

Unraveling

the International Law of Colonialism:

The 200th Anniversary of Johnson v. M'Intosh



Friday, March 10, 2023

Free webinar



Program

7:30 – 7:45 a.m. (MST)

Introduction and “The Elements of the Doctrine of Discovery”

- Professor Robert Miller, *Arizona State University*

7:45 – 8:15 a.m.

“Conquest by Law: John Marshall, *Johnson v. M’Intosh* and the Discovery Doctrine” (8:45 a.m. CT)

- Professor Lindsay Robertson, *University of Oklahoma*

8:15 – 8:45 a.m.

“Grappling with the Doctrine of Discovery: North East India’s Perspective” (8:45 p.m. IST)

- Paul Lelen Haokip, *Ph.D. Research Scholar, CHRIST (Deemed to be University)*

8:45 – 9:15 a.m.

“Discovery as Negation: The Case of South Africa” (5:45 p.m. SAST)

- Keo Mbebe, *Ph.D. Candidate, University of Pretoria*

9:15 – 9:45 a.m.

“Decolonizing Sápmi: A Sámi Perspective on Recognition, Reparation and Reconciliation” (5:15 p.m. CET)

- Dr. Laila Susanne Vars, *Headmaster, Sámi University*

9:45 – 10:15 a.m.

“Religious Origins of the Doctrine of Christian Discovery” (11:45 a.m. EST)

- Professor Philip Arnold, *Syracuse University & Indigenous Values Initiative*
- Sandy Bigtree, *Indigenous Values Initiative*

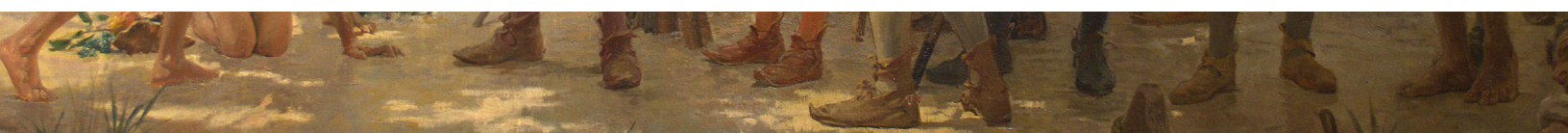
10:15 – 10:45 a.m.

“Organizing the Church to Dismantle the Doctrine of Discovery” (9:15 a.m. PST)

- Sarah Augustine, *Executive Director, Coalition to Dismantle the Doctrine of Discovery*

10:45 – 11:15 a.m.

“Impacts of the Doctrine of Discovery on Haudenosaunee Women” (12:45 p.m. EST)

- Professor Beverly Jacobs, *University of Windsor*
 - Professor Stephanie Pangowish, *University of Windsor*
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Program

11:15 a.m. – 1:15 p.m.

Break

1:15 – 1:45 p.m.

“Protected areas,” biodiversity conservation, and climate mitigation-targeting Indigenous Peoples traditional lands

- Andrea Carmen, *Executive Director, International Indian Treaty Council*

1:45 – 2:15 p.m.

**“Colonial law in contemporary Aotearoa New Zealand”
(7:45 a.m. NZDT)**

- Professor Jacinta Ruru, *University of Otago*

2:15 – 2:45 p.m.

“Modern Treaty Making in Australia: Unravelling the International Law of Colonialism” (8:15 a.m. AEDT)

- Professor Harry Hobbs, *University of Technology Sydney*

2:45 – 3:15 p.m.

“Doctrine of Discovery Around the World”

- Professor Robert Miller, *Arizona State University*

3:15 p.m.

Event ends



Speaker

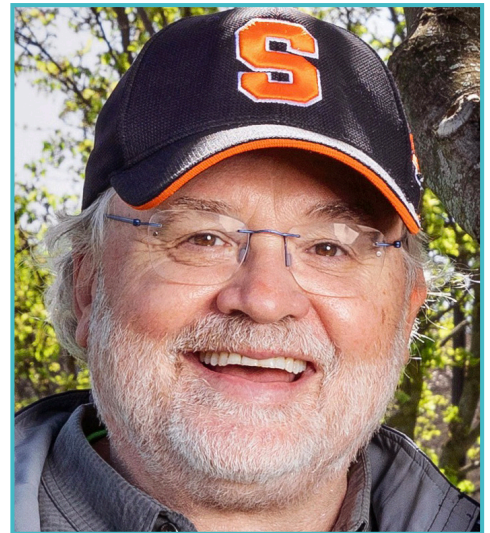
Philip Arnold

Philip P. Arnold is Associate Professor and Chair of the Department of Religion at Syracuse University, as well as a core faculty member of Native American and Indigenous Studies.

He was the Founding Director of the Skä:noñh—Great Law of Peace Center, which repurposes the site that formerly celebrated the Jesuits coming to Onondaga Nation Territory

in 1656-58. The new Center now tells the ancient story of the formation of the Longhouse tradition known as the Great Law of Peace at Onondaga Lake and its influences on American culture. The Skä:noñh—Great Law of Peace Center is a collaborative enterprise between the Onondaga Nation, Onondaga County, the Onondaga Historical Association, Syracuse University and 4 other educational institutions in the Syracuse area.

He is the President of the Indigenous Values Initiative, which is a non-profit organization to support the work of the Skä:noñh—Great Law of Peace Center, the American Indian Law Alliance, and sister organizations and initiatives to educate the general public about the values of the Haudenosaunee. In 2007 he organized the Doctrine of Discovery Study Group and listserve to study the legacy of Christianity's destruction of Indigenous Peoples. With his wife Sandra Bigtree he co-hosts the Mapping the Doctrine of Discovery podcast and is the PI for "200 Years of Johnson v. McIntosh: Indigenous Responses to the Religious Foundations of Racism," a 3-year (2022-24) grant from the Henry Luce Foundation. He is co-editor of the Syracuse University Press series Haudenosaunee and Indigenous Worlds and a founding member of NOON (Neighbors of the Onondaga Nation). His books are *Eating Landscape: Aztec and European Occupation of Tlalocan* (1999); *Sacred Landscapes and Cultural Politics: Planting a Tree* (edited with Ann Gold, 2001); *The Gift of Sports: Indigenous Ceremonial Dimensions of the Games We Love* (2012) and *Urgency of Indigenous Values* (Syracuse University Press, 2023).



Speaker

Sarah Augustine

Sarah Augustine is the Executive Director of the Coalition to Dismantle the Doctrine of Discovery, a national coalition with global reach. From 2007-2022 she directed a Dispute Resolution Center in Central Washington. She has served on the faculty at Heritage University, Central Washington University, Yakima Valley College, and Goshen College.

Sarah received a BA in Sociology and Psychology (1996) and an MA in Whole Systems Design with an emphasis in group conflict transformation (2006). She has represented the interests of Indigenous community partners to their own governments, the Inter-American development bank, the United Nations, the Organization of American States Inter-American Commission on Human Rights, the World Health Organization, and a host of other international actors including corporate interests. In 2012 she co-drafted the World Council of Churches (WCC) *Statement on the Doctrine of Discovery and its Enduring Impact on Indigenous Peoples*. She co-wrote the WCC 2013 Assembly *Minute on Indigenous Peoples*, and worked with an international coalition of Indigenous faith leaders to create the WCC's Indigenous Peoples Program. She employs shuttle diplomacy and community-based participatory action to deescalate conflict and establish common ground between communities and external interests. In addition to her work with SIHF, Sarah has worked as an organizational consultant in strategic planning, facilitation, and mediation. Sarah, a senior mediator, has been a mediating for twenty years.

Sarah served as the Chair of the Washington State Redistricting Commission in 2021-22, shepherding the largest group outreach effort in Washington history and establishing a Tribal Consultation Policy. She was appointed by the Washington State Supreme Court to the Office of Civil Legal Aid Oversight Committee in 2018, where she served for five years, in the role of chair from 2021-2023. At the invitation of the Supreme Court, she convened a working group to review the Appellate rules for indigent residents in 2022.

Sarah has written for *Sojourners*, *Anabaptist Witness*, *Geez Magazine*, *The Mennonite*, *Response Magazine*, *Leader Magazine*, and is a regular columnist for *Anabaptist World*. With coalition co-founder Sheri Hostettler, she co-hosts the *Dismantling the Doctrine of Discovery Podcast*. Sarah is the author of *The Land is Not Empty* (Herald Press, 2021). Sarah Lives with her husband, Dan Peplow, and their son in Central Washington.



Sandy Bigtree

Sandy Bigtree, Bear Clan, is a citizen of the Mohawk Nation at Akwesasne. She is a founding board member of the Indigenous Values Initiative, (501C3) which fosters collaborative educational work between the academic community and the Haudenosaunee to promote the message of peace that was brought to Onondaga Lake thousands of years ago. It is this message that continues to influence American Democracy, the Women's Rights Movement, and the Environmental Justice Movement.



She helped organize the: "Roots of Peacemaking" educational festivals in 2006 and 2007; the "Doctrine of Discovery Conference" in 2014; and co-edited the Neighbors of the Onondaga Nation (NOON) educational booklet. She was an original Planning Committee member of Skä•noñh: the Great Law of Peace Center and currently sits on the Educational Collaborative committee. In 1984-85, she was the Administrative Assistant to the American Indian Law Support Center at the Native American Rights Fund in Boulder, CO.*

In 1980-82 she performed with Native Americans in the Arts theatre troupe (an affiliate of the American Indian Community House) at LaMama, NYC, and toured the northeastern US. From age 1-30, Sandy performed weekly on radio, TV and other venues around Central New York. The Sandy Bigtree Band was well known throughout the 1970s. In 2008, Sandy was the recipient of the Syracuse New Times "Hall of Fame" Sammy Award. Show business is a "tradition" that began with her grandfather Mitchell Bigtree's escape from Thomas Indian Boarding School to join Buffalo Bill's Wild West Show in Europe. His most memorable performance was at Queen Victoria's Golden Jubilee.

Andrea Carmen

Andrea Carmen, member of the Yaqui Nation, lives in Tucson Arizona. She became a staff member of the International Indian Treaty Council (IITC) in 1983 and its Executive Director in 1992. Andrea has many years of experience working as a human rights representative, trainer and observer in crisis situation around the world, and was IITC's team leader for work on the UN Declaration on the Rights of Indigenous Peoples . In 1997 was one of two Indigenous representatives invited to formally address the UN General Assembly for the first time at the UN Earth Summit +5 and regularly participates in UN sessions representing Indigenous Peoples as a delegation of the IITC . Andrea has been a n expert presenter at UN bodies and seminars addressing Human Rights, Treaties and Treaty Rights, Cultural Indicators for Biological Diversity and Food Sovereignty, the UN Sustainable Development Goals (SDG's) , Indigenous Peoples' Right to Participate in Decision - making, Indigenous Children under State Custody including impacts of Boarding and Residential Schools, Climate Change, Reproductive and Inter-generational Health, International Repatriation and Cultural Rights, Indigenous Languages and Rights of the Child including Indigenous Children's right to Environmental Health. In 2006, Andrea was selected to serve as Rapporteur for the UN Expert Seminar on Indigenous Peoples' Permanent Sovereignty over Natural Resources and their Relationship to Land, the first Indigenous woman to serve as Rapporteur for an UN Expert Seminar. Andrea has served on a number of non-profit Boards and from 2010-2018 was a member of the Indigenous Peoples Global Steering Committee for coordination of work at UN Framework Convention on Climate Change. In 2019 Andrea was selected to represent North America Indigenous Peoples on the Facilitative Working Group for the UNFCCC Local Communities and Indigenous Peoples Platform in its first three years of operation and served as its 2nd co-chair from June 2020 through May 2021. In August 2022 Andrea accepted the invitation to become a member of the Global Steering Committee of the newly formed International Union for the Conservation of Nation Climate Crisis Commission. She has a bachelors degree from the University of California at Santa Cruz in Women Studies and has three sons and two grandchildren.



Harry Hobbs

Dr. Harry Hobbs is an experienced constitutional and human rights lawyer working at the forefront of academic research and legal and political debate about Indigenous-State treaty making. Harry is committed to understanding how Indigenous sovereignty can be better recognised by and in national and international legal systems. Drawing on both doctrinal and critical theories of constitutional, international and human rights law, Harry has published 40 academic papers on subjects ranging from native title and Australia's first treaty, the Noongar settlement, to hybrid international criminal tribunals. Harry has particular expertise and interest in the treaty debate in Australia. With UNSW's Professor George Williams, he co-authored *Treaty* (Federation Press, 2nd edition, 2020), the leading book on this topic, in which the two academics take a fresh look at modern treaty-making between Indigenous peoples and governments in Australia. Harry is also the author of *Indigenous Aspirations and Structural Reform in Australia* (Hart Publishing, 2021) and co-editor of *Treaty-Making Two Hundred and Fifty Years Later* (Federation Press, 2021, with Alison Whittaker and Lindon Coombes). He is active in public developments in constitutional recognition, a First Nations Voice, and treaty-making. Harry is active in the international community of scholars and activists concerned with protecting the rights of Indigenous people. In 2020, he was elected co-chair of the American Society of International Law's Rights of Indigenous Peoples Interest Group. The group examines the rights and status of Indigenous peoples in international law, helping to bring together scholars and activists to participate in transnational information sharing and cooperation. In this capacity he has contributed to amicus submissions to the Inter-American Court of Human Rights. In examining notions of sovereignty, Harry has also examined the phenomenon of micronations and the ways in which those aspiring to statehood assert claims to sovereignty. He has authored two books on this topic: *Micronations and the Search for Sovereignty* (Cambridge University Press, 2022, with George Williams) provides a world-first, comprehensive legal and political account of micronations and micronationalism, while *How To Rule Your Own Country* (NewSouth, 2022, with George Williams) takes an in depth look at the people and stories behind the most prominent micronations. Prior to joining UTS, Harry worked in the Parliamentary Joint Committee of Human Rights, the ACT Human Rights Commission, and as the Legal Research Officer at the High Court of Australia.



Speaker

Paul Lelen Haokip

Paul Lelen Haokip a Ph.D. research scholar in the Department of Sociology and Social Work at CHRIST (Deemed to be University) in Bangalore, Karnataka, India.

He has previously earned his bachelor's of education, master's of sociology, master's of public administration and master's of pastoral management.



His published books include “The Groaning for Peace,” “The Joy of Being Myself,” “Relevance of Thempu,” and “Programme Your Self.” Paul has had over 90 articles published in various newspapers of Manipur, Nagaland, Mizoram, Assam, Tripura, Sikkim – The Sangai Express, Imphal Free Press, Imphal Times, Imphal Review of Arts and Politics, The People’s Chronicles, The Hills Journal, The Morning Bell, The Morung Express, Nagaland Post, The Eastern Mirror, Mizoram Post, The Hills Times, Sikkim Express, The Mizoram Post and others. He has also published multiple scientific papers.

Beverly Jacobs

Dr. Beverly Jacobs is the Senior Advisor to the President on Indigenous Relations and Outreach at the University of Windsor and an Associate Professor in the Faculty of Law. She held Associate Dean (Academic) and Acting Dean appointments in the Faculty of Law. She practices law part time at her home community of Six Nations of the Grand River Territory. Her research focuses on Indigenous Legal Orders, Indigenous Wholistic Health, Indigenous Research Methodologies, and Decolonization of Eurocentric Law. Beverly has obtained a Bachelor of Law Degree from the University of Windsor in 1994, a Master of Law Degree from the University of Saskatchewan in 2000 and a Ph.D. from the University of Calgary in 2018. Beverly is also a consultant/researcher/writer/public speaker. Her work centres around ending gendered colonial violence against Indigenous people and restoring Indigenous laws, beliefs, values, and traditions. A prolific scholar, her published work has earned her numerous awards; her research combined with her advocacy has translated into national and international recognition.



Dr. Jacobs is a former President of the Native Women's Association of Canada (elected 2004 to 2009). She is nationally known for her work and commitment to Indigenous politics in Canada, is universally respected in this regard, and is understood to be a tireless and formidable advocate. She is a leading voice and an expert with respect to a multitude of issues facing Indigenous people in her community, in Ontario, across Canada and on an international scale.

Dr. Jacobs received the Laura Legge Award from the Law Society of Ontario in 2021 and she was inducted as a Member of the Order of Canada in 2018. She received two awards from Mohawk College in 2018: Alumni of Distinction Award and Distinguished Fellow-Adjunct Professor. In her first year of teaching at the Faculty of Law, University of Windsor in 2017, she received an Office of Human Rights, Equity & Accessibility, Human Rights and Social Justice Award. In 2016, she received a Franco-German Prize for Human Rights and the Rule of Law from the Governments of France and Germany for her human rights fight for the issues relating to missing and murdered Indigenous women and girls in Canada. In 2008, she also received a Governor General's Award in Commemoration of the Person's Case, an Esquao Award from the Institute for the Advancement of Aboriginal Women and a Canadian Voice of Women of Peace Award from the Canadian Department of Peace Initiative and Civilian Peace Service Canada.

Speaker

Keo Mbebe

Keolebogile Mbebe is a lecturer in the Department of Philosophy at the University of Pretoria. She is currently studying towards a Ph.D. in the Department of Jurisprudence at the same university. She is a two-time recipient of NRF study grants and a recipient of the award for the most meritorious Masters study in the faculty of Humanities at the end of her Masters studies at the University of Johannesburg. Her most recent publication is the journal article *Whites Cannot Be Black: A Response to Xolela Mangcu*. Her forthcoming book chapter is titled: *Blackness as a Conundrum for Phenomenology*. The title of her Ph.D. is *Tracing the Doctrine Of Discovery in the Promotion of National Unity and Reconciliation Act: Truth and the Question of Historical Justice*.



The main themes of Ms. Mbebe's research centre around issues of justice, race, emotions, moral philosophy, philosophy of law, and history. Mbebe is a founding member of the Azanian Philosophical Society (APS), a multi-disciplinary social sciences and humanities association. The APS is a vehicle for the promotion and development of African philosophy and autonomous African philosophical thinking in the social sciences. Prior to her work in the academy she has been an award-winning journalist and a communication officer for the University of Johannesburg's Centre for Social Development in Africa. She is the founder and convenor of a black women interuniversity Ph.D. writing circle.

Stephanie Pangowish

Stephanie Pangowish is from the Six Nations of Grand River Territory and Wikiwemikoong Unceded Territory, but she currently resides in Toronto, Ontario. Her educational background includes a General Arts and Liberal Studies certificate, a Law Clerk Diploma, and a Paralegal Diploma all from Seneca College, a Sociology (Major) and Multicultural and Indigenous Studies (Minor) Honours Undergraduate Degree from York University, and a Juris Doctor degree from the University of Windsor.



Before attending law school, she worked as a Tenants Right Advocate and an Aboriginal Criminal Court Worker for Aboriginal Legal Services in Toronto, Ontario. Stephanie initially chose Windsor Law for her Juris Doctor degree because she witnessed the Windsor Law alumni in the courtroom and was impressed by their thinking outside the box in criminal court matters. She chose to stay with Windsor Law for my LLM because of the fantastic Indigenous professors, whom she would be able to ask for their guidance and support.

Lindsay Robertson

Professor Lindsay G. Robertson, J.D., Ph.D. (History), is a professor at the University of Oklahoma College of Law and the Indigenous Center Visiting Professor and Senior Visiting Scholar at UC College of the Law, San Francisco. He served as Private Sector Advisor to the U.S. Department of State delegations to the Working Groups on the U.N. Declaration of the Rights of Indigenous Peoples (2004-06) and the American Declaration on the Rights of Indigenous Peoples (2004-07) and from 2010-12 was a member of the U.S. Department of State Advisory Committee on International Law. In 2014, he served as advisor on indigenous peoples law to the Chair of the U.N. Committee on the Elimination of Racial Discrimination and in 2016 he was named the first Chickasaw Nation Endowed Chair in Native American Law at the University of Oklahoma College of Law. He has spoken widely on international and comparative indigenous peoples law issues in the United States, Europe, Latin America and Asia. An elected member of the American Law Institute and the American Bar Foundation, he serves as a justice on the Supreme Court of the Cheyenne and Arapaho Tribes and as Senior Legal Adviser to the U.N. Special Rapporteur on the Rights of Indigenous Peoples.



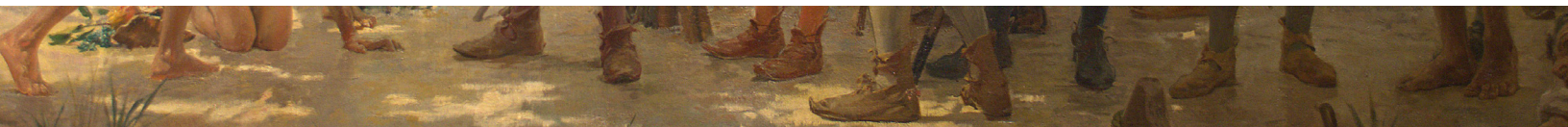
Professor Robertson is the author of *Conquest by Law* (Oxford University Press 2005), the first comprehensive history of the case of *Johnson v. M'Intosh*.

Speaker

Jacinta Ruru

Jacinta Ruru (Raukawa, Ngāti Ranginui) MNZM, FRSNZ is a Professor of Law and holds an inaugural Sesquicentennial Distinguished Chair at the University of Otago, Aotearoa New Zealand. She researches how state legal systems should reconcile with their Indigenous peoples, their laws and knowledges, and specifically considers Māori rights and responsibilities to care for, own, manage and govern lands and waters.

Her work includes co-authoring *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford University Press, 2010) and co-editing *Ngā Kete Mātauranga. Māori Scholars at the Research Interface* (Otago University Press, 2021). Jacinta completed her Ph.D. studies in Canada and is the recipient of a number of significant awards for her research, supervision and teaching.



Speaker

Dr. Laila Susanne Vars

Dr. Laila Susanne Vars is a human rights lawyer and headmaster at the Sami University of Applied Science (Sámi Allaskuvla).

Vars studied law at the University of Tromsø, earning her *cand.jur.* law degree in 2001 and her doctorate in international law in 2010, with a dissertation entitled “The Sámi People’s Right to Self-determination.”



She is former research director at the Norwegian National Human Rights Institution and a former politician. She led the Sami Árja party from 2008 to 2010, and was vice president of the Sami Parliament of Norway from 2009 to 2013.

Robert Miller

Robert J. Miller's areas of expertise are Federal Indian Law, American Indians and international law, American Indian economic development, Native American natural resources, and Civil Procedure. He is an enrolled citizen of the Eastern Shawnee Tribe, the Interim Chief Justice for the Pascua Yaqui Tribe Court of Appeals and sits as a judge for other tribes. He is the Willard H. Pedrick Distinguished Research Scholar at ASU and the Faculty Director of the Rosette LLP American Indian Economic Development Program at ASU.



In 2014 he was elected to the American Philosophical Society. The APS is the oldest learned society in the United States and was created by Benjamin Franklin in 1743. Thomas Jefferson served as president of the APS for seventeen years overlapping his time as president of the United States. The APS has only elected about 5,600 members in its 280 year history.

Before joining ASU in 2013, Professor Miller was on the faculty of Lewis & Clark Law School from 1999-2013. Prior to his career in academia, he practiced Indian law with Hobbs, Straus, Dean & Walker, and practiced litigation with the Stoel Rives law firm. Following graduation from law school, he clerked for Judge Diarmuid O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit.

Professor Miller's scholarly works include articles, books, and book chapters on a wide array of Federal Indian Law issues and Civil Procedure, and he speaks regularly on Indian Law issues across the U.S. and in other countries. He is the author of "Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny" (Praeger 2006), and "Reservation Capitalism: Economic Development in Indian Country" (Praeger 2012). He co-authored "A Promise Kept: The Muscogee (Creek) Nation and McGirt v. Oklahoma (forthcoming University of Oklahoma Press 2022); "Creating Private Sector Economies in Native America: Sustainable Development through Entrepreneurship (Cambridge University Press 2019); and "Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies" (Oxford University Press 2010). Professor Miller has worked as a consultant with the American Philosophical Society since 2006 on tribal language and archival issues. He was elected to the American Law Institute in 2012.

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