

Invisible to Political Science: Indigenous Politics in a World in Flux

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Theft Is Property! Dispossession and Critical Theory. By Robert Nichols. Durham, NC: Duke University Press, 2020.

Global Indigenous Politics: A Subtle Revolution. By Sheryl Lightfoot. New York: Routledge, 2016.

The Prior Consultation of Indigenous Peoples in Latin America: Inside the Implementation Gap. Edited by Claire Wright and Alexandra Tomaselli. New York: Routledge, 2019.

No Justice on Stolen Land” is the opening phrase of Robert Nichols’s fascinating book *Theft Is Property*. I read the book in the wake of the inhumane killings of George Floyd, Breonna Taylor, Ahmaud Arbery, Tony McDade, David McAtee, and Rayshard Brooks, as the chant “no justice, no peace” reverberates in the streets of cities and towns across the United States and the world. These are two related and unresolved demands for justice. In the United States, the only group more exposed to police violence than Black Americans is Native Americans.¹ To study Indigenous politics in the current political context—in the midst of a pandemic that because of systemic inequalities disproportionately kills Blacks, Indigenous, and Peoples of Color and where human-produced climate change threatens our collective existence—means to peel back another layer of the system of

white supremacy and exploitation of humans and nature on which capitalism’s economic and political institutions have been built. From private property, to the nation-states, to the legislatures and courts, to the police and the criminal system, to the educational and health systems, and to the international organizations, all these institutions are built on exclusion, exploitation, and discrimination of Blacks, Indigenous, and Peoples of Color.

In this context, the books by political scientists Robert Nichols, Sheryl Lightfoot, and Claire Wright and Alexandra Tomaselli could not be more timely and necessary for our discipline. For too long, political science has been systematically ignoring Indigenous Peoples, their organization, and their collective demands. The exceptions have been relatively few and mostly emerged from the comparative study of Latin American politics. Since the uprising of the Zapatista movement in Chiapas, Mexico in 1994, and the political organization of Indigenous movements in the region, most notably in Ecuador and Bolivia, Indigenous politics caught the attention and imagination of political scientists in North America who produced pathbreaking scholarship (Eisenstadt 2011; Jung 2008; Lucero 2008; Madrid 2012; Rice 2012; Trejo 2012; Van Cott 2005; Yashar 2005).

Discipline wide, however, in the last three decades only 10 research articles were published in the top three generalist journals of our discipline containing the words “Indigenous” or “Native” (as applied to Indigenous Peoples) in either their title or abstract (six in the *American Political Science Review*,

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1. Police brutality against Native Americans led to the creation of the Native Lives Matter movement in late 2014. “For every 1 million Native Americans, an average of 2.9 of them died annually from 1999 to 2015 as a result of a ‘legal intervention,’ according to a CNN review of CDC data broken down by race. The vast majority of these deaths were police shootings. . . . That mortality rate is 12% higher than for African-Americans and three times the rate of whites” (Hansen 2017). See Edwards, Lee, and Esposito (2019) for a different ranking of the risk of being killed by the police force according to race/ethnicity, gender, and age in the United States, which places Native Americans second from the top after Black Americans. However, as these authors state, the “risks are estimated with less precision for American Indian/Alaska Native men and women than for other groups” (16794).

one in the *American Journal of Political Science*, and three in the *Journal of Politics*). Expanding the search to include *World Politics*, five more articles can be found in the 30-year period. Ferguson (2016) has powerfully denounced this disciplinary exclusion, particularly of Native Americans in political science, and has proposed 16 methodological, cognitive, and organizational changes to indigenize our field. Colleagues at universities in Canada are at the forefront of adopting some of these and related measures to indigenize and decolonize the academy. Thus, we do not have to search too far to find inspiring changes and best practices (MacDonald 2016; Shauneen 2016).

Interestingly, the journal *Political Theory* has the highest number of recent articles including the words “Indigenous” or “Native” in their titles or abstracts, with five articles published in the last five years, one of those by Nichols himself (and only two articles containing those words in the prior 25 years). Indeed, in its study of settler colonialism the sub-field of political theory has much to offer to the rest of our discipline regarding Indigenous Peoples and resistance. In this essay, I review each book, moving from the dispossession of land, to the international order where communal land and self-determination rights were recognized, to an evaluation of how the rights to prior consultation and free, prior, and informed consent (FPIC) have been implemented in the Americas. I conclude by coming back to the issue of justice that motivated the essay and by briefly underscoring why our discipline must devote more attention and resources to the study of Indigenous politics.

THEFT IS PROPERTY

In this book, Nichols argues from a critical theory perspective that the historical process of colonial land occupation can be best described as one of *recursive dispossession*. Nichols responds to critiques of Indigenous resistance that deem Indigenous Peoples’ claims to “original ownership” of their land as either unattainable, due to the fact that property did not exist prior to colonization, or contradictory, due to the fact that Indigenous Peoples also claim that Mother Earth cannot be owned. The recursive nature of the process of dispossession combines self-reference with positive feedback effects (geometrically, writes Nichols, it would resemble a helix). Thus, “recursive dispossession is effectively a form of property-generating theft” (9). In other words, theft or dispossession creates property. Possession, Nichols argues, is the effect and not the antecedent of dispossession. Property is a *relation*, rather than a thing. As he writes, we can own “an idea, a technique for doing something, even an expectation” (31). Property then is a set of relations characterized by exclusion: a set of relations based on an enforceable claim that excludes

others from access to what has been claimed as property. “So ‘making’ property refers not to the creation of a new material object but to a new juridical and conceptual object—an abstraction—that serves to anchor relations, rights, and ultimately, power” (31). By creating a market for land, the settlers simultaneously created property and dispossessed those who had it prior, but without exclusionary enforceable claims.

Within this theoretical framework, Nichols traces the historic processes of private property creation in the Anglo settler states. He shows how those states created land markets that excluded the Indigenous. Paradoxically, the Indigenous could sell but could not buy or acquire property. In the United States, when legislation from 1865 provided for the first time the possibility for some “Indians” to receive homesteads under the 1862 Homestead Act, the explicit requirement was that they “abandoned” their “tribal relations” (41). In fact, it was the Homestead Act that allowed the movement from intrusion to preemption to homesteading for white squatters or “tenants at will.” This movement that created private property was predicated on the dispossession and dehumanization of the “Indians” who occupied those territories. As Nichols writes: “The new market for land was, after all, predicated on the military conquest of the Indigenous peoples, their forced removal from the territories in question, and their de jure and de facto exclusion from the market through legislation explicitly designed to ensure Indians could not compete with white settlers when it came time to (re)purchase land at auction” (42). Similar processes were at work in what is nowadays Canada and New Zealand. Thus, “over the course of the nineteenth century alone, Anglo settler peoples managed to acquire an estimated 9.89 million square miles of land, that is, approximately 6 percent of the total land on the surface of Earth in about one hundred years: *the single largest and most significant land grab in human history*” (51, my emphasis). As Nichols argues, these were not parallel processes but instead co-constituting.

The process of recursive dispossession that Nichols conceptualizes and describes did not stop at the borders of Anglo settler states, of course. In the late nineteenth century, a similar process of recursive dispossession took place in what is nowadays Mexico, as the oligarchical regime of Porfirio Díaz created a market of land for a booming agricultural export sector. Díaz applied a ban on corporate landholdings (an 1850s liberal measure originally aimed at the church) to Indian villages. Although the lands were supposed to be divided up among village members, legal manipulation led to the loss of land to whites (Saffón Sanín 2018). Díaz also decreed that “unused lands” could be taken over for private exploitation and that occupied public lands could be claimed as private, thus formally unleashing the intertwined processes of land privatization and dispossession of Indigenous populations (Saffón

Sanín 2018; Skidmore and Smith 1997, 231).² In what is nowadays Chile, the military fought the Mapuche out of their land in the Araucanía region, reducing them to a fraction of their territory and giving the 5 million hectares they lost to European white settlers (Pairican Padilla 2014, 35). Similarly, in what is nowadays Argentina, the military killed and dispossessed the Indigenous Peoples of the Pampas and Patagonia regions, among them the Mapuche and Tehuelche, and the republican elites continued to literally “hunt” Indigenous leaders, cut off their heads, and exhibit their skulls as trophies in their private collections well into the twentieth century (Díaz 2020; Ray 2007). Whether with legislation or with military force, recursive dispossession took place all over the Americas. As US President Theodore Roosevelt himself noted: “looked at from the standpoint of the ultimate result, there was little real difference to the Indian whether the land was taken by treaty or by war” (quoted in Nichols, 89).³

The second part of Nichols’s book moves on to the Indigenous structural critique and bridges it to the dispossession of the body and the person found in Black social and political thought and in feminist theory. These sections are powerful reminders that the overturning of white supremacy is a project that can potentially unite all those who have been dispossessed and excluded from power in the institutions that this regime created.

The book ends by highlighting the interpretation of Earth as a subject of rights, rather than an object to be possessed, as it transpires in some of the legislation in New Zealand, Bolivia, Canada, and Ecuador. In doing so, the book links Indigenous resistance to environmental sustainability. In the words of Mohawk legal scholar Patricia Monture-Angus: “Although Aboriginal Peoples maintain a close relationship with the land . . . it is not about control of the land. . . . Earth is mother and she nurtures us all. . . . Sovereignty, when defined as my right to be responsible . . . requires a relationship with territory (and not a relationship based on control of that territory). . . . What must be understood then is that the Aboriginal request to have our sovereignty respected is really a request to be responsible. I do not know of anywhere else in history where a group of people have had to fight so hard just

to be responsible” (Monture-Angus 1999, cited in Nichols, 29). Or as Nichols puts it with a different quote: “Found in at least eighty-seven countries on all inhabited continents, Indigenous title lands intersect ‘about 40% of all terrestrial protected areas and ecologically intact landscapes (for example, boreal and tropical primary forests, savannas and marshes).’ Given this, defending Indigenous systems of land stewardship will be key to long-term global ecological sustainability” (151, citing Garnett et al. 2018).

I greatly enjoyed reading Nichols’s book and learned immensely from it. I particularly appreciated the combination of normative theory with a historical analytical approach, which highlighted the explanatory power of the recursive dispossession concept through different temporal and spatial contexts. However, having arrived at the topic of Indigenous resistance and demand for territory from an empirical study of current Indigenous politics, I have two minor criticisms of the book. First, Nichols seems to imply that before white settler arrival there were not enforceable excludable claims to the territory among Indigenous groups. In Nichols’s logic, the existence of such enforceable excludable claims would have given rise to the concept of property and possession before the arrival of colonial settlers. While I cannot fully evaluate the extent to which this claim may be true of the North American Indigenous Peoples (although I believe it is not the case), in the rest of the Americas, Indigenous Peoples with more military might did claim territories that other Indigenous Peoples had previously claimed for themselves. To the extent that different Indigenous Peoples or tribes battled over territory and resources, the notion of enforceable excludable claims was already present.

Second, I am not sure about the motivating question of the book, which I would paraphrase as “Is it possible to claim ownership of what has not been (or cannot be) owned?” While it surely is an important counterargument to some of the conservative critiques of Indigenous claims to territory, to me it would be sufficient to recognize that Indigenous Peoples occupied and used (as well as cared for and venerated) their territories in order to justify their current demands for territory. We know that over centuries, treaties with settlers and other economic processes have led to the “reduction” or “encroachment” of Indigenous Peoples, to the point of choking their cultural reproduction, particularly where they are transhumant. Whether this reduction process is termed dispossession, expropriation, or theft, to me, seems less consequential than the reality that access and use of previously available territories has been historically curtailed. For the Wichí people of the north of Argentina, for instance, the Monte Chaqueño was their territory, where they collected wood and honey and fished in the Pilcomayo river. In the Monte, they realized their seasonal transhumant existence, moving closer to the

2. As Saffón Sanín argues in her fascinating book manuscript (2018), the privatization of public and “unused” lands during the Porfiriato gave the advantage in land claiming to white elites with legal resources, even if they were not the occupants of the land or if the lands were contested.

3. In fact, Saffón Sanín (2018) shows that the way in which the Indigenous were dispossessed was consequential for future land claims. She argues that where dispossession followed the legal route and the dispossessed were communities rather than individuals, those communities were more successful in reclaiming some of the land back in posterior processes of land reform adjudication.

river in the dry season and away from it in the rainy season (Pietrafaccia 2011). To the Mapuche of the south of Chile and Argentine, their territory, the Wallmapu, extended as far as the eye could see. Both geographies, however, were drastically altered. Initially, they were altered as the result of military (in the case of the Mapuche) or religious missionary (in the case of Wichí) occupations. Later, economic processes encroached their territories until the present day. The installation of fences to raise cattle and the deforestation of the Monte Chaqueño to plant soybeans led the Wichí and other Indigenous Peoples of the area (in the Rivadavia department of the Salta province) grouped in the Lhaka Honhat (our land) Association to litigate against Argentina in the Inter-American Court of Human Rights (IACHR) in a case presented in 1998. In 2020, the court ruled in favor of the Lhaka Honhat Association and found Argentina responsible for the violation of the rights to Indigenous communal property, cultural identity, a healthy environment, and adequate food and water for Indigenous communities. The court ordered Argentina to adopt specific measures of reparation for the restitution of those rights, including actions for access to communal land, water, and food; for the recovery of forest resources; and for the recovery of Indigenous culture.⁴ Lhaka Honhat communal land claims were based not on who owned the land but rather on who occupied and used it ancestrally. The IACHR's ruling provides an appropriate segue to the discussion of Lightfoot's book on the new global order.

GLOBAL INDIGENOUS POLITICS

In her pioneering book within the field of international relations, Lightfoot, a member of the Anishinaabe (Ojibwe) nation, provides, to my knowledge, the most informed and detailed account of how the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007 came into being and how it may radically change the global order. It is hard to underestimate the importance of the UNDRIP to the organization of nation-states, sovereignty, self-determination, private property, and the exploitation of natural resources. It is, thus, worth citing at length some of its most impactful sections in these regards:

Article 4. "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions."

Article 10. "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option to return."

Article 19. "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

Article 26.1. "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

Article 28.1. "Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent." (United Nations 2007)

Whereas the UNDRIP is not a legally binding instrument under international law (as an international treaty or convention would be), it has nonetheless been cited in domestic court rulings and included in domestic legislation. It has, perhaps most importantly, crystallized the aspirational rights of Indigenous movements around the world. The UNDRIP, I would argue, has established both an aspirational normative ceiling and a political baseline in Indigenous' claim making.

According to Lightfoot, the passage of the UNDRIP amounted to a subtle revolution. The Indigenous rights it recognized, combined with the force of the Indigenous rights movement that pushed it forward, constitute what Lightfoot calls a *transformational norm vector*: it points out "the way toward some alternative ways of doing global politics and new imaginings of political order that can potentially come to exist" (4). To tell us the story of this important international norm, Lightfoot traces the workings of the transnational Indigenous rights' movement, which she knows intimately well. She also projects the host of changes and challenges that we can expect in international relations and in domestic politics with the recognition of Indigenous Peoples' collective rights to land and self-determination. These are what she calls the "hard rights" that stem from dispossession and assimilation, as opposed to the "soft rights" among which she lists the rights to culture, education, language, spirituality, and identity. Lightfoot's central thesis is that Indigenous rights are prompting a

4. See the IACHR's press release at http://www.corteidh.or.cr/docs/comunicados/cp_24_2020_eng.pdf.

shift in the global political order. Furthermore, she claims that in order for change to continue it will be required to decouple Indigenous self-determination and land rights from territorial or state sovereignty. The Indigenous movement in Bolivia has, in my view, achieved this decoupling in the constitutional reform of 2009 with the recognition of plurinationality. The constitution recognized 36 indigenous nations, which could—through a posterior legal process—potentially achieve autonomy, while at the same time being grouped in one territorial and *plurinational* state.

Lightfoot traces the origins of the UNDRIP back to the Universal Declaration of Human Rights in 1948 and follows the protagonist role and participation of the Indigenous rights movement, which by the 1970s was internationally articulated. From its early days, the defense of the territory was a core demand. Lightfoot then derives the important lessons that Indigenous global politics could contribute to a postcolonial world. Among these are that marginal global actors can forge change in international systems, that rights cannot be dissociated from responsibilities (in particular toward the community and Earth), and that Indigenous rights need not be seen as zero sum vis-à-vis states. As she argues, implementation of Indigenous rights provides a road map to more peaceful and just relationships between Indigenous Peoples and states (89).

The second part of Lightfoot's book examines that process of implementation. She starts by analyzing 60 countries where there are significant Indigenous populations. Using these countries' ratification of international conventions and declarations, she classifies them as high or low in their commitment to international Indigenous rights norms. Then, analyzing domestic constitutions, laws, and policies that address Indigenous rights, Lightfoot reclassifies these countries according to their strong, moderate, or weak constitutional, legal, and policy behavior toward Indigenous rights. As she combines these two sets of classifications, an interesting group of countries emerges that she calls "over-compliant": countries that have declared a low commitment to the international normative framework but nonetheless have either moderate or strong domestic safeguards for Indigenous rights. The four Anglo settler countries that opposed the UNDRIP in 2007 (Australia, Canada, New Zealand, and the United States) belong in this category. After a thorough comparative analysis, Lightfoot arrives at the conclusion that "over-compliance results when a common law settler state identifies as a strong supporter of human rights and must reconcile its colonial legacy with its own post-colonial image within the Indigenous rights discourse" (137). She then studies the evolution of Indigenous rights in Canada and New Zealand in two superbly executed in-depth case studies.

As the first international relations book to address the transformations brought about by the Indigenous rights movement and the seismic changes that could follow from the implementation of UNDRIP, there are many takeaways from Lightfoot's brilliant book. Two in particular stuck with me. First, it is the reluctance of Anglo settler countries to commit to the UNDRIP in 2007 (even if they supported it or endorsed by 2010). In 2007, these countries noted problems with the declaration's approach to lands and resources, FPIC, and collective rights. As Lightfoot notes, as Indigenous rights are implemented, there will be a need to discuss how to accommodate collective rights alongside the individual rights that underpin the outdated world system of nation-states. It seems to me that the recognition of plurinationality within those old nation-states would be one of the first steps in moving that conversation forward. Second, Lightfoot writes, "With large numbers of Indigenous Peoples, the threat of Indigenous movements to Latin American countries is violence and political instability, and so these countries tend to employ a strategy of rhetorical support for Indigenous rights in an effort to keep Indigenous peoples pacified, even if the actual implementation of Indigenous right lags significantly behind their normative commitments" (203). Is this right? How long can this strategy last? In order to answer these questions, I move now to the analysis of Wright and Tomaselli's edited volume.

FREE, PRIOR, AND INFORMED CONSENT: THE IMPLEMENTATION GAP

The edited volume by Claire Wright and Alexandra Tomaselli, *The Prior Consultation of Indigenous Peoples in Latin America*, zooms in on the implementation of one of the UNDRIP rights: the right to free, prior, and informed consent (FPIC). This right had previously been included in the International Labor Organization Convention 169 (ILO C169) on Indigenous and Tribal Peoples of 1989 as the right to prior consultation. In moving from the language of "consultation" to that of "consent," which furthermore must be free, prior, and informed, the UNDRIP incorporated a demand of the Indigenous rights movement that had been present at the negotiation of the ILO C169 (Rodríguez-Piñero 2005, 306 and 309). According to ILO C169, states ought to consult Indigenous Peoples every time there could be legislative or administrative measures that could affect them (art. 6.a). States who poses rights to minerals and subsoil resources should also consult Indigenous Peoples to determine whether their interests could be harmed by the exploration and extraction of resources on their lands (art. 15.2). According to the UNDRIP, states ought to seek FPIC from Indigenous Peoples in cases of redress because of confiscation, occupation, use, or damage of Indigenous lands,

territories, and resources (which they have traditionally owned or otherwise occupied or used), before adopting and implementing any legislative or administrative measures that may affect Indigenous Peoples and in case of relocation. Prior consultation and FPIC constitute both aspirational normative ceilings, since there are not enforcement mechanisms mandating states to implement them, and political baselines in Indigenous' claim making, as rights that have been won internationally and that according to Indigenous Peoples and their allies ought to be implemented domestically. The distance between the rights attained in ILO C169 and UNDRIP and its enforcement is another way of looking at the *implementation gap* identified by Wright and Tomaselli. As they write, "the 'implementation gap' refers to the different obstacles and problems that hinder the application of Indigenous rights and thus create a lacuna between the legislation actually in force and the reality at grassroots level" (4).

Nineteen contributors to the volume, 10 of them law scholars and nine social scientists (five political scientists, two anthropologists, and two sociologists), explore the differential implementation of prior consultation and FPIC in 13 countries of the Americas: Argentina, Brazil, Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, and Peru. These case studies are framed in the book by three comparative chapters (including an introduction and conclusion). It is worth noting that all these countries, with the exception of Canada, ratified the ILO C169 and voted in favor of the UNDRIP in 2007. Although Canada endorsed the UNDRIP in 2010, it has not ratified ILO C169.

The chapters are organized around the following questions: What does the application of international standards on consultation and FPIC mean for international, national, and local actors? Are there success stories, and what factors lie behind them? What happens when the standards are unfulfilled or only partially applied? When falling short, do consultation processes have other positive impacts? Do consultation processes contribute to the empowerment of Indigenous Peoples? (4). All of the case study chapters reveal that the implementation of prior consultation and FPIC has been exceedingly elusive and one of the sites of contention between Indigenous Peoples and the states throughout the Americas.

The implementation gap manifests itself most notoriously in the lack of domestic norms that would permit regulation of the international and sometimes national constitutional or legal commitments made to prior consultation and FPIC. For instance, prior consultation has been included in the reformed national constitutions of Ecuador (2008) and Bolivia (2009), and in Peru there is a national framework for law of prior consultation (2011). However, implementation varies widely between Bolivia and Ecuador, and in Peru, the consultation

law is not systematically applied because of lacking regulatory mechanisms. The chapters also show that in Latin America and Canada, the priority of resource extraction is unchanged. Prior consultation mechanisms sometimes get entangled with environmental impact assessments and licensing processes, but when this happens, corporate power grows even larger (as well explained in Almut Schilling-Vacaflor's chapter). The chapter by Laura Calle Alzate on the Sikuani Peoples of the Orinoquia in Colombia beautifully demonstrates that while prior consultations are systematically implemented in Colombia, with over 1,000 of them processed per year (93), "indigenous leaders consider negotiations with oil companies and prior consultation processes as transactions, that is, as a bureaucratic mechanism to legalise projects" (96). As Rodríguez-Garavito (2010) argued a decade ago, prior consultation is a tool for negotiation rather than opposition to extraction. And as Calle Alzate argues, this is problematic because Indigenous leaders see companies as an alternative source of funding from the state in order to pay for and carry out projects in their communities (101). Chile has also implemented prior consultations since it ratified the ILO C169 in 2008. However, as the chapter by Tomaselli shows, these consultations have been highly formalistic and procedural and have not resulted in legislative changes. Meanwhile, in countries such as Mexico, Ecuador, and Brazil, prior consultations are either regularly violated or avoided. The illuminating chapter by Martin Pappillon and Thierry Rodon identifies three modes in which Indigenous agency is shaping the definition of FPIC in Canada. These are *confrontational* strategies such as legal actions and civil disobedience, *collaboration* to create mutually satisfactory mechanisms to express consent, and *reappropriation* of the decision-making process through the creation of their own parallel mechanisms to express consent (or lack thereof; 262). Interestingly, the editors find wide evidence that, regardless of whether it is properly implemented, consultation is being resignified by Indigenous Peoples who are using it to assert the framework of self-determination (284). As they write: "inappropriate or 'pseudo' consultations processes can help empower Indigenous Peoples, specifically by opening up the public debate on the issue of their rights and bringing different parties including government authorities, Indigenous organisations and—in the context of natural resource extraction—corporations to the negotiating table" (286). Thus, the book's combined evidence paradoxically suggests that for Indigenous empowerment, failed or partially implemented consultations may be more useful than those that fulfill the legal standard.

Collectively, the book edited by Wright and Tomaselli provides an excellent picture of the implementation gap throughout the Americas. The chapters are rich in information that will

be very useful to those interested in the subject. What the volume seems to lack is a comparative assessment of the causes of the implementation gap. In fairness, this is not a question posed by the editors, but my intuition is that it could potentially be linked to the prospects for Indigenous empowerment. In previous research, Thea Riofrancos and I found that the political incorporation of the Indigenous movement into the state accounted for differences in the implementation gap (or in the institutional strength) of prior consultation in Bolivia and Ecuador (Falleti 2020; Falleti and Riofrancos 2018). If, as the editors suggest, partially complied with and contested processes of prior consultation empower the Indigenous Peoples, can we expect those gains to accumulate over time and result in structural change? Is such empowerment independent of the degree of political incorporation of the Indigenous organizations into the state?

CONCLUSION

The books reviewed in this essay have shown that dispossession of Indigenous Peoples has been a recursive historical process; that the recognition of Indigenous collective rights to the territory and to self-determination are likely to transform the present system of nation-states and redefine the reach of individual rights, including the individual right to private property; and that a wide implementation gap exists in the realization of the collective Indigenous rights such as the right to prior consultation or to FPIC. In these books, indigenous voices have raised concerns about our responsibility and accountability to the Earth that nurtures us. Looking toward the future, Lightfoot maintains that one of the big challenges for the Indigenous rights movement will be to decouple Indigenous claims to land and self-determination from state territorial sovereignty. To me, the closest legal image to this decoupling is the recognition of plurinationality, of autonomous Indigenous governance within the umbrella of existent states. However, I can see many other possible scenarios for such decoupling and look forward to continuing to learn from Indigenous scholars and Indigenous Peoples' proposals.

These books also suggest that there comes a time when realizing Indigenous rights or justice is less about what the law strictly says (particularly when the law is aspirational) than how it has been negotiated, pushed forward, implemented, and contested by Indigenous Peoples in their relations to each other, their associations, the state, corporations, and international organizations. It is in this political process that justice may be realized. As Nichols writes toward the end of his book, "No change in legal or political institutions will ever complete the work of actualizing justice since, as feminist scholar Neera Chandhoke points out . . . 'justice has to be *realised*, even

wrested from, imperfectly just states through forms of collective action'" (159).

In conclusion, and in conversation with the claims "no justice on stolen land" and "no justice, no peace," if justice and peace are to be realized in the lands that were once dispossessed from Indigenous Peoples, it will be the result of collective struggle. Such struggle, when it comes to the Indigenous rights movement, could radically transform property, the nation-state, the global order, and resource extraction. It would be a gross mistake for political scientists, particularly those outside political theory, to continue to ignore Indigenous politics and resistance and the transformations that Indigenous Peoples will bring about. These three books help steer our attention in that direction.

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