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States Are Not the Only Sovereigns:
Insights from Indigenous Studies for International Relations

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> "We cannot become equal members in *your* society. We *can* become a member of a new society in which everyone chooses to share. But that cannot happen until you begin to reconsider and reformulate your understanding, and your view of the world, as we have begun to reformulate ours."
>
> – Manuel & Posluns 1974, 261

Introduction

In the summer of 2010, the World Lacrosse League Championship took place in Manchester. Notably absent was the Iroquois Nationals lacrosse team. Its twenty-three players were denied entry into the United Kingdom after British officials refused to recognize their passports. The team was representing the Haudenosaunee Confederacy, an Indigenous nation that straddles the border between Canada and the United States but considers itself distinct from both countries. The Iroquois Nationals had been using their Haudenosaunee passports, as the team had been doing to travel to international competitions for the past thirty years (Simpson 2014, 25). However, British officials claimed the passports failed to meet appropriate security standards and were therefore illegitimate. Never mind that the documents were signed and issued by the chiefs of the Haudenosaunee Confederacy, a governance structure that predates the UK by at least three hundred years (Simpson 2014, 25). The UK, as a universally recognized sovereign state, got the last word, and the Iroquois Nationals were "unable to compete internationally in the sport that Iroquois people invented" (Keating 2018, 83).

This episode, in which a sovereign state refused to recognize the sovereignty of an Indigenous nation expressed through the presentation of a national passport, is remarkable in part because it was anomalous. Haudenosaunee people had been producing and traveling on their own passports for nearly a century—at least since Chief Deskaheh traveled to Geneva to lobby

for Haudenosaunee inclusion in the League of Nations in 1923—with surprisingly few incidents (Kalman 2021, 33). At the same time, it illustrates the precarity of Indigenous sovereignty because states can withdraw their recognition at any time.

Expressions of Indigenous sovereignty complicate conventional understandings of sovereignty in International Relations (IR), which tends to assume that states are the only sovereigns in the international system. This assumption renders IR scholars ill-equipped to address frequent—and often successful—assertions of sovereignty by Indigenous nations, which typically do not seek statehood (Niezen 2003, 203). This raises the question: *To what extent do Indigenous peoples' efforts to transcend state-imposed boundaries challenge the hegemony of state-centric notions of sovereignty in IR?*

Sovereignty is typically defined in IR as "supreme authority within a territory" (Philpott 2011, 561). The conventional view is that sovereignty resides with the state (Thomson 1995, 230). Moreover, within conventional IR scholarship, there is a tendency to emphasize authority, recognition, and exclusivity as essential aspects of sovereignty (Krasner 2009, 179–80).[1] On the one hand, for neorealist and neoliberal scholars (collectively, "rationalists") who view states as the dominant actors in international affairs, sovereignty is "an ontological presupposition" (Lüdert 2023, 10). They contend that sovereignty inheres in states because the international system is anarchic—meaning that there is no higher authority to arbitrate disputes—and states must maintain their territorial integrity and the autonomy of their domestic political order to survive (Mearsheimer 2014, 30). On the other hand, for constructivist scholars who question rationalist assumptions about how the international system is or must be, "sovereignty socializes states and their identities" (Lüdert, 2023, 12) such that if states were to stop acting on

[1] Here and throughout, I address my critique to "conventional IR scholars," understood as those whose work considers sovereignty only as it pertains to states.

sovereignty norms, "their identity as 'sovereign' (if not necessarily as 'states') would disappear" (Wendt 1992, 412). Thus, whether rationalist or constructivist, when IR scholars talk about sovereignty, they are almost always talking about states.[2]

Given the ubiquity of the assumption that states are the only sovereigns in the international system, it is worth asking how this idea became so hegemonic and whether it should be otherwise. Smith (2004) contends that "there can be no such thing as a value-free, non-normative social science" (499). Therefore, we must think carefully about the ways in which underlying social forces, such as colonialism, shape our categories of thought, and how these categories in turn reinforce colonial practices (ibid.). I will argue that the way conventional IR constructs the concept of sovereignty helps to reinforce the dominance of states in the international system, which perpetuates the logic of colonialism by excluding Indigenous sovereigns from full participation. However, Indigenous peoples challenge the hegemony of these state-centric notions by enacting their own conceptions of sovereignty to transcend state-imposed boundaries. This calls for a re-evaluation of sovereignty in IR to account for Indigenous realities.

There are two main reasons to challenge conventional IR's emphasis on state sovereignty and its dismissal of Indigenous sovereignty: the analytical rationale and the normative rationale. First, the analytical rationale: Indigenous political theory and practices, which often reject the assumptions most IR scholars have internalized, offer compelling alternative visions of global politics, and attention to these alternative visions has the potential to transform the discipline of IR (Lightfoot 2021, 977). Because of their statist focus, IR scholars have neglected to critically engage with Indigenous politics (Simpson 2014, 11). This reinforces colonial assumptions and

[2] There are some exceptions. For instance, Barkin and Cronin (1994) distinguish between territory-based state sovereignty and population-based national sovereignty (108).

leaves scholars ill-equipped to analyze international developments such as the establishment of institutions in which Indigenous nations take on roles that are traditionally assigned to states (Lightfoot 2021, 976).

For example, in *Sovereignty: The Origin and Future of a Political and Legal Concept*, Grimm's (2015) lack of familiarity with Indigenous nations causes him to miss an important dynamic and potential implication of his theory on the changing nature of sovereignty. He argues that sovereignty is changing because states are increasingly accepting the authority of supranational organizations, such as the European Union, to help them solve transnational problems (ibid., 6). However, he fails to notice how state sovereignty is also being eroded by Indigenous peoples' pursuit of self-determination, which has led to the transfer of some responsibilities from the state to Indigenous nations and, in some cases, to the near-complete autonomy of Indigenous nations through self-rule. Likewise, Grimm misses the important implications his argument could have for Indigenous sovereignty. For instance, he explains how some scholars have adapted the concept of sovereignty to suit the emerging international order by abandoning the imperative of indivisibility, such that "there may be several sovereigns on one and the same territory" (ibid., 114). While he explains that this allows them to accommodate supranational organizations such as the EU, he fails to notice that it could also accommodate Indigenous nations that claim sovereignty but do not pursue independent statehood. Thus, Grimm's unfamiliarity with the pursuit and operationalization of Indigenous sovereignty limits his otherwise compelling discussion of the changing nature of sovereignty. In a similar way, Indigenous sovereignty could provide an important nuance in studies on a range of topics, from global governance (who should participate in international forums?) to international development

(who has the authority to approve projects?) to foreign military intervention (whose sovereignty is threatened?).

By decoupling sovereignty from the state, my research will unsettle one of the fundamental assumptions of IR. I believe this is necessary to destabilize the settler-colonial dominance implicit in current notions of sovereignty and their operationalization in the international system. This brings me to the normative rationale: state-centric notions of sovereignty arbitrarily limit the scope of what counts as real sovereignty. While not tied to statehood, Indigenous sovereignty *is* real sovereignty and the failure to recognize it as such unjustifiably restricts Indigenous peoples to subordinate status within colonial states.[3] This subordination fuels resentment, which can lead to real world conflicts. According to some estimates, Indigenous experiences of colonialism fuel more than half the conflict in the world today, though this reality is often obscured by popular media and official state rhetoric (Singh 2021, 59).[4] For a discipline that devotes so much attention to understanding and preventing conflict, ignoring Indigenous peoples is a tremendous oversight. Though Indigenous peoples typically do not aspire to statehood, colonial states are perpetually in conflict with them (Rÿser 2012, 219). At best, this results in jurisdictional entanglements and bureaucratic headaches. At worst, it amounts to gross violations of self-determination, up to and including genocide.

In this thesis, I will provide a critical perspective on sovereignty by bringing IR into conversation with Indigenous Studies—another discipline in which sovereignty is a key concept—to derive a new notion of sovereignty that is consistent with Indigenous realities and with the normative project of decolonization.[5] To do this, I will examine two cases in which

[3] Here and throughout, "colonial states" are those in which historical processes of colonialism reverberate into the present.
[4] This is especially true if one subscribes to an expansive view of indigeneity that includes sub-state ethnic groups that self-identify as "indigenous" even if dominant ethnic groups or governments do not recognize them as such.
[5] Indigenous Studies (also called Native Studies, Native American and Indigenous Studies, etc.) encompasses work in anthropology, history, human geography, political theory, sociology, and other fields. Indigenous Studies

transboundary Indigenous peoples have challenged state sovereignty norms by asserting their own sovereignty claims as political communities with pre-existing boundaries that transcend the borders of contemporary states. First, I will examine the efforts of Inuit to organize themselves as a distinct political unit at the international level through the creation of the Inuit Circumpolar Council, which illustrates how Indigenous sovereignty can look in an international context and suggests that states need not be the only sovereigns. Second, I will discuss the struggles of Haudenosaunee to assert their right to free movement across the Canada-US border. My goal will be to understand what Indigenous people mean by "sovereignty" in each case, describe the extent to which this corresponds or conflicts with the hegemonic notion of sovereignty in IR, and suggest ways to update the concept of sovereignty to account for Indigenous perspectives.[6]

Origins of Sovereignty & Intellectual Imperialism

In this section, I will give an account of the origins of sovereignty to show how it has been historically embedded in colonial processes. I will build on this account to explain how Indigenous nations challenge IR scholars, including those who are familiar with colonial processes, to think beyond the state. In doing so, I will suggest that IR scholars can learn to critically engage with Indigenous polities and to stop producing scholarship that perpetuates colonial tropes and makes IR scholars vulnerable to charges of intellectual imperialism.

The conventional narrative about the origins of sovereignty is that in the sixteenth and seventeenth centuries, European states "broke the shackles of religious authority" and established

scholars—many of whom are themselves Indigenous—are united by a common conviction that "rather than studying Native peoples because they are so interesting" (i.e., as cultural novelties), "Native knowledges and worldviews should be studied because they provide a decolonial framework by which all peoples can understand the world" (Garroutte, in Teves, Smith & Raheja 2015, 312).

[6] Although my cases are primarily based in North America, I will also gesture at the implications of my research for other contexts.

mutually recognized sovereign states (Nisancioglu 2020, 42).[7] What this narrative omits is that the "Western discourse of sovereignty" emerged while European states were busy conquering other parts of the world, often at the expense of local political authorities (Anghie 2013, 19l; Nisancioglu 2020, 42). While European sovereigns of this period tended to regard conquest as a dubious title to possession and preferred nonviolent means such as marriage alliances to extend their dominions, it appears that this preference only applied in Europe, as these same European sovereigns frequently justified conquest in colonial territories (Osiander 2001, 262).[8]

One such justification was the concept of *terra nullius*, whereby imperial powers claimed supposedly unoccupied lands by "discovering" them (Anghie 2013, 26). In reality, millions of people already occupied these lands, but the doctrine of discovery was used to dispossess peoples who were regarded as so backward as to not qualify for self-determination (ibid.).[9] These peoples were deemed the "users of the lands they roamed" but not "full sovereigns" (Barker 2005, 7).[10] While European colonizers claimed that Indigenous peoples relinquished control over their populations and territories through treaties, these treaties also implied colonial recognition of Indigenous peoples as nations with sovereignty which enabled them to negotiate treaties in the first place (Anghie 2013, 26; Barker 2005, 5).[11] As European colonizers tried to resolve these

[7] Many scholars describe the 1648 Treaty of Westphalia as a "turning point" in the development of the state-based international system (Ikenberry 2014, 68). However, Osiander (2001) has demonstrated that the Westphalian narrative is largely a myth (251).

[8] Examining the intellectual origins of sovereignty at the level of individual theorists leads to similar conclusions. For instance, Ferguson (2016) notes "the close ties between the central figures of modern political thought and the delegitimation of American Indians: Hobbes's claim that no sovereigns exist in the Americas, or Locke's statement that land is not properly utilized by Indians and is thus available for appropriation" (1032). Hobbes might have theorized instead that Indian chiefs were sovereigns, and Locke might have found that Indians owned their hunting grounds, but enmeshed as they were in the colonial projects of their state, it is hardly surprising that they found ways to justify them.

[9] The Doctrine of Discovery granted European nations the right to claim the new lands they discovered on behalf of Christendom. It was finally renounced by Pope Francis on March 30, 2023.

[10] According to Watson (2018), Indigenous lands never belonged to Indigenous peoples in a "proprietorial enslaved way" (116). Rather, Indigenous peoples belonged to the land through their "ancient relationships" with it (ibid.). This conception of possession was incomprehensible to European colonizers, who imposed their own conception of ownership on Indigenous lands and peoples.

[11] This implication has been substantiated in the subsequent constitutions, legislative actions, and court rulings of settler-colonial states (Barker 2005, 5).

contradictions, their conception of sovereignty changed: those deemed "civilized" were sovereign while those deemed "uncivilized" were not sovereign (Watson 2018, 103). In this way, "sovereignty was a result of colonial encounters," not because sovereignty is necessarily a colonial concept, but because colonizers used it as such (ibid.).

For a long time, "civilized" meant European, but that started to change with the process of decolonization, when many formerly non-sovereign nations were able to realize their sovereignty through statehood (Anghie 2013, 21). However, the "Saltwater Thesis" declared that "only noncontiguous colonial territories qualified for decolonization" (Lightfoot 2013, 130).[12] This meant that Indigenous peoples were deliberately excluded from self-determination. As a result, decolonization left Indigenous peoples exposed to the "hostilities of foreign power, this time cloaked as the post-colonial state" (Khan 2021, 138). This is a nuance that many IR scholars miss because discussions of (neo-)colonialism in IR tend to focus on the Third World (e.g., Getachew 2019; Hobson 2015), which is composed of post-colonial states that acquired sovereignty through decolonization. IR scholars tend to be less familiar with the Fourth World, which represents the Indigenous peoples who are "trapped within, and partitioned across, the state system" (Voukitchevitch 2021, 187). This gap in knowledge contributes to widespread misunderstandings about the interests and aspirations of Indigenous peoples.

For instance, the Saltwater Thesis was based on the misguided belief that Indigenous peoples would agitate for statehood and thereby threaten the territorial integrity of settler-colonial states. In fact, Indigenous peoples typically do not aspire to statehood for various practical and ideological reasons, such as their small size and disinclination to mimic the hierarchical institutions of the colonial state or to absolve it of its treaty obligations (Niezen

[12] Interpreted from United Nations General Assembly Resolution 1541 of December 15, 1960, which stipulated that territories eligible for decolonization must be "geographically separate" from the colonial metropole.

2003, 203–5). Indeed, while Third World countries frequently strive to match the institutions of the First and Second Worlds to gain acceptance in the international system, the Fourth World often rejects these institutions in favor of "dynamic and evolving relationships with other peoples, cultures, the land, and the cosmos" (Singh 2021, 68).[13]

This refusal to accept widespread norms and practices contributes to the illegibility of Indigenous nations for IR scholars, particularly for those who adhere to the statist paradigm. However, the atypical behavior of Indigenous peoples (from the perspective of conventional IR scholars) only strengthens the case for why we should seek to improve our knowledge of the Fourth World since we could learn something about the dominant paradigm by studying Indigenous alternatives to it (Khalid, McMillan, and Symons 2022, 337). Moreover, given the differences between the experiences of postcolonial states in the Third World and Indigenous peoples in the Fourth World, discussions of (neo-)colonialism in the former but not the latter are incomplete and therefore insufficient.[14]

The lack of awareness about Indigenous peoples is further compounded by the belief that Indigenous nations belong in the realm of domestic, rather than international, politics (e.g., Meyer 2012). In fact, Indigenous politics have always been international. Watson (2018) calls Indigenous peoples "the first internationals" because they are "ancient peoples" who have managed relations among themselves "for thousands of years or forever" (99). Colonial powers

[13] Simpson (2017) finds that a fundamental difference between Indigenous and non-Indigenous concepts of internationalism is that for Indigenous peoples, internationalism "is a series of radiating relationships with plant nations, animal nations, insects, bodies of water, air, soil, and spiritual beings in addition to the Indigenous nations with whom we share parts of our territory" (58). In the intellectual tradition of her people (Anishinaabe), "the idea of having international relations, relationships that are based on consent, reciprocity, and empathy, is repeated over and over again" (ibid.).

[14] It is remarkable that this "colonial agnosia" ("the continued complex existence of Native politics alongside uncomprehending and ignorant political modes of governmentality") has persisted for so long (Ferguson 2016, 1029). In the US alone, "Indian Country" encompasses 100 million acres of reservations and trust lands (roughly the size of South Korea) and includes approximately 2.5 million people (more than the population of Latvia) (Keating 2018, 77).

initially treated Indigenous peoples as international actors by negotiating treaties with them and only downgraded them to domestic actors once the balance of power had shifted in the colonizers' favor due to growing settler populations, military preponderance, and the decimation of Indigenous populations through the spread of European diseases (Niezen 2003, 29). Thus, the perception of Indigenous peoples as domestic actors is more an artifact of an earlier colonial period than an uncontestable reality.

What does this mean for IR scholars? That we are complicit in a form of intellectual imperialism. Through our neglect of Indigenous peoples, we perpetuate the idea that they do not constitute authentic political communities and we deny and erase Indigenous values and knowledge (Beier 2005, 15). Though we may envision ourselves as far removed from the colonial project, IR scholars "have been very much involved in the (re)production of its ideational foundations" (ibid.). Essentially, we perpetuate the "hegemonologue": Beier's (2005) concept of the voice of purported common sense, which "speaks to the exclusion of all others, heard by all and yet, paradoxically, seldom noticed" as its politicized claims about the world become widely disseminated (15). There are several orders of hegemony, from cosmological ascendancy[15] to the dominance of particular theoretical approaches to real world manifestations of supremacy, such as unequal relationships between states or peoples (ibid., 44).

Though most of us would not choose this role for ourselves, the circumstances which have rendered many of us colonizers are "inherited legacies of colonialism (re)instantiated and sustained in the hegemonologue of advanced colonialism" (ibid., 42). As the anticolonial scholar Frantz Fanon famously explained, colonialism is a two-way street: "both sides are colonized, and

[15] The unquestioned assumption that our way of perceiving and making sense of the world (through religion, ideology, etc.) is natural and right.

its demise will free both" (Singh 2021, 60).[16] Given the colonial origins of sovereignty described in this section, we must think critically about a construct that has enabled systematic violence for so long, and we must consider what utility it might have for a postcolonial future.

Four Contentious Aspects of Sovereignty

In this section, I will introduce four contentious aspects of sovereignty that I will use to frame my analysis of the two cases in the following sections. These contentious aspects are borders, national identity, recognition, and self-determination. These aspects of sovereignty are relevant to both IR and Indigenous Studies, and understanding what makes them contentious is necessary for understanding how sovereignty functions for both states and Indigenous peoples.

Borders

Sovereignty is most vividly expressed through borders. One problem with this in colonial contexts is that the borders were often drawn by the colonizers, separating peoples who would prefer to be unified and lumping together peoples who consider themselves distinct (Wiessner 2008, 1150). Another problem is the link between sovereignty and territory itself. In conventional IR, the principle of territorial integrity, which gives states the right to defend their borders and the territories within them against foreign interference, is often cited as a key aspect of sovereignty. But sovereignty was not always linked to territory. For instance, in the British colonies in Australia, Canada, and the US, British law initially allowed for legal pluralism, and sovereignty was based on subjecthood and allegiance rather than territory (Ford 2010, 187, 202).

[16] Singh distills an argument made by Fanon (1967) in his book *Black Skin, White Masks*, which is exemplified by the following quotation: "The disaster of the man of color lies in the fact that he was enslaved. The disaster and the inhumanity of the white man lie in the fact that somewhere he has killed man. [...] Both must turn their backs on the inhuman voices which were those of their respective ancestors in order that authentic communication be possible. Before it can adopt a positive voice, freedom requires an effort at disalienation" (231).

It was only in the nineteenth century that the logic of territoriality emerged to pit settler sovereignty against Indigenous sovereignty (ibid., 191). In this context, the increasing salience of the nation-state ideal meant that by the 1830s, settler governments "could no longer imagine plural sovereignty" (ibid., 187). Instead, they began to seek what Ford (2010) calls "perfect sovereignty," meaning that settler-colonial societies "perfected settler sovereignty by subordinating indigenous jurisdiction" (183). In the process, they created a new definition of sovereignty that has since become hegemonic (ibid.).

Although in conventional IR, sovereignty is tied to territory through the institution of the state (Shadian 2010, 503), territory can be theorized differently as a social space in which fixed borders represented by lines on a map matter less than the relationships between lands and peoples (Voukitchevitch 2021, 207). Examining alternative conceptualizations of territory and borders as they relate to both state and Indigenous sovereignty is one of the projects I will undertake in this thesis.

National identity

The definition of "Indigenous peoples" is contested, resulting in the inclusion or exclusion of various groups of people. I prefer Georgia and Lugosi-Schimpf's (2021) definition, which has two conditions: having a "place-based existence" with strong ties to the land, and "being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples" (180). This definition is not tied to a static conception of Indigenous culture that associates authentic indigeneity with a mythologized pre-contact past (Barker 2005, 17) and it is broad enough to account for contextual variations, such as whether the colonial state is a settler society, or includes a "mestizo" group because of intermarriage between Indigenous peoples and colonizers, or involves Indigenous peoples who have lived alongside other dominant groups for

centuries, as is the case in much of Asia and Africa (Lightfoot 2013, 128–9). In most recent scholarship, "Indigenous peoples" has replaced terms such as "Indians," "Natives," "Aboriginals," "First Nations," and "Native Americans." This is more than a matter of political correctness. Historically, Indigenous peoples "insisted on being identified as peoples (political collectivities) and not as people (minorities)" within the UN system because this allowed them to claim a status akin to that of nations, and thus a right to self-determination (Barker 2005, 19).

Although states have come to dominate the international system, they "do not always, or even often, meet the needs of their national minorities" (Niezen 2003, 196). In such cases, people often privilege their membership in a particular nation as a marker of their political affiliation and identity. For many Indigenous people, whose interactions with the colonial state range from irritating to intensely traumatic, Indigenous nations are essential, yet these political communities are often poorly understood by outsiders.

For instance, discussions of Indigenous nations frequently rely on the language of ethnic or cultural difference, ignoring the inherently political nature of Indigenous nationhood and subordinating it to settler nationhood (Simpson, in Teves, Smith & Raheja 2015, 187).[17] This discourse obscures the fact that "remaining Indian does not mean wearing a breech-cloth or a buckskin jacket, any more than remaining English means wearing pantaloons, a sword, and a funny hat" (Manuel & Posluns 1974, 221). Rather, "remaining Indian" means that Indigenous people gain control of the economic and social development of their own communities in accordance with their own laws and institutions (ibid.). This conception of Indigenous authenticity is "incomprehensible" to settler-colonial societies that rely on cultural

[17] This strategy allows state governments to present Indigenous peoples as one of many minority groups that make up the "social rainbow of multicultural difference" as a means of erasing their political status and rights under international law (Barker 2005, 17). This phenomenon is especially advanced among African and Asian states, where there is a "widespread resistance" to recognizing Indigenous peoples within their borders (Lightfoot 2010, 91). In these contexts, Indigenous peoples are often characterized as the "primitive" that must be managed and controlled in the interests of preserving the "modern and universal state" (Anghie 2005, 207).

difference—perceived through a colonial lens—to recognize Indigenous nationhood (Barker 2005, 17). These flawed perceptions also fail to account for the heterogeneity of Indigenous identity, which encompasses diverse perspectives, interests, and strategies for sovereignty across thousands of unique nations (ibid.).

Recognition

In conventional IR, sovereignty is a relational concept that requires both a claim and recognition of that claim by others (Russell 2021, 115). For Indigenous peoples, recognition of sovereignty is tied to recognition of Indigenous nationhood (Teves, Smith & Raheja 2015, 160). The source of such recognition is usually the colonial state. However, given the history of colonialism, many Indigenous Studies scholars reject recognition by the colonial state as a condition of Indigenous sovereignty. They point out that such recognition is unequal, unnecessary, and potentially counterproductive (Franz 2019, 291; Watson 2018, 110). It is unequal because colonial states tend to have a vast preponderance of power compared to Indigenous nations, which negates the usually reciprocal aspect of recognition and reproduces colonial structures of dominance (Coulthard 2007, 438–9). It is unnecessary because Indigenous peoples "have been here forever," and the comparatively recent arrival of colonizers does not change the fact that they have always been sovereign (Watson 2018, 110).[18] Finally, it is counterproductive because pursuing recognition by the colonial state causes Indigenous nations to become like it, thereby advancing the assimilationist agenda (ibid.). Coulthard (in Teves, Smith & Raheja 2015) describes a "death dance of recognition" which forces Indigenous peoples to perform nationhood in ways that are legible[19] and acceptable to the colonial state, thereby

[18] Even if they reject so-called settler sovereignty, many Indigenous peoples have analogous concepts that are consistent with their own political philosophies.

[19] Here, I use "legible" in two ways: in the conventional sense, meaning "comprehensible," and in the sense of Keating (2018), meaning "scientifically and rationally ordered so that it can be controlled by a centralized

eroding Indigenous sovereignty until it ceases to exist (160). This is why some scholars call for the dismantling of the settler state rather than recognition from it (ibid., 9).

Self-determination

Self-determination requires that people "consent to the government under which they choose to be governed" (Lüdert 2023, 16). The language of self-determination was used by anticolonial nationalists in their struggles for freedom from colonial domination in the 1960s and by leaders of the international Indigenous movement in the 1970s (Getachew 2019, 14) because it provides a powerful tool to tear at the "legacies of empire, discrimination, suppression of democratic participation, and cultural suffocation" (Anaya 1996, 75). Given the persistence of these legacies, self-determination remains a crucial principle today.

The world community has expressed the importance of self-determination in numerous international documents, but it is often circumscribed by the principle of state sovereignty. For instance, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which was passed by the UN General Assembly on September 13, 2007, states that "Indigenous peoples have the right to self-determination" (Article 3), but it adds that "nothing in this Declaration may be ... 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" (Article 46.1). Watson (2018) reads the UNDRIP as being "a bit like states having their cake and eating it too" since it recognizes the right of Indigenous peoples to self-determination in principle, but it restricts this right according to colonial states' interests in practice (98). Lightfoot (2010) interprets it more generously, pointing out that although Article 46 seems to reify state-centric notions of sovereignty, the UNDRIP as a whole has actually shifted international discourse away

bureaucracy" (93). Keating remarks that the existence of modern Indigenous nations challenges the "legibility of citizenship and territory" in colonial states (ibid.).

from normative state-centricity by protecting the self-determination of Indigenous peoples while simultaneously preserving the territorial integrity of states, thereby demonstrating the possibility of compromise (87).

There are several categories of scholarly discourse on the meaning of Indigenous self-determination. The minimalist discourse perceives Indigenous self-determination as exclusively tied to independent statehood, while the maximalist discourse asserts that Indigenous self-determination entails a bundle of social and cultural rights (Xanthaki, in Lightfoot 2021, 975). I prefer a third option, the "novel" discourse, which suggests that Indigenous self-determination includes multiple possibilities for relationships between Indigenous peoples and states, which can emerge through good faith negotiations in which neither party dominates (ibid., 976).

While IR scholars typically view self-determination as a principle that legitimates sovereignty, some Indigenous Studies scholars view it as a conceptual alternative to sovereignty. Most Indigenous Studies scholars reject "settler sovereignty"—defined as "the discursive conflation of territory, jurisdiction, and sovereignty" which seeks to justify the exclusive control of the state and the consequent assimilation of Indigenous peoples without their consent—without rejecting the concept of sovereignty itself (Franz 2019, 287). However, some argue that sovereignty cannot be extricated from settler sovereignty, so it is better to replace it with a "notion of power" based on a more appropriate premise, such as self-determination (Alfred 2005, 46–7). I concur that self-determination is a useful alternative concept for those who are wary of the "stench of colonialism" that seems to linger on sovereignty (Barker 2005, 26), and I accept the critique that state sovereignty norms have contributed to the formation of an exclusively state-based international system (ibid., 46). However, I would counter that despite its

colonial origins and its operationalization in the colonial project, sovereignty need not be a colonial concept. Sovereignty is a socially constructed concept, and like any such concept, it can be re-constructed to reflect different perspectives and advance different aims.

Indigenous peoples have repurposed sovereignty to advance their own aims, and it is worth trying to understand how and why they use both sovereignty and self-determination—rhetorically, conceptually, and practically—as well as the relationship(s) between them.[20] Although the two terms are often used interchangeably, they were originally conceptualized as distinct, such that all peoples had the right to self-determination but only states had the right to sovereignty (Lightfoot 2021, 974). With decolonization, self-determination for formerly colonized peoples was equated with statehood (ibid.). This linkage excluded peoples who could not—or did not want to—form independent states, including most Indigenous nations. Over time, Indigenous peoples reinterpreted the meanings of both self-determination and sovereignty to advance their own struggles against colonial domination, as the following cases will illustrate.

Inuit: A Circumpolar People

What does sovereignty mean to Inuit?

Inuit are a group of approximately 180,000 Arctic Indigenous people (ICC, "Homepage").[21] They live in Inuit Nunaat, the Inuit homeland, which includes territories claimed by Canada,[22] Denmark (Greenland), Russia (Chukotka), and the United States (Alaska). Inuit have accomplished a level of self-determination in these territories ranging from "practically nominal" in Russia, to "almost-statehood" in Greenland (Voukitchevitch 2021, 190). Historically,

[20] Barker observes that "it is now virtually impossible to talk about what *sovereignty* means for indigenous peoples without invoking self-determination" (Barker 2005, 19–20).
[21] Inuit means "the people," so it is redundant to say "the Inuit people."
[22] Inuit Nunangat (the Inuit homeland in Canada) includes the Inuvialuit Settlement Region (northern Northwest Territories), Nunavut, Nunavik (northern Quebec), and Nunatsiavut (northern Labrador).

states have acknowledged Inuit authority in the Arctic insofar as it has advanced the economic projects of colonization of territory and exploitation of natural resources (Khan 2021, 132). This colonial mindset persists in the conservative view that Inuit are better described as "autonomous," rather than sovereign (Meyer 2012, 343). According to this view, Inuit are entitled to local self-rule over their political, economic, and cultural institutions but are barred from supreme law-making authority, which is presumed to reside with state governments (ibid.). Meyer (2012) claims that "little is gained by declaring indigenous groups to be sovereign when they are more accurately described as autonomous" (343). Why, then, do Inuit, through their representatives on the Inuit Circumpolar Council (ICC), insist on declaring "sovereignty" rather than merely "autonomy" or "self-determination"?

In 2009, the ICC published "A Circumpolar Inuit Declaration on Sovereignty in the Arctic." In it, Inuit as a people declare sovereignty over their ancestral territories and elaborate on what sovereignty means for them. In Article 1, they ground their sovereignty claim on a number of historical and cultural premises. They point out that Inuit live in the Arctic and have done so "from time immemorial"; it is their home (ICC 2009, 96). They explain that they depend on the plants and animals (terrestrial and marine) in the Arctic and that their use of these resources "pre-dates recorded history" (ibid.). Consequently, they possess unique knowledge of the Arctic and their experience of it is "the foundation of [their] way of life and culture" (ibid.). Though their ancestral territories have been divided by colonial boundaries, Inuit see themselves as a single people entitled to self-determination, which they define as "[their] right to freely determine [their] political status, freely pursue [their] economic, social, cultural and linguistic development, and freely dispose of [their] natural wealth and resources" (ibid.). At the same time, Inuit view themselves as citizens of the countries in which they live and of the major

political subunits (provinces, territories, states, and regions) thereof (ibid., 97). They consider themselves entitled to the rights and responsibilities of these polities, which "do not diminish the rights and responsibilities of Inuit as a people under international law" (ibid.).

Article 2 contests the conventional definition of sovereignty as "the absolute and independent authority of a community or nation both internally and externally" (ibid.). The authors of the declaration remark that "sovereignty is a contested concept ... and does not have a fixed meaning," especially since "old ideas of sovereignty are breaking down as different governance models ... evolve" (ibid.). Moreover, they observe that "sovereignties overlap and are frequently divided within federations in creative ways to recognize the rights of peoples" (ibid., 97–8). Thus, they assert that for Inuit, "issues of sovereignty and sovereign rights must be examined and assessed in the context of [their] long history of struggle to gain recognition and respect as an Arctic indigenous people having the right to exercise self-determination over [their] lives, territories, cultures and languages" (ibid., 98). This right requires "innovative and creative jurisdictional arrangements" that will "appropriately balance" the rights and responsibilities of Inuit, non-Inuit inhabitants of Inuit ancestral territories, and states (ibid.). Since "issues of sovereignty and sovereign rights in the Arctic have become inextricably linked to issues of self-determination," such balancing will require Inuit and Arctic states to "work together closely and constructively to chart the future of the Arctic" (ibid., 101).

This appeal to creativity and compromise is the declaration's concluding message. Thus, the model of sovereignty for which Inuit advocate is one of partnership rather than domination. Indeed, in Article 3, the authors of the declaration describe Inuit as "active partners," emphasizing both the benefits of Inuit expertise and the need for Inuit consent on matters with the potential to affect their well-being (ibid., 99). It is also a model of inclusivity rather than

exclusivity, as the authors assert in Article 4 that states share responsibility for the conduct of international relations with Indigenous peoples in the Arctic, and that these "must transcend Arctic states' agendas on sovereignty and sovereign rights and the traditional monopoly claimed by states in the area of foreign affairs" (ibid., 101). This model challenges the "absolute and independent authority" that is central to the conventional definition of sovereignty, as well as the state-centricity of IR more broadly.

One of the most important concerns for Inuit is whether they are engaged as full and equal participants in decision-making about the Arctic (Khan 2021, 134). This is more than a requirement to consult Inuit on matters that have the potential to affect their well-being. It is a requirement to treat them as stakeholders—sometimes with veto powers—in decisions that fundamentally impact their communities and ways of life. Currently, one way that state governments operationalize this concept is by extending control over natural resources in Inuit territories to Inuit governance structures (Shadian 2013, 393). Depending on the context, Inuit may have the rights to, receive royalties from, or maintain outright ownership over Arctic territories and natural resources (ibid.).

For instance, Greenland gained the right to home rule in 1979, giving the Inuit government veto power over new legislation enacted by the Danish government regarding the exploitation of natural resources (Gulløv 1979, 134). In 2009, Greenland gained "total control" over its natural resources through the Act on Greenland Self-Government (Shadian 2010, 489). In Canada, the majority-Inuit territory of Nunavut was created through the Nunavut Act and the Nunavut Land Claims Agreement and officially split off from the Northwest Territories in 1999 (Lightfoot 2013, 137). Through this process, Inuit in Nunavut gave up land ownership but gained mineral rights to an area covering one-fifth of Canada, including lucrative diamond mines

(Shadian 2010, 489). Similarly, through the Alaska Native Claims Agreement, Inuit in Prudhoe Bay gained royalty rights over the largest petroleum deposit in North America (ibid.).

Co-management practices like the ones described here have been in place in Inuit territories since the early 1970s (Shadian 2013, 395). While co-management typically involves collaboration with state governments, Inuit corporations often control the resources being managed and the revenues generated from them (ibid.). These corporations, such as the Makivik Corporation (Canada) and the Arctic Slope Regional Corporation (Alaska), rely on the forces of the global economy and sometimes operate on the scale of multinational corporations (ibid.). The land claims processes themselves are typically local governance arrangements that establish a form of Inuit self-government in Inuit territories.

Expanding the definition of self-determination to include control over economic and not only cultural affairs has been a strong trend within the international Indigenous rights movement (Plaut 2012, 202). However, for Inuit it remains contentious because of the range of perspectives on resource development. Wilson and Smith (2011) organize these perspectives into three categories. First, the economic development perspective, which is prevalent in Greenland, views resource development as a means to acquire self-sufficiency and improve standards of living without increasing dependence on states (ibid., 915). Second, the pragmatic perspective, which is common in Canada, treats resource development as inevitable and seeks to ensure that Inuit are the primary beneficiaries of it (ibid., 917). Finally, the environment-culture perspective is skeptical of resource development and tends to invoke Inuit connections to the land as well as Inuit experiences of colonialism (ibid., 918).[23] Thus, resource development is only one aspect of

[23] Former ICC chair Aqqaluk Lynge describes a "paradox of development": if Inuit "develop as the colonizers and polluters have done before us, without regard to our environment, we may have a moral argument to do so, but the approach will destroy us, and deny us the survival of our own Inuit culture" (Wilson & Smith 2011, 919).

a holistic strategy for Inuit sovereignty, which also includes a role for Inuit in government and civil society forums ranging from the local to the international (ICC, "Political Universe").

Inuit coordinate their international advocacy through the ICC, which was created in Barrow, Alaska in 1977 to help Inuit formally organize across state borders and achieve their vision of unified self-determination (Wilson & Smith 2011, 912). Its foundation followed a decade of political activity among Indigenous peoples throughout the Arctic in response to resource development in Alaska and Canada (ibid.). Consistent with the transboundary nature of the Inuit polity, the ICC is a transnational organization with branches in Alaska, Canada, Greenland, and Chukotka (ICC, "Homepage").[24] As a transboundary institution, the ICC disrupts state-based conceptions of sovereignty by emphasizing that Inuit use and occupation of the Arctic transcends political boundaries (Khan 2021, 152).

While the ICC disrupts statism, it also functions in some respects like a nation-state (Shadian, in Voukitchevitch 2021, 195). Indeed, it has the capacity to mobilize people and resources for political purposes, to engage in governance, and to develop a narrative about Inuit identity (ibid.). It is also active in state-based international institutions, such as the Arctic Council and the UN (ibid.). This duality underscores the complexity of the ICC as it is both state-like and non-state-like. On the one hand, it contains elements of a traditional state, such as rights to territory and resources and a shared history among its people (Shadian 2010, 486). On the other hand, it does not seek statehood, and it is not bound by rules that only apply to states in the international system (ibid.).[25]

[24] Russian Inuit only became active in the ICC after the collapse of the Soviet Union (Wilson & Smith 2011, 911).
[25] The ICC is also like a nongovernmental organization (NGO) in that it "carries a political message with certain authority in international relations that parallels that of many international NGOs" (Shadian 2010, 486). The ICC has official NGO status in some contexts, such as the Economic and Social Council (ECOSOC) of the UN (ibid.).

What does this tell us about sovereignty?

Borders

Recently, globalization has compressed space and time, making it easier for Inuit to organize to resist the imposition of international borders and assert that their homeland, Inuit Nunaat, is a "circumpolar Inuit territory, which supersedes state boundaries as the artifacts of the colonial enterprise" (Voukitchevitch 2021, 185–6). The colonial nature of state boundaries is evident in the history of Arctic conquest as it pertains to Inuit. On the one hand, Inuit were perceived as standing in the way of national territorial expansion, thereby posing an obstacle for colonial powers (Plaut 2012, 197). On the other hand, Inuit lived at the edges of colonial states' territories and therefore provided legitimacy for those states' sovereignty claims, thereby producing a benefit for colonial powers (ibid.). Both perspectives ignore the fact that for Inuit, sovereignty over Inuit lands (and waters) has as much to do with territorial integrity as "cultural integrity," which shifts the focus from attaining ownership over territory to retaining the right to maintain a relationship with it (Wilson & Smith 2021, 913). The concept of cultural integrity is operationalized in the ICC through its transnational character, which depends less on which specific polities have jurisdiction over Inuit Nunaat and more on who will take care of it.

National identity

Responding to conventional accounts of nationalism, which assume that nationalist aspirations coalesce around and culminate in the state, Shadian (2006b) asserts that "the state is not a fundamental prerequisite for contemporary and emerging collective identities to be political" (365). This is the case for Inuit, who have a particular national identity despite their lack of aspirations for formal statehood, and this national identity does not necessarily conflict

with their state affiliation. Eben Hopson, a founder of the ICC, explains that "we [Inuit] are loyal citizens of the United States, Canada, and Greenland, but we are Inuit ... first and foremost" (Hopson, in Shadian 2006a, 255).[26] Thus, while Inuit identity typically comes first, Inuit self-conception is nuanced enough to accommodate other national affiliations.

This layering of identities translates into the governance space, as Hopson originally framed Inuit self-determination to include both "liberal democratic ideology" and "indigenous cultural autonomy" as the "symbolic base upon which a modern Inuit political vision would be born and grow over time" (Shadian 2006a, 251). According to Shadian (2006a), "Hopson regarded Americans as fellow Americans in that, while the Inuit were indigenous and had the right to self-determination as indigenous stewards, they were nonetheless American citizens" (251). In this sense, the establishment of Inuit governance structures such as the North Slope borough in Alaska, where Hopson lived, was a natural extension of "American democratic ideology" (ibid.). It is significant that the ICC was founded with an embrace of both Inuit and Western philosophies because this defies the imperative of mutual exclusivity that is inherent in conventional notions of sovereignty in IR.

Recognition

When it comes to recognition, Inuit are confronting the "extremes of neglect and paternalism" that have long served as the norm for addressing Indigenous peoples in the Arctic (Plaut 2012, 203). As long as conquest was viewed as a legitimate means of acquiring control over territory, colonizers treated the Arctic as *terra nullius* and non-recognition of Inuit sovereignty was the norm (ibid., 197). Later, as it became more difficult to justify conquest as a

[26] Hopson made this statement in a speech in 1978, but Inuit have reiterated the idea since.

legitimate means of control, colonial states began to recognize Inuit sovereignty to a limited extent so it would be possible for them to "legally" acquire Arctic territory and resources.

Recognition is also important in international institutions as it determines the level of participation that Inuit are permitted in various multilateral forums. For instance, the ICC has observer status at the UN and permanent participant status in the Arctic Council (Khan 2021, 153). It uses its participation in these bodies to channel domestic and international pressure and demand accountability from colonial states, international organizations, and the larger world of transnational actors without having to confront them directly, which is typically a losing battle for Indigenous nations faced with the much greater resources of other actors (Plaut 2012, 198). While inviting Indigenous peoples into international forums can be seen as bringing an element of justice to the international order, these spaces are limited because they typically do not grant Indigenous peoples authority in decision-making, implementation, or monitoring (Khan 2021, 137 & 153).

Despite these limitations, the ICC contributes to multilateral forums in a variety of ways. For example, it contributed to the drafting of the 2007 UNDRIP and it has contributed to numerous scientific studies for the UN's Intergovernmental Panel on Climate Change (ICC, "Political Universe"). Similarly, the ICC exercises "extraordinary influence" in the Arctic Council (Dorough, in Khan 2021, 153).[27] Although Indigenous permanent participant organizations like the ICC do not have formal voting powers, the Arctic Council's consensus-based decision-making approach grants them a "de facto power of veto should they all

[27] The Arctic Council is the "pre-eminent intergovernmental forum on Arctic cooperation." It has developed forums such as the Arctic Coast Guard Forum, the Arctic Economic Council, and the University of the Arctic. It has also negotiated three legally binding treaties on scientific cooperation, oil spill preparedness, and search and rescue. Additionally, it regularly produces comprehensive assessments and executes projects through its working groups on a range of economic, environmental, social, and scientific topics (ICC, "Political Universe").

reject a particular proposal" (Koivurova & Heinämäki, in Khan 2021, 153).[28] The ICC was instrumental in designing this approach, and according to Plaut (2012), it was the first time a structure of an intergovernmental organization included Indigenous organizations as substantive partners for collective decision-making (203). Indeed, the structure of the Arctic Council represents an important step toward recognizing the parallel sovereignty of Indigenous peoples that is stipulated in international Indigenous rights documents (Khan 2021, 154). This structure is significant because it "removes the state as the definitional reference point of sovereignty" and makes space for transboundary Indigenous representation and authority (ibid., 153–4).

While recognition remains a contentious issue for Inuit, their advocacy through the ICC demonstrates their ability to make strategic use of existing multilateral forums to advance their interests. Through their participation, they have improved the inclusivity and legitimacy of these forums, in addition to making important substantive contributions. In this way, Inuit have demonstrated that states are not the only actors who deserve to be recognized in international institutions, and such recognition has the potential to benefit everyone.

Self-determination

Duane Smith, former ICC (Canada) chair, contends that the conventional definition of sovereignty as "supreme power or authority … could not be further from the truth" in Inuit Nunaat (Smith, in Shadian 2010, 489). Instead, a variety of governance arrangements exist in which Inuit share authority with states, such that neither has supreme power. This is a model of sovereignty based on partnership, and it is this model that "will have most success" for Inuit and their colonial counterparts in the Arctic (ibid.). These various governance arrangements—from

[28] The Arctic Council has six Indigenous permanent participant organizations: the Aleut International Association, the Arctic Athabaskan Council, the Gwich'in Council International, the Inuit Circumpolar Council, the Russian Association of Indigenous Peoples of the North, and the Saami Council (Arctic Council, "Permanent Participants").

public governments to Inuit corporations and resource management regimes—layered with the transboundary Inuit politics of the ICC, the Arctic regional politics of the Arctic Council, and the international politics of the UN system and international law, combine to create a "complex governance reality" which challenges the assumption in conventional IR that "the state is the sole creator and enforcer of policy" when it comes to determining the future of Arctic governance (Shadian 2013, 393). In reality, Inuit and other Indigenous peoples play an important role. For Inuit, success in the state-dominated international system is aided by the ICC, which transcends the boundaries of colonial states and provides a platform for transnational Inuit advocacy that embraces Inuit self-conception as a circumpolar people.

Haudenosaunee: An Unbounded People

What does sovereignty mean to Haudenosaunee?

According to Haudenosaunee knowledge keepers, the Haudenosaunee Confederacy was established in the twelfth century by a figure known as the Peacemaker, who brought about an alliance between the original five nations—Mohawk, Oneida, Onondaga, Cayuga, and Seneca—who had previously been at war (Keating 2018, 78).[29] The Peacemaker's Great Law provided the framework for the Confederacy's semi-democratic consensus-based decision-making structure, which was formalized in the sixteenth century (ibid., 79).[30] The Tuscarora were adopted into the league in the eighteenth century after leaving their traditional territory in North Carolina and Virginia (ibid., 78–9). Other nations, including the Delaware,

[29] The Haudenosaunee Confederacy is also known as the Six Nations or the Iroquois Confederacy, but members generally prefer "Haudenosaunee," meaning "people of the longhouse" (Keating 2018, 78; Lightfoot 2021, 977).
[30] The Haudenosaunee Confederacy has been governing itself under the *Gayanashagowa* ("Great Law of Peace") since before European contact, making it "the oldest continuously functioning constitutional democracy in the world" (Lightfoot 2021, 978). Some argue that Haudenosaunee governance structures influenced the framers of the US Constitution (Pommersheim 2009, 38).

Wyendot, and Tutela, have since joined, and like the Tuscarora, they act through the Cayuga nation (Haudenosaunee Confederacy, "The League of Nations").

The Haudenosaunee Confederacy was "never a country in the modern sense, nor even an empire in the premodern sense, with defined territory surrounded by borders" (Keating 2018, 79–80). This would increasingly become an issue as colonizers began to chip away at Haudenosaunee lands (ibid., 80). In particular, the 1783 Treaty of Paris, which ended the American Revolutionary War, imposed an international border between Canada and the US across Haudenosaunee lands in what is now Ontario, Quebec, and New York (Franz 2019, 289). This fracturing of territory was "catastrophic for the league," but worse was still to come (Keating 2018, 80). The Haudenosaunee Confederacy was originally exempt from the assimilatory legislation of Canada (1876 Indian Act) and the US (1887 Dawes Act), but this began to change by the end of the nineteenth century as both governments sought to abolish traditional Haudenosaunee governance structures, extend citizenship and enfranchisement (without consent), and alienate reserve lands (Franz 2019, 289).

Amid these challenges, Deskaheh (born Levi General), a chief of the Cayuga Nation, emerged as a champion for Haudenosaunee sovereignty on the international stage. He first traveled to Britain to petition King George V to confirm Haudenosaunee sovereignty but was rebuffed on the grounds that the King would not weigh in on a Canadian "domestic dispute" (Keating 2018, 81). Then he traveled to Geneva (on a Haudenosaunee passport) to make his case to the League of Nations, but despite "attending every League function he could ... circulating petitions and pamphlets, giving speeches, and forming strategic alliances with other nations," he failed to get the League to recognize the Haudenosaunee Confederacy as a nation with treaty

rights under international law (Franz 2019, 289). In fact, Deskaheh was never even permitted to address the assembly of the League of Nations (ibid.).[31]

Unmoved by Deskaheh's appeals, Canada and the US doubled down on their colonial policies. The US passed the Indian Citizenship Act and the Immigration Act of 1924, which jeopardized Haudenosaunee jurisdiction over their lands and resources (ibid). Canadian officials censored his campaign's main pamphlet, "The Red Man's Appeal for Justice," and federal police occupied his home in Grand River and put a warrant out for his arrest (ibid.). On November 27, 1924, the government of Canada informed Deskaheh that a new tribal council had replaced the hereditary body he represented, stripping him of his power and his mandate to lobby on behalf of the Haudenosaunee Confederacy (Niezen 2003, 36). Unable to return home, Deskaheh departed for Rochester, where he died a few months later in the home of Tuscarora chief Clinton Rickard (Franz 2019, 289).[32]

The rejection of Deskaheh's petitions occurred at a time when international law was almost exclusively oriented toward the regulation of inter-state relations, with wide latitude for states to address so-called domestic matters (Niezen 2003, 50). Nevertheless, his actions "desecrate[d] the naturalization of settler state sovereignty" (Franz 2019, 299), and his insistence that the Haudenosaunee Confederacy was a sovereign nation would inspire future advocates for Haudenosaunee rights on both sides of the Canada–US border (Keating 2018, 81).[33]

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[31] Niezen (2003) comments that "the representative of the world's first League of Peace received no welcome from the world's newest," referring to the Haudenosaunee Confederacy and the League of Nations, respectively (34–5).
[32] According to Chief Rickard, Deskaheh's last words before he died were to "fight for the line," meaning to fight for the right of Haudenosaunee to freely cross the Canada–US border (Simpson 2014, 137). There is a tragic irony in the fact that the medicine that may have saved his life never arrived from across the border because of trade restrictions (ibid.).
[33] Some of these, like the delegation that sought recognition for the Haudenosaunee Confederacy at the founding conference of the United Nations in 1945, would encounter similar obstacles to the ones Deskaheh faced, such as states' insistence that their problem was domestic and must therefore be resolved within the political institutions of the state (Russell 2021, 102).

For instance, the website of the Kahnawake branch of the Mohawk nation asserts that the Haudenosaunee Confederacy meets the qualifications for statehood stipulated by the 1933–4 Montevideo Convention on the Rights and Duties of States: a permanent population, a defined territory, government, and a capacity to enter into relations with other states (Kahnawake Mohawk Branch, "Government"). Regarding the first two qualifications, the Haudenosaunee Confederacy includes more than 200,000 members, half of whom inhabit traditional Haudenosaunee territory, which can be identified from a series of treaties made with Britain and the US: the Treaty of Fort Stanwix (1768), the Treaty of Fort Harmar (1789), and the Treaty of Canandaigua (1794) (ibid.). With respect to the third qualification, Haudenosaunee government operates as a form of direct democracy at three levels—federal (the Grand Council of Chiefs), national (each member's National Council Fire), and territorial (local Longhouse Council Fires)—in accordance with the Haudenosaunee constitution (ibid.). The Haudenosaunee Confederacy's treaty-making history meets the final qualification, as does its participation in the UN and its practice (since 1977) of issuing passports to its citizens traveling abroad (ibid.). The assertion that the Haudenosaunee Confederacy qualifies for statehood—even if it does not necessarily seek it—serves to "fundamentally interrupt the sovereignty and the monocultural aspirations of nation-states ... especially those that are rooted in Indigenous dispossession" (Simpson 2014, 21–2). It is a reminder to nation-states such as Canada and the US that "they possess a *precarious* assumption that their boundaries are permanent, uncontestable, and entrenched" (ibid.).

However precarious such assumptions might be, for Haudenosaunee, the Canada-US border is nonetheless "in their space and in their way" (Simpson 2014, 115). This is especially true in Akwesasne, a Mohawk town of around 13,000 people (Keating 2018, 67) which straddles

the international border and is crosscut by the boundaries between Ontario, Quebec, and New York (Simpson 2014, 116). This has created a "jurisdictional nightmare" as there are eight governments with at least some level of jurisdiction in Akwesasne: the federal governments of Canada and the US, the provincial governments of Ontario and Quebec, the state government of New York, local elected councils recognized separately by Canada and the US, and a traditional council affiliated with the Haudenosaunee Confederacy (Keating 2018, 72). In terms of national identity, sometimes Akwesasne is American or Canadian, "sometimes it is anything but" (Kalman 2021, 27).

This fluidity frustrates outsiders and residents alike. Akwesasne's unique situation "makes it a curiosity, though not a particularly amusing one to the residents, who feel their right to movement is violated on a daily basis by a border they don't recognize" (Keating 2018, 72). This sense of violation is exacerbated by the fact that the international border often seems arbitrary and artificial. In some places, the only noticeable difference between the two countries is the color of the fire hydrants: yellow in Canada, red in the US (ibid., 70). Keating (2018) calls Akwesasne "the most geopolitically absurd town in North America" since it is "a place where the border, in some respects, doesn't really exist, even while it is also a constant presence in people's daily lives" (67). Responses to the everyday complications of life in Akwesasne vary, making it a site of complacency, collaboration, negotiation, and refusal (Kalman 2021, 27).

The Jay Treaty of 1794–5 adds another layer of complexity to Haudenosaunee border crossings. Officially known as the Treaty of Amity, Commerce and Navigation, it was negotiated by Britain and the US to establish jurisdiction along the Treaty of Paris boundaries and harmonize trade between the two countries (Simpson 2014, 133).[34] Article 3 of the Jay Treaty

[34] After the French Revolution led to war between Britain and France in 1793, US President George Washington sent Chief Justice John Jay to negotiate with the British government to stabilize US relations with Britain and guarantee trade between the two countries (US Department of State Office of the Historian, "John Jay's Treaty, 1794–95").

guarantees Indigenous people living on either side of the international border the right "freely to pass and repass" into Canada or the US (Library of Congress, "Treaty of Amity, Commerce and Navigation").[35] The only stipulation, according to Simpson (2014), is that Indigenous people must be "operating in what has been defined as their cultural traditional 'nexus' of trade" (133–4). This leaves Canada and the US with the power to define who those Indigenous people are and how their right to pass shall be represented and respected (ibid.). This is an important nuance as "Mohawks maintain that their rights under the treaty have been repeatedly violated by government measures" (Keating 2018, 73).

In 1927, the US District Court for the Eastern District confirmed that the right to freely cross the Canada-US border was an inherent "Aboriginal right," meaning that it was "recognized and confirmed, not created," by the Jay Treaty (Simpson 2014, 135). The case, *United States ex rel. Diabo v. McCandless*, concerned Paul K. Diabo, a Mohawk ironworker from Kahnawake who traveled to the US for work (ibid.). With the passage of the Indian Citizenship Act of 1924, Indigenous people in the US became US citizens and those in Canada who traveled and worked in the US became aliens (ibid.). Thus, when Diabo suddenly found himself arrested and deported in 1925 as an illegal alien, he petitioned for a writ of habeas corpus on the grounds that as a member of a "North American Indian tribe," he was exempt from immigration laws as guaranteed under Article 3 of the Jay Treaty (ibid.). The opinion of the court was that "from the Indian view point [sic], he crosses no boundary line. For him this does not exist" (ibid.).

Regardless, from the US government viewpoint, the boundary line does exist, and legitimately or not, the government possesses the power to enforce its policies at the border.

[35] Jay Treaty of 1974–5, Article 3: "It is agreed that it shall at all times be free to his Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America (the country within the limits of the Hudson's bay Company only excepted) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other" (Library of Congress, "Treaty of Amity, Commerce and Navigation").

Currently, the US government recognizes that under the Jay Treaty, "American Indians may travel freely across the international boundary" (U.S. Embassy & Consulates in Canada, "First Nations and Native Americans"). It interprets this provision such that "Native Indians born in Canada are entitled to freely enter the United States for the purpose of employment, study, retirement, investing, and/or immigration" (ibid.). However, it stipulates that "to qualify for these privileges"—not rights, apparently—"eligible persons must provide evidence of their American Indian background" and "the documentation must be sufficient to show that the bearer is at least 50% of the American Indian race" (ibid.).[36] Setting aside more general problems with blood quantum requirements,[37] this requirement reduces Indigenous identity to a racial category, ignoring its significance as a marker of political—and even national—affiliation and actively erasing political collectivity and thus sovereignty.

It is policies like these that make the Canada-US border a site where "identity is activated and the settler state manifests," especially since crossing it involves answering questions about nationality and providing state-produced documents as evidence (Kalman 2021, 13 & 24). For residents of Akwesasne—called Akwesasronon—responding to these kinds of questions at the border often involves a compromise between principles and practicality as they must frame their national identity in ways that are legible to border officers and thus the colonial state (ibid., 13). For some, "doing what's right" means refusing to be anything other than Akwesasronon (ibid.). Many who choose this course believe that "people who stand up for their beliefs will be rewarded in the long term and do not have to compromise their sense of what is right" (ibid.). For others, the practicality of framing themselves as "American" or "Canadian" outweighs the

[36] Accepted forms of evidence are identification cards issued by the Ministry of Indian and Northern Affairs or written statements from tribe officials substantiated by tribe records and birth certificates (U.S. Embassy & Consulates in Canada, "First Nations and Native Americans").
[37] For a discussion of this issue, see Teves, Stephanie Nohelani, Andrea Smith, and Michelle H. Raheja. 2015. "Blood." In *Native Studies Keywords*, 199–232. Tucson: University of Arizona Press.

cost of refusing since "people have to go to work, go to school, take care of their families, and so forth" and they do not have time to be held up at the border—or worse, detained (ibid.).

This brings me to the problem of documentation. While the Haudenosaunee passport tends to get people's attention, its significance is more symbolic than practical (ibid., 35). According to Kalman (2021), "for every crossing in Akwesasne with a tribally generated document that insists on Mohawk nationhood there are far more crossings using documents that either are produced by settler states (like a US or Canadian passport) or, though tribally manufactured (such as status cards), do not insist on any sort of Mohawk nationhood" (26). In fact, in a survey of 413 Akwesasronon, Kalman found that less than 1 percent of respondents listed the Haudenosaunee passport among the top three documents they used to cross the border (ibid., 33). There are many reasons for this: border officers often do not accept the passport, status cards are easier to acquire than passports, and status cards fit conveniently into wallets (ibid., 26 & 34). Nevertheless, crossings on the Haudenosaunee passport do occur, and many more would likely occur if states did not discourage travelers from using them (ibid., 26).

Though rarely used, the passport is still significant. Haudenosaunee delegations and sports teams travel exclusively with it as one of the most visible expressions of their sovereignty (Lightfoot 2021, 982).[38] While states are often publicly reticent to accept such expressions, in practice they are more flexible, and some have demonstrated a surprising openness to the Haudenosaunee passport (ibid., 987–8). In 1977, the US State Department officially recognized the passport, stating that anyone who presented one should be treated like an American citizen (ibid., 982). Similar agreements with other countries, including Canada and the UK, followed

[38] To ensure such travel goes smoothly, Haudenosaunee delegations typically contact the consular services at their intended destination in advance, present their Haudenosaunee passports, and ask for visas (Lightfoot 2021, 982). This process occurs "quietly and non-publicly ... like anyone respectfully requesting permission to enter a country by applying for a visa" (ibid., 982–3).

soon after (ibid.). Though post-9/11 security concerns led to heightened scrutiny of the Haudenosaunee passport, difficulties with it are the exception, not the rule (ibid., 987). This suggests that "borders, citizenship and sovereignty … are all far more flexible, dynamic and peacefully negotiable for Indigenous peoples" than conventional IR theory would predict (Lightfoot 2021, 990).

What does this tell us about sovereignty?

Borders

The Canada-US border means something different to Haudenosaunee than it does to colonial states. For Canada and the US, borders are lines on a map that delimit the bounds of their sovereignty. For Haudenosaunee, borders are colonial impositions that interfere with the realization of their sovereignty in their own lands. While Canada and the US view Haudenosaunee territory as divided into Canadian and American parts, Haudenosaunee assert that it is all one territory and that it "was divided and is administered without their consent" (Simpson 2014, 131).

Although Haudenosaunee must acknowledge the existence of the border on a practical level since it constrains their everyday activities, many challenge its existence on a normative level by contesting its legitimacy. This perception shapes how Haudenosaunee navigate border crossings, especially in places like Akwesasne where these crossings are a part of daily life. In some cases, they may refuse to consent to "colonial mappings" of their territory (ibid., 128). On a micro-level, this manifests in contentions interactions between Akwesasronon and border officers. On a macro-level, it destabilizes the institution of settler sovereignty by presenting an alternative view of space with which colonial states must contend.

National identity

Historically, both Canada and the US treated members of the Haudenosaunee Confederacy as citizens of a foreign nation. They conducted relations through treaties and excluded Haudenosaunee from automatic citizenship by birth, requiring that they fulfill naturalization processes to attain citizenship, which few chose to do (Lightfoot 2021, 980). This changed in 1924, when the US government passed legislation that unilaterally made all Indigenous people within US borders American citizens (ibid.). In 1960, Canada did the same (ibid.). Since there was no opt-in process in either case, Haudenosaunee were essentially "conscripted" into citizenship (Frichner, in Lightfoot 2021, 980). However, this did not stop them from attempting to opt out. In fact, after the passage of each set of legislation, the Haudenosaunee Confederacy notified each state that its members "would not accept imposed citizenship and would remain Haudenosaunee citizens exclusively" (ibid.).

This history has made crossing the Canada-US border, which typically requires some form of national identification, a fraught process for Haudenosaunee. While many Indigenous peoples in Canada and the US have come to embrace—or at least accept—the notion that they are "dual citizens" of both their own Indigenous nation(s) and a colonial state, Haudenosaunee are more likely to reject identification as "Canadian" or "American" in favor of sole Indigenous identification (Lightfoot 2021, 979). This identification may or may not be legible to border officials, who represent colonial states for whom questions of membership are closely linked to questions of sovereignty.

Recognition

Recognition relates not only to the nation, but also to the rights of members of that nation, such as the rights to free passage and trade across the Canada-US border guaranteed by the Jay Treaty. Recognition of these rights is subject to judicial interpretation, which is often based on questionable premises. For example, in 1988, Akwesasne grand chief Mike Mitchell tested the Jay Treaty by traveling from the US to Canada to renew trade relations with the Mohawk community of Tyendinaga, but his right to trade within Mohawk territory was not upheld because of an absence of archaeological evidence showing that Mohawks had historically traded north of the St. Lawrence River (Simpson 2014, 140). This ruling was based on the culture test laid out in *Van der Peet*, a 1996 Canadian Supreme Court decision that defined "Aboriginal rights" based on "cultural practices that were in place prior to settlement" (ibid.). This definition, which treats culture—rather than sovereignty or historic agreement—as the basis of Indigenous rights, is severely flawed.[39] Moreover, by affixing "culture" to a single point, it fails to recognize that Indigenous cultures—like all cultures—evolve over time without becoming less authentic.

For Haudenosaunee, accepting the culture test as a legitimate premise for the protection of Indigenous rights is unacceptable. Their unextinguished sovereignty is the basis of these rights, including those guaranteed by the Jay Treaty. While it may seem trivial to outside observers, accepting any premise short of sovereignty is hazardous because it entails tacit assent to live in a "settled state":

[39] Simpson (2014) aptly describes the problems with the culture test: "Looking for 'culture' instead of sovereignty (and defining culture in particularly exclusionist, nineteenth-century ways) is a tricky move, as sovereignty has not in fact been eliminated. It resides in the consciousness of Indigenous peoples, in the treaties and agreements they entered into between themselves and others and is tied to practices that do not solely mean making baskets as your ancestors did a hundred years ago, or hunting with the precise instruments your great grandfather did 150 years ago, in the exact same spot he did as well, when witnessed and textualized by a white person" (20).

> In this there is acceptance of the dispossession of your lands, of internalizing and believing the things that have been taught about you to you: that you are a savage, that your language is incoherent, that you are less than white people, not quite up to par, that you are then 'different,' with a different culture that is defined by others and will be accorded a protected space of legal recognition if your group evidences that 'difference' in terms that are sufficient to the settlers' legal eye (ibid., 22).

For many Haudenosaunee, accepting these conditions "is politically untenable and thus normatively should be refused" (ibid.). According to Simpson (2014), the alternative to recognition—which involves "the desire to have one's distinctiveness as a culture, as a people, recognized"—is refusal, which requires "having one's *political* sovereignty acknowledged and upheld" (11). Refusal flips the usual power dynamics, "rais[ing] the question of legitimacy for those who are usually in the position of recognizing" (ibid.).

Self-determination

Haudenosaunee clearly articulated their vision of self-determination as early as the seventeenth century, when they signed a treaty of peace and friendship called the *Guswentah* ("Two Row Wampum") with the Dutch colonists (Lightfoot 2021, 978). The *Guswentah* is a physical belt with two rows of purple beads surrounded by rows of white beads symbolizing

> two paths or two vessels, travelling [sic] down the same river together. One, a birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be for the white people and their laws, their customs

and their ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other's vessel" (Williams 1990, 327).

The *Guswentah* established "a code of non-interference and a policy of mutual respect for the independence and sovereignty of both parties" (Kahnawake Mohawk Branch, "Government"). Haudenosaunee were able to sustain this vision over time, as none of the treaties they signed with the Dutch, British, French, or Americans "included the explicit surrender of Haudenosaunee 'sovereignty'" (Lightfoot 2021, 979). Today, "despite continual pressure and/or coercion" from Canada and the US to assimilate, Haudenosaunee continue to "understand themselves as a nation that is distinct from—albeit surrounded by—and undisruptive toward" both countries (Deer, in Lightfoot 2021, 979). While there is certainly variation in what self-determination means to Haudenosaunee, consistent across all perspectives is the notion that they should be permitted to steer their own canoe.

Conclusion

The conventional view of sovereignty in IR, based on conservative notions of borders, national identity, recognition, and self-determination, makes it difficult to understand unconventional (from the perspective of mainstream IR scholars) contexts such as Indigenous nations. While it is common to hear that Indigenous sovereignty is not *real* sovereignty, this misses the point: when Indigenous peoples claim sovereignty for themselves and their nations, they are challenging the conventional understanding of sovereignty while strategically leveraging its legibility to existing power structures to advance their own self-determination. Thus, there is a productive tension in using concepts like "nation" and "sovereignty" with respect to Indigenous

peoples.[40] Moreover, Indigenous reinterpretations of sovereignty center Indigenous sovereigns, rhetorically enacting a future in which they are partners with, rather than subordinates to, states.

"Indigenizing" IR, by which I mean learning to value the knowledge and perspectives of Indigenous peoples, especially when they challenge conventional knowledge, requires a reconsideration of how sovereignty operates within our political systems (Ferguson 2016, 1034). This reconsideration presents a tremendous opportunity for creative reconceptualizations of sovereignty that move toward "new envisioned futures" (Wildcat & De Lean 2020, 17). Indeed, within academic circles, sovereignty has become a buzzword within a broad range of disciplines (Bonilla 2017, 330). Grimm (2015) describes this as the "sovereignty boom" and suggests that the recent proliferation of works on sovereignty in the legal and political literature is indicative of a crisis, such that there is no longer a consensus about what sovereignty means (102). Given the history of sovereignty and its use in legitimating (neo-)colonialism, this is probably a good thing. The consensus about sovereignty that prevailed among governments and in the academy tended to exclude Indigenous peoples and subject them to the authority of states that actively worked against their interests. Now, as sovereignty becomes increasingly unsettled, meaning both destabilized and separated from settler-colonial assumptions, there may be a greater openness to conceptions of sovereignty that de-center the state. As I have shown, Indigenous conceptions of sovereignty have much to contribute in this regard.

What does sovereignty de-centered from the state mean in practice? Consistent with the diversity of Indigenous nations, there are a multitude of possibilities, ranging from conservative—such as creating parliamentary seats for Indigenous representatives within

[40] Teresa Montoya suggested the concept of "productive tension" to me in an undergraduate seminar.

existing state institutions[41]—to radical—such as granting legal personhood to landforms.[42] Different contexts call for different approaches, so the ideas I will present in this section are meant to be illustrative rather than prescriptive.

For instance, Rÿser (2012) envisions new international institutions, such as a Congress of Nations and States, which would provide a forum for the governments of states and nations "to develop new international protocols that provide for new approaches to dispute resolution" to address conflicts between nations and states (230). He contends that "where states exist and serve the needs of human society they should be nurtured and celebrated, but where states fail to serve the needs of human society, they should be allowed to disassemble in a planned process which permits the nations within to systematically reassume their governing responsibilities" (ibid., 226). This planned disassembly is unfamiliar and potentially chaotic, but its disruptive potential is arguably one of its greatest assets as it presents an opportunity for institutional innovation and creativity regarding acceptable ways of being in the world, from conventional nation-states to Indigenous confederacies (ibid., 229).

Rÿser also emphasizes the principle of subsidiarity, whereby decision-making occurs at the "scale most appropriate to the problem" (ibid., 220). Building on this, Lightfoot (2013) advocates for "multilevel citizenships arrangements" that accommodate the self-determination rights of "preexisting sovereign, Indigenous nations" by building alternatives to national level governments (144). She cites Nunavut, a Canadian territory in which "Inuit membership and Nunavut citizenship overlap and intersect," as one possible model (ibid., 137). On the one hand,

[41] In Aotearoa/New Zealand, Māori have elected four members of Parliament for over one hundred and fifty years: "the country is divided into eighty-two ridings for European voters" and "the same country is divided into four ridings for Maori voters" (Manuel & Posluns 1974, 237).

[42] The island of Te Urewera in Aotearoa/New Zealand exercises a form of self-ownership by which the land is kept in an inalienable fee simple form held by Te Urewera itself. In 2017, the government of Aotearoa/New Zealand recognized two other nonhuman legal persons: Mount Taranaki, a volcanic mountain, and Whanganui, the country's third-largest river. This innovative strategy respects Māori cosmologies which view the land "as both their ancestral home and relative" and aims to protect it from degradation (Nichols 2020, 147–8).

Nunavut has clearly delineated territory and a legislative assembly and public government that is subject to the federal government of Canada (ibid.).[43] On the other hand, Nunavut's legislative assembly uses the Inuit language, has a consensus-based decision-making process, and operates without political parties, all in accordance with Inuit customs and values (ibid., 138). Moreover, the territory has legislation recognizing that "Inuit are best able to define for themselves who is, in fact, Inuit" (ibid., 138).[44] While this multilevel structure may not be possible—or even acceptable—for every Indigenous polity, Nunavut illustrates one way of making space for both state and Indigenous sovereignties.

Such innovative approaches exist in what Kevin Bruyneel calls the "third space of sovereignty," which rejects the "imperial binary"—"assimilation or secession, inside or outside, modern or traditional"—and refuses the "false choice of either destruction or denial," which dictates that either Indigenous nations "must become sovereign states, thereby destroying the settler-states within which they reside," or else they "must accept unambiguous inclusion in the settler polity, thereby denying their collective claim to sovereignty" (Bruyneel 2007; 217, 219). This false choice is built on two presumptions: the colonialist one which views the settler polity as the "ideal of modern political development" while denigrating Indigenous polities, and the statist one which treats state institutions as the only viable and legitimate means through which sovereignty can be secured and expressed (ibid., 219). Resisting these presumptions requires a degree of comfort with the idea that Indigenous and state sovereigns are not mutually exclusive, and that the presence of both in the international system enhances this system (Esterling 2021, 179). In addition to its practical utility as a framework for governance structures that respect

[43] This structure ensures representation for the 15 percent of Nunavummiut (citizens of Nunavut) who are not Inuit (Lightfoot 2013, 137–8).
[44] The Nunavut Land Claims Agreement, which helped establish the territory, states that an Inuk (singular form of Inuit) "is a person who is a Canadian citizen, is Inuk as determined in accordance with Inuit customs and usages, identifies as Inuk, is associated with an Inuit community, and is entitled to enrolment on the Inuit Enrolment List" (Lightfoot 2013, 138).

multiple sovereignties, the third space of sovereignty is also a useful theoretical concept for IR scholars seeking to de-think statist assumptions about sovereignty.

In this thesis, I have argued that the way conventional IR constructs the concept of sovereignty helps to reinforce the dominance of states in the international system, which perpetuates the logic of colonialism by excluding Indigenous sovereigns from full participation. I have also demonstrated that Indigenous peoples challenge the hegemony of these state-centric notions by enacting their own conceptions of sovereignty to transcend state-imposed boundaries. Inuit use the ICC to advocate for their interests as a circumpolar people at the international level. Haudenosaunee, especially Akwesasronon, challenge the legitimacy of the Canada–US border through everyday interactions with border officials. In these and countless other examples, Indigenous peoples express sovereignty in ways that de-center the state. When IR scholars dismiss such conceptions of sovereignty, they perpetuate colonial power dynamics and foreclose the possibility of understanding the international system in deeper and more nuanced ways. Therefore, to understand international realities and stop obstructing Indigenous aspirations, IR scholars must embrace the idea that states are not the only sovereigns in the international system.

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