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On Political Institutions and Social Movement Dynamics: The Case of the United Nations and the Global Indigenous Movement

RHIANNON MORGAN

ABSTRACT. In this article, I consider the institutional influence of the United Nations on the organizational structures, tactical repertoires, and claims of the global indigenous movement. A predominant sociological paradigm has tended to view a movement's being located in conventional political space as promoting its "institutionalization," generally understood as a more or less determined process by which social movements undergoing organizational change eschew confrontational strategies and claims for more moderate approaches. This article illustrates that the consequences of interacting with institutions can be rather different than is expected from this paradigm, and thereby reinforces the need for a new approach allowing for more variation in terms of what takes place when social movements engage in conventional political activity.

Keywords: • Indigenous and tribal peoples • Indigenous rights • Political institutions • Self-determination • Social movements • United Nations

Introduction

Emerging at a historical juncture characterized by political turbulence caused by disruptive protest in public settings, the first studies of social movements commonly employed a dichotomy differentiating movement politics from formal politics (for example, Gamson, 1975; Tilly, 1978). Social movements, so early analyses maintained, were necessarily extra-institutional, distinguished by unconventional forms of protest and prone to waning once access had been gained to the political system, either because goals had been achieved or the organization had become a member of the polity and ceased to exist as a movement (Gamson, 1975).

More recently, the idea that extra-institutional and institutional arenas are dichotomous spaces for protest has been called into question, as scholars increasingly recognize that social movements have in fact long engaged in both protest and

conventional political actions (Goldstone, 2003b). Empirical research shows us that at least since the 1930s social movement activists have used legislative, administrative, and judicial channels to further all kinds of “minoritarian politics” (Sorauf, 1976), the US struggle for equal rights and opportunity being only the best known (Tushnet, 1987; but see also, for example, Freeman, 1975). In the post-industrial era, moreover, even that class of “new” social movements taken to be especially anti-institutional in the sense of opposing institutional channels as a means of influencing politics has also by degree become incorporated into processes of formal politics (Kriesi et al., 1995; Seippel, 2001). The overwhelming empirical picture is one of social movements, both in the past and increasingly in the present, utilizing parallel tactics of disruption and conventional political activities in the form of lobbying, legislative politics, and interest representation (for example, Burnstein, 1991; Dalton and Kuechler, 1990; Kriesi et al., 1995; McAdam et al., 2001; Meyer and Tarrow, 1998a, 1998b; Roth, 2004; Rucht, 1990).

While the past 15 or so years have seen a recognition of the reach of social movement actors and actions into institutionalized politics, this article is based on the view that the potential for the emergence of a fruitful research program with respect to the dynamics of interaction between social movements and institutions has not been fulfilled. This is arguably reflected in the fact that our understanding of what takes place when movements engage in institutionalized politics is dominated by a singular paradigmatic view. This view propounds that social movements accessing institutions experience a process of “institutionalization” by which both the form and content of protest undergo a shift from confrontation to negotiation and cooperation, which can occur in a linear fashion (Michels, 1962) or in fits and starts (Jimenez, 1999). Observing changes in the organizational structures of social movement organizations (SMOs) from informal or grassroots to professional organizations (Della Porta and Diani, 1999; Lo, 1992), those who promote the institutionalization thesis see formalized SMOs turning to political conservatism as a means to ensure their survival. Scholars have isolated several distinct, but complementary, processes of institutionalization.¹ *Co-optation* involves the modification of progressive claims, that is, *deradicalization* rather than the abandonment of political goals (Meyer and Tarrow, 1998a: 21, 28 n. 15). *Co-optation* also entails the rejection of disruptive strategies, which closely relates to *routinization*, whereby movement actors are brought into the realm of routinized and established politics. *Marginalization* is the provision of token spaces purportedly aimed at inclusion, but created to keep activists away from centers of power (Gelb, 1989). “*Fading*” occurs when, over time and partially as a result of organizational consolidation and formalization, institutionalized contexts “drain the life out of legitimized spaces” (Roth, 2004: 152).

The main problem with this paradigmatic view is that it assumes a given outcome that is more or less determined and *negative*, in that it features social movements losing their spontaneity, moderating their claims, giving up protest mobilization, and in effect ceasing to exist as movements. As such, it does not allow for much variation in terms of what takes place when social movements engage in formal institutional politics. Nonetheless, as Katzenstein (1998b: 197) puts it, “a variety of things happen within institutional habitats.” This is amply illustrated in a recent volume intended to demonstrate that the normal operations of political institutions cannot be understood independently of their interpenetration by social movements (Goldstone, 2003a). Its chapters point not only to a range of possible

outcomes, exchanges, and relationships between social movements, states, and political parties *not* reducible to the institutionalization paradigm, but also to a number of “patterns of influence” (Goldstone, 2003b: 20–24) carrying positive associations, including “influence through ongoing alliance,” “influence through movement spin-off of political parties,” and “influence with institutional change,” whereby social movements gaining routine access continue to engage in periodic mobilization and protest (Cadena-Roa, 2003; Glenn, 2003).

In part at least, the fate of social movements accessing institutions is dependent on the character of the institutional location, as differences between institutions result in divergent institutional responses to social movements. In turn, such responses depend on systems of authority external to those institutions. As Katzenstein’s (1998a) comparative study of feminist activism in the US military and the American Catholic Church demonstrates, not only intra-institutional, but also *extra*-institutional, norms and opportunities can be part of what determines the way in which social movements experience institutionalized contexts.

Another scenario is that social movements seek out a particular relationship with a given institution. For example, in times of crisis, social movements may retreat to the protection of institutional spaces as a means to escape demise, at least provisionally exchanging institutional support for cooperation and loyalty (Tarrow, 1990). Thus, what might appear as deradicalization and routinization may actually only represent a state of abeyance, whereby movement activists not engaged in active conflict locate “abeyance structures” (Taylor, 1997) in institutions from which to keep collective identities alive and to maintain the core organizations of the movement until such time as they are ready to mobilize in public protest.

More fruitful than a closed, deterministic paradigm would be one conceptualizing institutionalization as an “open and multidimensional process” (Seippel, 2001: 123). The purpose of this article, however, is not to elaborate such a framework, but rather, as a precursor to that task, to emphasize through empirical example some sense of the variety of effects that can arise from social movements’ interactions with institutions. Based on the case study of the global indigenous movement in the United Nations context, it discusses the effects of institutionalization in the three main areas where institutions are considered to have an effect: the organization, action repertoires, and claims of social movements. To be clear from the outset, the meaning of “institutionalization” adopted here does *not* follow that which equates institutionalization to a process of organizational change leading to transformations in the form and content of protest. Rather, “institutionalization” simply refers to the permeating of social movement activity into institutional spaces, and is therefore close in meaning to Katzenstein’s (1998b: 197) definition of institutionalization as the “establishment of organizational habitats of activists within institutional spaces.” Institutionalization, in other words, is understood in spatial terms to refer to the establishment or use by social movements of spaces or focal points within institutional milieu, which may or may not involve a *shift* in the locus of any one social movement from “outside the system” to “inside the system.” Unlike the standard usage of the term, which views institutionalization as a change of status with an inevitable endpoint (that is, co-optation, marginalization, and deradicalization), the meaning of institutionalization adopted here contains no assumptions regarding the effects of institutions on social movements, this being the subject of elucidation.

A definition of “institutionalization” in terms of habitat makes particular sense in the context of the global indigenous peoples’ movement. This movement is exceedingly active in and around supranational political institutions, particularly the UN,² where it is engaged in an ongoing struggle to write new norms of indigenous rights into international law, particularly in the form of a UN Declaration on the Rights of Indigenous Peoples.³ Furthermore, the global indigenous movement has developed in close relation to the UN system, being encouraged in its strategy of “externalization” (Della Porta and Tarrow, 2005: 5) (that is, movements become active supranationally in and around international institutions) by a policy of relative institutional openness to challengers as defined in the formal laws of the institution, as well as the availability of modest funds and, most importantly, institutional spaces or “nests” (Katzenstein, 1998a: 41) through which to mobilize activists and connect them to each other. The UN continues to be implicated in the movement’s funding, promotion, and mobilization, while being subject to its challenges from within. Clearly, then, this state of affairs suggests a much more complex, overlapping, and multifaceted relationship between social movements and institutions than that represented by the paradigmatic sociological view.

This article proceeds as follows. In what immediately follows, I discuss the collective actor that I call the global indigenous movement.⁴ Second, examining the effects of institutionalization on organizational form, I show that institutionalization does not necessarily lead to professionalization or formalization, which is not in this case imposed as a condition of recognition by the UN administration. Third, I present data regarding the action repertoire of the global indigenous movement in the UN context. Finding a distinct bias toward conventional tactics, I discuss the role of the UN in structuring forms of action, but point also to limitations on social movements operating in supranational spaces. Finally, I discuss the central claim of the indigenous movement to the right of self-determination, perceived by a number of UN member states as radically threatening to their interests, and question the assumption that the institutionalization of movements leads to their deradicalization.

The Global Indigenous Movement: Development and Institutional Relationship

Insofar as indigeness is commonly associated with locality, powerlessness, and marginalization, the global indigenous movement represents something of a paradoxical actor. Indeed, if all global social movements are “hard to construct and difficult to maintain” (Tarrow, 2001: 2), then this should be especially true for a global movement developed around “tribal” or indigenous identities, which are inherently local and based largely on a common experience of poverty and discrimination. But can we really talk of a global indigenous movement? What is a *global* social movement? The term “global social movement,” according to O’Brien et al. (2000: 13), “refers to groups of people around the world working on the transworld plane pursuing far reaching change.” A useful starting point, this definition lacks some key components. To be considered a social movement, an entity should be characterized by both a collective identity and networks of informal interaction between a plurality of actors (Diani, 1992). It should also be engaged in collective protest, by which, following Rucht (1998: 30), I refer to “any kind of group activities designed to express and enact dissent publicly with

societal and/or political conditions, institutions, norms, and/or forces.” Protest, according to this definition, does not necessarily imply the physical presence of protestors in one place, and so could include, for example, “a citizen group that litigates against the construction of a nuclear power plant regardless of whether the group’s members are present in the courtroom” (Rucht, 1998: 30). Combining from these elements, I define a global social movement as an action system comprised of interacting networks of individuals, groups, and organizations located around the world and working on the trans-world plane in pursuit of far-reaching social or political change, predominantly by means of collective protest and on the basis of a shared collective identity.

Although some authors prefer the denomination “international indigenous movement” (for example, Feldman, 2002) or “transnational indigenous movement” (for example, Maiguashca, 1994), I follow the movement actors in referring to their movement as “global.” It has several “global” dimensions. In composition, it consists of the representatives of indigenous communities and organizations from all continents of the globe, including Asia, and latterly also Africa, whose marginalized peoples such as the Khoi, San, Ogoni, and Maasai are increasingly tapping into global sources of funding, information, support, and legitimacy. Global or transnational networks are also built into indigenous organizations themselves, such as the World Council of Indigenous Peoples (WCIP), the Indigenous World Association, the International Indian Treaty Council (IITC), the Asia Indigenous Peoples Pact, the Inuit Circumpolar Conference (ICC), and the International Alliance of the Indigenous and Tribal Peoples of the Tropical Forests, a global alliance of indigenous peoples threatened by deforestation. A significant part of the mobilization of the movement takes a global or supranational guise, as many of its new recruits come to the movement *through* the UN. Finally, its principal targets are supranational institutions such as the UN, from which it seeks a global text with far-reaching application in a number of countries in the form of a UN Declaration on the Rights of Indigenous Peoples.⁵

The history of the emergence of global “indigenism” is relatively well documented (for example, Brysk, 2001; Sanders, 1980; Wilmer, 1993). These studies make clear that strong transnational networks and shared claims already existed between differently situated indigenous peoples prior to UN interest in indigenous issues, as did an emerging collective indigenous identity. It is therefore wrong to overemphasize the role played by the UN in the emergence of the movement, or to suggest, like Passy (1999: 149), that local and national indigenous grievances “globalized when they entered the UN.” As we see, for example, from the 1975 Port Alberini conference at which the WCIP was constituted, a conference that brought together indigenous representatives from countries as diverse as Australia, Colombia, Finland, Greenland, and Mexico (Sanders, 1980: 5), links between indigenous groups were already extensive. Yet it is clear that the UN contributed to the strengthening of early indigenous networking and organization, particularly by providing physical spaces for horizontal networks to develop (spaces that were not bestowed, but *fought for* by indigenous peoples). Two UN conferences in particular provided early opportunities to consolidate, extend, and deepen contacts. The International NGO Conference on Discrimination Against Indigenous Populations in the Americas and the International NGO Conference on Indigenous Peoples and the Land (held in 1977 and 1981, respectively, and attended by unprecedented numbers of indigenous leaders as well as state and UN bureaucrats) heard the testimonies

of indigenous spokespersons at first hand and recommended actions to protect indigenous peoples from abuses at the hands of nation-states. Their effects were twofold: first, they reinforced the understanding that indigenous peoples' problems were shared, therefore strengthening an emerging indigenous identity based on common experiences of historical and ongoing colonialism, and, second, they brought into play a promising arena for the pursuit of goals, one in which norms of human rights influence the behavior of states and assertions of sovereignty and domestic jurisdiction must compete with ideas based on principles.

These UN conferences were followed in 1982 by the establishment of the UN Working Group on Indigenous Populations (UN WGIP), which provided a more enduring institutional space for the development of global indigenism. By "global indigenism," I refer to the discourse and movement aimed at advancing the rights and status of indigenous peoples worldwide. The UN WGIP, comprised of five independent human rights experts, was given the mandate to "review developments" in relation to indigenous peoples and to develop standards concerning their rights. The latter task was completed in 1993, at which point the UN WGIP adopted the UN Draft Declaration on the Rights of Indigenous Peoples (UN, 1994), said to reflect the aspirations of indigenous peoples, whose representatives were invited both to air their common grievances and to promote their own conceptions of their rights. Continuing to meet annually, and drawing greater numbers of indigenous delegates from around the globe each year, the WGIP has played an important role as a mobilizing and networking structure. As expressed by Kenneth Deer on behalf of the Mohawk Nation at Kahnawake on the occasion of the WGIP's 20th anniversary, "almost like an alternative UN for indigenous peoples, the indigenous caucus of the WGIP is the largest gathering of indigenous representatives ever to gather on a regular basis; it is a strategic triumph" (author recording, July 24, 2002).

The global indigenous movement is just one of several global social movements to have developed close relations to the UN. According to Keck and Sikkink (1998: 168), chronologies of the international women's movement are largely a litany of UN conferences. The human rights movement, moreover, has successfully used UN conferences and meetings to gain momentum. Perhaps distinctively, however, the global indigenous movement *nests* within the UN, in the sense of having permanent spaces, "spaces that are more than just a moment" (Menchu in Nelson, 1999: 293), embedded within the UN human rights framework. In particular, the UN Permanent Forum on Indigenous Issues, established in 2002, has been celebrated by many indigenous activists as the official and permanent incorporation of indigenous peoples into the UN structure (Morgan, 2002: 6). Comprised of eight state and eight indigenous members, the forum represents a unique form of institutionalization in that state and indigenous members work as equals in the realization of its threefold mandate.⁶

Social Movement Organizational Structures: Institutional Flexibility

The standard view of the relationship between institutions and movement organizational structures, which derives from both the resource mobilization (RM) school (McCarthy and Zald, 1977) and the political process model of Tilly (1978), is that access to institutions brings about a process of professionalization and formalization of SMOs (for example, Lo, 1992; Minkhoff, 1994; Rucht, 1996;

Staggenborg, 1988). A number of reasons are cited to account for this shift. First, access to institutional arenas involves adherence to formal models of organization considered appropriate by those institutions (Della Porta and Diani, 1999: 153). Second, working effectively with state officials and bureaucrats requires technical knowledge and organizational efficiency (Jimenez, 1999: 164). Third, a process of "internal structuration" of SMOs occurs "as an immediate consequence of the resource flow" (Kriesi, 1996: 154), since funding providers favor formalized SMOs as having the capacity to put such funds to proper use and the bureaucratic routines to account for expenditure (Sikkink, 2002: 308). Internal structuration involves four complementary processes. Formalization is "the introduction of formal statutes and established procedures, the creation of a formal leadership and office structure" (Kriesi, 1996: 154). Professionalization denotes the employment of paid staff who pursue careers within the organization. Internal differentiation involves the functional division of labor and the creation of territorial "subunits." Integration refers to mechanisms of coordination between functional and territorial subunits.

On the face of it, formal UN rules would appear to require SMOs to undergo a process of internal structuration in exchange for access. These rules grant the Economic and Social Council (ECOSOC) consultative status to SMOs that can demonstrate a representative structure, executive officers, a democratically adopted constitution, and appropriate mechanisms of accountability (UN, 1996a).⁷ However, in certain spaces and circumstances the UN is known to adopt what Passy (1999: 155) calls "informal inclusive strategies," enabling the participation of informal organizations otherwise failing to pass the test for consultative status. UN conferences of the past 15 or so years on issues as varied as the environment, women's rights, and racism have seen formal criteria overlooked in favor of a diversity of SMOs. In the indigenous case, one of the very first acts of the newly constituted UN WGIP (faced with a dual mandate that depended for its achievement on extensive input from indigenous peoples) was to establish new rules of accreditation encouraging the broad participation of the representatives of indigenous peoples' organizations (IPOs) regardless of organizational status. Although the decision was opposed by Brazil and other member states, which regarded the presence of large numbers of indigenous advocates as a potential source of embarrassment, the independent status of the five human rights experts comprising the UN WGIP and their relative invulnerability to political pressure enabled them to go ahead in spite of opposition. The UN WGIP was also served by its location at the bottom of the UN hierarchy, where, as a working group of the Sub-Commission on the Promotion and Protection of Human Rights,⁸ it went relatively unnoticed and was thus able to break with "how things are." Wilmer has called it a "marginal site in world politics," whose "marginalization has both material and ethical implications" (1993: 33).

Located at a higher level in the UN hierarchy and therefore subject to greater scrutiny from states that may or may not have an interest in seeing indigenous issues progress through the UN system, the Permanent Forum has adopted identical measures to the UN WGIP (UN, 2000). At its fourth session in May 2005, 155 IPOs participated, of which only 16 had consultative status with ECOSOC (UN, 2005a: Annex 1). Moreover, the UN Working Group on the Draft Declaration (UN WGDD), established in 1995 to review the text of the UN Draft Declaration on the Rights of Indigenous Peoples (UN, 1994) and comprised of the representatives

of 53 states, established an informal procedure enabling the participation of a wide range of IPOs.⁹ Where such flexible measures are by no means unique to the field of indigenous rights, it is apparent that an ethos of indigenous peoples' participation has developed in UN parlance and practice, which is reflected in evolving norms of indigenous peoples' rights (for example, UN, 2006).

UN funding provisions, however modest, also reflect a concern to facilitate the participation of informal or grassroots IPOs. The UN Voluntary Fund for Indigenous Populations, established in 1985 to provide financial assistance to representatives of indigenous organizations wishing to attend sessions of the WGIP, gives preference to organizations from countries with little experience in mobilization (UN, 1985).¹⁰ In 2005, it supported 25 beneficiaries of travel grants to attend the 23rd session of the WGIP, of which eight were representatives of African community organizations (UN, 2005b). Similarly, the Voluntary Fund for the UN International Decade of the World's Indigenous People, established in 1996 to provide financial assistance to projects and programs aimed at furthering the goals of the Decade, gives particular consideration to organizations "from underdeveloped areas" (UN, 1996b). Its allocations reflect a concern to encourage the participation of small, struggling organizations based in the South, where the NGO sector is characterized by resource limitations, as well as a concern to fund representative organizations, insofar as informal organizations are commonly considered to have a grassroots membership and presence in the community.

The flexibility shown by the UN administration in this case shows that SMOs can operate in institutional spaces and be in receipt of institutional funding without the obligation to make structural or procedural changes. Even so, lobbying state delegates, tracking the positions of governments in complex negotiations, dealing with the media, and so on, all require considerable expertise and organizational efficiency, and therefore many IPOs do seek to professionalize their staff and to formalize their structures. Many make changes in order to gain ECOSOC status, allowing them access to more meetings within ECOSOC, including those relating to the environment. ECOSOC status enhances the legitimacy of organizations both with UN and government officials and other SMOs. Quite often, therefore, aspiring or nascent organizations seek legitimacy by structuring themselves along the lines of other IPOs with ECOSOC status, which are generally the most visible or active organizations, with lawyers, officers, publications, websites, and so on.¹¹ This means that what Kriesi (1996: 153) calls the "SMO infrastructure" of the global indigenous movement is constituted by a range of organizations from informal to formal, differing in size, degree of formalization, and levels of skill in intervening in intergovernmental processes. Some of these are "ideal types," exemplifying two of Rucht's (1996) elementary movement structures, namely the interest group model, characterized by formal organization, and the grassroots model, characterized by a "loose, informal, and decentralized structure" (Kriesi, 1996: 188). Examples of the former include the Indian Law Resource Centre, the Assembly of First Nations, and the Cordillera Peoples Alliance, while the Dene Sulene Nation of Cold Lake and the Pokot Community are closer to the grassroots model.

Action Repertoires: Institutionalized or Globalized Tactics?

Analysts have differed very little on the effects of location on the tactical choices of social movements, seeing entry into institutional political arenas as engendering a

shift from provocative to dialogical, cooperative actions. This is thought to occur as a direct consequence of the professionalization of SMOs, resulting in a preference for routinized tactics as more compatible with a formalized structure and the schedules of professionals (Staggenborg, 1988: 599). A tactical shift is also thought to occur as a result of institutional control, whereby institutions, which are “mainly about rules and assumptions that shape *who* can do what in regard to a subject” (Moore, 2001: 102; see also Jepperson, 1991), insist on a certain spectrum of behaviors (Meyer and Tarrow, 1998a: 21).

The tactical repertoire of the global indigenous movement is consistent with the expected pattern of movement tactics in an institutionalized context. Its methods range from lobbying state delegates and UN officials, making formal statements before UN deliberative bodies, facilitating consensus between parties to negotiations, documenting and submitting information regarding human rights violations, and issuing press releases. Only very rarely does the movement engage in what Marks and McAdam (1999) refer to as “unconventional claims-making,” meaning not only confrontational or unruly forms of protest, but also those forms of “demonstrative protest” (Kriesi et al., 1995) that Tarrow (1998: Ch. 6) describes as routine, including public demonstrations and marches. Thus, while the global indigenous movement clearly *is* a social movement (that is, an action system composed of interacting networks of individuals, groups, and organizations which, based on a collective identity, pursues social and political change by means of collective protest), it seldom engages in those activities most commonly associated with social movements.

The UN institutional environment evidently asserts influence on the action repertoire of indigenous organizations. Like other institutions of its kind, the UN premises access of SMOs on a willingness to accept codes of conduct and to play by the rules of the game. Organizations must adhere to established routines, which are highly prescribed, and from which it is very difficult to deviate without jeopardizing rights of access or antagonizing officials, which is rash in an environment where influence and effectiveness depend on good alliances with state and UN bureaucrats. As one indigenous activist put it to me, “we don’t want to rub the governments up the wrong way ... what we do here means we have to be on good terms” (author interview, December 12, 2002). If, on the face of it, however, the methods of indigenous organizations suggest a comparison with interest groups, which work primarily with institutionally mandated authorities and follow institutional procedures for accomplishing their goals, it is worth emphasizing that the indigenous movement is also engaged in what Bernstein (2003) has described as the deployment of “identity as strategy.” Expressive dimensions (for example, the reciting of prayers or the wearing of symbols of nationhood in the form of traditional garb or other signs of cultural distinctiveness) infuse indigenous protest at the United Nations. It could be argued that identity-related performances are themselves unconventional, though they are not disruptive in any material sense of the term.

An additional feature of this case can be found in the locus of the movement *beyond the borders of national states*. Operating in supranational space in various organs and institutions of the UN, the global indigenous movement is far removed from its constituencies in national and local contexts and therefore unable to depend on many of the key routines of the classical social movement repertoire as we know it, particularly those, such as marches and demonstrations, that gather

people together in relatively large numbers. Because they are separated from their constituencies by considerable spatial distances, *geography* is a key constraint for the action repertoire of the global indigenous movement, and not one that can easily be overcome by a movement of resource-poor indigenous peoples lacking the financial capacity to meet the expense of transporting activists to the UN, whether it is meeting in Geneva, New York, or anywhere else.

Though we lack systematic studies based on event research, observers of transnational or global social movements targeting intergovernmental institutions of various kinds generally do not find their subjects engaging in unconventional tactics (for example, Atwood, 1997; Marks and McAdam, 1999; Rucht, 1997). It is probably too soon, however, to talk about a developed “global repertoire of contention,” not only because we lack systematic evidence, but because, whereas global or transnational social movements are still a relatively new phenomenon, linked as they are to the proliferation of intergovernmental institutions after World War II (Kriesberg, 1997: 10), changes in action repertoires occur “glacially over time” (Tarrow, 1998: 31). An important question that does arise, nonetheless, is whether an apparent narrowing of the action repertoire presents a problem for social movements “acting globally.” Much empirical work on national social movements has found that unconventional actions pay, particularly those causing disruption (Cress and Snow, 2000; Gamson, 1990; McAdam, 1983; Piven and Cloward, 1977), which might seem to signal a decline in the effectiveness of transnational or global movements cut off from their constituencies. Disruption, as Tarrow (1998: 98) points out, obstructs the routine activities of authorities and forces them to attend to movement grievances. Many forms of disruption, moreover, such as marches and public rallies, gather large numbers of people together and therefore generate what McAdam (1988) calls a “radical flank effect.” Conversely, others have begun to doubt the capacity of many of the classical modes of contention to surprise and threaten. For example, introducing the notion of a “movement society” in which protest is ubiquitous, Meyer and Tarrow (1998a) question whether a dramatic increase in contentious politics has reduced its effectiveness, with both authorities and bystanders adopting a more relaxed approach to incidences of contention.

Claims: Self-Determination and the “Ancient Fears of States”¹²

A widespread view among analysts of social movements is that access to institutions leads to co-optation and deradicalization as challengers modify their claims to ones that are more acceptable with authorities (for example, Lowi, 1971; Meyer, 1993; Piven and Cloward, 1977; Tarrow, 1998). According to this view, co-optation occurs again with organizational transformation, as organizations developing a vested interest in ensuring their survival seek funding, acceptance, and elite allies. The moderation of claims is also thought to derive from what Jimenez (1999: 167) calls the “political manners” associated with lobbying.

Indigenous advocates seek a range of rights from a UN Declaration on the Rights of Indigenous Peoples, but the “central tenet and main symbol” (Daes, 2000: 303) of the indigenous movement is the right of self-determination. Broadly speaking, it is a principle concerned with human freedom, and grounded in the idea that peoples should be free to control their own destinies without undue interference. In the context of indigenous peoples, it has been identified

as a “prerequisite for the enjoyment of all other rights and freedoms” (Moses, 2000: 156), a “universe of human rights precepts” (Anaya, 1996: 81), and, more specifically, as the means by which indigenous peoples may determine the nature and extent of their relationship with the state and maintain control over their own institutions, territories, and resources without undue external interference (Berman, 1993).

Given prominence in the UN Charter of 1945 as an operative principle of the UN, self-determination also has a significant place in international legal consciousness. Following World War II, it was the guiding principle of decolonization, as colonized peoples gained their independence in accord with the UN Declaration on the Granting of Independence to Colonial Countries of 1960, which recognizes that “all peoples have the right of self-determination” (UN, 1960a: Art. 2). In actual fact, those “peoples” to which the right was extended were defined according to colonial geography, and excluded subgroups within the then non-self-governing territories (Cassese, 1995: 59; Iorns, 1992: 257). That is, it was understood that the peoples to be granted independence were those that had been colonized by colonial powers overseas, an understanding that was incorporated into international law in the form of General Assembly Resolution 1541 (XV), which states that the principles of the Declaration apply only to territories “geographically separate and distinct ethnically or culturally to the country administering it” (UN, 1960b). Known as the “saltwater” thesis, it was advanced by a coalition of Third World and socialist states who argued that the universal application of the right to self-determination could destabilize both the Soviet Union and the newly emerging states in the former colonies, which were for the most part multi-ethnic (Iorns, 1992; Lam, 2000).

The ongoing struggle of the indigenous movement for recognition of a right to self-determination in international law has also raised fears of destabilization. Identifying self-determination inevitably with political independence and secession, states’ objections have focused on the creation of breakaway indigenous states and threats to their territorial integrity and sovereignty. The latter constitute central priorities of sovereign states, organized as they are around the holding and exercise of authority and territory (Scott, 2001: 33). Possibly not a completely irrational fear considering the extent to which self-determination rhetoric has been invoked latterly in relation to the separatist demands of ethnic minorities, the anxiety and apprehension of member states has nonetheless focused on an incorrect conflation of self-determination with secession. Although the vast majority of Third World peoples availing themselves of the right to self-determination after World War II opted for full political independence (Lam, 1992: 609), it does not follow that the one shall lead to the other. In fact, international law stipulates that the establishment of a sovereign state, free association with an independent state, and integration with an independent state are *all* ways of exercising a people’s right to self-determination (UN, 1960b: Art. 29; 1970: Art. 1). For their part, moreover, the nature of self-determination that indigenous peoples seek is one that casts them in continuing association with their encompassing states, but that enables them through various forms of autonomous arrangements to develop their institutions on their own territories and determine their own development in accordance with their own values (Coulter, 1995). For most indigenous peoples, separation is just not practical. As Inuit lawyer Dalee Sambo (2003: 47) has pointed out, “the political, demographic and economic realities don’t point to political

independence as a viable option for the vast majority of indigenous peoples.” In this way, indigenism is distinct from ethno-nationalism (Niezen, 2003), a point that indigenous representatives have pressed.

That states have conjured such negative associations out of the movement’s claims to self-determination shows that even claims developed in close relation to institutional discourses and declarations can be seen as anti-systemic where they seek a *reapplication* of already existing legal rights to new subjects. What is most interesting about the indigenous case, however, is the way in which indigenous representatives have been able to support their claim to self-determination via appeal to norms inhering in the UN’s own legal arsenal, thereby justifying and maintaining a stance that is otherwise system challenging to the extent that it is inimical to the interests of many states. Indigenous representatives have drawn on a number of statements and norms to make their case, not least the self-determination norm itself, particularly as it appears in Article 1 of the Twin Human Rights Covenants of 1966 unaccompanied by any obvious qualifications (UN, 1966a, 1966b). Turning on the universal language of the Covenants, indigenous advocates have argued that international law currently provides for a right of self-determination for indigenous peoples if the current rules are applied. The following statement is illustrative:

The International Covenants state that “all peoples” have the right of self-determination. These International Covenants were drafted to protect peoples, all peoples, without exception. There is no provision whereby these protections may be applied selectively to certain peoples and denied to other peoples. The Covenants are explicit: they apply to “all peoples”. The Universal Declaration is also explicit: international human rights protections are to apply universally and indivisibly. (Ted Moses, North American Indigenous Caucus, Statement to the 11th Session of the UN WGIP, 1993)

International legal experts have pointed out that statements couched in terms of application of existing international law do not reflect the total context surrounding the drafting of the Covenants, which “demonstrates an intention to confine the right of self-determination to peoples who are still dependent” (Daes, 1993: 15). A second line of argument (of many), however, has focused on what the law should be and why. This has hinged on the norm of nondiscrimination, which is less a statement of international law than an example of a peremptory norm of international customary law, meaning a rule of customary law so fundamental that it cannot be departed from or set aside by treaty (Brownlie, 1998: 515). Indigenous representatives have argued that the denial or qualification of self-determination for indigenous peoples would create a double standard in international law on the basis of their indigeness and thereby implicate issues of nondiscrimination. The following intervention is illustrative of hundreds expressing this viewpoint:

To proclaim self-determination as a right of all peoples, and at the same time to deny or seek to limit its application to indigenous peoples surely offends the prohibition of racial discrimination. The guarantee of racial discrimination is a norm of customary international law, on many accounts a peremptory norm from which no derogation is permitted. (Geoff Clarke, Aboriginal and Torres Strait Islander Commission, Statement to the UN WGDD, 1997)

The strategy of constructing justifications that are drawn from the UN’s own normative framework amounts to a strategy of legal mobilization, defined in its

most basic sense by Zemans (1983) as the process of “invoking legal norms.” Its effectiveness lies in attaching legitimacy to a claim by invoking existing legal norms in connection to said claim, norms that resonate in a given context or institution either because that institution is located in and influenced by a wider normative system or is itself the generator of those norms. For SMOs operating in legislative contexts, having that legitimacy attach to a claim can hold off or prevent what the predominant sociological paradigm suggests is an inevitable shift toward the moderation of claims. This seems to be demonstrated by the indigenous case, which shows indigenous representatives refusing to accept anything other than the fullest measure of the right to self-determination, a right considered by many states as inimical to their interests. This article suggests indigenous representatives have been able to resist deradicalization by transforming a challenging claim into a legitimate claim via its attachment to and articulation alongside essential and familiar norms and resources from within the UN’s legal corpus.

Conclusion

Based on the case study of the global indigenous movement, a movement very much enmeshed with the UN system, this article has identified a more complex relationship between social movements and institutions than is suggested by the dominant sociological paradigm. It shows that access to institutions need not engender a process of internal structuration of SMOs, even where institutional funding is available. UN funding allocations when dealing with IPOs demonstrate a preference for informal community organizations, while accreditation procedures at UN meetings of indigenous peoples overlook formal access rules by making their sessions open to all regardless of organizational development. Accordingly, organizations associated with the UN are not subject to a process of homogenization, or “institutional isomorphism” (DiMaggio and Powell, 1983). The UN is a complex inter-organizational structure containing pools of creativity that derive from the organization’s role in the promotion and protection of human rights, where institutional actors other than or in tandem with member states may act as progressive forces in redefining institutional culture and rules in the consideration of interests and concerns other than those of member states.

This case also shows that claims voiced from within institutional milieu do not inevitably undergo a process of moderation. The representatives of indigenous peoples have refused to slip into a politics of expedience and bargaining, in spite of what has at times been vehement resistance from states to their principal claim for a right of self-determination, not to mention a grindingly slow drafting process. Indigenous delegates have argued convincingly that the withholding of the fullest measure of self-determination from indigenous peoples on account of their indigeneness would amount to discrimination, thereby attaching legitimacy to their central claim via a peremptory norm of international law. This article suggests that the UN, as the main source of generation of global human rights norms, or what Baxi (2002: 37) terms “that great normative workshop,” offers SMOs a multitude of normative resources and opportunities to legitimize system-challenging claims via articulating them both in opposition to and in combination with existing system norms.

Finally, this article has also discussed the action repertoire of the global indigenous movement in the UN context. It has shown the symptoms of “institutionalization” anticipated by the paradigmatic view to be evident as IPOs

find themselves subject to the controlling rules of institutional life. The strategies that the movement pursues are predominantly routinized, although to the extent that the movement's activities are also infused with visible and compelling identity performances its repertoire is not unconventional. The features of the case also point to an additional possibility, which is that IPOs "projecting globally" are limited in their tactical repertoire to the extent that they are cut off from their members and constituencies in local and national arenas. Either way, this means that the narrative of exception to the rule is not complete, although this does not diminish what the article has otherwise shown in terms of highlighting that, quoting Katzenstein (1998b: 197) once again, "a variety of things happen within institutional habitats." To the extent that this article demonstrates some sense of that variety, and indeed the need therefore for a less deterministic approach to thinking about social movements' interactions with political institutions, it will have achieved its basic aim.

Notes

1. It is important to stress that the concept of "institutionalization" is apt to carry multiple meanings. According to one usage (for example, Seippel 2001), "institutionalization" refers to a process by which vibrant movements turn into rigid, formalized, and hierarchic organizations, leading to a shift from disruptive to rule-abiding behavior and a concomitant moderation of claims. As per this view, a process of institutionalization can occur *whether or not a movement seeks to engage in formal institutional politics*, although the degree of institutionalization of an organization is thought, in part, to be a result of relative distance from or access to mainstream institutions. Another usage of "institutionalization" (for example, Meyer and Tarrow, 1998a, 1998b) is that which equates institutionalization with a "repeatable process that is essentially self-sustaining ... in which all the relevant actors can resort to well-established and familiar routines" (1998a: 21), referring not only to social movements, but also the authorities, who manage dissent by insisting on a certain spectrum of behaviors, which in turn become predictable elements of collective action. For this author, "institutionalization" refers only to the process by which social movements access and engage in formal institutional politics, though without assuming a particular set of outcomes from the process.
2. This article limits itself to the dynamics of interaction between the indigenous movement and the human rights organs of the UN. However, the global indigenous movement is also active around other intergovernmental forums, including UN specialized agencies such as the International Labor Organization (ILO), international financial institutions such as the World Bank, and regional organizations such as the Organization of American States.
3. The process of production of a UN Declaration on the Rights of Indigenous Peoples has evolved over a period of approximately 20 years, and in two main stages. The first was between 1985 and 1993, when the UN Working Group on Indigenous Populations (UN WGIP), a group of independent human rights experts, formulated the Draft UN Declaration on the Rights of Indigenous Peoples of 1994 (United Nations, 1994). The second, from 1996 to 2006, saw a change in institutional context as the Draft Declaration was diverted into an inter-sessional working group of the Commission on Human Rights (UN WGDD) for further review. Comprised of the representatives of 53 member states, the UN WGDD held its last session from January 30 to February 3, 2006, following which, the newly constituted UN Human Rights Council adopted by Resolution 2006/2 the UN Declaration on the Rights of Indigenous Peoples and recommended its adoption by the General Assembly (United Nations, 2006). It remains to be seen, however, whether there will be sufficient votes in the General Assembly in favor of the Declaration.

4. The empirical arguments presented here form part of my ongoing research into the global indigenous movement in the United Nations context. They are based on extensive fieldwork, in particular, attendance at relevant UN meetings of indigenous peoples, including the UN Working Group on Indigenous Populations, the UN Working Group on the Draft Declaration, and the UN Permanent Forum on Indigenous Issues. They are also based on data obtained through interviews with indigenous peoples' representatives and other relevant actors, as well as analysis of extensive documents.
5. A UN Declaration on the Rights of Indigenous Peoples will not, if adopted by the UN General Assembly, have the force of a binding international instrument. It will, however, confer a kind of legitimacy on the claims of indigenous peoples' organizations where those claims are consistent with the rights recognized in the declaration. The International Labor Organization (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries of 1989, on the other hand, is legally binding on states that have ratified the convention.
6. Its mandate is to prepare and disseminate information on indigenous issues, to promote the coordination of indigenous programs within the UN system, and to provide expertise and advice on indigenous issues to the Council, as well as to programs, funds, and agencies of the UN (UN, 2000).
7. Consultative status with ECOSOC grants NGOs access to those organs of the UN administration open to non-state actors. These are all contained within the Economic and Social Council, an important structure in the UN system with authority for discussion and elaboration of norms relating to human rights, the environment, and the economic and social field. Until 1996, the rules governing access also required organizations to have *international* structures, as per ECOSOC Resolution 1296 (XLIV) (UN, 1968). The rules have since changed to allow "regional, subregional, and national organizations" (UN, 1996a: Art. 8) to apply, but their applications are subject to much closer scrutiny, and in the case of national organizations they must receive approval "from the Member State concerned" (UN, 1996a: Art. 8).
8. Until 1999 called the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.
9. This is set out in an annex to Commission on Human Rights Resolution 1995/32 establishing the WGDD (UN, 1995). In 2002, more than 100 indigenous organizations had been admitted to participate in the WGDD, many of them small, local, and functionally undifferentiated (UN, 2002: 4–5).
10. In 1995 and again in 2001, the General Assembly extended the mandate of the fund to assist the representatives of indigenous communities and organizations wishing to participate in the WGDD and the Permanent Forum, respectively.
11. As of 1998, 24 IPOs had been granted consultative status. These include the International Indian Treaty Council, the Inuit Circumpolar Conference, the Indian Law Resource Centre, the Saami Council, and the Indian Council of South America, to name but a few.
12. Tim Coulter, Director of the Indian Law Resource Centre (from the author's notes, January 7, 2002).

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