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Infrastructural (Dis)Entitlement: Tactics of Dispossession on the Critical Minerals Frontier

Abstract: In Ontario’s far north, settler state authorities and extractive firms are engaged in coordinated tactics to gain ground amid a polarization in the positions of Indigenous leadership. Alongside a surging resistance, we also witness a resigned acceptance of critical minerals mining by some First Nations. Drawing on years of community-engaged research, I detail here the contemporary tactics of “infrastructural (dis)entitlement:” in this dynamic, infrastructural needs are both denied and fulfilled to differential effect. Infrastructural *disentitlement* is passive; it is not necessarily deliberate, nor is it politically or institutionally organized. But infrastructural *entitlement* is strategic and aggressive: Indigenous prosperity and inclusion are key elements of the contemporary liberal justification for critical minerals extraction. From this, a pattern emerges of places toward which resources are flowing and places out of which they are draining. The chronic lack of community-focused infrastructure in some remote First Nations—characterized as a form of “letting die”—creates an attritional force that undermines the communities’ capacity to defend their homelands, to the advantage of the settler state and extractive firms.

Keywords: critical minerals, Indigenous dispossession, extractivism, infrastructural (dis)entitlement

*I cannot continue to stay silent and allow unwelcome corporations to continue to exploit our lands and waters
and benefit from our hardships.*

—Charles Hookimaw, Member, Attawapiskat First Nation, Treaty No. 9¹

* Professor and York Research Chair in Environmental Law & Justice in the Green Economy 2018-2023, Osgoode Hall Law School and the Faculty of Environmental & Urban Change, York University, Canada. Please direct correspondence to dscott@osgoode.yorku.ca. This work also forms a chapter of a forthcoming manuscript, *Fire in the Ring: Settler Law and Indigenous Jurisdiction on the Critical Minerals Frontier*, solicited by Duke University Press and accepted to the series *Global and Insurgent Legalities*. I would like to thank my many collaborators in this project over the years, especially Wayne Moonias, David Peerla, Donna Ashamock, Dorothy Sakanee, Joan Kuyek, and Deb Cowen, as well as the many students, youth, and other fantastic researchers who have worked on this project in various capacities. I acknowledge with gratitude and solidarity all my collaborators in Neskantaga, including the elder Peter Moonias, current Chief Chris Moonias, and the council. Adrian Smith provided incisive feedback in early stages. Funding has been provided by the Social Sciences and Humanities Research Council of Canada (SSHRC) through a Partnership Grant on Infrastructure Beyond Extractivism codirected by Professor Heidi Kiiwetinepinesiik Stark. My thinking on jurisdiction and infrastructure has been influenced by every member of that team. The article is dedicated to the memory of Mackenzie Moonias, and all young people who have been lost trying to find a future in Treaty No. 9.

¹ Open letter to Premier Ford, October 4, 2023, on file with author.

I. Introduction

The remote Indigenous communities of Ontario's boreal north have been hovering on the edge of a new extractive frontier for more than a decade. As often is the case when extractive capital moves onto new ground (Frederiksen and Himley 2020), the small, remote Anishinaabe and Anishini communities across the peatlands of Treaty No. 9 have been both dreading and inviting transformative changes to their lands, lifeways, and livelihoods. In recent years, the most prominent "imaginaries of prosperity" (Voskoboynik and Andreucci 2022) have featured critical minerals mining to support battery manufacture for the electric vehicle (EV) value chain (Scott 2021a). State actors say they want to create opportunities for Indigenous communities to prosper from resource development and supply chain "opportunities" in relation to the green energy transition. They promise a "brighter and nicer new life" (Larkin 2013).

Despite being promoted as climate mitigation, the switch to EVs across the global North is predicted to be extremely mineral intensive (World Bank Group 2020).² The potential impact on the boreal peatlands is enormous. Out of the thirty-five minerals that the US considers "critical," six are prominent in Ontario's "Ring of Fire" mineral belt, including chromium and nickel (Gruske 2021; Burton 2022). Ontario's Minister of Mines states that "[t]he Ring of Fire has the critical minerals we need to build our manufacturing supply chain, including nickel for electric vehicles and chromite for clean steel . . . Our government's investments in innovation and infrastructure are creating jobs across the entire province, including northern and Indigenous communities" (Ontario Newsroom 2023).

Similarly, in announcing the terms for the environmental assessment of the proposed all-season road that is the infrastructural linchpin of the whole plan, the Ontario Minister of Northern Development/Indigenous Affairs explained that this is a step toward "unlocking the corridor to prosperity" (ibid.). He noted further that "working with Indigenous partners, we have a tremendous opportunity for a corridor that can supply energy and leverage health, economic and social benefits, while unlocking significant economic growth" (ibid.). In the energy transition, access to critical minerals is positioned as the bottom line: According to the Minister of Mines, "you can't be green without mining. You can't develop as Ontario wants, and transform the economy into a green economy, without accessing critical minerals out of the Ring of Fire" (Butler 2023). In other words, the future of Treaty No. 9 is taken for granted: It is an extractive landscape, and the so-called "transition minerals" will be at the forefront (Voskoboynik and Andreucci 2022). Critical minerals, apparently, are minerals that *must* be mined.

In 2022, the CEO of Wyloo Metals, the company with the most advanced mining interests in the Ring of Fire,³ stated the following in his opening pitch to the Chiefs of the nine First Nations in the Matawa Tribal Council, Indigenous stewards of the lands since time immemorial: "The Ring of Fire is home to expansive deposits of these [future-facing] metals, making this a once-in-a-generation opportunity to be part of the green revolution. Working hand-in-hand with First Nation and regional partners, we'll develop the Ring of Fire into one of Ontario's great mineral districts that will be pivotal in the

² The International Energy Agency (IEA) reports that only 0.7 percent of vehicles in North America today are electric. To reach GHG targets by 2030, that number will need to be 60 percent. This is estimated to require up to fourteen times more nickel by 2030 than we produced in 2019. IEA (2023), *Global EV Outlook 2023*, Paris, <https://www.iea.org/reports/global-ev-outlook-2023>.

³ Wyloo Metals Pty Ltd is owned by Australian billionaire and Fortescue Metals Group chairman Andrew Forrest (Scales 2023).

world's transition to a lower carbon future" (Giancovazzi 2022). But a few communities in the heart of the Attawapiskat River watershed object. Neskantaga First Nation, for example, a tiny Anishinaabe community of about three hundred people living on a remote reserve, is stubbornly clinging to a different notion of their people's futures on the land, their legal obligations to protect the river and its lake sturgeon, and their political authority to decide (Porter 2016; Turner 2022).

In this article, I draw on insights gained from empirical observations over many years of community-engaged research. I am a settler scholar and law professor who lives in Tkaronto, and since 2015, I have been working alongside the leadership of Neskantaga First Nation on action research related to the Ring of Fire. The collaboration began with a long period of relationship building and includes community focus groups, workshops, interviews, strategy sessions, legal research and support, and time together on the land. It also involves participant observation at court appearances, press conferences, rallies, marches, and other events. I have ethics approval from York University and permission from Chief and Council to draw on these experiences in my writings. My strategy is to be both embedded and accountable; our collaborations operate according to an ethic of accountability and mutual aid, transparent exchange of information, knowledge and practice, and a tentative, contingent solidarity that is oriented toward building strength, capacity, and connection.

In the Ring of Fire, the extraction that communities like Neskantaga oppose—mining for “critical minerals”—is promoted and state sanctioned in climate justice terms. In what Thea Riofrancos describes as an emerging *security-sustainability nexus*, there is a clear alignment between state and corporate interests in making the green case for onshoring or reshoring the extraction of battery metals to North America (Riofrancos 2023). In other words, this is not merely a situation of Indigenous peoples fighting a mine—easily framed as an environmental burden in the classic “sacrifice zone” sense—but rather one in which what is at stake is, ostensibly, solving the climate crisis (Scott and Smith 2017). Accordingly, resisting communities have to navigate not just a renewed and open enthusiasm for mining, but also the deliberate “fast tracking” of this extraction in pursuit of the public good (Potkins 2022).

In the far north of Ontario, in line with global trends, the settler state is actively engaged in a push to develop a domestic critical mineral supply chain and Wyloo Metals is promoting its plans for a “net-zero” mine in the Ring of Fire (Wyloo 2024; Riofrancos 2023; Voskoboynik and Andreucci 2022; Dorn et al. 2022; Scott 2021a; Pasternak et al. 2023). From Neskantaga's perspective, however, the critical minerals angle is just the latest in a long chain of rationales that have been strung out to justify extraction in their homelands. In recent memory, for instance, it was chromite and not nickel that was billed as “critical,” rare, and in strategic demand (Chong 2014; Sudol 2013). Community leaders say that various tactics are used to gain access to their lands for settler purposes and justified in whatever language current politics demands. From this vantage point, the push for critical minerals, though cloaked as a climate measure, is perhaps just another instance of the dispossessive imperative of the settler colonial state (Coulthard 2014).

This article contributes to scholarship employing sociolegal perspectives on green extractivism, connecting political ecology with the critical geography of infrastructure and with settler colonial theorization of ongoing dispossession. Cole Harris's influential 2004 contribution considers how colonialism in Canada historically dispossessed Indigenous peoples of their lands and governing authority. Harris concluded that “the initial ability to dispossess rested primarily on physical power and the supporting infrastructure of the state” (Harris 2004, 179). My interest is in how the settler state continues to dispossess today. What tactics are employed? How do they work?

Critical geographer Deborah Cowen, a central theorist of infrastructure in the settler colonial context, sees infrastructure as critical not only to the movement of workers and commodities for enabling capital flows, but also to “the motion of daily and intergenerational life, the circulation of desire, the possibility of collective movement” (in Pasternak et al. 2023, 2). On the ground in Treaty No. 9, both the miners and the members of the remote Indigenous communities desire and depend on infrastructure, of different types. But infrastructure is also being deployed as a tool to maintain and gain ground. As I will demonstrate, the stance of the settler state is “passive-aggressive” in this respect: It is “passive” in that the infrastructural *disentitlement* that Neskantaga experiences is effected largely through state neglect, and it is “aggressive” in that the state vigorously pursues the physical infrastructure necessary for extraction.

The extension of the extractive frontier into remote places, as Tia Dafnos says, simultaneously “demands [its] taming through construction of new infrastructures” (2020, 115). In the case of the Ring of Fire, the infrastructural linchpin is a major new industrial all-season road for getting ore to refining. In order to secure this crucial piece of infrastructure, firms and state actors are engaged in what I characterize as coordinated tactics for “gaining ground.” My argument is that the effect of these tactics operating together is coercive dispossession through infrastructural (dis)entitlement.⁴ In the dynamic I describe here, infrastructure is assembled in such a way that needs are *both met and denied*, differentially.

Cowen, drawing on Audra Simpson, says we can also conceive of infrastructures as a “site, circuit and means of struggle over sovereignty and jurisdiction” (in Pasternak et al. 2023, 3). Here, I attempt to make sense of the passive, but chronic, denial of basic community infrastructures to support life on reserve, such as safe drinking water and adequate housing, alongside the aggressive provision of entitlements to fuel the invading extractive infrastructures; further, I juxtapose both against conceptions of *infrastructure otherwise*, encompassing the vital infrastructures of Indigenous lifeways and laws (Spice, in Pasternak et al. 2023; see also Cowen 2019). In this struggle for control at the frontier, as Nick Estes says, the “infrastructures of Indigenous resistance” are constantly confronting the “infrastructures of settler colonialism” (2018, 7).

The applicable legal relations governing mining, including the settler state’s “free-entry” mineral staking regime, *on the surface*, are about property rights and ownership of the subsurface. These are layered with constitutional rights to consultation and accommodation, and notions of free, prior, and informed consent deriving from the United Nations Declaration on the Rights of Indigenous Peoples.⁵ The terrain of struggle, however, reveals that as much as the legal rules are contested, the prize is actually *access* and not rights. In this way, the deadly conditions of everyday life in the remote communities contribute to the coercion of infrastructural (dis)entitlement. As I demonstrate, those conditions are undermining First Nations’ capacity to deny access to the minerals and are thus fueling ongoing Indigenous dispossession.

⁴ I say “coordinated” as this is primarily how it looks to me on the ground, at this moment, with the caveat that, as Dan Danielsen says, “states and firms often struggle for control, advantage and rents in ways that resemble rivals or competitors rather than sovereign and subject.” Certainly, there are examples where interests diverge, but these at present seem to be outnumbered by the weight of the allied interests. Dan Danielsen, “Corporations & Development,” workshop paper, October 19, 2023, Osgoode Hall Law School, on file with author.

⁵ *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14 [UNDRIP].

For the critical-minerals-value-chain industrial profit dream to be realized in Ontario, the Anishinaabe people of the Attawapiskat River watershed must be separated from their existing systems of social and ecological reproduction.⁶ But obtaining this separation is complex work, and activates a different, conception of infrastructure: Indigenous lifeways and laws that are “vital,” generative, and enable community survivance (Starblanket and Stark 2018; Stark 2023; Cowen 2017a; Spice 2018; Pasternak et al. 2023). Central to ongoing Indigenous dispossession across Treaty No. 9 territory today is a battle over infrastructure in its community, extractive, and “vital” forms. Who is entitled and disentitled to it? And how does that infrastructural (dis)entitlement fuel ongoing dispossession?

The article contains five parts. Following this Introduction, in Part II, I introduce the terrain of struggle—the competing visions for Treaty No. 9. On one view, it is a future mining district known as the “Ring of Fire,” and on the other it remains the “Breathing Lands,” a vast, unfragmented boreal peatlands supporting Indigenous lifeways. In Part III, I detail the staggering physical infrastructural deficit that has long plagued the remote reserve communities of Treaty No. 9, including Neskantaga First Nation, and draw parallels to Tania Li’s notion of “letting die.” Part IV examines the dynamics of dispossession that are currently in operation in the Ring of Fire, describing the effect of “passive-aggressive,” coordinated tactics by state and industry actors aimed at gaining ground as coercive dispossession through infrastructural (dis)entitlement. While the (dis)entitlement is passive, the entitlements are strategic and aggressive: Indigenous prosperity and inclusion are key elements of the contemporary justification for critical minerals extraction. In the fifth part, I demonstrate that, in the end, the extractive infrastructures envisioned by proponents of the Ring of Fire must contend with vital infrastructures, nurtured over generations by a collective to sustain human life and law across the Attawapiskat River watershed. Finally, I conclude that legal rights *on the surface—of property, ownership, consultation, and even consent—*are secondary in importance to the capacity of Indigenous communities to deny access. This makes presence on the landscape a crucial resource in the struggle. Infrastructural (dis)entitlement is, then, a key driver of ongoing Indigenous dispossession at the critical minerals frontier.

II. The Terrain of Struggle

The “Ring of Fire” is a major deposit of minerals, including nickel, copper, zinc, gold, and chromite, in the far north of Ontario (see Figure 1 below). To get there, you travel about five hundred kilometers northeast of Thunder Bay, a city already considered by many to mark the jagged northern edge of the province. Options include either flying in or taking the winter ice road, as there is no permanent all-season road access. Scientists say the minerals here lie “close to the earth’s surface, having been pushed upward as a result of millions of years of heat and pressure” (Thompson 2013). The landscape is boreal peatlands, undisturbed patches of black spruce, jack pine, and white birch amid a complex network of interconnected waterways. The region is home to several rare and iconic boreal creatures such as caribou, lake sturgeon, and wolverines (Far North Science Advisory Panel 2010). It is said to be the largest intact boreal forest remaining in the world, a globally significant wetland, and a massive carbon storehouse, and it is undeniably a landscape that has sustained the lifeways of Anishinaabe and Anishini peoples since time immemorial (*ibid.*). In the anticolonial vernacular, these are “homelands” and some Indigenous knowledge holders call them “the Breathing Lands” on account of the fact that they act as “the world’s lungs” (Wilt 2020).

⁶ See Szablowski (2002) for an early theorization of this dynamic.

Figure 1. Map of the Far North of Ontario⁷

The province of Ontario decided early on to hitch its hopes to the Ring of Fire. Many bought into the idea that, despite major logistical obstacles and fluctuating global commodity prices, mining Ontario’s “oil sands” could be the main driver of the economy over coming generations (Tencer 2013; Gray and McGee 2020; *CBC News* 2017; McGee and Gray 2019). But the wealth-generating potential of the deposits has been hotly contested, with some experts estimating the economic value to be “unlocked” at \$60 billion over a 100-year potential life of a mine, and other experts calling those claims “nonsense” (McGee and Gray 2019). Ontario’s far north has been basically “off-limits” to major industry, other than for mineral staking and exploratory drilling, which is increasing at an astonishing pace, fueled by the battery metals hype that started around 2022 (Cimellaro 2024). Even with the recent green sheen tied to the critical minerals and EV battery metal angle, one analyst writing an opinion piece in a national newspaper in 2023 stated that even though “the *in situ* value of the metals . . . is in the tens of billions of dollars and growing as exploration in the region proceeds, . . . the remote deposits remain worthless without infrastructure, namely a 350-kilometre all-weather road to transport the metals to market” (Heffernan 2023). Thus, despite near-continuous exploration pressure since about 2012, roads and mines in the Ring of Fire are still at least a decade off, if they ever materialize at all (Gray and McGee 2020). A major mining hub in the boreal peatlands would present a wild departure from the current reality.⁸

⁷ The location of Neskantaga First Nation is indicated by its English name of “Lansdowne House” on this map.

⁸ Except for De Beers’s now long-closed Victor Mine—an open-pit diamond mine midway up the James Bay coast near Attawapiskat—and the Musselwhite Mine—a fly-in, fly-out gold mine in the northwestern region of the province—the far north has not hosted major industrial activity.

For almost a decade, the discovery of a commercially viable source of chromite in the Ring of Fire was said to be poised to change everything. Chromite is a necessary component of stainless steel that is not produced anywhere in North America. Recently, however, although chromite remains strategically important, state officials have shifted their attention toward positioning the extraction in the Ring of Fire as part of the “energy transition,” emphasizing the minerals needed for the new clean, net-zero economy. Nickel, copper, and cobalt have come to the fore as important components of EV batteries, and mining companies are eager to “plug into” the growing demand. Wyloo, the company that holds the most advanced interests, says that it will build a net-zero-emission mine using local Indigenous contractors and suppliers (Wyloo 2024). Several EV battery manufacturing plants have also been announced for southwestern Ontario, including a massive “gigafactory” by Volkswagen and another planned by Honda (Volkswagen 2023; Bickis 2024).

Meanwhile, infrastructure for accessing the minerals and getting them out of the north to refining centers is virtually nonexistent. During winter, the communities near the Ring of Fire are accessible only by ice road. In recent years, due to climate change, the ice road has been available for shorter periods and has been more unpredictable (Gray and McGee 2020). Typically, the remote communities can only count on the road for between five to seven weeks each year. Any heavy equipment needed for the whole year must find its way onto a truck during the winter road season. More and more, tractor trailers carrying diesel fuel to power generators—needed to keep the lights on in the remote communities—are getting stuck in the thawing muskeg on the way to their destinations in the dark.

The region has thus taken on the sheen of a new extractive frontier—but it is also, in line with trends across the country, experiencing a resurgence of Indigenous laws and cultural practices, as well as expressions of inherent jurisdiction. A “Land Defence Alliance” gained momentum over the past year, in which five northern First Nations formed a coalition demanding respect for Indigenous authority over permitting, consent, and an end to the “free-entry” system of mineral staking (McIntosh 2024). As I wrote in 2021:

The communities that have the most at stake in the extraction of minerals and the associated infrastructure in the Ring of Fire are small, remote, Anishini and Anishinaabe communities in a constant state of social emergency, enduring what many Indigenous leaders call “an ongoing genocide.” They are struggling to overcome the trauma of residential and government day schools, a legacy that includes a rupture in intergenerational transmission of language and laws, land and kinship relations. All of these impacts are compounded by continuing colonial relations and decades of abject state neglect, which is manifest in youth suicide and addiction crises. In Neskantaga First Nation there is a persistent lack of access to clean drinking water: the community has the dubious distinction of holding the record for the longest running boil-water advisory in the country The [community] exist[s] in a state of permanent anticipation of the major changes that are repeatedly promised to be coming; a reality characterized by a distinct lack of any meaningful progress towards mitigation of the ongoing social emergency. (Scott 2021a)

Is this how the settler state primes an extractive frontier? There is a sense that the communities are being “starved out,” such that capitulating to mining starts to seem like the only way out.⁹ In the early

⁹ The situation bears similarities to that of the Nuu-chah-nulth-aht; Clifford (Kam’ayaam/Chachim’multhniii) Atleo described how his people were “starved into submission and must now compete in the wage economy to feed [their] families” (Atleo 2015, at 154). See also James Daschuk (2013).

days, there was a period of constructive negotiations between Ontario and the Matawa First Nations, a collection of nine First Nations close to the Ring of Fire mineral deposits and likely to be impacted by the infrastructure necessary for its development. Those negotiations were built on the foundation of a solemn “Unity Declaration” insisting that the nine communities were “one Nation” and would “stand together” based on the principle of *Mamow-Wecheekapawetahteewin*—a reflection of their preexisting and continuing jurisdiction over their homelands (Matawa Chiefs Council 2011). Despite this principled start, as of today the state’s desperate “divide-and-rule” strategy appears as if it will prevail, although the story is clearly not over.

In 2017, the province and industry began signing bilateral deals with communities one by one, such that the current situation is a mishmash of discrete environmental assessments being put forward by individual First Nations that are argued to be actually just the “shadow proponents” for the industry and state boosters of the extractivist vision. A few vocal communities stand in the way, with leadership emphasizing their right to free, prior, and informed consent and their inherent jurisdiction to govern their homelands (McIntosh 2023). The longer the holdout communities resist, the more frantic the state and industry become. The rhetoric about regulatory delays is intensifying each year (De Luigi 2020; Heffernan 2023). The current premier of Ontario declared during an election campaign that he would kick-start mining in the Ring of Fire even if he had to “hop on the bulldozer [himself]” (*CBC News* 2018). When one of the northern Chiefs pointed out that “the Premier might require some local guidance to avoid sinking in the muskeg,” it foreshadowed a much larger and more profound debate about who has the knowledge, authority, and jurisdiction to take decisions about the future of Ontario’s boreal north (Scott and Cutfeet 2019).

As a frontier, the boreal north is imagined as a vast wilderness full of resources and empty of order (Tsing 2003). To be clear, it is a place only *imagined* as lawless. In reality, the people of Treaty No. 9 have governed the lands and waters of their homelands according to Anishinaabe and Anishini legal orders since what they call “time immemorial.” On the ground, the relation between settler and Indigenous legal orders is fluid; it is shaped, as Sundhya Pahuja says, by a “set of practices of authorization which are not fixed, final or settled, but ongoing, and always encountering . . . rival[s]” (Pahuja 2013b, 1, citing Pahuja 2013a.). The inability of settler law to completely snuff out inherent governing authority on the land contributes to the sense that the Ring of Fire is hovering on a precipice: There is no “jurisdictional closure.”¹⁰ The extractive zone in Treaty No. 9, as elsewhere, is characterized by friction, disorder, and “layered sovereignties” (Pasternak 2017; Benton 1999).¹¹ This is a common feature of the frontier: “No institution or actor exercises a single political authority. Rather, a multitude of actors compete to construct institutions and to define their own influence and to design and enforce rights to resources” (Havice and Zalik 2018, 221). As a place where there are simultaneous interlaced sovereignties imbued with nonexclusivity, the situation on the ground in Treaty No. 9 today “troubles” any notion that jurisdictional closure will soon be achieved (Rifkin 2016).

¹⁰ Litigation on this issue was launched in April 2023. Ten First Nations challenge Treaty No. 9 in a claim against Ontario and Canada. The nations claim that their governing authority, or “jurisdiction,” was never ceded in treaty negotiations, and ask that a total of nine separate statutory regimes governing lands and resources permitting across the territory be declared void and of no force and effect (see McIntosh 2023). Jurisdictional closure refers to a gesture “that a jurist might use to mark off a discrete, internally integrated legal realm” (Cotterrell 2012, 50).

¹¹ I have been influenced by Shiri Pasternak’s groundbreaking theorization of how Indigenous nations are working the “machinery of jurisdiction” to reclaim and enable their own governing authority over the lands and waters with which they exist in reciprocal relation (2014, 159).

III. The Infrastructural Deficit and the Corridor to Prosperity

The spotlight on critical minerals and their role in the transition from fossil fuels has led many to question the conditions under which minerals are extracted across the world (MiningWatch Canada 2020). Corruption, child labor, and environmental contamination have bolstered arguments for why Canadians should ensure that this kind of mining occurs “at home,” rather than in other politically “unstable” nations (Ontario 2022a, 6, 15). But although industry actors keep insisting that the road to EVs is paved with Canadian minerals (Olive, 2023), many of the remote Indigenous communities that are now expected to host mining operations for the transition have endured devastating and longstanding infrastructural deficits.

In an April 2024 submission to Pedro Arrojo-Agudo, United Nations Special Rapporteur on the Rights to Water and Sanitation, Office of the High Commissioner of Human Rights, Chief Moonias of Neskantaga stated the following. Because of the centrality of his submission to my argument here, I quote from it at length:

Since at least 1991, Canada has promised to provide First Nation communities with adequate access to potable water. However, Canada has systemically underfunded the construction, operation and maintenance of water systems in First Nations, without regard, or with reckless disregard, to the ability of any First Nation to fund the difference with limited or no community resources. Indian and Northern Affairs Canada (“INAC”) did this even though they consistently underspent their budget from 1996 to 2015, returning some \$1 billion to the Treasury Board.

It is then no surprise that the hopelessness that comes from being deprived of the basic necessities of life has even more severe effects on our mental health. Neskantaga’s members have been, and continue to be, deeply traumatized by the lack of access to clean, safe drinking water. We notice the effects of 29 years of a boil water advisory on the next generation: no one trusting tap water, even in the city.

In 2013, Chief Peter declared a State of Emergency in response to the mental health crisis spurred by two suicides by children in quick succession, and many more following. Ultimately, seven suicides and twenty-seven attempted suicides occurred over a 12-month period that year. Substandard housing, poverty, and lack of access to clean drinking water all contributed to the conditions which brought about the State of Emergency. At the time, the boil water advisory had been ongoing for 18 years, longer than the lives of some of the victims of the crisis. The State of Emergency continued for another three years.

. . . . Unsafe water has undermined our sense of individual and collective identity, and limited our freedom to choose where and how we will live their lives. As a result, many Neskantaga members have been forced to leave the community to live in larger cities like Thunder Bay. When we leave the community, like when we were evacuated in 2019 and 2020, our skin issues clear up. However, life in Thunder Bay comes with other risks, including high rates of murder, racism-based violence, missing and murdered Indigenous women, and the issues go on.

Whether on reserve or in Thunder Bay, we worry for the health and wellbeing of our kids and other members.¹²

Today, these state failings are made even more unbearable by the sudden urgency to bring new infrastructures to expedite the extraction of minerals. In Neskantaga, the community fears that the extractive infrastructure—namely, the proposed all-season mining road that will need to cross the Attawapiskat River—will undermine and erode the “vital infrastructures” they depend on for life: the river system itself and the lake sturgeon that animate it.

A. “A Community That May Yet Disappear”

In the late 1970s, an anthropologist and a former bureaucrat spent some time in the remote communities of the Attawapiskat River watershed. In a book about the experience, *When Freedom Is Lost*, first published in 1984, Driben and Trudeau (2016, 103) state the following about the people of Neskantaga First Nation (then known under the English name of Lansdowne House): “[T]he feeling amongst government officials [is that they are] a bad risk—unpredictable, dangerous, and a community that may yet disappear.” The visitors went on to describe Neskantaga as a place “where people have lost control over their lives, and where no one knows what will happen, except that perhaps without government support their communities will collapse . . . [It is a place] where people stay, not out of a blind loyalty, but because of what being members of a community means, for better or worse. It is truly unfortunate . . . that they have been placed in a position in which they cannot be involved in the decisions that shape their lives” (ibid.).

Some of this still rings true in Neskantaga today. The community continues to struggle with the trauma of residential schools, government-run day schools, and their legacies; leadership fights continuously to exercise some control over the decisions affecting their homelands (Casey 2024). But remarkably, Driben and Trudeau also seemed to stumble onto an enduring truth with the observation that people in Neskantaga understand what being a member of a community means, for better or worse. Today, Neskantaga is *not* a community that has lost control. To the contrary, the people there articulate a love of their land, their intention to protect it, and a fierce defense of their political authority to decide their future. They are working to defend and restore their inherent jurisdiction on their homelands. They are in no immediate danger of disappearing, but the deep infrastructural deprivation they experience makes it very difficult for members to stay in the community, and to stay on the land.

B. “The Corridor to Prosperity”

The provision of various kinds of infrastructure on First Nations reserves in Canada is often the subject of debates over federalism—is it Canada or the provinces that must pay for and provide clean drinking water, wastewater treatment, schools, or playgrounds on reserves? But in practice, across Treaty No. 9, most of these kinds of community-focused infrastructure are now goods to be delivered not by the settler state at all, but by corporations, or at least through public-private partnerships (Ontario 2022b).¹³ It is impossible to consider “development” in the Ring of Fire without noting the

¹² Letter from Neskantaga First Nation to Mr. Pedro Arrojo-Agudo, Special Rapporteur on the Rights to Water and Sanitation Office of the High Commissioner of Human Rights, United Nations, April 8, 2024, on file with author.

¹³ See for example Ontario’s “Unsolicited Proposals” process, through which the province is considering proposals from companies to “harness the creativity and innovation of the private sector” with ideas to improve or provide public infrastructure assets (Ontario 2022b).

central role of private capital. An all-season road, desperately sought for two decades by Marten Falls First Nation for purposes of maintaining family connections, cost-of-living improvements, and enhanced health-care access, has proven impossible to obtain without conceding to mining (Achneepineskum 2023). “Prosperity,” for decades, was envisioned to come only through participation in the wage economy, or through impact-benefit agreements with miners (Scott 2020). Even today, “economic reconciliation” is imagined narrowly; it is said to flow from equity stakes deals, joint ventures, and supply contracts, rather than from shared ownership of the subsurface, for example, or from Indigenous entitlements to resource revenues (First Nations Major Project Coalition 2023; McLernon 2023, RBC 2024).¹⁴

The current provincial government in Ontario likes to say that it is building a “corridor to prosperity” for remote First Nations in the far north of the province. The imagined corridor is infrastructural: It includes new all-season roads, transmission lines, and broadband. The corridor, according to officials, is essential to realizing the full promise of the EV and battery revolution: “[It] will bring reliable and safe all-season road connectivity, enhanced access to public health care and education, new community infrastructure and housing, clean electricity, high-speed internet and affordable groceries and services. It will also create good-paying jobs, skills development and labour force training, equity partnerships, and sustainable resource and economic development opportunities for First Nations” (Pirie 2023).

But Ontario also acknowledges that the Ring of Fire is a “challenging space” (Karim 2023). In using this term, officials may be referencing the evidence that disturbing the peatlands for mining could release as much carbon to the atmosphere as would be saved by transitioning to EVs (Monga 2023; Renner 2022). Or, they may be referencing the fact that the leadership of neighboring First Nation communities—with family ties, shared histories, and overlapping territories—have come to diametrically opposed positions about the desirability of opening up their homelands to extraction (McGee 2023). Two First Nations, Webequie and Marten Falls, have become the proponents for the all-season roads that will make it possible to mine the Ring of Fire, and express support for that direction, citing the economic and social benefits that it will bring.¹⁵ Both have signed Memoranda of Understanding with Wyloo, the Australian company that owns the most advanced claims in the Attawapiskat River watershed. The miner has committed to enhancing Indigenous employment opportunities and spending over \$100 million on “Indigenous-led business contracts” (Stoffman 2023; McGee 2023). Most significantly, the dealmaking means that the First Nation proponents also become literally “invested” in the extraction, as they take on equity stakes in a future mine (IBNewsWatch 2017).

Leaders in both Neskantaga and the proponent First Nations cite the longstanding infrastructural deficits as explanations for their diametrically opposed positions (McGee 2023; Scott 2023). Both also emphasize their obligations to future generations (Marten Falls First Nation 2021, 3–4; Moonias v. Ministry of Northern Development, Mines, Natural Resources, and Forestry, File No. CV-21-0067552-0000 [Moonias v. MNDMNR], Affidavit of Chief Wayne Moonias (Ontario Super. Ct., 2021), at paras. 43–44). As a former Chief of Neskantaga First Nation, Wayne Moonias says his community experiences “life as a series of repeated shocks” (Moonias Affidavit 2021). The “near-

¹⁴ For a similar debate in Aotearoa, where Māori have been engaged in a longstanding struggle for mineral ownership and jurisdiction, see Maria Bargh and Estair Van Wagner. “Green Extractivism or a Te Tiriti Transition: Contrasting Futures for a Low Emissions Aotearoa” (forthcoming manuscript on file with author).

¹⁵ As Al Coutts, former CEO of Noront Resources, put it: “Once we got the two First Nations on board, and they took over the proponenty of the road, everything started to move.” Al Coutts, “Unlocking the Ring of Fire,” remarks delivered to the Prospectors and Developers Association of Canada, online, June 29, 2022, notes on file with author.

permanent state of social emergency informs everything we do,” he continues, “forcing difficult decisions about where to allocate resources, and taking time and energy away from the proactive, community-building initiatives that are so important for the health, safety, and well-being of our members” (ibid.). In addressing the sense that the First Nation is losing membership, and potentially losing its grip on the territory, former Chief Moonias says, “Our buildings are old, decaying, and unsafe, and we often have several generations of family living together in crowded conditions Over two hundred of our members [now] live off-reserve *not by choice*, but because of a significant housing shortage” (ibid.).

Interestingly, Chief Bruce Achneepineskum of Marten Falls First Nation, a road proponent, vigorously defends the community’s pro-development position based on the same dire need for new infrastructure. He often mentions that the community of Marten Falls has sought the road connection to the provincial highway system for decades. “When the Ring of Fire mineral deposits were discovered,” he explains, “we thought that there was an opportunity here to achieve our vision” (Achneepineskum 2023). He wrote in September 2021: “We reserve the right to make decisions in our traditional territory. We have watched others enjoy the fruit of development, while our community has languished in poverty and a perpetual lack of opportunity. It is *impossible to change our circumstances without the proposed projects in the Ring of Fire*. Without these projects, our community will continue to wither away. However, with these projects, we can inject hope into our community and plant the seeds for a brighter future” (Marten Falls First Nation 2021, my emphasis).

In fact, one might get the sense that infrastructural *entitlement* has already started to materialize in Marten Falls now that the First Nation is a trusted partner of the province and the company, willing to “move at the speed of business” (Quesnel and Green 2017). As Chief Achneepineskum (2023) states: “We do not waste our efforts complaining but we lead advocacy that is action and result oriented. We have results to show for that in our community with new housing, a new youth complex, and a number of new buildings planned as a result of our direct and proactive action. This community level development will continue in the coming year.” The proponent communities’ enhanced entitlements to infrastructural investments from Ontario were cemented in 2024 with a Community Development Aid Agreement (Campbell 2024).

Nonetheless, the sense of *conditionality*, or differential deprivation, is attracting pushback at the community level. As an example, a Webequie First Nation community member published an open letter following a house-fire tragedy in that community in spring 2023, asking why the government was “prioritizing bulldozers before a fire station/fire truck?” (Shewaybick 2023). He went on to say that “we have heard that when the De Beers mine was in operation near Attawapiskat First Nation, De Beers avoided the problem of lack of infrastructure by putting in ‘company-only’ services (like clean drinking water). This will not happen in Webequie First Nation and I will advocate amongst the people of my community *that meeting our basic infrastructure needs (starting with a fire station and fire truck) should come before the supply road and other development*” (ibid.). The sentiment is echoed by Sol Mamakwa, MPP for Kiiwetinoong: “This government has no right to request development on our treaty territories without a plan to improve baseline necessities like water and infrastructure, and not without the full, informed, and prior consent of all of the impacted Nations. The Premier and this government have to honour Ontario’s obligation[s] to the people of Treaty No. 9 before allowing development” (Matawa Chiefs Council 2022).

C. “Letting Die:” *The Ongoing State of Social Emergency*

On October 21, 2020, in the midst of the global pandemic, the infrastructure crises that repeatedly plague Neskantaga came to a terrifying climax. The water system—never capable of producing safe drinking water, but at least providing water to homes for dishes, bathing, and flushing toilets—once again failed completely. With no running water at all, the immediate and intimate needs of the most vulnerable of those living in the community were made visible. They were forced to evacuate by air. A contractor working on repairing the water system then tested positive for COVID-19, sparking fear that the virus would spread like wildfire through the community because of the overcrowded housing conditions and the prevalence of underlying health conditions. Life was put on hold for families forced to live out of hotel rooms in Thunder Bay, over five hundred kilometers away from home. This was the second such mass emergency exodus in twelve months.

Life-threatening public health crises underpinned by infrastructure failure have become painfully routine in Neskantaga. But as life for residents of the community ground to a halt, the priorities of the mining industry gained momentum on their homelands. At the time of Neskantaga’s evacuation, the proposed new all-season road to support extraction in the Ring of Fire was beginning environmental assessment. Ontario declared mining an “essential service” and thus the consultations on the road assessments continued virtually, over email, webinars, and radio shows, despite the objections of community members who pointed out that the Anishinaabe legal order requires in-person, collective discussion in their own language, with elders present.¹⁶

Around 350 kilometers downstream, at the mouth of the Attawapiskat River on the James Bay coast, another First Nation also endures repeated states of emergency spurred by inadequate housing supply, water system, and other infrastructure failures. Like Neskantaga, Attawapiskat First Nation has become a symbol of the systemic neglect of treaty obligations that characterizes conditions in Canada’s northern Indigenous communities (Obomsawin 2019). As Norman Shewaybick pointed out in his open letter, there is only one settlement along the Attawapiskat River that, for some time at least, enjoyed continuous access to safe clean drinking water—the work camp at the De Beers Victor Mine. In fall 2020, the mine entered its “closure phase,” but not once during its twelve years of operation did the Victor Mine experience this kind of crisis of essential infrastructure (Scott and Cowen 2020).

As I argued with Cowen and Peerla in 2020, “[t]he sharp contrast between the state of infrastructure that sustains Indigenous life on one hand, and that which sustains extraction on the other, exposes the slow yet lethal colonial violence that continues to strangle hope and opportunity across the Far North” (ibid.). This form of infrastructural (dis)entitlement—where the provision of safe drinking water and adequate housing are, in effect, made conditional on a willingness to provide access to lands and funnel young people into the wage economy—goes specifically against the advice that was offered by the Honourable Bob Rae when he negotiated on behalf of the Matawa Nations back in 2011, in the heady days of the Ring of Fire. Rae said that to get these communities “mining-ready,” you’ve got to invest in them (*CBC News* 2013; Auditor General of Canada 2024; Zimonjic 2024).

The settler state tactics for gaining ground that are on display today are perhaps even more cynical ones. The state is “invested” in the region, certainly, but infrastructural entitlement is decidedly uneven. In Neskantaga, the severe housing shortage and the deepening sense of state retreat from community-focused infrastructure places a downward pressure on the reserve population. As former

¹⁶ *Moonias v. MNDMNR*.

Chief Moonias mentioned in his remarks to the UN Special Rapporteur, leaders were forced to declare a state of emergency due to a string of youth suicides in 2013, which they connected to the staggering infrastructure deficit (Casey 2024). If a “lack of space to live and a lack of water to drink” are regular features of the routine infrastructural deprivations of reserve life, “so too are skin infections, mouldy walls, sewage backups and wide-ranging mental health impacts” (Scott and Cowen 2020). These conditions apply persistent attritional pressure to the reserve population, pushing many members of the community to leave their homelands—usually settling in cities like Thunder Bay, to the south.

As the former Chief Moonias alluded to, Thunder Bay is not kind to those that arrive there from the remote communities. Despite the rich vibrancy and active reembracing of Indigenous life and culture in Thunder Bay, the podcast *CanadaLand* said this about the city in 2018: “Locals call it Murder Bay. It might be the most dangerous city for Indigenous youth in the world. But to others, it’s their white nirvana” (Brown 2018). Anti-Indigenous racism is rampant, and homelessness is common (Jago 2017). Both have had deadly consequences for Neskantaga members forced off the reserve over the past decade. For young people who must leave home to attend high school in Thunder Bay, the risks are also significant and well documented (Talaga 2017). In late 2023, just before the holiday, the Neskantaga community faced this horror again, as a young person, Mackenzie Moonias, went missing and was eventually located deceased by the marine unit at the city’s waterfront (Law 2023). Chief Chris Moonias stated, “A lot of our community members go through isolation, loneliness and stuff like that when they leave for high school If we had a choice, we’d have a high school in the community—we just don’t have the support It’s unacceptable that we continue to bring our youth home in coffins” (ibid.). Those who remain in the community, on the land, continue to deal with the everyday repercussions of the recurring crises (Angus 2015).

Anthropologist Tania Li’s concept of “letting die” resonates. Li has argued that extractive frontier expansion often “entails a dynamic in which ‘places’ (or their resources) are useful, but the people are not” (Li 2010, 69). Li’s exposition of this concept, which she names “letting die,” provides a lens through which to view the dynamics between state/firm actors and First Nations in relation to the conditions in remote reserve communities across Treaty No. 9 today: “Letting die is not an apocalypse. It is not a media event, like a massacre, an earthquake, or a famine that kills large numbers in a compressed period of time It is a stealthy violence that consigns large numbers of people to lead short and limited lives” (ibid. at 66–67).¹⁷ Li does not see “letting die” as a deliberate strategy. She sees it, rather, as a sign: those who are “let die” have “very limited relevance to capital at any scale” (2010, 67–68).¹⁸ Letting die is an inevitable result. “If the population rendered surplus to capital’s requirements is to live decently,” Li says, “it will be because of the activation of a biopolitics that places the intrinsic value of life—rather than the value of people as workers or consumers—at its core” (2010, 68).¹⁹

Following Li’s thesis, if community members in Treaty No. 9 could position themselves as EV consumers—or more realistically, potential mine workers—then perhaps they could reverse this trend of infrastructural decline.²⁰ Without this repositioning, as in Neskantaga, the community is only a “bad

¹⁷ There are additional resonances here to Rob Nixon’s work (2011); see also Scott (2012).

¹⁸ Saskia Sassen has made a similar point, saying bluntly that, in some cases, the land is “more valuable to the global market than the people on it” (2010, 23).

¹⁹ As this excerpt shows, Li’s analysis is indebted to both Foucaudian biopolitics and classical Marxist accounts of primitive accumulation, neither of which I fully take up here.

²⁰ But in fact, community members in Neskantaga are often portrayed more in line with how Sarah Hunt describes the stereotypical frontier figure: “the ‘traditional’ stoic Indian who lives off the land and who finds contemporary life

risk,” an impediment to capital accumulation. It is ignored, and its members are let die. The population of the small reserve community continues to dwindle through repeated, predictable tragedy, and members leave, fed up with the deprivation. They are forced out by circumstances beyond their control. As Li says, “capital incorporates some places and peoples, and ejects or rejects others” (Li 2010, 68).

IV. The Mechanics of Dispossession: Infrastructural Entitlement and Disentitlement

In this part, I delve further into the relationship between infrastructural deprivation and dispossession, in the context of contemporary green extractivism. “To understand how colonialism works across Indigenous lands,” according to Diné geographer Andrew Curley, “we need to appreciate the physical, legal, and political factors involved in the building and expanding of national infrastructures . . . infrastructures that arrive in some places [and not] in others” (2021, 387). As seen above, the record of infrastructural deprivation at the community level across Treaty No. 9, and in Neskantaga First Nation specifically, is long and hard. This is a history of abject state neglect, and I suggest that it constitutes a form of coercion that furthers Indigenous dispossession. At the same time, extractive infrastructures are “arriving” in the far north, and they are imbued with a nation-building character: conceived as crucial links in critical mineral supply chains at the sustainability-security nexus (see, for example, Baars et al. 2016).

A. *Legal Relations on the Surface*

One of the ways that settler state authority extends the critical minerals frontier is by maintaining and defending the essential structure of the “free-entry” mining regime to the benefit of exploration companies. In Ontario, the disposition of mineral rights is governed by the Mining Act according to a modified form of free entry, which grants exploration companies access to lands where minerals are assumed to be owned by the Crown (Hoogeveen 2015, 121; Scott forthcoming). In fact, the regime actually *requires* the province to grant a mining lease to the claim holder as long as certain procedures have been followed (Carter-Whitney and Duncan 2008, 2). As Dawn Hoogeveen (2015, 121) says, the “free-entry” principle is “understood as the right to stake a mineral claim without consulting with private landholders or Indigenous peoples.” The mining lease, then, is a tenure instrument that authorizes mineral extraction with or without the consent of affected First Nations. As Simons and Collins demonstrate about Ontario’s first Mining Act, dating back now 150 years, it “reflects a resource-based economic system which viewed the exploitation of natural capital as *sine qua non* for the success of Canada as a nation” (2010, 183; see also Gordon and Webber, 2016).

Most commentators agree that the basic elements of the free-entry system remain unchanged today, surviving the 2009 reforms to the Mining Act in Ontario (Theriault 2010; Simons and Collins 2010;

confusing, confounding, and beyond their grasp; unable to adapt; unable to progress; and unable to return to the romanticized past. Thus, the story goes, settler subjects are required to help usher these sad Indians into a new, real, industrial economy” (Hunt 2021, 215). Further, we see clearly here how gender also is refracted through differential access to infrastructure, as what can be promised to young Indigenous men versus to women through accepting this trade-off varies dramatically along that axis (see Ferguson 2012). The costs associated with the extractive infrastructure also vary dramatically along gender lines, with sex trafficking and gender-based violence a known risk of extending road access into previously remote communities. These risks are heightened when the access road extends to an industrial man camp, as it will in this case (see, for example, Kongsom and Pacheco 2016; Koutouki et al. 2018).

Drake 2015; Scott and Boisselle 2019; Kuyek 2019; Sbert 2019; Ariss, with Cutfeet 2012; but see Ezeudu 2020). The Act now applies some restrictions on staking by making explicit that the Crown holds a duty to “consult and accommodate” Indigenous peoples with Aboriginal and treaty rights (Scott and Boisselle 2019).²¹ But the regime also now allows for online staking, a digitized map-based grid system that can be used for registering claims from anywhere (instead of the previous ground-staking system). It “happens in an electronic heartbeat,” as a recent news report on the staking rush stated (Cimellaro 2024). Overall, the basic contours of the free-entry system remain: Staking a mining claim on Crown lands is possible for anyone who obtains a prospecting license, available with a quick web quiz and a nominal fee (*ibid.*). As long as the claims are not held by someone else or excluded from staking, a prospector can register a claim.²² Holding a mineral stake entitles the prospector to an exclusive right to extract minerals from that land. In the words of a British Columbia court that recently considered the constitutionality of free entry, it “transfers some element of ownership of minerals to the recorded holder” (*Gitxaala v. British Columbia (Chief Gold Commissioner)*, 2023 B.C.S.C. 1680, at para. 396). That is, at the point of staking, certain rights crystallize in favor of the prospector; at the same moment, the state’s claim to jurisdiction on the land gains force (Kuyek 2019).

But even as settler state authority is crucial to extending the frontier through its vigorous defense of the free-entry regime, legal authority alone cannot be relied on to achieve access or resource certainty (Frederiksen and Himley 2020, 54–55; Horowitz 2010; Le Billon 2001; Perreault 2015). State authority in theory must be bolstered through a variety of tactics on the ground. According to Frederiksen and Himley, drawing inspiration from John Allen, the stability of accumulation in the extractive sector is maintained through “not only coercion and domination but also [through] approaches based on ‘quieter registers of power’, including ‘manipulation’, ‘persuasion’ and ‘seduction’” (Frederiksen and Himley 2020; Allen 2003).

As I have observed across Treaty No. 9 territory, state authority on the ground is decidedly uneven; the remoteness, typical of the frontier, demands that settler state and industry work together to deploy a range of coordinated tactics to achieve and maintain *access* to the coveted minerals and to suppress Indigenous resistance. In other words, the crucial distinction between “property (the right to benefit from things) and access (the ability to benefit from them)” is everything (Frederiksen and Himley 2020, 52–53). “Property may be a key component of access,” as Frederiksen and Himley say, but the two are distinct (2020, 52). It has been demonstrated time and again throughout Treaty No. 9 that formal rights to minerals, for example, cannot guarantee that extractive firms will be able to derive benefit from them (Scott and Boisselle 2019). Leadership in Neskantaga states repeatedly that when

²¹ The 2009 Mining Act amendments included a “Provision re Aboriginal or treaty rights,” which states that “Every lease issued under this Act, *including leases issued or renewed before the enactment of this section*, shall include or be deemed to include the following provision: The Lessee’s rights under this lease are subject to the protection provided for existing Aboriginal or treaty rights in section 35 of the *Constitution Act*, 1982 and the Lessee shall conduct itself on the demised premises in a manner consistent with the protection provided to any such rights.” *Mining Act*, R.S.O. 1990, c. M14, s. 86.1. As Carla Sbert points out, it is crucial to understand that the mining claims in the Ring of Fire—those held by Wyloo in particular—predate these reforms anyway (2019, 533). These claims were transferred from previous holders; they were “obtained under the free mining principle that applied throughout the province at the time of the discovery of mineral potential in the Ring of Fire” around 2008. As such, as Sbert argues, they are “protected” by section 205 of the Mining Act. That is, the settler law protects these assets and access to them for the company’s benefit (*ibid.*).

²² Lands excluded from mining might be “restricted” lands, for example in a provincial park or on land withdrawn from prospecting by the Crown, such as happened in Kitchenuhmaykoosib Inninuwug’s territory after the conflict in 2008 and the litigation that followed (see Scott and Boisselle 2019).

those miners “come for their battery metals . . . [the community] will be there on the land to meet them.”²³

It is not immediately clear whether infrastructural (dis)entitlement should be categorized as fitting into one of Allan’s *quieter* registers of dispossession, given its coercive character. For Allen, certain modalities of power, termed authority, domination and coercion, rely on “presence and proximity for functioning: they are less effective over distance” (Frederiksen and Himley 2020, 54). But in the context of contemporary settler colonialism in Treaty No. 9, infrastructural deprivation can be (and is being) accomplished by simple state neglect. I characterize it as “passive”: Its effectiveness is actually heightened by the physical and metaphorical distance between the centers of state power, Ottawa or Toronto, and the remote First Nations. For example, the federal Auditor General released a report on Housing in First Nations Communities in March 2024 that documented a “distressing and persistent pattern of failure” (Zimonjic 2024). The Auditor stated, “The lack of progress clearly demonstrates that the government’s passive siloed approach is ineffective and in fact contradicts the spirit of true reconciliation” (*ibid.*). Looking at infrastructural deprivation more broadly, it is obvious that whether it is considered “quiet” and passive or not, it is undeniably deadly.

In Neskantaga, the sense that the longstanding infrastructural deprivation “targets Indigenous peoples for elimination,” as Audra Simpson puts it, is palpable (2014, 74). The deprivation is forcing people off the land.²⁴ There are connections here to Ruth Wilson-Gilmore’s theorization of “organized state abandonment,” and Elizabeth Povinelli’s “economies of abandonment” (Wilson-Gilmore 2022; Povinelli 2011). In these conceptions, abandonment is a strategy of racial capitalist state formation that is experienced materially and affectively at an individual level. Laura Pulido’s application of the lens of racial capitalism to the deadly drinking water crisis that afflicted Flint, Michigan, in 2014 theorized the “devaluation” of the people of the predominantly Black city as “based on both their blackness and their surplus status, with the two being mutually constituted” (Pulido 2016). Their “abandonment,” she argued, was accomplished through shrinking infrastructure investment, which in that case resulted in deliberate poisoning, a reality “reserved for those who are not only racially devalued but considered incapable of contributing to accumulation” (*ibid.* at 2).

Similarly, Carmela Murdocca’s (2010) analysis of state narratives around a recurring water crisis in the Treaty No. 9 community of Kashechewan First Nation noted that they deploy “familiar features of racial governance,” including references to degeneracy and social decay that are “shrouded in a language of cultural difference,” and “a narrative about the pervasive inability of [Indigenous peoples] to regulate themselves and cope with the pillars of liberal life” Processes of racialization, reinforced through these “deficit narratives,” undeniably play a role in rendering some people surplus and in mediating the flow of resources into Treaty No. 9 today (Daigle 2016, 162; Yates 2011, 1680).²⁵

²³ Notes on file with author. Or, as former Chief Wayne Moonias often says, “This thing will be resolved on the land.” In another example, the current Chief Chris Moonias states, “We will stand our ground We will defend our rights, our lands, our interests” (McIntosh 2023).

²⁴ I do not mean here to discount the resistance that Indigenous peoples living in Thunder Bay, or other urban Indigenous peoples traveling through their wider traditional territories (Dorries et al. 2022), are able to mount against extractivism on the frontier. But I am, at the same time, attempting to theorize the tactics of state and industry actors that are undermining the capacity of Indigenous communities to “meet them on the land,” as Wayne Moonias says in relation to the companies “coming for the battery metals” on his homelands.

²⁵ As Joyce Green (2015, 7) says, “[t]he kinder, gentler contemporary colonial relationship is still conditioned by domination and legitimated by racism.”

In Li's assessment, organized abandonment might be best conceptualized as a logic in the governance of populations and environments that operates through callous and purposeful neglect, bracketing some humans and many other-than-human life-forms as surplus to the contemporary political economy. In my conception, infrastructural disentanglement is not necessarily deliberate, nor is it politically or institutionally organized. But it *is* a "terrain of power and contestation": It compels us to draw a map of places toward which resources are flowing, and places out of which they are draining (Anand et al. 2018).

Across Treaty No. 9 today, the differential provision of infrastructural resources is undoubtedly racialized. The reserve system itself is a remnant of explicit racial compartmentalization (Dorries et al. 2022). Similarly, we might think of the free-entry regime and the staking by mining companies on Indigenous territories as a blatant form of "white possession" (Moreton-Robinson 2015; Bhandar 2018). But similarly situated neighboring Anishinaabe communities of kin are also affected differently, seemingly based solely on their ability and willingness to "engage" with the extractivist vision, and thus, "contribute to accumulation." Here, the differential provision of community-focused infrastructures may be the result of simple neglect, short-term thinking, or too little systematic attention. It is most likely operationalized simply through the reality of well-oiled connections moving faster: a form of regulatory capture in which communities with established lines of communication to state actors (because they have decided to partner with industry) work those contacts to meet their communities' urgent infrastructure needs (Carroll 2021). But even if it is not deliberate, nor organized according to an obvious gradient of racialized distinction, infrastructural (dis)entitlement is producing a "differential politics of life," as Melanie Yazzie says (2018, 33).

Influential theories of settler colonialism posit that in settler colonial contexts like Canada, state tactics center land theft and appropriation of resources, rather than the appropriation of Indigenous labor. As Patrick Wolfe (1999) put it, territoriality is settler colonialism's "specific irreducible element." On this account, Indigenous lands and resources have always been more valuable to the settler state than Indigenous labor (Harris 2004). Whether or not this framing is an oversimplification, it is nevertheless true that historically in Canada there has been little state effort oriented toward integrating displaced and dispossessed Indigenous peoples into the mainstream labor force. As Adrian A. Smith (2019, 173) says, "it is crucial to acknowledge that the very practices, processes, and relations of dispossession, of divorcing people from land, of pushing them toward market dependence, and of transforming existing ontologies of lived existence or survival" are primarily about making space for capitalist work and labor. But in contemporary liberal visions of the green economy, Indigenous "inclusion" and "economic reconciliation" feature very prominently (Schembri 2022). Proponents of major resource projects are increasingly seeking to partner with Indigenous communities in order to move more quickly through regulatory hurdles, and governments are scrambling to provide financing options to First Nations that often lack access to sufficient capital to allow them take on equity positions.²⁶

In this legal and political context, the willingness of Indigenous communities to engage in accumulation is crucial for legitimating extraction and its infrastructures today. Thus, the criteria of "consent"—which has been reduced to "willingness to contribute to accumulation," however it is achieved—provides a basis on which to *make a distinction* between otherwise very similarly positioned Indigenous communities. The distinction is a means to territorial ends, as Coulthard (2014) might say. It breeds differential entitlement to the infrastructures necessary for survival; it provides the heterogeneous conditions necessary for extractivist logics to function (Mezzadra and Neilson 2017;

²⁶ Both Ontario and Canada have recently established new Indigenous Loan Guarantee programs.

Melamed 2015). On the frontier, these logics disrupt and dislodge longstanding patterns of human cooperation, exercises of jurisdiction, and collective stewardship of lands and laws. In Treaty No. 9, the introduction of differential entitlement has also sown division among kin.²⁷

B. “Everyone Benefits”: *Infrastructural Entitlement*

The analysis cannot be complete without also considering infrastructural *entitlement*, the flip side of disentanglement. The lack of investment in community-focused infrastructure in Neskantaga, and across Treaty No. 9, is thrown into sharp relief when considering the staggering magnitude of the state subsidies recently promised to EV battery manufacturing firms. In contrast to its passive orientation toward community-focused infrastructures in the remote communities, the state’s stance toward infrastructural *entitlement* must be characterized as “aggressive.” For example, when Amsterdam-headquartered auto manufacturer Stellantis and its South Korean partner LG Energy Solution Ltd. announced they would build a major EV battery factory in Windsor, Ontario, in 2022, but halted construction in 2023 to negotiate larger subsidies from the federal government, the state reacted swiftly and decisively (Platt and Coppola 2023). The companies argued for the equivalent of what they would have received under the Inflation Reduction Act regime if they located the plant in the US, and at least as much as the \$13 billion that Volkswagen was able to negotiate a few months later to locate their planned gigafactory in St. Thomas, Ontario (ibid.). Analysts say the price tag to Canada is unprecedented, and for just the one factory may reach \$19 billion over a decade (ibid.).

This kind of investment reveals much about the hopes and desires of political leaders. Here, we can be confident that state and extractive industry are fully aligned. The deep entanglement of public and private actors is illustrated in an op-ed published in 2022, coauthored by Canada’s then Natural Resources Minister with the President of the Mining Association of Canada. The authors praise the 2021 federal budget, which they say “recognized the importance of supporting Canada’s mining industry—specifically, its role in contributing to low-carbon technologies” (O’Regan Jr. and Gratton 2021). In that budget, the Government of Canada committed close to \$40 million over three years for research and development to advance capacity for critical battery mineral extraction and processing. In the 2022 federal budget, Canada also planned to forgo tax revenues by doubling the Critical Mineral Exploration Tax Credit from 15 to 30 percent. The credit is designed to work in concert with the existing “flow-through shares” program, which provides incentives for investors to support exploration in relation to critical minerals in Canada. As Anna Stanley’s recent analysis of the flow-through share regime demonstrates, this is a system of “settler colonial and corporate *entitlement* in which the rights of [exploration companies and their investors, including institutional investors like pension funds] are prioritized over and above the rights of Indigenous people” (Stanley 2024, 138).

The “national” character of these investments, and the degree to which state and extractive industry actors are collaborators in that vision, comes into focus when considering what “the future of mining looks like,” according to the coauthored op-ed: “[C]ritical minerals are extracted using electric equipment. Those raw materials are refined here in Canada, then assembled into batteries—in Canada. Those batteries then go into Canadian-made electric vehicles, *completing the value chain*. Importantly, industry and government are pulling in the same direction. We are building on our strengths,

²⁷ Chief Moonias stated in the context of litigation against Ontario and the all-season road proponents, “If basic infrastructure funding was available to remote First Nations in Ontario, regardless of whether we agree to let them rip up our homelands for battery metals, we would not be fighting in court against our kin.” July 2023. Notes on file with author.

recognizing that the road to a low-emissions future is paved with clean technologies, and that minerals and metals will provide the materials we need” (O’Regan Jr. and Gratton 2021, my emphasis).

It’s fitting, of course, that the authors use a road metaphor, as the all-season road presents the biggest hurdle for critical minerals extraction in the Ring of Fire. In relation to the road, analysts have pointed out that “Wyloo’s entire business plan is contingent on the company obtaining massive amounts of public funding for infrastructure” (McGee 2022). The price tag for the road is at least \$2 billion and counting and, although Canada has said it is “open” to the price match Ontario is asking for, the federal government has stated it will not commit the funds until the environmental assessments are complete (*ibid.*). In the Ring of Fire, the access corridor was initially included in the project proposals for the mining—when Ontario issued the terms of reference for the Eagle’s Nest project back in 2012, it was on the basis that the company would be the proponent of the all-season road (and thus would shoulder the cost of its environmental assessment and construction). At some point, state and industry actors devised the plan to make the First Nations the road proponents, which not only smoothed the way for the road by allowing the company and the province to imply that Indigenous consent was present, but also effectively turned the cost of the road into a massive public subsidy for the mining company (Scott 2023, 77).²⁸ That model, which has Ontario “bankrolling [the] assessment,” is “what really unlocked everything,” according to the former CEO. “Once we got the two First Nations on board, and they took over the proponentcy of the road,” he reports, “everything started to move.”²⁹ This arrangement amounts to a massive state subsidization and “de-risking” of an extractive project to ensure its profitability over and above all other possible spending priorities in the region (Bowlin 2023; Pasternak and Dempsey 2022).

As one analyst put it recently, “[d]ecarbonizing the modern world is going to make the mining world a lot of money” (Bowlin 2023). But few escape culpability, in fact. In the energy transition, while it is the mining industry that reaps the immediate rewards, its ability to do so depends on the “self-satisfied consumerism” of those buying EVs. As one critic says, “[f]or all of its disdain for environmentalists, the industry needs green consumers who seek absolution for their carbon-intensive ways of life. With their complacent inattention to the injustices inflicted by the green economy, these consumers not only fund the industry’s expansion but give it moral cover” (*ibid.*; see also Butler 2023).

One final point about how infrastructural *entitlement* that carries dispossessive force continues to have a strong “nation-building” character in the contemporary moment.³⁰ When Volkswagen, with the governments of Canada and Ontario, announced in 2023 its first ever North American EV battery cell “gigafactory,” it employed the phrase “O’ Canada, we’re fully charged for thee” (Volkswagen 2023). Prime Minister Trudeau described it as “a win for workers, for the community, and for the economy,” noting that the project promises to be “the largest manufacturing plant in the country,” part of a larger “made-in-Canada plan” to deliver “a strong economy” and “clean air for our kids and grandkids” (Volkswagen Group 2023). Similarly, Australia-owned Ring of Fire Metals—in an apparent inside mining pun—placed a banner stretching across its web page announcing that it is “Canada to the core” (Ring of Fire Metals 2023).

Increasingly, in liberal conceptions of a “just transition,” this national character draws on notions of Indigenous “prosperity.” For example, Ontario’s advertising pitch aimed at gaining electoral support

²⁸ Remarks by Al Coutts, note 15 above.

²⁹ Remarks by Al Coutts, note 15 above.

³⁰ The Canadian Pacific Railway is probably the best-known historical example.

for the massive subsidies to EV manufacturer and battery makers uses the slogan “everyone benefits” (Platt and Coppola 2023). In the province’s news release announcing approval of the terms for the environmental assessment of the contested all-season road into the Ring of Fire, the idea that it is a “First Nations-led Plan” is emphasized (Ontario 2023). The pitch repeatedly references the universal benefits that will flow from seizing control over the critical minerals supply chain, including to Indigenous communities: In 2023, the Premier stated, “[I]t’s going to benefit everyone. And we need those [critical minerals] to be a leader in electric vehicles. We need lithium, we need cobalt, we need nickel. We need the processing plants to process these right here” (Ross 2023). Ontario has invested \$56.4 million in the “Ontario Vehicle Innovation Network” (OVIN), a collaboration between public- and private-sector partners that is part of the government’s plan to “drive deals and secure production mandates for hybrid and electric vehicles, create a domestic battery ecosystem, and strengthen Ontario’s position as a North American automotive and EV innovation hub” (Ontario 2022a). Through these investments, Ontario says it is “harnessing the critical mineral wealth of Northern Ontario and connecting it to the manufacturing strength of Southern Ontario—cementing Ontario’s role as the global hub for the vehicles of the future” (ibid.).

Not surprisingly, however, identifying which specific link in the EV supply chain will lead to “Indigenous prosperity” has been elusive. Various ideas have come forward over the years, such as a Matawa First Nations–owned battery company and a toll-road scheme (Peerla 2022; Matawa Chiefs Council 2021). The toll-road proposal would have the affected First Nations becoming the owners of the all-season mining road, through which they could generate revenues by imposing a toll on the mining companies for every truck that passes through their homelands hauling ore. In another idea, the Matawa Tribal Council announced at the 2020 Prospectors and Developers Association of Canada (PDAC) meetings that it had struck a deal with a private infrastructure consortium that included a major construction company and a public utility, with plans to adopt “innovative approaches to financing” in order to deliver much needed community infrastructure, such as sewers, schools, and playgrounds. The participating Matawa Chiefs stated that they were sick and tired of waiting on Ontario. Chief Veronica Waboose, of Long Lake #58, said: “Our infrastructure needs are so great that we needed to look at a new way of doing things. At a faster pace.”³¹ This was the same day that Ontario announced a deal, also at PDAC, to finally construct a road all the way to the Ring of Fire (Office of the Premier 2020).

What we observe here is “the fusing of Indigenous futures with extractive industries” (Curley and Lister 2020, 252). It is part of what Peerla (2022) calls the “new Indigenous social contract,” in which individual First Nations are left to “develop their own sources of revenue from extractivism to close the gap on Indigenous housing, education, and health care.” The state selectively supports and facilitates progress toward First Nations’ goals that are consistent with extraction, and at the same time, “precludes development paths that give Indigenous Nations real power to determine the scale, place, and forms of production on their homelands” (ibid.). This is how the differential effects of infrastructural (dis)entitlement take effect on the ground. The Matawa First Nations tribal council is a key player in this practice. As Curley and Lister found, regional tribal institutions have become like a “barometer of tribal economies,” in that they encourage development and actively manage competing ideas. In Treaty No. 9 and elsewhere, these regional institutions “have become resource regimes dependent on extractive industries for survival” (Curley and Lister 2020, 252). The analysis here contributes to the point that Curley and Lister, among others, have been making: “[W]e need to understand Indigenous peoples as groups that are politically marginalized in structures of colonial

³¹ Chief Veronica Waboose, remarks delivered at the PDAC 2020 Convention, March 2, 2020, notes on file with author.

states” and that—if they stand to benefit at all from measures to fuel the energy transition—are likely to do so in a narrow “economic” sense. Even if they do benefit, in the long term they will need to contend with the fact that, by being drawn into extractivism, they inevitably develop a dependence on revenues generated through the extraction of nonrenewable resources in order to meet their communities’ basic fiscal needs (Scott 2020).³²

V. “Our Existence Is Resistance”

A road through the peatlands is a fixed and durable piece of built infrastructure: It will determine the route of resource flows over many generations. As the extractive infrastructure cements itself into the peatlands of Treaty No. 9, it settles in for good, entrenching injustice and marking a moment of irreversibility. It configures—literally structures, shapes, and limits—the future of the territory. In this case, the road itself threatens to become yet another “material force that implants colonial economies and socialities” across Treaty No. 9 (Cowen 2017a). Curley and Lister might approach the ongoing social catastrophe in Neskantaga, and the conditions on the ground in many remote Treaty No. 9 First Nations, as “already existing Indigenous dystopia” (Whyte 2018). And yet, as the slogan marking the title to this part demonstrates, Indigenous peoples’ resistance is alive and well. As Audra Simpson and others have emphasized, just surviving itself is a powerful form of resistance: Staying on the land is a barrier to accumulation (Simpson 2014). A bad risk. And thus, while certain kinds of infrastructures meant to deliver the necessities of life have been denied to the people of Neskantaga, other kinds of life-sustaining infrastructures have been held intact by the sheer determination of people there—through caretaking and relations of reciprocity with their homelands, the river, and the sturgeon.

Anne Spice has made brilliantly clear that we must reject the narrow framings of “critical infrastructure” that position it only as networks to maintain capital flows (Spice 2018). Instead, we must invite conceptions of critical infrastructure that center the interconnected networks of human and other-than-human beings that sustain life. As Spice says, “[t]hese are relations that require caretaking”; Indigenous infrastructures also require maintenance (in Pasternak et al. 2023, 2). She forces us to confront the question of what counts as “vital,” and for whom? Through vital infrastructure, communities “materialize and extend particular ways of reproducing themselves” (ibid. at 3). Following Spice, we might see a river system itself as “critical infrastructure.” In the words of former Neskantaga Chief Wayne Moonias:

The Attawapiskat watershed is the lifeline of our community, the heart of our homelands, and the sacred and spiritual landscape of Neskantaga Since time immemorial, Neskantaga members have relied upon the Attawapiskat watershed to practice our traditional way of life, including teachings on the land, hunting, fishing, trapping, and gathering plants, berries, and medicines We have always used and continue to use the Attawapiskat River and other watercourses as our principal means of transportation Our ancestors are buried throughout our homelands, and there are many sacred and ceremonial sites located throughout the Attawapiskat watershed It is essential that these areas remain undisturbed, as they remain an integral link between Neskantaga’s past, present, and future.³³

³² It is also well established that any benefits that flow to First Nations in this context are unevenly distributed, with gender being the most obvious determinant of (dis)advantage.

³³ Moonias v. MNDMNR, at paras. 15–17.

This kind of infrastructure is fundamentally anticolonial: It is “life giving and capable of sustaining not only the body, but the spirit and law, as well” (Cowen in Pasternak et al. 2023, 3, citing Spice 2018). In this sense, what community members in Neskantaga refer to as their “jurisdiction” is also a type of infrastructure. It is an expression of the cooperative ways in which “community members participate in the regulation of their social, economic and cultural lives” (Szablowski 2019). It is, as Heidi Kiiwetinepinesiiik Stark (2023, 12) says, “political practice, exchange and development of new relationships” grounded in place, conditioned by responsibilities more so than “rights.” It is a system that is built, defended, and sustained through deliberate collective effort. As an example, in 2021, Neskantaga launched a new sturgeon stewardship program, *namekaa gaagige*, which means *Many Sturgeon Forever* in the community’s language. While the name may be new, the Anishinaabe and Anishini peoples of this part of Treaty No. 9 have been taking care of their relative, the sturgeon, since time immemorial. At present, Neskantaga considers the sturgeon to be healthy and thriving in the Attawapiskat River system. But the community worries about the impacts on sturgeon from the mining road and the “induced development” it will inevitably stimulate. “Sturgeon is a very important food source. It’s an important part of who we are as a nation,” Neskantaga’s former Chief Wayne Moonias has often repeated. “This is what we’re fighting for” (Turner 2022). Following Anne Spice, who emphasizes the material connections between the health of rivers, and the futures Indigenous nations “want to inhabit. . . in which we want future generations to be able to live” (2017), it is clear also that the Attawapiskat river is vital infrastructure “that requires constant maintenance and care”. It is part of a web of relations that “maintain[s] and hold[s] up Indigenous and natural law” (Spice in Pasternak et al 2023, 3). And thus, even as extractive infrastructure *arrives* in the far north, and community infrastructure crumbles, the communities keep vital infrastructures alive.

VI. Conclusion: “Begging for Drill Holes”

We do believe that exploration is key to making sure we have enough critical minerals needed to facilitate the energy transition. It’s incredibly high risk and we view it as a great way of giving back to society if we can help discover the resources needed for future generations.

—Wyloo CEO Luca Giacobazzi (Barich 2022)

Mainstream constructions of the Ring of Fire posit it as a remote and empty wilderness marked by an inevitably vanishing way of life. As a frontier, it is “treated as an inert place, ready to be used, packaged, and exported” (Armstrong and Brown, 2019, 19). It is thus envisioned, as Sarah Hunt (Tl’alilila’ogwa) captures perfectly, as “an empty, unoccupied wilderness with rich resources freely available for the taking, [as if] the rightful wealth [is] owed to those representing the interest of civilization and progress” (Hunt 2021, 214). This attitude is reflected in the quote by Wyloo’s CEO above, and also in remarks made recently by Ontario’s Minister of Mines. Here, the Minister is explaining why he feels the minerals in Treaty No. 9 territory *must* be extracted: “[N]ine tenths of the province is northern Ontario, one tenth is southern Ontario; they have nine tenths of the population, we have one tenth. So it is largely empty and begging for exploration drill holes” (News Net Ledger 2024). As the prevailing orientations of both state and industry actors demonstrate, the energy transition is sold, as Anne Spice says in relation to extractive projects more generally, “by hailing settler publics through possessive investment in Indigenous territories as a pathway to prosperous settler futures” (Spice 2019). A “corridor to prosperity,” you might say.

To return to the research questions motivating this article, I have inquired as to *how* the settler state dispossesses, in the current moment. I have tried to characterize the tactics and uncover how they work, in the specific context of Treaty No. 9 and the push for critical minerals.

The relationship between extraction and infrastructure has a long and deep colonial history in Canada. Moving forward, it is interesting to consider whether there is something specific about the way dispossession operates at the critical minerals frontier, or whether dispossession in the green economy represents a simple continuation of longstanding colonial tactics. The erasure of Indigenous presence on the frontier, as we have seen, enhances the ability of the settler state to fulfill what Glen Coulthard and other critical scholars of settler colonialism call its driving imperative: providing access to lands and resources for capital accumulation (Coulthard 2014). In other words, the Indigenous peoples of Treaty No. 9 “get in the way . . . simply by stay[ing] at home,” as Patrick Wolfe (2006) put it. The significance is brilliantly summarized by Anishinaabek scholar Leanne Betamosatake Simpson (2017, 42): “The Canadian state has always been primarily interested in acquiring the ‘legal’ rights to our land for settlement and for the extraction of natural resources. The removal and erasure of [our] bodies from the land make it easier for the state to acquire and maintain sovereignty over land because this not only removes physical resistance to dispossession, it also erases the political orders and relationships housed within Indigenous bodies that attach our bodies to the land.”

Infrastructural (dis)entitlement can be considered a key material condition that is enabling invasion by extractive infrastructures. As Simpson makes clear, the erasure of Indigenous presence is not just in the discourse of the frontier or the sustainability-security nexus of the green economy. In the Ring of Fire, it is also in the actual, gradual, removal of bodies from the land; the infrastructural deprivation that applies an attritional pressure, a “pushing away” and alienation from homelands, that contributes to the shameful loss of Indigenous life and laws. This is the inherently eliminatory nature of ongoing Indigenous dispossession, and in Treaty No. 9 today, it is obvious that it continues to be foundational to the making of settler futures in Canada.

The staggering infrastructural deficit that plagues the remote Anishinaabe and Anishini communities in the Ring of Fire is a form of “letting die.” Ongoing Indigenous dispossession in Canada is thus traced, at least in part, to coercive tactics of infrastructural (dis)entitlement. These are passive-aggressive, coordinated tactics by state and industry actors that are aimed toward “gaining ground.” They result in the denial and provision of community infrastructure to differential effect. This is not in a context of generalized resource scarcity, as I have demonstrated, but in a context of generous public investment in the building of infrastructure of critical minerals supply chains, to the benefit of extractive capital. In the meantime, Indigenous communities defend their laws and lifeways, and continue to forcefully assert jurisdictional claims in defense of their vital infrastructures, nurtured across generations by a collective to sustain human life and law in the Attawapiskat River watershed.

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