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Processes of Native Nationhood: The Indigenous Politics of Self-Government

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Abstract

Over the last three decades, Indigenous peoples in the CANZUS countries (Canada, Australia, New Zealand, and the United States) have been reclaiming self-government as an Indigenous right and practice. In the process, they have been asserting various forms of Indigenous nationhood. This article argues that this development involves a common set of activities on the part of Indigenous peoples: (1) identifying as a nation or a people (determining who the appropriate collective “self” is in self-determination and self-government); (2) organizing as a political body (not just as a corporate holder of assets); and (3) acting on behalf of Indigenous goals (asserting and exercising practical decision-making power and responsibility, even in cases where central governments deny recognition). The article compares these activities in the four countries and argues that, while contexts and circumstances differ, the Indigenous politics of self-government show striking commonalities across the four. Among those commonalities: it is a positional as opposed to a distributional politics; while not ignoring individual welfare, it measures success in terms of collective power; and it focuses less on what central governments are willing to do in the way of recognition and rights than on what Indigenous nations or communities can do for themselves.

Keywords

self-governance, self-determination, nationhood, Indigenous rights, United States, Canada, Australia, New Zealand

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There is . . . evidence of the inability of human societies in general to accept that different forms of tribal, or even communal, self-government can coexist with the nation state without challenging national sovereignty. This is the essential, and repeated, issue in the relationship of indigenous communities to the larger polity within which they live. (Binney, 2009, p. 8)

[The Australian government] may not recognize us as a nation, but we're going to *act* like a nation, in every way we can. (personal communication, senior official of an Aboriginal community in Australia, May 2012)

My interest in this article is in the effort of Indigenous peoples in Canada, Australia, New Zealand, and the United States—the so-called CANZUS group of countries—to assert self-governing power. The logic of this particular set of cases is straightforward. All are primarily English-settler democracies that share, in different forms, English legal and political heritages. They also share histories of organized, sustained efforts to eliminate Indigenous populations through either violence or assimilation. In all four cases, these histories led to massive Indigenous losses of population, lands, languages, and cultures, with catastrophic socioeconomic effects on surviving Indigenous populations. In addition today, to varying degrees, in all four countries those surviving peoples are engaged in organized efforts to reclaim self-government as an Indigenous right and practice.

Those efforts are the latest phase of a broader movement in these and other countries for Indigenous self-determination. That movement generally has been directed at national governments and has involved a broad demand for Indigenous recognition and rights. Organizations central to that movement often have taken supratribal form, acting on behalf of all the Indigenous peoples within a particular state.¹ While partly an outgrowth of that broader movement, the self-government effort differs in important ways. Self-determination in the Indigenous case is about the right and authority of Indigenous nations or communities to determine their own futures and their own forms of government. Self-government is the exercise of that right, recognized or not. Self-government, in a sense, is *doing* it.

Consequently, this emerging movement for self-government is less concerned with what central governments do by way of the recognition of Indigenous peoples or their rights, legislatively or in the courts, and more concerned with what Indigenous peoples do with rights, including those that they

¹ CANZUS country examples include, among others, the National Congress of American Indians, the American Indian Movement, and others in the USA; the National Indian Brotherhood and its successor, the Assembly of First Nations, in Canada; the Māori Women's Welfare League and the Māori Congress in New Zealand; and the National Congress of Australia's First Peoples, the Aboriginal and Torres Strait Islander Commission, and their predecessor organizations in Australia.

believe they possess even if other governments disagree.² Additionally, the focus of this movement is less likely to be national than local: It is about distinct groups, communities, tribes, or nations engaging the practical tasks of governing. It pays less attention to overall patterns of Indigenous rights than to localized assertions of Indigenous decision-making power.

Despite this localism, the movement has a common theme: The assertion of genuine decision-making authority over lands and other natural resources held to be an Indigenous patrimony, over the internal affairs of Indigenous communities, over the nature and processes of economic development on their lands, over cultural properties and the management of cultural heritage, over the organization of self-government, and over other matters that directly affect Indigenous welfare.

This article explores, in general terms, what Indigenous peoples in the CANZUS countries are doing as they struggle to assert and exercise self-governing power. It explores the processes of establishing Indigenous nationhood as something more than an idea or a rhetorical construct: as a realized and formally institutionalized political reality.

Native Nationhood

Potentially at least, this raises the question of what “nation” and “nationhood” mean in the Indigenous context, and one could spend a good deal of time parsing their various and often divergent invocations. In this article, I’m less interested in definitional issues than in the fact that many Indigenous peoples in the CANZUS countries use these terms to refer to themselves—a usage that, while hardly universal, appears to be growing—and in certain accompanying political processes.

At the same time, the use of these terms certainly varies, with different Indigenous peoples, both within and across these countries, making their own decisions about how to describe themselves. In the USA and Canada, most of the peoples involved in the movement for self-government refer to themselves as nations and pay considerable, explicit attention to processes often described as nation building or, more

² Central government disagreement with Indigenous interpretations of rights is of course common and makes the assertion of such rights exceedingly difficult. Nonetheless, a striking aspect of this movement is the search for political strategies that either bypass central government altogether and work directly with local governments and/or corporate actors or, as Vivian (2014) pointed out, that take advantage of the fact that from time to time, and regardless of policy and the status of rights, non-Indigenous governments and organizations have to interact with Indigenous peoples as groups and therefore need group decisions to facilitate those interactions—a kind of *de facto* recognition of collective political life.

appropriately in many cases, nation rebuilding.³ In Australia, while much less common, the term lately has been gaining traction. The exception is New Zealand where the language of nationhood is rare.⁴

But the terminology is less important than the concept behind it: The claim by these peoples, groups, or communities that they not only have distinctive cultures and historical heritages but also constitute—or wish to constitute—distinct political entities that should rightfully exercise control over their lands, over how those lands are used and cared for, over their own internal affairs including *how* they govern those affairs, and over the definition of their interests and over how those interests are pursued—even as they continue to exist within encompassing states. Their agenda is to enact that vision. As Hosmer and Nesper (2013) put it, Indigenous nationhood is both “accomplishment and aspiration” (p. 2).

While recognizing the complexities of the term, I use nation here as a general proxy for groups in the CANZUS countries that are making such claims. Where that is happening, five features of Indigenous nationhood appear to be particularly prominent.

³ As Oren Lyons (2007), an Onondaga leader and international activist for Indigenous rights, stated, “What we’re really talking about is nation *rebuilding*. We’ve always been here. We’re not newly built” (p. vii). On Indigenous nation building and rebuilding, see Jorgensen (2007).

⁴ The language of Indigenous nationhood has been common in North America for a very long time. As early as the late eighteenth century, treaties signed between the United States of America and Indigenous peoples often employed the term nation to refer to those peoples (see Kappler, 1904-1941 for treaties; and Anaya, 2004, chapter 1 for a discussion of the term and its usage in law at the time). Thus, it has long been part of Indigenous collective identities in the USA, but it has gained increased resonance in recent years (Hosmer & Nesper, 2013). The term has had similarly long historical usage in Canada, where the term “First Nations” is now both common among Indigenous peoples themselves and formalized in legislation and policy. In Australia, the term “First Peoples” has lately been popular, but see, among others, Bradfield (2006) and Barcham (2011) on the emergence of the Noongar Nation, and also Ngarrindjeri Nation (2006). Referring to the Ngarrindjeri Nation’s steadfast claim that they have never ceded their sovereignty, Alison Vivian (2014) noted, “They overtly use the language of sovereignty—nation, citizen, jurisdiction—in active resistance to the limitations that non-Indigenous governments would seek to impose” (p. 121). Several other Australian Indigenous peoples have begun to use similar language. Recently, the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda (2014), commented, “Aboriginal and Torres Strait Islander peoples are many unique and individual mobs, with our own identities, languages and cultures. Call them what you will: peoples, tribes, clans, language groups, nations, mobs. I like the term ‘Nations’ as a representative title for all of these groups” (Nation building, para. 1). He went on to say, “I am now attending meetings in New South Wales, Queensland and Victoria where I don’t hear Koori or Murri. But I am hearing Wiradjuri, Kamileroi, Bunjalang, Yuen, Kaanju, Koombumeri, Quandamooka and Waayni. This reclamation of Nations’ names is a powerful precursor to taking control of their own destinies” (Constitutional recognition, para. 14). Nonetheless, the use of the term “nation” in Australia appears to depend on several factors, among them the specific histories of different Indigenous peoples there, audiences’ perceived receptivity to the idea of distinct nations existing within a nation-state, and the conceptual baggage sometimes attached to the term. Meanwhile, “nation” is seldom heard among Māori in New Zealand, where recent organizational efforts among *iwi* (commonly translated as tribes) often have taken corporate form designed for the management of economic assets reacquired through land and other resource settlements. But see Binney (2009, chapter 1) on Ngai Tuhoe’s effort to regain self-governing power, expressed in part through the idea of the “Tuhoe Nation,” and I also note my conversations with some Ngai Tahu representatives who in recent years sometimes have used the term nation to refer to their *iwi*.

1. The first is topographical, in the old and broad sense of the term and having to do with place and the role of place. These are peoples whose present or historical links—spiritual, cognitive, cultural, economic—to specific lands and places are perceived as fundamental aspects of nationhood. Those links typically long precede the coming of colonial powers, and, by virtue of that fact, Indigenous peoples often see themselves as entitled to a certain standing within contemporary states. Their argument is that the land was and, in at least a moral and spiritual sense, remains *their* land.
2. A second feature has to do with the claimed role within these communities of bonds of culture and kinship, the claim that an Indigenous community shares a distinctive set of cultural understandings and real or assumed kinship ties that in some significant degree have survived the rigors of colonialism and constitute, even today, the binding sinews of a shared consciousness and identity. Whether such ties are in fact evident is a separate issue; what matters is the claim and its result: a shared and, for many of those who share it, compelling sense of peoplehood rooted in kinship, past and/or present cultural practice, and history.⁵
3. A third feature, related to the second, has to do with the narratives at the heart of Indigenous nationhood. “The nation,” as John Kelly (1997) puts it, “is a narrative,” a story about a collective “we” that articulates and justifies distinction (p. 257).⁶ In the CANZUS countries, narratives of Indigenous nationhood are diverse but express a broadly common sequence including an original presence in a particular place, European invasion, land expropriation, cultural suppression, and—despite these processes—the collective persistence and agency of distinct peoples with timeless roots. These are narratives of Indigeneity, loss, and survival.
4. A fourth feature is explicitly political: The quest for a level of recognized sovereignty that exists in the context of, but is not entirely subordinate to, an encompassing sovereignty. With rare exceptions, Indigenous nationhood in the CANZUS countries is not secessionist; breaking away from encompassing states is not an objective, although the desired level of self-government frequently includes some state-resembling functions. The primary objective is comprehensive decision-making power in those matters that most directly affect the survival of Indigenous peoples. However, for the most part, these groups see themselves as nations within nations.⁷
5. Finally, this idea of nations within nations distinguishes these claims from those of other minority populations in the CANZUS countries. Unlike most racial or ethnic populations in

⁵ This feature of nationhood is fundamentally cognitive: The issue is not whether such bonds actually exist but the perception or belief that they do (Brubaker, Loveman, & Stamatov, 2004; Cornell & Hartmann, 2007).

⁶ Narrative as a core feature of nationhood and nation making is one of the themes of Foster (1997) and numerous other treatments. See also the discussion of ethnicity and narrative in Cornell (2000).

⁷ Indigenous nationhood, according to Simpson (2000), “enjoys a diversity of forms and experiences, but because of invasion, conquest and settlement, is necessarily one that is spatially within that of another dominating society” (p. 116). This, like several others of these five points, is not limited to Indigenous nationalism. Brubaker (2004) pointed out that in some contexts, the nationalist claim “need not involve the demand for an independent state, but it does ordinarily involve at least a demand for an autonomous polity—for a polity that can serve as the polity *of and for* the putative nation” (p. 116).

these countries, Indigenous peoples typically have a positional as opposed to a distributional politics: the pursuit of collective self-governing power. It is not that the distribution of socioeconomic rewards available to many people in highly developed Western societies is of little interest to Indigenous peoples. On the contrary, most treat extreme unemployment, ill health, inadequate housing, and other forms of social distress as critical matters in urgent need of attention. But these issues are contextualized within a prior and encompassing commitment to the survival of community, nation, people, or tribe as a political entity with substantial control over its own affairs.⁸ This prioritization frustrates the CANZUS states, which commonly prefer to focus their relevant policy prescriptions on individual well-being and equality instead of collective aspiration and difference.⁹

I have called this movement *an Indigenous politics of self-government*, by which I mean a political effort carried out primarily by Indigenous peoples themselves and rooted in specific Indigenous communities and goals. The word order is intentional, for there also is a *politics of Indigenous self-government* that has to do with the policies of non-Indigenous governments toward Indigenous peoples. That politics takes place largely in national, state, or provincial forums and in the mainstream courts; it asks what—if any—self-governing powers Indigenous nations or communities should be permitted to exercise and how those peoples might help manage the calamitous socioeconomic legacies of colonialism—poverty, ill health, substandard housing, and so forth. It substitutes self-management or self-administration for self-government, and it is a politics dominated by non-Indigenous policy-makers in which the Indigenous voice is often either muted, limited to those willing to support external priorities, or entirely absent.

These two sets of politics constitute distinct but related political fields, each with implications for the other, and the relationship between them is changing. A striking aspect of the Indigenous politics of self-government in the CANZUS countries in recent years is the turn—more apparent in some areas than

⁸ As Craig Calhoun wrote (1993), “A crucial difference between ethnicities and nations is that the latter are envisioned as intrinsically political communities, as sources of sovereignty, while this is not central to the definition of ethnicities” (p. 229; see also the discussion in Cornell & Hartmann, 2007, chapter 2). Chartrand (1999) described an Indigenous nation as “a group with a common cultural and historical antecedence” in places now taken over by others, and with “a feeling that we are distinct historical communities, socio-political communities” (p. 104).

⁹ Humpage’s (2002) comment about policies of the New Zealand government is illustrative. She noted, “distributive justice, needs and development discourses have been used to support [a] preference for confining Māori claims to the domestic, dependent rights of citizenship . . . Each of these discourses defines the ‘problem’ largely in terms of Māori socio-economic status” (p. 46).

others—away from a focus on changing central government policy and toward Indigenous agendas and action: from a focus on changing what “they” do to a focus on deciding what “we” do—and doing it.¹⁰

This Indigenous politics of self-government is an attempt to give political force to Indigenous nationhood. As currently observed in the CANZUS countries, it appears to involve at least three intentional, core processes: *identifying* as a nation, *organizing* as a nation, and *acting* as a nation.

Identifying as a Nation

The concepts of collective self-determination and self-government imply the existence of a collective “self”: an identifiable community “that aspires to control its own future and in which rights to self-determine or self-govern may be vested” (Cornell, 2013, p. 42).¹¹ However, while the concepts may imply or even assume such a community, in reality that community has to be realized in the minds of its putative members and given enough significance to sustain allegiance and shape action. The key question has to do with boundaries. What conception of the collective self as an assemblage of particular persons has or could have sufficient resonance and salience in people’s lives to inspire action and sustain allegiance over time?

For Indigenous peoples in the CANZUS countries, answering this question can be a challenging task. Colonialism had—and continues to have—intentionally transformative effects on many of those peoples, seizing Indigenous lands, dispersing or consolidating populations, bypassing and undermining social and political organization, attacking cultural practices, prohibiting languages, and so on. Claiming or revitalizing an Indigenous nationhood has to confront the embedded legacies of these processes.

¹⁰ A detailed explanation of this turn is beyond the scope of this article, but a combination of political protest and legislation in the United States, political protest and court decisions in the other three CANZUS countries, and developments in the international human rights arena—also shaped by Indigenous actions—led in the last quarter of the 20th century to a changing relationship between Indigenous peoples and the CANZUS states. Cornell (2014) provides a brief overview; for more detail on the USA see Cornell (1988) and Nagel (1996). On the role played by courts and the law in Canada, Australia, and New Zealand, see McHugh (2011); on international law and Indigenous rights, see Anaya (2004). Angus Frith (personal communication, 2014) has suggested that another factor may be the entrenchment of neoliberalism’s focus on the individual to the exclusion of the collective. This is manifest in the tendency of central governments to talk about the needs of Indigenous people as opposed to Indigenous peoples. The Indigenous response is to emphasize peoplehood or nationhood. At the same time, this turn from a national to a local politics is by no means complete or exclusive; there are important recent examples of a vigorous Indigenous politics operating at nation-state levels, among them the current “Idle No More” protest movement across Canada precipitated in part by policies of the Harper government; the organization in 2010 of the National Congress of Australia’s First Peoples; and issue-based mobilizations such as that of American Indian voices and action in support of the Violence Against Women Reauthorization Act in 2012 to 2013. But over the last few decades, there has been a notable shift in much of Indigenous politics from the nation-state level, mounted largely through supratribal organizations, to the local or tribal level, with growing numbers of Indigenous nations pursuing their own political goals and engaging in innovative political action and institution building. See for example Smith (2010); Hemming, Rigney, and Berg, (2011); Cornell (2013); Vivian (2014); and the winners of Honoring Nations awards in the United States at <http://www.hpaied.org/honoring-nations/awardees>

¹¹ See the related discussions in Peters (1999); Taylor (2004); Hunt and Smith (2006); Cornell (2007a).

One of those legacies is disruption in collective self-concepts. Prior to European contact, patterns of Indigenous identity and social organization were exceedingly diverse. Some Indigenous boundaries—spatial, political, cognitive (the identity boundary that lies between “us” and “them”)—were well established; others were far more fluid, porous, and multi-layered than those familiar to and demanded by European powers; in some cases, existing cognitive boundaries had no political replication in the sense of established and concomitant decision-making structures. However, imperial designs and the processes of conflict, negotiation, and administration that were involved in their realization required and often assumed a simpler sort of legibility (Scott, 1998): bright lines that could distinguish among peoples, territories, and patterns of authority. In North America, the European powers set out to find such lines or—where they did not exist—to create them; in Australia, and often in New Zealand, they tended to ignore Indigenous social organization altogether. At the same time, Indigenous peoples, struggling to find effective responses to invasion and confrontation, sometimes initiated change themselves, separating, joining hands, or emphasizing certain boundaries over others.

Such processes could have significant effects on collective identification. In some cases a powerful sense of peoplehood survived; in others—and in all four countries—colonization variously assumed Indigenous boundaries that did not exist, disrupted or ignored those that did, or imposed new boundaries that fit the conceptions and convenience of colonial powers, rigidifying such impositions in administrative structures designed to facilitate external control of the populations involved. The result in many cases was boundaries that were radically at odds with Indigenous assumptions and relationships.

Indigenous peoples reclaiming self-governing powers start with these legacies not only in hand but also frequently in mind. Some Indigenous populations have been living with imposed or externally fostered boundaries for several generations. While these boundaries may not be the only potential bases of identity on offer, they still dominate the cognitive landscape. Furthermore—and there is an irony here—the political quest for self-determination has to deal with contemporary power. In order to achieve some control over their own affairs and to interact productively with the organized powers of the societies of which they are now a part, these nations are having to construct a kind of identificational concreteness or rigidity—a less pliable version of “who we are”—that may have been unknown when they last exercised significant decision-making power.¹²

Identifying as a nation, therefore, often involves interactions among at least three sets of influences: imposed boundaries of various kinds, older but still extant traditions of identity and organization, and the exigencies of asserting self-governing power in contemporary times. Such interactions are highly variable, both across these countries and within them. A people or community may have a long-standing sense of self, a collective identity long preceding European contact. That identity may have been sustained through—and even encouraged by—a treaty process or other set of relationships with Europeans, and it may have been embedded eventually in the administrative structure of colonial control. Such cases offer a ready-made cognitive basis for collective action. In such instances, identifying as a nation may be a non-issue; the nation has a continuing and profound historical presence and prominence in the minds of its people.

¹² Paul McHugh (2011) commented that “rights need rights-bearers, and the common-law legal systems have insisted upon clarity of identity. Tribes have had to corporatize or at least transform customary rules, a matter of fluid unwritten practice, into textualized codes” (p. 13).

Among the CANZUS countries, this is most commonly the case in the United States, which has a long history of nation-by-nation treaty-making; the confinement of Indigenous peoples on reservations, many of them reserved to single nations; and the organization of Indian affairs by reservation administrative units—these and other factors in many cases helped to sustain or promote strong tribal identification. There are exceptions, particularly where diverse nations, tribes, or villages were forced together by warfare, Euro-American settlement, or the treaty process, as many were in the Pacific Northwest, or were shredded by forced removals from their lands. Nonetheless, for a significant number of American Indian nations, to identify as a nation is not a task to be accomplished; it is a long-standing cognitive fact.

However, this pattern is not the only one. Some Indigenous identities were more fluid to begin with or more narrowly focused. Regardless of the starting point, it was common for colonial regimes to simply ignore Indigenous conceptions, expropriating lands, relocating peoples, forcing groups together or pulling them apart, and imposing their own administrative convenience on the peoples they encountered. One of the stark legacies of colonialism in many parts of the world is this reorganization— or disorganization—of Indigenous peoples.

Such histories, common across the CANZUS countries but particularly so in Australia and parts of Canada, complicate the process of identifying as a nation. In Canada, colonization fragmented many groups and then embedded the results in the administrative structure of Aboriginal affairs, creating multiple First Nations out of what were once more unitary—in a cognitive if not political sense—peoples (see, for example, Royal Commission on Aboriginal Peoples, 1996). This presents those trying to revitalize or rebuild their nations with a dilemma: Do you accept the fragments and work with now-established First Nation structures, or do you attempt to reconnect across these imposed administrative boundaries, building on an older, more comprehensive, and perhaps still vital sense of peoplehood? One practical consideration is scale. Some First Nations have populations in the low hundreds. In such cases, the challenges of self-government may require joining forces with other nations that share culture, history, or situation.

In Australia, colonialism largely ignored Indigenous institutions and identities and refused (and continues to refuse) to recognize Indigenous groups as political entities exercising governmental power. Many peoples were forced off their lands and moved to missions or social service centers where multiple groups, languages, and cultures were gathered together. What is the appropriate collective basis of political action in such circumstances? Kinship? Language? Cultural practice? Geography? Shared history or socioeconomic interest? For some groups, such as Ngarrindjeri or Gunitjmarra, such questions may be irrelevant; they have survived as organized groups that can still draw on pre-colonial conceptions of the collective self and can build to some degree on older structures of decision-making (Bell, 1998; Hemming & Rigney, 2008; Vivian, 2014). But for others, such as the Wiradjuri, dispersed across a vast space dominated by non-Indigenous populations, these questions require careful consideration. In parts of the central and western deserts, where collaborative decision-making structures were often very thin or highly localized and political organization above the extended family was rare, collective identity in the sense of a clearly bounded peoplehood may be minimal or even entirely absent (Morphy, 2008; Myers, 1991; Sutton, 1995).

Māori in New Zealand face their own challenges. Prior to colonization, the *hapu*—commonly translated as sub-tribe—was in many cases the primary supra-familial unit of Māori social organization and political action. However, the colonization process tended, over time, to give prominence to *iwi* (tribe), which fit with some tribes' preferences anyway (Ballara, 1998; O'Regan, 1992). The process of settling land and other resource claims, which began in earnest in the 1980s and 1990s, reinforced that prominence. This is predictable; it has been to the advantage of New Zealand governments—and in some cases of Māori themselves—to deal with larger units of Māori social organization. One result is that today, many Māori political assertions are mounted by and through *iwi* (Ballara, 1998; Hill, 2009; Joseph, 2005; O'Sullivan, 2007; Poata-Smith, 2004; Prime, 2011).¹³ Not all Māori support this development. Some believe the appropriate basis of collective identity and political organization should be the *hapu*, and there is a substantial urban population whose attachments to either *iwi* or *hapu* are tenuous or, in some cases, altogether absent. Some of them argue that specific urban populations are taking modern tribal forms and should be recognized as urban equivalents of *iwi* (Macpherson, 2005). Again, the question arises: who is the appropriate collective in self-determination and self-government? *Iwi*? *Hapu*? *Iwi* here and *hapu* there? Perhaps the Māori population as a whole? Something else altogether?

Despite these differing patterns, in all four countries we are likely to see some groups for whom identifying as a nation is an ancient, taken-for-granted practice; some for whom it involves reclaiming or revitalizing an older identity that was ignored or suppressed by outsiders; and some for whom nationhood offers an unprecedented but potent frame for addressing shared concerns and a vehicle for asserting new political visions. Even in the last of these, there typically are cultural, linguistic, ecological, or historical ties on which bonds of collective identity can be built, although doing so may require time, focused work, and a strategic imagination.¹⁴

Of course time, focused work, and a strategic imagination are elements in many cases of identifying as a nation; alternative bases of identification and action are amply available and in some cases compelling. This is a cognitive process; it involves either strengthening or constructing a frame for interpreting the world and the people's place within it that group members not only will accept but will come to view (if they do not already) as central to their own self-concepts. While heritage and circumstance can do much of this work, they are not all powerful, and much of this construction process involves intentionality and entrepreneurship: an intentional effort, whether driven by elites or by the grassroots, to give prominence to the nation as a central, personal, and consequential entity in the minds of its putative citizens and in the perceptions of the world at large.

Those efforts often depart significantly from the colonial legacies they inherit. One of the striking developments currently underway in Canada and, to a lesser extent, in Australia is just this sort of intentional reconstruction of collective self-concepts, involving boundaries and the meanings attached to them. In British Columbia, for example, four First Nations that share Ktunaxa culture, language, and heritage have joined together in the Ktunaxa Nation, rejecting the administrative boundaries that

¹³ Views on this issue vary; see, for example, the discussion of Ngai Tahu's representation at the Treaty of Waitangi in O'Regan (1992).

¹⁴ There are some as well for whom the idea of nationhood may be alien or problematic thanks to present circumstances or the imposed prescriptions of others.

Canada imposed upon them and literally reconstituting themselves as they reclaim an older, Indigenous sense of peoplehood (Dolan, 2009; Ktunaxa, 2015). In the Northwest Territories, another four First Nations, populated by those formerly known as Dogrib Indians, likewise have joined together to form the Tlicho Government, redrawing the political boundaries imposed by Canada and claiming a comprehensive nationhood (Tlicho, n.d.). The Gwich'in, widely dispersed Athabaskan peoples of Canada's Yukon Territory and Northwest Territories and the interior of Alaska, are trying to assert a similarly comprehensive nationhood—the Gwich'in Nation—that straddles the United States–Canada border. The organizational structure of their nationhood is modest; both Canada and the USA have withheld formal recognition (Gwich'in Council International, 2010; McCormack, 2014). However, the claim to an Indigenous nationhood is clear.

In southwestern Australia, the Noongar Nation has used the native title process and land claims to assert the nationhood of a dispersed Indigenous population, taking a host of disparate claims and consolidating them under the umbrella of a Noongar Nation. In the process, they are building on and giving enhanced prominence to older, shared conceptions of peoplehood (Barcham, 2008, 2011; Bradfield, 2006). Regardless of whether such older conceptions ever existed for the Wiradjuri, a large and dispersed population centered in New South Wales, there is now an emerging and politicized conversation among Wiradjuri about a Wiradjuri Nation (Vivian, 2014).¹⁵

Not all such identifications use the language of nationhood. But all seem to share a common theme: We are not only a people; we are also a political community, and we intend to organize as such and make decisions for ourselves.

Intentional reconceptions may be expressed in simpler ways as well. In Arizona, for example, in the course of Indigenous led constitutional reform in 1986, the Papago Tribe became the Tohono O'odham Nation, replacing not only its constitution but also outsiders' naming and terminology with the people's preferred terms. The Crow Tribe of Montana increasingly refers to itself as the Apsáalooke Nation, adopting its own terminology. In 2006, the Osage Tribe of Indians of Oklahoma adopted a new constitution; Article I stated, "This tribe shall hereafter be referred to as The Osage Nation" (The Constitution of the Osage Nation, 2006, Article 1-Title).¹⁶ Such terminological changes are largely symbolic, but the symbolism is powerful. These nations are making claims to a particular political status and to the right of a people to decide *who they are*, regardless of how external power views them.

In New Zealand, a police raid on the home territory of Ngai Tuhoe in 2007 precipitated a flurry of signs and phrases referring to the "Tuhoe Nation." While many felt their identity was Tuhoe long before the raid, the raid provoked a more emphatic statement of political aspiration. More important than the terminology was the assumption behind it—that Tuhoe is simultaneously part of and apart from the rest of New Zealand and that it has—and should have—authority over its lands and affairs, including lands taken by the New Zealand government to form a national park. Similarly, in Australia, the Ngarrindjeri

¹⁵ Anita Heiss (2012), a Wiradjuri woman and prominent writer, treats the idea matter-of-factly in a glossary entry: "Wiradjuri are the people of the Wiradjuri nation of central New South Wales" (p. 342).

¹⁶ See also www.narf.org/nill/Constitutions/tohono/Constitution.pdf; http://crowlaws.org/2001_crow_constitution

Nation, among others, has no doubt about its own nationhood, both assuming and regularly asserting it (Binney, 2009; Hemming et al., 2011; Masters & Gower, 2007; Ngarrindjeri Nation, 2006).¹⁷

The fact that some of these felt identities are or will be unprecedented need not undermine their legitimacy. To reclaim self-governing power through novel allegiances or institutions hardly undermines the claim. The key to legitimacy is not some precursor identity but what Diane Smith (2004) called “a process of Indigenous choice” (p. 27): the freedom of Indigenous peoples to decide for themselves who they are, who they wish to be, and what that means for organization, action, and relationships with surrounding political entities. Given sufficient freedom, some Indigenous peoples may choose simply to sustain or rebuild long-standing cognitive conceptions while others, either divorced by colonialism from those conceptions or facing changed circumstances that compel new imaginings, may choose to innovate.

Regardless of the choices made, over the long run legitimacy is crucial and needs a potent foundation, something more than convenience or efficacy. To identify as a nation may or may not make circumstantial sense, but to have staying power it needs more. Narratives of shared interest can be compelling, but they pale beside those of kinship, shared culture, or a common history of action or injustice. These give Native nationhood its power and are often at the center of the process of identification.

There are other factors that complicate this process, among them dispersion and diversity—the simple fact that over time many Indigenous peoples have become geographically, culturally, and economically diverse. Some nations are confronting this head-on: the Menominee Nation in the USA delivers services to citizens in Chicago; the Citizen Potawatomi Nation incorporates communities of its citizens in Los Angeles, Phoenix, and elsewhere into its Oklahoma-based governing system; the Gunditjmarra Nation in Australia reaches out to its citizens in Melbourne and Adelaide, some distance from their homeland. As one Gunditjmarra leader (personal communication) put it, “Of course we do that; they’re our people.”

The point for Indigenous peoples has been to find the social and cognitive connections from which the claim of nationhood can be turned into collective political power. For many nations, those connections have been there all along and only have to be strengthened or mobilized; for some, they have to be rebuilt or even built anew.

Thus the key questions: What social unit or social boundary is likely (a) to provide an adequate basis for the effective, practical organization of self-government; and (b) to gain legitimacy with the people involved—that is, to be seen as the appropriate unit to carry their sense of a collective self and their political ambitions (Cornell, 2007b; Cornell & Kalt, 2007)? The answers to these two questions have to be balanced with each other; achieving that balance is one of the central tasks facing nascent nationhood. For example, legitimacy may be greater at smaller scales, but larger scales may pool resources, enhance political influence, or otherwise facilitate more effective governance. Identifying as a nation takes place within the constraints not only of circumstance, but also of the sometimes divergent needs for both effectiveness and legitimacy. In addition, of course the two may interact: effective self-government, over

¹⁷ Recently, Ngai Tuhoe reached a settlement with the New Zealand government that, among other things, restores some of Ngai Tuhoe’s authority over portions of its ancestral lands within the national park (see Cheng, 2014; Ruru, 2014).

time, can be a source of legitimacy, and legitimacy with the relevant population can improve the likelihood of effective self-government.

Organizing as a Nation

How will these self-identifying nations make the decisions they view as theirs to make? How will they enact the political community they claim? How will they govern?

It is one thing to identify as a nation; it is another to create the organizational capacity to make and implement collective decisions, and to do so consistently and effectively. Yet this is an essential step. As a leader of an American Indian nation (personal communication) said, “The best defense of sovereignty is to exercise it effectively.” Strategies of litigation or protest are important, he suggested, but so is defending the right to govern through its effective practice.

It also is a more challenging step for at least three reasons. First, organization crystallizes boundary issues. Those who identify as a nation may not agree on just where the boundary of that identity lies or what it is founded on: kinship, cultural practice, history, commitment, or something else. However, until they attempt to enact it as an organized phenomenon, their disagreement has limited effect; what matters is attachment to the idea of the nation, and that attachment can have various roots. Once the political idea has to be translated into organization and action, boundaries loom large. Who is part of the nation and who is not? Who should have a voice?¹⁸

Second, organizing as a nation also raises a host of practical organizational questions. Within such jurisdiction as an Indigenous nation has been able to claim or control, what should the organization and process of governance look like? Who should have authority over what? How should decisions be made? What strategic priorities should shape action? How should disputes be resolved? Who deals with other governments and the rest of the outside world?¹⁹ And so on.

Third, because they are nations within nations, operating within often resistant, intrusive, or distracted political regimes, Indigenous answers to these organizational questions have to take external perception and prescription into account. In all four countries, to the extent that central governments have either tolerated or encouraged the organizational efforts of Indigenous peoples, they have wanted to determine its form, often imposing their own organizational models, moral codes, and assumptions about what “good” governance looks like and how it should work. As Paul McHugh (2011) wrote, “Increasingly settler-state legalism demands that [tribal] leaders must govern by western principles of transparency and accountability geared more towards displaying those attributes to the outer world than necessarily being an outgrowth of the tribes’ own political agenda” (p. 13).

¹⁸ For an extended discussion of one such case and the challenges this can involve, including those thrown up by distinctive histories, see Sturm (2002). On Indigenous citizenship issues more generally, see Goldberg (2002).

¹⁹ As Vivian (2014) pointed out, this was one of the key considerations in the Ngarrindjeri Nation’s decision to develop a Narrindjeri Regional Authority that could speak for the Nation and coordinate its various activities and—importantly—with whom outsiders would be required to interact. They thus countered the tendency of government to fragment Ngarrindjeri governance and strategy by dealing separately with each program or organization within the Nation (see chapter 6).

These impositions often have had less to do with self-government than with assuring central government control over what Indigenous nations do or with promoting assimilation through the adoption of Western organizational and cultural templates—or both.²⁰ Such impositions also are often characterized by an impoverished notion of governance, limiting it to trivial decision-making and the management of social service programs designed and funded by external governments: models not of self-government but of self-administration or self-management (Behrendt, 2003; Cornell 2007b). Organizations that depart significantly from such external prescriptions may be sanctioned or ignored.

Nonetheless, a growing number of Native peoples have been rejecting such limited and imposed conceptions and models of governance and coming up with their own, but they approach the organizational task from very different starting points. Most of those we know of in the CANZUS countries have some history of governance that long predates the arrival of Europeans: unwritten bodies of rules or law, embedded in shared culture, transmitted from generation to generation, that specify relationships, order decision-making, and shape both individual and collective action.²¹ However, both the movement for self-government and the demands of encompassing states envision something more: a more explicit system of government, of offices and procedures through which the nation will make decisions and get things done.

In the United States and Canada, treaty processes and the geography of reservation or reserve confinement largely determined the scope of such organization while legislation largely determined its form. In Canada, for example, the Indian Act of 1876 and its subsequent amendments have long dictated the political organization of First Nations; only in recent decades have significant numbers of First Nations begun to shake off the constraints of the Act and choose organizational forms for themselves. In 2000, for example, the Nisga'a Nation signed a treaty with British Columbia and Canada that established the Nisga'a Lisims Government, a law-making government of Nisga'a design. In the early 2000s, the Mohawk Council of Akwesasne designed its own justice system and adopted its own laws, not as by-laws of the Indian Act but as products of an Indigenous right to make law and enforce it. In 2007, the Huu-ay-aht people overwhelmingly approved the Huu-ay-aht First Nations Constitution, "a governance regime made by the people and for the people" (Tom Happynook quoted in Maa-Nulth First Nations, 2007, para. 3). The Ktunaxa Nation has been using the British Columbia treaty process to create a new governing system that reflects its own collective sense of self, values, and priorities. Said one Ktunaxa leader (personal communication), "I don't know if we'll get a treaty out of this process, but we'll get a government out of it, and it will be a Ktunaxa government."²²

In the USA, the Indian Reorganization Act (IRA) of 1934, while less universally applied than the Indian Act, provided an externally generated template for Indigenous organization, and while only about half the nations in the country organized under the IRA, many more—with strong federal encouragement—took it as a model of how to pursue self-government only to find themselves burdened by its severe

²⁰ Regarding the 1934 Indian Reorganization Act in the United States, for example, which applied a single governmental template across diverse nations, Dobyns (1948) pointed out long ago that "in fitting this tribal entity into the larger American framework, the Indians will be assimilating themselves" (p. 37).

²¹ On Canada, for example, see Borrows (2010, chapters 2 and 3); more generally Cornell (2015).

²² On Nisga'a, see www.fngovernance.org/toolkit/best_practice/nisga_nation; on Akwesasne, see Brimley, Cornell, Flies-Away, Jorgensen, and Starks (2007).

limitations. Over the last few decades, a growing number of American Indian nations have turned away from the IRA, searching for more effective and culturally compatible governing structures. Some of these have been continuations or formalizations of long-standing Indigenous models or have been based upon those models; some have adopted Western models or reorganized them to fit Indigenous ideas of how authority should be organized and exercised; some have been innovative hybrids or entirely new. All have sought to substantially expand the scope of Indigenous governing power.

Much of this reorganization has taken place over the last two decades through the deliberate reform of tribal constitutions. Thus, the Apsáalooke Nation, the White Earth Nation, the Cherokee Nation, the Citizen Potawatomi Nation, and numerous others have been engaged to one degree or another in reorganizing their governing systems through constitutional reform that claims substantial jurisdiction and incorporates their own ideas of the appropriate organization of authority.

Indigenous peoples in both Canada and the United States have benefited from the fact that the treaty process and subsequent governmental actions, for all their shortcomings, at least recognized Indigenous peoples as political communities, even as those countries asserted control over those communities and limited their power. Central governments have been willing to tolerate and in some cases even encourage Native nations in developing Indigenous governing systems capable of exercising substantial jurisdictional authority over lands, economic development, internal affairs, and other matters.

Such political recognition and encouragement has been more rare in New Zealand and, especially, in Australia. Māori in New Zealand have long tried to use government-designed organizations such as tribe-specific trust boards, organized to manage Māori assets, and government-dictated modes of Māori representation as vehicles for their own pursuit of *rangatiratanga*—autonomy or sovereignty—some of it based on iwi or hapu, some of it embracing a more comprehensive Māori community. Recent settlements of Māori natural-resources claims have given some iwi in New Zealand substantial assets that, in turn, can support self-government efforts but also raise questions about the form such efforts should take. While the settlement process has facilitated the emergence of iwi as legal entities, it also has pushed them into a corporate organizational model, treating them more as asset-holding corporations than as governments. The recognition of iwi as political entities with significant self-governing powers—as opposed to recognition of the right of iwi to self-manage assets—has been slow to come (Hill, 2009).

In Australia, organization is complicated by the reluctance of central government to grant Indigenous communities recognition as self-constituted political bodies. This forces those groups to incorporate under mainstream legislation so as to gain the legal personality necessary to interact with external entities. This greatly complicates the exercise of culturally legitimate governance. The implicit message is that formal Indigenous organization should be accountable first to central government, only secondarily to its own people—hardly democracy in action.²³ Australian government policy has long been fundamentally assimilationist. It approaches Aboriginal persons as individuals; employs individualist metrics of well-being as the only proper measure of policy performance; largely dismisses Indigenous culture or collective identity as viable bases for any relationship with the state; and ignores

²³ While the details differ, this also is the case for Māori in New Zealand.

Indigenous visions of self-governing communities—of nations within the nation.²⁴ On top of that is a governmental focus in Indigenous affairs on social service provision via a set of distinct social service units that treat Indigenous communities simply as collections of individuals who are themselves envisioned as “partible—as consumers” of various program services (Morphy, 2008, p. 136).

One result is creativity on the part of those Indigenous Australian communities or peoples whose goals reach beyond self-management to the exercise of genuine governing power. Some have tried to take advantage of the organizational opportunities that the Australian government, in its manic ricocheting from one policy prescription to another, occasionally throws up, as in West Arnhem Land (Smith, 2008). Some have confronted power at the state level, as the Ngarrindjeri Nation has done in South Australia, referencing the instructions of England’s King William IV issued in 1836 under Letters Patent that guaranteed Indigenous rights and governing power (Berg, 2010). Others, including both the Ngarrindjeri Nation and the Guditjmarra Nation, have pushed the jurisdictional envelope through innovative relationships with local governments and other actors (Hemming & Rigney, 2008; Hemming et al., 2011; Vivian, 2014). And some have turned to what I and my colleagues call stealth governance: formally complying with external organizational prescriptions but relying on very different processes and structures of their own—that is, on an existing or revitalized Indigenous governmental organization that is largely hidden from external view—for major decisions and to get things done.²⁵

Organizing as a nation has to address some core functions, among them: a decision-making process capable of responding consistently to needs and issues; the ability to implement those decisions effectively; a means of resolving disputes that avoids pulling the community to pieces; and the ability to sustain productive relationships with other governments and outside entities, both Indigenous and non-Indigenous. None of these is easy to accomplish, particularly for small nations and for those where

²⁴ One might argue that the exception is the Native title process emerging from the 1992 *Mabo* decision in the Australian High Court. The Native Title Act of 1993 “created a mechanism under which Indigenous people throughout Australia could register their assertions of rights and interests over land and waters” (Ritter, 2009, p. 16), and could establish a continuing, customary connection to that land or those waters. The process requires the identification of societies bound by traditional laws and customs—“traditional owners”—that give rise to a bundle of Native title rights and interests that are cognizable to the Australian legal system. Lisa Strelein (2010) has pointed out, “As a concept, native title is an acknowledgment of the continuation of Indigenous society as a source of authority” (p. 128). However, the Native Title Act requires that corporate bodies be created to manage these Native title rights and interests. Unfortunately, while some Indigenous communities have been able to use the resulting corporate bodies for their own political purposes, the formal organization of that authority has to fit governmental prescription, not Indigenous preference. Māori justice Joe Williams (2010) argued, in a discussion of Australia’s Native title process,

The surviving title approach . . . requires the Indigenous community to prove in a court or tribunal that colonisation caused them no material injury. This is necessary because the greater the injury, the smaller the surviving bundle of rights. Communities who were forced off their land lose it. Those whose traditions and languages were beaten out of them at state-sponsored mission schools lose all of the resources owned within the matrix of that language and those traditions. This is a perverse result. In reality, of course, colonisation was the greatest calamity in the history of these people on this land. Surviving title asks Aboriginal people to pretend that it was not. (p. 28)

²⁵ Thorburn (2011), without identifying it as such, found something similar to stealth governance in her research in the West Kimberly.

external support for Indigenous governance solutions is limited or grudging. However, this has not stopped nations from tackling these tasks. The result is a rapidly growing diversity of institutional forms, some written in formal documents, some lodged in the unwritten traditions or newly formed conclusions of the people. They range from the Full Group Meetings of the Gunditjmarra Nation in Australia to the theocratic structures of some Pueblo peoples in the southwestern USA, from the Waikato-Tainui parliament in the central North Island of New Zealand to the Gitanyow hereditary chiefs' ancient decision-making processes for managing traditional lands in British Columbia, from the legislature of the Citizen Potawatomi Nation that meets via video conferencing links with its communities across the USA to the Ngarrindjeri Regional Authority in South Australia.

This is not state-making in the conventional sense—among other things, Indigenous nations in the CANZUS countries lack exclusive jurisdiction—but it is an effort by Native nations to carve out political, jurisdictional, organizational, and often geographical spaces within which those nations can make decisions for themselves and engage in state-resembling activities, from law-making and enforcement to resource stewardship to social service provision. They do so not necessarily by replicating contemporary state processes but by creating or restoring institutional vehicles that reflect *their* values, sustain *their* preferred relationships and practices, and express *their* ways of being in the world. It is an attempt to create the institutional foundation for coordinated, sustained, *Indigenous* action on behalf of Indigenous goals.

Acting as a Nation

In the USA, the Navajo Nation's own court system exercises substantial civil and some criminal jurisdiction within Navajo lands and processes thousands of cases a year. It does so through two very different judicial approaches. One mimics the adversarial Western system; the other—the peacemaking process—is built on traditional Navajo methods of dispute resolution that focus not on winners and losers but on the restoration of harmony in relationships. While the overall organization of the Navajo Nation Court echoes other American court systems, it enforces the laws of the Navajo Nation, including Navajo common law rooted in ancient Navajo culture (Austin, 2009; Nielsen & Zion, 2005).²⁶

In this exercise of judicial authority, the Navajo Nation acts as a nation: It asserts substantive jurisdiction over the resolution of disputes; it incorporates its own dispute resolution practices into the process; and it gives to both its own citizens and others the promise of justice and the rule of law—including Navajo law.

In Australia, the Ngarrindjeri Nation has developed a set of formal agreements—legal contracts called *Kungun Ngarrindjeri Yunnan* agreements (“listen to what Ngarrindjeri people have to say”)—between itself and other governments in the region.

The Ngarrindjeri approach to negotiations insists on legal contract agreements that provide recognition of Ngarrindjeri traditional ownership of lands and waters, and clearly set the terms of any negotiation or program . . . The core principle of this approach is that Indigenous people and their culture should not be the subject matter of inquiry for the non-Indigenous participants

²⁶ See also

<http://hpaied.org/images/resources/publibrary/New%20Law%20and%20Old%20Law%20Together.pdf>

in a negotiation or dispute. This takes out of the discussion many of the aspects of the traditional [Western] legal system that are abusive to Indigenous people. (Hemming et al., 2011, pp. 99, 106-107)

Through this system of agreements, the Ngarrindjeri Nation acts as a nation: It uses law and negotiation to assert its unceded sovereignty and to protect its interests while building viable relationships with other governments.

In Canada, the Listuguj Mi'gmaq First Nation took control of the salmon fishery in the Restigouche River by insisting on its inherent right to fish, passing a carefully constructed law that specifies how the fishery is to be managed, backing up that law with a technically competent implementation plan, and enforcing that law through its own professional force of rangers. The law now governs the fishery both within and outside reserve boundaries and enforces a fishing regime designed to sustain a fish that is central to Mi'gmaq culture and economy (National Centre for First Nations Governance and Native Nations Institute for Leadership, Management, and Policy, 2010).

In making and enforcing this law and in the accompanying technical plan, the Listuguj Mi'gmaq First Nation acts as a nation: It takes responsibility for the stewardship of its resources, enacts laws that support that stewardship, and implements the law in ways that win the respect of its own citizens and others.

In Aotearoa/New Zealand, the Waikato-Tainui iwi, in the context of a claim against the Crown for injustices following the Treaty of Waitangi, negotiated an agreement for co-management of the Waikato River, New Zealand's longest and, economically, most heavily utilized river, which crosses through the heart of Waikato-Tainui's ancestral lands. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act (2010) compels co-management by the iwi and the Crown in the best interests not of the users of the river but of the river itself, and establishes a co-governance entity called the Waikato River Authority. The purpose of the Authority: "to restore and protect the health and wellbeing of the Waikato River for future generations" (section 1.3).

Through this agreement, Waikato-Tainui acts as a nation, negotiating a government-to-government relationship for the management of natural resources critical to the identity, culture, and well-being of the Tainui people, and establishing its own regulations for the restoration of the river.

Acting as a nation involves more than organization; it is about accepting responsibility for strategy and its outcomes and for delivering the goods: law, justice, economy, resource stewardship, cultural revitalization, productive intergovernmental relationships, the intergenerational transmission of knowledge, and so forth. It is how a political nationhood justifies itself, not through its claims but through its actions. It is the space where nations eventually have to defend the right of self-government not only through moral or legal arguments, but also through deeds: a track record of responsibility, competence, and success.

It also is the place where Indigenous nations are most likely to find themselves in conflict with the interests of others, in particular the interests of central governments in maintaining their control of Indigenous peoples. Action directly tests jurisdictional limits and often either ignores or directly challenges central government policy. Such tests and challenges on the whole have fared better in the

USA and Canada, where Indigenous actions are variously sanctioned by treaties, court decisions, and legislation, than in New Zealand and Australia, which have been so much more reluctant to recognize the right of Indigenous people to genuine self-governing power. But, lack of recognition turns out to have its own limitations, apparent in the determination of some nations to ignore central governments and act as nations regardless: to assume and enact—with strategic acumen and creativity—their claimed rights to self-determination and self-government.

This, indeed, appears to be an emerging strategy in Australia and, to a lesser extent, in New Zealand, and it has a track record in North America as well: Instead of responding to what central governments say a nation can or cannot do or be, Native nations look for opportunities, for interstices in the constraint regime where, in careful, creative ways, they can act jurisdictionally, build their own institutions, and assert self-governing power. As noted above, the Mohawk Council of Akwesasne in Canada has pursued just such a strategy in a number of areas, including the regulation of activity on its waters and the construction of its justice system (see Brimley et al., 2007), while the Ktunaxa Nation is taking advantage of the British Columbia treaty process to construct a government of its own design (see Dolan, 2009). In New Zealand, some iwi are using newfound economic clout to place themselves at the political table, demanding to be treated not only as asset-managers, but as political bodies with at least some governmental power (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act, 2010). In Australia, both the Gunditjmarra and Narrindjeri Nations “look for opportunities to expand their self-governing authority, using whatever tools are available to them to create their own definitions of sovereignty, nationhood and self-determination” (Vivian, 2014, p. 159).

Sequences and Prospects

These three core processes appear to constitute a logical sequence—successive phases of political nationhood—and this, indeed, is how they often occur:

Identify as a Nation → Organize as a Nation → Act as a Nation

Figure 1. Processes of Native nationhood: One pattern.

However, this is by no means the only possible pattern.²⁷ These processes may take place more or less simultaneously or in iterative combinations, and we should expect to see feedback loops among them, particularly from the second and third to the first. Organizing or acting as a nation, for example, may lead more citizens to view themselves as part of that nation or to give that identity salience in their lives.

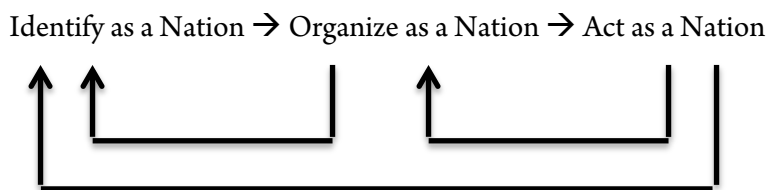


Figure 2. Possible sequences in the processes of Native nationhood.

²⁷ Alison Vivian first made this point to me.

This, for example, is part of the nation-building strategy of the Citizen Potawatomi Nation (CPN) in the United States, which reaches out to its people in multiple ways. Headquartered in Oklahoma but with a population of more than 25,000 dispersed across the country, CPN uses new technologies to incorporate those far-flung populations into its governing structure through the vote, representation in the nation's legislature (which meets via video conferencing), economic opportunities, the delivery of social services, and celebratory cultural events. As CPN expands its organization to reach more of its citizens, both its connections to them and its significance in their lives increase.²⁸

Alternatively, identity may lead first to action and only later, in light of experience and ambition, to focused organizational work. As Satsan, a hereditary Wet'suet'en leader from British Columbia, put it, reflecting on the efforts of First Nations to persuade government to deal directly with them, "When the [government] has to consult with us, we have to be organized and capable of consulting. We have to know what we want and be able to make our vision effective. This is a governance issue" (Satsan (Herb George), president of the National Centre for First Nations Governance, personal communication at a meeting with visiting Indigenous Australians in Vancouver, British Columbia, May 29, 2006). As government responds to court decisions precipitated in part by Indigenous action, that response may necessitate new organization. In Australia, the Ngarrindjeri Nation, having clawed back a significant measure of decision-making power in several policy domains, now finds itself considering how best to reorganize to more effectively exercise and expand that power. As Vivian (2014) pointed out, Ngarrindjeri organization "did not emerge by happenstance but from recognition of the need for institutional form to support their governing ambitions" (p. 140).

Outsiders also affect these processes. Acting as a nation, if done well, may encourage outsiders to assume the political nationhood that the nation itself is trying to achieve.²⁹ As outsiders adopt a position based on that assumption, it may encourage the nation's citizens to see themselves in similar terms. But if done poorly, or irresponsibly, acting as a nation may persuade colonial powers to intervene, rendering political nationhood toothless.

What are the prospects for Indigenous nationhood in the CANZUS countries? Uncertain. The situation varies across these four countries, but over the last thirty years, building on their own political activism and taking advantage of legislative actions and momentous court decisions, a growing number of Indigenous peoples have seized the opportunity to reclaim self-governing power. Their actions have not gone uncontested. In the country where Native nationhood, as conceived in this article, appears most advanced and where Indigenous self-government appears most robust—the USA—changes in the courts and the Congress pose growing threats (see, for example, Cornell & Kalt, 2010; Duthu, 2013; Williams, 2005). In Canada, the Harper government apparently set out to reduce the practical powers of First Nations, returning to an older assimilationist agenda (Diabo, 2013; van Loon, 2014). In the

²⁸ See the report on CPN's constitutional reform at <http://hpaied.org/images/resources/publibrary/citizen%20potawatomi%20constitutional%20reform.pdf>

²⁹ This echoes Paul Chartrand's (2009) idea, passed on to me by my colleague Rob Williams, of practices "crystallized into rights" (p. 16).

other two CANZUS countries, Indigenous nationhood is even more of an experiment in process, lacking central government support and with significant challenges to overcome.³⁰

Thus, the Indigenous politics of self-government and the politics of Indigenous self-government ultimately are intertwined. Indigenous nations may identify, organize, and act as nations, framing those processes within a sovereignty that predates European arrivals and European-derived law, but they do so within the context of states that have their own conceptions of what and who Indigenous peoples should be, and their own multiple forms of power. Under such conditions, to identify, organize, and act as a nation is daunting, particularly where colonial legacies are deeply entrenched, where colonial regimes are antagonistic to the idea of Indigenous nations as political entities, and where the potential economic foundations of Indigenous government, undermined by years of resource expropriation and dependency on outsiders, are so thin.

Nonetheless, policymakers in the CANZUS countries are having to confront increasingly assertive policymaking on the part of Indigenous nations themselves, whose agendas—more in some places than in others—appear to be shifting from what they can persuade government to do to rebuilding their own capacities for organized, sustained, goal-oriented action. Tired of waiting for recognition or rights, many of them are seizing the initiative in Indigenous affairs and learning from each other as they go. The result is an emerging, if inchoate, international movement with Indigenous nationhood at its center. It lacks the public drama of the activist movements of the 1960s and 1970s out of which, in many ways, it came. But it may do even more to transform relationships between Indigenous peoples and settler states.

³⁰ However, recently the state of South Australia has taken action to establish “a series of community driven Regional Authorities to represent Aboriginal communities” (Weatherill, 2013, Background information, para. 3) in the interest of allowing those communities “to set their own priorities and policy directions” (Background information, para. 2). Whether this initiative will turn out to be supportive of genuine self-government remains to be seen, but see <http://dpc.sa.gov.au/aboriginal-regional-authorities#background>

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