The Shortcomings of the United Nations in Promoting Indigenous Rights

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The United Nations serves as an organization to represent the needs and desires of states. It allows for communication, negotiation, and protection, therefore, the UN is regarded as an important organization that offers ever-increasing benefits for members. Nonmembers and underrepresented populations do not receive these benefits and are often times either overlooked or disregarded in the international community. Even a state that is present in the UN may not advocate for the rights of their minority populations and, instead, focus on the—more visible—majority population. When populations, such as indigenous peoples, are not represented or ignored, the UN system is subject to change. In the past twenty years, there has been increased emphasis on the need for indigenous representation in the UN. Structural changes were made, such as the institutionalization of the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples. These people and organizations were intended to represent and promote the rights of the indigenous. However, their lack of authority and autonomy, as well as their self-congratulatory and complacent approach have caused any progress to be slow and minute.

Most political scientists will agree that the current international dynamic is the result of hundreds of years of European and Western colonialism. The effects of imperialism are especially clear in Latin America. The initial subdual of indigenous people, and the appropriation of land and declaration of new geographic borders were among the primary results of imperialism hundreds of years ago. However, the results are still visible today. Indigenous populations struggle for representation in the governments that rule their geographic area, but do not consider their best interests, their pleas for autonomy or self-determination are ignored, their
quality of life lags increasingly more behind that of non-indigenous populations, and these culturally rich societies find themselves trapped in a cycle of perpetual economic poverty.

Latin American governments reflect the best interest of businesses and the non-indigenous majority. For example, the lack of the Mexican government’s attention to *ejido* contracts—initially meant to grant land rights—means that indigenous populations are not guaranteed those rights and have been pushed back deeper into the jungle. The native peoples are forced to live in more crowded spaces, with less resources, and more isolated from urban, economic areas. Meanwhile, the federal government profits off of land deals and business profits when factories and shopping centers are constructed on previously indigenous-occupied land.

The violation of *ejido* contracts is quintessential of the modern indigenous plight because, since the contracts were intended to grant land rights and, therefore, a degree of self-determination, the government’s disregard for them is violating the indigenous’ right to self-determination. Their forced seclusion deeper into the jungle perpetuates their poverty because there are less resources and space for farming and manufacturing, and they are located far away from urban centers of buying and selling. If honored, the *ejido* contract system could greatly benefit indigenous communities, but when violated as it is now, it is another tool for institutionalizing colonialism.

Clearly, imperialism has not ended. It has taken a new form—detrimental trade regulations have replaced fleets of ships—but its purpose and effects remain the same. Centuries ago, the non-indigenous Western world effectively forced indigenous communities into submission and poverty. Lack of representation, lack of education, government violation of rights and documents, and economic regulations have carried this indigenous oppression straight into the 21st Century.
This perpetuation of indigenous oppression has not only occurred at the domestic level, but also at the international level. The United Nations was created in 1945 for, arguably, a slew of reasons. The reason a social scientist might give for the creation of the United Nations depends on his or her theoretical perspective. A Liberalist would say the UN was created to allow for discourse, negotiation, and cooperation between sovereign member states. From this perspective, states are concerned with their own interests, but are willing to cooperate with others to benefit the international community. From a Liberalist point of view, it would be beneficial for indigenous populations to be members because they could negotiate with other states on matters pertaining to self-determination and respect for treaties that are currently being ignored.

A Constructivist would give the reason that the UN was created as a norm entrepreneur to shape international norms with regard to international law and regulations, and the treatment of various populations. An example of a UN attempt at norm shaping with respect to indigenous communities would be the UN Declaration on the Rights of Indigenous Peoples. This document seeks to establish guidelines by which to define and measure native populations’ fundamental rights. From this perspective, indigenous communities would benefit as members because the UN is one of the most prominent norm entrepreneurs and could potentially continue to shape and harbor norms that promote respect for indigenous rights. First, however, there must be a more widely accepted norm that state governments and secretariats do not necessarily represent indigenous populations, that native peoples should have the right to self-determination—and therefore, direct representation—and that the UN should make room for secretariats who are there to advocate for indigenous rights and desires.

A Realist would say the UN was created so that sovereign states could assert their status and increase their power. In the UN system, states have varying amounts of pull and leverage,
depending on their economy, monetary contributions, personnel contributions, legitimacy, size, history within the UN, geographic area, and presence in the Security Council and other programs. From a Realist perspective, it is beneficial to be a member of the UN because these factors may promote a state’s position and grant it more power in the international community. Given this perspective, it would be beneficial for indigenous populations to have representation in the UN because it could give them international status, but other members would not want native peoples to be members because it might jeopardize other sovereign states’ power.

I think indigenous peoples should have representation in the UN. As a Constructivist, I think there is still a need for more of a shift towards thinking that indigenous communities should not necessarily have to be subject to the rule of and representation by a government and secretariats composed mostly of non-indigenous people who share very few commonalities with the indigenous, in terms of ideology, customs, history, and social structure. Native communities have their own norms within their societies. Some of these norms include an increased emphasis on the connection between the environment and its inhabitants, emphasis on a sense of community and solidarity, a stronger focus on tradition and customary law as opposed to codified law, and opposition to big business and foreign investment. As a norm entrepreneur, the UN should work on “normalizing” the idea that indigenous communities should be better represented.

However, I think the UN still functions under a Realist ideology, so while the UN is still indeed a norm entrepreneur, the chances of a norm regarding indigenous rights and representation being accepted are small. While I think it would be ideal for the UN to work wholly as a Liberalist/Constructivist institution because of its focus on social dynamic and
widely accepted ideals—not just ideals that benefit powerful states—the UN and the international arena continue to function under Realist ideologies.

This loyalty to Realism is a problem because of the implications it has in terms of neocolonialism. The UN is not an egalitarian institution. As mentioned before, some states have exceedingly more power within the system than others, due to size, economic power, financial contributions, presence in the Security Council (especially the P-5), and other factors. Some states, such as the United States, have the power to block or allow international peace and security measures, have the perceived legitimacy to influence the decisions of other states, and have leverage within the UN system because of the United Nations’ concern for losing the large monetary contributions. In the same way national governments mostly promote and protect the rights of the majority or the most powerful, the UN is also unequal in that the needs of underrepresented groups, such as the indigenous, are very rarely the top priority.

Since the second half of the 20th Century, there has been a larger emphasis on indigenous peoples and their rights. The discovery of the human genome proved that humans are genetically similar and debunked the belief that one race was superior. The civil rights movement of the 1960s famously called attention to the plight of African-Americans, but also to that of Indian Americans. Their parallel call for “Red Power” brought about the creation of the Indian Civil Rights Act in 1968. In 1992, the world observed the five hundred year anniversary of Christopher Columbus’ arrival to the “New World.” This event encouraged many to reflect on the history of the Western Hemisphere and the effects of colonialism on its native inhabitants. The 1990s also saw a rapidly increasing trend towards neoliberalism. With its free trade function and open market system, neoliberalism and several indigenous groups were innately opposed to each other. Neoliberalism contradicted indigenous ideals, such as the importance of community
and respect for the environment. It also threatened their land rights and the welfare of rural producers. Neoliberalism created a backlash. For example, in 1994, the Ejército Zapatista de Liberación Nacional rose up in rebellion against neoliberalism and the Mexican federal government. They cited the violation of human rights and called for dialogue and cooperation with the state, so as to improve the quality of life for Mexico’s indigenous populations.

Insurgencies such as this one, as well as the anniversary of Columbus’ arrival, and the effects of neoliberalism on individuals and communities all put emphasis on the concept of identity and resulted in a dramatic increase in the number of nongovernment organizations in the 1990s. In many cases, NGOs publicized human rights violations and gave indigenous suffering domestic and international attention. By the early years of the 21st Century, there was movement in the United Nations to allow for an indigenous voice. With the appointment of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples in 2001, the establishment of the UN Permanent Forum on Indigenous Issues (PFII) in 2002, the adoption of the UN Declaration on the Rights of Indigenous People in 2007, and the formation of the Expert Mechanism on the Rights of Indigenous Peoples in 2008, it seemed as though the United Nations was taking steps towards an increasingly inclusive organization. However, the efforts of the UN have not proved as successful as some actors may have hoped. For many years, some of the

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world’s economic and ideological leaders, such as the United States and Canada, opposed the Declaration on the Rights of Indigenous People. The PFII, the Expert Mechanism and the Special Rapporteur have not been responsible for the improvement in the quality of life for native populations. The UN should not consider these revisions to be sufficient changes for the acceptance and representation of indigenous communities because it will take much more to undo five hundred years of imperialism and indigenous repression.

The lack of emphasis on the rights of indigenous populations can be traced back to imperialist racism. Native peoples were seen as inferior—as not even human—and with that perception, European and Western colonizers justified years of genocide, brutality, and other blatant human rights violations. As much of this imperialism took place before a widely accepted concept of human rights, indigenous peoples suffered for centuries. For hundreds of years, indigenous submission, repression, and exploitation was institutionalized, accepted, and even a vital part of the economy. As an entire international dynamic and economy grew based on this repression, many states are resisting the shift for the recognition and protection of the indigenous populations living within their geographic territory. Some states have documents that promise to respect certain indigenous rights. However, it is much cheaper to neglect these agreements, and the acknowledgment of these documents could be politically and financially detrimental for the state. For example, if Mexico were to abide by the *ejido* contract system included in its constitution, it would lose thousands of acres of land from which it is profiting through foreign investment, rent for factories or stores, and especially oil fields. Therefore, within the context of a Realist UN system, member states will resist having to honor these promises, in an effort to keep profiting from indigenous land and the negligence of their rights.
While the refusal of indigenous representation is sometimes state or corporate resistance because of the potential economic and political effects, it can also be a result of a—conscious or subconscious—belief that European and Western methods are superior. For centuries, the dominant thought was that non-indigenous, colonizing populations were smarter, stronger, and thus, better suited for power. While the international community, including the UN, has since denounced racism, Eurocentric ideologies continue to dominate the international arena, just as it did hundreds of years ago. These ideologies have been so prominent for so long, and it is hard to undo a five hundred-year-long tradition of Eurocentric dominance. Respect for indigenous methods of conducting negotiations and politics have only recently received attention as legitimate governance. In their articles, Neta Crawford, David Bedford, and Thom Workman discuss the League of Nations and its Great Law of Peace as a potential model on which to base current political and world affairs. However, looking to indigenous populations for a foundation for current affairs is still a novel idea, and has not gained enough momentum to cause a shift in international political and legal thought, or grant native peoples the same representation as other social groups.

The structure, function, and responsibilities of the PFII, the Expert Mechanism, and the Special Rapporteur uphold this claim. None of these groups are truly representative of indigenous populations, nor are they granted the necessary authority to make changes or decisions that would benefit native peoples. The structure of these groups still reflects neocolonialist tendencies by splitting representation up by regions that were created and institutionalized by imperialism. Their function is focused more on information gathering and event planning than any actual advocating for change. While information is a vital part of fighting for a cause and promoting change, the information is not necessarily utilized for positive
change. Furthermore, the PFII and Expert Mechanism meet only once a year. There is no statement describing how the UN, the PFII, or the Expert Mechanism plan to improve the quality of life for thousands of indigenous populations in a neocolonialist setting, against the will of multiple governments and UN member states, by meeting five to fourteen days once a year. Lastly, these groups are not granted enough responsibility to make change possible. Their purpose is described as working within the context of and as directed by the Human Rights Council. With no authority of their own, the PFII, Expert Mechanism, and Special Rapporteur research and report questions in accordance with the Council. If the UN wants real change and representation for indigenous peoples, these groups must have more authority and autonomy.

In 2001, the Commission on Human Rights appointed the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples. The current Special Rapporteur, James Anaya, has duties ranging from “[promoting] good practices, including…government programs,” receiving information on human rights abuses, following up on allegations, recommending policies that observe the rights of the indigenous to governments and businesses, monitoring the adoption of recommendations, attending seminars, and documenting reports on states and their overall treatment of indigenous populations. The Special Rapporteur has such an extensive list of responsibilities, the attention and quality of work is at risk. It would already be difficult for one person to meet with governments to discuss the implementation of policies that respect indigenous rights, or to document reports on states and potential human rights abuses. James Anaya and his predecessor, Rodolfo Stavenhagen, are

experts, but even the most well rounded social scientist cannot completely and successfully fulfill every one of these responsibilities, and it is reflected in the final product. A 2003 report on Mexico—a notorious indigenous rights violator—is a 23 page-long document, containing vague phrases, such as, “During the years of conflict several developments of importance to the indigenous peoples took place,” and focus strictly on the EZLN, which represents only an extremely small number of Mexico’s indigenous population. Stavenhagen makes idealistic recommendations that will likely never be implemented. He calls for the Mexican government to protect “the integrity of the lands.” Recommendations such as this one and others are vague, offer no explanation of terms such as “integrity” and “lands,” and do not offer an argument as to why the government, the indigenous, or the international community would benefit. The far-reaching nature of the job has not resulted in any kind of positive change. Providing an argument detailing possible incentives for the government to cooperate and observe indigenous rights, explaining terms, and being realistic would have greatly improved the chances of this recommendation being implemented. Meanwhile, a report on Botswana is still to be written, although the visit took place in March of 2009. The report on Mexico is incomplete and lacks vital information on the other several indigenous groups not represented by the federal government or the EZLN. The report on Botswana has not been written, even after two years. Furthermore, the ability of the Special Rapporteur to follow up is severely compromised. The inability of the Special Rapporteur to investigate every allegation he receives from around the world is well known. However, the Special Rapporteur is not even able to check back with governments to whom he made recommendations to see if they are implementing any new policies. According to the official website of the Special Rapporteur, this is due to “resource

limitations.” Given that one of the mentioned duties of the Special Rapporteur is following up by monitoring the implementation of recommended policies, he, in effect, is not able to complete all of his duties. The Special Rapporteur is, thus, not effective in improving representation or the quality of life for indigenous peoples because, as one person with so many responsibilities, he is stretched too thin and cannot successfully complete them.

Another negative aspect of the Special Rapporteur’s responsibilities is that they do not grant much authority to be successful in his supposed position. The Special Rapporteur’s role is to improve the quality of life for indigenous peoples. However, the list of the Special Rapporteur’s duties indicate that he does not have the authority—or, as mentioned above, the ability—to put policies into place. Terms such as “providing assistance,” “promoting good behaviors,” and “encouraging,” demonstrate this lack of authority. The Special Rapporteur is more of a bystander or observer than an actual key player. Furthermore, the Special Rapporteur’s official website even states,

“The impact of the Special Rapporteur’s actions depends on the mobilization of civil society and indigenous people’s organizations, as well as on their efficient use of the mechanism.”

This statement puts emphasis on the role of other actors for the successful implementation of change, and not the Special Rapporteur. This claim upholds the point that the Special Rapporteur does not have much authority in implementing positive change for indigenous groups.

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Another reason the Special Rapporteur is not effective is because it is only one person, which results in bias and the exclusion, whether accidental or purposeful, of information. Since there is no group of people with whom he must consult or discuss, the Special Rapporteur’s reports are inevitably biased, whether subconsciously or consciously. Without a group of people with whom to discuss, the Special Rapporteur’s own personal feelings, history, perspective, and ideology is much more likely to affect the content and structure of the report. Also, as was the case with the example of the Mexico report, the information presented is not always inclusive. Rodolfo Stavenhagen chose to report on the conditions for the EZLN, and left out information pertaining to the several other indigenous groups. Whether the exclusion of this other information was accidental or purposeful, it would have been unlikely to happen if a diverse group of unbiased individuals had been consulted or discussed the situation. If the Special Rapporteur had to consult with other people, the recommendations may not have been so vague or idealistic. Together with other experts, he could have formulated a more concise report with more developed recommendations. The Special Rapporteur is not successful in improving the quality of life for the indigenous because he is only one man, with limited authority, too many responsibilities, and not enough points of view who write incomplete reports and idealistic recommendations.

The Permanent Forum on Indigenous Issues is another UN group that does not have the ability to improve conditions for native peoples. The PFII has not been successful because its structure is based on a neocolonialist system. Members are chosen to represent the “seven socio-cultural regions.” The problem with this structure is that the so-called seven socio-cultural regions are based on the Western and European perspectives of a world that has been colonized, institutionalized, and in some cases, homogenized. For example, Africa is listed as one of these
regions. A continent divided by regional, tribal, historical, and cultural boundaries has one representative. This prevents the representation of the distinct social groups and, more importantly, potential peaceful dialogue between these groups. Africa has been deemed a “socio-cultural region” because of the colonialist mindset that fails to recognize the extreme differences between indigenous peoples within the continent. This structure reinforces the idea that indigenous populations are faceless, invisible groups with no unique needs or desires, and with the same way of thinking and feeling.

The method of choosing indigenous representatives for the PFII upholds this concept. Of the sixteen members of the group, eight representatives are nominated by governments, and the other eight are nominated by indigenous organizations.\(^8\) This system of “representation” is not productive because these people will more likely be representing powerful entities, rather than native communities. If a government must nominate a person to “advocate” for indigenous rights, they will choose a more conservative representative who will not seek great change and improvement in the quality of life for the indigenous, because those changes could be harmful to the government. In effect, the representatives nominated by the government may not fight for indigenous rights with the same vigor as, perhaps, the masses of indigenous peasants all over the world who suffer the effects of extreme poverty, and are fed up with the treatment they receive from the international community.

The establishment of the Inter-Agency Support Group on Indigenous Issues may have seemed like the best hope for the PFII, as its main duty was to help with the implementation of PFII ideas into the rest of the UN system. However, all of the members of this group are other UN

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organizations and other IGOs. Some of these member organizations have different agendas than a group that is looking to implement policies favoring indigenous cultures. An example may include the year during which the World Bank was the chairman of the Inter-Agency Support Group on Indigenous Issues.9 The opposing agendas of the Inter-Agency Support Group and the member organizations could create a conflict of interest, which would result in the failure of the Inter-Agency Support Group to implement policies that would promote positive change for indigenous communities. This structure does not promote representation—rather, it perpetuates a cycle of neocolonialist thought and the repression of indigenous peoples.10

The PFII also overextends its capabilities. The group holds workshops as an opportunity to discuss various issues facing indigenous peoples. The first problem with the workshops is that they are held only once or twice annually. This prevents continuity in discussing an issue, brainstorming solutions, and negotiating. The second problem is that the workshop topics are overwhelmingly broad. In March 2009, the topic was “Indigenous Peoples’ Rights, Corporate Accountability, and the Extractive Industries.” The most recent workshop, which took place in January 2011, dealt with “Indigenous Peoples and Forests.” These topics are intricate and complex, and take time to dissect and analyze. This brings up the third problem: These workshops are three days long. Tackling the issue of corporate accountability and extractive industries with regard to native communities would take months, if not years, of careful researching, interviewing, discussing, and editing. Three days is not enough time to even cover the history of that topic, let alone its effects and potential solutions. Nonetheless, the PFII

continues to schedule three-day long workshops to deal with topics such as, “Indigenous Children and Youth in Detention, Custody, Foster-Care and Adoption.”\textsuperscript{11} The PFII’s intentions of successfully discussing overly inclusive topics in three days, once or twice annually, results in incomplete discussions and lack of adequate proposed solutions.

A third obstacle to the PFII’s effectiveness is their self-congratulatory attitude. A glance through publications will provide several examples of this. Their piece, “State of the World’s Indigenous,” claims that indigenous peoples have asked for the Declaration on the Rights of Indigenous Peoples and the PFII. While it is true that many native communities have put out a cry for more representation in the UN, it does not necessarily mean they wanted a group with the structure and function of the PFII. Furthermore, many indigenous groups do not support the purpose of the PFII because they would rather remain as separate autonomous groups with the choice of not participating in international dialogue. The claim that indigenous peoples have requested the PFII and DRIP is broad and, once again, fails to distinguish between the distinct native communities and their traditions, needs, and desires. Another section of “State of the World’s Indigenous” makes the claim that,

“The United Nations has committed its unwavering support to a future where all indigenous peoples will enjoy peace, human rights, and well being, and has responded to indigenous people’s demands, welcoming them as partners.”\textsuperscript{12}


The innate hierarchy within the UN system, veto power, and historical, ideological, neoliberalist, and neocolonialist resistance to indigenous representation takes the validity from this statement. The fact of and the need for this claim’s existence prove the resistance against indigenous presence. In other words, if the UN and its member states were really, truly committed to the protection and promotion of indigenous rights, there would be no need for this statement. It is neocolonialism and current indigenous repression by the UN and the member states that provide the need for documents such as this one and the Declaration on the Rights of Indigenous Peoples. Statements such as this one from “State of the World’s Indigenous” are dangerous because they give a false sense of being and accomplishment.

The PFII, like the Special Rapporteur, does not have much authority. Some of the PFII’s listed responsibilities are to “provide expert advice and recommendations…raise awareness…[and] disseminate information.”\textsuperscript{13} None of these duties allow for autonomy in researching, decision-making, or implementing recommendations. If the UN were committed to real, positive change for indigenous communities, it would allow the PFII to have the autonomy and authority necessary to implement changes. The current status of the PFII is most likely to maintain a system similar to that of “checks and balances”—hesitant in giving one group too much authority. However, the current hierarchy within the UN serves for anything but a system of checks of balances. Power is unequally shared in the UN and, if the PFII is to fulfill its purpose and create positive change, it must have more authority to research, publicize, and implement their findings and recommendations.

The Expert Mechanism on the Rights of Indigenous Peoples is another UN group that fails to ensure the representation and advancement of native communities. Like the Permanent Forum on Indigenous Issues and the Special Rapporteur, the Expert Mechanism does not have enough delegated responsibility to make an effective change in the treatment and status of indigenous populations. Its main duty is information gathering, so as to provide, “research-based advice” and, “thematic expertise…to the Human Rights Council.” The Expert Mechanism is allowed to give suggestions and recommendations, but only as long as they are, “within the scope of its work as set out by the Council.”\(^\text{14}\) The Expert Mechanism uses passive language in its publications, including phrases where the authors “consider,” “propose,” “invite,” “urge,” “recommend,” and “request.”\(^\text{15}\) The Expert Mechanism first met in 2008 and was established by the Human Rights Council.\(^\text{16}\) The Expert Mechanism is not given the authority or autonomy to research problems or information that are not delegated to it by the Human Rights Council. Furthermore, it cannot make suggestions when the Council has not specifically asked for its help. Clearly then, the Council’s intention was not to create a new group with the necessary autonomy and authority to make a positive change. The Expert Mechanism is merely another group to collect information that does not necessarily have to be examined or used.

Similar to the PFII, the Expert Mechanism does not allocate the proper amount of time and resources to be successful. It meets once annually for five days. Like the PFII, the five-day-


long session once annually has proved to be unsuccessful, as can be seen in the Expert
Mechanism’s reports. In its first meeting in 2008, the Expert Mechanism met for three days,
where their seemingly high aspirations resulted in the proposal of five steps towards improved
indigenous rights. The Expert Mechanism has no reason to believe that it can successfully make
more than one of these proposals, document its recommendations on how to achieve that
proposal, and persuasively submit the publication to the Human Rights Council in three days. In
effect, its 2008 publication is evidence of how the structure and function of the Expert
Mechanism falls short. In it, the Expert Mechanism makes proposals, such as the “Right of
indigenous peoples to education.” It then offers a recommendation in which the High
Commissioner for Human Rights would send information, including “lessons learned, case
studies, challenges, and recommendations,” to indigenous organizations, international
organizations, and UN agencies. The information, they go on to say, could be in written or audio-
visual form. 17 A recommendation such as this one is idealistic and wildly implausible. In the
first place, the High Commissioner for Human Rights must agree, which given Navi Pillay’s
busy schedule, will probably not go through. Second, if information is being sent, it does not
necessarily mean it is getting to where it needs to go. It should get to indigenous communities
and school officials, but the distribution seems to be imbalanced and the chances of the
information getting to those groups are slim. Third, this information, regardless of if it is in
written or audio-visual form, is of little use to indigenous communities that have different
ideologies and traditions, and are suffering from life-threatening poverty and repression. The
publication’s other proposals are backed up by only a couple of recommendations, none of which

are more than a few sentences. In this case, the Expert Mechanism failed to come up with valid
and applicable recommendations to improving the quality of life for indigenous populations.

Due to the inefficient structure and time allocation, UN organizations, such as the Expert
Mechanism, the Special Rapporteur, and the Permanent Forum on Indigenous Issues have been
unsuccessful in providing adequate representation and change for indigenous populations. The
“representatives” and the method for choosing them are remnants of a Eurocentric/Western
imperialist view of the world. Organizations, such as the Expert Mechanism and the PFII, do not
have enough autonomy from the Human Rights Council and the UN as a whole to thoroughly
investigate indigenous rights abuses. Furthermore, their proposals are lacking because of self-
congratulatory attitudes and a perceived fear of criticizing or contradicting the UN as a larger
organization and its methods. The PFII, the Expert Mechanism, and the Special Rapporteur all
struggle with lack of sufficient time to complete and follow through with their work. The Special
Rapporteur is just one man trying to complete a laundry list of responsibilities, whereas the PFII
and Expert Mechanism believe they can discuss various problems and solutions in just a few
days, once a year. If the UN wants to improve the quality of life for the indigenous within its
own function, then the Special Rapporteur, the Expert Mechanism, and the PFII must have more
allocated time and authority.

Real solutions to issues affecting indigenous peoples, however, will probably not be fixed
within the structure of the UN, but rather from the outside, in. Among the few non-signatories of
the United Nations Declaration on the Rights of Indigenous Peoples are the United States and
Canada. From a Constructivist point of view, the United States and Canada are, in their own
regard, norm entrepreneurs. When it comes to international law and customs, they set precedents
and standards, and often times, other countries follow their example. If the US and Canada were
to support the DRIP, indigenous issues would be at the forefront of international law. Having these two countries support—in signing, and in acting upon—DRIP, would create a norm supporting the rights of indigenous communities. However, since states tend to make decisions based on what will benefit them and their status, it is not likely that two countries with such enormous and historically repressed indigenous populations will make that change in the near future.

A more viable source of change for native peoples and the advancement of their rights could be the Internet. Already, groups such as the EZLN exploit the possibilities of the Internet to directly reach their supporters.\(^\text{18}\) Their website describes them and their cause, and their email mailing list keeps their supporters up to date not only with their plans and accomplishments, but also with the recurring indigenous rights abuses that continue to happen in Mexico.\(^\text{19}\) Using the Internet, indigenous groups can bypass the need for government representation by representing themselves online. Furthermore, their self-representation on the Internet could very well be better than the presence of an indigenous person or group of people in the government, or even in the UN. It is better because, online, they are representing themselves as a whole group, and they are “voicing” the very personal struggles, needs, and desires of their own community. Their webpage or emails are not intended to represent all of the indigenous peoples of the world, but rather include the detailed plight of a localized community, thus making it more personal and real for the native peoples and for the readers in other parts of the world.


The UN’s attempts at improving indigenous rights and representation may be successful in a Constructivist or Feminist international arena, where the rights of individuals are emphasized. However, international relations continues to function under a Realist ideology where states are the main actors, and power and status are the main objectives. In a Constructivist world, the establishment of the Special Rapporteur, the Expert Mechanism, the Permanent Forum on Indigenous Issues, and the Declaration on the Rights of Indigenous Peoples may have spurred a shifting change towards the importance of respecting indigenous rights and allowing for their direct representation. With this Constructivist ideology, the intention of institutionalizing these groups may have been enough to encourage a new way of regarding indigenous communities. However, due to the Realist way in which states—and the UN—continue to function, the mere intention in establishing these groups is not enough. The Special Rapporteur, the Expert Mechanism, and the PFII need more authority, better resources and time allocation, and a better method of representation in order to be successful in a Realist arena that is opposed to the recognition of new autonomous entities, especially if it means it would be at an economic or political cost to states. For that reason, the use of the Internet remains the best solution for native peoples today. It is an alternative to the unbalanced neocolonialist way of representing the indigenous in the UN today, and seems the best option yet for native populations who wish to articulate their struggle, their identities, and their rights.
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