

## Settler Colonialism, Decolonization, and Climate Change

**KERSTIN REIBOLD**

**ABSTRACT** *The article proposes that climate change makes enduring colonial injustices and structures visible. It focuses on the imposition and dominance of colonial concepts of land and self-determination on Indigenous peoples in settler states. It argues that if the dominance of these colonial frameworks remains unaddressed, the progressing climate change will worsen other colonial injustices, too. Specifically, Indigenous self-determination capabilities will be increasingly undermined, and Indigenous peoples will experience the loss of what they understand as relevant land from within their own ontologies of land. The article holds that even if settler states strive to repair colonial injustices, these efforts will be unsuccessful if climate change occurs and decolonization is pursued within the framework of a settler colonial ontology of land. Therefore, the article suggests, decolonization of the ontologies of land and concepts of self-determination is a precondition for a just response to climate change.*

### 1. Introduction

Hierro and Surrales ask: 'Is it true that, with title in hand, Indigenous peoples will automatically be able to apply their territorial visions to reviving their own production models, their latent social networks and the combination of interests on which their concept of territoriality is based?'<sup>1</sup> This article proposes that the answer to this question is negative unless Indigenous land and self-determination rights are understood within a framework of Indigenous land ontologies. It argues that climate change poses a serious obstacle to current decolonization efforts that seek to rectify colonial injustices and revive Indigenous self-governance as long as they are embedded in the framework of a Western settler ethnogeography.<sup>2</sup> There are three land-related harms of colonialism, namely land theft, denial of collective self-determination, and the imposition of settler ethnogeographies. Traditionally, these colonial harms are addressed through the restitution of land and internal self-governance rights which are seen as preconditions for efforts to revitalize Indigenous cultures and establish self-sufficient Indigenous societies that can function outside of colonial structures.<sup>3</sup> As the following discussion shows, these mechanisms for repairing colonial injustices and furthering decolonization have been understood along the lines of settler ethnogeographies so far. However, as climate change progresses and starts to change ecosystems, Indigenous peoples can experience a loss of land and self-determination that can neither be properly expressed nor addressed within a purely Western settler ethnogeography. Thus, if the differences in land ontologies remain unaddressed, climate change can lead to an intensification of colonial harms as Indigenous peoples will continue to lose land and self-determination capacities.

The article proceeds as follows. First, it highlights the imposition of a settler ethnogeography of land as one of the injustices of settler colonialism. Second, it discusses how climate change obstructs the rectification of two other colonial injustices, namely the loss of land (Section 3) and self-determination (Section 4), as long as the imposition of a settler ethnogeography remains in place. In each case, the article will outline what kind of changes would be necessary to successfully rectify colonial injustices toward Indigenous peoples and establish a decolonial society.

## 2. Settler Colonialism and Ethnogeographies

This section discusses which role land and ethnogeographies have played in settler colonialism. It thereby lays a foundation for a better understanding of the harms and injustices decolonization aims to undo. Patrick Wolfe argues that ‘Territoriality is settler colonialism’s specific, irreducible element. [...] Negatively, it [settler colonialism] strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base’.<sup>4</sup> One important aspect of creating a new colonial society has been to recreate what Avery Kolers calls an Anglo-Saxon ethnogeography and what I will term a ‘Western settler ethnogeography’ – and in turn to erase Indigenous ethnogeographies. An ethnogeography is a culturally specific conception of land which comprises two elements: an ontology of land and specific land-use patterns in which the land ontology is materialized. Thus, an ethnogeography is the material expression of ‘ontologies of land and our relationship to it; what land is, what about it is valuable, how humans interact with it’.<sup>5</sup> In most cases, land-use patterns reflect the respective land ontology.<sup>6</sup> For example, the dominant Western ontology of land as something that can be owned and used for the benefit of humans is reflected in intensive agricultural land use and individual land-ownership systems.

Yet, in some cases, land ontologies and land-use patterns come apart. For example, many Indigenous peoples in settler states have been forced to adopt land-use patterns that are in line with the dominant Western ethnogeography, yet conflict with their own traditional ontologies of land. Kolers describes such effective impositions of ethnogeographies as follows: ‘In the absence of unanimity or voluntariness, what makes an ethnogeography shared is its power to recruit people into participation with it in their daily lives’.<sup>7</sup> One of the best examples of such an imposition of land-use patterns might be Thomas Jefferson’s efforts to convert Indigenous people into farmers based on the model of English agriculture and individual land ownership.<sup>8</sup> Settler colonial states have erected a legal, political, and economic system that reflects their own land ontology, and their land use changed the land and original ecosystems so as to mirror their land ontology.<sup>9</sup> Eventually, they imposed this ethnogeography on Indigenous peoples by forcing them under a jurisdiction which reflected the settler ethnogeography and by reducing Indigenous self-determination and land bases so severely that traditional land use became almost impossible to uphold.<sup>10</sup> Consequently, even if Indigenous peoples have retained their culturally specific ontology, they must participate in the settler ethnogeography due to being subjected to the rules that regulate land use and land value according to the settler ontology of land.

With regard to settler colonialism, we can thus speak of three land-related harms: land theft, denial or destruction of self-determination, and the imposition of a settler

ethnogeography. All three harms are interrelated. Land loss was partially driven by the imposition of settler land laws but also contributed to the need of Indigenous peoples to participate in the settler society to earn their livelihoods.<sup>11</sup> Land loss also restricted Indigenous self-determination as Indigenous people became dependent on the settler state. Finally, the subjugation of Indigenous peoples under settler-state authority meant that they ultimately had to comply with the laws that regulated land use in line with the settler ethnogeography. Due to these interrelations, efforts to rectify these colonial injustices and to decolonize Indigenous peoples thus must address all three harms. Indigenous scholars have particularly emphasized that Indigenous peoples must be able to erect social, economic, and legal systems that reflect their own ontologies of land and allow them to live outside of the ethnogeographic system of the settler state. For these authors, decolonization and revitalization of Indigenous societies is ultimately land-based or 'grounded' as it presupposes being able to live in harmony with their own land ontology and thus to institute their own ethnogeography again.<sup>12</sup> Currently, restitution of traditional Indigenous lands and enhanced internal self-determination rights are the main focus for achieving decolonization. It is assumed that once Indigenous peoples have land rights and internal self-determination, they can live in accordance with their own land ontologies and rebuild their communities and culture. However, as Hierro and Surreales' quote at the beginning of the article has already indicated, land rights and internal self-determination alone are not necessarily enough to achieve these aims.

### 3. Climate Change and Indigenous Land Rights

The following sections propose that progressing climate change renders current strategies for rectifying colonial land-related harms ineffective and calls for more attention to the effects that the imposition of a settler ethnogeography has on Indigenous peoples. Different Indigenous and settler ethnogeographies lead to different notions of what territories are, what the point of land rights is, and what it means to reconstitute land and rectify colonial injustice. The following sections will show how climate change counteracts current decolonization efforts as these efforts take place within a framework that is dominated by settler ontologies of land. The first subsection discusses how Indigenous land rights are understood within the dominant settler framework and how this relates to the specific form rectification of historic injustice takes at the moment. The second subsection introduces Indigenous relational understandings of land and the colonial wrongs of land theft. On this basis, it also shows why climate change makes current forms of rectification ineffective as it ignores the Indigenous understanding of the wrong in question and its appropriate remedy. The last subsection proposes a better way to approach decolonization and rectification of colonial wrongs by turning to treaties and the promise they hold for reconceptualizing land rights.

#### 3.1. Indigenous Land Rights as Property Rights

Currently, unjust land loss of Indigenous peoples is mainly being addressed through restitution of traditional lands. In many cases, treaty rights are the most powerful tool for Indigenous peoples to secure rights over their traditional land.<sup>13</sup> Oral and other kinds of evidence for having traditionally occupied and used certain tracts of land have also gained

court recognition in some places.<sup>14</sup> The restitution of land takes place within a settler understanding of what land is, what the specific wrong of land theft was, and thus how it should be rectified. The dominant Western view of land sees it as a geographically bounded, fixed territory. In the Western understanding, land rights are located on two levels: the level of individual ownership and the level of state jurisdiction.<sup>15</sup> Land rights on the state level are usually restricted to jurisdictional rights that are needed to secure the property rights of the individual citizens. Land rights thus are primarily individual ownership rights, and their purpose is to enable individual autonomy, which is understood as the ability to pursue personal plans free from interference by others. This connection between land rights and individual autonomy is maybe clearest in Locke's theory in which laboring on a specific plot of land gives rise to rights to that land.<sup>16</sup> Property rights then are 'an expression of and necessary condition for individual autonomy' and are based on prior occupancy and use.<sup>17</sup>

Kolers defines the underlying ontology of land as follows: 'The Anglo-American ethnogeography is that tradition of understanding land – epitomized by Locke, Dworkin, and the dominant strain of Anglophone political philosophy in between – according to which land is a passive instrument of the human will, essentially worthless until value is inserted into it by "mixing labor". Because value is imbued in land solely through economic or instrumental activity, land is important only as a store of natural resources or economic potentialities'.<sup>18</sup> The wrong of land theft thus is primarily understood as the violation of property rights and the taking away of material with which to exercise one's autonomy. Thus, the remedy for this wrong is restoring property rights by giving back the stolen land or, if that is impossible, compensating the original owners for their loss.<sup>19</sup> Remarkably, even the UN Declaration on the Rights of Indigenous Peoples, while acknowledging the cultural importance of land, formulates Indigenous rights to land primarily within the dominant framework of property rights: 'Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired'.<sup>20</sup> The focus thus lies on assuring that Indigenous peoples (1) are returned their traditional land and (2) can use it as they deem fit. Traditional land is hereby understood as the land with which 'labor' has been mixed in the past through use and occupation.

### 3.2. *Land Rights as Rights to Rebuild Relations*

While this form of rectifying historic injustice has been widely accepted so far and Indigenous peoples themselves have heavily pushed to regain their traditional lands, climate change might undermine its remedial effectiveness. The reason for this lies in the different ontologies of land that lead to a different understanding of the core wrong of land theft. For Indigenous peoples, the wrong of land theft is not restricted to losing the material bases for pursuing their plans and to their property rights being violated.<sup>21</sup> Rather, one further wrong concerns the interruption of relations that they have forged with the species and ecosystem of their traditional territories. Many Indigenous peoples have a relational understanding of land. Land then is not just a resource that becomes valuable in relation to human labor. Rather, 'territory belongs to the social sphere', and land forms the basis for a kinship and societal system that extends beyond the human.<sup>22</sup> In these systems, space is created through the relations of interdependence, respect, and reciprocity that the

different human and non-human beings have formed with each other.<sup>23</sup> Land theft disrupted these relationships, and Alfred thus conceptualizes colonialism ‘as an irresistible outcome of a multigenerational and multifaceted process of forced dispossession and attempted acculturation – a disconnection from land, culture and community’.<sup>24</sup>

This disconnection from land, culture, and community features prominently in Indigenous accounts of colonial effects and structures. In the Indigenous experience, ‘the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence’.<sup>25</sup> Whyte consequently views settler colonialism as an environmental injustice through the violent disruption of human relationships to the environment,<sup>26</sup> and Bacon speaks of ‘colonial ecological violence’ that is a means to interrupt the eco-social relations on which individual and collective Indigenous flourishing relies.<sup>27</sup> Settler colonialism thus disrupts Indigenous relations with land and substitutes them with a qualitatively and categorically different relationship between humans and land, a new ethnogeography. One aspect of decolonization and remedying the wrongs of land theft thus consists in creating conditions that allow the reestablishment of these relations.<sup>28</sup> Much of the resurgence movements rely on the reestablishment of land-based practices which allow Indigenous peoples to rebuild not just their cultural practices but also the specific relations with the environment on which their social, ethical, political, and legal frameworks rely. Coulthard, for example, speaks in this context of the need to return to a grounded normativity which charts ways of life outside of colonial structures and revitalizes Indigenous ways of living with the land.<sup>29</sup> In short, decolonization is not just about restoring property rights or the value of land lost, it is also about enabling Indigenous peoples to rebuild relations with species and ecosystems.<sup>30</sup>

This is the point at which climate change interferes with the current form rectification and decolonization efforts take. Land restitution has been regarded as an effective tool in decolonization in cases in which certain important static features of land, such as burial grounds or places of historic or religious importance, are the main objective of regaining land. It is also effective for enabling Indigenous peoples to restore those relations with the environment that are central to their worldview and culture as long as the species can still be found on that land or can be reintroduced.<sup>31</sup> However, restitution of historic lands only fits both the aims of Western and Indigenous ideas of how rectification should occur if ecosystems are relatively stable. If climate change progresses, it becomes more and more likely that the species and ecosystems with which a particular Indigenous people has historic relations is not on the traditional lands anymore. Similarly, traditional land uses might not be possible anymore because the soil changes, for example, when permafrost thaws and makes land inaccessible or because certain plants and species have migrated away.<sup>32</sup> Thus, even if Indigenous peoples regain their traditional lands, they will not be able to reestablish their traditional relationships and ways of life under such circumstances.

Moreover, even land that is still in Indigenous possession might be changed in such a manner that it cannot support Indigenous ways of life and economies anymore. In fact, shifts in ecosystems are one of the foremost harms that Indigenous people experience from climate change.<sup>33</sup> As plants and animals leave the lands that have been assigned to Indigenous peoples, Indigenous peoples lose access to the species that play key roles in their livelihoods, health systems, culture, and self-understanding. Climate change can cause the relevant relations, and thereby Indigenous territories, to wander. Yet such evolving and ‘wandering’ territories are not easily accommodated within the dominant settler

ethnogeography that treats land and territory as fixed and not fluid.<sup>34</sup> Whyte describes the ensuing conflict as follows:

Settler states are often firm in their legal and policy commitment to enforce Indigenous jurisdictions as fixed and inflexible, such as treaty areas, reservation boundaries, and subnational (e.g., state or provincial) borders and transnational boundaries. One consequence in some cases is that Indigenous peoples cannot practically plan to shift their seasonal subsistence and economic activities if a valuable plant's or animal's habitat moves outside of a treaty area or crosses a transnational border, because settler states would oppose such plans as "illegal" even when the plans are within Indigenous ancestral territories; flow from established Indigenous commercial, subsistence, and cultural practices; and are consistent with Indigenous interpretations of the purpose of treaties or with the fact that some Indigenous peoples never consented in the first place to the instantiation of a transnational border bisecting their territories.<sup>35</sup>

Thus, even if traditional Indigenous lands are restituted or remain in Indigenous hands, climate change can lead to a situation in which these lands do not support decolonization as envisioned by Indigenous peoples. Decolonization in the Indigenous view is premised on being able to reconstitute their own ethnogeography, that is, to materialize their land ontology in the way they live on, with, and off the land. Yet, climate change transforms land and ecosystems in such ways that historic lands often cannot serve these ends anymore. Thus, what Indigenous peoples would need is to have access to lands which allow them to rebuild or maintain the relations that are crucial for their way of living and their societal systems. As land and ecosystems have always changed, Indigenous 'philosophies often involve migratory themes such as constant motion, change, transformation, mobility, and adjustment. ... relationships of interdependence and systems of responsibility are not grounded on stable or static relationships with the environment. Rather, these relationships arise from contexts of constant change and transformation'.<sup>36</sup> Yet, the current Western legal framework assigns land rights based on historic ownership, not on the use to which land is put or the relationships of which it consists. In the settler-state understanding, territories and treaties thus are historically fixed facts that do not generate any rights to be 'renegotiated' in the present.

The different Indigenous and settler ethnogeographies lead to different notions of what territories are, what the point of land rights is, and what it means to reconstitute land and rectify colonial injustice. These differences become of special importance if climate change alters historic Indigenous territories. If what counts as Indigenous territory drifts apart in Western settler and Indigenous ethnogeographies, then whoever has the power to impose their ethnogeography determines which land is restituted as Indigenous territory. Within the settler ethnogeography, the kind of 'land loss' that Indigenous peoples experience often does not register as such because the wrong of losing relations when losing land cannot be adequately articulated or addressed.<sup>37</sup> Therefore, Indigenous people have little recourse to claiming land that is not their traditional homeland but the land where the relevant species have moved. As a result, even if treaties – as understood by settler states – are honored and land is restituted, Indigenous peoples might continue to experience a form of land loss as the land they receive is not the land that they would need to effectively decolonize. Thus, climate change highlights the continued imposition of Western settler ethnogeographies on Indigenous peoples. Additionally, it perpetuates Indigenous land loss

through the imposition of settler ethnogeographies as treaties and land loss are understood in a way that precludes the renegotiation of which land is to be restituted.

### 3.3. *Honoring the Spirit of Treaties*

If climate change leads to a situation in which restitution of traditional lands alone is not enough for effective resurgence and decolonization, what could be a way forward? One of the main problems identified above is that what land should be restituted is determined within a Western framework. Thus, a first step towards successful decolonization would be to recognize that the imposition of a foreign ethnogeography needs to be rectified and cannot be achieved simply by allowing Indigenous peoples to institute their own land-use patterns on their traditional lands. Rather, as long as rights conflicts between Indigenous peoples and settler states are decided within the framework of the settler ethnogeography, it disadvantages Indigenous peoples and leads to further injustices. Instead, decolonization must include a process in which Indigenous ontologies of land are recognized as equal within the legal frameworks used to decide about land rights. One part of recognizing Indigenous ontologies and frameworks might include accepting collective rights to land as well as cultural and identity-related grounds for land rights as, for example, the Inter-American Court and Inter-American Commission on Human Rights have started to do.<sup>38</sup>

Yet, as Townsend and Townsend point out, creating equality between these differing ontologies must go beyond this and should include a reconceptualization of land rights along relational theories of land.<sup>39</sup> They describe the neglect of Indigenous views in courts as an epistemic injustice which deserves correction in its own right. Yet, as argued above, climate change causes this epistemic injustice to have more far-reaching effects than they currently have. Addressing them is a precondition for being able to address other colonial wrongs such as land theft effectively. One of the main causes for the persistence of this epistemic injustice is that Indigenous peoples have been and often continue to be excluded from cocreating the institutions that they are subject to. Thus, one of the most effective ways of addressing this epistemic injustice would be to reform the law in such a way that both Western and Indigenous understandings and procedures have a place in it.<sup>40</sup> In some South American countries, such processes have already progressed, for example, in Bolivia and Ecuador where national law now includes Indigenous concepts.<sup>41</sup> In other, maybe more typical settler countries, such as Canada, the processes are so far restricted to an academic discourse about how Indigenous and national law can be reconciled.<sup>42</sup> One promising avenue in that direction is to turn to the idea of treaties.

Treaties often already are considered legal documents in settler states and thereby are an established tool for structuring Indigenous–state relations. Before speaking more about why treaties might be a good way of reforming the law that governs relations between the state, the land, and Indigenous peoples, one should be aware of two potential pitfalls in this endeavor. First, not all Indigenous groups have made treaties with settler states. Thus, if only historic treaties are seen as a legal basis for present and future claims, many Indigenous groups will be excluded. However, there is no reason to make this assumption. Many Indigenous peoples that have not made a treaty also have never officially ceded their lands. Therefore, there are strong reasons to consider it an urgent matter for the state to enter into treaty relations with them now to legitimize occupation of unceded Indigenous territories. This reason becomes even stronger as legal documents such as ILO 169 and UNDRIP officially recognize Indigenous peoples' rights to their traditional lands and resources apart from the existence of treaties.<sup>43</sup> In this context, honoring old treaties

and where necessary entering new treaties might be a good way of using an already well-established mechanism of formalizing nation-to-nation relationships between Indigenous peoples and settler states. Yet making treaties is not enough. What is essential to treaties is also how they are conceptualized and understood.

This leads to the second potential pitfall. The last subsection has already shown that one of the core problems is that treaties are interpreted as contracts in the Western tradition. Accordingly, Borrows stresses that treaties must be understood in accordance with the spirit of the original treaty, instead of based on the written word alone. He says: 'Contextualization of the Proclamation reveals that one cannot interpret its meaning using the written words of the document alone. To interpret the principles of the Proclamation using this procedure would conceal First Nations perspectives and inappropriately privilege one culture's practice over another'.<sup>44</sup> Treaties as they are interpreted currently still follow the dominant Western understanding of land, land rights, and contracts.<sup>45</sup> Noble calls this the 'hegemonic statist discourse of treaties'.<sup>46</sup> In it, treaties establish fixed boundaries and grant specific rights and duties which are interpreted according to the written letter and further subjugate Indigenous peoples to the settler ethnogeography.<sup>47</sup> Hence, the second pitfall is that treaties, whether old or new, remain restricted to the dominant Western understanding of land, contracts, and rights.

The two pitfalls must be taken seriously. Still, they do not foreclose the possibility of using treaties as a tool for furthering decolonization in times of climate change. There are several reasons why they might be a helpful starting point for thinking about land rights and decolonization. Although treaty interpretation so far has mostly ignored Indigenous understandings, these understandings are nevertheless well-established through decades of treaty making between Indigenous peoples, and they have been proven a successful tool of negotiating shared resources and changing environments. In many North American Indigenous cultures, treaties have been used to regulate how land and its resources were shared.<sup>48</sup> While Indigenous territories were bounded, they often also overlapped which made sharing agreements necessary. Even more importantly, Noble highlights how treaties allowed territorial boundaries to shift when species that are key to the subsistence and culture of one Indigenous group start to move into what before was considered the territory of another group.<sup>49</sup> Treaties thus were 'agreements to share' which both set boundaries and rights and at the same time allowed a certain flexibility and fluidity in determining these boundaries.<sup>50</sup>

'Instead of specifying concrete or specific terms in a time-limited way, these agreements established mutually beneficial and agreed-upon principles that were intended to last for many generations. Each party had a responsibility to make sure that its actions conformed to the principles established in the Treaty. As a result, they were flexible agreements intended to maintain a spirit, rather than a strict set of rules that could not adapt to changing circumstances'.<sup>51</sup>

This understanding of treaties is uniquely suited to the current situation of rapidly changing environments due to climate change. If treaties are seen as agreements to live together in such a way that each community as well as nature have their basic interests satisfied, it naturally follows that '[a]s new dynamics or unforeseen conflicts emerge, they have to be negotiated by the Treaty partners in order to have them incorporated into the relationship'.<sup>52</sup> This emphasis on the need to renegotiate and reinterpret the founding principles of treaties open a door for land-restitution processes that give Indigenous peoples those

rights and that land which are needed to reestablish or maintain their own ways of life and to live in accordance with their own ontologies of land even if climate change alters their historic lands.

Moreover, treaties rely on an understanding of both the interconnectedness and difference of both treaty partners. The interconnectedness comes about through the shared land and resources which both parties need and which the treaty regulates. The difference is acknowledged in that both parties are seen as nations with their own customs, laws, and social systems which they want to maintain. The treaty is not meant to regulate these internal affairs of each group but only those aspects of behavior that impact the shared environment and thereby the other party.<sup>53</sup> This dual recognition of interdependence and independence makes the concept of treaties suited for structuring relationships between groups that share land, yet not an ethnogeography, on the basis of equality and respect.<sup>54</sup> Thus, a return to the initial understanding and goal of treaties might be promising in the current situation in which settler societies and Indigenous groups inevitably share the same lands and this land is undergoing rapid changes.

Returning to the original spirit of treaties would address different colonial wrongs that stand in the way of decolonization. First, by viewing treaties as agreements about upholding reciprocal and equal relations between two or more nations, a form of equality is reestablished between settler states and Indigenous peoples. The colonial relation of warden to child would become a more equal relation of brothers or sisters as initially envisioned by Indigenous peoples.<sup>55</sup> Second, by returning to the initial spirit of the treaties, the epistemic injustice Townsend and Townsend identified in current court rulings would be overcome. Indigenous relational understandings of land, treaties, and the basis of agreements would find their way into resolution processes and norms for land conflicts. Third, this incorporation of Indigenous understandings would lead to land agreements that reflect the needs and interests of Indigenous peoples in land. In the context of climate change, it allows a renegotiation of the territories that Indigenous peoples can use and thereby ensures that they have access to the land that is crucial for them to decolonize themselves. Additionally, it makes it possible to renegotiate land agreements in the future when the climate, and with it the land, changes even further.

#### 4. Effective Self-Determination in Times of Climate Change

This section argues that climate change creates a situation in which the internal self-determination of Indigenous peoples is not enough to promote decolonization. Even more, it creates a situation in which the remaining self-determination is undermined. Even if Indigenous conceptions of land are included in settler-state institutions and territories are allowed to shift, it cannot mitigate all effects of climate change. Sometimes, species move away too far or even die out, certain ecosystems completely disappear, or there is simply no room to move to because of an already high population density. In such cases, turning to treaties as a way of creating more adaptable and fluid territories only helps marginally. Instead, other adaptation processes and mitigation of climate change become central. This section describes the effects of disregarding Indigenous concepts of self-determination in these adaptation and mitigation processes. It proposes that Indigenous understandings of self-determination turn the current focus from formal rights to internal

self-governance to the preconditions of effective self-determination. It concludes that to promote decolonization, Indigenous peoples must be given more influence in decisions about climate-change adaptation and mitigation strategies on both the national and international level.

#### 4.1. *Losing Self-determination Due to Climate Change*

Indigenous peoples have the right to internal self-determination, that is, the right to 'freely determine their political status and freely pursue their economic, social and cultural development'.<sup>56</sup> Currently, this right is interpreted within the traditional Western understanding that sees self-determination as jurisdictional rights over people and territory.<sup>57</sup> Land thereby provides a geographical basis for collective self-determination as it creates a bounded sphere in which personal and collective autonomy and freedom can be exercised. Jurisdictional territories rely on a form of land rights that allow a community to be free from outside interference. They thereby can shape their laws and ways of life in a self-determined manner. Yet, climate change leads to a situation in which Indigenous self-determination is restricted even if there is no explicit political interference from the outside. One reason for this is that climate change often makes it impossible for Indigenous peoples to pursue their traditional land-based occupations. In Canada, for example, 30% to 80% of all production and income in Indigenous communities stem from subsistence economy, with especially high percentages in Northern regions.<sup>58</sup> If climate change makes it impossible to uphold these subsistence economies, Indigenous peoples often have little choice but to enter the cash economy of the settler state with all its associated logics.

Often, this means that Indigenous peoples are forced to open their territories to resource exploitation to earn money.<sup>59</sup> Once they do so, it becomes harder for them to live in accordance with and preserve their own values as the community now has to conform to the dominant ethnogeography which the external actors bring onto the land. For many Indigenous peoples, self-determination is not just sovereignty in political matters concerning humans but includes the maintenance of relations and reciprocal duties with land and non-human beings that live on the land.<sup>60</sup> Taking responsibility for the maintenance and restoration of these relationships and the fulfillment of the associated duties is a core element of the Indigenous understanding of their self-determination.<sup>61</sup> Yet, as Indigenous peoples become dependent on income from resource extraction, their capability of fulfilling their duties towards the land often decreases as they surrender control over land to external actors whose land use and ontologies conform to the settler ethnogeography of land.

If there is no resource exploitation to provide income, Indigenous people often need to rely on government programs to support their community members and ensure that basic needs are met. In order to receive the needed support, they frequently must give up elements of their self-determination in order to comply with government conditions or to fit into the schemes of government programs. In the worst case, Indigenous lands become uninhabitable, for example, because of flooding, and the communities depend on the state to relocate them.<sup>62</sup> The necessary climate-change adaptation programs rarely are tailored to Indigenous communities' values and needs and often give them little say in how the adaptation can be realized in such a way that the communal structures necessary for effective self-government can be preserved.<sup>63</sup> Traditional governance structures might be

undermined and communities torn apart, for example, through relocation or conflicts in the face of poverty.<sup>64</sup>

Consequently, climate change creates a situation in which Indigenous peoples are forced to integrate into the settler-state ethnogeography – either by being coopted into the market economy that focuses on exploiting land and resources or by becoming dependent on state help which requires them to act in accordance with the dominant ethnogeography. Thus, even if the settler state does not explicitly interfere with the jurisdictional rights of Indigenous peoples, climate change creates a framework in which Indigenous peoples' self-determination is severely restricted or even becomes impossible: '[F]or Indigenous peoples, the consequences of giving in to external logics concerning the planning or control of their territories often leads to extreme poverty, to an acceleration of the depredation of their natural resources, to dispossession of their collective heritage and, in many cases, to the break up or even forced abandonment of their territorial space'.<sup>65</sup> Climate change, however, makes it increasingly difficult for indigenous peoples to resist these external logics even if they have all the negative consequences described.

This development contrasts starkly with the kind of self-determination many Indigenous peoples envision in a decolonial context. For many Indigenous peoples, self-determination in the context of decolonization is closely connected to resurgence. Borrows and Tully explain:

Resurgence is often used to refer to Indigenous peoples exercising powers of self-determination outside of state structures and paradigms. It is deployed by communities as a force for reclaiming and reconnecting with traditional territories by means of Indigenous ways of knowing and being. These individual and collective powers include the resurgence of governance, Indigenous legal systems and languages, economic and social self-reliance, and sustainable relationships with the ecosystems that co-sustain all life and well-being.<sup>66</sup>

It stands out that self-determination is to take place 'outside of state structures and paradigms'. This connects to the earlier discussion of decolonization as making Indigenous ethnogeographies possible again through land-based practices, economic self-sufficiency, and the development of a 'grounded normativity'.<sup>67</sup> Now it has become clear that climate change counteracts this objective by forcing Indigenous peoples to integrate into the structures of the settler society as their land degrades. Thus, the dominance of the settler ethnogeography in mainstream society together with climate change weakens the chances of *de facto* Indigenous self-determination even if they possess the right to internal self-governance by law.

#### 4.2. *Protecting Indigenous Self-determination under Climate Change*

As climate change increases, internal self-determination rights become increasingly insufficient for ensuring effective Indigenous self-determination. Rebecca Tsosie takes up this insight and contrasts sovereignty claims and environmental self-determination claims.<sup>68</sup> Sovereignty claims concentrate on Indigenous peoples' formal political and legal autonomy which allows them full control over their land and resources without state interference. Here 'equality of status as governments [is] key to justice'.<sup>69</sup> Sovereignty claims are a counter-reaction to the traditional forms of colonialism which seek to appropriate Indigenous land and erase Indigenous sovereignty. They rely on the assumption that as

long as Indigenous peoples are shielded from government interference, they will be able to rebuild their own societies and decide their future autonomously. However, as the above discussion has shown, climate change prevents Indigenous peoples from becoming self-determining and instead makes them more dependent on the settler state and its structures. As a solution, Tsosie suggests supplementing sovereignty rights with environmental self-determination claims.<sup>70</sup> The latter focus on involvement in decision-making on national and international levels when it comes to decisions that affect Indigenous peoples and their lands. Such environmental self-determination claims become more pressing as climate change advances and decisions about its potential mitigation are taken. Despite Indigenous peoples' heightened vulnerability due to climate change, many policies that impact Indigenous peoples and their land through their impact on climate change are largely decided without the participation of Indigenous peoples.<sup>71</sup>

This exclusion from international and national decision-making processes means that Indigenous peoples are denied a voice in decisions that directly affect them and their capability of self-determination. It thereby replicates two colonial wrongs that internal self-governance rights were supposed to remedy. First, it means that Indigenous peoples are deprived of the preconditions for self-determination and are instead forced to assimilate to the mainstream culture and ethnogeography. Second, it puts Indigenous peoples in a position of being dominated by other actors. Relations of domination have been one of the core wrongs of colonialism. Ypi, for example, locates the specific wrong of colonialism 'in the creation and upholding of a political association that denies its members equal and reciprocal terms of cooperation'.<sup>72</sup> Internal self-determination does not suffice to undo these unequal terms of cooperation. The idea of internal self-governance rights as a decolonization tool relies on the assumption that cooperation with the settler state is unnecessary, and thus equality is restored by cutting relations. The previous sections have shown that such an assumption is misleading in times of climate change.

Climate change necessitates land and resource sharing and thus cooperation. Moreover, climate change makes us realize that at least in environmental terms we cannot disentangle ourselves from others. What one actor does to the environment affects others that share this environment. This is why, for example, Dobson calls for a concept of ecological citizenship which assigns duties to regulate behavior in such a way that the global ecological effects of policies are accounted for.<sup>73</sup> Therefore, political orders that focus on letting actors take decisions without taking into account the externalities imposed on others can easily turn the nevertheless existent relations into deeply unequal ones. Thus, internal self-determination alone cannot cure the unequal relations of colonial times. Even more, such a way of rectifying the colonial wrong of denying self-determination and subjecting Indigenous peoples to colonial rule ignores and conflicts with the Indigenous notions of self-determination. Indigenous authors often define self-determination as consisting of rules that govern and enable equal and reciprocal relations in which interdependence on various levels is acknowledged and honored.<sup>74</sup> Ladner, for example, highlights that 'Many Indigenous political traditions conceive of governance as the absence of power (coercive, hierarchical and authoritative) relations and as a relationship among the people of a nation and between all peoples (human and non-human) within a territory'.<sup>75</sup> Similarly, Kuokkanen states that 'For Indigenous peoples, self-determination is about a vision and struggle for restructuring relations of domination for a more just present and future for their societies and people'.<sup>76</sup>

Thus, in the area of self-determination climate change again brings to light how Indigenous and Western conceptions drift apart and how rectification of colonial injustices that

occur in a predominantly Western framework cannot effectively help decolonization. For decolonization to take place, it must be recognized that self-determination means more than just having jurisdictional rights over a certain area. It requires standing in relations of equality that allow independence by acknowledging interdependence.<sup>77</sup> Whereas these differing approaches to self-determination might not have openly conflicted in a world in which actions of one collective only had very limited effects on other territories, this is no longer the case. Climate change shows that it is not possible anymore to govern relations within a specified territory without also influencing other territories. As relations extend, governance also must extend to cover these relations and to structure them in a just and equal manner. In the current world, a first step towards this goal is to grant the environmental self-determination claims that Tsosie describes.<sup>78</sup> These claims react to the fact that decisions taken outside Indigenous jurisdictional territories deeply affect these territories. They would give Indigenous people a more equal standing in shaping their future environment instead of being at the mercy of other actors. For such claims to become possible, Indigenous peoples would have to be recognized as political actors with a standing equal to that of other states.<sup>79</sup> That is, the 'equal' relation on a nation-to-nation basis within settler states would have to be extended to the international order. Indigenous peoples' exclusion from or marginal position in international bodies would thereby be remedied.

In addition, the notion of self-determination employed in the currently dominant discourse and the institutions meant to safeguard it would need reformation as well. While climate change has spurred states into coordinating collective action, such joint action is not yet seen as a part of national self-determination. So far, states can freely decide whether to join or abstain from climate actions such as the Paris Agreement. Abstaining is not seen as a direct violation of the self-determination claims of others, while forcing states to comply would be seen as such a violation. The reason is that self-determination is still couched in terms of non-interference in internal matters instead of in terms of structuring relations of equality that allow all to pursue their own ways of life within the boundaries set by the shared ecological environment. Having equal access to the current international institutions and decision-making bodies therefore is only one part in ensuring the preconditions for Indigenous self-determination. Additionally, it requires that the international system and its guiding norms and concepts are reformed so as to balance the environmental interests and needs of all actors justly.

The points about reforms of the international system extend to the national level. Given that Indigenous peoples that are harmed by climate-change effects usually turn first to the surrounding state for help or for alternative occupations, it is crucial that this move into closer relations with the settler state is not identical with a move into a society that subordinates Indigenous ontologies and ethnogeographies. Section 4.1 has discussed how such subordination into the settler ethnogeography currently happens. To counter this development, it is necessary that Indigenous voices and knowledge are treated as equals in deciding on climate adaptation and mitigation programs on the national level and that the settler state's role in causing climate change is appropriately reflected when burdens are distributed.

## 5. Conclusion

This article has shown that a central hindrance to decolonization is the continued imposition of a settler ethnogeography which is inscribed into the legal, political, and economic system of settler states and governs understandings of land, land rights, and

self-determination. Current efforts to repair colonial harms have addressed the loss of land and self-determination largely within the framework of the dominant settler ethnogeography. Land restitution has relied on settler ethnogeographies in the sense that the land to be given back was identified as fixed and geographically bounded areas which indigenous peoples previously occupied. The restitution of self-determination rights has been understood as jurisdictional authority in internal matters that concern the rule over people and land. The article suggested that while these decolonization efforts are important, climate change creates a situation in which these ways of repairing colonial harms become increasingly ineffective.

As ecosystems change and species move into different territories, Indigenous peoples experience a kind of land loss if only rights over historically occupied land or treaty land are granted. Moreover, climate-induced changes in the ecosystem also limit indigenous self-determination as Indigenous peoples often become increasingly dependent on the settler economy and state support. Thus, their scope of self-determination becomes restricted even if the state does not explicitly interfere with Indigenous jurisdiction but uses the integration of Indigenous communities with the settler society to exercise influence. Lastly, internal self-determination rights are not enough to ensure that Indigenous peoples have a say in decisions that affect them as climate-change policies are made on the national and supranational level. Thus, as long as decolonization efforts are happening within the exclusive framework of settler ethnogeography, climate change will counteract their effectiveness and even worsen colonial injustices. Indigenous peoples will continue to experience land loss and a loss of self-determination that do not even register as such within the settler-state framework. Thus, for decolonization to be successful, Indigenous and settler ethnogeographies must be treated on an equal level. Otherwise, climate change threatens not just to hinder decolonization efforts but to compound colonial injustices as Indigenous loss of land and self-determination continue.<sup>80</sup>

Kerstin Reibold, *WiSo Fakultät, Universität Potsdam, August-Bebel-Straße 89, Potsdam, 14482, Germany.* [kerstin.reibold@uit.no](mailto:kerstin.reibold@uit.no)

## NOTES

- 1 Surralles, Alexandre, and Pedro Garcia Hierro. 2005. "Introduction." In *The Land Within: Indigenous Territory and Perception of the Environment*, 1st ed., edited by Alexandre Surralles and Pedro Garcia Hierro. Copenhagen: International Work Group for Indigenous Affairs, p. 8.
- 2 The term 'ethnogeographies' is taken from Avery Kolers who uses it to denote patterns of land use which are the result of social, economic, and legal practices that reflect a certain ontology of land. I will explain this term more closely in Section 2 of the article.
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- 5 Kolers, Avery. 2009. *Land, Conflict, and Justice: A Political Theory of Territory*. Cambridge: Cambridge University Press, p. 3.
- 6 Kolers op. cit., p. 87.
- 7 Kolers op. cit., pp. 86–7.
- 8 Cf. Arneil, Barbara. 1996. *John Locke and America: The Defence of English Colonialism*. Oxford and New York: Clarendon Press and Oxford University Press.

- 9 Cronon, William. 2003. *Changes in the Land: Indians, Colonists, and the Ecology of New England*, Revised ed. New York: Hill and Wang.
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- 11 Johnston, Anna, and Alan Lawson. 2007. "Settler Colonies." In *A Companion to Postcolonial Studies*, edited by Henry Schwarz and Sangeeta Ray, 360–76. Malden, MA: John Wiley and Sons; Bacon, J.M. 2019. "Settler Colonialism as Eco-Social Structure and the Production of Colonial Ecological Violence." *Environmental Sociology* 5(1): 59–69; Black, Jason Edward. 2015. *American Indians and the Rhetoric of Removal and Allotment*. Jackson: University Press of Mississippi.
- 12 Coulthard op. cit.; Coulthard, Glen, and Leanne Betasamosake Simpson. 2016. "Grounded Normativity/Place-Based Solidarity." *American Quarterly* 68(2): 249–55; Simpson, Leanne Betasamosake. 2016b. 'Land and Reconciliation'. *Electric City Magazine*. <https://www.electriccitymagazine.ca/2016/01/land-reconciliation/>. Accessed 25 January 2021; Comtassel, Jeff. 2012. "Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-Determination." *Decolonization: Indigeneity, Education and Society* 1(1): 86–101.
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- 14 Panagos, Dimitrios. 2016. *Uncertain Accommodation: Aboriginal Identity and Group Rights in the Supreme Court of Canada*. Vancouver: UBC Press.
- 15 Armstrong, Chris. 2017. *Justice and Natural Resources: An Egalitarian Theory*. Oxford: Oxford University Press, pp. 22–5.
- 16 Locke, John, and Peter Laslett. 1988. "Two Treatises of Government." In *Cambridge Texts in the History of Political Thought*, Student ed. Cambridge: Cambridge University Press, Chapter 5.
- 17 Simmons, A.J. 1994. "The Lockean Theory of Rights." In *Studies in Moral, Political, and Legal Philosophy*. Princeton, NJ: Princeton University Press, p. 273.
- 18 Kolers op. cit., p. 59.
- 19 United Nations. 2020. 'United Nations Declaration on the Rights of Indigenous Peoples | United Nations for Indigenous Peoples', art. 28. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>. Accessed 18 January 2021.
- 20 UN op. cit., art. 26.2.
- 21 Nevertheless, the disruption of life plans that land theft and displacement has caused is still one of the main wrongs and is closely related to the disruption of relations in so far as the continuation of these relations also represents a specific life plan. For an analysis of a life-plan-based account of the colonial wrong of displacement which also relies on the value of formed relationships, see Moore, Margaret. "The Taking of Territory and the Wrongs of Colonialism." *Journal of Political Philosophy* 27(1): 87–106.
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- 26 Whyte 2018a op. cit., p. 125.
- 27 Bacon op. cit.
- 28 cf. Mills, Aaron. 2018. "Rooted Constitutionalism: Growing Political Community." In *Resurgence and Reconciliation: Indigenous–Settler Relations and Earth Teachings*, edited by Michael Asch, John Borrows and James Tully. Toronto: University of Toronto Press, 133–74; Turner, Nancy J., and Pamela Spalding. 2018. "Learning from the Earth, Learning from Each Other: Ethnoecology, Responsibility, and Reciprocity." In Asch et al. op. cit., 265–92.
- 29 Coulthard op. cit.
- 30 The described decolonization processes and consequently the argument proposed have especially high importance for Indigenous peoples who still live 'on the land', be it on reserves or other non-urban places in which they aim to maintain their traditional ways of life. Still, the argument is also applicable to urban Indigenous

- people that seek to reconnect to land and their traditions in order to escape the dominating colonial frameworks of the settler state in which they are embedded. Even if these Indigenous peoples participate in mainstream society and do not permanently live on their traditional lands, decolonization can enable them to rebuild or maintain connections to their traditional land and communities and to follow the practices stemming from their own ontologies of land even if they cannot do so all the time. Land-based education for urban Indigenous people is often associated with better physical and mental health, a more secure sense of identity, and a higher life quality. For projects and research in this area, see the special issue on “Indigenous Land-Based Education.” In *Decolonization – Indigeneity, Education and Society* 3(3): 2014, guest edited by Matthew Wildcat, Stephanie Irlbacher-Fox, Glen Coulthard, and Mandee McDonald. Fast, Elizabeth, Melanie Lefebvre, Christopher Reid, Wahsontiiostha Deer, Dakota Swiftwolfe, Maureen Clark, Vicky Boldo, Juliet Mackie, and Rupert Mackie. 2021. “Restoring Our Roots: Land-Based Community by and for Indigenous Youth.” *International Journal of Indigenous Health* 16(2).
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- 32 Kimmerer, Robin Wall. 2015. *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants*, First paperback ed. Minneapolis, MN: Milkweed Editions, p. 173; Whyte, Kyle. 2017. ‘Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene’, *English Language Notes* 55(1): 153–62.
- 33 Alexander, Clarence, Nora Bynum, Elizabeth Johnson, Ursula King, Tero Mustonen, Peter Neofotis, Noel Oetlé, et al. 2011. “Linking Indigenous and Scientific Knowledge of Climate Change.” *BioScience* 61(6): 477–84.
- 34 I am here taking up arguments by Burke Hendrix, presented in the unpublished paper, “Ownership, Reciprocity, and Indigenous Territoriality: Land as a Matrix for Responsibilities.” [https://www.academia.edu/44061561/Ownership\\_Reciprocity\\_and\\_Indigenous\\_Territoriality\\_Land\\_as\\_a\\_Matrix\\_for\\_Responsibilities](https://www.academia.edu/44061561/Ownership_Reciprocity_and_Indigenous_Territoriality_Land_as_a_Matrix_for_Responsibilities). Accessed 9 February 2021.
- 35 Whyte, Kyle. 2018b. “What Do Indigenous Knowledges Do for Indigenous Peoples?” In *Traditional Ecological Knowledge: Learning from Indigenous Practices for Environmental Sustainability*, edited by Daniel Shilling and Melissa K. Nelson. Cambridge: Cambridge University Press, 59–60.
- 36 Whyte 2018a op. cit., p. 129.
- 37 While land loss through a change in land is understandable in the Western ethnogeography, the criteria for when it happens differ. Land loss in the settler ethnogeography occurs when land cannot be used productively anymore. One reason might be that land becomes submerged into water or turns into desert. A simple change in the ecosystem, however, does not qualify as a kind of land loss that would give rights to other pieces of land. The reason is that land is primarily seen as a resource to be used by humans and not as a web of relationships in which humans and their activities are embedded.
- 38 Townsend, Dina Lupin, and Leo Townsend. 2020. “Epistemic Injustice and Indigenous Peoples in the Inter-American Human Rights System.” *Social Epistemology* 35(2): 147–59.
- 39 Townsend and Townsend op. cit.
- 40 A further important pathway is to include Indigenous ontologies of land and metaphysics in curricula of land and environmental education as suggested, for example, by Calderon, Dolores. “Speaking Back to Manifest Destinies: A Land Education-Based Approach to Critical Curriculum Inquiry.” *Environmental Education Research* 20(1): 24–36.
- 41 Sieder, Rachel. 2012. “The Challenge of Indigenous Legal Systems: Beyond Paradigms of Recognition.” *The Brown Journal of World Affairs* 18(2): 103–14; Uprimny, Rodrigo. 2011. “The Recent Transformation of Constitutional Law in Latin America: Trends and Challenges.” *Texas Law Review* 89: 1587–1609.
- 42 Borrows, John. 2019. *Law’s Indigenous Ethics, Law’s Indigenous Ethics*. Toronto: University of Toronto Press.
- 43 UN op. cit.; ILO. 1989. “Indigenous and Tribal Peoples Convention.” International Labour Organization.
- 44 Borrows, John. 1997. *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*. Vancouver: UBC Press, p. 170.
- 45 Craft, Aimée. 2018. “Living Well Together. Understanding Treaties as an Agreement to Share.” In *Treaties and the Treaty Relationship*, edited by Mark Collin Reid and Loretta Ross. Winnipeg: Canada’s National History Society, p. 35.
- 46 Noble, Brian. 2018. ‘Treaty Ecologies: With Persons, Peoples, Animals, and the Land’. In Asch et al. op. cit., p. 315.
- 47 See e.g. (Cynthia Bird) Wabi Benais Mistatim Equay. 2018. “The Numbered Treaties: Western Canada’s Treaties Were Intended to Provide Frameworks for Respectful Coexistence.” In Reid and Ross op. cit.,

- pp. 27–34; Cote, Philip, and Nathan Tidridge. 2018. “Ties of Kinship: The Treaty of Niagara Is Seen by Some as Marking the True Foundation of Canada.” In Reid and Ross op. cit., pp. 23–5, for how interpretation by the letter differs from interpreting the spirit of treaties.
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- 49 Noble op. cit.
- 50 Craft op. cit.
- 51 Duhamel op. cit., p. 12.
- 52 Cote and Tidridge op. cit., pp. 23–4.
- 53 Cf. Keefer, Tom. 2014. “A Short Introduction to the Two Row Wampum.” *briarpatch Magazine*. <https://briarpatchmagazine.com/articles/view/a-short-introduction-to-the-two-row-wampum>. Accessed 13 August 2021.
- 54 Craft op. cit., p. 35; Duhamel op. cit., p. 11.
- 55 Duhamel op. cit., p. 13.
- 56 UN op. cit., art. 3,4.
- 57 Miller, David. 2012. “Territorial Rights: Concept and Justification.” *Political Studies* 60(2): 252–68; Moore, Margaret. 2017. *A Political Theory of Territory*. Oxford Political Philosophy. Oxford: Oxford University Press; Stilz, Anna. 2019. *Territorial Sovereignty: A Philosophical Exploration*. *Oxford Political Theory*. Oxford: Oxford University Press.
- 58 Kuokkanen, Rauna. 2011. “From Indigenous Economies to Market-Based Self-Governance: A Feminist Political Economy Analysis.” *Canadian Journal of Political Science/Revue Canadienne de Science Politique* 44 (2): 275–97, p. 278.
- 59 Cf. Irlbacher-Fox, Stephanie. 2009. *Finding Dahshaa. Self-Government, Social Suffering, and Aboriginal Policy in Canada*. Vancouver: UBC Press; Elliott, Michael. 2018. “Indigenous Resurgence: The Drive for Renewed Engagement and Reciprocity in the Turn Away from the State.” *Canadian Journal of Political Science/Revue Canadienne de Science Politique* 51(1): 61–81, p. 67.
- 60 Cornassel, Jeff, and Cheryl Bryce. 2012. “Practicing Sustainable Self-Determination: Indigenous Approaches to Cultural Restoration and Revitalization.” *Brown Journal of World Affairs* 18(11): 151–62.
- 61 Cornassel and Bryce op. cit., p. 160.
- 62 Wildcat, Daniel. 2009. *Red Alert!: Saving the Planet with Indigenous Knowledge*. Golden, CO: Fulcrum Publishing, pp. 2–3. Wildcat speaks in that context of a fourth removal of Indigenous peoples after the three removals during colonial times (forced relocation, cultural assimilation, and the removal of children). He thus draws attention to how climate change compounds and continues the effects of colonial policies in the past even in the absence of explicitly colonial state policies.
- 63 For a case example, see Wright, Charquia. 2020. “Unmasking Western Science: Challenging the Army Corps of Engineers’ Rejection of the Isle de Jean Charles Tribal Environmental Knowledge under APA Arbitrary and Capricious Review.” *UCLA Law Review*. <https://www.uclalawreview.org/unmasking-western-science-challenging-the-army-corps-of-engineers-rejection-of-the-isle-de-jean-charles-tribal-environmental-knowledge-under-apa-arbitrary-and-capricious-review/>. Accessed 11 November 2020; Jesse, Nathan. 2020. “Community Resettlement in Louisiana: Learning from Histories of Horror and Hope.” In *Louisiana’s Response to Extreme Weather: A Coastal State’s Adaptation Challenges and Successes*, edited by Shirley Laska, 147–84. Frankfurt: SpringerNature.
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- 65 Surralles and Hierro op. cit., p. 9.
- 66 Borrows and Tully op. cit., p. 4.
- 67 For example, Coulthard op. cit.
- 68 Tsosie, Rebecca. 2007. “Indigenous People and Environmental Justice: The Impact of Climate Change.” *University of Colorado Law Review* 78(4): 1625–78.
- 69 Tsosie op. cit., pp. 1632–3.
- 70 Tsosie op. cit.
- 71 Mihlar, Farah. 2008. *Voices That Must Be Heard: Minorities and Indigenous People Combating Climate Change*. London: Minority Rights Group International.

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- 73 Dobson, Andrew. 2003. *Citizenship and the Environment*. Oxford: Oxford University Press.
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- 76 Kuokkanen, Rauna Johanna. 2019. *Restructuring Relations: Indigenous Self-Determination, Governance, and Gender*. New York: Oxford University Press, p. 22.
- 77 Borrows and Tully op. cit., p. 8.
- 78 Tsosie op. cit.
- 79 See, for example, the recommendations in Mihlar op. cit.
- 80 I thank Fabian Schuppert, Megan Blomfield, Alejandra Mancilla, the participants of the two Land Rights and Climate Change workshops, and the research seminar of IFF at UiT as well as two anonymous reviewers for comments that have contributed to this article.