

# Settler Sovereignty A Jurisdiction And Indigenous

[#settler sovereignty](#) [#indigenous jurisdiction](#) [#indigenous rights](#) [#colonialism law](#) [#self-determination](#)

This resource critically examines the complex interplay between settler sovereignty and indigenous jurisdiction, exploring the historical and contemporary legal frameworks that impact indigenous rights. It offers a vital perspective on the ongoing struggle for self-determination and recognition within existing governance structures.

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## Settler Sovereignty

In a brilliant comparative study of law and imperialism, Lisa Ford argues that modern settler sovereignty emerged when settlers in North America and Australia defined indigenous theft and violence as crime. This occurred, not at the moment of settlement or federation, but in the second quarter of the nineteenth century when notions of statehood, sovereignty, empire, and civilization were in rapid, global flux. Ford traces the emergence of modern settler sovereignty in everyday contests between settlers and indigenous people in early national Georgia and the colony of New South Wales. In both places before 1820, most settlers and indigenous people understood their conflicts as war, resolved disputes with diplomacy, and relied on shared notions like reciprocity and retaliation to address frontier theft and violence. This legal pluralism, however, was under stress as new, global statecraft linked sovereignty to the exercise of perfect territorial jurisdiction. In Georgia, New South Wales, and elsewhere, settler sovereignty emerged when, at the same time in history, settlers rejected legal pluralism and moved to control or remove indigenous peoples.

## Indigenous Crime and Settler Law

In a break from the contemporary focus on the law's response to inter-racial crime, the authors examine the law's approach to the victimization of one Indigenous person by another. Drawing on a wealth of archival material relating to homicides in Australia, they conclude that settlers and Indigenous peoples still live in the shadow of empire.

## Sovereignty

Unparalleled in its breadth and scope, *Sovereignty: Frontiers of Possibility* brings together some of the freshest and most original writing on sovereignty being done today. *Sovereignty's* many dimensions are approached from multiple perspectives and experiences. It is viewed globally as an international question; locally as an issue contested between Natives and settlers; and individually as survival in everyday life. Through all this diversity and across the many different national contexts from which the contributors write, the chapters in this collection address each other, staging a running conversation that

truly internationalizes this most fundamental of political issues. In the contemporary world, the age-old question of sovereignty remains a key terrain of political and intellectual contestation, for those whose freedom it promotes as well as for those whose freedom it limits or denies. The law is by no means the only language in which to think through, imagine, and enact other ways of living justly together. Working both within and beyond the confines of the law at once recognizes and challenges its thrall, opening up pathways to alternative possibilities, to other ways of determining and self-determining our collective futures. The contributors, Indigenous and non-Indigenous alike, converse across disciplinary boundaries, responding to critical developments within history, politics, anthropology, philosophy, and law. The ability of disciplines to connect with each other—and with experiences lived outside the halls of scholarship—is essential to understanding the past and how it enables and fetters the pursuit of justice in the present. *Sovereignty: Frontiers of Possibility* offers a reinvigorated politics that understands the power of sovereignty, explores strategies for resisting its lived effects, and imagines other ways of governing our inescapably coexistent communities. Contributors: Antony Anghie, Larissa Behrendt, John Docker, Peter Fitzpatrick, Kent McNeil, Richard Pennell, Alexander Reilly, Ben Silverstein, Nin Tomas, Davina B. Woods.

#### Harvard Historical Studies

This book brings together Indigenous, Third World and Settler perspectives on the theory and practice of decolonizing law. Colonialism, imperialism, and settler colonialism continue to affect the lives of racialized communities and Indigenous Peoples around the world. Law, in its many iterations, has played an active role in the dispossession and disenfranchisement of colonized peoples. Law and its various institutions are the means by which colonial, imperial, and settler colonial programs and policies continue to be reinforced and sustained. There are, however, recent and historical examples in which law has played a significant role in dismantling colonial and imperial structures set up during the process of colonization. This book combines usually distinct Indigenous, Third World and Settler perspectives in order to take up the effort of decolonizing law: both in practice and in the concern to distance and to liberate the foundational theories of legal knowledge and academic engagement from the manifestations of colonialism, imperialism and settler colonialism. Including work by scholars from the Global South and North, this book will be of interest to academics, students and others interested in the legacy of colonial and settler law, and its overcoming.

#### Decolonizing Law

This book addresses the history, current development and future of indigenous self-governance in five settler- colonial nations: Australia, Canada, New Zealand, South Africa and the United States.

#### Between Indigenous and Settler Governance

*Fragile Settlements* compares the processes by which British colonial authority was asserted over Indigenous peoples in south-west Australia and Prairie Canada from the 1830s to the early twentieth century. At the start of this period, in a humanitarian response to settlers' increased demand for land, Britain's Colonial Office moved to protect Indigenous peoples by making them subjects under British law. This book highlights the parallels and divergences between these connected British frontiers by examining how colonial actors and institutions interpreted and applied the principle of law in their interaction with Indigenous peoples "on the ground."

#### Fragile Settlements

The aim of this Element is to foreground Native American conceptions of sovereignty and power in order to refine the place of settler colonialism in American colonial and early republican history. It argues that Indigenous concepts of sovereignty were rooted in complex metaphorical language, in historical understandings of alliance, and in mobility in a landscape of layered interconnections of power. Where some versions of the interpretive paradigm of settler colonialism emphasise the violent 'elimination of the native', this work reveals that diplomatic transactions between the Iroquois Confederacy and British colonial and imperial agents reveal a hybrid language of alliance, sovereignty and territory. These languages and concepts of inter-cultural diplomacy provide contexts that suggest a more nuanced and dynamic relationship between colonialism and Indigenous power.

#### Settlers in Indian Country

How the imposition of Crown rule across the British Empire during the Age of Revolution corroded the rights of British subjects and laid the foundations of the modern police state. During the eighteenth and nineteenth centuries, the British Empire responded to numerous crises in its colonies, from North America to Jamaica, Bengal to New South Wales. This was the Age of Revolution, and the Crown, through colonial governors, tested an array of coercive peacekeeping methods in a desperate effort to maintain control. In the process these leaders transformed what it meant to be a British subject. In the decades after the American Revolution, colonial legal regimes were transformed as the king's representatives ruled new colonies with an increasingly heavy hand. These new autocratic regimes blurred the lines between the rule of law and the rule of the sword. Safeguards of liberty and justice, developed in the wake of the Glorious Revolution, were eroded while exacting obedience and imposing order became the focus of colonial governance. In the process, many constitutional principles of empire were subordinated to a single, overarching rule: where necessary, colonial law could diverge from metropolitan law. Within decades of the American Revolution, Lisa Ford shows, the rights claimed by American rebels became unthinkable in the British Empire. Some colonial subjects fought back but, in the empire, the real winner of the American Revolution was the king. In tracing the dramatic growth of colonial executive power and the increasing deployment of arbitrary policing and military violence to maintain order, *The King's Peace* provides important lessons on the relationship between peacekeeping, sovereignty, and political subjectivity—lessons that illuminate contemporary debates over the imbalance between liberty and security.

### The King's Peace

Annotation What, other than numbers and power, justifies Canada's assertion of sovereignty and jurisdiction over the country's vast territory? Why should Canada's original inhabitants have to ask for rights to what was their land when non-Aboriginal people first arrived? The question lurks behind every court judgment on Indigenous rights, every demand that treaty obligations be fulfilled, and every land-claims negotiation. Addressing these questions has occupied anthropologist Michael Asch for nearly thirty years. In *On Being Here to Stay*, Asch retells the story of Canada with a focus on the relationship between First Nations and settlers. Asch proposes a way forward based on respecting the "spirit and intent" of treaties negotiated at the time of Confederation, through which, he argues, First Nations and settlers can establish an ethical way for both communities to be here to stay.

### On Being Here to Stay

This book describes the encounter between the common law legal system and the tribal peoples of North America and Australasia. It is a history of the role of anglophone law in managing relations between the British settlers and indigenous peoples from colonial foundation to the end of the Twentieth century. The historical basis of relations is described through the enduring, but constantly shifting questions of sovereignty, status and, more recently, self-determination.

### Aboriginal Societies and the Common Law

"*Fragile Settlements* compares the processes through which colonial authority was asserted over Indigenous people in southwest Australia and prairie Canada from the 1830s to the early twentieth century. At the start of this period, there was an explosion of settler migration across the British Empire. As a humanitarian response led to the unprecedented demand for land, Britain's Colonial Office moved to protect Indigenous peoples by making them subjects under British law. This book examines the tensions and contradictions that emerged as colonial actors and institutions—including government officials, police, courts, churches, and philanthropic organizations—interpreted and applied the principle of law in their interactions with Aboriginal peoples on the ground. As a comparative work, *Fragile Settlements* highlights important parallels and divergences in the histories of law and Indigenous-settler relations across the Anglo-colonial world. It questions the finality of settler colonization and contributes to ongoing debates around jurisdiction, sovereignty, and the prospect of genuine Indigenous-settler reconciliation in Canada and Australia."--

### Fragile Settlements

"BOOK Abstract: The Oxford Handbook of Australian Politics is a comprehensive collection that considers Australia's distinctive politics—both ancient and modern—at all levels and across many themes. It examines the factors that make Australian politics unique and interesting, while firmly placing these in the context of the nation's Indigenous and imported heritage and global engagement. The book

presents an account of Australian politics that recognizes and celebrates its inherent diversity by taking a thematic approach in six parts. The first theme addresses Australia's unique inheritances, examining the development of its political culture in relation to the arrival of British colonists and their conflicts with First Nations peoples, as well as the resulting geopolitics. The second theme, improvisation, focuses on Australia's political institutions and how they have evolved. Place-making is then considered to assess how geography, distance, Indigenous presence, and migration shape Australian politics. Recurrent dilemmas centre on a range of complex, political problems and their influence on contemporary political practice. Politics, policy, and public administration cover how Australia has been a world leader in some respects, and a laggard in others when dealing with important policy challenges. The final theme, studying Australian politics, introduces some key areas in the study of Australian politics and identifies the strengths and shortcomings of the discipline. This Handbook is an opportunity for others to consider the nation's unique politics from the perspective of leading and emerging scholars, and to gain a strong sense of its imperfections, its enduring challenges, and its strengths. Key Words: Australia, politics, policy, Indigenous heritage, colonial settlement, political institutions, place-making, political dilemmas, policy, and public administration, studying politics"--

### The Oxford Handbook of Australian Politics

As the global 'data revolution' accelerates, how can the data rights and interests of indigenous peoples be secured? Premised on the United Nations Declaration on the Rights of Indigenous Peoples, this book argues that indigenous peoples have inherent and inalienable rights relating to the collection, ownership and application of data about them, and about their lifeways and territories. As the first book to focus on indigenous data sovereignty, it asks: what does data sovereignty mean for indigenous peoples, and how is it being used in their pursuit of self-determination? The varied group of mostly indigenous contributors theorise and conceptualise this fast-emerging field and present case studies that illustrate the challenges and opportunities involved. These range from indigenous communities grappling with issues of identity, governance and development, to national governments and NGOs seeking to formulate a response to indigenous demands for data ownership. While the book is focused on the CANZUS states of Canada, Australia, Aotearoa/New Zealand and the United States, much of the content and discussion will be of interest and practical value to a broader global audience. 'A debate-shaping book ... it speaks to a fast-emerging field; it has a lot of important things to say; and the timing is right.' — Stephen Cornell, Professor of Sociology and Faculty Chair of the Native Nations Institute, University of Arizona 'The effort ... in this book to theorise and conceptualise data sovereignty and its links to the realisation of the rights of indigenous peoples is pioneering and laudable.' — Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, Baguio City, Philippines

### Indigenous Crimes and Settler Law

"Justin B. Richland continues his study of the relationship between American law and government and Native American law and tribal governance in his new manuscript *Cooperation without Submission: Indigenous Jurisdictions in Native Nation-US Engagements*. Richland looks at the way Native Americans and government officials talk about their relationship and seek to resolve conflicts over the extent of Native American authority in tribal lands when it conflicts with federal law and policy. The American federal government is supposed to engage in meaningful consultations with the tribes about issues that affect the tribes under long standing Federal law which accorded the federal government the responsibility of a trustee to the tribes. It requires the government to act in the best interest of the tribes and to interpret agreements with tribes in a way that respects their rights and interests. At least partly based on a patronizing view of Native Americans, the law has also sought to protect the interests of the tribes from those who might take advantage of them. In *Cooperation without Submission*, Richland looks closely at the language employed by both sides in consultations between tribes and government agencies focusing on the Hopi tribe but also discussing other cases. Richland shows how tribes conduct these meetings using language that demonstrates their commitment to nation-to-nation interdependency, while federal agents appear to approach these consultations with the assumption that federal law is supreme and ultimately authoritative"--

### Indigenous Data Sovereignty

Although Indigenous groups include diverse cultures and colonial experiences, Indigenous communities around the globe are united by a common struggle: to achieve self-determination and land rights as original occupants of the land prior to colonization. Historically, Western law has served both as

an instrument of colonial control and as a means for Indigenous peoples to assert their claims to sovereignty and territory against those of nation-states. The essays in this issue of SAQ consider historical and contemporary colonial conflicts and explore key topics in Indigenous studies, including land rights, human rights, legal jurisdiction, Indigenous governance, and questions of language, culture, and the environment. This wide-ranging collection addresses the political possibilities of Western law and the international meanings of sovereignty and Indigeneity. One essay analyzes the autonomous government through which local citizens in Indigenous Zapatista communities in Mexico hope to dissolve systems of top-down sovereignty altogether. Another explores narratives of Native American law and the treatment of sovereignty in contemporary Mohawk visual culture. Several essays discuss the legal and political implications of the field's pivotal public documents, including the 2007 U.N. Declaration on the Rights of Indigenous Peoples. Eric Cheyfitz is the Ernest I. White Professor of American Studies and Humane Letters in the Department of English at Cornell University. N. Bruce Duthu is the Samson Occom Professor of Native American Studies and Chair of the Native American Studies Program at Dartmouth College. Shari M. Huhndorf is Associate Professor of English at the University of Oregon. Contributors: Christine Black, Eric Cheyfitz, Gordon Christie, Chris Cunneen, Jonathan Goldberg-Hiller, Lorie M. Graham, Roy M. Huhndorf, Shari M. Huhndorf, Forrest Hylton, Mara Kaufman, Alvaro Reyes, Jolene Rickard, Carlos Salinas, Noenoe K. Silva, Cheryl Suzack, Siegfried Wiessner

### Cooperation Without Submission

"This volume showcases how Native nations can reclaim self-determination and self-governance via examples from four important countries"--

### Sovereignty, Indigeneity, and the Law

Pioneering study of the anglophone 'settler boom' in North America, Canada, South Africa, Australia, and New Zealand between the early 19th and early 20th centuries, looking at what made it the most successful of all such settler revolutions, and how this laid the basis of British and American power in the 19th and 20th centuries.

### Reclaiming Indigenous Governance

Western Political Science Association's Clay Morgan Award for Best Book in Environmental Political Theory Canadian Studies Network Prize for the Best Book in Canadian Studies Nominated for Best First Book Award at NAISA Honorable Mention: Association for Political and Legal Anthropology Book Prize Since Justin Trudeau's election in 2015, Canada has been hailed internationally as embarking on a truly progressive, post-postcolonial era—including an improved relationship between the state and its Indigenous peoples. Shiri Pasternak corrects this misconception, showing that colonialism is very much alive in Canada. From the perspective of Indigenous law and jurisdiction, she tells the story of the Algonquins of Barriere Lake, in western Quebec, and their tireless resistance to federal land claims policy. *Grounded Authority* chronicles the band's ongoing attempts to restore full governance over its lands and natural resources through an agreement signed by settler governments almost three decades ago—an agreement the state refuses to fully implement. Pasternak argues that the state's aversion to recognizing Algonquin jurisdiction stems from its goal of perfecting its sovereignty by replacing the inherent jurisdiction of Indigenous peoples with its own, delegated authority. From police brutality and fabricated sexual abuse cases to an intervention into and overthrow of a customary government, Pasternak provides a compelling, richly detailed account of rarely documented coercive mechanisms employed to force Indigenous communities into compliance with federal policy. A rigorous account of the incredible struggle fought by the Algonquins to maintain responsibility over their territory, *Grounded Authority* provides a powerful alternative model to one nation's land claims policy and a vital contribution to current debates in the study of colonialism and Indigenous peoples in North America and globally.

### Replenishing the Earth

Although settler colonialism is a deeply entrenched structural problem, Indigenous peoples have always resisted it and sought to protect their land, sovereignty, and treaties. Some settlers have aimed to support Indigenous peoples in these struggles. This book examines what happens when settlers engage with and attempt to transform settler colonial systems. What does 'decolonizing' action look like? What roles can settlers play? What challenges, complexities, and barriers arise?

And what opportunities and possibilities emerge? The authors emphasize the need for settlers to develop long-term relationships of accountability with Indigenous peoples and the land, participate in meaningful dialogue, and respect Indigenous laws and jurisdiction. Writing from multiple disciplinary lenses, and focusing on diverse research settings, from Turtle Island (North America) to Palestine, the authors show that transforming settler colonial relations and consciousness is an ongoing, iterative, and unsettling process that occurs through social justice-focused action, critical self-reflection, and dynamic-yet-committed relationships with Indigenous peoples. This book was originally published as a special issue of *Settler Colonial Studies*.

### Grounded Authority

This Handbook sets a new agenda for theoretical and practical explorations of citizenship, analysing the main challenges and prospects informing today's world of increased migration and globalization. It will also explore new forms of membership and democratic participation beyond borders, and the rise of European and multilevel citizenship

### Pathways of Settler Decolonization

*Mohawk Interruptus* is a bold challenge to dominant thinking in the fields of Native studies and anthropology. Combining political theory with ethnographic research among the Mohawks of Kahnawà:ke, a reserve community in what is now southwestern Quebec, Audra Simpson examines their struggles to articulate and maintain political sovereignty through centuries of settler colonialism. The Kahnawà:ke Mohawks are part of the Haudenosaunee or Iroquois Confederacy. Like many Iroquois peoples, they insist on the integrity of Haudenosaunee governance and refuse American or Canadian citizenship. Audra Simpson thinks through this politics of refusal, which stands in stark contrast to the politics of cultural recognition. Tracing the implications of refusal, Simpson argues that one sovereign political order can exist nested within a sovereign state, albeit with enormous tension around issues of jurisdiction and legitimacy. Finally, Simpson critiques anthropologists and political scientists, whom, she argues, have too readily accepted the assumption that the colonial project is complete. Belying that notion, *Mohawk Interruptus* calls for and demonstrates more robust and evenhanded forms of inquiry into indigenous politics in the teeth of settler governance.

### The Oxford Handbook of Citizenship

This book provides a new approach to the historical treatment of indigenous peoples' sovereignty and property rights in Australia and New Zealand. By shifting attention from the original European claims of possession to a comparison of the ways in which British players treated these matters later, Bain Attwood not only reveals some startling similarities between the Australian and New Zealand cases but revises the long-held explanations of the differences. He argues that the treatment of the sovereignty and property rights of First Nations was seldom determined by the workings of moral principle, legal doctrine, political thought or government policy. Instead, it was the highly particular historical circumstances in which the first encounters between natives and Europeans occurred and colonisation began that largely dictated whether treaties of cession were negotiated, just as a bitter political struggle determined the significance of the Treaty of Waitangi and ensured that native title was made in New Zealand.

### Mohawk Interruptus

In 2007, 144 UN member states voted to adopt a Declaration on the Rights of Indigenous Peoples. Australia, Canada, New Zealand and the US were the only members to vote against it. Each eventually changed its position. This book explains why and examines what the Declaration could mean for sovereignty, citizenship and democracy in liberal societies such as these. It takes Canadian Chief Justice Lamer's remark that 'we are all here to stay' to mean that indigenous peoples are 'here to stay' as indigenous. The book examines indigenous and state critiques of the Declaration but argues that, ultimately, it is an instrument of significant transformative potential showing how state sovereignty need not be a power that is exercised over and above indigenous peoples. Nor is it reasonably a power that displaces indigenous nations' authority over their own affairs. The Declaration shows how and why, and this book argues that in doing so, it supports more inclusive ways of thinking about how citizenship and democracy may work better. The book draws on the Declaration to imagine what non-colonial political relationships could look like in liberal societies.

## Empire and the Making of Native Title

This open access book explores cultural competence in the higher education sector from multi-disciplinary and inter-disciplinary perspectives. It addresses cultural competence in terms of leadership and the role of the higher education sector in cultural competence policy and practice. Drawing on lessons learned, current research and emerging evidence, the book examines various innovative approaches and strategies that incorporate Indigenous knowledge and practices into the development and implementation of cultural competence, and considers the most effective approaches for supporting cultural competence in the higher education sector. This book will appeal to researchers, scholars, policy-makers, practitioners and general readers interested in cultural competence policy and practice.

## 'We Are All Here to Stay'

*The Cunning of Recognition* is an exploration of liberal multiculturalism from the perspective of Australian indigenous social life. Elizabeth A. Povinelli argues that the multicultural legacy of colonialism perpetuates unequal systems of power, not by demanding that colonized subjects identify with their colonizers but by demanding that they identify with an impossible standard of authentic traditional culture. Povinelli draws on seventeen years of ethnographic research among northwest coast indigenous people and her own experience participating in land claims, as well as on public records, legal debates, and anthropological archives to examine how multicultural forms of recognition work to reinforce liberal regimes rather than to open them up to a true cultural democracy. *The Cunning of Recognition* argues that the inequity of liberal forms of multiculturalism arises not from its weak ethical commitment to difference but from its strongest vision of a new national cohesion. In the end, Australia is revealed as an exemplary site for studying the social effects of the liberal multicultural imaginary: much earlier than the United States and in response to very different geopolitical conditions, Australian nationalism renounced the ideal of a unitary European tradition and embraced cultural and social diversity. While addressing larger theoretical debates in critical anthropology, political theory, cultural studies, and liberal theory, *The Cunning of Recognition* demonstrates that the impact of the globalization of liberal forms of government can only be truly understood by examining its concrete—and not just philosophical—effects on the world.

## Cultural Competence and the Higher Education Sector

Lauren Benton and Lisa Ford find the origins of international law in empires, especially in the British Empire's sprawling efforts to refashion the imperial constitution and reorder the world. These attempts touched on all the issues of the early nineteenth century, from slavery to revolution, and changed the way we think about the empire's legacy.

## The Cunning of Recognition

*A Search for Sovereignty* approaches world history by examining the relation of law and geography in European empires between 1400 and 1900. Lauren Benton argues that Europeans imagined imperial space as networks of corridors and enclaves, and that they constructed sovereignty in ways that merged ideas about geography and law. Conflicts over treason, piracy, convict transportation, martial law, and crime created irregular spaces of law, while also attaching legal meanings to familiar geographic categories such as rivers, oceans, islands, and mountains. The resulting legal and spatial anomalies influenced debates about imperial constitutions and international law both in the colonies and at home. This study changes our understanding of empire and its legacies and opens new perspectives on the global history of law.

## Rage for Order

"Reconciling pre-existing Aboriginal sovereignty with de facto Crown sovereignty will not threaten the territory of Canada, nor will it result in a legal vacuum. Rather, it will facilitate the self-determination of Aboriginal peoples within Canada and strengthen Canada's claim to territorial integrity in the eyes of international law.

## A Search for Sovereignty

*Sovereignty Matters* investigates the multiple perspectives that exist within indigenous communities regarding the significance of sovereignty as a category of intellectual, political, and cultural work. Much scholarship to date has treated sovereignty in geographical and political matters solely in terms of

relationships between indigenous groups and their colonial states or with a bias toward American contexts. This groundbreaking anthology of essays by indigenous peoples from the Americas and the Pacific offers multiple perspectives on the significance of sovereignty.

### Reconciling Sovereignties

This book chronicles the extraordinary story of indigenous activism in the late twentieth century. Taking their claims for justice to law, indigenous peoples transformed debates about national identity and reframed the terms of belonging in settler states. - from the back cover.

### Sovereignty Matters

In the last decade, the relationship between settler Canadians and Indigenous Peoples has been highlighted by the Truth and Reconciliation Commission, the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Idle No More movement, the Wet'suwet'en struggle against pipeline development and other Indigenous-led struggles for Indigenous sovereignty and decolonization. Increasing numbers of Canadians are beginning to recognize how settler colonialism continues to shape relationships on these lands. With this recognition comes the question many settler Canadians are now asking, what can I do? *Living in Indigenous Sovereignty* lifts up the wisdom of Indigenous scholars, activists and knowledge keepers who speak pointedly to what they are asking of non-Indigenous people. It also shares the experiences of thirteen white settler Canadians who are deeply engaged in solidarity work with Indigenous Peoples. Together, these stories offer inspiration and guidance for settler Canadians who wish to live honourably in relationship with Indigenous Peoples, laws and lands. If Canadians truly want to achieve this goal, Carlson and Rowe argue, they will pursue a reorientation of their lives toward "living in Indigenous sovereignty" — living in an awareness that these are Indigenous lands, containing relationships, laws, protocols, stories, obligations and opportunities that have been understood and practised by Indigenous peoples since time immemorial. Collectively, these stories will help settler Canadians understand what transformations we must undertake if we are to fundamentally shift our current relations and find a new way forward, together. Visit for more details: <https://www.storiesofdecolonization.org> Watch the book launch video here:

### The Land is Our History

In this thoroughly revised and updated edition of the first book-length treatment of the subject, S. James Anaya incorporates references to all the latest treaties and recent developments in the international law of indigenous peoples. Anaya demonstrates that, while historical trends in international law largely facilitated colonization of indigenous peoples and their lands, modern international law's human rights program has been modestly responsive to indigenous peoples' aspirations to survive as distinct communities in control of their own destinies. This book provides a theoretically grounded and practically oriented synthesis of the historical, contemporary and emerging international law related to indigenous peoples. It will be of great interest to scholars and lawyers in international law and human rights, as well as to those interested in the dynamics of indigenous and ethnic identity.

### Living in Indigenous Sovereignty

Leading scholars demonstrate how colonial subjects, national liberation movements, and empires mobilized human rights language to contest self-determination during decolonization.

### Indigenous Peoples in International Law

The Routledge Handbook of the History of Settler Colonialism examines the global history of settler colonialism as a distinct mode of domination from ancient times to the present day. It explores the ways in which new polities were established in freshly discovered 'New Worlds', and covers the history of many countries, including Australia, New Zealand, Israel, Japan, South Africa, Liberia, Algeria, Canada, and the USA. Chronologically as well as geographically wide-reaching, this volume focuses on an extensive array of topics and regions ranging from settler colonialism in the Neo-Assyrian and Roman empires, to relationships between indigenes and newcomers in New Spain and the early Mexican republic, to the settler-dominated polities of Africa during the twentieth century. Its twenty-nine inter-disciplinary chapters focus on single colonies or on regional developments that straddle the borders of present-day states, on successful settlements that would go on to become powerful settler nations, on failed settler colonies, and on the historiographies of these experiences.



Taking a fundamentally international approach to the topic, this book analyses the varied experiences of settler colonialism in countries around the world. With a synthesizing yet original introduction, this is a landmark contribution to the emerging field of settler colonial studies and will be a valuable resource for anyone interested in the global history of imperialism and colonialism.

#### Decolonization, Self-Determination, and the Rise of Global Human Rights Politics

A judicial revolution occurred in 1992 when Australia's highest court discarded a doctrine that had stood for two hundred years, that the country was a *terra nullius* – a land of no one – when the white man arrived. The proceedings were known as the Mabo Case, named for Eddie Koiki Mabo, the Torres Strait Islander who fought the notion that the Australian Aboriginal people did not have a system of land ownership before European colonization. The case had international repercussions, especially on the four countries in which English-settlers are the dominant population: Australia, Canada, New Zealand, and the United States. In *Recognizing Aboriginal Title*, Peter H. Russell offers a comprehensive study of the Mabo case, its background, and its consequences, contextualizing it within the international struggle of Indigenous peoples to overcome their colonized status. Russell weaves together an historical narrative of Mabo's life with an account of the legal and ideological premises of European imperialism and their eventual challenge by the global forces of decolonization. He traces the development of Australian law and policy in relation to Aborigines, and provides a detailed examination of the decade of litigation that led to the Mabo case. Mabo died at the age of fifty-six just five months before the case was settled. Although he had been exiled from his land over a dispute when he was a teenager, he was buried there as a hero. *Recognizing Aboriginal Title* is a work of enormous importance by a legal and constitutional scholar of international renown, written with a passion worthy of its subject – a man who fought hard for his people and won.

#### The Routledge Handbook of the History of Settler Colonialism

Delgamuukw. Mabo. Ngati Apa. Recent cases have created a framework for litigating Aboriginal title in Canada, Australia, and New Zealand. The distinguished group of scholars whose work is showcased here, however, shows that our understanding of where the concept of Aboriginal title came from – and where it may be going – can also be enhanced by exploring legal developments in these former British colonies in a comparative, multidisciplinary framework. This path-breaking book offers a perspective on Aboriginal title that extends beyond national borders to consider similar developments in common law countries.

#### Recognizing Aboriginal Title

This book investigates whether and how reconciliation in Australia and other settler colonial societies might connect to the attitudes of non-Indigenous people in ways that promote a deeper engagement with Indigenous needs and aspirations. It explores concepts and practices of reconciliation, considering the structural and attitudinal limits to such efforts in settler colonial countries. Bringing together contributions by the world's leading experts on settler colonialism and the politics of reconciliation, it complements current research approaches to the problems of responsibility and engagement between Aboriginal and non-Aboriginal peoples.

## Aboriginal Title and Indigenous Peoples

This work is the first to assess the legality and impact of colonisation from the viewpoint of Aboriginal law, rather than from that of the dominant Western legal tradition. It begins by outlining the Aboriginal legal system as it is embedded in Aboriginal people's complex relationship with their ancestral lands. This is Raw Law: a natural system of obligations and benefits, flowing from an Aboriginal ontology. This book places Raw Law at the centre of an analysis of colonisation – thereby decentring the usual analytical tendency to privilege the dominant structures and concepts of Western law. From the perspective of Aboriginal law, colonisation was a violation of the code of political and social conduct embodied in Raw Law. Its effects were damaging. It forced Aboriginal peoples to violate their own principles of natural responsibility to self, community, country and future existence. But this book is not simply a work of mourning. Most profoundly, it is a celebration of the resilience of Aboriginal ways, and a call for these to be recognised as central in discussions of colonial and postcolonial legality. Written by an experienced legal practitioner, scholar and political activist, *Aboriginal Peoples, Colonialism and International Law: Raw Law* will be of interest to students and researchers of Indigenous Peoples Rights, International Law and Critical Legal Theory.

## The Limits of Settler Colonial Reconciliation

*Aboriginal Peoples, Colonialism and International Law*