Aboriginal All Stars football, 82
Aboriginal and Torres Strait Islander Commission (ATSIC), 24, 32, 55, 75, 82, 216, 262, xx
Aboriginal and Torres Strait Islander Social Justice Commissioner, 15, 55
Aboriginal deaths in custody, 54, 219
Aboriginal Land Councils, 32, 34
Aboriginal Land Rights (Northern Territory) Act 1976, 33–8, xvii
Aboriginal Land Trusts, 34
Aboriginal law in Canada; denied by judges, 174
Aboriginal leadership in Australia, 74, 75, 77–8, 83, 87, xx
Aboriginal legal systems, 37, 56, 88, 89, 217, see also customary law
Aboriginal Olympic team, 91–2
Aboriginal organisations, 77–8, 79
Aboriginal political representation, 89–92, 115, 276
Aboriginal Provisional Government, 89–92
acceptability of witnesses in land claim courts, 35, 41
Accession Treaty of Sweden, Finland and Austria, 259
Adivasi (India), 3, 5, 6
adversarial legal systems, 41, 67, 211, 213–4, 217
African Commission on Human and Peoples’ Rights, 16
African Commonwealth nations; lack of participation in WGDD, 16, 19, 29
agreements, 22, 120, 171, 172, 178, 179, see also legislative agreements
agricultural education in Hawaii, 153–4
ahupuaa model of land maintenance, 135, 136, 153–6
Akana, Akoni, 147
Albertini, Jim, 154
Alliance of Megabiodiverse Countries, 234, 245
Alta-Kautokeino conflict (Norway), 260
Aluli-Meyer, Manulani, 150
American Confederacy, 205
American law, 114, 191
animals introduced into Hawaii, 136, 151
Annexation Club, 140
annexation of Hawaii by United States, 140, 141–2
anthropologists in land claims, 35, 36, 40, 41, 46
anthropology, forensic, 41, 46
ANZAAS Conference, Adelaide (1980), 64
Aotearoa, see New Zealand
Arawak peoples, 197
Area Assemblies (Solomon Islands), 163
Arnhem Land, 34
Arthur Andersen, 243
Arusha (Tanzania), 212
assimilation, 38, 40, 48, 49, 60, 173, 250, xviii
ATSIC, see also Aboriginal and Torres Strait Islander Commission
ATSIC Conference on National Policy (2002), 77
ATSIC National Women’s Conference (1992), 64
Australia, Aboriginal affairs, 24, 74, 77, 78, 90, xx; constitutional limitations, 249, 268; Department of Aboriginal Affairs, 24; Department of Prime Minister and Cabinet, Indigenous Policy Unit, 76–7; House of Representatives, Legal and Constitutional Affairs Committee, 85–6; legal systems, 10, 37, 62, 67–71, 88–9, 218, 219 (see also High Court of Australia); Legislation: Aboriginal Land Rights (Northern Territory) Act 1976, 33; Commonwealth Electoral Act, 85; Migration Act 1958, 91; Native Title Act 1993, 24; Native Title Amendment Act 1996, 25, 262; Racial Discrimination Act 1975, 67–70; Sex Discrimination Act 1984, 67; Minister for Aboriginal Affairs, 37, 76; participation in WGDD, 13, 16, 17, 20, 21, 24–6; self-determination policy, 24, 26, 52; settlement history, 48, 54; treaty, 268–9
backlash against Canadian agreements, 183–5, 186, 189
Bagyeli people (Cameroon), 5
Bakgalagadi peoples (Botswana), 5
Bangladesh, 7; participation in WGDD, 15, 16, 17, 19, 20, 21, 23–4, 26; signatory to ILO Convention 107, 16
Barsarwa/San peoples (Botswana), 5
Bayer AG, 230
belated State-building (term), 118, 123, 124–5, 127, 128
benefit sharing, 229, 230, 236–44
Berman, Howard, 3
bi-legal systems, 222
Bill of Rights for Australia, 219, xxii
Biodiscovery Discussion Paper (Queensland), 231, 242, 243
biofraud, 236, 241, 243, 244
biological diversity, 228–47
Blount, James, 141
bombing practice in Hawaii, 151–2
border crossing freedoms for Saami, 250, 252
Borroloola Land Claims, 36–8
Botswana, 5
boundaries, national, 4, 6, 50, 52, 163, 197
boundaries, traditional, 38, 195, 200, 249, 250, 257
Bradley, John, 36, 38, 40
Brazil, 26, 234, 243
Brennan, Frank, 84, 277
Brennan, Justice, 270, 277, xxii
Bristol-Myers Squibb, 240
British Columbia, 57, 181–4, 185, 186, 268, 275, viii; see also Nisga’a Nation
British Columbia Treaty process, 183–4
British sovereignty over Amerindian nations, 172–3
British subjects, 121, 277
Buala Communique, 167
burial site desecration in Hawaii, 145–6, 149
Burke, Edmund views on constitutionalism, 178–83
Calder case (1971), 57, 181
Cameroon, 5
Campbell, Gordon, 182–3
Canada, 170–89, 266–8;
Comprehensive Claims Policy, 23;
Constitution, 173, 175–6, 177,
180, 218, 266; Criminal Code, 267; Indigenous sovereignty within the nation, 3, 52, 279 (see also Nunavut Territory); Legislation:
Constitution Act 1867, 173;
Constitution Act 1892, 218, 266;
Indian Act 1876, 173, 177;
Parliament: Special Constitutional Committee, 175–6; participation in
Unfinished Constitutional Business?

canoe in Hawaiian history, 150
Cape Barren community (Tasmania), 90
Cape York Land Council, 57
Caribbean Community (CARICOM), 6
Caribbean land issues, 10
cartel over biological diversity, 232–6, 239
CBD, see Convention on Biological Diversity
Central Kalahari Game Reserve, 5
CERD, see Committee on the Elimination of All Forms of Racial Discrimination
Certificates of Origin on products utilising biological diversity, 236
Charlottetown Accord, 177, 179, 188
Charter for Regional and Minority Languages, 259
Charter of Rights and Freedoms (Canada), 177, 267
Chávez, Hugo, 234, 245
Chavez, Luis-Enrique, 26
Chittagong Hill Tracts, 24
Christie, Nils, 211, 212
CHRWG, see Commission on Human Rights Working Groups
circumpolar culture, 250
citizenship, 13, 14, 38, 47, xviii; for Australian Indigenous people, 48–64, 70, 82–3, 88; for Canadian indigenous people, 182, 186; in Norfolk Island, 85–6
civil disobedience campaign, 91
Clark, Geoff, 77
Cleveland, Grover, US President, 141, 144
climate change in Hawaii, 151
Code of Ethical Practice for Biotechnology in Queensland, 241, 243–4
collective rights, 1, 2, 6, 10, 16, 59, 83, 107, 278; in Australia, 63, 64–5, 83; in international law, 11, 16, 27–8, 29, 221, 236
Collingwood Football Club, 82
colonialism, 4, 6, 38, 47, 191, 193, 194, 198, 199, 202, 251, xv–xxiii; in Australia, 25, 32–3, 47–9, 63, 66, 68, 70, 277; in North America, 171, 206; in Solomon Islands, 160, 163
commerce in Hawaii, 135, 137, 138
Commission on Human Rights (CHR), 14–15, 19, 26, 27, xvii
Committee of Public Safety (Hawaii), 140
common law, 82, 165, 218, 277, 278, xvi; New Zealand, 124
Commonwealth Association of Indigenous Peoples (CAIP), 8, 11–12
Commonwealth Development Corporation, 167
Commonwealth Foundation, 8–9; report on the Indigenous peoples of New Zealand, 9
Commonwealth Heads of Governments Meeting (CHOGM), 11, 12; Declarations, 6, 7, 8
Commonwealth Health Ministers Meeting, New Zealand, 2001, 10
Commonwealth Human Rights Initiative (CHRI), 8, 11
Commonwealth Inter-Governmental Association, 8, 13
Commonwealth Law Ministers Meeting 2002, 10
Commonwealth Non-Government Organisations, 8, 11, 12
Commonwealth of Nations, 1–31; lack of participation in Draft Declaration, 6, 17, 20, 29
Commonwealth People’s Communiqué, 8, 12
Commonwealth Public Inquiry into Access to Biological Resources in Commonwealth Areas, 243
Commonwealth Secretariat, 7, 8, 9–10
Commonwealth Working Group on Traditional and Complementary Health Systems, 10
communal decision-making, 56, 96, 139, 162, 193–4, 203–7
communal sovereignty, 193, 194
community dispute management, 210–5
community justice initiatives, 58
community traditional knowledge of genetic resources, 236–41
compensation, 65, 82, 237, 238, 240; in New Zealand, 123; in Solomon Islands, 166–7; to Saami peoples, 255, 273
competition over biological diversity, 231, 232, 233, 237–8, 241–2
compounds derived from biological diversity, 230
confederacies in America, 197, 205, 206, 207, 208
Conference of the Parties to the Convention on Biological Diversity (COP), 231–5
colonized colony, 277, xvi
consent, see informed consent
conservation of genetic resources, 229, 232, 233, 235, 237
constitution, Fiji, 163; Finland, 272; Hawaii, 138, 139, 140; Norway, 255; Solomon Islands, 159–65, 167–8, xx; United States, 113, 114
Constitutional Review Committee (Solomon Islands), 167
constitutional rights, 57, 108, 269, xx, xxi; Australia, 48, 56, 57, 70, 219, 249, 268, 279, xvi, xxii; British North American colonies, 172; Canada, 18, 21, 171, 173, 175–80, 182, 266, 267; for Saami, 248, 251, 253–6, 259–60; New Zealand, 23, 114, 121, 124, 126 (see also Treaty of Waitangi)
constitutionalism, 107, 171, 178–83, xx
consultation rights, 4, 96, 265, 266
contractualism, 118, 120, 125–7
Constitution of the Elimination of Discrimination Against Women, 67
Constitution on Biological Diversity, 228–33, 241, 244–5; non-ratification by United States, 230, 231–2, 243; Special Protocol (proposed), 235–6, 239
Constitution on the Elimination of All Forms of Racial Discrimination (CERD), 22–3, 25, 67; Recommendation XXIII, 5, 19
Cook, Captain James, 135, 137
cooperative programs in Nordic countries, 250
COP, see Conference of the Parties to the Convention on Biological Diversity
corruption, 79
cosmology of Kanaka Maoli, 155
Costa Rica, 240, 243
Council for Aboriginal Affairs, 32
Council for Aboriginal Reconciliation, 55, 84, 218–9, 268–9; survey, 77
Council of Europe, 259
Council of Ministers (Solomon Islands), 163
courts, 35, 37, 41–2, 164, 213–4, see also under names of individual courts
Cree Nation, 22
criminalisation, 47, 49, 50
crown lands, 34, 88, 90, 92, 124; 132; New Zealand, 124, 132
cultural renaissance in Hawaii, 149–51, 152, 153–7
cultural rights, 2, 13, 64, 66, 221, 222, 253, 274, see also International Covenant on Economic, Social and Cultural Rights; denied in Hawaii, 134, 138, 145–6; of Saami, 253
customary law, 10, 210, 215, 217, 222, xviii; in Australia, 55, 216, 218, 219; in Solomon Islands, 159, 164, 165, 166
decision-making processes, 5, 58, 96, 162, 193–4, 207–8
Declaration of Independence 1835 (New Zealand), 120, 131
Declaration on Friendly Relations, see United Nations; General Assembly; Friendly Relations Declaration
decolonisation, 21, 24, 32–33, 47, 126, 183–6, 190, 208, xxi
Deeds of Settlement (New Zealand), 125
deep colonising (term), 32–33, 43, 49
Unfinished Constitutional Business?

deforestation programmes, 5, 263–4, 275
Delgamuukw decision (Canada), 179, 186
Dene Nation, 174, 181, 183, 184
Department of Aboriginal Affairs (Australia), 24
Dialogues on Indigenous Rights in the Commonwealth, 11, 12–13
differential citizenship (term), 58–9
discriminatory legislation in Australia, 48–9, 62, 67
diseases introduced into Hawaii, 137
dispossession of indigenous populations, 5, 10, 38, 96, 219, 261–2, 277, xvi
dispute management, 58, 68, 69, 93–104, 159, 165, 210–27, xxii
disputes over use of Saami land, 263–5
documentation of land claims, 42
Dodson, Mick, 15, 55
Dodson, Patrick, 76, 268–9
Dole, Sanford, 142
Draft Declaration on the Rights of Indigenous Peoples (2000), 1, 13–28, 54, 65, 67, 259; Article 3, 3, 13–28, 170, 179, 215–6, xvii; Article 8, 2, 29; Article 4, 14; lack of Commonwealth participation, 6
Dukelow, Oliver, 153
Duro v Reina, 53

Earth Summit, Rio+10, Johannesburg, South Africa, 234
ecological sustainability, 243
ecological effects of armed conflict in Solomon Islands, 166–7
economic implications of biological diversity, 230, 231, 232–6, 239–40
economic rent for biological diversity, 232, 233, 235, 236, 239, 243, 244
economic rights, 2, 13, 32, 83, 124, 194
Ecumenical Coalition for Third World Tourism, 147
educated Indigenous people in land claims, 40, 41
education, Hawaii, 149–50, 153–4; of Saami, 258, 266

Eisenhower, Dwight, US President, 151–2

Elections, Australia, 85, 87, 91; Canada, 183, 267; New Zealand, 108–9, 110, 112, 114; Papua New Guinea, 162; Saami Parliaments, 249, 253–4, 256; United States, 113
employment, 51, 68–9, 84, 145, 242; merit system, 68–9; opportunities through self-government, 84
environment, 231, 257, see also United Nations Environment Programme
environmental damage, 4, 148, 151–3, 244
environmental rights, 14, 90, 182, 194, 221, 266
equal respect principle, 194
equal rights, 14, 61–2, 83
equality before the law, 48, 49, 51
ethnobioprospecting, 236–41
European Community law, 259
European Convention on Human Rights and Freedoms, 259
European Union, 5, 6, 259, 265
exclusionary processes, 47, 48, 50, 62, 75, 107

Federally Administered Tribal Areas (Pakistan), 21
Ferdinand, King of Spain, 197
Fiji, 7, 15, 16, 17, 163
Fijian Council of Chiefs, 87
financial settlement of Treaty of Waitangi claims, 122, 132
First Nation Indian-European relations in North America, 171–2
First Nation sovereignty, 113, 114, 129
fishing rights, in Canada, 185, 275; Norway, 252, 255; Sweden, 260
forensic anthropology, 41, 46
Foucault, Michael, 53, 74
Framework Convention for the Protection of National Minorities, 259
Framlingham (Victoria), 90
free speech rights, 75, 76
Friday, Graham, 37
fund from net sales of biotechnologies, 236
genealogies, 35, 39
General Agreement on Tariffs and Trade TRIPS agreement, 233
genetic resources, 228–47
Genetically Modified Organisms, 243–4
Geronimo, 206
Geve, Fr Augustine, 166
Ghana, 7
global Indigenous movements, 198, 199, 206–7
globalisation effects, 50, 221, 222, 260–1
governance, 3, 9, 48, 53, 58, 63, 121, 184, xv, xvii; Hawaii, 138; Solomon Islands, 159–69
governance, Indigenous, 3, 48, 51, 55, 56, 63–7; Canada, 179–82, 248, 267 (see also Nunavut, Nisga’a); New Zealand, 120, 121, 124; Solomon Islands, 161
government in Hawaii, loss of Kanaka Maoli representation, 138
Gray, Justice, 36–7
Guadalcanal Liberation Front, 166
Guadalcanal Provincial Assembly, 163–4
Guadalcanal Revolutionary Army, see Isatabu Freedom Movement guaranteed political representation, 107, 108, 110, see also identified Parliamentary seats
Guyanese Amerindians, 5
Hall, Dana, 146
Hall, Harry, 78
Hanson, Pauline, 75, 76, 81
Harare Commonwealth declaration, 1991, 6, 7
Harjedalen dispute, 261, 274
Havemann, Paul, xv
Hawaii, treatment of Indigenous people, 133–58
Hawaiian Declaration, 147–8
Hawaiian Homes Commission Act, 143
healers, traditional, 10
health and well-being through self-determination, 203, 208
Helm, George, 153
Herron, John, 76
High Commissioner for the Western Pacific, 160
High Court of Australia, 24, 82, 84, 261, 267, 268, 270, xvi
High Court of Solomon Islands, 164
Hoa Aina O Makaha (Oahu), 153–4
Hokulea (Hawaiian development project), 149
Hokulea (Kanaka Maoli canoe), 150–1, 155–6
Homelands, Hawaii, 143, 145, 148
Honiara, 163, 166
hotel construction, Hawaii, 145–6
housing, Hawaii, 146, 148
Howard Government (Australia); attitudes to Indigenous issues, 25, 74–81, 83; opposition to Article 3 of Draft Declaration, 17, 21, 24, 35
Howard, Jeanette, 77
Howard, John, 76
human rights, 107, 198, 221, see also Commission on Human Rights; National Human Rights Institutions; international law, 1, 9, 28, 133, 210, 214, 217, 220, 221–2, 262–6; international laws in domestic legislation, 222
Human Rights and Equal Opportunity Commission (Australia), 69
Human Rights Committee (UN), 4, 7, 22, 156, 220, 262–3, 264, 265
human rights in Hawaii, advocates for, 141, 142, 144; loss of, 137–40, 143–45
Unfinished Constitutional Business?

hunting rights, Norway, 252, 255;
Sweden, 260
hydroelectric power plant, Alta,
Norway, 255

ICCPR, see International Covenant on
Civil and Political Rights
ICESCR, see International Covenant
on Economic, Social and Cultural
Rights
identification with country, 39
identified Parliamentary seats, 106
identity, 38, 39, 40, 84, 86, 91, xxi;
proof of, 35–6, 43
Inari Court of First Instance, 263
INBio, 240, 243
incorporation process, 33, 38
Independence Constitution (Solomon
Islands), 159
India, 5, 7, 16; participation in the
WGDD, 16, 17, 20, 29
Indian lands obtained for settlement in
Canada, 174
indigeneity, 195–200; definition,
191–2
Indigenous and Tribal Populations
Convention 107 (1957), 7
Indigenous autonomy within nations,
2, 3, 22, 57, 86–92, 107, 175–8,
179, 190
Indigenous dispute resolutions, 210–27
Indigenous leadership, 23, 87, 95,
139–42, 162–5, 167, 199, see also
Aboriginal leadership
Indigenous peoples, definition, 2, 11,
18, 24, 210, 251, 277
Indigenous political representation,
106–15
Indigenous sovereignty, 113–4, 172;
in Australia, 54, 64, 82, 83, 86–92,
277
Indigenous women, 61–73, 62–7, 69,
70
Indigenous-State relations, 22,
118–32, 171
individual rights, 2, 11
individual sovereignty, 193
Informal Intersessional Consultation,
Geneva, 2002, 28
information as a commodity, 232–3
informed consent, 4, 5, 19, 52–3,
101–2, 126, 171, 234, 239, 241
intellectual property holders, 236
intellectual property rights, 10, 66,
228, 233, 236
International Bill of Rights, 133, see
also International Covenant on
Economic, Social and Cultural
Rights (ICESCR), International
Covenant on Civil and Political
Rights
International Cooperative Biodiversity
Groups (ICBG), 231
International Court of Justice, 220, 278
International Covenant on Civil and
Political Rights (ICCPR), 216, 220,
221, 249, 255; Article 1, 1, 14, 19,
216, 250; Article 27, 4, 253, 259,
260, 262, 263, 264, 265
International Covenant on Economic,
Social and Cultural Rights
(ICESCR), 7, 220, 221, 249;
Article 1, 1, 14, 19, 250
International Decade of the World’s
Indigenous People, 15
international human rights law, 1, 9,
28, 133, 210, 214, 217, 220,
221–2, 254, 255, 262–6, xxii
International Indigenous Women’s
Conference (1989), 64
international intellectual property
protection, 233
International Labour Organisation,
4, 6, 7, 257; Convention 169
Concerning Tribal and Indigenous
Peoples, 4, 18, 251, 255, 257–8,
259, 268, xxii
international law, 1, 222
influence on domestic Indigenous
policies, 222, 269; sovereignty, 52
International Organisation of
Indigenous Resource Development, 19
International Plant Medicine
Corporation, 238
international policing, 53
International Work Group for
Indigenous Affairs (IWGIA), 3,
16–17, 21, 23
intertidal zone claims, 38
Index

Inuit governance, 3, 22, 180, 248, 249, 267–8
Inuktitut language, 180
Isaac, Annie, 33
Isatabu Freedom Movement, 166
Islands in the Sun: the legal regimes of Australia's external territories and Jervis Bay Territory, 86
IWGIA, see International Work Group for Indigenous Affairs
IWGIA report, 23, 27
Johnson, William, 172
Jones, Roger, 177–8
Judd, Gerrit P., 138, 139
Judicial and Legal Services Commission (Solomon Islands), 164
Jumma people (Bangladesh), 24
justice systems, 41, 48–51, 54–9
Ka Pae Aina, see Hawaii
Kahoolawe, Hawaii, 151–3
Kalakaua, King David, 139
Kalkaringi Statement, 56
Kamehameha V, 139
Kenbi Claim, 40
Keke, Harold, 166
Kenilorea, Sir Peter, 167
Kennedy, John, 206
Kenya, 5, 16, 17
Kerr, Duncan, 85–6
Kimberley community, 90
Kimberley Land Council, 57
King, Martin Luther, 206
Kingstown Declaration on Land and Development, 10
kinship in Maori disputes, 95, 96, 99, 100, 102
kinship structures, 39, 66
knowledge, traditional, 40, 41–2, 66
Koori Grapevine 2002, 77
Korsmo, Fae, 252, 269
Kuhio, Prince Jonah, 143
Kula Kaiapuni Hawaii school, 150
Labrador Inuit, 184
Land, as the basis of Indigenous economy, 83, 88, 90, 239–41; dispossession of traditional owners, 5, 10, 38, 96, 219, 261–2, 277, xvii; Hawaii, 138–9, 144, 148–9, 152–3; identification with, 5, 195–7, 207–9
land claims, Australia, 34–8, xvii–xviii; Canada, 177, 179, 180, 181, 184, 270; Hawaii, 151–2; New Zealand, 118–27
Land Commissioners, 34, 36–7
Land Councils, 32, 34, 40
land rights, 4, 5, 16, 32, 33–4, 65, 121, see also native title; Australia, 25, 33–46, 49, 51, 65, xvii–xviii; Canada, 22, 173–4, 180–2; for Saami people, 248, 249, 252, 255, 257–8, 260–5, 268
land title, 65, 121, see also native title
landowners in Queensland and biological diversity, 241
Langton, Marcia, 65
language, banning of Hawaiian language, 149; immersion schools in cultural revival in Hawaii, 149–50; Inuktitut official language of Nunavut, 180; Maori and English versions of Treaty of Waitangi, 121, 130; non-English speaking Maori MPs, 109; political use of, 74–5, 76; use of Saami language in Finland, 253, 254, 266, 272; vernacular languages in Solomon Islands, 159, 160
language schools, 149–50, see also Kula Kaiapuni Hawaii school
Lansmen case, 262–4, 274
Lapp Codicil 1751, 252, 272
Lapp Nation, 252
Law, see also and legislation under jurisdiction; common law; customary law; international law
Law Reform Commission of Solomon Islands, 165
laws in Australia, 36, 37, 54, 66–8, 84, 88–9, 91; movie made by Yanyuwa people, 46
laws of nature, 201
lawyers, 35, 36, 40–1, 211
leadership, 23, 78, 87, 95, 139–42, 162–5, 167, 199
Unfinished Constitutional Business?

legal systems, Western, 159, 164–6, 191, 199, 211, 213, 219, 222

legislative agreements, between New Zealand Crown and Maori tribes, 119, 120, 122–7; between states and First Nations in North America, 129, 178; Nunavut, 180

Lhukannguwarra Claim, 37–8

liberal democratic ideals, 61, 62, 63, 66, 67, 70, 107

Liliuokalani, Queen, 139, 140–1, 142

linguistic rights, 16, 29, 253, 258, 259, 262

local government powers and functions for Indigenous communities (proposed), 56, 89

Locke, John, 178

logging on Saami lands, 263–4, 275

_Mabo v. Queensland_ decision, 24, 82, 84, 249, 261–2, 267, 268, 277–8

Macdonald, Sir John A., 173


majority rule, restraints for, 107, 116

Malaita Eagle Force, 166

Malawi, 7

Malaysia, 3, 10, 212; participation in WPDD, 16, 17, 20

Malu Aina Center for Non-violent Education and Action, 154

Mamaloni, Solomon, 167

Manangoora Region Land Claim, 38

Maori Land Court, 93, 97–104

Maori language, 109

Maori people, 9, 23; dispute resolution, 93–105; legislation for, 93, 97–104, 218, 269; political representation, 106–17; representatives, 93–8, 99–104, 109, 110, 269; social structures, 93, 96, 97, 103, 104

Maori seats in New Zealand Parliament, 106, 108–12

Maori-State relations, 118–27

_Marshall I decision_ (Canada), 185, 186

Marshall, Chief Justice John, 173

Material Transfer Agreements (MTAs), 231, 235, 244

McArthur River Region Land Claim, 38

mediation process for resolving Maori disputes, 98–104

Meech Lake Accord, 177

memory and remembering, 196; in native title claims, 34, 41–2

Merck, Inc, 243

Merit Protection Agency, 69

metaphysics, 195–8, 200–2, 204, 206, 207

_Milirrpum V Nabalco Pty Ltd and the Commonwealth_ decision (Australia), 217

military forces in Hawaii, 135, 137, 140, 143, 151–3

Miller, Loren, 238–9

mineral rights, 65

mining, 5, 25, 34, 264–5

missionaries in Hawaii, 135, 137, 138, 139

Mixed Member Proportional representation (New Zealand), 111, 112

Mohawk people at Kahnawake, 184

Mokuula, Hawaii, 147

Molgot-MacGuigan Committee, 175–6

Muir, Hilda, 39–40

multi-nationalism in Canada, 175–8

Muotkarunturi Herdsmen’s Cooperative, 263

Murrir Magistrates Court (Queensland), 218

muru (Maori dispute resolution), 93–5

naming, 39

nation-building, 6, 47, 50, 124–5, 127

nation-building, Indigenous, 84–92

National Forestry Board (Finland), 263–4, 275

National Human Rights Institutions (NHRI), 9–10

National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, 55–6, 268

National Park System of Costa Rica, 240

native title, in Australia, 24–5, 82, 83, 88, 249, 261, 268, 277–8, xvi;
attempts to extinguish, 23, 25; Australia, 249, 261, 278; in Canada, 23, 57, 174, 180, 181
Native Title Act, 1993, 24, 262
Native Welfare conferences, 60
Natural Products Alert Website (NAPRALERT), 237, 238, 239
Nault, Robert, 184
navigators in Hawaii, 150, 151
negotiation of agreements, 22, 54, 65–6, 179
neo-colonialism (term), 47, 48, 49–51
New South Wales Legislative Council Inquiry (1998), 106, 115
Ngati Turangitukua Claims Settlement Act 1999, 119, 122
Nigeria, 16, 17
Nisga’a Nation Agreement with Canada and British Columbia, 181–4, 186, 266–7
nomadic pastoralism, 268, see also reindeer herding rights
Nordic Council, 258–9
Nordic nations, 26, 248–76, see also Finland; Norway; Sweden
Norfolk Island, 57, 85–7, xvii
Norman, Dinah, 33
Norman, Leonard, 33
North American Coordinate Center for Responsible Tourism, 147
North Australia Research Unit, 90
Northern Territory Aboriginal Constitutional Convention (1993), 56
Northern Territory Government, 36, 37
Northwest Territories (Canada), self-government negotiations, 181
Norwegian Society for the Conservation of Nature, 260
Novartis, 243
Nuclear Free and Independent Pacific, 154
nuclear technology, 244
Nuukavut Territory, 3, 22, 180, 248, 249, 267–8, 269, 270
Nu-chah-nulth Tribal Council on Vancouver Island, 184
Nysto, Sven-Roald, 249, 250, 260
Ogiek (Kenya), 5
Olympic Games, 91–2
One Nation Party, 75, 76
Orang Asli (Malaysia), 3
Organisation of American States, 6
ownership of conflict, 211, 213
ownership of Saami lands in Finland, 263–5, 268
ownership-sharing over genetic resources, 238, 239–40
Pacific Order in Council 1893 (UK), 160
paclitaxel, 230
Pakistan, 7, 107; participation in the WGDD, 16, 17, 20–1
palm oil production, 167
Papua New Guinea elections, 162
Pascoe, Bruce, 79–80
passports for Indigenous people, 91
pastoral leases, 23, 65
patrilineage, 38
peace education, 153–4
peaceful protest by Kanaka Maoli, 134, 140–1, 144, 153, 154
Pearl Harbour naval base, 143, 151
penology, 217
Pfizer Inc, 230
Pitcairn Island descendants, 57, 85
Unfinished Constitutional Business?

plant patents, 238–9
poem: ‘The politics of a racist game,’ [v], vi
policing, 47–60, xviii
political rights, 2, 21, 51, 83–90, 107, 221, 249, 266
political status, 1, 13, 22, 47, 50–1, 55, 64, 134, 137–8, xvi; of Saami peoples, 252–6, 259–60, 270
Polynesian culture, 135
Position of the Indigenous Delegates on Self-Determination, 13
Pouakani Claims Settlement Act 2000, 119, 122
prevention of non-ratified CBD countries from economic advantage in biotechnology, 235–6
Price-Anderson Act (US), 244
principle of strongest has right to prevail, 190–1
Principles for Crown action on the Treaty of Waitangi, 122
prisons, 219
privatisation of genetic resources, 228, 244
Privy Council Judicial Committee, 1888, 174
promotion of biotechnology, 244
property rights, 211–2, 229
protection of Maori assets, 121
Provincial Council (Solomon Islands), 163
public domain, 237–8
punishment, 217–8
Pushmataha, 205
Pyro, Jimmy, 33
Québec and Cree Nation agreement, 22
Québec nationalism, 18, 175–6
Queen of England, 160, 161
Queensland, citizenship rights on reserves, 60; competition over biological diversity, 241–2; indigenous seats in Parliament (proposed), 276; Legislation: Nature Conservation Act 1992, 243
Queensland Biodiscovery Policy Discussion Paper, 242, 243
Queensland Legislation Review Committee (1991), 56, 57
racism, 62–3, 67–70, 76, 82, 199, see also systemic racism
anti-racist strategies, 64
rangi tiriti (Maori assets), 121–2, 124
Reconciliation Convention (1997), 76
reconciliation in Australia, 25, 249, 268–9, 279, see also Council for Aboriginal Reconciliation
Redfern community, 90
referendum 1967, 48
regional agreements, 57, 181, 249
Regional Assistance Mission to the Solomon Islands, xx
registration of traditional landowners, 33, 34–5, 39, 43
reindeer herding rights, 251, 252, 258, 259, 262, 268, xxi; Finland, 253, 254, 262, 263–5; Norway, 252, 255, 260, 272; Sweden, 260, 261, 274
Reindeer Husbandry Act 1996 (Norway), 252, 272
religious imperialism, 136, 137, 138, 148, 190, 192, 197, 198–9
religious rights, 13, 14, 66, 152, 262
removal of children, 38, 55–6
reservations, Canada, 22
resource management, agreements with Indigenous peoples, 184; ahupaa model in Hawaii, 135, 136; joint Maori-State participation, 124
Revised Draft Universal Declaration on the Rights of Indigenous Peoples, 13
right to self-determination, 1–2, 3, 13–31, 52, 54, 186, 216, 220, 249, 250, 255, xvii; Australia, 17, 55, 56, 218; Canada, 21, 170–89; Saami people, 251–2, 255
right to work, 51
rights, see also Draft Declaration, and specific rights
Rio ’92, 231
riots at Old Parliament House, Canberra (1996), 75–6
road construction, Guyana, 5
road construction destroying Indigenous lands, 5, 34, 84
Robinson, Mary, 12–13
Rose, Deborah, 33, 35–6, 49
Rovaniemi Court of Appeal, 263–4
Royal Botanic Gardens–Kew, 240
Royal Commission into Aboriginal Deaths in Custody, 54; Queensland Regional Report, 219
Royal Commission on Aboriginal Peoples (Canada), 170, 177, 178–9
Royal Commission on the Electoral System (1986), 111
Royal Proclamation of 1763 giving constitutional arrangements for British North American possessions, 172, 173, 177, 181
royalties, 65, 90
from biological diversity, 231, 232, 235, 238, 239, 240, 242–3
Russian Saami, 251, 271
Saami Conference, 258–9
Saami Consultative Committee, 254
Saami Convention, 259, 270
Saami peoples, 248–76, xxi sacred site protection, 34, 66
sacred sites, 195–6; Hawaii, 145–6, 147, 152
safeguarding communitarian rights, 218–9, 222–3
sale of Maori land, 109
San (Bushmen), 16
Sápmi (Saami territory), 251
Saxon-American dispute management, 212
Schedule 1 grants for Aboriginal land, 34–5
Scheinin, Martin, 259, 262, 263, 264
Scott, Kim, True Country, 78–9, 80
sea rights, 65, 267
Seccombe, Mike, 77, 81
secession, 2, 20; proposals in Canada, 175, 176, 188
Secoya community (Ecuador), 238–9
secrecy over ethnobiology not in public domain, 238
self-determination (term), definition, 106–7, 190, 192, 200–3, 249–50
(see also rights to self-determination)
self-government, 2, 14, 20, 22, 249, 278, see also indigenous sovereignty; for Saami, 252, 258, 266;
in Australia, 54–7, 65, 82–92, 219;
in Canada, 3, 22, 57, 171, 176–85, 267; in Hawaii, 141, 149
self-identification, 2, 35, 84, 191
settled colonies, 54, 173, 277, 278, xvi shaman, 240–1
shared government, 106, 171
Sir Edward Pellew Group of Islands, 36
Skattefjall, see Taxed Lapp Mountains Case
social justice in Australia, 15, 55
social service delivery in Australia, 64–5, 90
Society of Pitcairn descendants, 85–6
socio-economic status, 64
Solomon Islands Independence Order, 1978, 160
South Africa
South Dakota decision to take Indigenous lands, 208, 209
South Island, New Zealand, 132; legal agreement, 119, 123–5
sovereignty, 47, 51–4, 190, 192–3, 203–7, 208, 277–9, xviii; Canada, 174–5, 176; Hawaii, 143;
Indigenous sovereignty, 54, 64, 82, 83, 86–92, 113, 119, 277; New Zealand, 23, 121; over genetic resources, 229, 231, 232, 235
Saami people, 251
Spain, 26
spiritual relationship with natural world, 135, 136, 146, 147, 153–7, 194, 198, 201–2
spiritual rights, 2, 13, 35, 65, 66
Sproat Ohana, 154–5
Sri Lanka, 17
Unfinished Constitutional Business?

Statehood convention, Darwin (1998), 56
statehood for Hawaii, 143
Stevens, John L, United States
Minister, 140
stolen generation, 25, 38–40, 76–77, 268
Strathclyde Institute for Drug
Research, 240
Stromstad Treaty which defined
Swedish–Norwegian borders, 271
Sub-Commission on Prevention of
Discrimination and Protection of
Minorities, 14–15
sugar companies in Hawaii, 143
Supreme Court of Canada, 23, 185, 188, 189
Supreme Court of Norway, 260
Supreme Court of Sweden, 260
Surinam, 240
sustainability of cultures, 190
sustainable development, 10–11
Svensson, Tom G., 248, 249, 269
Swan Valley Noongar Community, 77
Sweden, cases on Saami land rights,
260–2; government relations with
the Saami, 255–6, 257, 260, 261
Switzerland, 26
systemic racism, 69
tainted evidence (term), 40
Tanzania, 17, 212
taro (sacred plant of Kanaka Maoli),
135, 147, 153, 156
Taxed Lapp Mountains case, 251,
260, 271
taxonomy, 235
Tecumseh, 205
terra nullius, 24, 182, 278
territorial integrity, 19–20, 21, 23–4
Thailand, 212
Thompson, Nainoa, 150
tought, 202–3
tikanga Maori (law), 99, 100, 102
Toohey, Justice, 36
Torres Strait Regional Authority, 57
Tourism, Hawaii, 143, 145–8
Townsville Agreement, 166
traditional connections with the land;
Australia, 261–2

traditional knowledge of ethnobi-
ology, 236–41
traditional landowners, 33, 34, 42, 64
Trask, Haunani Kay, 137, 138–9
treaties, 51, 52, 70, 119, 120, 128–9,
139, 172, 180, 278
Treaty of Waitangi, 9, 23, 96, 111,
112, 114, 117, 119, 120–4, 126–7,
129, 130–1, 278, xvi
Treaty on the European Economic
Area, 265
tribal allegiances, 159, 160, 162, 166
Trudeau, Pierre, 176
Ulufa’alu, Bartholomew, 166
United Airlines, 145
United Kingdom, annexation of
Hawaii, 136, 138; government of
Solomon Islands, 160; participa-
tion in the WGDD, 16, 17, 20, 27;
self-determination policy, 27
United Nations, 7, see also
Committee on Economic, Social
and Cultural Rights; Human
Rights Committee and other
organisations under its jurisdiction;
Charter, 19, 20; Declaration on
Granting Independence to Colonial
Countries and Peoples (1960), 185;
General Assembly, 156; Friendly
Relations Declaration, 20, 21, 28;
Secretary-General’s report, 2002,
25; High Commissioner for
Human Rights, 12–13; Security
Council, 220; World Summit on
Sustainable Development (WSSD),
10
United Nations Environment
Programme (UNEP), 231
United Nations International Decade
of Indigenous People, 258
United Nations List of Non-Self-
Governing Territories, 143
United Nations Working Group on
Indigenous Populations, 258

292
Index

United States, Constitution, 113, 114, 205; National Register of Historic Places, 152; Navy, 140, 151–2; non-ratification of CBD, 230, 231–2, 245; recognition of Indigenous sovereignty, 52
United States in Hawaii, 139, 140–9, 151–3
United States Supreme Court, 53
Universal Declaration of Human Rights 1966, 220–1
University of Illinois–Chicago, 240
urban Indigenous people, 40, 97, 118
values, 153–7, 196–7, 200, 206
Vancouver, Captain, 136
Venezuela, 234, 245
Vienna Declaration and Programme of Action, 19
violence, Government reaction to, 76
voting in elections, 85, 108; Hawaii, 139; Pakistan, 21; Solomon Islands, 162
Waikato Rauapuha Claims Settlement Act 1995, 119, 122–4, 125, 132
Waikiki, 147
Waipa Ahupuaa Learning Center, 154–5
Waitangi Tribunal, 122
Warnarrwarnarr-Barranyi Claim, 36–7
weapons in Hawaii, 136
welfare policies, 51, 278
Western political systems, in Hawaii, 136, 137, 139; in Solomon Islands, 159, 160–3, 167
Western Sahara case, 277, 278
WGDD, see Working group on the Draft Declaration
WGIP, see Working Group on Indigenous Peoples
White Australia policy, 62
white government in Hawaii, 140
White House, Washington, 156
white male supremacy, 62, 67, 68, 69
white race privilege, 62–3, 66, 68–71, see also colonisation
Whitlam Labor government (Australia), 24
Williams, Nicole, [v]–vi
Wilson, Woodrow, US President, 142, 143
women, 61–73, xviii; in land claims, 33, 39–40
women’s conferences, 64–5, 67, 70
Working Group on Indigenous Peoples (WGIP), 1, 2, 13–15, xv
Working Group on the Draft Declaration on the Rights of Indigenous Peoples (WGDD), 1, 3, 15–29
World Bank, 5
World Conference on Human Rights 1993, 19
World Conference on Women, Beijing (1999), 67
World Summit on Sustainable Development, 10
Wowovka, 206
WSSD, see World Summit on Sustainable Development
Yanyuwa people, 33, 36–40, 46
Yorta Yorta people, 276, xvi
Yukon self-government, 180–1
Zimbabwe, xvi

293