

The Anglosphere and Indigenous Politics

Abstract

This chapter examines the challenges posed by the heritage of imperialism and colonisation to the concept of the Anglosphere. It explores transnational cooperation and collaboration between indigenous communities, arguing that indigenous peoples have created a transnational counter-public sphere. This indigenous public sphere has developed in the context of globalised norms of indigeneity and collaborative work in drafting the UNDRIP. It reflects shared cultural values, and the common experience of colonisation, as well as recent shared activism. It demonstrates collaboration beyond the purported borders of the Anglosphere, and challenges the assumption of homogenous and shared public cultures in each Anglosphere state. It also counters the argument that Anglosphere countries have a common and shared relationship between public culture, and political values and institutions. The chapter focuses on the relationship between New Zealand Maori and Indigenous Australia, and their recent collaboration in advocating for constitutional change and Indigenous recognition in Australia.

Key words: *Anglosphere, indigenous, colonisation, public sphere, New Zealand, Australia, UNDRIP*

Introduction

In this chapter, I examine the role of the public sphere and indigenous politics in the former settler colony states to develop a critique of the Anglosphere concept. I focus not on the transnational claims of the Anglosphere, but rather on cross-border indigenous cooperation and collaboration between indigenous communities in states some of which are claimed for the Anglosphere. Despite the cultural particularity of indigenous peoples and their focus on authentic identity, as I show, this collaboration has produced shared meanings and cultural commonalities which are distinct from and challenge those assumed in mainstream political discourse. These commonalities reflect not only shared aspects of the colonial histories of indigenous communities, but also the effects of recent collaborative

action in pressing political claims in international institutions. While transnational indigenous engagement and cooperation extends beyond English-speaking, former British settler societies, I pay particular attention here to Maori/Indigenous Australian cooperation and collaboration, particularly around constitutional reform, to demonstrate the challenges posed to Anglosphere arguments by the realities of the postcolonial legacy and indigenous politics. I argue that a public sphere engaging indigenous communities in the former settler societies has developed to challenge both the assumptions of cultural homogeneity and uniformity that are built into the Anglosphere, and the assumptions about sovereignty and collective versus individual political rights and agency fundamental to Anglosphere arguments. In making this case, I address the racialised dimensions of the Anglosphere, and explore the significance for the project of contemporary post-colonial identities and politics.

Cultural identity and the Anglosphere

For a term that attracted such media attention and controversy in the wake of the Brexit referendum, there is an odd indeterminacy around the meaning of ‘Anglosphere’ in popular political discourse. Amongst those who invoke it, the term refers to a range of aspirational projects involving Britain, Canada, Australia, New Zealand, and sometimes, the United States, ranging from a visa-free network to a security community with a coordinated foreign policy and regulatory policy alignment - and even to calls for confederal political union.¹ What is common to these various projects is a focus on the Anglosphere as both a structure and actor in the global order – whether as a competitor to other regional international organisations, or, as critics describe it, as a sphere of influence in which Britain

¹ See the proposal for a ‘CANZUK’ political union, propounded by James Bennet and Andrew Roberts: Andrew Roberts, ‘CANZUK: After Brexit, Canada, Australia, New Zealand and Britain can unite as a pillar of Western Civilization,’ *Daily Telegraph*, 13 September 2016, available at: <https://www.telegraph.co.uk/news/2016/09/13/canzuk-after-brexite-canada-australia-new-zealand-and-britain-can/>;

retains a central role, reflecting its imperial past, in an international organisation of post-settler, predominantly white colonial states.²

Authorising this conception of an Anglosphere, and distinguishing it from the already existing Commonwealth, is a putative collective identity, constructed in terms of both the shared identities of members, and differences from external others.³ Much of the controversy around the Anglosphere centres on the degree to which racialised identity is in fact the key shared characteristic, but for advocates, the basis of these concerted foreign relations is argued to be in shared political values, institutions and practices – in representative government, limited state power, individual liberty and a free market. These of course characterise modern liberal democracies in Europe and elsewhere, but Anglosphere advocates argue that they are distinctively embedded in a more nebulous collection of shared social values and cultural practices, incorporating the English language, a sense of shared history, and common cultural values.⁴ The relationship drawn here by advocates of the Anglosphere between states' international allegiances and social and cultural values and practices reflects the origins of the concept in the internationalist liberalism of Victorian Britain, and the political identification of settler colonists with the imperial centre. As Duncan Bell has shown, the idea of Greater Britain, and imperial federation or unity between Britain and its settler colonies gripped enthusiasts of empire in politics and popular culture in mid-late nineteenth century Britain, and, although to a lesser extent, in the colonies themselves.⁵ Proponents of imperial unity referred to the bonds of common language and culture – but of course, inconveniently for modern supporters of the Anglosphere, the fundamental

² Michael Kenny and Nick Pearce, 'The Rise of the Anglosphere: how the right dreamed up a new conservative world order', *New Statesman*, February 10, 2015, pp.

³ Srdjan Vucetic, *The Anglosphere: a Genealogy of a Racialized Identity in International Relations* (Stanford, Stanford University Press, 2014), pp. 4-6.

⁴ James C Bennett, *The Anglosphere Challenge: Why the English-Speaking Nations will Lead the Way in the Twenty-first Century* (Lanham, MD, Rowman and Littlefield, 2005), pp. 76-8.

⁵ Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900* (Princeton, Princeton University Press, 2007).

commonality was explicitly membership in what was referred to as the ‘white race.’ Contemporary critics argue that the Anglosphere continues to express the influences of its origins in racially ordered and segregated communities under colonialism.⁶

Contemporary advocates of Anglosphere, following the Greater Britain idea and Churchill’s enthusiasm for the ‘English-speaking peoples’ disclaim a racialised identity, and emphasise the common use of the English language⁷, but also a shared, originally British culture as the basis for alliance or federation. The most detailed expression of this is in James C Bennett’s argument that a distinctively ‘Anglo culture’ has produced a civil society that supports liberal political values and institutions. The hallmarks of this ‘Anglo culture’ are not often specified – Bennett argues that it involves a ‘high trust’ civil society, predominantly Protestant, although at the same time he concedes that Catholic nations can also be ‘high trust.’⁸ He refers in *The Anglosphere Challenge* to ‘the fundamental customs and values at the core of English-speaking cultures’, including individualism, the rule of law, the honouring of contracts, and the surprisingly archaic notions that ‘a man’s home is his castle’ and ‘a man’s word is his bond.’⁹ Amongst Anglosphere advocates, the character of the supposedly shared culture is more often described in terms of what it is not. In an argument echoed by Eurosceptic British conservatives well before Brexit, Robert Conquest has claimed that European political traditions are dangerously ideological, corporatist and corrupt, reflecting cultures prone to collectivism, in contrast to the British ‘culture of sanity’.¹⁰ Bennett argues similarly that the concept of ‘the West’ is outdated, and that a shared British culture, British in origin, is increasingly distinguished from that of European democracies.

⁶ Vucetic, *The Anglosphere*; Alexander Davis, ‘Decolonizing the Anglosphere,’ post available at: <https://thedisorderofthings.com/2014/04/23/decolonising-the-anglosphere/>

⁷ Winston Churchill, *A History of the English-Speaking Peoples* 4 vols (London, Bloomsbury, 2015).

⁸ Bennett, *The Anglosphere Challenge*, pp. 70-72.

⁹ Bennett, *The Anglosphere Challenge*, pp. 89-80.

¹⁰ Robert Conquest, *Reflections on a Ravaged Century* (New York: Norton, 2000), pp. 22-28.

However the essence of the ‘Anglosphere’ is defined against not only external, but also internal others: Bennett argues that policies of multiculturalism based on recognition and protection of minority culture, as an alternative to full integration (or assimilation) threaten these shared political values.¹¹ Among other Anglosphere advocates, Keith Windschuttle asserts that a common Anglo-Protestant culture defines and remains essential to the English-speaking former colonies. Windschuttle is a long-time critic of multiculturalism in Australia.¹² Stefano Gulmanelli has shown that despite former Prime Minister John Howard’s his public refusal to associate Australia explicitly with the Anglosphere, he drew on the nation’s purported ‘Anglo identity’ to support his rejection of multiculturalism.¹³ These dismissals of multiculturalism might give pause to Anglosphere enthusiasts on practical grounds, given the entrenchment of policies over time supporting polyethnic cultural diversity in all of the supposed Anglosphere member states. While as Srdjan Vucetic points out, multiculturalism has at various times been framed to emphasise common civic values,¹⁴ multicultural recognition of cultural difference nonetheless challenges the link between culture and political values that is at the centre of Anglosphere arguments. But at a conceptual level, it also points to the way in which arguments for an Anglosphere in the global order rely on the assumption of a shared, culturally homogeneous civic sphere in proposed member countries. Structures and processes of formal and institutional policy cooperation are taken to rest not on the shared views of foreign policy makers, but rather upon a popular public sphere of human civic engagement sustained by a common culture. This is compatible, Anglosphere advocates insist, with immigrant societies, as long as

¹¹ Bennett, *The Anglosphere Challenge*.

¹² Keith Windschuttle, ‘Anglosphere Exceptionalism,’ *The New Criterion* (2014), 32, 5, pp. 23-28. See also: Andrew Roberts, ‘If we hate our own culture, it’s little wonder young Muslims are turning to terrorism,’ *The Telegraph* 23 May, 2017.

¹³ Stefano Gulmanelli, ‘John Howard and the “Anglospherist” Reshaping of Australia,’ *Australian Journal of Political Science* (2014), 49, 4, pp. 581-95.

¹⁴ Vucetic, *Anglosphere*, p. 133. Vucetic’s focus is on Britain and Canada, but this approach to multiculturalism has also been dominant in Australia from the 1980s.

immigrants subscribe to a common and shared public culture.¹⁵ A regime of full integration – in fact, assimilation – is essential to their case: with multicultural policies which recognise and include minority cultures in the public sphere, the argument for shared Anglo-distinctiveness collapses.

While arguments for assimilation are controversial enough when applied to polyethnic migrant groups, they are particularly problematic when it comes to national minorities, such as the Quebecois in Canada, and to the indigenous communities present in all the former settler society members of the Anglosphere. The claims of these groups are fundamentally distinct from those of polyethnic (migrant) minorities: they do not seek cultural inclusion and recognition, but rather the constitutional and political recognition of their status as independent sovereign peoples. Indigenous claims entail at least some degree of self-determination and shared sovereignty, as well as the formal incorporation of the indigenous group into political decision-making.

While most Anglosphere enthusiasts ignore the indigenous minorities in former settler societies, Bennett discusses them briefly, arguing that increased contact and collaboration between indigenous nations across the Anglosphere will in fact reinforce it. For this to occur, Bennett argues, ‘aboriginal activists in Canada, the United States, Australia and New Zealand need to orient their struggle toward making a similar transformation of their nations to high-trust, strong civil societies.’¹⁶ Once this happens, sovereignty for indigenous peoples will allow them to integrate as nations ‘into a wider Anglosphere civilisation while retaining many unique cultural characteristics.’¹⁷ As we shall see, even apart from the assumption that these independent indigenous nations will be Anglophone, this assessment signally fails to

¹⁵ Windschuttle argues that the Anglosphere project ‘should also be a project to define who we are’, ‘Anglosphere Exceptionalism,’ p. 28.

¹⁶ Bennett, *The Anglosphere Challenge*, p. 241.

¹⁷ Bennett, *The Anglosphere Challenge*, p. 241.

understand the challenge posed by transnational indigenous collaboration to proposals such as the Anglosphere.

Civil society and the public sphere

As the discussion above suggests, Anglosphere advocates offer only a sketchy analysis of the cultural and civic commonalities that they argue underlie and justify institutionalised state cooperation and potential political federation. References to language, culture, beliefs and economic values such as the sanctity of private property suggest, however a public sphere of citizen culture and interaction within and across national borders, which supports common political institutions and values. This understanding of a public sphere seems consistent with casual Anglosphere references to tourism, shared popular culture, and social and family connections between the citizens of Anglosphere states. It is a discursive, but not a conceptual stretch to interpret this as a public sphere in the sense described by Jürgen Habermas: an imaginary community in which people gather in public, to engage in debate over public concerns – the regulation of civil, social and economic life. Public opinion generated in the public sphere ‘puts the state in touch with the needs of society.’¹⁸ As Nancy Fraser sums up, the public sphere is the primary arena for the making of cultural common sense.¹⁹ It is in this imagined space that social meanings such as those claimed by Anglosphere theorists – liberal political values and institutions, private property and a historically produced cultural identity – are generated and discussed, and in which citizens respond to policies and laws.

¹⁸ Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans Thomas Burger and Frederick Lawrence (Cambridge, MA: MIT Press, 1989), pp. 29-31.

¹⁹ Nancy Fraser, ‘Politics, culture and the public sphere: toward a postmodern conception,’ in Linda Nicholson and Steven Seidman (eds.), *Social Postmodernism: beyond identity politics* (Cambridge: Cambridge University Press, 1995), pp. 287-8.

While the concept of the public sphere emerged in the context of the nation-state, globalisation has led to the emergence of transnational public spheres as public opinion is mobilised by social groups across national borders, with the aim of influencing not only nation state governments, but also international institutions and legal regimes.²⁰ Actors in these spheres share common identities across the bounds of citizenship, and organise and act to pursue social and political projects aimed at building community as well as shaping national and international policies. While common examples include social movements and diasporas and, as I show below, indigenous peoples, regional groupings of states are also candidates; there is considerable debate, for example, on the degree to which the European Union has produced a transnational public sphere. Habermas and Jacques Derrida have argued that the mass, transnational demonstrations that took place in Europe against the Iraq War in February of 2003 demonstrated an incipient European public sphere in EU member states, in which a Europeanised identity is debated and shaped.²¹ Others suggest more cautiously that national public spheres have become Europeanised in EU member states.²²

Anglosphere advocates looking for a firmer basis for their claims might similarly examine the evidence for the existence of an Anglo-public sphere. In order to argue convincingly that the Anglosphere rests on a culture and political principles which are specific and common to the countries usually included, and which support common political organisation and action, advocates would need to investigate the public culture of these countries and demonstrate evidence that is less vague and anecdotal than that normally cited. As Thomas Risse points out with respect to Europe, the issue of whether citizens of different states see themselves as belonging to an encompassing imagined community is above all, an

²⁰ Fraser, 'Transnationalizing the Public Sphere,' p. 14.

²¹ Jürgen Habermas and Jacques Derrida, 'February 15, or What Binds Europeans Together: A Plea for a Common Foreign Policy, Beginning in the Core of Europe,' *Constellations* (2003), 10, 3, pp. 291-7.

²² See notably Thomas Risse, *A Community of Europeans? Transnational identities and public spheres* (Ithaca: Cornell University Press, 2010).

empirical question.²³ In the absence of empirical evidence in the Anglosphere case, there is no reason to accept the claims of advocates that current ministerial cooperation, such as the Five Eyes intelligence arrangement, or the rhetoric of political leaders reveals the kind of deeper links necessary to sustain greater institutional cooperation or federalism. It might also be the case that examination of the public sphere in these states reveals dissent from and challenges to the commonalities assumed by Anglosphere supporters (as is the case in some European states belonging to the European Union).

Transnational counter public spheres

The transnational indigenous public sphere constitutes a ‘subaltern counter public’ which, as Fraser argues, operates as a ‘parallel discursive arena, where excluded and marginalised members of subordinated social groups invent and circulate counterdiscourses.’ In this space, indigenous groups formulate ‘oppositional accounts of their identities, interests and needs.’²⁴ This takes place at many levels: as we shall see, activists work together on political programs and support others’ demonstrations and actions, indigenous professionals and academics share information, bureaucrats cooperate to align policies, media organisations publicise indigenous stories and projects in other states. This multi-layered engagement expands participation in the indigenous public sphere, and builds a sense of shared identity and concern. Counter-publics also aim to influence and reshape discourse in the wider public. As I show below, indigenous groups, working through international institutions, have constructed spaces of public debate and engagement designed to express and develop their own identities, interests and needs, but also to influence policies, political institutions and values in their wider societies. In fact, these indigenous demands challenge some of the key

²³ Risse, *A Community of Europeans?* p. 38.

²⁴ Fraser, ‘Politics, culture and the public sphere,’ p. 291.

political values assumed by Anglosphere theorists, setting out collectivist approaches to identity and rights, and calling for shared sovereignty and constitutional structures that recognise national minority rights.

The indigenous counter-public sphere subverts the idea of the Anglosphere in three ways. First, while it overlaps with some Anglosphere member countries where the colonial experience has been shared, it also extends to the former subjects of other colonial empires. Second, it counters claims to cultural homogeneity within Anglosphere states. Third, by emphasising indigenous language and culture, it challenges the centrally assumed relationship between English language, public culture and political values. Nowhere is this last point clearer than in debates about constitutions, recognition and sovereignty, which form a central part of indigenous conversations in Australia and New Zealand.

The global indigenous counter-public

As I show in this section, although the global indigenous counter-public overlaps with some Anglosphere member countries where the colonial experience has been shared, it also extends to the former subjects of other colonial empires. Activism in the United Nations and within and across settler state public spheres has been crucial for the generation of a transnational indigenous counter-public.

While there is a long history of indigenous cooperation across peoples, and across the political borders imposed by colonial regimes²⁵, the modern transnational movement emerged out of the American Indian Movement in the 1970s, and the decision of Native American indigenous leaders, prompted by domestic government intransigence, to focus on

²⁵ Ravi de Costa, 'Indigenous Diplomacies before the Nation-State,' in J Marshall Beier (ed.), *Indigenous Diplomacies* (New York, Palgrave, 2009), pp. 61-77.

the UN as an arena in which to advance their claims for justice.²⁶ The World Council of Indigenous Peoples, constituted in 1975, involved North American indigenous peoples, as well as representatives of other settler societies, formerly British and non-British colonies, where indigenous protest campaigns had failed to bring about substantial change on the domestic front. Under pressure from the Council, the UN has provided the main institutional base for contemporary global collaboration since it began to support decolonisation in the 1960s, both by focusing attention on the injustices experienced by indigenous peoples, and by providing fora for NGOs representing them to meet and work together. Early in the process, international instruments including the International Labor Organisation Convention 107 (1957) and its Convention on Indigenous and Tribal Peoples, no. 169 (1989), the International Covenant on Civil and Political Rights (1966) and the International Convention on the Elimination of all forms of Racial Discrimination (1965) provided protections to indigenous communities, which brought to international fora legal and political disputes with states. But most important, because of its status as a participatory forum, was the UN Working Group on Indigenous Peoples, created in 1982 under the auspices of the UN Commission on Human Rights which, uniquely, allowed for the participation of indigenous groups with no official status at the UN.

While the Working Group itself consisted of state representatives and UN staff, it provided an annual forum in which delegates from a wide range of indigenous communities, in the former British settler nations but also Latin America, Scandinavia, Asia and Africa, met regularly to discuss matters of common interest. Ravi de Costa describes the intense involvement of a wide range of indigenous Australian organisations and leaders in the WGIP, turning to it in frustration at the lack of domestic political support for indigenous political

²⁶ Sheryl Lightfoot, *Global Indigenous Politics: a subtle revolution* (Abingdon Oxon, Routledge, 2016), pp. 43-5.

claims in Australia.²⁷ More than any other group or forum, this was responsible, as Ronald Niezen writes, for the coalescing of an international indigenous identity, and the creation of a global imagined community.²⁸ In discussing the commonalities experienced by delegates, Niezen, an anthropologist observer, describes entering an indigenous caucus meeting:

A glance around the room shows a striking variety, seemingly the entire range of human appearance and costume... Within this variety there is an attachment that all participants share to some form of subsistence economy, to a territory or homeland that predates the arrival of settlers and surveyors, to a spiritual system that predates the arrival of missionaries, and to a language that expresses everything that is important and distinct about their place in the universe. Most particularly, they share the destruction and loss of these things. Their cultural markers gain self-conscious significance the more they are diminished by outside forces. They also share the corresponding commitment to find stability and restorative justice.²⁹

After over twenty years of work, including years of delay engineered by postcolonial states, walkouts and a hunger strike by indigenous representatives, the UN Declaration on the Rights of Indigenous Peoples was finally agreed in 2007. The Declaration recognises indigenous rights to the preservation of their cultures and languages, to control over land and resources and, crucially, to self-determination. An overwhelming majority of states voted in support; The US, Canada, Australia and New Zealand voted against UNDRIP, referring to concerns about land rights and self-determination, but have since formally endorsed it, although, with the exception of Canada, all characterise the Declaration as ‘aspirational.’

²⁷ Ravi de Costa, *A Higher Authority: Indigenous transnationalism and Australia* (Sydney, UNSW Press, 2006), pp. 112-120. See also Mick Dodson, ‘Linking international standards with contemporary concerns of Aboriginal and Torres Strait Islander peoples, in Sarah Pritchard, *Indigenous Peoples, the United Nations and Human Rights* (Leichardt, NSW: Federation Press, 1998), pp. 18-29.

²⁸ Ronald Niezen, *The Origins of Indigenism* (Berkeley: University of California Press, 2003), p. 46.

²⁹ Niezen, *The Origins of Indigenism*, p. 23.

While not a binding Treaty, the UNDRIP reflects a global norm change in the recognition of indigenous individual and collective rights, and a series of fundamental challenges to the assumptions underlying the Anglosphere. As opposed to political individualism, it establishes that ‘individual citizenship alone is insufficient to secure the legitimate cultural and economic rights of indigenous peoples.’³⁰ It counters the claim that all groups within Anglosphere nations share a common political culture. And it challenges the rights of post-colonial states (both within and outside the Anglosphere) to their traditional claims to and definitions of sovereignty. In fact, indigenous movements involved in the process challenge the status of states as the dominant actors in global politics. They created networks of activism, partnerships and strategic alliances which reflect shared aspects of indigenous cultures, and an indigenous worldview. Describing the process in detail, Sheryl Lightfoot comments that the work of indigenous representatives was grounded in transnational indigenous ways of being and in its grassroots origins: ‘While indigenous cultures vary widely, there does seem to be a shared vision of life and the universe as interconnected, and respectful relationships must therefore be cultivated and maintained.’ A ‘supranational layer of indigenous identity’ is added to the ‘complex web of kinship, tribal and national identities that indigenous people maintain.’³¹ The common identity created reflects shared indigenous values and the shared experience of colonisation – what Ken Coates and Carin Holroyd have called ‘the symmetry of experiences’ between indigenous peoples.³² But it also reflects the experience of working together in the Working Group’s Indigenous Caucus on the draft Declaration.

³⁰ O’Sullivan, *Indigeneity*, p. 100.

³¹ Lightfoot, *Global Indigenous Politics*, pp. 75-7.

³² Ken Coates and Carin Holroyd, ‘Indigenous Internationalism and the Emerging Impact of UNDRIP in Aboriginal Affairs in Canada,’ in Centre for International Governance Innovation, *The Internationalization of Indigenous Rights: UNDRIP in the Canadian Context – Special Report* (Waterloo, ON, 2014), p. 6.

The interaction between traditional values and historical dispossession is evident in indigenous claims concerning territory. A commonly cited ground of shared cultural commonality, distinguishing indigenous communities from western societies is the spiritual connection between each community, over time, to land and to the features of landscape. At the same time, indigenous communities seek restitution for natural resources appropriated from them by colonisers, and historical redress for the loss of revenues from use of those resources. As De Costa writes: ‘the realization that these [imperialism and colonisation] were global phenomena meant that the solidarity of the transnational movement could be grounded in a positive philosophy of spiritual attachment to place, rather than simply in the obstruction of modernity and development.’³³ As I have shown above, Anglosphere advocates assume a relationship between shared culture and political values and institutions; here, the relationship between the shared cultural experience of indigeneity and political action recalls the operation and function of the public sphere: shared values are worked out in a process of participatory engagement in indigenous communities, and these form the foundation for political principles and action. The key political values for indigenous peoples are set out in the UNDRIP: collective rights to culture and land, and to self-determination; this focus on grounding in culture emphasises the gaps in the case that Anglosphere theorists make about commonalities between purported member states. It also distinguishes indigenous political principles from those dominant in liberal democracies. Dominic O’Sullivan observes that indigenous peoples tend to reject the view that self-determination is achievable through individual participation in the labour market alone, assuming rather a ‘trans-generational culturally grounded focus that adds significant complexity to public policies aimed at improving the quality of indigenous people’s lives.’³⁴ Individual rights are

³³ De Costa, *A Higher Authority*, p. 123.

³⁴ Dominic O’Sullivan, *Indigeneity: A Politics of Potential, Australia, Fiji and New Zealand* (Bristol: Policy Press, 2017), p. 170.

not absent from indigenous claims, but they are grounded in a communitarian approach to individuals as members of collectivities, imbricated in communal culture and religion.

In the wake of the UNDRIP and the campaign to persuade the remaining settler society states to endorse it, transnational activism and engagement between indigenous peoples have continued. Globalisation creates space for indigenous cooperation and activism across national borders,³⁵ enabling indigenous people, as Claire Charters argues, to pool resources and to help each other to achieve both local and shared objectives, to resist the authority of states.³⁶ Some of this is explicitly political: in 2005, for example, representatives of the American Indian Law Alliance, together with Maori, ran a campaign in the New Zealand media to raise concerns in the country about New Zealand's proposed amendments to the UNDRIP.³⁷ In 2016, the local Sioux people organised a protest at Standing Rock Indian Reservation, in North Dakota against the passage of an oil pipeline across the Mississippi and Missouri rivers, and through sacred land near the Reservation. The protest drew international attention and support, largely for its environmentalist aspects, which were emphasised by the international media. But the religious and cultural arguments of the protest, centred on water protection, drew support from other indigenous peoples. Maori, and Indigenous Australian lawyers and activists joined the protest, both in person, and on social media.³⁸ Similarly the Sami Parliament, representing indigenous peoples in the Nordic countries, persuaded Norway's second largest pension fund to disinvest in the oil

³⁵ O'Sullivan, *Indigeneity*, p. 91.

³⁶ Claire Charters, 'Maori and the United Nations,' in Maria Bargh (ed.), *Resistance: An Indigenous Response to Neoliberalism* (Wellington, Huia, 2007), p. 147.

³⁷ Charters, 'Maori and the United Nations,' p.

³⁸ Mani Dunlop, 'Haka in Solidarity for Standing Rock Sioux Tribe', Radio New Zealand, November 3, 2016. Available at: <http://www.radionz.co.nz/news/te-manu-korihiki/317188/haka-in-solidarity-for-standing-rock-sioux-tribe>; Allan Clarke, 'Why Indigenous Australians have joined the Global Standing Rock Movement,' BuzzFeed News, November 1, 2016. Available at: https://www.buzzfeed.com/allanclarke/why-indigenous-australians-have-joined-pipeline-protest?utm_term=.bwJ0L196G#.mrqzakbLO

pipeline project.³⁹ Activism in support of Standing Rock demonstrates the extent of transnational indigenous collaboration beyond the former British colonies of Anglosphere states.

Transnational activist networks are not in themselves of course sufficient to constitute a public sphere: we must look also for engagement and cooperation in other aspects of civil life. As De Costa writes, ‘Indigenous transnationalism cannot be reduced to annual meetings in New York and Geneva and debates about the wording of texts. Networked communication between indigenous peoples around the Pacific, along the Americas and elsewhere has displaced authority into new flows of ideas and experience, where people are working out how to maintain their cultures, educate their children, improve their health and deal with the challenges that confront them.’⁴⁰ Media plays a key role in the construction of a public sphere, and while the internet and social media have been crucially important in enabling connections between peoples across border, and publicising issues and events, broadcast media is also important. The World Indigenous Television Broadcasting Network was established in 2008, with the aim of promoting indigenous cultures and languages internationally, and to encourage an international flow of information. Indigenous media organs have proliferated over the past two decades, in what Valerie Alia refers to as an ‘explosion of Indigenous news media, information technology, film and music’ – a phenomenon she refers to as the ‘the new Media Nation’, in which members/users engage in transcultural and transnational lobbying, to access information not available within state borders.⁴¹ The domestic goals of indigenous media are intertwined with transcultural networking: radio and television broadcasting in indigenous languages play a key role in

³⁹ Rachel Fixsen, ‘Sami people persuade Norway pension fund to divest from Dakota Access,’ *The Guardian* Friday, March 17. Available at: <https://www.theguardian.com/us-news/2017/mar/17/sami-dakota-access-pipeline-norway-pension-fund-divest>

⁴⁰ De Costa, *A Higher Authority*, p. 177.

⁴¹ Valerie Alia, *The New Media Nation: Indigenous Peoples and Global Communications* (New York: Berghahn Books, 2014), pp. 7-8.

arresting language loss.⁴² At the same time, the role of English as a lingua franca is key: rather than defining the limits of a community, as Anglosphere advocates claim, it facilitates transnational linkages between indigenous communities.

I have sketched above some of the elements we might expect to see in a global indigenous transnational public sphere, although the great geographical diversity of indigenous peoples and the contested nature of indigeneity in some states, particularly in Africa and Asia⁴³ suggests some internal dispute over membership in such a sphere. Closer examination of indigenous relations within a region avoids these issues, and allows us to explore in more detail the transnational interactions that constitute it. In the next section, I focus on indigenous engagements across borders in Australia and New Zealand, and the ways in which they complicate certain assumptions about the public sphere and homogeneity in Anglosphere ideology.

Maori and Indigenous Australians

Despite their geographical proximity and shared experience of British colonialism, current cooperation and collaboration between Maori and Indigenous Australians is largely the product of the global political indigenous activism and engagement described above. Before the politicisation of indigenous groups in the 1970s, differences in domestic policies towards indigenous peoples in each country prevented any systematic recognition of common experiences. Some Maori settled in Australia after British settlement, where they were exempted from the White Australia policy (in operation in Australia until the late 1960s) and

⁴² Alia, *The New Media Nation*, pp. 18-19. On the relationship between Maori broadcasting and Te Reo language use, see Te Puni Kokiri (Ministry of Maori Development), 'Impact of Maori Television on the Maori Language', Impact survey, July, 2011. Available at: <https://www.tpk.govt.nz/en/a-matou-mohiotanga/language/impact-of-maori-television-on-the-maori-language>

⁴³ Ravi de Costa, 'Fifty Years of Indigeneity: legacies and possibilities,' in Jane Carey and Jane Lydon (eds.), *Indigenous Networks: Mobility, Connections and Exchange* (New York: Routledge, 2014), chapter 12.

granted the right as British subjects to live and vote under the same terms as white or *Pakeha* New Zealanders.⁴⁴ Indigenous Australians had no federally protected political rights in this period, and were not exempted from ‘White New Zealand’, but were prohibited under New Zealand law from settling in the country.⁴⁵ Large scale Maori emigration to Australia began in the 1960s, due to unemployment in New Zealand, and by 2011, there were an estimated 130 000 Maori living in Australia – or almost one fifth of the entire Maori population.⁴⁶ Transnational engagements between Maori and Indigenous Australians have flourished with the campaign to persuade Australia and New Zealand to sign on to UNDRIP, and continue to be shaped by the very different levels of political, cultural and constitutional recognition afforded to indigenous peoples in these countries.

A complex network of formal exchange and collaboration programs for indigenous peoples has developed, including (among others) health professionals, schoolteachers and principals, sporting organisations, public servants, correctional facilities, academics, business leaders – all focusing on policy knowledge and exchange. Some of these involve and are supported by the state – in two recent examples, a delegation of Australian indigenous business leaders visited New Zealand to ‘build linkages and learn from the Maori economy’ in early 2018, and met with Ministers, members of Parliament and local government as well as *iwi*⁴⁷ leaders.⁴⁸ The previous year, a working group of Australian Corrections officials visited New Zealand to study the effects of programs for Maori language and culture in New

⁴⁴ Carl Walrond, ‘Māori overseas - Emigration to Australia,’ *Te Ara - the Encyclopedia of New Zealand*, <http://www.TeAra.govt.nz/en/maori-overseas/page-2>. Accessed 28 August 2018.

⁴⁵ See the Immigration Restriction Amendment Act of 1920, (11 GeoV 1920, no. 23).

⁴⁶ Tahu Kukutai and Shefali Pawar, ‘A Socio-demographic Profile of Maori living in Australia,’ *NIDEA Working Papers* (2013) 3, p. 7. The relative proportion of Maori living in Australia is substantially higher than the proportion of *Pakeha* New Zealanders.

⁴⁷ *Iwi* is the Maori term for tribe.

⁴⁸ Australian High Commission, Wellington, press release issued on January 26, 2018. Available at: <http://www.scoop.co.nz/stories/BU1801/S00423/australian-indigenous-business-delegation-arrives.htm>

Zealand prisons on re-offending rates.⁴⁹ Networking such as this fits within the trans-Tasman framework of ministerial and bureaucratic cooperation and Closer Economic Relations,⁵⁰ although it is significant that these exchanges focus on the positive effects of indigenous cultural recognition. It is important also to note unofficial instances of collaboration aimed at challenging state policies and powers: 2007, Maori protested with Indigenous Australian groups against the Northern Territory Intervention – in which federal police forces took over the management of Aboriginal communities.⁵¹ In 2015, the conservative federal government in Australia reduced funding to the states for essential services in remote communities, and the West Australian Premier gave notice that 100 Aboriginal communities in the state would have to close due to lack of funding. Aboriginal community organisations opposed the closures, and Maori groups in Australia and New Zealand held meetings to discuss the issue and provided funds to support the Indigenous communities. The Maori Party became involved and accused the Australian Prime Minister of breaching the terms of the UNDRIP. A day of action was called and rallies were held in four New Zealand cities.⁵² In recent years Maori have also joined in Indigenous Australian protests against ‘Invasion Day’ on Australia Day, 26 January.⁵³

Common public protest demonstrates the critical dimension of transnational cooperation characteristic of an indigenous counter-public in Australia and New Zealand. But constructive critique is also present in recent discussions over reforms to Australia’s

⁴⁹ Aroha Treacher, ‘Australia look to Maori model to reduce indigenous incarceration’, Maori Television, September 28, 2017. <https://www.maoritelevision.com/news/regional/australia-look-maori-model-reduce-indigenous-incarceration>

⁵⁰ The free trade agreement between Australia and New Zealand, concluded in 1983.

⁵¹ Lindsay Murdoch and Michelle Grattan, ‘Plan faces NT legal challenge’, *The Age* July 10, 2007. <https://www.theage.com.au/news/national/plan-faces-nt-legal-challenge/2007/07/09/1183833431731.html>

⁵² ‘The Maori are Coming: Solidarity from Across the Ditch against Forced Remote Community Closures,’ *New Matilda*, April 30, 2015. Available at: <https://newmatilda.com/2015/04/30/maori-are-coming-solidarity-across-ditch-against-forced-remote-community-closures/>; Eru Rerekura, ‘Indigenous Australians thank Maori for support,’ Radio New Zealand, April 24, 2015. <https://www.radionz.co.nz/news/te-manu-korihī/271982/indigenous-australians-thank-maori-for-support>

⁵³ Ani-Oriwia Adds, ‘Indigenous views on Australia Day,’ Maori Television, 26 January, 2017. <http://www.maoritelevision.com/news/regional/indigenous-views-on-australia-day>

constitutional structure. This must be understood in terms of the contrast in the status of indigenous peoples in the political process and structure between the two countries. Maori are guaranteed representation in the New Zealand parliament with a system of set-aside seats, based on enrollment by Maori on a separate electoral roll. In addition, the Treaty of Waitangi plays a key political and legal role. In 1840, under pressure from humanitarian societies not to repeat some of the worst abuses of indigenous people committed in the course of the settlement of Australia, the Crown signed the Treaty of Waitangi with Maori *iwi* (tribal) leaders. The degree to which Maori cede sovereignty to the Crown in the Treaty is disputed – differences exist between the English and the *te reo* Maori versions – and it was declared null and void by the New Zealand Supreme Court in the later nineteenth century.⁵⁴ But following Maori mobilisation and bipartisan liberalising policy reforms introduced in the 1980s, the Treaty has been interpreted by successive governments as establishing the foundational status of Maori as a people and cultural community, and biculturalism as a governing principle for New Zealand (a political reality in New Zealand unacknowledged by Anglosphere advocates.) While the Treaty does not have formal constitutional status – the country has no single written constitution – it is regarded as a foundational document, and its legitimising force in public political discourse is difficult to over-estimate. Its role demonstrates the way in which indigenous communities subvert the assumption of cultural homogeneity in Anglosphere states, as well as the relationship between culture and political values and institutions.⁵⁵

Underpinned by the Treaty, biculturalism requires state institutions, policies and regulations to provide for the recognition of Maori control over their traditional resources, self-management of their own concerns, and the recognition of Maori language and culture in public institutions. This has meant the devolution of service provision to Maori organisations

⁵⁴ *Wi Parata v. The Bishop of Wellington* (1877) 3 NZ Jur (NS) SC 72.

⁵⁵ See p.9, above.

in partnership with the state, and the incorporation of Maori cultural practices into state institutions and processes – originally focused on those which deliver services to Maori, but now more widely adopted. Some of these cultural inclusion policies are more substantive, such as funding for Maori broadcasting and arts, and the inclusion of Maori history and culture in the school curriculum.⁵⁶ In addition, the Waitangi Tribunal, established on the basis of the Treaty is charged with considering and recommending on claims made by Maori for the redress and reparation for historical injustices in the appropriation of Maori resources. So far over one billion dollars has been redistributed to *iwi* in Treaty settlements.⁵⁷

Australia, by contrast, was effectively declared *terra nullius* by the British at first contact.⁵⁸ No treaties were concluded with the Aboriginal inhabitants, nor was there any recognition of their rights to land, culture or status as a people. Indigenous Australians, like Maori, maintain that they never ceded sovereignty to the British invaders and colonisers, and claimed title to their land, but it was only in 1992 that the High Court *Mabo* case overturned the presumption of *terra nullius* and recognised native title.⁵⁹ In the wake of this and the increased international activism around indigeneity described above, Indigenous Australians have demanded constitutional recognition of their distinct culture, and of native title (such as was guaranteed by amendment to the Canadian constitution in 1982) and a treaty. As in the case of New Zealand, these demands counter the claim of Anglosphere theorists to a homogeneous public political culture in Australia, in which political values, formulated in English, express a deeper common public culture.

⁵⁶ For a more detailed discussion, including of the critique of biculturalism as tokenism, see Katherine Smits, 'Multiculturalism, Biculturalism and National Identity in Aotearoa/New Zealand', in Richard Ashcroft and Mark Bevir (eds.), *Multiculturalism in the British Commonwealth* (Berkeley: University of California Press, forthcoming).

⁵⁷ 'Healing the Past, Building the Future: a guide to Treaty of Waitangi claims and negotiations with the Crown', Office of Treaty Settlements, June 2018.

⁵⁸ Henry Reynolds, 'Reviving Indigenous Sovereignty?' *Macquarie Law Journal* (2006), 2.

⁵⁹ *Mabo v. Queensland (No. 2)* [1992] HCA 23; (1992) 175 CLR 1 (3 June 1992)

While successive prime ministers from the 1970s have expressed their support, and two states have begun talks with local indigenous peoples on treaties, it is only recently that a national public debate has occurred on the recognition of Indigenous Australians. In 2013 the Australian Parliament had established a Joint Select Committee on the Constitutional Recognition of Aboriginal and Torres Straits Islander Peoples, and the following year, the Cape York Institute for Policy and Leadership, led by the prominent Indigenous activist Noel Pearson was supported by the federal government to undertake an investigative trip to New Zealand to examine the political and legal recognition of indigenous peoples in that country. The study group investigated aspects of the Treaty system, and cultural recognition for Maori in New Zealand, meeting with the Minister for Maori affairs, judges from the Maori Land Court and members of the Waitangi Tribunal, as well as Maori political and community leaders. The Institute's submission to the Joint Select Committee focused on the significance of the Treaty and Tribunal system for ensuring Maori a political voice, concluding that while the Waitangi Treaty had limited legal force, it had considerable political, moral and cultural power in ensuring the official recognition of Maori language and culture. The Waitangi Tribunal was central to biculturalism, and settlements provided for a process of truth and reconciliation over the historical injustices of colonisation.⁶⁰

Following the Joint Select Committee, a Referendum Council was established with bipartisan support in 2015, to recommend on forms of recognition for Indigenous peoples. Its report, released in 2017 at the First Nations Constitutional Convention, rejected proposals for a statement acknowledging indigenous peoples in the Constitution, and called instead for the formation of a body which would ensure a First Nations voice in the federal Parliament,

⁶⁰ Cape York Institute, *What Can We Learn from New Zealand For Constitutional Recognition of Indigenous Peoples in Australia?* Submission 38 to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, August 2014.

and which would be empowered to negotiate treaties.⁶¹ The assessment of the role of the Waitangi Treaty and Tribunal in cultural recognition, redress for historical injustice and transfer of resources in New Zealand is evident in the Council's Uluru Statement, which called for 'a Makarrata [treaty] Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history'⁶² Pearson, a member of the Commission, commented after the Uluru statement that 'the general model is that it would be an umpire that sits between the government and the Parliament, and the First Nations of Australia, and supervise agreement-making. So it would be in the form of an eminent umpire, like the Waitangi Tribunal in New Zealand.'⁶³ The Council's report also demonstrates the influence of international law and discourse around indigeneity: in all of the twelve First Nations Regional Dialogues held before the Convention to canvas indigenous views, delegates referred to the importance of the right to self-determination as enshrined in Article 3 of the UNDRIP.⁶⁴

Conclusion

Opponents of the Anglosphere concept often refer to its racist and imperial heritage. A central objective of this chapter has been to show, through exploring indigenous politics, the ways in which this heritage challenges and subverts the Anglosphere. But the chapter has also aimed to take seriously the framing of the Anglosphere argument, and its assumptions about the cultural commonality between purported member countries, and the relationship

⁶¹ Referendum Council, Uluru Statement from the Heart, available at:

https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF

⁶² Referendum Council, *Final Report of the Referendum Council*, June 30, 2017. Available at <https://www.referendumcouncil.org.au/final-report>

⁶³ Noel Pearson, quoted in Greg Brown, 'Q&A: Noel Pearson critical of response to Aboriginal recognition plan,' *The Australian* May 30, 2017. Available at: <https://www.theaustralian.com.au/national-affairs/indigenous/qa-noel-pearson-critical-of-response-to-aboriginal-recognition-plan/news-story/f733fed60574c03bf8c68a0bde350c3f>

⁶⁴ Referendum Council, *Final Report of the Referendum Council*, p. 24.

between such an assumed homogeneous culture and political values and structures. Critics have pointed out that the notion of an Anglosphere relies upon undeveloped assumptions and prejudices about ties between proposed member countries. The indigenous transnational public sphere demonstrates the kind of ties and relations between peoples which would be required in order to constitute an Anglosphere, as well as the alternative networks which indisputably exist to counter them.

The Maori and Indigenous Australian cases demonstrate each of the ways in which the indigenous counter-public subverts the idea of the Anglosphere, as set out at the beginning of this chapter. First, as we have seen, they demonstrate the way in which indigenous peoples across national borders work with and learn from each other in developing political positions, following the emergence of international norms around indigeneity, and collaboration in the UN. Second, they demonstrate the fundamental cultural heterogeneity of purported Anglosphere states. Finally, they counter the grounding of the Anglosphere in the cross-border shared relationship between the English language, public culture and political institutions and values. In the counter-public sphere that indigenous peoples have developed, alternative discourses about indigenous rights to culture and land circulate. Official recognition of indigenous culture is entrenched in New Zealand under biculturalism, and cultural recognition is a key demand for Indigenous Australians. And as both cases show, state recognition of indigenous culture shapes political and constitutional structure in postcolonial states.