

BETWEEN NATIONS:

INDIGENOUS SOVEREIGNTY AND INTERNATIONAL ENVIRONMENTAL LAW

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INTRODUCTION

At its most fundamental measure, tribal sovereignty denotes the inherent power of Indigenous nations to govern themselves. Within the framework of U.S. federal law, this sovereignty is indeed recognized, including the authority to exercise self-governance over tribal members and territories, parallel to the rights of other sovereign nations; however, these powers are not absolute, as they are constrained by doctrines, treaty-based limitations, and congressional plenary authority (Riley 2007). While tribes are acknowledged as sovereign entities with authority over internal affairs, their sovereignty is constrained by limitations on external relations and jurisdiction over non-Indians. In contrast, federal law retains the capacity to alter or extinguish tribal sovereignty on a case-by-case basis. Consequently, even within a policy framework that emphasizes tribal self-determination, Indigenous nations remain

engaged in ongoing efforts to defend inherent rights as first peoples.

The marginalization of Indigenous nations is not limited to domestic legal frameworks but is also embedded within the language and structure of international and transnational law itself. Although the term ‘international’ suggests relations among nations, in practice it denotes relations among recognized states, thereby excluding Indigenous nations from full participation as sovereign actors. Similarly, ‘transnational’ governance frameworks empathize cross-bordered cooperation while continuing to rely on state-based systems of authority that side-line non-state sovereigns. Indigenous nations are incorporated into these frameworks as stakeholders rather than as political entities with equivalent standing. This kind of linguistic narrowing is not merely semantic. It reinforces the global, legal order that privileges state sovereignty

over other legitimate, yet marginalized, forms of political organization.

Indigenous participation, in environmental politics in particular, has become increasingly visible and assertive. As environmental crises intensify, Indigenous nations are not only engaging with existing legal frameworks but actively challenging them, asserting sovereignty in the regulation of land, water, and natural resources, and contesting state and corporate practices that threaten their (jurisdictional) environments. This growing involvement highlights both the possibilities and limitations of the current U.S. legal system. While Indigenous nations are increasingly recognized as important actors in environmental governance, their authority remains constrained by the same structural limitations that have historically restricted their sovereignty.

The intersection of indigenous sovereignty and environmental law exposes a fundamental mismatch between territorial

and legal frameworks and ecological realities. Ultimately, meaningful responses to environmental challenges will require the rethinking of governance structures beyond territorial constraints and incorporates indigenous nations as full participants in shaping environmental law and policy.

INDIGENOUS SOVEREIGNTY PRE-EXISTING THE FORMATION OF THE UNITED STATES

Indigenous sovereignty, even today, predates the formation of the United States and emerges from long-standing systems of governance that developed independently of European influence. Prior to Old World contact, Indigenous nations across the North America exercised the full range of sovereign authority, governing themselves as distinct political communities with their own institutions, legal systems, and territorial boundaries (Seielstad 2002; Tweedy 2009). Although forms of government differ widely, most tribes functioned as independent, self-

governing societies maintaining political autonomy and regulating their own internal and external affairs. Sovereignty arises organically from long-standing social, cultural, and political traditions, reflecting deeply rooted systems of governance that existed well before the arrival of European powers.

European colonization and the subsequent establishment of the United States fundamentally disrupted these systems of governance. As federal Indian law developed, Indigenous sovereignty was redefined and constrained within a framework imposed by colonial, and later federal, authority. The United States Constitution provides a critical foundation for understanding tribal sovereignty as it implicitly acknowledges tribes as distinct political entities. As Tweedy (2009) suggests, the Constitution's relative silence on the matter can be interpreted as affirming the continued existence of tribal governance

structures. Because tribes were already functioning as sovereign governments at the time of the Constitution's drafting, this absence of explicit limitation can be read as recognition of their pre-existing political status, subject only to specific delegations of authority.

The early jurisprudence of the U.S. Supreme Court further shapes the legal understanding of tribal sovereignty. Foundational cases collectively known as the Marshall Trilogy represents the Court's first sustained effort to grapple with the legal implications of Indigenous nations existing within the territorial boundaries of the United States.

THE MARSHALL TRILOGY AND LEGAL CONSTRUCTION OF TRIBAL SOVEREIGNTY

John Marshall served as the longest-tenured Chief Justice in Supreme Court history, serving from February 4, 1801, until his death on July 6, 1835. During his 34-year

tenure, the Marshall Court established several key doctrines of federal Indian law. Additionally, through the establishment of judicial review, Marshall positioned the judiciary as a central arbiter of constitutional authority. Rulings on federalism further defined the distribution of power between federal and state governments (ref. Supreme Court Historical Society). Three cases, known as the Marshall Trilogy, are particularly significant and continue to underpin American legal frameworks of federal Indian law in the United States.

Between 1823 and 1832, a series of three United States Supreme Court cases, under Chief Justice John Marshall, provided the basic framework for the status of Indian tribes in the United States. The legal status of Indigenous nations presented a profound constitutional dilemma. Native nations did not, and do not, fit neatly into existing categories. They are neither states within the Union, nor fully foreign nations, yet possess

treaty-making authority and systems of self-governance. With this, Marshall articulated ‘*domestic dependent nations*’, a formula seeking to reconcile tribal sovereignty with federal supremacy; however, while this doctrine acknowledged Indigenous nations as distinct political communities with inherent governing authority, it simultaneously positioned them within a foreign framework dependent under U.S. protection, a trust relationship of ‘*guardian*’ and ‘*ward*’ (Newmyer 1999). These tensions are central to the Marshall Court’s reasonings in the Marshall Trilogy and continues to shape federal Indian law today.

*Johnson and Graham’s Lessee v. William
M’Intosh (1823)*

The first of these cases, *Johnson v. M’Intosh*, addressed competing land claims and established the legal doctrine of aboriginal title. The competing land claims were between two non-Indigenous parties, one based on a purchase from Indigenous

peoples and the other on a federal grant (Tweedy 2009). The decision introduced the *Doctrine of Discovery*, under which European powers, including the United States, claimed superior title to lands they encountered, despite Indigenous occupancy.

The court held that Indigenous people retain the right of use and occupancy over their lands, but ultimate title resides with the United States as the ‘discovering’ sovereign, thereby subordinating Indigenous land ownership within a federal framework (Tweedy 2009). Although the Court did not dismiss Indigenous rights, it reduced them to a limited right of occupancy, thereby constraining broader claims to land ownership. Notably, the opinion also suggested a residual recognition of tribal sovereignty, insofar as transactions involving Indigenous land were understood to be shaped by Indigenous legal traditions (Tweedy 2009).

The Cherokee Nation vs. The State of Georgia (1831)

The second case, *Cherokee Nation v. Georgia*, further defined the political status of Indigenous nations. When the Cherokee Nation sought recognition as a foreign state in order to challenge Georgia’s encroachment on its lands, the Court instead characterized tribes as ‘domestic dependent nations’ (Tweedy 2009). This doctrine functioned as a compromise; it acknowledged that tribes possess inherent sovereignty and treaty-making capacity, yet, at the same time, placed them within a framework of dependency that justified federal oversight. This case was among the first to describe the relationship of “ward to guardian” which laid the foundation for federal trust responsibilities.

Samuel A. Worcester, Plaintiff In Error v. The State of Georgia (1832)

The last of these cases, *Worcester v. Georgia*, offered the strongest judicial affirmation of tribal sovereignty and is the

most cited pre-Civil War Supreme Court law (Darian-Smith 2010). The Court contemplated on whether missionaries were allowed in Indian Territory despite being illegal in the state of Georgia, ultimately holding that Indigenous nations constitute distinct political communities with exclusive authority over their lands, and that state laws “can have no force” within those territories (Tweedy 2009; Darian-Smith 2010). Thus, the Court scaled back the view expressed in *Johnson v. M’Intosh* that discovery considerably impaired the rights of tribes, instead citing very limited alteration to tribal sovereignty (Tweedy 2009).

The Court also makes the point that, although by treaty the Cherokees acknowledged themselves to be under the protection of the United States, “protection does not imply the destruction of the protected”. Importantly, the Court only views tribal jurisdiction *exclusively* within the

jurisdictional boundaries of Indian *Reservations* (Tweedy 2009).

THE EVOLUTION OF AMERICAN ENVIRONMENTAL LAW

The Marshall Trilogy constructs a legal framework characterized by inherent tension. Indigenous nations are recognized as sovereign entities, yet their sovereignty is constrained by a *foreign* federal authority and confined within territorial boundaries. This framework continues to shape the legal landscape of Indigenous sovereignty, particularly in areas such as environmental governance.

The development of environmental law in the United States reflects a broader historical shift from resource exploitation to regulation and, more recently, towards questions of justice and governance (Darian-Smith 2010). Early American environmental attitudes were shaped by expansionist ideologies such as Manifest Destiny, which objectified land as a resource to be conquered

and exploited for economic growth (Heizerling 2003; Mendelson 2008). Throughout the nineteenth century, industrial expansion and westward settlement intensified the extraction of natural resources, often at the expense of indigenous lands.

By the late nineteenth and early twentieth centuries, this perspective began to shift through conservation and preservation movements, led by figures such as Theodore Roosevelt and John Muir, emphasizing management and protection of natural resources and leading to the establishment of national parks and forests (Cohen 1988; Grahm 1990; Brinkley 2009; Duncan & Burns 2009). However, these movements often marginalized Indigenous peoples, displacing them from ancestral lands while simultaneously appropriating and romanticizing Indigenous relationships to land (Mihesuah 1996; Krech 2000; Harkin & Lewis 2007).

Modern environmental law emerged primarily in the 1970s with the establishment of the Environmental Protection Agency (EPA) and the passage of foundational legislation such as the National Environmental Policy Act, Clean Air Act, Clean Water Act, and Endangered Species Act (Darian-Smith 2010). These laws marked a transition toward a federal oversight of environmental protection, though not without political pressures, economic interests, and uneven enforcement. Environmental law also became a distinct legal field during the 1970s, emphasizing regulatory mechanisms that treat natural resources as objects of management rather than components of interconnected ecological systems (Brooks 2009). While these developments marked significant progress, they also reinforced a regulatory approach that treats nature as an object of governance rather than a dynamic, interconnected system.

ENVIRONMENTAL JUSTICE

The rise in environmental justice movements in the late twentieth century further exposed the unequal and disproportionate distribution of environmental harms, particularly among marginalized communities, including Indigenous nations. Indigenous communities have disproportionately experienced environmental degradation through land dispossession, resource extraction, and pollution, without meaningful consultation or consent, and with long-term consequences for both ecosystem and human health (Viegas & Menson 1989; Gadgil & Ghua 1993; Braidotti 1994; Brush & Stabinsk 1996; Agarwal 1997; Westra & Lawson 2001). These histories have positioned tribal nations at the forefront of legal and political challenges to environmental exploitation, as they increasingly assert sovereignty in defense of their lands and resources.

In recent decades, Indigenous participation in environmental governance

has become more prominent and assertive. Tribal governments now engage directly in environmental regulation through legal action, political advocacy, and scientific expertise, challenging state and corporate practices (Slade & Stern 1995; Gedicks & Grossman 2001; Buchanan 2008; Nespar 2010). The EPA recognizes tribal governments as ‘state-equivalent’ authorities for managing reservation lands (Ruckelshaus 1984). The “Treatment as State” (TAS) policy allows tribal governments to be recognized as equivalent to state government for environmental regulation. Tribes with “Treatment of State” status can set their own environmental standards, which can affect off-reservation activities and force states and corporations to comply with higher standards. While this framework represents a significant acknowledgement of tribal sovereignty, it remains territorially constrained and often fails to account for

environmental processes that extend beyond reservation boundaries.

Indigenous engagement with environmental governance has introduced new legal and political challenges to traditional state-centric frameworks. Tribal nations increasingly contest environmental harm through litigation and regulatory participation, while also advancing alternative approaches to resource management rooted in Indigenous knowledge systems (Schlosberg 1999; Espeland 1998; Goldberg et al. 2003; Tsosie 2003; Argyrou 2005; Richland & Deer 2009). These developments coincide with growing international recognition of Indigenous rights, including environmental governance, placing additional pressure on U.S. environmental law to evolve. Indigenous environmental perspectives often emphasize relationality, sustainability, and collective well-being, offering an alternative to dominant paradigms that prioritize resource

commodification. These perspectives have greatly influenced environmental justice movements and contributed to the development of more participatory and inclusive approaches to environmental management.

LIMITATIONS & EXCLUSIONS

Environmental harm often transcends political boundaries, while legal authority remains territorially constrained. Air pollution, climate change, and watershed systems, to name a few, operate across jurisdictions; yet environmental law is largely organized around state sovereignty. This mismatch creates gaps in regulation and accountability, particularly when harms originate outside the jurisdictions most affected. At the same time, environmental harm can appear to respect political boundaries through these very same patterns. Industrial activities and waste disposal are often concentrated in marginalized communities with little legal authority,

reflecting the unequal distribution of power and resources. This dual reality of transboundary ecological processes and localized patterns of harm exposes the limitations of existing environmental law.

The evolution of environmental law in the United States reveals a persistent tension between regulatory frameworks grounded in state sovereignty and the realities of ecological systems which transcend political boundaries. While federal environmental law has expanded significantly since the 1970s, it has largely operated within a structure that prioritizes centralized governance and regulatory control at the expense of meaningful civil engagement and alternative systems of environmental stewardship (Brooks 2009; Manheim 2009).

The tension is further compounded at the international level, where environmental governance frameworks emphasize cooperation across borders but continue to

recognize only states as legitimate actors. As a result, Indigenous nations, despite being defined as “nations”, remain structurally excluded from full participation in both domestic and global environmental decision-making. International developments, including the United Nations Declaration on the Rights of Indigenous People, have begun to challenge this exclusion, but significant gaps remain (Xanthaki 2007; Wiessner 2008; Allen & Xanthaki 2010; Charters et al. 2010)

Federal policies have eroded tribal sovereignty and environmental stability through deliberate restructuring of Indigenous land tenure systems. The *Dawes Act* of 1887, for example, fragmented collectively held tribal lands into individual allotments, a process that *intentionally* undermined tribal cohesion and disrupted traditional governance and land-use practices (Olund 2002; Banner 2005; Stemmlau 2005; Bartecchi 2007; Darian-Smith 2010). This policy not only facilitated the transfer of large portions

of Indigenous land to non-Native ownership but also weakened the social and political structures that had sustained indigenous communities for millennia. In the decades to follow, reservation lands were increasingly subjected to intensive extraction and environmental degradation, including deforestation, mining, pollution, and military testing, further compounding the ecological and social impacts of disposition (Williams 1992; Grinde & Johansen 1995; Hanson 1995; Lewis 1995; LaDuke 1999; Davis 2003; Royster & Blumm 2007; Royster 2008).

Generally, environmental harm ignores borders; laws do not; alternatively, in some ways environmental harm does indeed respect state borders. Pollution and climate change operate across ecological systems that do not conform to jurisdictional lines yet acknowledged so though organized state sovereignty and bounded authority. This mismatch produces gaps in regulation,

enforcement, and accountability, particularly when harms originate outside the jurisdiction most affected by them. Some forms of environmental harm, do, in practice, map onto political boundaries. Patterns of industry, resource extraction, and waste disposal frequently saturate environmental burdens within specific communities, particularly those with limited political and legal influence.

This dual reality truthfully exposes a central limitation of existing environmental law. For Indigenous nations, these dynamics are compounded by an overarching legal framework that simultaneously recognizes and constrains sovereignty. Global Indigenous movements and international legal developments are increasingly pressuring the United States to recognize Indigenous rights and incorporate Indigenous perspectives into environmental governance. The pressures highlight the need for more

inclusive and pluralistic approaches to law and policy.

CONCLUSIONS

The intersection of Indigenous sovereignty and environmental law reveals a fundamental tension between legal frameworks grounded in state sovereignty and ecological systems that transcend political boundaries. While environmental law has evolved significantly, it continues to operate within structures that limit the recognition and exercise of Indigenous sovereignty.

The growing influence of international environmental law and global indigenous movements is beginning to pressure dominant frameworks, pushing towards more inclusive and pluralistic approaches to governance; however, significant challenges remain, particularly in reconciling territorial sovereignty with the

interconnected nature of environmental systems. Unavoidably, these decisions contain colonialist constructs in support of a fundamentally unjust situation.

The future of environmental law in the United States will depend on its ability to move beyond these structural constraints. This may require not only greater recognition of Indigenous sovereignty, but also a rethinking of the legal and conceptual foundation of environmental governance on its own. Incorporating Indigenous perspectives offers the potential for more holistic and sustainable approaches to environmental management, challenging long-standing models rooted in extraction and control. As environmental crises continue to escalate, the integration of multiple sovereign frameworks, *including Indigenous nations*, may prove essential to developing effective and equitable responses.

SUPPORTING LITERATURE

- Allen, S., & Xanthaki A. (2010) *Reflections on the UN Declaration on the Rights of Indigenous Peoples*. Oxford: Hart
- Argyrou, V. (2005) *The Logic of Environmentalism: Anthropology, Ecology and Postcoloniality*. New York/Oxford: Berghahn Books
- Banner, S. (2005) *How the Indians Lost their Land: Law and Power on the Frontier*. Cambridge, MA/London: Belknap Press of Harvard University Press
- Braidotti, R. (1994) *Women, the Environment and Sustainable Development*. London: Zed.
- Brinkley, D. (2009) *The Wilderness Warrior: Theodore Roosevelt and the Crusade for America*. New York: Harper
- Brooks, K.B. (2009) *Before Earth Day: The Origins of American Environmental Law, 1945–1970*. Lawrence: University Press Kansas
- Brush, S. & Stabinsky, D. (1996) *Valuing Local Knowledge: Indigenous People and Intellectual Property Rights*. Covelo, CA: Island
- Buchanan, N. (2008) *Negotiating Nature: Expertise, Indigeneity, and Environment Along the Klamath River*. Chicago, IL: American Bar Foundation Seminar
- Charters C, Malezer L, & Tauli-Corpuz V. (2010) *Indigenous Voices: The UN Declaration on the Rights of Indigenous Peoples*. Oxford: Hart
- Cherokee Nation vs. the State of Georgia, The. 30 1, 80 (1831)

- Cochran, S.A. (1996) Treating Tribes as States Under the Federal Clean Air Act: Congressional Grant of Authority-Federal Preemption-Inherent Tribal Authority. *New Mexico Law Review* 26(2):323
- Cohen, M.P. (1988) *The History of the Sierra Club 1892–1970*. New York: Random House
- Darian-Smith, E. (2010) Environmental Law and Native American Law. *Annual Review of Law and Social Sciences* 6(1):359-86
- Darian-Smith, E. (2010) *Religion, Race, Rights: Landmarks in the History of Modern Anglo-American Law*. Oxford: Hart
- Davis, M. (2003) *Dead Cities and Other Tales*. New York: New Press
- Duncan, D. & Burns, K. (2009) *The National Parks: America's Best Idea*. New York: Knopf
- Espeland, W.N. (1998) *The Struggle for Water: Politics, Rationality, and Identity in the American Southwest*. Chicago: University of Chicago Press
- Graham, F. Jr. (1990) *The Audubon Ark: A History of the National Audubon Society*. New York: Alfred A. Knopf
- Gadgil, M. & Ghua, R. (1993) *This Fissured Land*. Berkeley: University of California Press
- Gedicks, A. & Grossman, Z. (2001) Native Resistance to Multinational Mining Corporations in Wisconsin. *Cultural Survival Quarterly* 25(1)
- Goldberg, C., Clinton, R., & Tsosie, R. (2003) *American Indian Law: Native Nations and the Federal System*. New York: Matthew Bender. 4th Edition

- Grinde, D.A. & Johansen, B.E. (1995) *Ecocide of Native America: Environmental Destruction of Indian Lands and Peoples*. Santa Fe, NM: Clear Light Books
- Halliday, T. C., & Osinsky, P. (2006) Globalization of Law. *Annual Review of Sociology*, 32, 447
- Hanson, R.D. (1995) Indian Burial Grounds for Nuclear Waste. *Multinatl. Monit.* XVI(9)
- Harvard Project on American Indian Economic Development (2008) *The State of the Native Nations: Conditions under US Policies of Self-Determination*. New York/Oxford: Oxford University Press
- Harkin, M.E. & Lewis, D.R. (2007) *Native Americans and the Environment: Perspectives on the Ecological Indian*. Lincoln: University of Nebraska Press
- Hays, S.P. (1989) *Beauty, Health, and Permanence: Environmental Politics in the United States 1955–1985*. Cambridge, UK/New York: Cambridge University Press
- Heizerling, L. (2003) The Environment. In *Oxford Handbook of Legal Studies*. Oxford: Oxford University Press
- Johnson and Graham's Lessee v. William McIntosh, 21 U.S. 543, 604 (1823)
- Kraft, M.E. (2002) *Environmental policy and politics in the United States: toward environmental sustainability?* In *Environmental Politics and Policy in Industrialized Countries*, Edited by U. Desai. Cambridge, MA/London: MIT Press
- Keller, R.H. & Turek MF. (1999) *American Indians and National Parks*. Tucson: University of Arizona Press.
- Krech, S. (2000) *The Ecological Indian: Myth and History*. New York: W.W. Norton

- LaDuke, W. (1999) *All Our Relations: Native Struggles for Land and Life*. Brooklyn, NY: South End Press
- Manheim, F.T. (2009) *The Conflict Over Environmental Regulation in the United States: Origins, Outcomes and Comparisons with the EU and Other Regions*. New York: Springer
- Mihesuah, D.A. (1996) *American Indians: Stereotypes and Realities*. Atlanta: Clarity
- Mendelsohn, B. (2008) Law and the Environment. In *The Cambridge History of Law in America*. Cambridge, UK: Cambridge University Press
- Merry, S. E. (2006) Anthropology and International Law. *Annual Review of Anthropology*, 35(1), 99–116
- Nesper, L. (2011) Law and Ojibwe Indian “Traditional Cultural Property” in the Organized Resistance to the Crandon Mine in Wisconsin. *Law & Social Inquiry*, 36(1), 151–169
- Newmyer, R. K. (1999) Chief Justice John Marshall’s Last Campaign: Georgia, Jackson, and the Cherokee Cases. *Journal of Supreme Court History*, 24(1), 76–94
- Obregon, L. (2019). Peripheral Histories of International Law. *Annual Review of Law and Social Science*, 15(1), 437–451
- Olund, E.N. (2002) Public Domesticity During the Indian Reform Era; Or, Mrs. Jackson is Induced to Go to Washington. *Gender, Place, and Culture: A Journal of Feminist Geography*, 9:153–66
- O’Reilly, J., Isenhour, C., McElwee, P., & Orlove, B. (2020) Climate Change: Expanding Anthropological Possibilities. *Annual Review of Anthropology*, 49(1), 13–29

- Richland, J.B. & Deer, S. (2009) *Introduction to Tribal Legal Studies*. Vol. 1. Walnut Creek, CA: AltaMira. 2nd Edition
- Riley, A. (2007) *(Tribal) Sovereignty and Illiberalism*, 95 California Law Review 799, 821
- Ruckelshaus, W.D. (1984) *EPA Policy for the Administration of Environmental Programs on Indian Reservations*. Washington, DC: EPA
- Samuel A. Worcester, Plaintiff in Error v. the State of Georgia. 31 515, 597 (1832)
- Schlosberg, D. (1999) *Environmental Justice and the New Pluralism*. Oxford: Oxford University Press
- Seielstad, A. (2002) *The Recognition and Evolution of Tribal Sovereign Immunity Under Federal Law: Legal, Historical, and Normative Reflections on a Fundamental Aspect of American Indian Sovereignty*, 37 Tulsa Law Review, 661, 683 (2002).
- Slade, LH, & Stern W.E. (1995) Environmental Regulation on Indian Lands—a Question of Jurisdiction. *American Bar Foundation General Practice Solo Small Firm Division*. 12(4)
- Spence, M.D. (1999) *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks*. New York: Oxford University Press
- Stremlau, R. (2005) “To Domesticate and Civilize Wild Indians”: Allotment and the Campaign to Reform Indian Families, 1875–1887. *Journal of Family History*, 30:265–86
- Tsosie, R. (2003) Tribalism, Constitutionalism, and Cultural Pluralism: Where Do Indigenous People Fit Within Civil Society? *University of Pennsylvania Journal of Constitutional Law* 5:357–98

- Tweedy A.E. (2009) Connecting the dots between the Constitution, the Marshall Trilogy, and the *United State v. Lara*: Notes Toward a Blueprint for the next legislative restoration of Tribal Sovereignty. *University of Michigan Journal of Law Reform* 42:651
- Viegas, P. & Menon, G. (1989) *The Impact of Environmental Degradation on People*. New Delhi: Indian Social Institute
- Westra, L. & Lawson, B.E. (2001) *Faces of Environmental Racism: Confronting Issues of Global Justice*. New York: Rowman & Littlefield
- Wiessner, S. (2008) Indigenous Sovereignty: A Reassessment in Light of the UN Declaration on the Rights of Indigenous Peoples. *Vanderbilt J. Transnatl. Law* 41:1141–76
- Williams, T.A. (1992) Pollution and Hazardous Waste on Indian Lands. *American Indian Law Review*. 17:269–90
- Xanthaki, A. (2007) *Indigenous Rights and United Nations Standards*. Cambridge, UK: Cambridge University Press