussions in one way or another, in good ways and in bad ways. The different meanings of the word, I suggest, belong to four definitional categories that help explain what restoring Indigenous self-determination is, and is not, about.

Before looking at each in turn, it is important to recognize that Indigenous self-determination is not something that has been lost or destroyed. Instead, centuries of colonization has set in motion events and created circumstances that have forced Indigenous peoples to adapt in how they assert their authority to self-determine within their homelands. Though I expand on what this might mean, restoring Indigenous self-determination broadly encompasses many approaches pursued within and against modern states that all too often perpetuate colonialism by ignoring – or even promoting – its logic and effects. The idea that states should recognize Indigenous nations fails to go far enough time and again. Sometimes it is even used to co-opt or promote inadequate compromises that fall short of the full implications of what justice entails. Thus, restoring Indigenous self-determination must also – or primarily – be about Indigenous peoples asserting themselves and promoting healing from within.

The first definition speaks foremost of the need to make it as if nothing ever happened by giving something back: “to return to the original position,” “to bring into existence again,” or “to bring back to the original state.” Let’s call this the *return* definition. A second definition recognizes how idealistic this can often be, suggesting instead that we strive “to bring it as nearly as possible to its original form” while acknowledging a residual need “to compensate.” This is the *restitution* definition. Still an effort to give back, it recognizes that things have changed, making it either unfeasible or undesirable to return to the original state. The third and fourth definitional categories speak to moral motives for returning or pursuing restitution. One speaks to those whose actions established a need “to set right,” which in the most serious of cases is necessary “to free [themselves] from the effects of sin.” I call this the *reconciliation* definition, emphasizing a duty to take rectifying action. The final category speaks to addressing the intended recipient’s resulting predicament, suggesting that it is imperative “to revive,” “to bring back mental calm,” “to reinstate... dignity,” “to bring... back to a healthy or vigorous state.” Let’s call this the *reinvigorate* definition.

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A transitive verb, to restore also requires answers to questions like “what” and “who.” Within this volume, self-determination answers the former question. Article 3 of the United Nations (UN) Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, states that “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” (UN General Assembly 2008). It affirms a *political* claim previously extended only to (nation-)states in the analogous, and original, UN definition found in article 1, part 2 of the UN Charter (1945), which says, “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace” (United Nations 1945). Yet, when the self-determination of states and that of Indigenous nations clash, as they typically do, the UNDRIP’s article 46 suggests that the territorial integrity of the former be maintained at the expense of the latter (White Face and Wobaga 2013). Most notably, article 46 states,

Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States (UN General Assembly 2008).

Thus, the ability of Indigenous nations to use UNDRIP to challenge the power imbalance they are locked into with states has been truncated.

The “who” speaks to what it means to be Indigenous. Taiaiake Alfred and Jeff Corntassel believe that Indigenous peoples around the world – despite differing histories, socio-economic, and political positions – are united in

the struggle to survive as distinct peoples on foundations constituted in their unique heritages, attachments to their homelands, and natural ways of life... as well as the fact that their existence [1] is in large part lived as determined acts of survival against colonizing states’ efforts to eradicate them culturally, politically and physically (Alfred and Corntassel 2005: 597).

The oppositional and political claims uniting Indigenous peoples, in short, stem largely from a shared desire to address historical *and ongoing* injustices committed in the name of imperialism, colonialism, and other forms of domination perpetuated around the world. In response to these challenges, Thomas King succinctly describes the goal: “The fact of Native existence is that we live *modern* lives informed by *traditional* values and contemporary realities and that *we wish to live those lives on our terms*” (King 2012: 302, my emphasis).

So, does restoring Indigenous self-determination mean to return, to restitute, to reconcile, or to reinvigorate? In principle it can mean all four, though in practice they are never applied in equal measure because of differing political circumstances. The idea of return, taken literally, is generally weaker than the idea of restitution. Despite the fact that some scholars incorrectly believe most Indigenous peoples want to return to an unattainable past (e.g., Cairns 2000), the opposite is much closer to the truth. Most are astutely aware that time only moves forward and that self-determination will invariably look different now and into the future than it did before external interference took place. King, to use the example at hand, focuses on living *modern* lives that *honour* past traditions and values. This is very different than trying to live in the past. We will never return to a time when Indigenous peoples clearly lived on one side of the river, ocean or mountain and non-Indigenous peoples on the other. Colonisation and imperialism’s impacts cannot simply be reversed, so we have to move forward by identifying and challenging ongoing injustices (Tesoriero and Ife 2006; Hall 2006). Yet, the idea of return does have a conceptual place in the discussion. For instance, centuries of colonialism may have left their mark on Indigenous lands so that they can’t be returned in the original condition, control over the land can be returned. Such control may not always equate to total autonomy, but following the principle of returning Indigenous priority is indeed possible.

The idea of restitution might do better to reflect colonialism’s lasting and irreversible impacts. Yet, it raises serious questions. What are the reasons for restitution? What would fair restitution entail? Who should receive restitution? How would it be determined? The list of questions is a lengthy one. Here, very different perspectives emerge between Indigenous and non-Indigenous peoples. Whereas the former assert their inherent authority to self-

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determine, demand self-determination as a right, demand recognition of prior sovereignty, and demand respect for historical agreements, the latter typically believe that these claims should be reduced in favour of more limited state recognition and greater forms of redistribution in the form of funding or access to state programs. In other words, the non-Indigenous majority controlling the state often expects Indigenous peoples to forego the full normative implications of their claims and to accept forms of assimilation into state institutions as forms of restitution. To the extent that this is promoted, Indigenous self-determination is denied. It would seem that a more just starting point would require greater consideration of what Indigenous peoples themselves view as fair in cases where disagreement prevails given that it is they who have been disempowered. In such cases, even the existence of the state itself as the arbiter of claims and dispenser of recognition is rightfully questioned.

The disconnect between what colonial states propose and what Indigenous self-determination requires can be at least partially explained by the third and fourth definitional categories, which speak to moral motivations. Against arguments to the contrary, settler majorities typically find reason to minimize their obligations toward Indigenous peoples. Their general self-interest cuts against the idea of setting things right or freeing the state from the effects of sin, to paraphrase the earlier definition. Most contemporary settlers, who benefit from colonial histories that saw them gain land at the expense of Indigenous peoples, believe that they should not pay for the deeds of their ancestors. For instance, Canadian courts have at times gone quite far in promoting moral arguments that support Indigenous self-determination and access to traditional territories, but politicians typically respond by dragging their feet and doing as little as possible (e.g., see Harty and Murphy 2005; Hoehn 2012). Settler populations generally find ways of convincing themselves that no sins have been committed or that time has closed old wounds. On the whole, this affirms for Indigenous peoples that they simply can't expect dominant states to act without pressure, whether through state institutions, civil actions, or international pressure. This is not to say that a sense of moral obligation never exists on the part of states, but that even when it does it typically falls far short of full and equal self-determination for Indigenous peoples.

The idea of reinvigoration comes closest to the heart of what it means to restore Indigenous self-determination, giving the other definitions vigour and a sense of direction and purpose. It is beyond doubt that state- and nation-building efforts have marginalized and ultimately sought to destroy many of the Indigenous nations present in all regions of the world. Beyond the need for dominant groups to cleanse themselves of the effects of historical and ongoing injustices is the paramount need to "bring back a healthy and vigorous state" for every Indigenous person and within all Indigenous communities. Restoring the health and well-being of Indigenous communities involves breaking free from the various forms of dependency – financial, psychological, physical – created by colonialism and colonial institutions (Alfred 2009). Though external support and respect can make a tremendous difference, another aspect is positive transformation and decolonization within the communities themselves. This requires aspects of the previous three definitions, but should not be limited to them. Clearly, expecting non-Indigenous peoples to support the steps necessary to revitalize Indigenous communities, especially when it threatens their own self-interest and perception of the world, seems an unlikely avenue. Therefore, Indigenous peoples are all too often forced to focus on asserting their claims – rooted in principles of equal self-determination, prior occupancy of lands, and colonial histories – primarily outside existing state and global institutions. Although this sometimes leads states to respond using violence, the act of resisting itself – apart from the small and not so small victories – seems to help reinvigorate people individually and collectively. This is primarily because assimilating or waiting in vain both fail as options that provide any form of restoration understood as reinvigoration. In summary, we all have a role to play in reinvigorating Indigenous peoples, though how this will come about remains an open question.

The idea of restoring Indigenous self-determination clearly involves complex and inter-related debates about what self-determination means and how states and Indigenous peoples can take the steps necessary for achieving it. It also involves debates about the many facets just discussed on why self-determination is required and how we can usher in a new era where Indigenous peoples once again enjoy the same freedoms currently enjoyed only by dominant nations who monopolize access to lands, resources, and institutional power through state and, increasingly, international institutions like the World Bank, International Monetary Fund, and so on. In other words, it requires looking at the many ways that the idea of restoring plays out politically through returning – or promoting restitution for – what continues to be taken from Indigenous peoples. It involves promoting justice-based arguments that will awaken non-Indigenous peoples to the historical realities at the same time as Indigenous peoples continue to

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assert themselves and revitalize their communities at all levels and through a variety of channels, including those that come from within.

The above is purely an introduction to the types of issues covered within this volume. It is only the tip of an iceberg that is more thoroughly described by the dozen contributors who provide clearer answers to who is Indigenous, what it means to restore Indigenous self-determination, and why it is important. Most use specific examples from different parts of the world to highlight the various theoretical issues raised as Indigenous struggles evolve in different contexts. All the authors seem to challenge, in one way or another, the state-centric model and its strong tendency to marginalize and exclude Indigenous peoples from their lands and the political processes affecting them. The ultimate purpose of this volume is to share ideas on how to restore greater balance so that Indigenous peoples around the world find their place among an international community that recognizes and respects their differences and treats them as equal members. With this shared focus at the forefront of the volume, it is an honour to introduce the twelve papers within this volume that I believe highlight many paths that can take us there.

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[1] On the same page, Alfred and Corntassel describe this as a *place-based* existence. Speaking to the critical importance of this dimension, they state, “it is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world” (Alfred and Corntassel 2005: 597).

About the author:

Marc Woons is a Doctoral Fellow with the Research Foundation – Flanders (FWO) and Researcher at the KU Leuven’s Research in Political Philosophy Leuven (RIPPLE) Institute. His work focuses on the intersection of power and justice in multinational contexts, with a particular focus on European Politics and Indigenous nationalism. His work has recently been featured in *Federal Governance*, *Settler Colonial Studies*, and *AlterNative: An International Journal of Indigenous Studies*. He has articles forthcoming in *St. Antony’s International Review (Oxford)* and the *International Indigenous Policy Journal*.