Life beyond the state: Regenerating Indigenous international relations and everyday challenges to settler colonialism

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On the morning of February 10, 2020, Howihkat (Freda Huson), Unist'ot'en Camp spokesperson and Unist'ot'en Healing Centre Director, and six other Indigenous women engaged in ceremony on Wet'suwet'en yintah in the province of 'British Columbia,' (B.C.) Canada.[1] But this was no ordinary day at Unist'ot'en. One month earlier, Wet'suwet'en hereditary chiefs had evicted Coastal GasLink (CGL), which had set up an industrial camp with hundreds of workers to build a pipeline across Wet'suwet'en yintah without the free, prior and informed consent of the hereditary chiefs.[2] The eviction of CGL from their yintah was the embodiment of Wet'suwet'en self-determination. Ultimately, Wet'suwet'en hereditary chiefs envisioned life beyond the violence of the state; their territory was a place where Indigenous laws would be honored and upheld on Indigenous lands and waters. However, CGL was not willing to comply with the eviction. On February 6, 2020, after a month of negotiations, the Royal Canadian Mounted Police (RCMP, the federal police force of the Canadian government), accompanied by CGL workers, raided Wet'suwet'en checkpoints and made twenty-one arrests over four days in order clear the way for the CGL pipeline.[3] Then they made their way to the Unist'ot'en yintah.

Just after 8:30am on February 10, 2020, armed police and tactical officers arrived at the Unist'ot'en checkpoint in a convoy of over thirty

*Dr. Jeff Corntassel is a writer, teacher and father from the Cherokee Nation. He is currently Associate Professor in the Indigenous Studies Department at the University of Victoria and Acting Director of the Centre for Indigenous Research and Community-Led Engagement (CIRCLE). His research and teaching interests focus on "Everyday Acts of Resurgence" and the intersections between Indigenous resurgence, climate change, gender, and community well-being. He is currently completing work for his forthcoming book on *Sustainable Self-Determination*, which examines Indigenous climate justice, food security, and gender-based resurgence.

vehicles as a helicopter flew overhead.[4] Freda and others sang and drummed next to a ceremonial fire. A flag that stated "Reconciliation is Dead" symbolically burned in the fire as the officers broke down the checkpoint and approached. The officers walked by several red dresses hung along the road, which represented missing and murdered Indigenous women. As Karla Tait, volunteer director of clinical services at the Healing Centre, stated, "The reason we have dresses here is because we know that the violence against Indigenous women and girls and communities increases with the presence of industrial camps."[5] The link between industrial camps (aka "man camps") and violence against Indigenous women and girls is well documented in previous Indigenous communities.[6] According to Lower Brule Sioux Tribe scholar Nick Estes, "Like the land itself, the bodies of Indigenous women, girls, trans and Two-Spirit people are also seen as open for violence and violation. Resource extraction intensifies a murderous heteropatriarchy, meaning that grounding resistance in Indigenous feminist interventions has become all the more urgent."[7]

Freda continued to sing as she and six others were arrested by the officers.[8] CGL workers systematically began removing the red dresses along the road as others put out the ceremonial fire. In removing the red dresses, they were attempting to erase Wet'suwet'en peoples - especially Indigenous women - from the landscape. In response, supporters across Canada began to blockade railways (Tyendinaga Mohawk) as well as the B.C. Provincial Legislature to demonstrate their solidarity with Wet'suwet'en.

Against the backdrop of Wet'suwet'en self-determination and protection of their lands and waters, this article examines ways that Indigenous peoples act everyday to regenerate their resurgence at one level by decentering the state and heteropatriarchy to focus on complex relationships to land, community and culture. At another level, the act of turning away from the settler state often generates discomfort among the public and exposes contradictions embedded in state policy/laws, which may prompt others to take action in solidarity with Indigenous peoples. This was certainly the case with Wet'suwet'en actions recently.

Amidst the ever-changing terrain of contemporary shape-shifting colonization, this article discusses how Indigenous peoples engage in turning away from the state and the ways these movements take place in unexpected and everyday ways. I will examine three examples of ways that Indigenous international relations are being practiced so as to bypass states and create new forms of solidarity across colonial borders: The Indigenous Women of the Americas Defenders of Mother Earth Treaty Compact (2015) that spans from Turtle Island to South America; the Haida and Heiltsuk Treaty of Peace, Respect and Responsibility (2015) initiated to protect their relationship with herring; and the Tyendinaga Mohawk blockade of the VIA rail in solidarity with Wet'suwet'en (2020). In the following section, I will consider ways that resurgence and settler colonialism have been theorized and how the act of turning away from the state isn't just a literal positioning – it's just as much about decentering of state authority in everyday life as well as remembering and re-imagining life beyond the state based on honoring relational responsibilities. Ultimately, "Indigenous resurgence means having the courage and imagination to envision life beyond the state."[9]

Settler Colonialism and Turning Away from the State

An Indigenous resurgence paradigm reframes decolonization by turning away from the state in order to focus more fully on the complex interrelationships between Indigenous nationhood, place-based relationships, and community-centred practices that reinvigorate everyday acts of renewal and regeneration.[10] Resurgence is inspired by the earlier writings of Frantz Fanon, Standing Rock Sioux scholar Vine Deloria, Jr., Secwepemc Chief George Manuel, Sto:lo writer Lee Maracle, Cheyenne scholar Henrietta Mann and several others; more importantly, however, it is animated and motivated by community-driven practices such as fish-ins, language revitalization, land reclamation, and the renewal of human and more-than-human relationships. According to Anishinaabe scholar and activist Leanne Betasamosake Simpson:

> ...resurgence must be concerned with the reattachment of our minds, bodies and spirits to the network of rela-

> tionships and ethical practices and generates grounded normativity. It means the reattachment of our bodies to our lands, regardless of whether those lands are rural, reserves, or urban.[11]

There are several strands of community resurgence and no one template exists for this movement – resurgence is continuously being remembered, reinvented, and regenerated by contemporary Indigenous youth and leaders. The reattachment process that Simpson describes above is about re-orienting our collective and individual focus toward nurturing and perpetuating land and water-based relationships that promote community health and well-being. According to Mushkegowuk (Cree) scholar Michelle Daigle:

> ...resurgence centers the multiple sovereignties that are lived across diverse Indigenous landscapes, from one nation to another, from one clan to another, from one community to another, but also the multiple sources of authority within each of these nations, clans and communities, which have been systematically excluded from settler colonial and neoliberal spaces.[12]

This diversity of nationhood and governance fosters a multiplicity of mobilization, innovation and regeneration strategies across different Indigenous landscapes and seascapes.

Resurgence has several dimensions to it which will be explored throughout this article but four interrelated elements stand out in the literature and from previous community mobilizations: 1. Centering Indigenous nationhood and land/water-based governance; 2. Honoring and practicing relational responsibilities, which form the basis for Indigenous self-determining authority; 3. Turning away from the state and decentering the politics of recognition, heteropatriarchy, and settler colonialism; 4. Engaging in everyday acts of renewal, remembering, and regeneration.

Of the above-referenced elements, one of the most misunderstood aspects of resurgence is the notion of turning away from the state.

For example, Anishinaabe scholar Sheryl Lightfoot mistakenly conflates critical engagement with settler colonialism and a centering of Indigenous nationhood with "pessimism" when describing resurgence, concluding that "The pessimism traps together work to foreclose any possibility that there could be credible openings of opportunity to negotiate a fairer and just relationship of co-existence with even the most progressive state government."[13] Additionally, Political Scientist Michael Murphy somehow treats resurgence as being detached from relationality, and erroneously contends that resurgence theorists advocate "…a wholesale retreat from state institutions…" which "…runs the risk of increasing the vulnerability of Indigenous communities."[14]

However, when discussing resurgence in theory and in practice, and the notion of turning away from the state, it becomes clear that resurgence does not constitute a "wholesale retreat from state institutions." According to Yellowknives Dene scholar Glen Coulthard:

> Does it require that we vacate the field of state negotiations and participation entirely? Of course not. Settler-colonialism has rendered us a radical minority in our own homelands, and this necessitates that we continue to engage with the state's legal and political system. What our present condition does demand, however, is that we begin to approach our engagements with the settler-state legal apparatus with a degree of critical self-reflection, skepticism, and caution that has to date been largely absent in our efforts.[15]

As Coulthard discusses above, turning away from the state does not mean complete disengagement. It does, however, entail a decentering of the state and other colonial entities by consciously recentering Indigenous nationhood and land-based governance. It also recognizes the limitations of certain strategic engagements with the state, such as a rights-based discourse.

Another mistaken conclusion that stems from the above-mentioned misunderstandings of a "wholesale retreat from state institutions"

relates to Indigenous agency. According to Lightfoot, "By overlooking and/or discounting Indigenous agency and not even considering the possibility that Indigenous peoples could themselves be calculating, strategic political actors in their own right, and vis-à-vis states, the pessimistic lens of the resurgence school unnecessarily, unproductively and unjustly limits the field of possibility for Indigenous peoples' decision-making, thus actually countering and inhibiting expressions of Indigenous self-determination."[16]

When discussing how an exclusive focus on the rights discourse can distract Indigenous peoples from their inherent responsibilities to land, community and culture, resurgence theorists do not foster a wholesale rejection of these strategies as Indigenous peoples use all available means of mobilization to pursue and enact their self-determining authority. Considering possible limitations of these various strategies is much different than denying Indigenous agency. For example, I contend that "When addressing contemporary shape-shifting colonialism, the rights discourse can only take struggles for Indigenous decolonization and resurgence so far."[17] There is systematic exclusion and violence taking place despite the appearance of a 'most progressive state government'.

A resurgence-oriented critique of a rights-based discourse suggests that a careful, nuanced approach to human rights is warranted and, when engaging in rights-based forums, one should understand the limitations of the rights-based approach for achieving particular community objectives relating to mobilization to strengthen self-determining authority. In an attempt to identify perceived 'credible openings' relating to Indigenous struggles for self-determination, the prescriptive approaches of Murphy, Lightfoot, and others run the risk of minimizing a multiplicity of Indigenous forms of agency and worldviews relating to resurgence and nationhood. Given the diversity of approximately 5,000-8,000 Indigenous nations' experiences, perspectives, beliefs, and practices, it is problematic and a bit presumptuous to characterize Indigenous actions that decenter the state as pessimistic or as somehow misguided.

For example, the United Nations' Declaration on the Rights of Indig-

enous Peoples (UNDRIP), in so-called British Columbia (Canada), highlight the diverse strategies that Indigenous peoples employ when asserting their self-determining authority. UNDRIP, which was adopted by the UN General Assembly in 2007, is the most comprehensive Indigenous rights instrument in effect today. Although Canada initially voted against the Declaration (along with Australia, New Zealand and the United States), it reversed its position (once there was a change in administration) and removed its permanent objector status in 2016, promising future implementation of UNDRIP.[18] On November 26, 2019, province of B.C. legislators unanimously passed the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA).[19] While this is an important moment toward the implementation of Indigenous rights in B.C. and in Canada, the provincial Minister of Indigenous Relations and Reconciliation emphasized that UNDRIPA would not give "legal force and effect" to UNDRIP and would not immediately change Indigenous-related law in B.C..[20] Aside from UNDRIP, the United Nations' Convention on the Elimination of Racial Discrimination (CERD), of which Canada is a signatory, issued the following statement in December 2019:

> ...calls upon the State party to immediately halt the construction and suspend all permits and approvals for the construction of the Coastal Gas Link pipeline in the traditional and unceded lands and territories of the Wet'suwet'en people, until they grant their free, prior and informed consent, following the full and adequate discharge of the duty to consult;[21]

Neither the passage of UNDRIPA nor the CERD appeals to Canada had any noticeable impact in supporting the Wet'suwet'en hereditary chiefs' eviction notice to CGL on January 5, 2020, despite the international and local documentation that CGL was on Wet'suwet'en territory without their free, prior and informed consent. With the ink barely dry on the recently-passed UNDRIPA, B.C. Premier John Horgan announced the CGL project would proceed regardless of the eviction, informing the media that "the rule of law applies."[22] While Wet'suwet'en hereditary chiefs continue to seek a conversation with B.C. and federal officials over the implementation of UNDRIP on

their territory, they have witnessed the limitations of a rights discourse in protecting their relationships to the land and CGL's disregard for free, prior and informed consent. In the words of Freda Huson and others acting in solidarity with the Wet'suwet'en: "Reconciliation is dead."

Turning away from the state in the above example involves exposing the illegitimate and unjust foundations of the state's authority. In evoking the "rule of law," Horgan demonstrated the contradictions embedded in his understanding of UNDRIPA as well as ongoing violations of Wet'suwet'en law. By decentering state authority and centering Wet'suwet'en law, one can begin to see where energies can best be directed to promote meaningful justice, accountability, and resurgence. The Wet'suwet'en evicted CGL, in part, to protect their homelands from further encroachment by industrial camp workers and to prevent violence to their community. As Coulthard points out, "It is only by privileging and grounding ourselves in these normative lifeways and resurgent practices that we have a hope of surviving our strategic engagements with the colonial state with integrity and as Indigenous peoples."[23] Resurgence is about regenerating our lifeways, relational responsibilities, and sustainable pathways so that we approach engagements with states and other colonial actors from a strength-based perspective.

Diverse community strategies for Indigenous language revitalization, which is a critical aspect of community resurgence, demonstrate that multi-faceted approaches are employed to achieve resurgence through state and other institutional engagements. With the goal of promoting language speakers, there are multiple ways for teaching the language to learners. For example, public schools may offer language programs that are helpful in facilitating speaking and writing skills. Additionally, Indigenous nations may offer in-person or online courses to help those learning the language. Museums, non-governmental organizations, and other state funded agencies may serve as resources for language acquisition and development. Government grants may be available to assist in teaching Indigenous languages at the community level. International rights-based documents, such as UNDRIP, may provide the legal basis to advocate for Indigenous

language resources. Online forums, applications, and groups can also be utilized for language speakers. And there are other community-driven approaches to language resurgence that may not require funding and are done more informally in everyday settings, such as ceremonies and feasts.

All of the above exemplify different forms of engaging with the state and other entities while maintaining a focus on language revitalization. In this same respect, just as language is centered in the above discussion, resurgence prioritizes the strengthening of Indigenous nationhood, which can be enhanced through multiple pathways involving state engagement but are ultimately community-driven processes. According to Estes, "Indigenous nationhood is often misunderstood as an exclusive project – the sole aspiration of just Indigenous peoples – or as confined within narrow definitions of the nation-state."[24] In other words, Indigenous nationhood doesn't flourish in isolation – it's grounded in multiple relationships that help generate community health and well-being. As Simpson aptly states, "Resurgence cannot occur in isolation. A collective conversation and mobilization is critical to avoid reproducing the individualism and colonial isolation that settler colonialism fosters."[25] Spaces of Indigenous resurgence can open up anywhere that community exists and can flourish within multiple contexts.

As the complexities of the above discussion on language revitalization demonstrate, while turning away from the state is a strategic orientation and positioning, it is not an abandonment of relations with state actors; instead it is a reaffirmation of Indigenous "radiating relationships with plant nations, animal nations, insects, bodies of water, air, soil, and spiritual beings with whom we share parts of our territory."[26] Turning away is also a way to act in contention with aspects of state coercion that may attempt to align Indigenous nation priorities with longer-term state goals via the politics of recognition. According to Coulthard, there is a great danger when gearing Indigenous peoples' goals toward a "recognition-based approach to reconciling Indigenous peoples' assertions of nationhood with settler-state sovereignty via the accommodation of Indigenous identity-related claims through the negotiation of settlements over issues such as

land, economic development, and self-government."[27]

The politics of recognition is undergirded by settler colonialism, which is premised on settler populations attempting to dominate Indigenous landscapes and seascapes in order to maintain a permanent presence on the land at the expense of Indigenous nations and peoples. Settler colonialism as "a structure, not an event"[28] is a collective of shape-shifting entities that employ state coercion to govern through overlapping structures of domination "intrinsically shaped by and shaping interactive relations of coloniality, racism, gender, class, sexuality and desire, capitalism, and ableism."[29] Consequently, acting in contention with settler colonialism entails "the disruption of intersecting forces of power such as colonialism, heteropatriarchy and capitalism."[30] Despite shape-shifting colonial efforts to erase Indigenous peoples from settler-dominated landscapes, Kanaka Maoli scholar J. Kēhaulani Kauanui describes the inherent dynamics of "enduring Indigeneity" in which Indigenous nations and peoples "exist, resist, and persist."[31] According to Kauanui, "Understanding settler colonialism as a structure exposes the fact that colonialism cannot be relegated to the past, even though the past-present should be historicized."[32] Shape-shifting colonial entities are more than just states – they are institutions, such as non-governmental organizations (NGOs) and multinational corporations (MNCs) and other forms of power that are exerted against Indigenous peoples and their complex relationships. From this deep and ongoing history with settler colonialism, Indigenous peoples are "enduring" because they do not center colonial institutions in their everyday lives while also identifying new ways to expose and challenge these ever-changing coercive power dynamics.

So what does it actually mean to turn away from the state amidst a backdrop of ongoing colonization? First, it means truly coming to terms with the fact that Indigenous bodies -- men, women, girls, trans, two-spirit, and queer people -- are viewed by colonial powers as, according to Mohawk scholar Audra Simpson, "a direct threat to their sovereignty and governmentality."[33] The violence that occurs on Indigenous lands also takes place on Indigenous bodies in distinct ways. Second, turning away from the state by centering Indigenous

nationhood does not entail an unwillingness to engage with the settler state; quite the opposite. As political theorist Michael Elliott points out:

> ...spaces of resurgence are structured not on but for the principle of reciprocity. They presuppose Indigenous centricity and authority, and in doing so figure settlers as guests: if they are to remain welcome, settlers are under requirement to adapt their behaviour to meet with conditions of hospitality that they have no say in determining.[34]

The process of turning away from the state actually invites settler engagement regarding solidarity movements and addressing injustices. Amidst discomfort and unease with the current colonial system, settlers' responses can set the tone for protecting and expanding sites of Indigenous resurgence. This is certainly the case with the Wet'suwet'en in 2020 as settlers were asked to help blockade railways and convey demands to politicians and policymakers regarding the eviction of the RCMP and CGL from Wet'suwet'en homelands. Third, amidst resurgence movements, there is often an attempt to engage with the state on multiple levels to generate accountability, solidarity, and, where appropriate, to seek recourse from global forums. This can take the form of invoking UNDRIP, the Inter-American Commission on Human Rights, the Convention on Biodiversity, the Convention on the Elimination of Racial Discrimination, as well as the UN Permanent Forum on Indigenous Issues. With the realization that these forums have limits in terms of achieving resurgence aims, Indigenous nations make careful decisions about where to direct their time and energy. Fourth, in turning away from the state, Indigenous nations may initiate collaboration and occasionally treaty-making between themselves to conduct their own forms of diplomacy with other Indigenous nations.[35] These international actions can sometimes render the state redundant in terms of the mutual recognition of Indigenous nations and the exercise of self-determining authority, both of which pose a credible threat to the legitimacy of state governments.

Finally, turning away from the state takes place in everyday ways that are often unacknowledged and unfold in familial ways at the kitchen table, within ceremony, and other spaces that are often hidden from public view.[36] Examining everyday ways that Indigenous peoples turn away from the state allows us to better challenge gender binaries and colonial notions of nuclear families; to witness intimate settings and how these inform relational responsibilities; and to see how micro-processes can potentially lead to larger scale actions.[37] Estes describes the everyday ways that Indigenous peoples "conspire for freedom": "Hidden from view to outsiders, this constant tunneling, plotting, planning, harvesting, remembering, and conspiring for freedom – the collective faith that another world is possible – is the most important aspect of revolutionary work. It is from everyday life that the collective confidence to change reality grows, giving rise to extraordinary events."[38] With these aspects of resurgence in mind, I will now examine three "extraordinary events" that shed further light on the dynamics of turning away from the state.

Indigenous international relations in action

Indigenous peoples engage in forms of diplomacy in distinct ways that illustrate a turning away from the state. When Indigenous peoples decenter the state, they are also redefining what international entails, which challenges the false, Westphalian distinctions of what constitutes domestic versus international political action. Indigenous international relations persist despite state attempts to confine Indigenous nations to an "internal" or domestic status within state borders.

Over the past ten years, there has been an increase in treatymaking between Indigenous nations, including the Iinnii or Buffalo Treaty (2014), which started with ten Indigenous nations as signatories and now has twenty-nine signatories who are committed to protecting Buffalo on Indigenous lands across Turtle Island.[39] In 2016, a Treaty Alliance Against Tar Sands Expansion was signed on Musqueam territory in Vancouver by fifty Indigenous nations traversing both Canada and the U.S. border.[40] These practices of Indigenous international relations turn away from the state in four distinct ways: 1)

Honor interdependency with the natural world; 2) Engage in continuous renewal of sacred commitments via ceremony and regular gatherings; 3) Treaty responsibilities and/or acts of solidarity are generated from relationships; 4) Focus is on appropriate ways to act as self-determining nations (versus who has legitimate authority). In this section I will look at three examples in which Indigenous international relations are being practiced through acts of diplomacy as well as treaties with other Indigenous nations in ways that turn away from the state and create new forms of solidarity across borders: The Indigenous Women of the Americas Defenders of Mother Earth Treaty Compact (2015) that spans from Turtle Island to South America; the Haida and Heiltsuk Treaty of Peace, Respect and Responsibility (2015) to protect herring from commercial fisheries; and the Tyendinaga Mohawk 2020 blockade of the railways in eastern Canada in solidarity with Wet'suwet'en. These are treaties that have purposely decentered states and have focused on relationships between and for Indigenous nations.

On September 27, 2015, a historic gathering took place on Lenape territory (aka New York City) that was also the first time in recent history that Indigenous women from the Americas engaged in treaty-making together.[41] The woman who created the treaty, Casey Camp-Horinek from the Ponca Nation, is a leading advocate of promoting the rights of nature, and in 2017 she helped the Ponca Nation put into law a rights of nature statute, which promised to prosecute anyone in Ponca court who dishonored natural rights on their homelands.[42] A rights of nature statute provides legal rights of personhood to ecosystems, land and other aspects of the natural world so that they can regenerate and be better protected within legal systems. In 2015, Camp-Horinek introduced The Indigenous Women of the Americas Defenders of Mother Earth Treaty Compact with these words:

> ...we give thanks for the guidance and the support that made this day the sacred day that it has become at this historic Treaty between the Indigenous Women of the North and South. We invite and implore the prayers and the spreading of the word to rise up and join this

> movement that has begun in the times before us and moves into this wave of awareness across the face of our Mother.[43]

The Indigenous Women's Treaty has several provisions that make it unique. First, it outlines the crimes currently being committed against Mother Earth. Second, it makes connections between the crimes against Mother Earth and crimes against women, describing how women are inseparable from Mother Earth. Third, it calls for each signatory to take action each month as well as every solstice and equinox to counter the crimes against the earth:

> We call upon our sisters and their allies around the world to gather together on each new moon to pray for the sacred system of life, guidance and wisdom, and, on every solstice and equinox to:
> – Become educated concerning the harms to life and the environment
> – Pledge to support the rights of Indigenous Peoples
> – Inform yourself and join the circles of global resistance demanding a new system that seeks harmony between humans and the rights of Mother Earth
> – Pledge to nonviolence and become trained in nonviolent direct action
> – Nonviolently rise up with others in your communities and around the world to demand immediate changes in the laws that have created the destruction
> – Commit nonviolent acts of civil disobedience where destruction is occurring until it is stopped
> – Continue these acts until "business as usual" is halted and life on Mother Earth is safe for generations to come. [44]

In addition to the original women signatories, Indigenous women who are committed to this project can sign on online. The above-referenced Indigenous women's treaty is innovative in several ways, notably, its activism follows a cycle of nature (every new moon each month and every equinox and solstice). Additionally, the respon-

sibilities outlined in the treaty are to be acted on and solidarity is expressed across North and South American contexts. Finally, no states are signatories to this document – it is exclusively for and by Indigenous women. States are intentionally decentered here (but without complete disengagement) in order to focus on relational accountabilities between and for Indigenous nations and communities.

Based on their long-standing relationship, the Haida and Heiltsuk Nations had an oral Peace Treaty that was agreed to in the 1850's at a potlatch in Heiltsuk territory and was in response to encroachment by Europeans onto their lands and waterways. These two nations had a long history of trade and warfare together, with their last major conflict taking place in 1852.[45] The Haida and Heiltsuk came together again in 2014 over a herring fisheries dispute with the Canadian Department of Fisheries Office (DFO). For both of these nations, their governance and lives revolved around their relationship to herring. In order to protect and restore diminishing herring stocks, each nation fought to keep commercial fisheries from harvesting herring. Tensions rose as frustrations with the DFO's management of herring increased in 2014. At one herring protest, Heiltsuk leader Frank Brown stated, "the arrogance and disrespect that we are shown in our own homeland has to end. It is only going to end when we take our rightful place as the original stewards of this land."[46]

In 2015, Heiltsuk First Nation closed the sac roe fishery to commercial fishers in order to protect the herring stock. According to Chief Councillor Marilyn Slett, "It is our duty to protect our herring resource, which allows us to exercise our rights according to the Doctrine of Priority. We will not allow continued DFO mismanagement to threaten our way of life."[47]

In 2014-15 amidst the herring fisheries disputes, Haida and Heiltsuk decided to reinvigorate their alliance from the 1850's to "strengthen our political authority to protect our lands and seas." In 2015 at a potlatch in Bella Bella, the *Treaty of Peace, Respect and Responsibility* was renewed and formalized to "seek great degrees of self-determination and independence.[48] This process helped strengthen solidarity among women as well. In 2015, over one hundred Haida and

Heiltsuk women held a two-day gathering on "cultural well-being, traditional knowledge, language revitalization and ongoing community-based projects." These gatherings have continued and reflect an embodied commitment by Haida and Heiltsuk women to live the terms of the *Treaty of Peace, Respect and Responsibility*.[49]

Both Haida and Heiltsuk demonstrate the way that they turned away from the state in order to renew their treaty of friendship. This was done at a potlatch ceremony, initially in the 1850's and again in 2014-15, which highlights the importance of ceremony, protocol, and relational responsibilities undergirding these sacred compacts. Importantly, Haida and Heiltsuk women have played a key role in the implementation of the treaty of friendship, which affirms the leadership of Indigenous women in confronting injustice and ongoing colonization.

In the final example of turning away from the state, on February 6, 2020, the Tyendinaga Mohawk nation, whose territories lie in eastern Ontario, set up two camps along the Canadian National Railway (CN) rail lines to shut down all passenger and freight trains from operating. Both CN and VIA (CN's passenger service) stopped operating and continued to be closed through most of February, impacting over 24,000 passengers. Mohawks of Tyendinaga were acting in solidarity with the hereditary chiefs of Wet'suwet'en and stated clearly that they would only dismantle the camps voluntarily once the RCMP left Wet'suwet'en territory (the RCMP moved in to forcibly clear the camps on February 28).

While these actions took place, Tyendinaga Elder Katsitsiase Maracle was visiting the camps near the railway lines to "make sure they are holding on to the peace."[50] According to Maracle, "I think what is happening right now is putting it out there in a way of saying, 'Wake up people. Look, open your eyes to what is happening in the world.'"[51] Evoking memories of the 1990 "Kanesatake Resistance" (also known as the "Oka Crisis", see Antliff and Hill, note 39), Canada's Indigenous Services Minister Marc Miller met with the Tyendinaga Mohawks and said the federal government hoped to demonstrate some of the lessons learned from Oka: "Do we repeat

the errors of the past? Thirty years ago, police went in guns blazing in Oka and someone died. So that shouldn't be lost on anyone that's telling us to go in there and impose law and order."[52]

The Wet'suwet'en hereditary chiefs traveled to visit with Tyendinaga Mohawks on February 21, 2020 to express their support. Additionally, they met with Kahnawake Mohawks – whose territories are adjacent to Montreal, Quebec -- on February 22, 2020, and engaged in ceremony with both traditional leaders and band council members. According to community accounts, traditional chiefs engaged in a 'Words at the Edge of the Woods" welcoming ceremony, which was a demonstration of peaceful relations that took place at the Kahnawake longhouse.[53] According to hereditary chief Woos, "What we did today was renew our friendship, we shared our culture and our traditions, we exchanged information about who we are as the people of this land and we will continue that relationship."[54]

While the Tyendinaga example did not involve a treaty, it was clearly motivated by relationship and solidarity with the Wet'suwet'en. Additionally, ceremony played a big role in not only supporting the blockade of the railways, but also in welcoming Wet'suwet'en hereditary chiefs to the territory. Finally, a long history of resistance, including the 1990 Oka Crisis, has communicated to policymakers that lessons of the past should be accounted for in order to achieve different outcomes. These examples of 'turning away from the state' each entail unique ways of centering Indigenous nationhood and everyday acts of resurgence through ceremony and protection of lands/waters while also engaging with settler populations to promote wider solidarity actions.

Conclusion

As Estes points out, "What continues to sustain Indigenous peoples through the horrors of settler colonialism are the recent memories of freedom, the visions enacting it, and the daring conspiracies to recapture it."[55] I started off this article with an account of RCMP arrests on Wet'suwet'en Nation territories and how hereditary chiefs acted to turn away from the state as they attempted to evict both the RCMP

and CGL from their yintah. The arrest of Freda and six other women during ceremony highlights the "horrors of settler colonialism" and the ways that resurgence takes place amidst ongoing violence and attempted erasures of Indigenous peoples from their landscapes and seascapes. As Freda and others have demonstrated, violence against the land and violence against Indigenous bodies are interrelated. Additionally, this violence is gendered as evidenced by the linkages between "man camps" and sexual assaults against Indigenous women, girls, two-spirit and queer peoples.

Throughout this article, I have demonstrated that a turning away from the state, which includes heteropatriarchy and settler colonialism, entails a centering of Indigenous nationhood and land-based governance, but it is not a wholesale disengagement with state actors. Instead, those nations and communities activating resurgence invite engagement and solidarity through their actions and articulations of their relational responsibilities. By making settler populations uncomfortable/feel inconvenienced, Tyendinaga Mohawks, for example, are sending a powerful message about acts of solidarity and relationships. As Elliott and others point out, spaces of resurgence embody reciprocity by centering Indigenous nationhood and inviting settlers to engage in solidarity actions on Indigenous terms. Ultimately, focusing on everyday actions allows us to better understand the dynamics of family resurgence that takes us out of the classroom to kitchen, backyard, and other land or water-based activities where our families can thrive together – these micro-actions may ultimately lead to larger scale forms of revolutionary change.

By examining The Indigenous Women of the Americas Defenders of Mother Earth Treaty Compact (2015), the Haida and Heiltsuk Treaty of Peace, Respect and Responsibility (2015) and the Tyendinaga Mohawk blockade of the railways in solidarity with Wet'suwet'en (2020), we gain a deeper understanding of the effective ways that practitioners of resurgence turn away from the state and also strategically engage with state actors. Understanding the role of ceremony and relational responsibilities in activism also helps bring clarity to international Indigenous relations on the ground. This work provides important insights regarding how turns away from the state take

place within different community contexts and how these inform a resurgence paradigm. By centering Indigenous nationhood and practicing land-based governance, Indigenous peoples are honouring and nurturing community resurgence so that future generations will thrive.

Notes

[1] Yintah or Yintikh in this context means earth or specifically territory in Witsuwit'en, which is the language of the Wet'suwet'en people. For more on this see the First Voices website: https://www.firstvoices.com/explore/FV/sections/Data/Athabascan/Wet%E2%80%99suwet%E2%80%99en/Wet%E2%80%99suwet%E2%80%99en/learn/words/categories/3b3c8f91-d610-4450-9573-8b72c32699a7/10/1

[2] The Unist'ot'en Camp, which includes the Unist'ot'en Healing Centre, originated in 2009 when seven oil and gas pipelines were proposed that would have encroached on Wet'suwet'en homelands and waterways. Beginning in 2010, the Camp and Healing Centre were constructed over years by members of the Unist'ot'en house, Gilseyhu clan (one of five Wet'suwet'en clans), other Wet'suwet'en, and Indigenous and non-Indigenous activists on a location whose access was crucial for pipeline construction. It was conceived as a place for Wet'suwet'en peoples, with the support of hereditary chiefs and others acting in solidarity, to honor Wet'suwet'en relational responsibilities and protect the land from extractive industries. One of these industries, Coastal GasLink (CGL), a subsidiary of TC Energy, formerly TransCanada, planned to build a pipeline to deliver liquefied natural gas across unceded Wet'suwet'en homelands without the free, prior and informed consent of Wet'suwet'en hereditary chiefs. On 7 January 2019, the Royal Canadian Mounted Police invaded a checkpoint blocking access to the Unist'ot'en Camp and Healing Centre erected by members of the Gidumt'en clan of the Wet'suwet'en and arrested fourteen land defenders. Despite not having the consent of Unist'ot'en and Gidumt'en hereditary chiefs to enter Wet'suwet'en homelands, the police asserted jurisdiction via an injunction issued in support of CGL. It has since been disclosed that the police were prepared to use "lethal force" against the land defenders at the Gidumt'en checkpoint on January 7. The forceful destruction of the Gidumt'en checkpoint and subsequent arrests set the tone for "negotiations" with hereditary chiefs regarding access to the Unist'ot'en Camp and Healing Centre so that CGL employees could build the pipeline.

[3] Hosgood, Amanda Follett. "Emotions High as RCMP Arrest Seven at Last Wet'suwet'en Post." *The Tyee* (February 10, 2020). Available at: https://thetyee.ca/News/2020/02/10/Emotions-High-Unistoten-Arrests/

[4] Hosgood, "Emotions High."

[5] Hosgood, "Emotions High."

[6] See for example, *Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada* (Amnesty International, 2016); *Indigenous Communities and Industrial Camps: Promoting Healthy Commu-*

nities in Settings of Industrial Change (Firelight Group, February 2017).
[7] Estes, Nick. *Our History is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (New York: Verso, 2019).
[8] Among those arrested were Unist'ot'en leaders Freda Huson (Chief Howihkat), Brenda Michell (Chief Geltiy), Dr. Karla Tait and four other Indigenous land defenders.
[9] Corntassel, Jeff. "Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-Determination." *Decolonization: Indigeneity, Education and Society* 1(1) (2012): 89.
[10] See for example: Alfred, Taiaiake. *Wasáse: Indigenous Pathways of Action and Freedom* (Toronto: University of Toronto Press, 2005); Simpson, Leanne. *Dancing On Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: Arbeiter Ring, 2011); Corntassel, Jeff. "Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-Determination." *Decolonization: Indigeneity, Education and Society* 1(1) (2012): 86-101; Goodyear-Kaʻōpua, Noelani. *The Seeds We Planted: Portraits of a Native Hawaiian Charter School* (Minneapolis: University of Minnesota Press, 2013); Coulthard, Glen. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Simpson, Leanne. *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017).
[11] Simpson, *As We Have Always Done*, p. 44.
[12] Michelle Daigle. "Tracing the terrain of Indigenous food sovereignties" (2017) 46:2, 297-315. *The Journal of Peasant Studies*, 301.
[13] Sheryl R. Lightfoot. "The Pessimism Traps of Indigenous Resurgence." In Tim Stevens and Nicholas Michelsen, eds. *Pessimism in International Relations* (Cham: Palgrave Macmillan, 2019). pp. 155-172.
[14] Michael Murphy. "Indigenous Peoples and the Struggle for Self-Determination: A Relational Strategy." *Canadian Journal of Human Rights* 8(1) (2019): 67-102.
[15] Coulthard, Glen. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), p. 179.
[16] Lightfoot, "The Pessimism Traps of Indigenous Resurgence," p. 168.
[17] Corntassel, Jeff. "Re-envisioning resurgence: Indigenous pathways to decolonization and sustainable self-determination." *Decolonization: Indigeneity, Education & Society*. 1(1) (2012), p. 92.
[18] Fontaine, Tim. "Canada removing objector status to UN Declaration on the Rights of Indigenous Peoples." *CBC News*. May 8, 2016. Available at: https://www.cbc.ca/news/indigenous/canada-position-un-declaration-indigenous-peoples-1.3572777
[19] Only two other countries have passed domestic legislation to implement UNDRIP: Bolivia in 2007 adopted Law No. 3760 which made UNDRIP part of its domestic law, and later UNDRIP became part of Bolivia's constitution in 2010. The second country is the Republic of Congo, which in 2010 adopted a "Law for the Promotion and Protection of Indigenous Populations, which was heavily inspired by the UNDRIP and substantially reproduces most of the articles of the Declara-

tion." For more details, see Lenzerini, Federico. "Implementation of the UNDRIP around the world: achievements and future perspectives. The outcome of the work of the ILA Committee on the Implementation of the Rights of Indigenous Peoples." *The International Journal of Human Rights*. 23(1-2): 51-62 (2019).
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[21] Committee on the Elimination of Racial Discrimination. Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure. *Decision* 1(100) (25 November -13 December 2019). Available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT_CERD_EWU_CAN_9026_E.pdf
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[23] Coulthard, *Red Skin White Masks*, p. 179.
[24] Estes, *Our History is the Future,* p. 232.
[25] Simpson, Leanne. *Dancing On Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: Arbeiter Ring Press, 2011). p. 69.
[26] Simpson, *As We Have Always Done*, p. 58.
[27] Coulthard, *Red Skin White Masks*, p. 151.
[28] Here is the full quote from Patrick Wolfe's essay: "Settler colonizers come to stay: invasion is a structure not an event." Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8(4) (2006): 388.
[29] Corey Snelgrove, Rita Kaur Dhamoon and Jeff Corntassel. "Unsettling settler colonialism: The discourse and politics of settlers, and solidarity with Indigenous nations." *Decolonization: Indigeneity, Education & Society.* 3(2) (2014): 2.
[30] Ibid.
[31] J. Kēhaulani Kauanui. ""A Structure, Not an Event": Settler Colonialism and Enduring Indigeneity." *Lateral*. 5(1) (2016). Available at: https://csalateral.org/issue/5-1/forum-alt-humanities-settler-colonialism-enduring-indigeneity-kauanui/
[32] Ibid.
[33] Quote in Simpson, *As We Have Always Done,* p. 104.
[34] Michael Elliott. "Indigenous Resurgence: The Drive for Renewed Engagement and Reciprocity in the Turn Away from the State." *Canadian Journal of Political Science*. 51:1 (March / 2018): 73.
[35] For more on this, see Chapter 12: "Treaties Between Indian Nations" of Deloria, Vine, Jr. and Raymond J. DeMallie. *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979* (Norman: University of Oklahoma Press, 1999); Chapter 4: "Nishnaabeg Internationalism" in Simpson, Leanne. *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017); Sheryl Lightfoot and David McDonald. "Treaty Relations between Indigenous Peoples: Advancing Global Understandings of Self-Determination." *New Diversities*. 19(2) (2017): 25-39; Jeff Corntassel and

Marc Woons. "Indigenous Perspectives on International Relations." In Stephen McGlinchey, Rosie Walters and Christian Scheinpflug, eds. *International Relations Theory*. London: E-International Relations Publishing (2018). pp. 131-137.
[36] See for example: Jeff Corntassel and Tiffanie Hardbarger. "Educate to perpetuate: Land-based pedagogies and community resurgence." *International Review of Education*. 65 (2019): 87–116; Jeff Corntassel, Taiaiake Alfred, Noelani Goodyear–Kaʻōpua, Noenoe Silva, Hokulani Aikau, and Devi Mucina, eds. *Everyday Acts of Resurgence: People, Places, Practices* (Olympia: Daykeeper Press, 2018); Jeff Corntassel and Mick Scow. "Everyday Acts of Resurgence: Indigenous Approaches to Everydayness in Fatherhood." *New Diversities*. 19(2) (2017): 55-68.
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[38] Estes, *Our History is the Future*, p. 19
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[40] Sheryl Lightfoot and David McDonald. "Treaty Relations between Indigenous Peoples: Advancing Global Understandings of Self-Determination." *New Diversities*. 19(2) (2017): 30-33.
[41] Pennie Opal Plant. "Historic Indigenous Women's Treaty Calls For Action for the Earth." *Movement Rights* (November 11, 2015). Available at: https://www.movementrights.org/historic-indigenous-womens-treaty-calls-for-action-for-the-earth/
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[54] Ibid.
[55] Estes, *Our History is the Future*, p. 131.

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