

Aboriginal and Quebec Self-Determination under an MAI Regime

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Both Quebecers and First Nations peoples residing in Quebec declare themselves "peoples" having at international law the right to self-determination. In effect, they are presenting competing nationalist claims within similar, if not the same, territorial boundaries. Much controversy surrounds the impact of possible Quebec secession on the legal and political relationships between First Nations, a sovereign Quebec, and the Crown in right of Canada with respect to obligations to Aboriginal peoples – past, present, and future.

The Multilateral Agreement on Investment (MAI), expected to be ratified in 1998, represents a kind of "multinational corporate bill of rights" that some claim will place severe restrictions on the ability of governments to act on behalf of its citizens. Some suggest the MAI, an international treaty, represents a direct assault on the economic, political and cultural sovereignty of nations – rendering nation-states, in a sense, irrelevant. MAI rules (if NAFTA and other current treaties are any indication) seem hostile towards government regulation, protectionism, nationalist values and principles, public ownership, and collective rights. Both independent Quebecers and self-governing First Nations peoples in a seceded Quebec may find their powers and rights to self-determination, based directly upon nationalist values and principles, eclipsed by MAI trade rules and ideology. This paper explores the potential impact of the MAI on Quebec's Aboriginal peoples as both the Canadian federal government and an emerging government of Quebec react to ensure their inclusion in global economic restructuring.

L'autodétermination des Autochtones et des Québécois sous un régime AMI

Les Québécois et les peuples des Premières Nations habitant le Québec se déclarent "peuples" ayant par l'intermédiaire du droit international le droit à l'autodétermination. En effet, les deux groupes présentent des réclamations

nationalistes compétitives à l'intérieur de frontières territoriales similaires si non pareilles. Il y a beaucoup de controverse quant à l'impact d'une sécession possible du Québec sur les relations légales et politiques entre les Premières Nations, un Québec souverain et la Couronne du Canada en ce qui concerne les obligations aux peuples autochtones – passés, présents et futurs.

L'Accord multilatéral sur les Investissements (AMI), devant être ratifié en 1998, représente une sorte de 'déclaration des droits des multinationales' que quelques-uns disent placera des restrictions sévères sur l'abilité du gouvernement d'agir pour ses citoyens. D'autres suggèrent que l'AMI, un traité international, représente une attaque directe sur la souveraineté politique, économique et culturelle des nations – rendant les états-nations, dans un sens, inopérant. Les règlements AMI (si l'ALÉNA et d'autres traités actuels en sont une indication) semblent hostiles envers le règlement édicté par le gouvernement, le protectionisme, les valeurs et les principes nationalistes, la régie publique, et les droits collectifs. Les Québécois indépendants ainsi que les Premières Nations ayant l'autodétermination gouvernementale dans un Québec séparé, pourraient voir leurs pouvoirs et les droits à l'autodétermination, basés directement sur les valeurs et principes nationalistes, éclipsés par les règlements d'échange et par l'idéologie de l'AMI. Ce document explore l'impact potentiel de l'AMI sur les peuples autochtones du Québec pendant que le gouvernement fédéral du Canada et le gouvernement émergent du Québec réagissent pour assurer leur inclusion dans la restructuration économique mondiale.

"The future influences the present as much as the past" – Nietzsche

The aim of this paper is to consider the situation of Quebec and aboriginal people's claims for self-determination and territorial sovereignty within the province from the perspective of global theory. My goal is to show how both Quebec and Aboriginal peoples who currently live within the jurisdictional boundaries of Quebec are not immune from global economic and political developments. I conclude by suggesting that economic and political survival in the New World Order cannot be premised on traditional notions of state territorial sovereignty. New concepts and terms, free from the burden of 18th and 19th century thinking, will have to be invented.

I.

Human societies create territory out of meaningless space as they seek to partition space for their control and use. The basis of international society today is the territorial partitioning of the Earth's surface into states and the application, or denial, of sovereignty and some related attributes to the resulting territorial units, all of which are set within an international system of states. It is important to remember that concepts like territory, population and sovereignty are social constructions; they are not givens, and they are certainly not fixed. They are linked together in myriad changing ways, but they are artificial just the same. The problem is with the hegemonic control these concepts still have over our thinking and the simultaneously emerging challenges to these concepts (Taylor, 1993; Knight, 1994). The nationalistic struggles of both Québécois and Aboriginal peoples are occurring, ironically, at a time when the forces of globalization are revising the spatial-territorial order that has long been the basis for international society. How will Québécois and Aboriginal peoples position themselves as the international legal order is being reconceptualized?

The origins and roots of the contemporary system of international governance can be traced to the 14th century, when Europe began to move out of an era in which territory was contested space over which feudal lords and kings vied for control. A commitment to state territorial sovereignty took shape with the spread of the political ideas of the Enlightenment through Europe during the 18th and 19th centuries. By now the right to control territory and political legitimacy came to be seen as flowing from the rights of "the people." The people were understood to be a culturally cohesive community (a nation) that was entitled to control its own affairs. The Enlightenment world-view presupposed an international political order made up of discrete nations, each of which was given its own autonomous territory, or nation-state. Sovereign nation-states came to be seen as the political geographic ideal. Nations were seen as distinct political and cultural communities with the right to control their own affairs in a territory that offered security and freedom from outside oppression.

By the 19th and 20th centuries the nation-state ideal was incorporated into the national iconography of Europe's states, and the notion of territorial sovereignty acquired a kind of legitimacy, one premised on the ideological bedrock of what came to be known as "national" rights (Murphy, 1994). The nation-states principle acquired the status of a fundamental norm of international relations in Europe. Europe's global

economic, political and military reach meant that the European political order became the model for the emerging international state system. The control that Europe and later North America (e.g., the U.S.) exerted in international relations meant that any entity seeking freedom from colonial control and a place in the international order had to join a system that, for all practical purposes, was made up of sovereign nation-states. The irony, of course, is that 20th century independence movements trying to throw off the yoke of European colonialism can only succeed if they claim a status that itself is a European creation. They are obliged to appeal to the same concepts, language, imagery and vocabulary that facilitated and rationalized both the expansion of colonial powers and their own colonization.

International relations continue to be influenced by the assumption that the world is made up of largely autonomous nation-states. This assumption is both an integral part of the international legal order, as well as the basis for conflict, complications and important challenges. Perhaps the best evidence for a continuing commitment to the idea of state territorial sovereignty, or the nation-state, is the fact that most issues and problems around the world tend to be conceptualized in nation-state terms. Despite evidence of the international nature of issues ranging from poverty, the environment, to ethnicity, race and human rights, the individual state is usually seen as the appropriate political/geographic framework within which to address and remedy these problems. What this means, however, is that social, economic, ecological and ethnic problems are generally confronted within political frameworks that do not bear any resemblance to the spatial-territorial dimensions of the problems themselves.

One feature of international relations that again speaks to the ideal of the nation-state is the general unwillingness of states to allow any party other than another nation-state to sign an international agreement. Even well organized groups like the PLO can participate in international negotiations only as members of another state's delegation. Despite the United Nation's commitment to national self-determination, it has refused to support the territorial claims of such groups as the Kurds and others, since the territories they seek to control lie with the boundaries of already existing states. If international recognition were granted, it would be granted to a "state," not to a "people," because it is the state that is accepted into the international system of states – not the territorially encompassed identity of the "peoples" contained therein (Knight, 1994, pp. 80–83). Unhelpful too is the fact that no international legal body has ever made a formal pronouncement on the definition of "people"

(Finkelstein, et. al., 1995, pp. 248–52).

The use of political maps as frameworks for thinking about the world reflects a tacit assumption: That the units shown on those maps are meaningful spatial compartments for considering most social, cultural and political issues. But human society and its norms of governance are not static. We are forced to recognize the assumption and the ideal for what it is – an historically rooted concept of human territorial organization that continues to influence the actions and behaviors of both nation-states, the populations/peoples they contain, and the relations between states and peoples. Although state sovereignty and the nation-state is still “sacred” in so far as the concept/assumption still remains so much a part of our thinking – including the thinking of nationalists, secessionists, sovereignists – important developments have unfolded in recent years that seriously challenge both the concept and its underlying assumption.

As the interdependencies that characterize our world increase in complexity and visibility, more and more pressure is being brought to bear on the concept and principle of the nation-state as the underlying precept of the international order. There has occurred a shift away from the nation-state as the spatial unit within which problems are assumed to be most appropriately confronted. The rise of sub-state nationalisms and regionalism since World War II, growing economic interdependencies among states, the development of transportation, communication and information technologies that facilitate international linkages, and the growth of extrastate corporate culture *all* have challenged the integrity of the state.

The current spatial-territorial order is being revised, one might say, and with this revision comes a reconceptualization of the international political order. Some would go so far as to say that the notion of a state's territory and its population being protected by virtue of sovereignty and territorial integrity is now increasingly passé (Knight, 1994, p. 84). While it is still sovereign governments that make laws and rules for people within their territories, and while state sovereignty remains for now an important organizing force in the modern world, contemporary developments are begging a serious re-examination of such 18th and 19th century concepts as sovereignty, population and territory. The old definitions are seen, by global capital at any rate, as barriers and obstacles to be overcome. It is provocative to think that a revised and reconceptualized global spatial-territorial order not only makes room for but is itself comprised of self-determining and self-governing peoples who previously were disenfranchised by, and opposed, existing states.

II.

A prime mover in the revision of the contemporary spatial-territorial order is commercial/economic globalization, a process that has become increasingly intense in the last half-century. Just as with the formation of the nation-state in the 18th and 19th centuries when local and regional barriers to trade had to be eliminated and national standards established in order for capital to expand within a defined geographic territory, so too now national trade barriers, monetary and fiscal regulations and institutions, and national laws and standards have to be eliminated to allow capital to compete outside of defined territories in a global economy. This is why some authors write of the "end of the era of the nation-state" (Teepie, 1995, p. 56). A persistent irony, however, is that the expansion of capital has been facilitated by a corresponding growth in the size and power of the state and the role of national governments, while at the same time this expansion calls for their cooperation in their own limitation (if not dissolution). The premise is becoming absorbed by its conclusion!

The post-World War II period saw the creation of political and economic structures and policies (dominated by the U.S., at least until the 1970s). In 1944 it was the future members of the United Nations that at Bretton Woods established the basis of an international monetary system, an effort to lay the groundwork for a single world economy of competing capital. This involved in part the establishment of the International Monetary Fund and the World Bank. The IMF (referred to by developing nations as "imposing misery and famine") was intended to regulate international trade balances, but its general function was described as a sort of Magna Carta for a future world economic order (similar to the MAI now being described as a "charter of rights and freedoms for multinational corporations"). Both the IMF and the WB have regularly dictated national politics in the developing world as well as in industrial nations when national governments fail to do what is necessary for capital accumulation. The General Agreement on Tariffs and Trade (GATT), established in 1947, now the World Trade Organization (WTO), was likewise designed to provide the institutional means for a removal of all national barriers to world trade and to create universal regulations for increasingly freer commerce. Also by the late 1940s a number of European countries entered into the Organization for European Economic Cooperation (OEEC). Following the Treaty of Rome in 1957, the OEEC was transformed into the Organization of

Economic Cooperation and Development (OECD) in 1960, whose principal goal was and still is to facilitate and coordinate international economic growth and the liberalization of world trade.

Of considerable interest is the fact that the United Nations (again dominated by the United States) was founded (in 1945) as a supra-national quasi-government to serve as the political foundation for the new internationalism. The U.N. took upon itself powers to oversee the long process of decolonization, which in most cases helped American/corporate penetration into the former European colonies, and advanced the geographic expansion of the capitalist mode of production and the destruction of remaining precapitalist modes. In perhaps not so many words, the U.N. was also employed to contain the expansion of socialism, to promote the principles of liberal democracy as a political system consistent with the advance of capitalism, and to establish a set of international laws and guidelines for a "world community" (Teepie, p. 58).

The Universal Declaration of Human Rights and the International Bill of Rights (and the various Covenants attached thereto) with their emphasis on self-determination and other various human rights (whose 50th anniversary we have only recently celebrated, hold sacred, have enshrined in our national constitution, and which many "peoples" cite in their appeal for self-determination, self-government and sovereignty in their nationalist struggles to decolonize or to secede [Finkelstein et. al., 1995, pp. 238 ff, p. 248; Sanders, 1995, p. 151 and fn.24; Wherrett, 1996, pp. 11 ff]) can also be interpreted as having the sole practical application in laying the foundation for the internationalization and globalization of capital. Colonies, rigid national boundaries, and the oppression of peoples are, simply put, bad for business and obstacles for globalization. These so-called universal human rights have a practical application in conjunction with the right to private property, the right to pursue self-interest and profit, and the right to compete. Without basic human rights and civil liberties – that is, without the freedom to compete, be productive, and become a market – the expansion of democracy and capitalism is delayed and is pointless.

It is ironic that all nationalisms, including Aboriginal, are using concepts and a framework that are, once again, European creations. The language of universal human rights is, likewise, Eurocentric in origin and capitalistic in intent (something that has not been entirely lost on Aboriginal peoples: see Barsh, 1995). The irony is that decolonization and secession and independence presupposes the birth and formation of

the very entities that then become subjected to the forces of globalization that in turn demand their "deterritorialization," "decentralization" and diminished national sovereignty. A further irony is that even the United Nations as an international organization faces an uncertain future: If nation-states themselves are losing ground in their sovereignty and their ability to control, protect and provide for their citizens, what will be the purpose and identity of the U.N.? Will it evolve to become just one more mechanism among many (such as the WTO, OECD, NAFTA, EEU, APEC or even NATO) to govern and police global conduct – not only of corporations and businesses, but of cultures, religion, peoples/nations, and ethnic groups (Collier, 1997, p. 143; Corbridge, 1994, p. 296)?

A provocative observation is that the struggles of individual "peoples" – whether Aboriginal or Quebecois (or any of the nationalisms) – are significant as "means to an end" in the ongoing process of global economic and political restructuring. An international commitment to human rights and human rights advocacy is itself seen as transcending the sovereign territorial rights of nation-states, hence weakening them (Murphy, 1994, pp. 219–20). Nationalistic struggles as "ends in themselves" are relatively uninteresting from the point of view of capital, but are obviously of prime concern to those interested in newly emerging of identities, cultures, and social relations in the "new world order" (Alonso, 1994; Kearney, 1995).

Most are familiar with the various developments that "comprise" globalization: A world currency; a supra-national banking system; supra-national accords or treaties; multilateral agreements; the growth and broadened powers of international governmental organizations; global labor markets; movement towards world wages; monetarism and neo-monetarism (that has little need for the state and requires instead autonomous central banks – e.g. Bank of England autonomous as of April 1998), and cf. the Maastricht Treaty (Teepie, 1995, p. 71); the establishment of the "European State Bank"; "the Euro" as main currency (11 national currencies are to be phased out over the next three years [CBC, *Globe & Mail*, 2 May 1998]). Perhaps the fact that on 30 April 1998 there was an announcement that NATO was expanding, admission of Poland into that organization, etc. is also significant.

An identified "constant" in these and other developments are the activities of multinational corporations (MNCs), now also called transnational corporations (TNCs) and their role in depoliticizing nation-states. This has come to be called the "de-nationalization" process. For several decades MNCs have been shifting profits and operations to

places where advantages in taxation, wages or state support were the greatest. Increasingly, they assume the powers of virtual sovereign entities, ignoring or interfering in the interests of nation-states (Teeple, 1995, p. 62). This expansion of the MNCs adds international pressure to remove national barriers and level the costs of corporate activities. The rise of foreign currency and international capital markets are not only increasingly out of the control of national regulation, but they set the limits on national policies with respect to credit systems, money supply, exchange and interest rates, debt-management, taxation and investment policies. So, too, are national policies on trade, transportation and communication, employment and health standards and pollution subject to modification and reformulation to bring them in line with internationally set rules and regulations (Teeple, 1995, p. 63).

The decline in powers of the national state is also reflected in the world-wide increase in preferential trading groups (e.g. cartels, conglomerates, oligopolies, common markets; free trade areas, cf. the newest is the "Free Trade Area of the Americas" which includes some 34 countries – announced April 4 1998; International Chamber of Commerce; NAFTA, APEC, EEU, etc.). A system of highly integrated world trade was an irreversible fact even by the 1970s, confirmed and hastened by new means of transportation and communications. With the help of the micro-electronics revolution and the subsequent computer-based systems which it spawned, capitalist production, distribution, and circulation becomes even less constrained by geographic, territorial and national barriers. National boundaries have become perforated, indeed, transparent. If capital forged the modern nation-state and made over the administrative-political state in its own image, it was only for as long as capital in its self-expansion remained nationally based in its development. Capital has been outgrowing the very geographic and political forms it had originally made for itself.

It would not be exaggerating too much to say that the national state has lost, and continues to lose, much of its sovereignty (although the degree of independence vary with the degree of remaining integrity to national economic and military formations). It is not so much that a political state cannot act independently because of the erosion of its power, but that its *raison d'être* – the existence of nationally defined capital – has waned. Where do today's "national" economies begin and end, and who commands and regulates them? In the global market, capital can reproduce itself with abundant cheap and unorganized labour and with few and often no associated external costs.

The present role of national states thus becomes the task of helping develop the international mechanisms to facilitate and regulate the accumulation of global capital. The more these are developed, the more the functions of the national state (e.g., taking care of its populations, peoples with respect to their social and economic rights, including fiduciary relations) will be subverted. A good example was the negotiation of NAFTA that never included Aboriginal peoples. Says Anthony Hall (1996), "the anti-aboriginal character of NAFTA was marked by the beginning of an Indian uprising in Chiapas, Mexico, on January 1st 1994 – the day the trade treaty came into force."

There are significant built-in contradictions and consequences of the globalization of capital and this head-long movement towards a world capitalist economy, such as circumscribed individual and collective rights and freedoms; environmental degradation; a diminishing consumer base; unequal distribution of wealth; curtailment of social and economic reforms Clarke and Barlow (1997) and Teeple (1995) explore these topics in detail.

III.

The logical next step in the globalization process is an agreement or treaty as that represented by the Multilateral Agreement of Investment (MAI). The MAI is a proposed framework of rules governing global investment, currently being negotiated by 29 national governments of the OECD on behalf of the other 132 member countries of the WTO. The prime objective of the MAI, described by some as the "charter of rights and freedoms for multinational corporations," is to allow easier movement of capital across international boundaries; the new rules would serve to restrict countries from using legislation and policies that would impede the free flow of capital. According to the Canadian Chamber of Commerce (1997) a new investment treaty is being signed every day, and at the beginning of 1997 there were some 1,330 regional and bilateral investment agreements in place world-wide. The MAI simply represents a unifying framework for this patchwork quilt of existing agreements. The Canadian Chamber of Commerce argues that such a framework of rules "is necessary to facilitate Canada's integration into a highly competitive global economy. . . . [B]arriers to investment are diminishing [as most states are now vigorously seeking foreign direct investment as a recognized economic engine of growth." [On 28 April 1998 the OECD has "suspended" or "postponed" talks on the MAI because of some difficulties; advocacy groups against the deal, such as the Council of Canadians, are

citing this as a victory against globalization (*Globe & Mail*, 29 April 1998) and claim the agreement is dead).

The text of the MAI, though incomplete and now "suspended," contains a number of sections and clauses that have raised particular objections. They briefly include: foreign and domestic investors are to be treated equally; national subsidies and incentives apply equally to foreign businesses; corporations have the right to sue national governments whose laws violate the agreement; TNCs are allowed the virtual status of nation-states with certain political rights; national governments are prevented from using procurement practices to support local industries; corporations are enabled to force governments to roll back legislation on consumer protection, foreign ownership, regional development and social programs; restrictions on foreign ownership and control of energy resources are disallowed; there are no exemptions for education, human rights, environmental laws, non-profit organizations; and, repatriation of 100% of foreign-owned business profits is allowed. Supporters of the MAI say that these rules work both ways; that is, Canadian businesses would enjoy these powers and protections when they enter and operate in foreign markets.

Not surprisingly, some observers suggest that the political and economic rights of nation-states and national governments are in danger of being seriously eclipsed by MAI rules and requirements. Municipal and local governments, and even the self-governing structures of First Nations and Aboriginal peoples in Canada and elsewhere in the world are likewise said to be in danger as they cannot be protected by the national governments with which they may have a special relationship. Like NAFTA before it, current MAI negotiations include no place for aboriginal delegations even though agreements can be imposed on territories already subject to the terms and conditions of treaties between the Canadian national government and aboriginal peoples.

Clarke and Barlow (1997) in their critique of the MAI suggest that "whether by design or default" recent Aboriginal-government relations seem to play right into the hands of the MAI framework of rules. Since the patriation of the Constitution in 1982, the rights of Aboriginal peoples as well as the fiduciary responsibilities of Ottawa that had been embodied in pre-Confederation, post-Confederation and modern documents and treaties were recognized and affirmed. On the basis of these, Aboriginal peoples are asserting their rights of self-determination and self-government. The Royal Commission Report on Aboriginal Peoples reaffirmed these historic rights when it was released in 1997.

Even before and since the White Paper in 1969, and despite protest and reaction against it, there has been a movement by Ottawa to "off-load" its fiduciary responsibilities to aboriginal peoples to the provinces. At the same time INAC has been devolving – with powers and responsibilities given over to provinces and FN band councils – by virtue of a so-called "inherent rights" policy that also gives the provinces veto rights in negotiations on devolution. Through the federal government's financial transfers agreements, First Nations must turn to the provinces for many programs and services (Assembly of First Nations, 1996; Jones, 1997, p. 11). The AFN states that the First Nations find themselves in a squeeze play – "Canada is moving ahead unilaterally and cutting transfers to FNs and the provinces, while at the same time increasing their responsibilities."

In late 1996, then-Indian Affairs minister Ron Irwin proposed some 63 amendments to the Indian Act (Bill C-79; "Indian Act Optional Modification Act"). The amendments were rejected by Ovide Mercredi, then chief of the Assembly of First Nations, on the grounds that they favored business interests rather than Indian interests, and that they ran counter to Aboriginal values and traditions. More specifically, according to AFN-commissioned legal analyses of the proposed amendments, Indian-held land would come to be defined as corporate property rather than communal lands owned by all members of a First Nations community. Band councils would be designated as corporations; chief and council would constitute the board of directors of a corporation, which would be recognized as the holder of reserve land. The changes represented by the amendments were meant to bring about greater Aboriginal self-government by supposedly reducing federal powers and responsibilities, but according to Clarke and Barlow actually strengthens Ottawa's role with respect to control over certain kinds of resource developments. For example, the powers of the federal cabinet with respect to regulating the cutting, removal and disposition of timber would be increased, as would be the authority of the Indian Affairs minister to grant licences for these activities – thereby imposing limits on the capacity of FN to exercise self-government. The powers of cabinet would also be increased with respect to mines and mineral exploration, development, production, removal and processing. These amendments, Clarke and Barlow (1997, p. 159) claim, "would be largely compatible with the emerging MAI rules."

Clarke and Barlow (1997, p. 160) conclude that the federal government has no intention of "handing over control" of strategic resources like

timber and minerals to aboriginal people, "especially given the federal government's commitments under NAFTA and the obligations it would face under the MAI." Barlow (public talk at UCC, Kamloops, 29 January 1998), for example, suggested that timber agreements signed between the British Columbia provincial government and First Nations would be null and void; under the MAI, if a transnational company could prove an interest in an area, it would have the right to sue for future losses of profits. Under an MAI regime, the provincial-Aboriginal forest issue in New Brunswick, the nationalized hydro-electric power industry issue in James Bay, and competing claims for ownership and jurisdiction over natural resources in northern Quebec would all take on dramatically different meaning and intensity. In the event of secession, Canada, as well as other foreign states and corporations, could use the MAI as a tool to access these resources (Clarke and Barlow, 1997, p. 155).

Some have even gone so far as to suggest that entrenching "existing" Aboriginal rights, including the inherent right to self-government and even Aboriginal title, is not a benevolent act at all, but is rather an effort to contain and manage once and future threats to perceived vital economic resources arising from land claims and other actions (Shewell, cited in Collier, 1997, p. 80). One conclusion might be that Canada is dismantling its fiduciary duties because perhaps, from the point of view of international capital, fiduciary relations will be seen as unfair "advantages" and "subsidies" that cannot be tolerated.

As it turned out, Bill C-79 was withdrawn by the new minister, Jane Stewart, in response to strong opposition by the First Nation. But critics of the MAI, like Clarke and Barlow, point out that regardless of whether or not the amendments are eventually passed, MAI rules "are to be applied to all subnational governments, including those of First Nations," so that First Nations are still in danger.

Municipal, or local, governments, considered a "subnational" form of government, are apparently especially vulnerable to MAI control – "[U]nlike the FTA and NAFTA, the MAI will directly affect municipal governments, by seriously hindering their ability to implement their own local policies and programs. In their relationship with provincial governments, municipal councils are directly involved in delivering services . . . such as public education, social housing, health care, and social assistance" (Clarke and Barlow, 1997, p. 177). Critics of the MAI select municipal, or local, governments as being the most vulnerable because the effects of "off-loading," downsizing and privatization due to public sector spending cuts and cuts in transfer payments more readily

occur and are felt at this level (Teepie, 1995, pp. 102–104). In turn, municipal governments have begun to contract out services to private companies. However, this further privatization of services (ranging from health, social services, transportation, police and fire protection, utilities, waste disposal to libraries) would still have to follow MAI rules – namely, performance requirements and “equal” opportunities given to foreign-based businesses (Clarke and Barlow, 1997, pp. 121, 157).

Neither by default nor design, however, it should be noted that the federal government is prepared to accept only modified versions of municipal style governments with respect to aboriginal self-government, developments like Nunavut notwithstanding (band government; Sechelt; the Nisga'a; Alberta Métis settlements, etc. [Frideres, 1998, pp. 382–85]). Under an MAI regime, Aboriginal communities may become more vulnerable and “exposed,” and coupled with off-loading of responsibilities, perhaps less protected by the federal government.

IV.

Globalization entails a shift from two-dimensional Euclidian space with its centers and peripheries and sharp boundaries, to a multidimensional global space with unbounded, often discontinuous and interpenetrating sub-spaces (Kearney, 1995, p. 549). The international flow of money, information, business and labour that represents the process of deterritorialization and economic decentralization renders the ideas of physical space and place more and more ambiguous. In terms of global developments, we now understand that a hierarchy of territorial nation-states is not the only means by which we can conceptualize, order and classify the world around us. Will economic wealth and power be centered in cities or region-states, rather than in specific countries (Corbridge, 1994, p. 295; Telmer, 1997 [*Edmonton Journal*, 21 December 1997, p. A14])? Or will hegemony come to reside with the markets themselves?

At the same time when the powers of the nation-state in the global system are being eroded, overridden, dispersed, given over to international agencies, changed by trade and investment agreements, and undermined by ethnic wars and genocide, Aboriginal peoples now claim some of the powers of the state and are now wanting to negotiate their own and unique forms of power and self-governance. Whatever form their self-government takes, they need to relate to national, provincial, city, municipality, or other levels of government that are themselves declining and off-loading their responsibilities (with

privatization being the ultimate "off-loading"). Aboriginal peoples are looking at building nation-like mechanisms (for example, government, courts, education and health systems, income security, housing, social services) at a time when virtually all other economic formations are withdrawing from, or dismantling, these state activities and mechanisms.

Land and resources allocated under treaties, set aside as reserves, or that acquired by having "title" affirmed must be used more intensively. Turning reserves and territories into sites for businesses seems the only viable option given current conditions of underdevelopment. There will be struggles over jurisdiction between national, provincial or even local and aboriginal governments to see who has the right to control, license, tax, staff, and operate new enterprises (e.g. fisheries, forests, water, minerals). Collier (1997, p. 81) refers to a "new aboriginal frontier," or regions "of commercial and service 'innovation' on the edge of the law." In light of globalization and what the MAI or some such agreement represents, struggles over jurisdiction and competition over resources will only continue to intensify.

Aboriginal peoples are now facing their greatest challenge. Just as they are having title affirmed and are gaining access to important resources, they may be falling under the gaze of international businesses and capital, and are being drawn into a less visible network of economic and political actors, institutions and transactions. Just as they are becoming more self-determining and self-governing, so too is the traditional nation-state losing salience with which they have a special relationship. What, or who, will they have a relationship with, if the nation-state disappears?

On the up-side, however, notwithstanding once and future agreements like the MAI, as barriers and boundaries between nation-states continue to weaken, the ability of local governments and businesses to forge links across international boundaries may actually be enhanced. Especially in the case of Aboriginal people, cross-border regional co-operation schemes are growing and significant economic and cultural links are being developed among geographically dispersed regions within a number of states. Excellent examples are the Meadow Lake forestry venture (between Saskatchewan's Meadow Lake Tribal Council and the Miskito Indians of Nicaragua), the pending Makivik Corporation-Miskito lobster business, and Saskatoon Tribal Council-Guatemala coffee-packaging partnership (*Globe & Mail*, 13 April 1998). Says Phil Fontaine of the AFN, "Revitalizing first-nation economies should not be restricted to Canada. . . . We go where there

are opportunities. And we see the benefits in doing business with our brothers and sisters in other parts of the world. We're taking a page out of the Team Canada trade missions" (ibid.). While the future stability of these regional cooperative schemes remains to be seen, they represent an important challenge to the notion that a successful international economic or political system must be premised on state territorial sovereignty.

To summarize, my concern in the context of "global theory" is with the realities faced by both Aboriginal peoples and Quebecers – which I am certain are not lost on them:

1. Arguments in international law notwithstanding, it is uncertain what secession would accomplish in this era of internationalization;

2. The peoples of Quebec as well as Aboriginal peoples – perhaps independently of each other – will need to position themselves with respect to the global realities of decentralization, deterritorialization, and denationalization;

3. Cross-border regional cooperation represents the deterritorialization of the nation-state and re-territorializing along lines of culture and identity;

4. The economic and political futures of both aboriginal peoples and Quebecers will have to be articulated using terms other than state and territorial sovereignty, when it is clear these have been eclipsed by ethnicity, religion, lifestyle, and other sources of multiple identities – the newest building blocks of global economic and political order.

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