

What is separating us from transition? How can these separations be made into links?

I am drawn to the Simone Weil quotation that opens this after oil provocation because I have been thinking a lot about two such walls in relation to energy transition.

The first wall, a thing that separates two parties, but is also their means of communication is the numbered Treaties. I live in Treaty 4 territory and I have been thinking about what the 'next' looks like if it includes decolonization. I observe that academics and social movements concerned with climate change know they need to decolonize their movements and their work, yet don't really have a decolonial vision for energy transition. I also note that the series of prompt questions does not really engage with settler-colonialism, though it does mention the division between developed and developing nations and asks a question about the politics of refusal, a politics that I am assuming is related to Indigenous refusal.

Treaties one through seven, which Sheldon Krasowski (2019) suggests should be understood as a bundle - a cumulative and integrated whole - can be understood as a wall. There are radically different interpretations of them on either side of these original agreements that allow for settler existence in these lands. As Starblanket (2019a) argues, Canada interprets treaties as land surrenders, historic transactions that legitimate the Canadian government's "presence on and claim to title over local lands and waterways" (19). Treaties are what Canada points to to legitimize its superior sovereignty, its denial of Indigenous jurisdiction, and the legal security of private property in land and resources. On the other hand are First Nations, whose elders have always maintained that the treaties were sacred agreements to share the land for mutual benefit and that the land, the water and the resources were never ceded nor surrendered. Treaties are a wall in the sense that there is a rigid boundary and inconsistency between the two interpretations, but treaties are also a means of communication between Canada and Indigenous nations since they are the very agreements that allow for two (and more) societies to exist in shared space.

I ask: What would happen if we began to honour the treaties as they were understood by Indigenous Nations as part of our climate work? As I see it, there is a wide gulf between Indigenous demands for sovereignty and rights (which Indigenous Nations understand were solemnly promised to be upheld by the Crown as part of treaty-making) and the state of the thinking and discourse around decolonization in environmental movements. I see academics and movements attempting to engage with questions of colonization and decolonization by profiling example of Indigenous Nations engaging in renewable power production. I see a widespread recognition in these movements/spaces that Indigenous peoples are least responsible for climate change but most impacted by it. I see an acknowledgement that Indigenous peoples have ecological knowledge that can help us out of ecological collapse, but I see very little recognition and understanding of what supporting Indigenous sovereignty and rights actually means in practice.

According to Cree and Saulteaux scholar Gina Starblanket (2019a) 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). 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. Settler (farming) and Indigenous 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’d 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 (see for example Elder Gordon Oakes in Cardinal and Hildebrandt, 2000, 41).

So if Canada had to submit to the terms of numbered treaties, as understood by First Nations, these lands would arguably be decolonized. There would be ‘land back’ in the form of revoking exclusive settler ownership and private property in favour of overlapping and shared land uses. There would also be recognition of Indigenous sovereignty, laws and jurisdiction over the totality of the lands now known as Canada. This would require Canada to scale back its sovereignty and accept Indigenous jurisdiction and authority over the lands and resources.

Why own property? Or want to own property? Why not own property?

If we take seriously the agreements that allow for settler existence in these lands we should not own property and we should attempt to find ways to ‘give it back’ and structure it in ways that allow for multiple overlapping uses and dual jurisdiction. As a program, I see this starting with the return of Crown lands, which constitute nearly 90% (41% federal and 28% provincial¹) of the landmass of Canada. But what happens to the other 10% of land in Canada that is privately held? In the numbered treaties, as Starblanket suggests, a framework already exists that would allow settler and Indigenous land uses to co-exist. But radical changes would be required to private property and Canadian sovereignty to realise this treaty framework – there would need to be recognition that jurisdictions and uses can overlap in the same spaces. As 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.”² Overlapping land uses and dual jurisdiction in shared spaces are not new to Indigenous Nations, these practices were part of treaty-making between Nations before the arrival of settlers. In contemporary spaces that are shared, for example cities, mechanisms would need to be worked out to develop plural and overlapping jurisdiction. The practice of compensating Indigenous peoples through a ‘land tax’ or ‘honor tax’ is already happening in cities across North America where settlers are choosing to pay Nations for being on occupied land³. And the Yellowhead Institute’s “Cash Back” report asks: “What would it look like if Indigenous people drew up land leases and

¹ <https://www.thecanadianencyclopedia.ca/en/article/crown-land>

² <https://briarpatchmagazine.com/articles/view/mamawiwikowin>

³ The red deal, 126

served them to cities, provinces and the federal government?⁴ A group of farmers, ranchers and other rural people in Saskatchewan are attempting to implement the true spirit and intent of treaty by sharing the lands they hold for Indigenous uses such as hunting, harvesting and practicing ceremony – see Treatylandsharingnetwork.ca

Can a sustainable society also be pluralist?

This type of returning to treaty, which attempts to transform separations into links is really about implementing pluralism in so-called Canada. Two systems of law already co-exist in Canada, common law and code law. For Treaties to be properly implemented, Indigenous laws would need to be recognized and we would need to figure out how to deal with overlapping laws in shared space. This would mean working alongside and within Indigenous jurisdiction and law. There would be no more consultation where Canada and the provinces maintain the upper hand and where settler sovereignty and laws are the final word.

Briefly, the other wall/separation that could become a link that I've been thinking about is populism

Once again, rooted in my location in Treaty 4/Saskatchewan, I can see clearly a break, but also a link between an earlier agrarian populism of the early-mid 1900s (which resulted in agricultural coops, the Canadian Wheat Board and the election of Canada's first nominally socialist government) and the current petro-populism of today. Agrarian populist leaders named large corporations and financial interests in the "East" as the oppressors and organized farmers to market their grain collectively and take care of one another. Incidentally, private property – the farmer as the master of his domain – was never questioned. The new petro-populism identifies urban environmentalists, academics, and liberal politicians as the elite. Of course, as the [Breach](#) recently pointed out, this is a fake populism - it "ride[s] ordinary people's outrage against the establishment into office, then hand[s] the keys to the one percent".

This fake populism is unmistakably gaining ground. As many have pointed out the environmental left is not speaking to the working class and are not framing climate change nor energy transition as class politics, a point made quite clearly in Matt Huber's new book, *Climate Change as Class War*. I do believe that populism is potentially, in this moment, a link that could connect us to a "next". It is clear that harping on the science isn't going to bring about a new era, but if we connect climate politics to the real needs of the working classes we might have a hope. Following Huber, I believe the elite we need to point at here is the class of capitalists making profits off of the production of fossil fuels and other industries that are carbon-intensive. While, yes, we all need to live differently in the next world, we will not live our way differently into that world. This is what carbon capital wants and needs us to believe.

⁴P. 61

<https://cashback.yellowheadinstitute.org/wp-content/uploads/2021/05/Cash-Back-A-Yellowhead-Institute-Red-Paper.pdf>

Of course there are serious limitations of left populist politics, and I wouldn't want our mobilizing for the next world to settle into an ecological populism as an end point. And perhaps most obviously it's unclear how decolonization and treaty implementation might figure in a homogeneous 'we' the people against a capitalist elite. The settler state, after all, has to be undone, not just captured by "the people". Nevertheless, I feel that speaking directly to and with the working class is a potential link (though currently a wall) to the next. Part of the reason that rightwing politics are ascending is that we've allowed our democratic institutions to wither, so I see unions as an essential part of turning this wall into a link and think academics ought to be doing a lot more with them. Of course, much of the working class is not unionized, so we have to think about organizing more workplaces and establishing democratic organizations outside of unions as well.

I hope these rather hurried comments are of some use and I look forward to working with you all in October.