

PART II

Australia, Canada, and New Zealand

The common thread connecting Australia, Canada, and New Zealand is what Kirsty Gover (2015) described as the “Western settler-state view,” where the focus of settler governments is “embedding . . . indigenous identities and jurisdictions in [their] constitutional orders” (p. 346). Professor Gover also observed that across these countries there is a “persistent lack of indigenous consent to settler governance . . . one that undermines the liberal premises of a state’s legitimacy,” hence these countries have sought to resolve this legitimacy deficit via the “restoration of indigenous property and governance authority . . . to negotiate indigenous consent,” such as through the “redistribution of public goods” like land (p. 346). However, the transfer of lands has been slow, and where this occurs, is typically only a fraction of the lands claimed.

