Indigenous Activism, Community Sustainability, and the Constraints of CANZUS Settler Nationhood

PAUL R. McKENZIE-JONES

Settler nationhood, by necessity, positions Indigenous Peoples as oppositional—to both settlement and nationhood. Historically, this opposition was viewed, from the settler perspective of process, as something to be overcome, either through eradication or assimilation. Contemporarily, settlerism is often framed as the process having been completed, under which the eradication and erasure of Indigenous Peoples is a foregone, or assumed, conclusion. Indigenous sovereignties and communities are deemed obsolete, or temporary nuisance situations that will ultimately disappear through assimilation. This is true even in those settler states that declare allegiance to nation-to-nation relationships with the Indigenous Peoples within their borders. This essay explores ongoing and contemporary methods of Indigenous opposition to settler nationhood and the settler-colonial processes of upholding that nationhood. Through activism and community sustainability, Indigenous Peoples successfully, albeit painfully and often with great sacrifice, constrain the process of absolute settlement in the four CANZUS nations—Canada, Australia, New Zealand, and the United States—that initially rejected the United Nations' Declaration on the Rights of Indigenous Peoples (UNDRIP). Despite historic and continuing expressions of colonial violence from these states, each has since partially accepted UNDRIP as an "aspirational document," although they maintain that the document is irreconcilable with settler-national legal systems (Canada, *Statement of Support*).

What is often ignored, or unknown, about the United Nations' statement is that it was itself the result of processes of particular strands of Indigenous resistance to settler-nationhood that began in the 1970s. In the decades preceding and including the 1960s, Indigenous Rights groups most commonly sought restitution to land within the boundaries of the settler-nation states that surrounded them and formal recognition of their cultural, political, and territorial sovereignty, fighting domestic assimilationist policies designed to absorb them completely into the dominant settler cultures. There were exceptions to the trajectory, however. In 1927, Deskaheh brought Haudenosaunee issues before the League of Nations and formally requested membership status for the Iroquois Confederacy. His actions also inspired the US/Canada

border-crossing protests led by Tuscarora Chief Clinton Rickard, which resulted in the United States formally agreeing to abide by Article 3 of the 1974 Jay Treaty, which recognized Indigenous rights to freedom of travel and trade across the imposed boundary. In the 1950s, the National Congress of American Indians sought collaborations of collective Indigenous self-determination with Central American Indigenous communities and used international diplomatic rhetoric in their campaigns against US assimilation policies. It was in the 1970s, however, that these groups and others influenced by them, began reaching out in earnest across settler international boundaries, seeking collaboration among global Indigenous communities, and asserting their rights before the United Nations Human Rights Councils.

In 1974, the newly formed International Indian Treaty Council (IITC) issued a Declaration of Continuing Independence at a gathering of 97 Indigenous Nations at Standing Rock, North Dakota. The IITC included amongst its members several veterans of the violent state siege a year earlier at Wounded Knee on the nearby Pine Ridge reservation. Immediately after issuing the Declaration, the IITC opened an office directly opposite the United Nations Headquarters in New York City. Three years later, the group received consultative status from the UN as a Non-Governmental Organization (NGO) (International Indian Treaty Council). During this three-year period, the National Indian Brotherhood of Canada (NIB) was awarded consultative status in 1975, before the UN conferred the slightly less authoritative observer status to the World Council of Indigenous Peoples (WCIP). At this moment in time, both the NIB and the WCIP were under the leadership of George Manuel (Lightfoot 7).

The December 2007 UN Declaration of the Rights of Indigenous Peoples was the result of 40 years' worth of campaigning and consultation with these and many other Indigenous Rights Organizations. This is a movement that Sheryl Lightfoot (Lake Superior Band of Ojibwe) categorizes as a "subtle revolution" within global Indigenous politics (Lightfoot 12).[1] The process was long, often fraught with delays, and progressed in small, incremental steps. In 1982, a Working Group on the Rights of Indigenous Peoples was established, finally producing a draft for "internal consideration" a full decade later in 1993. The next step was the allocation of 1995-2004 as the International Decade of the World's Indigenous People, before UNDRIP was finally constituted in December 2007. The final vote among UN members was 143 nations in favor, 11 abstentions, and the 4 refusals (Engle 143).

The UN was not the sole avenue for the assertion of international Indigenous rights

during this time period, however. In "International Human Rights and Indigenous Peoples: The Move Toward the Multicultural State," S. James Anaya (Apache and Purépecha) discussed the need for Indigenous Peoples to continue to live within settler states with their cultures intact, including "rights to land and natural resources, [which] are embodied in Indigenous customary law and institutions that regulate Indigenous societies" (Anaya 15). Anaya showcased the ways that, prior to the UN Declaration, the Organization of American States in 1988 and the International Labor Organization Convention 169 (ILO 169) in 1989 proposed and ratified guidelines by which these rights should be embedded into settler and international law. Within these frameworks, he argued, the participation and consultation mandated by ILO 169 and the later (then draft) UNDRIP placed "a burden on a government to justify, in terms consistent with the full range of applicable norms concerning Indigenous Peoples, any decision that is contrary to the expressed preferences of the affected Indigenous group" (Anaya 56). This burden, while supportive of Indigenous refusals to accept settlerism as absolute, is antithetical to settler refusals to acknowledge the full sovereignty of Indigenous Peoples within their constructed borders. This is the conflict at the heart of each of the four case studies that follow.[2]

Each of the four refusing settler states argued that UNDRIP threatened their national sovereignties, even though UNDRIP ultimately protects these sovereignties by formally recognizing their status as the dominant societies and nation-states within which concessions should be made internally to domestic Indigenous communities. It is a binary, oppositional relationship that is the dominant narrative of Indigenous Affairs within the settler nations, a narrative which frames the simple fact of Indigenous existence as resistance, or as Audra Simpson (Kahnawake) describes it in *Mohawk Interruptus*, as politics of refusal—refusal to be dominated, defined, assimilated, or eradicated (Simpson 11). For Simpson, the politics of refusal reject the politics of recognition, in which the settler states determine the extent and effectiveness of formal recognition of Indigenous Peoples. Instead, refusal requires the acknowledgement and upholding of Indigenous sovereignties on their terms.

The settler nations in question are unwilling to admit that their assertions of national sovereignty are the very constructs that continue to attempt to dominate, define, assimilate, and eradicate Indigenous sovereignties. They prefer, instead, to argue that these impulses of erasure are historical artefacts, and that they now practice nation-to-nation relationships of equality with Indigenous communities. Leanne Betasamosake Simpson (Michi Saagiig Nishnaabeg) counters

this in *As We Have Always Done: Indigenous Freedom Through Radical Resistance* and argues that "colonialism as a structure is not changing. It is shifting to further consolidate its power, to neutralize our resistance, to ultimately fuel extractivism" (Simpson L. 46). According to Sheryl Lightfoot, this process of shifting often takes the form of "over-compliance," wherein a state will "go beyond its legal or normative commitments, [but] it still falls short of Indigenous demands and the expectations of the broader Indigenous rights consensus" (Lightfoot 123). It is within this framework of shifting, over-compliant expressions of settler-colonialism—such as the CANZUS states practise—that the politics of refusal, as defined by Audra Simpson, is essential. It is a refusal to accept the assertion of absolute settlement and the contingent eradication of Indigenous Peoples, politically, legally, and culturally, that this assertion entails within the settler-national borders.

Oppositional Indigenous resistance, or refusal, is thus often confusing to the settler communities simply because they see nationhood as complete, due to their mythic narratives of settlement and the rejection of their own self-styled subjugated status as colonial subjects of the British Empire: in Canada, with confederation in 1867, national citizenship in 1947, and then the Constitution Act of 1982; in Australia through independence in 1901 and the Australia Acts of 1986; in New Zealand, with the 1947 Constitutional Amendment and the 1987 Constitution Act; and in the US, with revolution in 1776. The completion of nationhood was often sealed with the rejection of colonial oversight in these settler narratives, except for the United States, where it occurred with the official closure of the frontier in 1890, a year that also arbitrarily marked the euphemistically argued "end of the Indian wars." As stated earlier, this is also a key indicator of settler nationhood—the removal of the Indigenous obstacle. Each of these processes of statehood, or nationhood, were positioned as assertions of independent sovereignty, either from direct British rule or, in later years, freedom from the softer administrative strictures of Crown veto over national laws. The obvious exception is the United States, which chose the violent rupture of revolution to assert domestic national sovereignty.

This settler confusion is often compounded by an equal lack of understanding of settler-colonialism from within. This confusion, or colonial unknowing, is deeply embedded within the Anglosphere. Having furnished the mythology of their origins as having been the innocent victims of, and ultimately successfully resistant to, colonial oversight themselves, these settler nations are loath to admit to their own colonial processes. They cannot, or will not, see that

rather than continue to maintain the separate legal and diplomatic relationships with distinct Indigenous Peoples, they internalized the colonial process and used it to administer and control Indigenous people as a homogenized domestic minority population. Or, that the very processes of their settlement were not innocent, but explicitly aimed at the eradication of the incumbent occupiers of the land they coveted. This is despite these same mythologies framing those Indigenous Peoples in historical opposition to western settlement and nationhood, and legal precedents in each settler nation directly connecting their legal relationships with Indigenous Peoples to their prior colonial-settler status.[3]

In the US, Chief Justice John Marshall's argument of inherited rights of discovery in the Supreme Court decision that rendered Indigenous communities as "domestic dependent nations" still stands (*Cherokee Nation v. Georgia*). In 2013, Walter Echo Hawk (Pawnee) argued that it is this "legacy of conquest" that makes UNDRIP a necessity as an attempt to "repair the persistent denial of Indigenous rights by entrenched forces implanted by the legacy of colonialism" (Echo Hawk 2013, 100).[4] In Canada, the Royal Proclamation of 1763 is the template for all federal relationships with Indigenous nations. In Australia, the English concept of *Terra Nullius* still defines the state relationship with Indigenous Peoples, while in New Zealand, all roads lead back to the Treaty of Waitangi and the alleged willing cession of sovereignty to the Crown.

At each point of the settler processes of nationhood, Indigenous Peoples have become more explicitly "othered," often equally romanticized, infantilized, demonized, and homogenized, in the minds of the settler communities at large. Most of these processes have shifted, or at least attempted to shift, all blame for social injustice in Indigenous communities to their own doors, rather than accept responsibility for creating systems that facilitated these injustices. As such, resistance is never seen as a form of community sustainability, but as an affront to progress, and is often met with excessively violent state suppression. Meanwhile, cultural motifs, such as the Plains warrior in the US and even Indigenous nations' names, have been appropriated and co-opted as settler "honoring"—through military terminology, a trope that is brilliant dissected by Winona LaDuke in *The Militarization of Indian Country*, sports mascots, and commercial brand names—in a manner which ultimately results in further social, economic, and cultural eradication of Indigenous Peoples and exacerbates systemic exclusion from the dominant settler society.

At the same time, settlers often attempt to deny, redefine, or even claim, Indigeneity to sate their own needs for authentic heritage and belonging in a yearning for validation of identity as something other than settler. This issue can be seen in depressingly repetitive controversies across the CANZUS states. In 2017, the Canadian Governor General described the Indigenous population as immigrants, while there was a deliberately placed "Appropriation Prize" in the May edition of *Write Magazine*, and Indigenous rejections of bestselling-author Joseph Boyden's ever-morphing claims to Indigeneity were vehemently attacked within settler society. In the United States, such false claims as Boyden's are propagated by Ward Churchill, Andrea Smith, Susan Taffe Reid, and Rachel Dolezal, who, in addition to her faked African American identity, claimed she was raised Blackfoot in a tipi and was a skilled bow hunter by the age of two (Last Real Indians). Each one of these is a person who inhabited a position of responsibility and trust towards Indigenous or other people of color. In Australia, Indigenous leaders have called for DNA testing as one route to weed out fake claims of Indigeneity, although this itself is a route fraught with complicated issues of asserting DNA over culture as the precursor for identity acceptance. In Aotearoa/New Zealand, Ani Mikaere's 2004 essay, *"*Are We All New Zealanders Now? A Māori Response to the Päkehä Quest for Indigeneity," addresses issues of Päkehä claims to Indigeneity and discusses the extent that settler processes would need to be unraveled for these claims to be taken seriously.[5]

In her essay, Mikaere argues that for the Päkehä, or settlers, to even begin to claim Indigeneity and truly reconcile themselves to the Māori, then Māori social justice must prevail across all of Aotearoa. Rather than expect Māori to reconcile past differences under Päkehä (or New Zealand) law, the Päkehä must submit to the tangata whenua, or Māori law and knowledge, as the law of the land. Here, the politics of Māori sustainability is very clearly wrapped up in the dismantling of the settler state or, at the very least, a refusal to allow settler determination "to forget or disguise the past beyond recognition" (Mikaerea 8).

Mikaerea's essay could speak to Indigenous Peoples and settler relationships across the world, especially reflecting the same settler practices and Indigenous concerns and resonating deeply with many of the themes and issues within many other Indigenous intellectual frameworks across Anglo-settler nations. As with New Zealand's reconciliation process with the Indigenous Peoples of Aotearoa, we can also see trauma in the settler-colonial relationship with Indigenous Peoples in the other CANZUS states: in Canada, as discussed by Glen Coulthard in

Red Skins, White Masks: Rejecting the Colonial Politics of Recognition; in Australia, as discussed by Elizabeth Povinelli in *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*; and in the United States/Canada "borderlands" in Audra Simpson's *Mohawk Interruptus: Political Life Across the Borders of Settler States*.[6]

A question then, is how, within this framework of misconception and opposition, can we see Indigenous community sustainability and activism as constraining absolute settlement and nationhood in these states, as Simpson so eloquently argues in *Mohawk Interruptus*? If we begin in Canada, with recent issues and events at Muskrat Falls, which is just one flashpoint out of many, one can argue that the simple fact of forcing the government to engage and interact with Indigenous objections is an admission that the project of settler nationhood, so dependent upon Indigenous erasure, is thereby incomplete. Muskrat Falls is in a region that is home to Inuit and Innu communities whose water and homes are under threat from a hydroelectric dam in the Mista-Shipu, or the Lower Churchill River. In a somewhat tragic irony, the dam in the Mista-Shipu—which threatens to unleash methylmercury levels into Lake Melville, a local source for food for many Inuit people, at 200% of Health Canada safety levels—was part of the New Dawn Agreement meant to accommodate Innu land claims that arose out of the creation of an earlier hydroelectric dam in the Upper Churchill in the early 1970s (Office of Public Engagement). While the New Dawn Agreement was made after consultation with Innu communities (and not all were in favor of the project), Inuit communities pointed to the lack of prior informed consent on their behalf, as mandated by Article 32.2 of UNDRIP, before the project began. Here, we see the unfortunate imbalance of settler-Indigenous relations, as the accommodation of one group leads to the dispossession of another. Thus, the cycle of settlerism that was used to divide and remove Indigenous presences from favored land in the 18th and 19th centuries is being repeated in the 21st to continue advancing the economic and commercial wealth of the settler state. Undercutting this revisited removal is the settler-state refusal to acknowledge or acquiesce to equal Indigenous sovereignty and self-determination. But, we are also seeing, in this process of forced accommodation of Indigenous resistance, a recognition that Indigenous presences were not entirely successfully removed, and they therefore continue to hinder the completion of the process of absolute settlement.

The dam project is under construction by Nalcor, a Crown corporation of the Newfoundland and Labrador government, partially funded by deferral loans, and is being

championed as a renewable energy project to provide electricity and to transition away from oil and gas dependence. According to local Inuit leaders and other opponents, however, there is a serious danger of communities being flooded, that most of the energy will be exported out of the region, and that the dam will seriously damage Inuit and Innu health, cultures, and basic human rights in the process (Mortillaro). Each of these outcomes is in direct violation of UNDRIP, especially in regard to Article 1, which states that "Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms" (UNDRIP Article 1), as well as Article 2, under which states are directed to provide mechanisms for the "prevention of…any action which has the aim or effect of dispossessing them of their lands, territories, or resources" (UNDRIP Article 2 (c)).

Protests by Indigenous residents and non-Indigenous allies included the Make Muskrat Right Campaign and the Labrador Land Protectors, both of whom sought to shut the project down in order to protect and preserve community sustainability in the region. In October 2016, there was a two-week hunger strike, started by local Inuk artist Billy Gauthier and later joined by Delilah Saunders and Jerry Kohlmeister, until the provincial government agreed to Indigenous communities reviewing the environmental impact reports. The hunger strikes, which can be read as literal and symbolic representations of the effects that the dam will have on local Indigenous communities, raised awareness beyond the local level, as news outlets across Canada gradually began to take notice of the environmental and logistical repercussions of completing the project. While the hunger strike ended, the protests did not, with blockades and encampments attempting to stop the project being completed. In May 2017, 50 residents of the Mud Lake village in Labrador were evacuated after flooding put their community underwater. This flooding reignited fears about a section of the dam called the North Spur, which residents argue will buckle and cause an even greater flood in the near future, especially after a landslide in the same region occurred in February 2018 ("Power to Mud Lake Cut Off"; "Landslide at North Spur").

The most prominent lawsuit of the protest, that of Inuk grandmother Beatrice Hunter, resulted in her being sent to a male-only prison, due to lack of space in the local female prison, simply because she refused to stay away from the land. After multiple protests by supporters and allies, and a ten-day internment, the Newfoundland and Labrador Supreme Court amended her injunction to recognize Hunter's right to be on the land as long as she did not blockade anybody else from entering the site. The federal and provincial governments were determined to continue

with the project, despite these objections. By spring 2019, the project was almost 90% complete. It was, however, behind schedule and over cost. An ongoing provincial inquiry into the rising costs, freedom from oversight, and associated risks of the Muskrat Falls Project lists the Innu Nation, the Nunatsiavut government, the Nunatukavut Community Council, and the Labrador Land Protectors as parties with "Limited Standing" in the inquiry. The results of the investigation are expected at the end of 2019 ("Muskrat Falls Inquiry Website").

This inquiry, partially launched due to the rising costs caused by Indigenous objections, shows that the prior, informed consent from Indigenous communities, as demanded by UNDRIP, is not so much an aspiration as a moral and economic necessity for settler states and corporate entities. Ethically practiced prior, informed consent creates a space for dialogue to occur and grievances to be aired before unilateral action creates more grievances that elicit protest and obstruction. The enforcement of settler laws to protect corporate projects, in defiance of Indigenous sovereignties and disruptive to Indigenous communities, creates financial burdens upon the state and heightens the rift of distrust and refusal within Indigenous communities, the cost of which is more than merely financial. The Newfoundland and Labrador Supreme Court's acquiescence to Hunter's right to be on the land, while it does not repair the damage done by her incarceration, is an implicit admission that the territorial rights of Indigenous Peoples to exist as distinct cultural communities are still a viable weapon in the fight against settler intrusion and absolute settlement. It also exposes a fundamental flaw in settler-nation charges of trespass against Indigenous Peoples within their own territories. At the same time, however, the constraints placed upon Hunter by the Supreme Court exemplify settler-nation refusal to acknowledge inherent Indigenous sovereignty to the land.

Settler intrusion manifests itself in several ways here. Besides the actual creation of the dam and the ecological and economic impact it will have upon Indigenous communities, a CBC news story from 1 February 2018 exposed the presence of Canadian military support for police officers involved in shutting down the protests camps the previous year. According to the report, documents from the $10million operation, titled "Project Beltway," showed that "the Canadian Armed Forces provided lodging and food at 5 Wing Goose Bay but stopped well short of giving operational support" (Roberts). Perhaps mindful of the still-reverberating repercussions of military force used at Kanesatake in 1990, Rear Admiral John Newton sent a letter on March 31st, 2017 to Newfoundland and Labrador Justice and Public Safety Minister Andrew Parsons

stating that the lack of operational support "includes any manner of forcible control of the civilian population by CAF personnel, use of CAF facilities or equipment to detain any individual placed under arrest, and providing transportation to and from operational policing activities" (Roberts). While surreptitious in nature, the shelter and housing signify the tacit support and approval of federal agencies and the armed forces towards the measures taken by the RCMP in Labrador to shut down the protests. It highlights the extent to which the Canadian settler state will pursue the interests of contemporary neo-liberal capitalist ventures at the expense of Indigenous communities, despite promises to negotiate and inform. It is also a clear violation of Article 30 of UNDRIP which states that "military activities shall not take place in the lands or territories of Indigenous Peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the Indigenous Peoples concerned" (UNDRIP Article 30.1). While the phrasing of "relevant public interest" and "military activity" are open to semantic interpretation by the settler state, this issue has clearly not yet been settled because of the perceived necessity to hold the aforementioned public inquiry. The fight, though, does not end for the Indigenous communities of the region, who are proving to provincial and federal settler governments that engagement and acknowledgement of Indigenous Peoples and concerns is not a one-sided, top-down conversation and cannot be controlled or dismissed by either overt or covert actions from the settler state (Roberts). The politics of Indigenous refusal are ensuring that community sustainability in the region will continue beyond the dam's completion.

In Australia, the effects and repercussions of Indigenous politics of refusal are also slowly dawning on state and federal governments. As with Indigenous Peoples in the other CANZUS states, Aborigines and Torres Strait Islanders represent a fraction of the national population, registering 2.8% in the 2016 census, and are viewed as a political afterthought while being over-represented in national poverty, health, and incarceration statistics (Australia, "2016 Census"). In recent years, however, Indigenous protests against Australia Day celebrations have led to serious conversations within the dominant society over possibly changing the date or cancelling the holiday altogether. Currently though, this idea has been dismissed by prominent government members, such as then-deputy Prime Minister Barnaby Joyce who, in January 2017, described Indigenous protesters of Australia Day as "just miserable. I wish they'd crawl under a rock and hide for a little bit" (Kelly).

In a direct rejection of Australia's celebration of settlement, a celebration that dates back

at least to 1818 when Governor Lachlan Macquarie marked Sydney's thirty-year colonial anniversary with a 30-gun salute and which was formally introduced as a holiday in 1940, Indigenous Peoples have long labelled the anniversary Invasion Day. The label is a clear indication of the infringement of Indigenous sovereignty that settlement represents. This expression of regular formal protest began in Sydney in 1938 when "over 100 Aborigines gathered at the Australia Hall for an Aborigines Conference to mark the 'Day of Mourning and Protest'" (Darian-Smith). Rather than a national celebration of the "first fleet" bringing its cargo of criminals, the day was marked as a testament to the subjugation and genocide of the Indigenous nations of the island. As John Maynard noted in *Fight for Liberty and Freedom: The Origins of Australian Aboriginal Activism,* this protest—led by William Cooper, Bill Ferguson, Pearl Gibbs, and Jack Patten—"was the only option by which they could ensure the survival of Aboriginal Peoples and histories, all of which were under attack from government assimilation policies" (Maynard 4).[7] In contemporary times, the Aboriginal Flag—in which the red represents the earth, the black represents the Indigenous Peoples, and the yellow represents the sun—flies in protests across the country ("The Australian Aboriginal Flag"). This flag was itself borne of an earlier, but related, Indigenous protest movement. Created by Harold Thomas in 1971 and adopted as a national Aboriginal and Torres Islander symbol of protest, the flag was adopted as a symbol of Indigenous unity after being flown at the 1972 Tent Embassy encampment outside Australia's parliament building.

The Aboriginal Tent Embassy was created outside Parliament House in Canberra by Michael Anderson, Billie Craigie, Bert Williams, and Tony Coorey. Staged as a protest against then-Prime Minister William McMahon's stated commitment to assimilation of the Indigenous Peoples within the nation, and subsequent rejection of Aboriginal land claims, the Tent Embassy sprang from civil rights action that began with activists such as Gary Foley in Sydney's Redfern District. Originally a makeshift structure consisting of a tent canvas and a beach umbrella, the embassy was formally and permanently established in 1992 as part of the continued/ing struggle for Indigenous rights and sovereignty (Foley, Schaap, and Howell 34). The politics of Indigenous refusal were articulated through the insistence that formal recognition of land rights and self-determination was needed, rather than accepting the continued assault of assimilation. Claiming the land opposite the seat of Parliament was never meant to just be a symbolic moment but was intended as a catalyst for change.

Here, Indigenous voices were expected to have long fallen silent through the assimilation policies so entrenched in Australian political and social structures. Both the celebration of settler nationhood through a national holiday as well as the perpetuation of settler-nationhood by refusing to sign treaties with the original occupants of the land are being disputed by those Indigenous voices. The Australia Day action is reflected in similar protests and conversations over the Treaty of Waitangi Day in New Zealand. Protests against settler-nation "birthdays" also have a long history in Canada, where Canada 150 saw a large tepee erected opposite the House of Commons, among other protests; and in the US, where Indigenous activists take over Plymouth Rock every Fourth of July.

What may seem like a minor dispute over a federal holiday is directly tied to continued expressions of state violence and cultural suppression in everyday federal policies designed to eradicate Indigenous communities. Such policies include poor health and education funding, entrenched institutional racism, and the deliberate closure of communities through policies of managed decline in order to force removal from land sitting on top of huge oil and gas reserves.[8] As with Muskrat Falls, the policies of managed decline are a clear violation of Article 2(b) in UNDRIP which urges settler states to protect Indigenous Peoples from any acts which have "the aim of effect of dispossessing them of their lands" (UNDRIP Article 2(b)). The settler-colonial government has been forced to react to and acknowledge, at least rhetorically, Indigenous politics of refusal. Now, the Australian government is considering whether, or how, to revise or rethink its celebration of settler-nationhood. That this is happening in Australia, the only one of the four CANZUS states not to recognize formal treaty relationships with the land's original occupants, makes it all the more remarkable.

Australia's non-treaty status is now under consideration for change. In a country that was formed on the basis of *Terra Nullius* as an immediately "settled colony," with a de facto rule of administrative flexibility regarding Indigenous Peoples, the subject of treaties is receiving serious consideration. The national and state governments have offered for several years to create constitutional amendments whereby Aborigines will receive Constitutional Recognition. Elders and leaders across the country have rejected these offers in the push for formal treaty processes to be entered into instead. At the beginning of 2018, several states were in serious negotiations to sign treaties with Indigenous collective groups inside their borders, rather than with individual nations, and by mid-June, the first treaty legislation was passed into law. On June 21st, 2018, the

Victorian Upper House passed the *Advancing the Treaty Process with Aboriginal Victorians Bill 2018* (hereafter the ATPVA Act 2018) (Australia, ATPAV Act 2018).

Here too, though, it can be argued that the state government is shifting settler-colonial dominance rather than fully reconciling the settler-Indigenous relationship. While the bill includes a state acknowledgement of "Victorian traditional owners as the first peoples" and claims that "Aboriginal Victorians are an intrinsic and valued part of Victoria's past, present, and future," there is language coded within the bill that ensures that the state remains the dominant partner in any treaty negotiation. Rather than treaties being signed with each individual nation within the boundaries of Victoria, the proposal is to negotiate with "a future Aboriginal Representative Body, as the voice chosen by Aboriginal Victorians" (ATPAV Act 2018). First though, this body must be declared valid by the Minister negotiating on behalf of the state, while the act contains warnings of repercussions of any misconduct within treaty negotiations. The misconduct language is aimed exclusively at the "conduct at a systemic level that brings the Aboriginal Representative Body into disrepute" and contains no such warning for any similar misconduct on behalf of the state (ATPAV Act 2018). Any "concessions" that can be seen in the desire to make a treaty must be viewed within the context of understanding that the treaty is a continuation of Indigenous homogenization from the settler state and will be conducted within parameters set and defined by the settler-state government. Even with those caveats, though, the hope is that the Indigenous individuals of Victoria will gain legally enshrined rights, even if their nations do not.

The national government, meanwhile, is mulling over the idea of taking the decision on treaty-making to the public, much as it did in 1967 when it pushed the decision to recognize the Indigenous communities as people, rather than flora and fauna, to a national referendum. Given that Australia is the perfect case study for settler-colonial completion, having never formally acknowledged the existence or rights of the Indigenous Peoples until the 1967 referendum, this is an unprecedented move. In the near future, Aboriginal sovereignty and self-determination could be free, at least partially, from colonial oversight for the first time since the arrival of the "first fleet," although there is still a long journey ahead to ensure that negotiations are entered into fairly and with Indigenous territorial sovereignty being recognized as a legal right (Wahlquist). If the model is to sign treaties with Indigenous populations, rather than Peoples, however, the process will fall well short of UNDRIP's recommendations, not least that "Indigenous Peoples,

in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their international and local affairs" (UNDRIP Article 4).

In Aotearoa, while many of the same tensions exist between the Māori and the settler government, there are also signs of Indigenous land relationships receiving some of the respect they are long overdue. After intense pressure on the federal government from Māori communities, and the Tühoe in particular, in 2014, in a gesture of reconciliation to the iwi, the Aoteraroa/New Zealand government partially submitted to Māori law. The Aotearoa/New Zealand government passed the Te Urewera Act granting personhood to the national park of the same name, in recognition of the relationship that the Māori have with water: "Ko au te awa, ko te awa ko au," or "I am the river and the river is me" (Kennedy). This process of personhood required the government to formally relinquish assumed/asserted ownership of the land and water and, instead, to formally and legally recognize shared stewardship with the Māori. Ultimately though, this also raises questions of over-compliance of UNDRIP as shared stewardship still enables New Zealand to retain an interest and power dynamic in the relationship.

These actions show that success for Indigenous community sustainability and activism is often the result of a long, slow process. Just as the treaty conversations in Australia can be traced back to the Australian Aboriginal Progressive Association of the 1920s and the beginning of the Invasion Day protests, so too can the Aotearoa/New Zealand stewardship issue be traced back several decades. Arguably, these issues can be tracked back even further, to the original draft of the Treaty of Waitangi in 1840. The Māori land marches and protests of the 1960s and '70s resulted in the Treaty of Waitangi Act of 1975, creating the Waitangi Tribunal. The tribunal is a permanent commission that investigates Māori claims against Crown actions that betray the principles of the Treaty of Waitangi. The treaty issue here is uniquely different than those in the US and Canada, in that it is the single binding treaty between the settler nation-state and the collected Indigenous communities rather than one of a collection of similar agreements ("The Treaty in Practice: Obtaining Land").

The Treaty of Waitangi is New Zealand's founding document, originally written in English and Māori. In the Māori version, Te Tiriti o Waitangi, the Crown recognized the rights of the chiefs to rangatiratanga—full control of their lands and waters for as long as they "wished to retain it"—while the Māori gave the Crown the right of governance to assure the continuation

of rangatiratanga. In the English language version of the treaty, this agreement to settler governance was translated as ceding "all the rights and powers of sovereignty" to the Crown ("Read the Treaty"). While the Māori version reflects the ideals set by UNDRIP almost two hundred years later, we can see in the English version the duplicity of settler-colonial treaty-making that has been a hallmark of negotiations and agreements since the first settlers arrived. The Māori agreement and expectation of shared governance through partnership, rather than subjugation, is embedded in their understanding of the intent of the Treaty of Waitangi. This is especially clear when one considers that, even in the English version of the treaty, the Māori were guaranteed "exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties" ("Read the Treaty"). History has long borne witness to the abrogation of this promise, as by 1865, on the South Island alone, Māori land holding had been reduced to 1% ("Māori Land Loss, 1860-2000").

The recent agreements represent a settler nation being held to account for the promises it made at the very moment of foundation and acquiescing, at least in some small part, to Indigenous social justice. Land is no longer a resource to be owned, acquired, or bartered, or perhaps most pertinently, *no longer to be settled*, but is recognized as a living, breathing entity with the legal right to exist, persist, and regenerate, even if the settler state insists on retaining an interest. And yet, Section 64(1) of the act clearly asserts that the Crown retains ultimate control over the land, stating that "Despite anything in this Act, Te Urewera land is to be treated as if it were Crown land described in Schedule 4 of the Crown Minerals Act 1991" (see also s 56(b) where a mining activity authorised by the Crown Minerals Act "can be undertaken without authorization from the Board") (Te Urewera Act). The Crown's commitment to shared stewardship clearly has boundaries, which the Crown alone has authority to determine.

In other parts of the islands, water is being extracted in extraordinarily high volumes to feed the food conglomerates' greed for profit at the same time as Aotearoa/New Zealand signed on to the Trans-Pacific Partnership (TPP). While most of Aotearoa's water extraction has been drawn by Coca Cola from the Blue Spring in Putaruru, additional companies are now entering agreements as water supplies elsewhere become scarce from over-extraction or restricted through legislation. The purported acknowledgement of Indigenous relationality to water through recent legislations is clearly missing from the commercial resource extraction agreements with multi-national corporations. Displaying a clear disregard for the reciprocal relationships between

Māori, land, and water, Bruce Nesbit, managing director of Alpine Pure, argued in 2017 that concerns about removing water from the UNESCO World Heritage Sites of Lake Greaney and Lake Minim Mere were over-exaggerated, stating that "Pristine water has been falling on the Southern Alps for a million years, and it would usually be wasted by flowing directly out to sea. The amount we want to take is very small" (Roy).

Māori protests regarding the water extraction are supported by environmentalists and the Green Party, although their concerns are focused more closely on water degradation and the depletion of a finite resource. With the final decision-making power over the extraction agreement currently residing in local councils rather than the national government, the avowed determination to recognize Māori relationality to the water is not filtering down to local governments, although the federal government still bears ultimate responsibility for this, with a spokesman for the Ministry of the Environment admitting that, as of May 2016, "71 consents have been granted in New Zealand for 'the taking of water for bottling'" (Roy). Consistency in affirming Indigenous territorial and environmental sovereignty is something yet to be achieved, despite the progress made in the Te Urewera Act. The fight over water is one that Indigenous communities face across the globe, with settler states accepting extremely low leasing fees from conglomerates without consideration of the harm it causes the affected communities.

Created in 2016, the TPP is now an eleven-nation, free-trade partnership. It originally included all four of the CANZUS settler-nation states, until President Trump withdrew the US from the process in 2018. The agreement is seen as a further threat to Māori rights as recognized and protected under the Treaty of Waitangi. Māori Party leaders argue that the TPP has created a system of administrative flexibility that will allow whichever New Zealand government is in power to interpret Māori treaty rights any way they see fit. Ironically, this is a legal framework that Australia is slowly moving away from in its domestic relationship with Aboriginal communities, although the same Indigenous concerns apply there as in the other signatory settler nation-states. Amid calls for a national Māori government to take the country back, the settler-national government negotiated clause 29.6 in the TPP that allows it to adopt measures giving "more favorable treatment to Māori" (Patterson).

The process, however, of inserting the clause to "placate" the Māori still does not adhere to the Treaty of Waitangi itself, or the UN's stipulation for prior, informed consent. Māori Party co-leader Te Ururoa Flavell argued in a Māori Party media release that "It is for Māori to define

their interests and tell the Crown how they might be best protected. Māori are not just another interest group" (Māori Party). While the objections range from the prospect of greater social and economic inequality among Māori and Päkehä, two main points of contention stand out. The first is the lack of Māori consultation or representation in the domestic or international stages of TPP negotiations. A media release from January 7th, 2016 argued that "This complete lack of consultation also contravenes the United Nations Declaration on the Rights of Indigenous Peoples and this government has no right to sign this trade deal without our free, prior and informed consent." (Te Wharepora Hou). The second is that the TPP contains a provision for investor-state dispute resolution which has the potential to over-ride Māori sovereignty and hand power over resource management to corporations rather than affected Indigenous communities. Given that Te Urewera is also still open to mining if the Crown so decides, this resolution clause has clear implications for the future safety of Tühoe shared governance being honored. In this case, rather than submitting to tangata whenua, the New Zealand government is being rather disingenuous by paying lip service to the spirit and principles of the Treaty of Waitangi in order create more wealth for the settler nation without redressing the imbalance that sees Māori "extensively over-represented in all negative indices" of economic and social measurement with Aotearoa/New Zealand (Te Wharepora Hou).

Ironically, while refusing to engage publicly with opponents of TPP, then-Prime Minister John Key argued that it was opponents of the deal, and those who argued that it violates the Treaty of Waitangi, who were being disingenuous, claiming adequate consultation with the Māori during the negotiations process. Contradicting his version was a collective statement of several Māori nations and activist groups arguing that "The New Zealand government has bypassed Indigenous involvement at every level. This complete lack of consultation also contravenes UNDRIP and the government has no right to sign this trade deal without our free, prior and informed consent" (Patterson). State violence here is not explicitly physical but exercised unilaterally via transnational collaboration and settler globalization. As with the long fight which resulted in the Te Urewera victory, this in turn has facilitated trans-national Indigenous collaborative resistance, or a refusal to acquiesce to this attempted expansion of settler state nationhood via the lack of consultation or consent.

Settler-state claims of adequate consultation are also a common occurrence in the United States, usually used as deflections from clear evidence of treaty abrogation. The reaction of the

United States to Indigenous activism and community sustainability is also the most blatantly violent of those settler nation-states under discussion. Here, we also have the biggest paradox of the four settler nations. Since the Indian Self-Determination and Education Assistance Act of 1975, Indigenous nations have accepted a formal recognition of the nation-to-nation relationship with the United States, based upon the principle of Indigenous self-determination and national sovereignty. And yet, settler-state reactions to Indigenous resistance is more overtly violent than in any of the other nations, aside from the sporadic similarities of Canadian pushback in places such as Kanesatake in 1990 and Unist'ot'en in 2018/19.[9] Looking to recent events at Standing Rock, where peaceful protests were met with domestic paramilitary force, legitimized state violence was deployed so extremely that it dramatically overshadowed commonplace, often normalized, state violence such as police harassment, judicial thirst for Indigenous prisoners, and the intellectual and cultural violence of everyday racist interactions that is commonplace in all four of these settler nation-states.

As with the previous instances discussed, there is a long history of settler-state violence in the United States that cannot be ignored if the conflict is placed in its proper historical context. The land through which the Dakota Access Pipeline (DAPL) now runs is Oceti Sakowin territory which was not ceded in either the 1851 or 1868 Treaties of Fort Laramie. Therefore, it still legally stands as unceded Indigenous territory, as argued by numerous Indigenous lawyers and activists, both before and after the pipeline was diverted from its original path north of Bismarck, North Dakota to just outside the Standing Rock reservation (Estes). In the 1940s, the Army Corps of Engineers unilaterally appropriated 700 miles of tribal lands and created a series of dams along the Missouri river. The Pick-Sloan dam project forcibly displaced 1,000 Sioux families and created Lake Oahe, the reservoir under which the pipeline now carries oil. Permission for the dam and the removal of the families was granted by the Army Corps of Engineers, in a clear over-reach of its legal authority. In the process of creating the reservoir in 1948, the dam "destroyed more Indian land than any other public works project in America" (Lawson 50).

The settler nation's reaction to the peaceful protests were stunning, with the inaction of the Obama Administration's "watching brief" a stark contrast to the paramilitary violence meted out by state law enforcement. While the president promised to closely monitor the unfolding events, he essentially saw out the last days of his administration as a silent witness to human

rights abuses carried out by state law enforcement, including "borrowed" personnel from other states. These abuses included water cannons being fired at water protectors in below-freezing temperatures, sound cannons used to cause internal damage to water protectors, strip searches, protectors being locked in animal cages, social media blackouts and signal outages, and, in scenes reminiscent of the Wounded Knee siege of 1973, armed agitators infiltrated the protestors as a ruse for the justification of violent suppression of the blockades. The tragic paradox of the "rule of law" mantra the state used to justify its actions is that treaties between Indigenous nations and the US are constitutionally enshrined as the "Supreme Law of the Land," which is what should have been enforced by the police who took so much violent delight in suppressing the Standing Rock Sioux's treaty rights (*U.S. Constitution*).

While Obama exercised his "watching brief," the state of North Dakota, with the complicit support of the United States, systemically violated Articles 7, 11, 18, 26, 29, 32, and 37 of UNDRIP, which collectively proclaim Indigenous rights to protection from violence, protection of historical sites, participation in "decision-making in matters affecting their rights," protection of lands and territories, conservation and protection of the environment, "free and informed consent, and the observance of treaty rights" (UNDRIP).

The campaign rhetoric of both mainstream political party candidates to succeed Obama as president amounted to the same thing: further erasure of Indigenous Peoples and partial lip service to recognition of Indigenous sovereignty or self-determination. Hillary Clinton's claim that she would act in a way "that serves the broadest public interest" was framed by further language which made it clear that the public interest she was referring to was the settler-national community and corporate interests. She offered no concessions to the Indigenous residents of Standing Rock, who were simply fighting to protect their water supply and original territorial sovereignty (Nieves). Donald Trump was more blatant in his disdain for Indigenous sovereignty and expressed support for the oil company he owned stock in and simply promised to sign the pipeline into law. This was a promise he kept very quickly after entering office in January 2017, just days after 200,000 liters of oil spilled from a similar pipeline in Saskatchewan, Canada (Benwell). The cross-border pipelines are yet another focus of transnational Indigenous collaboration to sustain communities through politics of refusal, through collaborations such as the Treaty Alliance Against Tar Sands Expansion, launched on September 22nd, 2016 ("Treaty Alliance").

As with the protests and blockades at Muskrat Falls, multiple criminal prosecutions of protesters followed and worked their way through the settler court system. Several jail sentences followed for some individual water protectors, such as Red Fawn Fallis, while others saw charges of trespass or inciting a riot dropped. It is also a great irony that it is in these "Courts of the Conqueror," as Walter Echo Hawk labelled them, that the permissions granted to DAPL by the Trump Administration in 2017 have been declared illegal (Echo Hawk 2012). While this has not yet resulted in the pipeline being shut down, closure is a potential outcome if proper environmental analysis is not now carried out by the Army Corps of Engineers. The same courts also found that treaty rights had been violated. The ruling judge declared that "to remedy those violations, the Corps will have to reconsider those sections of its environmental analysis upon remand by the Court" (Volcovici). The ruling sits as an example of the actual rule of law being applied in a way that "law enforcement" agencies suppressing the blockades failed to enact during the conflicts they instigated. In November 2018, the Standing Rock Sioux Tribe and Cheyenne River Sioux Tribe launched a fresh challenge against the Army Corps of Engineers and DAPL in regard to the process by which the Army Corps issued construction permits to DAPL. This case was opened in response to the Army Corps' lack of compliance with a December 4th, 2017 court decision in which the Corps and DAPL were ordered to work with the Standing Rock Sioux on several key pipeline safety measures. At the time of writing, no decision has yet been rendered regarding the November 2018 lawsuit ("Updates")

In each of the CANZUS states, Indigenous community sustainability requires activism to stop the onslaught of settler-colonial nationhood. The settler-colonial fictive kinship connections between the pre-nascent nations bound to the British Empire has evolved and matured into settler-colonial national networks bound by cooperative protection, trade, and mutual neo-liberal interests. While each of the four settler nations share collective cultural and socio-legal roots with the British Isles and comparative histories of rejecting Crown control, they still maintain close contemporary cultural, military, and political agreements with the United Kingdom. This is despite eschewing Crown control over their settler nation-states. Partnerships such as the Five Eyes intelligence alliance, the Technical Cooperation Program, and the Air and Space Interoperability Council all began after World War Two and maintain that link between the UK and the CANZUS states.

Historically, the respective "domestic" national policies concerning Indigenous erasure

was either dictated by London or, as in the US, mirrored UK legal strictures. This was especially so in the 19th and 20th centuries, where federal policies regarding land settlement, legalized settler sovereignty, and forced removal, schooling, and abuse of children were almost identical across the four nation-states. In Australia, the Aborigines Protection Board, which forced Indigenous children into boarding schools and allowed whites to take children from Indigenous homes and adopt them without permission, ran from 1883-1969. This policy, which created the Stolen Generations, mirrored that in the US of federal boarding schools which, championed by Col. Richard Henry Pratt, ran from 1879 to 1969. His mantra, to "kill the Indian and save the man," was copied in Canada, where residential schools modelled on US boarding schools ran from the early 1880s until 1996 (Adams 6). In Aotearoa/New Zealand, Native schools dedicated to assimilating Māori children ran from 1867 until 1968. In all but the United States, the policies were initiated with Crown approval from London. In each case, it was resistance by Indigenous Peoples themselves that forced the governments to shut the schools, rather than any moral shift from the settler states themselves.

In almost all instances of settler-nation development, Indigenous communities were initially deemed to be irrelevant and insignificant obstacles. From then until now, each action of settler aggression, whether corporate, economic, or cultural, has necessitated a reaction of resistance and refusal from Indigenous communities, including internationally insisting that the settler-nation states sign on to UNDRIP. For example, the United States was the last of the four to reverse its veto, with President Obama agreeing to the Declaration only after pressure from Indigenous leaders across the country (Pulitano 258). The irony, as argued earlier, is that UNDRIP inadvertently upholds settler-colonial nationhood, even as it argues the case for wider decolonization because, as Cheyfitz argues, "it recognizes, without commenting on the fact, that the Indigenous Peoples for whom it speaks are located within the power of the nation-states from which they are seeking redress" (Cheyfitz 193). As monolithic as this settler-nationhood appears, however, it is not yet absolute, and the Indigenous nations within these settler-nation boundaries are the constant reminder that the processes of settlement have not yet fully succeeded.

Despite the necessity of the politics of refusal in the face of settler-colonial shifting and over-compliance with UNDRIP, Indigenous community sustainability itself is not reactive. It is a proactive form of cultural maintenance that requires multiple strategies and tools to self-perpetuate. Indigenous cultures, languages, environments, and identities all require legal

autonomy and territorial sovereignty to grow and evolve in a manner chosen by the communities rather than dictated by outsiders. As such, there is great strength in the politics of refusal, even if these politics require inordinate, and seemingly endless, sacrifice at the same time. Whether there is enough strength in numbers and resources for Indigenous nations to ultimately halt and even subvert settler-nationhood to levels where Indigenous Peoples are recognized as equals rather than inconvenient barriers is a question with no present answer. What is certain is that water, land, language, and culture protectors will keep fighting for such an eventuality.

That future, however, is currently being written by Indigenous youth across the CANZUS states who, supported by elders, are increasingly joining and even leading the choruses of refusal that are forcing the settler nation-states to hear their voices. It was the youth in Standing Rock who began the water protection movement there, which drew support from Indigenous communities around the world. It was youth and elders from multiple Indigenous nations who were involved in the Paris Climate Accord protests in 2016 and are driving much of the anti-pipeline movement in Canada. The Idle No More Movement (INM) originated in Canada and grew across the United States. INM flags were also flown at Australia Day protests and Māori attempts to shut down the TPP talks. International Indigenous solidarity is growing, and social media has created an accessible forum for sharing knowledge faster than ever before. We can see in each of what are currently Canada, Australia, Aotearoa/New Zealand, and the United States that there can be partial Indigenous successes while playing the long game of refusal. There is evidence that settler-colonial shifting can be negotiated successfully to ensure that settlement is not absolute. We are also increasingly witnessing Indigenous activists and community organizers connecting and collaborating. They are refusing to allow settler nation-states to play the settler-colonial long-game that consolidates the imbalance of power and authority and presumes the absolutism of settlement. In these inter-connected Indigenous refusals, the ambitions are that partial successes will continue to build increasingly sustainable coalitions across the CANZUS States. It is these coalitions through which Indigenous communities will continue to constrain the processes of settler-colonial nationhood within the Anglosphere, until such processes can be successfully dismantled.

Notes

[1] Sheryl Lightfoot is Canada Research Chair of Global Indigenous Rights and Politics at the University of British Columbia. She is also a member of the Coalition for the Human Rights of Indigenous Peoples, has testified before the Canadian House of Commons as an expert witness, and was appointed in 2017 as the North American Expert at the Expert Group Meeting on implementation of the UN Declaration hosted by the Permanent Forum.
[2] Anaya's expertise on Indigenous Peoples and international law saw him appointed by the UN Human Rights Council to the role of United Nations Special Rapporteur on the Rights of Indigenous Peoples from May 2008 to June 2014.
[3] The difference between Indigenous populations and Peoples is a distinct one that warrants further clarification. "Peoples" recognizes that there was more than one single Indigenous group within the borders of the settler nation, while the signifier "populations" suggests a single racial connotation rather than acknowledging the separate distinct national identities of Indigenous Peoplehood. The settler preference for populations rather than Peoples is an example of the subtle ways Indigenous sovereignty is refused and erasure is codified within settler nations. Crucially, it is Peoples, rather than people or populations, that are recognized as having the right to self-determination under international law.
[4] Walter Echo Hawk is widely acclaimed as a Pawnee lawyer, activist, educator, tribal judge, and author, who has worked within the US Federal Indian law system as an advocate for Native American rights since 1973.
[5] In North America, people often use minute traces of DNA markers to claim indigeneity and insert themselves in spaces better suited to those who do need to rely on such obscure claims to identity. Kim TallBear offers a thorough examination of this trend and its problematic repercussion in her 2013 text, *Native American DNA: Tribal Belonging and the False Promise of Genetic Science.*
[6] It is acknowledged here that New Zealand and Aotearoa are technically the same space, but conflicting understandings of belonging and space also render them entirely different spaces depending upon whether one looks through an Indigenous or a settler lens.
[7] Maynard's text traces the roots of contemporary Aboriginal activism in Australia to the Australian Aboriginal Progressive Association in the 1920s. Their politics was a mixed blend of Indigenous self-determination and Black Liberation, the latter of which was inspired by Marcus Garvey's US-based Universal Negro Improvement Association.
[8] Managed Decline is an economic strategy where the state will attempt to slowly manage the end of an industry, such as coal or the Postal Service, while mitigating costs and losses. When applied to communities, however, the human cost of these losses of the end of the community is scarcely factored into policies, which simply urge mass individualized relocations from one area to another. In Indigenous communities, the culturally debilitating effects of this forced diaspora are considered a bonus by the state.
[9] In both instances, armed forces were deployed by the Canadian government to suppress Indigenous blockades on their own territory: in 1990, to advance a golf course that was eventually never built and, in 2019, to push through a pipeline that – as of the time of writing – is still being challenged in federal court.

Works Cited

Adams, David Wallace. *Education for Extinction: American Indians and the Boarding School*

Experience, 1875-1928. University of Kansas Press, 1995.

Australia. Australian Bureau of Statistics. "2016 Census Shows Growing Aboriginal and Torres Strait Islander Population." *Census: Aboriginal and Torres Strait Islander Population.* Australian Bureau of Statistics Media Release. 27 June 2017. http://www.abs.gov.au/ausstats/abs@.nsf/MediaRealesesByCatalogue/02D50FAA9987D6B7CA25814800087E03?OpenDocument.

Australia. Parliament of Victoria. *Advancing the Treaty Process with Aboriginal Victorians Act 2018*. Office of the Chief Parliamentary Counsel, Parl. 45, 2nd sess., [Victoria]: 21 June 2018. https://w.www.vic.gov.au/aboriginalvictoria/treaty/treaty-legislation.html. Accessed 12 January 2019.

Anaya, S. James. "International Human Rights and Indigenous Peoples: The Move Toward the Multicultural State." *Arizona Journal of International and Comparative Law*, vol. 13, 2004, pp. 13-61.

Benwell, Max. "Donald Trump Cleared Way for Dakota Access Pipeline Days After a Major Oil Spill on Aboriginal Land." *The Independent*, 24 January 2017, https://www.independent.co.uk/news/world/americas/dakota-access-donald-trump-standing-rock-pipeline-oil-spill-canada-a7544436.html. Accessed 5 March 2018.

Canada. Indigenous and Northern Affairs Canada (INAC). *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*. 12 Nov. 2010. https://www.aadnc-aandc.gc.ca/eng/1309374239861/1309374546142. Accessed 1 March 2018.

Cherokee Nation v. Georgia, 30 U.S. 1.

Cheyfitz, Eric. "Native American Literature and the UN Declaration on the Rights of Indigenous Peoples." *The Routledge Companion to Native American Literature,* edited by Deborah L. Madsen, Routledge, 2015, pp. 192-202.

Coulthard, Glen. *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition.* University of Minnesota Press, 2014.

Darian-Smith, Kate. "Australia Day, Invasion Day, Survival Day: A Long History of Celebration and Contestation." *The Conversation*, 25 January 2017, http://theconversation.com/australia-day-invasion-day-survival-day-a-long-history-of-celebration-and-contestation-70278. Accessed 10 January 2019.

Echo Hawk, Walter. *In the Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided.* Fulcrum Publishing, 2012.

——. *In the Light of Justice: The Rise of Human Rights in Native America.* Fulcrum Publishing, 2013.

Engle, Karen. "On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights." *The European Journal of International Law*, vol. 22, no. 1, 2011, pp. 141-63.

Estes, Nick. "'The Supreme Law of the Land': Standing Rock and the Dakota Access Pipeline." 16 January 2017, https://indiancountrymedianetwork.com/news/opinions/supreme-law-land-standing-rock-dakota-access-pipeline/. Accessed 12 March 2019.

Foley, Gary, Andrew Schaap, and Edwina Howell. *The Aboriginal Tent Embassy: Sovereignty, Black Power, Land Rights, and the State*. Routledge, 2016.

International Indian Treaty Council (IITC). *The Declaration of Continuing Independence, June 1974*. https://www.iitc.org/about-iitc/the-declaration-of-continuing-independence-june-1974/. Accessed 1 March 2018.

Kelly, Joe. "Australia Day: Malcolm Turnbull Rejects Calls for Date Change." *The Weekend Australian*, 26 January 2017, https://www.theaustralian.com.au/nation/politics/australia-day-barnaby-joyce-rejects-calls-for-date-change/news-story/eb3dc9db52c11abd6cf94c51ab0a4b4e. Accessed 10 December 2018.

Kennedy, Brendan. "I Am the River and the River Is Me: The Implications of a River Receiving Personhood Status." *Cultural Survival Quarterly Magazine,* December 2012, https://www.culturalsurvival.org/publications/cultural-survival-quarterly/i-am-river-and-river-me-implications-river-receiving. Accessed 15 November 2018.

LaDuke, Winona. *The Militarization of Indian Country (Makwa Enewed).* Michigan State University Press, 2013.

"Landslide at North Spur, Land Protectors Demand Action." *The Western Star*, 11 February 2018, http://www.thewesternstar.com/news/local/landslide-at-north-spur-land-protectors-demand-action-185108/. Accessed 12 March 2018.

Last Real Indians. *Rachel Dolezal, Blackface, and Pretendians.* 13 June 2015. https://lastrealindians.com/news/2015/6/13/jun-13-2015-rachel-dolezal-blackface-and-pretendians. Accessed 25 May 2018.

Lawson, Michael, L. *Dammed Indians: The Pick-Sloan Plan and the Missouri River Sioux, 1944-1980*. University of Oklahoma Press, 1994.

Lightfoot, Sheryl. *Global Indigenous Politics: A Subtle Revolution*. Routledge, 2018.

"Māori Land Loss, 1860-2000," *New Zealand History*, New Zealand Government, https://nzhistory.govt.nz/media/interactive/maori-land-1860-2000. Accessed May 25, 2018

Māori Party. "Maori Party continues to oppose the TPP." *Māori Party Media Release*, 12 May 2016, http://www.maoriparty.org/maori_party_continues_to_oppose_the_tpp.

Maynard, John. *Fight for Liberty and Freedom: The Origins of Australian Aboriginal Activism*. Aboriginal Studies Press, 2007.

Mikaere, Ani. "Are We All New Zealanders Now? A Māori Response to the Päkehä Quest for Indigeneity," *The Bruce Jesson Foundation*, 31 October 2004, https://www.brucejesson.com/ani-mikaere-2004-are-we-all-new-zealanders-now-a-maori-response-to-the-pakeha-quest-for-indigeneity/. Accessed 25 May 2018.

"Muskrat Falls Inquiry Website." *Commission of Inquiry Respecting the Muskrat Falls Project*, The Honorable Justice Richard LeBlanc, https://www.muskratfallsinquiry.ca. Accessed 26 January 2019.

Mortillaro, Nicole. "Muskrat Falls: Why People are Starving Themselves to Oppose Labrador Dam Flooding." *Global News*, 25 October 2016, globalnews.ca/news/3024652/muskrat-falls-why-people-are-starving-themselves-to-oppose-massive-labrador-dam/. Accessed 25 April 2018.

New Zealand. New Zealand Legislation, *Te Urewera Act, 2014,* 27 July 2014, http://www.legislation.govt.nz/act/public/2014/0051/latest/whole.html. Accessed 25 May 2018.

Nieves, Evelyn. "Hillary Clinton's Silence on Standing Rock Is a Moral Mistake—and a Political One." *The Nation*, 6 November 2016, https://www.thenation.com/article/hillary-clintons-silence-on-standing-rock-is-a-moral-mistake-and-a-political-one/. Accessed 19 May 2018.

Office of Public Engagement, Government of Newfoundland and Labrador, *Methylmercury and Muskrat Falls: Sharing and Understanding Our Varied Perspectives,* 22 March 2016.

Patterson, Brent. "Trudeau's 'Progressive' TPP Violates Indigenous Rights, Opposed by Māori and Mapuche Peoples." *The Council of Canadians*, 27 January 2018, https://canadians.org/blog/trudeaus-progressive-tpp-violates-indigenous-rights-opposed-māori-and-mapuche-peoples. Accessed 26 July 2018.

Povinelli, Elizabeth. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism.* Duke University Press, 2002.

"Power to Mud Lake Cut Off, as Labrador Community Evacuated Due to Flooding." *CBC News,* 17 May 2017, https://www.cbc.ca/news/canada/newfoundland-labrador/mud-lake-evacuation-churchill-river-1.4119084. Accessed 26 March 2019.

Pulitano, Elvira. "The Right to Enjoy All Human Rights." *The World, the Text, and the Indian*, edited by Richard Scott Lyons, SUNY Press, 2017. pp. 257-82.

"Read the Treaty: Differences Between the Texts." *New Zealand History*, Ministry for Culture and Heritage, updated 20 December 2012, https://www.nzhistory.govt.nz/politics/treaty/read-the-Treaty/differences-between-the-texts. Accessed 22 October 2018.

Roberts, Terry. "Emergency Measures, Military Support: Documents Reveal Heightened Concern about Muskrat Falls Security." *CBC News*, 1 February 2018, http://www.cbc.ca/news/canada/newfoundland-labrador/labrador-canadian-forces-muskrat-1.4508634. Accessed 14 March 2018.

Roy, Eleanor Ainge. "New Zealand Anger as Pristine Lake Tapped for Bottled Water Market." *The Guardian*, 27 March 2017, http://www.theguardian.com/world/2017/mar/27/new-zealand-anger-as-pristine-lakes-tapped-for-bottled-water-market. Accessed 28 March 2018.

Simpson, Audra. *Mohawk Interruptus (Political Life Across the Border of Settler States).* Duke University Press, 2014.

Simpson, Leanne Betasamosake. *As We Have Always Done: Indigenous Freedom Through Radical Resistance*. University of Minnesota Press, 2017.

Te Wharepora Hou. "The TPPA is a Death Sentence for Indigenous Rights." 7 January 2016, https://tewhareporahou.wordpress.com/2016/01/07/the-tppa-is-a-death-sentence-for-indigenous-rights/. Accessed 21 March 2019.

"The Australian Aboriginal Flag." *National NAIDOC Secretariat*, Government of Australia, https://www.naidoc.org.au/about/indigenous-australian-flags. Accessed 29 March 2018.

"The Treaty in Practice: Obtaining Land." *New Zealand History*, Ministry for Culture and Heritage, 13 June 2016, https://nzhistory.govt.nz/politics/treaty/the-treaty-in-practice/obtaining-land. Accessed 26 March 2019.

"Treaty Alliance Against Tar Sands Expansion." *Treaty Alliance*, www.treatyalliance.org, Accessed 5 May 2018.

United Nations Declaration on the Rights of Indigenous Peoples, 2011, www.un.org/development/desa/indigenousPeoples/declaration-on-the-rights-of-indigenous-Peoples.html. Accessed 1 March 2018.

"Updates and Frequently Asked Questions: The Standing Rock Sioux's Litigation on the Dakota Access Pipeline." *EarthJustice*, 1 November 2018, earthjustice.org/features/faq-standing-rock-litigation.

U.S. Constitution, Article II, Section II, Clause II, "Constitutions Limitations on the Treaty Power." Justia US Law, law.justia.com/constitution/us/article-2/17-constitutional-limitations-on-the-treaty-power.html.

Volcovici, Valerie. "Federal Judge Orders More Environmental Analysis of Dakota Pipeline." *Reuters*, 14 June 2017, https://www.reuters.com/article/us-northdakota-pipeline-dapl/federal-judge-orders-more-environmental-analysis-of-dakota-pipeline-idUSKBN19538I. Accessed 5 March 2019.

Wahlquist, Calla. "NSW Labor Plans to Sign Treaty Recognising Indigenous Ownership." *The Guardian,* 25 January 2018, https://www.theguardian.com/australia-news/2018/jan/25/nsw-labor-plans-to-sign-treaty-recognising-indigenous-ownership. Accessed 24 June 2018.