The State and Indigenous Governance in North America and Sub-Saharan Africa:

A Cross-Disciplinary Discussion, May 4 - 6, 2022

Edited by

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Acknowledgments

Like many other scholarly conversations, this one started with listening to communities. The hope is that this report will in some ways close the circle, bringing the conversation back to communities, and the public more generally. Engagement and dialogues with and within Indigenous communities are priorities for all those who were involved in this workshop. For many of the scholars who participated, their own communities are what drives their research and passion for their work. Others are working to become allies and friends. All recognize the importance of Indigenous governance, rights, and sovereignty. Thank you for sharing your time, expertise, and friendship.

Karolina Werner

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James Collie is a PhD student at the University of Western Ontario in Political Science. His research interests include the Crown-Indigenous relationship, settler colonialism, and climate change. He is a settler himself and seeks to approach these topics with the utmost sensitivity and awareness.

Dr. Pierre Englebert is Associate Dean of the College and the H. Russell Smith Professor of International Relations and professor of politics at Pomona College. He has a bachelor's degree in Political Science and International Relations (1985) and a master's degree in International Law from the Free University of Brussels (1986), as well as a Master of Arts in International Relations (focus on Africa and International Development) from the Johns Hopkins University School of Advanced International Studies (SAIS, 1988). He earned his PhD in Political Economy from the University of Southern California (1998).

Dr. Kahente Horn-Miller (Kanien:keha'ka/Mohawk) is an Associate Professor in the School of Indigenous and Canadian Studies and holds the inaugural position of Assistant Vice President Indigenous Teaching, Learning and Research at Carleton University which supports the hiring and retention of Indigenous faculty, promotes the development of Indigenous pedagogical tools, co-teaching models and Indigenous-focused learning spaces, and guides the Ānako Indigenous Research Institute and other research initiatives. She currently coordinates the development of Collaborative Indigenous Learning Bundlesin response to the TRC Calls to Action. The Bundles are proving an effective model for engaging faculty, students, and staff in Indigenous/Canadian history while undoing troubled relations and opening eyes to Indigenous pedagogical practices. Horn-Miller also is a Co-Chair on the Carleton University Strategic Initiatives Committee which developed a renewed Indigenous Initiatives strategy called the Kinamagawin Learning Together Report. Her teaching practice, published writing and performance/storytelling centers in the Haudenosaunee philosophy of feminine Mother Law, bringing forth a way of engaging with the world in a relationship of respect, reciprocity and balance through ethical research, consensus-based decision making, and women centred Indigenous knowledge.

Dr. Hany Besada is a Senior Research / Programme Advisor at the United Nations Office for South-South Cooperation (UNOSSC). He is also a Non-Resident Senior Research Fellow with the United Nations University-Institute for Natural Resources in Africa (UNU-INRA); Senior Fellow, Bill Graham Centre for Contemporary International History, University of Toronto and Research Fellow, China Institute for South-South Cooperation in Agriculture (CISSCA), China Agriculture University. Until recently, he was Research Professor, Institute of African Studies, Carleton University and Senior Fellow, Columbia Centre on Sustainable Investment (CCSI), Columbia

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Shaun Hislop is a PhD student in the Department of History at the University of Western Ontario, in collaboration with the Centre for Transitional Justice and Post-Conflict Reconstruction. Shaun examines how contemporary debates and controversies about the historicization of empire, decolonization, and a focus on official 'memory culture' fail to expose the discursive continuity of imperial thought patterns. Using Brand and Wissen's concept of "imperial modes of living" to show how exploitative relationships with roots in European colonial empires are an embedded function of global capitalism, Shaun's research seeks to dismantle the historical obfuscations of colonialism in European approaches to (forced) migration. Attempts by Western democracies to seek reconciliation with

the victims of colonial violence, for example, are undermined by their paradoxical support for the securitization of asylum policy, the militarization of border regions and the material disenfranchisement of migrating people.

Dr. Shalene Jobin is an Associate Professor in the Faculty of Native Studies, Canada Research Chair in Indigenous Governance, and Director of the Indigenous Governance program at the University of Alberta. Dr. Jobin is the co-creator and founding Academic Director of the Indigenous Partnership Development Program, an executive-level teaching partnership; and co-creator and founding co-lead of the Wahkohtowin Law and Governance Lodge to provide law and governance supports to Indigenous communities. Dr. Jobin has a book manuscript in press with UBC Press titled, *Upholding Indigenous Economic Relationships*: *Nehiyawak Narratives*. Shalene is Cree from her mother (Wuttunee family) and Métis from her father (Jobin family) and is a member of Red Pheasant Cree First Nation (Treaty Six). Shalene has published in the edited collections *Living on the Land: Indigenous Women's Understanding of Place* (2016), *Creating Indigenous Property: Power, Rights, and Relationships* (2020), *Indigenous Identity and Resistance* (2010), and in the journals *American Indian Quarterly* (2011), *Revue Générale de Droit* (2013), and *Native Studies Review* (2016). She has also co-authored in *Canadian Legal Education Annual Review* (2021), *Surviving Canada* (2017), and A*boriginal Policy Studies* (2012; 2022). Shalene is involved in numerous Indigenous community-led research initiatives.

Dr. Kiera Ladner is Canada Research Chair in Miyo we'citowin, Indigenous Governance and Digital Sovereignties, and Professor in the Department of Political Studies at the University of Manitoba, as

well as former Canada Research Chair in Indigenous Politics and Governance. Her research focuses on Indigenous Politics and Governance; Digital Sovereignties and Archiving (MMIW, PARSD, and CLIP); gender (diversities); women and governance; and resurgence (in terms of both women and youth). Dr. Ladner's publications include This is an Honour Song: Twenty Years Since the Blockades (Arbeiter Ring Press) co-edited with Leanne Simpson, and Surviving Canada: Indigenous Peoples Celebrate 150 Years of Betrayal co-authored with Myra J. Tait, as well as numerous articles and book chapters on a wide variety of topics. Currently, Dr. Ladner is working on projects with Dr. Shawna Ferris on a community centred digital archive project which is compiling three archives (Missing and Murdered Indigenous Women and Girls database, Post-Apology Indian Residential Schools Database, the Sex Work Database). She is also working on project on including the comparative constitutional law and Indigenous peoples project (CLIP project), a digital sovereignties and a comparative treaty project focussing on Anglo-settler societies.

Apollo Makubuya is a founding and Senior Partner of MMAKS Advocates-a leading law firm in Uganda. He is an alumnus of the University of Cambridge UK, LLM; Makerere University, LLB (Cum Laude); and the Law Development Centre, Diploma in Legal Practice. He is qualified to and has practises law in all Courts in Uganda. Makubuya has taught and written on politics, human rights, and constitutional law in Uganda. A few publications include "National Human Rights Institutions under Fire: The Uganda Human Rights Commission on the Brink"; "The Constitutionality of the Death Penalty in Uganda: A Critical Inquiry" (2000); and "Breaking the Silence: A Review of the Maiden Report of the Uganda Human Rights Commission" (1999) all published in the East African Journal of Peace and Human Rights.

Carelle Mang-Benza is a PhD candidate at the University of Western Ontario in the Department of Geography and Environment. Her research examines the energy transition reconciliation between Indigenous and non-Indigenous people in Canada. Building on a research partnership with a First Nation in Ontario, she brings attention to dimensions of relationships and energy justice into the Eurocentric literatures on energy transition and community wind energy. Carelle joined the department of Geography and Environment with a B.A.Sc. and M.Sc. in Chemical Engineering and substantial international project, and policy experience gained in sub-Saharan Africa and Europe.

Dr. Matthew I. Mitchell is an Associate Professor in the Department of Political Studies at the University of Saskatchewan. He was previously an Assistant Professor in the School of Conflict Studies at Saint Paul University and a Social Sciences and Humanities Research Council (SSHRC) Postdoctoral Fellow in the Department of Political Science at the University of Wisconsin-Madison. His research focuses on African politics, global indigenous politics, land reform, migration and conflict, natural resources and governance, peacebuilding, and political violence. His work has appeared in journals such as *African Studies Review*; *Commonwealth & Comparative Politics*; *Democratization*; *Ethnopolitics*; *Journal of Agrarian Change*; *Journal of Peace Research*; *Politics, Groups, and Identities*; and *The International Journal of Human Rights*. He has also published in numerous edited volumes and is a co-editor of *New Approaches to the Governance of Natural Resources: Insights from Africa* (Palgrave Macmillan, 2014) and *People Changing Places: New Perspectives on Demography, Migration, Conflict, and the State* (Routledge, 2019). He has conducted fieldwork in Canada, Côte d'Ivoire, Ghana and Uganda, and is currently principal investigator on a

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Dr. Inocent Moyo is an Associate Professor in the Department of Geography and Environmental Studies and Acting Deputy Dean-Research, Innovation and Internationalisation in the Faculty of Science, Agriculture, and Engineering at the University of Zululand, South Africa. He researches borders, migration, and the political economy of the informal economy as well as the politics of environmental governance in the Southern African region.

Dr. Charles Nwaila worked and served in the public sector for 42 years up to January 2018 when he retired. His experience includes, but is not limited to, Director General and Superintendent of the Free State Provincial Government, Director General to establish the Department of Traditional Affairs; he has conducted extensive research on the institution of traditional leadership in South Africa and in Africa. He has also written various discussion documents on the institution of traditional leadership and on matters pertaining to the Khoi and San communities and leadership structures in SA. He has also delivered several papers on the institution of traditional leadership and Khoi and San leadership at various platforms, including among others, the United Nations Permanent Forum on Indigenous Peoples of the World, during the 25 years of Democracy Conference, hosted by Maphungubwe Institute for Strategic Reflection (MISTRA) and the University of Johannesburg in partnership with the Presidency and UNISA.

Emma Stevens-Daugharty is an undergraduate student at King's University College at Western University studying Criminology and Human Rights. She strives to be a criminal lawyer in the coming years. Following a law degree, will be a masters and

PhD in law to teach criminology and law courses later in her years. Stevens takes an interest in Indigenous rights, law, and governance alongside youth crime, corrections, and marginalized communities. To synthesize some of her interests, she hopes to work with overrepresented populations in corrections to better their treatment and lives before and after interactions with the law to challenge predispositions to offending.

Dr. Kathy Walker identifies as nêhiyaw iskwêw with Métis, Saulteaux and Nakota lineages and is a citizen of the Okanese First Nation located in southern Saskatchewan. She is a proud mother, auntie and kokum (great aunt) who has spent most of her professional life working for Indigenous nations and organizations, primarily on the prairies. She has engaged with and co-led research projects and been involved in numerous community, program and policy development initiatives. Her research is grounded in the resurgence of Cree and Indigenous knowledge systems and their wâhkôtowin (interrelatedness) with other critical theory and care ethics and continues to be informed by her community connections, including volunteer work with local and Indigenous organizations. She is an assistant professor in political studies at the University of Saskatchewan.

Robert (Bob) Watts' work includes working on the Nuclear Waste Management Organization's Siting Process, and an Adjunct Professor and Distinguished Fellow in the School of Policy Studies, Queen's University. Bob was the Executive Director of the Canada's Truth and Reconciliation Commission, and served as the Chief of Staff and CEO to the Assembly of First Nations' National Chief, Phil Fontaine and later Perry Bellgarde. Bob is a graduate of the Kennedy School of Government, Harvard University and has an Honorary Doctor of Laws from McMaster University. He is the Chair of

the Downie-Wenjack Fund and Reconciliation Canada. He is from Mohawk and Ojibway ancestry and resides at the Six Nations Indian Reserve.

Landon Wagner, proud descendant of the historic Métis Nation, Wagner currently resides on Treaty 6 territory in Saskatoon, SK – the traditional territory of Cree peoples and the homeland of the Métis. He completed his master's degree in Political Studies at the University of Saskatchewan in 2021. His research has focused on the intersections of identity, indigeneity, and land conflict with special attention paid to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the intricacies of Free, Prior, and Informed Consent in both Central African and Canadian contexts. He currently works as a policy analyst with the British Columbia Assembly of First Nations, as an independent researcher, and as a sessional lecturer with the University of Saskatchewan.

Karolina Werner is a NEST Postdoctoral Research Associate at the Centre for Transitional Justice and Post-Conflict Reconstruction at the University of Western Ontario and Senior Fellow at the Norman Paterson School of International Affairs, Carleton University. She is a settler scholar and holds a PhD in Global Governance from the Balsillie School of International Affairs. Karolina specializes in Indigenous governance, inclusion, and peace and conflict, especially in the context of sub-Saharan Africa. She previously held appointments at the University of Ottawa, Centre for International Governance Innovation, United Nations Industrial Development Organization, and the International Institute for Applied Systems Analysis. Dr. Werner has held multiple prestigious scholarships and grants, including from the Social Science and Humanities Research Council and the International Development Research Centre.

Introduction

This report is the result of a three-day workshop that took place at Western University, on the lands of the Anishinaabek, Haudenosaunee, Lūnaapéewak peoples, and traditional territories of the Chonnonton in what is today called London, Ontario, Canada. These lands are subject to local treaties, including the London Township Treaty (1796) and Sombra Treaty (1796), and the Dish with One Spoon Covenant Wampum. The local First Nations – the Chippewas of the Thames First Nation, the Oneida Nation of the Thames, and the Munsee Delaware First Nation – are the contemporary caretakers of the land.

The workshop focused on Indigenous governance and the relationship between Indigenous peoples and state government. It was a result of the acknowledgment that innovation is necessary to address the increasingly complex, interrelated global and transnational issues facing humanity such as environmental degradation and climate change, deepening economic inequality, pandemics, conflict, and migration. More than ever, diversity and inclusiveness in governance models are required to embrace these complexities. Indigenous world views, knowledges, governance processes, and epistemological frameworks bring relationality to issues that increasingly technocratic Western governance either does not address or fails to address in a comprehensive manner. Many Indigenous groups are still struggling for mere survival, including recognition of their existence, the provision of basic human rights, access to economic opportunities, and the survival of their cultures, languages, and rights to ancestral lands; indeed, equal representation and self-determination remain a distant aspiration. This report is a small contribution toward our commitment as educators, students, and researchers to speak and teach about the historical and ongoing injustice that Indigenous peoples endure in Canada and around the world.

Background

The notion of Indigeneity has risen to prominence in international relations and national politics over the last few decades as Indigenous activists and leaders have fought for recognition of their rights. When the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP) was passed by the United Nations General Assembly in 2007, it represented what Anishinaabe scholar Sheryl Lightfoot has called a "moment of revolutionary transformation in global politics" (Lightfoot 2016, 4). Despite its flaws, UNDRIP brought increased attention to Indigenous peoples' rights and the concept of indigeneity more broadly. The focus of much of the scholarly work on indigeneity has been on settler colonial states. In many ways this is understandable, as colonialism has become a permanent structure in these countries (Wolfe 1999). Furthermore, much of the global Indigenous movement which engaged in advocacy and policy at the international level originated in the Western hemisphere and in settler colonial contexts. Other regions, such as Africa, were late to the conversation, and most African states today either deny the existence of Indigenous peoples within their borders or argue that everyone is Indigenous. As post-colonial states, they are seen as different from settler colonial states, yet in many ways, Indigenous people in the two regions suffer from similar marginalization and dispossession. As in settler colonial states, Indigenous peoples in Africa are often the focus of assimilation projects, which when 'successful', are used against those who have

integrated, as proof that they are no longer Indigenous.

These and other similarities were the inspiration for this interdisciplinary and international workshop. Indigenous and non-Indigenous scholars and community leaders from both regions came together to share knowledge and experiences. The workshop provided a space to focus on Indigeneity as a locus for the myriad connections – differences *and* similarities – between Indigenous experiences in both settler colonial states and post-colonial states.[1] By listening to each other and asking questions we contribute to the development of a more nuanced understanding and historicization of the colonial past and present in ways that moved away from a focus on settler colonialism and post-colonialism (Cooper 2005, 26). Genuine reconciliation requires the forging of new paths for

cooperation and co-existence in settler colonial and post-colonial societies. Thus, our aim was to highlight and discuss the lived experiences of Indigenous nations who are rarely thought of together, but who have experienced and do experience similar threats of violence, discrimination, and assimilation.

This report summarizes not only our attendees' presentations and discussions, but also the opinions and ideas exchanged at the workshop. We offer highlights from the opening talk and the three panels. These sections are written by early career scholars who attended the workshop. They offer critical reflections on the presentations and interconnected themes and discuss their relevance to Indigenous governance in North America and Africa.

The Topics

Over the course of three days, the challenges and opportunities facing Indigenous nations on both continents were discussed in the context of three panel topics and an opening conversation between Apollo Makubuya and Robert (Bob) Watts, moderated by Kahente Horn-Miller. In their opening remarks, our guests spoke about the experiences of colonialism on both sides of the Atlantic, drawing attention to the historical injustices and systemic racism that was rooted in the white supremacist traditions of European imperialism. European colonial powers excluded and erased Indigenous voices and perspectives (and, indeed, those of all 'non-Europeans') by creating "treaties *among themselves*" to legitimize the domination of hitherto independent Indigenous nations (Osterhammel, 2005, 34). The twinning of liberal democracy and capitalism has given rise to an international system

that posits the 'modern', capitalist, nation-state as the central unit of political organization and international relations. Meanwhile, the origin stories of settler colonial and post-colonial states are routinely glossed over, further obfuscating that "the colony is not external to democracy [but rather] democracy bears the colony within it" (Mbembe, 2019, 27). Indeed, a sustained refusal to fully engage with colonial atrocities that are diametrically opposed to the self-understanding of liberal democracies amounts to a widespread denial of the historical record. This prevents holistic understandings of how settler colonial and post-colonial societies have developed and are still developing alongside and within systems of democratic governance.

Empire-making has historically entailed a combination of the forcible taking of land, the

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[1] While we call these states post-colonial, this term is contested, as African states continue to be modeled after colonial states with the same institutional structures in place, evidencing what some scholars call ongoing 'internal' colonialism.

systematic extraction of resources, and the subjugation or murder of the original inhabitants. In this respect, European imperialism since the fifteenth century was not unique. During the nineteenth century, however, new concepts of "nation and race" became increasingly important as "modes of classifying people" (Burbank and Cooper, 2010, 289). Furthermore, capitalism became inextricably linked with colonialism and imperialism: the African slave trade, or *Maafa*, underpinned the brutal economic development of these 'new' lands and territories that could be exploited for their natural resources using slave labor (Ogette 2017). Perhaps unsurprisingly, the actions of contemporary nation-states – the offspring of that pre-1945 imperial world order – have been profoundly antagonistic towards Indigenous nations and their diverse oral traditions and legal orders, a trend that continues to affect Indigenous peoples globally. Contemporary commonalities between the Indigenous nations of North America and Africa thus reflect enduring legacies of a colonial system that unabashedly exploited resources, oppressed and erased Indigenous knowledge, and dehumanized Indigenous societies (Chamberlin, 2003, 9-11).

In both Africa and North America, a lack of regard for Indigenous, traditional, or customary legal institutions and structures has been characterized by forced integration of Indigenous nations, contributing to the failure of governments to develop adequate frameworks for shared responsibilities, such as land stewardship or co-legislating; in both regions, Indigenous peoples are struggling for the recognition of their right to self-determination. On the other hand, differences between the two continents are clear: while there is an acknowledgment of the existence of Indigenous nations in North America, many Indigenous peoples in Africa are denied even the basic right of recognition of their existence. IN settler colonial contexts, Indigenous nations continue to be colonized by settlers who have no intention of leaving. In the African context, the colonization is internal, settlers have been replaced by a select group of local elites who uphold the colonial system. A keyword for all our discussions was sovereignty – but whose sovereignty? In North American settler colonial states, a profound contradiction existed between democratic principles and the erasure of Indigenous nations. Indigenous peoples were depicted as non-human, and thus defined as legal non-entities, undeserving of the rights espoused by Enlightenment thinkers. In post-colonial African democracies, the legacy of colonialism has manifested in the balancing act between maintaining an international standing as the inheritor of a colonial state (which contributes to the conceptual and normative legitimacy of an international system dominated by 'the West' or the 'the North'), and the responsibility to accommodate Indigenous communities. While, traditional forms of governance hold an important place in many African societies, and the role of Chiefs continues to be important to the citizens in many African countries, governments have worked to ensure that their powers remain limited (Logan and Katenda, 2021).

Despite some successes on an international level to protect and promote Indigenous rights, such as UNDRIP, relatively little has been done at the state level to account for colonial transgressions and injustices; there has been no global atonement, or reckoning, to pave the way for an enduring and transformational change. A lack of political will has contributed to a widespread deficiency of knowledge about Indigenous language, culture, and governance, and there has been minimal acknowledgment that subjugated people in the colonial era were, as articulated by J. E. Casely-Hayford in 1922, "a developed people, having [their] own institutions [and] ideas of government" (Rodney, 2018, 35). A paradigm shift that meaningfully incorporates Indigenous knowledge

systems is thus long overdue. Our presenters spoke of challenges and opportunities that Indigenous nations face in their attempts to organize and assert themselves, both in terms of legal and political interactions with present-day governments, but also about the importance of decolonizing knowledge.

We seek to elevate Indigenous knowledge systems and oral histories, because we recognize their potential for renewal, cohesion, and resilience in an ongoing anti-racist struggle that is as much about processes as it is about end goals.

Panel 1: Indigenous governance: Cutting across disciplines, nations, and regimes

By Shaun Hislop

The first panel, entitled "*Indigenous Governance: Cutting Across Disciplines, Nations, Regimes,*" featured presentations by three speakers – Dr. Kiera Ladner Dr. Charles Nwaila, and Dr. Kahente Horn-Miller – all of whom probed and discussed the norms and values inherited from both historical and ongoing experiences of European colonial oppression and violence, as well as the invasion, seizure, and theft of Indigenous territories. The speakers examined how these norms continue to influence discourses about Indigenous and traditional leadership, how they guide post-colonial efforts at reconciliation, and how they inform official policy decisions regarding the accommodation of Indigenous governance and legal pluralism in both settler colonial states and post-colonial states.

Summary of presentations

To begin, **Dr. Kiera Ladner's** "*State Sovereignty and Constitutional Pluralism: A Cross-national, Cross-disciplinary Discussion*" examined how Indigenous legal pluralism and its historical precedents have been ignored by the governments of Anglo-settler states. Dr. Ladner discussed how early European settlers, influenced by the imperial concept of *terra nullius* ("nobody's land") and claiming the right to ownership of the territories of Indigenous people, renamed ancient places and sought to efface Indigenous historiography. In Canada, successive governments operating through the devices offered by federalism, the Westminster system, and the

Canadian Charter of Rights and Freedoms, have repeatedly denied the accommodation of legal pluralism within their legal and constitutional framework, as recognition thereof stands to undermine the entire colonial project as such. Tokenistic gestures of good faith towards Indigenous communities, such as the provision of clean drinking water or access to health care facilities, cannot be framed in terms of reconciliation; these attempts neither "engage Indigenous voice," nor do they seek to transform the state in a meaningful way that would reflect the long-standing traditions of pluralism inherent to the Canadian state. According to Dr. Ladner, recognition that Canada has always been a shared territory engaged in legal pluralism could set the stage for "co-autonomous" sovereignty between Indigenous nations and the Crown, but the Canadian government must take the required steps for such an initiative to come to fruition – so far, such a commitment has remained elusive. Done properly, however, acknowledging legal pluralism could allow for Indigenous nations and the settler colonial societies around them to meaningfully engage with each other and create new working relationships for shared prosperity in the future.

Drawing on years of service at the South African Department of Traditional Affairs, **Dr. Charles Nwaila** introduced their discussion paper, "*Efficacy of Indigenous Governance System in a Democratic Dispensation: Sub-Saharan Africa,*" and elucidated the challenges central to discussions of Indigeneity

in Africa, such as the question of what distinction, if any, should be drawn between communities that contain varying levels of Indigeneity. In many African states, the relationship between traditional leaders and "modern" democratic leaders is a locus for issues related to Indigeneity. Dr. Nwaila cited the *2021 Afrobarometer* specifically, which produced a clear message that traditional leadership remains highly popular and influential in many African countries, but is simultaneously perceived to better serve specific, local functions and stay out of electoral politics. Indeed, attempts in the post-colonial era to bring traditional or Indigenous leadership and democratic systems of governance into alignment have not led to a confluence, but rather to an entrenched separation of spheres of influence; the "wall to wall" understandings of state rights are often at odds with conceptions that traditional leaders or Indigenous communities have about themselves and their jurisdictions. This has had negative consequences for Indigenous communities in Africa, whose populations are threatened by ongoing political marginalization, socio-economic disenfranchisement, and a lack of legal protections. Despite the bold assurances of UNDRIP, many African states have opposed such measures, while the African Charter is exemplified by inadequate efforts to provide guarantees for the human rights of Indigenous peoples and promote their well-being. Indeed, the lacklustre protection and support of Indigenous nations in the Constitution of the Republic of South Africa reflects the difficulties that many states have had in the application of these two multinational agreements.

Lastly, **Dr. Kahente Horn-Miller**'s talk "*Giving Voice: Rematriating Haudenosaunee Legal Orders*," highlights the underrepresentation of women's voices and perspectives in Indigenous scholarship, which is still largely dominated by non-Indigenous men. The presenter argued that colonialism has contributed to the removal of Indigenous women's voices from their traditional roles in their communities, such as choosing who would become Chief, and "setting the path" for future generations to live in peace and harmony, both with each other and the land. Using the concept of "Mother Law," Dr. Horn-Miller spoke to the grounding law that governs all peoples and affirms the deep relationship of peaceful coexistence between human beings and the natural world, a foundational Haudenosaunee belief known as the Great Law of Peace. Dr. Horn-Miller referred to the story of Sky Woman, who fell from Sky World and was given refuge on Turtle's back. With the seeds of four medicines in her hair, she danced and birthed those elements to Turtle Island. In this Haudenosaunee creation story, Sky Woman comes to raise her twin grandsons who, "like rivers flowing in different directions, represent the duality of all things." Unnerved by the influence of Indigenous women within Indigenous societies, European settlers sought to impose patriarchy onto Indigenous communities and silence Indigenous women. Sky Woman's story thus provides a template for reincorporating Indigenous women's voices into Haudenosaunee legal orders while simultaneously challenging the erasure of Indigenous women from "Euro–North American historical thought [that] consciously programmed the story of Haudenosaunee women out of the colonial narrative" (Horn-Miller, 2016, 34). Looking to Indigenous oral histories for inspiration in the present and as a guide for the future, Dr. Horn-Miller spoke of the concept "Tsi-ni-tsi-wen-ah" or "keeping history alive in the minds of the people" (Horn-Miller, 2019), and highlighted the tradition of the Circle Wampum as an example of how Indigenous knowledge systems contribute to participatory democracy and make it more inclusive, consensus-based, and community-oriented. Likewise, the Two Row Wampum, a living treaty, offers a visual representation of the two principles of friendship and peace that guide Haudenosaunee diplomacy,

based on respect, non-interference, and peaceful coexistence.

Reflections

In their talks, all speakers shared concern for marginalized communities and individuals, specifically those whose history is entangled in the global history of colonial oppression, exploitation, and genocide. The tension in their subject matter stems from dichotomies between and within globalized capitalist economies that are based on unequal power structures, a reflection of what bell hooks has described as the "imperialist, white-supremacist, capitalist patriarchy" (hooks, 2004, 17). Yet scholarship about Indigenous and traditional governance, in both settler colonial states and post-colonial states, offers the chance to renew and adjust assumptions that are rooted in experiences of colonialism. Indeed, the diversity of subject matter and the geographical range of European imperialism highlight that while issues of Indigenous governance are often spoken of in terms of their local or regional application, the predominant themes remain global in scope and support an interdisciplinary approach. Regarding my own research, Indigenous scholarship offers a nexus for challenging dominant discursive frameworks – what Brand and Wissen (2017) have labelled the "*imperiale Lebensweise*," or imperial modes of living – that underpin systemic racism and support the ongoing exploitation of labour and resources in poor countries, itself a precondition for

sustaining patterns of high consumption in wealthy countries. The analytical framework illuminates how imperial mentalities, anchored in our shared colonial pasts, have found their contemporary reflections in a globalized, capitalist world that depends upon the exploitation of people and the environment. By tracing the development of this global architecture from historical colonial encounters to present-day economic interactions between wealthy countries and the global institutions that do their bidding, I seek to illuminate the ways in which 'imperial thinking' played and plays a decisive role in contemporary international relations, especially migration and asylum policy.

As our presenters showed, blind spots about the legacy of colonialism have the potential to cause harm by creating material and psychological hardships for Indigenous peoples. Engagement with Indigenous and traditional epistemologies provides an opportunity to develop the available legal and constitutional tools necessary to transcend an imperially-coded and Eurocentric reading of the past, present, and future – goals that were central to the global context of the conference at large. By challenging non-Indigenous folks to think differently about the world we inhabit together, Indigenous scholarship and systems of knowledge offer the opportunity to learn from past mistakes, make amends for past behaviours, and create real perspectives for reconciliation, solidarity, and cooperation in a future that is free from oppression.

Panel 2: Indigenous governance and conflict

by Florence Wullo Anfaara

For the sub-theme "Indigenous *Governance and Conflict*", panelists discussed the causes and possible implications of land conflicts and their relation to Indigeneity and autochthony in sub-Sharan Africa. Autochthony as a concept is about ownership claims of land and territory by groups of people who are believed to have an intimate and

primordial connection to the land (Bøås and Dunn, 2013). It should be noted that the ambiguity of the meaning of autochthony and Indigeneity could be partly responsible for how African states view the issues of Indigenous rights on the continent. Additionally, panellists further explored the possibility for 'unconventional' traditional leaders to

pose as peace brokers in a failed state. Common themes from the panel discussion included the recognition *of* and *about* Indigenous rights and the involvement of Indigenous people/leaders as co-leaders in state governance.

Summary of presentations

In *"Post-Westphalia? Custom-Related Actors in the Sahel Crisis"*, **Dr. Pierre Englebert** discussed the implications of non-state actors, including militia groups who may use the rhetoric of custom-related understandings of land ownership to exert control in weak states in the Sahel region. Using two militia groups, the Dan Na Ambassagou in Mali and the Koglweogo in Burkina Faso, Dr. Englebert posited that these two militia groups make claims of autochthony steeped in the customary practices of their communities. For instance, often seen as the protectors of the 'Dogon' state, the Dan Na Ambassagou (DNA) provides some form of security and protection for the Malian government. While protecting the country from Jihadist groups, which sometimes involved chiefs negotiating peace agreements with Jihadists, the DNA also administers local justice including policing. Also projecting anti-jihadist rhetoric, the Koglweogo see themselves as the guardians of the forest and the 'public space.' They provide military escort services to some elites and government members and rely on traditional leadership for guidance. But unlike their DNA counterparts, the Koglweogo are not recognized by the Burkina state, although their existence is not criminalized. According to Dr. Englebert, the involvement of militia groups in nation-state activities may suggest a kind of state reconfiguration where there is a duality of power between state and non-state actors in the way they compete for legitimacy to rule. However, such a relationship does not necessarily indicate a new political order.

Next, **Mr. Landon Wagner** presented a paper entitled*, "FPIC as Peacebuilding Tool? Land Conflict and the Batwa in the Eastern Democratic Republic of Congo".* In this presentation, Wagner explored the implication of using Free, Prior, and Informed Consent (FPIC) as a tool to advocate for the Indigenous rights of the Batwa people and as a potential peacebuilding tool in the Democratic Republic of the Congo (DRC). The Batwa people are a nomadic hunter-gatherer group who rely solely on the forest for their livelihood and are also commonly understood as the original inhabitants of the Great Lake region in Africa including the DRC, Rwanda, and Burundi (Lewis, 2000). As a group that was colonized twice, first by the Bantu and then the Europeans, the Batwa serve as a marginalized population and are socially excluded from the economic and political life of the Congolese people. They are dispossessed of their ancestral land and are at risk of cultural genocide. In the DRC, the Batwa people have been engaged in two major conflicts: first, with the Congolese state in an attempt to reclaim their land that was reclassified and used as a national park, and second, with the Luba people (descendants of the Bantu people) in Tanganyika province, in a bid to secure a place to live. In response to the conflicts, and following UNDRIP's right to FPIC, the Congolese state introduced the Organic Bill which is intended to recognize and protect the individual rights of the Batwa people. The Organic Bill largely adapted the language and principles of UNDRIP with many references to the right of the Batwa people to FPIC. Similar to FPIC, the Organic Bill covers the right to land and natural resources and includes Indigenous rights to healthcare, education, judicial, legal, and political representation. But unlike FPIC, the Organic Bill does not mention the right to self-determination because of concerns such as the controversies surrounding the issues of 'Indigeneity vs autochthony' in the African context (Bøås and Dunn, 2013), fear of states losing absolute control over their people, and claims of the potential of FPIC to flare up political tribalism on the continent (Hodgson, 2011). Although the bill has good

intentions, Wagner criticized the Organic Bill for its inability to address the precarious rights of the Batwa and its inability to promote peace in the DRC. Wagner noted that while the bill has the potential to resolve land-related disputes among the Batwa and Luba people in Tanganyika province, most parts of it are vague and unclear about the implementation date and what constitutes 'traditional lands.' These uncertainties risk widening and deepening the existing tensions related to land and autochthony in the DRC.

Reflections

As a first-time rapporteur with limited knowledge about Indigenous scholarship, this workshop helped me gain insights into the intricacies, similarities, and differences of Indigenous work in North America and SSA. These new insights emerging from the conference were helpful for me to reflect on how they related to my life, work, and research. With a feminist and transitional justice background, I was looking for topics related to women, gender, peacebuilding, or grassroots initiatives within the African context since those keywords constitute the focus of my PhD research. I found the themes of legal pluralism and the efficacy of Indigenous governance systems relevant to my research.

For my PhD research, I have been working and documenting the work of Liberian women who work in Peace Huts, specifically about their grassroots peacebuilding and community health initiatives during the 2014 Ebola epidemic. In 2021, I presented a paper – "Solving Crises from the Ground Up: Liberian Women's Engagement in Peace Huts" – at the Canadian Peace Research Association (CPRA) virtual conference co-sponsored by the Congress of the Humanities and Social Sciences in Canada. In the paper, I discussed how women in Peace Huts lament the impact of the duality of the modern legal system and the traditional governance system on their gender equality goals in Liberia. Liberia has two governance systems that sometimes do not complement each other. One such issue is the legal marriageable age for girls. While the customary law and traditional governance system approves marriage for girls aged 12 and 16, the statutory law sets 18 years as the legal age for marriage. According to research partners in Liberia, the disconnect between these two governance systems encourage rape culture and makes it difficult for gender advocates to follow up on rape cases at the law courts as perpetrators mostly back up their act with the existing customary laws (Lawson and Flomo, 2020). Though different from how the presenters discussed their papers on legal pluralism and Indigenous governance, these themes connect to the existing binary/duality of governance structure between modern states and Indigenous/traditional institutions, whereby one can 'suppress' the other.

Overall, I found the workshop intriguing and relevant to Indigenous scholars and activists interested in decolonization work within and among marginalized populations in North America and SSA. As a community with like-minded interests, it is essential to build solidarity with Indigenous peoples across the globe and to join in the collective struggle for recognition, equality, and self-determination. This collective struggle should involve creating spaces for critical and reflexive allyship – a goal I think this workshop met.

Panel 3: Indigenous resurgence across sectors

by Carelle Mang-Benza

Tied by the idea of Indigenous resurgence, the four presentations of the third panel focused on knowledge systems and governance structures as they relate to the Canadian Prairies, Uganda, and South Africa. Dr. Shalene Jobin, Dr. Katherine Walker, Dr. Apollo Makubuya, and Dr. Inocent Moyo discussed how international Indigenous governance structures disrupted by colonization projects are being revitalized through various acts of resurgence. The issues discussed and questions raised during the panel session are important for Indigenous and non-Indigenous communities, for researchers and non-researchers, because Indigenous resurgence is a message to communities that they matter. It provides communities with the reassurance that they need neither validation by external metrics of success nor alignment with externally defined development trajectories. This panel session presented avenues for countering colonial definitions of humanness and replacing them with standards of truth that serve a community's needs.

Summary of presentations

Speaking to "*Indigenous Resurgence through the Frame of Prairie-based Indigenous Governance*", **Dr. Shalene Jobin** positioned harmony and relationships at the core of Cree knowledge systems, describing the Cree perception of reality as one that weaves together culture, spirituality, and place-based knowledge, while governance is seen as being both man-made (modern and traditional) and emerging from natural systems (plants, animals, ecosystems, etcetera). Dr. Jobin described the journey of an Indigenous nation in Alberta that was able to develop its own constitution, starting with a community research project. Through this example, Dr. Jobin presents ways in which Indigenous people may rebuild learning and governance frameworks predicated on relationships between people and

nature while concurrently deconstructing racist knowledge systems.

Dr. Jobin noted that, as Indigenous peoples reconstruct their knowledge systems, it is key to identify and unpack where the double consciousness inherited from colonization creeps in, impeding their ability to define and establish how they construct knowledge. It is important because that double consciousness may affect all sectors of life: social, economic, political, and cultural.

Through "*The Story of Sihkos and Wîhtikow Politics*", **Dr. Katherine Walker** raised questions about Western knowledge and politics, drawing on the oral narratives of Cree of the Prairies. The *wîhtikow* is a creature with an insatiable cannibalistic appetite that consumes its prey from within and without, growing stronger from devouring them. This creature is a vivid metaphor for colonial politics manifested through past and present institutions as well as extractive practices (e.g., industry, mining, etc.). In contrast, the *sihkos* (weasel), one of the smallest carnivores in the land, is a very skilled and resourceful lone hunter that can fly or swim to defeat its predators. The Cree tradition describes the *sikhos* as the only creature able to defeat the *wîhtikow*. Based on this imagery, Dr. Walker suggests that the approach of Indigenous resurgence should be to penetrate colonial systems and dismantle them from the inside out, using new tools and resources. Dr. Walker emphasized the need for an Indigenous intellectual framework that would allow framing self-defined pillars of truth, while serving Indigenous needs, reflecting on the past, and making room for new relationship-building. In this sense, the *sihkos*, or weasel, represents an instrument of resistance and resurgence, one that can oppose and defeat the oppressive settler colonial state.

Dr. Apollo Makubuya introduced his work "*Resurgence of Traditionalism in Uganda: Thirty Years of Buganda's Restoration and Survival in Museveni's Uganda*", whereby he described Uganda's experiences of restoring traditional institutions. In the aftermath of the independence declarations in Africa, most newly formed nations adopted the governance models of their former metropoles, looking down on traditional institutions as archaic and antithetical to the new 'modern' order. In the 1990s, after several decades of political failure and dictatorial rule, these traditional institutions started regaining some status; new ways were thus found to maintain it, as illustrated with the Kingdom of Buganda. The pre-colonial kingdom gained public recognition and saw a partial restoration of its traditional authority, thanks to political and military interventions by individuals and nationalist groups, working under the condition of not interfering with national politics. Building on the example of Buganda, Dr. Makubuya discussed the evolution of tensions between traditional leadership structures and Uganda's post-independence political model inspired by the West. He questioned the possibility of reconciling traditional and modern governance under the current Constitution that allows for establishing new traditional institutions, yet simultaneously delineates their powers.

Dr. Inocent Moyo, "*Unsettling environmental colonialism and mobilizing Indigenous Knowledge Systems in governance of Protected Areas in Okhahlamba-Drakensberg, South Africa*", focused on the imposition of colonial tropes in environmental governance. Dr. Moyo drew attention to the power mobilized by imperialist nations and the imposition of Western worldviews in establishing protected areas that separate people from nature. Such Western approaches to environmental protection exclude communities from management and conservation, ignoring their knowledge of land stewardship and sustainable development. In contrast, as Dr. Moyo explained, when communities can mobilize their traditional knowledge and social networks, they are well-equipped to manage their lands and resources, in addition to being able to maintain social cohesion. Using a political ecology lens, Dr. Moyo criticized the assumed superiority of Western narratives and legal orders that reduce Indigenous knowledge to myths, combining epistemicide, the killing of knowledge, with linguicide, the killing of language. He argues against trends to integrate Indigenous knowledge into Western science, preferring the co-existence and co-production of knowledge.

Reflections

"He has put a knife on the things that held us together and we have fallen apart." (Achebe, 1958)

The above quote from Chinua Achebe's *Things Fall Apart* aptly summarizes the main themes discussed in the panel. What the European colonizers did in the Igbo society in Achebe's Nigeria, they also did in Canada, Uganda, and South Africa: they systematically dismantled traditional governance, disrupted the balance of power, and discredited knowledge systems.

Departing from pessimistic observations, the panelists raised throughout their presentations several questions about, against, and outside the "Western citadel" of knowledge, questioning the Eurocentric hegemonic order inherited from European colonization. A lot can be said about that Western citadel: most notably, its past colonial project, prolonged in the present through various neoliberal agendas, is prone to social and ecological crises. Those questions directly relate to my research, which examines the current energy transition in the context of the reconciliation between Indigenous and non-Indigenous people in Canada. Energy transitions are fundamental transformations of the systems that produce, distribute, and utilize energy for human activities

(transportation, heating, industrial production, etc.). Reconciliation, defined by the Truth and Reconciliation Commission as the improvement of relationships between Indigenous and non-Indigenous people, is a state-led initiative with ramifications across all socio-economic sectors in Canada, including resource development and energy (TRC 2005).

The panel presentations painted what I perceived as a continuum going from dispossession and resistance to recognition, resurgence, and restoration. Colonial dispossession of Indigenous nations is well documented and researched (Adelson, 2005; Derman, 1995). In Canada, the 1876 *Indian Act*, still in effect today, allowed settlers to regulate Indigenous identity, installing reserves outside of traditional territories. The *Indian Act* tore apart families, communities, traditions, and social ties, to erase Indigenous presence (Cornell, 2006; Dyck and Sadik, 2016; Veracini, 2014).

Indigenous peoples have always fought that erasure project. For decades, Indigenous activists have pushed for the public recognition of both colonial violence and Indigenous rights. However, recognition has its limits. Corntassel (2012, 96) argues that recognition led by a settler state "will not lead to a sustainable self-determination process that restores and regenerates Indigenous nations." Corntassel (2012) clarifies that restoration does not concern solely Indigenous people living on reserves nor does it mean that Indigenous people are obliged to live by a traditional lifestyle if they choose not to.

Indigenous scholars and activists increasingly promote resurgence over recognition. Resurgence refers to Indigenous people's own efforts to assert their identities and reclaim their territories (Asch et al., 2018). Using a similar lens, my PhD work examines the connection between community-owned renewable energy and restorative justice in M'Chigeeng First Nation in Ontario. Restorative justice unifies three commonly discussed dimensions of justice: distributional, procedural, and recognition-based justice. Restorative justice connects to distributional justice, because it respects communities' actual needs without predefining them; procedural justice, as it invites community members to participate in decision-making while allowing them to set the terms of their participation; and recognition justice, because it values and empowers people usually left on the margins (Hazrati and Heffron, 2021; Sullivan and Tifft, 2007).

Overall, the third panel offered practical perspectives about Indigenous models of knowledge production and governance, models with similarities found across geographies, from the Canadian Prairies to Uganda and South Africa. It was encouraging to hear how those Indigenous models disrupted by colonization are being revitalized through acts of resurgence, opening opportunities for communities to heal and thrive.

Conclusion

by James Collie

Stories and experiences of colonization often share similarities no matter where they originate. This is due in large part to the centuries-long, global quest of empires – most recently, European and American ones – to acquire foreign lands for the creation of settler colonies and/or the extraction of valuable natural resources. There are, however, more similarities and linkages than a mere shared imperial history implies. Indigenous traditions, resistance, and resurgence all possess similar attributes as well. Strong focuses on land, community, reciprocity, respect, and mutuality, reverberated throughout the

workshop. Whether it be in the homelands of peoples in what is now Canada, South Africa, or the DRC, these themes were echoed when defining Indigeneity in peoples and places that resisted attempts to be colonized and assimilated.

Indigenous governance's similarities are strongest in common themes, as we saw in the first panel. Themes of Indigenous governance cutting across disciplines, nations, and regimes, involved "post-coloniality", reconciliation in contested contexts, and efforts for legal pluralism within colonial contexts. In this way, the common themes were not so much about the history of colonization, as much as they were about the history of *contesting* colonization. As all three speakers reminded us, empowering Indigenous governance is not a matter of symbolism or remedial measures. It is instead a matter of the inherent autonomy, influence, and authority that these systems have always enjoyed, and indeed continue to enjoy, over their peoples.

Conflict holds an inevitable role in discussions of colonization as the focus is, of course, on the literal clash of legal orders, political systems, and worldviews. The two presentations of the second panel focused on how political actors from Indigenous groups present their claims in spite of, and sometimes in direct opposition to, the state. These groups challenge not just states systems and hierarchy, but also contest the very legitimacy and authority of the state. As was made clear throughout the workshop, once colonizers "left", the state formed in their wake was not taken for granted by residents, and these disputes continue to this day.

Considering the continuous Indigenous resistance to colonization, Indigenous resurgence emerges to protect what colonization seeks to take. The third panel hosted presentations on the resurgence of Indigenous knowledges, storytelling as an intellectual framework, the re-emergence of traditional governing structures, and the quest to undo settler colonial structures and worldviews about the environment. These four examples of resurgence are not just a testament to the strong, continued presence of Indigeneity in disparate contexts and places, but also display the bright future of Indigenous resurgence efforts. Thus, in the face of contestation over colonization, we see Indigenous political actors find renewed strength in who they were, who they are, and who they continue to be.

In sum, it would be misleading to conclude that the workshop solely focused on contests and conflicts. While Indigenous peoples have undoubtedly challenged and continue to challenge colonial systems, discourses, and structures, this is only half the story. The other half is the resilience of Indigenous political worldviews, legal orders, and traditions despite colonial attempts to deprive Indigenous nations of these very things. Discussions about the related themes of conflict over colonization and emboldening Indigenous ways of living are far from finished. Practically every presentation mentioned how states, political communities, and worldviews must continue to change in order to dismantle the colonial world that many people now disavow. The challenge is not to simply "rid" societies of colonialism's legacy; perhaps the key takeaway from the workshop was that decolonization and reconciliation are *ongoing processes* without exact end points. Instead, our objective is to acknowledge and integrate the violent, miserable history of colonialism so that its ongoing legacy can be addressed, and systems can begin to change. It is a challenge that is possible to overcome. To paraphrase comments by Dr. Inocent Moyo, it is through conflict and tension that we find cooperation, and it is through this cooperation that we find the ability to transcend the systems of our day. Therefore, our challenge remains to not see limits in today's structures, but rather, to see the possibilities of a world yet to come.

Agenda

The State and Indigenous Governance in sub-Saharan Africa and North America:

A Cross-Disciplinary Discussion

Venue: Chu Centre, University of Western Ontario   **Dates:** 4-6 May 2022

Program

May 4, 2022 (Public opening of workshop)	
16:00-17:30	Conversation between Apollo Makubuya and Robert Watts followed by Q&A Moderator: Kahente Horn-Miller
Day 1 – May 5, 2022	
08:00–08:30	Registration and coffee/light breakfast
08:30–09:10	Introduction and welcome, Opening by Elders Dan and Mary Lou Smoke
09:10-09:30	Overview: *Dr. Karolina Werner*
09:30–12:00	**PANEL 1: Indigenous Governance: Cutting Across Disciplines, Nations, Regimes**
	Chair: *Isaac Bayor* Rapporteur: *Shaun Hislop*
	The Conceptualization of an African Sustainable Development Framework and the Role of Indigenous Governance *Dr. Hany Besada, Institute of Natural Resources in Africa, United Nations*
	State Sovereignty and Constitutional Pluralism: A Cross-national, Cross-disciplinary Discussion *Dr. Kiera Ladner, University of Manitoba, Manitoba, Canada* (virtual)
	Efficacy of Indigenous Governance System in a Democratic Dispensation: Sub-Saharan Africa *Dr. Charles Nwaila, Cooperative Governance and Traditional Affairs, Republic of South Africa*
	Giving Voice: Rematriating Haudenosaunee Legal Orders *Dr. Kahente Horn-Miller, Carleton University, Canada*
12:00-13:00	Lunch
13:00-15:30	**PANEL 2: Indigenous Governance and Conflict**
	Chair: *James Collie* Rapporteur: *Florence Anfaara*
	Custom-Related Actors in the Sahel Crisis *Dr. Pierre Englebert, Pomona College, California, USA*
	FPIC as a Peacebuilding Tool? Land Conflict and the Batwa in Eastern Democratic Republic of Congo *Dr. Matthew I. Mitchell, University of Saskatchewan, Saskatchewan, Canada* *Landon Wagner, Independent Researcher*
15:30-16:30	**Discussion** (Chair: *Shaun Hislop*)
16:30-16:45	Wrap up of first day
18:00	Dinner

Day 2- May 6, 2022	
09:00-09:30	Welcome back and Overview for the Day, Coffee/light breakfast
09:30-12:00	**PANEL 3: Indigenous Resurgence Across Sectors**
	Chair: *Isaac Bayor* Rapporteur: *Carelle Mang-Benza*
	Indigenous Resurgence through the Frame of Prairie-based Indigenous Governance *Dr. Shalene Jobin, University of Alberta, Alberta, Canada* (virtual)
	The story of sihkos and wîhtikow politics *Dr. Katherine Walker, University of Saskatchewan, Saskatchewan, Canada*
	Resurgence of Traditionalism in Uganda: Thirty Years of Buganda's Restoration and Survival in Museveni's Uganda *Apollo Makubuya LLB, Buganda Kingdom, Uganda*
	Unsettling environmental colonialism and mobilizing Indigenous Knowledge Systems in governance of Protected Areas in Okhahlamba-Drakensberg, South Africa *Dr. Inocent Moyo, University of Zululand, Republic of South Africa*
12:00-13:00	Lunch
13:00-14:30	Rapporteur Session Chair: *Karolina Werner* *Rapporteurs present their thoughts on the main themes highlighted in their session and how these relate to their own work.*
14:30-15:30	Final discussion, questions, next steps

ABSTRACTS

PANEL 1

State sovereignty and constitutional pluralism: a Cross-national, Cross-disciplinary Discussion
Kiera Ladner

Whether recognized or not by or within settler societies, there existed and there continues to exist constitutional and legal pluralism. Settler states continue to struggle against such recognition, for as Peter Russell reminds, such recognition brings to question the entire colonial project and the totalizing claim of Crown sovereignty. It is easily argued that some Anglo-settler states have engaged in limited recognition of, and dialogue with, legal and constitutional pluralism. Yet, the constitutional narratives of these countries continue to deny (or at the very least obfuscate) the presence of Indigenous constitutional orders and sovereignty within the overarching constitutional narratives of each country. This paper attempts to counter narratives of state sovereignty and to engage Indigenous voice, vision and sovereignty through constitutional renewal. It will question whether there exist transformative opportunities within the constitutional orders of settler nation-states and argue that legal and constitutional pluralism is achievable -- at least in theory.

Efficacy Of Indigenous Governance System in A Democratic Dispensation: Sub-Saharan Africa
Charles Nwaila

This paper seeks to explore the notion of an indigenous governance system in Sub-Saharan Africa within a post-colonial dispensation. The research methodology applied was through the qualitative approach where secondary sources were used to collect information on this topic. The ongoing debate about the location of the indigenous governance system in post-colonial African states, is complex and at times full of contradictions. At the core of the debate is the compatibility of this institution with democracy and human rights. In this regard, the democratic pragmatists, argue that democracy and human rights are essentially defined from a liberal tradition that prioritizes the rights of the individuals. On the other hand, the proponents of organic democracy, see indigenous leadership as a different, complementary and unique governance system embraced by many indigenous communities. The proponents of this school of thought do not see traditional leadership as an "anomaly" or a contradiction that exists within a more "legitimate Eurocentric" governance system. This system fulfils a governance gap where conventional democracy has not fully extended itself. This governance system has over the centuries played a critical role in shaping cultural values and building social cohesion and unity in society. Throughout the ages, this system has served as a steady, guiding force for societal progress. Decisions in communities regarding conflict resolution and matters that relate to social issues, welfare and many others are often placed under the custodianship of this system. An "ubuntu" (humaneness) philosophy evolved from these indigenous cultural practices and furthermore, expressions such as "it takes a village to raise a child," is an African proverb that means that an entire community interacts with children for those children to experience and grow in a safer and healthier environment.

Giving Voice: Rematriating Haudenosaunee Legal Orders

Kahente Horn-Miller

In a statement posted to Facebook February 8, 2020 by Akwesasne Bear Clanmother Louise McDonald calling for all Canadians to support the Wet'suwet'en in their actions against the Trans Canada Energies Coastal Gas Link Pipeline used the term Mother Law. This term inspired me to examine the Haudenosaunee Legal Order through a female lens to see what it might reveal. I then wanted to further define and expand upon this term. In an online message, I asked my Uncle Loran if there was a term that we use in our language, Kanienkeha to denote law or even mother law. His response to me is important for illustrating the way that the Haudenosaunee view our law, as a path to follow. As for the mother element, it is used in relation to the earth, our mother. This shifted my perspective, and I realized I needed them to take a look at our legal orders through a feminine lens which has been missing from the record.

PANEL 2

Custom-Related Actors in the Sahel Crisis

Pierre Englebert

The existential crises faced by Burkina, Mali and Niger over the last decade have led to a retrenchment of the state's territorial control and allowed for the rise of alternative providers of governance and security including groups that claim a legitimacy inherited from custom. This paper documents the role of such groups and actors, such as the Koglweogo in Burkina, and analyses the extent to which these groups favor or undermine conflict resolution.

FPIC as Peacebuilding Tool? Land Conflict and the Batwa in Eastern Democratic Republic of Congo

Matthew Mitchell and Landon Wagner

The 2007 adoption of the United Nations *Declaration on the Rights of Indigenous Peoples* represented a watershed moment for global Indigenous rights. Although wide-ranging in scope, a core principle embedded throughout the Declaration is the right to free, prior and informed consent (FPIC). Given the widespread nature of protracted struggles over land involving Indigenous peoples, some argue FPIC could provide a powerful tool to help prevent – and potentially resolve – land conflicts. This issue has gained prominence in the case of the Democratic Republic of Congo (DRC), owing to ongoing debates surrounding the proposed "Organic bill on fundamental principles relating to the protection of and promotion of Indigenous peoples' rights". Importantly, this legislation proposes to recognize Indigenous peoples' right to FPIC. Using a case study of the Indigenous Batwa in eastern DRC, this paper examines the promises – and potential perils – of employing FPIC as a peacebuilding tool. Specifically, it contrasts two high-profile land-related conflicts involving the Batwa: (1) the decade-long conflict pitting the Batwa and Luba people in Tanganyika Province; and (2) the Batwa's recent attempts to (violently) reclaim territories lost due to the creation of the Kahuzi-Biega National Park in South Kivu Province. The paper

ultimately provides a critical and comparative analysis of the ways in which Indigenous groups can leverage the right to FPIC to assert their land rights, and the wider political risks associated with invoking FPIC in certain political contexts.

<u>**PANEL 3**</u>

Indigenous Resurgence through the Frame of Prairie-based Indigenous Governance
Shalene Jobin

The Indigenous Governance program focuses on the theory and practice that is necessary to explore Indigenous resurgence and revitalization through the lens of self-determination. Guided by principles such as wahkohtowin, meaning the laws governing all relationships (Cardinal and Hildebrandt 2000) and miyo-wichetowin, meaning good partnerships or living in harmony together, community engaged research is a key focus of the program. This talk discusses a prairie-based Indigenous governance philosophy and introduces the Indigenous Governance and Partnership framework, created through a community engaged research project that responded to an Indigenous nation's expressed needs in Alberta.

The story of sihkos and wîhtikow politics
Kathy Walker

Drawing on the Cree oral narrative of the wîhtikow and sihkos, I explore how the grounded researching techniques of sihkos can inform critical Indigenous theorizing to help defeat wîhtikow politics. I derive the concept of wîhtikow politics from the voracious, malevolent and insatiably cannibalistic figure of Cree oral narrative and apply this concept as an organizing framework to understand the dehumanizing and consumptive-driven nature of contemporary settler colonial state politics. I argue that a fundamental violence of wîhtikow politics is that it has eaten away at the theory and practice of a wholistic self connected with the wholeness of life. Through her grounded, wholistic presence, sihkos or 'weasel' teaches us about reconnecting with wholism by attending to the autonomous and relational value of being in relationship with all our relations in their diverse living, natural and real contexts.

Resurgence of Traditionalism in Uganda: Thirty Years of Buganda's Restoration and Survival in Museveni's Uganda
Apollo Makubuya

Following the liberation of Uganda from the dictatorship of Idi Amin and Milton Obote the country has witnessed a resurgence and reconstruction of traditionalism in the last thirty years. The recognition and restoration of traditional authority is a product of both political and military interventions by individuals and nationalist groups mostly from the kingdom of Buganda in alliance with General Museveni and the National Resistance Army. The popular quest for power premised on traditionalism and historicism is made in a complex milieu of a modernist, postcolonial and hybrid state premised on the politics of survival and coloniality. And while the restoration of traditional rule has pacified its advocates, it has

also provided a basis for demands for autonomy resulting in new tensions. This presentation examines the processes, progress and prospects of traditionalism in Museveni's Uganda and beyond.

Unsettling environmental colonialism and mobilizing Indigenous Knowledge Systems in governance of Protected Areas in Okhahlamba-Drakensberg
Inocent Moyo

This presentation examines the barriers as well as the opportunities for mobilising indigenous knowledge systems (IKS), within the framework of participatory approaches so as to improve protected area (PA) management and conservation as well as social cohesion and development in Okhahlamba-Drakensberg, KwaZulu-Natal, South Africa. The findings suggest that top down approaches towards environmental conservation and management which espouse Eurocentric approaches are still pervasive, which has limited the potential of indigenous communities to contribute their IKS towards the management of the PA. As such there is a need for genuine bottom up approaches to the interaction between the PA and the surrounding indigenous community members. This should lead to the equal sharing of power in which indigenous communities are partners. In this lies meaningful and inclusive approaches to development and eradication of all forms of poverty which articulates to the attainment of sustainable development goal one (SDG1).

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