

# Treaty Relations between Indigenous Peoples: Advancing Global Understandings of Self-Determination

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## Abstract

Nation-states around the world tend to view Indigenous nations' claims for sovereignty and self-determination in zero-sum terms, fearing that any advancement in Indigenous peoples' self-determination means a loss of sovereignty or territorial integrity for nation-states. This article aims to shed light on how Indigenous political actors in several countries are advancing self-determination *in practice* with, within, and across the borders of individual states, while navigating the international system, in assertive, maximal, innovative, and peaceful ways that do not result in a loss of nation-state sovereignty or territorial integrity. Some Indigenous peoples are entering into treaty or partnership agreements with other Indigenous groups, in conjunction with state institutions, or completely outside state purview. We examine several cases of such treaty relations and draw some conclusions about how these types of Indigenous-to-Indigenous treaty relations are enhancing and advancing Indigenous self-determination.

**Keywords:** Indigenous peoples, Indigenous politics, self-determination, treaties, state sovereignty, colonization, Indigenous rights, UNDRIP, plural sovereignty

Settler state governments have long claimed absolute political sovereignty over Indigenous lands, institutions, and peoples – claims that have always been subject to contestation and resistance by Indigenous peoples. Further, nation-states tend to view claims for sovereignty and self-determination by Indigenous peoples in zero-sum terms, fearing that any advancement in Indigenous peoples' self-determination means a loss of sovereignty or territorial integrity for nation-states. Settler states have so jealously guarded sovereignty and self-determination as their exclusive domain that they have even self-proclaimed a right of exclusivity in relations with Indigenous peoples (who are relegated to the domestic sphere), creating and maintaining policy structures that have legally confined and, in practice, attempted to constrain Indigenous

nations so that they conduct their external relations only with and through state institutions. However, Indigenous peoples resist this colonial impulse for control in multiple ways and, in doing so, are driving shifts in global understandings of self-determination.

As Sheryl Lightfoot (2016) has argued, the 2007 UN Declaration on the Rights of Indigenous Peoples (“the UN Declaration”), a global consensus statement of Indigenous peoples' rights drafted by both states and Indigenous political actors, has shifted global understandings of self-determination toward new constructions. All of the old colonial doctrines that justified state domination over Indigenous lands and resources and the subjugation of Indigenous peoples, such as the Doctrine of Discovery, plenary power, and *terra nullius*, have been technically delegitimized

in the international sphere, and Indigenous peoples are recognized as enjoying the right of self-determination equal to all other peoples on Earth. However, the new terms and meaning of Indigenous peoples' self-determination is not so clear. While the UN Declaration states, in Article 3, "Indigenous peoples have the right to self-determination," it also contains Article 46 which states: "nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States." In other words, Indigenous peoples have a right to self-determination, but not necessarily a right to secede from states or the right to declare their independence as states. Since the UN decolonization era began in the 1960s, "self-determination" has been largely understood as the right to independence as a state, and the UN Declaration is clearly pointing toward some new understanding of self-determination that does not equate to Westphalian interpretations of state sovereignty, and a decoupling of sovereignty from self-determination (Lightfoot 2016).

Indigenous peoples, in many respects, are leading the way toward a future global imaging of self-determination that will likely involve sovereignties and other forms of political relations that may be plural and multiple, and are often rooted in the age-old practice of treaty making. Both the global Indigenous rights discourse and the political practices of some Indigenous peoples around the world are, together, altering these old state-centric and zero-sum patterns of Indigenous-state relations and toward a set of political relations that is far more plural and multiple in terms of sovereignties. The global challenge, that Indigenous peoples are helping address, is to re-think and re-imagine how self-determination can be practiced without an exclusive reliance on state structures (Lightfoot 2016).

While the incommensurability of settler state sovereignty and Indigenous self-determination is widely argued (Tuck and Yang 2012; Barker and Batwell-Lowman 2016; Simpson 2016; Coulthard and Simpson 2016), Indigenous peoples, in some cases around the world, are pushing for important practical changes that allow states to peacefully and more justly co-exist with Indigenous nations. In recent decades, Indigenous political actors in several countries have been advancing self-determination *in practice* through treaty relations with, within, and across the borders of individual states. In doing so, they are exercising their self-determination in assertive, maximal, innovative, and peaceful ways that do not threaten nation-state sovereignty or result in a loss of state territorial integrity but are stretching the limits of how state sovereignty has been previously understood.

Some Indigenous peoples around the world are entering into treaty or partnership agreements with other Indigenous peoples, in conjunction with state institutions, or completely outside state purview. Normally, international relations consider treaties as the exclusive domain of sovereign states. The Vienna Convention on the Law of Treaties (1969) defines a "treaty" as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation" (Art. 2.1a). However, Indigenous treaty making has always, since time immemorial, involved more and deeper relations than simply an agreement between states or even merely between political entities. Rather, it has embodied the depth and richness of Indigenous relationship making, which have always included responsibilities not only to other political bodies but also to non-human entities such as animals, the environment and the spirit world. Some Indigenous peoples in the contemporary period are drawing on and reinvigorating their own traditional treaty practices in ways that create multiple possibilities for the conventional understanding of "treaty." For example, Heidi

Kiiwetinepinesiik Stark (2017) has articulated how treaties existed well before colonization, in webs of relationships with all creation, those “pre-existing relationships and responsibilities across Anishinaabe *aki* (the Earth) that were impacted by these agreements.” By re-creating and re-defining treaty making for their own purposes, in their own way, and on their own terms, these Indigenous peoples are actively asserting their self-determination in ways that advance its construction well beyond a territorially bounded nation state.

After first examining the concept of Indigenous self-determination and its place in the international human rights discourse, this article will examine several cases of such treaty relations and attempt to draw some conclusions about how these types of Indigenous-to-Indigenous treaty relations are enhancing and advancing Indigenous self-determination as well as leading a global conversation on the possibilities for plural and multiple sovereignties. The three cases to be examined here are:

- Case 1: Indigenous nations along the Canada-US border have signed the 2014 linnii (Buffalo) Treaty.
- Case 2: Indigenous nations signed a treaty in September 2016, to jointly fight pipelines that carry Canadian Tar Sands oil.
- Case 3: The International Indian Treaty Council has held annual Indigenous nation treaty conferences without state participation since 1974.

These cases share some salient commonalities and differences. Each explores Indigenous treaties and governance agreements that exist both within states and across state borders. Cases 1 and 2 are located in North America, while Case 3 initially began as a Western Hemisphere initiative but quickly expanded to a global effort. All cases occur in the context of advanced Western liberal democracies, emerging in regions with a long-documented tradition of historical treaty making. All of the cases have roots in Indigenous activism that is both resistant to colonialism and simultaneously aimed at building new institu-

tions and structures. Case 1 also explores human to non-human treaties, a subtext which implicitly runs through the other cases as well, as many Indigenous peoples see the land and animals as parts of their responsibilities as human beings. The cases also demonstrate how traditional and evolving Indigenous models of diplomacy and treaty can help counter the many negative effects of absolute state sovereignty. Throughout, we also note similarities between Indigenous knowledge and the evolving area of posthumanist thought in the social sciences, which reflects some aspects of what we discuss here.

### **Indigenous Peoples and Self-Determination**

Existing scholarly debates in the Indigenous rights, politics, and law literatures focus attention on whether Indigenous rights, as articulated in the UN Declaration are an advancement in Indigenous sovereignty and self-determination (Burger 2011; Daes 2011; Stavenhagen 2011; Thornberry 2011), or if they constitute a form of assimilation and domestication (Corntassel 2008). Some critical Indigenous scholars have even argued that the rights discourse itself forms a politics of recognition that subjugates Indigenous peoples to the nation-state, obliging them to practice politics only in ways recognized as legitimate by the settler state (Alfred 2005; Coulthard 2014). In the case of the Yukon, for example, Nadasdy has observed that gaining self-government has entailed tradeoffs for Indigenous peoples, such that: “Land claim and self-government agreements are not simply formalizing jurisdictional boundaries among pre-existing First Nation polities; they are mechanisms for creating the legal and administrative systems that bring those polities into being” (Nadasdy 2012: 503).

While some activist and scholarly voices hold that the UN Declaration recognizes an Indigenous legal right to self-determination equal to all other peoples, with parallels to the 1960 UN Decolonization Declaration (Carmen 2012; Deer 2011), others critique the UN Declaration for diminishing self-determination rights within a colonial matrix of settler state power (Watson

2011). A third path views the UN Declaration's articulation of self-determination as a unique and relational form (Anaya 2009; Lightfoot 2016), requiring ongoing negotiation. International fora, such as the UN Permanent Forum, have long been useful to Indigenous peoples working across state boundaries (Lightfoot 2016), while domestically, organizations such as the Iwi Chairs Forum in Aotearoa-New Zealand and the Assembly of First Nations and provincial counterparts in Canada have promoted forms of self-determination on behalf of their members. Norway, Finland, and Sweden have institutionalized Indigenous legislatures that serve as consultative bodies to the national parliaments (Broderstad 2011; Kuokkanen 2011, 2012).

Some Indigenous peoples exercise self-determination in ways that resemble the external sovereignty of states: issuing and travelling on their own passports (Kuprecht 2013), conducting trade and diplomatic missions (Beier 2009; Kuprecht 2013; Macklem and Sanderson 2016), engaging in international trade (Drahos and Frankel 2012; O'Sullivan 2007), as well as negotiating and entering into treaty-like agreements with other Indigenous peoples (Beier 2009; Henderson 2008; Lightfoot 2016). So, while the UN Declaration seems to offer a novel view of Indigenous self-determination, it may also foreground new and evolving global understandings of the term, decoupling it from sovereignty and territoriality (Lightfoot 2010; Quane 2011), with salient practical implications that move beyond Indigenous peoples to impact wider issues of global governance, a phenomenon that has been inadequately explored in International Relations (Beier 2009, Keal 2003, Tickner 2015).

Self-determination is a common area of theoretical work in Indigenous Studies (Alfred, 2005; Anaya, 2009, 2000; Corntassel, 2008; Coulthard, 2014; Koukkanen, 2011, 2012; Simpson, 2014; Simpson 2011), yet is often considered either as cultural/linguistic/spiritual resurgence or in terms of relations between IPs and the state (Deloria and Wilkins, 1999; Lerma, 2014). Few theoretical or empirical examinations explore

political self-determination that operates independently of domestic Indigenous-state relationships or beyond the state. Yet, Indigenous peoples engaged in treaty relations with one another and with non-human entities long before contact with colonizers and generally welcomed such forms of political relations with early explorers and settlers. So, in many respects, it is entirely natural to expect Indigenous people to continue to relate to one another utilizing treaty making. However, with colonial relations dominating over time, it has become natural to think of Indigenous peoples relating only in and through states and their structures. For the past several hundred years, Indigenous treaty making has been solely understood as directed at and through states. This colonial pattern is changing. In recent years, Indigenous peoples around the world have been taking back their old traditions of treaty making as an innovative Indigenous form of political relations that pushes the boundaries of what, for many years, has typically been considered "international relations." We illustrate this trend with three contemporary cases, and then offer some conclusions.

### **The linnii (Buffalo) Treaty**

The peoples of the Northern Plains of North America have used treaty as their primary form of political relations since time immemorial. For thousands of years prior to European contact, the Blackfoot, Cree and Dakota peoples, among others, used intertribal treaties to form agreements and alliances amongst themselves. Traditionally, these groups also often extended the practice of treaty making to include non-human animals, including and especially, the buffalo, who sometimes were seen, Hubbard (2014) recalls, "much like a benevolent grandparent" (294).

Initially, treaties were also the preferred form of European relations with Indigenous peoples of North America. As early as 1613, Dutch settlers formed an enduring treaty with the Haudenosaunee peoples of the Eastern Great Lakes and St. Lawrence River valley, known as the "Two Row Wampum" treaty. This treaty, depicted on

the wampum belt as two parallel blue lines on a white background, intended that the two peoples would co-exist like two parallel rivers, each one independently navigating its own way, without disturbing or disrupting the other. As Wilson (2000) wrote, "This wampum belt confirms our words. [...] Neither of us will make compulsory laws or interfere in the internal affairs of the other. Neither of us will try to steer the other's vessel." (115-116). British colonial policy was also based on treaty making, usually in the form of military alliance which either sought aid or neutrality from tribes or their friendship and peace. For many years, treaty making was satisfactory practice for both Indigenous nations and the colonizers (Leslie & Macguire, 1979).

In the meantime, ancient intertribal practices of treaty making continued, especially in the West and the Great Plains until the second half of the 19<sup>th</sup> century. The Lame Bull Treaty of 1855, which established a large common hunting ground, was one of the last of the Northern Plains intertribal treaties to be signed, prior to the colonizers' demand in the late 19<sup>th</sup> century that all Indigenous peoples' external relations be only with the colonizing state (American Bison Society, 2014). Coincident in time, settlers slaughtered buffalo in great numbers, and the once great wild buffalo herds disappeared completely from these lands by the early 20<sup>th</sup> century. Indigenous peoples of the Great Plains were pushed onto reserves, and forced to alter their ways of life, which had previously and traditionally revolved around both the buffalo and treaty making. For more than a century, Indigenous peoples lived with the reserve system and largely (though never fully) accommodated state demands for exclusivity in external relations. The few buffalo that survived the 19<sup>th</sup> century slaughter remained in captivity. But, in the late 20<sup>th</sup> and early 21<sup>st</sup> century, Indigenous peoples' resistance re-emerged on both sides of the Canada-US border, centered on the twin goals of political self-determination and cultural resurgence. Both intertribal treaty making practices and relations with the buffalo needed to return.

On September 23, 2014, representatives from eleven tribes/First Nations in the United States and Canada signed the "Northern Tribes Buffalo Treaty" in Blackfoot territory in Browning, Montana. The first intertribal treaty to be signed on the Great Plains in over 150 years, this treaty was intended to establish an alliance for cooperation among the various reserves to restore the buffalo on tribal or co-managed lands. The signatories included the Blackfoot Nation, the Blood Tribe, Siksika Nation, Piikani Nation, the Assiniboine and Gros Ventre Tribes of the Fort Belknap Indian Reservation, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, the Salish and Kootenai Tribes of the Confederated Salish and Kootenai Indian Reservation, and the Tsuu T'ina Nation. Collectively, these groups own and manage about 6.3 million acres of prairie and grasslands in the United States and Canada. As reported by the American Bison Society (2014), "their goal is to achieve ecological restoration of the buffalo on their respective lands, and in so doing to re-affirm and strengthen ties that formed the basis for traditions thousands of years old."

Leroy Little Bear of the Blood Tribe in Alberta and Professor Emeritus at the University of Lethbridge, describes this treaty process as a lengthy one. Buffalo dialogues, he said, were held among elders in Blood territory over the course of about six or seven years. After about seven years of discussion, the elders declared that they were now of one mind and they wanted the buffalo to come back. But, they also realized that this task, to bring free roaming buffalo back to their lands, was an enormous one, and they needed others to help. The elders suggested a treaty, saying that we used to make treaties not only between ourselves but also between us humans and with other animals. The elders also said that the Blackfoot have had a treaty with the buffalo. But now, Little Bear said, the elders declared that we need a treaty to bring our people together so that we can have a place for the buffalo once again. According to Little Bear, who played a major role in the linnii (Buffalo) Initiative to



ensure that the elders' vision for treaty became reality,

Having humans fit themselves into the ecological balance (is) fundamental to the life-ways of Indian peoples. But the buffalo is a major player in this ecological scenario. The near extinction of the buffalo left a major gap. The treaty on buffalo restoration aims to begin to fill that gap and once again partner with the buffalo to bring about cultural and ecological balance" (Alexander 2014).

The 2014 treaty, titled *The Buffalo: A Treaty of Cooperation, Renewal and Restoration*, opens with an acknowledgement of this ancient relationship with buffalo. It reads,

Since time immemorial, hundreds of generations of the first peoples of the FIRST NATIONS of North America have come and gone since before and after the melting of the glaciers that covered North America. For all those generations, BUFFALO has been our relative. BUFFALO is part of us and WE are part of BUFFALO culturally, materially, and spiritually. Our on-going relationship is so close and embodied in us that Buffalo is the essence of our holistic ecocultural life-ways.

The treaty was designed to be enduring and open to new partnerships and supporters. Article VII states that others are invited to join and form partnership with the signatories to make the objectives of the treaty a reality. In August 2015, the first anniversary gathering of the Buffalo Treaty took place, this time in Banff, Alberta, to welcome additional signatories to the treaty: the Stoney Nakoda Chiniki Nation, Bearspaw Nation, the Wesley Nation and the Samson Cree Nation. Noting that the treaty aims to restore multiple relationships that existed when buffalo roamed freely throughout their territories, new signatory, Chief Ernest Wesley of the Wesley First Nation (Stoney Nakoda) told the CBC (2015), "For me, it's historic. We've become brothers again with the buffalo." In 2016, at the 30<sup>th</sup> annual Treaty 4 gathering, Indigenous leaders from 10 more First Nations signed the treaty: Sakimay, Star Blanket, Okanese, Ocean Man, Ochapowace, Peepeekisis, Yellow Quill, Pheasant Rump, Wuskwi Sipiik and Sapotaweyak (Radford 2016).

Buffalo restoration efforts as a result of the treaty began on January 29, 2017, when Cree and Blackfoot leaders gathered to bless buffalo journeying on their way from Elk Island National Park to roam freely in Banff National Park. Wesley First Nation Band Councillor Hank Snow told Windspeaker reporter Shari Narine (2017) that he believes it is the first time in many generations that the Blackfoot Confederacy has come together with the Samson Cree Nation to do ceremony. The ceremony, he said, allows a connection with the buffalo and that both First Nations people and the buffalo are together freeing themselves from 150 years of imprisonment under colonization. (Narine 2016).

While the physical and cultural restoration of the buffalo is underway, the multiple political motives and results of the Buffalo Treaty are also apparent. Leroy Little Bear sees the treaty as a new expression of Indigenous sovereignty based on old practices of Indigenous self-determination and political relations. He said,

The whole notion of sovereignty is really a matter of degree. And a phasing-in to greater and greater autonomy, a greater and greater amount of self-decision making. It's kind of like we're taking on more of our own decision making, and that's what everybody on both sides of the border are talking about. (Radford 2016.)

In this scenario, the rigid borders of states are more permeable, allowing buffalo a degree of mobility which they have not had for over a century.

### **Tar Sands Treaty Alliance**

Another inter-Indigenous treaty was born about the same time, also in Western North America. On April 10, 2015, a number of Indigenous leaders, representatives and activists from grassroots organizations across Canada held a meeting, a day ahead of a large climate march in Quebec City. This group of leaders and activists wanted to strategize about how to deal with climate change, which disproportionately impacts Indigenous communities since they are often located in areas hardest hit by such things as rising ocean

levels and wildfires. The consensus of this group was that, in North America, one of the biggest environmental threats is the Tar Sands of Alberta, and the group members all aimed to halt the expansion of Tar Sands production and distribution.

Also in 2015, representatives from the Yinka Dene Alliance of central British Columbia began an awareness campaign. Dubbed the “West meets East” tour, this group spent a month visiting First Nations communities along the Energy East pipeline route to discuss with them how community activism resulted in the earlier “Save the Fraser Declaration” that helped beat a similar project by banning a pipeline under Indigenous Law. Later that same year, in September, the alliance grew when the Union of British Columbia Indian Chiefs invited Grand Chief Serge Simon of the Mohawk Council of Kanesatake, Grand Chief Derek Nepinak of the Assembly of Manitoba Chiefs, and Chief Arnold Gardner of Eagle Lake First Nation to address their 47th annual Chiefs-in Assembly. These Indigenous leaders all expressed a similar frustration – that while “Indigenous peoples have contributed the least to climate change, they stand to lose the most” (Treaty Alliance 2015). Citing Tar Sands expansion as the largest contributor to Canada’s rise in greenhouse gas emissions, they all stood committed to fight new expansion of Tar Sands production and distribution.<sup>1</sup>

Momentum grew over the next year, and on September 22, 2016, a new continent-wide Indigenous treaty, the Treaty Alliance Against Tar Sands Expansion, was signed on Musqueam territory in Vancouver. Fifty First Nations and Tribes from across Canada and the United States signed the treaty committing themselves to “working together to stop all proposed tar sands pipeline, tanker and rail projects in their respective territorial lands and waters.” A press release from the group, issued on September 22, 2016, cites five specific pipeline and tanker project propos-

als that the group collectively opposes: Kinder Morgan, Energy East, Line 3, Northern Gateway and Keystone XL. The document also lists some rail projects associated with distribution of tar sands oil.

Since this is a treaty, meaning it can only be signed by nations, signatories can include only First Nations on the Canadian side and Tribes on the US side of the border. Other organizations, groups, companies, unions and so forth are welcome to sign the Solidarity Accord in support of the Treaty Alliance, if they wish. By November 2016, when the Canadian government announced approval of the Kinder Morgan pipeline, the Treaty Alliance held another ceremonial signing of new members. It had grown to over 100 signatories and numerous supporting groups (Treaty Alliance 2016a). By July 2017, another ceremonial signing included the Great Sioux Nation, Ponca Nation and Blackfoot Confederacy, all on the US side of the border, bringing the total Indigenous nation signatories to over 130 (Treaty Alliance 2017). On the same day, these same groups signed another inter-Indigenous treaty: “The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration,” which aims to safeguard the grizzly bear and fight against the Trump administration’s effort to delist it from the Endangered Species Act (Treaty Alliance 2017a). In May 2017, the group announced an integrated divestment campaign called “Mazaska Talks” (“mazaska” is Lakota for “money”) against the banks funding these Tar Sands pipeline projects (Treaty Alliance 2017b).

The Tar Sands Treaty reveals three principles that illustrate how contemporary Indigenous treaty making is creating novel visions of self-determination. First, the Treaty invokes Indigenous law and ancient treaty making practices as its foundation. Second, Indigenous stewardship of the Earth motivates unified action and provides Indigenous leadership for what might otherwise be framed as a non-Indigenous-led environmental movement. Third, the Treaty envisions and calls for a future of shared decision making authority between Indigenous and non-

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<sup>1</sup> Background on the Treaty Alliance in this section is drawn from the group’s website: [treatyalliance.org](http://treatyalliance.org).

Indigenous peoples and institutions. The text of the Treaty contains expressions of each of these principles. It states:

Our Nations hereby join together under the present treaty to officially prohibit and to agree to collectively challenge and resist the use of our respective territories and coast in connection with the expansion of the production of the Alberta Tar Sands, including for the transport of such expanded production, whether by pipeline, rail or tanker.

*As sovereign Indigenous nations, we enter this treaty pursuant to our inherent legal authority and responsibility to protect our respective territories from threats to our lands, waters, air and climate, but we do so knowing full well that it is in the best interest of all peoples, both Indigenous and non-Indigenous, to put a stop to the threat of Tar Sands expansion.*

*We wish to work in collaboration with all peoples and all governments in building a more equitable and sustainable future, one that will produce healthier and more prosperous communities across Turtle Island and beyond, as well as preserve and protect our peoples' way of life (emphasis added).*

The Tar Sands Treaty is intended for collective action and support against a common, trans-continental threat. "We are in a time of unprecedented unity amongst Indigenous people working together for a better future for everyone," noted Rueben George of the Tsleil-Wauthuth Sacred Trust Initiative (Treaty Alliance 2016b). Kanesatake Grand Chief Serge Simon agreed, stating, "What this treaty means is that from Quebec, we will work with our First Nation allies in BC to make sure that the Kinder Morgan pipeline does not pass and we will also work without Tribal allies in Minnesota as they take on Enbridge's Line 3 expansion, and we know they'll help us do the same against Energy East" (Treaty Alliance 2016b).

The Treaty is based on Indigenous nationhood and Indigenous law, based on protection of the Earth. In fact, text of the Treaty opens with these twin ideas. The Treaty states: "We have inhabited, protected and governed our territories according to our respective laws and traditions since time immemorial." Further, the accompa-

nying Solidarity Accord also states: "We recognize the inherent rights of Indigenous peoples of Turtle Island to govern their territories and uphold their sacred trust to protect their land... (as)...Indigenous peoples have protected and stewarded these lands for millennia." Casey Camp-Horinek of the Ponca Tribe of Oklahoma expressed this sentiment when his tribe signed the Treaty in July 2017. He said, "If you don't think we're nations, if you think we're isolated remnants of a bygone era, just watch us exercise our sovereign right to protect our land and our people by stopping these pipeline abominations from threatening our water and our very future" (Treaty Alliance 2017a).

Indigenous law has always included treaty making among Indigenous nations as well as between Indigenous nations and Europeans. The Treaty text opens with this observation:

We have inhabited, protected and governed our territories according to our respective laws and traditions since time immemorial. Sovereign Indigenous Nations entered into solemn treaties with European powers and their successors but Indigenous Nations have an even longer history of treaty making amongst themselves. Many such treaties between Indigenous nations concern peace and friendship and the protection of Mother Earth.

Chairman Brandon Sazue of the Crow Creek Sioux Tribe, who called together Indigenous leaders to a treaty signing ceremony in July 2017, referred to the Treaty Alliance as "Remaking the Sacred Hoop," an ancient alliance between the Great Sioux Nation and the Blackfoot Confederacy (Treaty Alliance 2017).

Finally, The Tar Sands Treaty expresses a vision of "a clean and just energy future for us all" based on collaborative decision making authority shared by Indigenous and non-Indigenous peoples (Treaty Alliance 2016c). As expressed on the Treaty Alliance website, "Indigenous Nations need to also be equal partners in developing responses and solutions to our climate crisis. And in the course of urgently getting off fossil fuels, it will be critical to ensure that no one is left behind" (Treaty Alliance, 2015). In fact, the



Treaty Alliance demonstrates how Indigenous peoples are working collectively to shift decision making processes from a strictly hierarchical, state-based model, that may include *consultation* with Indigenous peoples and others, toward a model that is based on the principle of free, prior and informed consent, where Indigenous peoples aims to be included as decision making partners in issues that impact them. As Kevin Hart, Assembly of First Nations Regional Chief for Manitoba, noted: “These tar sands pipeline fights...are about protecting our Mother but will also end up being the turning point for relations between our Nations and state powers – the point where we say no more” (Treaty Alliance, 2017a).

As an alternative to the existing model of Indigenous consultation, exercised by both the United States and Canada, the Treaty Alliance is centered on the principle of free, prior and informed consent, which requires not only that Indigenous peoples be consulted about issues and decisions that impact them but that they be actively involved in such decision-making processes, from beginning to end. It also requires that they consent to projects that impact them, in contrast to consultation policies which often provide the means for projects to proceed without the consent of the Indigenous communities directly impacted. Such a normative shift would have tremendous implications not only on the need for governments to interact more collaboratively with Indigenous peoples, but the ripple effects of such a shift may eventually broaden and flatten the notion of self-determination for all peoples, Indigenous and non-Indigenous alike.

### **International Indian Treaty Council**

Despite the surge in inter-Indigenous treaty making in Western North America in the 2010s, the contemporary history of Indigenous treaty making can be traced back to the 1970s when the International Indian Treaty Council was formed at the very first treaty meeting at Standing Rock Reservation in South Dakota in the summer of

1974. A year after the American Indian Movement’s 1973 occupation of/siege at Wounded Knee (South Dakota) had ended, and its principle leaders either jailed or defending themselves in court, the movement for Indian civil rights set about re-orienting and re-organizing itself.

Legal scholar, philosopher, and theologian Vine Deloria, Jr. had published, in early 1974, his fourth book of the more than twenty he would write in his lifetime, *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*. Drawing a direct link between the status of American Indians in the American legal framework and genocide, Deloria encouraged Indigenous peoples to take up several agendas. First, he called for a re-internationalization of their relationship with governments. Logically, if nations had signed “treaties” with tribes at one time, those tribes were considered “nations” by definition and that status could be regained. He also encouraged American Indians to go to the international level, again, as had been attempted earlier, but failed, in the 1920s League of Nations. Deloria encouraged the use that international platform to push for a new agenda: a reinstatement of the treaty process.

Deloria’s philosophy aligned with that of Indigenous activists. In the summer of 1974, a group of more than 5000 elders and traditional leaders representing ninety-eight Indigenous nations from nine countries gathered at Standing Rock Reservation in Lakota territory. These elders and leaders decided to take their treaty issues to the international level, especially the UN, and so they officially founded the International Indian Treaty Council (IITC) as their organizational vehicle. Several years later, in 1977, the IITC was the first Indigenous organization to receive consultative status with the United Nations Economic and Social Council (ECOSOC.) In the decades since, IITC has served as a leading organization in the global Indigenous rights movement. It supports grassroots Indigenous struggles for self-determination and human rights by building, organizing and facilitating “the direct, effective participation of traditional Indigenous Peoples in local,

regional, national and international events and gatherings addressing their concerns and survival" (IITC 2013).

Eight guiding principles of IITC have shaped its work over more than four decades. These range from an emphasis on traditional Indigenous values, to a preference for consensus decision making processes, gender equality, and the recognition and support of individual, unique Indigenous cultures in their unified movement. Crucially important as well is guiding principle number five: "The IITC believes that Indigenous Peoples should speak for and represent themselves before the world community" (IITC, n.d.). Since 1974, this has meant a treaty making process of consensus agreement among Indigenous political actors that then proceeds in a unified way to advocate collectively on the global level.

From the first founding Treaty Conference in June 1974, the International Indian Treaty Council has advocated for the recognition and protection of Indigenous-state treaties and operated on a treaty making model itself. This first Treaty Council of 5000 delegates from 98 Indigenous nations from across North and South America met for eight days of discussion. A single document emerged from these deliberations: *The Declaration of Continuing Independence by the First International Indian Treaty Council at Standing Rock Indian Country, June 1974*. This declaration reflects the twin treaty making goals of the new IITC organization. IITC would itself rely on a treaty making model of inter-Indigenous relations and decision making in order to advocate, on the national and international levels, for respect for Indigenous-state treaties and a future vision of self-determination that centers treaty making both amongst Indigenous nations and between Indigenous and non-Indigenous peoples.

The Preamble of the 1974 Declaration opens with a strong charge against the United States for its ongoing failure to honour its treaty responsibilities:

The United States of America has continually violated the independent Native Peoples of this continent by Executive action, Legislative fiat and Judicial decision. By its action, the U.S. has denied all Native people their International Treaty rights, Treaty lands and basic human rights of freedom and sovereignty. This same U.S. government, which fought to throw off the yoke of oppression and gain its own independence, has now reversed its role and become the oppressor of sovereign Native people.

In addition, the 1974 Declaration also calls for active non-violent resistance, "by *truth* and *action*." Intentionally mimicking some language of the US Declaration of Independence to emphasize a common human desire for freedom from oppression, it continues: "In the course of human events, we call upon the people of the world to support this struggle for our sovereign rights and our treaty rights. We pledge our assistance to all other sovereign people who seek their own independence."

The 1974 Declaration emphasized that the hundreds of existing treaties between the United States and Indigenous nations must not be abandoned or forgotten but rather, be recognized and secured in contemporary times through a "committed and unified struggle, using every legal and political resource." It notes specifically how the Constitution of the United States confirms that international treaties are intended as the "Supreme Law of the United States" and yet, it blatantly ignores and violates hundreds of treaties with Indigenous nations that were to protect the lands and sovereignty of those nations.

Organizationally, the newly formed International Indian Treaty Council was to be non-governmental organization (NGO) with offices in New York and Washington to interface with national and international political organizations. But, IITC would have a flavor not previously seen in the NGO community, given that it was founded on the basis of consensus decision-making amongst many diverse Indigenous nations and would continue to operate on this basis into the future. It was to be a unifying force of collective Indigenous advocacy and information dissemi-

nation that also respected the unique cultures, political circumstances and treaties of each individual Indigenous nation. As the 1974 Declaration states: “The International Indian Treaty Council recognizes the sovereignty of all Native Nations and will stand in unity to support our Native and international brothers and sisters in their respective and collective struggles concerning international treaties and agreements.”

It also declared that the IITC would open diplomatic relations with the US through the Department of State rather than the Department of Interior’s Bureau of Indian Affairs. This demonstrates that the original intention of the group was to push for a new and more assertive form of Indigenous sovereignty, specifically grounded in practices of international diplomacy as opposed to internal, domestic mechanisms. Finally, the 1974 Declaration articulated that the IITC would make application to the United Nations for recognition and membership of “sovereign Native Nations” and pledged its support to any other Indigenous nation anywhere in the world doing the same.

In the years since 1974, IITC has kept to these guiding principles, even as it has expanded. Treaty conferences are held annually in different locations around the world and focus on emerging issues of common concern; each year, inter-Indigenous discussions are held and common consensus resolutions achieved. For example, the 40<sup>th</sup> Anniversary Treaty Conference held in 2014 in Okemah, Oklahoma, issued resolutions on such matters as environmental toxins, women’s reproductive health, and extractive industries. The 2016 Treaty Conference in Hawai’i focused heavily on food sovereignty (IITC 2016). The longstanding IITC movement for Indigenous peoples to represent themselves in the United Nations also had a boost of activity between 2015 and 2017 when the President of the UN General Assembly directed a group of advisors to work on a draft resolution for enhanced Indigenous participation in the General Assembly. (United Nations 2015)

## Conclusions

Our review of these three cases highlights ways in which Indigenous peoples are acting as self-determining political actors dealing with matters which fall within their traditional authority such as buffalo mobility, while in other cases like the Tar Sands, banding together to resist environmental degradation and the spread of hazardous resource extractive industries.

Many Indigenous peoples are exercising their self-determination by defining for themselves what self-determination can and should mean. Their practices move beyond western forms of “internal” and “external” sovereignty, taking a more holistic form, well beyond a legal or juridical framework to also include culture, history, and spirituality. It broadens the practice of self-determination to include not only relations with other humans but also with non-human animals and the environment, in accordance with Indigenous ontologies and lifeways. In practice, self-determination by Indigenous peoples also moves beyond a discrete moment of political decision, like a declaration of independence or a referendum, but rather, is conceptualized as part of an ongoing set of relations and obligations—political, cultural and spiritual.

Indigenous knowledge systems, ways of governing, making treaty, and understanding the world have recently been reflected, and sometimes appropriated, in the posthumanist turn in some of the social sciences. If humanism positioned humans as the centre of all sentient life on earth, the posthumanist turn is attuned to human reliance on and interdependence with the rest of the world. This means, following Audra Mitchell, that posthuman approaches describe “worlds intersected and co-constituted by various kinds of beings: humans, other organisms, machines, elemental forces, diverse materials – plus hybrids, intersections and pluralities of all of the above (and more)” (Mitchell 2017 11). Similarly, since 2015, “Anthropocene” theorists have suggested that since everything is interrelated, bound together by “social power,” “enmeshed”

as “guests on this planet,” we should best see ourselves as “an array of bodies connected and interconnected in complex ways that have little to do with nationality” (Planet Politics 2015, 2).

Unlike many forms of Indigenous knowledge, this posthumanist turn remains human centric, and profoundly Eurocentric as well, such that Jane Bennett, in *Vibrant Matter*, cites only white European male theorists as her inspiration: “Baruch Spinoza, Friedrich Nietzsche, Henry David Thoreau, Charles Darwin, Theodor Adorno, Gilles Deleuze . . .” Her explicit goal is not so much about the world as it is “motivated by a self-interested or conative concern for human survival and happiness,” which translates into “greener forms of human culture and more attentive encounters between people-materialities and thing-materialities” (Bennett 2010 viii).

For Indigenous peoples, the conception of humans being inseparable from the world around them and interdependent with it goes back many millennia. Yet, as Metis scholar Zoe Todd signally notes, European and settler theorists have been advancing Indigenous knowledge systems as if they were European without any mention of Indigenous peoples. This boils down to a conceit where Indigenous thinkers are filtered through “white intermediaries” instead of “citing and quoting Indigenous thinkers directly, unambiguously and generously.” Indigenous peoples, Todd writes (with sentiments we share) must be regarded “[a]s thinkers in their own right, not just disembodied representatives of an amorphous Indigeneity that serves European intellectual or political purposes, and not just as research subjects or vaguely defined ‘collaborators’” (Todd, 2017, 7).

In this chapter, we have sought to better conceptualize how the right to self-determination is evolving and being practiced by Indigenous peoples in new, creative and innovative ways, which fully respect Indigenous laws, traditions, and nation-to-nation relationships with one another and with settler governments. We have considered three cases where we could see Indigenous self-determination as commensurable with the

viability of existing settler states. As such these are examples of complementary practices of self-determination.

They may reflect aspects of a new relationship developing between Indigenous peoples, established state structures, and international institutions. These practices also bring to mind Brunyeel’s (2007) work on the “third space of sovereignty,” spaces where Indigenous peoples, possessed of their inherent sovereignty, do not clearly fit with the spatial and temporal boundaries of settler states any more than those of the settler state fit with their practices and structures (xiv). In the past, such practices were crushed by discriminatory settler state legislation and structural violence. This is slowly changing, as some states mature within the international system and show a willingness to abide by agreements such as the UN Declaration.

## References

- ALEXANDER, R. 2014. “Historic Intertribal Treaty Works to Restore Bison in Western Canada, U.S.” *Huffpost*. [http://www.huffingtonpost.ca/rob-alexander/alberta-montana-bison-treaty\\_b\\_5890836.html](http://www.huffingtonpost.ca/rob-alexander/alberta-montana-bison-treaty_b_5890836.html) (accessed Nov. 25, 2017).
- ALFRED, T. 2005. *Wasáse: Indigenous Pathways of Action and Freedom*. Toronto: University of Toronto Press.
- AMERICAN BISON SOCIETY. 2014. “Historic Buffalo Treaty Signed by Tribes and First Nations Along U.S. and Canadian Border.” *American Bison Society*. <https://programs.wcs.org/ambisonsociety/News/American-Bison-Society-News/article-Type/ArticleView/articleId/9496/Historic-Buffalo-Treaty-Signed-by-Tribes-and-First-Nations-Along-US-and-Canada-Border.aspx> (accessed Nov 25, 2017).
- ANAYA, J.S. 2000. “Self-determination as a Collective Human Right Under Contemporary International Law.” In *Operationalizing the right of Indigenous peoples to self-determination*, edited by P. Aikio and M. Schenin. Turku: Institute for Human Rights.



- ANAYA, J.S. 2009. "Why There Should Not Have to Be a Declaration on the Rights of Indigenous Peoples." In *International Human Rights and Indigenous Peoples*, edited by J.S. Anaya. Chicago: Kluwer Law & Business.
- BARKER, A.J. and E. BATTELL-LOWMAN. 2016. "The Spaces of Dangerous Freedom: Disrupting Settler Colonialism." In *The Limits of Settler Colonial Reconciliation: Non-Indigenous People and the Responsibility to Engage*, edited by S. Maddison, T. Clark and R. de Costa. Singapore: Springer.
- BEIER, M.J. 2009. *Indigenous Diplomacies*. New York: Palgrave MacMillan.
- BENNETT, J. 2010. *Vibrant Matter: A Political Ecology of Things*. Durham: Duke University Press.
- BRODERSTAD, E.G. 2011. "The Promises and Challenges of Indigenous Self-determination: The Sami Case." *International Journal: Canada's Journal of Global Policy Analysis* 66 (4): 893-907.
- BRUNYEEL, K. *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations*. Minneapolis: University of Minnesota Press.
- BURGER, J. 2011. "The UN Declaration on the Rights of Indigenous Peoples: From Advocacy to Implementation". In: S. Allen and A. Xanthaki, eds., *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, Oxford: Hart Publishing.
- CARMEN, A. 2012. "Statement on behalf of the International Indian Treaty Council to the UN Expert Mechanism on the Rights of Indigenous Peoples". Fifth Session, United Nations, Geneva.
- CBC NEWS. 2015. "Historic Treaty Signed Among 10 First Nations and Tribes in Banff". *CBC News*. <http://www.cbc.ca/news/canada/calgary/historic-treaty-signed-among-10-first-nations-and-tribes-in-banff-1.3190715>. (accessed Nov. 25, 2017).
- CORNTASSEL, J. 2008. "Toward sustainable self-determination: Rethinking the contemporary Indigenous-rights discourse." *Alternatives* 33 (1): 105-132.
- COULTHARD, G.S. 2014. *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.
- COULTHARD, G.S. and L.B. SIMSPON. 2016. "Grounded Normativity/Place-Based Solidarity." *American Quarterly* 68 (2): 249-255.
- DAES, E. 2011. "The UN Declaration on the Rights of Indigenous Peoples: Background and Appraisal." In *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, edited by S. Allen and A. Xanthaki. Oxford: Hart Publishing.
- DEER, K. 2011. "Reflections on the Development, Adoption, and Implementation of the UN Declaration on the Rights of Indigenous Peoples." In *Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, Hope, and Action*, edited by P. Joffe, J. Hartley and J. Preston. Saskatoon: Purich Publishing.
- DELORIA, V. 1974. *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*. Austin: University of Texas Press.
- DELORIA, V. and D. WILKINS. 1999. *Tribes, Treaties, and Constitutional Tribulations*. Austin: University of Texas Press.
- DRAHOS, P. and S. FRANKEL. 2012. *Indigenous People's Innovation: Intellectual Property Pathways to Development*. Canberra: ANU Press.
- HENDERSON, S. 2008. *Indigenous Diplomacy and the Rights of Peoples: Achieving UN Recognition*. Vancouver: UBC Press.
- HUBBARD, T. 2014. "Buffalo Genocide in Nineteenth-Century North America: 'Kill, Skin, and Sell.'" In *Colonial Genocide in Indigenous North America*, edited by A. Laban, A. Woolford and J. Benevenuto. Durham: Duke University Press.
- INTERNATIONAL INDIAN TREATY COUNCIL. n.d. "Guiding Principles." <http://www.iitc.org/about-iitc/guiding-principles/>.
- INTERNATIONAL INDIAN TREATY COUNCIL. 2013. "IITC Brochure." [http://cdn7.iitc.org/wp-content/uploads/2013/07/IITCBrochureENG\\_022813.pdf](http://cdn7.iitc.org/wp-content/uploads/2013/07/IITCBrochureENG_022813.pdf).
- INTERNATIONAL INDIAN TREATY COUNCIL. 2016. "2016 Treaty Council Resolutions." <http://www.iitc.org/2016-treaty-conference-resolutions/>.
- KEAL, P. 2003. *European Conquest and the Rights of Indigenous Peoples: The Moral Backwardness of International Society*. Cambridge: Cambridge University Press.
- KUOKKANEN, R. 2011. "Self-Determination and Indigenous Women: Whose Voice is it We Hear in the Sámi Parliament?" *International Journal on Minority and Group Rights* 18 (1): 39-62.
- . 2012. "Self-Determination and Indigenous Women's Rights at the Intersection of International Human Rights." *Human Rights Quarterly* 34 (1): 225-250.
- KUPRECHT, K. 2013. *Indigenous Peoples' Cultural Property Claims: Repatriation and Beyond*. Berlin: Springer Science & Business Media.



- LERMA, M. 2014. *Indigenous Sovereignty in the 21st century: Knowledge for the Indigenous Spring*. Miami: Florida Academic Press.
- LESLIE, J. and R. MACQUIRE. 1979. "The Historical Development of the Indian Act." *Indian and Northern Affairs Canada*, Ottawa.
- LIGHTFOOT, S. 2010. "Emerging Indigenous Rights Norms and 'Over-Compliance' in New Zealand and Canada." *Political Science* 62: 84-104.
- . 2016. *Global Indigenous Politics: A Subtle Revolution*. New York: Routledge.
- LITTLEBEAR, L. 2016. "Big Thinking and Rethinking: Blackfoot Metaphysics 'Waiting in the Wings.'" Congress of the Humanities and Social Sciences, Calgary, Alberta.
- MACKLEM, P. and D. SANDERSON. 2016. *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal and Treaty Rights*. Toronto: University of Toronto Press.
- MITCHELL, A. 2017. 'Posthuman Security': Reflections from an Open-ended Conversation. In C. Eroukhmanoff and M. Harker, *Reflections on the Posthuman in International Relations, E-International Relations*. [www.E-IR.info](http://www.E-IR.info) Bristol, England.
- NADASDY, P. 2012. "Boundaries among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism among Yukon First Nations." *Comparative Studies in Society and History* 54 (3): 499-532.
- NARINE, S. 2016. "Historic Ceremony as Nations Bless the Buffalo." *Windspeaker*. <http://www.windspeaker.com/news/windspeaker-news/historic-ceremony-as-nations-bless-the-buffalo/>. (accessed Nov. 25, 2017).
- NATIONAL PARK SERVICE. 2014. "The Buffalo: A Treaty of Cooperation, Renewal and Restoration". [https://www.nature.nps.gov/biology/bison-bellow/docs/Treaty%20image%20\(1\).pdf](https://www.nature.nps.gov/biology/bison-bellow/docs/Treaty%20image%20(1).pdf).
- O' SULLIVAN, D. 2007. *Beyond Biculturalism: The Politics of an Indigenous Minority*. Wellington: Huia Publishers.
- PLANET POLITICS: A MANIFESTO FOR THE END OF IR. 2015. Anthony Burke, Simon Dalby, Stefanie Fishel, Daniel Levine, and Audra Mitchell Presented at the Millennium Conference, Failure and Denial in World Politics, London.
- QUANE, H. 2011. "New Directions for Self-determination and Participatory Rights?". In: S. Allen and A. Xanthaki, eds., *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, Oxford: Hart Publishing.
- RADFORD, E. 2016. "Buffalo Treaty Promoted at Treaty 4 Gathering." *Treaty 4 News*, <http://treaty4news.com/2016/09/buffalo-treaty-promoted-at-treaty-4-gathering/>.
- SIMPSON, A. 2014. *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Durham: Duke University Press.
- SIMPSON, L.B. 2011. *Dancing on our Turtle's Back: Stories of Nishnaabeg Re-creation, Resurgence and a New Emergence*. Winnipeg: Arbeiter Ring.
- . 2016. "Indigenous Resurgence and Co-resistance." *Critical Ethnic Studies* 2 (2): 19-35.
- STARK, H. K. "Changing the Treaty Question: Remediating the Right(s) Relationship." In *The Right Relationship: Reimagining the Implementation of Historical Treaties*, edited by J. Borrows and M. Coyle. Toronto: University of Toronto Press.
- STAVENHAGEN, R. 2011. "Making the Declaration on the Rights of Indigenous Peoples Work: The Challenge Ahead." In *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, edited by S. Allen and A. Xanthaki. Oxford: Hart Publishing.
- THORNBERRY, P. 2011. "Integrating the UN Declaration on the Rights of Indigenous Peoples into CERD Practice." In *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, edited by S. Allen and A. Xanthaki. Oxford: Hart Publishing.
- TICKNER, J.A. 2015. "Revisiting IR in a Time of Crisis: Learning from Indigenous Knowledge." *International Feminist Journal of Politics* 17 (4): 536-553.
- TODD, Z. 2016. "An Indigenous Feminist's Take On The Ontological Turn: 'Ontology' Is Just Another Word For Colonialism," *Journal of Historical Sociology*, 29 (1).
- TREATY ALLIANCE. 2015. "Indigenous Leadership is the only Solution." <http://treatyalliance.org/>.
- . 2016a. "Kinder Morgan and Line 3 Will Never See the Light of Day say Over 100 First Nations and Tribes." <http://www.treatyalliance.org/wp-content/uploads/2016/11/Treaty-Alliance-PR-on-pipeline-approvals.pdf>.
- . 2016b. "First Nations and Tribes Sign New Treaty Joining Forces to Stop All Tar Sands Pipelines." <http://www.treatyalliance.org/wp-content/uploads/2016/09/TAATSE-PR-Treaty-Signing-EN-FINAL.pdf>.

- . 2016c. “Solidarity Accord.” <http://www.treatyalliance.org/wp-content/uploads/2016/11/TAATSE-SolidarityAccord-EN-R03-20161101-OL.pdf>.
- . 2017a. “Large assembly of Tribal Leaders and Chiefs from United States and Canada Meet to Officially Form New Cross-Border Alliance to Stop Keystone XL pipeline.” <http://www.treatyalliance.org/wp-content/uploads/2017/07/Final-PR-July4-Signing.pdf>.
- . 2017b. “Indigenous Leaders Launch New Campaign to Defund All Four Proposed Tar Sands Pipelines.” <http://www.treatyalliance.org/wp-content/uploads/2017/05/LaunchofDivestmentCampaign-EN-20170509.pdf>.
- TUCK, E, and K.W. YANG. 2012. “Decolonization Is Not a Metaphor.” *Decolonization, Education & Society* 1 (1): 1-40.
- UNITED NATIONS. 1969. *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, *Treaty Series*, vol. 1155, p. 331.
- . 2015. “Resolution Adopted by the General Assembly on 23 December 2015.” A/RES/70/232.
- WATSON, I. 2011. “The 2007 Declaration on the Rights of Indigenous Peoples: Indigenous Survival – Where to From Here?” *Griffith Law Review* 20 (3): 507-514.
- WILSON, J. 2000. *The Earth Shall Weep: A History of Native America*. New York: Grove/Atlantic.

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