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Phase Out Canada: The Next Big Step for Climate Justice

Emily Eaton¹

Introduction

Global climate change poses an existential threat to humans and the animal and plant species with whom we share this earth. The overwhelming majority of scientists agree that within the next twenty-five years, global greenhouse gas (GHG) emissions need to be reduced to net zero to have a hope of keeping global warming below 2°C above pre-industrial averages.² Two degrees Celsius of warming is considered a critical threshold above which the earth's systems that support human life, and the lives of other species, are compromised. Extreme heat, drought, floods, famines, species extinction, and human migrations are expected at warming above 2°C³ resulting in significant human and non-human suffering.

While global warming is a threat to humanity, we know that the impacts of a warming climate will be felt unevenly and that certain actors and people have contributed disproportionately to the pollution that causes global warming. For example, Indigenous societies have contributed the least to the problem of climate change yet are some of the most vulnerable peoples faced with the impacts of a

¹ I am extremely thankful to the two anonymous reviewers of my article and the Editor-in-chief of the journal, Dr. Jatinder Mann for all their helpful feedback and suggestions. I would also like to acknowledge Emily Grafton, David McDonald, Sadie Beaton and Melanie Dennis Unrau who provided helpful feedback on drafts. The ideas in this paper are rooted in my work with the Treaty Land Sharing Network, where I have benefited from ongoing discussions with Indigenous and non-Indigenous colleagues and friends about how to better live in Treaty relationships. I am grateful to Emily Grafton and David McDonald for the invitation to present the paper at their conference "Settler Colonialism in Canada".

² Intergovernmental Panel on Climate Change, "Global Warming of 1.5°C : An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels" Intergovernmental Panel on Climate Change, 2018, www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_High_Res.pdf.

³ Bruce Lieverman, "1.5 or 2 Degrees Celsius of Additional Global Warming: Does it Make a Difference?" Yale Climate Connections, 4 August 2021, <https://yaleclimateconnections.org/2021/08/1-5-or-2-degrees-celsius-of-additional-global-warming-does-it-make-a-difference/>.

warming world. We also know that Indigenous Peoples, who make up only 5% of the world's population, protect 80% of the world's remaining biodiversity.⁴ It is, therefore, logical that any socially responsible approach to addressing climate change must be led by Indigenous Peoples using Indigenous Knowledges. After all, it is Indigenous Knowledge and stewardship that has kept this remaining 80% intact over the generations. Any attempt by non-Indigenous conservation agencies or states to lead stewardship initiatives in these areas would justifiably be seen as colonial incursions from the outside. Furthermore, since Indigenous Peoples are and will be more impacted by a changing climate, basic principles of justice require their disproportionate input into mitigation and adaptation strategies.

But despite rhetoric that acknowledges the importance of Indigenous Knowledges and working toward 'decolonization', climate justice movements and scholars, still overwhelming white and middle class in settler colonial countries like Canada, have not concretely centred Indigenous Rights and sovereignty in their visions, work, and movements for decarbonization. This was pointed out eloquently by Nick Estes (Lower Brule Sioux) who asks: 'Why is it easier for some to imagine the end of fossil fuels but not settler colonialism? To imagine green economies and carbon-free, wind turbine, solar power, and electric bullet train utopias but not the return of Indigenous lands?'⁵ But the problem has been more widely recognized within Climate Justice movements. In Canada, for example, Jen Gobby has documented how climate movements have been experienced as unwelcoming and hostile spaces for Indigenous Peoples and how these movements have deprioritized

⁴ "Indigenous People," The World Bank. <https://www.worldbank.org/en/topic/indigenouspeoples>

⁵ Nick Estes, "A Red Deal", *Jacobin*, 6 August 2019, <https://jacobin.com/2019/08/red-deal-green-new-deal-ecosocialism-decolonization-indigenous-resistance-environment>. This same question was also posed in The Red Nation, *The Red Deal: Indigenous Action to Save our Earth* (Common Notions, 2021), 12.

land defense and decolonization, in part due to the constraints associated with their non-governmental organization status.⁶ Other academic and non-academic authors have noted similar trends in climate justice movements – that they are disproportionately white and middle class and have struggled to incorporate decolonization into their activism, even when they acknowledge the need to do so.⁷ In sum, even though climate movements and scholars know they need to centre Indigenous Rights and Peoples, the visions that they are putting forward of a new green world have failed to imagine a decolonized world and have not incorporated the longstanding demands of Indigenous Peoples for self-determination, land reclamation, and an existence in sovereign relationship to colonial states.⁸

As a white settler academic involved in, and writing about, climate movements, my hope is that scholars and movements can move beyond vague notions of, and nice statements about, decolonization by concretely centering Indigenous struggles for sovereignty and rights in the work they are already doing and the strategies they are already pursuing to address global climate change. In this article I focus on two principles and one tactic around which climate justice struggles have cohered: phasing out fossil fuels, placing limits on industrial

⁶ Jen Gobby, *More Powerful Together: Conversations with Climate Activists and Indigenous Land Defenders* (Fernwood Press, 2020).

⁷ For examples, see a discussion of Extinction Rebellion's struggles to orient their work around decolonization in Aotearoa New Zealand, in Kyle R. Matthews, Sophie Bond, and Karen Nairn, "Diffusion as a Colonizing Process and the Challenges of Decolonizing Extinction Rebellion Aotearoa New Zealand," *Social Movement Studies* (2025): 1-18. For a discussion of how stereotypes about BIPOC have influenced the make-up of climate movements and the issues they address see Birte Siem and Iniobong Essien, "'White and Educated?': Toward a (More) Diverse Climate Movement," *The Inquisitive Mind* 57 (2025), <https://www.in-mind.org/article/white-and-educated-toward-a-more-diverse-climate-movement>.

⁸ Indigenous struggles across the world, including Canada, have centred on land rights and defence and the practice of self-determination and sovereignty. The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) is a testament to salience of these themes. For more on UNDRIP in Canada see Jatinder Mann, "The implementation of the United Nations Declaration on the Rights of Indigenous Peoples in Australia, Canada, and Aotearoa New Zealand," *Journal of Australian, Canadian, and Aotearoa New Zealand Studies* 5 (September 2025): 51-104.

development, and divesting from fossil fuels and suggest analogies for these that focus on supporting the longstanding demands of Indigenous peoples for recognition of their sovereignty and jurisdiction in so-called Canada.

My aim in highlighting these analogies is to show that climate movements and scholars already have ways of thinking that could help them fill in the lacunae related to Indigenous sovereignty that are often shot through their visions of just green futures. I aim to challenge climate movements and scholars to be as radical about decolonization as they already are about decarbonization. To do this, climate movements and scholars must engage more deliberately with the long history of Indigenous thought and struggle in so-called Canada. This, I believe, starts with better understanding what Indigenous Peoples mean by anti-colonialism and what they are calling for in terms of decolonization.

What does decolonization mean?

Moving away from metaphor

Drawing on the seminal work of Patrick Wolfe, several authors, especially Lorenzo Veracini, have theorized settler-colonialism as distinct from other forms of colonialism (often called external/exogenous or exploitation colonialism) where Indigenous Peoples were exploited primarily for their labour and made to work (under various relationships of domination including slavery, indenture, etc.) producing crops and mining resources for the empire.⁹ Instead, the settler colonial

⁹ Lorenzo Veracini, "Introducing Settler Colonial Studies," *Settler Colonial Studies* 1, no 1 (2011): 1-12. Veracini recognizes only two forms of colonialism – "colonialism" and "settler colonialism", while other theorists have characterized these two forms as "external"/"exogenous" or "exploitation" colonialism and "settler colonialism" (see Eve Tuck and Wayne K. Yang, 2012). Still other academics have developed typologies of colonialism that identify multiple forms – for example see historian Nancy Shoemaker's "A Typology of Colonialism," in *Perspectives on History*, 2015 here: <https://www.historians.org/research-and-publications/perspectives-on-history/october-2015/a-typology-of-colonialism>.

state seeks to eliminate Indigenous Peoples in order to secure their land for settler production. Or as Tuck (Unangax̣) and Yang explain it, 'the horizons of the settler colonial nation-state are total - there is total appropriation of Indigenous land and life'.¹⁰ Even in the contemporary moment, authors such as Glen Coulthard (Yellowknives Dene) have argued that the settler state is not primarily interested in extracting surplus labour from Indigenous Peoples as workers. Instead, it remains focused on theft of land and what he calls the 'mode of life' (or roughly Indigenous ways of life) in order to continue its access to resources and land for settler capitalist economies.¹¹ Elimination - or the theft of land and life - rather than exploitation has, and continues to be, the primary logic driving settler colonial states.

The elimination of Indigenous societies at the heart of processes of settler-colonialism is, as Patrick Wolfe describes, a 'negative' logic, but the new settlers and the new state also carry out a 'positive' logic of building out a new society, using primarily settler labour, on expropriated land.¹² This involves replacing all manner of material, symbolic, and cultural aspects of one society and geography with another. In Canada, this included the establishment of private property, British common law or civil law in Québec, the rolling out of agricultural land uses and economies, and the institutionalization (often by force) of Christianity and Christian education.

These Wolfe-inspired understandings that focus on the material specificity of settler-colonization lead to an understanding of *decolonization* as a materially-specific practice. Tuck and Yang, for example, maintain that decolonization should not be understood as a metaphor: 'decolonization in the settler colonial context must

¹⁰ Eve Tuck and Wayne K. Yang, "Decolonization is not a Metaphor," *Decolonization: Indigeneity, Education & Society* 1, no 1 (2012): 5.

¹¹ Glenn Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (University of Minnesota Press, 2014).

¹² Patrick Wolfe, "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (2006): 388.

involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land and not just symbolically'.¹³ Coulthard similarly calls for the restoration of land and modes of Indigenous life through the recognition of Indigenous political rights and sovereignty alongside support for cultural resurgence. And Veracini argues that since settler colonialism works to extinguish the settler-colonial relationship (by eliminating Indigenous Peoples), working against settler colonialism must aim to keep the settler-Indigenous relationship going.¹⁴

To summarize, if settler colonial domination is primarily registered through the theft of land and life, then decolonization must mean returning land and life to Indigenous Peoples. It must go much further than recognizing and upholding Indigenous Knowledges or prioritizing Indigenous leadership, though it must also do these. Importantly, decolonization must protect and expand space for Indigenous Peoples to live outside of the legal, social, and economic orders of the settler-colonial state, according to their own laws, ontologies of land, and land uses.¹⁵ Decolonization must mean recognizing the sovereignty, political, and land rights of Indigenous Peoples (First Nations, Métis, and Inuit) and ensuring that they can remain distinct from, rather than incorporated into, institutions of Canadian sovereignty and jurisdiction.¹⁶

¹³ Tuck and Yang, 7

¹⁴ Veracini, "Introducing Settler Colonial Studies," 1-12.

¹⁵ Joyce Green, "Self-Determination, Citizenship, and Federalism: Indigenous and Canadian Palimpsest," in *Reconfiguring Aboriginal-State Relations*, ed. Michael Murphy (Institute of Intergovernmental Relations, School of Policy Studies, Queen's University, 2005), 329-52.

¹⁶ The Wolf-inspired analysis that insists that settler-colonialism is primarily registered through theft of land and the elimination of the "native" is not without its critics. Englert, for example, suggests that settler-colonial studies have been too focused on the Anglo settler colonies of North America and Oceania, such that the field has neglected the strategies of control and wealth extraction that were used in the settler colonies of South Africa, Israel, and South America where exploitation of Indigenous labour was central. Workers' movements in these states have often mobilized to exclude Indigenous workers and have engaged in concerted struggles over "the distribution of the colonial loot accumulated through the dispossession of the indigenous population". Of course, the Canadian state

Returning to Treaties

It is important to acknowledge and respect the frameworks through which Indigenous Peoples are advancing their struggles. In the areas of Canada covered by treaties, First Nations have kept alive the true spirit and intent of these sacred agreements, and many see the implementation of treaties as a way of enacting political and land rights. Notwithstanding the differences and specificities of individual treaties between Indigenous Peoples¹⁷ and the French and British Crowns across so-called Canada (among others the Peace and Friendship treaties of the East coast, the treaties of Upper Canada, which often involved wampum belts, or the numbered treaties of the western interior), Elders from diverse Nations have maintained that the principles of non-interference and sovereignty are a continuity.¹⁸ In the numbered treaties, Elders maintain, and the historical record shows, that they did not cede nor surrender their lands.¹⁹ In fact, as Starblanket (Cree/Saulteaux) suggests, the numbered treaties 'are regarded by Indigenous peoples as land-use frameworks, which generally involve the establishment of separate governments and jurisdictions in distinct spaces, and dual governance and jurisdiction in shared spaces and matters of mutual concern'.²⁰

and Canadian capital have and do exploit Indigenous Peoples through labour relations, and the Canadian workers' movements, for the most part, take colonial relations as given, engaging primarily in a fight over the distribution of wealth/loot appropriated from Indigenous lands and resources. Sai Englert, "Settlers, Workers, and the Logic of Accumulation by Dispossession," *Antipode* 52, no. 6 (2020): 1664.

¹⁷ In Jean Teillet's *The Northwest is our Mother* (Harper Collins, 2019) she suggests that Métis/Michif people understand the Manitoba act of 1870 as their treaty with Canada. "The Manitoba Act provided that 1.4 million acres of land would be set aside for the use of the children of Métis heads of families." Aimée Craft, *Breathing Life into the Stone Fort Treaty: An Anishinabe Understanding of Treaty One* (UBC Press, 2013), 42.

¹⁸ Aimée Craft, *Breathing Life into the Stone Fort Treaty*, 33.

¹⁹ Sheldon Krasowski, *No Surrender: The Land Remains Indigenous* (University of Regina Press, 2019).

²⁰ Gina Starblanket, "Crises of Relationship: The Role of Treaties in Contemporary Indigenous-Settler Relations," *Visions of the Heart: Issues Involving Indigenous Peoples in Canada* (2020): 20.

In contrast to Indigenous understandings of treaties as political agreements between sovereign nations that lay out a framework for relating to one another and to creation, the Crown (and Canada) has mobilized the numbered treaties as land surrenders, historic transactions that legitimate the Canadian government's 'presence on and claim to title over local lands and waterways'.²¹ This reading of the treaties legitimizes the theft of land and life in favour of settlers and their economies, discussed above. And although Indigenous Peoples have been clear that the spirit and intent of treaties was for sovereign Peoples to share the land for mutual benefit, Canada has never meaningfully recognized the sovereignty and jurisdiction of Indigenous Peoples and has interfered in nearly every aspect of Indigenous life.²²

But Canada's interpretation of the treaties is fragile. In her important book on Treaty 1, Aimée Craft (Anishinaabe-Métis) reminds us that the Supreme Court of Canada has found that '[t]reaties are to be understood as they would have been construed by the Aboriginal signatories, and interpreted flexibly, with the use of extrinsic evidence'.²³ Yet in practice, only one of the treaty parties, the Crown, continues to claim the authority of treaty interpretation. As Starblanket suggests, Canada strategically invokes treaty implementation by framing 'treaties as matters of cultural identity rather than the locus of Indigenous peoples' distinct political

²¹ Starblanket, "Crises of Relationship", 19.

²² Of note, the language of sovereignty and jurisdiction are both derived from European political traditions but have been adopted by Indigenous Nations in their struggles to assert their legal orders, authority and self-determination. Shiri Pasternak makes the point that sovereignty and jurisdiction are not the same thing. Jurisdiction is the authority to inaugurate law and pre-existed the modern state when different bodies of law claimed authority over various people and practices and overlapping space. Although Canada claimed exclusive jurisdiction with its assertion of sovereignty over Indigenous lands, in practice, Indigenous Peoples continued to practice their customary laws in the gaps in time and space where Canada's authority could not rule. Pasternak, Shiri, "Jurisdiction and Settler Colonialism: Where do Laws Meet?" *Canadian journal of law and society* 29, no. 2 (2014): 145-161.

²³ Craft, *Breathing Life*, 14.

relationship with the Canadian state'.²⁴ To put it in the climate lexicon, we might suggest Canada is engaged in treaty-washing, using the rhetoric of mutual recognition while continuing to deny Indigenous Rights and sovereignty affirmed in treaty-making.

What would happen if the Canadian state accepted Indigenous interpretations of treaties? First, and as substantiated by many different First Nations (including the Anishinaabe of Treaty 1, the Nehiyawak (Cree), Dene, Anishinaabe, Lakota, Dakota and Nakoda of Treaties 4, 6, 8 and 10), lands, waters, and resources were never given away.²⁵ In fact, concepts of private property and ownership were not part of Indigenous relations with the land. Instead, treaty Elders of many of the numbered treaties have insisted that they agreed to share the land – plots of agricultural land, only to the depth of a plow, would be used by white settlers, while Indigenous Peoples would continue to use the land for their harvesting practices. These uses were not understood as mutually exclusive and non-agricultural uses were generally not negotiated during treaties. Treaty Elders are also adamant that they were promised they would be able to live as before, under their own laws, and that the treaties would not interfere with their political sovereignty, which has its origin in their relationship with the Creator.²⁶

If Canada had to live up to the terms of the numbered treaties, as understood by First Nations, these lands would arguably be decolonized. As settler scholar Snelgrove makes clear, Indigenous treaty visions offer expansive and emancipatory

²⁴ Gina Starblanket, "The Numbered Treaties and the Politics of Incoherency," *Canadian Journal of Political Science* 52, no. 3 (2019): 446.

²⁵ Craft, *Breathing Life*, 14; Harold Cardinal and Walter Hildebrandt, *Treaty Elders of Saskatchewan: Our Dream is that our Peoples Will One Day be Clearly Recognized as Nations* (University of Calgary Press, 2000).

²⁶ See for example Elder Gordon Oakes in Cardinal and Hildebrandt, *Treaty Elders of Saskatchewan*, 41. See also Walter Hildebrandt, Dorothy First Rider, and Sarah Carter, *The True Spirit and Original Intent of Treaty 7* (McGill-Queen's University Press, 1996).

claims ‘such as the importance of ongoing responsibility to one another, mutual flourishing, as well as respect for non-human relations – that could provide the grounds for constructing a popular will to push for a treaty relationship in the present’.²⁷ I argue that such a political relationship would require ‘land back’ in the form of revoking settler ownership and private property and a recognition of Indigenous laws and jurisdiction over the totality of the treaty territories. In other words, decolonization would mean recovering the spirit and intent of treaties: sharing the land for mutual benefit and recognition of Indigenous sovereignty. This would require Canada to scale back its sovereignty, abolish private property in favour of overlapping and shared land uses, and accept Indigenous jurisdiction and authority over the lands and resources.

Phase-out fossil fuels, phase out Canada

One of the most significant gains made by climate movements and scholars in the last decade has been a shift in focus and tactics away from singular attention to addressing fossil fuel emissions — the pollution — towards targeting the producers of the problem — the fossil fuel companies. While mainstream actors continue their push to phase out emissions (with a general consensus that there needs to be a 40-50% reduction of GHGs globally by 2030 and that the world needs to approach net-zero by 2050²⁸), others in the climate movement are now firmly calling for the phase out of fossil fuels, a demand that seemed next to impossible only a decade ago.

²⁷ Corey Snelgrove, "Treaty and the Problem of Colonial Reification." *Theory & Event* 25, no. 1 (2022): 98-123.

²⁸ International Energy Agency, "Net Zero by 2050: A Roadmap for the Global Energy Sector", 2021, <https://www.iea.org/reports/net-zero-by-2050>; Intergovernmental Panel on Climate Change, "Global Warming of 1.5°C : An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty," Intergovernmental Panel on Climate Change, 2018, www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_High_Res.pdf.

Champions of 'supply-side' policies suggest we need to change the channel from the decades of focus on reducing fossil fuel consumption through 'end-of-pipe' emissions and instead concentrate on phasing out the supply and suppliers of fossil fuels.²⁹

Since fossil fuels account for roughly 80% of the world's human-created carbon pollution,³⁰ getting to zero emissions will require ending the production of nearly all fossil fuels and keeping substantial amounts of the resource in the ground.³¹ The demand to phase out fossil fuels in an orderly manner suggests that those who produce carbon pollution (the fossil fuel companies and the large industrial emitters) be held accountable for their products. A growing number of lawsuits at all scales across the globe are seeking damages associated with the fossil fuel industry's contribution to climate warming. The principle is that those companies, who knowingly continued to produce a product that would damage all aspects of human and non-human life, should be forced to provide redress for their actions.

For the purposes of this chapter, what is important is the distinction between the producers of the pollution upstream and the product (emissions) downstream, and the commitment to getting to zero. If colonization is the ongoing theft of Indigenous land and life, then decolonization, among other things, requires the return of lands and support of Indigenous life outside of the institutions and jurisdiction of

²⁹ Emily Eaton, "Approaches to Energy Transitions: Carbon Pricing, Managed Decline, and/or Green New Deal?," *Geography Compass* 15, no. 2 (2021): e12554.

³⁰ Government of Canada, "Greenhouse Gas Emissions: Drivers and Impacts," 2022, <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/greenhouse-gas-emissions-drivers-impacts.html>.

³¹ Governments such as Costa Rica, Denmark, and Quebec, among others, have already committed to ending fossil fuel extraction in their territories and are banding together through the Beyond Oil and Gas Alliance, which announced itself at the 26th Conference of the Parties to the United Nations Framework Convention on Climate Change in 2021. Beyond Oil and Gas Alliance, "Redefining Climate Leadership," 2022, <https://beyondoilandgasalliance.com/>.

Canada. We can liken the climate focus on end-of-pipe GHGs to a focus on programs that attempt to remediate the outcomes/products of colonization – better funding to First Nations, Inuit, and Métis communities to mitigate the intergenerational effects of genocidal practices such as residential schools, the 60s scoop, and current child welfare systems. To be clear, these programs and compensation are vitally important to Indigenous well-being and are essential to processes of decolonization, but to get to the root (supply-side) of colonization, we need to consider phasing out Canada and its claim to a superior sovereignty over the Indigenous lands and Peoples in these territories. As Pasternak has argued, Canada claims exclusive jurisdiction over Indigenous lands and ‘assume[s] the authority to inaugurate law where law already exists’.³²

While many climate movements have recognized the need for Indigenous leadership in climate action, and the utility and necessity of bolstering Indigenous knowledge in their campaigns, these efforts often take for granted the jurisdiction and sovereignty of the Canadian state. A supply-side approach to the problem of colonization would necessitate phasing out Canadian sovereignty. It would mean that the Canadian state, including its legal and regulatory institutions, would need to retreat and withdraw its exercise of exclusive jurisdiction, instead recognizing Indigenous jurisdiction and sovereignty in the totality of the lands now known as Canada. What exactly this would look like is a live question among Indigenous academics, Elders, and movements for self-determination. Recent calls for ‘land back’ provide one way of understanding the phase out of Canada. Several Indigenous scholars and activists (including Pam Palmater and Christi Belcourt³³)

³² Pasternak, “Jurisdiction and Settler Colonialism,” 160.

³³ Pam Palmater, “Canada, It’s Time for Land Back,” *The Breach*, 2 June 2021, <https://breachmedia.ca/land-back/>; Terry Pender, “Reconciliation without Returning Land is not Possible,” *The Record*, 30 September 2022, <https://www.therecord.com/news/waterloo->

have suggested that returning Crown lands, which constitute nearly 90% (41% federal and 48% provincial³⁴) of the landmass of Canada would be a good start and would not (necessarily) mean evicting settlers.³⁵ Instead, Palmater emphasizes that First Nations would control and manage these lands — their inherent jurisdiction as the ‘rightful caretakers of the lands’ would be recognized. The goal would be to reverse the process by which Indigenous Peoples’ land base was reduced, as late Secwepemc leader Arthur Manuel wrote, from 100% to the 0.2% of Canada that is now reserve lands.³⁶ A clear program of Crown land returns could mirror the familiar goals of GHG reductions in the climate justice movement: 50% of Crown lands returned by 2030 and 100% by 2050. As for the roughly 10% of land in Canada that is privately held, Palmater suggests that ‘[f]or the lands and resources that have been irreparably damaged or sold to third parties, they would pay us reparations for the loss of past and future use.’³⁷ In a similar spirit, the Yellowhead Institute’s ‘Cash Back’ report asks: ‘What would it look like if Indigenous people drew up land leases and served them to cities, provinces and the federal government?’³⁸

Another current within Indigenous thought around undoing colonial relations looks to the numbered treaties as a framework for understanding how Canada and Indigenous Peoples’ jurisdictions and land-uses can co-exist. Several authors have pointed out that radical changes would be required to private property and the

region/2022/09/30/reconciliation-without-returning-land-is-not-possible.html; Shiri Pasternak and Hayden King, “Land Back: A Yellowhead Institute Red Paper,” *Yellowhead Institute*, 2019, <https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf>.

³⁴ “Crown Land,” *The Canadian Encyclopedia*, 2022, <https://www.thecanadianencyclopedia.ca/en/article/crown-land>.

³⁵ Pam Palmater, “Canada, It’s Time for Land Back.”

³⁶ Arthur Manuel, *The Reconciliation Manifesto: Recovering the Land and Rebuilding the Economy* (Lorimer: 2017), 70.

³⁷ Pam Palmater, “Canada, It’s Time for Land Back.”

³⁸ Shiri Pasternak, Naomi W. Metallic, Matthew Scobie, Brianna Olson Pitawanakwat, Mihsakwan James Harper, and Kakeka Thundersky, *Cash Back: A Yellowhead Institute Red Paper*. Yellowhead Institute, 2021, <https://cashback.yellowheadinstitute.org/wp-content/uploads/2021/05/Cash-Back-A-Yellowhead-Institute-Red-Paper.pdf>, 61.

practice of Canadian sovereignty to realise this treaty framework – namely there would need to be recognition that jurisdictions and uses can and do overlap in the same space. nehiyaw researcher Emily Riddle suggests, ‘European political traditions would have us believe that being sovereign means asserting exclusive control over a territory, whereas Prairie NDN political traditions teach us that it is through our relationship with others that we are sovereign, that sharing is not a sign of weakness but of ultimate strength and diplomacy.’³⁹ Overlapping land uses and multiple jurisdictions in shared spaces are not new to Indigenous Nations; these were practiced as part of treaties between Nations before the arrival of settlers, and Indigenous Nations continue to assert and practice their jurisdiction.⁴⁰

Phasing out Canada means both a material return of stolen lands, and a retreat from exercising supremacist jurisdiction by developing mechanisms for plural and overlapping jurisdiction in contemporary shared spaces, such as cities. In some cases, this would entail Canada getting ‘out of the way’⁴¹ on lands managed entirely by Indigenous Peoples through their own laws. In other spaces, Canada would become one of many overlapping authorities with the capacity to act for itself, but in relation to and in agreement with other jurisdictions. In cities across North America, settlers are already choosing to compensate Indigenous Peoples through a ‘land tax’ or ‘honor tax’ for being on occupied land.⁴² This shows a willingness among some

³⁹ Emily Riddle, “mamawiwikowin: Shared First Nations and Métis Jurisdiction on the Prairies,” *Briarpatch Magazine*, 10 September 2020, <https://briarpatchmagazine.com/articles/view/mamawiwikowin>.

⁴⁰ Shiri Pasternak, “Assimilation and Partition: How Settler Colonialism and Racial Capitalism Co-Produce the Borders of Indigenous Economies.” *The South Atlantic quarterly* 119, no. 2 (2020): 301-324.

⁴¹ In Gitxsan journalist Angela Sterritt’s CBC podcast *Land Back*, several of the land defenders interviewed express versions of the need for Canada to “get out of the way” to allow Indigenous Nations to practice and restore their own laws and management practices on their own lands. In episode 6, for example, Dimdiigibuu, also known as Ardythe Wilson, suggests that instead of the slogan “land back”, we use “get back” indicating the need for Canada to retreat.

⁴² The Red Nation, *The Red Deal*, 126.

white settlers to understand land relations differently and implement the true spirit and intent of treaty.

How could the climate crisis be adequately addressed without a strong (singular, Canadian) state capable of regulating at the speed and scale of the crisis? Would scaling back Canada's jurisdiction not impede Canada's capacity to implement climate policy? In a model where Canada is one of many overlapping jurisdictions, it would still have the capacity to regulate its industries and residents. However, Indigenous Nations would have jurisdiction over more lands and peoples than Canada currently recognizes. Indigenous Knowledges, science, and conservation would, finally, have the chance to be fully implemented through sovereign jurisdiction, rather than subsumed and 'accommodated' under Canadian supremacy. As settler political theorist Temin argues, sovereignty is the material condition required for the implementation of Traditional Ecological Knowledge, or what he calls 'earthwork': the "hands on" work of caring for the earth done by Indigenous People'.⁴³ Similarly, Michi Saagiig Nishnaabeg scholar Leanne Betasamosake Simpson focuses on reestablishing Indigenous political systems that put Indigenous peoples back on the land as key to the resurgence of Indigenous freedom intelligence and responsibility.⁴⁴ Scaling back settler sovereignty is crucial to what Powys Whyte (Potawatomi) describes as self-determined planning for climate change that renews Indigenous Knowledges and restores reciprocity among relatives.⁴⁵

⁴³ David Myer Temin, "Wages for Earthwork," *American Political Science Review* 119, no. 1 (2025): 184.

⁴⁴ Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom Through Radical Resistance* (University of Minnesota Press, 2017).

⁴⁵ Kyle Powys Whyte, "Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene," *English language notes* 55, no. 1 (2017): 153-162.

Placing a hard cap on Canada's economy

Some climate justice movements promote 'Degrowth' as a means of averting global climate change, suggesting that capitalist systems premised on growth for growth's sake are incommensurate with the ecological limits of the planet.⁴⁶ Reducing the material throughput of the world's economies by capping, or putting hard limits on industrial production and consumption, is a well-established part of the climate justice lexicon where policies such as a reduced work week are understood as having both ecological and social benefits since they would free up time to cook, clean, fix things, contribute more to community, and relax. Many proponents of degrowth have also recognized that the climate crisis is related to the biodiversity crisis and that placing hard limits on development is required to maintain the necessary habitat for species diversity. In *Half-Earth Socialism*, for example, Vettese and Pendergrass suggests that 50% of the earth needs to be protected and rewilded to preserve 84% of species.⁴⁷ Rewilding and protecting biodiversity would also significantly increase the carbon sinks required to arrest global heating.

The degrowth approach runs somewhat counter to other climate justice approaches such as the 'Green New Deal', which focuses not on restricting and downscaling consumption, but rather on increasing public investments to build out new collective infrastructures. Green investments in public transit, housing and other areas could increase the standard of life of many, including the millions of people across the world, but also within the Global North, that live in poverty and on low incomes. I agree with authors such as Matt Huber, who have argued that the degrowth movement's 'politics of less' is a professional middle class politics that is

⁴⁶ For example, see Tatjana Thimm, "Māori tourism and a post-growth economy," *Journal of Australian, Canadian, and Aotearoa New Zealand Studies* 3 (September 2023): 37-70.

⁴⁷ Troy Vettese and Drew Pendergrass, *Half-Earth Socialism* (Verso, 2022): 11.

not palatable to wide swaths of humanity who live in material deprivation.⁴⁸ This is something to keep in mind in relation to scaling back Canada's landholdings, sovereignty, and economy. Is it possible to frame such moves in ways that are politically appealing and that would deliver benefits, also, to non-Indigenous people living in these lands? It is difficult to imagine benefits analogous to the Green New Deal's 'homes for all' or 'jobs guarantee', but there does seem to be a growing interest in so-called Canada to right settler relationships with Indigenous Peoples and to undo the theft associated with ongoing colonization. Angele Alook and colleagues put Indigenous sovereignty and 'land back' at the heart of their calls for meaningful and decent work in a caring economy that is rooted in solidarity.⁴⁹ And as Eva Mackey showed in her study on present day land disputes, there is a feeling deep down for many settlers that their existence here is based on the Crown's illegitimate claims to discovery and land cession.⁵⁰ Giving more space and support to ways of living and being that are relationally connected to land and place and learning to live together in ways that respect land, water, and a diversity of species seems also a deep desire of many settlers.

The project of protecting biodiversity through regulating land-use can be understood as a treaty obligation. In the numbered treaties, the Crown agreed that First Nations would continue their livelihood practices, *Pimâcihowin* in the Cree language, including hunting, fishing, trapping, gathering, and practicing ceremony as before. According to Saskatchewan treaty Elders, 'it was understood that the White man would bring his own animals and that the animals on the land prior to the

⁴⁸ Matthew T. Huber, *Climate Change as Class War: Building Socialism on a Warming Planet*, (Verso, 2022).

⁴⁹ Angele Alook, Emily Eaton, David Gray-Donald, Joel LaForest, Crystal Lameman and Bronwen Tucker, *The End of This World: Climate Justice in So-Called Canada* (Between The Lines, 2023).

⁵⁰ Eva Mackey, *Unsettled Expectations: Uncertainty, Land and Settler Decolonization* (Fernwood: 2016).

treaties were to continue to be there for the First Nations'⁵¹ and that First Nations would have a continuing relationship to the land and its resources.⁵²

To meet its treaty obligations, Canada must ensure that plants and animals are in a condition and abundance to support the Inherent Rights of Indigenous Peoples that were affirmed in the treaty-making process. This means protecting the habitat and ecosystems upon which these rights depend. The Beaver Lake Cree Nation (BLCN), located in the boreal forest of so-called Alberta, was the first Nation, in 2008, to bring a case against Canada for overdevelopment leading to a breach of treaty. Their Supreme Court claim argues that the cumulative impacts of tar sands development in their traditional territories have decimated traditional food sources, including moose, caribou, elk, and fish.⁵³ BLCN argues that 'Alberta and Canada have far exceeded the land's capacity for development by taking up more than 88% of the Beaver Lake Cree Nation's traditional territory for industrial development...As a result the Beaver Lake Cree Nation territory is now covered with over 3500 oil and gas sites, 21,700 kilometres of seismic lines, 4,028 kilometres of pipeline, and 948 kilometres of road'.⁵⁴

Carry the Kettle Nakoda Nation and Blueberry River First Nations have also filed claims about the cumulative impacts of Canada's economy violating treaty agreements. In 2021, the British Columbia Supreme Court ruled that development authorized by British Columbia (BC) had indeed infringed on the Treaty 8 rights of Blueberry River First Nations. However, the ruling has not resulted in the withdrawal

⁵¹ Cardinal and Hildebrandt, *Treaty Elders*, 39.

⁵² *Ibid.*, 46.

⁵³ Alook et. al., *The End of This World*.

⁵⁴ *Ibid.*, 18.

of planned development projects.⁵⁵ While the funds that Blueberry River First Nations will receive to restore and heal their lands and protect their ways of life are a good start, it is yet to be seen what agreement will be made between the Nations and the BC government for the long-term protection of their Treaty Rights. Damage done through industrial development cannot always be properly remediated, regardless of how much money is available to do so.

Properly protecting Inherent and Treaty Rights to livelihood would result in a kind of cap on Canada's economy. This cap would restrict settler Canada's land uses and impacts to protect adequate land-bases and resources for Indigenous economies. Importantly it would be up to Indigenous Nations and communities to decide, through their own institutions of governance, how to practice their livelihoods and responsibilities to their lands. While Canada's interpretation of 'Aboriginal Rights' has limited protection of Indigenous livelihoods to 'traditional' practices such as hunting and trapping, the spirit of treaty-making was not to freeze Indigenous economies in time.

By exactly how much would Canada's settler economy need to contract to ensure adequate space for Indigenous economies? The exact size of a cap on settler Canada's economy would need to be negotiated. It would require significant scaling back of Canada's land use and scaling up of its investments into restoring, to the best extent possible, lands, waters, and habitat already damaged by settler industrial development. It would further require monitoring the health of species and lands to ensure settler economies do not erode the basis of Indigenous livelihoods. But this cap, which would maintain the remaining species that existed before treaty-

⁵⁵ Government of British Columbia, Blueberry River First Nations Reach Agreement on Existing Permits, Restoration Funding, 7 October 2021, <https://news.gov.bc.ca/releases/2021IRR0063-001940>.

making, seems abundantly just. Through the treaties, settlers were welcomed to these lands to co-exist with Indigenous Peoples and their economies — settler Canada's use of these shared lands must support Indigenous livelihoods.

Divesting from Fossil Fuels, Divest from Canada

Divestment has been one of the primary tactics used by the climate movement. It is 'premised on the theory that if enough reputable institutions divest from fossil fuel companies, the industry will lose its credibility, making it harder for companies to use their economic muscle to obstruct climate legislation'.⁵⁶ About 1,500 institutions (including major world cities, universities, pension funds and foundations) with assets worth more than US\$39.2 trillion have divested from fossil fuel companies⁵⁷ and campaigns continue to gain steam globally across diverse sectors. As Belliveau, Rowe, and Dempsey suggest, divestment can be understood as a non-reformist reform – a reform that creates the conditions for deeper transformation through disruption, rather than a change that actually stabilizes the system.⁵⁸ Discrediting fossil fuel companies by sanctioning them economically is understood to pave the way for better climate policy as it will weaken fossil fuel companies' influence in political and civil society.

Climate justice movements could use the familiar tactic of divestment to undermine the institutions of Canadian settler colonialism. Through the Indigenous Network on Economies and Trade (INET), the late Secwepemc leader Arthur Manuel

⁵⁶ Emilia Belliveau, James K. Rowe, and Jessica Dempsey, "Fossil Fuel Divestment, Non-reformist Reforms, and Anti-capitalist Strategy", in William Carrol, ed., *Regime of Obstruction: How Corporate Power Blocks Energy Democracy* (Athabasca University Press, 2022).

⁵⁷ Alastair Marsh. Fossil-Fuel Divestment Supported by Investors with \$39 Trillion, Bloomberg News, 26 October 2021, <https://www.bnnbloomberg.ca/fossil-fuel-divestment-supported-by-investors-with-39-trillion-1.1671839>.

⁵⁸ Emilia Belliveau, James K. Rowe, and Jessica Dempsey, 2022.

and his colleagues lobbied international trade bodies and lenders to consider Canada's assertion of title and sovereignty as dubious and Indigenous title and agitation as serious risks to investment in Canada.⁵⁹ For example, INET made successful submissions to the World Trade Organization and North American Free Trade Agreement arguing that Canada's 'non-recognition of Aboriginal and Treaty Rights was a subsidy to the Canadian forest industry' as part of the softwood lumber dispute.⁶⁰ Manuel also met with S&P Global (previously Standard & Poor's), and made the case that Canada's triple A credit rating should be downgraded because it has a massive unpaid liability associated with all the wealth it has extracted from unceded Indigenous lands without consent since 1846.⁶¹ Ongoing supreme court cases affirming Indigenous title and violations of Aboriginal and Treaty Rights, he argued, were a significant economic risk to investors in Canada and Canada's claims to secure title.

SP Global did not end up downgrading Canada's credit rating, explaining that they did not believe First Nations had 'the power to enforce their rights and therefore to collect on their enormous debts'.⁶² In other words, although there have been ongoing assertions of Indigenous Rights across Canada, so far these movements have not yet been able to force the institutions of the settler colonial state to adequately recognize their sovereignty and jurisdiction and implement the true spirit and intent of treaties. A climate justice campaign of divestment from Canada could potentially help to build this power through solidarity. The exact contours of a

⁵⁹ Shiri Pasternak, Naomi W. Metallic, Matthew Scobie, Brianna Olson Pitawanakwat, Mihsakwan James Harper, and Kakeka Thundersky, 2021, 42.

⁶⁰ Indigenous Network on Economies and Trade and Union of British Columbia Indian Chiefs, Submission to the UN's Permanent Forum on Indigenous Issues, 2004, https://cendoc.docip.org/collect/cendocdo/index/assoc/HASHf170.dir/230_as.pdf.

⁶¹ Naomi Klein, *This Changes Everything: Capitalism Vs. The Climate* (Knopf Canada, 2015), 369.

⁶² *Ibid.*

divestment campaign would need to be worked out strategically. Should the targets be international lenders to Canada, as pursued by INET? Are there things 'Canadians' can do domestically to divest from Canadian sovereignty?

The Red Nation, a United States of America (USA)-based Native-non-Native coalition and author of *The Red Deal: Indigenous Action to Save Our Earth*, suggests divesting (removing funds, resources and energy) from the things that harm Indigenous Peoples including military occupation, policing and incarceration as part of decolonizing climate justice work.⁶³ And in examining the Boycott, Divestment and Sanctions (BDS) movement against Israel, Azoulay suggests that there is a role for those on the 'inside' (in this case Israeli citizens), in a campaign that is otherwise one of transnational solidarity.⁶⁴ In fact, Ariella Azoulay suggests that Jewish Israelis ought to insist on being part of the boycott movement, adding a domestic demand: the right not to be perpetrators of Israel's occupation. In addition, Azoulay sees a role for Jewish Israelis in boycotting specific events, prizes and ceremonies, avoiding giving services to the Israeli state, such as military service, and lending symbolic power to the BDS movement by acting publicly in favour of the right of Palestinians to return and to reparations and redistribution. Also writing about the BDS movement against Israel, Jakeet Singh, on the other hand, highlights the importance of external actors when a boycott target is a settler colonial state since it is difficult for those inside a settler colonial state to withdraw their cooperation from the regime, or to make demands that don't 'appeal to, and in doing so (perhaps inadvertently) reaffirm and reinforce, the power of the very authorities and institutions being resisted'.⁶⁵ A

⁶³ The Red Nation, *The Red Deal*.

⁶⁴ Ariella Azoulay. "'We,' Palestinians and Jewish Israelis: The Right Not to Be a Perpetrator." *South Atlantic Quarterly* 114, no. 3 (2015): 687-693.

⁶⁵ Jakeet Singh in Bruyneel, Kevin, Jodi Dean, Jack Jackson, Dana M. Olwan, Corey Robin, William Clare Roberts, C. Heike Schotten, and Jakeet Singh, "Boycott, Divestment and Sanctions (BDS) and Political Theory," *Contemporary Political Theory* 18, no. 3 (2019): 470.

domestic climate justice campaign of divestment from Canada would need to take such lessons into account. It would need to target institutions of Canadian sovereignty that are harming Indigenous Peoples (military, policing, etc.) and demand the right of settlers to be non-perpetrators. The aim would be to undermine and delegitimize Canada's claims to a superior sovereignty and its exercise of supremacist jurisdiction without appealing to the same state to implement the solutions.

Conclusion

In this article, I have put forward some ideas that I hope are useful for climate justice movements and scholars wanting to move beyond symbolic 'decolonizing' actions that often revolve around the inclusion of Indigenous Peoples and Knowledge into mainstream settler economies and societies. My hope is that this article can help racialized and white settlers deepen their visions of new green worlds by centering the undoing of settler colonialism. Indigenous movements, scholars and Elders tell us that undoing settler colonialism requires Canada to get out of the way of Indigenous Peoples exercising their sovereignty and jurisdiction on their lands. This would mean scaling back Canada's jurisdiction and economy to leave sufficient space and resources for the flourishing of Indigenous life and livelihoods. Divesting from institutions of Canadian colonialism is one tactic for achieving these ends.

In writing this article, it occurred to me that climate justice movements and academic thought might also have tools that can help inform struggles to dismantle settler colonialism; that the two movements and currents of thought could learn from one another. A significant gain for climate justice movements has been made by turning the focus of attention away from the everyday consumption practices of

individuals and towards the producers of fossil fuels. Just twenty fossil fuel companies (both state-owned companies such as Saudi Aramco and Gazprom and investor-owned firms like Chevron, Exxon, BP, and Shell) are responsible for more than one-third of all GHG emissions in the modern era.⁶⁶ They are also the ones profiting off of fossil fuel production and making decisions about how much to produce where and when. Fossil fuel companies are also guilty of obstructing regulations and mounting climate disinformation campaigns. Decades of blaming the consumer for their individual emissions led us only deeper into the climate emergency with rapidly increasing global carbon pollution. A large step forward has been demanding the phase out of fossil fuels, holding companies to account for their current and historical pollution, and challenging the idea that change happens only through individual decisions like riding a bike or changing a light bulb.

Analogously, when it comes to undoing settler colonialism, some actors are more responsible than others for producing the problem. All settlers are variously implicated in colonialism since we participate in racial and supremacist economies that are dependent on ongoing theft and derive benefits associated with residency and citizenship. But we must also be clear that it is the Canadian state that enforces settler colonial jurisdiction throughout Canada including the property, legal, and social welfare systems upon which theft of Indigenous lands and life is premised. It follows that our campaigns to address colonialism should target these institutions. Let me be clear; this does not absolve settlers of doing the hard work in their own lives to address their privilege and racism. White settlers benefit disproportionately in settler colonial states as they are often at the top of racial and class hierarchies. It is

⁶⁶ Matthew Taylor and Jonathan Watts, "Revealed: The 20 Firms Behind a Third of All Carbon Emissions," *The Guardian*, 9 October 2019, <https://www.theguardian.com/environment/2019/oct/09/revealed-20-firms-third-carbon-emissions>.

vitality important for all settlers to recognize our implication, racism, and privilege and to do everything within our means to disrupt these in our communities and everyday lives. But until we also train our sights on those with the power to speak law and enact supremacist sovereignty – the institutions of the Canadian state – we will not be able to overthrow the system of settler-colonialism. Ultimately, colonialism in its various forms is at the root of the climate crisis.⁶⁷ Efforts by empires and states to replace humanity's reciprocal relationships to land and wider creation with fossil fueled relationships of capitalist production and growth must be broken if we are to nurture a habitable world and live in right relations with fellow humans and non-humans.

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⁶⁷ Kyle Powys Whyte, "Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene." *English Language Notes* 55, 1(2017): 153–62.

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