



Dispatch

Lessons from “No Ban on Stolen Land”

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Today at the #laxprotest, Native people conducted a welcoming ceremony to call in our Muslim and refugee sisters as relatives. We danced a long round dance to the beat of the drum... When another Native brother took to the megaphone and told our new Muslim relatives that we are here to protect and fight for them, that we and this land recognize their humanity, they wept tears of joy. That is what I witnessed today. That is the power of Native-led movements. We never stopped practicing our own customs of kinship making, citizenship and belonging. This land recognizes our humanity because we never gave it up. Trump and all US forms of citizenship and law are illegitimate on stolen land. So when we say "Muslims and refugees welcome on Native land," we mean it!! #nobanonstolenland #banUSA

Facebook post by Melanie Yazzie (Diné), February 2017
(reproduced in #NoDAPL Archive)

In this context, it is essential that, as we consider bans and walls, we do not exclude Native peoples and histories from the conversation. The intentional erasure of Native people from public conversations has historically led us to assume that the United States is the only entity that is entitled to claim control of these spaces, and that it is the inherent right of its government to welcome some migrants while restricting and placing quotas on others.

Elizabeth Ellis (Peoria) (2018)

In this dispatch, I will reflect on the slogan “No Ban on Stolen Land” and the lessons, theoretical and mobilizational, that it offers us in the current milieu. These lessons are modelled in words and practice by Indigenous activists, thinkers and feminists, two of whom are quoted above. My hope is to carry on this conversation among fellow critical anti-racist educators, towards reframing the stakes around decolonization, Indigenous sovereignty and migrant and refugee justice.

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In Toronto, a Pakistani man tells me that his visa application to India has been rejected multiple times. “I have a Canadian passport, and yet...” he rues, “I just want to go see the Taj Mahal.” I wonder aloud whether the place of birth in his passport is the reason why, and he agrees with me; we reflect together on how those colonial borders are being redrawn and inflicted on us here, on the other side of the world. He adds that his nephew was not allowed to travel to the United States a couple of years ago, despite having a British passport.

He says no more, because we both know he is alluding to the travel ban enacted by the American President Donald Trump in 2017. An “Executive Order on Protecting the Nation from Terrorist Attacks by Foreign Nationals,” introduced on January 27, 2017, prevented the entry of visitors from seven “countries of concern” – Syria, Iran, Iraq, Sudan, Somalia, Libya and Yemen – for 90 days, and refugees from all countries for 120 days (Full Text, 2017). The order initially included green card holders, but an exception was made by the Department of Homeland Security two days later. Reports stated that Customs and Border Protection (CBP) officers, tasked with policing entrants into the USA, were detaining and questioning people despite federal courts issuing blocks against detentions and deportations and bans on the order (Helmore & Yuhas, 2017). A five-year old boy, who was an American citizen with an Iranian mother, was detained and handcuffed for more than four hours. The White House justified this action by claiming that they could not eliminate threats based on an individual’s age and sex (Roberts, 2017). On February 4, 2017, a Canadian Muslim woman was denied entry into the USA after CBP officials checked her phone and found prayers, leading them to question her views on President Trump (Mann, 2017). Later that month, a British Welsh Muslim teacher accompanying a group of students on a trip to the USA was denied entry and removed from the plane on their stopover in Reykjavik, Iceland (Morris, 2017).

The commonality in these cases is that the affected individuals are Muslim, indicated by their names or bodily presentation; the indicators of their nationalities – their passports – do not seem to matter to CBP officers. In short, contrary to the *letter* of the Executive Order, the travel ban proceeded as a *de facto* “Muslim Ban,” by targeting Muslim individuals and families regardless of their citizenship and their passports. This was justified by the CBP under the broad rubric of “Protecting the Nation from Terrorist Attacks by Foreign Nationals.”

As the ban and its consequent detentions and deportations unfolded, protests erupted at airports across the country. Protesters emphasized the narrative of the USA as a “nation of immigrants,” for example by singing songs like “This Land is Your Land.” The glorification of this narrative serves to erase the history and presence of Indigenous peoples in the USA

and other settler countries, by reframing initial settler occupation of sovereign Indigenous lands as migration.¹ Seeking to counter this erasure and make connections with those affected by the travel ban, Indigenous activists and professors Melanie Yazzie (Diné) and Nick Estes (Lower Brule Sioux) brought the slogans “No Ban on Stolen Land” and “Refugees Welcome on Stolen Land” to the protests at the Los Angeles airport, changing the way the protesters claimed ownership and citizenship as they fought for immigrant and refugee rights (Monkman, 2017). As Lawrence and Dua remind us, “to speak of opening borders without addressing Indigenous land loss and ongoing struggles to reclaim territories is to divide communities that are already marginalized from one another” (2005, p. 136). Yazzie’s Facebook post, quoted in the opening epigraph, helped further spread this idea of linking refugee and migrant rights to a critique of the settler state, by describing Indigenous-led calls for migrant and refugee justice grounded in Indigenous sovereignty. The hashtag #nobanonstolenland quickly circulated across social media spaces.

I watched these events on my computer screen in India, unable to travel to Canada to rejoin my graduate program and my teaching assistant position, having lost my own passport at New Delhi airport. While I waited for a new passport and a replacement Canadian visa, I read the heartbreaking stories of other graduate students flying back to the US after their winter breaks, unable to exit the airport or their planes, returned to their countries, feeling immobilised and purposeless. At least I didn’t have to go to the USA, a few friends said to console me.

In clear criticism of President Trump and American policies, Canadian Prime Minister Justin Trudeau tweeted messages of support and welcome for those refugees fleeing war and persecution. In mid-February, photographs emerged of a smiling Royal Canadian Mounted Police (RCMP) officer helping a refugee Somali family across the USA-Canada border at Quebec. These photographs and their reception added to the narrative of Canada as welcoming and tolerant, as opposed to an increasingly hostile and intolerant USA (Paling, 2017). In 2014, at a Black Lives Matter protest in Portland, USA, against the decision not to indict police officer Darren Wilson for the murder of teenager Michael Brown, a freelance photographer captured a young, tearful Black boy hugging a white police officer. The image became widely shared and held up as an example of the human face of race relations in America. Taken together with the image of the RCMP officer helping a refugee boy, it is evident that technologies of infantilising people of colour enable the state to demonstrate its benevolent, paternalistic power, which offers and promises protection as long as people of colour remain harmless (Grinberg, 2014).

However, when we juxtapose “No Ban on Stolen Land” with the photographs of the Somali family’s border crossing, we can consider how this

¹ See, e.g., Moreton-Robinson (2015) on Australia, and Razack (2002) on Canada, among others.

crossing took place between New York, USA and Quebec, Canada, on Haudenosaunee land. On the map of Turtle Island, the Canadian-US border is an illegal settler-colonial construct that violates Indigenous sovereignty and cuts across Indigenous territory. Keeping this map – and the artificiality of borders – in mind helps us to grasp the breadth of violence faced by refugees fleeing US CBP officials and submitting to arrest by Canadian RCMP officials, and to trouble the notion of “citizenship” on stolen land built on practices of what Harsha Walia (2014, p. 23) has called “border imperialism.”

As I wrote this dispatch in 2019, the state of India had made its latest moves in effectively occupying the territory of Kashmir and stripping it of its democratic rights, and large swathes of the Amazonian rainforest had been set on fire yet again, threatening the Indigenous tribes with forced displacement through “ecocide” in the Amazon basin (Tekayak, 2016). The disabling and debilitating of the people of Kashmir is carried out through information and communication blackouts (Kanjwal, 2019) pellet guns, enforced disappearances or curfews (Zia, 2018), tactics that are chillingly similar to those used in the ongoing occupation of Palestine (Puar, 2017). Around the world, it is evident that longstanding processes of settler colonialism are continuing unabated in various forms, working in tandem with state technologies that impose borders and destabilise people and communities, creating displacements and refugee populations.²

On August 5, 2019, Article 35A and Article 370 of the Indian Constitution were revoked by the government of India. These articles enshrined special status for Jammu and Kashmir, including a separate constitution, autonomy over its internal administration and a separate set of laws on citizenship and property ownership. This amendment also converted Jammu, Kashmir and Ladakh to union territories, which are administered federally and do not have elected governments of their own. Beginning the previous day, the government also ordered a total communications blackout to and from Kashmir, and silenced news from the region. Along with being cut off from the rest of the world, curfews and a heightened military presence demonstrate that a purposive immobilization of the people of Kashmir is in process. Further, these changes to the Indian Constitution mean that Indian citizens

² Social media has been pivotal in amplifying voices of the Kashmiri diaspora, some of whom are themselves displaced, and organizing solidarity vigils in support of Kashmir across the globe through the hashtag #standwithkashmir. See the social media campaign toolkit by Stand With Kashmir 2019 (<http://standwithkashmir.org>) and the work of the Critical Kashmir Studies Collective (<https://www.facebook.com/criticalkashmirstudies/>). Brazilian Indigenous youth have also organized on social media to bring their voices as Amazon defenders to public attention, with groups such as Mídia Índia (<https://www.instagram.com/midiaindiaoficial/>) (Martinez, 2019).

can now buy and own property in Kashmir, and already Indian corporate interests have announced their multimillion dollar plans to invest in the region, at the cost of impairing local business networks (Chaudhary, 2019; Das Gupta, 2019).

On the other side of the globe, the right-wing regime in Brazil has opened up the rainforest for clearing by cultivators, miners and ranchers, thereby enabling the deforestation and destruction of Indigenous reserves within the Amazon (Correa et al., 2019), and rendering the landscape particularly vulnerable to spreading forest fires. In North America, despite fierce Indigenous-led protests and credible environmental warnings against them, privately owned pipelines have been routinely approved for construction by the US and Canadian governments, without the consent of the Indigenous nations whose territories, living conditions and livelihoods would be affected; in multiple locations, this construction has been enforced with the use of state military power (Standing Rock Sioux Tribe, 2019; Unist’ot’en Camp, 2019). In each of these cases, the agenda of the militarised settler-colonial state is centered on land – that is, stealing land and land-based resources from those who live on it, and in the process scattering and discarding them.

How do we make sense of these events in different corners of the globe, connected nonetheless by the logics and histories of settler/colonial statism, and how do we respond, organize and resist? As Hokulani Aikau (Kanaka ‘Ōiwi Hawai‘i) states, “when Indigeneity is placed at the center, when we turn our attentions in a material rather than a metaphorical way to the lands upon which we stand, to ‘āina, then we are able to challenge the fundamental legitimacy of the nation-state structure” (Aikau et al., 2015, p. 83).

To grapple with these issues, I find myself returning to the powerful brevity of #nobanonstolenland. Yazzie spoke about the value of the hashtag as political education from screens to streets, and indeed, the proposed border wall on the US-Mexico border was met with “No Wall on Stolen Land,” and the slogan “No Wall, No Ban, No Building on Stolen Lands” was used as a joint protest against Trump’s travel ban and the Israeli government’s plan to build settlements in Gaza (Alternative Information Centre, 2017). Cherokee scholar Joseph Pierce (2019) also reminds us that building walls is a settler colonial strategy. Wall Street, the famous centre of capitalist activity and former slave market in Manhattan, New York City (Lenape territory), is named for the wall built by African slaves owned by the Dutch West India Company to keep out Native people, pirates and English colonists (Clarkson, 2008). Analysing the slogan in her article “The Border(s) Crossed Us Too,” Indigenous feminist Elizabeth Ellis (2018) states that by grounding our critique of the travel ban in Indigenous sovereignty, “we critically reframe the conversation about borders and immigration and more effectively challenge US justifications for exclusion and expulsion” (n.p.). I propose that we add to this statement the need for conversation around “mobility,” encompassing voluntary, involuntary and forced mobility.

Indigenous populations have always been mobile, “by choice or by force, or some combination thereof” (Peterson & Chatterjee, 2017, p. 141).³ Cherokee scholar Qwo-Li Driskill (2004) refers to their family as “diasporic,” because of the removals and genocides they have endured (p. 52). Asserting the sovereignty of Indigenous nations as opposed to colonial borders, Indigenous feminism has been characterised as “already transnational” in navigating settler-colonial realities (Aikau et al., 2015). Ellis (2018) lays out how the expansion of the USA as a settler-colonial state built upon regulating the mobility of Indigenous people, and imposing constructions and restrictions where there had been none, inspiring the statement, “the border(s) crossed us too.” In Canada, the story of Indigenous mobility and purposive immobilization stretches from the Indian Act (Lawrence, 2004), the history of the reserve pass system (Carter, 1999, p. 163), residential schools, the “Sixties Scoop” (Truth & Reconciliation Commission of Canada, 2015) to the Highway of Tears (Carrier Sekani Family Services, 2006).

In addition to forced removals and displacements, the state’s exercise of power in deciding mobility is enforced through the technology of the passport, as we saw in the unfolding of the 2017 travel ban. In his book *The Invention of the Passport* (2000), John Torpey examines how modern nation-states assume the authority to restrict movement, and he turns to the metaphor of the state’s “embrace” of its population through the passport. In contrast to travel documents, passports stand as symbols of an individual’s affiliation to a nation-state, wherein states “embrace” and bind particular individuals to themselves as their nationals or citizens. These citizens are nurtured and rendered legible by this affiliation, and thus turned into resources needed by the nation-states to reproduce themselves. Others – non-citizens, undesirables, illegals – are denied that embrace, for example through travel bans. Radhika Mongia (1999) argues that modern passports are imbricated in race-based exclusion, as they evolved as a technique of regulating migration by un-naming race and instead naming “nationality,” allowing nation-states to delimit their boundaries, assert their sovereignty and acquire a monopoly over who would be allowed within the state’s embrace.

Indigenous nations have long undermined the settler-colonial state’s authority over their movements, for example by issuing their own passports (Ellis, 2018). The Haudenosaunee have issued passports since 1923 as expressions of their sovereignty. High profile incidents such as the Iroquois Nationals lacrosse team being blocked from entering the United Kingdom on

³ Peterson and Chatterjee (2017) use this phrase to describe the various circumstances under which people of colour came to be on this colonized land. I use it to evoke the displacements and removals, as well as migrations across territories, faced by Indigenous people as well, in order to puncture the ostensible binary of refugees and migrants as mobile, and Indigenous folks as not. Elizabeth Ellis, for instance, describes herself as “living as an uninvited guest in New York City on ancestral Lenape territories” (2018, n.p.).

their Haudenosaunee passports in 2010 (Kolva, 2012), highlight the settler-colonial move of regarding Haudenosaunee passports as “fantasy documents,” concretely denying their claims to sovereignty and right to move across international borders (Hill, 2015). According to Onandaga Nation Tadodaho Sid Hill,

Maintaining our sovereignty demands that we use our own passport. This is why we stamped the passports of visiting nations – including US Americans and the British – in September when the World Indoor Lacrosse Championships was held for the first time on Haudenosaunee land: to underscore that this has always been and remains our land. (Hill, 2015)

It is important to note that Indigenous passports function as statements and symbols of Indigenous sovereignty rejecting settler colonial authority over borders; they are not backed by a state-centred bureaucratic and militaristic apparatus that presumes to impose borders.

As a symbol of solidarity, Indigenous nations have also issued passports to refugees, in order to critique refugee detention and incarceration systems while asserting Indigenous sovereignty in the face of settler state violence. In 2010, two Tamil asylum seekers indefinitely detained in Villawood Camp in Sydney, Australia were issued Original Nation/Aboriginal passports;⁴ subsequent passport ceremonies created a space for migrants to recognize Indigenous sovereignty and be allied with Indigenous peoples (Aboriginal Passport Ceremony, 2012).

Tasmanian Aboriginal activist Michael Mansell articulated a critique of the settler nation-state’s self-narrative as the “nation of immigrants”, by drawing out the distinction between unarmed asylum seekers arriving as “boat people” and being denied basic human rights, and the arrival of the “original boat people” who led an occupation and genocide of Indigenous peoples in Australia (Mansell, quoted in Smith, 2013).⁵ As recently as July 2019, Indigenous communities issued Aboriginal passports to refugees being held for processing in Papua New Guinea, aiming to bring attention to Australia’s offshore detention regime and its problems (Faa, 2019). In each of these instances, the underlying message is clear: “under Indigenous law, refugees are WELCOME to this land” (RISE: Refugees, Survivors and Ex-Detainees, 2016).

⁴ For more about the unmapping of Villawood Detention Centre on Aboriginal land, see Bui et al. (2017).

⁵ October 2019 marked the 10th anniversary of the arrival of the ships *MV Ocean Lady* and *MV Sun Sea*, on the west coast of Canada. Together the ships carried more than 500 Tamil asylum seekers, who were characterized by the Canadian government as ‘illegal’ or human smugglers, and detained amid calls for deportation (Hasan et al, 2019). At demonstrations outside the jails where asylum seekers were kept, Indigenous elders opened the protests by welcoming the refugees (Walia, 2014, p. 67). Connecting the arrival of the *Komagata Maru* in 1914 to the *Ocean Lady* and *Sun Sea*, Hasan et al. (2019) argue that “the colonization of Indigenous nations in North America is connected to South Asia through the European project of empire and colonial expansion” (p. 123).

Refugee communities in Canada have also drawn on struggles against occupation in their homelands, to show solidarity with Indigenous sovereignty. For example, on the website of Students for Free Tibet Canada, an Indigenous land acknowledgement is accompanied by the statement, “we also commit ourselves to continue to unlearn and decolonize spaces we occupy and work in solidarity with Indigenous peoples in their struggle” (Students for Free Tibet, n.d.). Using slogans like “No One Is Illegal; Canada is Illegal!,” migrant and refugee rights organizations such as No One is Illegal (NOII), based in Canada, and Refugees, Survivors and Ex-Detainees (RISE) based in Australia, center Indigenous sovereignty in their critiques of settler-colonial state policies. Taking the example of support for the Idle No More movement in 2012 from Palestinians within the occupied territories of Palestine as well as diasporic communities, Dana Olwan (2015) argues that these solidarities are not natural and cannot be presumed, but have to be relationally worked out in critical, strategic ways.

In such a milieu, it is imperative that we as anti-racist educators and scholars turn to the leadership of Indigenous activists, thinkers, elders and youth, to envision a future beyond contested geopolitical territories. As Harsha Walia, following Sto:Loh poet and author Lee Maracle, writes, “there is nothing contradictory about supporting struggles for migrant justice and Indigenous self-determination; our liberation is interconnected” (2014, p. 68).

Returning to the protests led by Yazzie and Estes at the Los Angeles airport, Yazzie in her Facebook post mentions a welcoming ceremony and round dance, which invited refugees and migrants as well as non-Indigenous activists and protesters into a different relationality with each other, one grounded in the history of the land and asserting the presence of Indigenous people (Monkman, 2017). Eve Tuck, Allison Guess and Hannah Sultan, with their work on the Black/Land project, write about necessarily “contingent collaborations,” offering a path as we reconfigure the work of decolonization together on the same land – work that offers no easy resolutions (Tuck et al., 2014). Cherokee scholar Jeff Corntassel calls for “insurgent education” (2013, p. 48), meaning that solidarity work in different places must follow the lead of local Indigenous communities organising for self-determination. This solidarity work needs to guard against becoming ahistorical by “simultaneously recogniz[ing] the potential mutualities and various incommensurabilities of struggles for justice against settler-colonial states,” based on historically situated distinctions (Olwan, 2015, p. 100) and a recognition of complicities. It also needs to guard against turning a “settler gaze” (Corntassel, 2013, p. 50) on struggles that may seem far away, as with Kashmir and the Amazon basin, by making connections with local

Indigenous struggles, as well as the campaigns organised by those communities in the diaspora.

What might such relationality mean for refugees, migrants, Black and other people of colour on Indigenous lands? By reflecting on “No Ban on Stolen Land” and its lessons, we can center Indigenous sovereignty in supporting migrant and refugee rights. This could focus our critiques and efforts against the settler colonial authority which presumes to ban, displace, exclude, detain, and shrink the spaces and terms on which those displaced can relate to each other and respond to the violence of being rendered illegal or immobile. Organising against the state’s controlling mechanisms and violences by taking our lead from Indigenous communities’ refusal to cooperate with settler colonial logics of genocide can be a creative means of resistance that leads us toward just sites of coexistence and a viable future for all.

Acknowledgments

I wrote this dispatch while living on Anishinaabe and Haudenosaunee territories, and tried to bring lessons from there to conversations in New Delhi, India. Thank you to Nishant Upadhyay, Amar Wahab and Sabina Chatterjee for making space and these conversations possible.

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