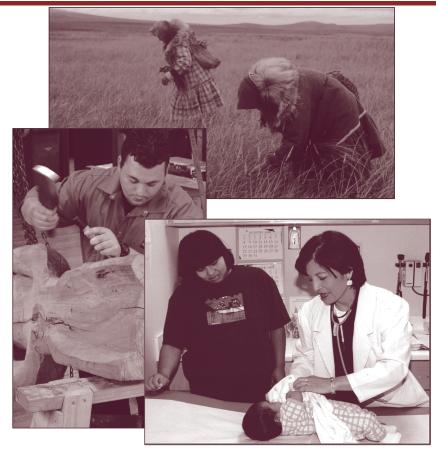# Indigenous Peoples, Poverty and Self-Determination in Australia, New Zealand, Canada and the United States

by Stephen Cornell

Native Nations Institute
for Leadership, Management, and Policy

The Harvard Project
on American Indian Economic Development

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NATIVE NATIONS INSTITUTE
FOR LEADERSHIP, MANAGEMENT, AND POLICY
Udall Center for Studies in Public Policy
The University of Arizona
803 East First Street, Tucson, AZ 85719
Tel 520 626-0664 Fax 520 626-3664
http://nni.arizona.edu

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HARVARD PROJECT ON AMERICAN
INDIAN ECONOMIC DEVELOPMENT
John F. Kennedy School of Government
Harvard University
79 John F. Kennedy Street, Cambridge, MA 02138
Tel 617 495-1480 Fax 617 496-3900
http://www.ksg.harvard.edu/hpaied

Indigenous Peoples, Poverty and Self-Determination in Australia, New Zealand, Canada and the United States

Stephen Cornell

About the Author

Stephen Cornell is Professor of Sociology and of Public Administration and Policy and Director of the Udall Center for Studies in Public Policy at The University of Arizona, where he also is a Faculty Associate of the university's Native Nations Institute for Leadership, Management, and Policy. He co-founded and today co-directs the Harvard Project on American Indian Economic Development. His Ph.D. is from the University of Chicago. He taught at Harvard University and the University of California, San Diego, before joining the Arizona faculty in 1998.

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Australia, New Zealand, Canada and the United States are among the world's wealthiest nations.[1] It is an often noted irony—and an occasional source of embarrassment to the governments of these countries—that the Indigenous peoples within their borders are in each case among their poorest citizens. The irony is either explained away or made all the greater, depending on your frame of mind, by the fact that the wealth of these countries has been built substantially on resources taken from these peoples, whose poverty—in the grand scheme of things—is a recent creation.

Although my interest is not in the sources of Indigenous poverty but in how to overcome it, this poverty is the subject of this paper. In what follows, I consider the comparability of Indigenous peoples' situations in these countries, including the mismatch in all four cases between Indigenous demands for self-determination and state programs to address socio-economic disadvantage. I then summarize evidence from the United States that Indigenous self-determination and self-government are essential bases for improving the socio-economic conditions of Indigenous peoples,

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1. For example, according to the United Nations Development Progamme's 2002 *World Development Report*, in 2000 Canada ranked third among countries of the world, Australia fifth, the U.S. sixth, and New Zealand nineteenth on the Human Development Index, which combines indicators of knowledge, individual longevity and the standard of living in each country (United Nations Development Programme 2003).

explore some of the issues raised by this evidence, and conclude with implications for policy-makers.

One might ask whether U.S. evidence on Indigenous poverty is relevant to the three other countries listed above. There is as yet little systematic research that addresses the point, and this paper draws most directly on work carried out with American Indian nations in the United States. My colleagues[2] and I have done additional, but less comprehensive, research with First Nations in Canada and have had only preliminary discussions about governance and development issues with Maori and Aboriginal peoples in New Zealand and Australia.[3] Consequently, the conclusions I draw from non-U.S. research are necessarily speculative. Nevertheless, they are worth exploring. In all four countries, Indigenous poverty has been not only deep and widespread but persistent, defying policy prescriptions. Both Indigenous peoples and the states that seek to address this problem face daunting challenges. What works in one country may hold lessons for others. At the very least, it may point research in productive directions.

Differences

Do the historical and cultural differences among these four countries and their Indigenous peoples overwhelm the insights we might draw from any one of them? What grounds have we for thinking that what works in one might be relevant to the others?

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2. "Colleagues" in this context refers to the community of scholars, practitioners and students concerned with indigenous governance and development issues and affiliated with the Native Nations Institute at The University of Arizona and the Harvard Project on American Indian Economic Development at Harvard University.
3. Although some of us have served as advisors on research efforts in both countries.

Obviously the differences are substantial, both historically and today. For example, Britain recognized Maori sovereignty over the North Island of New Zealand early on and then, over the years, set out to extinguish it. In contrast, it gave no recognition to Aboriginal sovereignty—or even occupancy—in Australia. Warfare between Indigenous groups and European settlers and states was frequent and at times prolonged in the United States and New Zealand, but much less common in Canada and Australia. Serial treaty-making took place in Canada and the United States, but was unknown in Australia, while treaty-making in New Zealand was limited to the Treaty of Waitangi in 1840—itself quite a different enterprise from Canadian and U.S. treaty-making (Pocock 2000)—which, despite the refusal of some Maori to sign it, was viewed by the Crown as establishing British sovereignty over the whole of the North Island.

Likewise, once European control had been established, the administration of Indigenous affairs differed in numerous ways among these countries. In the United States, for example, relations with Indian nations have been under the exclusive control of the federal government, with individual states playing only a minor role. In Canada, on the other hand, despite the prominence of the federal government, the role of the provinces in relations with First Nations has been substantial, especially in recent years (Morse 1998). In Australia, the administration of Aboriginal affairs largely ignored "tribal" boundaries and often fostered a mixing of peoples, while such boundaries eventually became the basis of the organization of relations with American Indians, and both treaty-making and the administration of Indian affairs in many cases rigidified group boundaries or introduced new ones. We could point to numerous other legal, political and organizational differences in the history of Indigenous-settler relations in these four countries.

Today, numerous differences remain, from the details of Indigenous relations with central governments to land rights, from demographics to socio-economic conditions. Neither the relative size of the Indigenous land bases nor the officially

recognized rights of Indigenous peoples to land are the same in all four countries. Recognition of Native title and restoration of some land rights to Aboriginal Australians are very recent, while most American Indian nations have exercised at least some jurisdiction over reserved lands for decades and, in some cases, much longer, and some of those reserved lands are extensive. Many First Nations in Canada have some measure of control over reserved lands, but in nearly all such cases the lands are miniscule in extent, while Maori, having suffered massive land losses over the years, have been engaged in a major effort in recent decades to regain significant lands and resources.

In all four countries the Indigenous populations are small, but not equally so. At the turn of the twentieth century, Indigenous peoples made up approximately 1.5 percent of the overall U.S. population, just over 2 percent of that of Australia, more than 4 percent of that of Canada, but close to 15 percent of the population of New Zealand.[4] Tribal or equivalent groups range widely in size from populations of under one hundred, found in each country, to the Navajo Nation in the United States, more than a quarter of a million strong. More than half of the Indian population in the United States live in urban areas; an even higher percentage of Maori do. While many Aboriginal Australians likewise live in cities and towns, they are much more likely than American Indians or Maori to live in remote regions. Indigenous groups are among the poorest populations in each country, but there are significant differences in social and economic conditions. In Australia, for example, Aboriginal life expectancy at birth in 1991 was 59.6 years but was 70.5 years for New Zealand Maori and registered Indians in Canada and 73.5 years for American Indians and Alaska Natives in the United States (Beavon and Cooke 2001).[5]

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4. The figure for the U.S. is from <www.census.gov/prod/2002pubs/c2kbr01-15.pdf>; for Australia, from <www.abs.gov.au/Ausstats/abs%40.nsf>; for Canada, from <www.ainc-inac.gc.ca/nr/wc/bdg2k3h_e.html>; for New Zealand, from <www.stats.govt.nz/domino/external/pasfull/pasfull.nsf/web/Media+Release+2001+ Census+Snapshot+16+Iwi?open>. All were accessed in March 2003.
5. For additional information on indigenous poverty in these four countries,

COMMONALITIES

Although there are clear differences there are, however, also substantial similarities among these four locations and the situations of their Indigenous peoples. The following seem particularly important and grounds for comparative inquiry.

- All four are settler societies, states in which "the predominant population arises from immigrants and the Indigenous population has become a displaced minority" (Perry 1996: 167).

- All four contemporary societies are of predominantly British heritage. Not only did immigrants from Great Britain long dominate settler populations, but all four legal and political structures draw heavily on English political traditions and common law. All are predominantly English-speaking societies today.

- Furthermore, as Moran (2002: 1015-16) points out, "countries like the United States, Canada, New Zealand and Australia, despite important differences, are all structured by the fact that they are predominantly English-speaking settler cultures which have to a large extent supplanted indigenous peoples."

- But this fact structures not only these countries; it profoundly structures the experience of their Indigenous peoples as well. In all four, supplanting these peoples has entailed enormous Indigenous resource losses, the eventual destruction of Indigenous economies and a good deal of social organization, precipitous population declines, and subjection to tutelary and assimilationist policies antagonistic to Indigenous cultures (for a summary of the record in three of the four, see Armitage 1995).

see Hunter (1999), Royal Commission on Aboriginal Peoples (1996), Durie (1998: ch. 4), Henson et al. (forthcoming).

▪ In all four cases, this history had catastrophic and long-lasting effects on the original inhabitants. As noted above, Indigenous populations in each of these societies are at or near the bottom of the scale of socio-economic welfare.

▪ Despite this record, the disruptions and displacements that have occurred in each of these societies have not resulted in the complete disappearance of Indigenous peoples, either through warfare and disease or through assimilation. In each case, Indigenous populations survive, many of them not simply as aggregations of individuals but as distinct communities concentrated on remnant lands that have been the keys to their survival and over which they exercise varying levels of control.

▪ Furthermore, in all four cases Indigenous populations—either as individuals or as communities—have long occupied legal positions that differ in critical ways from those of mainstream populations. These positions vary from country to country and have changed over time, but Indigenous legal distinction vis-à-vis the mainstream has been a prominent feature of each country's history. Among the issues debated in all four countries and not entirely resolved in any has been that of the rights of Indigenous peoples to govern themselves in their own ways and to shape their relations with encompassing societies in ways of their own choosing—in short, rights to self-determination. These rights have been variously challenged, ignored, undermined, acknowledged or modestly supported over the years and across these cases, but as the twenty-first century gets under way, they remain at the very heart of Indigenous concerns and of inter-group tensions in each case.

These commonalities suggest that comparative inquiry across these four countries is by no means misplaced. On the contrary, the mix of convergence and variance invites comparison: Why have the patterns of inter-group relations and of Indigenous political and economic development varied in the ways they have?

The present inquiry, while prompted in part by these commonalities, begins with a further pattern shared across these countries, but not included in the above list: the gap between Indigenous political assertions and the responses of states.

Indigenous assertion and state response

Recently a senior official of the Canadian government remarked, in a private conversation, that the government of Canada was quite willing to address issues of equality involving Indigenous peoples, but was fundamentally unwilling to address issues of difference.[6] This was hardly the first time such reluctance had surfaced in Canada. In 1969, in a famous "White Paper," the government of Pierre Elliot Trudeau, in support of the idea that "we are all Canadians" (Perry 1996: 150), sought to end any distinct political or legal status for Canada's Aboriginal peoples. Under the government plan, these peoples would differ from other Canadians, as Armitage (1995: 80) says, "only in ethnic origin, not in law." Nor was the Canadian government alone. Other central governments in these societies have also been reluctant to directly address certain Indigenous agendas.

What are those agendas? They are diverse, of course, but in recent decades Indigenous groups in all four countries have been engaged in both tribal and supra-tribal political work on behalf of self-determination and self-governance.[7] The core of their argument is about rights. From a Western perspective, the argument is rooted in an evolving, if contested, body of international law (see, e.g., Anaya 1996; Havemann 1999; Tully 2000); from an Indigenous perspective, in the priority and continuity of Indigenous ties to the land and in the personhood that is substantially derivative of

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6. Reported to me in Ottawa in January, 2003, by the second party to the conversation. See also Salée (1995) for further discussion of this issue in Canada.
7. The range of such work is enormous in all four countries. Illustrations and accounts can be found in, among many other places, Walker (1990), Indigenous Constitutional Convention Secretariat (c. 1999); Smith (1993); Cornell (1988a); Nagel (1996).

those ties, of shared cultural practice and of collective memory. Both perspectives support the right of Indigenous peoples to determine their own futures and control their own affairs.

More specifically, this means the right to shape the political order of which they are a part, from their relationship with encompassing societies to the institutions by which they govern themselves—including the laws to which they and others are subject in their own lands—and thereby to maximize their control over lands and resources, cultural and civil affairs, and the nature and quality of community life.[8] These peoples have seldom sought, in recent decades, complete separation from those encompassing societies. Instead, they generally have envisioned "nations within" status (Fleras and Elliott 1992), or what Anaya (1996: 112) describes as "on the one hand autonomy and on the other participatory engagement" in the encompassing whole, an arrangement in which Indigenous peoples "are appropriately viewed as simultaneously distinct from yet parts of larger units of social and political interaction" (see also Behrendt 2001; Sanders 2002).

The outcomes of their efforts have varied across these cases. Indigenous groups have won some battles in pursuit of these ends, leading to policy changes of various kinds, to expanded Indigenous self-rule within limited policy domains, to an increased Indigenous voice in certain political affairs, and to the return of some lands and other resources. Other battles, however, have been lost, and the most fundamental issues of status and rights remain, in all four cases, substantially unresolved.[9]

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8. Anaya (1996: 81) describes self-determination as consisting of "two norma-tive strains: First, in what may be called its *constitutive* aspect, self-determina-tion requires that the governing institutional order be substantially the creation of processes guided by the will of the people, or peoples, governed. Second, in what may be called its *ongoing* aspect, self-determination requires that the governing institutional order, independently of the processes leading to its creation or alteration, be one under which people may live and develop freely on a continuous basis."
9. The literature on indigenous status and rights in these societies is vast, but

Central governments, on the other hand, as illustrated by the Canadian case, have been reluctant to engage with the issues that form the core of Indigenous concerns. They have preferred to focus on the socio-economics of integration and typically have interpreted self-government as an administrative project in which Indigenous populations are allowed to manage programs designed—usually by central governments—to address social problems and economic marginality.

In Australia, for example, Smith (2002: 3) observes that "in recent years self-determination… has been rejected as an active federal government policy position." According to Sanders (2002: 2), the current government "has preferred to focus its rhetoric on 'practical' matters such as 'overcoming disadvantage' and achieving better 'outcomes' for Indigenous people in areas like employment, housing and health, while seemingly studiously avoiding any reference to self-determination…" (see also Dodson and Pritchard 1998).

Similarly, recent government policy in New Zealand, while paying some lip-service to the idea of self-determination, has been concerned primarily with "closing the gaps" and for a time even adopted this as its official policy slogan. "Closing the Gaps," remarks Loomis (2000: 11), "means improving mainstream government services and targeting funding to Maori provider groups. In effect, better State intervention." According to Humpage (2002: 45-6), the thrust of Maori affairs policy "has been the state's desire to maintain and protect its own legitimacy from potential threats, including Maori calls for self-determination focused on the establishment of autonomous institutions and shared governance arrangements at the national level." She goes on to point out that

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see, for example, Ivison, et al. (2000); Ivison (2002, 2003); Arthur (2001); Sanders (2002); Nettheim, et al. (2002); Fleras and Spoonley (1999); Durie (2000); Price (2001); Royal Commission on Aboriginal Peoples (1996); McNeil (1998); Mohawk Council of Akwesasne (2002); Getches (2001); Wilkins (2002); Cornell, et al. (2002).

"distributive justice, needs and development discourses have been used to support this preference for confining Maori claims to the domestic, dependent rights of citizenship…. Each of these discourses defines the 'problem' largely in terms of Maori socio-economic status" (see also Maaka and Fleras 2000).

The exception to this pattern would seem to be, superficially at least, the United States. In the mid-1970s, in response to a nationwide movement of Indian political activism and aggressive demands by Indian nations for greater self-government and increased control over lands and other resources, the U.S. government adopted a policy commonly known as "self-determination." This policy, at least on paper, acknowledged the right of Indian nations to decide for themselves what was best for them.

The rhetoric of self-determination, however, outstripped the reality. Despite the name, this was not self-determination in the classic sense. The intent was not to give Indian nations the power to reshape the political order either within tribes or in their relations with the United States. What policy-makers had in mind was more modest: a shift from federal bureaucrats to tribal ones in administrative authority over federal socio-economic support programs (see Barsh and Trosper 1975; Deloria and Lytle 1983; Esber 1992). In other words, the federal idea was to treat self-government as self-administration, turning tribal governments into adjuncts of the federal administrative apparatus. In the years since, most federal involvement in Indian affairs has been more concerned with addressing social problems than with building Indigenous capacities for genuine self-rule. This trend has been supported by recent U.S. court decisions that have severely curtailed tribal jurisdiction and undermined Indigenous rights of self-government (Getches 2001; Wilkins 2002).

In sum, central governments have tended to respond to Indigenous peoples in the same ways they have responded to immigrant and other minority populations: with egalitarian and assimilative policies that attempt to address Indigenous disadvantage and facilitate integration into encompassing societies. In particular, the

stark discrepancy between Indigenous socio-economic indicators and those of the society at large has been a matter of recurrent policy concern, generating a diverse array of initiatives designed to bring Indigenous indicators more in line with the mainstream.[10]

Thus there is a significant mismatch between the ambitions of Indigenous peoples and the responses of states. States generally have been more willing to engage with socio-economic issues of equity and access than the political issues of self-determination and difference that often have mattered more to Indigenous peoples.[11]

It is not difficult to understand why. As Fleras (1999: 188) remarks, "At stake in the ethno-politics of indigeneity are fundamental challenges to the conventions and tacit assumptions that underpin the governance of White-settler dominions." Indigenous self-determination challenges state concerns about societal cohesion and universality ("we are all the same"). In cases where Indigenous peoples potentially control significant natural resources, it threatens the ability of the state to utilize those resources or facilitate their movement onto the market; and it generally undermines the state's ability to tightly control either what happens within its borders or the political order itself, forcing the state to consider—in at least some areas of political structure—a decision-making partnership.

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10. Such policies have had decidedly mixed results in all four countries. For example, while considerable progress has been made in some areas, such as certain aspects of indigenous health, much less has been made against the more general phenomenon of indigenous poverty.

11. In drawing a distinction between indigenous assertions and state response, I do not mean to suggest that indigenous peoples have been uninterested in equity or in addressing the grim realities of poverty. But indigenous politics in all four countries have tended to be recognitive first and distributive second. While there are exceptions, particularly among urban populations, rights to land, recognition and self-government have tended to take priority over socio-economic issues. This has distinguished much indigenous politics from the more distributive politics of immigrant groups or other, non-indigenous minority populations.

As a result, and as Humpage (2002: 85) points out in regard to New Zealand, central governments concerned with Indigenous issues have moved towards a rhetoric of distributive justice, "which focuses on the narrow interest of redistributing socio-economic goods," and a needs-based discussion that positions Indigenous persons "as disadvantaged citizens who need 'help' in achieving a similar socio-economic status" to non-Indigenous persons. In short, reluctant to address Indigenous self-determination, states instead address Indigenous poverty.

But what if the two are connected? What if self-determination is a necessary element in the struggle against poverty? In fact, there is compelling evidence from at least one case—American Indian nations in the United States—that these two sets of issues are related in practical and concrete terms.

INDIGENOUS POVERTY AND SELF-DETERMINATION: THE U.S. CASE

The pattern of American Indian poverty

The Indigenous peoples of the United States—commonly known to themselves and others as American Indians or Native Americans—are among the country's poorest citizens. American Indian reservations, as the reserved lands belonging to Indian nations are called, include a number of America's poorest places, and reservation-based populations rank at the bottom, or near the bottom, of the scale of income, employment, health, housing, education and other indices of poverty (Henson et al. forthcoming).

Strikingly, however, this situation is not uniform across Indian nations. In the last quarter or so of the twentieth century, some Indian nations began doing significantly better than others, building sustainable economies that fitted their own strategies and criteria of economic success. Furthermore, this uneven pattern of economic performance is not easily explained by many of the

usual economic factors such as natural resource endowments, educational attainment or location, which vary widely across the more successful of these nations. Nor is the pattern easily explained by internal colonialism or dependency. While their histories of interaction with the colonial power have varied, Indian nations in the United States, excluding Alaska, have been subject to a broadly similar regime of legal and political domination.[12] That regime readily accounts for their descent into poverty, but not for differential success in escaping poverty.

Explaining the pattern

In the mid-1980s, the Harvard Project on American Indian Economic Development began a research effort designed to explain the emerging pattern of Indigenous economic success. What was enabling some Indian nations to break away from the overall pattern of seemingly intractable poverty? What were the conditions for sustained economic development on American Indian reservations?

This research effort, continuing today through the Harvard Project and its sister organization, the Native Nations Institute for Leadership, Management, and Policy at the University of Arizona, has produced results with policy-significant implications. Across a sample of nearly seventy Indian nations, the most consistent predictors of sustainable economic development on Indian reservations are not economic factors such as location, educational attainment or natural resource endowments but rather largely political ones. Three have proven particularly important.

- *Sovereignty or self-rule.* Indigenous peoples have to have genuine decision-making power in their own hands, from constitution-making to law-making to policy. The primary reason for this is accountability: it links decision-makers and the consequences of their decisions.

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12. On Alaska, see Case and Voluck (2002), Berger (1985), and Cornell and Kalt (2003).

▪ *Capable governing institutions.* Indigenous peoples have to be able to exercise decision-making power effectively. Doing so requires institutional stability, depoliticized dispute resolution mechanisms such as tribal courts, depoliticized management of resources and enterprises, skilled administration, and other provisions. These create an environment of governmental action that is stable, fair, competent and reliable, shifting the focus of government towards nation-building and away from factional battles over resources.[13]

▪ *A congruence between formal governing institutions and Indigenous political culture.* There has to be a match between the formal institutions of governance and prevailing ideas within the community or nation about how authority should be organized and exercised. This cultural match is the source of government's legitimacy with those being governed, and therefore a source of its effectiveness (see Lipset 1963). One of the handicaps facing American Indian nations has been the stark mismatch between Indigenous social and political organization on the one hand and, on the other, an imposed overlay of governing institutions designed largely by the U.S. government in the 1930s. This has tended to produce tribal governments that lack support with their own citizens, have difficulty getting things done, and easily become objects of political opportunism and factional conflict.

Where these three factors are in place, community assets—from natural resources to location to human capital—begin to pay off. Where they are missing, such assets are typically squandered or fail to yield their potential. In short, it is the political factors which either limit or release the potential of economic and other assets.[14]

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13. The idea that governing institutions matter to economic performance and societal well-being is well-established. See, for example, North (1990),;Oberschall (1990); Barro (1991); Ostrom (1992); Knack and Keefer (1995); Egnal (1996); and La Porta et al. (1997, 1998, 1999).

14. For these results, see in particular Cornell and Kalt (1992, 1995, 1997a,

The meaning and role of self-rule

The first of these factors—sovereignty or self-rule—is of critical interest to this discussion. Sovereignty or self-rule appears to be a necessary, but not sufficient, condition for sustainable development on Indigenous lands.

I say "sovereignty or self-rule" because of the ideas of exclusivity and indivisibility often attached to the term "sovereignty." The protection and expansion of "tribal sovereignty" have long been central political objectives of American Indian nations, but the term has not necessarily implied separate statehood or absolute authority vested in Indian hands. On the contrary, its common usage in Indian politics has tended to accommodate the possibility of a shared or limited sovereignty, a usage that has roots in, among other places, the Marshall trilogy of U.S. Supreme Court decisions in the 1820s and early 1830s that described Indian societies as domestic dependent nations that, nonetheless, remained distinct political communities and retained exclusive authority within their territories.[15] Within this usage, one can imagine a sovereignty that is flexible both in the degree and the scope of authority across institutional or policy domains and that is tailored to support a particular relationship between peoples or nations. In some domains it may be an exclusive sovereignty; in some, it may be shared. Sovereignty thus becomes a continuous as opposed to a dichotomous variable.[16]

1997b, 2000, 2003); also Krepps and Caves (1994); Jorgensen (2000a); Jorgensen and Taylor (2000); Jorgensen et al. (forthcoming); and Harvard Project on American Indian Economic Development (1999, 2000, 2003).

15. Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1 (1831); Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832). See the discussion of these decisions in Deloria and Lytle (1983).

16. See the discussion of sovereignty in Maaka and Fleras (2000: 92-4) and of devolution in Smith (2002: 3-5).

This usage, however, is less common outside the United States, where sovereignty often is viewed in zero-sum terms: to the extent that "we" have it, "you" don't.[17] The term self-rule, on the other hand, appears to carry less definitional baggage.

In any case, the core question from a development viewpoint is simple and can be phrased in a number of ways: Who controls the primary relationships involved? Who is exercising decision-making power? Who is calling the shots within a given policy domain or set of decisions? Who's in charge? To the degree that the answer to such questions is the Indigenous nation, this is an example of Indigenous self-rule. To the degree that the answer is someone else, it is the absence of self-rule.

The U.S. research noted above shows that as Indian nations expand the scope and degree of their own decision-making power, the chances of sustainable economic development rise. This is particularly so in certain domains such as constitutional authority, the design of governing institutions, law-making, the management of lands and resources, the organization of civil society, and the determination of strategies for community and economic development. In such areas, the likelihood of achieving sustainable development rises as power and authority are devolved to Indigenous nations or communities, moving non-Indigenous entities, including central governments, from decision-making to resource roles and freeing Indigenous peoples to decide these things for themselves and by their own criteria.

Admittedly, the shift in jurisdictional power is in itself no guarantee of sustainable development; it merely makes such development possible. As the research results summarized above indicate, more

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17. See Tully (2000: 51), who describes this view as holding that "either the dominant state exercises exclusive jurisdiction or the indigenous people do," with no middle ground. Labeling this as one of the "underlying presumptions" that states use "to legitimize the system of internal colonization," he notes that it ignores the possibility that "jurisdiction can be shared."

is needed. Those nations making the decisions have to be capable of governing well. They have to put in place an institutional environment that their citizens support and which can encourage and sustain economic activity and community initiatives that fit their strategic objectives and opportunities. But self-rule itself remains essential. Jurisdiction that is not backed up by effective governing institutions will be unproductive, but a set of well-designed governing institutions that lack jurisdictional authority will be toothless. In either case, the result will be something other than sustainable development.

Why does self-rule play such a large role in producing these effects? There are several reasons. First, with self-rule, decision-making reflects Indigenous agendas and knowledge, making it more likely that solutions to problems will be appropriate and informed and, therefore, viable. Second, it puts development resources in Indigenous hands, allowing a more efficient use of those resources to meet Indigenous objectives. Third, it fosters citizen engagement in economic and community development, something effectively discouraged—with the attendant human energy being wasted—when the nation lacks substantive power. Fourth—and most importantly—it shifts accountability. Devolution makes governmental decision-making accountable to those most directly affected. The decision-makers themselves pay the price of bad decisions and reap the benefits of good ones. Consequently, and allowing time for a learning curve, decision quality improves. For generations, authority over Indigenous peoples not only in the U.S. but in Australia, New Zealand and Canada has rested with non-Indigenous governments, which have seldom been held accountable to the Indigenous peoples they have governed. This divorce between those with the authority to make decisions and those bearing the consequences of those decisions has resulted in an extraordinary and continuing record of central government policy failure in all four countries.

Self-determination as an anti-poverty policy

As already noted, when the U.S. moved to the "self-determination" policy, its intent was modest: to bring Indian nations into the administration of federal programs and quash Indian complaints about lack of input. But with the federal government on the defensive, and presented with a policy that paid at least lip service to the idea of tribal control over tribal futures, many Indian nations moved quickly to assert self-governing powers, variously redesigning governing institutions previously designed by outsiders, taking over management of resources, retooling development strategies, and displacing federal decision-makers in an assortment of reservation matters. Some of these assertions were confrontational. Others unfolded incrementally as tribal leaders took the initiative in governmental reorganization and constitutional reform, searched for alternative funding sources through business enterprises, excluded federal representatives from decision processes, stopped asking permission before acting, and filled the governmental gaps left by inadequate, incompetent or paternalistic federal administration.

As they did so, those nations that also backed up their asserted powers with effective and culturally congruent governing institutions began to see significant results. Among these were reduced unemployment, reduced welfare rolls, the emergence of viable and diverse economic enterprises—both tribal and private—on reservation lands, more effective administration of social services and programs, including those addressing language and cultural concerns, and improved management of natural resources. In case after case, such nations proved to be much better at running their own affairs and managing their own resources than federal administrators had ever been.[18]

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18. Cornell and Kalt (1992, 1998); Cornell et al. (1998); Jorgensen (1997, 2000b); Jorgensen and Taylor (2000); Krepps (1992); Krepps and Caves (1994); Wakeling et al. (2001); Harvard Project on American Indian Economic Development (1999, 2000, 2003).

The U.S. government had inadvertently stumbled on the only policy that—in three-quarters of a century of federal attempts to improve socio-economic conditions on American Indian reservations—actually made significant progress against reservation poverty. While the United States may not have intended the "self-determination" policy launched in the 1970s to include constitutional authority and expanded tribal jurisdiction, a number of Indian nations chose to interpret it that way and benefited enormously from doing so. Self-determination, it turned out, was an effective anti-poverty policy—the first ever in U.S. relations with Indian nations.

THE TRANSFERABILITY OF U.S. RESULTS

The American Indian experience connects self-determination and self-governance with overcoming poverty. It argues that the way to attack socio-economic disadvantage among Indigenous peoples is not primarily by organizing centrally designed programs addressing poverty and its related social pathologies—although such programs can provide tribes with needed resources and expertise—but instead by substantially expanding the jurisdictional authority of those nations and empowering them to develop capable governing institutions that in turn can support sustainable, self-determined economies and social programs of their own design. Nothing else has worked.

But how generalizable is the U.S. case? Can it be extended to Australia, New Zealand and Canada? Could expanded jurisdiction and constitutional authority, backed up by effective and culturally congruent governing institutions, yield comparable results in Indigenous economic and community well-being?

Only systematic research can answer such questions definitively,[19] but I see little theoretical basis for believing the U.S. results are inapplicable to these other situations. Specific development outcomes obviously depend on other factors as well, however, and the translation of these results into practical policy initiatives in other countries will require careful consideration of specific Indigenous situations. At least three issues appear to be important: the economic circumstances of various Indigenous peoples; the problem of identifying appropriate units of collective authority; and the willingness of mainstream societies to tolerate difference and invest in Indigenous capacities. I consider the first two of these here and the last in the concluding section of this paper.

Economic circumstances

Within-country variation in economic resources and opportunities obviously has major impacts on the development potential of Indigenous peoples. To pick an obvious and extreme U.S. example, Indian and Eskimo nations located in remote regions of Alaska or on very small land bases face narrower economic opportunity sets than those faced by Indian nations located near large metropolitan areas or on large land bases. Similarly, variation in human capital can affect the ability of Indigenous peoples to take advantage of certain kinds of opportunities—or at least delay action in response to those opportunities while human capital investments are made.

Such variation is apparent in all four countries. Many First Nations in Canada have been left with minuscule land bases, or are located far from markets and transportation systems. Many Australian Aboriginal communities are remote. The circumstances of Maori peoples likewise vary across the country. Some groups have higher levels of education or labor force experience than others.

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19. Such research has begun in Canada and finds evidence of similar relationships. See Jorgensen et al. (forthcoming); also Chandler and Lalonde (1998), and Moore, et al. (1990).

Such variation does not negate the U.S. results; it is apparent in the U.S. as well. Self-determination, self-governance and appropriate and effective governing institutions create an environment in which sustainable development becomes possible, but the nature and extent of development and of its impact on the community depend on what each Indigenous nation or people has to work with and on the specific decisions it makes. What the U.S. case indicates is that economic assets—whatever they may be—are far more likely to be productive where Indigenous nations have decision-making power and the institutional capacity to back it up.

The social unit of authority

But where should decision-making power and institutional capacity be located? Self-determination and self-governance require subjects, in the grammatical sense: someone has to do the determining and governing. In which social units do the rights to self-determination reside? Within which social units should the institutions of self-governance be built? Who, in these processes, is the "self"?

In all four countries, one of the most prominent results of a century or more of colonialism, land expropriation, ethnic cleansing, imposed population movements, assimilationist programs, and related settler-state policies has been the transformation of Indigenous group boundaries, many of which already were porous and dynamic long before European contact. Some collectivities disappeared while others were mixed or fragmented; some boundaries were invented out of whole cloth while others were solidified out of pre-existing relationships.

While these processes were common in the United States, the particular form they have taken there has provided, in most cases, unusual clarity about the identity of the "self". Despite urbanization and intermarriage among American Indian groups, tribal societies have continued to exist and, in some cases, thrive on Indian reservations. While warfare, colonialism, and assimilationist programs came close to extinguishing the Indian land base,

the remnant parcels, some of them substantial, have combined with the treaty process and the peculiarities of federal Indian administration to simplify and rigidify inter-group boundaries that previously had been more complex or fluid. Although this process often ignored Indigenous perceptions, it unintentionally provided a foundation for tribal continuity and survival (Cornell 1988b).

Today, both as political units and as frameworks of collective identity, most Indian nations remain robust. The "self" in self-governance, has in most cases been apparent, embedded both in continuing social relations and cultural practice and in formal political relationships established by treaty between individual Indian nations and the United States. This clarifies where constitutional authority and jurisdiction should be vested and focuses the challenge of nation building.[20]

The situation has been more variable in the other three countries. A recurring concern in Australia, for example, according to Bern and Dodds (2000: 163), "is how indigenous self-government and representation should be structured, given the array of goals that self-government is supposed to meet, and the diversity of Aboriginal communities." Much of the organizational structure of inter-group relations in Australia today is embedded in local or regional, federally funded, Indigenous service organizations or in the national Aboriginal and Torres Strait Islander Commission (ATSIC). Sanders (2002) argues that both the service organizations and ATSIC represent Indigenous interests, albeit different sets of interests and in different ways, but he also acknowledges that many local Aboriginal communities see neither service organizations nor an elected national body as adequately representing their concerns.

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20. Exceptions to this overall pattern include peoples forced together onto reservations or into shared treaty-making and others fragmented by warfare, forced migration and other events. Both Alaska and California also include many small Native groups located on small land bases, limiting human capital pools and prompting debate about building joint institutions of larger scale and broader jurisdiction.

Bern and Dodds discuss the situation in the Northern Territory, where Aboriginal polity is constituted in three primary forms: land councils, local communities, and kinship/language groups. Only the last has traditional roots. Local communities "are largely based on pastoral containment and/or government/mission institutions," while the land councils are products of federal statute (2000: 174). Only a few groups, particularly those with a geographical base or strong language ties, have been effective at organizing "above the level of the local community" (ibid.: 175). David Martin argues that in much of Cape York, "few if any Indigenous community-wide political institutions exist, apart from the quasi-local government community councils instituted under State legislation, and regional bodies…" (2001: 14). Many communities are products of enforced relocation to mission and government settlements; the councils that have emerged in these situations, he claims, have "neither the political nor the moral authority" required for effective self-governance. Any new institutional order will require identifying—and perhaps rebuilding—"clear centres of political authority" (ibid.: 17) in these communities: a difficult task. Meanwhile, Diane Smith (2002) and others argue for a "regionally dispersed, layered" system of self-governance in which local communities are jurisdictional building blocks, aggregated for certain purposes into larger structures.

A different Indigenous history in New Zealand has led to some similar issues. According to the Maori historian Ranginui Walker, prior to European incursions the *hapu*, sometimes described as a clan,[21] was "the main political unit that controlled a defined stretch of tribal territory" (1990: 64). Angela Ballara (1998) has

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21. Walker (1990: 63-5) identifies three basic units of Maori society: the *whanau* is an extended family, the *hapu* is a descent group composed of related *whanau*, and the *iwi* is a descent group composed of related *hapu*. Ballara (1998: 161) describes *hapu* as "politically independent corporate and social groups which also regarded themselves as categorically identified with a wider set of people." Like Walker, she emphasizes the prominence of *hapu*, but she also notes that this tripartite organization is neither as rigid nor as static as a simple description might imply (ibid.: 17-19).

traced the historical processes that encouraged Maori to alter this political structure. Such structures are generally dynamic, but the European agenda shaped the process of change in particular ways. Negotiating over land, Europeans searched for and encouraged paramount chiefs at ever larger scales of social organization. Maori responded to land pressure in part by combining in larger units to defend their interests. Over time, both Europeans and Maori tended to construct Maori—for purposes of intergroup relations—in fewer and larger social groups. The result was to privilege *iwi*, (conceived as peoples, tribes or confederations of *hapu*), over *hapu*. Formal government policy and the organization of social programs have tended to continue the trend in recent years, leading to what Manuhuia Barcham (2000: 141) calls "the iwi-isation of Maori society."

But the situation is further complicated by continuing diversification. A majority of Maori now live in cities. Along with the more general integration of many Maori into New Zealand society, this has produced new sets of interests that do not easily combine into *hapu* or *iwi* constructions. Speaking of the Maori concept of *tino rangatiratanga*, a polysemous concept that combines ideas of, among other things, sovereignty, self-determination, autonomy, nationhood, and chieftainship, Maaka and Fleras remark that "for some, tino rangatiratanga resides within the hapu; for others, the iwi; for still others only Maori as a collectivity; and for yet others still, within the individual" (2000: 100). Under these conditions, what form should self-government take?

In Canada, as in the United States, a lengthy history of treaty-making, land loss, and paternalistic federal administration has reshaped Aboriginal political relationships and group boundaries. Particularly under the Indian Act of 1876 and its subsequent amendments, the government of Canada recognized various groups of Aboriginal people as bands, recognized certain lands as reserved to those bands, replaced Indigenous governmental forms and practices with imposed ones, and, on behalf of assimilationist goals, regulated numerous aspects of Aboriginal life. While some

group identities and boundaries supported by federal recognition made sense, others appear to have been chosen at the whim of local administrators or to be simply the result of a dispersed geography.[22] Widely distributed peoples sharing culture and language often were broken up and isolated from each other in small numbers on tiny acreages. Their modest self-governing powers were exercised through imposed institutions that had "no…congruence with the cultural premises of aboriginal people" (Scott 1993: 322). Today, Canada's Indigenous population is much smaller, in absolute numbers, than the Indian population of the United States, but it is divided into many more First Nations located on many more, and generally much smaller, reserves.

In the 1990s, one of the major concerns of Canada's Royal Commission on Aboriginal Peoples was the effect of this historically generated fragmentation on self-government. The commission concluded that some Aboriginal bands and communities were too small to effectively exercise self-governing powers. "The problem," said the commission, "is that the historical Aboriginal nations were undermined by disease, relocations and the full array of assimilationist government policies. They were fragmented into bands, reserves and small settlements. Only some operate as collectivities now. They will have to reconstruct themselves as nations" (Royal Commission on Aboriginal Peoples 1996: 26). It went on to suggest that the thousand or so Aboriginal settlements or reserve communities in Canada comprised only "60 to 80" such nations, based on bonds of culture and identity (ibid.: 25). While some Canadian First Nations would dispute those numbers and might see themselves differently, the underlying issue remains: At what level of the social order should institution-building appropriately occur? Should it be in bands, tribes, confederations of tribes, or in different entities in different situations?

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22. There are similar cases in the U.S. but, thanks in part to differences in the treaty process, they are less prevalent than in Canada.

These legacies of colonialism and paternalism will not be easy to overcome. In many cases, finding appropriate social units of authority will be complex and time-consuming, but the fact that such units are sometimes no longer obvious is not an argument against self-determination. On the contrary, it should sharpen the focus of both Indigenous peoples and central governments on a critical first step in nation building.[23] In searching for such units, several things should be borne in mind. First, the outcome should be home-grown. Imposed units are likely to be failed units.

Second, the effort will take time. Rebuilding a sense of nationhood requires not so much exhortation or deadlines as it does careful deliberation and broad community participation. Third, both Indigenous leaders and central governments will have to wrestle with two requirements of such units: they have to have legitimacy with the people they are going to govern, and they have to provide an efficacious foundation for governance. Combining legitimacy and efficacy is one of the major challenges of nation building.

CONCLUSION: POLICY IMPLICATIONS

There is substantial evidence from the U.S. case that Indigenous self-determination has been a critical element in the effort by American Indian nations to improve their socio-economic conditions. While Indigenous situations in Australia, New Zealand, Canada and the U.S. vary, certain commonalities encourage comparative inquiry and a search for transferable policy insights. They suggest that it would be a mistake for other governments to dismiss the U.S. evidence.

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23. A number of indigenous peoples have actively taken that step at different times, from the Ktunaxa-Kinbasket Tribal Council in Canada to the Yakama Nation in the United States. See, for example, Native Nations Institute for Leadership, Management, and Policy (2001) and Yakima Nation Review (1978).

The overall policy implications appear to be three. First, the refusal to come to grips with Indigenous demands for self-determination cripples the effort—prominent in all four countries—to overcome Indigenous poverty. The two are profoundly connected, and public policy has to take this into account.

Second, implementing Indigenous self-determination and building self-governing capacities will require both innovation and a diversity of models. A one-size-fits-all approach within any one country—a common temptation for central governments concerned with administrative control and convenience—is bound to fail.[24] It will come to grief on both the varied cultural distinctiveness that Indigenous peoples have struggled to preserve and on the social organizational diversity that each country's history has imposed on its Indigenous peoples.

Third, the best way to avoid the one-size-fits-all recipe for failure is to let Indigenous peoples decide for themselves who the appropriate self in self-governance is and how self-governing institutions should be structured—and to accept the variety of relationships and governance solutions that will surely result. This is what self-determination means. Furthermore, not only is outsider decision-making in this regard the antithesis of self-determination, but neither collective units nor governing institutions that are imposed by outside authorities are likely to command the respect or allegiance of the peoples on whom they are imposed—which means they will not work.

The question of *what will actually work* ought to be of some concern to central governments. Surely the rights of Indigenous peoples to reshape the political order they have been forced into and to govern themselves in their own ways provides a substantial

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24. For discussions of a recent effort by the Canadian government to adopt just such an approach, see Mohawk Council of Akwesasne (2002) and Cornell, et al. (2002).

argument for self-determination. But what the U.S. data show is that there is an economic argument for it as well, not only from the point of view of Indigenous peoples but also from the point of view of central governments and mainstream societies. They, too, have something to gain.

Poverty, after all, is expensive. Its costs come in at least two forms. First, the attempt to alleviate Indigenous poverty through social service provision is an expensive strategy, tending to consist of palliatives instead of cures and, therefore, to be never-ending. Second, poverty is expensive in lost resources, trapping human beings in dependency instead of helping them contribute to their own and other societies. The U.S. data are notable in this regard, indicating that self-determining Indigenous nations not only are more likely to build economies that support their own peoples, but in the process also spin off significant benefits to non-Indigenous communities through jobs, expanded vendor business, reduced welfare rolls, and the like. Economically, self-determination is a win-win proposition.

If central governments reject the rights-based argument for self-determination, one hopes their economic self-interest will lead them to reconsider. As my colleague Joseph Kalt and I have written elsewhere (Cornell and Kalt 1998), the U.S. record is clear: if central governments wish to perpetuate Indigenous poverty, its attendant ills and bitterness, and its high costs, the best way to do so is to undermine tribal sovereignty and self-determination. But if they want to overcome Indigenous poverty and all that goes with it, then they should support tribal sovereignty and self-determination, and they should invest in helping Indigenous peoples build the governing capacity to back up sovereign powers with effective governments of their own design.

REFERENCES

Anaya, S.J. 1996. *Indigenous Peoples in International Law*. New York: Oxford University Press.

Armitage, A. 1995. *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand*. Vancouver: University of British Columbia Press.

Arthur, W.S. 2001. 'Indigenous autonomy in Australia: Some concepts, issues and examples.' Discussion Paper no. 220/2001. Centre for Aboriginal Economic Policy Research, Australian National University.

Ballara, A. 1998. *Iwi: The Dynamics of Maori Tribal Organization from c. 1769 to c. 1945*. Wellington: Victoria University Press.

Barcham, M. 2000. '(De)constructing the politics of indigeneity,' in D. Ivison, P. Patton and W. Sanders, eds., *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press. pp. 137-51.

Barro, R. 1991. 'Economic growth in a cross section of countries.' *Quarterly Journal of Economics*, 106: 407-43.

Barsh, R.L., and R.L. Trosper. 1975. 'Title I of the Indian Self-Determination and Education Assistance Act of 1975.' *American Indian Law Review* 3: 361-95.

Beavon, D., and M. Cooke. 2001. 'Measuring Aboriginal well-being in four countries: An application of the UNDP's Human Development Index to Canada, the United States, New Zealand, and Australia.' Presentation to the Population Association of America, Washington, DC, March 29-31.

Behrendt, L. 2001. 'Indigenous self-determination in the age of globalization.' *Balayi: Culture, Law and Colonialism* 3: 1-7.

Berger, T.R. 1985. *Village Journey: The Report of the Alaska Native Review Commission.* New York: Hill and Wang.

Bern, J., and S. Dodds. 2000. 'On the plurality of Interests: Aboriginal Self-Government and Land Rights,' in D. Ivison, P. Patton and W. Sanders, eds., *Political Theory and the Rights of Indigenous Peoples.* Cambridge: Cambridge University Press. pp. 163-79.

Case, D., and D.A. Voluck. 2002. *Alaska Natives and American Laws.* 2nd edition. Fairbanks: University of Alaska Press.

Chandler, M.J., and C. Lalonde. 1998. 'Cultural continuity as a hedge against suicide in Canada's First Nations.' *Journal of Transcultural Psychiatry* 35: 191-219.

Cornell, S. 1988a. *The Return of the Native: American Indian Political Resurgence.* New York: Oxford University Press.

-----. 1988b. 'The transformations of tribe: Organization and self-concept in Native American ethnicities.' *Ethnic and Racial Studies* 11(1): 27-47.

Cornell, S., M. Jorgensen, and J.P. Kalt. 2002. 'The First Nations Governance Act: Implications of research findings from the United States and Canada. Report to the Office of the British Columbia Regional Vice-Chief, Assembly of First Nations.' Native Nations Institute for Leadership, Management, and Policy, The University of Arizona.

Cornell, S., and J.P. Kalt. 1992. 'Reloading the dice: Improving the chances for economic development on American Indian reservations,' in S. Cornell and J.P. Kalt, eds., *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development.* Los Angeles: American Indian Studies Center, UCLA. pp. 1-59.

-----. 1995. 'Where does economic development really come from? Constitutional rule among the contemporary Sioux and Apache.' *Economic Inquiry* 33: 402-26.

-----. 1997a. 'Cultural evolution and constitutional public choice: Institutional diversity and economic performance on American Indian reservations,' in J. Lott, ed., *Uncertainty and Evolution in Economics: Essays in Honor of Armen A. Alchian*. London and New York: Routledge. pp. 116-42.

-----. 1997b. 'Successful economic development and heterogeneity of governmental form on American Indian reservations,' in M.S. Grindle, ed., *Getting Good Government: Capacity Building in the Public Sectors of Developing Countries*. Cambridge, MA: Harvard Institute for International Development. pp. 257-96.

-----. 1998. 'Sovereignty and Nation-Building: The development challenge in Indian country today.' *American Indian Culture and Research Journal* 22(3): 187-214.

-----. 2000. "Where's the glue: Institutional and cultural foundations of American Indian economic development." *Journal of Socio-Economics* 29: 443-70.

-----. 2003. 'Alaska native self-governance and service delivery: What works?' Joint Occasional Papers in Native Affairs, no. 2003-1. Native Nations Institute for Leadership, Management, and Policy, and Harvard Project on American Indian Economic Development. Tucson: Udall Center for Studies in Public Policy, The University of Arizona.

Cornell, S., J.P. Kalt, M. Krepps, and J. Taylor. 1998. 'American Indian gaming policy and its socio-economic effects.' Report to the National Gambling Impact Study Commission. July. Cambridge, MA: Economics Resource Group.

Deloria, V., and C.M. Lytle. 1983. *American Indians, American Justice*. Austin: University of Texas Press.

Dodson, M., and S. Pritchard. 1998. 'Recent developments in Indigenous policy: The abandonment of self-determination?' *Indigenous Law Bulletin* 4(15): 4-6.

Durie, M. 1998. *Te Mana, Te Kāwanatanga: The Politics of Māori Self-Determination*. Auckland: Oxford University Press.

-----. 2000. 'Contemporary Maori development: Issues and broad directions.' Working Paper no. 7/2000. Development Studies Programme, University of Waikato.

Egnal, M. 1996. *Divergent Paths: How Culture and Institutions Have Shaped North American Growth*. New York: Oxford University Press.

Esber, G.S. 1992. 'Shortcomings of the Indian self-determination policy,' in G. Castile and R. Bee, eds., *State and Reservation: New Perspectives on Federal Indian Policy*. Tucson: University of Arizona Press. pp. 212-23.

Fleras, A. 1999. 'Politicising indigeneity: Ethno-politics in white settler dominions,' in P. Havemann, ed., *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*. Auckland: Oxford University Press. pp. 187-234.

Fleras, A., and J.L. Elliott. 1992. *The 'Nations Within': Aboriginal-State Relations in Canada, the United States, and New Zealand*. Toronto: Oxford University Press.

Fleras, A., and P. Spoonley. 1999. *Recalling Aotearoa: Indigenous Politics and Ethnic Relations in New Zealand*. Auckland: Oxford University Press.

Getches, D.H. 2001. 'Beyond Indian law: The Rehnquist court's pursuit of states' rights, color-blind justice and mainstream values.' *Minnesota Law Review* 86(2): 267-362.

Harvard Project on American Indian Economic Development. 1999. *Honoring Nations: Tribal Governance Success Stories, 1999.* Cambridge, MA: Harvard Project on American Indian Economic Development, Harvard University.

-----. 2000. *Honoring Nations: Tribal Governance Success Stories, 2000.* Cambridge: Harvard Project on American Indian Economic Development, Harvard University.

-----. 2003. *Honoring Nations: Tribal Governance Success Stories, 2002.* Cambridge, MA: Harvard Project on American Indian Economic Development, Harvard University.

Havemann, P. 1999. 'Chronology two: Twentieth-century public international law and Indigenous peoples,' in P. Havemann, ed., *Indigenous Peoples Rights in Australia, Canada, and New Zealand.* Auckland: Oxford University Press. pp. 18-21.

Henson, E., J.B. Taylor, S. Beane, K. Bishop, S.S. Black, K.W. Grant, M. Jorgensen, J. King, A.J. Lee, H. Nelson, and Y. Roubideaux. Forthcoming. 'Native America at the New Millenium.' In Harvard Project on American Indian Economic Development, *American Indian Research and Grants Assessment Project: A Report to the Ford Foundation.*

Humpage, L.V. 2002. 'Closing the gaps? The politics of Maori affairs policy.' Unpublished Ph.D. dissertation, Massey University.

Hunter, B. 1999. 'Three nations, not one: Indigenous and other Australian poverty.' Working Paper No. 1/1999. Centre for Aboriginal Economic Policy Research, Australian National University.

Indigenous Constitutional Convention Secretariat. c. 1999. 'Indigenous Constitutional Strategy, Northern Territory.'

Indigenous Constitutional Convention Secretariat, Casuarina, Northern Territory, Australia.

Ivison, D. 2002. *Postcolonial Liberalism*. Cambridge: Cambridge University Press.

-----. 2003. 'The logic of Aboriginal rights.' *Ethnicities* 3(3): 321-44.

Ivison, D., P. Patton and W. Sanders, eds. 2000. *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press.

Jorgensen, M. 1997. 'Governing Government.' Unpublished manuscript, John F. Kennedy School of Government, Harvard University.

-----. 2000a. 'Bringing the background forward: Evidence from Indian Country on the social and cultural determinants of economic development.' Unpublished Ph.D. dissertation, John F. Kennedy School of Government, Harvard University.

-----. 2000b. 'History's lesson for HUD and tribes.' Unpublished manuscript, John F. Kennedy School of Government, Harvard University.

-----, editor. Forthcoming. *Resources for Nation Building: Governance, Development, and the Future of American Indian Nations*. Tucson: University of Arizona Press.

Jorgensen, M., R. Akee, C. Goodswimmer, and S.C. Rainie. Forthcoming. 'Understanding First Nations' development success: Cross-site analysis of four First Nations in Treaty 8, Alberta.' Native Nations Institute for Leadership, Management, and Policy, The University of Arizona.

Jorgensen, M., and J. Taylor. 2000. 'Patterns of Indian enterprise success: A statistical analysis of tribal and individual Indian enterprise performance.' Report to the National Congress of American Indians. Cambridge, MA: Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University.

Knack, S., and P. Keefer. 1995. 'Institutions and economic performance: Cross-country tests using alternative institutional measures.' *Economics and Politics* 7(3): 207-27.

Krepps, M.B. 1992. 'Can Tribes Manage their own Resources? The 638 Program and American Indian Forestry,' in *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development*, ed. S. Cornell and J. P. Kalt. Los Angeles: American Indian Studies Center, UCLA. pp. 179-203.

Krepps, M.B., and R.E. Caves. 1994. 'Bureaucrats and Indians: Principal-agent relations and efficient management of tribal forest resources.' *Journal of Economic Behavior and Organization* 24(2): 133-51.

La Porta, R., F. Lopez-de-Silanes, A. Shleifer, and R.W. Vishney. 1997. 'Legal determinants of external finance.' *Journal of Finance* 52(3): 1131-50.

-----. 1998. 'Law and Finance.' *Journal of Political Economy* 106 (December): 1113-55.

-----. 1999. 'The quality of government.' *Journal of Law, Economics and Organization* 15 (April): 222-79.

Lipset, S.M. 1963. *Political Man: The Social Bases of Politics*. New York: Anchor.

Loomis, T. 2000. 'Government's role in Maori development: Charting a new direction?' Working Paper no. 6/2000. Development Studies Programme, University of Waikato.

Maaka, R., and A. Fleras. 2000. 'Engaging with Indigeneity: Tino rangatiratanga in Aotearoa,' in D. Ivison, P. Patton and W. Sanders, eds., *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press. pp. 89-109.

McNeil, K. 1998. *Defining Aboriginal Title in the 90's: Has the Supreme Court Finally Got it Right?* Toronto: Robarts Centre for Canadian Studies, York University.

Martin, D.F. 2001. 'Is welfare dependency "welfare poison"? An assessment of Noel Pearson's proposals for Aboriginal welfare reform.' Discussion Paper no. 213/2001. Centre for Aboriginal Economic Policy Research, Australian National University.

Mohawk Council of Akwesasne. 2002. *Nation Building Process: Setting Our Path for the Future.* Cornwall, Ontario: Mohawk Council of Akwesasne.

Moore, M.A., H. Forbes, and L. Henderson. 1990. 'The provision of primary health care services under band control: The Montreal Lake case.' *Native Studies Review* 6(1): 153-64.

Moran, A. 2002. 'As Australia decolonizes: indigenizing settler nationalism and the challenges of settler/Indigenous relations.' *Ethnic and Racial Studies* 25(2): 1013-1042.

Morse, B.W. 1998. 'Two steps forward and one step back: The frustrating pace of building a new Aboriginal-Crown relationship in Canada,' in C.P. Cohen, ed., *The Human Rights of Indigenous Peoples*. Ardsley, New York: Transnational Publishers. pp. 303-56.

Nagel, J. 1996. *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture.* New York: Oxford University Press.

Native Nations Institute for Leadership, Management, and Policy. 2001. 'Ktunaxa/Kinbasket Tribal Council: Final report on governmental organization and nation building.' Udall Center for Studies in Public Policy, The University of Arizona, Tucson.

Nettheim, G., G.D. Meyers, and D. Craig. 2002. *Indigenous Peoples and Governance Structures: A Comparative Analysis of Land and Resource Management Rights*. Canberra: Aboriginal Studies Press, Australian Institute of Aboriginal and Torres Strait Islander Studies.

North, D.C. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

Oberschall, A. 1990. 'Incentives, governance, and development in Chinese collective agriculture,' in M. Hechter, K.D. Opp, and R. Wippler, eds., *Social Institutions: Their Emergence, Maintenance and Effects*. New York: Aldine de Gruyter. pp. 265-89.

Ostrom, E. 1992. *Crafting Institutions for Self-Governing Irrigation Systems*. San Francisco: Institute for Contemporary Studies.

Perry, R.J. 1996. *From Time Immemorial: Indigenous Peoples and State Systems*. Austin: University of Texas Press.

Pocock, J.G.A. 2000. 'Waitangi as mystery of state: Consequences of the ascription of federative capacity to the Maori,' in D. Ivison, P. Patton and W. Sanders, eds., *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press. pp. 25-35.

Price, R.T. 2001. 'New Zealand's interim treaty settlements and arrangements—building blocks of certainty,' in British Columbia Treaty Commission, *Speaking Truth to Power: A Treaty Forum*. Law Commission of Canada. pp. 135-63.

Royal Commission on Aboriginal Peoples. 1996. *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples.* Ottawa: Minister of Supply and Services, Canada.

Salée, D. 1995. 'Identities in conflict: the Aboriginal question and the politics of recognition in Quebec.' *Ethnic and Racial Studies* 18(2): 277-314.

Sanders, W. 2002. 'Towards an Indigenous order of Australian government: Rethinking self-determination as Indigenous affairs policy.' Discussion Paper No. 230/2002. Centre for Aboriginal Economic Policy Research, Australian National University.

Scott, C.H. 1993. 'Custom, tradition, and the politics of culture: Aboriginal self-government in Canada,' in N. Dyck and J.B. Waldram, eds., *Anthropology, Public Policy and Native Peoples in Canada.* Montreal: McGill-Queen's University Press. pp. 311-33.

Smith, D. 1993. *The Seventh Fire: The Struggle for Aboriginal Government.* Toronto: Key Porter Books.

Smith, D.E. 2002. 'Jurisdictional devolution: Towards an effective model for Indigenous community self-determination.' Discussion Paper no. 233/2002. Centre for Aboriginal Economic Policy Research, Australian National University.

Tully, J. 2000. 'The struggles of Indigenous people for and of freedom,' in D. Ivison, P. Patton and W. Sanders, *Political Theory and the Rights of Indigenous People.* Cambridge: Cambridge University Press. pp. 36-59.

United Nations Development Programme. 2003. *Human Development Report 2002: Deepening Democracy in a Fragmented World.* New York: United Nations Development Programme.

Wakeling, S., M. Jorgensen, S. Michaelson, and M. Begay. 2001. *Policing on American Indian Reservations: A Report to the National Institute of Justice.* Washington, DC: National Institute of Justice, United States Department of Justice.

Walker, R. 1990. *Ka Whawhai Tonu Matou: Struggle Without End.* Auckland: Penguin.

Wilkins, D. 2002. *American Indian Politics and the American Political System.* Lanham, MD: Rowman and Littlefield.

Yakima Nation Review. 1978. '1855 Yakima Treaty chronicles.' *Yakima Nation Review* 9(3), June 23.

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