



Between Ecology and Indigeneity

Intersections of Earth, Country and Power

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Abstract

We live at a time of unprecedented ecological and socio-political crisis—climate change, pandemic, extinction, inequality, and repression—yet everywhere it is underpinned by the dispossession of Indigenous peoples and the persistent refusal of Indigenous authority and sovereignty. Bringing together concerns about bio- and necropolitics, habitat destruction and animal cruelty, corporate-colonial modes of conservation, whitened food systems, and settler-colonial systems of land, business and environmental law, this special issue highlights enduring structures of injustice and creative lines of Indigenous resistance, authority, and cultural-political transformation.

Keywords: food, Indigeneity, justice, law, sovereignty, palm oil

We live at a time of unprecedented ecological and socio-political crisis: pandemic, extinction, climate emergency, neo-fascist resurgence. Yet dig beneath their entangled roots and we find imperial logics, trauma, and capitalism, all which rest on the dispossession of Indigenous peoples and a view of nature as an infinite and exploitable resource with no agency, rights or presence separate from human and capitalist desire (Plumwood, 2002).

Recent events underline the persistence, connection, and crisis across these political ontologies. Scientists publish research which shows that after decades of deforestation, dispossession and uncontrolled burning, the Amazon has become a net carbon emitter rather than one of the world's most crucial carbon sinks (Gatti et al. 2021). Global Witness (2021) publishes a report citing 2020 as a record year in the murder of environmental defenders, with half the killings occurring in the Philippines, Colombia, and Mexico. In the latter country, half the attacks were directed at Indigenous communities. Three senior executives of the global resources giant Rio Tinto resign after shareholders revolt at the government-approved blasting of 46,000-year-old caves in the Juukan Gorge of Western Australia sacred to the Puutu Kuntji Kurrama and Pinikura peoples—yet the company still holds 1,780 approvals to destroy sacred sites (Albeck Ripka 2020; Allam 2020). Meanwhile, Indigenous communities continue long battles with vast coal mines in Queensland, India, Colombia, and Venezuela (Hermann 2020; Choudery 2015; Cassey 2020; Smee 2021). Yet pro-environment politics also generate concern: international legal efforts to protect biodiversity are being warned against perpetuating 'fortress conservation' models that exclude Indigenous peoples from traditional lands and leave them vulnerable to repression while commodifying protected areas (Pemunta, 2019; International Expert Group Meeting, 2019; Reliefweb, 2020).

The fossil fuel industry; global agribusiness and extraction; neoliberal carbon trading and conservation; neo-fascist nostalgias and post-imperial resentment—these are all morbid symptoms of a global organisation of political and economic life that is being challenged and undone by the chaotic agency of the Earth itself.

Between ecology and Indigeneity

This special issue came together following a 2020 Sydney Environment Institute workshop *The Re-(E)mergence of Nature in Culture*, and was formed around our awareness, as scholars of environmental politics and political theory, that Indigenous peoples and struggles are everywhere present in questions of environmental crisis and despoliation, and that the deliberate severing of Indigenous authority and relations to land are central to Anthropocene environmental histories. These histories are colonial and imperial histories that, whether we consider resource extraction or fortress conservation, are perpetuated in settler-colonial and endo-colonial forms in an ostensibly post-colonial era. Most of these essays focus on the politics of settler-colonial states such as the USA, Australia, Aotearoa New Zealand, and Canada. However, in the global South—from China, Indonesia, Malaysia, Papua New Guinea, Nigeria, and the Philippines, to Brazil and other states sharing jurisdiction over the Amazon—post-colonial states also exist in endo-colonial relationships of repression, theft and violence to Indigenous peoples and lands. This is underlined powerfully in Sophie Chao's analysis of the palm oil industry in Indonesian-controlled West Papua. If we consider the state's colonial appropriation of nonhuman nature—one that dates from the social contract theory of John Locke (Arneil, 1996) and is now embedded in the international customary law doctrine of permanent sovereignty over natural resources—the settler-colonial is not a type of state; the state *is* settler-colonial.

This special issue is organised around no single question beyond our shared conviction that environmental struggles and harms are bound together with the histories and struggles of Indigenous peoples, and that the multiple ways in which they intersect deserve space and scholarly consideration. This intersection by necessity requires an interdisciplinary inquiry across culture, anthropology, geography, politics, and law, and challenges received wisdoms

and the cultural appropriation and marginalisation of Indigenous authority (Todd, 2016).

While the essays have a variety of locations, problematics and concerns, some core themes emerge: the perseverance of bio- and necropolitical forms of politics towards both Indigenous communities and more-than-human animals; the unjust entanglement of Indigenous peoples with colonial law and geographies; and the operation of problematic and corporate-colonial systems of conservation. Underpinning them all is the overwhelming presence of the settler-colonial state and its aversion to Indigenous sovereignty and political authority. Yet this also always met with resistance and creativity—scholarly, cultural, legal, and political—affirming Indigenous cultures and identities that cross borders and time and are thus (in the words of Bronwyn Fredericks and Abraham Bradfield) ‘mutually ancestral and contemporary’.

Beyond settler-colonial biopolitics

Biopower, and the attendant biopolitical assemblages created when politics takes hold of life, are evident across these essays. These concerns are especially evident in Rowena Lennox and Fiona Probyn-Rapsey’s ‘Colonialism and Conservation’, in which environmental ‘management’ sees the more-than-human as manipulatable objects used to meet human needs. They are made killable as ‘pests’ and disallowed to the point of death as ‘invasive’ species.

At the same time, humans are caught up and torn asunder by these very same assemblages: Indigenous peoples, their bodies, laws, cultures, religions, and the right to their own bodies and self-determination are destroyed through legal fictions like *terra nullius* and in treaties signed and broken. The killing and control of native species, and of the land itself, is connected to the domination of human bodies and cultures. Biocide and genocide meet, in ways that challenge the devaluing and separation of human and nonhuman animals. Capitalism and colonialism wrap up humans, nonhumans, and ecologies into a death roll that profits the very few.

In turn, these extractive and deadly economic and political systems are propped up by ideologies that ground themselves in Western science and philosophy. The dominant Western understandings of the world harbor

ontological and epistemological commitments that are focused on an atomized and individualistic consumer who imagines the planet, and the other beings on it, as others just like itself: a rational and liberal subject fixated on the self at the expense of others.

But there are worlds other than these.

What possibilities exist for understanding how life and politics are bound together beyond biopolitics, colonialism, and capitalism? This special issue is a how-to manual for answering this question. The articles provide clear and relevant examples of the needed structural changes, theoretical reframings, paradigm shifts, and policy modifications and transformations for better living on an entangled Earth.

Each article in this issue tangles with issues and concepts fundamental to political life: sovereignty, law, time, and space. They build on and pressure current systems to recognize how land and bodies are intertwined and harm against either is a grave intersecting injustice. This reality must be recognized in new legal fictions that incorporate the nonhuman and ecologies into its statutes and policies. Each offers ways of understanding freedom and connection in different assemblages of care and response, and in interpretations of time and space as interconnected and nonlinear.

Christine Winter writes of new legal fictions and personhoods find form in new nonhuman personhood structures and their potential to fight the influence of other pernicious corporate 'persons.' Joshua McEvoy and Liam Midzain-Gobin show how indigenous sovereignty is asserted and reclaimed with the control and regulation of utilities infrastructure. This critical bordering practice rejects nonzero sum models and practices of western settler sovereignty. Similarly, Carley-Jane Stanton's situated ethnography highlights how NSN Whu'ten assertions of authority and regulatory power create structures of protection for ecologies, Indigenous communities, and settler workers. Repressive histories and formations of sovereignty and whiteness also embed themselves in the very material with which Indigenous peoples sustain themselves—food—as Kristen Lyons and co-authors explain via their critique of corporate and whitened food systems. They call for an 'unsettling of whiteness' to challenge the violence wrought by settler-colonial food systems and to re-

centre living ecologies and interconnected systems across foodways.

Indigenous sovereignty is based on ontologies of land governance that recognizes 'inter-being relationality' and connection to country. Country is created when land, people and the law live in common; country is born from the association of land, people, and law. Western fantasies of pristine wilderness protected for recreation or conservation misses the deep connection that humans create with land and the other beings with whom we share it. Such concerns motivate the efforts to eliminate fortress conservation and assert Indigenous rights and sovereignty in the context of the Convention on Biological Diversity's protected area goals, but also motivate opposition to deeply suspect forms of corporate conservation enabled by settler-colonial violence in West Papua and on Pelorus.

Law, sovereignty and authority

Borderlands—established in Australia, and with editors there and in Aotearoa New Zealand—comes to you from two settler-states. The idea of 'state' is used to make one of a multitude, 'girt' as Australia's national anthem tells us 'by sea', or within lines scratched across the surface of the earth, etched onto maps, into treaty and agreement, and burnt into popular imaginaries of citizenship and who or what is to count.

Governmental responsibilities for the multitude are reduced (perhaps one might say traduced even) to a subsection of the whole; to corporates and a monolithic representation of who counts, whose dignity and sovereignty should be protected. This edition bares, as in 'lays bare', the violent authority of the state in erstwhile civilised nations. It identifies how the law is weaponised to disenfranchise people, species, and ecosystems (as Chao, Lennox and Probyn-Rapsey, McEvoy and Midzain-Gobin attest). States use law and sovereignty claims to dominate over the Peoples of the First Nations of those lands, who nonetheless repeatedly, and ongoingly, refuse the brutal colonial drive for them to vanish, to dissolve into the sunset (Veracini, 2015). Despite this grim framing, as demonstrated by Jessica Weir, Christine Winter and Carley-Jane Stanton, we see how the tools of sovereign authority can be imaginatively repurposed, drawing the State and Indigenous Peoples into dialogue and

negotiation—directly and indirectly. While Indigenous Peoples are subject to brutal displacement around the world, we also witness an Indigenous sunrise; a new dawn in times of existential threat under which the global order is faltering.

As Tuck and Yang declared in 2012, claims of decolonisation within the academy, while well-meaning and important, are for Indigenous Peoples just a rhetorical flourish, a metaphor, until Indigenous sovereignty over their lands is reinstated. That is, lands, waters, air, seas, and the multiple forms of life within and upon them must once more revert to the sovereign protections of First Nations and engagement with the elemental and living beings must be guided by Indigenous Law. There can be no Indigenous justice (and thence no environmental or multispecies justice) until harmonious relationships between people and bio-geo-physical worlds are restored.

This no doubt seems a tall order; how do those cossetted within ivory towers return sovereignty? Perhaps it starts with listening—as Jessica Weir amply demonstrates—really listening. By suspending always already questions, always already answers. Not to do so continues the patterns of domination—over Peoples, the more-than-human, and the elemental—of forced homogeneity in which the freedom to imagine otherwise has become paralysed.

Our times call for imagination. Liberal settler states built from the principle of freedom from domination live with internal contradiction, and Indigenous people are challenging that contradiction—as McEvoy & Midzain-Gobin show us from British Columbia. To establish their own energy utility to supply its own, the S'cianew First Nation community requires permission from the state. And the state does not have the structures that can enable this sort of internal sovereignty and it assumes it has the power to determine how a recognised Tribal Nation may or may not act. Meanwhile, in Aotearoa New Zealand three iwi groups have blended Māori epistemology and ontology with western legal corporate law to gain the right for bio-geo-regions to be self-managing. A small step towards reimaging shared sovereign responsibilities. It is one, however, that ensures the Crown retains a voice.

Why do we suggest that these issues of sovereignty are ones of the moment—this moment of accelerating climate change, species loss, desertification, forest

fires, floods, and heating oceans? Why do these times call for listening, for full and thorough decolonisation, for reimagining sovereignty? Because we cannot address ecosystem collapse using the same tools and the same philosophical framing that created and now accelerates it. Because a liberal state cannot be liberal if it continues to dominate members of its own society, and because the impulse to cast the 'Indigenous' to the margins, to modernise along well-trodden paths, remains. Furthermore, Indigenous cultures harness a different set of philosophical tools to those employed by settler states and global regulatory bodies. Indigenous philosophies are, of course, not uniform. However, nor do they derive from the Enlightenment imaginary that etches deep insurmountable divides between human and nonhuman, culture and nature, and spirit and reason.

The path to Indigenous sovereignty calls for imagination, and simultaneously Indigenous sovereign engagement with the nonhuman realm may open pathways to addressing global, or indeed, planetary injustice of the kind Dipesh Chakrabarty (2021) calls for. There is no one answer to how to establish effective sovereign borders and sovereignty for marginalised Peoples. However, that the time is ripe for open listening and imaginative solutions is indisputable in the face of the planetary, where the borders between human and nonhuman are exposed in their porosity, and as oppression and domination continue as blunt instruments of statehood, law, and sovereign power.

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References

Albeck-Ripka, L. (2020) ‘Executives to Step Down After Rio Tinto Destroys Sacred Australian Sites’, *The New York Times*, 11 September 2020.

Arneil, B. (1996) *John Locke and America: The Defence of English Colonialism*. Oxford: Clarendon Press.

Cassey, B. (2020) ‘India’s ancient tribes battle to save their forest home from mining’, *The Guardian*, 10 February 2020.

Chakrabarty, D. (2021) *The Climate of History in a Planetary Age*. Chicago and London, Chicago University Press.

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Choudhury, C. (2015) 'Not Just a Coal Block', *Pari*, 2 January 2015.

Gatti, L.V., Basso, L.S., Miller, J.B. et al. (2021), 'Amazonia as a carbon source linked to deforestation and climate change'. *Nature*, 595, 388–393.

Global Witness. (2021) 'Last Line of Defence; the industries causing the climate crisis and attacks against land and environmental defenders'.
<https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

Lise Josefsen Hermann, 'In a Fight Over a Colombian Coal Mine, Covid-19 Raises the Stakes', *Undark*, 22 July 2020.

International Expert Group Meeting, 'Conservation and the rights of indigenous peoples' (Articles 29 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples), 23-25 January 2019, United Nations Office in Nairobi, Kenya.

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/12/EGM_2019_ConceptNote.pdf

Plumwood, V. (2002) *Environmental Culture: The Ecological Crisis of Reason*. London and New York: Routledge.

Reliefweb. (2020) 'NGO concerns over the proposed 30% target for protected areas and absence of safeguards for Indigenous Peoples and local communities.' 2 September. <https://reliefweb.int/report/world/ngo-concerns-over-proposed-30-target-protected-areas-and-absence-safeguards-indigenous>

Smee, B. (2021) 'Queensland police regret making Indigenous leader leave Adani mine site during protest', *The Guardian*, 13 July.

Todd, Z. (2016) 'An indigenous feminist's take on the ontological turn: 'ontology' is just another word for colonialism'. *Journal of Historical Sociology*, 29(1), pp. 4-22.

Tuck, E., and Yang, K. W. (2012) 'Decolonization is not a metaphor'. *Decolonization: Indigeneity, Education & Society*, 1(1), 2012, pp. 1-40.

Veracini L. (2015) *The Settler Colonial Present*. London: Palgrave.