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”Indigenous sovereignty-never ceded”:
sovereignty, nationhood and whiteness in
Australia

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Chapter One: Introduction

The starting point might be to recognise that the problem starts with us non-Aboriginal Australians ... (Paul Keating, 1992 Redfern Park Speech, reproduced in Grattan 2000).

Claiming sovereignty

On the cold, bleak English morning of 26 January 1988, Burnum Burnum, from the Wurundjeri people of the east coast of what is now known as the continent of Australia, stood below the white cliffs of Dover, held aloft the red, yellow, and black Aboriginal flag, and laid claim to possession of and sovereignty over the land of England:

I, Burnum Burnum, being a nobleman of ancient Australia do hereby take possession of England on behalf of the Aboriginal people.
In claiming this colonial outpost, we wish no harm to you natives, but assure you that we are here to bring good manners, refinement and an opportunity to make a Koompatoo – “a fresh start.”
Henceforth, an Aboriginal face shall appear on your coins to signify our sovereignty over this domain.... (as reproduced in Norst 1999: ii).

Burnum's declaration was designed to draw attention to the situation of Indigenous people in Australia on the bicentenary of the day on which Captain Arthur Phillip had taken possession of, and thereby claimed sovereignty over, the continent of Australia on behalf of England. Burnum's declaration was reported in both the British and Australian media as a stunt.¹ Burnum himself described his taking possession of England as a “bit of a farce”: “It really is a send-up of the history of Australia.... A bit of theatre-of-the-absurd to show the absurdity of people on the other side of the world claiming a whole continent for themselves” (Norst 1999: 131-133). Then Australian Democrats Senator John Coulter would later describe it as the “most entertaining yet profoundly symbolic gesture of the Bicentenary.... Nothing else has quite brought home to white Australians and British people the realisation that this occupied land, Australia, was claimed arbitrarily by an alien people, without any consultation, let alone treaty or compensation” (cited in Norst 1999: 135-136).

¹ See the examples cited by Norst (1999: 132-133).

In many ways, Burnum Burnum's declaration of Aboriginal peoples' sovereignty over England in January 1988 and the widespread reception of it as something that was not meant to be taken seriously encapsulate the central concerns of this thesis. As Senator Coulter pointed out, the continent of Australia was invaded and claimed arbitrarily by the British, without consultation of its original occupants, without *any* regard to their status as sovereign owners and occupants of the land, and thus without agreement, negotiation, or compensation. The British and Australian governments have never countenanced the possibility that their claim to exclusive sovereignty over the land of Australia should not be taken seriously. As Henry Reynolds suggests, "[White] Australians are so familiar with the events of January and February 1788 that they have lost the ability to see how extraordinary the claim was" (1987: 8).

In the decade and a half since the bicentenary of the beginning of White invasion, and Burnum Burnum's declaration of sovereignty over England, a number of key events and debates to do with Indigenous-non-Indigenous relations in Australia have taken place. These include the Royal Commission into Aboriginal Deaths in Custody (1991), which exposed the institutionalised racism in Australia which contributes to the over-representation of Indigenous people in Australian jails and prisons, and which also contributes to Indigenous disadvantage in other areas such as education and employment. In two widely acclaimed decisions, the High Court of Australia recognised Indigenous peoples' inherent and original title to land in the cases of *Mabo and others v. Queensland (No. 2)* (1992) ("*Mabo 1992*"), and *Wik Peoples v. Queensland* (1996) ("*Wik 1996*").² These events have taken place against the backdrop of a formal process of reconciliation, initiated by the unanimous passage of the *Council for Aboriginal Reconciliation Act 1991* through the Commonwealth Parliament in 1991. There have also been a number of other debates – such as those around the republic referendum in 1999 and the lead up to the centenary of Australian federation in 2001 – in which ideas about popular sovereignty, political self-determination, and democracy

² The High Court of Australia's decision in the *Mabo* (1992) case is often cited as an overturning of the *terra nullius* doctrine and a recognition of Indigenous peoples' title to land. This thesis will show, however, that *Mabo* (1992) constitutes at best a conditional recognition of Aboriginal and Torres Strait Islander peoples' ownership of land prior to the commencement of British occupation. Further, it will demonstrate that this does not constitute recognition of Aboriginal and Torres Strait Islander peoples' sovereignty at all.

have featured prominently. Yet, despite all this, one of the questions raised by Burnum Burnum's declaration of Indigenous sovereignty over England in 1988 remains: *why has the sovereignty over, and ownership of, the continent of Australia by the original occupants – the Aboriginal and Torres Strait Islander people – never been properly recognised by the colonisers who now occupy it as well?* This is the central research question that this thesis seeks to explore.

The theme which underpins this thesis' exploration of this question is how Indigenous-non-Indigenous relations in Australia would be different if the recognition of Indigenous sovereignty, rather than *terra nullius*, was the basis of our relationship. This question about the recognition of Indigenous sovereignty also raises unresolved questions about political legitimacy: about non-Indigenous claims to legitimate sovereign authority over the continent of Australia, and also about the constructions of nationhood with which these claims to legitimacy are closely linked. This thesis also explores some aspects of these related questions, such as what, in theory, gave the British colonial authorities legitimacy when they made claim to possession of, and sovereignty over, the continent of Australia in 1788, while also ensuring that Burnum Burnum's declaration of sovereignty over England was not recognised as being legitimate? And, given the lack of due regard for the original occupants on which Australia's continuing claim to sovereignty over the continent is based, what makes this claim still legitimate today?

Sovereignty, nationhood, and Whiteness

This thesis considers these questions by exploring the relationship between sovereignty, nationhood, and Whiteness in Australia. As Chapter Two will explain, this thesis uses theoretical work on Whiteness – understood as a system of power which privileges White norms, values, interests, and systems of knowledge, and which is kept intact by a series of discursive strategies and practices – to show how dominant, or regulative, constructions of sovereignty and nationhood inform discussion and debate about issues of sovereignty and legitimacy in Australia. In this thesis, sovereignty is broadly understood to mean a people's ability and authority to govern themselves, where "ability" is derived from the existence of laws and customs recognised by the group being governed, and "authority" is based on their consent to

being governed. Nationhood is understood generally to mean the collective sense of being that stems from common descent, language, culture, and/or history, and that underpins the existence of a people's laws and customs. Nationhood is therefore centrally important to understanding the way that sovereignty is conceptualised or understood and also to understanding how its practice or exercise occurs (or would occur, in the case of sovereignty that is unable to be exercised).

Examining the relationship between sovereignty, nationhood, and Whiteness is therefore central to understanding the issues of sovereignty and *legitimacy* with which this thesis is concerned. By drawing on scholarly work on Whiteness, this thesis shows how White constructions of sovereignty and nationhood inform non-Indigenous ideas about what constitutes a legitimate settlement between indigenous and non-indigenous peoples, or a just 'accommodation' of Indigenous peoples within the Australian state. That is, critical work on Whiteness is employed in this thesis as an analytical tool to examine the central research question: why Indigenous peoples' assertions of their sovereignty are not properly recognised by non-Indigenous people or institutions in Australia.

The thesis takes as its foundational premise the fact that Indigenous peoples exercised sovereignty over the continent now known as Australia before the British began to occupy it in 1788 and the fact that Indigenous peoples' sovereignty over the continent has never been ceded.³ The British and (later) the Australian government's failure to recognise Indigenous peoples' sovereignty, however, was (and, this thesis will argue, still is) based on the idea that the continent was a *terra nullius*, or "land belonging to no-one," before the British arrived. According to the system of international (that is, White Western European) law of the eighteenth century, "unoccupied" lands could be taken and "settled" by a colonising power. Thus, because the original occupants of the continent of Australia did not have systems of law and governance that were recognised by the British who sought to take possession

³ As Chapter Two will explain, the concept of "sovereignty" originates in White Western European political thought. Consequently, several Indigenous theorists have argued that it is not an appropriate concept in which to articulate Indigenous laws and systems of

of the continent for themselves, the British did not deem it necessary to seek the consent of the original occupants through a mechanism such as a negotiated treaty before colonisation could proceed.

The Australian High Court's decision in the case of *Mabo* 1992 recognised that Indigenous people had a form of native title to land prior to British occupation, which in some cases may survive it. Thus, the High Court recognised that the continent should not have been treated as a *terra nullius* for the purposes of land tenure. The High Court did not address the implications of wrongful assertion of *terra nullius* with respect to the issue of sovereignty. As James Tully points out, however, if Indigenous people had title to land prior to British occupation, it surely follows that they must have had sovereignty over it (1998: 159). Thus, the issue of sovereignty – and the concomitant issue of the legitimacy of first the British and now the Australian state's claim to sovereignty over the continent – remains substantially unaddressed. It is, to employ a now familiar phrase, unfinished business (Tully 1998: 159). The rationale for this thesis is that this unfinished business continues to trouble deeply the relationship between Indigenous and non-Indigenous peoples, who both now occupy the continent of Australia. I argue that, for White people, this “troubling” translates to repressed guilt about the violent means by which our occupation of the continent was achieved and continues to be maintained. This guilt is subsequently manifested in anxiety about challenges to the legitimacy of our occupation of the continent and also about the claim to sovereignty on which our occupation is based. As Nicoll suggests, the fact of Indigenous sovereignty in Australia – and, therefore, the contested nature of White sovereignty – is a kind of guilty public secret (2002: para.33).⁴ The spectre of this public secret being exposed provokes fear and anxiety among White people and White institutions, and this fear of exposure prevents White recognition of Indigenous sovereignty and Indigenous peoples' inherent rights. For Nicoll, the important

governance. It is with these critiques in mind that I examine the concept of sovereignty in this thesis.

⁴ The following should be noted in relation to the referencing of electronic sources: when I draw on sources that are available only electronically and that are unpaginated, where feasible, I indicate the citation's location in the text by paragraph, using the abbreviation “para.”. Where it is not possible to cite by paragraph number, I cite only the entire work (for example, Nicoll 2002).

question then becomes how to “understand the obstinacy of this secrecy, [and] its capacity to withstand exposure over and over” (2002: para.33).

This thesis seeks to consider this question through an examination of the relationship between sovereignty, nationhood, and Whiteness in Australia. It does so by discussing a series of examples from the last three decades, concerning occasions on which Indigenous people and groups have asserted their original and continuing sovereignty over the continent of Australia.⁵ I argue that these assertions of Indigenous sovereignty can be read as attempts by the Indigenous people and groups who make them to resolve the outstanding issues of consent and legitimacy on which the relationship between Indigenous and non-Indigenous peoples in Australia is based. That is, they are attempts to come to terms with, or at least to start a conversation about, the unfinished business of sovereignty in this country.⁶ Using a range of documentary sources, the thesis examines how *non*-Indigenous responses to these assertions of Indigenous sovereignty are mediated by Whiteness. In particular, it examines the confluence of Whiteness, non-Indigenous understandings of (and claims to) sovereignty, and the non-Indigenous constructions of nationhood on which those understandings of (and claims to) sovereignty over the continent of Australia are based. Thus, the thesis argues that understanding the relationship between sovereignty, nationhood, and Whiteness is central to explaining why debates about sovereignty and legitimacy remain unresolved and substantially unaddressed in relations between Indigenous and non-Indigenous peoples in Australia.

In the last few decades, there has been enormous growth in academic literature on Indigenous rights in Australia. However, the literature on issues of Indigenous sovereignty is still relatively scant. As I discuss in later chapters, those who have taken

⁵ This is not to say that Indigenous peoples’ assertions of sovereignty are a recent phenomenon: as Nicoll (2002: 33) points out, Indigenous peoples’ resistances to invasion since 1788 should have been/should be responded to by White people as assertions of Indigenous sovereignty.

⁶ While I argue that questions of sovereignty and legitimacy are important unresolved issues in the relationship between Indigenous and non-Indigenous peoples in Australia, I wish to state clearly at the outset of this thesis that my focus on Indigenous activists who argue for the recognition of Indigenous peoples’ sovereignty, should not be read as a critique of Indigenous groups and people whose activism is focused around different issues and sets of goals.

up the issue of Indigenous sovereignty in Australia include White scholars and commentators such as Curry (1999, 2000), Grose (1996), Nicoll (2000, 2001a, 2002, 2003), Reynolds (1996a, 1996b, 1996c, 1998), Strelie (2001), and Thompson (1990, 1993). Indigenous scholars such as Watson (1996, 2002) have also pursued these concerns. Yet, within the small body of work that does focus on the issue of sovereignty, there is very little work by White scholars that takes the assertions of sovereignty by Indigenous people and groups – such as the Aboriginal Tent Embassy and the Aboriginal Provisional Government – as its point of departure. That is, few White scholars have used their academic work to engage with specific examples of demands by Indigenous peoples for the recognition of their sovereignty or, with the exception of recent work by Fiona Nicoll (2000, 2001a, 2002, 2003), to consider how White scholars might go about doing so. I suggest that this constitutes a conspicuous gap in the academic literature, which this thesis, in part, attempts to fill.

It is also my contention that this gap in the literature is not innocent. This thesis will show how the failure of White scholars to take up the issue of sovereignty as it is articulated by Indigenous people and groups can be seen to constitute something akin to what the White anthropologist William Stanner once described as the “Great Australian Silence” (1969). Stanner was referring to the absence of Indigenous people from virtually all versions of Australian history up until the late 1960s. White scholarship in Australia has failed to respond to calls by Indigenous people to come to terms with the unresolved issues of sovereignty and legitimacy that are (arguably) at the heart of our relationship with them. This constitutes a “structural blindness” of the kind described by Stanner, and it means that a “whole quadrant of the landscape” is obscured from our view (Stanner 1969: 7, 24-25, 53-56). I will argue that this demonstrates a tendency for White academic theory and analysis to circulate around issues – and resolutions – circumscribed by White people and White people’s partial systems of knowledge (Smith 1999: 2). I also suggest that this tendency can work to reinforce White people’s power and privilege, thereby hindering the struggle for justice and Indigenous rights.

This thesis demonstrates that my argument about the relationship between sovereignty, nationhood, and Whiteness has currency beyond the Australian situation. For the purposes of comparison, it includes a discussion of issues of sovereignty as they are dealt with (or not dealt with) in the treaty-making process currently underway in Canada's British Columbia. At first glance, the Canadian state's willingness to engage in treaty negotiations with Indigenous peoples appears much more progressive than the approaches to Indigenous-White relations currently being pursued by the state in Australia. This comparative analysis demonstrates, however, that – as in Australia – in British Columbia (and Canada generally), the confluence of Whiteness and hegemonic understandings of nationhood and sovereignty fundamentally limit the capacity of non-Indigenous people and institutions to do justice to Indigenous peoples' demands for recognition of their inherent rights. The thesis demonstrates the need for scholars concerned with questions of justice and relations between peoples to reconsider the conceptual and theoretical frameworks in which discussions about these issues currently take place. Thus, it contributes to the growing international body of political theory on Indigenous rights and on relations between peoples.

Theory and standpoint

I wish to state at the outset of this thesis the standpoint from which I write it: I am a White Australian woman and thus, in Australia, a member of the dominant, non-Indigenous group. As a White woman, I am privileged in the racial hierarchy through which Australian society is ordered: to use White American scholar Peggy McIntosh's frequently quoted phrase, I have, and have always had, at my disposal an "invisible package of unearned assets that I can count on cashing in each day.... [My] White privilege is like an invisible weightless knapsack of special provisions, maps, passports, codebooks, visas, clothes, tools, and blank checks" (McIntosh 1988: para.3). I have grown up advantaged by the prevailing systems of power and authority that operate in Australia today. Thus, I am a direct beneficiary of Captain Arthur Phillip's proclamation of sovereignty over the continent of Australia, by which these prevailing systems of power and authority were initially established. This means that I am also a direct beneficiary of the application of the idea of *terra nullius* to the continent of Australia, by which Phillip's proclamation – and the ensuing colonisation of the country – was and still is justified. The White race privilege from which I benefit every

day of my life is therefore the result of the racism, dispossession, and violence visited upon Indigenous people since Arthur Phillip first hoisted the British flag on the ground of Sydney Cove in 1788. My privilege is, therefore, Indigenous peoples' pain.

Aileen Moreton-Robinson points out that the "standpoint of each and every academic is embedded in their texts" (2000b: xvi). Thus, my work in this thesis is grounded in, and informed by, my experience of White racial privilege in Australia (as is every White scholar's work, whether or not they choose to acknowledge it). In her work on Indigenous women and feminism, Moreton-Robinson, a Geonpul Joondal theorist from Quandamooka country (in what is now known as the state of Queensland in Australia), demonstrates how "white middle-class women's privilege is tied to colonisation and the dispossession of Indigenous people," because "notions of race are closely linked to ideas about legitimate ownership and formation of the nation, with whiteness and nationality closely woven together" (Moreton-Robinson 2000b: xx). Moreton-Robinson also shows how Whiteness largely derives its power from its invisibility and how, as a result, White feminists, despite their best intentions – and their avowed claims to be challenging oppressive power structures – can remain complicit in "gendered racial oppression" (Moreton-Robinson 2000b: xxiii). As McIntosh puts it, the "silences and denials surrounding privilege" are a "key political tool" (1988: para.17). Thus, Moreton-Robinson shows that it is incumbent upon us White scholars to critique and interrogate our own race privilege and, in doing so, to theorise the relinquishment of our own power (2000b: 186).

Therefore, the relationship between theory and standpoint in this thesis may be articulated as follows. In response to Moreton-Robinson's challenge, this thesis seeks to examine the way that White privilege in Australia, and thus the racial hierarchy of Australian society, is maintained through non-Indigenous people's abject failure or refusal to own up to the unresolved issue of the illegitimacy of our claim to sovereignty over the continent of Australia. This may be seen in responses by governments and other instruments of the state; however, it is also seen in academic literature, both in the literature's treatment of the issue of sovereignty and in the representation of those Indigenous people and groups who argue for its

recognition. Following Moreton-Robinson, then, this thesis seeks to make visible some of the ways that White scholarship can be complicit in the maintenance of White race privilege and thus in the racial oppression it seeks to critique. By posing an ethical framework in which to engage with issues of Indigenous sovereignty, the thesis also seeks to contribute to the process of theorising ways in which White race power and privilege might begin to be undone.

In the later chapters, my analyses of sovereignty and nationhood take as their point of departure Indigenous peoples' assertions of their sovereignty over Australia. My concern here is not with the content or meaning of Indigenous sovereignty *per se*. Rather, my central concern is with interrogating how non-Indigenous responses to those assertions are mediated by Whiteness in its various modes and manifestations. Like Nicoll, in her recent writing on Indigenous sovereignty, I am concerned to avoid attempts to explain, interpret or translate Indigenous peoples' positions. She writes:

what follows is not a translation or interpretation of what Indigenous Australians mean when they stake sovereignty claims. This [work] is deliberately written against such a project, which would a) reduce a heterogeneous field of Indigenous articulations to a single, homogenous "perspective" and b) reinforce the incorrect notion that translation and interpretation are the prerogatives of white historians, anthropologists and lawyers (2002: para.2).

The theoretical tools that I use to examine how White race privilege is maintained through White constructions of nationhood and claims to sovereignty are outlined in more detail in Chapter Two.

Notes on terminology

The language used by academic works has an important bearing on the way in which the issues dealt with therein are framed. I will briefly outline here the way I understand and employ certain key terms in this thesis.

To refer to the original owners and occupants of Australia, I use the terms "Indigenous" and "Aboriginal and Torres Strait Islander" interchangeably, except when I am specifically referring only to the Indigenous peoples of the mainland. In this

case, I use the term "Aboriginal." In reference to the original inhabitants of Canada, I use the terms "Indigenous" and "First Nations." Where they identify themselves as such, I also refer to specific Indigenous people according to their community, nation, or country – for example Mohawk in the case of Canada or Wiradjuri or Wadi Wadi in the case of Australia. Indigenous peoples in Australia sometimes identify themselves according to broader geographical boundaries, which often roughly correspond to the boundaries of Australian states, such as Nunga (in the case of South Australia), Koori (New South Wales and Victoria), and Nyungar (Western Australia). When individual Indigenous people to whom I am referring identify themselves in this way, I follow suit.

As I have briefly explained above, my use of the term "White" to refer to the dominant majority of the non-Indigenous population in Australia (and Canada) denotes Whiteness as a system of power and privilege, and "White" as dominant subject position in Australia. Ghassan Hage argues that the concept of (capital-W) "White" is more "satisfactory than the oft-used concept of 'Anglo'" because "White" is a "far more dominant mode of self-perception, although largely an unconscious one" (1998: 19). Similarly, Moreton-Robinson argues that Whiteness should be the central site of analysis because "skin colour is the marker for objectifying difference in the social construction of 'race'" (2000b: xvi). Therefore, I generally use the term "White" in preference to more general terms such as "non-Indigenous" or "settler" because the terms "White" and "Whiteness" denote the way in which power in Australian society is ordered. As Nicoll puts it, Whiteness can be seen as a "set of institutionalized practices which legitimate and privilege specific ways of knowing, seeing ... and being at home in Australia" (2003: 1). Making Whiteness a focal point of my analysis does not exclude non-White non-Indigenous people, since, like Indigenous people, their incorporation into Australian society is mediated by the racial hierarchy that privileges Whiteness, albeit in different ways from Indigenous people.

Throughout the thesis, I use the term "invasion" to refer to the British occupation and colonisation of Australia. This is in preference to the orthodox idea of "settlement," which is closely linked to the idea of *terra nullius*. As noted above, according to eighteenth-century White Western European law, lands that were deemed

to be *terra nullius* were thus deemed to be open to “settlement” by the colonising power that first made claim to them. To refer to the occupation of the continent of Australia as a process of settlement is therefore to implicitly accept the lie of *terra nullius* and the legitimacy of the system of law from which it stemmed. In the discursive framework of “settlement,” as Fiona Nicoll points out, the invasion narrative of occupation and colonisation of Australia is reduced to what she calls the “figurative expression” of Indigenous *opinion*, or relegated to the “sphere of Indigenous rhetoric” (2001b: 155). This has important implications for understanding the issues of sovereignty and legitimacy with which this thesis is concerned. As well as avoiding the term “settlement,” then, I also use the term “invader-colonial” rather than “settler-colonial” to describe the structural origins of the society to which the process of colonisation led.

Finally, I wish to offer a note on the term “claim.” Indigenous demands for recognition of *inherent rights*, such as the demands for the recognition of Indigenous peoples’ sovereignty that are discussed in this thesis, are often described as “claims.” But, as the Kanien’kehaka (Mohawk) political scientist Taiaiake Alfred points out, to accept the language of claims is also to implicitly accept the legitimacy of the state’s assertion of sovereignty (1999: 58):

Indigenous people are by definition the original inhabitants of the land. They had complex societies and systems of government. And they never gave consent to European ownership of territory or European sovereignty over them.... These are indisputable realities based on empirically verifiable facts. So why are indigenous efforts to achieve legal recognition of these facts framed as “claims”?

Thus, I generally avoid use of the term “claim” to refer to Indigenous demands for recognition. On the other hand, I do employ the term “claim” to refer to the Australian state’s assertion of sovereignty over Australia. This indicates that this thesis does not take its legitimacy as a given. Instead, it suggests that it is non-Indigenous and state claims to sovereignty, rather than Indigenous peoples’ assertions of sovereignty, which should be scrutinised.

Outline of the thesis

The remainder of this thesis is organised around the examination of questions about sovereignty and legitimacy. It is focused through a series of examples, which show

how the relationship between the key issues of sovereignty, nationhood, and Whiteness mediates non-Indigenous responses to Indigenous peoples' assertions of sovereignty.

Chapter Two sets out in more detail the theoretical tools and perspectives I employ to examine the relationship between sovereignty, nationhood, and Whiteness in the thesis. The first part of the chapter discusses Whiteness and hegemony, and theorises the idea of "hegemonic Whiteness" as a concept that encapsulates both Whiteness as a system of power and privilege in Australia, and the way that power relations organised around Whiteness are normalised to those who are beneficiaries of them. The second part of the chapter surveys the existing theoretical literature on sovereignty and outlines a working definition of the concept. It argues that assertions of, and "claims" to, sovereignty should be understood as part of a normative framework that privileges legitimacy. It also begins to show how critical work on Whiteness can be used to critique dominant understandings of the concept of sovereignty. The third part of the chapter addresses the ideas of nationhood and national identity, and explains why a focus on nationhood is important to any discussion and debate about sovereignty and legitimacy. The last part of the chapter further develops the relationship between theory and standpoint that I briefly outlined above, by posing an ethical framework in which the issues of sovereignty, legitimacy, and White race privilege can be approached.

Chapter Three marks the beginning of my analysis of how the relationship between Whiteness and White constructions of sovereignty and nationhood mediate non-Indigenous responses to Indigenous assertions of sovereignty. I embark on this analysis by examining the demands for the recognition of Indigenous sovereignty that have been made by the Aboriginal Tent Embassy. The Aboriginal Tent Embassy has been an almost continuous presence in Canberra's parliamentary zone since it was first established on the lawns of Australia's federal Parliament House in 1972. In its analysis of the responses of non-Indigenous people and institutions to the Aboriginal Tent Embassy's demands, Chapter Three begins to map out the various tools and strategies that White people employ to maintain White race privilege. The chapter

argues that these tools allow White people to avoid the troubling questions about sovereignty and legitimacy that currently remain unresolved.

Chapter Four analyses a more specific sphere in which White race privilege is maintained: the institutions of the Australian state. This chapter examines two examples of Indigenous people and groups asserting sovereignty using the institutions of the Australian state: the petitions for the recognition of sovereignty made by Paul Coe and his sister Isabel before the High Court of Australia, and the Barunga statement, presented to then Prime Minister Bob Hawke in 1988. By demonstrating the various strategies that state institutions employ to avoid the issue of Indigenous sovereignty and/or marginalise those Indigenous people who raise it, this chapter highlights the way that Whiteness is embedded in Australia's institutions, and the ways that the state works to maintain Whiteness as a source of power and privilege.

Chapter Five examines the assertions of Indigenous sovereignty made by the Aboriginal Provisional Government (APG) since its establishment in 1990. For the purposes of this thesis, the central features of the APG's sovereignty activism are the model of Indigenous sovereignty that the APG has outlined and its various modes of "acting" sovereignty, such as through the issue of Aboriginal passports. This chapter reveals important continuities with the themes that emerge in Chapters Three and Four. It also demonstrates the specific responses, particularly White anxieties, that are elicited when an Indigenous group not only asserts sovereignty but also challenges the legitimacy of the state's assertion of sovereignty over Indigenous people by "acting it out" as well. Chapter Five subsequently illustrates what might be described as the cumulative effect of the analysis contained in the preceding chapters. It demonstrates the convergence of the discursive strategies outlined in Chapters Three and Four with a direct and fundamental challenge to the state's authority. This convergence produces quite extreme responses from White people and institutions. This chapter also discusses the APG's critique of the native title and "reconciliation" regimes in Australia. This highlights the gulf between what would constitute recognition by non-Indigenous people of Indigenous peoples' sovereignty and what is currently "on offer" via the institutions of the Australian state. Because of the significance of the APG's

model and the extremity of White responses to it, Chapter Five is the lengthiest chapter in this thesis.

By examining the operation of the treaty-making process currently underway in the Canadian province of British Columbia, **Chapter Six** provides a comparative analysis of the relationship between sovereignty, nationhood, and Whiteness in another context. The Canadian state's willingness to engage in treaty negotiations with Indigenous peoples suggests a more progressive approach than that found in the Australian situation outlined in the previous chapters. However, Chapter Six argues that there are as many similarities as there are differences between the Canadian and Australian approaches. This demonstrates that the analysis of the relationship between sovereignty, nationhood, and Whiteness contained in this thesis is applicable beyond the Australian context.

Chapter Seven concludes the thesis by reflecting on the implications of the preceding chapters for the issues of sovereignty and legitimacy illustrated by the story of Burnum Burnum. It also considers the possibilities that my analysis of these issues offers for future scholarship. Finally, it urges this scholarship to contribute to the deconstruction and interrogation of White race privilege and to the transformation of the racial order that currently prevents the recognition of Indigenous rights and the genuine enactment of justice.