Introduction

Under the new sun an epoch is being staged!

Little peoples are to be granted the right of self-determination!

Small nations and remnants of nations are to sit beside their great allies at the Peace Table, and their just claims are to be duly incorporated in the terms of a righteous peace.

–Zitkala-Ša, 1919[1]

I am going to Geneva, and I suppose many stones have been placed in my path.

–Deskaheh, 1923[2]

In 1923, the Haudenosaunee leader Deskaheh undertook a long journey. From his homelands on the banks of the Grand River in the land colonially known as Canada, Deskaheh travelled to Geneva, under a mandate from the Haudenosaunee Confederacy,[3] to petition the League of Nations.[4]

[1] Gertrude Bonnin (Zitkala-Ša), 'Editorial Comment' (1919) 6(4) *American Indian Magazine*, 161–162, 161.

[2] Levi General (Deskaheh), 'I Am Going to Geneva' in Daniel M. Cobb (ed.) *Say We Are Nations: Documents of Politics and Protest in Indigenous America since 1887* (Chapel Hill: University of North Carolina Press, [1923] 2015) 45, 48.

[3] Often known as the Six Nations of the Iroquois Confederacy.

[4] Of interest is that Deskaheh's journey was facilitated not by a Canadian passport but rather by a passport issued by the Haudenosaunee Confederacy. This was not the first time Deskaheh had travelled on Haudenosaunee travel papers; two years earlier, he had appealed against Canada's treaty violations to the British Crown: Sheryl R. Lightfoot, 'Decolonizing Self-Determination: Haudenosaunee Passports and Negotiated Sovereignty' (2021) 27 *European Journal of International Relations*, 971–994, 981. Also see Sara Dehm, 'Passport' in Jessie Hohmann and Daniel Joyce (eds.), *International Law's Objects* (Oxford: Oxford University Press, 2018) 342, at 353. Haudenosaunee passports are still used today.

The Haudenosaunee sought membership of the League as an independent nation, on the basis of its treaties with Britain.[5] They further sought to appeal against Canada's violations of treaties and of the Haudenosaunee's right to self-determination.[6] Deskaheh was not without allies: several League members supported formal consideration of the application,[7] and as a result, Deskaheh's letter entitled 'The Redman's Appeal for Justice' was distributed to members of the Council of the League.[8] However, due to strong objections from Canada and Britain, the League did not hear Deskaheh's petition in person, and ultimately the issue fell off its agenda.[9]

This was by no means the first – or last – manifestation of Indigenous internationalism,[10] although it was among the first Indigenous attempts to seek justice via an international organization rather than appealing directly to

[5] Richard Veatch, *Canada and the League of Nations* (Toronto: University of Toronto Press, 1975) 95: Deskaheh attempted to 'register with the League several strips of wampum representing treaties his ancestors had concluded [with the British]'.

[6] Deskaheh, 'Geneva' 45; Deskaheh, 'To the League of Nations; The Redman's Appeal for Justice' (1923), accessed at www.docip.org. Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: University of California Press, 2003) 31–36; Douglas Sanders, 'The Legacy of Deskaheh: Indigenous Peoples as International Actors' in Cynthia Price Cohen (ed.), *Human Rights of Indigenous Peoples* (Ardsley, NY: Transnational Publishers, 1998) 73–88.

[7] Before Deskaheh's journey to Geneva, he had travelled to Washington to successfully convince the Netherlands to sponsor the appeal to the League. Persia, Panama, Estonia, and the Republic of Ireland requested that the question be put to the Permanent Court of International Justice for an advisory opinion: Grace Li Xiu Woo, 'Canada's Forgotten Founders: The Modern Significance of the Haudenosaunee (Iroquois) Application for Membership in the League of Nations' (2003) 1 *Law, Social Justice & Global Development Journal*, 1; Amar Bhatia, 'The South of the North: Building on Critical Approaches to International Law with Lessons from the Fourth World' (2012) 14 *Oregon Review of International Law*, 131–175, 163–170.

[8] Deskaheh, 'Redman's Appeal'. See Veatch, *Canada and the League of Nations*, 96–98.

[9] Bhatia, 'The South of the North' 167–171. Canada retaliated against the Haudenosaunee by deposing its hereditary Council, and Deskaheh was never able to return home to the Grand River, dying in exile in New York in 1925.

[10] Or, in other words, Indigenous peoples' expressions and assertions of external sovereignty. Witness, for example, the transnational confederations and treaties concluded among Indigenous peoples, such as the Mi'kmaw Nation, the Haudenosaunee themselves, and the 1701 treaty between the Haudenosaunee and the Anishinabek, and the many treaties concluded between imperial powers and Indigenous peoples in the 1700s and 1800s; for instance, the 1784 Haldimand Treaty between the British and the Six Nations, and the 1840 Treaty of Waitangi between Māori and the British Crown. For more examples of treaties and a classic treatment of the legal implications of such treaties, see Miguel Alfonso Martínez, 'Study on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Populations: Final Report' (22 June 1999) UN Doc E/CN.4/Sub.2/1999/20.

imperial powers.[11] The next year, Māori leaders Tahupōtiki Wiremu Rātana and Pita Moko sought a meeting with the secretary general of the League in order to appeal against British violations of the Treaty of Waitangi of 1840 but, like Deskaheh, were turned away without a hearing.[12] The hopes of Indigenous internationalists like Ihanktonwan leader Zitkala-Ša and other members of the Society of American Indians[13] – that the implementation of the principle of self-determination post-World War I might give Indigenous peoples representation in a world forum alongside other colonized peoples – were thereby dashed.[14] The structure of the international community ultimately functioned to exclude Indigenous peoples.[15]

A century on, the relationship between international institutions and Indigenous peoples is on its face starkly different to that prevailing in 1923. Far from excluding, ignoring, or rejecting Indigenous peoples, on the contrary, many states and international organizations have put in place institutional mechanisms for the express purpose of including Indigenous representatives in international policymaking and decision-making processes, as well as in the negotiation and drafting of international legal instruments. Indigenous peoples' rights have a higher profile in the UN system than ever before, following the creation of the Permanent Forum on Indigenous Issues (UNPFII) in 2000, the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, and the creation of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) later that same year, among other institutional innovations. Contrary to Deskaheh's experience of automatic exclusion in 1923, in 2023 an Indigenous leader can expect to be welcomed into many of the international forums relevant to the protection of Indigenous peoples' rights.

[11] A point made by Sophie Rigney, 'On Hearing Well and Being Well Heard: Indigenous International Law at the League of Nations' (2021) 34(2) *Third World Approaches to International Law Review*, 122–153, 140.

[12] Sheryl Lightfoot, *Global Indigenous Politics: A Subtle Revolution* (New York: Routledge, 2016) 36.

[13] Founded by Henry Standing Bear (Oglala), Charles Eastman (Mdewakantonwan), and others: Kiara M. Vigil, 'Who Was Henry Standing Bear? Remembering Lakota Activism from the Early Twentieth Century' (2017) 37(3) *Great Plains Quarterly*, 157–182, 174.

[14] Adom Getachew details how Woodrow Wilson and Jan Smuts 'excised the revolutionary implications of the Bolshevik right to self-determination and repurposed the principle to preserve racial hierarchy in the new international organization': Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton: Princeton University Press, 2019) 10 and chapter 2.

[15] Or, as Rigney puts it, 'a refusal to engage, a rejection, or a move to ignore': Rigney, 'On Hearing Well', 148.

Indeed, a process of discussion and negotiation has been underway in the past decade to consider whether and how to accord a separate status to Indigenous peoples to that of non-governmental organizations (NGOs) in the UN General Assembly, Economic and Social Council (ECOSOC), and related UN organs. Although these negotiations were initially expected to conclude in 2017, political setbacks have meant that as of writing these negotiations are in a holding pattern, with deep disagreements persisting – although the potential for resolution remains.

It is an opportune time to take stock of these developments. How did this extensive web of practice unfurl? What is the legal basis that underpins the participation of Indigenous peoples in policy-, decision-, and law-making at the international level? What does the practice of states and international organizations in respect of enabling and supporting Indigenous peoples' participation tell us about that legal basis? What insights can be gleaned from the multitude of past and ongoing practice to usefully inform ongoing and future negotiations towards greater inclusion of Indigenous peoples in the General Assembly and elsewhere? And does our initial observation – that international organizations and states now overwhelmingly include, rather than exclude or ignore Indigenous peoples in international governance processes – hold under close examination?

This book argues that the establishment and use of mechanisms and policies to enable a certain level of Indigenous peoples' participation in international governance has become a widespread practice among states and international organizations, and perhaps even one that is accepted as law. However, ultimately the achievement of the ideal of full and effective participation, in a manner that would fulfil Indigenous peoples' right to self-determination, remains deferred. Substantial barriers remain, raising the question of the extent to which an 'illusion of inclusion'[16] may function to bolster the legitimacy of the international processes under consideration – and, by extension, that of (Eurocentric) international law itself – while obscuring continued (neo)colonial economic and political relations that serve to facilitate further wealth extraction and dispossession of land from Indigenous peoples.

The book builds, and expands, on existing accounts of Indigenous peoples' participation in international organizations and international law-making processes to demonstrate how over the past four decades, international institutional forms that include Indigenous peoples have multiplied and expanded

[16] Jeff Corntassel, 'Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse' (2008) 33 *Alternatives*, 103–132, 111.

such that Indigenous peoples' participation in international governance is now a widespread phenomenon. This is the case both within and outside the UN, in regional organizations on several continents, in informal international institutions, as well as treaty bodies, and the most well-known international organizations. In theory, the law of self-determination supports such a move: from this body of law, we can derive a rule that peoples have a collective right to participate in international governance, accompanied by correlative obligations that are held by states and international organizations. In addition, from a doctrinal perspective, there is an argument to be made that the right of Indigenous peoples to participate in international governance is emerging as a rule of customary international law – regardless of whether we take a traditional, two-element approach, or an approach that focuses on one of the two elements to the exclusion of the other. Under such a rule, Indigenous peoples would have a legal right to be heard in international law-making, decision-making, policymaking, and other governance processes, and states have a corresponding duty to enable such participation.

Notwithstanding increasing international acceptance of Indigenous peoples' participation, the level of this participation is limited in key respects. Barriers to full and effective participation persist at systemic, institutional, and material levels. In tracing the rise of Indigenous peoples' participation, the book concurrently examines the level of participation established in the various organizations and bodies. In this sense, the book reveals how the level of Indigenous peoples' participation in a given body or process tends to be inversely proportional to the scope of that body's powers; how the structures of international organizations mean that the final say on a decision or policy tends to remain with states, no matter how equal the participation up until that moment; how the types of fora in which Indigenous peoples are heard commonly relate expressly to Indigenous peoples' rights, or environment and development matters, rather than international investment, trade, or other economic matters; and how financial and logistical barriers persist to Indigenous peoples' full and effective participation.

In this connection, the book also examines the publicly available evidence as to how state and international organization officials talk about practices and policies that enable Indigenous peoples' participation.[17] It demonstrates that many states express support, often in strong terms, for Indigenous peoples' participation. These officials primarily justify Indigenous peoples' participation by reference to the perceived usefulness of Indigenous peoples'

[17] In the form of written statements, submissions, oral interventions, speeches, press releases, policy documents, and verbatim and summary meeting records.

knowledge, practices, epistemologies, and ways of living for the achievement of the objectives, or fulfilment of the functions, of a given international organization or treaty-making or treaty implementation process. Such goals are generally framed as being universally held, or at least in the shared interests of both states and Indigenous peoples, in a universalizing move that obscures how these interests can be materially opposed. This rhetorical pattern is also instrumentalizing, in that it positions Indigenous participation as a means to an end held by the international organization or group of states concerned, rather than as necessarily a good in itself or as a means to fulfil Indigenous self-determination; as well as essentializing, in that it constructs an image of an "ideal" Indigenous participant that may or may not bear a resemblance to the vast, diverse array of Indigenous peoples globally.

I.1 SITUATING THIS BOOK IN THE FIELD

The law of self-determination has been a critical,[18] albeit contested,[19] component of the international legal order. Emerging as a political principle in the years leading up to Deskaheh and Rātana's respective attempts to seek justice via international organization, self-determination later proved instrumental as a legal framework for formal decolonization and even decades later remains much debated.[20] Scholarly work on self-determination has often

[18] See, for example, Charter of the United Nations (adopted 26 June 1945 and entered into force 24 October 1945) 1 UNTS 26, arts 1(2) and 55. Self-determination is a rule of customary international law, and of *erga omnes* character: See, for example, *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)* (Advisory Opinion) [1971] ICJ Rep 16, 31; *Western Sahara* (Advisory Opinion) [1975] ICJ Rep 12, 31–33; *Case Concerning East Timor (Portugal v. Australia)* (Merits) [1995] ICJ Rep 90, 102; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136, 171–172, 182–183.

[19] The Åland Islands Commission of Rapporteurs' 1921 characterization of self-determination still resonates today: 'a principle . . . expressed by a vague and general formula which has given rise to the most varied interpretations and differences of opinion': Commission of Rapporteurs: 'The Aaland Islands Question: Report Submitted to the Council of the League of Nations by the Commission of Rapporteurs', League of Nations Doc B7 [C] 21/68/106, April 1921, 27.

[20] Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge: Cambridge University Press, 1995); Andrés Rigo Sureda, *The Evolution of the Right of Self-Determination: A Study of United Nations Practice* (Leiden: AW Sijthoff 1973); James R. Crawford, *The Creation of States in International Law* (2nd ed., Oxford: Oxford University Press, 2007); Michla Pomerance, *Self-Determination in Law and Practice – The New Doctrine in the United Nations* (The Hague: Martinus Nijhoff, 1982); U.O. Umozurike, *Self-Determination in International Law* (Hamden, CT: Archon Books 1972); Hurst Hannum, *Autonomy, Sovereignty and Self-Determination: The Accommodation of Conflicting Rights* (rev. ed.,

considered its "internal" aspects, including the participation of peoples at the domestic political level.[21] However, it has devoted less attention to dimensions of external sovereignty aside from those pertaining to territorial status, including peoples' participation separately from the relevant state(s) at the international level. Meanwhile, Jan Klabbers argued in 2006 that self-determination had been transformed into a procedural norm that gave peoples the right to be heard and taken seriously in decision-making at the national level.[22] And several Indigenous advocates and scholars have suggested that Indigenous peoples have a right to a voice in the international realm – [23]

Philadelphia: University of Pennsylvania Press, 1996); Jamie Trinidad, *Self-Determination in Disputed Colonial Territories* (Cambridge: Cambridge University Press, 2018); Jane A. Hofbauer, *Sovereignty in the Exercise of the Right to Self-Determination* (Leiden; Boston: Brill 2017); Fernando R. Tesón (ed.), *The Theory of Self-Determination* (Cambridge: Cambridge University Press, 2016); James Summers, *Peoples and International Law* (2nd ed., Leiden: Martinus Nijhoff, 2014); Duncan French, *Statehood and Self-Determination: Reconciling Tradition and Modernity* (Cambridge: Cambridge University Press, 2013); Philip Alston (ed.), *Peoples' Rights* (Oxford: Oxford University Press, 2002); Karen Knop, *Diversity and Self-Determination in International Law* (Cambridge: Cambridge University Press, 2008); Joshua Castellino, *International Law and Self-Determination: The Interplay of the Politics of Territorial Possession with Formulations of Post-Colonial National Identity* (The Hague, Boston: Martinus Nijhoff, 2000).

[21] Michla Pomerance, *The New Doctrine in the United Nations*, 37; Cassese, *A Legal Reappraisal*, 101. On internal self-determination generally, see Allan Rosas, 'Internal Self-Determination', and J. Salmon, 'Internal Aspects of the Right to Self-Determination', in Christian Tomuschat (ed.), *Modern Law of Self-Determination* (Dordrecht: Martinus Nijhoff, 1993) 225 and 253.

[22] Jan Klabbers, 'The Right to Be Taken Seriously: Self-Determination in International Law' (2006) 28 *Human Rights Quarterly*, 186–206.

[23] S. James Anaya, 'A Contemporary Definition of the International Norm of Self-Determination' (1993) 3 *Transnational Law and Contemporary Problems* 131–164, 157; Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000) 275; Karen Knop, *Diversity and Self-Determination*, 13; S. James Anaya, *Indigenous Peoples in International Law* (2nd ed., Oxford: Oxford University Press 2004), 153; S. James Anaya, 'International Human Rights and Indigenous Peoples: The Move toward the Multicultural State' (2004) 21 *Arizona Journal of International & Comparative Law*, 13–61, 14; Timo Koivurova and Leena Heinämäki, 'The Participation of Indigenous Peoples in International Norm-Making in the Arctic' (2006) 42 *Polar Record*,101–109, 101–102; Alan Boyle and Christine Chinkin, *The Making of International Law* (Oxford: Oxford University Press, 2007), 50; Natalia Loukacheva, '"Arctic Indigenous Peoples" Internationalism: In Search of a Legal Justification' (2009) 45 *Polar Record*, 51–58, 52–53; Claire Charters, 'A Self-Determination Approach to Justifying Indigenous Peoples' Participation in International Law and Policy Making' (2010) 17 *International Journal of Minority & Group Rights*, 215–240; Leena Heinämäki, 'Towards an Equal Partnership between Indigenous Peoples and States: Learning from Arctic Experiences' (2011) 3 *Yearbook of Polar Law*, 193–246, 223; Mattias Åhren, *Indigenous Peoples' Status in the International Legal System* (Oxford: Oxford University Press, 2016), 132; Dorotheé Cambou, 'Enhancing the Participation of Indigenous Peoples at the Intergovernmental Level to Strengthen Self-Determination: Lessons from the Arctic' (2018) 87 *Nordic Journal of*

although this proposition is often treated as 'self-evident'.[24] This book draws deeply on these works and builds on them to elaborate an account of how the participation of Indigenous peoples at the international level can form part of the international law of self-determination. It largely bypasses contemporary debates such as those regarding whose claims to self-determination are legitimate, whether self-determination can justify a right to secede,[25] and those on unresolved colonial cases.[26] It is intended, in part, as a contribution to theoretical and doctrinal thought on the law of self-determination, buttressed by an empirical account of state and international organization practice regarding Indigenous peoples' participation.

This book is also intended to contribute to the corpus of scholarship on Indigenous peoples' rights,[27] by analysing in close detail the right to participate in decision-making in an international context that is asserted by Indigenous scholars and activists alike. It draws upon a volume of secondary literature on specific institutions in which Indigenous peoples participate, such as the Arctic Council, the UN Framework Convention on Climate Change, and the World Intellectual Property Organization's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.[28] In addition to these

International Law, 26–55, 26; Tracey Whare, 'Reflective piece on Māori and the ILO' (2020) 24 *International Journal of Human Rights*, 303–306, 303–304.

[24] See, for example, Koivurova and Heinämäki, 'The Participation of Indigenous Peoples', 102. The fullest explanation so far has been given by Charters, 'A Self-Determination Approach'.

[25] See, for example, Stephen Macedo and Allen Buchanan (eds.), *Secession and Self-Determination* (New York: New York University Press, 2003); Thomas M. Franck, 'Post-Modern Tribalism and the Right to Secession' in Catherine Brölmann, René Lefeber, and Marjoleine Zieck (eds.), *Peoples and Minorities in International Law* (Leiden: Martinus Nijhoff, 1993), 3–27; Aleksandar Pavkovic and Peter Radan (eds.), *On the Way to Statehood: Secession and Globalisation* (Aldershot: Ashgate, 2008).

[26] See, for example, Trinidad, *Disputed Colonial Territories*.

[27] Relevant volumes include Åhren, *Indigenous Peoples' Status*; Mauro Barelli, *Seeking Justice in International Law: The Significance and Implications of the UN Declaration on the Rights of Indigenous Peoples* (London: Routledge, 2016); Stephen Allen and Alexandra Xanthaki (eds.), *Reflections on the UN Declaration on the Rights of Indigenous Peoples* (London: Hart, 2011); Elvira Pulitano, *Indigenous Rights in the Age of the UN Declaration* (Cambridge: Cambridge University Press, 2014); Alexandra Xanthaki, *Indigenous Rights and United Nations Standards* (Cambridge: Cambridge University Press, 2010); Claire Charters and Rodolfo Stavenhagen (eds.), *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples* (Copenhagen: IWGIA, 2009); James Anaya, 'Indigenous Peoples in International Law'; Pekka Aikio and Martin Scheinin (eds.), *Operationalizing the Right of Indigenous Peoples to Self-Determination* (Turko: Institute for Human Rights, Åbo Akademi University 2000).

[28] See, for example, Koivurova and Heinämäki, 'The Participation of Indigenous Peoples'; Heinämäki, 'Towards an Equal Partnership'; Cambou, 'Lessons from the Arctic'; Sabaa

relatively well-studied cases, the book draws upon original research into several mechanisms for Indigenous peoples' participation in international organizations that have not yet been examined in the academic literature.

A key limitation of this book relates to epistemic positionality and representation. This is primarily a story about the practices of states and international organizations within a framework of European international law[29], rather than a story about practices of 'Indigenous international law',[30] that is, the distinct ways in which Indigenous communities use law to address their relationships with other entities. Indigenous people(s), organizations, and communities are an explicit part of this narrative only to the extent that they participate in negotiations and take up leadership positions. Although the driving force of transnational Indigenous movements as a key factor in the expansion of participatory mechanisms is assumed as a given and constitutes an undercurrent throughout the text,[31] this approach will still fall short of the kind of centring of non-European peoples' perspectives and agency in international law that is called for by those working in critical and Third World Approaches to International Law (TWAIL) traditions.[32] To borrow a turn of phrase from Cait Storr, this book 'makes no claim to represent [Indigenous] experiences of, engagements with, or modes of resistance to, [international organizations and international governance]'.[33] Rather, as a Pākeha[34] scholar trained in international law in Aotearoa New Zealand and now the United Kingdom, I take up the challenge set by Sophie Rigney to 'international lawyers trained in the European mode to consider how this legal order has disregarded Indigenous international law – and whether there are any alternatives'.[35] In the course of this quest, the book utilizes "textbook" tools and methodologies of (European) international law – a reliance on doctrinal

Ahmad Khan, 'Rebalancing State and Indigenous Sovereignties in International Law: An Arctic lens on Trajectories for Global Governance' (2019) 32 *Leiden Journal of International Law*, 675–693.

[29] On plural international legal systems, see, for example, Rigney, 'On Hearing Well', 128; more generally Anthea Roberts, *Is International Law International?* (Oxford: Oxford University Press, 2018).

[30] See Rigney, 'On Hearing Well'.

[31] For more on this, see Lightfoot, *A Subtle Revolution*.

[32] For just one example of an excellent study in this tradition that highlights the contributions and perspectives of Third World jurists, see Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842–1933* (Cambridge: Cambridge University Press, 2014).

[33] Cait Storr, *International Status in the Shadow of Empire: Nauru and the Histories of International Law* (Cambridge: Cambridge University Press, 2020), 38.

[34] European settlers and their descendants. *Or tangata tiriti*: all people who came to Aotearoa New Zealand under the authority of the Treaty of Waitangi.

[35] Rigney, 'On Hearing Well', 126.

methods, an analysis of sources, and an interrogation of the existence of custom – in a manner that, in its orthodoxy, will be legible to practising international lawyers trained in this tradition. It does so in order to show how in great part the key institutions of international governance, and (European) international law itself, have to a large extent embraced the participation of Indigenous peoples – at least to a certain level – and to question what and who this serves, including to what extent *Indigenous* international law remains disregarded. Nevertheless, this book is both literally and figuratively a view from Cambridge, rather than reflecting a Fourth World approach to international law.[36] This book is as a drop compared with the ocean of Indigenous peoples' own accounts of Indigenous participation in international governance.

A second limitation in the approach turns on the empirical method. The chapters of this book that canvass the many and varied participatory forms and mechanisms rely on a corpus of primary sources that consists of organizational constitutions and rules, verbatim or summary records of meetings, oral interventions and written submissions by states or Indigenous peoples to international organizations or negotiation processes, resolutions and decisions of international organizations, speeches by state and international organization officials, press releases, web pages, and policy documents. Where available, this book also incorporates first-person accounts by Indigenous and other participants, and intergovernmental officials. However, the primary research did not involve interviewing Indigenous participants, nor did it include in-person ethnographic analysis of these processes. As such, the book will not satisfy socio-legal scholars. Suffice to say that much more research remains to be done by others.

1.2 SOME DEFINITIONAL MATTERS

The astute reader, by this point, might be wondering about the term 'international governance'. I use this term as a pragmatic shorthand for the wide variety of law-making, policymaking, and decision-making activities that are carried out at the international level, by international organizations and by states.[37]

[36] On the Fourth World, see George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Minneapolis: University of Minnesota Press, [1974] 2018).

[37] As opposed to "global governance," which has been used to denote these as well as private and hybrid public-private forms of global regulation. See, for example, Nico Krisch and Benedict Kingsbury, 'Introduction: Global Governance and Global Administrative Law in the International Legal Order' (2006) 17(1) *European Journal of International Law*, 1–13.