

# DECOLONIZATION OF INDIGENOUS PEOPLES: PATHWAYS TO SOVEREIGNTY IN CANADA

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Indigenous Ways of Knowing: Resurgence of Land-Based Pedagogies and Practices  
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## Table of Contents

1. **Abstract**
2. **Introduction:**
3. **History and Background of Land Dispossession**
4. **Topic Relation to Course Themes**
5. **Justification and Objectives**
6. **Literature-Review**
7. **Methodology of the Research**
8. **Review and analysis of literature:**
9. **Case Studies**
10. **Analysis of Indigenous**
11. **Consultation: A Term of Epistemic Injustice in Indigenous Contexts**
12. **Pathways to Reconciliation**
13. **Conclusion**
14. **Bibliography**

**Abstract:**

This research paper, *Decolonization of Indigenous Peoples: Pathways to Sovereignty*, examines the critical processes required in dismantling colonial structures and the restoration of Self-determination of the Indigenous people's ability to control their own affairs, make decisions concerning their communities, maintain their unique cultural, social, political and economic structures that are consistent with the general tenets of justice, reconciliation, and acknowledgment of Indigenous self-determination. The study emphasizes sovereignty as a foundational element because it is the core aspect of all Indigenous self-determination; the study addresses issues of land restitution, governance, and the restoration of language and culture. Emphasizing notable court cases such as *Delgamuukw v. British Columbia* and *Tsilhqot'in Nation v. British Columbia* stresses the need to affirm indigenous land and self-determination. The paper further posits that Indigenous people have developed a specific epistemology that can assist in devising more holistic approaches toward sustainable decolonization. This research, by dealing with past grievances and proposing real changes in the structure of the society, seeks to find avenues that allow for justice, the promotion of equality and the actualization of indigenous sovereignty.

### **Introduction:**

The decolonization of Canada's Indigenous peoples is an intricate and pressing problem that goes beyond mere acts of reconciliation. It contests the colonial systems that still violate Indigenous sovereignty, fracture cultural fabric, and negate access to ancestral lands. Because of a lack of constitutional promises as well as a lack of initiatives led by the state to promote Indigenous rights, the lived experiences of many Indigenous groups still remain characterized by dispossessing, subordinating, and systemic unevenness. This paper explores the processes of decolonization in Canada, seeking to elaborate on land recovery, civil activism and the reconstruction of Indigenous politics.

Glen Sean Coulthard's *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* is the starting point when examining and criticizing a state's reconciliatory policies because so-called recognition often strengthens colonial oppression instead of abolishing it. Coulthard instructs that there is a need for Indigenous resurgence – the process of self-determining and self-identifying cultural practices of the Indigenous peoples. In the same, Arthur Manuel's *Whose Land Is It Anyway? A Manual for Decolonization* claims that land is vital for the decolonization process as Indigenous sovereignty cannot be achieved without the resolution of the loss of Indigenous lands.

In this struggle, the grassroots movements illustrated, for instance, by the Defenders of the Land and Idle No More, in the work of Manuel, become a very important factor. These movements counter colonialism through organizing and activism and stress community self-determination in structural transformation. Their stance regards decolonization as a process which starts from within and is about restoring native peoples' lands, cultures and ways of governing themselves.

In this paper, I have put forward the argument that effective decolonization in Canada must involve the elimination of those colonial aspects that sustain inequity, with the recovery of Indigenous authority as a mode of justice. It engages with their work, among others, that of Coulthard, Manuel, and grassroots movements, to analyze the links between land domination, political self-determination, and culture revival. This dissertation seeks to be part of this literature by analysing how Indigenous peoples and their perspectives can help in enriching the understanding of Canada in moving away from merely symbolic versions of reconciliation to one that is more substantive in terms of decolonization.

Decolonization is the process of completely removing colonialism's ideologies and control over Indigenous people and their land, and it is very critical in building respectful relationships between Indigenous people and the Canadian state. Painted this way, this study is designed to explore the relationship between Indigenous understandings of

decolonization, Sovereignty and self-determination, on the other hand, draws attention to the nature of justice, which can hardly be realized without addressing the issues of Indigenous land and governing systems.

The paper asserts that no sovereignty will be possible if the issues of justice for violating the traditional land ownership and governance structure are not addressed. Well-known landmark decisions have transformed the level of implied inclusion of Indigenous land rights within the Canadian Legal structure, and these include the cases of *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010 and *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44. The *Delgamuukw* case established that the Indigenous title means a comprehensive land use right and includes harvesting and management control over the land. In contrast, in the *Tsilhqot'in* case, Indigenous variously claimed that others' needs for land were directly acknowledged at a judicial level for the first time.

The paper builds upon the literature analysis covering Tuck and Yang's well-known essay "Decolonization Is Not a Metaphor," and Arthur Manuel's *Whose Land Is It Anyway? A Manual for Decolonization*. It will claim that decolonization, especially through means of land claims and political actions, is vital for going beyond mere apologies and toward genuine reconciliation efforts. It shall be emphasized that direct action of the sort discussed is important to effect real change for Indigenous peoples.

### **History and Background of Land Dispossession**

Land dispossession of Indigenous peoples encompasses both the historical and modern-day dispossession processes, which are inclusive of the seizing and the devastation of Indigenous people's land and resources. Dispossession is fundamental to settler colonialism, which allows societies that have settled to dominate over Indigenous groups, leading to the dissolution of Indigenous self-governance and severing their cultural and religious ties with the land.

This process started with the first contact with colonizers when European countries disregarded Indigenous politics and notions of land ownership and took control of their occupied areas. In Canada's specific context, the Indian Act of 1876 rendered First Nations people landless and allowed extractive activities to be carried out on the reserves for meager payments or no payment at all. These statutes deepened the processes of alterity.

Land dispossession is not only a past crime but also a crime that is exercised as many governments and organizations utilize the sovereignty of the Indigenous people for their own benefit in today's world. Considering this past is important in correcting the existing imbalances and moving towards the objectives of justice, which are part of the process of reconciliation.

**Topic Relation to Course Topics:**

The research connects to the pedagogical elements of Indigenous sovereignty, land-based pedagogy, and Indigenous mobilization within the course. In general, the paper deals with the mining, colonial and post-colonial perspectives in indigenous land politics, and the challenges of the Indigenous Peoples in reoccupying their territories. These elements are key to understanding the factors behind the processes of Indigenous people sovereignty in the case of Canada, and also gives insights into how in practice, decolonization can be achieved.

**Justification and Objectives:**

Decolonization aims to dismantle colonialism, recover Indigenous cultures and seek reparative justice as these actions are key to meaningful reconciliation. Landmark legal cases such as *Delgamuukw v British Columbia* and *Tsilhqot'in v British Columbia* legitimize the necessity of recognizing indigenous land rights and governance but we find that such rights are still undermined by colonial frameworks which also creates the need of this research. This research centers itself within this ambiguity by positioning sovereignty as a site of decolonization by way of reclamation, self-determination and indigenous knowledge systems.



**The objectives of this research are:**

1. The nation of power as owners having control over their land, and other aspects of their identity have been central in the historical and contemporary interrelations between the Indigenous and other people in Canada in areas in terms of governance and land.
2. The relationships between colonization and land, place and territory, and how these relationships impact the culture of indigenous people.
3. Historical case studies and policy frameworks related to indigenous land rights and governance, also contesting about what advances and norms the cases have made.
4. How can Indigenous peoples imagine decolonization in a sustainable manner, upping Indigenous voices and perspectives as a primary factor?
5. Tangible implementation strategies for Indigenous sovereignty, including governance partnerships, policy changes, and land restitution.

The study seeks to contribute to realizing decolonization geared towards reinstating the Indigenous Society. It is meant to facilitate the creation of just and equitable relations between the Indigenous people and the settlers.

### **Literature Review:**

The Review of Literature consists of two separate sections: core course texts and independent studies. This section of the monograph discusses the relevancy and applicability of the different concepts of decolonization and reconciliation put forward by various scholars and activists, with the focus on how such definitions and investigations can be useful for contemporary policy and activism with respect to Indigenous Peoples' rights.

"The most important text for this paper relates to two works by Eve Tuck and K W Yang (2012), 'Decolonization is not a metaphor.' One of the main texts to the aims of this paper discussing the more critical approach of these realities is the essay by Tuck and Yang. One of the misconceptions they tackle is to contextualize decolonization as a shift in fantasies without addressing the violent realities surrounding the practice. They cite the policy statement of the Kahnawake Mohawk Band that "decolonization is the return of land and life to Indigenous people, not a sentence that is used to include everything that we or society or the education system should aspire to change and improve"<sup>1</sup>. This argument is important because it deals with the very issue of decolonization that is misused for political correctness without shocks and reallocation of the balance of power.

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<sup>1</sup> Tuck, Eve, and K. Wayne Yang. "Decolonization Is Not a Metaphor." *Decolonization: Indigeneity, Education & Society* 1, No. 1 (2012): 1

The concepts are used to analyze how sincere reconciliation can never be achieved in Canada without returning the land that was wrongfully taken from Indigenous peoples.

Manuel Arthur's *Whose Land Is It Anyway? A Manual for Decolonization*, which was published in the year two thousand and seventeen, however, deals with decolonizing perspectives based on the political and economic aspects of the reclamation of Indigenous lands. Within his mind frame, the land is the foundation not only for the political status of Indigenous Peoples but also for their lifestyle, including the spiritual aspects of it. According to him, – "The land is where we live, where we hunt, catch and gather food or medicine. This is the starting point of everything we and our ancestors are and own"

<sup>2</sup>.He further describes bottom-up movements, such as Idle No More and Defenders of the Land, dedicated to the restoration of Indigenous land and self-determination. He also maintains that pre-colonial ambitions cannot be separated from the context of decolonization and reconciliation. Manuel's manual includes a course material titled "The Grassroots Struggle: defenders of the Land & idle No More" (2017) that stresses the need to consider environmentalism relations from an Indigenous standpoint. These movements have been understood to play an important role in decolonization, especially when it comes to fighting against ecological degradation and supporting indigenous rights. The

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<sup>2</sup> "Manuel, Arthur. *Whose Land Is It Anyway? A Manual for Decolonization*. Federation of Post-Secondary Educators of BC, 2017. 12

manual states, “It is worth noting that, to date, it has been Grassroots activism which has been able to portray the Indian problem”<sup>3</sup>. Through this activism, civic engagement seeks to change state policy and, hence, promote the process of reconciliation.

Glen Coulthard has criticized the government of Canada’s efforts towards reconciliation in his book *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. He considers that in Canada, recognition politics is more about the protection of settler colonial relations than it is about the seeking of alternatives to these relations. Coulthard states that “the politics of recognition, in the sense in which it has evolved in Canada or which is practiced in present-day western societies and which is often considered to be proper and even necessary, is more geared to upholding settler colonial power relations”<sup>4</sup>. This is important for this paper because it questions the colonial concept of reconciliation where the indigenous people’s rights, sovereignty and self-governance are often overlooked.

Another case that is important in this regard is the *Tsilhqot’in Nation v. British Columbia*, 2014 SCC 44 since the Supreme Court of Canada upheld for the first time the existence

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<sup>3</sup> “Defenders of the Land & Idle No More. ‘the Grassroots Struggle.’ in *Whose Land Is It Anyway? A Manual for Decolonization*, Edited by Arthur Manuel, 2017. 23

<sup>4</sup> “Coulthard, Glen Sean. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. University of Minnesota Press, 2014.<sup>3</sup>

of an Indigenous title over a specific area of land ordered by the court. For the first time in history, the highest court of a state has recognized indigenous peoples' rights to ancestral land. This case sets a precedent in terms of recognizing the rights of Indigenous Peoples over their traditional territories. In a similar vein, *Delgamuukw v British Columbia* ([1997] 3 S.C.R. 1010) made clear the scope of claims concerning Indigenous land title and stressed that such claims include Indigenous ownership of land and the right to use it. These milestones will be utilized to examine the legal aspects of decolonization and reconstruction.

Eve Tuck and K. Wayne Yang's influential essay, "Decolonization Is Not a Metaphor" (2012), critiques the misuse of decolonization as a metaphor for general social justice struggles, arguing that decolonization must focus specifically on the return of land and sovereignty to Indigenous Peoples. They assert that when decolonization is used figuratively, it obscures the real, material implications of colonialism and sidesteps the need for genuine restitution and land repatriation. The authors emphasize that decolonization is not a process of inclusion or equity, but a radical demand for the end of settler-colonial structures. By shifting attention away from metaphorical understandings, Tuck and Yang foreground the importance of land and Indigenous self-determination in any conversation about decolonization, rejecting frameworks that dilute its core,

transformative goals. Their work has become a critical foundation for discussions of decolonization in academic and activist circles.

### **Methodology of the research:**

The study about Decolonization of Indigenous Peoples: Pathways to Sovereignty provides a comprehensive qualitative assessment by considering the past, present and ongoing Indigenous struggles as intertwined and informed by historical, political, and cultural contexts. It analyzes colonial history in a more in-depth way by addressing systematic policies that destroy sovereignty and self-determination. The analysis includes Indigenous history and oral tradition to understand land where it is now graphically represented by modern legal cases such as *Delgamuukw v British Columbia*, *Tsilhqot'in Nation v British Columbia* which prove land ownership. Also, it challenges the idea of reconciliation as incomplete without giving back the land and calls for the revival of Indigenous governance structures. In this paper, sovereignty is an act of regaining agency – physically and symbolically.

### **Review and analysis of literature:**

The research paper develops a useful framework to explore the dimensions of Indigenous struggle, colonialism and sovereignty. Foundational texts like Tuck and Yang's 'Decolonization is Not a Metaphor,' for example, take issue with the trivialization of decolonization in the discourse of policy and academia, and call for restoration of land

and power. As stated in Coulthard's "Red Skin, White Masks", the concept of Indigenous self-determination rejects the paradigms of colonial recognition and focuses on complete independence based on land and culture. In the same vein, Leanne Simpson's program, which demonstrates the resurrection of Indigenous ways of knowing, positions sovereignty in land sovereignty as a practice changing Saki.

Legal approaches, among other things, examine in detail the cases of *Delgamuukw v. British Columbia* and *Tsilhqot'in Nation v. British Columbia*, which examine land claims and the effectiveness of reconciliation with the state. These examples serve to illustrate the courts as partially ready to recognize Indigenous claims to land sovereignty, while tensions dealing with colonial hierarchies continue to exist.

Literature has repeatedly pointed out deficiencies with reconciliation without meaningful reparations and proposed then a better alternative which is decolonization focussing on Indigenization, land recovery and cultural regeneration. In all these works the authors portray decolonization as difficult and it is a process that has multiple dimensions and needs both transformation of the structures and indigenous reconnection.

### **Case study treatment:**

Specific attention was given to *Tsilhqot'in Nation v. British Columbia* (2014 SCC 44), and *Delgamuukw v. British Columbia* ([1997] 3 S.C.R. 1010) as case studies in order to examine the implications of these judgments with respect to Indigenous land title jurisprudence. The insight will be provided on how the recognition of Indigenous titles has gradually evolved through the assessment of the case studies. In addition, further ideas on how this might change in order to facilitate the restoration of land and governance control by Indigenous people will also be put forth.

### **Legal-Historical Context:**

These significant cases were employed in tracing the historical evolution of jurisprudence on land rights in Canada and how they fit in political and social relations between Indigenous peoples and state authority, such as: the *Tsilhqot'in Nation v. British Columbia* (2014) and *Delgamuukw v. British Columbia* (1997) cases in the past helped Indigenous people in Canada strategy in terms of land claiming and were crucial in defining Indigenous self-determination. Provision of Land Title: This recognition of the *Tsilhqot'in* case marked the first time Canadian courts issued a decision in favor of Aboriginal title over a defined region. This decision automatically recognized Aboriginal nations as lawful possessors and users of their lands and made provisions to utilize, control, and benefit from the land. This created a precedent for other native peoples to make similar claims.



### **More Supportive Environment for Land Disputes Resolution:**

Delgamuukw defined the legal principles associated with Aboriginal titles, focusing on their collective character and the relevance of oral histories to prove the title. This enhanced Indigenous peoples when dealing with the governments and corporations over the use of land and the development of resources.

### **Increased Participation and Approval:**

Both cases emphasized the responsibility of the state and other entities to actively seek the Indigenous peoples views and in some instances to get approval from them before taking any action that would affect their territories.

### **Empowerment of Governance:**

As a result, Indigenous communities can now dominate their customary lands, achieve self-determination through resource opportunities, and even reject any deceptive projects that may exploit such resources.

However, alongside positive changes, the problems of their optimal implementation come from bureaucratic and political opposition.

### **Analysis of Court Cases:**

Analyzing major court cases provides insight into the legal aspects of decolonization and Indigenous sovereignty in Canada. For instance, the cases of Delgamuukw v British Columbia (1997) and Tsilhqot'in Nation v British Columbia (2014) are integral to the success of the goal of advancing the discourse of decolonization by identifying title and

rights to land which are crucial in the sovereignty narrative. Most importantly, the significance of oral histories in the proof of Aboriginal Title was firmly established by *Delgamuukw*, which stated that Indigenous laws and practices are practices that go hand in hand with the land. Such an acknowledgement challenged the colonial legal order which has always regarded Indigenous knowledge systems as irrelevant.

The *Tsilhqot'in* decision entrenched this position even further in that it included an explicit declaration of Aboriginal title, which is the first time a Canadian court has ever ruled that indigenous peoples owned particular lands. Even more, this case established one more landmark in the continuing assertion of indigenous society's sovereignty over its territories, which recognized that the land is different from the people but rather the people.

The two events raise important issues about the need for consultations and in certain cases the obtaining of consent for projects that impact Indigenous lands. Although these legal claims were won, the two cases demonstrate the shortcomings of the Canadian legal framework with respect to self-determination of Indigenous peoples as implementation is still beset by political and administrative elements of resistance. These judicial rulings do not cease to be important regarding the further struggle for Indigenous nationhood and decolonization.

### **Consultation: A Term of Epistemic Injustice in Indigenous Contexts**

For Indigenous communities, the term 'consultation' can elicit suspicion as it tends to be used in a very shallow and unidirectional manner where the Indigenous people have their sentiments noted but the activism is never done. It has its roots in colonial practices in which consultation has been utilized as a tool to legitimize already established decisions by state or corporate powers and has been abusive in the sense that it ignores epistemic plurality by excluding Indigenous worldviews and systems of governance.

In a Concept of Native Title, Leroy Little Bear argues that "consultation" is being used as a veil to allow Indigenous peoples to speak but fails to recognize their sovereignty. He maintains the position that Indigenous people need to be recognized by their laws and that there is more to reconciliation than consultation but co-decision making as well as holding Indigenous viewpoints in regard. The inclusion of Little Bears insights makes it clear that without native control consultation should not proceed since it does not offer them the prospect of controlling their land and prospects. It is possible to trace a parallel here with the processes of decolonization; abandoning the policy of sending out priests and replacing it with processes embedding equity and respect to the addresser where it is possible to balance out the colonial inequality.

### **Pathways to Sovereignty:**

The paper ended by suggesting pathway roadmap:

In Canada, Indigenous nations advance their sovereignty by returning to land, culture, self-determination, and endurance, along with legal recourses. During the Oka Crisis in 1990, activists expressed their claim over the land along with the assertion of their sovereignty against colonial powers. Events such as the Simpcw Nation's recent hunt in Jasper National Park stress the Indian control of the land as well as the Indian right to the land and its traditional practices. Such instances emphasize the need to adhere to Indigenous rights, land entitlements, and self-administration. By enhancing such commitments, Canada has the opportunity to promote reconciliation and assist in the restoration of the sovereignty of Indigenous nations through practical and engaging initiatives

A framework that is legal, educational, and cultural will be needed to decolonize the Indigenous peoples of Canada and restore their sovereignty. Restoring their migratory people-hood, getting back their cultural practices and land, sovereignty rights, and legal restitution are ways the Indigenous nations in Canada emphasize their sovereignty. Several legal cases, such as *Delgamuukw v. British Columbia* as well as *Tsilhqot'in Nation v. British Columbia*, decided in favor of Native land rights in a bid to reverse dispossession abetted by the 'Indian Act'. Despite what has been reported, which is the

activities of the TRC and Calls to Action these legal rights to reproduce and possess land have absolutely changed for the better as Canadians policy has been and still is – Colonialism.

Canada's striker intervention against the Mohawk buildings that grew around it in 1990 are a reminder of how tough unpersuasive forward-thinking can be and of Native tenacity. The golf course expanded, and Natives asserted their rights and sovereignty that acted as a stake hitting the ball on a diamond forward. Recent occurrences such as the ceremonial hunt of the Simpcw Nation within the bounds of Jasper National Park further provide an insight into how traditional lands and their practice have turned into methods of exercising sovereignty - becoming more potent in people's minds that it aids them in feeling protected and helps their people more. This emphasizes the crux of Indigenous governance that land is the bedrock for political and cultural self-determination.

There are also other aspects to consider such as the role of citizenship. Providing self-rule and educational sovereignty through Old style first Indigenous teachers focused schools, governance, language and culture centered content that propel the present generation and the next intact with timelessness.

The state of Canada has to respect Indigenous self-determination not only through its statements but also by promoting self-resolution efforts, protecting land defenders, and complying with the recommendations of TRC. These avenues are necessary for the

restoration of justice and the establishment of permanent relations between Indigenous peoples and the state.

### **Conclusion, Summary of Findings.**

To sum up, the process of decolonization within the Indigenous peoples of Canada is an epical work in progress that requires a complete overhaul of power relations and the way Indigenous communities relate to the state. The study has focused on the significance of land, governance, and cultural revival as critical elements of indigenous peoples sovereignty. Landmark cases such as *Delgamuukw v. British Columbia* and *Tsilhqot'in Nation v. British Columbia* have contributed to the decolonization narrative by recognizing Indigenous land titles and placing importance on effective consultation and consent in relation to matters that affect their lands. These cases not only affirm that indigenous nations are the rightful caretakers of their territories, but they also address colonial legal approaches that have subordinated indigenous systems of governance for centuries.

However even though the legal defeat of Aboriginal title is a big step forward, the Legal triumph over such issues is not all it is, there is need for complete decolonization taking into account the fact that indigenous political structures and traditional practice need to be reinstated. As it has been pointed out in the works of authors such as Leanne Simpson and Glen Coulthard, sovereignty should not simply be restricted to the exercise of political

power but should be understood in the context of the return of Indigenous ways of knowing and being.

Also, it notes that the reconciliation policy set by the state has its own shortcomings which are the unresolved structural discrimination and injustices which are still residing in the aftermaths of colonialism. Thereon, it has been advocated that decolonization processes should be anchored on the self-determination, territorial self-ownership, and self-governance of Native nations so that they can achieve full sovereignty and heal from the wounds inflicted by colonization.

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