

## BOOK REVIEW

### THE PLIGHT OF INDIGENOUS PEOPLES IN THE STRUGGLE BETWEEN STATE LAW AND FOLK LAW

Bradford W. Morse and Gordon R. Woodman (eds.), *Indigenous Law and the State*. Dordrecht and Providence Rhode Island: Foris Publications (1988).

Samuel O. Gyandoh Jr

In practically all areas of the world community indigenous peoples are victims of discriminatory laws and practices. They suffer from blatant violations of their human rights and fundamental freedoms. Existing procedures and institutional structures of the United Nations system are obviously inadequate to deal with their plight.

In recent years, however, the cognate subject-matter of discrimination against indigenous people has attracted the acute attention of the organized world community, and scholars have devoted a good deal of attention to the problem. Indeed, the 1993 World Conference on Human Rights commemorated 1993 as the International Year of the World's Indigenous People, with the promise of extending the International Year into a Decade, thus ensuring active concern for the plight of indigenous people into the next century. The Vienna Declaration adopted by the World Conference recognized the inherent dignity of indigenous people and the value and diversity of their distinct identities and cultures, and emphasized the importance of respecting their rights to ensure national stability and development.

The book under review is a volume of essays on the problems and policy options of indigenous peoples living under the control of occupier states. It originated in part as a result of a series of symposia held by the Commission on Folk Law and Legal Pluralism in 1988 in Vancouver, Canada, as part of the XIth International Congress of Anthropological and Ethnological Sciences. Each essay addresses, on

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some level, the relationship of the legal customs of indigenous peoples and the legal norms of the states which now occupy their territories. They discuss indigenous peoples in many societies. The large variation of both topic and geographical area precludes any categorical and accurate breakdown of this collection. In order to provide a useful reference for indigenous peoples and their supporters, the editors opted against a geographical breakdown, and instead viewed the conflict between states and indigenous peoples through the broadest possible comparative lens.

These studies may be seen as principally an effort to examine the general relationship between indigenous law and the state. Rather than examining the more detailed questions about social activity, the studies draw conclusions from the entire field of social activity within states. In this way, they hope that indigenous peoples living under occupier states the world over can draw upon and learn from their common experiences.

The expression 'indigenous people' has given rise to a number of difficulties in the literature on human rights. Etymologically and in normal parlance, it is easy to conceptualize and identify various groups of indigenous peoples. However, for purposes of stimulating and encouraging collective global action and programs in behalf of indigenous peoples, it becomes necessary to develop an official working definition. Several factors help determine this. Indigenous peoples have partial or full occupation of their ancestral lands. They share a common ancestry with the original inhabitants of these lands. Their culture consists of their shared lifestyle, religion, language, dress, and customs which distinguish them from the societies that prevail in their territories. They share an inherent belief in the right to self-determination. As a result of these factors, peoples have been defined as indigenous on account of their descent from the peoples who originally inhabited the country before colonization or conquest by European powers and their maintenance of their identity through their own social, economic, cultural, and political institutions. This definition would also apply to tribal peoples in countries whose culture and lifestyles distinguish them from the majority, such as the native Americans of the United States of America) (UN 1994: 2, 5 April). Because there is no specific definition, there is none mentioned in this book.

The collection has been divided into five parts. The first examines the varied policies of nations attempting to resolve the conflicts between indigenous and state law. Part II analyzes the relationship which has existed in practice between the indigenous law and the state in India, Canada, Ghana, and Nigeria. The final three parts address more specific issues. Part III discusses the use of actual or potential constitutional law to address indigenous/state conflicts of law. Part IV addresses conflicts of law regarding family, personal status, women and children. Part V addresses the effect of applying non-indigenous concepts of deviancy to

indigenous peoples and the resulting problems bearing on the 'criminal' activities and societal functioning of indigenous peoples.

The editors hope that these essays will contribute to an increasing understanding of the need to formulate initiatives and legal solutions which will preserve the laws, customs, and ways of life of indigenous peoples. More importantly, many of the authors stress the need for indigenous peoples to formulate independently the extent to which they wish to preserve their traditions and laws, and the degree to which they wish to assimilate into the state. Emphasized throughout are the complexity of the problems faced by indigenous peoples, and the conclusion that only a policy of self-determination can produce the best solutions.

Another important theme is the tremendous problems of conflict of laws between indigenous peoples and states. Frequently, where state law overrules indigenous law, there ensues a crippling situation for indigenous peoples, who are prevented from formulating creative, effective responses to the problems they face. This conflict of law is also problematic from the state's view. Often legal norms which the state has adopted may conflict with indigenous legal norms and cause what the state views as a criminal justice problem amongst the indigenous population.

Under the self-determination model for reaching solutions, many different approaches to the recognition of indigenous law and custom are possible. These range from admittance of customary law as fact at state criminal trials, to incorporation of some indigenous laws into the state system, to provision for an autonomous region administered solely by the indigenous people with its own legal system. What type of reform an indigenous people calls for will be determined in large part by the economic, geographical, and social make-up of that particular people, as well as by their degree of assimilation into the larger state.

One last overreaching theme is that formal legal systems are not the exclusive means of governance and protection of individual rights. The authors suggest that most of the world is able to govern itself without the lawyers, courts, and other legal paraphernalia with which we are so familiar. We now consider the five specialized parts of the book under review seriatim.

## The Australian and North American Experiences

Part I outlines recent Australian and North American efforts to accommodate their indigenous populations through legal reform. The first essay explores some policies which have been advanced to address the conflict of indigenous and state law. The government of Australia is attempting to reform the areas of marriage,

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property, child custody, criminal law, and community justice mechanisms through special rules which would apply to Aboriginal people<sup>1</sup> when they come before the courts. The government's approach to reform is to frame the issue in terms of how to advance Aboriginal interests within Australian society, and not how to provide local autonomy or self-determination for Aboriginal people. The government speaks of its 'national responsibility' to reform their law in order to 'interfere as little as possible with the Aboriginal lifestyle'.

In the second essay of Part I, the author stresses the importance of the majority viewpoint of the occupying power including a conviction of their moral obligation to allow the indigenous population to govern itself. Because history is often distorted by a ruling power,<sup>2</sup> the majority population is often not aware of the violence and injustice which most of the indigenous population have encountered. In Australia, for example, as the author points out, most people believe that settlement of the continent was peaceful, when it in fact was extremely violent. Mr. Riley, the author of this essay, concludes that until the Aboriginal people of Australia are directly involved with the Australian Law Commission's effort at reform, and the Australian people learn respect for the indigenes' different culture and way of life, constructive reform is not likely.

The third essay of Part I outlines the reform policies which have been undertaken and which are being demanded by the indigenous population in Canada. Unlike Australia's, Canada's indigenous population has put forth demands for self-determination since 1969. It has also been the object of a long-standing policy of coercive social control and indigenization, the latter, as explained by Paul Havemann, being the recruitment of indigenous people into the law enforcement ranks of the colonial or occupying power. This policy is implemented in order to assimilate indigenous populations, to ensure their subjugation and lack of motivation to demand self-determination, and to give an appearance of self-imposed social control.

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<sup>1</sup> The accepted Commonwealth administrative definition is that an Aborigine is a person of Aboriginal descent, who identifies as an Aborigine and is accepted by other Aboriginal people as an Aborigine. (36)

<sup>2</sup> The widespread celebration of the 500th anniversary of Columbus' voyage to the Americas is a clear sign that the world has a long way to go towards recognizing the injustices they have suffered. Considering that within thirty years of Columbus' first voyage "tens of millions lay dead, with their agricultural civilizations in ruins", it is hard to believe that many nations have been insensitive enough to propose a celebration of this historical tragedy.

Some indicators that an indigenous population's problems are linked to these indigenization policies are: (1) a much higher percentage of indigenous prison inmates, as compared to the general population, and (2) a much lower percentage of government spending on the social needs of the indigenous population as compared to the percentage of spending on police costs in the same areas.

Additionally, Mr. Havemann points out the serious problems which the process of indigenization creates for the people who are subject to it. It not only creates serious conflicts of loyalty and personal identity, but also undermines the role of the traditional justice system and destroys indigenous culture. In a nutshell, the policy of indigenization works directly against the impetus in the community for autonomy and self-determination.<sup>3</sup>

In the fourth essay of Part I, Bradford Morse outlines the different responses or reform models a state may use when attempting to formulate a solution to conflicting indigenous and state legal systems within a nation. Unlike the previous three pieces which also deal with policy options, this essay does not outline the policy followed by a particular nation, but instead offers a theoretical sketch of the different policies a country may adopt.

Four such basic policies are identified, each of them subject to variations. First, there is the policy of total avoidance, where the two systems function side-by-side, with little or no contact, almost as if they were two separate nations. This policy is often impossible to implement because of the degree of assimilation and indigenization which has already taken place between the two communities. Second, under the co-operation model the state justice system and the indigenous custom interrelate but divide their authority into a number of jurisdictions. In this way, depending on the specific circumstances of a particular case, decisions fall under the jurisdiction of either one or both systems. A third basic state policy

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<sup>3</sup> Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that states obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. Pursuant to agreement with the indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact. (UN 1994: 2/Add.1, 20 April)

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incorporates into the state legal system some or all of those indigenous laws which do not conflict with state law. Many of the other authors criticize this policy as ineffective to preserve the institutions of indigenous societies on the ground that many indigenous laws will be eliminated as a result of conflicts under this system. Indeed, without the ability to self-govern autonomously, the traditional indigenous way of life has little chance of survival. The final policy option is a total rejection of indigenous law as incompatible with the state system of justice. Adoption of this policy usually stems from the ethnocentric viewpoint of the state.

Morse perceptively comments that the policy or combination of policies a state chooses to adopt will not necessarily reflect the reality of the situation in that state. This is particularly true where an indigenous population exists in geographical isolation, and will likely ignore any policy adopted by the state and continue to live under its traditional system of justice. Morse points out that the level of demand for preservation of indigenous law is closely linked with economic interests, the degree of physical separation from the state, the degree of indigenization and the level of assimilation.

Clearly, then, an overriding concern for the needs and desires of a particular indigenous people must inform any policy choice out of the available courses of action. This means that all government initiatives in behalf of indigenous peoples' laws must enjoy community support.

The last segment of Part I deals exclusively with policy issues. James Zion examines the problem of accurately determining what constitutes indigenous law without any inadvertent imposition of an ethnocentric overlay. He examines this general policy problem within the specific context of the North American Indian population<sup>4</sup>. He points out that, like English common law, Indian common law is based on longstanding traditions. Although the discovery and codification of the largely oral and constantly developing legal system which constitutes Indian common law presents some difficulties, Zion stresses that knowledge of Indian

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<sup>4</sup> Indian government, law and daily life are founded upon long-standing and strong customs...

It is unfortunate that the term 'custom' implies something that is somehow less of a lower degree than 'law'. There are connotations that a 'custom' is somehow outside the 'law' of government, which is powerful and binding. This is an ethnocentric view, since punishment by an Indian judicial system is as binding as that of an Anglo-European judicial system, and often may be equally or more severe. (123-124)

law is of great utility to North American states, largely because it exposes problems in their own legal systems while suggesting new approaches to securing societal justice. The core of his article suggests a number of useful methods which may be employed in the discovery of Indian law.

He recommends that the inquirer consult: sacred scriptures, as these treatises are used to explain legal concepts, legal relationships, and family relations; oral sources of legal tradition such as sayings taught in childhood, hero stories, animal stories, and stories about members of the community; and the manuscripts of Indian writers.

### State Law and Indigenous Law Interaction in India, Canada, Ghana and Nigeria

Part II contains three articles which deal with the subject of the relationship between State and indigenous laws in three different areas of the world. B.K. Roy Burman discusses and analyzes the persistence of the folk law of tribal communities in India. He defines folk law as behavioral norms which are preserved because the members of the group accept certain rights and duties on the basis of conformity to morality rather than submission to the coercive power of the state (151). In India many customary laws, such as those pertaining to marriage, succession and adoption, have been adopted by the state legal system, so that no conflict of laws exists in these areas. Constitutional provisions which provide for autonomous Regional and District Councils, and protect rights to free speech, conscience, religion, and education enable customary law to persist and develop even among smaller groups. In contrast, a conflict of law has arisen in the area of proprietary rights.<sup>5</sup> Local villages ignore the state system of proprietary rights, and only recognize them to the extent that they are applicable under customary law.

Nathan Elberg examines the compelling struggle for autonomy by the Labrador Inuit people of Canada. Due to the geographical isolation of the Inuit, as well as their close ties to the lands resulting from mass participation in fishing and hunting

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<sup>5</sup> The draft declaration prepared by the Working Group on Indigenous Populations also stresses: the rights of indigenous peoples to collective and individual ownership of land, and to compensation for land which has been confiscated without their consent, preferably in the form of land of a comparable quality and quantity to that which was taken from them. (UN 1994: 2/Add.1, 20 April) Observers from various countries throughout the world expressed their issues and concerns relating to land and resources (UN 1994: 30, 17 August).

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as occupations, this people has a strong claim to autonomous governance. The Inuit culture and way of life is vastly different from that of the Canadian people, and many of the current community and social problems are linked to the insensitive and inappropriate institutions and authorities which govern the Inuit.

The Inuit traditionally view property as falling within different degrees of possession, whereby one may take many things owned by another as long as some compensation is made. This has caused many Inuit to suffer jail terms and the stigma and humiliation of conviction where they themselves did not view their actions as blameworthy. Other problems exist. Thus, because the Inuit are prohibited from marrying at puberty according to their traditions, a large problem with illegitimate children has developed. Also the inability of the Inuit people to control their own community and enforce decisions has contributed to general discontent, problems with vandalism, and declining family stability. Clearly, until the Inuit gain control of their land, resources, educational system, and legal system, this community will continue to suffer from an inability to maintain their desired way of life, both economically and socially.

The ongoing inappropriate application of Canadian law to Inuit society is most unfortunate because the situation in Canada seems to present an ideal opportunity for an agreement between a state and an indigenous population on the basis of self-determination and autonomy. The Canadian government has little to lose and much to gain by boldly granting autonomous status to the Inuit. Even in purely economic terms, it is open to question whether the resultant loss of tax revenue would exceed the monies currently being expended by the government in administering and dealing with the problems which plague this community.

It may generally be concluded that because land and natural resources are vital to the economic, cultural, and religious well-being of indigenous peoples, the latter's access to land and resources is the central issue which must be addressed in resolving the conflict with state governments. All over the world, indigenous peoples have been denied access to their land and resources, to varying degrees. In the most severe cases, the depletion of water and other resources has threatened the lives of many indigenous persons. The large mineral and fossil fuel reserves which exist on indigenous lands are also being depleted currently by state governments in order to maintain political and economic control of their indigenous populations. Without a policy of protection of land, water and mineral wealth, not only are the rights of indigenous persons to control their languages, cultures, and lifestyles endangered, but the very survival of many of these peoples is questionable.

In the final section of Part II, Gordon Woodman examines the interaction of State law and indigenous law in Ghanaian and Nigerian societies, where the state courts



have applied customary law for about one-hundred years. The underlying theme of Woodman's piece is that states which attempt to preserve traditional systems of justice in this manner may face severe difficulties. He theorizes that when state courts apply customary law, they in reality are creating a new body of law, which he calls 'lawyers' customary law.' The remainder of the article is devoted to explaining the reasons for this phenomenon.

The main factors which make state courts unable to effectively preserve traditional law, according to Woodman, are: (1) the restriction of the forms which claims may take, (2) a state prescribed limit on the types of remedies available, which excludes most forms of traditional remedies, and (3) the courts' refusal to apply customary law under several circumstances. The reasons behind this distressful and significant distortion of the indigenous customary law are multi-fold.

Above all, the prejudicial attitude of judges towards customary law will often lead to decisions which dismiss customary law where it should technically be applied. This may also be one of the reasons why customary remedies such as public apology are not used. Additionally, the divergent role of family and concepts of property which exist in the states of Ghana and Nigeria may prevent state courts from applying customary law even when they are instructed to do so. In a rather dramatic turn of phrase, Woodman informs the reader that "... when state institutions act upon relationships which have previously been the concern of folk law, the effect on folk law is likely to be terminal". (181; the same point is more directly made: "State institutions, when instructed to apply folk law, in practice do not", 181.) Furthermore, due to preconceived views of how a system of justice should function, many customary laws will be excluded from enforcement by judges through their categorization as customary morality.

In sum, although there is some relationship between lawyers' customary law and sociologists' customary law, there are vast differences between the two. As Woodman eloquently and persuasively states:

[R]ules which have previously operated independently of a modern state cannot be 'enforced' by the state.... [T]he creation of state power over a community necessarily changes social relations within it. (209)

### Constitutional Approaches to Recognition of Indigenous Law

Part III outlines the following three constitutional approaches to recognizing indigenous law, with examples scattered throughout the essays in this Part.

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1. *A state may constitutionally create an autonomous territory where a highly isolated and independent indigenous population can address community needs through its own system of criminal and civil law.* Precisely such a political solution is currently being sought by the Dene people of Canada as described by John Bayly. Because of their close ties to the land, on which they hunt, fish and trap to earn a living, and their isolation from the settler population, this solution is particularly appropriate for the Dene.

2. *Indigenous laws may be applied through the ruling government's court system in response to constitutional provision(s).* This method seeks to preserve and develop indigenous culture by conferring legal status on indigenous peoples' societal norms. However, it has many flaws, as Jeff Richstone points out.

Indigenous law may conflict with the repugnancy rules of a state, and thereby become legally unenforceable. The typical repugnancy rule generally declares that any indigenous custom or norm which conflicts with natural justice, equity or morality is deemed void and unenforceable. In essence, this provides the state with the power to veto any indigenous custom or law which it deems inappropriate or unethical, regardless of the views of the indigenous peoples who adopted it. Furthermore, even those indigenous laws which do not conflict with state law and which are not found to be morally repugnant, are subject to interpretation by a judge who is trained in the European legal tradition. Such a judge will tend to interpret customary law from a Eurocentric and necessarily non-aboriginal perspective, thereby distorting its meaning and purpose.

Therefore, Jeff Richstone, together with a number of other authors, concludes that this method can, at best, only preserve the application of indigenous law in a limited number of individual cases. The method will certainly not ensure the survival of the indigenous law which forms the core of the socio-political life of many indigenous societies. Richstone thus argues, quite logically, in favour of a system of self-determination for native peoples.

3. *Preservation of indigenous law through the constitutional grant of special rights and immunities to an indigenous population.* The invariable effect of this approach is to apply indigenous law to individual indigenous persons so long as they do not become sufficiently integrated into the occupier state. The consequences and problems are outlined by Peter Grant. The main problem is that this approach punishes indigenous persons who assimilate into the ruling state society to a certain degree, thereby discouraging the natural evolution and adjustment of indigenous peoples to outside influences. A traditional society, like any society, is constantly evolving and developing. This development is stunted when individual members of an indigenous population are punished and ostracized for their participation in the larger society's processes of change and modernization. The

author suggests that an alternative approach, which is used by the United States, is to classify indigenous persons on the basis of their political affiliation, and to consider them as part of a melting pot on all other counts.

### The Effect of State-Imposed Laws on Women and Children.

The status of aboriginal women is the first topic discussed in Part IV. Diane Bell points out that until recently fact-finding missions visiting Aboriginal communities in Australia rarely consulted the female members of these societies. The women of this population have little access to political or legal power. Traditionally, such power as they enjoy is derived from access to the land, which they use for economic and religious purposes. For this reason, denial of land rights to the Aboriginal people impacts more adversely on the women of this society than on men. White land settlement has caused problems which are specifically related to Aboriginal women. These problems have not been addressed previously. Indeed, appropriate questions have not even been asked.<sup>6</sup>

The other two essays of this section deal with the aboriginal child placement policy. As government policy in Australia has shifted from one of assimilation of Aboriginal people into western society to one of protecting Aborigines' right to self-determination, child placement policies have similarly changed dramatically. Whereas in earlier times Aboriginal children would routinely be placed in foster homes with non-Aboriginal people, today the Aboriginal population determines child placement practices, and keeps the children within their community. In certain nomadic Aboriginal groups in Australia, child rearing will take place under the guidance of a number of homes of an extended family. One can safely predict that, once they regain control of their children, the Aboriginal population of Australia will be poised to take a big step towards control of their communities and preservation of their traditional way of life.

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<sup>6</sup> An issue which should be addressed in the future is the relationship between preservation of indigenous laws and accommodation of women's rights in Indigenous societies. Where the interests of the indigenous group and the women who form a part of that group conflict, how should these differences be worked out? This is an important issue, and falls under the more general dilemma of how to balance the rights of indigenous groups as a whole and at the same time protect individual members of these groups.

## Issues Concerning the State Criminal Justice System

The last three essays of Part V address the cognate problem of increased criminality, conflict of criminal law, and the difficulties many indigenous peoples have in handling their unique problems of increasing criminal behavior due to a lack of self-determination.

Robert Tonkinson deals with the large increases in three areas of deviant behavior by the Aboriginal society of Australia, namely, alcoholism, vandalism and single motherhood. All three are linked to contact with European society. In attempting to solve these problems, the Aboriginal people have been reluctant to allow significant intervention from outside legal authorities or to adopt western methods of dealing with typically western problems. The tension between the desires to preserve their autonomy and to address these pressing community problems has left this people in a quandary. It is clear from this essay that some convergence of the two legal and value systems will be necessary, in spite of vastly different standards of community behavior.

Harald Finkler discusses the need for reform of the justice system in order to address the problem of the disproportionate level of incarceration of native peoples. By using traditional means of sanctions, instead of incarceration, the indigenous population could more effectively address socio-legal problems and reduce the harmful effects of incarceration of indigenous offenders.

The valuable contribution which indigenous legal systems can make to developing innovative, more effective means of law enforcement is further outlined in Elaine Schechter's essay. She discusses approvingly the traditional Greenlandic legal system, based on a policy of reforming the individual with a view to transforming her into a productive member of society. By focusing on each individual's unique circumstances, the system makes an in-depth effort to address the causes of crime, and presents an enviable model to the largely unsuccessful and dysfunctional justice systems of most nations. Under this system, convicted criminals are placed in foster homes or with employers, and nighttime imprisonment is used as a severe sanction. This essay points out the tremendous contribution indigenous law can make to state legal system reform and to balancing the interests of indigenous and other populations occupying a state.

The problems faced by an isolated indigenous community which is unable to enforce its own policies and laws because of the coexistence of overriding state and national laws, are discussed by Jane Yamashiro in the context of Alaska Eskimo communities. A striking example is the community's attempt to address the problem of alcohol through local ordinances. She makes a convincing case for concluding that there is a dire need for isolated, fairly autonomous indigenous

communities to have the legal power to address community problems. This is vital to the health of these communities, but the indigenous community of Alaska has been denied this power.

### Concluding Remarks

The main theme of this collection of essays has been the conflict of state and indigenous laws, and how it often leads to the inability of indigenous peoples to formulate creative, effective responses to new problems because those responses conflict with state law. This theme is an aspect of the issue of the negative effects contact with the culture of the occupying people has often had on indigenous populations. A related theme also highlighted throughout the collection has been the need for relatively isolated indigenous communities to become self-governing, so that they may control the development and preservation of their traditional community. Self-determination is stressed in many of the articles as a just solution to the problems of indigenous peoples on the ground that it would lead to 'development'. We need however to be careful to understand 'development' from the perspective of the indigenous peoples themselves.

This important book could benefit from a second edition, in which attention is focused on some areas of discussion which appear to have been left out of the present volume by deliberate, though inarticulate choice. Thus the collection addresses the problems of conflict between indigenous people and state law purely from the perspective of indigenous peoples. Although this is both an understandable and interesting angle, an approach which also emphasizes a discussion of the needs and views of occupier states would be a more balanced presentation as well as more likely to produce a compromise arrangement of social and political organization, under which these two groups would co-exist peacefully. By focusing only on one side of the conflict, the book may inadvertently fail to address many vital issues, a failure which could cause stagnation in the search for solutions to the tensions between State norms and indigenous customs and norms.

Second, all the essays of this collection deal with nations in which there is a clear-cut answer as to who is the occupier and who is the occupied party. Yet there are places where this is unclear, due to an earlier displacement of the current displacing people. Israel is a good example. Some reflections on such admittedly difficult areas of discussion would immeasurably enrich the appeal of the book, not only to scholars but also to policy-makers across the world.

Third, there are places where the indigenous population is a vast majority, subject to rule by a minority over a long period of time, as in the case of South Africa. A

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discussion of such an example would truly enrich a second edition of the book. Finally, although it is suggested at several points in the book that political self-determination may be achieved, there is practically no discussion of the precise rights and obligations of the peoples of the new nations vis-a-vis their former occupying states.

These reservations apart, here is an enormously important book which makes a great contribution to our understanding of the wide dimensions of the problems associated with the co-existence of indigenous laws and culture within the larger context of State legal and political systems. The book is, also, extremely timely because of the increasing attention being paid in recent years to the sorry plight of indigenous peoples around the world.

Ultimately, whatever solutions are arrived at must be applied by the international community in different parts of the world in such a way as to satisfy the specific reasonable demands of particular indigenous groups. In this respect, mention must be made of the several references that are made in the book to other scholarly works in the field of human rights and related subject matters. These references clearly add to the value of the book as a research tool, and by so doing, help to push forward the frontiers of knowledge and scholarship about indigenous peoples and their laws.

## References

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